STATES OF JERSEY

OFFICIAL REPORT

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[9:32]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

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

1.2 Considering answer to written question

I give notice I have been asked to consider the terms of the answer to Written Question 120, which I will do hopefully over the luncheon adjournment and give my view on it after lunch.

1.3 Minute's silence on timing of lockdown

I have been asked whether or not we are maintaining a minute's silence at noon today. I was unsighted on this, having heard passing reference to it on the radio this morning, and was not otherwise aware of it. My understanding is it is linked to the timing of lockdown in the United Kingdom and therefore, as our timing of lockdown was different in this jurisdiction, I do not propose to mark it with a formal one minute's silence.

1.4 Timing of questioning answers to written questions

I have also been asked by the chair of P.P.C. (Privileges and Procedures Committee) in connection with the timing of the questioning of the answers to written questions as I understand there is an element of confusion. It may assist Members if I make the observation that Standing Order 12 relating to written replies to questions has not been altered by the changes made to the 3-weekly cycle. In essence, when a Member considers an answer provided is not directly relevant to the question asked and wishes for there to be a ruling then the Member should contact myself or, of course, the Deputy Bailiff before 12.45 on the day after which the answer has been given. In other words, the Member has until 12.45 on the day after the answer is circulated to raise any concern with me, and it is not necessarily and should not ordinarily be the case that it waits until the next meeting of the Assembly. I hope that is of assistance but if further clarification is needed I am sure the query can be passed back through the chair of P.P.C.

QUESTIONS

2. Written Questions

2.1 Deputy M.R. Le Hegarat of St. Helier of the Minister for Home Affairs regarding road traffic collisions (WQ.83/2021): Question

Will the Minister advise –

(a) how many road traffic collisions have occurred in the last 5 years involving cyclists or pedestrians;
(b) the number of such incidents where prosecution was sought; and of those, the number successfully prosecuted;
(c) how many officers are qualified as Senior Investigating Officers for such incidents;
(d) the required frequency of continuing professional development in relation to this role, and whether officers meet this requirement; and
(e) which officer is the operational lead in relation to the investigation of Road Death or serious injury collisions?

Answer

(a) Please see the table below:

Year	Pedestrian RTCs	Pedal cycle RTCs
2016	49	48
2017	45	43
2018	48	42
2019	48	33
2020	28	50
2021	8	3
Total	226	219

(b) It has not been possible to answer this particular question as the SOJP systems do not allow for such a specific search. It would have been necessary to examine each of the 445 cases above in order to do so and there has neither been the resource or the time to do so since the question was asked.

(c) The SOJP have 5 officers currently trained as RTC SIO's. They have all been trained and accredited by the College of Policing (Fatal and serious RTC SIO Course), supplemented by a 2 year accreditation process, again with the College of Policing.

(d) All SIO's undergo bi yearly (every 2 years) continuous professional development with ongoing competence and portfolio work. All incidents requiring an RTC SIO are managed on a rotational basis to ensure that officers remain operationally competent.

(e) An officer of the rank Inspector is the lead RTC SIO, a position she has held for 7 years.

2.2 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding personal allowance for a Long-Term Care recipient (WQ.84/2021):

Question

Will the Minister provide members with the following information –

(a) whether the personal allowance for a Long-Term Care recipient living in a care home has been raised in line with R.P.I. from the rate of £37.80 (in place as at 1st January 2020);
(b) the number of care home residents that have been required to use this allowance to pay for specialist medical costs, if any;
(c) the number of claims, if any, made by low-income care home residents (or those in the community) for financial assistance with specialist medical costs via the Income Support scheme during 2020, as well as the total sum requested?

Answer

a) The Personal Allowance for a Long-Term Care recipient living in a care home was increased by 1.1% effective from January 1st 2021. The value of the weekly allowance is now £38.22. The published figure for RPI to December 2020 was 0.9%.

b) The personal allowance is for the personal use of the care home resident and the Government does this does not hold any records of how these allowances are spent.

c) The total number of Special Payment claims categorised as medical expenses in 2020 from low income care home residents who also claim a Long-Term Care benefit or from Income Support claimants living in the community was 188 and the total sum paid in 2020 was £27,100.

2.3 Deputy R.J. Ward of St. Helier of the Minister for Children and Education regarding the school meals pilot programme (WQ.86/2021):

Question

Will the Minister advise who the members are of the Pilot Steering Group and the Operational team that are managing the Primary School Meals Pilot Programme; will he further advise how many meetings have been held since the pilot began, and what the timetable is for any future meetings?

Answer

There have been ten Steering Group meetings and the team includes:

- Head of Governance and Resource Management- CYPES
- Head of Public Health Policy – SPPP
- Compliance Officer CYPES
- Health and Community Services Officer – SPPP
- Strategic Policy Performance and Population Officer – SPPP
- Director of Caring Cooks
- Chief Executive Caring Cooks
- Head Chef Caring Cooks

The future timetable for the steering group meetings are programmed quarterly, however meetings can be arranged at short notice to manage any risks, issues or business needs.

There have been seven Operational team meetings and the team includes:

- Compliance Officer CYPES
- Health and Community Services Officer – SPPP
- Janvrin school Head Teacher
- Samares school Head Teacher
- St Luke's Head Teacher
- Director of Caring Cooks
- Chief Executive Caring Cooks
- Head Chef Caring Cooks
- Food Teacher Caring Cooks

The future timetable for the operational team meetings are quarterly.

2.4 Deputy C.S. Alves of St. Helier of the Chief Minister regarding the Corn Riots Public Holiday (WQ.87/2021):

Question

Further to the approval of P.9/2020 "Public Holiday: designation of 27th September 2021 – Commemoration of the Corn Riots and the Code of 1771", will the Chief Minister advise when he intends to bring forward the necessary Act under the Public Holidays and Bank Holiday (Jersey) Law 1951 to provide for this public holiday?

Answer

The Ministerial Decision process commenced several weeks ago, and the relevant Act was signed and sent to the States Greffe (for lodging) on the 10th March 2021. It will be debated by the Assembly in due course.

2.5 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding Andium Homes (WQ.88/2021):

Question

Will the Minister (in consultation with the Minister for Social Security, if necessary) provide a breakdown of the following information for each of the last 5 years -

(a) the amount that Andium Homes has provided to the Treasury as their financial return;
(b) the amount that the Income Support budget has been topped up by Supplementation;
(c) the amount paid directly by the Government, in respect of rental payments for their tenants, to Andium Homes; and
(d) the amount paid in Income Support in respect of the rental component of private sector tenancies?

Answer

a) Andium Homes has paid the following sums to the Treasury as part of the agreed annual return:-

2016 £27.728 million

2017 £28.214 million

2018 £28.739 million

2019 £29.673 million

2020 £30.474 million

(b) The Income Support budget is provided as part of the Customer and Local Services departmental budget. It is not "topped up by supplementation".

(c) and (d)

As the value of Income Support paid to a particular household depends not only on the mix of components that it is entitled to, but also on the other income received by the household, it is not straightforward to report on the value of a specific component in respect of overall Income Support costs. However, to enable an estimate of different types of cost to be made, a method of allocating costs within the various components is used. This method divides the actual Income Support benefit received by a household in proportion to the gross value of each of the components that the household is eligible for, to allocate a specific net value to each of the components. The table provides approximate net values for the cost of rental support to Andium tenants and private sector tenants.

Approximate annual proportional expenditure on accommodation £000	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Andium Homes Rental	15,995	16,460	16,612	16,795	17,088	18,701
Private Rental	10,118	9,521	8,904	9,127	9,215	11,281

2.6 The Connétable of St. Mary of H.M. Attorney General regarding zero-hours contracts (WQ.89/2021):

Question

"Will H.M Attorney General explain the aspect of employment law which allows for changes in the terms of an employment contract for it to become a zero-hours contract?"

Answer

It is possible to change the terms of an employment contract for it to become a zero-hours contract by mutual agreement between the parties. However, this is fact sensitive, depends on individual circumstances and there are potential pitfalls and difficulties with zero-hours contracts. I would direct the Connétable to an excellent note on this subject prepared by the Jersey Advisory and Conciliation Service.

https://www.jacs.org.je/media/1094/2019-zero-hour-contracts.pdf

If the Connétable wishes to receive legal advice in respect of an individual matter, I would encourage him to contact the Parish's legal advisors or my Department (provided that we do not have a conflict of interest) for assistance.

2.7 Deputy M.R. Le Hegarat of St. Helier of Minister for Health and Social Services regarding financings of the Jersey Care Model (WQ.90/2021):

Question

Will the Minister provide details of the total amount spent to date on the Jersey Care Model since it was approved by the Assembly in November 2020, will he further provide a breakdown of this spend detailing the various cost codes?

Answer

The Jersey Care Model (JCM) funding was approved as part of the Government Plan 2021-24, therefore, expenditure could only occur after 1 January 2021. Since 1 January 2021, as per Tranche 1 objectives, work has been undertaken to establish the foundations, including the JCM governance and programme management team structure to deliver the Jersey Care Model. Recruitment is underway with posts likely to be filled from August – therefore costs for the programme management will start increasing from Q3. In parallel, work has progressed on establishing the first parts of a new intermediate care pathway for which costs will be incurred from April 2021.

Some posts and services that have already started in January 2021 are currently still recorded against the existing codes in services, however, a cost category structure for the JCM is currently being set up in the ledger to record the expenditure accurately for the next four years. For Health and Community Services, these are:

JCM Mental Health

JCM External Partners

JCM Adult Social Care

JCM Scheduled Care

JCM Unscheduled Care

JCM Clinical Support Services

JCM Intermediate Care

JCM Women and Children's Services

JCM Primary Care and Prevention

JCM Programme Management

The JCM funding also included funding for Public Health and Digital which is being recorded in other departments and which undergoes a similar exercise in categorising the expenditure for the JCM so that reports can be produced against the JCM in each department.

The mapping exercise is currently in process and reports are expected to be available from May 2021 for the period January – April 2021.

2.8 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding her annual Ministerial Reports (WQ.91/2021):

Question

Will the Minister explain the following in relation to her annual Ministerial Reports –

(a) why the decision was made to cease publication after the 2017 Ministerial Report of the five sections detailing the functions of the funds under her ministerial control, especially those labelled tax funded services and benefits which includes Income Support;
(b) where this information for 2018 and subsequent years can be found;
(c) whether the information in (b) is readily available and accessible to Members of the States and the public; and
(d) whether this data is still collected and, if so, whether she will undertake to have it published as soon as possible; and, if not, why not?

Answer

(a) From 2018 onwards, Customer and Local Services financial and operational performance data has been included in the States of Jersey Annual Report and Accounts. At the same time, detailed benefit data has been published as set out below.

(b) Data for all years between 2012 and 2019 can be found on the opendata.gov.je website.

(c) Data is available in the public domain to download from the opendata.gov.je website.

As above, the data is collated and published annually allowing sufficient time for the data to be complete and for any necessary processing to be undertaken. Note that the publication of the 2019 data was delayed due to resources being transferred to support the response to the Coronavirus pandemic. The 2020 data is due to be published on the website during April 2021.

2.9 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Services regarding Personal Protective Equipment (WQ.92/2021):

Question

Will the Minister advise –

(a) how much money was spent on P.P.E. (Personal Protective Equipment) in 2020, with a breakdown by department;
(b) how many P.P.E. suppliers were used, and what was the value of goods procured from each;
(c) what procurement or tender process, if any, was followed;
(d) which Jersey suppliers, if any, were offered an opportunity to supply P.P.E. in the first wave of the pandemic;
(e) what is the monetary value of the P.P.E. that was supplied by Government free of charge to nursing and care homes during 2020; and
(f) whether or not his department has used Jersey suppliers to replenish P.P.E. stock, as stated in a Freedom of Information response dated 26th October 2020, entitled 'PPE for nursing and care homes (FOI)'?

Answer

Will the Minister advise –

(a) how much money was spent on P.P.E. (Personal Protective Equipment) in 2020, with a breakdown by department;

The amount spent on PPE during 2020 can be summarised as follows:

Medical COVID PPE Purchased for PPE Cell 2020	
Aprons - Disposable	£38,483
Coverall	£493,283
FFP3 Masks	£1,380,545
Glasses & Goggles	£42,550
Gloves	£51,293
Gowns - Non Sterile	£377,682
Gowns - Sterile	£893,768
Sanitiser 500ml	£389,600
Sanitiser 50-100ml	£405,000
Sanitiser 5L	£133,987
Surgical Masks	£947,003
Surgical Shields & Visors	£455,151
Wipes	£76,208
	£5,684,552

Following the introduction of the PPE Cell in April 2020, departmental spend was minimal as internal organisations were provided with their required levels of PPE from this centralised hub.

Please note that some of this PPE remains in stock and will be used during 2021.

(b) how many P.P.E. suppliers were used, and what was the value of goods procured from each;

28 suppliers were used to supply COVID Medical PPE during 2020. The value of goods procured from each is commercially sensitive.

(c) what procurement or tender process, if any, was followed;

Supplies were sourced through a number of methods, from existing contracts, a wider approved GoJ supplier network and through the Global Pandemic Cell set up to support the Devolved Authorities, Crown Dependencies and Overseas Territories by the UK Government enabling wider leverage, significant volumes and turnaround times, coupled with assured supply chains.

The GoJ's exemption process was applied in certain cases during the earlier stages supported by due diligence and supplier integrity checks. The use of exemptions was recorded in line with our Public Finance Manual.

(d) which Jersey suppliers, if any, were offered an opportunity to supply P.P.E. in the first wave of the pandemic

All known suppliers were engaged with to ascertain what volume and type of products were available and also how quickly they could source further products – this included recognised on-island suppliers of PPE and those who diversified into the PPE sector in response to the global demand. Orders were subsequently placed with on-island suppliers where the products

offered passed the robust quality conformity and assurance checks required for a pandemic response.

(e) what is the monetary value of the P.P.E. that was supplied by Government free of charge to nursing and care homes during 2020; and

The monetary value of the PPE supplied to nursing and care homes during 2020 was £1,000,060.

[This is based on an average cost of products purchased throughout 2020 and allows for the various and sometimes significant price fluctuations of certain products.]

(f) whether or not his department has used Jersey suppliers to replenish P.P.E. stock, as stated in a Freedom of Information response dated 26th October 2020, entitled 'PPE for nursing and care homes (FOI)'?

Yes. Following the Ministerial decision to establish PPE stock levels equivalent to '90 Day Worst Case Scenario', a range of sourcing options were considered to secure the required volumes and variety of products. This included engagement with, and purchase from, on-island suppliers.

As we look to replenish items, the availability, quality and affordability of goods offered locally will always be considered and this will include the more established suppliers of PPE and also the small proportion of local businesses which diversified into supplying PPE during 2020.

2.10 Deputy M.R. Le Hegarat of St. Helier of the Minister for Health and Social Services regarding Covid-19 exemptions (WQ.93/2021):

Question

Will the Chief Minister advise whether some people have been exempted from the need to isolate when arriving in the Island and, if so, provide details regarding-

(a) how many have been exempted;
(b) who was responsible for deciding exemptions to isolation requirements;
(c) on what criteria any such decisions have been based; and
(d) how many cases of Covid-19 have been identified in people who were exempt from isolation?

Answer

(a) For clarification, individuals granted an exemption are only granted the exemption for a specified reason. They are not granted exemption from general requirements to self-isolate.

At all other times, this exemption does not apply and the person must self-isolate as required by self-isolation guidance. For example, the exemption allows only for the individual to travel to work, attend work and return directly home.

The Contact Tracing, Monitoring and Enforcement Team took on the role of administering the processing of requests for exemptions for workers to attend their premises of work on 26/10/2020. Since that time (correct to 8 March 2021), it has issued:

- For critical work – 711 exemptions for 1,297 workers (some of whom are returning workers)
- For compassionate reasons – 74
- For medical reasons – 43

(b) The Contact Tracing, Monitoring and Enforcement team makes the decision as to whether someone is exempt for the purposes of travelling to and attending work. If the exemption is requested for compassionate or medical reasons, the decision is made in conjunction with medical professionals.

The Contact Tracing, Monitoring and Enforcement team, in partnership with colleagues from Jersey Customs & Immigration Service and States of Jersey Police, undertakes checks to confirm the individual is in self-isolation outside of the exemption allowance. In partnership with the Health and Safety Inspectorate, the Contact Tracing, Monitoring and Enforcement team undertakes visits to

workplaces to ensure that separation and other measures are sufficient and as described in the application.

(c) Applications are made via an online portal.

The reasons why exemptions are granted are the following:

The person is travelling to Jersey for the purpose of completing critical work
The worker's presence is critical to keep the island or a business running
The worker's skills are not available in Jersey
It would be impossible, unreasonable or dangerous for the worker to complete the isolation period before attending their workplace.

The application must include details of how the worker will self-isolate outside of work and what provisions are in place to support this, how they will get to and from work without using public transport / shared lifts, what measures are in place to ensure they isolate away from Jersey residents when in the workplace and how they remain Covid-secure when interacting with other colleagues.

Critical workers are required to submit a negative PCR test taken within 72 hours of their travel into Jersey. They are required to take a test on arrival and must isolate until the result of that test (unless in very exceptional circumstances).

Medical and compassionate requests are sent directly to the Contact Tracing, Monitoring and Enforcement team via a dedicated email address.

(d) Fewer than 5 individuals who were provided with exemption from some element of their isolation period have tested positive for Covid-19.

2.11 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding Income Support (WQ.94/2021):

Question

Further to the response to WQ.54/2021, will the Minister provide worked examples of households with and without children on Income Support (I.S.), showing all components and disregards on income, between 2014 and 2021 in real and percentage terms; and is it the Minister's assessment that higher I.S. claims in 2021 are mainly caused by large increases in rental components averaging 28%?

Answer

Worked example 1: Working age single adult – job seeker – bedsit – private sector

Income Support Components at start of year								
	2014	2015	2016	2017	2018	2019	2020	2021
Component	**Value (Weekly)**							
Adult Component	£92.12	£92.12	£92.12	£92.12	£94.85	£97.72	£99.61	£99.61
Household Component	£51.31	£51.31	£51.31	£51.31	£52.85	£54.46	£55.51	£55.51

Accommodation (Private Rental, Bedsit)	£115.71	£125.30	£125.30	£131.88	£135.73	£139.86	£142.52	£142.52
Weekly IS Total	£259.14	£268.73	£268.73	£275.31	£283.43	£292.04	£297.64	£297.64
Weekly total household income	£259.14	£268.73	£268.73	£275.31	£283.43	£292.04	£297.64	£297.64

The percentage change in Income Support between 1/1/14 and 1/1/21 is 15%.

Worked example 2: Working age couple, one primary school aged child – One parent full time work; one working part time - 2 bed social rented flat.

Income Support Components at start of year								
	2014	2015	2016	2017	2018	2019	2020	2021
Component	**Value (Weekly)**							
Adult Component	£92.12	£92.12	£92.12	£92.12	£94.85	£97.72	£99.61	£99.61
Adult Component	£92.12	£92.12	£92.12	£92.12	£94.85	£97.72	£99.61	£99.61
First Child Component	£63.98	£63.98	£63.98	£63.98	£65.87	£72.94	£77.98	£77.98
Household Component	£51.31	£51.31	£51.31	£51.31	£52.85	£54.46	£55.51	£55.51
Accommodation (Social Rental, 2 Bed Flat)	£207.90	£235.48	£235.48	£248.99	£256.27	£263.97	£269.01	£269.01
Earnings Disregard	20%	23%	23%	23%	25%	25%	26%	26%
Earned Income Adult 1, 35 hours pw less disregard	-£266.56	-£263.30	-£268.15	-£273.81	-£273.53	-£282.98	-£286.45	-£289.56
Earned Income Adult 2, 25 hours pw less disregard	-£190.40	-£188.07	-£191.54	-£195.58	-£195.38	-£202.13	-£204.61	-£206.83
Adult 1 Expenditure	£19.99	£20.52	£20.90	£21.34	£21.88	£22.64	£23.23	£23.48

(Social Security Contributions)								
Adult 2 Expenditure (Social Security Contributions)	£14.28	£14.66	£14.93	£15.24	£15.63	£16.17	£16.59	£16.77
Weekly IS Total	£84.74	£118.81	£111.14	£115.70	£133.30	£140.52	£150.47	£145.58
Weekly household income	£655.94	£705.01	£708.14	£725.30	£758.50	£787.32	£814.07	£816.38

The percentage change in income support between 1/1/14 and 1/1/21 is 72%

Worked example 3: pensioner couple, receiving full Jersey married OAP, living in 1-bed social rented flat

Income Support Components								
	2014	2015	2016	2017	2018	2019	2020	2021
Component	**Value (Weekly)**							
Adult Component	£92.12	£92.12	£92.12	£92.12	£94.85	£97.72	£99.61	£99.61
Adult Component	£92.12	£92.12	£92.12	£92.12	£94.85	£97.72	£99.61	£99.61
Household Component	£51.31	£51.31	£51.31	£51.31	£52.85	£54.46	£55.51	£55.51
Accommodation (Social Rental, 1 Bed Flat)	£165.27	£181.30	£181.30	£194.46	£200.13	£206.15	£210.07	£210.07
Pension Income Adult 1, Full OAP-less disregard	-£142.17	-£142.17	-£144.76	-£148.96	-£154.70	-£162.03	-£166.02	-£167.21
Pension Income Adult 2, Full OAP – less disregard	£ 95.81	£ 95.83	£ 97.56	£100.36	£ 104.18	£ 109.48	£ 110.68	£ 111.47
Weekly IS Total	£162.84	£178.85	£174.53	£180.69	£183.80	£182.84	£188.10	£186.12

Total household income	£485.31	£507.85	£507.85	£521.01	£533.68	£547.77	£562.02	£562.72

The percentage change in Income Support benefit between 1/1/14 and 1/1/21 is 14%.

The main driver for higher Income Support claims in 2021 is the impact of Covid-19 on the local economy. In respect of overall Income Support costs, the proportion of costs allocated to accommodation costs has remained constant between 2017 and 2020.

2.12 Deputy R.J. Ward of St. Helier of the Assistant Chief Minister regarding Government I.T. systems (WQ.95/2021):

Question

Will the Minister advise –

(a) what has been the spend to date on the project to update Government I.T. systems;
(b) what is the projected spend over the next 3 years; and
(c) what areas of overspend, if any, have been identified?

Answer

Please see below response to questions (a) and (b). Figures quoted are in £ millions.

	2020	2021	2022	2023	2021-2023 Total
Capital					
ITS	-	22.44	22.40	9.30	54.14
Cyber	3.90	6.50	1.20	-	7.70
MS Foundations	0.78	2.57	1.10	-	3.67
Service Digitisation	-	1.00	1.00	-	2.00
Electronic Document Management	-	0.50	1.00	1.00	2.50
Customer Relationship Management	-	-	2.00	2.50	4.50
	4.68	**33.01**	**26.70**	**10.30**	**70.01**
Revenue*	5.86	4.00	7.25	7.70	18.95
Total	**10.54**	**37.01**	**33.95**	**18.00**	**88.96**

*Revenue costs include procurement, software licenses, data storage, operational systems support, etc.

(c) To date, none of the above projects have overspent. An additional budgetary requirement (over and above the funding provided in the Government Plan 2021-24) has been identified for the ITS Programme (included in the above figures) and scrutiny was briefed on 9th March 2021. A transfer from reserves to provide the funding required for 2021 was included in MD-TR-2021-0013. The additional funding required for future years reflects the need to backfill full-time staffing requirements as identified in the full business case and a contingency figure, this funding will be included in subsequent Government Plans.

2.13 Deputy R.J. Ward of St. Helier of the Chief Minister regarding the undertaking of Children's Right Impact Assessments (WQ.96/2021):

Question

Will the Chief Minister advise what guidance or instruction, if any, has been provided to Ministers regarding the inclusion of a Children's Rights Impact Assessment for all Propositions brought to the Assembly, in order to promote the strategic aim of putting children first?

Answer

In July 2020, the Council of Ministers approved the policy model for indirect incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Jersey law. This legislation, which will introduce a statutory Children's Rights Impact Assessment (CRIA), is now being drafted and is expected to be lodged for debate before the end of this year. The exact date of enactment is currently being considered as part of this work.

The first phase of the law will require everyone who is entitled to lodge a proposition under Standing Order 19, to complete and publish a CRIA, as part of the lodging process.

Following agreement by Ministers, the draft CRIA process is currently being piloted within Government and the States Assembly as part of the preparations for the enactment of the indirect incorporation law. Participation in the pilot is voluntary; CRIA will remain an optional process until the law comes into force in 2022.

In preparation for this legislation, development of the final format for Jersey's CRIA process and associated supporting materials is now underway. As part of this work we are reviewing resources and processes from other jurisdictions where CRIA is already established, together with the recent work undertaken on CRIA by the European Network of Ombudspersons for Children (ENOC).

During February, the Minister for Children and Education launched a mandatory Children's Rights Awareness e-learning course to all Government of Jersey employees. This course will provide a universal foundation for more tailored training and support which will follow. Our approach has been informed by the independent Training Needs Analysis, which was commissioned from the University of Wales Trinity Saint David in 2020. This addressed the anticipated support requirements of Ministers, Government Officers, States Members and Community and Voluntary Sector organisations, ahead of the indirect incorporation of the UNCRC into Jersey law.

2.14 Deputy R.J. Ward of St. Helier of the Minister for International Development regarding U.K. overseas aid (WQ.97/2021):

Question

Will the Minister advise what actions, if any, have been taken to discourage the U.K. Government's planned cuts to overseas aid, reported to be in excess of 60% for some regions in desperate need?

Answer

Jersey has not taken action to discourage the UK Government's planned cuts to overseas aid.

Jersey does not have jurisdiction over the UK's budgets and how they seek to balance their economy, pay for the pandemic and their considerable contribution to producing a vaccine which is now available globally. I should also point out that the UK's contribution to overseas aid will still be 0.5% of GVA which is above the OECD average and above Jersey's contribution of 0.26%.

That said, we, along with our partner organisations are dismayed by the announcement and the speed the UK intends to make their proposed cuts.

Conversely, during the pandemic Jersey has reversed the decline in our own aid budget. We have formally tied our budget to GVA and over the course of the Government plan we have agreed to annual increases of 0.01% thus demonstrating the importance we attach to being a good global citizen, especially in a time of crisis.

2.15 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding minimum wage increases (WQ.98/2021):

Question

Will the Minister advise members of any evidence supporting her statement made as part of her response to OQ.48/2021, that increasing minimum wage in Jersey has meant that "some of the industries … have gone out of business or they have stopped doing things that they didn't do and then they do not employ as many staff"?

Answer

In its recommendation on minimum wage rates for 2020, issued on 9 October 2019, the Employment Forum noted that one part of my direction to it was to consult on what measures businesses had taken to adjust to the 6.9% increase in the minimum wage, which was implemented in two stages, in April and October 2019.

A link to the Employment Forum's 2019 report and recommendation is here: https://www.gov.je/SiteCollectionDocuments/Working%20in%20Jersey/Minimum%20Wage%20Recommendation%20Oct19.pdf

In its report, the Forum noted the fact that businesses had referred more in the 2019 survey to strategies to reduce costs than in previous years. The survey showed that 36% of employers had taken specific measures to adjust to the 2019 increase, including reducing the number of staff, reducing working hours and increasing prices for customers.

2.16 Deputy C.S. Alves of St. Helier of the Chief Minister regarding the organisation of Citizen's Panels (WQ.99/2021):

Question

Given that in his response to OQ.58/2021, the Chief Minister stated that the involvement of Sortition in the organisation of the Citizen Panel/Jury was to help with its establishment and they would not facilitate the discussions, will he therefore advise

a) who will be responsible for running the Citizen Panel/Jury sessions and collecting the data arising from them; and
b) how will the impartiality of data collection methods be protected, and do these methods adhere to international best practices for market and/or social research?

Answer

Both the Citizens' Assembly on Climate Change and the Citizens' Jury on Assisted Dying are supported by a consortium of three organisations.

The role of the Sortition Foundation within this consortium is to undertake the selection process to populate both bodies. This role is in keeping with the purpose and services of the Sortition Foundation (they do not provide facilitation services) and is the same as the role they have played in other citizens' deliberative exercises.

The two other organisations in the consortium, Involve and the New Citizenship Project (NCP), are providing process design and facilitation services. The Citizens' Jury on Assisted Dying is being designed and facilitated by Involve. The Citizens' Assembly on Climate Change is being designed and facilitated by Involve and New Citizenship Project working together. Because of the size of the Citizens' Assembly, a mixed cohort of breakout room facilitators is required to support smaller group

deliberation. This cohort are formed of four facilitators from Involve and NCP and three from the Government of Jersey[1].

In response to part a) – it is the role of the consortium to run both exercises, and to ensure the impartiality of the proceedings and of data collection. In addition, because of the scale of the exercise, the States Greffe are providing an officer to act as clerk to the Citizens' Assembly on Climate Change and will be compiling its report of recommendations.

In response to part b) – the Citizens' Assembly and Citizens' Jury are exercises in deliberative (or participatory) democracy. As such, while elements of good practice in market or social research are relevant, the levels of access, representation, probity and transparency for these exercises exceed those of market or social research. The market to provide services that support deliberative democracy exercises is relatively emergent, and formal codes of practice and/or professional accreditations do not exist. However, it is notable that both Involve and NCP are members of the OECDs Innovative Citizen Participation Network[2], which is leading the development of good practice across countries. Involve also established the Deliberative Democracy Practitioners Network in 2019 to build the capacity and capability of practitioners and develop standards and principles for the effective delivery of citizens' assemblies and other deliberative processes.

2.17 Deputy C.S. Alves of St. Helier of the Minister for Infrastructure regarding the former police headquarters site at Rouge Bouillon (WQ.100/2021):

Question

Following his answer to OQ.56/2021, will the Minister provide members with an update on –

(a) the progress of investigations into the use of the former police headquarters site in Rouge Bouillon in relation to Education, Home Affairs and Housing related projects;
(b) the budget and resources allocated to each of the above-mentioned working groups undertaking these investigations;
(c) the number and date of any/all meetings that have taken place with regards to these investigations, including a list of attendees at each meeting; and
(d) a deadline for the completion of each strand of this work?

Answer

(a) Justice and Home Affairs (JHA) have completed a very thorough review of potential sites around St Helier to determine the best location for a Fire and Rescue and Ambulance station. The outcome of that study is that the current location is the best for response times and reducing the statistical likelihood of fatal incidents.

Before a decision can be made to commit that site to ongoing use as a critical life saving facility, analysis is being conducted by the Education department to look at sites in St Helier available immediately and in the short term for their suitability for development as primary schools. The Education department have a need to address the imbalance of school distribution in town, particularly with the development of additional residential developments at the Limes, Anne Court, The Brewery, and Gas Place and to try and rationalise the number of schools and provide a more efficient estate with better facilities.

As identified above, there are several housing projects in various stages of development, and it is worth noting that as the hospital and office projects progress there will be further opportunities for

[1] GoJ facilitators have undergone training from Involve and NCP, as part of a capacity building requirement in the contract for services, and are sourced from outside the team will support ministers to respond to the outputs of the Citizens Assembly (Strategy and Innovation Directorate, SPPP).

[2] https://www.oecd.org/gov/open-government/about-the-oecd-innovative-citizen-participation-network.pdf

residential development that will be coordinated by the Regeneration Steering Group and the Council of Ministers.

(b) There is £50K earmarked for the primary school review and a total of £22m over the period of the government plan earmarked for the outcome of the Rouge Bouillon site review.

(c) Discussions concerning the Rouge Bouillon site have been ongoing for many years and it is not practical to list them all. However, in the last quarter of 2020 and the first quarter of 2021 the following have been involved in a series of discussions about the future of the former Police Headquarters: The Executive leadership Team, the Corporate Asset Management Board, the JHA Regular Service Provision Project review meetings, including representatives of the Fire and Rescue Services the Ambulance Service and Jersey Property Holdings project manager. The site has also been discussed at the regular meetings of the; Children, Young People Education & Skills (CYPES) leadership team, Infrastructure, Housing & Environment leadership team, Jersey Housing Association leadership team and in CYPES, JHA and Infrastructure ministerial meetings.

(d) The JHA blue light review has already been completed and the primary school estate review will report to the council of Ministers in the May meeting.

2.18 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the use of the Criminal Offences Confiscation Fund (WQ.101/2021):

Question

"Further to the advice of H.M. Solicitor General on 14th December 2020 regarding funding for the Institute of Law and Sea Cadet Headquarters, is it the assessment of H.M. Attorney General that this advice is consistent with that given by Mr. Howard Sharp Q.C. (former Solicitor General) on 1st July 2014, regarding the financing of the grant to the National Trust for Jersey to purchase the Plémont headland site, in relation to how the Criminal Offences Confiscation Fund may be used; and if so, will he explain how the two pieces of advice on this subject align?"

Answer

The advice given by the Solicitor General on 14 December 2020 is entirely consistent with the advice given by Howard Sharp QC on 1 July 2014.

Under Article 24 of the Proceeds of Crime (Jersey) Law 1999, monies in the Criminal Offences Confiscations Fund (COFC) can only be applied by the Minister for Treasury and Resources for the following purposes, that is to say –

(a) in promoting or supporting measures that, in the opinion of the Minister for Treasury and Resources, may assist –
  (i) in preventing, suppressing or otherwise dealing with criminal conduct,
  (ii) in dealing with the consequences of criminal conduct, or
  (iii) without prejudice to the generality of clauses (i) and (ii), in facilitating the enforcement of any enactment dealing with criminal conduct;
(b) discharging Jersey's obligations under asset sharing agreements; and
(c) meeting the expenses incurred by the Minister for Treasury and Resources in administering the Fund.

The advice given by the Solicitor General on 14 December accurately confirmed that monies from the COFC could not be used to pay for pro bono work by the Institute of Law or for funding Sea Cadet Headquarters because this does not fall into any of the purposes listed in Article 24.

This is consistent with the advice given by Howard Sharp QC in 2014. The Ministerial Decision regarding the use of fund sets out the legal basis for the use of COFC funds. In summary, COCF money was distributed to the Home Affairs Department to be used to contribute to the cost of the new Police Headquarters ("PHQ"). This had the effect of freeing up an equivalent amount from the

PHQ head of expenditure, which was then re-routed to fund the Plémont headland site in accordance with Article 18(1)(c) of the Public Finances (Jersey) Law 2005, which states that all or any part of the amount appropriated by a head of expenditure may, with the approval of the Minister for Treasury and Resources, be used for the purposes of another head of expenditure.

As the Solicitor General explained on 14 December 2020, this is not the same as distributing money for one purpose, using a portion of it for that purpose and then re-distributing the rest of the funds for another purpose, as would be the case if a portion of funds were taken from the States of Jersey Police Firearms Range and applied to the Institute of Law. In 2014, the whole of the funds from the COFC were properly used for the PHQ project, which freed up existing funds to be used for the Plémont headland site.

2.19 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding special purpose funds (WQ.102/2021):

Question

Will the Minister provide members with the following information –

a) details of all special purpose funds enacted under Jersey Law and managed by the Treasury, including the purpose of the fund, the source of the funds, the use of the funds and the criteria and procedure that need to be met in order to access and use the funds in each case; and

b) details of each fund for every year since 2015 showing the amount of monies paid into and out of the fund, and in the case of the latter, itemized payments and their uses?

Nb. This information may exclude the names of recipients of funds providing relief to those in need such as the Greville Bathe Fund, but should include the names and details of any organisations benefitting from such funds.

Answer

The Minister's officers did attempt to contact the Deputy to clarify this question. To try and assist, and to answer part (a) of the question, the Minister has provided a list of all funds which is intended for publication as part of updates to the Public Finances Manual. This list includes the name of the Fund, its purpose and how approvals for deposits and withdrawals are managed. Not all of these are "enacted under Jersey Law". Many exist as a result of gifts, legacies and bequests.

This list includes, for example, the Consolidated Fund which receives all revenue due to and makes all expenditure payments for the States of Jersey. As far as part (b) of the question is concerned the Minister doesn't believe that the Deputy intended her to publish such details which would run to thousands of lines of data and could require significant redaction.

The Minister would be pleased to assist the Deputy further should he wish to contact her directly and identify those funds in which he has a specific interest, noting that such information may require a significant amount of officer time to collate given the 5 year history referred to in the original question.

PURPOSE OF STATES FUNDS

PURPOSE OF FUNDS NAMED IN THE PUBLIC FINANCES (JERSEY) LAW 2019

States Fund	Purpose	Approval process

Consolidated Fund	The Consolidated Fund is the main States Fund. It can be classed as the States' current account as it is the Fund through which the majority of States income is received and out of which the majority of States expenditure is paid.	The States Assembly approves annual income and expenditure from the Fund via the Government Plan under the provisions of the Public Finances (Jersey) Law 2019.
Strategic Reserve Fund (also informally referred to as the "Rainy Day" Fund	The Strategic Reserve is embedded as a permanent Reserve Fund in the Public Finances (Jersey) Law 2019 and is akin to the States "longer term savings account". The policy for the Reserve agreed by the States is that it should only be used: • in exceptional circumstances to insulate the Island's economy from severe structural decline (such as the sudden collapse of a major Island industry) or from major natural disaster (P.133/2006 refers); • if necessary, for the purposes of providing up to £100 million for a Bank Depositors Compensation Scheme (P.84/2009).	The States Assembly approves withdrawals from and transfers into the Strategic Reserve Fund. This approval is given as part of the debate on a Government Plan or via a Report and Proposition lodged by the Minister for Treasury and Resources. Money withdrawn from the Reserve has to be transferred into another States Fund.
Stabilisation Fund	The Stabilisation Fund is established under the Public Finances (Jersey) Law 2019. The States policy for the Stabilisation Fund is that money held in the Fund is there to assist in making Jersey's fiscal policy more countercyclical in order to create a more stable economic environment. The Fund receives cash allocations in more buoyant economic conditions and withdrawals are made at times of anticipated economic downturn (P.133/2006).	The States Assembly approves withdrawals from and transfers into the Stabilisation Fund. This approval is given as part of the debate on a Government Plan or via a Report and Proposition lodged by the Minister for Treasury and Resources. Money withdrawn from the Fund has to be transferred into another States fund.

PURPOSE OF OTHER STATES FUNDS

States Fund	Purpose	Approval process
Currency Fund	This Fund is established under the Currency Notes (Jersey) Law 1959 for the purpose of providing financial backing for the States of Jersey's local currency (including notes and coins). The Fund holds assets that match the value of Jersey currency notes and coinage in circulation, such that the holder of Jersey currency could be repaid on request. The Fund also meets the costs of administering, producing and issuing Jersey's own notes and coins.	The Minister for Treasury and Resources can approve a transfer – • from the Currency Fund to the Consolidated Fund if there is a surplus in the Currency Fund after provision has been made for currency in issue. • from the Consolidated Fund to the Currency Fund if the amount in the Currency Fund is insufficient to meet the repayment of currency in issue.
Insurance Fund	Established under the terms of the Public Finances (Jersey) Law 2019, the Fund facilitates the provision and administration of mutual insurance arrangements for States bodies and other bodies who participate in the States insurance arrangements. Further details on the Fund are available in R.111/2019.	The States Assembly approves withdrawals from and transfers into the Insurance Fund as part of the debate on a Government Plan. The Minister for Treasury and Resources can transfer amounts from the Insurance Fund to the Consolidated Fund if the former Fund has a surplus over and above that required to meet insurance needs.
Jersey Car Parking Trading Fund	Fund set up for Jersey Car Parking (which has responsibility for the administration, management, financing, development and maintenance of public car parking places that are within the remit of the Minister for Infrastructure) out of which capital and other similar cost are met.	The States Assembly approves expenditure from and transfers into the Fund via the Government Plan.
Jersey Fleet Management Trading Fund	Fund set up for Jersey Fleet Management (which has responsibility for the acquisition, maintenance, servicing, fuelling and garaging and disposal of vehicles and mobile plant on behalf of the States of Jersey) out of which capital and other similar costs are met.	The States Assembly approves expenditure from and transfers into the Fund via the Government Plan.
Agricultural Loans Fund	Fund established under the Agriculture (Loans and Guarantees) (Jersey) Regulations 1974. The Fund's purpose is to provide loans to individuals engaged in work of an agricultural nature in Jersey for the purpose of furthering their agricultural business.	The States Assembly approves transfers from/to this Fund as part of the Government Plan approval process.

	Approval of new loans to farmers has been suspended.	

Tourism Development Fund	Established under P.170/2001 to replace the Tourism Investment Fund, this Fund supports grants to the tourism industry in order to improve Jersey's competitiveness and sustain the industry as an important pillar of the economy.	The States Assembly approves transfers from/to this Fund as part of the Government Plan approval process.
Channel Islands Lottery (Jersey) Fund	This Fund is established under the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, with its purpose to receive the income and meet expenses associated with Jersey's share of holding public lotteries in the Channel Islands (draws can be held in Jersey or Guernsey). Withdrawals from the Fund can be made for such purposes of public benefit as the States decide on a report and proposition from the Minister for Economic Development.	The States Assembly can approve withdrawals from this Fund at any time on a Report and Proposition from the Minister for Economic Development.
Jersey Innovation Fund	The Fund is established under P.124/2012 to enable investments in private and public sector projects to be made to drive greater innovation in Jersey and improve competitive advantage. Responsibility for approving these investments lies with the Minister for Economic Development.	Transfers from/to this Fund can be made as part of the Government Plan approval process.
Housing Development Fund	The Fund is established under P.74/99 and P.84/99, and enables the provision of financial support to assist in meeting the Island's requirements for the development of social rented and first-time buyer homes by providing development and interest subsidies. Responsibility for approving the financial support lies with the Minister for Treasury and Resources.	Transfers from/to this Fund can be made as part of the Government Plan approval process.
Dwelling Houses Loans Fund	Fund established under the Building Loans (Jersey) Law 1950 to enable residentially qualified first time buyers to purchase their first home.	The States are able to agree transfers from this Fund on a Report and Proposition.

Assisted House Purchase Scheme	Fund established in 1977 the purpose of which is to aid the recruitment of staff from the UK, by facilitating the purchase of suitable properties by the States on behalf of the employee. New loans are no longer approved,	Transfers from/to this Fund can be made as part of the Government Plan approval process.
99 year leaseholders account	Established under the powers of the Building Loans (Jersey) Law 1950. The Fund enabled loans to be made to individuals offering leaseholder property as security at the time that there was no share transfer or flying freehold legislation.	Transfers from/to this Fund can be made as part of the Government Plan approval process.

Criminal Offences Confiscation Fund	This Fund is established under the Proceeds of Crime (Jersey) Law 1999. Following a conviction, property adjudged to represent the benefit or proceeds of crime is remitted to the Criminal Offences Confiscations Fund; if a third party is found not guilty, property is returned. Funds can be withdrawn to meet the costs of measures that are, in the opinion of the Minister for Treasury and Resources related to preventing/supressing or otherwise dealing with criminal conduct.	Money can be withdrawn from this Fund by the Minister for Treasury and Resources (who should consult with the Attorney General and any other person the Minister considers appropriate).
Civil Assets Recovery Fund	This Fund (CARF) is established under the Civil Asset Recovery (International Co-operation) (Jersey) Law 2007 and is managed by the Minister for Treasury and Resources. This Fund holds amounts confiscated by the Viscount if a civil asset recovery order has been registered in the Royal Court or funds gained through an asset sharing agreement.	At the end of each financial year any money in the CARF which is not required to meet Jersey's obligations under any asset sharing agreement or costs in discharging functions under the main legislation should be paid into the Consolidated Fund.
Ecology Fund	The Fund was established in 1991 from insurance monies from the Amoco Cadiz oil tanker disaster of 1978 with the purpose of supporting local environmental projects. The Fund is invested by Treasury and Exchequer to generate an income that can be used in whole or in part to support these environmental policies.	This Fund is administered by the Planning and Environment Department under the oversight of 5 Trustees appointed by the States on the recommendation of the Planning Minister.

Jersey Reclaim Fund	The Fund was established in 2018 under the Dormant Bank Accounts (Jersey) Law 2017 and receives money related to dormant bank accounts as defined in that Law. Dormant bank accounts are classified as those where no instructions have been received from the customer for a period of at least 15 years. Funds (loans or grants) are available for charitable and other related purposes in the local community, including meeting the costs of the Commissioner for Charities.	An Order is required to bring into effect certain provisions of the Law. The Order from the Chief Minister (must have consulted with the Minister for Treasury and Resources) sets the policies and procedures whether to make any distribution from the Fund.
Hospital Construction Fund	This Fund was established by the States Assembly in 2018 to facilitate the construction and fitting out and associated costs of the preferred scheme for the Jersey General Hospital Project. The States decision to reverse the approval of this project means that this Fund should be wound up in 2020 once the final costs of the preferred scheme have been paid.	Only costs and payments approved by the States for the preferred Jersey General Hospital are met through this Fund.
Climate Emergency Fund	The Fund was established in 2020 as part of the Government Plan debate. The purpose of the Fund is to support initiatives that respond	Transfers from/to this Fund can be approved by the States Assembly as
	to the climate emergency, as declared in P.27/2019, and initiatives that reduce carbon emissions and other pollutants, in line with adopted future plans or strategies for, inter alia, energy use and management, carbon reduction, sustainable transport approved by the States Assembly.	part of the annual Government Plan approval process.

2.20 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the Jersey Policy Authority (WQ.103/2021):

Question

Further to his answer to OQ.51/2021 on 2nd March 2021 regarding the role of the Jersey Police Authority, will H.M. Attorney General explain in detail the role of the Authority in overseeing the police and ensuring that investigations are carried out and investigated properly; and further, will he also state whether the Authority has any role in deciding whether an investigation should or should not be carried out into allegations?

Answer

The Jersey Police Authority (the "JPA") is an independent body established under Article 4 of the States of Jersey Police Force Law 2012. The JPA has the duty of ensuring that the States Police Force (a) is an efficient and effective police force; (b) delivers the key aims and objectives set by the Minister within the resources available; and (c) acts in accordance with any management policies set

by the Minister. The JPA has no involvement with ensuring investigations concerning police officers are carried out and investigated properly.

My answer to OQ.51/2021 on 2 March 2021 referred to the Jersey Police Complaints Authority (the "Authority"). The Authority is an independent organisation which was established pursuant to the Police (Complaints and Discipline) (Jersey) Law 1999 (the "1999 Law"). The role of the Authority is to oversee, monitor and supervise investigations by the Professional Standards Department of the States of Jersey Police, of complaints made against States of Jersey Police and Honorary Police Officers. The Authority does not carry out the investigations or decide whether matters should be investigated. Except where the 1999 Law provides that certain matters must be investigated, the Chief Officer (in the case of an allegation against a States of Jersey Police officer) or the Attorney General (in the case of an allegation against an Honorary Police officer) will decide whether an allegation should be investigated in accordance with the tests set out in the 1999 Law.

The Authority is independent of the Police, and its members are appointed by the States Assembly on the recommendation of the Minister for Home Affairs. Its role is to ensure that investigating officers carry out the investigations it supervises in a thorough and impartial manner, and to ensure that the Police achieve high standards in the handling of complaints, conduct matters, and death and serious injury matters.

The Authority supervises 3 categories of investigation –

(1) those arising from complaints made by members of the Public, which have not been dealt with by informal resolution (i.e. where the complainant consents to this and where the Chief Officer is satisfied where the conduct complained of, even if proved, would not justify a criminal or disciplinary charge);
(2) those arising from issues referred to the Authority on a voluntary basis by the States of Jersey Police Force; and
(3) those specifically detailed in the Law which must be investigated, such as investigations arising from a complaint into the death or serious injury of individuals following contact with the States of Jersey Police or other descriptions of complaint as prescribed by the Minister for Home Affairs by Order.

2.21 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding gender terms in policy formation (WQ.104/2021):

Question

Will the Chief Minister explain his understanding of the following terms as they apply to policy formation by the Government of Jersey –

a) gender blind;
b) gender neutral;
c) gender sensitive; and
d) gender mainstreaming?

Answer

The Government of Jersey strives for equality in all of its policy formulation, ensuring compliance with the Discrimination (Jersey) Law 2013. Gender is, of course, one of the characteristics that policy professionals consider at the earliest stages and helps to ensure that Islanders can expect to be treated with dignity and respect.

With respect to gender, consideration is made at every stage of policy development to ensure that the particular needs and interests of women and men are addressed. This includes ensuring that data are available at the decision making stage, on the likely impact of policy delivery on the different genders.

In this respect, public policy development in the Government of Jersey is most closely aligned with the concepts of gender sensitivity and gender mainstreaming.

Gender sensitive refers to the practice of taking into account the particularities and nuances related to the lives of both men and women while aiming to eliminate inequalities and promote gender equality. Gender mainstreaming involves the inclusion of gender perspectives when preparing policies. Specifically, ensuring the particular needs and interests of women and men are addressed.

By contrast, gender blindness references the lack of awareness surrounding how men and women might be affected differently by a situation due to their differing roles, needs, status or priorities. And gender neutral relates to a disassociation with an issue or policy from gender or an expectation that the policy will affect both genders equally. Neither of these two models are used routinely in policy development within the Government of Jersey.

2.22 Deputy G.P. Southern of St. Helier of the Chief Minister regarding contracts for services (WQ.105/2021):

Question

Further to his response to Written Question 143/2019, will the Chief Minister advise –

(a) how many of the contracts for services which were stated as being "currently under review" have been reviewed in the past year;
(b) what those contracts of services were for;
(c) which companies were awarded the contracts;
(d) whether in all cases workers are being paid the living wage (currently £10.94 per hour), and if not, why not; and
(e) what number of contracts for service are due to be reviewed between now and June 2022?

Answer

(a) As advised in our responses WQ.444/2019 and WQ.450/2020 Commercial Services do not hold all service contracts where the Living Wage criteria may be applicable. From the records held there were 13 agreements that were reviewed in 2020, that met the criteria outlined for the Living Wage.

(b) and (c) combined in the following table: -

Location	**Supplier (c)**	**Contract Type (b)**
St Saviour	Complete Facilities	Cleaning
La Sente - KS3	Complete Facilities	Cleaning
La Sente - KS4	Complete Facilities	Cleaning
Rouge Bouillion	Q3	Cleaning
The Bridge	Q3	Cleaning
Grouville	Q3	Cleaning
Springfield	Q3	Cleaning
Les Quennevais	Complete Facilities	Cleaning
Hautlieu	Caring Cooks	Catering
Victoria College	Caring Cooks	Catering
Grand Vaux	Caring Cooks	Catering
Haute Vallee	Caring Cooks	Catering
Grainville	Caring Cooks	Catering

(d) The Living Wage terms were applied to all the contracts listed in the table above.

(e) There are 39 contracts due to be reviewed during 2021/22 where the Living Wage terms are likely to be applicable. All 39 of these contracts include an existing contractual requirement to comply with the Living Wage criteria, so it will not be necessary to factor this into a future review. The Living Wage contractual clauses were outlined in WQ.450/2020.

The Commercial Team are unaware of any contracts that do not include the Living Wage criteria, where appropriate. All new agreements will be subject to the contractual terms that define the Living Wage as a requirement.

In 2021 Commercial Services are planning to roll out a new third party code of conduct which will also incorporate Living Wage.

2.23 Deputy M. Tadier of St. Brelade of the Minister for Home Affairs regarding child abduction cases (WQ.106/2021):

Question

Will the Minister advise members how the States of Jersey Police deal with child abduction cases in the Island where one parent is reported to have taken a child from the Island to another jurisdiction and remains there –

(a) without the consent of the other parent; or
(b) in breach of a Court Order;

and will he set out, in detail, each step of the procedure followed for (a) and (b) above?

Answer

a) Article 2 of the Criminal Law (Child Abduction) Jersey Law 2005 sets out the offence of abduction by a parent. There are various conditions within the law that need to be met before the offence is committed.

The ongoing safeguarding and welfare of the child/ren involved will always be treated as a priority.

When the police receive a complaint, an investigation will be conducted and this could involve liaison with partner agencies locally, nationally, and internationally, including Law enforcement agencies, Children's service and JCAS for example. The request is too broad to provide information covering all possible responses to every conceivable situation and each investigation would have to be considered on a case by case basis.

Police are not as a matter of course notified or given details of family court orders under the Children's (Jersey) Law 2002 regarding childcare arrangements, and therefore, this would form part of the police investigation.

Part of the investigation may involve liaison with other law enforcement agencies to conduct interviews on SOJP's behalf. Dependent on where the suspected party has moved to, police would liaise with the relevant jurisdictions to establish the jurisdictional agreements in place and the limitations of those agreements.

Once the police investigation is complete, and the evidential test has been met, a report will be submitted with all the relevant information and evidence obtained from any family court proceedings and partner agencies balancing the jurisdictional limitations and agreements in place before taking steps to enforcing the suspected party to return to the Island to face any local judicial process.

b) Breach of a court order put in place in the civil / family court does not necessarily constitute a criminal offence and does not necessarily give police powers of arrest.

The involved parties may in this instance have to take the matter back to the private family court for consideration.

Any additional family court hearing may give Police powers to proceed to criminal investigation, however if the elements of the criminal offence of child abduction are met, the police would investigate thoroughly as outlined above.

2.24 Deputy M. Tadier of St. Brelade of H.M. Attorney General regarding child abduction cases (WQ.107/2021):

Question

Will H.M. Attorney General advise members how the Law Officers' Department deals with child abduction cases in the Island where one parent has taken a child from the Island to another jurisdiction and remains there; will he explain how the relevant legislation governs such matters; and will he set out the steps that are taken by his Department in such cases to have the child returned to Jersey?

Answer

Child abduction cases may have both a civil and criminal element. The matter will have a civil aspect in respect of the return of the child and a criminal aspect in respect of the prosecution of the parent for removing the child. This answer outlines both areas of the law below.

Civil

International Abductions

The wrongful removal or retention of a child from Jersey is governed by the Child Abduction and Custody (Jersey) Law 2005 (The Child Abduction Law), and Schedule 1 of the Hague Convention on the Civil Aspects of International Child Abduction (1980) (The Convention). The Convention applies to children under the age of 16 years old. It is a requirement of the Convention for each Contracting State to designate a Central Authority for the purposes of discharging the functions of the Convention. The Attorney General is the designated Central Authority for Jersey (Article 5 Child Abduction Law). There are more than 70 Contracting States to the Convention, the primary purpose of the which is to ensure that Central Authorities co-operate with each other to a) secure the prompt return of children, and b) to ensure that rights of custody (with whom a child should live) and access (with whom a child should have contact) are respected. Article 12 of the Convention provides that where less than one year has elapsed from a wrongful removal, the receiving State should order the return of the child. The exception to this presumption is where the Court in the receiving State is satisfied that the requesting parent was not exercising custody rights at the time of the removal, or there is a grave risk that the child will be exposed to physical or psychological harm.

The removal or retention of a child is considered wrongful where it is in breach of rights of custody under the law of the State from which the child was removed. The Attorney General as Central Authority for Jersey, has an obligation to ensure that applications for the return of a child satisfy the Convention requirements, including ensuring that the factual and legal grounds on which the application for the return of the child is based are clearly stipulated.

The general duties of Central Authorities are set out at Article 7 Schedule 1 of the Convention and relate to children wrongfully removed and to children who are wrongfully brought to or retained in Jersey. In relation to the removal of a child from Jersey those duties include but are not limited to taking all appropriate measures to;

a) discover the whereabouts of the child,
b) secure the voluntary return of the child,
c) exchange information about the child with the relevant Central Authority, and to

d) provide information to the receiving Central Authority about the law and customs of Jersey so far as they relate to custody rights.

It is for the receiving Central Authority to determine whether the application meets the requirements of the Convention. The Law Officers' Department liaises with the relevant Central Authority to assist them to locate the child. If a voluntary return cannot be agreed the receiving Central Authority assists the applicant parent to obtain legal representation in that jurisdiction to commence proceedings for the return of the child to Jersey. It is the duty of the receiving Central Authority to notify the requesting Central Authority of the progress of the proceedings. Assuming a Return Order is made it is usual for either the abducting parent to return to Jersey with the child, or for the applicant parent to arrange for the child to be returned.

Domestic Abductions

An abduction between Jersey and the United Kingdom is considered domestic and is not covered by the terms of the Convention. The Child Custody (Jurisdiction) (Jersey) Law 2005 (the Child Custody Law), provides that where there are corresponding statutory provisions in England, Wales, Scotland and Northern Ireland they shall have equivalent effect in Jersey. This means that an order made in the UK can be registered in Jersey and an application can be made for the order to be enforced in Jersey. Proceedings under the Child Custody Law are private proceedings and the Law Officers' Department does not therefore have a role in domestic abductions.

Criminal

Abduction of a child by a parent taking the child from the Island to another jurisdiction without appropriate consent constitutes an offence under Article 2 of the Criminal Law (Child Abduction) (Jersey) Law 2005 (the "2005 Law").

Article 4 of the 2005 Law specifies that a person guilty of an offence under this Law shall be liable to imprisonment for a term of 7 years and to a fine.

Once a matter has been referred to the Law Officers' Department, the Attorney General is required under Article 4 to provide consent to the prosecution of the parent.

The parent would not be guilty of an offence if there is a residence order in favour of the parent in force with respect to the child and the parent takes the child out of the island for less than one month. The parent would also not be guilty of an offence if the parent takes the child out of the Island in the belief that the other person has consented or would consent if the person were aware of all the relevant circumstances; or the parent has taken all reasonable steps to communicate with the other person but has been unable to communicate with that other person; or the other person has unreasonably refused to consent.

2.25 Deputy M.R. Le Hegarat of St. Helier of the Minister for Home Affairs regarding road traffic collisions involving pedestrians and cyclists (WQ.108/2021):

Question

In relation to road traffic collisions involving pedestrians and cyclists, will the Minister advise –

(a) what trend analysis, if any, is conducted by the States of Jersey Police;
(b) what consideration, if any, is given as part of such analyses to such factors as the location, time of day, environmental conditions, and other contributory factors; and
(c) how, if at all, such analyses are used to inform the policing of roads and road safety measures?

Answer

a) Trend analysis as conducted by States of Jersey police is contained in the Appendix below.

b) These factors are not routinely considered. However, the Infrastructure Housing and Environment Department use road traffic collision data made available by the Police to inform and prioritise specific physical safety improvements to our main roads.

c) SOJP continue to gather and analyse intelligence gained from various sources. This intelligence allows them to use resources most effectively when dealing with and preventing vehicles travelling in excess of the speed limit on the island's roads. They also work closely with Honorary Police colleagues who share their fix camera data with us to establish key times to conduct checks.

In 2020 SOJP launched Operation Canvas which to tackle the issue of anti-social driving. Collaboration with Honorary colleagues continues to focus resources on this issue. This has included a number of 'impact' days and proactive engagement with this community by shift officers.

This work dove tails into road safety, and we will often have a DVS inspection officer with us during these 'impact' days, allowing them and us to work collaboratively to ensure the vehicles travelling on our roads our safe.

Operation Canvas will continue throughout 2021 and will naturally evolve to continually tackling this issue most effectively.

2.26 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding prosecutions against former Senator Stuart Syvret (WQ.109/2021):

Question

Will H.M. Attorney General inform members of –

(a) the title, date, and nature of all civil and criminal cases in Jersey's courts where former Senator Stuart Syvret was sued or prosecuted by Jersey authorities from 2008 onwards;

(b) the names of the judges, law officers, lawyers (representing both the States and defendant) and other government prosecution or suing authorities involved in these cases;

(c) details of the body, or bodies, instigating the prosecution in these cases;

(d) details of any penalties imposed and court orders issued, including injunctions; and

(e) the cost of each action?

Answer

Many law reports are publicly available on the Jersey Legal Information Board website. The reported judgments will contain most of the information listed above.

(a) **Civil**

In 2014, proceedings were brought against Mr Syvret in the name of the Treasurer of the States. The action was brought in respect of costs ordered against Mr Syvret by the Royal Court and the Court of Appeal which had not been paid. The costs arose because of an unsuccessful challenge brought by Mr Syvret against the Chief Minister, the States' Employment Board and the Attorney General which included a claim for damages for injury allegedly suffered while he was a Minister and judicial reviews of certain decisions. These claims were struck out.

The two related judgments can be found here and here.

Criminal

Between July 2009 and November 2010, Mr Syvret was convicted of and sentenced in respect of 4 offences. The cases were heard in the Magistrate's Court and as such there is no published judgment available.

The Law Officers' Department cannot provide any additional information to that which is already in the public domain in relation to these offences, not least because the convictions are now spent under the Rehabilitation of Offenders (Jersey) Law 2001.

(b) **Treasurer of the States v Syvret**

The Judge in this matter was H.W.B. Page QC, Commissioner, sitting with Jurats Kerley and Blampied.

Advocate Gregory White represented the Treasurer of the States and Mr Syvret appeared in person.

Criminal charges against Mr Syvret

The Magistrate in this matter was (then Assistant) Magistrate Bridget Shaw.

Advocate William Redgrave represented the Attorney General in the Magistrate's Court. The Law Officers' Department does not have details of who represented Mr Syvret.

Law Officers

The Law Officers at the time of both the civil and criminal cases were:
Attorney General -Timothy Le Cocq QC
Solicitor General – Howard Sharp QC

(c) The civil proceedings were initiated in the name of the Treasurer of the States in 2014.

We have not had the opportunity to check written records, but it is most probable that the Attorney General or the Solicitor General instigated the prosecutions and a Centenier would have charged Mr Syvret for the offences.

(d) In the civil proceedings, judgment was awarded against Mr Syvret in the sum of £67,859, being the sums owed by Mr Syvret.

The Law Officers' Department cannot provide details of the sentences imposed in respect of the criminal convictions for the reasons mentioned above.

(e) The costs in relation to the criminal trial and associated hearings were discussed in the States Assembly on 12 September 2011 and costs in relation to other matters involving Mr Syvret have also been discussed previously in the States Assembly.

2.27 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding fraud cases (WQ.110/2021):

Question

Will H.M. Attorney General –

(a) advise how fraud cases involving financial services entities and individuals are investigated and prosecuted by the Law Officers' Department and set out the legal roles of the States of Jersey Police and of the Jersey Financial Services Commission (from a regulatory perspective) in such cases, and how these processes have changed (if at all) over the last ten years; and

(b) state the name, date and nature of fraud cases involving financial service entities and individuals prosecuted over the last 10 years and their outcome, including (if known) any regulatory action or sanctions taken against them by the Commission?

Answer

a) The Attorney General has statutory investigatory powers in respect of cases of serious or complex fraud under the Investigation of Fraud (Jersey) Law 1991 which grants special compulsory powers to require persons (including businesses and banks) to provide documents and answer relevant questions including those in relation to confidential matters. Moreover since October 2017 a specialised Economic Crime and Confiscation Unit has existed within the Law Officers' Department, carrying out investigations of serious financial crime, money laundering, terrorism financing, failings of systems and controls in regulated financial institutions under the Money Laundering (Jersey) Order 2008, and civil asset forfeiture (including in cases where there is insufficient evidence to prosecute a criminal offence) under the new Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018. The Unit consists of legal advisers, a forensic accountant and at least one Detective Sergeant of the States of Jersey Police on secondment. An operating protocol agreed between the Attorney General and the Police sets out the relationship between the agencies and the criteria for cases to be adopted by the Unit which includes fraud cases involving financial services entities and individuals.

The Jersey Financial Services Commission is an independent agency established under the Financial Services Commission (Jersey) Law 1998. Its role is described on its website as reducing the risk to the public of losses caused by financial service providers and enhancing Jersey's integrity and international reputation (inter alia). Its statutory responsibilities include supervising compliance by financial institutions and certain designated non-financial businesses and members of professions fixed with statutory anti-money laundering duties. The Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 provides the Commission with powers including to conduct investigations and on-site examinations, require the production of information and documents, enter and search premises when so authorised, and do anything that is conducive to the performance of its supervisory functions under that Law. The Commission also has a range of powers to sanction poor conduct. These include powers to: revoke or apply a condition to an entity's registration; issue a direction to carry out or desist from carrying out an act, including holding certain types of employment; issue a public statement in a variety of circumstances; and apply to the Royal Court for an injunction or other intervention. Finally, since amendment of the 1998 Law in 2015 the Commission has had the power to impose a civil financial penalty on certain types of business for significant and material breaches of the Commission's Codes of Practice, and in 2018 this power was extended to allow financial penalties to be levied on individuals ("principal persons") involved in any such contravention.

Notwithstanding their independence from one another, the above agencies enjoy a productive working relationship. They meet at least monthly in a "Tripartite" arrangement to discuss strategic issues, learning opportunities, and potential investigations. Since 2019 representatives of each agency have met on a weekly basis to identify matters collaboratively that might be investigated by one or other agency.

b) The following is a summary taken from the published judgments of the Royal Court in the cases that concern "fraud cases involving financial service entities and individuals prosecuted over the last 10 years". It does not include other kinds of financial crime, or investigations which were discontinued before reaching court, or acquittals or cases conducted entirely in the Magistrates court. As many of the interventions applied by the Commission are not done publicly, it has not been possible to say what action or sanction has been carried out by the Commission in these cases.

Year of Case	Offences	Defendants	Outcome	Details
2012	Fraudulent inducement to invest	John Tasker Lewis, Ian	Convicted after assize	Lewis, Foot and Cameron were regulated independent financial advisers. Christmas

Year of Case	Offences	Defendants	Outcome	Details
	money/Fraudulent inducement to lend money	Michael Christmas, Russell Philip Foot and James Cameron	trial, 4 years six months imprisonment for each Defendant. Disqualified from holding directorships etc on Attorney General's application	was an assistant Magistrate. They set out to speculate in the US residential property but found that. their properties were costing more in maintenance than they were generating in rental income. They met the shortfall by falsely promising victims that their funds would be used to acquire identified properties. In fact the new investors funds were absorbed by pressing liabilities.
2014	Larceny/Fraud/Aiding assisting or participating in larceny	Wayne Garraway (& Fiona Kay Hamon)	Guilty pleas. Garraway convicted of 4 years six months imprisonment on all counts. Disqualified from holding directorships etc on Attorney General's application.	The proprietor of a small accountancy business, whilst under investigation in relation to other offending, defrauded a sum of money from a dentist to whom he was providing services by pretending that he had incurred court costs in chasing bad debtors.
2018	Fraudulent inducement to invest money/Providing false information to the JFSC/Carrying on an unauthorised financial services business/failing to comply with a forthwith notice	Christopher Paul Byrne	Convicted after assize trial. 7 years' imprisonment. Disqualified from holding directorships etc on Attorney General's application.	A Jersey financial adviser gave misleading investment advice to Jersey residents, including selling high risk investments as low/medium risk to retail investors some of whom were vulnerable. He also failed to disclose that he was personally interested in the investment fund.
2018	Fraud/Fraudulent Conversion/Falsification of Accounts	Richard David Arthur	Guilty plea. Sentenced to 7 years imprisonment. Disqualified from holding directorships etc on Attorney General's application	A Jersey accountant who defrauded rich but elderly individuals in his capacity as financial advisor/accountant/managing director of an accountancy firm.

2.28 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding *dégrèvement* and *remise de biens* proceedings (WQ.111/2021):

Question

Will H.M. Attorney General explain, in respect of *dégrèvement* and *remise de biens* proceedings –

(a) what the role of the Viscount's Department is, what detailed steps it must take in each such action, and what its duties are to the creditors and debtors;

(b) what the role of Jurats is, what steps they must take in each action, and what their duties are to the creditors and debtors;

(c) what duty there is for the Viscount's Department and the Jurats to avoid conflicts of interest;

(d) once the court determines a *dégrèvement* should take place, what the hierarchy of creditors is, how this is normally determined and how it may be changed or varied;

(e) under what circumstances, and by what process, a person who is not an original creditor to the *dégrèvement* can acquire the property; and

(f) once the court takes possession of the property under a *dégrèvement* what the liabilities are of the creditor if the proceeds from the *dégrèvement* are less than the debt outstanding and one of the creditors seeks to recover additional sums?

Answer

(a) The Judicial Greffe and the Viscount's Department have issued helpful guides for litigants in person in relation to *remise* and *dégrèvement* which set out what stages the Viscount might be involved with and what her responsibilities are.

In summary, the Viscount does not have a legally defined role in *remise* matters but may, and as a matter of practice normally does, assist the Jurats if requested to do so. This is because she is the court's executive officer, has expertise in insolvency and because the Jurats do not have any administrative support of their own to assist them in carrying this function.

In respect of *dégrèvement*, once judgment has been obtained against the debtor, the Viscount's Department may be instructed by the creditor to enforce the judgment, distrain the debtor's assets or make a wage arrest. If the debtor has not repaid the debt one month after the judgment, the creditor can make an application to the Royal Court for an *Acte Vicomte chargé d'écrire.* Once the order has been made, the Enforcement Officers of the Viscount's Department will be instructed by the creditor to serve notice on the debtor. In respect of *dégrèvement* process, the Viscount has no role, although creditors must notify the Viscount of the application (and all evidence relied upon) at the same time as notice of the application is provided to the debtor. After the hearing, if an order for eviction is granted, the Viscount's Department will be ordered to carry out the eviction process if the debtor does not vacate the property.

(b) The aforementioned guides also set out the roles and duties of the Jurats in relation to *remise* and *dégrèvement.* The duties of the Jurats in respect of *remise* are also set out in the *Loi (1989) sur les remises de biens.*

In summary, the role of the Jurats is to value the property and prepare a report for the Court giving their opinion on whether the value is sufficient to allow the debts (in particular, the secured debts) to be paid in full if the *remise* is granted. If the *remise* is granted by the Court, the debtor is taken to have authorised the Jurats to sell or otherwise deal with the debtor's assets as required. The Jurats must consider the views of the debtor but they retain an unqualified authority to deal with the debtor's property. The debtor can only deal with their property during the *remise* on the advice of the Jurats. The Jurats will pay the creditors with the proceeds of sale and return any surplus funds to the debtor. The Jurats will then return the matter to Court to end the *remise.*

(c) The Viscount's Department and the Jurats are subject to the code of conduct for members of the Judiciary and will have internal policies regarding avoiding conflicts of interest.

(d) The hierarchy of creditors is determined at the *dégrèvement* hearing to which all interested parties will be summoned (Article 92 and Article 100 of the Loi 1880). The Greffier calls all of the summoned creditors in reverse date order of the creation of their security, starting with the unsecured creditors as a collective body and ending with the first secured creditor, and asks if they accept to take the property on the basis that they will discharge all earlier charges secured against the property. The creditor which accepts is known as the *tenant après dégrèvement*. If a creditor declines, then they lose their claim against the property.

After the hearing, the Greffier will prepare a record stating the claims that have been renounced and listing all prior-ranking claims and *protêts* (i.e. priority claims) which are to be paid before the *tenant après dégrèvement*'s own claim. The *tenant après dégrèvement* will need to approve the record before the Court. The *tenant après dégrèvement* will then need to repay each of the creditors starting with the first secured creditor and ending with the *tenant* themself. After payment of the creditors and its own claim, the *tenant après dégrèvement* is not bound to account to any creditors who have renounced their claims or to the debtor for any surplus arising from the sale of the property.

(e) It is not possible for a creditor who was not owed monies by the debtor prior to the *dégrèvement* to acquire the property. In certain circumstances, a creditor may seek to assign its debt and the security held against a property to a third party. In so doing, the third party acquires the benefit of the debt and the security on the same terms as the assignor.

(f) This question is not entirely clear. The Court does not take possession of the property. The *tenant après dégrèvement* takes possession and has a personal responsibility to discharge the security of the secured creditors who rank as priority creditors to the *tenant*. The process contemplates the disencumbering of the property and is not the means by which the *tenant après dégrèvement* meets the obligations undertaken. If a prior-ranking creditor is not paid what is due to it by the *tenant après dégrèvement*, it would need to begin proceedings to recover the sum owed to it by the *tenant* in the usual way, i.e. by obtaining summary judgment for the sums due and the protection of a *hypothec judiciaire* over the property. Failure to discharge would potentially result in a désastre or a dégrèvement of the property of the *tenant après dégrèvement*. If the tenant does not recover the full amount of its debt by realising the property, it cannot proceed against the debtor for any shortfall. However, the unpaid debts of the unsecured creditors remain enforceable against the debtor, in cases where the creditor instigated the *dégrèvement* process as described above.

2.29 Deputy G.P. Southern of St .Helier of the Minister for Social Security regarding Long-Term Incapacity Allowance (WQ.112/2021):

Question

Will the Minister inform members –

(a) what estimate, if any, she has of the proportion of those people with a disability that severely reduces their quality of life who are currently in receipt of the two benefits that are targeted at disability (i.e. Long Term Incapacity Allowance (L.T.I.A), and the personal care components levels 2 and 3); and

(b) what plans, if any, she has under consideration to prevent discrimination against those with a disability and to improve their quality of life?

Answer

(a)

Long-Term Incapacity Allowance (LTIA) is paid to people who experience long-term illness or disability during their working life. It is based on a person's Social Security contribution record and is paid out of the Social Security Fund. Benefit is paid on a percentage basis, based on an assessment of the loss of faculty of the person.

The personal care element of the impairment component of Income Support is a tax-funded benefit. This component of Income Support is paid at three levels, and is available to households who meet the other criteria to qualify for Income Support. It is available to people of any age. Families of children who qualify for the two higher levels of personal care assessment can receive a benefit on a non means tested basis. The level of the component is based on a functional assessment of the person.

The Minister is not able to estimate the proportion of people with a disability that severely reduces their quality of life who are currently in receipt of these two benefits. The assessment criteria for these benefits do not make direct reference to reductions in a person's quality of life. They are assessed on the basis of loss of faculty (LTIA) or loss of function (personal care). Loss of faculty and/or function may or may not result in a reduction of "quality of life"; this is a subjective measure that takes account of how the person feels about the effects of their illness or disability. It is not quantified through the benefit system.

(b)

The Discrimination (Jersey) Law 2013 was extended to cover disability discrimination in September 2018, with additional rights coming into force in September 2020. The Law provides protection and a means of redress for those who live and work with the protected characteristic of disability, who believe their rights have been compromised. The Jersey Employment and Discrimination Tribunal (JEDT) considers these cases. 35 of the 98 discrimination claims lodged with the JEDT were in respect of discrimination issues in 2019. Given the recent introduction of these comprehensive legal rights, the Minister has no plans to further amend these rights at present.

The Minister holds political responsibility for the delivery of the Disability Strategy. The strategy was developed in partnership with disabled people and focuses on 5 main priorities, to improve the quality of life for disabled islanders:

- Have support to communicate and access information
- Have greater access to the island
- Have good health and wellbeing
- Have access to education, employment, and enriching activities
- Have equal rights and experience equality

Each of these areas will help to enhance the quality of life of disabled islanders. The strategy is supported by an implementation group which consists of disabled islanders, voluntary and community organisations, private sector representation and Government of Jersey officers from a range of departments. The Government Plan includes a funding commitment to deliver the Disability Strategy.

The delivery of the disability strategy was affected by Covid-19. However, as Jersey moved through the Safe Exit Framework implementation could recommence and during September and October 2020 the following progress was made.

- 2 Disability Inclusion Officers have been appointed as well as a Project manager
- The implementation group has met in person and virtually and agreed to form 5 working groups around the key priority areas and meet as a whole 2 or 3 times a year subject to restrictions
- The Learning Disability Cluster has now joined the disability implementation group
- The disability implementation group are linking with Liberate to form an access panel to advise and train organisations around accessibility
- The disability implementation group are working with Volunteer.je and The Bosdet Foundation to develop a community volunteer driver scheme for both individuals and organisations

- Funding has been obtained by organisations from the Jersey Community Foundation to support employment projects for disabled islanders
- A television awareness campaign aired over Christmas and into 2021 to raise awareness around disability discrimination
- The GoJ worked in partnership with the Jersey Employment Trust to provide access to data for Disabled Islanders who were/are shielding

The disability implementation group will focus on the below actions as per the Government Plan for 2021 while reviewing progress to date and mapping out the delivery of the strategy.

- Ensure that discrimination legislation is provided in accessible formats – including British Sign Language
- Establish a reference group of disabled volunteers to advise on accessibility of buildings. Train group to provide advice & guidance and support an island access audit
- Introduce a community-based post of volunteer driver co-ordinator to set-up and manage an island-wide volunteer driver scheme
- Promote opportunities for disabled Islanders to be active citizens - For example as jurors, board members, elected representatives
- Establish a working group to promote disability awareness island-wide, including work with media outlets
- Co-ordinate an annual event where disabled Islanders can share their experiences with elected members. This may have to be virtual.

The Minister is also undertaking a review of Jersey's Incapacity benefits during 2021. This review aims to modernise the system to offer targeted and timely support to people who experience sickness or disability during working life.

2.30 Deputy R.J. Ward of St. Helier of the Minister for Home Affairs regarding the handling of dangerous narcotics (WQ.113/2021):

Question

Following the reported admission of a child to the Hospital further to the use of a non-prescribed 'street' drug, will the Minister advise what protocols exist for the handling of dangerous narcotics on the local market, and how he will ensure that the wider community is made aware of the danger of such drugs?

Answer

The States of Jersey Police are committed to reducing crime and protecting vulnerable individuals. SoJP recognises the threat and harm that drugs have on the Island and in January 2021 re-introduced a Drugs Squad. The re-establishment of the Drugs Squad will enable more proactive work focussing on those drug related investigations that have a serious impact on our community. The team will also continue to work closely with Jersey Customs and Immigration Service (JCIS) to reduce the availability of drugs within the Island.

SoJP are developing a web page which will offer up to date advice, guidance and advise about any new drugs that have been identified.

SoJP are committed to educating young people about the harm and effects of abusing controlled drugs. Each school has a School Liaison Officer to offer support and guidance on such matters. Prevention, education and diversion is key in breaking the cycle of drug abuse. SoJP will be a key stakeholder in the Drug and Alcohol Awareness Team (DAAT) which will focus on prevention and

early intervention, developing recovery systems, support for children & young people and families and public health approach to justice.

SoJP also sit on the Misuse of Drugs Advisory Council (MDAC) offering advice and guidance to the Home Affairs and Health Minister.

In addition to the above, which focuses on the work of Home Affairs services, it should be noted that Health and Community Services (HCS) also provide support and advice within the community via the Drug and Alcohol Service. This includes the provision of advice relating to different drugs and their effects in order to raise awareness of the harms they pose. SoJP work in partnership with colleagues in HCS to support prevention initiatives.

Work is ongoing on the creation of a Drug and Alcohol Strategy for Jersey. This will be a joint piece of work between Public Health, HCS and Justice and Home Affairs (JHA). It will bring a strategic focus to the issue of drug and alcohol misuse informed by innovative, health-based approaches.

2.31 Deputy R.J. Ward of St. Helier of the Chair of the States Employment Board regarding numbers of employees within the Target Operating Model (WQ.114/2021):

Question

Following the development of new Target Operating Models (T.O.M.s), will the Chair state the resultant employee changes for each department (broken down by department sections as per the OneGov structure):

(a) the number of full-time equivalent roles (F.T.E.s) removed from organisational charts;
(b) the number of F.T.E. roles added to organisational charts;
(c) the number of employees moved up grades;
(d) the number of employees moved down grades;
(e) the number of employees that have had to go through a recruitment process;
(f) the number of employees on the redeployment list;
(g) the number of employees that have left the organisation;
(h) the number of new employees recruited from on-Island;
(i) the number of employees recruited from off-Island; and
(j) the number of F.T.E. roles that have yet to go through the T.O.M. process?

Answer

The Target Operating Model (TOM) programme was implemented at different times within each of the Departments between Q3 2018 and Q4 2020. In one case a new Department has been created (Economy) and for others organisation change had been completed in advance of the TOM programme starting.

The data provided relates specifically to the actual organisation change process required to implement the TOM programme and, for some data, to a limited period time after completion of formal consultation closing.

Ongoing change is an accepted part of organisational life in order to continuously improve our public services. The TOM programme, which delivered new organisational structures across government has now evolved into service reviews. Whilst the process of organisation change is consistent across government, the scope and benefits of each service review will be defined by Director's General with corporate governance to assure delivery and to manage key risks.

Tiers 1 & 2 were included in the TOM programme first and the outcomes from this process are noted collectively to avoid identifying individuals. At completion of the TOM programme for Tiers 1 & 2 40 posts had been identified, a reduction of 26 posts. Of these, 21 were appointed by direct match. Tiers 1 & 2 are excluded from the figures below.

a	Number of full-time equivalent roles (F.T.E.s) removed from organisational charts										Total
	CYPES	IHE	JHA	T&E	SPPP	CLS	OCE	Econ	COO	HCS	
	5	2	0	0	3	0	0	13	0	19.02	42.02
b	Number of F.T.E. roles added to organisational charts										
	CYPES	IHE	JHA	T&E	SPPP	CLS	OCE	Econ	COO	HCS	
	8	6	0	0	3	0	0	9	119.5	12.2	157.7
c	Number of employees moved up grades										
	CYPES	IHE	JHA	T&E	SPPP	CLS	OCE	Econ	COO	HCS	
	3	17	0	0	4	0	0	3	19	11	57
d	Number of employees moved down grades										
	CYPES	IHE	JHA	T&E	SPPP	CLS	OCE	Econ	COO	HCS	
	3	1	2	27	4	9	0	0	14	3	63
e	Number of employees that have had to go through a recruitment process										
	CYPES	IHE	JHA	T&E	SPPP	CLS	OCE	Econ	COO	HCS	
	0	6	0	0	0	0	0	0	4	19	29
f	Number of employees on the redeployment list										
	CYPES	IHE	JHA	T&E	SPPP	CLS	OCE	Econ	COO	HCS	
	1	0	1	2	0	13	0	0	1	1	19
g	Number of employees that have left the organisation										

	CYPES	IHE	JHA	T&E	SPPP	CLS	OCE	Econ	COO	HCS	
	0	2	0	0	1	27	0	0	3	0	33

h Number of new employees recruited from on-Island

CYPES	IHE	JHA	T&E	SPPP	CLS	OCE	Econ	COO	HCS	
4	5	0	0	4	48	0	10	39	0	110

i Number of employees recruited from off-Island

CYPES	IHE	JHA	T&E	SPPP	CLS	OCE	Econ	COO	HCS	
1	1	0	0	3	1	0	0	4	6	16

j Number of F.T.E. roles that have yet to go through the T.O.M. process

CYPES	IHE	JHA	T&E	SPPP	CLS	OCE	Econ	COO	HCS	
0	0	0	0	0	0	0	0	0	0	0

An opportunity to discuss the questions and understand how the Government might be more confident that answers match what is being sought was declined. However, the opportunity to talk about the data that has been provided would be welcomed.

2.32 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding Non-Disclosure Agreements with building contractors (WQ.115/2021):

Question

Will the Minister advise whether any Non-Disclosure Agreements were made during the last 5 years between the Government of Jersey and building contractors (either directly or through an arm's length company) as a condition of undertaking repairs to capital projects?

Answer

I am not aware of any Non-Disclosure Agreements having been made with contractors in the last 5 years, other than for security reasons with contractors involved in work on the police station and the prison.

2.33 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding medical hosiery (WQ.116/2021):

Question

Will the Minister update members on the progress of the pilot scheme run in conjunction with Family Nursing and Home Care to fund the costs of medical hosiery for patients in the community with leg ulcers, with particular reference to –

(a) whether or not the funding available was sufficient to cover the costs of these dressings; and
(b) the detail of any cases in which patients required additional financial support in acquiring other specialist dressings?

Answer

a) The funding provided for the hosiery pilot scheme which operated from February 2020 to February 2021 was £40,000. [The full cost was £40,419.] In total, 225 people benefited from the provision of hosiery (wraps and stockings, off the shelf and custom fit/made to measure). A percentage of these were repeat orders. The scheme continues to be funded, with a review of the scheme due to be completed by May 2021.

b) We do not have any specific cases of people who required additional financial support in acquiring other specialist dressings. Those people who qualify for means-tested benefits from Customer & Local Services can apply for special payments in respect of certain medical expenses, which may include the cost of specialist dressings where subject to the appropriate clinical recommendation.

The hosiery funding is a separate piece of work from the wider costs of dressings. It has enabled us to provide products to those individuals where the bandages and/or dressing products have supported the management of the venous leg ulceration/oedema. The individuals are then at a point where the less bulky stockings or wraps are appropriate. These products also facilitate independence and allow a greater degree of self-care; with support from the nursing teams to teach application of the products, the patient can remove and re-apply them themselves to go to bed and, in the morning, have a shower/bath and lead a more independent life.

2.34 Deputy I. Gardiner of St. Helier of the Assistant Chief Minister regarding expenditure of the Modernisation and Digital directorate (WQ.117/2021):

Question

Will the Minister state, for each year from 2014 to 2020, the level of expenditure (i) budgeted and (ii) incurred by the Modernisation and Digital directorate and its predecessor organisations (including the E-Government programme) on –

(a) permanent staff;
(b) contractors and consultancy; and
(c) capital projects?

Answer

	2014			2015			2016			2017			2018			2019			2020			
	Actual	Budget	Var	Actual	Budget	Var	Actual	Budget	Var	Actual	Budget	Var	Actual	Budget	Var	Actual	Budget	Var	Actual	Budget	Var	Answer Q
STAFF COSTS																						
Permanent Staff	5,382	5,208	(174)	7,176	7,488	312	4,953	6,324	1,371	5,228	6,319	1,091	5,715	7,037	1,323	5,701	6,452	750	6,523	9,679	3,156	a)
Temporary & Contracted Staff	610	456	(154)	416	294	(122)	1,135	5	(1,130)	1,062	59	(1,003)	810	131	(679)	397	384	(14)	165	130	(35)	
Staff Covid Specific	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	84	0	(84)	
CONTRACTORS & CONSULTANCY																						
Contractors & Consultancy	591	1,152	561	1,637	2,052	415	4,604	5,012	408	916	1,100	184	3,377	2,590	(787)	4,409	3,692	(716)	2,793	1,473	(1,320)	b)
Covid Specific	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,121	903	(218)	
TOTAL REVENUE	6,583	6,817	233	9,229	9,834	605	10,693	11,341	649	7,206	7,478	272	9,902	9,759	(143)	10,507	10,527	20	10,686	12,185	1,498	
CAPITAL PROJECTS	2,267	4,455	2,189	1,830	5,120	3,291	2,695	9,893	7,198	7,810	19,391	11,581	6,593	10,683	4,091	8,638	10,410	1,772	14,292	22,310	8,018	c)

2.35 Deputy I. Gardiner of St. Helier of the Assistant Chief Minister regarding contracts with Credera (WQ.118/2021):

Question

Will the Minister provide details in relation to any contracts the Government of Jersey has signed with Credera (formerly The DMW Group Ltd) and any other contracts in which Credera and / or DMW Group Ltd was a subcontractor, with particular reference to –

(a) the purpose of the contract and the details of the work which Credera or The DMW Group Ltd was asked to undertake;

(b) the overall cost of the contract and the overall amounts paid to Credera or The DMW Group Ltd;

(c) whether a structured needs assessment was carried out prior to the granting of any such contract and, if not, the reasons why no such assessment was conducted;

(d) whether post-consultancy analyses were carried out in relation to any such contract, resulting in the production of a formal report, and, if not, the reasons why this was not done; and

(e) whether Credera or The DMW Group Ltd was selected following a tender process on each occasion and, where a tender process was followed, the number of bids that were received for the work and the opening and closing dates of the tender processes?

Answer

The Government of Jersey has one contract with DMW (Credera), they are not a subcontractor to any other Government of Jersey contract.

The overall purpose of the contract is to provide Procurement Partner Services to the GOJ which includes the preparation, support and delivery of all of the activities needed to successfully conclude two contracts; 1) Delivery Partner and 2) Programme Partner for the Integrated Technology Solution (ITS). It also includes an assurance role after the procurements are complete, to ensure continuity and oversight of the delivery of the procured services.

The scope of services provided by DMW (Credera) includes the following:

- Developing the requirements specification for the Delivery Partner (technical, implementation and business change requirements) and the Programme Partner (service specifications and requirements)

- Gather business and technical requirements, develop the business change approach and develop the programme implementation approach.

- Procurement Services
    - Develop a detailed procurement strategy, create wide market interest in the programme and thereafter manage market engagement, deliver multiple procurements, develop detailed specification requirements and the approach for the ITS implementation.

    - Conduct end to end Procurement exercise(s) to appoint a Delivery Partner (Business Change, Systems Integration and Technology Solution) and a Programme Partner (Programme Management and Programme Support services) to include pre-qualification and down selection process, competitive dialogue process, commercial / legal evaluation, due diligence on bidders and contract finalisation.

- Provide professional services and subject matter experts to develop and complete the full business case in relation to the Integrated Technology Solution and support the development of internal briefings and papers.

- Programme delivery
    - Lead the programme management
    - Develop, build and manage the governance processes
    - Develop RAID management approach.

Knowledge Transfer and Upskilling (Procurement)
The scale and complexity of the ITS procurements have not been experienced previously by the internal Government commercial team. The DMW team supported the Government in developing new capabilities in conducting complex procurements based on a Competitive Dialogue progress, making the market for new services required, and establishing appropriate commercial and contractual models for risk transfer to the suppliers.

Business Change Services including Intelligent Client Function

In May 2020 it was recognised by the ITS Steering Board that Government's Business Readiness was on the critical path in terms of successful delivery of the ITS programme and that progress was not being achieved at the pace necessary to ensure that the Government would be ready to commence implementation by the time that the procurements were completed. The ability for the Government to support the required activities was impacted by the redeployment of staff to critical business continuity activities to support the response to COVID 19 and the difficulty of recruiting suitably skilled candidates to vacant posts during the pandemic. Recognising the challenge, it was agreed to supplement resources from a third party.

A review of the suppliers capable of undertaking this work revealed that many known potential providers were participating in the ITS procurement process, either as lead bidder or consortium member and were therefore conflicted. Further, undertaking a separate procurement for this activity would have delayed the start of the business readiness work and would have required the team to put on hold the primary procurements whilst they undertook this separate procurement, thereby, adding delay to the whole programme. In addition, through the requirements gathering phase, DMW (Credera) had built up a detailed knowledge of both the organisation and what business readiness activity was required and could, therefore, "hit the ground running". In order to progress the programme and ensure that the business readiness activities were completed on time, a contract variation to the existing contract with DMW (Credera) was agreed (By Deputy Scott Wickenden). A number of roles were filled by DMW (Credera) to support the business readiness activities required and also to support with the design and implementation of the Intelligent Client function.

This was an additional Service to the original contract with DMW (Credera).

Knowledge Transfer and Upskilling (Agile)

The DMW team brought experts to work in an agile way with the Government. This made a significant contribution to Government employees becoming familiar with an agile approach and developing agile skills. These skills will be particularly beneficiary during the ITS implementation phase.

(f) the overall cost of the contract and the overall amounts paid to Credera or The DMW Group Ltd;

Answer

The Contract commenced 13th January 2020 for one year. The contract provides the Authority (GOJ) with the option to extend the Agreement by three years in 3 increments of 12 months. This option has been exercised and the contract was extended for 1 year commencing 13th January 2021.

In addition, a contract addendum was made in July 2020 that enabled the inclusion of business change services to be provided as set out in response to Question (a)

The original contract value for Procurement Services was in the sum of £1,497,875.

Taking into account the contract variation and a contract extension of 1 year to conclude the Procurements and support GOJ with business change activities the overall amounts paid to DMW are set out below:

Procurement Services	£2,7m
Business Change Services	£1.6m
Total paid to DMW	**£4.3m**

(g) whether a structured needs assessment was carried out prior to the granting of any such contract a and, if not, the reasons why no such assessment was conducted;

Answer

The need for Commercial, Procurement and Legal support was identified in the Integrated Technology Solution Outline Business Case (approved September 2019). This was further defined in the Procurement Strategy which sets out, amongst other criteria:- the procurement approach, scope of work, approach to evaluation, benefits realisation, key performance indicators and governance arrangements.

(h) Whether post-consultancy analyses were carried out in relation to any such contract, resulting in the production of a formal report, and, if not, the reasons why this was not done;

Answer

The procurement phase of the ITS programme for which DWM (Credera) are contracted has not yet completed. A Project Closure Report will be completed at the point where the procurement phase is complete which will include a review of the DMW (Credera) contract.

(i) whether Credera or The DMW Group Ltd was selected following a tender process on each occasion and, where a tender process was followed, the number of bids that were received for the work and the opening and closing dates of the tender processes?

Answer

DMW (Credera) were selected following a tender process. The Tender was openly advertised on the GoJ procurement portal (www.channelislandstenders.com) on the 18th October 2019.

Six (6) companies submitted compliant bids and were assessed against the advertised pre-determined minimal threshold requirements. Three (3) companies were taken through to a final evaluation stage.
The Invitation to Tender was published on www.channelislandstenders.com on Friday 18th October 2019 and the deadline for Tender Responses was Monday 2nd December 2019.

2.36 Deputy I. Gardiner of St. Helier of the Chief Minister regarding the staffing of the Commercial Services directorate (WQ.119/2021):

Question

Will the Chief Minister state the number of staff in post in the Commercial Services directorate of the Chief Operating Office (or predecessor department) on 1st January in each of the years 2018 to 2021?

Answer

The reported employee headcount numbers for Commercial (including Procurement) from January 2018 to January 2021 of each year requested are:

Reporting Period	Headcount	FTE
January 2018	12	12.0
January 2019	14	13.54
January 2020	13	13.0
January 2021	12	12.0

It should be noted the Directorate, previously Procurement and now Commercial Services, has been significantly underfunded for years. This is currently being addressed through the Government plan.

2.37 The Connétable of St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding medicinal cannabis licences (WQ.120/2021):

Question

In relation to firms awarded licences for the production of medicinal cannabis in Jersey, will the Minister advise members –

(a) whether inspections have been carried out on the facilities to ensure they are compliant with the European Union's Good Manufacturing Practice (G.M.P.) certification and its relevant regulations; and if not, why not;

(b) what regulations, if any, are in place to prevent rogue cross-pollination of hemp and cannabis crops in the Island (for example, by adequate sealing of greenhouses);

(c) what regulations, if any, are in place to ensure that the recirculation systems in such facilities are sufficiently robust to prevent any water run-off entering the Island's reservoirs; and

(d) what measures, if any, are in place for monitoring the destruction of hemp and medicinal cannabis crops that are damaged (for example, by mould) so that they do not contain psychoactive cannabinoids such as T.H.C.; and how any such measures are to be enforced?

Answer

(a) No GMP inspections have yet taken place. These will be undertaken by the UK medicines regulator, the Medicines and Healthcare Products Regulatory Agency (MHRA), under the terms of an MoU agreed with them in 2019. Until such time as licence holders have been GMP certified they are limited in the types of product they can produce, but cultivation is required in order to demonstrate certain requirements of a GMP inspection relating to equipment and process validation and quality management systems. GMP inspections by the MHRA will take place once a licence holder is ready for an inspection.

(b) For clarification, hemp is an outdoor, non-psychoactive crop. Cannabis is an indoor psychoactive crop.

- There are no regulations in place to prevent cross-pollination of hemp/cannabis crops.
- Male pollen producing cannabis plants are not grown.
- Measures are taken to ensure that no male plants/flowers or pollen are present in commercial cannabis crops as they pollinate female flowers which then direct resource to seed production and away from resin production on the trichomes.
- Outdoor hemp crops grown for CBD production from the resin also benefit from not being pollinated, and a percentage of male plants are removed/rogued out although inevitably some are left/missed and pollination occurs.
- Outdoor hemp crops grown for seed and oil require pollination and males are left in place for maximum pollination and thus seed./oil production.

(c) Where waste water is generated and requires disposal, there are options to discharge lawfully to:

- the environment, under the provisions Water Pollution (Jersey) Law, 2000
- either directly or indirectly to the foul sewer network under the provisions of the Drainage (Jersey) Law, 2005.

Both of these options are subject to regulatory oversight and application processes. Following due consideration of any application and subject to its approval, the regulatory authority may also include conditions on any permission, such as prescriptive limits or further treatment, for example.

(d) All destructions of controlled substances must be documented in accordance with the provisions of the Misuse of Drugs (Jersey) Law 1978. Licence holders must have an authorised witness named on their licence for the purposes of overseeing any destructions. This is consistent with UK Home Office procedures. Compliance inspections will check records and stocks held in order to confirm adherence to legal requirements. Licence holders must have a procedure to govern the destruction of any controlled substances.

2.38 The Connétable of St. Martin of the Minister for Treasury and Resources regarding medicinal cannabis licence tax breaks (WQ.121/2021):

Question

Will the Minister advise –

(a) what tax breaks or similar mechanisms, if any, the Government is considering giving to firms awarded licences for the production of medicinal cannabis; and
(b) whether it is planned that any such tax breaks would remain in place until capital expenditure incurred by the relevant site is recovered?

Answer

The Government has no plans to offer tax breaks or similar financial inducements to firms awarded licences for the production of medicinal cannabis.

2.39 Deputy L.M.C. Doublet of St. Saviour of the Minister for Home Affairs regarding violence against women and girls (WQ.122/2021):

Question

With reference to the answer to Written Question 8629, will the Minister provide updates on the following –

(a) updated statistics for the last 5 years relating to levels of violence against women and girls in Jersey, including rape and sexual assault, and how many of these crimes have resulted in prosecution and conviction to date since 2012;

(b) an update on any actions taken by the department in the last 5 years to increase detection and resolution of these types of crime, in addition to future work planned in this area;

(c) an update on the progress of inter-departmental discussions to develop intervention and prevention strategies for violence against women and girls and on any progress towards a cross-departmental strategy for tackling violence against women and girls; and

(d) information on how the department has supported the work of Jersey Action Against Rape (J.A.A.R.) since its establishment in 2015, including any funding or training offered to J.A.A.R., and what insights the department has acquired from the work of J.A.A.R. during this time?

Answer

a. See Appendix

b. Specific actions taken by the department in the last 5 years includes:

- Substantial Investment in support services, including the Sexual Assault Referral Centre (SARC) and Jersey Domestic Abuse Service (approx £800k/annum)
- Provision of capital funding of £2.2 million for a new purpose built facility for adults & children who are sexually abused.
- Publication of the Victims Charter and funding of Victim's First Jersey (£130k/annum) to support all victims of crime.
- Enactment of the Sexual Offences Jersey Law 2018 to make provision for new sexual offences, including FGM, up-skirting and voyeurism.
- Enactment of the Criminal Procedure Jersey Law 2018 to improve the victim experience of the criminal justice system and to give vulnerable victims and witnesses greater protection through special measures such as pre-recorded evidence and the ability to be cross examined by video-link at the SARC.
- Drafting is currently underway of a new Domestic Abuse Law which for the first time will creating a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse.

c. As yet there has been no inter-departmental discussions to develop a specific strategy for tackling violence against woman and girls. There is, however, inter-departmental working through the Safeguarding Partnership Board which looks at developing intervention and prevention strategies in the areas of domestic abuse and child sexual abuse.

d. Dewberry House (SARC), Jersey Domestic Abuse Service (JDAS) and the Charity JAAR are the three main services which provide specialist support to victims of Sexual Assault.

Since 2017 when Dewberry House opened the three services have worked in collaboration to ensure support pathways are accessible to victims. Employees of JAAR and volunteers have attended professional open days at SARC and meetings have taken place between service managers across the three providers. Shared training by a psychotherapist who specialises in sexual trauma has also taken place.

From 2017-2020 SARC commissioned a contract of service to support the charity by providing

funding for counselling for any referrals sent from either SARC or JDAS to JAAR. The total of this was £21,250 over the 3 years. The contract has now expired and the status of this contract is under review.

The three services enjoy a good relationship and work well to support victims of sexual assault by offering choice and options.

Appendix

Sexual offences against females				
Year	Offence	No. of recorded offences	No. charged for Court or warned for PHE	No. of offences receiving judicial sanction
2016	Buggery	2	1	
	Gross indecency	1	2	2
	Gross indecency with child	1	1	1
	Indecent assault on a female	71	19	15
	Other sexual offences	1		
	Possess/distribute indecent images of child	2		
	Rape of a female	38	10	2
	USI girl under 16 yrs.	4	2	2
2016 Total		120	35	21
2017	Buggery	3		
	Gross indecency	3	2	
	Indecent assault on a female	70	19	11
	Indecent assault on male	1		
	Indecent exposure	4	2	1
	Meet a child following sexual grooming	1		
	Possess/distribute indecent images of child	4		
	Rape of a female	45	4	1
	USI girl under 16 yrs.	5	1	
2017 Total		136	28	13
2018	Gross indecency	2	1	
	Incest	1	1	1
	Incite to commit a sexual act	1		

	Indecent assault on a female	64	12	7
	Indecent exposure	6	1	1
	Meet a child following sexual grooming	2	1	1
	Other sexual offences	1	1	1
	Possess/distribute indecent images of child	4		
	Rape of a female	44	9	5
	Sexual Activity with a Child - abuse a position of trust	1	1	1
	Sexual touching of a female child aged 12 or younger	1	1	1
	Sexual touching of female without consent	1		
	Unlawful sexual act between children	1		
	USI girl under 13 yrs.	1		
	USI girl under 16 yrs.	7	1	1
2018 Total		137	29	19
2019	Causing or inciting a sexual act with a female child 12 or younger	2		
	Causing or inciting a sexual act with an older female child	2		
	Commit with intent to commit a sexual offence	1	1	1
	Gross indecency with child	1		
	Indecent assault on a female	10	2	2
	Indecent exposure	3		
	Possess/distribute indecent images of child	7	1	
	Rape of a female	45	3	1
	Rape of a female child aged 12 or younger	4		
	Sexual grooming of a female child	5	2	2
	Sexual Offences	3	1	
	Sexual penetration of a female child aged 12 or younger	2		
	Sexual Penetration of a female without consent	1		

	Sexual touching of a female child aged 12 or younger	10		
	Sexual touching of female without consent	37	11	8
	Unlawful sexual act between children	2		
	Unlawful sexual intercourse with an older female child	2		
	Unlawful sexual touching of an older female child	3		
	Voyeurism	1		
2019 Total		141	21	14
2020	Indecent assault on a female	6		
	Indecent exposure	1	1	
	Other sexual offences	1		
	Possess/distribute indecent images of child	8		
	Rape of a female	31	1	
	Rape of a female child aged 12 or younger	1		
	Sexual grooming of a female child	2	1	
	Sexual Offences	4		
	Sexual Penetration of a female without consent	8		
	Sexual touching of a female child aged 12 or younger	2	1	
	Sexual touching of female without consent	28	4	2
	Unlawful sexual act between children	2	1	1
	Unlawful sexual intercourse with an older female child	2		
	Unlawful sexual touching of an older female child	1		1
	USI girl under 13 yrs.	1		
2020 Total		98	9	4
2021	Causing or inciting a sexual act with a female child 12 or younger	1		
	Causing sexual act without consent	1		

	Indecent assault on a female	1		
	Indecent exposure	3	1	1
	Other sexual offences	2		
	Possess/distribute indecent images of child	1		
	Rape of a female	6		
	Rape of a female child aged 12 or younger	1		
	Sexual grooming of a female child	2		
	Sexual touching of a female child aged 12 or younger	2		
	Sexual touching of female without consent	3		
	Unlawful sexual act between children	1		
	Unlawful sexual touching of an older female child	1		
	Unlawful sexual touching of an older male child	1		
	USI girl under 16 yrs.	1		
2021 Total		27	1	1
Grand Total		659	123	72

2.40 Deputy L.M.C. Doublet of St. Saviour of the Minister for Home Affairs regarding the Draft Crime (Prejudice and Public Disorder) Law (WQ.123/2021):

Question

With reference to the public consultation on the Draft Crime (Prejudice and Public Disorder) (Jersey) Law that took place between October 2019 and January 2020, will the Minister advise –

(a) how many responses were received; and

(b) whether or not the Minister sought to obtain views from relevant stakeholders and the public relating to making gender a protected characteristic under the Law, providing the names of any stakeholder groups approached; and, if not, how he will ensure that this is done prior to any further work being undertaken to progress the Draft Law?

Answer

(a) The public consultation on the Crime (Prejudice and Public Disorder) (Jersey) Law 201- was launched on 14 October 2019 (to coincide with National Hate Crime Awareness Week) and was scheduled to run for eight weeks until 9 December. In that time, 8 responses were received.

However, given the importance of the legislation I had hoped for greater engagement, so I instructed officers to extend the consultation to 10 January 2020 to allow additional submissions to be made, after Christmas if necessary. In this period, 5 additional responses were received.

In total, 13 responses were received.

(b) The consultation was not directed to specific organisations but was publicised and made universally available.

Section 3 of the consultation (linked) addressed the scope of protection, and specifically addressed the question of inclusion of sex (identified as 'sex' to distinguish it from gender identification, which was included separately as a protected characteristic). The consultation recognises in the opening line on the subject that this *"is arguably the most contentious omission"* and notes that *"a number of jurisdictions are considering the question at this time and the debate is far from settled"*.

Question 8 asked, "Do you think that the Law needs to make crimes motivated by gender 'crimes of prejudice'?".

The consultation was made available to any party who wished to respond and was accompanied by requests for responses in both traditional and social media. In order to ensure that everyone who wished to respond had a chance to do so, I extended the consultation period as detailed above, and that extension was itself publicised in the same way.

Thus, any stakeholder groups could have responded, and the consultation not only gave the question significant priority but sought to create debate and discussion on this point by clearly identifying that this was a contentious issue and core question.

2.41 Deputy L.M.C. Doublet of St. Saviour of the Minister for External Relations and Financial Services regarding the Convention on the Elimination of All Forms of Discrimination Against Women to Jersey (WQ.124/2021):

Question

Will the Minister provide an update on the progress made towards requesting extension of the Convention on the Elimination of All Forms of Discrimination Against Women to Jersey, including a timescale for when it is anticipated this will have taken place?

Answer

I am pleased to confirm that the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) has now been extended to Jersey. To celebrate this important milestone an outdoor event is being planned for April that will include 20 guests from women's and equality organisations around the Island.

The event will also be broadcast online through social media for Islanders to join virtually. It is currently set to include: a Premiere of the Women in Jersey video highlighting the importance of CEDAW, an introduction from the Minister for International Development, and a panel discussion on the roles of women in the Island and how to ensure women have equal opportunity.

3. Oral Questions

3.1 Connétable R. Vibert of St. Peter of the Minister for the Environment regarding the prevention of Jersey fishing boats from landing whelks and scallops in France (OQ.67/2021):

Given that Jersey fishing boats, but not French fishing boats operating in Jersey waters, are currently prevented from landing whelks and scallops in France due to the rating placed on Jersey waters, will the Minister advise what measures, if any, have been taken to resolve this issue?

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

The E.U. (European Union) has legislation that prevents the direct landing, i.e. those that are caught and landed from a third country flagged fishing vessel, the products known as live bivalve molluscs. Under this legislation whelks are included despite there not being bivalve molluscs. Any classification of waters is entirely separate and this prohibition remains in place regardless. Jersey has not required any classification of our waters and no official classification has been established as it is the responsibility of the competent authority. I can report that work is underway now to establish this classification. Whelks and scallops can be exported to the E.U. and appropriate paperwork through the border inspection post. While I fully acknowledge this is not as easy as direct landing that fishermen previously did, a number of Ministers have helped to facilitate the route for exporters. I and the Assistant Ministers and officers talk to fishing industry representatives daily and we certainly do not underestimate the difficulties they are having as being the transition from the old regime, from being part of the E.U. to being a third country following Brexit. I will continue to work, and doing so with the Minister for External Relations and Financial Services, with discussions with colleagues in the U.K. (United Kingdom), France and the E.U. on a regular basis, if not daily, to improve the situation for local businesses that deal with France and the E.U. countries acknowledging the situation is entirely different now we are a third country.

3.1.1 The Connétable of St. Peter:

Does the Minister agree that despite a licensing system and claims that rights to our waters have been returned to us, the French fishermen are now able to dominate our waters in certain areas purported by their own authorities?

Deputy J.H. Young:

There is no question that the changes have been generally, I think, detrimental in terms of the effect that it has had, being a third country, between our fishermen and the French.

[9:45]

We have an enormous amount of paperwork, costs, disruption but of course that was a decision that we did not make but we have had to inherit it. We do have the benefit though, once the 90-day clause has elapsed, the plus point is that we will have sole responsibility for licensing in our waters, which was not the case before.

3.1.2 Senator S.C. Ferguson:

Why is the Minister not offering support, perhaps even a loan, to help set up a co-operative, similar to Jersey Dairy, to enable the fishermen to set up a cleaning and refrigeration plant in Jersey, which would not only help them with the French attitude but would also help them in exporting elsewhere, other than France?

Deputy J.H. Young:

I think the Senator has a good question on the principle because certainly there is a very strong case and I am working with the Minister for Economic Development, Tourism, Sport and Culture on the support we provide to the industry to help them make the transition. At the moment that emphasis is on immediate short-term support but in the more medium to longer term then I do agree there will be changes in practice, which are possible, which will require shoreside infrastructure. Probably the creation of our B.I.P. (border inspection post), which is underway, and the whole infrastructure of doing that kind of arrangement. I am not too sure, because this is technical, whether it would work for whelks and scallops because all of these particular species have a limited life when they are taken from the sea. Not all the species can be held live and so on. That is a technical matter. But nonetheless, the principle of what the Senator is saying, as far as those species where that can work, is something which is under investigation and I am certainly looking for. The Ministers have agreed; following their support in principle that work is going on to put that into practice.

3.1.3 Senator S.C. Ferguson:

Perhaps the Minister and his officers would like to look at what this ... there is a very alive young fisherman in Cornwall who is using this sort of approach with refrigeration and cleaning and he is shipping all over the U.K. Perhaps we ought to be not just thinking about it but looking at people who are doing it and making it work.

Deputy J.H. Young:

I think there are lots of responses that are being tried out to try and find ways because Jersey is not the only place in the British Isles that has had these disruptions. But I certainly have listened to the reports of the fishermen in the south-west that take species such as this from the sea and there are concerns that the journey time, the lag time, basically the species do not survive that long. Certainly depuration I know does not work for certain species of molluscs. These things all need to be looked at in practice because there is no point ... at the moment our produce taken from the sea is super fresh. The irony of this is that all of those techniques are probably going to result in some changes potentially to the quality, which obviously nobody wants to have. There is a lot of work to be done.

3.1.4 Deputy M. Tadier of St. Brelade:

What would the consequence be if the Minister decided to suggest that Jersey should withdraw from the Bay of Grainville Agreement until such time as a level playing field was allowed for whelks and scallops, et cetera, being landed on the French side, which are being fished in Jersey waters, irrespective of who they have been fished by?

Deputy J.H. Young:

Certainly this has been proposed by our fishermen as a retaliatory action. I have resisted that but the consequences of cancelling the T.E.C.A. (Trade and Economic Co-operation Agreement), which incidentally it has nothing to do with the situation I have just been answering on because that occurs as a third country. But the consequences of the T.E.C.A. being withdrawn, the situation I have described would carry on. The disadvantages would be is that the Grainville Bay Agreement would come back, so we would lose control of our fisheries where that is pretty well the only gain really. The other thing is the fishermen would have to pay money tariffs on any products exported to the U.K. Of course that takes no consequences of the effect on the whole Island in terms of goods, and I am sure other Ministers will be able to talk about that.

3.1.5 Deputy M. Tadier:

What if the Minister sought to redefine the agreement to say that only Jersey boats can fish in Jersey waters?

Deputy J.H. Young:

Yes, we do have the power now to licence French boats but it has been agreed ... firstly, we have 2 dates when that can be put into effect. First, the 90-day clause because both sides have a unilateral right to cancel in the 90 days and as Ministers we did not want to do that. Secondly, an amnesty was agreed expiring at the end of April. That was a voluntary amnesty agreement between the Minister for External Relations and Financial Services, myself and the E.U. Commissioner. But after that I am very clear we will be enforcing and setting the rules but that the agreement provides that that has to be non-discriminatory. That means we cannot set rules that pick off and unfairly affect E.U. vessels compared with ours. It has to be equal. It has to be based on the science. The science work is in progress so I am hopeful there will be better days ahead. But, at the moment, there is no question. There is major disruption.

3.1.6 Deputy K.F. Morel of St. Lawrence:

In his answer the Minister mentioned the setting up of "our B.I.P." and I understood that to mean biological inspection post. Would the Minister please clarify for the Assembly whether he is referring to setting up a biological inspection post in Jersey, and if so, what cost does he see that this entails?

Deputy J.H. Young:

When we spoke about this previously, it is a requirement that Jersey has a border inspection post. It is the intention to have that post for any inspection of live animals, live species and of course that work has been taken on board with the Environment Department and we passed a whole suite of legislation towards the end of last year to do that. But the physical logistics of that are not in place. There is a question that has been put to me - I will mention it - is whether or not we should have in place an arrangement that requires E.U. vessels extracting the same produce from our waters to be landed in Jersey and dealt with through the proper paperwork route. That is something which I think has been mentioned to me. For no question, there will be quite a lot of matters that will require us to have that border inspection post. At the moment, we are in a transition. That setup will not be there for a while. What is the cost? Monies were provided in the Government Plan and is now in the process of being released to the Environment team. The Deputy will remember there were several million pounds of costs involved as a result of the third country move.

3.1.7 Deputy K.F. Morel:

The Minister mentioned that it will be some while, is he able to give us a clearer timeframe on when that border inspection post will be complete?

Deputy J.H. Young:

It will not be a permanent border inspection post because at the moment it is not possible to size it because, as I am sure the Deputy will understand, the situation is very fluid, changing by the moment. But nonetheless, the temporary border post will be in place certainly within 6 months. That was agreed as part of the transition. That temporary border post obviously will be replaced with a more substantive setup probably on the port when thing becomes a little clearer. Certainly it will be for this year.

The Connétable of St. Peter:

No final supplementary.

3.2 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the response of the former Chief Officer of the States of Jersey Police to the Wiltshire Police Investigation Report (OQ.83/2021):

Given that the Wiltshire Police investigation report is currently accessible on the gov.je website, will the Chief Minister also agree to publish on the same website the response of the former chief officer of the States of Jersey Police, Graham Power, to the criticisms of him contained within that report; and if not, why not?

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

The difficulty is that the gov.je website to date should only include Government-commissioned reports on it. Because Mr. Power's response is not an official report to date it would not be appropriate for it to be included. However, I note that the response of Mr. Power to the Wiltshire Police report has already been put into the public domain through the independent Jersey Care Inquiry and it did strike me that it would be appropriate for a link to the independent Jersey Care Inquiry site to be on the gov.je website and, frankly, I was surprised that that did not seem to be the case. That will be, I understand, rectified and a link put in place later today, at my specific request. Separately, and without getting involved into individual issues, it also has struck me that it might be appropriate to consider whether there should be a policy in place to deal with circumstances where employees or former employees feel that they need, for want of a better expression, a right to reply. Without

making any promises whatsoever to the outcome, I am very happy to take that and I think it is to the S.E.B. (States Employment Board) to consider and, reiterate, make no promises, because I suspect there will be a whole variety of practical difficulties, but equally it would seem appropriate for a proper policy to be in place.

3.2.1 Deputy M.R. Higgins:

Anyone who watched the BBC Storyville programme "Trillion Dollar Island: Garenne" now knows, if they did not know before, that the suspension of the former chief officer was an act of political vindictiveness on the part of the Jersey establishment of the day because they could not get their original target, Lenny Harper. What has happened here is a travesty and Mr. Power was ...

The Bailiff:

I am sorry, Deputy, there must be a question. This is a chance for a supplemental question, not for a speech in the Assembly as to your views. Please could you focus on a question?

Deputy M.R. Higgins:

Yes, Sir, the question is coming.

The Bailiff:

Come quickly please.

Deputy M.R. Higgins:

It is an injustice that has been done. I think what the Chief Minister has said is a step in the right direction but it does not exclude the fact it should be on the States thing. He was a public employee at the time, his answer was given at the time, will the Chief Minister agree to put it on the website?

The Bailiff:

Point of order, Deputy Morel.

Deputy K.F. Morel:

No, thank you, Sir. I withdraw it.

Senator J.A.N. Le Fondré:

I am glad the Deputy considers it a step forward. That was the obvious intention. The conclusion, when I was thinking this through over the last couple of days, is that without going into individual cases what we need is a clear policy on the matter. I am unaware that there is one in place at the moment; if not perhaps it is appropriate for it to be relooked at. What I will commit to absolutely is that we will look at that policy in the round and see (a) if there is a policy, (b) if there is not, what it should be. If there is, whether it needs updating. Then I will revert to the Assembly on that basis. I think what we have to make sure, bear in mind I understand the Deputy's view that this is a very specific circumstance but equally there will be incidents where individuals feel aggrieved in various circumstances, without going into the merits of any particular case, and therefore demand a right of reply essentially. I can see that becoming exceptionally complicated. That said, to me having a policy in place on that matter would be the way perhaps of trying to work our way through this particular difficulty. I am very happy to commit to getting a policy in place or at least updating one, if there is one in place.

Deputy M. Tadier:

Can I ask a point of order? Can I just check who was the Attorney General at the time of the Wiltshire report?

[10:00]

The Bailiff:

At the time of the Wiltshire Report I think I might have been the Attorney General at the time.

Deputy M. Tadier:

I do not mean this disrespectfully, is it appropriate for you to be taking these?

The Bailiff:

All I am doing is ensuring that sufficient time is allocated for each question. Obviously the question has already been allowed. I am allocating the appropriate time for the question, which I have allocated approximately 6 minutes for each question. The number of individuals who have already indicated a desire to ask questions have already pushed us past what inevitably will be that proper allocation and I am conscious of the fact that the Chief Minister is also facing questions without notice and if anything arises, and further people wish to ask questions, the opportunity will be there for them. I do not think, given the duties I am discharging at the moment, that causes me any difficulty. It is not a debate upon the substance of any particular matter.

Deputy M. Tadier:

It is slightly problematic. I did notice you were hesitant about whether or not Deputy Higgins was making a political speech or just contextualising his question, which is what I thought he was doing, and I think it is tough decisions to call for maybe someone who was around at the time.

The Bailiff:

Thank you for the observation and I understand the spirit in which it is made however my concern about Deputy Higgins' supplementary question lay in the length of it, given that I have allowed 6 minutes nominally for each question. It was the length of that that caused me to be concerned that it was veering towards a speech. It was not the content of what was being said, it was the length of the statements leading up to an eventual question. But I appreciate what you say but I am afraid it is impractical to make any different arrangements at this point, so we have to proceed with this question.

3.2.2 Senator K.L. Moore:

Given the comments made in the Chief Minister's previous 2 answers, would the Chief Minister agree that the policy might be more easily affected if he were to accelerate the moves towards the setting up of a Public Sector Ombudsman who might be able to deal with this matter?

Senator J.A.N. Le Fondré:

On the basis that the issue on the ombudsman is also to allow us to bring in health matters, which was not previously the case, it is the usual thing about resource. If the Senator considers that this is of such criticality that we accelerate the ombudsman forward I have no issues with that but something obviously has to give in its place. But obviously the law in relation to the ombudsman will be with this Assembly before the elections, i.e. it will be the Assembly that sets it up.

3.2.3 Deputy M. Tadier:

Given that the Chief Minister said he was prepared to put a link to the Committee of Inquiry, would he put a link up to the section of the Committee of Inquiry report, which takes the internet user directly to Graham Power's statement?

Senator J.A.N. Le Fondré:

As I said, the point was that it was a step forward because the link obviously to the official inquiry is absolutely appropriate. What I think there is a risk - and I just emphasise a risk - of then it becoming about an individual rather than about the transparency of the inquiry, which takes us back to the issue of the policy. Let us get the link in place. I was surprised that there was not one there, not that we

could find anyway. That is a step forward and I will undertake that we will consider that in the consideration of any policy and see what the views are.

3.2.4 Deputy M. Tadier:

It seems to me that the context is of the website and the juxtapositioning is critical because if you have the Wiltshire report being published and then a link to the Committee of Inquiry somewhere separate, which would not automatically take anyone to the response, it seems irrelevant. Would the Chief Minister give serious consideration to make it user friendly so that somebody who is studying the Wiltshire report and all the context around it can find the subsequent response easily if they want to?

Senator J.A.N. Le Fondré:

I have asked for the link to be in at least 2 places, one of which is connected with the Wiltshire inquiry. The other one is if you are doing a search hopefully on the inquiry as a whole you will pick up a link to the website. Slightly ahead of the Deputy on that one, i.e. the link should be in 2 places on the website.

3.2.5 Senator S.Y. Mézec:

Deputy Higgins made clear that his question arises out of having watched the Storyville documentary on BBC Four last week. Could the Chief Minister therefore inform the Assembly whether or not he has watched that documentary and whether it assisted him in coming to any view or learning any lessons as a result of what it revealed about the Wiltshire investigation?

Senator J.A.N. Le Fondré:

As I have maintained a number of times, my priorities at the moment are dealing with the pandemic, et cetera. The Storyville is on my recommended viewing for this weekend, when I hope it will be slightly quieter than the previous 2 weekends.

3.2.6 Deputy R.J. Ward of St. Helier:

My questions have sort of been asked. I just ask the Chief Minister whether he has a general comment to make on the Wiltshire report and any learning that has come from it.

Senator J.A.N. Le Fondré:

No, I am not going to be drawn into making general comments around reports that are obviously from some years ago. As I have said, we have got the Government position on the recommendations out of the Care Inquiry. There is lots of work, as the Deputy should be aware, of continuing to do things like Children's Services, et cetera, as a result. I do not think I have any other comment to make other than that.

3.2.7 Deputy K.G. Pamplin of St. Saviour:

Will the Chief Minister outline, further to his original answer to Deputy Higgins' first question, that part of that review will look at any outstanding apologies that may be needed to any former current members of staff under the States of Jersey who are owed an apology due to an upheld complaint and then those apologies are there in the public domain?

Senator J.A.N. Le Fondré:

The Deputy's observations probably fall under either the policy or perhaps even the ombudsman territory and that would be the appropriate place for that to be considered.

3.2.8 Deputy M.R. Higgins:

Considering the injustice that has been to Mr. Power, will the Chief Minister give us an indication of how soon he thinks this link could be established and will he also please see whether he can get it put on the official website as well?

Senator J.A.N. Le Fondré:

My understanding in terms of the link I referred to, it should be hopefully today. That is what I have asked for and unless there are any technical issues about that I have been informed that that is possible for today. I am not quite too sure of the other part of the question but no doubt the Deputy will raise that with me separately.

3.3 Senator S.Y. Mézec of H.M. Attorney General regarding cases involving a breach of the Residential Tenancy (Jersey) Law 2011 (OQ.77/2021):

Will the Attorney General advise how many cases involving a breach of the Residential Tenancy Law (including for non-compliance with the deposit protection scheme), or a breach of minimum standards rules for residential dwellings, have been referred to the Law Officers' Department by Environmental Health, and how many such cases have subsequently led to a successful prosecution?

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

The Law Officers' Department has been notified of 8 cases involving potential breaches of the Residential Tenancy Law, and those include cases concerning the deposit protection scheme. Two of these cases are ongoing. One case was dealt with on a written caution at a Parish Hall Inquiry. Five cases were not prosecuted in accordance with the application of the code on the decision to prosecute. Those were for a range of reasons. In one case the company involved no longer existed. In one case the overcharging of electricity was the responsibility of the agent and was stopped. In another case the overcharging was stopped and the tenants were repaid. In 2 cases the deposit monies were paid into the deposit protection scheme.

3.3.1 Senator S.Y. Mézec:

I am very concerned by what I have just heard where it sounds like you can break the law but as long as you say sorry and try to unbreak the law that a prosecution will not be followed through with, even though you have broken the law. Since that is something that is not publicised until I ask a question about it, it will not be revealed to the public that this sort of thing is going on. The question to the Attorney General is if that is the approach that is going to be adopted does it not really render the laws that are in place rather pointless?

The Attorney General:

In the 2016 Order there is a defence that is available in relation to overcharging of services supplied. That is where the reseller recognises that the excess has been charged in error and then refunds as soon as possible after the reseller becomes aware of their error. So the law does include a defence in those circumstances. We have to prosecute cases in accordance with the code and where there is not a realistic prospect of a conviction then it is not open to my department to prosecute those cases.

3.3.2 Deputy M. Tadier:

The Attorney General talked about where the overcharging occurred in error. We have had 2 admissions this week from 2 people who did say they overcharged but they said that it was not done in error, it was done in full cognisance but in order to recoup the costs of the machines. Does the Attorney General accept those are 2 different things and that that cannot be reasonably interpreted to be in error?

The Attorney General:

The facts of those specific cases, it is a little bit difficult for me to comment on in this Assembly, but the key point is that there has been an acceptance that it is not open to charge for services supplied in

the way that it was done and as soon as this was pointed out to them then that has been stopped and corrected. In those circumstances there is not a reasonable prosect of conviction.

3.3.3 Deputy M. Tadier:

I am just trying to understand because I was contacted by a constituent who reasonably asked me how this is different, for example, to a cannabis charge where somebody says: "Okay, I made an error, I should not have been buying and selling cannabis and I only sold the cannabis in order to cover my own costs as a medicinal user." I find it hard to believe that the prosecutor would then say: "Oh well, you did it in error and you are not going to do it again therefore we will not charge you. It is not in the public interest." Is there a difference there? I am sure there is but could the Attorney General clarify what the policy is on applying this approach across the board?

The Attorney General:

There is a difference and it is one that I have already said, which is that the law does include a defence for where someone accepts that it was done in error and they correct what they have done. In relation to the smoking of cannabis there is not that sort of defence. We have, as an example, in relation to possession of cannabis offences there is scope for them to be dealt with not through the courts in certain limited circumstances, which is set out in guidelines, which are available on the Law Officers' page of the website. So for small amounts of cannabis, and if it is a first-time offence of a person who admits to undergo counselling with the alcohol and drug service then that cannot be dealt with by way of charging. There is an exemption, there were differences of approaches in those circumstances.

[10:15]

3.3.4 Deputy M.R. Higgins:

Would the Attorney General say what is the difference between prosecuting someone who has admitted the offence? It is quite easy then to prosecute. Surely the mitigation comes to the court to decide whether that is adequate or not rather than the Attorney General?

The Attorney General:

I think I have already answered this question in that the law provides a defence where somewhere accepts that it is an error, they stop doing it and then they will recompense the tenants that have suffered. So the law accepts that there is a defence. In those circumstances there is not a reasonable prospect of a conviction.

Deputy M.R. Higgins:

I am still puzzled, if someone has pleaded guilty to the offence.

The Bailiff:

I am not sure there is a plea of guilty in any sense posited in the question but do you wish a supplemental? No.

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

Does the Attorney General consider that there is any role for deterrents in what we are dealing with here and that people should know that people are being investigated and have been prosecuted where appropriate?

The Attorney General:

I am grateful for the Deputy's question because obviously if we come across a case which does meet the code obviously we will prosecute it. There was one case that was dealt with just for specific reasons, unique to that particular case, it was dealt with by way of a Parish Hall Inquiry, which is still

a criminal process or a criminal justice process. But certainly, yes, if we come across cases that meet the code then they will be prosecuted.

3.3.6 Senator S.Y. Mézec:

The Attorney General referred to a case where a deposit had not been paid into the protection scheme but later on it was. Does the Attorney General consider in that instance that shows the law on protecting deposits to really be futile if you can break the law but then once and only once a complaint or issue is raised as a result of it you then put it in the protection scheme and that you will be completely let off by it? Does he not share my concern that that could lead to a situation where deposits are routinely not protected on the basis that nothing needs to be done about it until there is a complaint and then you can just get away with it?

The Attorney General:

I do understand and appreciate the Deputy's concern. These cases we have to make decisions on the circumstances and the facts of each particular case and also of what we can prove in court. I do repeat that where we come across a case that does meet the criteria set out in a code, we will prosecute it. But I hope Members will understand that we cannot just prosecute cases that do not meet the code tests because we cannot put defendants through the stress and trauma of a court process if we do not think the case meets the test set out in the code of a realistic prospect of a conviction. But where we do come across cases where an individual or company is not acting in accordance with the law set out in relation to tenants' deposits, then if we can prove the case and if there is a realistic prospect of a conviction, then we will prosecute.

3.4 Deputy K.G. Pamplin of the Chief Minister regarding bullying in the public sector (OQ.71/2021):

Given the recently published HR Lounge follow-up report into staff bullying and conditions, will the Chief Minister advise what measures the Government intends to introduce to make improvements to the States of Jersey employees?

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

The Connétable of St. Ouen is taking this question.

Connétable R.A. Buchanan of St. Ouen (Assistant Chief Minister - *rapporteur*):

I thank the Deputy for his question. While I was pleased to see the progress made since the last HR Lounge report and the improvements we introduced have been recognised, nevertheless we recognise that this is a long journey and we still have much work to do. We are fully committed to implementing in full the original recommendations for which 22 have already been completed. Going forward we are committed to dealing with the issues raised in the current report, we are implementing the rest of the recommendations, as well as addressing the problem areas highlighted in this latest report. The report gives credit to the use of the helpline, case management, early resolution measures implemented, supported by a new policy in management training. In addition, yesterday States Members had the opportunity to understand the wider people strategy, which will go a long way towards providing more support to employees when raising complaints and addressing poor behaviour. Additionally, we have already started a management training programme that will set the standard for management style and culture and we also continue to be fully committed to the Team Jersey programme, the value of which was recognised in this latest report.

3.4.1 Deputy K.G. Pamplin:

I thank the Connétable for his answer. Added to the effects of the last year, what additional support will be put in place for all members of staff across the civil service States of Jersey who have gone above and beyond for this Island during the pandemic, as well as what support additionally with their mental health will be offered?

The Connétable of St. Ouen:

I thank the Deputy for his question. We have a wide range of support through the workplace through our occupational health services, regular communication in mental health first-aiders and we are currently reviewing additional support in the form of bodies, as mentioned in the HR Lounge report. There is a wide range of support for staff members who are having mental health issues and we are continuing to review that in the light of the pandemic and additional strain has been placed on our staff with the additional work they have had to do.

3.4.2 Deputy R.J. Ward:

Does the Assistant Chief Minister agree that one of the ways in which to ensure that our staff are confident if bullying is happening is to have union representation that is supported by the S.E.B., including facilities time and regular meetings so that unions are seen as that important key support mechanism in the workplace?

The Connétable of St. Ouen:

I thank the Deputy for his question and I completely agree with him. We have put in place a number of measures to engage with our union colleagues. Indeed, I have particularly reached out and engaged with one union member from a teaching unit who has made some specific comments and recommendations in relation to the HR Lounge report and we value the contribution that we will get from that. But, yes, I completely agree with the Deputy and we hope that the unions feel their relationship with us has improved substantially in the last year or so.

3.4.3 Deputy R.J. Ward:

Does the Assistant Chief Minister believe that there is adequate facilities time across the trade union representation so that staff do know that they can be supported and also unions can play a constructive role in building relations?

The Connétable of St. Ouen:

Yes, I thank the Deputy for his question and knowing him as well as I do, I suspect there is a reason behind asking it. We would like to think that there is adequate facilities time but if he wants to address any specific concerns he has about that with me I give him my assurance I will look into it and get back to him.

3.4.4 Senator S.C. Ferguson:

Given that much of the problems that have arisen over bullying and so on, arise from the example set by senior staff and the fact that the registers of complaints and so on have only been held within departments, will the Assistant Minister explain how far they have got with getting a decent complaints system together with a central register, which is reviewed by the chief officer and not just left to each department where it can be buried?

The Connétable of St. Ouen:

I thank the Senator for her question. It is my understanding that our complaints register has been centralised in the Complaints Management Unit as your central unit and it is reviewed regularly. But I am not 100 per cent certain about that, so I will clarify that point and get back to her on it but that is my understanding.

3.4.5 Senator T.A. Vallois:

In the follow-up HR Lounge report one of the recommendations that had not been undertaken was a review of how staff promotions occur. Would the Constable be able to give an indication of when that will happen and whether consideration of how that happens in terms of staff promotions has an effect on both P.59s and also the use of consultants within the States?

The Connétable of St. Ouen:

Yes, I thank the Senator for her challenging question. As to the first part, yes, we are intending to implement the following recommendations as quickly as we possibly can, given the staff constraints. As to the second part of that question, I think I would like a little bit of time to consider it and get back to her with a more detailed response, which I will share with the rest of the Assembly.

Senator T.A. Vallois:

No supplementary, but I thank the Constable for his answer.

3.4.6 Deputy K.G. Pamplin:

If you read the report the tone is very clear, that there was an issue of culture toxicity from the very top. My supplementary question is: there is a change of leadership happening at the moment, what is happening right now to deal with these issues that we can change the culture and the toxicity to make people feel like they can come forward with their complaints?

The Connétable of St. Ouen:

Yes, I thank the Deputy for his question. You might just take a step back and one of the comments made to us when the report was presented to us was that, generally speaking, staff have much more confidence in our ability to deal with complaints and that the management culture is that we are taking these issues seriously. But, having said that, I do accept that the report made it quite clear that there is an issue with senior management and that is an issue that I intend to tackle with the new chief executive within the next week or so to look at further measures to improve the culture among his senior team.

3.5 Deputy L.M.C. Doublet of St. Saviour of the Minister for Home Affairs regarding the eradication of male violence against women and girls (OQ.76/2021):

What steps has the Minister taken since 2018 to work towards eradicating male violence against women and girls and what plans does he have for any new measures before the 2022 election?

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

Since becoming the Minister for Home Affairs in 2018, one of my highest priorities has been to bring in a domestic abuse law for Jersey. Late last year I issued law-drafting instructions to commence this vital piece of legislation and I fully expect to bring this before the Assembly towards the end of this year. It is my intention that this is the flagship piece of legislation that provides as strong as possible protection for victims of domestic abuse. The law will recognise that domestic abuse is a specific offence more complex and more damaging than simple violence. It will recognise controlling and coercive behaviour as an offence and will allow for the creation of the domestic abuse register, similar to the sex offenders' register, to manage repeat and serious perpetrators and ensure the potential partners of such offenders are protected. I have also ensured that we have capital funding for new premises for the Sexual Assault Referral Centre for adults and a child's house for children who are victims of sexual abuse. I have also secured significant investment in the Domestic Abuse Service, as well as the S.A.R.C. (Sexual Abuse Referral Centre), which allows for the provision of dedicated support to victims. We now have new campaigns that are running throughout the year to promote awareness and understanding of domestic abuse, rape and sexual assault, including a high-profile campaign regarding consent. Of course all of this is designed to benefit and support all victims of crime, regardless of their gender. But we know that women are statistically more likely to be victims of domestic abuse and of sexual assault and it is my hope that these actions will provide greater protection for women and girls.

3.5.1 Deputy L.M.C. Doublet:

I thank the Minister for his answers. Could the Minister please give his comments on the possibility of a cross-departmental strategy on violence against women and girls, which he has answered a written question for me about, and there is not one at the moment? Is that something he could commit to? Also, I would like him to commit to reconsidering not adding sex as a protected characteristic in the hate crime law, please, and doing this would have the effect of making misogyny and misandry a hate crime.

[10:30]

Could he comment on those 2 strategies or laws, please, that I feel he should be doing?

The Connétable of St. Clement:

Yes, I could not agree with the Deputy more on the first point because in all areas of criminality enforcement is not the only solution. There has to be education, there has to be understanding, there has to be community involvement to understand what the causes of these issues are. I do agree that we would need to have cross-agency structures to enable us to improve the situation, not just in this area but all areas of criminality where clearly this is extremely important. On the area of the prejudice law, I do not like to call it the hate law, in some jurisdictions gender is a protected characteristic, in others it is not. It is something which is still under consideration. We will be lodging the prejudice law under consultation fairly shortly. It does not include at this stage gender as a protected characteristic but that is still open for debate and even when the law is lodged it will still be open for amendment. I know it is something we will be discussing even further, as we already have done, with our Scrutiny Panel, of which the Deputy is a member.

3.5.2 Deputy M.R. Le Hegarat of St. Helier:

90 per cent of young women have experienced sexual harassment in public places in the U.K., how will he find out what the numbers are in Jersey?

The Connétable of St. Clement:

This is difficult and the only way it can be carried out is with a survey. But I know the States of Jersey Police and our other agencies are concerned that women will feel safe in Jersey. Let us be honest, Jersey is a safe place but incidents can occur. I think when ladies, women and girls feel uncomfortable, feel that they are being subject to inappropriate behaviour they should not resist calling the police to explain their concerns and get the protection that they need; the police will be waiting for their calls.

3.5.3 Deputy I. Gardiner of St. Helier:

To follow up Deputy Le Hegarat's question. Only 4 women told in the recent survey that was published on 10th March that only 4 per cent reported the incidents of harassment to the official organisation, with 45 per cent of women saying they did not believe reporting would change anything. What would the Minister suggest can be done to ensure that our public spaces are safer?

The Connétable of St. Clement:

I do not quite understand why people should not wish to report incidents of sexual assault. In fact they must report them because the more information the police have the more arrests the police are able to make, the less chances of these offences taking place. The police do need the co-operation of victims, as well as the high-profile policing that we now have, particularly in the town area. I would urge victims of assault or inappropriate behaviour - and I repeated in the earlier question - that they must report these incidents to the States of Jersey Police.

3.5.4 Deputy I. Gardiner:

As the U.K. are coming out from the lockdown, the owners and administrators of public spaces asked to implement a solution to make public spaces safer. There are around 150 solutions offered by U.N.

(United Nations) Women U.K. Is the Minister and his department aware about these solutions and if he is what action is planned to be taken by the Government in Jersey?

The Connétable of St. Clement:

Yes, I am not aware of it but if the Deputy would pass them to me, I would be happy to study them and share them with the enforcement agencies.

3.5.5 Deputy R.J. Ward:

The Discrimination (Jersey) Law 2013 states: "A person who also harasses the subject, if the person engages unwanted conduct of a sexual nature." I was asked about these laws by a constituent, a young woman who has seen sexual harassment in Jersey when she has been here and has not reported it and when she did report it, it was not acted upon. Does the Minister believe that the laws that exist now should be better enforced and that women in particular need more support in order to feel that reporting these actions will be taken seriously?

The Connétable of St. Clement:

I can assure the Deputy that complaints of the sort or the nature that he talks about will be taken very seriously. The police want to take them very seriously. The Government has invested and is investing significant sums in, as I have just mentioned in my preliminary answer, the Sexual Assault Referral Centre, where people who perhaps do not want to report to the police can get the counselling and support and the advice that they need. But also if they do wish to involve the police can be referred to that agency for the support that they need. My belief, and all the surveys tell us, that the vast majority of people have absolute confidence in the States of Jersey Police, as they should. I repeat, and I cannot repeat it often enough, that if you are the subject of sexual harassment, assault or inappropriate behaviour, please report it and you will be taken seriously. You will be listened to and appropriate action, where it is practical and possible, will be taken.

3.5.6 Deputy R.J. Ward:

Does the Minister believe that there is a message to be sent out to men, as a male Minister, as male-elected Members of the Assembly, that these laws exist and they will be used if you sexually harass women? What does the Minister say that that message should be and will he give that message today?

The Connétable of St. Clement:

The message is that these situations are taken very seriously. We saw only 2 or 3 years ago, and I pay tribute to my predecessor, regarding the excellent Sexual Offences Law we now have in place and would draw attention to some of the prosecutions that have been able to be made, which could not have been made previously. I mentioned during my opening remarks the intention to have a similar quality domestic abuse law, which is not on our statute book at the moment, which will give women, in the main, greater protection and support. The message is that the legislation is in place, the legislation is being strengthened all the time and the police are there to support victims of crime and particularly victims of sexual assault and inappropriate behaviour in that area.

3.5.7 Deputy K.G. Pamplin:

Returning to the original question. In steps taken by the Minister to work on this issue, can he outline any work about education with the charity Prison! Me! No Way!!! and educating young people and, if not, what more can be done in that area?

The Connétable of St. Clement:

Yes, Prison! Me! No Way!!! is being redefined but what we are aiming to do with the additional investment we have put into the States of Jersey Police, we now have dedicated officers who are responsible for work within schools. They are part of the education system, part of the education

curriculum and are there to advise and guide young people in all areas of life. That, I think, has been a very, very valuable improvement in the way that our police operate.

3.5.8 Deputy K.G. Pamplin:

Does that include those officers or those team of people going into schools and sitting and working with schools and others to educate young people, young men about this situation?

The Connétable of St. Clement:

There are a myriad of things that the States of Jersey Police do to help educate our young people and that is one of them.

3.5.9 Deputy L.M.C. Doublet:

I wonder if the Minister could forward the answer to the previous question about education because I would like to know specifically what education is carried out in schools. But my final supplementary is on the issue of sex or gender, crimes motivated by hatred of someone's sex or gender, in the meantime before the new law is in place. Could the Minister look into crimes which are motivated by this being recorded by the police, as is being done by several police forces in England and Wales already, please?

The Connétable of St. Clement:

Yes, of course, only be too pleased to do so.

3.6 Deputy G.P. Southern of the Chief Minister regarding States members who were reported to have overcharged their tenants for electricity through metered supply (OQ.73/2021):

I apologise that this question has become common knowledge so far but let us go anyway. Will the Chief Minister advise whether the States Members reported to have overcharged their tenants for electricity delivered through metered supply are Members of the Government?

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

I would say that is a matter in the public domain.

Deputy G.P. Southern:

Supplementary, Sir?

The Bailiff:

Yes, but that is a reasonable answer in the circumstances, if the matter is in the public domain then the Minister does not need to go further than that. But you have a supplementary, Deputy, please, to ask?

3.6.1 Deputy G.P. Southern:

Yes, I certainly do. Could the Minister, following his investigations around these cases, inform Members what the total sums that were overcharged were and whether these sums have yet been repaid in full?

Senator J.A.N. Le Fondré:

I do not have those details fully to hand. I do know that in both of the statements, certainly one of them, those details are also in the public domain. But if there is anything that is in relation to it, once the Deputy has looked at the statements from the 2 individuals, if there is anything missing there I am sure, if it is appropriate, I can rectify the difference. But I am not entirely sure that it is a Government matter, other than to say both are individuals, as has already been identified by the Attorney General, both have made genuine errors and it is my understanding that the inspectors and these errors were identified by the inspectors, are satisfied as to the remedies that were taken.

The Bailiff:

Chief Minister, I should make it clear that when Deputy Southern asked the question and lodged it, it was not across a matter in the public domain; it has since become so.

3.6.2 Senator S.Y. Mézec:

Given that these incidents were picked up through inspections of lodging houses, a regime which does not exist for other types of residential tenancies, have these events convinced the Chief Minister that it is worth getting behind the efforts of his own Minister for the Environment in setting up an inspection regime for other private sector tenancies? If these practices are existing in other parts of the rental market, they can be proactively picked up and stop tenants from inadvertently or otherwise getting ripped off.

The Bailiff:

I will allow it but it is fairly tangential to the main question, Senator. But, yes, Chief Minister, I will allow that question if you wish to answer it.

Senator J.A.N. Le Fondré:

Frankly, I have previously declared an interest in that area and, as far as I can see, that is going to be my stance going forward. I think the whole issue is not about regulations, I think it is the appropriate level of regulation. To jump on what appears to have been 2 genuine errors at a *de minimis* level does not necessarily seem to make the case. I think everybody supports appropriate regulation but that is appropriate in both ways.

3.6.3 Senator S.Y. Mézec:

The last thing that the Chief Minister said is just blatantly not true. Some do actively oppose regulation of any sort and some of those are in his Government and some of those are people who have just been caught overcharging their tenants. I would like to ask the Chief Minister if the standard he wants to apply to himself in declaring interests and, therefore, not involving himself in future debates on this, will be a standard that he will insist his own ministerial colleagues, including his Assistant Ministers, will have to reply to; will he show that leadership?

[10:45]

Senator J.A.N. Le Fondré:

Firstly, I think the Senator has somewhat misrepresented the views and positions of other Members of the Assembly. Certainly, as I said, each time it is for the individual Member of the Assembly to consider about complex interests or not. From recollection, there are an awful lot of Members in the Assembly who in some shape or form have a perceived conflict and I believe, Sir, you and/or anybody else in the Chair as Presiding Officer have ruled on that matter in the past. Generally, it is a conflict of interest shared by many and so, therefore, it is a matter for, as long as the declaration is made, Members have in the main continued to debate on that and that is the rules of this Assembly. I note Senator Mézec's comment in the chat but that is the position.

3.6.4 Deputy R.J. Ward:

Part of the question has been asked. Can I ask the Chief Minister, does he see any moral conflict of interest or conflict of interest that he would consider is inappropriate to have somebody who is a political adviser for a landlords' pressure group within his Council of Ministers?

Senator J.A.N. Le Fondré:

I think, as I have understood matters, there are, firstly, if it is an open declaration, secondly, if it was directly involving any matters in housing, which is not yet the case, then that would be rectified and, thirdly, there are all sorts of things that all Members participate in as part of their, I believe, voluntary

role or roles they do in serving the community, whether that is involving engagement with unions, whether it is involving engagement with voluntary areas, environment, et cetera, et cetera, and that goes across the piece and is part of the rich community we serve.

3.6.5 Senator S.C. Ferguson:

Given that Andium or the States in fact is the major landlord in the Island, will the Government require a review of charging for electricity and other services of all the properties in Andium just to demonstrate how charging should be made?

Senator J.A.N. Le Fondré:

I am very happy to take that offline and have a discussion with the Senator, just to understand how she means. If she thinks it is an exemplary service, then obviously very happy and I am sure something can be considered on how it is done. If she thinks there are issues, I am very happy to have that raised through me to the appropriate person to investigate. I believe the particular incidents, as arisen, due to slight complexities and dealing with things like common areas and switching over from the old metering system. But I am very happy to have that discussion with the Senator.

3.6.6 Senator S.C. Ferguson:

Sorry, it is fairly simple, I cannot judge, for instance, on the degree of overcharging that there might be among the whole of the population of rented properties and we need some statistics before we start holding up the finger and sort of saying: "You have deliberately tried to deal with downtrodden renters" and so on. We need some facts, some statistics and where better to start than with Andium.

The Bailiff:

There must be a question here, Senator, and not a point of view …

Senator S.C. Ferguson:

Yes, that was it, where better than to start with our own property.

The Bailiff:

Where is that in Andium, Chief Minister?

Senator J.A.N. Le Fondré:

Now I understand the point. I do absolutely agree with the Senator that, essentially, before one starts bringing in regulation that applies to 100 per cent of an area, we do need to have the statistics that state that we have a problem that we are trying to address. If it is a 5 per cent problem then sometimes there are better ways of dealing with that than through regulation. If it is a 50 per cent problem, for the sake of argument, then obviously you do need to regulate but we do need some data to back that up in the first instance. I am not necessarily applying that to the area of landlords but in general terms that would seem to make sense because otherwise we regulate for everything, when there is not necessarily the need and that obviously has a cost to Islanders, not just taxpayers.

3.6.7 Deputy M. Tadier:

The Chief Minister really does know how to pick his Assistant Chief Ministers, does he not? Does he think that the behaviour displayed by the 2 Assistant Chief Ministers contravenes Article 5 of the Code of Conduct, paragraph 5, which says: "Elected Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence and integrity of the States." Does he think the behaviour has strengthened the public's trust and confidence in the States? Can I apologise, Alexa just seemed to go off in the background but even Alexa does not know about that?

Senator J.A.N. Le Fondré:

I did not know we were allowed to promote private brands or products on to the States broadcast.

The Bailiff:

But certainly not allowed to answer questions, Chief Minister.

Senator J.A.N. Le Fondré:

Sorry, Sir, I was going to attempt to say: "Alexa, please can you order 200 cans of Whiskas?" The point I would make is that in relation to the Deputy's overarching comment, I have been consistent in looking at issues when it has arisen with Assistant Ministers in the past and in the present. As you will be aware, having been the subject of 2 issues relating to the Commissioner for Standards, one of which was upheld and one which was obviously not upheld. In terms of consistency, both those were acted on very swiftly because they arose. This instance here is something that took place something like 18 months to 2 years ago. It appears to be *de minimis*. I have been assured that it is regularised to the satisfaction of the inspectors. I do know there is a discussion happening with the Commissioner for Standards and until that conversation is completed that is really all I can say. But to date I think in terms of breach, I do take any comments and complaints I receive about any Minister, Assistant Minister or indeed any politician very seriously and I do try and apply an even hand to how that is considered. I hope that has been the case to date and I do try and deal with it as objectively as possible, despite sometimes people not seeing at that perspective but I do genuinely try and treat them objectively.

3.6.8 Deputy M. Tadier:

It was a bizarre answer. He mentioned that there were discussions going on with the Commissioner for Standards. The real question is: has the Chief Minister referred this issue to the Commissioner for Standards? Because it seems to be a prima facie breach of paragraph 5 and if he has not, why has he not done it?

Senator J.A.N. Le Fondré:

In essence, my understanding is that the individuals are in the process of self-referring and on that basis there did not seem to be any need for the action to be taken.

3.6.9 Deputy G.P. Southern:

It concerns the appointment of Assistant Ministers, I suppose. Does the Minister not consider that greater detail should be asked of potential candidates for Assistant Ministerships to see if they are under investigation for financial irregularity or, in this case, tenancy problems? Has the time come for a greater attention to detail about who we are appointing to be Assistant Ministers?

Senator J.A.N. Le Fondré:

The point I would say is that I am not entirely sure that there should be any greater standards applied to Assistant Ministers than there are to States Members. If the Deputy is suggesting that perhaps there should be greater clarity of all Members as to, effectively, a C.V. (curriculum vitae), for example, that gives full background and gives any issues similar to the ones that the Deputy is referring to, I would be supportive of that. Because I think a kind of potted C.V., which could then be published, et cetera, gives backgrounds of the various people in the Assembly I think would be very useful to the public. On that basis I am very happy to see if that can be implemented.

3.7 Deputy K.F. Morel of the Minister for the Environment regarding the legal protection of trees (OQ.74/2021):

Given that the Jersey Trees for Life website states that: "Currently the law in Jersey relating to tree protection is quite inadequate and the resource and motivation to uphold what is in place is lacking", will the Minister advise of any progress to date in strengthening the legal protection of trees and will he provide an approximate date as to when he will lodge proposals to amend the relevant laws?

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

I am grateful to the Deputy for his question because it gives me an opportunity to correct the statement there of lacking of motivation. The improvement in the protection of the trees is one of the priorities of myself and Deputy Guida, as the Scrutiny Panel will recall. I signed a Ministerial Direction in January 2020 and updated one in October 2020 on 28 amendments to the Planning and Building Law. Most of them are procedural, technical and admin but 3 are very significant; conservation areas, biodiversity and protection of trees. The latest update I had is that I will be seeing a draft to enable me to lodge that in July this year. Unfortunately, it is correct that I have not yet seen that draft and I am informed that there are considerable drafting delays in the system due to pressure on the drafting facilities for both COVID legislation and a huge chunk of laws regarding Brexit. My expectation now, I am hoping that is not a long delay, September; therefore lodging in September this year I am hopeful of. But I am afraid it is not an easy business because the change to the law will be empowering. There is a lot more work to do after that, which I was very grateful for the Environment Scrutiny Panel bringing amendment number 21 to provide £300,000 worth of resource in the Government Plan, which will enable the work in terms of the tree survey, definition of tree species and exemptions and issues about diseased trees and so on. There are a lot of complex matters which need to be in place and that is why I am suggesting the law changes will have an appointed day provision, when all that work is done, to be able to implement and achieve full implementation of a much better regime to look after trees due in 2022. That is the best expectation I can have. I see it as an absolute priority, particularly with climate change and …

The Bailiff:

Minister, I have to ask you to bring your answer to a close.

Deputy J.H. Young:

Thank you, Sir, I have finished.

The Bailiff:

At least 40 seconds over the normal allocated time.

3.7.1 Deputy K.F. Morel:

I thank the Minister for his detailed answer but does the Minister have any mechanism currently through which he can understand the scale of trees being felled in Jersey at any given time? By scale I mean the number of trees being felled or destroyed at any given time in Jersey. Is that something he is currently able to monitor?

Deputy J.H. Young:

No, I do not get the information. What I do know are the things that led me to the decisions I made was, first of all, the loss of listed trees, which was truly shocking. The planning system obviously needs improving to make sure it does not happen anymore. Of course, anecdotally, I do get a lot of complaints throughout the Island, people are very sensitive to trees and so I do not have quantitative information, I am sorry.

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

Sometimes I believe we overcomplicate matters. Does the Minister not agree the simple permit system would more than adequately do the job? If you lived in Vancouver, for example, and wanted to fell a tree you would apply for a tree-removal permit for every tree that had a diameter of 20 centimetres or greater, measured at 1.4 metres.

Deputy J.H. Young:

I had no intention of proposing that we implement this in an over-bureaucratic way. The planning law change, I propose, will simply bring trees into the scope of development. It would certainly need the sort of permit system that you have described. I am familiar with one that I personally operated in Alderney, where a tree is 18 inches circumference and so on. It is straightforward to do, so it will not be over-bureaucratic. But that is what I mean, we need time to put all those details in place and that is why I gave the answer I did on the time.

3.7.3 Deputy G.J. Truscott:

All I wanted to say is I am disappointed that it is taking so long to get legislation put in place. Will the Minister do his utmost to progress matters?

Deputy J.H. Young:

I absolutely share the Deputy's frustration. We are desperate for law-drafting resource. This planning law strengthening, as a member of the Planning Committee, there will be most of those changes he will want and benefit from but I just cannot seem to get the progress on law resources.

[11:00]

I think some of it is due to COVID. The department, at its worst, lost 50 per cent of its staff to do COVID work, so there has been disruption. But I do share the frustration and I am going to keep my foot on this all the time, it is really important.

3.7.4 Senator S.C. Ferguson:

Given that I understand that the Planning Department has no individuals with landscaping experience or qualifications, that they tend to ignore the green backdrop zone in St. Brelade, for example, what steps will the Minister be taking, apart from the legislation, to ensure that they will improve this?

Deputy J.H. Young:

I think in amendment 21 to the Government Plan there was a whole set of actions and outcomes there. The Senator is absolutely right, to make sure that the planning team is geared up with the skills and knowledge to do that. At the moment I think I am hopeful we might be able to get agreements with external organisational partners to help us do this but there is a resource issue. But that resource was in place as a result of that amendment. But, yes, I think the Senator is right, that is what I mean, why there is more to do than just pass laws. We have to get the mechanics in place in a workable, practical fashion.

3.7.5 Senator S.C. Ferguson:

I would just like to know that the Planning Department will follow the decisions made by the States. For instance, in 1967, 2011 and 2014 and the Planning Department ignores them. It is that sort of approach. We must ...

The Bailiff:

I am sorry, is the question: will the Planning Department follow the decisions of the Assembly because ...

Senator S.C. Ferguson:

Yes.

Deputy J.H. Young:

The quick short answer is yes and the new Island Plan will help them do that, if the Members agree to those proposals, to strengthen those things that the Senator is talking of; green backdrop, et cetera.

3.7.6 Deputy L.M.C. Doublet:

Could the Minister please describe what a tree protection order is and how it can be applied? Is it something that a landowner applies for? Is it the department that applies for it or, perhaps a tree nearby, can a member of the public apply for a tree protection order?

Deputy J.H. Young:

Yes, Deputy, we do not have very many trees listed, that is a shame. But, nonetheless, the trees that have been listed have been done, proposed by the department. Some of those, I think, are due to survey work where all knowledge of a tree at risk due to development, but we are very open to members of the public to highlight those trees that require it. They will have to go through some kind of assessment and we would use the I.H.E. (Infrastructure, Housing and Environment) arboriculturists to help us advise on that. But we do not do enough and the tree survey in progress in amendment 21 will help us do that and do more.

3.7.7 Deputy L.M.C. Doublet:

Could the Minister just describe the criteria whereby a tree would be subject to a tree protection order?

Deputy J.H. Young:

That is a toughie. It depends on where it is. I think if it is an urban tree, very much a specimen tree in healthy condition and it really adds amenity to the area, which is otherwise not available, I think that would really be significant. But, equally, if it is causing damage or damaging drains or infrastructure around the place, then those would be negative, so there is a whole suite of factors. Could I undertake to provide the Deputy with the criteria in writing subsequently to the Assembly?

Deputy L.M.C. Doublet:

Thank you.

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

In a similar vein to the previous speaker. A Jersey oak acorn was planted on 20th March 1934, that is some 87 years 3 days ago, at Overdale by the president of the committee to commemorate the opening of the hospital. Will the Minister ensure that this magnificent tree receives maximum protection? It has no protection whatsoever at the moment.

Deputy J.H. Young:

That is a difficult question. I have to admit, I am not aware of this particular tree and I think it would be wrong of me to give a particular commitment on it without knowing so. But I will undertake to check that out and see what the situation is and what its future is.

3.7.9 The Connétable of St. Brelade:

Likewise, as the previous speaker mentioned, the process of protecting trees is extremely complex and not apparent on the Planning website. Would the Minister, once again, confirm that he will make the process somewhat easier for the public to implement tree protection orders?

Deputy J.H. Young:

Yes. I think we have got a dilemma here. At the moment the procedure is complex, which is one of the reasons why there are not many trees that have been listed because one has to go through all sorts of complex procedures and there are appeal opportunities and everything. What I am proposing in the Planning and Building Law changes, if Members go with it, is a much simpler system. I am a bit reluctant to pump a load of resources in because the longer term, a way of doing this would be better. But as an interim arrangement, because I have already said we probably will not be able to get these new arrangements in place until 2022, I am happy to do as the Connétable requests.

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

I share the Minister's enthusiasm to protect the environment. Does he agree with me that it is fine to have new laws but to do the job properly you need officers with delegated powers to prosecute offenders?

Deputy J.H. Young:

Yes, and of course, Deputy, we had several questions on this subject. I have been quite open about this that the enforcement team has been badly depleted and there is a backlog of work. I think what I am asked by the office and told at the moment is that the OneGov I.H.E. model should realign some resources to be transferred internally to strengthen that team. But there is no beating around the bush, I have been frustrated because I want to find, and I have asked the director general for appointment of short-term temporary contract resource to help us get rid of that backlog. There are nearly 300 cases. I am very frustrated that so far the system has not been prepared to allow it to release those resources to enable to get this job done. I am sorry to say but that is the open situation.

3.7.11 The Deputy of St. Martin:

I understand the Minister's frustration with his officers but will he agree with me that it is the Environmental Protection Department that needs to be taking on this work and his officers at Howard Davis Farm that may also need strengthening if we really are to protect our environment in the countryside?

Deputy J.H. Young:

Yes. I think to be fair to the officers at Howard Davis Farm, they are having to take on some of these major responsibilities from the Planning team, which, as I said, has not only been depleted but has had a massive increase in workload and lost skills as a result of the target operating model. But their work, indeed with Brexit and fishing, it has just gone off the scale. The Deputy knows that since I have been elected I have been banging on about the need to resource that Environment Department properly and it has never happened. I will keep at it until the end of my term.

3.7.12 Deputy K.F. Morel:

I would like to thank my colleagues in the Assembly for their supplementary questions. Given the situation the Minister has described in terms of lack of resources and law-drafting time, could the Minister confirm whether he has given any thought to the possibility of signing a Ministerial Order that would give blanket protection to mature trees over a particular size, as Deputy Truscott suggested, perhaps 20 centimetres as we see in Vancouver? Particularly an order such as this, has he thought about it, particularly in areas such as built-up areas, so you could just sign a Ministerial Order protecting trees in built-up areas? Has he considered it?

Deputy J.H. Young:

I have not but my immediate response is I think I would be very doubtful whether the law would allow it. The simple change that I need to have is that the felling of a tree becomes development. If that happens then I could do such a thing. I will go back and I will get him a legal opinion but in my view I would be very surprised if that can be done under the law.

The Bailiff:

As I just mentioned to Members, we have now finished 7 of the questions on the question paper and we have got through more than two-thirds, I think, of the time available to us and there are 22 questions overall. Possibly questions for Ministers who are to answer in questions without notice, it may be that supplemental questions can be kept to a minimum and that I may bring that to Members' attention. Question 8 Deputy Alves will ask the Minister for Social Security. Has the Deputy indicated that someone else is to ask the question? No. Yes, I think in the circumstances, as we understand it, Deputy Ward, that is not an inappropriate way forward.

Deputy R.J. Ward:

Shall I carry on?

The Bailiff:

Yes, please.

3.8 Deputy R.J. Ward of the Minister for Social Security on behalf of Deputy C.S. Alves of St. Helier, who was absent through illness, regarding the detection of overpayments made to those people on Income Support (OQ.84/2021):

Will the Minister advise how long it takes, on average, for overpayments made to those on income support to be detected by the department in cases where the detection is not prompted by the claimant informing the department of a change in their circumstance?

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

Thank you, Deputy. I am sorry but it is not possible to provide an average figure for the time taken to detect an overpayment where the income support claimant has not advised the Customer and Local Services Department of their change in circumstances.

3.8.1 Deputy R.J. Ward:

Is there a possibility of knowing what the range of time is: so the longest time and the shortest time and the consequences of that?

Deputy J.A. Martin:

No, I cannot answer that question. The officers would have to go into every single case and it does not give a timescale of how far you would like to go back. It should be every claimant who gets a letter are asked if any circumstances change they have 14 days to notify the department, otherwise it kicks in a range of possibilities to the claimant itself. I am sorry about that but that is what it is.

3.8.2 Senator S.Y. Mézec:

The Minister will obviously know that the longer it takes for these issues to be discovered, the greater issue it can cause for both the department and the claimant in resolving it. Does she think that anything needs to be done to assist the department in preventing these sorts of mistakes being made or at least discovering when they have been made as early as possible to prevent further issues arising? What sort of things does she think would help the department in reducing this problem?

Deputy J.A. Martin:

There are many ways. I would say the majority of claimants do inform the department as soon as, say, their hours increased or even if they got a job, adult children move out, get work or even stay at home and get work. All these things the majority are very good at. I cannot think of one single thing the department has ... we get anonymous phone calls for different reasons, which will result in people being found out that they have maybe done something wrong or they think they have done something wrong; it will all be looked into. It is always looked into and 9 times out of 10 there is a good reason why, say, somebody else might be staying in the house but if they have not informed us and the reason is not right, it does affect the claim.

3.8.3 Deputy G.P. Southern:

Is it not the case that because we pay income support a month in advance that is automatically when there is a change in circumstances, there is either an overpayment or an underpayment? The Minister must have some record of what those overpayments are and could she reveal them today, especially if there is an overpayment then the staff are directed to arrange repayment as soon as possible?

Deputy J.A. Martin:

Yes, the Deputy points out the very good way we pay income support in advance, so nobody has to wait for months for their money or even borrow their own money like Universal Credit. There was a written question, I think from Deputy Higgins, in the last Assembly and the roll-up in the last 5 years was around about £3 million and it happens because people start work. If you are on a claim and you are not working and your circumstances do not change, for the majority of those people nothing changes, their claim is fine; they do not get any overpayments or underpayments.

[11:15]

It is when people are doing part work, part income support and it is about telling us as soon as possible the way they get paid. As I said last time, the majority of people, they get paid an extra £100 last month and they have got £100 from us, they quite willingly pay that £100 back straightaway.

3.8.4 Deputy G.P. Southern:

Is it not the case that the repayments have to be set at a reasonable level and increasingly nowadays it is set not at a reasonable level but at a level to reduce the overpayment as quickly as possible, which can and in some cases does cause some hardship?

Deputy J.A. Martin:

That is a good thing of being a smaller island and we know the clients, we talk to people, we know exactly what some can repay. The minimum is normally £3 a day out of their benefit. Sometimes it can go less than that and that amount has not changed since income support was introduced. Again, I have to emphasise if these have been long payments, some people have got thousands of pounds that they were not entitled to. They have to pay them back, we do look at the circumstances but, again, that money that comes back will help another family.

3.8.5 Deputy G.P. Southern:

If I could, could I get the Minister to address the question, especially around that the emphasis has changed from easy repayment to repayment as quickly as possible? Has that change occurred?

Deputy J.A. Martin:

The Deputy has just made a statement and he made that statement in the original question. I have got no evidence of that and if the Deputy has can he bring it to me and we can look at it?

The Bailiff:

Deputy Ward, you have a final supplementary on behalf of Deputy Alves?

3.8.6 Deputy R.J. Ward:

Yes. Really to go back to the original question. There are a minority of cases we have been told where the overpayments could be tracked but we do not have statistics on. Can I ask the Minister, because it is a minority it would be a good idea to get some data on that? Just finally, there was also a consequence in her answer about the repayment money of the previous question of £3 million; can the Minister confirm that that money is not lost as it is returned from previous years' payments and that it goes back to the department, or does it go back to central funds?

Deputy J.A. Martin:

I did not say it was a minimum of cases that were on an average, I said we cannot tell the average of every case. The money that comes back to a certain point, it comes back into Social Security, but when it is a debt it is the debt to the Treasury Department.

3.9 Senator K.L. Moore of the Minister for Treasury and Resources regarding the tax liability of people who had left Jersey to reside in a country that had a reciprocal tax agreement with the Island (OQ.88/2021):

Will the Minister explain under what circumstances, if any, Revenue Jersey is able to continue to request payment of Jersey tax when a person has left the Island to reside in a country which has a reciprocal tax agreement with Jersey and provides its new immigrants with a 4-year overseas income exemption?

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

Certain Jersey-sourced income, principally pensions other than the States old-age pension and income from property, is taxable in the hands of non-residents. Tax reliefs are available to non-residents who have a low worldwide income, whether or not they reside in a country that has a tax reciprocal agreement. It is important to recognise that double taxation agreements are only a mechanism whereby jurisdictions agree the allocation of taxing rights between them. In some cases, this may mean that particular types of income may be taxed in both jurisdictions. In some cases, the income will only be taxed in one jurisdiction. Finally, the domestic tax law in the other jurisdiction will be relevant. If the person is not considered to be resident in that other country for the first 4 years, then they will not be able to attain benefits under a double tax agreement. If a non-resident needs help or assistance in respect of Jersey tax charges, they can approach Revenue Jersey for help.

3.9.1 Senator K.L. Moore:

Noting the final point made by the Minister there, and I will not go into the detail, but I am not clear on some of the facts that she has portrayed in her answer. As the reciprocal agreement with New Zealand that was signed in 2010 I believe clearly states that, with regards pensions, remuneration paid to an individual who is a resident of a party, therefore New Zealand, in consideration of past employment, shall be taxable only by that party. So I would contend some of the facts that she has given. However, the supplementary question is: does the Minister consider it reasonable that Revenue Jersey should have claimed £8,000 in overpayments over a period of years and refuses to respond to that person for over 9 months and refuses to repay the sums that they have claimed as overpayments?

Deputy S.J. Pinel:

As the questioner will know, I cannot possibly respond to any personal tax situations.

Senator K.L. Moore:

The question is: does the Minister consider it reasonable that Revenue Jersey cannot respond to a person who has tried to contact them for a prolonged period of time and they have not received any response for over 9 months?

Deputy S.J. Pinel:

If the person in question emails me, I will make sure they will get a response. I cannot discuss any personal tax details of any person.

3.10 Deputy R.J. Ward of the Minister for Infrastructure regarding the funding allocated to LibertyBus in the Government Plan 2021–2024 (OQ.88/2021):

Will the Minister advise how much of the funding allotted to LibertyBus in the Government Plan has been allocated to date; and what assessment of any such spend has been undertaken, given the easing of public health restrictions?

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

The Government Plan provides COVID-19 response funding of up to £2 million for additional bus operating contract support payments in 2021. It covers the period during which emergency restrictions are expected to remain in place. The effect of the restrictions has been to reduce bus ridership levels to a level below that where the bus contract is viable. It is likely that expenditure in 2021 will be below this budgeted sum. The usage of the bus service during the first quarter of the

year has not yet been fully reviewed and to date no payments have been made. The 2013 bus operating contract places the revenue risk on the operator rather than the Government. For the service to break even, a certain level of passenger demand is required. Ridership, since March 2020, has fallen way below the level of passenger demand necessary for the service to break even and is unlikely to recover to 2019 levels during 2021. The shortfall in fare income is being made up through additional funding as provided for within the Government Plan, allowing services to continue operating and employment to be maintained. Previous COVID-19 response payments covering the period May to December 2020 totalled £1.021 million.

3.10.1 Deputy R.J. Ward:

I thank the Minister for that quite long answer. The question was about the plan, what has been allocated to date from what has been put in the Government Plan for 2021. I am not sure that number was there. Can I confirm whether or not the bus company was given money from the furlough scheme for any of their staff who may have been laid off or not working during the pandemic?

Deputy K.C. Lewis:

The monies for 2021 have yet to be determined. Nothing has been paid for 2021 as yet. For 2020, as I have mentioned, it was £1.021 million. It was a double win for us. Rather than have them on the furlough scheme with staff being laid off it was decided to keep all staff employed and we would subsidise the bus company up to a certain amount. So that is what we have done and that is why the bus company is still vibrant.

3.10.2 The Connétable of St. Brelade:

Will the Minister advise Members, and indeed the public, when the bus company will be reverting to its normal timetable?

Deputy K.C. Lewis:

Excellent question and I wish I knew. But we do not know where COVID is going. Hopefully, later in the year, is an optimistic view from myself. I would dearly love to see it back up to normal levels but we are still in a COVID situation. People are taking extra precautions, which is only right and proper. But, as soon as possible, I would like the bus service up and running as normal.

3.10.3 The Connétable of St. Brelade:

Will the Minister ensure he has discussions with LibertyBus and brings Members up to speed with those discussions because it seems to me that the Island is opening up and we should be providing services sooner than later?

Deputy K.C. Lewis:

Indeed, my officers are in regular contact with LibertyBus and so, as soon as we get the green light to bring services up to normal, we will do so, or as soon as customer demand is there it will be brought back to normal. Precautions are still being taken, people are still wearing masks on the buses, so precautions are being taken. But I would love to see it up and running as it was in 2019 as soon as possible.

3.10.4 Deputy R.J. Ward:

Can I ask the Minister to confirm that none of the money being given to LibertyBus to maintain the service is being used to make a return to the parent company in some form of guaranteed return to the parent company from Jersey Bus as part of their contract?

Deputy K.C. Lewis:

Not to my knowledge. Obviously, they have a lot of their buses on leasehold, which must be paid off. But, as far as I am aware, it is just to keep the company afloat.

3.11 Senator S.W. Pallett of the Minister for Economic Development, Tourism, Sport and Culture regarding the implementation of 'Drinks Promotions' (P.105/2020) (OQ.86/2021):

Will the Minister advise what action, if any, he has taken to implement paragraphs (a) and (c) of Drinks Promotions, P.105/2020, as adopted by the Assembly on 6th October 2020 and, in particular, whether in light of the effects of the COVID-19 pandemic on the hospitality industry, businesses will be permitted to offer and advertise drinks promotions until 31st December 2021 without risk of prosecution?

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

Can I ask that Deputy Morel, who has delegated responsibility for licensing, take this question?

Deputy K.F. Morel (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):

Following the adoption by the States Assembly of parts (a) and (c) of Deputy Ash's proposition in 2020, the department entered into correspondence with the Bailiff and Attorney General. In his response, the Attorney General noted that you cannot make a representation to the Licensing Assembly under Article 9 of the law in response to part (a) of Deputy Ash's proposition. As the Assembly may be aware, part (c) of P.105/2020 has requested the Minister to develop a framework, possibly an amendment to the 1974 law, to give the States Assembly control of licensing policy decisions. The department is assessing the best way in which to meet the requirements of part (c) and aims to bring this to the States Assembly for consideration as agreed.

3.11.1 Senator S.W. Pallett:

On the final part of the Deputy's answer, can the Assistant Minister advise the Assembly either verbally now or in writing by the end of this month details of the framework he will be using to bring forward amendments to the 1974 Licensing Law by 31st December 2021 as requested by P.105?

Deputy K.F. Morel:

I can tell the Senator now that is still being worked on, as I said in the first part of my question. So the timeline to bring those elements to consideration for the Assembly is the end of the year. That is the deadline we are working to. So, in that respect, we are still working on it and we will do so in time to meet the requirements of part (c).

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

Would the Assistant Minister agree with myself in that, as part of this, we do in the future need to have an overall review of the whole way that alcohol is priced, including the way it is structured by the breweries?

[11:30]

Deputy K.F. Morel:

That is an interesting question but it is not one that I necessarily share the same view as the Deputy on. I am happy to discuss with him his views on that but at the moment I do not see it in the same way.

3.11.3 Deputy D. Johnson of St. Mary:

The Assistant Minister has already referred to the Licensing (Jersey) Law 1974, of which Article 9A provides that the Licensing Assembly, in deciding whether or not any application shall be granted, shall have regard to the interests of the public in general. Given that the decision as to what is or is not in the public interest is currently ...

The Bailiff:

I am afraid you have been cut out, Deputy. We can no longer hear you. Your question finished with a reference to Article 9A of the law but then you went blank after that.

The Deputy of St. Mary:

Perhaps I could repeat then. The Assistant Minister has already referred to Article 9A of the current law providing that the Licensing Assembly, in deciding whether or not any application shall be granted, shall have regard to the interests of the public in general. Given that the decision as to what is or is not in the public interest is currently a matter for the Licensing Assembly as opposed to the States Assembly, could the Assistant Minister perhaps elaborate on what he envisages or how he envisages the framework to improve the situation being proposed. In particular, whether he envisages that some form of statement of licensing policy will be part of that framework?

Deputy K.F. Morel:

It is too early to say, to give a description of that framework, but I would envisage such a statement being a part of it.

3.11.4 Senator S.W. Pallett:

The States made a decision on 6th October last year to allow drinks promotions to be allowed up until the period of 31st December 2021. How has the Assistant Minister conveyed that message to the hospitality sector in light of the serious damage that they have sustained during this pandemic? What comfort is he giving them that they will not be prosecuted because of that decision that the States have made?

Deputy K.F. Morel:

I believe it is not my position to give comfort to anybody in regard to prosecution because that is a matter for the Attorney General and the Licensing Assembly. As such, questions about the drinks promotion aspects, or part (a) of Deputy Ash's proposition, should be referred to the Attorney General and the Licensing Assembly.

Senator S.W. Pallett:

Can I come back on that? The Assistant Minister has not answered the question as to how he has communicated with the hospitality sector.

The Bailiff:

Yes, very well, that is a point that was in the original question. Is there any answer on communication with the licensing trade?

Deputy K.F. Morel:

No, as it is a matter for the Attorney General, I have not communicated with the hospitality trade on that.

3.12 Connétable A.S. Crowcroft of St. Helier of the Minister for the Environment regarding the public inquiry in respect of the proposed redevelopment of the Ann Street Brewery and Mayfair Hotel sites (OQ.68/2021):

Will the Minister provide the timetable for the public inquiry in respect of the proposed redevelopment of the Ann Street Brewery and Mayfair Hotel sites?

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

At the present time, I am discussing the terms of reference for the planning inspectors for the inquiry for these 2 developments. It would be my intention to publish the terms of reference and to take that forward. Once the inspector has been appointed, the inspector will decide and publish the timescale the inspector plans, in accordance with the requirements of the Planning and Building Public

Inquiries (Jersey) Order 2008. They are entirely responsible for that. My intention would be that inquiry would have an opportunity to consider the draft Island Plan, which is due for publication on 19th April. That draft Island Plan is a material consideration in the matter.

3.12.1 The Connétable of St. Helier:

The Minister has not given much in terms of the timetable. What month this year does he expect the inquiry to get underway? When would he expect there to be a conclusion to the inquiry?

Deputy J.H. Young:

It is difficult because, under the law of course, the inspector, once the inspector is instructed, has the duty in the law to set the timescale and has the responsibility for running the inquiry. But of course there is a mobilisation time. That process of course cannot start until the terms of reference of the inquiry have been drafted and ready. That will be done within a month. Then after that you have the Assembly time for the inspector, probably a minimum of 4 weeks, might be more, 6. Then the inquiry time and then the time to report. So I am afraid public inquiries are not short processes, which is why not many of them are called.

3.12.2 Deputy K.F. Morel:

Would the Minister advise the Assembly as to what matters or what facts or new facts came to his attention to motivate him to call these public inquiries into the Mayfair site and the Ann Street Brewery site?

Deputy J.H. Young:

Good question. Certainly of course it is a material development; 475 new residential dwellings in that area. Of course, I am conscious of the fact that the law requires that, where the Minister may call in where there is a very significant development that has major effects on a large number of people. In the north of town area that is the case, it meets those criteria. The new issues arising are the issues raised as part of the St. Helier character appraisal and the Island Plan, which has identified issues such as open space, amenity space, the size and the quality of the dwelling units, and all these things. Particularly, the availability of community facilities. That area of town at the present time is very severely short of open space and amenities. A development to put in an additional 475 units in that area is quite significant. Therefore, those issues need to be looked at in great depth.

3.12.3 Deputy K.F. Morel:

Would the Minister clarify to the Assembly as to whether he had received any information or had any conversations with either individuals or concerned groups that raised this matter in his mind and therefore helped convince him of the need for these inquiries?

Deputy J.H. Young:

Not in any systematic way. I certainly did not have any direct lobbying. Certainly, I do remember reading some press reports. Part of my regular procedure in my weekly meetings with the regulation team is to go through the applications list and try to identify anything that may meet the criteria. So I could not say I was not influenced by anything I read in the newspaper but I do not recall I had any direct lobbying. No, one has to operate independently and objectively. I can tell the Deputy that I had considered others, which were reasonable-sized developments but I decided against on advice from the officers. But this was another, which the advice was entirely positive that this is definitely appropriate for a planning inquiry.

3.12.4 Senator S.Y. Mézec:

The Minister mentioned the north of St. Helier and he will be aware of the humungous development currently going on at the Le Masurier site and also another huge one planned for the Play.com warehouse site. Does the Minister understand the frustrations that some people will feel that he takes

action for a planning inquiry for a development from a Government-owned housing provider, providing homes at below market value, which we desperately need more of to try to tackle inflation in the housing market and going out of their way to provide open amenity space and for premises for Autism Jersey? Yet this standard does not apply to some of the private sector schemes in the area that, when push comes to shove, are ultimately about cramming as much in there as possible to make money for their shareholders. How does he address those frustrations that some of us feel that well-intentioned developments have these obstacles put in there way, whereas other ones do not?

Deputy J.H. Young:

In the planning world, it is the applications and the nature of them that are subject to scrutiny and decision-making, and not the applicants. The identity of the applicants is immaterial. But of course the public interest is a matter that gets taken on board as part of the planning inquiry process. So I have to accept, I am not saying that the situation is perfect. One has to make the best possible reasoned judgment when calling in a matter for inquiry. I can recall there have been issues where one gets criticised and that goes with the planning territory I am afraid. My overall concern is a bigger one. My overall concern is that all the developments in the town area, particularly in the north or town area, which is taking a huge amount of development, what is necessary is the community facilities and the open space provision to go with it. That is why I put so much emphasis on the new draft Island Plan that will put in place a framework for policies that will help those decision making to achieve that. I am afraid it is only a framework. The only way out for this is for the States to act and provide those facilities of open space and community facilities, which that part of town has lacked for so long. Sorry, but that means other interventions, other than mine.

3.12.5 Senator S.Y. Mézec:

The Minister referred to the public interest. So does he accept that it is in the public interest to support provision of housing that is being delivered for a below-market value that will have an impact on holding back inflation in the private sector? That perhaps, whether it is in an Island Plan or some other mechanism, having some sort of framework that promotes those sorts of developments is necessary because of the impact it will have on the housing market and perhaps a different approach required to the bigger private sector developments that are taking place that make precisely no contribution to affordable housing?

Deputy J.H. Young:

As a principle, there is no question that we want to see more affordable homes. But if that means that we cram in high-density homes, which are too small, poor quality, without proper amenities and without proper open space, my personal view is that, because those buildings are there for a long time and we create that environment that people have to live their whole lifetimes in, we should get it right. That is why I put so much emphasis on the draft Island Plan. Because I am very positive about the draft Island Plan that there will be some very major opportunities coming forward from the Island Plan to do some real things about affordable homes. Particularly, on States-owned sites, because they are one of the biggest sources, and the detailed proposals that are going to be published on 19th April. In the meantime, just blanket approving, going with things and not placing proper processes in place, is not the way forward.

The Bailiff:

I will allow, for the various interventions so far, an extra 5 minutes, which means question period will end at 12.05.

3.12.6 Deputy H.C. Raymond of Trinity:

Can I just question the Minister for the Environment, as you know, we are very much looking at the centre of St. Helier with regard to affordable homes, with regard to the facilities that the people that go there, with regard to well-being, health and such like. Is it not the case in some situations where,

if you look at the particular hotel in question and the inquiry you are asking, perhaps this is something that we should be looking at widening it further and perhaps moving some of these hotels out of St. Helier and into areas that could be better used and therefore use the facilities that we have within the centre of St. Helier? I am very much in favour of making sure that the people that move in there, and especially with housing, that are very well looked after.

[11:45]

Deputy J.H. Young:

In times gone by, the planning team, the Planning Committee, used to make those sort of judgments and try to factor in the States strategy on the public with planning decisions. But obviously now the planning decisions are made independently and the owners put them forward and they are judged on their merits and they stand or fall on their merits. Of course, it is open to the Minister for Infrastructure at any one time to intervene in these property issues and seek to have discussions and negotiations with regard to acquisition and different uses, which of course go through a planning process. But that is open. That is always there. What one cannot do, I do not think, is to say to a developer who puts in an application: "You have applied for X, we are not going to approve this, but we prefer you to have Y." I do not think the system can do that. Not without intervening and acquiring the property.

3.12.7 Deputy R.J. Ward:

It was just to ask the Minister whether he does recognise that a community centre was agreed for the north of St. Helier in the very first Common Strategic Policy but has not materialised. What is his view on the fact that often developments have been agreed with facilities that are there, such as Millennium Park, but they are so reliant upon the small places that there is simply no more space unless more facilities are made?

Deputy J.H. Young:

I entirely agree with the need for more community facilities and open space and I take every opportunity to talk to my other Ministers who have responsibility for States-owned land. I am not a member of the Regeneration Steering Group so I do not get to put that view there. Generally I suppose I have to take no part in property decisions because my responsibility is regulation and the planning process. But, nonetheless, the draft Island Plan will make quite strong policy recommendations, which will help us get to a better place in this. But in the meantime I absolutely agree with the Deputy. Providing a site for that community sector is really essential.

3.12.8 The Connétable of St. Helier:

I make no criticism of the Minister for wanting to carry out the planning inquiry. That was not the purpose of my question. But it was to get some certainty for the hundreds of people who are desperate to have an affordable home, some certainty about when these developments will be released for development. The Minister has made several references to the Island Plan. Am I right in thinking that the inquiry will conclude before the States debate the Island Plan? Because, of course, while it is being published in April, it is not being debated until next year. To add a further year on the delay in providing these affordable homes would be unacceptable. Does the Minister agree?

Deputy J.H. Young:

Yes, I do agree. My expectation and understanding is that a planning inquiry is enabled to give consideration, as one factor, to what is called an emerging planning policy. So, yes, the expectation is the inspector will report before that. But the draft will be out there. It will be an emerging policy. How much weight is given to that factor is for the inspector to say. But I do undertake that report should be available before the States debate the Island Plan.

3.13 Deputy S.M. Ahier of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the prospect of an inquiry into BetIndex Limited (OQ.70/2021):

Will the Minister advise whether any inquiry will be held into BetIndex Limited, trading as Football Index, which had its operating licence suspended by the Jersey Gambling Commission on 11th March 2021; and, if not, why not?

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

Once again, Deputy Morel has delegated responsibility for this area, so I will ask if he could take the question please?

Deputy K.F. Morel (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):

The sequence of events leading to the suspension of the licence is a matter for the Jersey Gambling Commission. So any inquiry is a matter for the commission itself to decide upon. The Gambling Commission (Jersey) Law 2010 ensures that the J.G.C. (Jersey Gambling Commission) takes proper action to protect the young and the vulnerable; to ensure games are fair; and to ensure that the industry is not a source of crime. Article 3 places a specific duty on the commission for the general supervision of gambling, including in particular the supervision of providers of gambling services and investigation of whether any person is complying with, contravening or committing an offence under the enactment relating to gambling. The commission is investigating the circumstances leading up to the suspension of that licence and it is co-operating with the Gambling Commission in Great Britain to do so. I note that the matter is now before the English courts and so it would be wrong to comment any further.

3.13.1 Deputy S.M. Ahier:

Some Members of Parliament are calling for a public inquiry into the collapse of Football Index, which has suspended operations and appointed administrators. This raises serious questions about the Jersey Gambling Commission, which saw fit to provide them with a licence. Should the responsibility of the Jersey Gambling Commission be taken over by the Jersey Financial Services Commission in regard to licensing of businesses engaged in the buying and selling of shares?

Deputy K.F. Morel:

It is interesting. In regard to the buying and selling of shares, if they are the buying and selling of shares in limited companies or similar entities, then that is currently a matter for the Jersey Financial Services Commission. If, as in this case, the model of the gambling that is of concern, as is the case with BetIndex Limited, creates a template that suggests to the players they are buying or selling shares, then it creates an interesting situation. It is one that I wish to understand further about as to understanding how the model that BetIndex were following was seen and understood by the Jersey Gambling Commission. That is a question that I would like to have answered personally. But, given that this was a gambling provider, and was seen to be a gambling provider, I do not think it would be appropriate for the Jersey Financial Services Commission to regulate that provider. Because then there would be no clear definition between Jersey's gambling sector and Jersey's financial sector.

3.14 Deputy M.R. Le Hegarat of the Minister for Economic Development, Tourism, Sport and Culture regarding the Inspiring Active Places strategy (OQ.80/2021):

What consideration, if any, has been given to the inclusion of all sporting groups, including private clubs and associations, in the development of the Inspiring Active Places Strategy?

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

Once again, I am able to delegate this to Deputy Raymond.

The Deputy of Trinity (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):

Thank you for the question, Deputy. The Inspiring Active Places strategy is first and foremost to replace and improve our publicly-owned sports and leisure facilities. All sporting groups, private clubs and associations that currently use government facilities are included in discussions about the proposals and the designs. The overall aim is to improve opportunities for everyone to be active and to ensure the current stock of government-run centres provide sporting facilities that all Islanders can have access to and that are modern and will inspire them to play sport and lead active lives. Some sporting groups and private clubs are self-contained and have their own facilities. While they are not included in the strategy, broader discussions are always ongoing and it is envisaged that public and private provisions will continue to complement each other and evolve. Going forward, we will work towards the shared goal of making Jersey one of the most active and healthy populations in the world and for people to visit. The strategy also recognises we need to review other existing public sports facilities, including our extensive outdoor facilities. I.A.P. (Inspiring Active Places) represents the start of a journey to manage the Government's sporting assets effectively and will ensure a plan is in place to maintain the public sporting realm.

3.14.1 Deputy M.R. Le Hegarat:

It is interesting that the Assistant Minister has said those that currently have facilities owned by the government, however some sports have had to find facilities outside of the government because they did not have or lost facilities, which were owned by the government. Therefore, someone like Netball, for example, lost the facility that they had at Les Quennevais and had to move into the private sector. Therefore, what conversation has happened with Netball and are they going to be provided the facility that is attuned with the facilities that they have at present, as this is probably the most used sport in relation to the female population. Even if it is not, one would hope that we are looking at all sports and not just those that are currently on our own government facilities.

The Deputy of Trinity:

I can answer that very succinctly. The leader of Netball has been in constant conversation with me. We are on the same wavelength. We are about to, subject to the money that is already in the Government Plan, put applications in with regard to providing a permanent home for netball, which will be in the east of the Island or towards the east of the Island. Everything is on-song to meet her requirements. If you speak to her, Deputy, you will see that she is very keen to follow the route that we are going and very much appreciates the work that we have been doing.

3.14.2 Senator S.W. Pallett:

Would the Assistant Minister not agree that the current Inspiring Active Places strategy that has just been released built on a previous report carried out by the same consultant in 2018? Within that report in 2018, they did in fact consult with a wide range of groups, including key government officers? But also, importantly, a consultation with key stakeholders, many, many sports associations and clubs. So would he not agree there has been a great deal of consultation all the way through this process? Inasmuch as it may not be specifically mentioned in the current strategy, there is a great deal of consultation that was carried on in the lead-up to producing this strategy?

The Deputy of Trinity:

I totally agree. As you know, you were very much part of the Fit for Future strategy, which started in January 2016. You were the existing Minister for Sports and I very much hope that I am carrying on very much what you have tried to do. Unfortunately, due to COVID and a few other problems, it has slowed down. But this is an opportunity now, which you were very keen to support and very keen to proceed with, that we are carrying on with. I cannot thank you enough, bearing in mind that it has taken so long to be able to do. But we do have money in the Government Plan and we do have

facilities that we can move forward now, now that this report has been given. We very much look hopefully, with your support in this, as well moving forward.

The Bailiff:

Deputy, I will have to ask you, I have been extremely lenient, but none of that answer was through the Chair rather than the first sentence. It was all directed personally at the questioner. Standing Orders require that the answers are given and all speeches indeed are made through the Chair. So instead of "you" it would have been "the Senator".

The Deputy of Trinity:

Apologies.

The Bailiff:

It becomes important particularly when matters become perhaps somewhat charged with emotion, it is very important that people maintain that Standing Order and address the Chair.

3.14.3 Senator S.W. Pallett:

It is not so much a supplementary, it is going back to the original question. Really, I just want the Assistant Minister to agree that, because he has not as yet, there has been an awful lot of consultation with private sports clubs and associations all the way through the process of producing this strategy. As much as there may not have been in the production of the final document, the document itself is based on a great deal of consultation that has carried on over a great deal of time.

The Deputy of Trinity:

That I would agree with. I cannot argue with that. That comes back down to the work that was done by the previous people in charge of this particular aspect of where we were going with the Inspiring Active Places.

3.14.4 Deputy L.M.C. Doublet:

It is great to hear that the Minister is consulting with all these different groups. I wanted to ask the Assistant Minister if a gender-sensitive approach is being taken to this strategy. I wonder if he might get some data from the survey once it has closed to ensure that what we are putting in place is equal for men and women, boys and girls, for the different types of sports that different genders like to access.

[12:00]

Indeed, looking at different ages to make sure that there is plenty for children in there as well.

The Deputy of Trinity:

I very much support everything you have just said. It is interesting that with the people that we are talking with ...

The Bailiff:

"Everything that the Deputy has just said." Not: "Everything that you have just said." "Everything the Deputy has just said."

The Deputy of Trinity:

The Deputy has just said. It is a learning curve, sorry. Yes, we have been speaking to some 44 individual sports and associations and we have involved the feminine side to it all because what we want to do is to provide every aspect of sport to everybody, male, female, old and age alike.

3.14.5 Deputy L.M.C. Doublet:

Would the Assistant Minister agree to look at the work of Sport England or Sport U.K. and they have identified specific barriers for women and girls entering sport? Could he take that on board to make sure that, if there are any barriers in Jersey, those are removed to encourage full participation in sport and exercise?

The Deputy of Trinity:

I will certainly take that on board and, in my earlier days back in the U.K., I very much dealt with U.K. Sport and fully appreciate the work that they are doing and will take on board everything that the Deputy has just said.

3.14.6 Deputy M.R. Le Hegarat:

Following on from Deputy Doublet, I would like to ask the Assistant Minister what data has Jersey Sport in relation to how the population is divided in relation to various sporting activities? So that we ensure that, across all sports, all are catered for. Because it is concerning that the headlines normally are a new stadium for football and rugby. Let us please consider all other sports.

The Deputy of Trinity:

Yes, I would just make an aside comment there in the fact that rugby and football is played by the feminine side and is very much part of any of the discussions we have. I will take on board exactly what the Deputy has just said and we make sure that the feminine side is very much looked after. Especially if you look at the sports that we are involved with, there is a huge involvement with regards to the best way of moving forward so that everybody in the Island can benefit from the work that we are doing.

3.15 Deputy M. Tadier of the Minister for Infrastructure regarding the introduction of single-far transfer bus tickets (OQ.81/2021):

Following the adoption of paragraph (a) of P.107/2020, will the Minister advise whether the decision to introduce single fare transfer bus tickets from 1st January 2021 has been implemented; and if not, why not?

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

I can confirm that LibertyBus began selling transfer tickets for the same price as single tickets from the start of operations on 2nd January 2021. This is extensively advertised on the LibertyBus website.

3.15.1 Deputy M. Tadier:

So just to confirm, that means you can go from any place in the Island now, from point A to point B, on the LibertyBus network for the price of a single ticket. Is that correct?

Deputy K.C. Lewis:

Indeed. If one needs to catch more than one bus to reach the destination, they can simply purchase a transfer ticket and the ticket is valid for one hour from the time of purchase. Show the transfer ticket to the driver on the transferred bus and you will pay the same price as a single fare.

The Bailiff:

Although Deputy Alves is not here, if someone will ask the question on her behalf, question 16, to the Minister for Infrastructure. Yes, Deputy Tadier?

Deputy M. Tadier:

I am just checking, we do not get supplementaries for other people on these, do we?

The Bailiff:

You do not, no. Also there is no final supplementary in the preceding question, Deputy, because there were no other Members asked questions. We are moving to 16. It is being offered by Senator Mézec, if you would like to pose the question?

3.16 Senator S.Y. Mézec of the Minister for Infrastructure on behalf of Deputy C.S. Alves of St. Helier, who was absent through illness, regarding the primary school estate review in St. Helier (OQ.85/2021):

Further to the answer to Written Question 100/2021, will the Minister advise whether the primary school estate review in St. Helier has commenced; and if so, what are its terms of reference?

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

The primary school estate review has commenced. The terms of reference have been agreed by Justice and Home Affairs and Children, Young People and Education and Skills Departments. The terms of reference have been provided to the Minister for Children and Education and I will provide a copy to States Members if requested.

3.16.1 Senator S.Y. Mézec:

Can I ask if anything is contained within that that will require them to consult with the elected representatives in St. Helier, both at States and Parish level?

Deputy K.C. Lewis:

Not to my knowledge. But I would need to get back to the Deputy on that.

Senator S.Y. Mézec:

If not, would he consider putting that in?

Deputy K.C. Lewis:

They have been drawn up, but I do not have a problem with the local representatives being consulted.

The Bailiff:

Deputy Martin, you have a point of order?

Deputy J.A. Martin:

Yes, and I did not bring it up when Deputy Ward stepped in to ask my question, because I think Deputy Ward only had one oral question. Senator Mézec stepped in to ask Deputy Alves's question. That does mean he has 3 oral questions that he has asked today. Just asking if that point is correct?

The Bailiff:

I am not treating the last question as Senator Mézec's question. He is merely asking it for a Member who has, as I understand it, been taken ill. But I will review the position so that, for the next time we deal with questions, I will have a definitive view. But I am not sure I can help further with this point.

Deputy J.A. Martin:

Thank you. I was just thinking that somebody who did not have an oral question, I did not have a problem with the question being asked, but somebody who did not have an oral could have asked it just as easily. Thank you.

The Bailiff:

Senator, I will allow a little bit more injury time, so there is about a minute and a half left for your question to the Minister for Children and Education.

3.17 Senator S.Y. Mézec of the Minister for Children and Education regarding a post-Covid-19 recovery plan for children and families (OQ.78/2021):

Will the Minister state what efforts, if any, are being made to ensure that there is an effective post COVID-19 recovery plan in place for children and families, equivalent to the work being undertaken around the COVID-19 economic recovery plan?

Deputy J.M. Maçon of St. Saviour (The Minister for Children and Education):

There is work being undertaken to assess the impacts of COVID in the case of situations such as uptake of services within Health. We know as well, while assessing the impact of COVID, we know that there are issues around the wider outcome of health behaviours and we know that there has been a greater demand on the C.A.M.H.S. (Child and Adolescent Mental Health Service) service. Officers at the moment are working on a complete review of population needs and the recent COVID impacts and will be presenting papers to Ministers in the near future. This initially will have a well-being and health focus and that will apply to groups such as the elderly, L.G.B.T.Q.+ (lesbian, gay, bisexual, transgender and queer plus) community, and children and families, as there is a wide scope in order to respond to COVID.

3.18 Connétable A.S. Crowcroft of St. Helier of the Minister for Infrastructure regarding the introduction of a Town hopper bus service (OQ.69/2021):

Following the recent announcement that a town 'hopper' bus service trial is to start this year, will the Minister provide further details of this proposal?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

There is no additional information to add to the answer provided by the Minister for Infrastructure during Oral Questions Without Notice on 23rd March 2021.

3.19 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the impact of rent rises on Income Support (OQ.87/2021):

Further to the response to Written Question 94/2021, will the Minister explain her assessment of the impact of rent rises in the period 2014 to 2021 and the corresponding increases in the rental component of Income Support during this same period?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

Two-thirds of Income Support tenants live in social rented accommodation. For the remaining one-third of Income Support tenants that rent in the private sector, my assessment is that accommodation component rates have increased between 23% and 34% depending on the size and type of property. This compares with an increase of 27% in the private sector rental index since it was re-established in Q3 2015.

3.20 Deputy M. Tadier of St. Brelade of the Minister for the Environment regarding pair trawlers fishing in Jersey waters (OQ.82/2021):

Will the Minister take action to ban pair trawlers fishing in Jersey waters as a matter of urgency; and if not, why not?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

For those members who are not aware of this activity, pair trawling involves a net being towed between two vessels usually targeting pelagic species. I am aware that this activity does occur in our Waters and is a metier that has been employed by both Jersey and French vessels in the past. Officers do monitor this activity closely and those vessels using this metier are tracked using VMS. However, I accept that this activity can result in some large catches. I'm not in favour of simple banning of

activities. I have been very clear, and this is supported by the requirements of the new TCA, that all the management measures put in place must be science and data led and I fully support that. Where measures are required to manage a particular stock or stocks or impacts on the wider marine environment, I will bring those measures forward either by license conditions or through legislation brought to this assembly. Few vessels pair trawl in Jersey Waters. It is mainly two vessels from Granville that fish in Jersey Water all year. They pair trawl generally in the winter months. The target species is predominantly bream but will obviously take other species.

We had agreed an increase in the minimum mesh size for this activity in the JAC meetings but unfortunately it has stalled given the end of the regular meeting with Jersey and French fishermen. It is a measure we would seek to consider.

For any supplementary would iterate the need for science in all management measures in any decision.

The issue of landing fish caught by French vessels may be raised (i.e. should Jersey not seek to benefit from economically those fish caught in our Waters). It is something under consideration but will need to come with the appropriate reception, market, processing, and storage facilities to benefit from any economic gains. I am committed to working with the MEDTSC to establish infrastructure that could accommodate such a situation.

3.21 Deputy K.G. Pamplin of St. Saviour of the Minister for Children and Education regarding the creation of a database to capture the extent and needs of children with a physical disability or a learning difficulty (OQ.72/2021):

Will the Minister update the Assembly as to what progress, if any, has been made to create a database to capture the full extent and needs of Jersey's children living with a physical disability or a learning difficulty?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

There is no database that captures the full extent and needs of Jersey's children living with a physical disability or a learning difficulty. Triangulation of data from a range of sources across CYPES and HCS provides a picture of the educational, health and care needs of children with disabilities.

The Government of Jersey has signalled a commitment to developing a better understanding of the health and wellbeing needs of Islanders through the Health and wellbeing Framework. and implementation of a Jersey needs assessment process. The approach sets out to dig deeper to understand inequalities across Jersey and their causes, so we can act to address them more effectively.

The first Jersey Needs Assessment exercise commenced in January 2020, trialling new ways of gathering and analysing data on the needs of children and young people. This piece of work has since been delayed due to re-prioritisation during the COVID-19 response.

3.22 Deputy K.F. Morel of St. Lawrence of the Minister for the Environment regarding Jersey's territorial limits for fishing (OQ.75/2021):

Will the Minister advise the Assembly as to whether or not Jersey's 3, 6 and 12-mile limits for fishing are both currently, and proposed in future to be, measured from the offshore reefs of Les Écréhous and Les Minquiers, or whether they are, and will be, only measured from the coastline of the Island of Jersey itself?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

The Deputy's question is a good one and one that I have had lengthy discussion with Officers from my Department and LOD on. I know there has been much interest from other members and the industry on this matter. The exit of the UK from the EU or the Trade and Cooperation Agreement has no impact on status of Jersey Territorial Waters. Not does it impact in any way on the sovereignty of the offshore reefs of Les Écréhous or Les Minquiers. All of this is established under International Law.

Jersey Territorial Waters are established as 12 miles from basepoint or median line as agreed. Jersey's exclusive and other fishing limits are those as set out in the Bay of Granville Agreement. Jersey has exclusive limits three miles from basepoints around the Island. Under the GBA, named French vessels can access Jersey Waters outside of that area including the offshore reefs. Additional restrictions on access were in place for the three to six area around the Island (known as zones A to D) whereby much more limited access was allowed. Under the GBA Jersey vessels had reciprocated access to area in the three- and six-miles area in French Waters (known as zones E and F). Under the TCA, whilst the GBA is superseded, access to areas under previous arrangements continue under the new one, albeit with a much tighter qualification criteria of more than ten days fishing activity in a qualifying period.

This is not an argument of sovereignty (that is firmly established), but one of access and use of marine resources. French fishermen have, for hundreds of years, together with fishermen from Jersey, fished in the shared Waters around the Island and neighbouring French coast, establishing a long history of co-habitation and co-operation, although admittedly strained at times. We must acknowledge this. However, the TCA is clear that the responsibility for maintaining a sustainable fishery is paramount and this rests with the Minister for the Environment in Jersey for ensuring this. I can give the Assembly my assurance that I will do all I can to exercise this duty based on sound scientific data and in a non-discriminatory way to manage our exploited stocks and the wider marine environment for the benefit of all and future generations.

The Bailiff:

I am afraid that has taken us over our time. We now move on to periods of questions without notice and the first Minister to answer questions the Minister for Home Affairs.

4. Questions to Ministers without notice - The Minister for Home Affairs

4.1 Deputy M. Tadier:

The Minister will be aware the recent documentary focusing on Haut de la Garenne and also on the removal of the former chief of police, the suspension of him, was a subject of that documentary and has put the matter back into the public mind. Would the Minister for Home Affairs state whether he considers it appropriate to issue an apology to the former chief of police, Graham Power, and to former Senator Syvret, for the way in which they were treated by the Government of the time?

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

I have no reason to believe that individuals involved in the situation at the time were not treated fairly and improperly. If that is the case, then there will be no reason for any apology.

4.1.1 Deputy M. Tadier:

Does the Minister for Home Affairs accept that the evidence on which the suspension and the advice on which the suspension was based, indeed the advice was not to suspend from the law officers, and that the Minister for Home Affairs at the time was found to have lied both to the Committee of Inquiry and to the States Assembly. Does he not think that is sufficient grounds for an apology to be issued to at least the chief of police?

The Connétable of St. Clement:

I have no reason to believe that an apology is required. The Deputy spoke of evidence. That will therefore be a legal matter and, if advice was given that such an apology was appropriate, then no doubt it will be given. But I have seen no advice to that effect.

4.2 Deputy K.F. Morel:

I would like to thank the Minister for Home Affairs for helping engage with the Community Police Officers that have been allocated to the different Parishes. It is a good initiative. But I would like to ask whether the Minister for Home Affairs arranged for any introductions to the Community Police Officers with their elected representatives and particular Parish and District Deputies. If not, could he explain why not?

The Connétable of St. Clement:

I am very, very careful, as should be any Member of the Assembly, not to interfere with the operational arrangements of the States of Jersey Police. I am aware that the Community Police Officers have made themselves known to the Parish Halls, to the schools and other community groups. I have no doubt that if any Member of the Assembly wishes to meet with the Community Police Officer involved with their particular Parish that could easily be arranged. But it does not have to come to the Minister. It just needs a call to the police officer involved and that will be arranged. They are not difficult to find. If the Deputy goes to a Parish Hall, he will see a notice up there with the community officer's direct telephone number and that officer will be delighted to meet with him and his fellow Deputy I have no doubt.

4.3 Senator S.Y. Mézec:

Following on from Deputy Tadier's question, which made reference to the documentary on BBC Four last week, could I ask the Minister if he has watched that documentary and, if he has, what lessons he has taken from it?

The Connétable of St. Clement:

No, I have not seen it.

4.3.1 Senator S.Y. Mézec:

Would he undertake to watch it and will he be prepared to deal with the issues that are going to be raised subsequent to the issues that were highlighted in that documentary being brought back to public consciousness? Bearing in mind that we are now 3 years away from the Independent Jersey Care Inquiry report having been published. Rather than let it fall off the agenda, Members will want to push these issues back up and have confidence that the Minister is still treating those issues seriously.

The Connétable of St. Clement:

The Independent Care Inquiry, as far as I am concerned, we should be mainly concerned about children. There are many issues that were raised but as far as I am concerned the major focus should be on children and their future. This Government has done so much to try to avoid the mistakes that have been made in the past. That is my focus. That is absolutely my priority and I am sure the priority of this Government as well.

4.4 Deputy K.G. Pamplin:

Picking up on what the Minister said earlier in question time period about Prison! Me! No Way!!!, he talks about it being, and I am paraphrasing, redefined. Could he just outline what he means by that and how this charity will continue in the future?

The Connétable of St. Clement:

No, I cannot tell the Deputy how the charity will continue in the future. Prison! Me! No Way!!! has done some exceptional work over the years but it does not mean that the message and the work that can be done cannot be delivered in a different and perhaps better way.

[12:15]

That is what my department is currently examining. But the work that they have been doing needs to continue, because it is an important piece of work. But the detail of which I will bring to the Assembly in due course.

4.5 Deputy S.M. Ahier:

Will the Minister advise whether the States of Jersey Police received priority on the vaccination programme?

The Connétable of St. Clement:

As the Deputy knows, a panel was formed to consider any deviation from the original advice. The States of Jersey Police did apply for being placed as a priority in phase 2 of the vaccination programme. But that was declined and that has been accepted by the States of Jersey Police and of course they will now form part of the age definitions as they come to pass.

The Bailiff:

Deputy Higgins, you have indicated the desire to ask a question 3 times and I acknowledged it on the first one. So your question, Deputy Higgins.

4.6 Deputy M.R. Higgins:

The Minister for Home Affairs is not prepared to apologise to former chief officer Graham Power. The Care Inquiry in pages 772 and 773 repeat how he was suspended by Andrew Lewis who lied to the States. Andrew Lewis lied to the Napier body. He lied about a number of things. What I am saying is an injustice has been done here and yet this Minister is not prepared to offer an apology to someone who should never have been suspended. Even the law officers said he should not be suspended unless the full Metropolitan Police report was in existence. Will the Minister now apologise to Graham Power?

The Connétable of St. Clement:

The Deputy expresses clearly a very strongly-held view. But I believe I have no reason to make an apology in this area.

4.6.1 Deputy M.R. Higgins:

Does the Minister believe that officers who acted potentially illegally, certainly did not give him due process, should be dealt with themselves? Should they be disciplined?

The Connétable of St. Clement:

Sorry, I do not understand which officers the Deputy is referring to.

Deputy M.R. Higgins:

There were a number of people in the States at the time who were part of the suspension and the decisions for that. Should they be disciplined at all?

The Connétable of St. Clement:

I have no evidence to suggest that would be appropriate.

4.7 Senator S.Y. Mézec:

In answer to a previous question, the Minister rightly said the focus has to be on children. I certainly agree with that. Does the Minister accept though that an essential part of safeguarding for children is for those who are being abused to have confidence in the institutions out there to protect them and have confidence that, when they raise complaints, they will be treated seriously and not ignored? Would he therefore agree that the issues that were raised in the Storyville documentary by survivors of abuse themselves, the lack of trust in the past was part of why many of those abuses were able to carry on, is something that needs to be treated seriously? Would he endeavour to watch that documentary, hear the concerns that they put across themselves, and address it in some form in the near future?

The Connétable of St. Clement:

I also said in the answer to the earlier question, this Government has made a commitment, and has proven commitment, to put children first. We are investing millions of pounds in early years help. We have established a Children and Families Hub. We have redesigned C.A.M.H.S. with the intention of making a significant investment in the service in 2022. We have a Children's Commissioner, a Minister for Children and Education, which the Senator held himself, a Children's Rights officer and a Care Commission to regulate and inspect the services for children. We have made great strides by following the Care Inquiry and those strides, as long as I am part of this Government, will continue.

4.7.1 Senator S.Y. Mézec:

Although he did not address my question, I was of course involved in lots of those things he has mentioned and I am proud for them and believe they were the right thing to do. But does he not accept that the judges of whether that work is successful or not are not those who are implementing those actions, but those who are on the receiving end of those actions? What will he do to give everybody confidence that those in our community who are in a vulnerable position will be able to have confidence that the institutions are genuinely open to them to hear their complaints? How can he demonstrate that there has been genuine progress on that front since the Care Inquiry and since the events that were portrayed in that documentary? How he can get feedback from those who are concerned that is the case rather than pointing out all the good stuff that he is involved in doing? I think that misses the point a bit.

The Connétable of St. Clement:

The Senator makes a fair point. But this is not exclusively the role for the Minister for Home Affairs and not exclusively a role for the enforcement officers. This is why his former department, C.Y.P.E.S. (Children, Young People, Education and Skills), has so much to do. That is why there has to be, as I mentioned in answer to an earlier question, it is cross-government. It is not merely enforcement. It is working with all the agencies to make sure that this massive investment we are making in our young people and to protect our young people is effective. Of course we have to have communication from young people themselves to make sure that they are content with the routes and the initiatives that we are taking. That is very, very important. But it is across Government, it is across agency initiatives, which have to deal with the situation. Not just the police.

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

5.1 The Connétable of St. Helier:

I want to ask the question with notice that was narrowly missed previously, question 18. Following the recent announcement that a town hoppa bus service trial is to start this year, will the Minister provide further details of this proposal?

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

I have accepted a request from the Chief Minister to arrange for a town area bus service to be introduced. Funding is being made available for the rest of 2021 and my officers are currently working to investigate potential funding options through Treasury to determine the best way of securing funding for continuing the service into the period beyond the end of this year.

5.1.1 The Connétable of St. Helier:

Does the Minister plan to consult with anyone, with either elected Members or the Parish or indeed the public, the bus-using public, about what form this town hoppa trial bus service should take before it is formulated? When does he plan to announce the trial to the public?

Deputy K.C. Lewis:

It has been confirmed, but it is aimed that the service should seek to connect the bus station with several key facilities, such as the General Hospital, Central Library, Millennium Park and the markets. It is intended to offer a frequency of every 15 minutes. But the routes, type of buses and any consultations are yet to be determined.

5.2 Deputy G.J. Truscott:

In September last year, and in response to my Oral Question 214/2020, the Minister indicated there would be a new revised contract going out for tender for the maintenance of the rail walk in St. Brelade. Can the Minister confirm that this has happened and, if not, why not?

Deputy K.C. Lewis:

I believe there have been some extensions. Obviously, we have COVID, there have been several extensions. I believe it is happening in October.

5.2.1 Deputy G.J. Truscott:

Could you just confirm, Minister, that it will not be happening in this first quarter, it will be the last quarter of the year? I am rather disappointed with that I must say. Could the Minister make it a priority for the new contractor to maintain the railway surface and get a tree-planting scheme in place as a matter of urgency?

Deputy K.C. Lewis:

All of that is happening. There is quite a bit of work going on by several of the municipal companies putting pipes and cabling underneath the railway walk. So there is a delay. There has been some disruption there. But my officers and myself are very keen to remedy that as soon as possible.

5.3 Deputy M. Tadier:

Having looked on the LibertyBus website, it says that there is a transfer ticket available. But it does not say how much the transfer ticket costs or indeed that the transfer ticket is the same as a single fare. Can the Minister undertake to talk to LibertyBus to make sure that it is explicit on their website that a single ticket is the same as a transfer ticket and that it can take you anywhere in the Island if you need to change a bus?

Deputy K.C. Lewis:

My information is that it is listed under the fares and that up to date 500 people have used the service.

5.3.1 Deputy M. Tadier:

That is not correct and the Minister can check that. But my supplementary question is: why was a press release not given from his department about this? Because it seems that he and LibertyBus want to keep it secret. This is good news that we should be shouting from the rooftops to get more people on the buses across our Island. Does the Minister not agree?

Deputy K.C. Lewis:

Is has been advertised by LibertyBus, which is a private company, and they began selling transfer tickets for the same price as single tickets from the start of operations from 2nd January. My information is that around 500 transfer tickets have been sold up to the middle of March 2021. So people are aware.

5.4 Connétable K. Shenton-Stone of St. Martin:

It is my understanding that at Bellozanne last year at least 3 hemp crops were destroyed due to mould and insect infestations from a glasshouse. The dump was allowed but it is my understanding that this should not have been allowed without first testing the T.H.C. (tetrahydrocannabinol) content and then the failed crop should have been mixed with prior or other immutable substances, i.e. wood shavings, to then further dilute any issues. If this did happen, this is an unacceptable oversight by the producer and the government. All facilities have to comply and have their own waste disposal protocols approved by police and government legislation. My question is: could the Minister look into this please and let the Assembly know if the correct protocols were followed when the crops were destroyed and, if not, why not? Can you assure the Assembly that in future strict protocols on the procedure of destroying hemp/cannabis crops will be adhered to?

Deputy K.C. Lewis:

I was not aware of this problem. More than happy to look into it. We just handle obviously the composting of green waste and nothing more. But I was unaware that came to us. But more than happy to look into that. But, as I say, the green waste and pathogens are really super-heated by a bacterial process. But more than happy to look into that.

5.5 Deputy S.M. Ahier:

Does the Minister intend to reopen Broad Street to through traffic or will he be supporting the Constable of St. Helier's suggestion that it should remain closed?

Deputy K.C. Lewis:

I will be opening Broad Street when I am advised it is safe and proper to do so. That was my statement from the very beginning when Broad Street was closed. I am aware of the Constable of St. Helier's wish to have it remain closed. But I will stick to my word and open Broad Street when I am instructed it is safe to do so, which hopefully will not be too far into the future. Obviously, depending on COVID.

[12:30]

Should the Constable of St. Helier or any other Member wish it to remain closed, then they can bring a proposition to that effect and we will debate it in the Assembly.

5.6 Senator S.C. Ferguson:

Deputy Ahier has almost taken my thunder. Who is the Minister relying on for the advice about opening Broad Street, is it S.T.A.C. (Scientific and Technical Advisory Cell) or the Government?

Deputy K.C. Lewis:

It is predominantly S.T.A.C.

5.7 The Connétable of St. Brelade:

There has been much discussion with regard to the cycle parking provision at Portelet. Could the Minister confirm that he will support this provision for the benefit of visitors and local businesses alike?

Deputy K.C. Lewis:

Indeed. We have been corresponding with the operators of the café on the beach and various other people. My officers are well aware of it and it would be desirable to have a cycle rack and cycle park there, given the funding. Also a bus service, provision of bus stops and bus shelters would be delightful down there. But that may be into the future but I would like to see a cycle rack put there as soon as it is possible.

5.7.1 The Connétable of St. Brelade:

In addition, given that Portelet Bay is one of the prime bays often used for visitor presentation material would he also confirm that rubbish bins will be provided for the use of the general public to be collected on the rounds of his rubbish collection team.

Deputy K.C. Lewis:

That is something we are also looking into. People are asked to take their rubbish home with them but sadly it is not always the case. I know that the proprietors of the café have been landed with lots of other people's rubbish. Again that is something under discussion with my officers.

5.8 Deputy G.P. Southern:

I do not know where it was but I think I have heard or seen some documentation on the revival of the concept of a hoppa bus in town, especially one that covers Overdale when the hospital is built. Can the Minister inform Members what progress, or lack of it, has been made on this possibility in the last few months?

Deputy K.C. Lewis:

I am not sure if the Deputy was here when I answered last but basically, as described previously, that as far as we are at the moment, we are obviously in discussions with LibertyBus and to move this forward we have funding for 2021 as an experiment but nothing beyond. So everything is coming into place. It has been a long-held ambition and the Chief Minister is also very keen to get it going and has very kindly provided the funding for that. Funding for 2022 is something we need to get a grip of but it is something we need to really progress to help people move around town freely.

5.8.1 Deputy G.P. Southern:

Could the Minister elucidate on what type of hoppa bus we are talking about? Are we talking about an electric bus, are we talking about a green bus, are we talking about a free bus or a low-cost bus?

Deputy K.C. Lewis:

At present, it will not be a free bus although I would say 90 per cent of the people using it will be using their senior citizen's card to gain access to the bus but we cannot do anything that would really impinge on the rest of the service. I do not think it will be an electric bus to start with but it will be a euro friendly bus, hopefully running on green diesel to start. But obviously we are looking into electric buses generally and if we can assist with LibertyBus then we would be more than happy to do so. The Deputy will know LibertyBus has had an electric bus over previously as an experiment and it is early days yet but we hope to expand on that as soon as possible.

Deputy G.P. Southern:

The minister has not mentioned any timescale. We are in quarter one of 2021, he has money for 2021, what timescale does he have?

Deputy K.C. Lewis:

Within the next few months.

5.9 Senator S.W. Pallett:

An agreement was in place when the toilet block at La Pulente was sold privately to a developer. Toilets have not been maintained at La Pulente. Can the Minister assure me and assure the public that toilet facilities will be available at La Pulente through the next coming summer season?

Deputy K.C. Lewis:

The sale of that was before my time. It is something we are very keen on is toilet blocks and the provision thereof. It is something that the team are looking into. We know that further down the coast there is not too much by way of toilets and that is something that is being actively investigated.

Senator S.W. Pallett:

Could I ask the Minister to answer the question? Will he be providing toilet facilities at La Pulente this summer?

Deputy K.C. Lewis:

That is nothing something I can commit to but it is something that the officers are well aware of and it is something that is being investigated.

The Bailiff:

There is time possible for an extremely quick question from the Connétable of St. Helier.

5.10 The Connétable of St. Helier:

Many people will be pleased at the resurfacing that is taking place on some of our Island main roads but would the Minister give an undertaking to accelerate the programme of resurfacing as there are so many roads in the Island which are uncomfortable, if not dangerous, to either drive or cycle on?

Deputy K.C. Lewis:

I would dearly love to. But we are subject to obviously funding. A lot of money has been diverted due to COVID and, as they say, we are where we are. Lots of roads at the moment are being dug up for services, et cetera - gas, electricity and telecom - so we cannot really do too much until that work is finished of a few roads in town. But this is something I would actively like to pursue and have all the roads in the Island in pristine condition. Sadly that is going to take a few years to come to fruition.

The Bailiff:

That brings question time for this Minister to an end. We now have the Chief Minister for 15 minutes of questions.

6. Questions to Ministers without notice - The Chief Minister

6.1 Deputy K.G. Pamplin:

As we reach these milestones of a year of dealing with the pandemic and the next phase about to begin with the borders being reopened, can the Chief Minister reassure us that the lessons of last year, and specifically over Christmas, have been learnt to put things in place so we are able to move to this next critical stage for the Island's benefit?

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

I think we have all the measures in place that we need. The crucial thing, as we know, research, evidence and data changes on a daily basis. We continue to monitor on a daily basis and we continue to take and consider the professional advice that we receive when we are making our decisions. I hope that answers the Deputy's question. We obviously remain cognisant of the rates on the Island but also what is happening around us.

6.1.1 Deputy K.G. Pamplin:

Specifically if escalation is needed again, like we discovered around Christmas quickly, is there the plan in place? Are there the staff available in place to do the vaccination rollout continuing and testing at the borders and track and trace? Do we have the staff in place and a plan in place if needed when called upon?

Senator J.A.N. Le Fondré:

The short answer is yes.

6.2 Senator T.A. Vallois:

Could the Chief Minister explain or outline when the plan is to bring forward a business case for a new fund to be established as classed as the Infrastructure Fund, which was set out in the Government Plan 2021?

Senator J.A.N. Le Fondré:

It still remains the intention to do that during the course of this year.

6.2.1 Senator T.A. Vallois:

There was a certain amount of funding that was established, a central planning vote I believe that was agreed for this fund. Will it be in place prior to the end of the year or in the next couple of months? Can I have an indication in terms of timelines and therefore the requisite requirements in governance process around that coming forward please?

Senator J.A.N. Le Fondré:

At this stage I do not think I can add to my original answer. What I will say is obviously with the handovers between the outgoing C.E.O. (chief executive officer) and the incoming interim C.E.O. that will no doubt have had a slight impact on timing. But the intention still, as I understand matters, is that we do the piece of work during the course of this year. Then it will come to the Council of Ministers and ultimately to Members.

6.3 Senator S.Y. Mézec:

Does the Chief Minister agree with the recommendation from the Employment Forum that minimum paid annual leave should be increased from 2 weeks to 3 weeks?

Senator J.A.N. Le Fondré:

I am not going to comment one way or the other at the moment. The recommendation has quite literally come out in the last few days and it is with the Minister for consideration. At that point it will come up to the Council of Ministers and then to Members.

6.3.1 Senator S.Y. Mézec:

When it comes to rejecting any request to raise the minimum wage towards a living wage the Government usually say that they pretty much just do what the Employment Forum says, so can we take it as a given that the Government will be doing what it usually does and just do what the Employment Forum says and be raising minimum paid annual leave from 2 weeks to 3 weeks?

Senator J.A.N. Le Fondré:

As I said, that is with the Minister for Social Security and I will wait for her feedback.

6.4 Connétable J.E. Le Maistre of Grouville:

In October I asked the Chief Minister about the progress that was being made by the Council of Ministers in purchasing the Le Catillon II coin hoard. The Chief Minister at the time said he would put it on the C.O.M. (Council of Ministers) agenda before Christmas and certainly in the beginning of the year. Has it been put on the agenda, what was the outcome of the discussions?

Senator J.A.N. Le Fondré:

I now do recall the question, it has been raised with me in very recent days as well and indeed I have had some conversations both with the Treasurer and with other States Members on the matter. I have to say, I am afraid my memory is lacking slightly as to what has happened. An awful lot has happened between October and now as to whether it did make it to the C.O.M. agenda or not, I think in terms of obviously having had the spike. The issue is I believe the final valuation has been performed on that and that there is, I believe, an agreed sum in place. What I do believe, the only issue is just how to fund it. Just for the avoidance of doubt, and from my perspective, I am extremely supportive of the finders; obviously this matter being finally resolved and particularly and obviously the coin hoard staying in Jersey. What I will do is I will go and get another update and come back to the Connétable within 2 weeks.

6.4.1 The Connétable of Grouville:

The hoard was discovered nearly 9 years ago and a commitment was made that the finders would be treated similarly to what they would be treated in the U.K. under what I describe as the Treasure Trove Law. That law requires settlement within 3 years. It has been 9 years since the hoard was found. Can the Chief Minister commit to telling us when this will finally be sorted?

Senator J.A.N. Le Fondré:

What I will do, I will come back to the Connétable within 2 weeks with a timeline and then obviously, in some shape or form, will get that into the public domain.

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

There are a lot of rumours going round at this moment in time in the thespians to say that the Arts Centre and the Opera House are going to be given to Andium for them to control and do whatever they wish for. That shows in the future will have to go up to Fort Regent, along with a casino that is going to be put there. Could the Chief Minister just tell us if this is so and is the Opera House and the Arts Centre going to be given to Andium for housing?

Senator J.A.N. Le Fondré:

I have certainly not heard those rumours and I do have some links into the arts world. Frankly, not on my watch.

6.5.1 The Connétable of St. Saviour:

Because the Jersey Green Room Club and the amateur dramatics are really worried and concerned because they, in their own right, have worked very hard to preserve both these facilities and the Art Centre is fabulous for smaller shows.

[12:45]

So the Chief Minister is saying definitely this is not going to happen?

Senator J.A.N. Le Fondré:

All I can say is I have not been presented with anything along those lines. In respect of the Opera House, at the end of the day the heritage, culture and long history of the Opera House, I think, would absolutely mean you would not want to do what has been suggested. In relation to the Arts Centre, I absolutely agree with the comments from the Connétable of St. Saviour. The only comment I would make is I do not know if there has been something around ... there have been calls for a cultural centre and things elsewhere in St. Helier. In my view, I think the Arts Centre is appropriately located. It needs investment, part of which we are addressing, and it has my full support.

6.6 Deputy G.P. Southern:

The Chief Minister has committed himself to significant rises in the minimum wage. Is he prepared to do that on the way towards encompassing a living wage to replace the minimum wage that we currently have?

Senator J.A.N. Le Fondré:

The Council of Ministers has committed to a living wage. The only difference we have had is on the timing and my understand is that there is a piece of work either poised to start or started within Social Security to look at the timing of that.

6.6.1 Deputy G.P. Southern:

The Chief Minister will be aware that I have a proposal for increasing the minimum wage lodged. Could he commit himself today to giving me an early response to that document because I do not want to be scrambling around on the last day, at least a week's notice would be useful if I am going to organise myself properly to bring this about?

Senator J.A.N. Le Fondré:

I know that the Deputy's proposition is being considered by the Minister for Social Security. I will absolutely speak to her to get her to endeavour to give as much notice as possible in terms of responses, et cetera, on that. Certainly I would very much hope it is not going to be in the last 2 days before the debate, but I will speak to the Minister for Social Security and if there is any change in that I will come back to the Deputy.

6.7 Senator S.Y. Mézec:

Has the report from the Housing Policy Development Board been considered by the Council of Ministers? If so, what is the initial reception to it and when is it going to be published?

Senator J.A.N. Le Fondré:

It has recently been considered by the Council of Ministers and the chair of the Housing Policy Development Board was present at that meeting and took us through it. I would like publicly to thank him and the other lay members particularly, as well as the political members, for their time on that. The intention, it is subject to COVID in the next few days, remains, I believe, to try and get the report published hopefully by the end of this month. I am not commenting on the views of the Council of Ministers although they were cognisant of the fact there has been a good amount of work that had been put in to produce the findings of the board.

The Bailiff:

Any other questions for the Chief Minister. The question period is therefore closed. Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The Assembly stands adjourned until 2.15 p.m.

[12:49]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

I was asked to consider the written answer to question 120/2021 lodged by the Connétable of St. Martin to the Minister for Economic Development, Tourism, Sport and Culture. The question is requiring information under 4 separate headings and, in my view, having reviewed the answer, it

cannot be said that the answers are not relevant and do not address the question and therefore I rule that the answer is in order.

PUBLIC BUSINESS

7. Reduction of lodging period

The Bailiff:

We now come on to Public Business but before we start Public Business, proper decisions will need to be made by the Assembly whether or not to reduce the lodging period in respect of 3 matters listed on the Order Paper for today's session. There are 2 amendments, I think, by the Corporate Services Scrutiny Panel in relation to Draft Income Tax (Payment of 2019 Liability) (Jersey) Regulations, P.9. Senator Moore, do you wish to make the proposition under Standing Order 26(7) that the lodging periods be reduced to allow them to be debated at this sitting?

7.1 Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):

I would be very grateful if Members would allow the raising of this lodging period. We made our very best efforts to present the amendments within the allocated time period but due to some internal delays, particularly hearing back from the Treasury and Resources Department, it was not possible to get them published in time, so I apologise for that.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak? If no Member indicates a wish to speak, then I propose to take this on a standing vote. If anyone wishes for a formal vote to be taken, then we can do that, but otherwise please indicate in the chat if anyone wishes to vote *contre*, otherwise I will take it as adopted on a standing vote. I will take that as adopted on a standing vote and the Assembly has agreed to take those items. The last is the application by the president of the Scrutiny Liaison Committee to propose the minimum lodging period in respect of Land Transaction under Standing Order 168(3) Office Accommodation Project, Union Street, St. Helier - Deferral of approval, P.18, be taken. Senator Moore, this is your proposition as well, I believe?

7.2 Senator K.L. Moore (President, Scrutiny Liaison Committee):

Yes, it is. I have to say, apologies, I was confused in the last request. It was this request where we were particularly delayed due to waiting for information from the Treasury and Exchequer Department. However, in this instance, it did not bear too much of an impact because we are, in any event, way ahead of the regular lodging period for this proposition but we are doing so at the request of the Chief Minister who is keen to progress the debate.

The Bailiff:

Is this seconded, this request to the Assembly? **[Seconded]** Does any Member wish to speak? If no Member wishes to speak then, as for the last one, I will take this as a standing vote. If anyone wishes to put the vote for the *appel* please indicate now; otherwise I will take it as an adoption on a standing vote. Then I will take this as adopted on a standing vote and that matter can be dealt with as well.

8. Secondary Employment of Public Sector Employees: Review of Policies (P.146/2020)

The Bailiff:

We now come on to the first item of Public Business which is the Secondary Employment of Public Sector Employees: Review of Policies, P.146, lodged by Deputy Maçon and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to request the States Employment Board, in conjunction with the Council of Ministers, to review the existing rules, policies and

guidance relating to the ability of public sector workers to secure or hold employment that is secondary or additional to their employment with the States of Jersey; (b) that the review should include input from all States Members and other relevant stakeholders; (c) that the review should be concluded within 3 months of the adoption of this proposition; and (d) to request the States Employment Board, once the review has been completed, to lodge the rules, policies and guidance for debate and approval by the States Assembly no later than 6 months following the adoption of this proposition.

8.1 Deputy J.M. Maçon:

I would just like to begin by thanking Members of S.E.B. and the officers supporting that particular committee because behind the scenes there has been a lot of work. I know Members who attended the presentation yesterday were given a presentation about the work that had been going on, the changes in policy and the enhanced procedures around standards in public life that are out to consultation. Indeed, at that presentation, Members were offered if they wanted to take part in that consultation to contact S.E.B. in order to participate and give views on the consultation that has been launched. Therefore, in effect, my proposition has already been met so I do not feel the need to proceed with this debate. I would just like to thank Members and officers for their support in resolving this matter and I would like to withdraw this proposition.

The Bailiff:

You wish to withdraw the proposition. Well, you are entitled to do so before the debate is opened at any point; therefore, the proposition is withdrawn.

9. Draft States of Jersey (Amendment No. 9) Law 202- (P.3/2021)

The Bailiff:

Very well, the next item of Public Business is the Draft States of Jersey (Amendment No. 9) Law, P.3, lodged by the Privileges and Procedures Committee and I ask the Greffier to read the citation.

The Greffier of the States:

Draft States of Jersey (Amendment No. 9) Law 202-. A law to amend further the States of Jersey Law 2005 to make provision for parliamentary privilege and connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

The Bailiff:

Is someone stepping in for Deputy Alves? Senator Vallois, are you doing the proposition?

9.1 Senator T.A. Vallois (Vice-Chair, Privileges and Procedures Committee - *rapporteur*):

Yes, as vice-chair of P.P.C. I have been asked to take this proposition today. This is a short but important piece of legislation which modernises and improves the system of parliamentary privilege in Jersey. Parliamentary privilege is the term for the rules which uphold the special constitutional status of parliamentary bodies reflecting their democratic accountability to the electorate. There are 2 key aspects of parliamentary privilege, one is the principle of freedom of speech for parliamentarians and other people who contribute to parliamentary proceedings; the other is a legislature's freedom to set its own internal rules and procedures. Without effective rules on parliamentary privilege, legislatures and their members risk facing legal challenges because of the things they publish, say and do in the course of their parliamentary work. P.P.C. has been reviewing the law on parliamentary privilege since 2016. In 2016 the then Chairmen's Committee drew attention to defects in the drafting of the current law which could permit legal action to be brought against people because of evidence given to Scrutiny Panels. The Greffier of the States also drew the committee's attention to other technical problems with the law. The Attorney General has subsequently observed that the legislation on parliamentary privilege does not cover Scrutiny review

panels which is another gap to be remedied. P.P.C. commissioned Sir Malcolm Jack, a world expert on the subject, to review parliamentary privilege in Jersey and to make recommendations for improvement. His report was published in 2017 and his recommendations formed the basis for the draft law in front of us today. The draft law amends the existing primary legislation on parliamentary privilege. Based on a definition of States proceedings, this closes the various legal loopholes previously identified. There is a clear statement of the circumstances in which States material such as Hansard can be used in legal proceedings, clearing up an area of legal ambiguity. In particular, States material cannot be challenged or questioned in court and cannot be used to invite inferences or conclusions to be drawn. This is crucial to avoid political disputes being dragged into court and to protect freedom of speech in the Assembly. While most of the law modernises or clarifies legal provisions which already exist, there is one new legal right contained in Article 4. This deals with Members' correspondence with the public and was recommended by Sir Malcom Jack drawing on Australian legislation. Members' correspondence with the public is not automatically protected by parliamentary privilege as it might not relate to States proceedings such as a debate or a question. Article 4 provides for correspondence with the public to be protected from defamation proceedings unless it is shown to be made with malice and if the communication is made by an elected Member acting in his or her capacity as an elected Member. This is an important protection for Members' work as constituency or Parish representatives. The other provisions in this draft law mostly update or clarify existing rules. One exception is in the changes to Article 48 of the States of Jersey Law which deals with the Assembly's Standing Orders. The draft law inserts a clear statement into the law that matters to do with the Standing Orders cannot be brought before a court reinforcing the case law going back at least 20 years. The draft law also recognises that the Standing Orders should not be on the same footing as statute law, although this technical change will not affect how the Standing Orders operate in the Assembly. This legislation is an important piece of housekeeping which P.P.C. has worked on for some years. Given the complexity of the subject, we have been fortunate to have at our disposal the advice of Sir Malcolm Jack and his knowledge of how parliamentary privilege works across the Commonwealth. These changes strengthen our democratic system in small but important ways. I maintain the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, then I close the debate and I ask the Greffier to place a vote into the voting link. Yes, it will just be a few moments, there is a slight technical glitch but it will be there very shortly. Would nobody please seek to vote yet because the link has not yet been placed into the chat. I remain cautiously optimistic that the link will be in the chat fairly shortly. The link is in the chat; accordingly I open the voting and ask Members to vote. The vote is on the principles of the amendment to Standing Orders. Deputy Morel, I will disregard your vote because it came before the voting was opened. So if you feel the need to vote in the chat as opposed to on the link, please do vote again. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting.

[14:30]

The principles have been adopted.

POUR: 42		**CONTRE: 0**		**ABSTAIN: 0**
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator T.A. Vallois				

Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Senator Moore, does your panel wish to scrutinise the matter, Corporate Services?

Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):

No, thank you.

The Bailiff:

Then, Senator Vallois, how do you wish to deal with the Articles in Second Reading? There are 12 Articles in all.

9.2 Senator T.A. Vallois:

If I may take them *en bloc*.

The Bailiff:

Yes, by all means. Did you wish to speak to them?

Senator T.A. Vallois:

No, I think they are fairly self-explanatory. I tried to explain mostly what they do in the opening principles but if anybody has got any specific questions on any particular Article, then please feel free to question those. So I maintain the Articles *en bloc*.

The Bailiff:

Are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak on the Articles in Second Reading or any of them? If no Member wishes to speak, then I close the debate and ask the Greffier to put a vote into the link. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The Articles have been adopted in Second Reading.

POUR: 40		**CONTRE: 0**		**ABSTAIN: 0**
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				

Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Do you propose the draft in Third Reading, Senator Vallois?

9.3 Senator T.A. Vallois:

Yes, please. If I may just at this stage say thank you to Members for supporting this legislation. Thank you to Members and officers that have worked for a few years bringing this forward for us and also for Sir Malcom Jack's report around supporting parliamentary privilege. It is a welcome change to the law, small but important. Thank you.

The Bailiff:

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

9.3.1 Deputy M.R. Higgins:

I would just like again to express my thanks to the Greffier, Mark Egan, and his staff, as well as all the others who have been involved in this. This reform is long overdue and much needed. For the benefit of the public who are thinking: "Gosh, are the States voting on something else again without even debating it?" the truth of the matter is there have been talks behind the scenes and briefings and I think any questions we wanted were answered at that time. So it is a welcome reform and that is why there has been no debate on this.

The Bailiff:

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, then I close the debate and call upon Senator Vallois to respond.

9.3.2 Senator T.A. Vallois:

I just thank Deputy Higgins for his contribution and his other thanks to the staff, particularly in the Greffe, for bringing this forward with P.P.C. Of course, if anybody is interested, as Deputy Higgins has mentioned, although there has been no debate as such, there is an extensive report and the information is gleaned in there. But I thank all Members for their support and maintain the Third Reading.

The Bailiff:

Well, I ask the Greffier to place a vote in the voting link. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I close the voting. The legislation is adopted in Third Reading.

POUR: 41		**CONTRE: 0**		**ABSTAIN: 0**
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				

Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

10. Draft Road Traffic (No. 65) (Jersey) Regulations 202- (P.6/2021)

The Bailiff:

We now move to the next item of Public Business which is the Draft Road Traffic (No. 65) (Jersey) Regulations lodged by the Minister for Infrastructure. For the purposes of this debate, the chair of the Environment, Housing and Infrastructure Scrutiny Panel will be the main responder, and I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Road Traffic (No. 65) (Jersey) Regulations 202-. The States make these Regulations under the Order in Council of 26th December 1851 and Article 92 of the Road Traffic (Jersey) Law 1956.

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

I wish to begin by commending the officers from Driving and Vehicle Standards for consulting widely across government departments and with the Comité des Connétables, Scrutiny, medical professionals and charities to draft this amendment of the Road Traffic (Jersey) Law 1956. Updating and improving our road traffic legislation contributes to improved road safety. This amendment aims to align our medical standards with U.K. requirements to ensure a consistency for issuing authorities and medical professionals. It will also ensure that our standards comply with E.U. Directive 2006/126/EC on driving licences. In formulating the draft amendment to the Motor Vehicles (Driving Licences) (Jersey) Order 2003, it became necessary to firstly make amendments by regulation to the primary legislation. All proposed changes to these regulations are contained within the report but here are the key amendments. Regulation 2 inserts "medical condition" to replace "disease or physical disability" currently used in the law. Regulation 3 reduces the period of validity of licences that are granted to applicants between the ages of 45 and 66 who wish to drive certain prescribed categories of vehicle. The period of validity is reduced from 10 years to 5 years or, if earlier, when the licence holder reaches 66 years of age. The intention is that the Order will be amended to included goods vehicles over 3.5 tonnes and mini-buses. Regulation 4 substitutes Article 9 of the law in relation to the procedures that apply if an applicant for a driving licence has a medical condition by broadening and simplifying the powers of the Parish. The substituted Article 9 gives the Parish a new power to require an applicant to undergo a practical driving assessment in addition to or instead of a medical examination and wider powers to impose appropriate conditions on a driving licence if required. Such conditions can include requiring further examination or assessment after the licence is granted and, except in the case of a provisional licence, limiting the period of time a licence remains in force so it expires earlier than it otherwise would under Article 4. The substituted Article 9 retains the current provision in the law that a Parish must refuse to grant a licence if a person suffers from a medical condition prescribed by Order unless the person meets any requirements prescribed by Order for controlling that condition. Regulation 5 substitutes Article 10

of the law in relation to the procedures that apply if a holder of a licence has a medical condition. It does not apply in the case of a provisional licence holder with a medical condition to the extent that Article 9 applies. Article 10, like the substituted Article 9, broadens the power of a Parish to require a licence holder with a medical condition to undergo a practical driving assessment in order to, or instead of, a medical examination and to impose appropriate conditions on a driving licence, including further examinations or assessments. There are also powers to revoke a licence if the Parish would be required to refuse a licence under Article 9 if the licence holder were an applicant and to suspend a licence if it appears that a licence holder will suffer a medical condition for a limited period of time. Upon acceptance of the amendments by the Assembly, the proposed amending Order as set out in full in the report will be approved and signed and another Order will be signed to bring the regulation into force at the same time. Approval of the amending Order is planned for the end of September, that being 6 months from today, which will be for the appropriate changes to be made to the driver licensing system and supporting paperwork and the necessary public communication to be undertaken. I will end by thanking the Comité des Connétables and the Scrutiny Committee for their constructive feedback and to ask all States Members to support this proposition and build on our commitment to improving road safety. I make the proposition.

The Bailiff:

Is the proposition seconded. **[Seconded]** Are the principles seconded, I should say? Does any Member wish to speak on the principles?

10.1.1 The Connétable of St. Brelade:

The panel was pleased to receive the presentation from officers of the department with regard to the updating of this law and the comments we provided for Members I hope are comprehensive and it will assist in making their decision. I would like just to raise a couple of points from those comments and firstly with regard to the question of diabetes which Members will note in the proposition has changed with the new bylaw. While I see that the Minister has laid out the changes, the panel considers it important to put some guidelines down ...

Senator L.J. Farnham:

Sorry, Sir, to interrupt but the Connétable is very faint. He sounds faint.

The Bailiff:

Connétable, you were fairly faint; I could hear you but perhaps others cannot.

The Connétable of St. Brelade:

I will move the microphone. The panel felt that the question of diabetes would require some guidelines to be available at Parish Hall counters so that prospective drivers or licence holders will have a clear indication of what is necessary. With regard to the life of a licence, there was a question over the reduction of it and a question of reducing the licence fee. We do understand that the predominant cost of the licence is in its initial issue by virtue of administration production costs, though the ability to reduce those costs may be limited. The other ...

The Bailiff:

I am afraid, Connétable, you have now gone almost entirely silent.

The Connétable of St. Brelade:

How is that, Sir?

The Bailiff:

Well, okay, but you are still quite faint.

The Connétable of St. Brelade:

Right, I shall come yet even closer to the microphone. The hope is that the panel looked at the self-declaration issue of medical issue conditions and were concerned that those would be declared honestly and whether the fine levels which would be applicable would sharpen people's minds when it came to that.

[14:45]

That is outlined on the last page of our comments in the penultimate ...

The Bailiff:

Connétable, I am sorry to interrupt you once again, but at least one Member has indicated an inability to hear you. It is quite faint; I can hear just about if I am listening carefully but it could be that others cannot.

The Connétable of St. Brelade:

Well I will just finish. I refer to the penultimate paragraph of our comments where the fine levels are mentioned and I would conclude in supporting the Minister's proposals and look forward to the debate. Thank you.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, I close the debate and call upon the Minister to respond.

10.1.2 Deputy K.C. Lewis:

I thank once again the Scrutiny Panel and indeed the Comité des Connétables for their sound advice and indeed their support. The Constable has just mentioned diabetes, diabetes 1 and 2. I take those comments on board and I will forward that back to the team, although it is marvellous that nowadays with modern medicine both diabetes 1 and 2 are much better controlled as in the old days. Licence fee, as the Constable has mentioned, most of the fee involved is to do with processing it, so I am not sure if that can be reduced but obviously we will look into that. Regarding self-declaration, there is a fine for making a false declaration which the Constable has pointed out. If there is a genuine error obviously that is taken into consideration but if there is a deliberate false declaration, that would be an offence punishable by fine. I thank them again for their support and I make the proposition again in Second Reading.

The Bailiff:

No, it is not Second Reading, we are adopting, or not, the principles firstly.

Deputy K.C. Lewis:

I ask for the *appel*.

The Bailiff:

I would ask the Greffier to place a link into the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted.

POUR: 44		**CONTRE: 0**		**ABSTAIN: 0**
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				

Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

I assume from what you said, Connétable of St. Brelade, your Scrutiny Panel does not wish to scrutinise the matter?

The Connétable of St. Brelade (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

That is correct.

The Bailiff:

How do you wish to propose the regulations, all 7 of them, in Second Reading, Minister?

10.2 Deputy K.C. Lewis:

En bloc, please.

The Bailiff:

Do you wish to speak to them or merely answer questions on them?

Deputy K.C. Lewis:

More than happy to answer questions.

The Bailiff:

Are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading, then I close the debate and ask the Greffier to place a vote into the link. I open the voting and I ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The Articles have been adopted in Second Reading.

POUR: 41		**CONTRE: 0**		**ABSTAIN: 0**
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				

Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Do you wish to propose the matter in Third Reading, Minister?

10.3 Deputy K.C. Lewis:

Yes, please.

The Bailiff:

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

10.3.1 The Connétable of St. Brelade:

Just briefly to thank the officers for their presentation on P.6 which was very helpful, and to thank the Minister for moving this through which is a much-needed update of the legislation. Thank you.

The Bailiff:

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, then I close the debate, and call upon the Minister to respond.

10.3.2 Deputy K.C. Lewis:

I would just like to thank the Constable for his kind words and both Scrutiny and the Comité des Connétables for their support and, indeed, Members for their support for this long overdue update of the safety regulations. I ask for the *appel*, please.

The Bailiff:

The *appel* is called for. I ask the Greffier to place a link into the chat and I open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations are adopted in Third Reading.

POUR: 43		**CONTRE: 0**		**ABSTAIN: 0**
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				

Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

11. Draft Termination of Pregnancy (Amendment No. 2) (Jersey) Law 202- (P.8/2021)

The Bailiff:

We now come to the Draft Termination of Pregnancy (Amendment No. 2) (Jersey) Law, P.8, lodged by Deputy Doublet. The main responder will be the Minister for Health and Social Services and indeed the Health and Social Security Panel, the chair of which is Deputy Le Hegarat, so there will be 2 main responders. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Termination of Pregnancy (Amendment No. 2) (Jersey) Law 202-. A law to amend the Termination of Pregnancy (Jersey) Law 1997. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

11.1 Deputy L.M.C. Doublet:

The amendment I am proposing today relates to the Termination of Pregnancy Law. This law was brought into force in 1997 and part of that law is a mandatory waiting period of 7 days before a woman can access abortion care after they first request it from their G.P. (general practitioner). The purpose of this amendment is to remove this mandatory waiting period and thus remove an unnecessary barrier to accessing safe and legal abortion care. I first became aware of this part of the law during the early stages of the pandemic. The U.K. were making adjustments to the way abortion care was administered to make the process as COVID-safe as possible. I decided to check our laws to see what could be done. I questioned the Minister, Deputy Renouf, and he stated that processes around abortion pills being able to be taken in the home rather than in a clinic would be enabled in Jersey, as was happening in the U.K. This was a reasonable adjustment and I am grateful that the Minister made it. However, as I looked further into our laws, I realised that the 7-day waiting period could also be a real problem during a pandemic. Currently, the process goes something like this. A woman has an appointment with her G.P. or with a doctor from the Le Bas Centre or Brook Jersey and requests an abortion. The G.P. has a duty under the law to provide her with certain information, including providers of counselling, opportunities for adoption, et cetera. This information is provided and a certificate is given to the woman to state that it has been provided. At this point, the woman is made to endure a mandatory period of 7 days before she can proceed with the referral from her G.P. So, let us just say a woman sees her G.P. on a Friday, even if there is a clinic on the following Monday, and it is my understanding that the clinics are held once a week, the woman would not be able to access this clinic because of this 7-day clause in the law. She would have to wait until 7 days had passed to be able to attend and, in practice, because the clinics are often once a week, this can result in a wait of longer than 7 days. If Members approve this amendment today, no medical appointments or other requirements would be removed from the law or from the processes of accessing abortion care in Jersey. The effect would be purely that when a woman goes to her G.P. and seeks an abortion, the G.P. is able to refer her immediately and she can access the next available clinic without any additional waiting time. Of course, there is no compulsion to access the next clinic. If a woman herself would like to take an extra few days to consider her decision, then that is still fully within her capabilities. So it is quite clear that this clause in the law is problematic at the present time when travel is severely restricted and our laws only allow for abortion on demand on

the Island up to 12 weeks. A woman who discovers she is pregnant at 11 weeks and attends her G.P. will be forced by this 7-day wait to be pushed over the legal limit and therefore unable to access abortion care on-Island. Once I began to research mandatory waiting periods before accessing abortion care, it became clear to me that this was not at all best practice according to the medical evidence, even in normal pre-pandemic times. I will outline the reasons why. The first reason is that mandatory waiting clauses can act as a barrier to accessing safe and legal abortions. The World Health Organization guidance states that: "Mandatory waiting periods can have the effect of delaying care which can jeopardise women's ability to access safe and legal abortion services and demeans women as competent decision-makers." So, these waiting periods act as a barrier and a hurdle that women must cross over and there is no medical reason. Few other medical procedures require such waiting periods and there is evidence that it can be detrimental to a woman's mental health. The second reason is the statutory gestational limit that we have in Jersey. So there is no exception in the abortion law for an abortion on request on-Island once the statutory 12-week period has been exceeded. So, if the first medical appointment takes place when the woman is, say, 11 weeks' pregnant and the 7-day waiting period is in place, then there is no longer an option of having an abortion on-Island. Furthermore, there is only one clinic and, dependent on how busy the clinic is, or if bank holidays occur, there might be a wait for the second medical appointment. N.H.S. (National Health Service) U.K. states that: "Abortions are generally very safe and most women will not experience any problems but, like any medical treatment, there is a small risk that something could go wrong. The risk of complications increases the later in pregnancy an abortion is carried out." So by forcing women to wait the extra 7 days, we are increasing the risk of complications. If Members could turn to the report attached to my amendment, Members will see there is a table within that report. That shows how the likelihood of complications from identical treatment methods can be considerably increased in the space of just one week.

[15:00]

Just to highlight one of these, an abortion at 10 weeks instead of 9 weeks carries more than double the chance of needing surgical intervention to complete the procedure and there are other risks as outlined in that table. The option of a medical abortion, which is using abortion pills, may be replaced by a surgical abortion if the pregnancy is beyond a certain stage. For example, medical abortions with tablets are generally only available in Jersey up to around 9 weeks of pregnancy, although this was extended to 10 weeks during COVID. Adding the 7-day wait at the key time of the ninth or tenth week of pregnancy could force a woman to endure a surgical procedure, a surgical abortion, completely unnecessarily. The third reason why this is important to remove from the law is that it can force off-Island travel. So after the 12-week period is exceeded, so if a woman is pushed over that 12-week period by the 7-day wait, the only option available to her to access an abortion on request is to travel off-Island, usually to the U.K. This can often incur significant financial costs and, in some cases, is not accessible at all. It is also likely to cause additional stress and hardship, given that the medical procedure will be carried out away from home, family and friends. As I have stated, this factor is especially pressing, given the current limitations on travel. The fourth reason I would like to outline is cost. So, if the 7-day wait pushes a woman over the 12-week limit and she must travel off-Island, the cost will substantially increase. So the on-Island fee is £180 and, not only would the cost of travel and accommodation be incurred, but the cost of abortion in the U.K., which would not be covered by the N.H.S., is substantially higher. It stands at around £450 to £700, depending on which clinic is accessed and that does not include travel and accommodation. Members may be interested to understand how our legislation compares with similar jurisdictions, so I looked to the Isle of Man and also Guernsey. The Isle of Man Abortion Reform Act came into force in 2019 and abortion services may now be provided during the first 14 weeks upon request by or on behalf of a woman. In Guernsey they have recently completely modernised their abortion law and there is no mandatory waiting period between consultations. It is interesting to note that the Guernsey legislation changes have been highly commended by experts in the area. So, to conclude, it is clear

that this would not be included in our legislation were we debating it for the first time in Jersey today. A mandatory waiting period could result in women undergoing surgical procedures or having to travel off-Island unnecessarily and it demeans women as competent decision-makers. Approving this amendment would remove the 7-day requirement in line with international best practice. I propose the amendment and I ask Members to support it.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

11.1.1 Senator S.Y. Mézec:

I will only speak very, very briefly, largely just to congratulate Deputy Doublet for spotting this issue and for, I think, making a very, very clear case for it in her proposition speech. Sometimes issues connected to abortion can be quite difficult debates when you see them conducted in other parts of the world. I think that the case the Deputy made is pretty clear cut here; this is an important way of modernising these rules where they are out of step with how other jurisdictions treat this but also I hope by what many of us would feel is just not an appropriate way of providing these services to women in that situation where this becomes necessary for them. So I simply wanted to congratulate the Deputy for bringing it forward and say that she has my wholehearted support and I will be voting in favour of this.

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

As Minister for Health and Social Services, I likewise thank Deputy Doublet for bringing this matter to our attention and for our discussions we have had over recent months. I am pleased to say that I and the department support this proposed amendment. In doing so, I have consulted with our associate medical director who is lead consultant of Obstetrics and Gynaecology. I have also consulted with Brook Jersey, the leading charity in this area, and Family Nursing and Home Care and they similarly have no objection to the amendments. There are those issues which Deputy Doublet has raised, those potential catch-22 situations caused by the mandatory wait. My understanding is that no one in recent time has suffered detriment as a result of it but still it is best to have our legislation to reflect modern good international practice. There appears to be no need to still maintain the 7-day waiting period. In contrast against 1997 when the legislation was introduced, there are now many sources of advice and information available to women who might be considering terminating a pregnancy. Therefore, I am able to say that I will support the Deputy's proposition. Thank you.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, then I close the debate and call upon Deputy Doublet to respond.

11.1.3 Deputy L.M.C. Doublet:

I thank the 2 Members that spoke. Senator Mézec, I thank him for his support. It is indeed a potentially difficult area of debate and I do not think I have ever been one to shy away from difficult topics but when I started researching this, the medical evidence is so compelling, I had no qualms about bringing it forward. I hope that Members will agree from my report that the medical evidence is indeed compelling in terms of pointing us towards removing this today. The Minister also mentioned international best practice. I thank the Minister for accepting this today, and I note that he has agreed to meet with me. He mentioned that our legislation should be the best that it could be in line with international best practice. So, yes, I am very grateful that he has agreed to meet with me so that we can look at the law in more of a broader sense to perhaps pick out any other areas that need to be looked at. But this area I feel was possibly the worst part of the law which was why I decided to address it alongside the fact that we are in a pandemic and the extra pressures that that adds. Before I ask for a vote, I forgot to mention that I have published a Child Rights Impact

Assessment today on this which is the first C.R.I.A. (Child Rights Impact Assessment) that I have done on a proposition. It is quite a task and only adds to the evidence in favour of removing this clause. Part of the evidence that was uncovered during that C.R.I.A. was the high rate of sexual activity among teenagers and those in their early 20s and it just adds weight to the fact that young people also need to access these services without unnecessary barriers. So, I maintain the amendment and I ask for a vote on the principles, please.

The Bailiff:

I ask the Greffier to post a voting link into the chat. I open the voting and would ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted.

POUR: 41		**CONTRE: 1**		**ABSTAIN: 0**
Senator L.J. Farnham		Connétable of St. Saviour		
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				

Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Very well, I am assuming, Deputy Le Hegarat, does your Health and Social Security Scrutiny Panel wish to scrutinise the matter?

Deputy M.R. Le Hegarat (Chair, Health and Social Security Scrutiny Panel):

No, thank you, we are supportive of the legislative changes.

The Bailiff:

Deputy Doublet, do you wish to propose the matter in Second Reading? How do you wish to do that, there are 2 regulations?

11.2 Deputy L.M.C. Doublet:

I do, and I would like to take them *en bloc*, please.

The Bailiff:

Very well, are they seconded *en bloc*? Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak on any of the regulations in Second Reading? If no Member wishes to speak in Second Reading, then I close the debate and call upon the Greffier to post a vote in the link. I open the voting and I ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Articles are adopted in Second Reading.

POUR: 40		**CONTRE: 1**		**ABSTAIN: 0**
Senator L.J. Farnham		Connétable of St. Saviour		
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				

Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

[15:15]

The Bailiff:

Do you propose the matter in Third Reading, Deputy?

11.3 Deputy L.M.C. Doublet:

I do. I would just like to thank the Minister once again, and his officers, for the supportive comments, but also the stakeholders who I consulted with, which included the British Pregnancy Advisory Service, the Royal College of Obstetricians and Gynaecologists, I think I said that right, and our own lead consultant for Obstetrics and Gynaecology here in Jersey, all of whom were supportive. But I would also like to thank Rebecca Graham in the States Greffe who heads up our research team. As somebody who always likes to have a strong evidence base for everything that I do, my task was made a lot more pleasant and smoother than usual having that resource available and also having resources available to help me with structuring the C.R.I.A. So I thank the Greffier for providing that resource and for the officers in the Greffe that helped me. Yes, I ask for the *appel*, please, for the Third Reading.

The Bailiff:

Is the law seconded in Third Reading? **[Seconded]**

11.3.1 Deputy K.G. Pamplin:

Just very briefly; this is a really significant day by passing these amendments and I echo what Senator Mézec said earlier and our current Minister for Health and Social Services. Waiting periods for abortion are common seemingly only in Europe and America and there were none at all in parts of Oceania, Australia, for example, the most recently of these in Ireland introducing its 3-day period. If you do the research, which I am sure Members have done and Deputy Doublet has provided quite a lot here, much previous research did not reveal any mental health negative effects in countries that had these waiting lists. This is a really significant moment and it should be applauded as we move forward. As Deputy Doublet has outlined, and as the Minister for Health and Social Services agreed, contravened the World Health Organization guidelines. I just want to echo that point that this is a really important moment for this Island. I congratulate Deputy Doublet.

The Bailiff:

Does any other Member wish to speak in Third Reading? No other Member wishes to speak in Third Reading. Then I close the debate and call upon the Deputy to respond.

11.3.2 Deputy L.M.C. Doublet:

I thank Deputy Pamplin for his support. I agree with what he says about impact on mental health. I believe now is the right time for me to ask for the *appel*.

The Bailiff:

It is indeed. I ask the Greffier to place a voting link into the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The law has been adopted in third reading.

POUR: 40		**CONTRE: 1**		**ABSTAIN: 0**
Senator L.J. Farnham		Connétable of St. Saviour		
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				

Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

12. Draft Income Tax (Payment of 2019 Liability) (Jersey) Regulations 202- (P.9/2021) - as amended (P.9/2021 Amd.)

The Bailiff:

The next item of Public Business is the Draft Income Tax (Payment of 2019 Liability) (Jersey) Regulations, P.9/2021, lodged by the Minister for Treasury and Resources. The main responder will be the chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Income Tax (Payment of 2019 Liability) (Jersey) Regulations 202-. The States make these regulations under paragraph 23 of schedule 5 to the Income Tax (Jersey) Law 1961.

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

The States Assembly approved changes to the Income Tax Law on 4th November 2020, which brought all Jersey taxpayers on to the same footing in the way they pay income tax. In 2021, everyone will be now paying income tax in the year in which the income is earned. This was a significant simplification of our archaic tax system, which will, later this year, considerably ease the next piece in the jigsaw of personal tax reform, which is the gradual introduction of independent taxation. This will over time see the end of so-called married man's taxation, when everyone becomes responsible for their own tax affairs, regardless of their marital status. The abolition of prior year basis and eventually married man's taxation will see us end the host of problems for Islanders, including the problems that do arise when people sadly divorce, with a prior year basis or current year basis tax bill, when they are faced with big prior year basis tax, but in their first year in retirement. Moving all taxpayers to the current year basis, first mooted in the 2020 Government Plan, was accelerated because we recognised that by freezing 2019 P.Y.B. (prior year basis) tax bills, we could help a large

section of Jersey taxpayers who may otherwise be facing much larger tax bills this year and deductions from pay than they now will. It has served as a support measure for many of those hit by the pandemic and lockdown, particularly self-employed people. It has also served as a fiscal stimulus measure, keeping millions of pounds in the pockets of Islanders. We originally estimated that at £18 million, but it now looks likely to exceed £30 million. That, to repeat, is money kept in the hands of Islanders, particularly self-employed people, who have been so badly hit during the pandemic. These regulations now set the terms over which the 2019 P.Y.B. bills, which we suspended last November will be repaid. I undertook to bring draft regulations back to the Assembly to specify how former P.Y.B. taxpayers could pay off the 2019 frozen tax bills. The law we passed together last November, obliges us to make such regulations by 31st March, the end of this month. I am grateful that Members supported continuing with today's debate of the draft regulations having been formally lodged one day late. I briefed Members about the detail of these regulations on 22nd January. I am grateful to those Members who subsequently raised issues with me, which I believe we have fully addressed. I am also grateful for the work of the C.S.S.P. (Corporate Services Scrutiny Panel), but do not accept all of the findings of the C.S.S.P. report, which was published yesterday, but I will respond to that in the normal way in due course. I believe that their concerns about people who may divorce in future are particularly misplaced and fail to recognise very clear statements Ministers have made in previous reports and existing legal provisions. As I said earlier, the abolition of P.Y.B. and married man's taxation will, between them, remove such anomalies from our tax system. However, I am very pleased that the Scrutiny Panel has made 2 entirely reasonable amendments to the regulations, which do improve them and which I am very happy to accept. I will be proposing the regulations as amended. The draft regulations are based on feedback received from Islanders in a survey last August, which drew responses from over 2,000 people. They were refined further in the light of feedback from focus groups held in October and from the review by the Corporate Services Scrutiny Panel. The payment terms have changed considerably from those originally proposed when we first went out to consultation earlier in 2020. These draft regulations provide 2 main options for paying the 2019 frozen tax liability. Option one allows former prior year basis taxpayers up to 20 years to pay without interest. Payment holidays are allowed if people's circumstances change. The effect of this payment plan is that most taxpayers would be paying a fraction of 1 per cent of their total income during the period of those plans. Option 2 allows people to pay on retirement and is provided with those younger prior year basis tax payers in mind, who may still be in their 30s or 40s, bringing up a family and facing costs, for example, arising from school and university fees. Former prior year taxpayers need to make their choice no sooner than autumn 2022, when we expect to have systems in place to manage this procedure and no later than the end of September 2024. Additionally, following lobbying from a number of States Members, we have also made a special provision for existing lower income pensioners who may find those options unworkable to be able to pay from their testamentary estates, where appropriate. Work now needs to commence on the detail to establish systems to record personal elections, manage payment plans and handle the repayment of an estimate £350 million of frozen bills and extra resources in Revenue Jersey of an additional 12 full-time equivalence, which is a 10 per cent job increase. This is to support delivery of P.Y.B. to C.Y.B. (current year basis), independent taxation and to help clear the COVID-19 backlog. The Treasury will give Islanders more information early in 2022 and nobody needs to approach Revenue Jersey now, unless they wish to pay off their 2019 bill immediately in one lump sum. In this area of taxation, as well as others, making the transition from existing archaic tax arrangements to a new model is always complicated and presents numerous challenges for Government and taxpayer alike. I belief the Government, with the help of both the public and States Members, have found a way through this problem, which not only simplifies our tax system and eases the passage to future simplification, but provides some immediate relief for many taxpayers who have been badly hit by the pandemic and by lockdown. So just for any ease of confusion, the amendments that have been accepted from the Scrutiny Panel do create an additional regulation, which puts the original numbers slightly out of order. On that basis, I ask all Members to support these regulations.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

12.1.1 Senator K.L. Moore:

I thank the Minister for her comments. I apologise to Members that our report was not published earlier than yesterday. I do hope that they have had an opportunity to take a look at it, to give it some thought and consideration, because it is indeed a comprehensive, constructive and thorough report. Once again, we have worked with an adviser, Rebecca Benneyworth, who has provided very important and constructive insight. As the Minister mentioned, our report does make a number of recommendations and I am grateful to the Minister for accepting 2 amendments. If the regulations are adopted today, a review will be carried out after 10 years, to ensure that these proposals are performing well. Our second amendment ensures that provision can be made for people who experience a change of circumstances and need to seek to defer their payments of the 2019 liability. There are a number of matters that still cause concern. One is the issue of the treatment of this change and how it will impact on divorcing couples. I do note the Minister's mention that she disagrees with our comments with regard to divorcing couples. However, we stand by our comments, which have been thoroughly researched and we have sought local legal opinion on this matter and found that it is a cause for concern. We make also some other practical recommendations, in particular to the need to ensure that taxpayers can access a digital platform to manage and keep abreast of their repayments.

[15:30]

The most concerning recommendation is our recommendation 8. Over the course of the past 2 years, we have regularly questioned the Minister and her team about the resources and training available to staff within Revenue Jersey. We have counselled the Minister to exercise restraint to consider her work programme in light of the capacity for the team that they have to minister it. This piece of work is no exception. Revenue Jersey has experienced severe problems. Public frustration at the difficulties they have in receiving advice or having their tax returns processed has been very clear. This change is yet another problem heaped upon the team, a team that has a considerable number of new people who are not experienced with the Jersey system. We, again, counselled the Minister to give due consideration to this matter. As we heard in my question earlier, people wait for months for responses to important questions. The media have covered a story with the Comptroller asking people to not contact the office to help minimise the workload. We heard there another message from the Minister for people not to contact Revenue Jersey about this matter. These are efforts simply to try to minimise the workload. We perhaps suggest that if the Minister was more thoughtful in bringing various changes to the system then it would ease the burden on this already pressured team. These regulations do not meet the proposals that they set out to when the proposition was initially suggested and put forward to the public. The Minister has talked through the process that did see that the proposition as it came to the Assembly last year was different from that which was initially publicised. It is as a result of particular public consultation and the work of the Scrutiny Panel. We are grateful and thankful to the Minister for listening to those concerns and for adapting the initial plan, which was, of course, to repay a year's tax liability over a period of 5 years. Members will recall, perhaps, the debate of last year on this matter. The Minister had made considerable changes to the proposition which, as Deputy Ahier said at the time, had been introduced in haste. Now that we have had an opportunity to consider the regulations and conduct further scrutiny, there has been an opportunity to consider the practicalities of the system that is proposed in these regulations. The adviser described the scheme as a high-risk strategy last year. Now I find that these regulations do not entirely achieve a sensible path for the reform issue. I did vote for the original proposition last year, the principles. However, I recognise that at some point a move away from the prior year tax system is necessary. However, just because we need to do something does not mean that it needs to be done now. We must give consideration to timing and practicalities. Of course, some steps have

been made to ensure that this is on track. This proposal, I fear, is on slightly shaky ground. I would urge the Minister to take into account all of our recommendations, which I hope will go some way to improving the situation. I find that I cannot recommend the regulations to the Assembly today. I can urge instead caution and perhaps will listen further to the debate.

The Bailiff:

Thank you very much indeed, Senator. Does any other Member wish to speak on the principles? No other Member wishes to speak on the principles. Then I close the debate and call upon the Minister to respond.

12.1.2 Deputy S.J. Pinel:

I thank the Senator for her comments. I will not respond to everything, because we have done all this in Scrutiny hearings. I thank the panel, as I did in my opening remarks for their report, which has considerable recommendations. The only reason that I said that I could not agree with all of them, and the Senator mentioned people sadly getting divorced, there is no difference to the change in P.Y.B. to C.Y.B. than what is happening now. If a couple get divorced in the year of their liability being due the husband still has to pay it back and the lawyers sort it out. That will not change. The husband or spouse A still has liability for the 2019 tax liability. That is sorted by lawyers, not by the Tax Department. I do not really think that there is as much of a concern here as the Senator and the report points out. Obviously, in answer to her questions, the pressure on Revenue Jersey, which has been pointed out in Scrutiny hearings, and I think the public are well aware of it. Apologies have been made by myself and by the Comptroller for the overwhelming amount of work. Phone calls to the department went up 80 per cent last year and emails went up by 100 per cent. Mostly, in fact almost entirely, due to COVID-19, because of the concern people had about their income. They have been under pressure and I recognise what the Senator is saying. But, as I said in my opening remarks, Revenue Jersey have just recruited another 12 full-time staff in order to be able to deal with the pressures of moving P.Y.B. to C.Y.B. and independent taxation, which I hope to bring to the Assembly in September. In answer to her last question, all the recommendations that the Scrutiny Panel have put forward in their report will, of course, be taken into account. Our return report will be sent out in the due amount of time. On that note, I propose the regulations.

The Bailiff:

I ask the Greffier to place a link into the chat. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The principles have been adopted.

POUR: 42		**CONTRE: 2**		**ABSTAIN: 0**
Senator L.J. Farnham		Senator K.L. Moore		
Senator S.C Ferguson		Deputy K.F. Morel (L)		
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				

Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

Those voting *contre*: Senator Moore and Deputy Morel.

The Bailiff:

Senator Moore, I am assuming your panel does not wish to scrutinise the matter as you have prepared a report already.

Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):

That is right, Sir.

The Bailiff:

We move to the Second Reading. Minister, you have indicated that you accept both of the amendments from the panel. Is that the position? Do you wish the individual regulations to be taken as amended?

Deputy S.J. Pinel:

Yes, please, Sir.

The Bailiff:

Does any Member object to the individual regulations being taken as amended? Deputy Young, do you wish to speak on whether they should be taken as amended or merely speak in Second Reading?

Deputy J.H. Young:

Yes, Sir, I would like to speak separately briefly about Article 11, please.

The Bailiff:

That is right, but we will do that when we get to Article 11 in Second Reading. If any Member wishes to indicate we should not take them as amended, but of course each one can be spoken on in due course. Very well, then we will deal with them as amended. How do you wish to propose them, Minister?

12.2 Deputy S.J. Pinel:

I would like to propose them *en bloc*, please.

The Bailiff:

Do you wish to speak to them or do you wish to simply take questions on them?

Deputy S.J. Pinel:

I can take questions on them, unless anybody wants me to speak to them individually.

The Bailiff:

That is a matter for you, how you present the regulations, Minister.

Deputy S.J. Pinel:

Okay. Yes, please, I will just go through them. Then I understand Deputy Young wants to speak on 11. Regulation 1 provides the standard interpretation provision. Regulation 2 applies the regulations to any person whose liability was deferred by the changes made to the primary law in 2020. Regulation 3 creates the default position that if no other regulation applies, 1/17th of a person's 2019 liability is payable each year from 2025 to 2041. Regulation 4 provides the right for a taxpayer to apply for payment holidays. A person's first application must be approved by the Comptroller, but to prevent abuse the Comptroller has discretion as to whether to approve a second or further application. Regulation 5, as amended, provides for the ability for a taxpayer to be able to elect to defer payment of the 2019 liability until 12 months after they retire. The election must be made no later than 30th September 2024. Regulation 6 ensures that taxpayers who elect to pay in instalments can switch plans and pay after they retire, if the Comptroller is satisfied the taxpayer will have the means to pay. Regulation 7, as amended, requires taxpayers who are planning to pay after they retire to tell the Comptroller if their circumstances change in a way that means they will no longer have sufficient means to pay after they retire. Regulation 7 as amended, also provides the Comptroller with the power to request evidence from taxpayers to ensure they have the means to pay after they retire. If the Comptroller considers they do not have the means the taxpayer can be required to pay in instalments over the remaining period to 2041. Regulation 8 enables taxpayers to switch plans from paying after they retire to paying by instalments. Regulation 9 creates a special provision for individuals leaving the Island. Any unpaid amount of the 2019 liability would crystalize upon their

departure from Jersey unless they depart within 6 months of these regulations coming into force, in which case they have 6 months to pay. Regulation 10 makes a similar provision for non-resident landlords. If the Jersey property or properties are sold the 2019 liability would crystalize when the taxpayer sells the property, unless they sell within 6 months on these regulations coming into force, in which case they have 6 months to pay. Regulation 11 makes special provision for pensioners who may face financial hardship. If the Comptroller approves a pensioner's application under this regulation, some or all of the 2019 liability will be deferred to the taxpayer's estate. Regulation 12 clarifies that a taxpayer's death crystalizes any unpaid 2019 liability. Regulation 13 ensures that the 2019 liability of trusts and estates are due and payable within 6 months of these regulations coming into force. Regulation 14 sets out special rules for partnerships by dividing the 2019 liability between the partners in the same proportion as the partnership profits. Regulation 15 provides powers for the Comptroller to deal with taxpayers who choose not to comply with these regulations. If a person does not pay an amount due under these regulations within 3 years the Comptroller may demand payment of the 2019 liability in full. Regulation 16, as inserted by the panel's amendment, provides that no later than 30th June 2031, the Comptroller must review these regulations and present a report to the States Assembly. Regulation 17 ensures that taxpayers are given the right to appeal decisions made by the Comptroller under these regulations and that appeals will be heard by the Commissioners of Appeal.

[15:45]

Finally, Regulation 18 provides the standard citation and commencement paragraph. These regulations will come into force 7 days after they are made. I propose the regulations.

The Bailiff:

Thank you, Minister. Are the regulations seconded in Second Reading? **[Seconded]** Deputy Young, you wish to speak on one of the regulations?

12.2.1 Deputy J.H. Young:

I just wanted to start by saying I supported the regulations in principle, I have done that now twice and I still do. I am very, very grateful for the Minister and her officers who have spent a lot of time with me discussing with my reservations and concerns about the position of retired people, particularly those over 71. I particularly noticed in the figures published by the Scrutiny Panel, just how many there are; quite a high proportion of the deferred liability will be for people who have already retired. We were seeing £70 million is being quoted as being over-65s and £20 million for the over-71s. I better declare an interest, because I am well into that group now. I am hoping that I can just declare that interest, but I will not be alone in raising the issue. Life expectancy is limited. If we are lucky we get our average term, but of course it is almost certain that those of us in the age group, the odds are you are just not going to pay the liability off before one's demise. The original version of Regulation 11, which was published when we approved it in principle, the one that was provided to Members, provided that those in this category had the option to decide whether they pay it or whether they deal with the matter on their demise in their estate. Obviously, what we have now is Regulation 11 and obviously it is primarily focused because of concerns over those pensioners that might have higher incomes and abuse it. So therefore we have this test of the Comptroller making a judgment about the circumstances, about the assets and all that kind of thing, then potentially a judgment, which is kind of off the regulations. It is absolutely right that the way it is drafted now that we have hardship provision for those in absolute hardship and that is really good. Of course, there is a middle ground and I am concerned about that. I always did prefer 2 things really. I would like to have seen, and I discussed this with both the Minister and the Comptroller and I accept it cannot be done, but I still flag this up. I would prefer that those pensioners in that category, who have pension funds, could have used those pension funds and commuted them in a tax-efficient way to be able to discharge this liability and get rid of it. I understand that is not possible. The reform

for the tax pension just cannot be done. They are too complicated. They present big problems. Having made those points, I am not going to vote against Article 11, but I am going to record an abstention purely for that reason. We have no choice but to introduce these rules and these regulations. I am really pleased that we have gone from the 5 years to the 17 years. However, I certainly hope the Comptroller … because there is no doubt about it that these **[offline]** use their income to enjoy the rest of their life, that seems to be a reasonable thing, provided, of course, there are enough assets to discharge it. I see that I have been lost, it is very complicated business. I am just saying ...

The Bailiff:

No, it is all right. You were not lost because of the complication, Deputy, physically your transmission was lost for about 15 seconds.

Deputy J.H. Young:

Good, I thought I was speaking quite coherently but maybe I am not. Apologies to Members. It is quite complicated business. The Minister for Treasury and Resources and her officers have done as best they can, but I still worry about the effects on those of advanced years, well into their 70s, who may wish to push this liability on to their estate.

The Bailiff:

Thank you very much indeed, Deputy. Does any other Member wish to speak in Second Reading?

12.2.2 The Connétable of St. Ouen:

I have a lot of sympathy with Deputy Young's views on this. However, I have to say that a very thorough examination of the pension regulations was undertaken. Not just at his behest, because I share his concerns, but at the end of the day we came to the conclusion that there were a number of technical issues in terms of changing the pension regulations to take out an additional cash lump sum over and above the 30 per cent tax free cash that anyone is entitled to. There are also concerns about the fact that the pension is provided to give people an income to live off, hopefully, for the rest of their lives. If you deplete those assets at an early stage to pay a tax liability and if you were subsequently in a condition of financial hardship, at the end of the day, we, the Government, would have to subsidise that if the pension income could well fall away to a position where the pensioner could not look after or provide for themselves financially. On balance, the solution proposed by the Minister for Treasury and Resources is a fair and equitable one, because although the people who inherit the estate have to offer that up as assurity of paying their 2019 tax liability, at least during their lifetime they will have an income to live off. It is probably, on balance, the better solution. I can assure Members that we did go the rounds on this, not just with the Minister for Treasury and Resources, but also I went the rounds with my team, who look at pensions, to see whether there was a possibility of doing this. At the end of the day, the balanced view was that this was the better of the 2 solutions, quite a number of people have uncashable assets, such as houses which they are living in. It is even more of a hardship if they have to sell and move out of their home than it would be to say: "We will just add this to our final estate when we die." It is the least painful solution for them. It is a difficult discussion, but at the end of the day pragmatically we arrived at the right solution. Certainly I shall be supporting this.

The Bailiff:

Thank you, Connétable. Does any other Member wish to speak in Second Reading? No other Member wishes to speak in Second Reading. Then I close the debate and call upon the Minister to respond.

12.2.3 Deputy S.J. Pinel:

As Deputy Young said, we have had many discussions on his concerns. Again, it is similar to the one I addressed over Senator Moore's question about people getting divorced. The current situation is not changing, inasmuch as there is still a liability and the liability still has to be paid. The way people address it now is various. Some do leave it for their testamentary estate to pick up, which is not advised now, but the new regulations do permit that. Also, a lot of people have plans for paying off their prior year liability, which they will still be able to do. Pensioners have always had to provide for their retirement to pay off the prior year liability. So we are not creating something new here. The whole idea of the regulations is far more generous and flexible than they currently stand. It is not a massive change. It is allowable to pay it over several years, up to 20, whereas before it was not. I have had this discussion with Deputy Young and I am pleased that he accepts that we have got to where we are. Connétable Buchanan also had discussions. Both of them questioned the pensioner's liability. The pensioner's liability was addressed as to whether a lump sum could be removed about 4 years ago by my predecessor. It was a massive amount of work and it was deemed that we could not, with everything that is going on, repeat that amount of work just 4 years down the road. It has been addressed and it was changed at the time. That was the reason for it not being addressed in the concerns of the 2 speakers on this occasion. I propose the regulations in the Second Reading.

The Bailiff:

Presumably you wish to take 1 to 10 first and then 11, because Deputy Young indicated a desire to abstain on Regulation 11, then after than take 12 to the end?

Deputy S.J. Pinel:

Yes, please, Sir.

The Bailiff:

The first vote then will be on Regulations 1 through to 10, inclusive. It will be just a moment before the Greffier puts the link in the chat, so we can set it up to deal with it on that basis. Very well, this is the vote on Regulations 1 to 10. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. Then I ask the Greffier to close the voting. Regulations 1 to 10 have been adopted.

POUR: 44		**CONTRE: 2**		**ABSTAIN: 0**
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Deputy K.F. Morel (L)		
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				

Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

Those voting *contre*: Senator Moore and Deputy Morel.

The Bailiff:

We come now to Regulation 11, which will be taken separately. I ask the Greffier to put a link into the chat as soon as she is able to do so. I will open the voting and ask Members to vote in the normal way. The vote is on Regulation 11. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting.

[16:00]

Regulation 11 has been adopted.

POUR: 42		**CONTRE: 3**		**ABSTAIN: 1**
Senator I.J. Gorst		Senator K.L. Moore		Deputy J.H. Young (B)

Senator L.J. Farnham		Deputy K.F. Morel (L)		
Senator S.C Ferguson		Deputy I. Gardiner (H)		
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				

We now come to voting on the remainder of the regulations, specifically 12 through to 18. It is in the link. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. Then I ask the Greffier to close the voting. Regulations 12 to 18 have been adopted.

POUR: 41		**CONTRE: 1**		**ABSTAIN: 0**
Senator I.J. Gorst		Senator K.L. Moore		
Senator S.C Ferguson				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				

Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you propose the regulations in Third Reading, Minister?

12.3 Deputy S.J. Pinel:

Yes, please, Sir.

The Bailiff:

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

12.3.1 Senator J.A.N. Le Fondré:

It was really just to commend the team that have got us to this stage. The financial consequences of this are huge, as are outlined in the report. I do not have it direct to hand, but it is over £300 million that will be generated as a consequence of this proposition. I would make the point that, certainly from my perspective, it started as a kernel of an idea that was a recommendation, I think, from the Corporate Services Scrutiny Panel. It was a Scrutiny Panel definitely in my time between 2014 and 2018, when we were looking at the M.T.F.P. (Medium Term Financial Plan) of the day or the budget. I cannot remember how or when it was raised, but I know it as a Scrutiny recommendation and that at that time it was about funding future capital projects. Obviously what this does is it essentially puts us in an incredibly good place to deal with the COVID-19 debt that the pandemic has generated or the COVID-19 legacy. On that basis, what I very much want to place on record is my absolute congratulations to the Minister, to her Assistant Ministers and to the Treasurer and all his team in bringing us to this stage. I thank Assembly Members for their support to date. Hopefully they will be supporting the third reading as well.

12.3.2 The Connétable of St. Ouen:

I would just like to place on record my thanks to the Minister for Treasury and Resources for resolving a problem that has been outstanding for some while. Those of us who work in the field of retirement planning have always known that this is an issue and that this is a sword that hangs over those people as they get closer and closer to retirement. This at a stroke removes that problem from their planning and thoughts. It gives taxpayers a greater degree of certainty when coming to plan their finances as they come up to retirement. One can easily say: "Well, they should know about and should have planned for it" but sadly a lot of the time life is not like that. So I would like to put on record my thanks to the Minister for Treasury and Resources for grasping this particular nettle. Future generations of taxpayers who come up to retirement will be incredibly grateful, although perhaps some of them will not realise what it was like before this was on the statute books. I thank her and her team. It has not been an easy bit of legislation and I am sure that the tax office is not going to find it an easy bit of legislation to administer, but at the end of the day, longer term, it is the right thing to do and I commend her for doing it.

The Bailiff:

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading then I close the debate and call upon the Minister to respond.

12.3.3 Deputy S.J. Pinel:

I thank the Chief Minister for his remarks. It has been a long road to get this far. Certainly I have been dealing with it since I took office, but it was a long time before that that it was brought forward that it should be removed from its archaic status and put into the future. I also thank Connétable

Buchanan for his very kind remarks. Yes, it will be a lot of work, but as I have mentioned in a response earlier, Revenue Jersey have taken on extra resources to be able to deal with it. I would also, while I have the opportunity, like to thank the public for their extraordinary feedback in survey and focus groups; States Members also for their feedback; in particular to the Scrutiny Panel whose amendments, as you know, I have supported. Finally, a huge thank you for the massive amount of work Revenue Jersey, the Comptroller and the Treasurer and the officers have done in getting us this far. It is a very complicated issue and to try and make it tenable for everybody is a lot of work. However, I believe strongly that this proposition is good for the Island and right for Jersey as a whole. I commend it to the Assembly and ask for the *appel* in Third Reading, please?

The Bailiff:

I ask the Greffier to place a link into the chat. I open the voting and ask Members to vote. If members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations are adopted in Third Reading.

POUR: 44		**CONTRE: 2**		**ABSTAIN: 0**
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Deputy K.F. Morel (L)		
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				

Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

13. Land Transaction under Standing Order 168 (3) Office Accommodation Project, Union Street, St Helier – Deferral of approval (P.18/2021 re-issue)

The Bailiff:

The next item of Public Business is the Land Transaction under Standing Order 168(3) Office Accommodation Project, Union Street, St. Helier - Deferral of approval, lodged by the Scrutiny Liaison Committee. The main responders will be both the Chief Minister and the Minister for Infrastructure, who have asked me to permit 2 main responders and I have agreed. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion − to request the Minister for Infrastructure to defer approval of the land transaction agreement as proposed in the reports R.19/2021 and R.19/2021 Add. presented to the States by the Minister on 16th February and 22nd February 2021, pending the outcome of – (i) a Scrutiny review of the Office Accommodation Project ("the Project'') which is to be taken as completed upon presentation of a Scrutiny report to the States no later than 1st June 2021; (ii) the provision to the Scrutiny review of the minutes of all meetings of the Council of Ministers, One Government Political Oversight Group and Regeneration Steering Group in relation to the Project; and (iii) a debate on a proposition, lodged by the Minister subsequent to the presentation of the Scrutiny report, that provides for agreement or otherwise of the States for the Minister to proceed with the land transaction.

The Bailiff:

Deputy Young, you wish to speak in connection with a conflict of interest?

Deputy J.H. Young:

Yes, Sir, please. Although there is no current planning application on this matter, here we have a debate on a major state project and we have the States as the developer. Potentially my role as Minister for the Environment is in respect of the regulatory planning decisions. It is inevitable the old planning issues will arise in this debate and I cannot rule out that I could have to decide some appeal. So with that, I prefer to withdraw from the sitting of this and record that interest, if that is agreeable.

The Bailiff:

It is a matter for you, indeed, Deputy. That is noted.

13.1 Senator K.L. Moore (Chair, Scrutiny Liaison Committee):

Openness and transparency have been important themes of the past year. Scrutiny has been an essential part of that effort in the past year. We have assisted in overseeing and improving emergency legislation and many pieces of legislation that have come through this Assembly. Scrutiny Panels are being praised for bringing amendments to the Jersey Care Model, to the prior year tax arrangements, to the Government Plan, the hospital site selection and access route too. We have proven ourselves to be both constructive and proactive. Therefore, one would think that Government should welcome our calls for a further look at this important project. It is true that there have been some confidential briefings for Scrutiny Members about various plans for a new office. Yes, we have seen some confidential papers and, yes, they have remained confidential. Those details, particularly the financing structure, varied from project to project. So like many States Members, and particularly many members of the public, when R.4 was published and announced, announcing the intention to sign a contract for a site on Broad Street, this took us somewhat by surprise. We were even more surprised when that was withdrawn and replaced by R.19, seeking a contract with a different developer on a different site with a different financing structure. At that point, Scrutiny called for more detail to be published alongside R.19, which saw a limited report published as an addendum a little later. This is a major government project. Essentially, the proposal that is now on the table turns a public asset into a liability, a liability of something in the region of £100 million. It is quite extraordinary that the Government would think it is reasonable to take such action without openly communicating it, is it not? Of course, we are all too aware of the other projects that are in the pipeline. A great number of people from all walks of life have contacted me and other Scrutiny members in recent months to express their intense frustration and concern over the cumulative effect of these projects. Looking across the immediate capital spending plan, over £1.5 billion is planned to be spent, just as the Island is starting on a road to recovery after a year of economic destruction and hardship for many.

[16:15]

Far from being the sentinels of the old ways, as the outgoing chief executive might describe those who question his plans, the Scrutiny Liaison Committee understands the idea behind consolidating the office provision. However, it has to question the process, the timing, the value for money that is being proposed. That is why we are asking Members today to delay the signing of contracts until a proper review is conducted. Capital Projects are often a source of great interest in this Assembly. We have something of a track record, it is true, for arguing about the costs, the location and proposed uses of various sites around the Island. It is, in a way, natural when we are so restricted for space. Capital spending projects are a matter of great interest to the public also. It is their money after all. The public cannot comprehend why this Assembly is signing them up for unrestricted wish list of building. The restraint and prudence of generations who have put us in this solid position for today has been all but forgotten by this Government. We already know that there is a hospital project likely to cost around £800 million. There is the integrated technology system, which has just called for an additional £20 million and the Minister responsible has declared in the media that he will just come back for more if the money runs out. Last week they were told of the plans to spend £100 million to develop the sports strategy. We know there are plans to redevelop Fort Regent into a cultural centre that we have learned recently. Although the cost of that project has not yet been revealed, it is rumoured to be in excess of £250 million. Next up, we hear that plans for a new ambulance headquarters is also on the cards. There must be, or should be, plans in the offing for other much-needed projects, such as the redevelopment of Rouge Bouillon School and the Youth and Community Centre that has often been talked about for St. Helier. Will these be included too? If so, when? How much will they cost? How will they be paid for? Jersey has always prided itself in being prudent

and careful with public money. Yet there have been issues with that and it would be correct to say that this preference for saving overspending has sometimes caused existing buildings to be allowed to fall into disrepair. The Chief Minister suggests that, if this proposition is successful, it will cost the Government £1 million a month. I would ask the Chief Minister to explain to the Assembly how and why this process can have moved so quickly in a matter of weeks as to make the public purse liable to such costs. The Chief Minister will recall that the Comptroller and Auditor General has made recommendations to Governments previously, urging them to avoid early contractual commitments, which only serve to burden the Exchequer with liability for costs. Most of us here today would agree that an estate strategy is greatly needed and we must deliver a co-ordinated plan to ensure that Government is delivering value for money across its assets, delivering the best possible use of those assets for ensuring that it is meeting the needs of the public. An estate strategy is in draft form. From what I have seen of it, it is a high-level document that does not set out the necessary blueprint to reorganise, restore and prioritise, the Island's significant property portfolio. Without such a plan, it is important that Scrutiny is allowed to conduct a formal review. This matter should return to the Assembly for a political decision to be taken. This matter and the interrelated decisions will have a major impact for generations to come. It is of vital importance that we do not saddle our young with debt and leave them with buildings that do not meet the needs of the community. An estate strategy should also consider the question of sustainability and whether it is right to constantly demolish buildings that have suitable uses. It is time for the Island to take sustainable building practices seriously. We have run out of sand. We experience high importation costs, which particularly impacts on products such as cement. There are plenty of methods available to improve the energy efficiency of existing buildings and we should be leading by example. This is a political matter. Politics is about priorities. Let us not forget the early attempt of this Government to deliver an office. The Government wanted to halt work at Ann Street days before Andium were due to start and it took this Assembly to tell them that was not what we wanted to do. Today I am afraid is another opportunity for this Assembly to direct the Government on to a better track. Housing was and it is a priority of this Assembly. We can all see the pain that the inexorable increases in housing cost have on our community. Look at any property website and it is clear that almost every property under £1 million is either sold or under offer. Look for a property to rent under £2,500 per month and there is a race to snap up anything that becomes available. We have seen this week people queuing overnight to secure a flat in a new development. The pressure is causing families to consider moving to other jurisdictions in the search for a better and more-affordable quality of life. This pressure is causing people with much-needed skills to reconsider job offers in Jersey when they learn that they would not be able to afford the space or quality of accommodation that they can enjoy elsewhere. Of course this has, in some respects, been the case for many years. But I am not here to change that, to help those who experience housing poverty and the subsequent stress and health issues it can cause. I certainly campaigned in the election to help with those issues and I would be failing the electorate if I did not remind the Assembly of this important matter. Members might be wishing for me to get back to the point, to focus on the development of this particular office on this particular site. But this is about more than just one project on one site. The chair of the Public Accounts Committee has announced her intention to review the estate management portfolio, which has not yet been delivered. Therefore, the projects the Government are announcing appear to be failing to take into account the bigger picture or to plan for the most-beneficial use of the public's property assets. Indeed, if I may quote from a slide that was put in a presentation about the office strategy that was given to Scrutiny back in October of last year, it says: "If the wider estates programme is not planned and managed, then opportunities for disposals and to exit leases may be missed, which may mean that anticipated savings and/or capital receipts may not be realised." One of the reasons that Scrutiny has drawn the conclusion that we should conduct a review into the office strategy has been the events of this year. So far, as I described earlier, there has been confusion, changes from one bidder to another, from one site to another, and a deal to another. Then there is the scale and the cost of various capital projects that have been announced prior to an estate strategy being delivered. Why

then is there such a hurry to rush into signing contracts with a bidder who, only 2 months ago, had been informed that their proposal had not been successful? Why would a delay in signing cause £1 million of costs every month? What was the Government thinking when they committed the public to such a situation? Indeed, constructive scrutiny is needed. Before I finish, I would like to address an issue that will no doubt be raised during the course of this debate. It has been argued and the Chief Minister has indeed accused the Scrutiny Liaison Committee of playing politics. If politics is about priorities and prudence, I guess it is. But what this argument is not is an attempt to delay for delay's sake or to fit a populist agenda. It is becoming rather tiresome, this argument, and I would ask the Chief Minister to find a valid argument rather than himself playing politics by trying to silence those who do not share his priorities or values. Disagreement is a genuine part of the political process and it should be welcomed, not chastised and kept at bay. The prevention of a true transparent and public discussion is common with oppressive regimes and has no place in the liberal democracy that we enjoy. This debate is about protecting the public purse, ensuring a proper open process has been followed and making sure that this project is necessary, buys value for money, and most importantly that it provides a wide solution for Government.

The Bailiff:

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

13.1.1 Deputy K.C. Lewis:

I will be voting against this proposition for the following reason: the idea of this project is not new. It is part of the estate strategy and will be a real opportunity to invest in our infrastructure. By moving forward with this project, we will provide modern offices that will support Government of Jersey staff. It will also provide our customer hub with the space and facilities they need to better serve Islanders. This project will release several different sites to support the infrastructure of the Island, either through vacating office spaces for new occupants or disposing of these sites. Vacating sites will also enable us to start to regenerate areas of St. Helier for other purposes, such as retail and housing. With the potential, if we decide to purchase the building, to increase the Government's book value of land and buildings by as much as £50 million. Regrettably, we have underinvested in our office estate over time. Some Members have asked why not just refurbish Cyril Le Marquand House? The building is too small, with the capacity for either 800 staff and limited meeting room capacity or 650 staff with modern minimum standards. It will not generate the revenue savings of approximately £7 million per year. It will reduce the capital receipts £21.8 million down to £13 million. The poor condition of the building will incur additional capital costs of £25 million to £30 million that are not in the Government Plan. The development risk remains with the Government. Risks are associated with planning permissions and it will not meet environmental sustainability objectives. I will now briefly outline to Members the process I was required to follow in accordance with Standing Order 168. On the basis of the procurement and the preferred partner, initially approved by the Council of Ministers, I signed a Ministerial Decision for the Broad Street site. This decision was supported by procurement reports, full business case, and regeneration reports that were shared with Scrutiny. However, people know that the changes to the tenders by the bidders meant that I could not follow through with this decision, so I retracted this decision. The procurement process allows for us to enter into negotiations with the reserve bidder in the event of things going wrong with the preferred bidder. We did so. We sought relevant approvals from the OneGov Political Oversight Board and the Council of Ministers. On the basis of the initial procurement process, I signed a further M.D. (Ministerial Decision) to comply with S.O. (Standing Order) 168 for the Union Street site. This decision was supported by the same decision-making information. There was no U-turn or sudden change of decision-making information. The changes proposed by the preferred bidder meant that we could not continue with the initial developer. However, we have followed the approved process and the M.D. was supported by the same entity and complied with

our obligations under S.O. 168. States Members have been fully briefed and would be aware of all details of the situation. However, some asked for additional information to what was made public.

[16:30]

It is a balance between what can be said during a live procurement and what we need to do to comply with S.O. 168. However, Scrutiny and States Members have been fully briefed about the commercial aspects of the evolving situation and we have released what we can publicly. I hope Members will join me in rejecting this proposition and supporting the Government to move forward so we can begin to see the wider benefit of building the government headquarters and, most importantly, improving the working conditions of government employees.

The Connétable of St. Helier:

I would like to start by commending Senator Moore for her opening speech.

The Bailiff:

I am sorry, Connétable, to interrupt you. I see there is a point of clarification from Deputy Ward. Presumably, that just got in a little bit late in respect of Deputy Lewis's speech.

Deputy R.J. Ward:

I apologise. When I go to put it in the message, if somebody has put something there, it covers it up and it was just simply that. I was trying to be polite and wait until the end of the speech.

The Bailiff:

I am sure we can treat that as made on time, Deputy Ward, and if you would like to ask your point of clarification?

Deputy R.J. Ward:

I just wanted to confirm from the Minister, because there is a very important point, as to whether he is saying that this is not the original preferred bidder and so therefore this is the second-choice bidder for this project?

The Bailiff:

Are you able to assist, Deputy Lewis?

Deputy K.C. Lewis:

Yes. It is not the same project. It is a different project. The initial project obviously was Broad Street and the specification was changed by the original bidder, which did not fit in with our specifications.

Deputy R.J. Ward:

So it is the second-choice project?

Deputy K.C. Lewis:

It is a different project altogether, yes.

The Bailiff:

I am sorry to have interrupted you, Connétable of St. Helier, but hopefully I did it sufficiently early. I call upon the Connétable of St. Helier.

13.1.2 The Connétable of St. Helier:

I will repeat my approbation of the opening speech. I thought Senator Moore set out what I consider and what I hear from many members of the public, which is a lot of confusion and a lack of trust

about how the Government is proceeding with property in general. As a member of the Regeneration Steering Group, I have certainly had concerns that what I consider higher-priority matters, not just the delivery of affordable housing, but other public realm improvements, which appear to have been cut back from the budget, have been neglected while what I have called grandiose projects have steamed ahead. Not just this one, but of course also Fort Regent and the Southwest of St. Helier Masterplan and others. I have had concerns. I was also concerned when I asked on the group whether the Parish of St. Helier-owned site, the Lempriere Street yard immediately behind Cyril Le Marquand House, was going to be part of this particular project. It seems to me to lack sense to have a surface car park right next to a major new redevelopment and to not seek to incorporate that site into the project. But, having raised these concerns, I did get answers. I took advice from various people about the project. Certainly, my concerns in respect of the Parish of St. Helier yard, those concerns have been allayed by the conversations I have had. I understand that there is certainly the prospect of that land being incorporated, subject to Parish Assembly approval in a mutually beneficial way into the government building, if indeed it goes ahead on this site. Other concerns indeed about public realm investment, I have also been advised, are being dealt with and the Chief Minister has certainly encouraged me not to give up hope in terms of regeneration projects around St. Helier. But regeneration is a key word here because in Senator Moore's opening speech she mentioned the Ann Court debate, which was at the start of this Government, and how long ago that seems now. It is ironic that she mentioned that because of course what we were debating then was the provision of a good building for our public sector staff working in government. Here we are getting towards the end of the Government's term and I am beginning to think now we are within sight of achieving a decision to start work on a government building. That is not to say that is more important than some other projects, but it is important that, having made the decision to co-locate our civil service, we get on and find a building and we stop paying expensive rents in order to house them in private-sector offices. The other point about regeneration, and it picks up the point of clarification from Deputy Ward, is whether it makes a huge amount of difference to St. Helier's regeneration whether the government building goes in Broad Street, which was the first choice, the winner of the competition, or whether it goes on the site of the former Cyril Le Marquand House. For my money, they are both excellent sites for St. Helier. They both, once people return to work and once people see the benefits of being part of a collegiate enterprise rather than working in their front rooms and back rooms and study bedrooms and they start to enjoy the experience of being part of a workforce again, it will be enormously beneficial for the town of St. Helier, for the businesses of St. Helier, and for the many businesses that depend on the workforce coming back to town. It will be vitally important that work starts on the government building sooner rather than later. Therefore, at the moment, much as I was impressed by the opening speech, I am not sure that I have heard any really good reasons to stop work on this project and to delay it further. As I say, we were talking about it at the start of this particular Government's term of office when we debated Ann Court being better, and we are still talking about it towards the end. We need to make a decision. I do not want either myself politically or the States of Jersey generally to be remembered for delaying everything. Some things I think it is right to delay and to pause on and certainly it is no secret that I have had major concerns about the way the new hospital project is being planned, particularly in terms of its access. But I am not an expert on property deals. I am not an expert on the financing and funding of public offices. Nor am I really able to judge whether there might be a better location for a Government building. The site of Cyril Le Marquand House does present enormous opportunities for this part of St. Helier, which has suffered a depletion and a diminution of footfall with the concentration of business and so on in the southwest area, around the International Finance Centre and beyond. It is important we bring people back into the old town, to the vicinity of Parade Gardens, to the restaurants and cafés and other businesses in this area. To have a Government building here, to have it well designed, will be of an enormous advantage, not only to St. Helier, but also to the Island and, crucially, to the people who work in the building itself. It will have access to Parade Gardens, which will be on their doorstep. Their experience of working in the new way that I am sure we will be moving into will be

enormously enhanced by the location that is currently being proposed. So, on the balance of things, I am minded not to support this proposition. But I will be listening to further arguments in the course of the debate.

13.1.3 The Deputy of St. Mary:

Perhaps I should have left my intervention until nearer the vote, but I wish to place on record my own position. I am a member of the political oversight group, which oversaw the office accommodation project. As such, I was party to the approval of the proposed site going forward. Equally, by dint of my having been elected chair of the Economic and International Affairs Scrutiny Panel, I am now a member of the Scrutiny Liaison Committee, which has brought forward this proposition. But I wish to record, and I am sure the committee wishes me to record, I took no part in any discussion regarding this particular proposition, I absented myself from any debate and, for those reasons, I consider myself conflicted and I shall be abstaining when the time comes to vote.

13.1.4 Senator S.Y. Mézec:

It will not be too much of a stretch to say that most, if not all, of us would probably agree that the Government has badly managed its property portfolio for many years now. I would hope that we would all agree that the Government is operating over far too many sites and that some of the facilities that our workforce are having to work from are not great. At the start of this term, I was based at Cyril Le Marquand House and it is a rubbish place to work. The layout is terrible. It is old and does not have great facilities. Instead, we are now renting at great expense from the private sector an office at Broad Street, which is not ideal. I hope most people would agree that it is not ideal. We have many sites still in our possession, which are languishing in quasi ruin, not meeting their potential and not being used for some sort of public good otherwise. I would also hope that people would agree that it is right that a Government has a home that it can be proud of and it has a premises where the workforce can be comfortable, can be working in a more collegiate way under the same roof to improve communication, improve ways of working, break down silos that often exist between government departments and provide a proper front door for the public to access services. All of that is the right aspiration. But then you go beyond that and it is obvious that there are direct cost benefits from having that sort of facility. It enables us to empty buildings that can then go on to be used much more effectively. When this project has been brought up, I have seen some commentary on it that I have not agreed with. Some who I think come across as just believing that Government spending any money is automatically bad and who have this rather old-fashioned view that debt is automatically bad. When they do not realise that sometimes you have to spend money to save money. That seems to be an important part of the argument behind this. I, for one, am absolutely supportive of a government office project that delivers the premises for the government to operate from and to be proud of and service that focus point that I think is very important for our community to have. So I am not interested at all in backing any sort of wrecking motion. But this is no wrecking motion. It is a motion to stop and figure out what the smell is before committing to something so big and with so much money attached to it. I am sorry to say that there is something that stinks about this. We have a developer, which we own, and we have lots of land, which we own, and for some reason we are being told that our own developer on land we own cannot do it for cheaper than a private profit-making company using land it does not own. I am sorry, but I just do not buy it. There must surely be a catch somewhere in this. It does not strike me as giving confidence that the sort of deal we are after here really will be in the best long-term interests of the public.

[16:45]

I say that having, in the run-up to this debate, tried to do at least a bit of research into how Governments in other jurisdictions have attempted to fund big projects where they have needed to build big buildings, whether it is a new school or a new hospital or office blocks to work from. Too much about this to me resembles some of the failed models that have been adopted in other

jurisdictions. In the States a few weeks ago, when I likened this proposal to a P.F.I. (private finance initiative) scheme, I was admonished by the Chief Minister for doing so. Then a few days later when we had a States Members briefing, the officer who was doing the presentation there used the term himself to equate to what this arrangement is like. If we are going to sign up to something worth so much money, where things could go wrong, it is right that there needs to be more done to demonstrate that we can have confidence that this will end up being good value for money. I want to know, what sorts of risk we could be taking on if things go wrong, if there is a problem with the building? Where does the risk truly lie? If it is the case that the risk does truly lie with the private company that is delivering this for us, I kind of wonder why they are signing up to it. It would not really make sense and how they can make a profit out of it and still deliver it for better rates or as a better option than the developer which we own, that we can commission, essentially, to do whatever we like because we own them and profit does not come into it because it is going from one Government-owned budget to another. I am simply not convinced that the arrangement that the Government have come up with is not different enough to what has been shown when it is has been adopted by authorities in the U.K. as having bad value for money and often ending up with Government tripping over themselves when they deal with some of the consequences of mistakes or problems with buildings further on down the line, to want to give a green light to that. It may well be the case that Cyril Le Marquand House is the right space for it; I do not particularly have a view on that. I think there will be lots of people who will be questioning why we could not use the site down at the Esplanade, which is open for us to put in an alternative application for an enhanced office space there to operate from on land we already own, when there will be lots of private sector companies now questioning how much office space they use and, therefore, potential question marks over what we can get out of that site for the private sector anyway. I think to ask the Assembly to put the brakes on this for a short while so that that extra work can be done, that does strike me as reasonable. The Assembly is perfectly good at delaying things unnecessarily and not being capable of making a political decision. But I do not really think this is the sorts of decisions that we have had over the hospital, for example, where some of those debates really have been unedifying. I hope and mostly agree that we do need proper Government office space and that there are benefits that can arise from that. What we are talking about here, from my perspective at least, is a funding proposal that simply does not make sense and I simply cannot have confidence in it at this point, which is why I want that further work to be done and why I would commend Scrutiny for providing us the opportunity to allow them to do that work. I think with the funny business that happened at the last minute where there was, apparently, one proposal that gets withdrawn at short notice and now we go for the second one, which I noticed when Deputy Ward asked for clarification previously about it being the second option, the Minister said it was an alternative option, there is some nuance in there that is quite amusing watching Ministers trying to get around. I would like to support this proposition and I hope other Members of the Assembly will and I commend the Scrutiny Liaison Committee for taking up this fight. If they had not done so I would have probably been tempted to do so myself as a Back-Bencher. I will be voting in favour of this proposition.

13.1.5 Deputy I. Gardiner:

I am pleased to follow the previous speaker and Senator Mézec touched on several points that I wanted to raise, so I will do my speech shorter. But I would like to start that at the P.A.C. (Public Accounts Committee) we have received a presentation in October 2019 and in principle I absolutely agree that it would be appropriate for the Government of Jersey to build and fund its own offices, provided the cost is controlled and the building properly planned for the future. Lots of things happened between October 2019 and lodging R.4 in January, which caught me personally by surprise. I also agree with my Constable that an office in any location, if it is Broad Street or if it is Parade or if it is I.F.C. (International Finance Centre) will enhance St. Helier and bring more people and vibe into St. Helier life. Going back to my hat as the chair of the Public Accounts Committee, since 2018 we are asking from the Government to publish estate management strategy. We all know that the

estate management strategy was accepted by the Council of Ministers in December. I would like to ask the Chief Minister why we still have not seen the final version published, not us, not the public. The Public Accounts Committee is extremely disappointed and frustrated by the lack of progress in all aspects of the estate management. For example, the Corporate Asset Management Board, a senior officer level organisation responsible for considering prioritising and effecting all decisions, requirements and capital project and funding issues across the government, has not been active as it is supposed to be active here. As a Public Accounts Committee we are struggling to understand how a meaningful decision can be made about any aspect of the estate, for example, office accommodation, where there is no joined-up approach. I understand that we can take this project and take it aside and now I am going to put my hat away, and ask ... as we said, the change was within a week, so we understood from the Minister's speech that we had only one reserved bidder. Basically we are left without an option when the first bidder withdrawal we have only one to go forward. It would be helpful if the Chief Minister or the Minister for Housing and Communities, considering that he is going speak after me, will confirm if they received concern from non-ministerial departments and if these concerns were incorporated in the final decision to go forward with the proposed bidder. Because it is important to understand how we are bringing together non-ministerial departments, Morier House, and the government building and if it is still the case or not where it would go. Another question and, again, this is the common sense, I am not an expert in building offices myself but from what I know from business any commercial company which builds flats, even with the option to purchase, the landlord, in this case will bid on the entire works, will expect to make a profit between probably 20 per cent to 30 per cent, maybe less. If it would be built by our S.o.J.D.C. (States of Jersey Development Company), our own government company owned by the public of Jersey, would we expect the profit to come back to the benefit of the public had this been incorporated in the decision? Another thing, if you are looking through materials, any demolishing of the house the environmental impact is huge and for years we expect that Cyril Le Marquand House, yes, it is an old building, it needs renovation but it definitely has another 30 years probably over the life span. Would it be a probability to make it maybe into the flats? Again, I do not know, I am not telling it is the right way to go. The only thing that I know that raised lots of questions and without having a joined-up approach across our estate management, these questions are valid. Last point, the £100 million spending should be discussed within the estate. We are taking a huge liability going forward. But the States Members were briefed after the decision was made. It is not that we were briefed in the decision going forward. The Scrutiny Liaison Committee bring it into the debate today, the decision about £100 million, maybe a bit less and just under, will go forward without any public debate. There is lots of confusion in the public and lots of questions from the States Members and for me this proposition, it is not a wrecking proposition, it is a proposition that is just asking to stop for 2 months or just above, understand what is happening, understand this is good value for money, to understand what has happened with our Jersey-owned States of Jersey Development Company. Stop and think about it and continue. I hope the decision will be made soon and I will be supporting this proposition.

13.1.6 The Connétable of St. Brelade:

I do not disagree with the principle of providing good conditions for government employees but this and the wish that it is achieved without the questions surrounding the proposition for a Union Street building remaining unanswered. It cannot be right that we spend some £90 million without a detailed Scrutiny report on the further detail of the proposed transaction. There is a public expectation that we do in Scrutiny our job. There have been confidential details put through to some Members but not all and, as was mentioned earlier, the sudden withdrawal of the Broad Street proposals for unclear reasons has given rise to concern. I suggest that challenge to policy is part of the proper democratic process and should be welcomed by the Council of Ministers, who give the impression of trying to be dictatorial in this matter. The cavalier level of spending is eye-watering and we must be given

detail of how this will be funded and the effect on our economy. I urge Members to support the proposition, which can only serve to give the Government increased credibility.

13.1.7 Deputy R. Labey of St. Helier:

If there is one thing I have learned since taking over as Minister for Housing and Communities and one message I want to run with and results I want to get, it is that we are not telling our housing providers early enough which States-owned land they are going to get for housing development. It has been especially bad during the uncertainty with where the hospital is going and that has held things up and the end is in sight we think now for that. If we have uncertainty again now on where the States offices are going, that is again going to hold things up. Every time there is a block or there is uncertainty this bizarre game of musical chairs in terms of where bits of States-owned land are going to end up, that bizarre game stops and is held in suspension and that is not good. We have La Collette Low-Rise under construction and Ann Court under construction and there are plans for 1,000-plus units from Gas Place down to Green Street with the Limes, the Mayfair, the Apollo, Kensington, Gas Place, Ann Street Brewery but none of those have planning permission. They are in the pipeline but they do not have planning permission and if there are problems, as we have seen there has been in Gas Place, this holds things up. The pipeline for housing coming online needs to stretch further into the future, even 5 or 6 years hence. We need to tell Andium or S.o.J.D.C. or the Housing Trust, but specifically Andium I am talking about here, we need to tell them that in 5 years' time they are going to get the site of Les Quennevais School, there might be other things that need to go in there as well but if there is going to be a housing component of whatever percentage we need to tell them now, so that the planning process can be undertaken. The architects can get to work, everything can be done so that it is ready to go when the land is available. If we cannot tell them now that they are not going to get Les Quennevais in 5 or 6 years when Health decamp back to Overdale, we need to tell them swiftly and they should look elsewhere.

[17:00]

The same is true of the Le Bas Centre, the same is true of La Motte Street. Holding up this new government building is going to cause uncertainty, it is going to prevent me from being able to get Government to hand over those sites or let Andium and the other providers know they are going to get them and that is going to prevent us delivering the houses that we need to deliver by 2030 and especially the affordable houses we need to deliver. It is that stark. I think this is a good building, it is a very handsome building, it is right for its site. The current Cyril Le Marquand House architecture is a criminal waste of the footprint it sits upon and this is a much better use of that resource. It is not just a government building for civil servants and for Ministers; it is going to be a public building and a really good one. It is an impressive civic building that we have seen the plans for and the public will have access to it. I think the law officers and the Greffe have won the argument that they should stay in Morier House, especially the law officers should not be in a government building; that physical separation is important. I believe they have won that argument. That then frees up some more space in the proposed new building for what I definitely think we are urgently in need of, which is the kind of in-committee rooms those of us who have been fortunate enough to work in Portcullis House in Westminster. Room designed for public hearings, the Planning Committee hearings, Scrutiny hearings where everyone has got the right place to sit and see things and access and can be live-streamed as well. We are going from the museum to the St Paul's Centre or fitting into those 2 rooms in the States building which are not fit for purpose for that important scrutiny work and the hearings that we have that I would like to see in the new building. It is very possible that what happens in La Motte Street now will happen in this new building too, so it is important that it is not just seen as something that is exclusive to those working in government. What has always worried me as P.P.C. chair is Members meeting constituents or people alone sometimes in the States building with no reception; I have always been worried about that and I think the new building should have a facility there, a reception, for security purposes it is important. The Constable of St. Helier is absolutely

right; decanting everything to the waterfront is going to leave a very dangerous vacuum, 1,800 civil servants in this building in this part of St. Helier is good for this part of St. Helier. We do not have a staff canteen in these buildings, they come out to the central market, the restaurants, the coffee shops; it is very, very important that they are kept here. This is not the time to put the brakes on this. I do appreciate and hugely respect Senator Moore and the Scrutiny function and I understand, but now is not the time to put the brakes on, now is the time to accelerate for delivery of housing if nothing else.

13.1.8 Senator S.C. Ferguson:

The transaction being planned; I have not got all the information required to comment on this in detail but this does not appear to be the same sort of public private financing that Gordon Brown and his Labour Party people supported. That was one where the financing of the services - cleaning, maintenance and other services - burdened the buildings with excessive costs because the private developers hung on to those and sold them into investment trusts being held in Guernsey; but there is a difference. I have also heard comments about Cyril Le Marquand House, it is a perfectly good building and we should either convert it into housing or renovate it. I am sorry, I worked in that building for a considerable time, it was poorly designed and built and not at all pleasant in which to work. Cyril Le Marquand hated it. If he had lived I do not think the States would have bought it, but that is another story. If you wanted air conditioning you had to open the windows on both sides of the building, and the corollary to that was there really was not any heating in the winter, it was not very effective. I agree entirely that we need to co-locate all the States departments except, as mentioned, the law officers and so on, into Cyril Le Marquand and we will free up sites all around St. Helier and we will provide a convenient centre for people to meet with officers. There are queries on the financing side; well I am quite certain that an explanation to the Scrutiny Panel ... I presume they have had a lot of information already about it but this is something that can be arranged between the Chief Minister's Department and the Scrutiny Panels. So I think we should push on with this, we should press on with it because we cannot afford to have so many civil servants scattered all around the town.

13.1.9 Connétable J. Le Bailly of St. Mary:

The most important issue in this Island at the moment is the commencement of our new hospital and all that goes with it. The next most important issue facing people in Jersey is housing; whether that be rental or first-time buyer. If we want the best people working for Jersey they need housing. Of course wherever you put housing drainage and fresh water is required. Many sites across the Island are unsuitable for housing due to lack of drainage and fresh water. It is a catch-22 situation. Many people in this Island are denied these basic facilities now and that needs to be addressed. In order to make this Island as efficient and self-sufficient as possible money has to be spent; money which we do not have. Now is the best time to borrow money for these projects and it makes sense to provide the most up-to-date government office that we can provide in order to lead those and other projects. We cannot run this Island piecemeal; we need to have many irons in the fire. I will not support this proposition. It is important that we move forward as soon as possible in providing a government building. We need more detail but the principle is the right one.

13.1.10 Deputy S.J. Pinel:

I hope this just might provide a little more clarification for States Members on the detail the previous speakers have asked for. The procurement process was open to all. It was published on the Channel Islands tender portal and the official Journal of the European Union. The procurement strategy was approved by the One Government Political Oversight Group. It clearly set out the ability to nominate a reserve partner which is standard practice. My understanding is that the procurement strategy was shared with Scrutiny in spring 2020. There has been no change of tack or quick decisions; we have followed process and this has been done in public. We have followed the Public Finance Manual,

and clearly we cannot comment further on a live procurement. Both final shortlisted bidders submitted final tenders that met our requirements and both were evaluated as part of the full business case. This project will save approximately £7 million per annum, for example with operational costs and capital maintenance. It is an important project to deliver efficiencies that will enable other ministerial priorities to be funded. It is part of a balanced Government Plan which has been approved by the Assembly. Across the estate portfolio capital receipts of circa £22 million will be raised from disposals and congregating the whole of the civil servants in one headquarters. The financial implications of any delay of the project would be in the region of circa £1 million per month prior to being contractually binding. If the procurement fails we will experience abortive costs of the procurement so far of circa £1 million and may also receive a challenge for costs incurred by the bidders.

13.1.11 Senator T.A. Vallois:

I want to speak I think predominantly listening to particularly the Minister for Housing and Communities' speech, and everything he talked about was fairly correct. However, what he was talking about should be seen openly and transparently in an estate strategy. That estate strategy, even though the Minister when speaking stated that this was part of an estate strategy, nobody has seen that in the public domain. Nobody understands how that fits into the estate strategy. Nobody understands how a significant value of a contract such as this for office accommodation aligns with that estate strategy and, therefore, does the things that the Minister for Housing and Communities was referring to in terms of ensuring that we free up public land for things such as a priority of housing for the Island. I have heard a number of Members talking about playing an uncertainty card and talking about that there was always going to be a risk of being accused of delaying something by bringing a proposition like this. But this proposition is a legitimate use of procedure within our democracy; that is the very reason why we have Standing Order 168. Although it keeps on being mentioned, and I am sure will be mentioned plenty of times again, particularly from Ministers, that Scrutiny have received strategic outline cases, that Scrutiny have received briefings. None of that was particularly in the public domain, and there will be arguments around commercial sensitivities, which are totally understandable, but a predominant part of that is why it is important to have such a thing as an estate strategy; something that the Comptroller and Auditor General has recommended a number of times, whether that is throughout the Lime Grove fiasco we saw 8 years ago, or whether that was throughout the piece of work on operational land and buildings. There is also the issue of how limited our own arm's length company is in terms of the States of Jersey Development company with regards to contracting for procurement over something like an office building or any other property deal the States wish to go forward with or the Government wish to go forward with. That is because of the risk limitations that we place upon them, quite rightly so some would say. That proposition was debated 11 years ago establishing the States of Jersey Development Company and maybe there is an agreement or something that needs to be said about how we look at that going forward, talking about regeneration of St. Helier as the Constable of St. Helier referred to. With regards to delaying what is being suggested here, if Members read the reports of the proposition they will identify that when the strategic outline case was put to Scrutiny and to Members back in 2019 it was suggested within the timeline that the contract would not be signed until May 2021.

[17:15]

It really does fail me, and the Chief Minister will be completely aware and concerned as well, at the fact that we do not have an alignment around our property strategy around an estate strategy that aligns all the many things that have to line up to ensure that we are spending our money in good value on behalf of the public. When I say "our money" it is the public's money. When we talk of savings of £7 million per annum which the Minister for Treasury and Resources has just referred to, yes, that is brilliant but in contrast to the amount that we are spending on the overall property is it really a saving? Will it predominantly mean, because the work has not been scrutinised as closely and

effectively as it could be through the scrutiny process ... and I want to remind Members, Scrutiny is not opposition. Scrutiny is there to support and assist on behalf of the public to improve policy and legislation. The Constable of St. Mary refers to a principle, that this principle is the right one. Yes, it may be the right one but we are not agreeing the principle. We are determining whether we are utilising an appropriate democratic procedure that is in place by this Assembly as to whether signing up to a significant value of a contract for States offices is the right thing to do without the transparent assessment or scrutiny of such a process and without an estate strategy, which I believe if we are going to put a cart before a horse this very much defines that situation that we are finding ourselves in now. If we have had an estate strategy, we understood that, were aligned to it and signed up to it is not good enough to say that this is part of a balanced Government Plan. In a question earlier today I asked about what was in the Government Plan and Infrastructure Fund. We make these up each year and that may be part of the estate strategy but we do not know. With regards to signing up to a contract such as this and having worked on Public Accounts Committees and Corporate Services, and within Treasury itself over my time in the States, I think it is untoward of us to suggest that we are trying to delay or we are trying to say that this is not the right one to do. What we are saying is we want to allow the process to go forward in a democratic, transparent and responsible way. On that basis I find myself having to support the proposition because I feel that considering all the work that has been provided to Scrutiny in a confidential manner it is difficult to then go forward and carry out that review in the manner in which Scrutiny does their work, particularly with regards to the changes that we have seen earlier today when R.4 was lodged by the Minister for Infrastructure and then repealed. R.4 did not have sufficient information in that. Then R.19 came forward with a completely different plan. That may be legitimate as per procurement processes, it may support what is being suggested by the Minister for Treasury and Resources, the requirements around the Public Finances Manual. We just do not know whether that is the case, do we?

13.1.12 The Connétable of St. Ouen:

Ever since I have been a Member of the States I have to say, as somebody who has come from a commercial background and used to working in relatively modern offices, I have been horrified at the conditions we ask our staff to work in. Having looked at the States building, and obviously as an Islander I have seen what has happened, we have significantly underinvested in our office estate for quite a period of time. I am not going to get into the weeds of what Scrutiny were told or what they were not told but certainly from the chronological list of briefings that I have seen, there seems to be an awful lot of information that has been provided. To me commercial opportunities do not wait for ever, I am afraid, and this deal to me seems to be particularly good. I accept that the previous bidder was also a good deal but unfortunately because they changed the bid we were unable to go with them and that is perhaps a shame. But, anyway, this particular deal seems to be particularly good because the developer is offering to fund this deal and giving us an option to buy it back any time after the 3 years. Senator Mézec asked about the commercial realities of that. I think it is quite simple, the rental yield is obviously going to be quite attractive to the developer and also for a Government such as ourselves who are particularly strapped for cash at the time of COVID this represents a good option for us. We have talked a lot about estate strategy but to me it seems to be fairly simple, we want to get all our people into one building as much as we can, given what they do. I accept the police and fire might be a different equation. It is important, I think, to get everyone under one roof and this to me represents a very good opportunity to do that. If we delay I think that opportunity may well disappear on us. I cannot see what we are going to get back from the delay. We know what the heads of the deal are and if we were working in a commercial role we would just get on and do it. I understand the need for democratic accountability and transparency but in this instance it seems to me that we have asked all the questions, perhaps some of them in private, and most of, if not all, the answers have been provided. I, for one, think we just need to get on with this. We need to get our staff into a situation where they are working in good conditions and we need to give them the opportunity to network together and to have decent offices because, as we keep stating, we want to

be the employer of choice. One of the factors when choosing an employer is what premises you are going to be working in. If people are being asked to work in substandard premises then it weighs in their mind when they make the choice to come to us. There are certainly other large employers in the Island who have much better premises than we do. I, for one, am keen to address that issue. I find myself unable to support this proposition and I think we need to think very carefully about the way forward and the speed with which we need to do this. Given we are not being asked for a lot of money upfront and it will save us money on other properties, and it gives us the opportunity to develop our other properties for other purposes, I think we just need to crack on with this and do it. So I, for one, will be voting against this proposition.

The Bailiff:

Thank you very much, Connétable. I am noting in the chat that there is quite a lot of suggestions that we might adjourn. It is obviously now 5.23 p.m. and that is 7 minutes before Standing Orders requires me to raise to the issue of adjournment. If someone wishes to propose the adjournment then there is no reason why that cannot happen.

Senator L.J. Farnham:

Before I do, I just wondered if there were any other Members wish to speak other than the Deputy of St. Martin?

The Bailiff:

I have no one listed to speak at the moment.

Deputy G.P. Southern:

There are plenty queuing up, Sir.

The Bailiff:

I guessed that there might be but …

Senator L.J. Farnham:

I propose, Sir, we might get one more speaker in and then adjourn at 5.30 p.m.

The Bailiff:

I think we have to invite someone to speak and then if someone wants to move the adjournment after that then that is a matter for them.

Deputy R.J. Ward:

May I say that the government did ask for 2 main responders and only one has spoken so this debate is obviously going to go on tomorrow and to have somebody have to speak now right at the end of the day … I think it would be more effective for a debate if we were to start again tomorrow.

The Bailiff:

Deputy, it is entirely open to you to propose the adjournment now and then Members will adjourn or not depending upon their point of view. It is not for me to decide. I am in the hands of Members.

Deputy R.J. Ward:

Of course, thank you. I will propose the adjournment, please.

The Bailiff:

Seconded? **[Seconded]** Does any Member not wish to adjourn, if they could indicate and I can throw the matter open for debate if necessary. Perhaps someone could indicate if they wish there to be a

debate on this, otherwise I will simply take it as a standing vote. No one has indicated … you do not wish to adjourn, Deputy Morel?

Deputy K.F. Morel:

That is correct. There is time for another speech. Somebody has to have the last speech of the day. I think we should just continue until 5.30 p.m. I do not understand the clamour for finishing 5 minutes earlier.

The Bailiff:

It is a proposition for debate. Does any other Member wish to speak on the matter of the adjournment? If no other Member wishes to speak on the matter of the adjournment then I …

Deputy R.J. Ward:

Can I reply to that?

The Bailiff:

Yes, but I have to close the debate first, Deputy. Does any other Member wish to speak on the matter of the adjournment? If no other Member wishes to speak, I close the debate and call upon Deputy Ward to respond.

Deputy R.J. Ward:

I fully understand what Deputy Morel says and, to a large extent, I agree with him but I think too often we play games of chicken in who is going to speak last. It is at the detriment of debate because this is a really important topic. People may want to speak for longer, people may be leaving the Assembly at 5.30 p.m. for whatever reason. We have said that what we will do in future is finish on time. In addition, we have very little after this apart from the in-committee debate so we will be back tomorrow anyway. I think it is a much more effective and thoughtful use of our time if we come back when everyone is fresh in the morning, go back over this information and then give Senator Moore a decent amount of time to respond as well, which is fair given that the Government have 2 main responders. I would ask the Assembly to vote for the adjournment now and then we can move forward tomorrow as effectively as possible.

The Bailiff:

Thank you very much, I will ask the Greffier to put a link in for voting on the adjournment. The proposition is that we adjourn now until 9.30 tomorrow morning. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I would ask the Greffier to close the voting. The proposition to adjourn has been adopted.

POUR: 36		**CONTRE: 4**		**ABSTAIN: 0**
Senator L.J. Farnham		Connétable of St. Ouen		
Senator S.C Ferguson		Deputy K.F. Morel (L)		
Senator T.A. Vallois		Deputy S.M. Ahier (H)		
Senator K.L. Moore		Deputy K.G. Pamplin (S)		
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				

Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy I. Gardiner (H)				

Before I formally adjourn the Assembly, after this matter of Public Business the last matter of Public Business is the in-committee debate. That has been scheduled to start on Thursday morning. We will, I think, have to take a view tomorrow, depending upon how long this matter continues, as to whether we take the in-committee debate tomorrow or Thursday as presently scheduled. Members might wish to reflect a little bit on that overnight. My instinct would be that if we finish this tomorrow morning, if it is earlyish, we move straight on into the in-committee debate and take the rest of the day, or alternatively, if it is closer to late morning, we take a break and then start and do the afternoon in the in-committee debate, following on the following morning if necessary. Those are preliminary and provisional thoughts and I am not suggesting that is certainly the way Members might wish to deal with the matter. Food for thought overnight and the States stands adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:28]