

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 9th FEBRUARY 2020

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

I would like to welcome His Excellency to the virtual sitting this morning.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Selection of the Minister for Education

The Bailiff:

We come on to F, which is Appointment of Ministers, Committees and Panels. In accordance with Standing Order 117 the Assembly is due to appoint a new Minister for Education. Members have received notice of the Chief Minister's nomination. Chief Minister, would you like to make the nomination?

Senator J.A.N. Le Fondré:

I am delighted to nominate Deputy Maçon for the position of Minister for Education.

Deputy R.J. Ward:

Sorry to interrupt, Sir. I did put something in the chat regards a question for you regards Written Questions.

The Bailiff:

Deputy Ward, I was going to take that when we got to Questions. You are looking for a ruling which I will have to consider over lunch at least.

Deputy R.J. Ward:

It was more procedure, Sir. Sorry, I was not sure when it fits in.

The Bailiff:

No, I was going to deal with it when we got to Questions. Is the nomination seconded? **[Seconded]** Are there any other nominations? If there are no other nominations then I invite Deputy Maçon to speak for up to 10 minutes, after which there is a question period of up to 20 minutes.

2.1 Deputy J.M. Maçon of St. Saviour:

I would like to thank Members for their support. Just for the benefit of the media, as I have been elected I automatically cease being Minister for Children and Housing although the Chief Minister has committed to transferring by Order the remit of Minister for Children across, in line with the Children's Commissioner's and others recommendation. Members will have read and understood the Standing Orders around this and I can confirm that Madam Jackie Weaver has no authority here. Members will be aware that I have served as a member, vice-chair and chair of the Education and Home Affairs Scrutiny Panel. Our suspension review resulted in increased provision for children with autism, the review into special educational need to trigger the creation of the Parent Carer Forum, which provides the department with a co-ordinated voice for children and families who have special educational needs. By providing robust and evidence-based reports we have reversed cuts to the Education Department in the States Assembly and by persistently reviewing higher education funding it triggered the last Government to produce the current scheme, which has resulted in around 20 per cent more students pursuing a higher education. I believe this shows my dedication in this area of policy. I was honoured to be asked to be Senator Vallois' Assistant Minister and would like

to take this opportunity to thank her for her commitment to education. Members will be aware, as a ministerial team led by Senator Vallois, we have achieved over £40 million of funding over 4 years extra to the department through the independent school funding review. This set out the vision to have a world-class education system. We have achieved, alongside our colleagues in External Relations, the U.K. (United Kingdom) agreeing to class Channel island students as home students when applying for university fees (although there are some exceptions). I would like to thank officers from both departments for what has been an unfairness for a long time. While serving as Assistant Minister for Health and Social Services with the team, we achieved funding for the mental health nurse training programme and also for senior nursing programme skills, which we all know our community so desperately needs. While I could list many things that I would like to achieve as Minister for Education we also have to be realistic about the time left in this term and what can be achieved. The Economic Recovery Group has already identified funding to support skills and training to support Islanders post-pandemic. This will help marry many of the commitments in the Government Plan to develop the retraining strategy. The retraining strategy will be one of my top priorities. As we all know, the pandemic has hit young people hard and many will not have the same opportunities for summer or weekend jobs that they might have to put into their C.V. (curriculum vitae). I have been there and I know when applying for jobs you can be in that situation where if you do not have the experience you cannot get a job but then no one is prepared to give you the experience. It seems to me that we need to quickly develop schemes for internship, apprenticeship and training opportunities, even if only for short periods through both the public and private sector, in order to support our young people in order to gain the skills of work and also being able to demonstrate that on their C.V.s, which will open the road for their futures. As we know, the department has already begun the education reform programme. Members agreed the funding towards that in the Government Plan. There are many strands within that area and I would just like to take a moment to focus in on one of the recommendations, which the department has already started on, which is the inclusion review. As Members recall, when I stood for Minister for Children and Housing I spoke about how I am dyslexic and dyspraxic so I have a keen interest in the inclusion review. While that does not only focus on special educational need students it also incorporates other aspects, such as children who might need emotional behavioural support, who might have English as an additional language. It is all wrapped up in that crucial bit of work and that is also something which will require great attention from the Minister for Education. Of course there are other key things within the education reform programme. These will include the Teacher Excellence Fund. This is about investing in our local teachers in order to provide the highest quality of teaching that we can. There is also of course extra funding within that to support the well-being and mental health of students within schools. As I have stated out, additional educational need and support and other various aspects within that programme. So it is a very exciting time to be involved within the Education Department. Members will also be aware that the Early Years' Policy Development Board still need to publish their report. That is something which will also be a top priority as we know that the recommendations within that report need to be considered by the Assembly and by the Council of Ministers where appropriate. The recommendations need to be considered holistically. As we all know, whether it is the 1,001 Days programme, the other aspects about investing in early years, putting money towards the early years, the evidence all shows that it is the best outcome for our children.

[9:45]

Whether that be social, emotional, mental, educational, health, all of that should be noted in that supporting early years is one of the best investments any Government can make. One small item which I think does need some attention within, say, the next 6 months and that is working with the Privileges and Procedures Committee to develop a political education programme. As we know, obviously we are going to, if everything goes to plan, have significant change to our electoral system and it is important that we develop age-appropriate teaching material in order to supplement the

P.S.H.E. (Personal, social, health and economic) curriculum. I would like to thank all staff in the Children, Young People, Education and Skills Department for commitment throughout this pandemic. It goes without saying these times have been tough on all of us but while there is some light at the end of the tunnel with the vaccine programme the role and demands of the department will only increase and we will have to supplement a recovery curriculum, so that our young people are not left behind as a result of the pandemic. I thank Members for their attention and look forward to their questions.

The Bailiff:

Thank you, Deputy. There is now a period of 20 minutes available for questions.

2.1.1 Senator S.Y. Mézec:

The candidate will have had sight of the school funding review. Could he let us know if, as Minister-elect, there will be any recommendations in that report which he will not be proceeding with?

Deputy J.M. Maçon:

The supplementary report's recommendations within that report do request the Minister and the Council of Ministers to consider other areas. I think the best route forward is to take that report to the Council of Ministers to see what recommendations are best to proceed with. That is how I would tackle that issue.

2.1.2 Senator S.Y. Mézec:

If he is interested enough to act as Minister for Education he will surely have an idea of which recommendations he thinks may not be worth pursuing at this point. Is he going to push for all of the recommendations to be pursued or does he look at some of what has been proposed and think that there is not enough mileage to be worth pursuing and instead should focus on other areas?

Deputy J.M. Maçon:

It is a good question. There are controversial recommendations within that review, as the Senator will know. We know, for example, anything that should involve restructuring the fee-paying sector would be highly controversial and may not be worth extending energies on. On the other hand, we know that, for example, the inclusion review is being cried out for to pursue. But that is why I want to take it to the Council of Ministers, to get that political soundings to know exactly where the rest of the Council feels to know where the energies in bringing forth those recommendations should really lie?

2.1.3 Connétable A.S. Crowcroft of St. Helier:

Would the Deputy agree with me that with the planned increase in the number of housing units in St. Helier there is an urgent need to review the ability of the town primary schools to meet the anticipated demand and will he tell me, and the Assembly, what his plans are to do that? In particular with regard to the facilities at Rouge Bouillon School, which are already in a pretty dire state.

Deputy J.M. Maçon:

As I am sure the Constable will know, previous to this, whether it is in Witten or Oral Questions, I have made the case for extending Rouge Bouillon School. I think they are a key player in the old police station site. I think that it is absolutely a key priority that the Minister for Education make a claim to that site because I did have the opportunity very recently to walk around Rouge Bouillon School. While the school is safe there are significant issues to do with the estate there and it does require a significant amount of investment. While that is already in the Education capital rolling programme going forward, the Constable is absolutely right that that issue needs to be addressed. The other aspect of is there extra capacity required within the town schooling system; yes, it is. Officers have already highlighted that as a policy area that needs to be developed with our colleagues

within the Infrastructure Department so it is something which is already in the work programme of the Minister for Education.

2.1.4 The Connétable of St. Helier:

When does the Deputy plan to come back to the Assembly with a statement about the capacity of the town's primaries going forward? Will there be a paper or a proposition brought to the States this year, for example?

Deputy J.M. Maçon:

I would need to talk to officers about the practicalities of that but I am quite happy to produce a report to the States Assembly regarding capacity that currently exists within our town schools.

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

I congratulate the Minister. The school funding review, which cost the Government around £217,000, and I believe has been to the Council of Ministers, can I ask the Minister his view on whether the idea that the private schools will need greater autonomy, which would include potentially means-testing support for fees rather than offering subsidised fee-paying education as a universal benefit is something that the Minister would consider, support or reject?

Deputy J.M. Maçon:

There are 2 elements there. One is about autonomy and that is something which I would wish to indicate support for. I think that there is a lot of respect for our head teachers within that but of course the counter safeguard within the system, as the Deputy will know, will also be about strengthening the role of governing bodies in order to ensure that there is accountability within the system as well, so that is one part of his question. The second part of the question is looking at potential means-testing the issues within the fee-paying sector. As already indicated, to a certain extent, that is going to be extremely political and that recommendation would require further consultation with the public and the Council of Ministers to understand whether there was any mileage in that particular recommendation or whether it would be a better use of time to concentrate on the other recommendations.

2.1.6 Deputy R.J. Ward:

Can I ask the Minister whether an uplift in Pupil Premium to promote equity of opportunity would be one of his priorities in the next few months?

Deputy J.M. Maçon:

It is my understanding that that is already within the Government Plan. I believe it was something that the Scrutiny Panel did recommend. We already put more funding towards the Pupil Premium and I believe that additional funding is flowing into that project. The exact timing of that is something which I would need to get back to the Deputy on but it is definitely something already in the Government Plan.

2.1.7 Senator S.C. Ferguson:

The Deputy may recall the Codecademy programme we wanted to extend in the primary schools and, where possible, in the secondary schools; using the material from Codecademy, and not concentrating purely on Microsoft but including the various alternatives such as Linux, Google, Apple and so forth. What is the Deputy going to do about it?

Deputy J.M. Maçon:

We have been developing various programmes through the Skills Department, which has been running various programmes within the primary schools. I know, for example, St. Martin's have been running a coding programme for a while. I know that the D.E.C. (Design Engineer Construct!)

programme, which is about developing young engineer skills, has also been something which has been offered to the schools in the Island. We all know that the aspect of digital skills going forward within the Island, not only at primary school level but across the board, is going to be an area where the Island is going to need to invest further. I think that this is something that absolutely would be mopped up in the retraining strategy. I think the Senator particularly wants to focus on the other operating systems that one can use when it comes to coding, we need obviously to look at the compatibility of the hardware and software in order to deliver that but it is something which is already in the department's work programme.

2.1.8 Senator S.C. Ferguson:

But is it going to extend beyond Microsoft, which is so expensive?

Deputy J.M. Maçon:

I would need to look into that and get back to the Senator. I do not have a position on that at the moment.

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

Congratulations to the new Minister. I just wanted some clarity please from his statement on the early years work and it sounded rather to me like there was perhaps some backtracking on the 30 hours of nursery funding. I just want some clarity around that please and a commitment from the Minister that he will remain committed to delivering those 30 hours to nursery children please.

Deputy J.M. Maçon:

As the Deputy will know, being a Member who sat on the Early Years Policy Development Board, Senator Vallois gave the intention to work towards 30 hours of paid for provision for the early years but that was also subject to working in consultation with the early years providers in order to deliver that. While I have not dropped that commitment, I do want to look at all the recommendations holistically.

2.1.10 Deputy L.M.C. Doublet:

The Minister is stating things that I know are not correct because the 30 hours funding was secured in the Government Plan. Am I taking from the Minister that he is not going to be driving that forward? I just wanted a yes or a no, whether he was sticking to that 30 hours that is in the Government Plan and will be provided, will that be continued on in subsequent years?

Deputy J.M. Maçon:

The money provided in the Government Plan was to support the Early Years Policy Development Board recommendations. One of the recommendations is the 30 hours intention to achieve that, but that was all subject to consultation with the industry. Of course I have not dropped that, as the Deputy is asking for, but we also need to consider the other recommendations within that report for the best outcomes of children.

Deputy R.J. Ward:

That is not an answer.

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

Just to Deputy Ward, your microphone is on.

The Bailiff:

Could I just interrupt? Could any Members who are not actually asking questions or speaking in answer across could they turn their microphones off for the time being? Deputy Morel, your voice is extremely faint.

Deputy K.F. Morel:

I do apologise.

The Bailiff:

Even fainter.

Deputy K.F. Morel:

I do apologise, does that help, Sir?

The Bailiff:

That is much better, thank you very much.

2.1.11 Deputy K.F. Morel:

Congratulations to the Minister and I just want to ask. Senator Vallois in her resignation letter from the post she mentioned that she was disappointed that she would not see through the actions that need to be taken around the education reform programme. I was wondering if the Minister would be able to explain the main points of that education reform programme to the Assembly and advise the Assembly as to whether he intends to take forward or which aspects he intends to take forward in his tenure.

Deputy J.M. Maçon:

I thank the Deputy for his question. I did allude to many of them in my opening speech but I happy to repeat them. So we know, for example, within the education reform programme there are things such as the uplift of the Jersey Premium to support social and economic equality within the education system, strengthen the central educational psychology teams so that all children have timely access to specialist help, support the mental health and well-being through a whole school approach backed by a targeted training programme as well as strengthening the school financial governance but with broader introductions of financially-skilled governing bodies and the introduction of plus level school business managers. In order to answer the Deputy's question, we have already now appointed a programme overseer. That has already been put in place and it is certainly something which I would not stop as Minister for Education.

2.1.12 Deputy K.F. Morel:

I thank him for his answer. Among those reforms, does the Minister see reform of either the fee-paying aspects of the Jersey school system or indeed the 14-plus at Hautlieu as part of the educational reforms that he would seek to bring through?

Deputy J.M. Maçon:

As we already discussed, we know that doing anything to the fee-paying sector is going to be highly controversial. I remember the days of Deputy Reed of St. Ouen who tried to do that and the bloodbath that followed.

[10:00]

I am quite happy, on that recommendation, to bring forth a consultation with Members to know exactly where this Assembly sits within that. But I think when it comes to Highlands and Hautlieu one of the key aspects there is of course we need to have those institutions have just simple things like a co-ordinated timetable so that if you want to supplement your vocational course with an academic course there is the ability to do that. For example, if you want to do sport studies it might be great to be able to do one section of the course at Highlands but then also do biology and psychology at Hautlieu as well in order to complete that overall plan. That is where I see the future of those institutions.

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

Will the Minister ensure that 16 to 18 technical education is appropriately funded for the future by levelling up per student funding in technical education and implementing the post-16 education review?

Deputy J.M. Maçon:

Yes.

2.1.14 Deputy G.P. Southern:

That was the answer was it, that you are definitely going to level up the spending on technical education to a level that is at parity with A-Level and academic studies; is that the case?

Deputy J.M. Maçon:

That has always been the vision under Senator Vallois, that we treat vocational and academic courses the same. That is definitely a value which I certainly have and have kept. Whether it will be exactly pound for pound tomorrow I am unable to say at this time. But that is certainly the route of travel that I would wish to follow, and I know that there is money in the Government Plan already to better support Highlands in order to start tackling those inequities.

Deputy G.P. Southern:

Thank you for the non-answer.

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

Congratulations to my fellow Parish District No. 1 for his nomination. My question to the Minister is: what are his thoughts on a plan to help our young Islanders in their recovery from their experiences going through COVID? Is there one in place and can he allude to it?

Deputy J.M. Maçon:

I think this is very much like the Deputy's Oral Question which he has later on. Yes, this is something the Department has already highlighted. The Deputy will be aware of the, for example, initiative such as the Kooth app, which has already been launched, and many Island students are already taking part in order to support them with their mental health to provide online counselling in order to deal with those aspects. There is also, while this is more Minister for Children rather than Minister for Education, there is also a redesign of C.A.M.H.S. (Child and Adolescent Mental Health Services) in order to provide more of a reactive and outreach service to provide those aspects for young people. Of course this is also why the inclusion review is so important because while C.A.M.H.S. obviously deals with the higher demand science, the idea of providing more of an early intervention approach of the inclusion team will hopefully address well-being and mental health issues at a lower level. That is something which is already supported by the department and which we are working on.

2.1.16 Deputy K.G. Pamplin:

I thank the Minister-to-be's answer. Could I just push him further in terms of the recovery plan encompassing not just education but the overall well-being and the support that our young people are definitely going to need? Especially those less well-off who are struggling to access education and other means.

Deputy J.M. Maçon:

Yes, again as part of the education reform programme there are specific monies dedicated to extra well-being support for our young people and I hope that will give comfort to the Deputy.

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

I would like to ask the Minister what his views are on the success of the digital classrooms that we have seen over this last year and his views on expanding the curriculum so that if one school, for instance, teaches Russian, that we can use the digital capability that we have to expand that offering to other schools that might not have a teacher that teaches in that particular curriculum.

Deputy J.M. Maçon:

I believe that the shift to digital learning obviously has been essential during the time of the pandemic. I think what is important to bear in mind from the student surveys that we have had back, acknowledging that in some cases there has also been not enough technology in order to support students in some areas, that hard packs were provided, that not every student's learning style suits a digital format. In order to learn we know that many students benefit from face-to-face learning, however for those students where a digital learning experience does work for them I think that we have shown that we can continue education through a digital route, provided that we have the equipment, is something where we could further develop the offer of schools on Jersey.

The Bailiff:

I am allowing an additional minute for injury time because there were some interruptions. Deputy Gardiner, very quickly if you could.

2.1.18 Deputy I. Gardiner of St. Helier:

Congratulations for the Deputy. Children with English as a second language are above 50 per cent at some schools. What extra funds will be dedicated to match and support schools with this need?

Deputy J.M. Maçon:

I thank the Deputy for her question. Yes, I attended Rouge Bouillon recently and the head teacher there impressed upon me the high percentage of students with English as an additional language upon me. I can tell the Deputy that this year, through the Government Plan, States Members have already approved £500,000 in order to support students with English as an additional language and there is extra funding going forward in extra years. It has been a longstanding issue that a dedicated budget for E.A.L. (English as an Additional Language) has not really been put in place. This is something the ministerial team have recognised and put in, in the Government Plan, that this area is not at the bottom because it is also part of the inclusion review going forward. I hope that answers the Deputy's question. The States have already agreed to put in £500,000 in this area.

The Bailiff:

Thank you very much, that brings the time available for questions to Deputy Maçon to an end. As there were no other nominations, and the speech and period of questions has been completed, I confirm that Deputy Maçon has been selected for appointment as the Minister for Education.

3. Selection of the Minister for Children and Housing

As he has been appointed as Minister for Education there is a vacancy in the position of Minister for Children and Housing. Members have received notice of the Chief Minister's nomination in accordance with Standing Order 117. Chief Minister, do you wish to make that nomination?

Senator J.A.N. Le Fondré

Yes, Sir, thank you. I am delighted to nominate Deputy Russell Labey for the position of Minister for Children and Housing.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations? If there are no other nominations then I invite Deputy Labey to speak for up to 10 minutes, after which there will be a question period for up to 20 minutes.

3.1 Deputy R. Labey of St. Helier:

I am surprised to be in this position this morning. It is not something I sought. I was very happy doing what I was doing and the call came as a surprise at 3.00 p.m. on Saturday afternoon from the Chief Minister. I said: "Thank you" and I would think about it. I have 2 friends staying here who have a home in Scotland and got marooned here before Christmas with Nicola Sturgeon's blockade. I told them about the phone call and they were telling me about they want to move to England and the range of Government-funded finance models that were available to them, shared ownership of course, the right to buy, priorities for those with local ties to local areas, et cetera. They were amazed and such was the help available they were able to put down an offer on a house. All I have ever heard in the first term of when I stood in 2014 throughout to 2018 on questions about the housing crisis and the problem with housing, the answer was always: "It is just supply, supply, supply." Of course supply is absolutely critical but it is not just supply alone. It is supply and assistance. I began to think if we could offer, and the housing market is such in Jersey that potential buyers need more assistance because they cannot shop around, they cannot move out of town to where the bands get lower until they find the place that they can afford. If we can combine supply with real assistance do we dare to hope that we might be able to offer our young people the realistic opportunity to buy a home, if that is what they want to do. By 5.00 p.m. I was sitting in Senator Farnham's kitchen: "What is this all about, Russell?" "The Chief Minister has just offered me Housing." "Brilliant" he said. "There is a real opportunity here. It is going to take some work, it is going to take some doing. I will help you but there is a realistic chance that we can offer our young people the opportunity to buy their home." So the die was cast and I went back, by now it is 6.00 p.m. I am at home, and somebody called Marie Claire had been very busy filling my inbox with all sorts of documentation, Housing Policy Development Board report, homelessness strategy, Draft Island Public Estate Strategy 2021 to 2035. I have not even opened that one. I am very new to this. As Members know I have been busy with other stuff the last 2½ years. I was pleased to be doing that. I am proud of what I have managed to achieve with my 2 committees. So I am on a steep learning curve. But I am prepared to learn. I learn quickly. I do not have the answers yet. I am just really formulating the questions. But that housing policy report, what did I find in there? Something that jumped out was the sentence that began: "The Government of Jersey should maintain and modify if necessary a single existing affordable ownership product"; so some hope to find that there. What else was in there? A new strategic co-ordination function. A terrible title, what does it mean? Well if we are to build 7,000 homes by 2030 it seems sensible to build the right ones, the ones that are required. Members will know every time a new scheme pops up with 100-plus one-beds, 20 2-beds, 3 3-beds, we get a flurry of emails and comment about: "What is up with all the one-beds. Do we not need more variety?" So the strategic co-ordination function across all providers will check what is in the pipeline. What is coming through in the pipeline to be developed and is that going to properly satisfy what is needed to be developed. I think that is a good thing. I am not really sure how much I can talk about the policy development board's report because it has not been published yet. I know that Scrutiny have seen it. But for me it seems to provide a blueprint for what I, as Minister, should now drive forward. It has been a little bit delayed because of COVID but I think it is a very good blueprint. I am excited by it. I had 20 minutes on Monday in Broad Street with Customer and Local Services policy officers going through the Minister for Children and Housing's policy portfolio and priorities - very interesting - and it cross-referenced with the development board report. On the back we got down to the last one: "Research and development of affordable home purchase products." I cannot help - it is just where it says "confidential" - feeling that it is a sign. I wanted to take that theme because I believe it is so important. Obviously at this time, with 15 months left of this term, I was not thinking about what I could achieve.

[10:15]

I do think the housing problem is all our problem and while there is not a lot of time I do have the blueprint. If we work together I do not think that product will be available by the end of this term.

But if there are problems with the way property is transacted in the Island and conveyancing laws might have to change, but if we can by the end of this term at least signal that it is on the way and what kind of product might be available, coupled with the supply that is coming through - 1,000-plus units in my district alone in one stretch of road between Route du Fort and Gas Place are in the planning process at the moment - so if we can combine supply with help and get that done, I think that could be really, really important. I have mentioned young people wanting to buy a home but that option is not available to everybody and it is equally important that our tenants are safe and secure and stress free. I am pleased to see that there are also measures in the report which I will champion. This morning at 3.35 a.m. my phone pinged with a message from a Mr. Johnson. I do not think it is Mr. David Johnson because he said: "Good luck, Russell, I hope you get Housing. Please do not lose track with the electoral reform" and there is not a chance of that. I just need to explain to Members that I am not abandoning P.P.C. (Privileges and Procedures Committee), it is a huge wrench for me to leave chairmanship of P.P.C. and the Planning Committee, but when these offers come along you either stand up and go for it or you do not. My feeling is you do not have a choice because it is in there in your head and if you do not go for it, you think: "What if? What could I have done? What opportunity did I miss?" so that is why I am here today. But I think it is a difficult 15 months because it is running up to an election and that is when politicians very often diverge, do they not, and put some space between them and others and what has been achieved and what is not achieved in readiness for the election platform. But working together we can still do things and achieve things and have a record to be proud of by the next election, and electoral reform is one of those. The only thing I asked the Chief Minister, if I could have a seat as an Executive member back on P.P.C. so that I could continue the workstreams that I have started there making videos about what it is members do, remuneration I am afraid, setting up Senator Vallois and her committee, looking at accountability and democracy in governance in the way we run things. So, I am very hopeful that there will just be a little bit of musical chairs on P.P.C. and that we can continue this work and electoral reform will be a great achievement. We had a resounding win in December with 31 people and I just want to say to the others, who I know are not so keen on it, the 16, and who really had the chance and had their say and had lots of options in December. The decision was made, we are going to bring the regulations back. Let us stop, let us stop the tweets about it is not going to work and it is not going to increase voter turnout. Please let us stop that and be positive. I appeal to Members, get on board, we are going to get this through - we have still 12 months to go before the next election - in line with international standards. It is going to be better, it is going to be fairer, giving all our population fair votes across the Island, so please get on board. Just think about all those people who like to refer to us as the turkeys who will not vote for Christmas. They were silenced. The silence was deafening. We have made a big, big change and we have got to see it through and we are going to have a massive achievement like no other Assembly since the war.

The Bailiff:

I am sorry, Deputy, that brings your time speaking to the Assembly to an end. There is now a period of 20 minutes of questions available.

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

Can I start by thanking the Deputy for his speech which was different and delivered in his usual inimitable manner? I would like to agree with everything he said. It is so encouraging to hear somebody who spent 99.9 per cent of his speech looking forward and not looking back. My question is this: Deputy, the previous Minister made some noises about encouraging the potential return of the Housing Policy H3. Do you have any views on building private for sale houses alongside social housing and will you be championing the return of that policy?

Deputy R. Labey:

This is new to me, I would say to the Deputy of St. Martin. We need supply coming through, we need 7,000 units by 2030, so I think we have got to look at all options. I think Government and agencies and the public sector will probably be called upon to provide 5,000 of those units but 2,000 I think is needed to come from the private sector. I think it is vital, and I am veering slightly because I would need to have a look at H3 to properly answer the Deputy's question - hands up - but I have been encouraging, and the Planning Committee have been encouraging, a change in the green zone policy for quite some time now because we see applications coming forward, existing properties. They might have been a cow stable, they might have been a barn, they might have been a garage in the green zone, maybe in sometimes sensitive areas, recommended not for approval, somebody wants to convert them into accommodation. I think that has got to change because there is so much redundant property which could make a difference. I would like to see a planning amnesty in the same way that we have gun amnesties sometimes, say to people: "Look, upload your backyard where you want to put a couple of houses, give us the location, fill in this form. Let us have a period, a month, when you can send that in, we will go through it all. We will either red light it and say: 'No, you do not stand a chance for this' amber it: 'We will come and have a look' or green it: 'You can pursue this application and we are going to help you'." I would like to see that because it could produce hundreds of units in buildings that are already existing. So I am sorry I dodged the Deputy's real question but I hope that is some satisfaction.

The Deputy of St. Martin:

I am grateful and I apologise to the Minister for dropping that question on him. I would have asked something else if I had known.

3.1.2 Deputy K.F. Morel:

Congratulations to Deputy Labey on his appointment. In the most recent house price index, it quite clearly states that advertised rental prices were 6 per cent higher in Q3 2020 than in the corresponding quarter of 2019. Now obviously a 6 per cent inflation in rental prices vastly outstrips the rate of inflation, which is at the moment 0.9 per cent. Would the new Minister please explain to the Assembly how he intends to work to stabilise rents, if not potentially even seek to bring them down?

Deputy R. Labey:

I am not sure how much I can say and I cannot say. I am going to say what I need to say because this conversation is pointless in terms of what is in the Housing Policy Development Board report. I have to say what they have done is put rental stabilisation on the agenda, it is there, I am looking at it now. They have also put on the agenda, investigating reform of the social rent setting, the 90 per cent. But I think the Deputy is referring probably to rental in the private sector and we have got to work on tenants' rights, as I referenced earlier, security of tenure. For some people we want them to view their tenancy as a long-term tenancy, that they are secure there. I have referenced young people a lot but especially for older people. They might want to know: "I am not going to have to move again" and we want to help them do that. Perhaps with me, a fresh face ... and Deputy Huelin said to me yesterday when I bumped into him, he congratulated me and said: "I think you are a good appointment because you are persuasive and you are coercive." If I am, I want to use those qualities as much as I can to work with the landlords in the private sector and also the tenants. We want to try not to get entrenchment, we want to try and find common ground and see if we can make some progress on helping people in their tenancies, not in rental stress, which is a terrible thing to live with, and it is difficult. I am a landlord, my property is in the U.K., I rent it out, I never put the rents up between tenancies. I only ever do that if I am able to with a change of tenant. The reason I do not put it up is because it is a lot of bother, I think it is a bit unfair, and also I want my tenants to stay. Now, if they do not stay ...

The Bailiff:

Deputy, could I ask you to bring your answer to a close? We are almost at 7 minutes, I am conscious we have only had 2 questions so far and we are more than a quarter of a way through the time available period.

Deputy R. Labey:

Yes. It costs to change tenants, it is better to keep them for as long as possible.

3.1.3 Deputy K.F. Morel:

The Deputy mentioned the Housing Policy Development Board report essentially as a way of not being able to read from it, so when will he publish that report? Because we are in a slightly ridiculous situation where I am asking a question which he is essentially not answering despite the fact that he has got the answer right next to him.

Deputy R. Labey:

Well I have answered because the report puts those things on the agenda. It does not specifically say, I do not think, exactly what should be done but it is putting them out there. I think the report is due to be published in a couple of weeks, if not less time. It is just waiting on the Chief Minister, I believe, but I think it is good.

The Bailiff:

Very well. I propose, as I have at least 10 Members who wish to ask questions and not very much time available, I am not going to allow any supplemental questions. If Members could just ask their main question.

3.1.4 Deputy R.J. Ward:

It is a shame we do not have a supplementary. Can I ask the Minister, does he believe that there should be a licensing system of landlords on the Island?

Deputy R. Labey:

Yes, it has faltered, has it not? I struggled to find anybody yesterday who could tell me exactly what is happening with licensing or a register of landlords but I think we have to do something like that. We have to do something like that, yes.

Deputy R.J. Ward:

Any chance of a supplementary because it was quick, Sir?

The Bailiff:

Well it was quick. It is quite difficult, there are going to be some Members who probably will not get to their questions but, all right, I will permit supplementaries if we can keep the answers concise.

3.1.5 Deputy R.J. Ward:

Given that the Chief Minister voted against the licensing, what does the Minister have in common with policy on housing with the Chief Minister?

Deputy R. Labey:

I have got to be honest, I am struggling with the difference between licensing and registering but I am going to look into that.

3.1.6 Senator S.Y. Mézec:

The candidate has referred to the Housing Policy Development Board and its recommendation on rent stabilisation, could he give his definition of what rent stabilisation is?

Deputy R. Labey:

Well rent stabilisation is rent control but in the public sector. It is intervention to cap rents or stabilise them and prevent them from moving up and it is used ... the massive debate about that is, I think one economist said that rent control is the most effective technique to ruin a city apart from bombing it. But we have moved on from that and lots of places do use rent stabilisation or rent control measures. Given Jersey is so special, you hit the sea and no more properties, I think intervention should be looked at.

3.1.7 Senator S.Y. Mézec:

Not a great answer but it is his first day so we will hopefully give him time to learn what the definition is because it is not what he said it was. He does have money allocated in the Government Plan to deliver on rent stabilisation, could he confirm whether he believes he has the support of his soon-to-be ministerial colleagues to go ahead with that or does he anticipate that they will stab him in the back like they did the Minister for the Environment on the landlord licensing scheme?

[10:30]

Deputy R. Labey:

I cannot make that commitment because I have not spoken to any of them about it. But it is there and Senator Mézec's name keeps coming up, and I commend him for this report and all those who sat on it; Deputy Alves, Constable of St. Mary, Deputy Young and the former Greffier. I see it as my role to champion it and that is what I will try to do.

3.1.8 The Connétable of St. Helier:

With thousands of new housing units destined for St. Helier in the coming decade, does the Minister-elect believe that some development sites ought to be earmarked now to provide amenity space and community facilities that these new residents are going to need?

Deputy R. Labey:

Yes, that has defined my entire political career. I started with that fight, I think it is absolutely essential.

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

Congratulations to Deputy Labey on his appointment. I would be happy to be described as persuasive but certainly not as coercive; he may want to reflect upon that. We know that the Chief Minister is looking to change the role of this Minister to that of Housing and Communities and Deputy Labey's silence was deafening on that. Can he tell us, please, what he understands to be his role within communities and speak to it?

Deputy R. Labey:

I think it was a malapropism on my part; I think it was cohesive, possibly. I believe that the potential is there to give a voice to, for example, the elderly. We have seen how cross the Constable of St. Saviour and Senator Ferguson get when the ageing population is spoken of in terms of a burden. Let us have none of that anymore. Let us celebrate it. I think it is about pulling threads together. In terms of the third sector, which Deputy Martin, the Minister for Social Security, and Deputy Wickenden are working on, the Parish community stuff, I know that Deputy Guida is working on a lot of that, the intention is not to stop those workstreams that are happening but maybe to pull them together and give them a voice. It is the most embryonic obviously of initiatives at the moment but that is how I see it.

3.1.10 The Connétable of St. Lawrence:

The Deputy spoke at length about electoral reform and his mission has been to remove the Constables from the States. Does he see this new Communities Minister therefore as being a voice piece for the Parishes when the Constables are no longer in the Assembly?

Deputy R. Labey:

Well I am a born-again “retain the Constables” person, if you remember the debate in December, that is my position. The community work that the Parishes already do is absolutely brilliant and vital and I am here to help.

3.1.11 Connétable P.B. Le Sueur of Trinity:

With the Minister in his new position, does he feel that that will change his view on the importance of preserving our historical assets and built heritage in the drive to deliver more affordable homes?

Deputy R. Labey:

No, because I think if we are clever we can do both and I think it is absolutely vital the Island does not lose its identity while still providing the masses of units that it needs to do. It is absolutely vital and we must retain our identity and our character. We are losing too many historic buildings. If you do not believe me, I hope that the Arup report, which I have not seen but I am told entirely concurs with my view, we are losing too much of our heritage and it has got to stop. We can keep it and deliver these units.

3.1.12 Senator S.C. Ferguson:

Just a quick one: we are talking about the cost of building, will the Minister set up a group in co-ordination with other Ministers to encourage the use of modernisation of construction techniques, like changing the filler in concrete to synthetic fibre which reduces the cost, updating heritage procedures and so forth?

Deputy R. Labey:

Yes, I think that is a very good idea; I am happy to look into that. I think we have got a lot of help on hand with these sorts of things. The Jersey Architecture Commission are supplying some very interesting comments on proposals that they are asked to look at. If you look at the Ann Street Brewery site one, I do not know how much of that has been taken on board, but I think that is an incredible resource, a very knowledgeable bunch of people, and they have got their finger on the pulse and we should tap into that.

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

Would the Minister - and I congratulate him - let Members know how he would propose to support the various housing providers in satisfying the demand for accommodation for particularly the over-55 age group without rezoning further greenfield sites?

Deputy R. Labey:

There is a lot I have read in the report about cross-governmental funding to help the aged leave the housing trusts, et cetera, the competing tensions of the need, desperate need for these new units, and also the need to retain our greenfields. We are all familiar with them. My position has always been, and I have said it before, that if greenfields have to go, then let us make it the greenfields that are the least productive. I am sorry if in St. Peter's that means it is not right in the village centre and it might be more towards the airport but is it not better to build, if we have to on greenfields, ones that are not so good for agriculture?

3.1.14 Deputy J.H. Young of St. Brelade:

I would like to congratulate the Deputy on his election and I am delighted with the comments and references he has made to the Housing Policy Development Board. Obviously I am looking forward

to working with him but my question draws from that report. High land values are a barrier to our achieving housing development. What are the Minister's views on the States intervening in by acquiring sites and putting them to affordable homes development rather like was done in a very great deal in the 1990s? What are his views on that? Would he favour such an approach?

Deputy R. Labey:

Yes, I would, and the report goes into recommending a tough line on stopping land banking and where sites have been rezoned, compulsorily purchasing them if development is not forthcoming. We have got a target to hit with these 7,000 units by 2030 and we might have to get tough, so yes is the answer.

The Bailiff:

Deputy Truscott, very briefly, we have very little time left.

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

I will be brief. Heartfelt congratulations to the Minister; 6½ years on the Planning Committee, an absolute honour to serve with you, Deputy. Of those 6½ years, what from that experience will you take to the ministerial table?

Deputy R. Labey:

Well I just think this: if you get an application right in the planning stage before it becomes an application, if you get these things right and you do not have to go through multiple applications and appeals, you save money and you save time. So anything I can do to help in that direction I would happily do but obviously keeping within the protocols. I thank the Deputy very much for serving with me for all that time. It is a wrench for me and I know that leaving the committee in his and Constable Le Sueur's hands, it is in very good hands.

The Bailiff:

That brings the period available for questions to Deputy Labey to an end. There are no other nominations. As the speaking period for questions has been completed, I confirm that Deputy Labey has been selected for appointment as Minister for Children and Housing.

Deputy R. Labey:

Might I just thank Members for their support and also thank you for all the help and support and invaluable advice you have given me as P.P.C. chair. It has been an absolute joy working with you and we all know how brilliantly you have performed operating these virtual sittings; to the Greffe staff too. I hope it is not going to be goodbye, just adieu, and that I will be back helping P.P.C. To my officer, the incomparable Peter Le Gresley, and all those I have served with on the Planning Committee, it is a wrench, as I have said, to leave. We are doing great work and long that may continue. Thank you.

The Bailiff:

I shall be turning the colour of my robe if you continue with that but thank you very much indeed. Deputy Truscott, you have a point of order?

Deputy G.J. Truscott:

Yes, it is just, as I understand it, on the departure of the Planning Committee chair, the committee falls away and a new committee will have to be re-elected.

The Bailiff:

I was going to come on to that, Deputy, if that assists.

Deputy G.J. Truscott:

That is fine, thank you.

The Bailiff:

Then if you still have a point of order after that then say. As a result of Deputy Labey's new appointment, there are, as Deputy Truscott has indicated, vacancies for the chair of the Planning Committee and chair of P.P.C. These are, as Members will be fully aware, very busy committees indeed, and I would therefore be inclined to arrange for elections to take place as quickly as possible. It seems to me if that is to happen at this sitting, then the possibilities are at some time during the course of the afternoon, after the period of questions without notice is concluded or immediately at the start of business tomorrow morning as it is likely that business will adjourn overnight, almost inevitable, I would have thought. But perhaps Members could email the Greffier if they wish to argue that elections should be deferred until the next meeting and at that point the Greffier and I will consider the matter and announce at lunchtime when the elections will take place. So the options for dealing with it this time would be after questions, but of course there is a period where the individual will need to give a speech and be open for questions. It is up to people to feel whether that is enough time, or tomorrow morning, or the next meeting. So the answer is if Members would let the Greffier know by email, then we can deal with that and I will announce it after lunch hour as to what it is we will be doing. Very well, there is nothing under G and H. We come to questions and you had a point that you wish to raise Deputy Ward?

Deputy R.J. Ward:

It is really Standing Order 12(4)(a), when a written question is not answered, was clearly applicable when written questions were attached to a sitting. I have seen from the Order Paper today that there are some written questions attached to the sitting but because we have questions within the 3 weeks, can I ask you what the procedure is if one does not believe a written question has been answered appropriately because we only have a chance every 3 weeks to raise it? It is just a point, I do not know what you would call it, a point of clarification or process. Thank you.

The Bailiff:

Can I add that to my lunchtime jobs and give you a view on that after the lunchtime adjournment?

Deputy R.J. Ward:

Of course.

The Bailiff:

I will have to check back as to precisely what you asked because I am afraid I was only half-focused; other things occupied me. So, it might be helpful if you could add that into an email and send it to me so that I could review it again. Thank you very much indeed.

4. Appointment of an unelected member of the Public Accounts Committee

The Bailiff:

Very well, before we come on to Questions, I am sorry, I had forgotten that there is a nomination by the chair of the Public Accounts Committee for the appointment of an unelected member of the committee. It is a requirement under Standing Orders 124(1) that at least 14 days before the meeting during which the unelected members are to be appointed, notice be given to the Greffier of the intended nominees and the nominations must be distributed to Members. Those requirements have been met in this case, Chair; therefore, can I ask you to make the nomination?

[10:45]

4.1 Deputy I. Gardiner (Chair, Public Accounts Committee):

Yes, I would like to nominate Mr. Paul Van Bodegom as the fourth unelected member to the Public Accounts Committee.

The Bailiff:

Is that nomination seconded? **[Seconded]** Well under Standing Order 124(2) nominations from any other Members could be considered but notice would have been given at least 2 clear working days before the relevant meeting. No nominations were received and therefore I declare that Mr. Paul Van Bodegom has been duly elected as a member of the Public Accounts Committee.

Deputy M. Tadier of St. Brelade:

Sorry, I put something in the chat but I appreciate it might not have been seen yet, so it is a question about appointments.

The Bailiff:

Yes, Deputy.

Deputy M. Tadier:

I wonder if it might be helpful for Assembly Members to know while we are still on this item, if we are, whether there is going to be just one candidate for each of the vacancies at P.P.C. and Planning or more. It seems to me that if there is only one, it might be sensible to either proceed now or later today but if there are likely to be multiple Members that it would be sensible to give those candidates sufficient time to prepare. But I know Members will have of course been thinking about it over the last couple of days already.

The Bailiff:

Yes, on the understanding of human nature, Deputy, quite often people only come into focus on precisely what their plans are when presenting with the potential actuality of the whole thing, I suppose. It may be that Members will wish to reflect on that before they can and I am not sure who can give a definitive answer as to whether there shall be one nomination or more than one nomination at this point. We will clearly know that better after luncheon because we will understand more ... hopefully people will indicate to us whether they are intending to put forward other individuals or one individual or more than one individual. I am not sure how we can firm up on that at this point. But if Members are able to do so outside the 4 corners of the meeting by email and the like, well then that I am sure is something that can happen offline, if I can put it that way.

QUESTIONS

5. Written Questions

5.1 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding taxpayers earning in excess of £1 million per year (WQ.1/2021)

Question

Will the Minister provide details of the number of taxpayers earning in excess of £1 million per year for each of the last 10 years?

Answer

Year	Number of individuals with <u>earned</u> income declared over £1m
2010	21

2011	<12
2012	<12
2013	<12
2014	<12
2015	13
2016	12
2017	17
2018	15
2019	36

Notes

- This data set represents individuals who earned more than £1 million annually (and so excludes married people and civil partners whose joint income exceeds £1 million.)
- Data sets <12 are not reported in line with the Comptroller's standing policy to guard taxpayer confidentiality.
- Data largely comprises earned income but will include some unearned income.
- For this purpose, "Earned Income" includes:
 - Salaries
 - Wages
 - Directors fees and similar remuneration from companies
 - Profits from self-employment
 - Share of profits from partnerships
- Unearned Income includes:
 - All investment income such as:
 - Bank interest
 - Distributions from companies
 - Income from let property
 - Income from pensions

The marked increase in 2019 remains subject to audit and peer-review and may partly be explained by differences in the way data is managed in the new Revenue Management System.

5.2 Deputy K.F. Morel of St. Lawrence of the Chief Minister regarding the plans to manage a Winter outbreak of Covid-19. (WQ.2/2021)

Question

Will the Chief Minister provide the Assembly with copies of any risk management plans created with a view to the management of a Winter outbreak of Covid-19, including any information regarding the actions to be taken to mitigate individual risks and the dates, if any, on which these actions were taken or commenced?

Answer

As a first step, I would be pleased to arrange an initial briefing for the Deputy on the approach to risk management and planning adopted during the pandemic, which can then inform the production of a briefing to States members on this important area.

Indeed, additional winter pressures were identified in the corporate risk register in September, and appropriate actions and mitigations were introduced, including developing and delivering the Winter Strategy, and the Department of Health and Community Services Winter and COVID Preparedness Plan 2020/21.

I would however emphasise that I do want to ensure that our overall focus remains on delivering the vaccine to as many Islanders as possible, with the continued objective of having all those of 50 and over (and other high risk individuals) having received their first jab by the end of March which is approximately 9 weeks away.

There are also a number of important policies that need to be finalised in preparation for the time when a significant proportion of Islanders will have been vaccinated, and when it will no longer be necessary to restrict their civil liberties to the extent that we presently do.

In the meantime further details are provided below.

As with the first phase of COVID-19, the Government continued to deploy the governance framework and risks management response as it had during March – July. This was never fully stood down on the basis that the risk of a second wave was identified on the corporate risk register from September onwards. The risk management response was essentially in two interrelated parts; Health and Non-Health matters. The risks and issues arising were joined through the various co-ordinating groups within the governance structure.

The health element of the planning for a Winter outbreak of COVID-19 was contained within the Department of Health and Community Services Winter and COVID Preparedness Plan 2020/21. The risks are highlighted in this document and are reviewed on a regular basis by the Departmental Management Team and through the Departmental Quality Performance and Risk Committee. This plan was discussed and shared with all partners.

A range of areas were identified as high risk. Each risk has been subject to regular review and actions taken as appropriate. The risks identified related to recruitment of essential capacity; the potential for the number of cases to exceed the available capacity; workforce resilience and well-being; community capacity to support the health services; the reliability of the hospital estate due to additional pressures; and additional capacity to support the track and trace capability. Action has been reviewed on an on-going basis by the HCS management team.

The non-health risks were considered as part of a coordinated risk managed cross government response to the pandemic. The recognised emergency response measures in dealing with a critical, emerging or ongoing incident or event were set up through a Strategic Coordinating Group (SCG) and Tactical Coordinating Group (TCG). It was agreed that this would be overseen by the SCG, as the group comprises of all government dept's and other agencies or stakeholders that are engaged depending on the scale, complexity and type of challenge to be dealt with.

One of the main risks arising from the pandemic was the business continuity of public services to continue to deliver to the island and keep critical and essential services going. This risk remained under review as part of the preparation for the winter pressures. The SCG coordinated the business continuity response through departmental plans and this was overseen by the Business Continuity lead. These plans have been constantly kept under review by the SCG and Departmental Management Teams.

During the Autumn the SCG added the additional risk of winter pressures and Brexit (No Further Negotiated Outcome) to its agenda to again provide a coordinated response to the risk of disruption to the supply chain of all essential goods such as medicines, food, fuel etc when considering the combined risk of COVID, winter pressures and Brexit.

These risks have been subject to regular review and action. For example, the Brexit Ministerial Group reviewed the potential risks of the combined risk (described as D20) of a second wave of COVID infections, the normal winter pressures on health and the potential of No Further Negotiated Outcome from Brexit.

5.3 Deputy J.A. Martin of St. Helier of the President of the Scrutiny Committee regarding the attendance at Scrutiny Meetings in 2019 and 2020 (WQ.3/2021)

Question

Will the President provide a list of all the meetings held by the Scrutiny Liaison Committee, Scrutiny Panels, Review Panels and the Public Accounts Committee in 2019 and 2020, indicating the attendance of Panel or Committee members at these meetings?

Answer

SCRUTINY LIAISON COMMITTEE		
Total Committee Meetings Held		
2019	21	
2020	21	
COMMITTEE MEMBER ATTENDANCE		
	2019	2020
Senator Kristina Moore (President)	21	20
Deputy Kirsten Morel (Vice-President) – (Deputy Morel was appointed Assistant Minister for Economic Development on 27 th November 2020 and ceased membership of the Committee)	17	18
Senator Sarah Ferguson (Senator Ferguson resigned as Chair of the PAC on 20 th October 2020)	20	12
Connétable Mike Jackson	15	19
Deputy Mary Le Hegarat	21	19
Deputy Rob Ward	20	20
Connétable John Le Maistre (as Vice-Chair of EHI Panel)	1	-
Deputy David Johnson (as Vice-Chair of EIA Panel and acting Chair following Deputy Morel’s appointment	1	2

as Assistant Minister for Economic Development)		
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STANDING PANELS

CHILDREN, EDUCATION AND HOME AFFAIRS PANEL		
Total Panel Meetings Held		
2019	48	
2020	65	
PANEL MEMBER ATTENDANCE		
	2019	2020
Deputy Rob Ward (Chair)	48	65
Deputy Rowland Huelin (Resigned from the Panel 14.09.2020)	38	37
Deputy Trevor Pointon (resigned from Panel from appointment as assistant Minister 27.11.2020)	46	60
Connétable Simon Crowcroft (resigned at States sitting previous to meeting on 14.10.2019)	7	-
Deputy Mike Higgins (Appointed to Panel at States sitting previous to meeting on 10.02.2020)	-	42
Deputy Louise Doublet (Appointed to Panel at States sitting previous to meeting on 10.02.2020)	-	37

CORPORATE SERVICES SCRUTINY PANEL		
Total Panel Meetings Held		
2019	67	
2020	77	
PANEL MEMBER ATTENDANCE		
	2019	2020
Senator Kristina Moore (Chair)	67	54
Deputy Steve Ahier (Vice- Chair)	61	57
Deputy Jess Perchard (Member until 30.11.2020)	49	35

Connétable Karen Shenton-Stone	46	43
Connétable Richard Vibert	49	45
Senator Sarah Ferguson (co-opted member Jan/Feb 2019)	8	-

ECONOMIC AND INTERNATIONAL AFFAIRS SCRUTINY PANEL		
Total Panel Meetings Held		
2019	80	
2020	92	
PANEL MEMBER ATTENDANCE		
	2019	2020
Deputy Kirsten Morel, Chair (Deputy Morel was appointed Assistant Minister for Economic Development on 27 th November 2020)	78	92
Deputy David Johnson, Vice-Chair	74	82
Senator Kristina Moore	53	65
Deputy Scott Wickenden (Jan 2019 – 30 th May 2019)	20	N/A
Deputy Jess Perchard (1 st May 2019 – 21 st September 2020)	34	38
Deputy Inna Gardner (21 st September 2020 to present)	-	16
Deputy Steve Luce (21 st September 2020 to present)	-	17
Deputy Louise Doublet (Co-opted for P.17/2019 review – 25 th March 2019 – 9 th April 2019)	-	-
Deputy Kevin Pamplin (30 th June 2020 to present)	-	31

ENVIRONMENT, HOUSING AND INFRASTRUCTURE PANEL	
Total Panel Meetings Held	
2019	29
2020	37
PANEL MEMBER ATTENDANCE	

Name	2019	2020
Connétable Mike Jackson, Chair	25	35
Connétable John Le Maistre, Vice-Chair	21	34
Connétable Sadie Le Sueur- Rennard	20	23
Deputy Kirsten Morel <i>(not part of the Panel from the 08.12.2020)</i>	26	30
Deputy Inna Gardiner <i>(Joined on 02.04.2019)</i>	20	32

Note: The working practice of the EHI Panel is, whenever possible, to arrange meetings on one day. Therefore, a record of a meeting for one day may include multiple meetings such as Panel meetings, hearings and briefings.

HEALTH AND SOCIAL SECURITY SCRUTINY PANEL		
Total Panel Meetings Held		
2019	37	
2020	59	
PANEL MEMBER ATTENDANCE		
	2019	2020
Deputy Mary Le Hegarat, Chair	33	58
Deputy Kevin Pamplin, Vice-Chair	33	59
Deputy Carina Alves	31	53
Deputy Trevor Pointon	32	57
Deputy Geoff Southern (From 30 th January 2020)	-	45

PUBLIC ACCOUNTS COMMITTEE		
Total Panel Meetings Held		
2019	18	
2020	18	
COMMITTEE MEMBER ATTENDANCE		
	2019	2020
Senator Sarah Ferguson (Chair until 20 th November 2020)	18	9
Deputy Inna Gardiner (Chair from 30 th November 2020)	13	18
Constable John Le Bailly (Vice-Chair from 29th April 2019 to 20th November	18	14

2020; Acting Chair 21st September to 20th November 2020 upon fall of the Panel)		
Constable Karen Shenton-Stone (Vice-Chair since 30th November 2020)	-	3
Deputy Carina Alves (resigned from Panel 11 th March 2019)	0	-
Deputy Rowland Huelin (resigned from Panel upon appointment as Assistant Chief Minister)	17	11
Deputy Jess Perchard (resigned Committee upon appointment as Assistant Minister for Environment)	-	1
Constable Richard Vibert (Joined Committee on 30 th November 2020)	-	2
Constable John Le Maistre (Joined Committee on 7 th December 2020)	-	2
Adrian Lane (Lay Member)	18	18
Moz Scott (Lay Member) – ceased membership of Committee upon fall of PAC on 19 th October 2020	14	14
Tim Rogers (Lay Member) – ceased membership of Committee upon fall of PAC on 19 th October 2020	14	12
Dr Helen Miles (Joined Committee on 30 th November 2020)	-	3
Graeme Phipps (Joined Committee on 30 th November 2020)	-	3

REVIEW PANELS

BREXIT REVIEW PANEL*		
Total Panel Meetings Held		
2019	12	
2020	8	
PANEL MEMBER ATTENDANCE		
	2019	2020
Deputy Kirsten Morel, Chair	12	6
Deputy David Johnson, Vice-Chair	8	8
Deputy Rob Ward	10	6
Constable Mike Jackson	10	8
Senator Sarah Ferguson (resigned from Panel Membership on 20 th October 2020)	5	3

Senator Kristina Moore	5	7
Deputy Mike Higgins	3	8
Deputy Inna Gardiner (appointed to the Panel on 20 th October 2020 following Senator Ferguson's resignation)	-	2

CARE OF CHILDREN IN JERSEY REVIEW PANEL		
Total Panel Meetings Held		
2019	41	
2020	20	
PANEL MEMBER ATTENDANCE		
	2019	2020
Deputy Rob Ward (Chair)	39	20
Deputy Kevin Pamplin (Vice-Chair)	36	18
Deputy Mike Higgins	27	14
Deputy Trevor Pointon (Deputy Pointon left the Panel on 27 th November 2020 following his appointment as Assistant Minister for Health and Social Services)	37	17
Senator Kristina Moore (Senator Moore left the Panel on 3 rd October 2019 due to other working commitments)	11	-
Deputy Louise Doublet (Deputy Doublet joined the Review Panel on 4 th October 2019)	3	15

FUTURE HOSPITAL REVIEW PANEL**		
Total Panel Meetings Held		
2019	13	
2020	11	
PANEL MEMBER ATTENDANCE		
Name	2019	2020
Deputy Kevin Pamplin, Chair (January 2019 – 8 th May 2019)	3	-
Deputy Mary Le Hegarat	8	10
Connetable John Le Maistre (January 2019 – 29 th September 2020)	6	-
Senator Kristina Moore, Chair (8 th May 2019 to present)	8	10
Connetable Mike Jackson (8 th May 2019 to present)	6	9

Senator Sarah Ferguson (8 th May 2019 – resigned from Panel Membership 20 th October 2020)	8	-
Deputy Rob Ward (8 th May 2019 to present)	9	9
Deputy Kirsten Morel (8 th May 2019 – 30 th November 2020)	8	10
Deputy Inna Gardiner (2 nd November to present)	-	3

*Senator Sarah Ferguson resigned from the Brexit Review Panel and the Future Hospital Review Panel and as Chair of the Public Accounts Committee on 20th October 2020

**Deputy Inna Gardiner was appointed Chair of the Public Accounts Committee on 20th October 2020 and took on the role previously held by Senator Sarah Ferguson on the Brexit Review Panel and Future Hospital Review Panel.

GENDER PAY GAP REVIEW PANEL		
Total Panel Meetings Held		
2019	20	
2020	2	
PANEL MEMBER ATTENDANCE		
	2019	2020
Deputy Louise Doublet, Chair	18	2
Deputy Kirsten Morel, Vice-Chair	16	2
Senator Kristina Moore	15	2
Deputy Jess Perchard	12	2

GOVERNMENT PLAN REVIEW PANEL		
Total Panel Meetings Held		
2019	10	
2020	16	
PANEL MEMBER ATTENDANCE		
	2019	2020
Senator Kristina Moore (Chair)	9	16
Senator Sarah Ferguson (resigned from Panel on 20 th October 2020)	9	4
Deputy Mary Le Hegarat	5	14
Connétable Mike Jackson	5	13
Deputy Steve Ahier	1	-
Deputy Kirsten Morel	5	14

Deputy Rob Ward	8	14
Deputy Inna Gardiner	-	5

GOVERNMENT PLAN EFFICIENCIES REVIEW PANEL		
Total Panel Meetings Held		
2019	0	
2020	17	
PANEL MEMBER ATTENDANCE		
	2019	2020
Deputy Geoff Southern (Chair)	-	17
Deputy Mike Higgins	-	15
Connétable Richard Vibert	-	11

LEGAL AID REVIEW PANEL		
Total Panel Meetings Held		
2019	9	
2020	1	
PANEL MEMBER ATTENDANCE		
	2019	2020
Deputy Steve Ahier (Chair)	9	1
Deputy Rob Ward	9	1
Connétable Richard Vibert	6	1
Deputy David Johnson	7	1

ONE GOV REVIEW PANEL		
Total Panel Meetings Held		
2019	15	
2020	8	
PANEL MEMBER ATTENDANCE		
	2019	2020
Deputy Kevin Pamplin (Chair from 12.06.2020)	-	7
Senator Kristina Moore	10	6
Deputy Kirsten Morel	13	9
Deputy Rob Ward	9	9
Deputy Steve Ahier (Member from 12.06.2020)	-	7
Senator Sarah Ferguson	13	5
Connétable Karen Shenton-Stone (Chair to 12.06.2020)	15	3
Deputy Scott Wickenden (member to 07.06.2019)	7	-

SAFER TRAVEL GUIDELINES REVIEW PANEL		
Total Panel Meetings Held		
2019	-	
2020	13	
PANEL MEMBER ATTENDANCE		
	2019	2020
Deputy Rob Ward (Chair)	-	13
Deputy Inna Gardiner	-	10
Deputy Mike Higgins	-	10
Deputy Kevin Pamplin	-	13
Deputy Trevor Pointon	-	12
Connétable Sadie Le Sueur-Rennard	-	4

5.4 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding safety measures around Jersey's schools (WQ.4/2021)

Question

Will the Minister advise –

- (a) whether any road and / or safety improvement programmes around the Island's schools are currently outstanding in terms of delivery; and, if so, which ones are outstanding and what is the proposed time span for completion of any such works; and
- (b) whether any other safety improvements linked to schools are currently awaited and, if so, provide details of when these improvements will be implemented?

Answer

Part A – Works in hand

In November 2020, the Minister for Infrastructure published an *Active Travel Update*. This document provides information on the wide range of projects and schemes that have commenced or will be delivered in the near future. Actions are identified on improvements in cycling infrastructure; education, training and promotion; digital mobility; and policy initiatives. The relevant programmes of work are provided below and many of these includes elements of safety initiatives:

Initiative	Status	
Bikability Training	Delivery of Bikeability and Ready Set Ride to primary school children teaching them how to ride a bicycle safely and giving them practical skills for today's roads	Ongoing
Cycling Officers	Recruitment of new staff to deliver Bikeability in schools, training courses for adults and disability cycle sessions to	2021 – 2022

	develop cycling skills and increase confidence to ride on roads.	
School Travel Planning Initiatives	Ongoing work with schools to respond to requests for cycling infrastructure and to promote active travel.	2021 – 2022 Travel restrictions permitting for specialist resource
Let's look out for each other	Campaign to encourage more responsible use of public spaces and promote safety.	2021 – Police resource permitting
Don Road / George Town Road Eastern Cycle Lane (ECN)	Undertake a feasibility study for a pilot cycle lane as part of the Eastern Cycle Network. This provides access to the St Saviours Schools	2021 - 2022
FB Fields (ECN)	Community consultation being prepared ahead of developing a planning application. This link would potentially complete the cycle route from St Clement's Parish Hall to George Town. This provides the link to the Le Rocquier School cluster	2022 – Covenant issues permitting
Midvale Road	Proposals for enhanced pedestrian safety to be implemented. This provides links between the town and Janvrin/D'Auvergne schools.	2021 - 2022
Western Cycle Track	Infrastructure improvements between Les Jardins de la Mer and Bel Royal being developed. A feasibility study being undertaken into the pinch point near the bottom of La Haule hill and creating enough space for cyclists and pedestrians. This provides greater connectivity for students accessing town and then onwards travel to the St Saviour's Schools cluster	Ongoing
Rue du Pont Marquet Crossing	Installing a toucan crossing on the railway walk to enhance safety and create safer routes. This provides safer routes to Les Quennevais and Mont Nicole Schools	2021
Hill Street Cycle Lane	The feasibility of a Hill Street contra-flow cycle lane from Halkett Place to La Motte Street is being investigated - an easier and more direct route to / from the east side of the town centre.	2021
Covered Cycle Parking	Plans for five town locations are being acted upon, this work will continue to look at active travel infrastructure in schools including cycle parking.	2021

La Route Orange	Safer routes to school (Zebra Crossing Le Moye School) Phase 2	2021
Mont Nicole	Improved pedestrian crossing facilities on Route des Genets	2021
Grouville	Resurfacing Grouville cycle track with asphalt - Complete	2021
Pilot crossings on St John's Road	Safer routes to school (Zebra Crossing) One year pilot.	2020 - 2021
Active Travel Strategy	We will consult on, and publish, an active travel strategy setting out how walking and cycling will be promoted to all.	2021
Island Plan	The Island Plan sets out a proposals for the sustainable development to promote and enable more walking and cycling.	2021
St Helier Public Realm and Movement Strategy	Strategy being developed by Government of Jersey which will set the vision and principles for improving and enhancing movement and public realm within St Helier, with a focus on walking and cycling.	2021

On the 7th December 2020 the Government published an update to the Sustainable Transport Policy (STP) with the States Greffe. This is available as Report R.137/2020 on the States Assembly website and this document outlines progress to date on the STP and the impact of Covid-19 on this area of Government work.

The nature of transport projects means there are multiple constraints to their delivery which affect the timescales. Examples include the need to define the project, need and develop viable options with stakeholders including other authorities and in some cases landowners. There can also be long lead in times for equipment supply and contractor availability.

The government plan has identified increased workload in this area and increase capability and capacity, this is not something which can be built rapidly. The specialist expertise required to manage the design and development of transport and road safety projects requires a long programme of development of local employees and may require some recruitment of specialised and experienced expertise.

Safer Routes to School

The Government has been running a programme of works to create safer routes to schools for a number of years, to encourage walking and where appropriate cycling to school, to reduce school congestion and improve student health.

The table below identifies the projects that have been completed to date:

School	SRTS Completed schemes
La Moye	Raised table zebra crossing Park and stride from Les Creux Country Park
Bel Royal	Pelican crossing on La Vallee de St Pierre Virtual footway on La Vallee de St Pierre Virtual footway on La Rue de Haut

La Rocquier St Clement St Christopher	New footway linking school to St Clement's Parish Hall along sports field Traffic calming measures on Pontorson Lane and Samares Lane Rue Maupertuis closed to through traffic New footway from Samare Nurseries development to Rue Maupertuis
St Lawrence	Village amenity car park to allow park and stride
Hautlieu	Virtual footway on Bagatelle Lane linking school with bus park Zebra crossing on Wellington Road
JCG VCP De La Salle Beaulieu	Virtual footway on Bagatelle Lane Zebra crossing on Wellington Road Additional Bus Layby on Wellington Road One-Way pick-up and drop off for system for Beaulieu
St Mary	New field footways linking residential areas to the school Road narrowing
Haute Vallee	Pilot raised table zebra crossing on St John's Road Pedestrian island at Clarke Avenue Dropped kerbs, tactile paving and trip hazard removal on Clarke Avenue
D'Auvergne	Pilot raised table zebra crossing on St John's Road Pedestrian island at Clarke Avenue Dropped kerbs, tactile paving and trip hazard removal on Clarke Avenue
Janvrin	Improved pelican crossing facilities on Rouge Bouillon Zebra crossing on Janvrin Road
Springfield	Zebra crossing on Janvrin Road
VCP	Speed reducing features on Pleasant Street
Les Quennevais	Cycle routes linking to existing off road track, Les Ormes and towards St Peter Resurfaced existing cycle route in tarmac
Rouge Bouillon	Footway widening on Rouge Bouillon New pelican crossing on Rouge Bouillon
Grainville St Saviour FCJ	Chasse Brunet closed to through traffic Zebra crossing on St Saviour's Hill
Grouville	Surfacing Off road path alongside Royal Jersey Golf Course – Completed Jan 2021 La Rue de la Haye de Puits – Pedestrian Improvements
St Lukes	Route du Fort / St Clements Road Crossing (Banned Turn)

An extensive process has recently been undertaken to review speed limits outside of Schools in St Helier and St Saviour and IHE have worked collaboratively with Comité des Connétables on this.

Part B Future schemes at feasibility

The programmes of work identified above constitute the forward delivery programme. In addition to these projects, there are a number of other workstreams emerging, with schemes being looked at in terms of feasibility and design.

School	Future Schemes in feasibility
JCG Prep VCP	Walking bus
St Saviour's Schools Cluster	School shuttle bus service from west of St Helier
St Luke	Traffic calming measures on Dicq Road
Rouge Bouillon Janvrin	Pedestrian improvements in Midvale Road
First Tower School	Crossings on the Inner Road
Plat Douet School	Crossings on Plat Douet Road
Trinity School	Ongoing talks with Parish representatives
Bel Royal	Improved junction crossing across Rue de Haut

We also anticipate that there will be a need to update school travel plans in the future to target improvements where there is an evidenced need for transport interventions.

The STP delivery team are also investigating the potential for schools to draw down on funding allocated in the Climate Emergency Fund for Sustainable Transport Infrastructure that will facilitate safe access to and from schools. This is a technically challenging and labour intensive process as a suitable framework for schools to bid for funding will need to be identified. This is required to ensure that proposals are assessed in a fair and objective way so that value for money is delivered in terms of carbon reductions. Funding will also need to be granted in line with strict monitoring and performance targets to ensure funding is not absorbed into general school revenue budgets.

Delivery of the above will be in line with available departmental resources, as explained above. In addition it is known that various parishes are planning and/or delivering schemes to promote safety near schools on their own roads within their own resources.

5.5 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Security regarding ambulance call-outs (WQ.5/2021)

Question

Will the Minister inform members –

- (a) how many ambulance callouts occurred in each of 2018, 2019 and 2020;
- (b) how many of these callouts resulted in the patient being taken to hospital;
- (c) how many callouts resulted in hospital admission in each of these years; and
- (d) of those that travelled to the hospital, how many were classed as life threatening and, of those, how many occurred in total during the periods 8.00 a.m. to 9.00 a.m. and 4.00 p.m. to 6.00 p.m.;

and will he provide this information broken down by month and by reason for ambulance callout?

Answer

(a) Table 1 shows the number of calls attended by the ambulance service in each of 2018, 2019 and 2020 by year and month. Calls included are Emergency (999) and Urgent calls from a General Practitioner. The Emergency (999) calls are shown by category used in Jersey's Ambulance Service:

- Red1 – Situation is immediately life threatening
- Red2 – Situation is serious or could be life-threatening
- Green1 – Situation is serious but not immediately life-threatening
- Green2 – Situation is less serious and not life-threatening
- Green3 – Non-urgent calls

The category is based on the coding at the time of the call. The service undertakes regular review of the coding and a situation may change from one category to another at some point – this explains the increase in Red1 calls from July 2020, when a new code set was introduced to align Jersey with the latest national standards.

The data excludes routine calls when an ambulance is required to transport/transfer a patient from one hospital or healthcare site to another – e.g. from Jersey General Hospital to Overdale.

Table 1: Calls attended by Ambulance Service, by month and high-level reason, 2018, 2019 and 2020

		Number of calls received by Ambulance Service						Total
		Emergency (999) Calls					Urgent Calls	
		Red1	Red2	Green1	Green2	Green3		
2018	January	8	284	191	78	155	103	819
	February	6	241	187	60	132	91	717
	March	11	317	219	92	174	122	935
	April	9	276	207	84	168	120	864
	May	9	315	261	95	166	98	944
	June	8	283	238	102	181	97	909
	July	10	372	268	70	206	76	1002
	August	9	336	232	76	164	91	908
	September	2	301	251	80	166	94	894
	October	7	319	245	76	158	86	891
	November	12	290	226	85	150	110	873
	December	6	331	234	91	160	98	920
2018 Total		97	3665	2759	989	1980	1186	10676
2019	January	5	328	203	64	168	111	879
	February	4	286	210	75	127	94	796
	March	5	294	228	78	160	98	863
	April	5	299	244	93	176	95	912
	May	7	348	269	79	144	77	924
	June	10	299	248	85	161	98	901
	July	4	327	261	87	210	97	986
	August	8	372	254	83	183	85	985
	September	2	321	238	82	164	75	882
	October	3	357	249	98	187	107	1001
	November	9	317	246	74	156	112	914
	December	6	329	269	87	160	100	951
2019 Total		68	3877	2919	985	1996	1149	10994
2020	January	0	323	215	65	153	95	851

February	5	299	213	79	153	78	827
March	3	367	233	79	153	66	901
April	6	267	219	46	138	67	743
May	10	317	255	82	166	89	919
June	2	310	214	94	173	83	876
July	53	326	154	12	320	79	944
August	65	371	189	23	369	80	1097
September	45	269	156	22	331	63	886
October	43	337	162	14	297	99	952
November	43	343	146	19	284	62	897
December	38	364	169	14	263	84	932
2020 Total	313	3893	2325	549	2800	945	10825

Source: Government of Jersey Ambulance Service Call and Dispatch System

Note: Category is based on the code set at the time of call; these are reviewed regularly, so incidents may be one category in one month/year but another category at another time. This explains the increase from July 2020 when the code set was introduced to align Jersey with the latest national standards.

- (b) Table 2 shows the number of calls emergency and urgent calls where at least one patient has been conveyed to hospital in each of 2018, 2019 and 2020 by year and month.

Table 2: Calls attended by Ambulance Service which have resulted in Patients being conveyed to hospital

		Calls where Patients Taken To hospital		Total
		Emergency	Urgent	
2018	January	542	103	645
	February	448	90	538
	March	607	122	729
	April	551	120	671
	May	626	95	721
	June	585	93	678
	July	660	73	733
	August	571	88	659
	September	571	91	662
	October	555	85	640
	November	505	106	611
	December	574	97	671
2018 Total		6795	1163	7958
2019	January	524	108	632
	February	468	90	558

	March	506	97	603
	April	544	95	639
	May	572	75	647
	June	514	95	609
	July	577	94	671
	August	566	82	648
	September	541	71	612
	October	567	104	671
	November	520	109	629
	December	554	97	651
2019 Total		6453	1117	7570
2020	January	503	92	595
	February	507	74	581
	March	486	63	549
	April	308	61	369
	May	403	82	485
	June	455	74	529
	July	516	74	590
	August	628	76	704
	September	476	63	539
	October	533	96	629
	November	492	59	551
	December	454	78	532
2020 Total		5761	892	6653

Source: Government of Jersey Ambulance Service Call and Dispatch System

- (c) Every patient conveyed to hospital will be admitted to the Emergency Department or to a ward if this has been previously arranged between the GP and the medical staff in the hospital. This question has therefore been assumed to refer to those patients who arrive at the Emergency Department by Ambulance and of these how many are admitted to Jersey General Hospital or Orchard House.

The data source for this is the Hospital's Patient Administration System (PAS) – there is no integration between this and the Ambulance Call and Dispatch (CAD) system. This table differs from the above in that it counts patients where Tables 1 and 2 count calls – a call may have more than one patient.

Table 3: Emergency Department Attendances brought in by Ambulance, by Triage Category and Number of patients who were admitted to hospital, by month, 2018, 2019 and 2020

	Triage Category			Total	Number of ED patients brought in by ambulance who were
	Major	Minor	Not Recorded		

							admitted to hospital
2018	January	437	150	0	587		300
	February	367	133	0	500		255
	March	494	174	0	668		319
	April	471	132	0	603		288
	May	493	175	0	668		302
	June	439	186	0	625		276
	July	490	198	0	688		285
	August	450	177	0	627		253
	September	448	188	0	636		270
	October	422	171	0	593		235
	November	377	166	0	543		242
	December	429	150	0	579		273
2018 Total		5317	2000	0	7317		3298
2019	January	410	164	2	576		270
	February	360	146	1	507		260
	March	374	149	3	526		252
	April	417	139	2	558		252
	May	476	127	1	604		310
	June	444	124	1	569		286
	July	413	177	0	590		272
	August	413	170	4	587		259
	September	407	167	0	574		256
	October	397	204	0	601		258
	November	416	168	0	584		293
	December	416	171	0	587		278
2019 Total		4943	1906	14	6863		3246
2020	January	386	152	0	538		278
	February	357	149	0	506		258
	March	364	133	0	497		242
	April	252	69	0	321		156
	May	328	124	0	452		199
	June	357	145	0	502		229
	July	377	166	0	543		240
	August	458	197	0	655		289
	September	351	140	0	491		230
	October	431	136	0	567		293
	November	370	145	0	515		250
	December	354	135	0	489		254
2020 Total		4385	1691	0	6076		2918

Source: Jersey General Hospital Patient Administration System (TrakCare)

- (d) Table 4 shows the number of calls where patients have been conveyed to hospital and the call is considered life threatening (Red1 or Red2) as well as the number of calls during the times in question

Table 4: Ambulance calls considered life threatening by time of day, 2018, 2019 and 2020

		Red1 and Red2 (life threatening) calls where patient conveyed to hospital		
		Total Calls	Between 08:00 and 09:00	Between 16:00 and 18:00
2018	January	243	30	37
	February	194	20	29
	March	269	26	27
	April	221	18	33
	May	246	23	38
	June	217	26	25
	July	284	30	47
	August	260	26	37
	September	238	26	43
	October	238	27	31
	November	211	25	30
	December	254	25	44
2018 Total		2875	302	421
2019	January	237	33	35
	February	213	31	41
	March	209	23	31
	April	211	34	29
	May	257	29	46
	June	211	18	30
	July	232	24	29
	August	253	30	29
	September	229	28	38
	October	250	30	40
	November	220	18	37
	December	226	20	36
2019 Total		2748	318	421
2020	January	243	32	33
	February	213	20	38
	March	237	24	51
	April	123	8	24
	May	165	16	29
	June	184	21	33
	July	245	19	32
	August	275	24	43

	September	204	24	32
	October	259	35	44
	November	246	33	40
	December	232	36	32
2020 Total		2626	292	431

Source: Government of Jersey Ambulance Service Call and Dispatch System

5.6 Deputy G.P. Southern of St Helier of the Chief Minister regarding the impact of income inequality on the health and well-being of Islanders (WQ.6/2021)

Question

To what extent does the Chief Minister consider the findings of the report ‘Health Equity in England: The Marmot Review 10 years on’, namely that widening inequities in power, money and resources have resulted in inequities in health generally and during the Covid-19 pandemic specifically, to be applicable to Jersey; and, in light of these findings, what measures will he take to reduce income inequality as the Government seeks to improve health and well-being in the coming 3 years of the current Government Plan?

Answer

The original Marmot Review was published in 2010. It reported on an independent review into health inequalities in England lead by Professor Sir Michael Marmot and commissioned by the UK Secretary of State for Health. The review proposed evidence-based strategies for reducing health inequalities in England.

In particular, it established 6 key areas for action

1. giving every child the best start in life
2. enabling all children, young people and adults to maximize their capabilities and have control over their lives
3. creating fair employment and good work for all
4. ensuring a healthy standard of living for all
5. creating and developing sustainable places and communities
6. strengthening the role and impact of ill-health prevention.

In February 2020, Professor Marmot published a further report, “Health equity in England: The Marmot review 10 years on”. This was just before the coronavirus pandemic. In December 2020, Professor Marmot published “Build Back Fairer: “The COVID-19 Marmot Review”. This report reflected on the impact of Covid on health inequalities in England.

The findings of the two reviews published in 2020 relate specifically to actions of the UK government including the government response to covid. As such, these findings may not be directly applicable to Jersey as education, housing, health and benefit policies and the covid responses are set locally and are designed to respond to local circumstances.

However, the six areas originally identified in 2010 and endorsed in 2020 as key priorities for action on the social determinants of health that are necessary to reduce health inequalities. These

are well aligned to recent government actions and the priorities set out in the current Common Strategic Policy and the 2021 Government Plan, as are ongoing efforts by Public Health to improve health and reduce health inequalities.

Improving health and wellbeing is a key priority for the Government.

In March 2020, a Health and Wellbeing Framework for Jersey was published ([R.21/2020](#)).

In November 2020, the Assembly approved a new Jersey Care Model ([P.114/2020](#))

Actions to improve health and wellbeing are planned under the Common Strategic Priority: “We will improve Islanders’ wellbeing and mental and physical health by supporting Islanders to live healthier, active, longer lives, improving the quality of and access to mental health services, and by putting patients, families and carers at the heart of Jersey’s health and care system.”

Planned actions for 2021 include:

- We will continue to deliver a range of preventative and proactive schemes focused on inspiring an ‘Active Jersey’, with a boost to alternative delivery methods in response to lockdown measures
- We will continue to support the reduction of preventable disease, to reverse the current upward trend in overweight and obesity rates, to increase healthy eating, to reduce the rates of smoking and harmful alcohol consumption, and to deliver a range of preventative and proactive schemes
- We will significantly improve access to mental health services, bringing parity of esteem to the mental health agenda, invest in our mental health environment and building infrastructure, implement initiatives for crisis support, a ‘listening lounge’, complex trauma, Child and Adolescent Mental Health Services and mental health legislation
- We will continue to expand our 24-hour community nursing and primary care services, develop a preventative model of dental services for children and new models of care to support people with diabetes, and develop a model that improves access to primary care for financially vulnerable people
- We will begin to implement the Jersey Care Model that will enable a shift to a more preventative health service, enabling it to better cope with forecast demand from demographic change
- We will increase the investment in end of life health care to provide a range of services which are patient centred and delivered in accordance with their preferences

Separately, the government also plans actions under the Common Strategic Priority: “ We will reduce income inequality and improve the standard of living by improving the quality and affordability of housing, improving social inclusion, and by removing barriers to and at work.”

These actions address not just income inequality but housing, social inclusion and a fair labour market. These are all key factors to be addressed in supporting improvements in health and wellbeing.

Actions for 2021 include:

- We will begin to develop detailed plans to implement agreed recommendations following the publication of the Housing Development Board’s review of housing in Jersey
- We will continue to improve support and protection for tenants

- We will develop proposals to better support disabled adults living at home, and their informal carers
- We will fund the forecast overspend on Income Support in 2021-24 as a result of Covid-19 in line with the economic forecast
- We will fund the Co-Funded Payroll Scheme through to it being phased out in March 2021
- We will implement actions to modernise the Island's personal income tax system, in particular to modernise the tax treatment of married women and people in same-sex relationships
- We will continue to deliver the disability strategy alongside improving community-based services and supporting diversity
- We will develop a new approach to supporting workers with long-term health conditions to return to or remain in employment
- We will review the way in which the minimum wage is agreed

5.7 Deputy K.F. Morel of St. Lawrence of the Minister for the Environment regarding vacant units within the Island's housing stock (WQ.7/2021)

Question

In terms of informing the Bridging Island Plan, will the Minister advise what studies, if any, have been undertaken to assess the number of vacant units within the Island's existing housing stock and, furthermore, what studies have been undertaken to assess the flexibility of the Island's existing housing stock in terms of its capability to accommodate more people; and if any such studies have been undertaken, will the Minister provide them to the Assembly?

Answer

The planning policy framework provided by an island plan relates to the development of land and buildings and, as such, cannot directly affect levels of occupation and vacancy within the island's housing stock.

It is, however, recognised that the better use of existing homes can help to reduce the number of new homes that are required to be provided to meet the island's housing needs. Because of this, the Minister for the Environment is keen to better understand and work to develop integrated policy across government that helps to ensure optimal use of new and existing homes.

The 2011 Census revealed that one in fourteen (7%) of all private dwellings were vacant on census day – a total of 3,103 dwellings.¹ Although there was no requirement for householders to give reasons for properties being vacant, some reasons were provided for around half of properties listed as vacant. Where data was provided: over a quarter (29%) were vacant due to being between tenants, and nearly a quarter (23%) were second or holiday homes. Around one in five were in the process of being built or renovated.

1

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20Chapter3Households%2020120808%20SU.pdf>

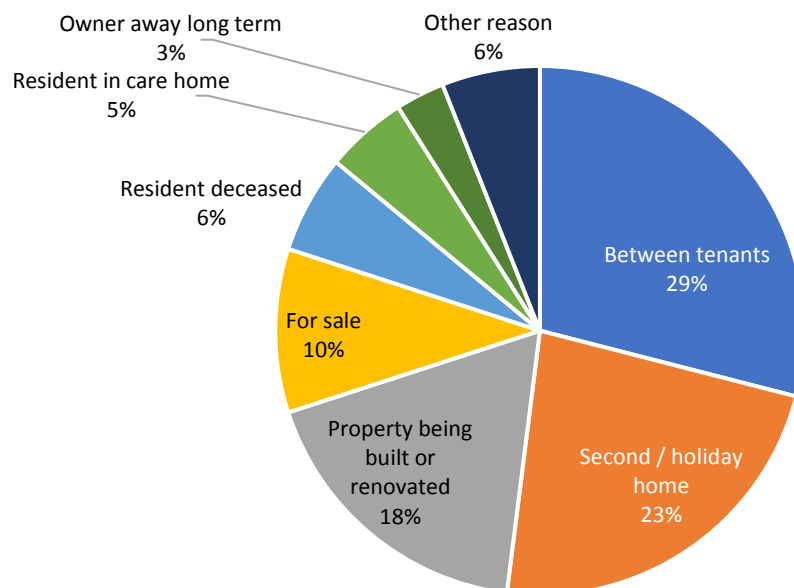


Figure 1: Vacant dwellings by reason (2011 Census)

Information about the level of vacancy within the Island's housing stock will be updated by the 2021 Census to provide a more up-to-date picture of this issue.

In the meantime, work is being undertaken, with one of the Island's utility providers in the Island, to explore the possibility of additional data being provided about vacancy levels within the existing housing stock based on the use of utility supplies.

5.8 Deputy K.F. Morel of St. Lawrence of the Minister for Health and Social Services regarding the food served in Jersey hospitals (WQ.8/2021)

Question

Will the Minister advise the Assembly whether any processes are in place (such as surveys, questionnaires and so on) which the Health and Community Services Department uses to measure patients' satisfaction with the food served in Jersey's hospitals; and if any such processes are in place, will he provide the Assembly with a summary of the responses received since 1st January 2018

Answer

A questionnaire is used to measure patient satisfaction with the food served in Jersey's hospitals (see below):

Patient Food Satisfaction Survey

Date Patient URN

1. Which ward are you staying on?

☐ Corbiere

☐ Emergency Assessment Unit

☐ Bartlett

☐ Beauport

☐ Portelet

☐ Plemont

☐ Rayner

2. Overall, how good was the lunch we provided today?

☐ Very Good ☐ Good ☐ OK ☐ Poor ☐ Very Poor

3. How do you rate the amount of different choices offered?

☐ Too much choice ☐ Not enough choice

☐ Enough choice ☐ No choice

4. Did you get enough to eat?

☐ Too much I couldn't finish it all

☐ Just the right amount

☐ Too little I was still hungry

5. If you have any other comments regarding the food and beverage service, please write them below.

Thank you for completing our survey. We are continuously improving the food service and welcome all patient feedback.

Kind Regards,

Neil Giannoni
Catering Manager
Central Production Kitchen

Paul Wells
Catering Manager
Projects (Improvement)

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The collation of quantitative responses to these questionnaires has not been systematically undertaken from 1st January 2018 to date. However, each submission is reviewed by the HCS Catering Manager and actioned accordingly. Qualitative responses provide helpful feedback on food matters as diverse as the quality of batter on fried fish, choice of desserts, range of choices more generally, limited choices for those with specific dietary needs e.g. low residue diet and so on. Patients also provide helpful feedback to the Catering Team expressing their appreciation for the food they have received, the efforts of the staff and acknowledge that the food is provided within a budget.

For the last six months, due to Covid-19 and patients not completing their own menu cards to reduce the risk of cross-contamination, these questionnaires have not been presented to patients.

From 1 March 1 2021, revised feedback forms will be distributed in the General Hospital. Quantitative and qualitative feedback will be collated by the HCS Catering Team. This feedback will form part of the Non-Clinical Services dashboard reported to the HCS Operational Management Group.

When Covid-safe, the patient menu choice system can be re-instated. The reverse side of these menu choice cards contains a patient feedback form for patients to complete. This data will be collated by the HCS Catering Team.

5.9 Senator S.Y. Mézec of the Minister for Social Security regarding the value of Income Support components (WQ.9/2021)

Question

Will the Minister provide a list stating how much each Income Support component was worth in 2014, followed by how much they were actually uprated in each year since, and how much they would have been uprated by if they had been updated to match inflation?

Answer

The Income Support scheme is based on a combination of components and disregards, ensuring that each household claim takes full account of the size and nature of the household and its income and other assets.

There have been many changes to the income support scheme since 2014. The disregard applied to earned income has increased from 20% to 26% over this period. For each £100 of wages received in a week, an income support claimant now retains £26, compared to a retention of £20 in 2014. The income disregard now applies to earned income, pension income and maintenance income received by household members.

A list of all component rates at the start of each year is provided below.

The RPI for December 2013 was 156.4. The RPI for December 2020 was 181.4. Components would have been uprated by 16% if they had been updated to match inflation.

The average income support weekly claim amount over the same time has increased by 18% from £218 per week to £257 per week.

Category	Component	2014	2015	2016	2017	2018	2019	2020	2021
Basic Rates	Adult	92.12	92.12	92.12	92.12	94.85	97.72	99.61	99.61
Basic Rates	Single Parent (Adult + single parent supplement)	132.51	132.51	122.43	112.35	105.00	138.11	140.00	140.00
Basic Rates	First Child	63.98	63.98	63.98	63.98	65.87	72.94	77.98	77.98
Basic Rates	Subsequent Child						67.90	69.23	69.23
Basic Rates	Household	51.31	51.31	51.31	51.31	52.85	54.46	55.51	55.51
Carer Rate	Carer	46.97	46.97	46.97	46.97	48.37	49.84	50.82	50.82
Housing Rental Caps	Hostel	80.64	80.64	95.13	100.10	103.04	106.19	108.22	108.22
Housing Rental Caps	Lodgings	115.71	125.30	125.30	131.88	135.73	139.86	142.52	142.52
Housing Rental Caps	Rented Bedsit	115.71	125.30	125.30	131.88	135.73	139.86	142.52	142.52
Housing Rental Caps	Rented 1 Bed Flat	165.27	181.30	181.30	194.46	200.13	206.15	210.07	210.07
Housing Rental Caps	Rented 2 Bed Flat	207.90	235.48	235.48	248.99	256.27	263.97	269.01	269.01
Housing Rental Caps	Rented 3 Bed Flat	236.18	242.20	242.20	267.26	275.03	283.29	288.68	288.68
Housing Rental Caps	Rented 1 Bed House	187.74	208.88	208.88	222.88	229.39	236.32	240.87	240.87
Housing Rental Caps	Rented 2 Bed House	244.58	273.56	273.56	283.01	291.27	300.02	305.76	305.76

Category	Component	2014	2015	2016	2017	2018	2019	2020	2021
Housing Rental Caps	Rented 3 Bed House	272.79	324.24	324.24	330.54	340.13	350.35	357.07	357.07
Housing Rental Caps	Rented 4 Bed House	295.19	341.25	341.25	360.29	370.79	381.92	389.20	389.20
Housing Rental Caps	Rented 5 Bed House	321.16	387.87	387.87	398.86	410.48	422.80	430.85	430.85
Social Housing	All types	Uncapped from April 2014							
Housing Owner Occupied Rates	Owner Occupied Bedsit	6.02	6.02	6.02	6.37	6.58	6.79	6.93	6.93
Housing Owner Occupied Rates	Owner Occupied 1 Bed Flat	6.02	6.02	6.02	6.37	6.58	6.79	6.93	6.93
Housing Owner Occupied Rates	Owner Occupied 2 Bed Flat	6.02	6.02	6.02	6.37	6.58	6.79	6.93	6.93
Housing Owner Occupied Rates	Owner Occupied 3 Bed Flat	8.54	8.54	8.54	9.03	9.31	9.59	9.80	9.80
Housing Owner Occupied Rates	Owner Occupied 4 Bed Flat	12.11	12.11	12.11	12.74	13.16	13.58	13.86	13.86
Housing Owner Occupied Rates	Owner Occupied 1 Bed House	6.02	6.02	6.02	6.37	6.58	6.79	6.93	6.93
Housing Owner Occupied Rates	Owner Occupied 2 Bed House	8.54	8.54	8.54	9.03	9.31	9.59	9.80	9.80
Housing Owner Occupied Rates	Owner Occupied 3 Bed House	12.11	12.11	12.11	12.74	13.16	13.58	13.86	13.86
Impairment Rates	Personal Care Level 1	22.96	22.96	22.96	22.96	23.66	24.43	24.92	24.92
Impairment Rates	Personal Care Level 2	101.15	101.15	101.15	101.15	104.09	107.24	109.34	109.34
Impairment Rates	Personal Care Level 3	145.25	145.25	145.25	145.25	149.52	154.07	157.01	157.01
Impairment Rates	Mobility Level 1	22.96	22.96	22.96	22.96	23.66	24.43	24.92	24.92
Impairment Rates	Mobility Level 2	45.92	45.92	45.92	45.92	47.32	48.79	49.77	49.77
Impairment Rates	Clinical Costs Level 1	3.15	3.15	3.15	3.15	3.29	3.43	3.50	3.50
Impairment Rates	Clinical Costs Level 2	6.30	6.30	6.30	6.30	6.58	6.86	7.00	7.00
Childcare Hourly rate	Child Day Care Age 0 - 2	6.27	6.27	6.48	6.59	6.79	7.00	7.14	7.14
Childcare Hourly rate	Child Day Care Age 3 - 4	4.90	4.90	5.06	5.15	5.30	5.46	5.57	5.57
Childcare Hourly rate	Child Day Care Age 5 - 11	4.85	4.85	5.06	5.15	5.30	5.46	5.57	5.57

Note that the private sector housing rental caps are maximum values paid

5.10 Deputy G.P. Southern of St. Helier of the Chief Minister regarding the link between austerity measures and public health (WQ.10/2021)

Question

What consideration, if any, has the Chief Minister given to the impact that the austerity programme implemented by the previous U.K. Government over the past decade had on the health of the U.K. population; and will he commit to ensuring that the level of public service funding over the coming

years is sufficient to ensure that the health of the Island's population is not worsened by any such austerity measures?

Answer

The impact of U.K. government policies on U.K. citizens is a matter for the U.K. Government. As set out in the answer to Written Question 6/2021 asked by the Deputy last week, the Marmot reviews identified six key areas for action to reduce health inequalities:

1. giving every child the best start in life
2. enabling all children, young people and adults to maximize their capabilities and have control over their lives
3. creating fair employment and good work for all
4. ensuring a healthy standard of living for all
5. creating and developing sustainable places and communities
6. strengthening the role and impact of ill-health prevention.

These areas are well aligned to recent government actions and the priorities set out in the current Common Strategic Policy and the 2021 Government Plan, as are ongoing efforts by Public Health to improve health and reduce health inequalities.

Significant funding is identified in the 2021 Government Plan to support these areas. For example, under the CSP priorities of "Putting Children First" and "Improving Health and Wellbeing", additional funding of over £260 million is identified over the period 2021 to 2024.

The Jersey Government has no plans to impose austerity measures and is currently making a generational investment in the health of islanders through the Jersey Care Model and the Our Hospital projects.

5.11 Deputy L.M.C. Doublet of St. Saviour of the Minister for Children and Housing regarding parental responsibility for same-sex parents (WQ.11/2021)

Question

Will the Minister advise when he plans to issue law-drafting instructions to reform the Children (Jersey) Law 2002 in respect of parental responsibility for same-sex parents, and will he state the timetable for bringing such reforms to the Assembly for debate?

Answer

Law drafting instructions are currently subject to consultation with key professional stakeholders including;

- Children's Services
- JFCAS
- Family Court Registrar
- Law Officers' Safeguarding and Advice Teams

It is anticipated that the law drafting instructions will be issued to the law draftsman before the end of February.

5.12 Deputy R.J. Ward of St. Helier of the Minister for the Environment regarding the monitoring of air pollution (WQ.12/2021)

Question

In respect of Island-wide monitoring of pollution, will the Minister give an update on the commitments made in answer to Oral Questions 160/2019 and 123/2020 to prioritise progress on installing real-time air quality monitoring in key sites around the Island (such as the Tunnel) and on the commitments made in response to Written Questions 210/2019 and 282/2019 – that sensors would be in place at every school in the Island before the start of September 2019; and if these targets have not been achieved to date, will the Minister explain why not?

Answer

I can confirm that as of 15th January 2020, 45 real time air monitors have been fitted to every school in the Island with the exception of one site which is a listed building. An alternative position for mounting the air monitor unit is being explored.

The remaining 11 units supplied on Island have been fitted to other sites as part of Phase II. The tunnel will be selected when further units are supplied, and work is done to source power at the specific location.

Other real time monitoring is undertaken in the Central Market and Howard Davis Park. These monitoring results are published on the Government of Jersey website.

There are still a number of steps that need to be completed before data is made available. This includes ensuring the 56 installed units are operating and reporting data. This is all within the control of the owners of the equipment which the Government of Jersey has not had to contribute financially towards.

A significant number of units are not transmitting data and Covid has prevented the attendance of specialist engineers and technicians from attending the Island.

Despite pressures placed on Environmental Health who formed the Contact Tracing Team, Officers have still been out when time permits to complete the installations in phase I.

Once the units are working as expected, it will allow for further extension of the network, correlation audits with a UK institute to determine accuracy and the provision of the data portal which we have been advised includes an initial single screen output suitable for use in schools. Work is also ongoing with the suppliers to compare the data from the units to an established air quality recorder from the Central Market, supplied by Government.

Only when all parties are satisfied with the quality of data can contractual terms be agreed for access.

5.13 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding the freephone service to access the Covid-19 and Social Security helplines (WQ.13/2021)

Question

Will the Minister state what work if any, is being undertaken to create a freephone service for the Covid-19 helpline and Social Security helpline (especially during the closure of the building in La Motte Street) to allow people who do not have a landline number to access these services without incurring charges?

Answer

I am pleased that a free phone number, 0800 735 5566, is now in place for the Coronavirus helpline. I thank Jersey Telecom for offering this service at no cost to Government.

With regards to the Customer and Local Services 444444 number, I can reassure the Deputy that calls are answered very quickly (on average in less than 20 seconds) and officers are always happy to call an individual back. In the unlikely event that someone is waiting for 2 minutes there is an automated call back facility.

Customer and Local Services also offer support over email and Islanders are still able to book a face to face appointment.

Jersey Telecom have for some time allowed Islanders to make free local calls from any public payphone and therefore customers can telephone the department free of charge via this route.

Officers will continue to monitor this to understand whether any further actions are required.

5.14 Deputy R.J. Ward of St. Helier of the Minister for Education regarding testing for Covid-19 in schools (WQ.14/2021)

Question

Will the Minister inform the Assembly of the precise arrangements in place for Covid-19 testing in schools for children and staff in terms of the following –

- (a) the year groups that will be tested;
- (b) the staff who will be tested;
- (c) the frequency of the tests (for example, whether they will be daily, weekly, monthly or termly);
- (d) the expected accuracy of the tests; and
- (e) the action that will be taken on receiving positive tests?

Answer

It is assumed that the Deputy is referring to planned screening testing rather than reactive testing such as contact tracing which is available to all students and staff

- (a) Year 11, 12 and 13 students are currently offered weekly Lateral Flow Device (LFD) testing.
- (b) All primary and secondary school staff are also offered weekly LFD testing as well as regular PCR testing every six weeks.
- (c) See above answers
- (d) LFD accuracy

An evaluation run jointly by PHE Porton Down and Oxford University found that “the performance characteristics of the Innova LFD in the evaluations performed to date are good, with a low failure rate, high specificity (99.6%) and high viral antigen detection.”

In the UK they have identified 27,000 infected people who would not otherwise have had to self-isolate.

Accuracy Summary:

- Test specificity = 99.6%
- Test sensitivity = In controlled conditions the test sensitivity was recorded at 76.8% overall for all PCR positive individuals, and over 90% of those with a high viral load.
- In field evaluations, these tests still perform effectively and detect at least 50% of all PCR positive individuals and more than 70% of individuals with higher viral loads.
- There is minimal difference in detection between symptomatic and asymptomatic individuals.

- (e) If a student or staff member receives a positive LFD test result they will be required to take a PCR test to confirm. If the PCR test confirms a positive result, isolation and appropriate contact tracing will take place as required.

If a staff member received a positive PCR test result as part regular routine screening, they would be required to isolate and appropriate contact tracing will take place as required.

In both of the above scenarios deep cleaning of the area may also be required and actioned as appropriate.

5.15 Deputy M.R. Le Hegarat of St. Helier of the Assistant Chief Minister regarding the consideration of a two-site option for the Future Hospital (WQ.15/2021)**Question**

Will the Assistant Chief Minister state what consideration, if any, has been given to returning to a two-site option for the proposed Future Hospital, given the pandemic has demonstrated the vulnerability of largely single site hospital operation; and is it the Minister's assessment that the separation of services to allow for isolation in the event of future pandemics or other operational needs, thereby allowing a continuance of business as usual, is a strategic imperative?

Answer

We are not considering a two-site option for Our Hospital. This is because there are significant logistical, staffing and cost challenges when working across more than one site. These challenges include:

- Operating over multiple sites would result in splitting the clinical adjacencies which support hospital facilities to operate efficiently and provide business continuity during 'normal' times as well as during emergencies such as a pandemic
- Equipping multiple sites with often expensive equipment – for example x-ray and other diagnostic machines – and the associated maintenance
- Staffing multiple sites presents both cost and recruitment challenges and Jersey already experiences challenges in recruiting to many professional groups

A single-site option was overwhelmingly supported by professional groups of clinical staff in user group meetings.

5.16 Deputy M.R. Higgins of St. Helier of the Minister for Education regarding the access to computers and iPads by the Island's school children (WQ.16/2021)**Question**

Will the Minister advise members how many children in the Island's schools have been assessed as not having access to a computer or iPad, and explain what steps he and the Government are taking to overcome any educational disadvantage these children are experiencing with regards to home learning, especially during the pandemic?

Answer

The latest information that we have after surveying all GOJ schools in January 2021 is that they need 1200 devices. Schools have done a tremendous amount in reducing the original figures that they shared in March 2020 through re-directing their budgets or petitioning Jersey organisations for financial support.

Schools have an excellent understanding of how to mitigate against the challenges of supporting their children who do not have access or full access to a device. They have provided 'hard' copies of work that has been set on a weekly basis. They have also encouraged the use of phones by photographing written responses to work that is set and then responding to the photographic images. Naturally, this is not ideal but it shows how schools have tried to address the matter.

The Director General CYPES is working with Modernisation and Digital and others to source funding to purchase additional devices as required.

Currently, the vast majority of children are attending school. The experiences of the past year means that for most of these children, moving to a full closure or part closure would be managed effectively by schools. The teachers have been trained in online learning and they are experienced in preparing hard copies for those children who do not have access to devices.

5.17 Deputy M.R. Higgins of St. Helier of the Minister for Children and Housing regarding the provision of housing (WQ.17/2021)

Question

Will the Minister state –

- (a) the number of people currently waiting for housing on the Housing Gateway and the number of houses / apartments expected to come on stream in the next 3 months;
- (b) the number of properties currently vacant due to housing movement (such as the gap between one tenant leaving and another taking their place) and the average vacancy period over the last 2 years;
- (c) the number of people his department has advised to 'sofa surf' or to live in a hotel, if any;
- (d) the number of people currently estimated to be 'sofa surfing' or having to live in a hotel;
- (e) the number of people estimated to be homeless or sleeping rough in the Island or intermittently in housing shelters;
- (f) the daily capacity of housing shelters and their actual occupancy; and

- (g) how many people have been evicted since the outbreak of the COVID-19 pandemic and what steps, if any, the Government is taking to prevent people being evicted during this period?

Answer

- (a) There are currently 945 active rental applications on the Housing Gateway across all bands.

Andium Homes will deliver 138 new homes over the next three months: -

36 affordable sales to Band 5 purchasers
102 rental homes

Les Vaux Housing have no new stock coming on stream in the next 3 months.

Brunel Management have no new stock coming online this year.

- (b) Andium Homes and the Housing Trusts manage their housing stock and re-let to applicants on the Housing Gateway as soon as a suitable property becomes available. The number of properties void varies from day-to-day.

At the time of drafting this response, Andium Homes had 12 “non-standard” void properties undergoing extensive works with contractors, 13 x “standard voids” undergoing standard void works with contractors and 9 x voids which are ready to let, pending viewing and signup. The average vacancy period between tenancies has been 24.5 days. This figure is higher than usual given the limited void turnaround during the lockdown period in 2020 when moves were not permitted. Average for 2019 was 18 days, average for 2020 was 31 days.

At the time of drafting Les Vaux have one 2 bed flat available due to housing movement and conducting viewings, they expect it to be let shortly. Their average vacancy period over the last years is 0.2%.

Brunel confirmed that their average re-let time is 18 days – the effects of Covid have increased the turn around times.

- (c) Officers never advise customers to sofa-surf. Given the number of applicants registered on the waiting list, officers may ask a customer to consider all their available housing options, including staying with family or friends provided it is safe to do so; alternative private rented accommodation; and other temporary accommodation options. This is always suggested as a short-term, temporary measure whilst the applicant looks for long term accommodation, including being offered social housing.
- (d) The Housing Gateway currently has 56 active applications where a customer is deemed to be “homeless”. This categorisation means that they do not have rights to their current accommodation, which could, therefore, mean the person is under an eviction order or living in temporary accommodation such as a hotel or “sofa-surfing”. Sofa-surfing and the use of hotels **are not** considered to be “policy alternatives” to preventing evictions. However, an officer may suggest these as an alternative to resolve emergency housing situations. These would only ever be for a short-term measure. When cases involve children for instance recommendations to reside in a hotel or with a family member would be suggested over homelessness. The use of hotels puts a roof over people’s heads and supports their health, safety and welfare.

- (e) The Gateway currently has 56 applicants; we only hold records of customers who have applied to the Gateway.

The Shelter Trust has capacity for 124 residents. Presently, the Shelter accommodates approximately 115 per night and supports a further 14 individuals through outreach, including hotels and guest houses.

The number of rough sleepers is not currently known. Efforts have been made over the years to address entrenched rough sleeping, although there continue to be sporadic cases of people sleeping rough.

- (f) As of 15 January, Shelter Trust slept **115 people** across 8 Trust sites.

A **further 14** people are being supported via Outreach, 9 of whom are located in hotels.

A **further 5** people are community based

Further updated stats are pending and will be shared upon receipt.

- (g) Evictions did not take place in Jersey from 10 April - 30 September 2020 as a result of the emergency COVID-19 legislation introduced by the Government. The legislation lapsed on 30 September 2020 and no additional action is being taken to prevent evictions.

The Court directed guidance on evictions continues to apply. The Government has published this guidance online, which is there to ensure that tenants and landlords know their rights and responsibilities. For example, there is a requirement by landlords to ensure that they have engaged with tenants to try and exhaust all avenues that fall short of eviction prior to approaching the Court. The Courts have the power to ensure that all evictions are lawful.

Since September:

- 16 evictions have been lodged with the court.
- 14 of which related to non-payment of rent and/or Anti-Social Behaviour.
- 12 of these cases resulted in eviction, 4 cases have been adjourned.
- 5 of these cases were private tenancy agreements and 11 were through Social housing providers.
- The Social Housing providers have confirmed that none of the eviction cases relate to arrears accrued through Covid.

Since March 2020, The Gateway have received 60 applications from customers who have been given notice from their landlord. Only a handful of customers have received court eviction notices, the rest have been letters from landlords. Out of the 60 applications 27 have been housed through the gateway.

5.18 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the operation of a Digital Commercial and Residential Property Register (WQ.18/2021)

Question

Will the Chief Minister advise the Assembly who has been appointed, or is to be appointed, to establish and operate a Digital Commercial and Residential Property Register in the Island by the end of 2021 and will he provide a progress report in respect of their efforts to date?

Answer

Political and operational responsibility for this project is still under discussion. There were unforeseen delays as a result of the rise in COVID-19 cases during the end of 2020 and the changes in Ministerial responsibility which have occurred since October. The project plan is scheduled to be completed before the end of Q1 2021 and we anticipate confirming the political lead in the same timeframe.

As soon as the project plan is ready, I would be delighted to offer the Deputy a separate briefing.

5.19 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Services regarding the exemptions from the requirement to self-isolate due to Covid-19 (WQ.19/2021)

Question

Will the Minister state –

- (a) the number of requests for exemption from self-isolation that were made between 15th October 2020 and January 2021 and, of these, how many were granted and how many were refused;
- (b) the reasons for granting any such exemptions, specifying the industries / categories involved;
- (c) the number of positive tests, if any, subsequently obtained from those who had been granted exemptions, specifying the industries / categories involved;
- (d) if any employees working in healthcare and / or medical professions were granted exemptions, whether they were required to wait for a first negative result prior to starting work with Jersey residents;
- (e) whether there is a mandatory requirement to have a negative P.C.R. test 72 hours prior to arrival in Jersey as a pre-requisite for exemption from self-isolation and, if not, whether there is any plan to introduce this measure;
- (f) the number of people required to self-isolate as a result of being a direct contact;
- (g) what protocols, if any, are in place for testing contacts within identified groups should this happen; and
- (h) whether those contacts have then to self-isolate until a negative test result comes through?

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, 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.

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.

For the period 26/10/2020 to 21/01/2021, 477 exemptions were approved, representing 841 workers*

*The 841 are not all individual workers; many of these are the same individuals granted exemption on more than one occasion as employers make repeat applications for the same workers. For example, we have identified ~80 workers from the construction sector working on a rotation.

(b) 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 main sectors are construction, sewage and critical healthcare (engineers/maintenance support, specialist visiting consultants).

The list of industries applying for exemptions includes, but is not limited to:

- Animal welfare
- Aircraft engineering
- Removals
- Repair of critical equipment (factory, general hospital)
- Marine engineering
- Geotechnical engineering
- Pharmacy

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. The Health and Safety Inspectorate undertakes inspections of businesses to assess levels of compliance with the exemption application.

(c) Fewer than 5 individuals who have been granted an exemption have tested positive for Covid-19.

(d) All workers are required to be tested on arrival in Jersey and to isolate until they receive a negative test result before they undertake any work. In very exceptional circumstances, such as a medical emergency, if they've had a negative PCR test result within 72 hours prior to their arrival in Jersey and provided all the necessary precautions are taken i.e. full PPE etc, they may not be required to isolate until they receive a first negative result. Any such instances are dealt with on a case by case basis with a thorough review of the circumstances, including any risk mitigations that may be in place. If such a situation is identified within the healthcare sector, this is undertaken in conjunction with the Acting Medical Officer of Health.

- (e) Following medical advice, from 11 February critical workers will be required to provide evidence of a negative pre-arrival PCR test as a condition of their permission to leave isolation for the purposes of work; they will still be required to wait for a negative arrival (day 0) result before attending the workplace. The pre-arrival test requirement will be waived in exceptional or emergency circumstances.
- (f) Fewer than 5 individuals have been isolated as a result of being a direct contact of a person granted exemption.
- (g) Should anyone who has been granted an exemption subsequently test positive or become a direct contact, the exemption is immediately withdrawn and exactly the same protocols that apply to the general public are applied.
- (h) They are instructed to isolate and undergo a series of PCR tests on days 0, 5 and 10. If they choose not to be tested, they will be instructed to isolate for the full 14 days.

5.20 Deputy I. Gardiner of St. Helier of the Minister for Treasury and Resources regarding expenditure addressing the impact of the Covid-19 pandemic (WQ.20/2021)

Question

Will the Minister provide an updated breakdown of the actual monies spent due to the Covid pandemic up to 31st December 2020 in contrast to the forecast per departments / projects as itemised in the Government Plan 2020-2023 (Appendix 2)?

Answer

Data for 2020 is currently subject to audit so cannot be released at this stage. It will be published in early April, in the Annual Report and Accounts (ARA). In the event that the ARA does not include the analysis in the format requested by Deputy Gardiner, that information will be separately published to the Assembly as an addendum to this answer.

5.21 Deputy S.M. Ahier of St. Helier of the Minister for Health and Social Services regarding the system for recording patient details (WQ.21/2021)

Question

Will the Minister provide the following details in respect of re the new EMIS system for recording patient details;

- (a) the date that the system was installed;
- (b) the date that the system became operational;
- (c) the total costs of installing the system;
- (d) the total costs of training staff to use the system;
- (e) the total running costs, including annual fees;
- (f) the contract period for provision of this service; and
- (g) whether there any additional ancillary costs associated with the establishment of the system?

Answer

The Jersey Summary Care Record is a service provided to Hospital clinicians via the EMIS platform and went operational on January 25th 2021.

EMIS is the primary platform used across primary care for the storing and management of patient information. It was commissioned in Jersey in 2014. The Jersey Summary Care Record was developed on the EMIS platform as an enhanced service offering to the Hospital, providing a summary of a patient's primary care GP record in real time to authorised hospital clinicians.

The operational costs associated with the Jersey Summary Care Record are as follows:

- No additional training costs as training has been provided internally
- Total running costs on current levels of 20 clinicians = £7Kpa
- Contract period is 5 years, beginning May 1st 2019
- Additional ancillary costs e.g. for additional users = £350pa per user.

5.22 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the waiting times for specialist treatment (WQ.22/2021)

Question

Further to his response to Oral Question 17/2021, will the Minister provide details of the waiting times, in weeks, for referrals for specialist treatment; and the waiting times for the subsequent receipt of that treatment?

Answer

The details sought by the Deputy are available on the gov.je website at:

<https://www.gov.je/Health/WaitingLists/Pages/index.aspx>

This data can be broken down by specialty, with the drop down boxes above the figures allowing the selection of a specialty and subsequently filtering of the data.

5.23 Deputy I. Gardiner of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding economic activity in the hospitality and retail sectors from 2017 to 2019 (WQ.23/2021)

Question

Will the Minister provide an economic activity breakdown, showing income for November and December in the years 2017, 2018, and 2019 for the hospitality and retail sectors?

Answer

While economic activity data is not available in the precise form asked for by the Deputy, I am pleased to report that in November 2020 Statistics Jersey published its first [estimates of quarterly revenue and GVA](#). This first report presents estimates for the non-finance sectors of Jersey's economy. These sectors represent approximately 40% of the total Jersey economy.

In particular, Table 5 in the appendix to that report includes quarterly sectoral splits for ‘hotels, restaurants and bars’ and ‘wholesale and retail trades.’ The table is reproduced below for Members’ convenience.

Table 5 – Quarterly GVA (basic) in nominal values: £ million

	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Q1 2020	Q2 2020
Agriculture and fisheries	0.1	44.2	8.8	3.7	3.2	39.2	12.0	2.7	3.1	44.3	9.7	1.6	1.9	31.0
Manufacturing	9.9	12.8	13.4	10.0	10.7	12.3	12.0	13.1	9.3	11.2	16.1	13.5	11.6	10.0
Electricity, gas and water supply	19.7	19.1	12.2	11.8	22.4	14.4	13.3	12.6	18.0	14.3	14.3	18.5	17.6	15.0
Construction and quarrying	65.1	99.9	65.1	98.1	75.8	89.0	100.0	81.6	90.1	93.7	73.1	93.2	55.8	52.5
Wholesale and retail trades	76.6	84.4	75.3	68.8	78.5	78.9	79.0	77.6	74.7	79.3	79.9	85.0	83.1	69.2
Hotels, restaurants and bars	21.6	58.3	80.1	34.6	21.6	54.6	82.9	41.0	25.6	62.1	82.7	39.9	22.6	8.6
Transport, communication and storage	41.7	46.5	45.3	40.8	42.5	45.2	47.0	44.3	38.8	47.8	46.9	42.0	38.8	33.2
Other business activities	112.8	132.8	125.5	130.3	124.4	142.8	143.7	135.2	138.7	151.5	145.7	144.2	141.8	105.2
Total non-finance GVA	347.5	498.0	425.7	398.1	379.1	476.4	489.8	408.1	398.3	504.3	468.3	438.1	373.2	324.6

Statistics Jersey has committed to work towards the production of estimates for additional sectors in future reports, so that monitoring of the entire economy can be presented on a quarterly basis.

5.24 Deputy I. Gardiner of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding economic activity in the retail sector in 2020 (WQ.24/2021)

Question

Will the Minister provide estimate figures for the economic activity, including any income generated, of Visit Jersey and the retail sector for the period 1st January to 30th September 2020, and will he provide the same data for the same period in 2019 for comparison?

Answer

I invite the Deputy to refer to my answer to Written Question 23/2021, which refers to the November 2020 publication by Statistics Jersey of its first [estimates of quarterly revenue and GVA](#).

With respect to our visitor economy, additional context might ordinarily have been drawn from the informative exit surveys commissioned by Visit Jersey. For the period January – September 2019, Visit Jersey advises that on-island visitor expenditure was estimated at £240.6m. One sadly unavoidable consequence of the arrival of COVID in Jersey was the suspension of Exit Survey activity mid-way through March 2020.

While a comparable visitor expenditure estimate for January - September 2020 is not available, the data that is available to Visit Jersey indicates that visitor expenditure during Q1 2020 may have fallen by over a third relative to 2019.

The 2019 Visit Jersey Exit Survey summary is available online at –

https://business.jersey.com/sites/default/files/components/pdf_download_row/Exit%20Survey%20Analysis%20Jan-Dec%202019%20_0.pdf

5.25 Senator S.W. Pallett of the Chief Minister regarding Government of Jersey staff wellbeing measures (WQ.25/2021)

Question

Will the Chief Minister provide, since the outbreak of Covid-19, for Government of Jersey staff –

- (a) a list detailing any mental health, wellbeing and welfare support measures that have been made available to members of staff of all grades;
- (b) the number of staff members who voluntarily used any such measures;
- (c) the number of referrals of staff to such measures;
- (d) the number of alerts that have been raised by Managers in relation to the wellbeing of individual members of staff;
- (e) details of any advice, training or other support measures that have been provided to those in managerial roles within the Government of Jersey, to assist in identifying and supporting staff that may be suffering from poor mental health; and
- (f) details of any enhanced mental health, wellbeing and welfare support measures that have been made available to those in senior positions, including the Director Generals?

Answer

- a) a list detailing any mental health, wellbeing and welfare support measures that have been made available to members of staff of all grades;

Before the coronavirus pandemic, employees had and continue to have access to a range of mental health support. This includes 24/7 access to the 'Be Supported' Employee Assistance Programme and access to local face to face, and telephone counselling support for employees in crisis. In addition, we have provided off island 1:1 support to colleagues who have expressed a preference for off island support. During this period, we have helped colleagues to build and maintain good mental health and provided tools such as webinars, the 'Thrive' App, and an employee support pack (which signposts where help is available both internally and externally on island). Through regular communications such as 'Wellbeing Wednesday' and regular newsletters we have detailed steps that colleagues can take to improve and maintain good mental and physical health. We have taken steps to grow and improve our network of mental health first aiders with the aim of ensuring that everyone has a listening ear.

We arranged access, after an assessment, to independently provided peer to peer support and counselling for employees.

Recognising that many of our colleagues are working in different locations both at home and in the office, we have carried out healthy working assessments which include prompts around mental health with regards to:

- Those remaining at home
- Anyone suffering from anxiety about returning to the workplace
- Supporting those who have struggled during the COVID period.

Individuals can share with their line manager or if they prefer seek support as outlined above. A simple to use stress risk assessment process is available to all staff as a means of promoting conversations about wellbeing.

Current provision of Wellbeing support for employees:

Be Supported

- Employee Assistance programme 24/7 & 365 freephone helpline
- Covers all employees and immediate family members
- Provides support for any problem e.g. stress, work issues, financial problems, addictions, carer worries.
- Includes Health at Hand – specific help and advice about health issues (does not offer treatment service)
- Includes counselling support (e-counselling, online counselling, telephone counselling and face to face on island counselling)
- Offers up to 6 sessions free 1:1 then 4 further sessions depending on individual need
- Counselling determined by triage

Off island 1:1 support (provided May-Sept 2020)

Independent peer to peer support or counselling accessed via an assessment of need.

On Island Counselling

Offers up to 6 sessions free 1:1 then 4 further sessions depending on individual need. We have received very positive feedback on this service.

Island life

Additional support offered depending on reason for the referral

Thrive

Free to use app used by NHS

Evidence-based, providing in-depth tools and support for anyone to improve their mental wellbeing
Available to all employees

Employee Support Pack

Two versions – one for HCS staff and more a general version for all others

Slimmed down version as Welcome back to work pack for those returning to the workplace

Mental Health First Aider ('MHFA') Network

Available across all depts – a list is available on MyStates

Regular update sessions held for MHFAs to support their skills

Linked to MIND Jersey

A Separate network being developed for schools

Approximately 200 will be trained by the end of March (169 at present). The aim is to provide a network of 'listening ears' and sign-posters to appropriate further support

Know Your Numbers

Primarily geared to fitness, this is also used as a way of supporting colleagues to build resilience and develop coping strategies for managing stress

Training

General MH awareness via the Cardinus platform

Available for all employees

1 hr duration

Mental Health Awareness (MH England First Aid Light Equivalent)

For Managers

4 hrs duration (equivalent to managing H&S for managers)

Mental Health First Aider (MH England)

Training for MH first Aiders who form part of the MHFA network

2 days

Trauma Risk Incident Management ('TRIM')

Some TRIM practitioners in HCS and JHA.

Rationalising in progress to cover across all departments

This training is due to be updated in Fire and Ambulance

b) the number of staff members who voluntarily used any such measures;

161 colleagues accessed counselling (telephone, face to face and e-counselling) support through the BeSupported service in 2020. 300 calls in total were made to the service.

Many colleagues requesting support do so in confidence and hence the numbers receiving support, for example via Mental Health First Aiders, are not logged.

c) the number of referrals of staff to such measures;

Staff self-refer themselves for most of these interventions or support. Information about referrals will be held confidentially by the team or organisation to whom the referral is made and are not available to the Government.

However, during 2020 approximately 60 colleagues received face to face counselling on Island. 9 colleagues received independent support via an assessment. A further 200 referrals were made to Occupational Health by managers where stress, anxiety or depression were flagged by their staff.

d) the number of alerts that have been raised by Managers in relation to the wellbeing of individual members of staff;

We do not keep details of such alerts as many concerns are raised in confidence.

e) details of any advice, training or other support measures that have been provided to those in managerial roles within the Government of Jersey, to assist in identifying and supporting staff that may be suffering from poor mental health; and

As noted previously, we provide:

- general mental health awareness training for all employees via our Cardinus platform.
- A Mental Health England first aid 'light course' is now available to all managers.
- Opportunities to train as a Mental Health First Aider

f) details of any enhanced mental health, wellbeing and welfare support measures that have been made available to those in senior positions, including the Director Generals?

We treat all colleagues who may be experiencing any wellbeing issue with the same level of dignity and respect.

Director General's and other senior colleagues were provided with access to 1:1 coaching support at the peak of the pandemic response through the Team Jersey programme

5.26 Senator S.Y. Mézec of the Chief Minister regarding the Chief Minister's meetings with external stakeholders (WQ.26/2021)

Question

Further to the adoption of Common Strategic Policy, in which it was stated that “we will work in partnership with Parishes, churches, faith groups, community groups, the third sector, volunteers, businesses, trade unions and key stakeholders”, will the Chief Minister detail how many scheduled meetings he has personally had with faith groups, business representative groups and trade union representatives?

Answer

Since my election to Chief Minister in June 2018, I have undertaken a number of engagements with the groups listed in the above question.

This has included three meetings with faith groups and over fifty meetings with business and third sector representatives and two with trade union representatives.

The States Employment Board, which I Chair, has established robust arrangements for engagement between officers, on behalf of SEB, and trade union representatives. SEB does not negotiate directly with trade unions. Officers meet unions frequently on a full range of issues, including weekly on health matters throughout the pandemic.

I have also attended the Economic Council which includes both business and trade union representatives.

As part of my regular engagement I have also undertaken a number of speaking and or Q&A sessions with a variety of bodies including; JFL, the IoD, Jersey Chamber of Commerce, Jersey Mutual, Digital Jersey, Jersey Heritage and the European Association for Zoos and Aquaria (EAZA).

Additionally, I hosted a reception for the Island's charitable sector and honorary consuls in January 2020 and intend to conduct Parish visits to each of the Island's parishes this year.

Alongside these events I have engaged in regular correspondence with representatives of each of the groups listed both before and during the COVID-19 pandemic.

5.27 Senator S.W. Palllett of the Minister for Health and Social Services regarding the exemptions from Covid-19 restrictions applied to critical worker (WQ.27/2021)

Question

Following recent news reports that a new Covid-19 variant has been discovered in Rennes, France, will the Minister –

- (a) advise Members whether he intends to suspend the exemption that currently permits 'critical' construction workers to undertake work immediately upon arrival in the Island without any period of self-isolation; and if not, why not;

- (b) set out why such construction workers are deemed as ‘critical’, particularly in current circumstances; and
- (c) provide the exact definition of the term ‘critical worker’ that is used in this context?

Answer

- (a) There is no exemption that permits critical construction workers to undertake work immediately upon arrival in the Island. From 11 February, critical workers will be required to provide evidence of a negative pre-arrival PCR test as a condition of their permission to leave isolation for the purposes of work. They will still be required to wait for a negative arrival (day 0) result before travelling to and attending the workplace. Only once this has provided a negative result are they permitted to leave self-isolation for that work. The only exemption is if the work is time critical – where, for example, a delay in undertaking the work before that initial negative result is a risk to life. Then the company must provide details of all measures to be implemented to minimise the risk associated with that time-critical work. There is no present intention to change the exemption process.
- (b) Construction workers are deemed ‘critical’ where the company has made the case that these workers cannot be recruited locally and where the time-critical nature of the work is such that those workers are needed now ie they are not available locally within the critical timescale of the project.
- (c) A critical worker is considered to meet this definition if:
 - the person’s physical presence is required to keep services or businesses running
 - and the person’s specific skill is not readily available in Jersey
 - the work is time-critical in terms of urgency and/or duration of work
 - it would be impossible, unreasonable or dangerous for the worker to complete the isolation period before beginning work.

5.28 Connétable of St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding the Jersey Cannabis Agency and the Jersey Cannabis Services Advisory Group (WQ.28/2021)

Question

Will the Minister provide the following information on the Jersey Cannabis Agency and the Jersey Cannabis Services Advisory Group –

- (a) their respective terms of reference;
- (b) details of any annual funding provided by the Government of Jersey;
- (c) when and where any information on both the Agency and the Advisory Group will be made public online; and
- (d) details of membership, where possible, including any Ministerial responsibilities that may have been assigned?

Answer

- (a) The UN Single Convention on Narcotic Drugs 1961 mandates that signatories establish national cannabis agencies to regulate cannabis cultivation. The UK Home Office has designated its Drugs and Firearms Licensing Unit (DFLU) to serve as National Cannabis Agency for the UK. On the

basis that the UK is the State Party to the Convention in respect of the Channel Islands, the DFLU – and by extension the Home Office – is directly concerned with the standards of regulation to be applied to cannabis cultivation in Jersey. The Jersey Cannabis Agency is established under an MoU with the UK Home Office which allows the Island to issue licenses to cultivate, possess and supply cannabis-based product for medicinal use as a regulatory authority (a sub-agency) in its own right. The Jersey Cannabis Services Advisory Group is currently an informal industry-led body that has been established to provide Govt. with a view on commercial industry development issues.

- (b) The ‘Jersey Cannabis Agency’ is simply the licensing authority in respect of licenses to cultivate and is administered by the Chief Pharmacist. No Government funding is provided to the Jersey Cannabis Services Advisory Group.
- (c) An Economic Development Framework for Cannabis Investment in Jersey is under development and which is anticipated to be completed in Q2 with an associated communication plan that will specify the roles and responsibilities of the various associated agencies.
- (d) The Jersey Cannabis Agency is effectively the Health Minister under MOU with the UK Home Office.

5.29 Connétable of St. Martin of the Minister of the Environment regarding Environmental Impact Assessments for sites used for the protection of medicinal cannabis (WQ.29/2021)

Question

Will the Minister explain whether Environmental Impact Assessments were undertaken on sites used, or intended to be used, by firms that have recently been awarded licences for the commercial cultivation of medicinal cannabis; and will he state whether the results of any such assessments will be made publicly available?

Answer

The requirements for licenses to cultivate cannabis are a matter for the Minister for Economic Development, Tourism, Sport and Culture and do not fall under the portfolio of the Minister for the Environment (‘the Minister’).

In regard to the regulatory aspects which are within the portfolio of the Minister, there are no requirements for an Environmental Impact Assessment under either the [Planning and Building \(Jersey\) Law 2002](#) or the [Planning and Building \(Environmental Impact\) \(Jersey\) Order 2006](#) for the commercial cultivation of medicinal cannabis on existing agricultural land.

This is regarded, in planning terms, as an agricultural activity similar to the growing of any other arable crop. It does not constitute a material change of use of land, or operational development, and it follows that planning permission is not required.

At this moment in time, there have been no planning applications for the commercial cultivation of cannabis which required Environmental Impact Assessment (‘EIA’).

It should be noted that the cultivation and processing of cannabis are considered separately in planning terms. If there were a proposal to process medicinal cannabis this may, depending on the

site and other factors, require a planning application which may, in turn, require an EIA if the proposal met the 'Prescribed development requiring an environment impact statement'.

The planning register which records applications and supporting documentation (which includes EIAs) is already publicly available and can be found on gov.je.

5.30 Deputy R.J. Ward of St. Helier of the Minister for Health and Social Services regarding the availability of Covid-19 vaccines via private healthcare (WQ.30/2021)

Question

Will the Minister advise whether any Covid-19 vaccinations will be made accessible to people through private health care arrangements in advance of the Government's planned vaccination timetable?

Answer

There are no plans for Covid-19 vaccines to be made available through private healthcare arrangements. All vaccines are supplied by the UK to the Government of Jersey and received by our hospital pharmacy/chief pharmacist and deployed in accordance with the UK Joint Committee on Vaccination and Immunisation's priority groupings, which we have adopted in Jersey.

5.31 Deputy R.J. Ward of St. Helier of the Minister of the Environment regarding the charges levied on solar panels (WQ.31/2021)

Question

Will the Minister advise what charges are currently levied on the installation of solar panels on buildings; and will he also advise what work, if any, is being undertaken to lower or remove these charges in order to encourage the use of renewable energy products in both new builds and home improvements?

Answer

Part 4 of Schedule 1 of the Planning and Building (General Development) (Jersey) Order 2011 already grants planning permission for solar panels on buildings where:

- The building is not protected for its heritage value;
- The building is not within the final approach zones for the airport runway;
- The panels do not project more than 20 cm from the sloping plane of the roof; and,
- No more than 90% of the surface area of the roof is covered.

Where these criteria cannot be met, planning permission is required. In such cases, the fee charged for an application is £64.60 per item, subject to a maximum of 6 items.

Having considered and received officer advice on the matter of lower or no charges to encourage the use of renewable energy, I have decided that the Environment (2022 Fees) (Jersey) Order 2021 will no longer incur a fee on applicants wishing to install solar panels for domestic use; except for where there are safety concerns related to the airport runway.

As technology continues to improve and other environmentally positive products become available, we will look to synergise regulation with the Island's wider environmental ambitions where possible and appropriate. For example, what recommendations, if any, come from the Citizens' Assembly as part of Government's Carbon Neutral Strategy work and relate to regulation.

5.32 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding the provision of freephone telephone line to access the Customer and Local Services Department (WQ.32/2021)

Question

Will the Minister explain what communication, if any, has occurred with JT, or what plans have been made, to enable the provision of a freephone telephone line for those needing to access the Customer and Local Services Department for assistance and information?

Answer

I have recently met with Jersey Telecom, and discussion included the cost of local call charges for those out of contract/package.

As explained in my previous answer to written question 13, Customer and Local Services calls are answered very quickly with an average wait time of less than 20 seconds. Officers will always call individual's back, and there is an automated call back facility for anyone who has waited for 2 minutes at peak call times.

Customer and Local Services also offer e-mail support and individuals can book face to face appointments.

Jersey Telecom have for some time allowed islanders to make free local calls from any public payphone and therefore customers can telephone the department free of charge via this route

The Customer and Local Services Department has a wide range of customers, both individuals and businesses, who access services for a variety of different reasons. Officers are continuing to monitor calls, and the level of service provided to customers, to understand whether any further action is required.

5.33 Deputy C.S. Alves of St. Helier of the Minister for Home Affairs regarding the citizenship of children of non-British residents (WQ.33/2021)

Question

Will the Minister advise whether non-British residents in Jersey are advised that, if they have a child and did not work at some point in the 5 years preceding the child's birth, the child cannot obtain British citizenship or a British passport; and, if so, will he explain what support and options are consequently made available to those who fall into this category, but who have been in Jersey for significant number of years or hold residential qualifications?

Answer

Prior to 2021, for a child to be automatically eligible as a British citizen to non-British parents, one of the parents must have been either, working, studying or been self-sufficient in Jersey or the UK for 5 years prior to the birth of the child (these requirements were in place to prevent someone from

coming to the UK or Islands and living dependent on state support for 5 years to enable a child to be automatically eligible for British citizenship).

These requirements are determined by the British Nationality Act which has identical requirements whether a person is resident in the UK or any of the Crown Dependencies.

EU national children who were not eligible for British citizenship due to the requirements of the British Nationality Act, but who were resident in Jersey prior to 2021, are eligible to the settlement scheme. Settled status is granted to any EU national who has had 5 continuous years residency in Jersey and does not require applicants to have been working, studying or self-sufficient during that period. Anyone granted settled status will be eligible to apply for British citizenship after 1 year.

Any child born in Jersey to a person who has been granted settled status is immediately eligible for British citizenship.

Advice regarding eligibility for British citizenship and how to obtain a British passport is available from the Immigration and Nationality section of the Jersey Customs and Immigration Service (JCIS).

Where foreign nationals resident in Jersey require advice in relation to obtaining identity documents, they should contact the consular service appropriate to their country of origin. JCIS may be able to advise on whether there is a Jersey based Honorary Consul who can be contacted in the first instance.

Jersey's residential qualifications, or those from any other British jurisdiction, do not have any bearing on a person's eligibility for British citizenship.

5.34 Deputy C.S. Alves of St. Helier of the Minister for Health and Social Services regarding capacity of patients in care homes (WQ.34/2021)

Question

For the period March 2020 to date, will the Minister advise how many patients living in care homes under the care of the Health and Community Services Department have been assessed as lacking capacity?

Answer

Capacity means being able to make a particular decision at that time for oneself. One of the five core principles of the Capacity and Self-Determination Law (CSDL) is that everyone aged 16 and over has capacity unless it can be proven otherwise. Capacity can fluctuate depending on the impact of the impairment, time, and also the type of decision. As such, a person may have capacity to make some decisions, but not others, depending on what the decision is and when it needs to be made. Therefore, no person ubiquitously does not have capacity.

A person can only be deemed to lack capacity where there is an inability to use information given, at that time, to make that decision because of an evidenced disorder or disturbance in the functioning of the mind or brain. The identified impairment has to be the direct cause of the problem with one or more of the legally defined areas that constitute decision-making. Therefore, a patient in a care home will have their capacity constantly assessed each time, in relation to each decision, ranging from what to wear, to consenting to care, treatment and residence. Given the time and decision-specific nature of capacity, it must remain under constant review.

Therefore, this reply focuses on assessments in relation to the decision: Can the individual (“P”) validly consent to their care and treatment in their current address? Under Part 5 of the Capacity and Self-Determination Law (2016) (“CSDL”), this decision requires formal assessment when P is being significantly restricted of their liberty, by a Capacity and Liberty Assessor (a qualified professional such as a social worker, OT, or nurse) and a Mental Health Assessor (an approved psychiatrist), the second of which is the person’s capacity (checking they fall under the auspices of the law, i.e. being 16 or over is the first).

In the care homes managed by HCS, since March 2020 there have been 11 duly made applications for authorisation of Significant Restrictions on Liberty (“SRoL”). All of these were assessed as lacking capacity to make the relevant decision (as stated above) at the time of assessment.

As advised, ‘capacity assessments’ are constantly undertaken for a multitude of decisions across Health and Community Services, with these ordinarily recorded in case notes and decision-making records as assessing capacity is not a discrete event but an ongoing process. For example, a dentist will assess an individual’s capacity to consent to dental treatment and record this assessment in their own notes; a healthcare assistant will assess an individual’s capacity to consent to partaking in a social activity and record the outcome in the relevant notes – both are capacity assessments. More formal capacity assessments take place for bigger decisions, such as moving home, serious medical treatment and managing finances (not an exhaustive list).

5.35 Connétable of St. Martin of the Minister for Treasury and Resources regarding the taxation of growing and processing medicinal cannabis (WQ.35/2021)

Question

Further to undertakings made in the Government Plan 2021-2024, will the Minister -

- (a) provide the Assembly with an update on the progress, if any, that has been made in respect of proposals for a scheme to tax the growing and processing of medicinal cannabis;
- (b) advise, in particular, whether any tax incurred by people on the profits made from the growing and processing of medicinal cannabis will be separate from, or additional to, any other tax paid by these people; and
- (c) advise whether any tax levied on the growing and production of medicinal cannabis will be at the full standard rate without set off?

Answer

- (a) Article 16 of the Finance (2021 Budget) Law 2020 enables the States to make Regulations providing for the taxation of the profits of companies whose business involves or relates to medicinal cannabis or its derivatives. No substantive work is yet under way to develop draft Regulations.
- (b) & (c) It is not therefore possible at this early stage for the Treasury to make any commitments regarding the drafting of those Regulations.

5.36 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding genomic testing of Covid-19 (WQ.36/2021)

Question

Will the Minister advise, in relation to genomic testing –

- (a) where the Covid-19 samples are sent to be tested and the time interval from dispatch to receipt of the results;
- (b) how many samples of Covid-19 have been sent to the U.K. each week since 1st December 2020 to determine whether any variant strain of the virus has reached the Island; and
- (c) whether any new strains of the virus have been identified in the Island and, if so, their characteristics?

Answer

- (a) Samples are sent to Public Health England (PHE) for sequencing. The time interval is currently around 7 to 10 days.
- (b) Initially the maximum number of samples PHE would accept for sequencing per week was 10, but from 1/2/21 it is accepting up to 50 per week.
- (c) The presence of the UK Kent variant (B.1.1.7) in Jersey has now been confirmed in 4 of the last 25 samples sent to the UK. No particular Jersey-specific strain has been noted. No other variants of concern have yet been noted, but we are, of course, continually monitoring for these.

5.37 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the spread of Covid-19 in the hospital (WQ.37/2021)

Question

Will the Minister advise, in relation to the number of cases of Covid-19 discovered in the Hospital since the start of the pandemic –

- (a) what system has been in place to screen patients before they are admitted;
- (b) whether any ongoing testing for the virus takes place in wards for longer-term patients and, if so, at what frequency; and
- (c) whether any patients were infected after admission by hospital staff?

Answer

Patients who are coming into hospital as planned admissions, for example, for surgery, are PCR-tested for Covid-19, 3 days prior to admission. The 'To Come In' (TCI) team books the patient's swab date and inform the patient by letter as to the appointment date and time. The patient attends the Overdale site for their swab to be taken by the swabbing team. The patient is then requested to self-isolate until the day of their admission to hospital.

For children and those patients who are unable to attend the Overdale site, arrangements are made for them to attend the swabbing centre at the airport.

Patients who are admitted to hospital as an emergency are screened on their arrival at hospital.

Ongoing testing for Covid-19 does take place; inpatients are routinely tested every 3 days during their hospital stay.

Where a patient has tested positive during their inpatient stay, they are categorised as outlined in the table below, dependent upon what day following admission to hospital they test positive.

Community-Onset, not Healthcare-Associated	Positive specimen date on day of admission or up to 2 days after admission.
Hospital-Onset Indeterminate Healthcare-Associated	Positive specimen date 3-7 days after admission, with no prior hospital admission in previous 14 days
Hospital-Onset Probable Healthcare-Associated	Positive specimen date 8-14 days after admission or specimen date 3-14 days after admission, with prior admission in previous 14 days
Hospital-Onset Definite Healthcare-Associated	Positive specimen date 15 or more days after admission

Once a patient has tested positive for Covid-19 they are not retested.

If a probable or definite hospital onset of COVID-19 is found, we have a set procedure to follow to investigate the root cause. To date, we have not identified any definite transmission of Covid-19 from any member of staff.

5.38 Deputy C.S. Alves of St. Helier of the Minister for Health and Social Services regarding access to medical specialists allowed for under the Jersey Care Model (WQ.38/2021)

Question

Will the Minister advise whether the implementation of the Jersey Care Model will allow for patients to access medical specialists on-Island in all areas that may be required; and, if not, will he explain why not and state what options will be available to patients to see specialists in their required area?

Answer

Living on an island requires Health and Community Services (HCS) to commission UK tertiary centres to provide some areas of specialist advice, diagnostic interventions and surgical and non-surgical treatment for a number of our patients. This model is common to many Health Authorities in the UK, where patients would be required to travel to specialist centres for specialist treatment.

The inability to provide certain specialist expertise on Island is, in the main, a consequence of not having the specialist equipment or facilities currently available, for example Radiotherapy, and/or the specific medical skills and knowledge that enables interventions and/or treatments to be undertaken without risk, for example, specialist surgery.

It is unlikely that implementation of the Jersey Care Model (JCM) will ensure patient access to all of the medical specialists we need on-Island. Consideration will be given to repatriating some tertiary services back on-Island, but this needs to be balanced against associated costs, the feasibility, and

viability around delivery of these specialist medical services. Factors that can influence this position include workforce supply, Royal College guidelines and best practice such as NICE guidance.

The options need to be looked at in the context of the number of patients requiring specialist treatment, and for some specialties these numbers are low due to the complexity of the intervention or treatment. To be able to confidently perform infrequent specialist surgery requires clinicians to maintain the required skills with minimal risks and upmost patient safety. In reality, for HCS to provide intervention or treatment for every known speciality would not be feasible, safe, or cost-effective. However, HCS is considering expanding the number of visiting consultants to provide additional specialist treatment and surgery on-Island that is presently undertaken in the UK.

As part of the JCM, HCS will be required to undertake an in-depth analysis of any potential treatment or procedure considered for repatriation on-Island. Until this analysis is completed, we are unable to provide details as to what could be provided at this point in time.

As is currently being provided, the options of face to face appointments, surgical intervention, diagnostics, and medical treatment (including radiotherapy) off-Island would continue.

6. Oral Questions

6.1 Connétable R.A. Buchanan of St. Ouen of the Attorney General regarding potential legal threats to the Overdale Hospital project (OQ.29/2021)

Will the H.M. Attorney General please advise whether there is any potential legal threat to the Overdale Hospital project from the 2 avenues of legal action, under the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 and the Human Rights (Jersey) Law 2000, outlined in Blakeley Legal's letter of 31st January 2021, a copy of which I forwarded to him and in fact I forwarded to all Members?

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

I thank the Constable for his question. Blakeley Legal's letter of 31st January does indeed make legal threats. I am advising the hospital project and the political oversight group on those threats but my advice is confidential and subject to legal privilege. Thank you.

Deputy M. Tadier:

I am guessing the Constable does not have a supplementary.

The Bailiff:

Well if people do not ask for a supplementary then I assume that they are not asking for one and move on.

6.1.1 Deputy M. Tadier:

That is fine, I just did not want to jump the queue. I think this is related because it is related to the legal letter that has been going out do with the road at Overdale and the project. Is he aware that Mr. Blakely has been writing to residents of the area saying that there is a Parish meeting coming up and that they can give him power of attorney to vote for them at the Parish Assembly? If the Attorney General is aware of that, can he advise whether it is possible for members of any Parish to give power of attorney to another individual to vote on their behalf at such a Parish Assembly?

The Bailiff:

Mr. Attorney, if you happen to know the answer to that, but it is not within the 4 corners of the question that was posed by the Connétable of St. Ouen. But it is a matter for you if you are able to give advice on that question.

The Attorney General:

I have only just become aware of it a few minutes before Deputy Tadier raised his question. I could give a preliminary answer to it but I would prefer to give an accurate answer. I think it would be better if I deferred answering the Deputy's question. I could supply an answer to him in writing separately.

6.1.2 Deputy K.F. Morel:

I may have misunderstood but the Attorney General appeared to say that he was unable to answer the question because it is a matter of legal privilege. However, I am trying to understand why this is the case because the Attorney General has been asked a question separately to any legal advice he has given elsewhere. I would like the Attorney General to answer the question as asked to the Assembly, as this is a question of the Assembly asked of him, and it is not a question of repeating advice that he has given elsewhere.

The Attorney General:

Yes, my answer to that is it is a basic point concerning the relationship between lawyers and their clients. I am advising Our Hospital Project Group and also the political oversight group. In those circumstances, it is not open to me as a matter of professional practise to give my privileged and confidential legal advice to repeat it in a public forum because the Our Hospital Project Group and the political oversight group are entitled to take legal advice in a confidential way. It is a basic right of any client in relation to their lawyers. If Deputy Morel wants to have separate advice concerning Advocate Blakeley's letter, then he will need to get that from the Solicitor General and not from me.

6.1.3 Deputy K.F. Morel:

Would the Attorney General please explain in what circumstances he is then able to provide an answer to questions asked in the Assembly where they may also happen to overlap with advice given elsewhere because I would have thought it is the Attorney General's primary responsibility to this Assembly?

The Attorney General:

Yes, and in most circumstances, the vast majority of circumstances, I am able to advise Members in the Assembly concerning their questions, as Deputy Morel will be aware from the many previous answers that I have given in this Assembly, but where the matter concerns actual potential litigation, that is a different set of circumstances. That is a very specific set of circumstances and it is very difficult for me to give answers in a public forum in relation to a matter which is, by its nature, legally privileged and confidential. It is very much the minority of circumstances but, as I have said, where I am in that position then we make arrangements for the Solicitor General to give separate advice to Members under an ethical wall which we can operate in the Law Officers' Department.

6.1.4 Deputy G.J. Truscott:

I know questions on these matters are always very delicate. We are being constantly reminded by the project team that time is of the essence and that has been the whole thing that has been driving the hospital project all the way through. Could the Attorney General advise the potential delay that this challenge could bring to the project going forward?

The Attorney General:

That seems to me largely a factual matter rather than one of legal advice. Insofar as it is a matter for legal advice, then I am afraid I have to repeat my previous answer that my advice to the project group and to the political oversight group is subject to legal privilege. It is very difficult for me to give public answers on these sorts of questions, it being this very public forum.

Deputy I. Gardiner:

I am not sure if it is a question for you for a point of order or clarification, Sir. Can it be arranged that the Solicitor General will give advice for the Members during this sitting that we, as the Members, can understand the position, the legal position, that we can find ourselves in?

The Bailiff:

The answer is there is no natural ability to pose any question of the Solicitor General during the course of this sitting unless it is an urgent oral question and that would need to meet the appropriate test, Deputy, but I do not think that that is a matter for the Attorney General. A final supplementary, Connétable of St. Ouen.

6.1.5 The Connétable of St. Ouen:

I apologise to the Attorney General for putting him in a difficult position but I was just very concerned when I read the letter and I understand the position of not being able to answer the question. I thank him for his efforts and am reassured that he is on the case, so to speak.

6.2 Deputy K.F. Morel of the Minister for Social Security regarding the calculation of Long-Term Care payments (OQ.27/2021)

Will the Minister explain how the level of long-term care payment covering the cost of care for the elderly is calculated, and whether the methodology used is based on the actual cost of care services currently available in the Island?

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

I thank the Deputy for his question. The long-term care scheme provides benefits for adults of all ages who satisfy the conditions of the scheme. Four levels of payments are provided based on care assessments of the individual. A separate payment is provided in respect of the living costs in a care home. Benefit levels were originally set in July 2014 based on the predecessor's benefits and arrangements that the scheme replaced. This places long-term care benefits at a good, basic level within the overall care market and the funding for the scheme is based on this assumption. Benefit levels are regularly reviewed and were last increased at the start of 2021. I have the 4 levels: level 1 is £394.73, level 2 £602.28, level 3 £870.59 and level 4 £1,094.52.

6.2.1 Deputy K.F. Morel:

I would ask the Minister to answer the last part of my question which is: are these benefit levels set in relation to the cost of care services that are available in the Island today?

Deputy J.A. Martin:

The cost of the care package does cover some care homes, it does not cover all care homes.

Deputy K.F. Morel:

A final supplementary, please, Sir?

The Bailiff:

Well, that is not normal, Deputy. We normally have a final supplementary if no one else has asked an intervening supplementary. There has not been an intervening supplementary, so we move on to the next question. But you have a point of order, Deputy Young?

Deputy J.H. Young:

No, sorry, my point of order was in relation to the first oral question because it did occur to me that Members may wish to have the opportunity to consider an answer in camera. We have passed on that now but I do think it is an important question.

The Bailiff:

Thank you for clarifying.

6.3 The Connétable of St. Helier of the Minister for the Environment regarding the provision of new homes in St. Helier (OQ.35/2021)

Will the Minister advise the States Assembly how many new homes are expected to be provided in St. Helier within the current decade and whether it is his assessment that there is sufficient critical infrastructure already in place in the town area to support such an increase?

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

The question I think requires me to refer to the Island Plan review which is in process and of course the next Island Plan will not cover the 10 years, it will be for a shorter 3-year plan, but in question of the housing supply, the planning horizon adopted is a 5-year housing supply. Of course I have already published the preferred strategy report last October which set out the numbers the plan is being based on and the parameters and the majority of the homes will be proposed in the existing built-up areas.

[11:00]

St. Helier will not be the sole focus but it is expected to accommodate between 700 and 1,600 homes in the 5-year period. On the second part of his question, the short answer is no, there is not enough community infrastructure provision in St. Helier now and there desperately needs to be in the future because town residents do not enjoy the same level of access to community infrastructures. All the figures show a serious problem. There is a challenge there, the Island Plan will make provision but that on its own will not do the job and it needs to have more consideration of Government and the use of public land and acquiring land for investment and community facilities at the same time. That cannot be done through planning, it needs other policies.

6.3.1 The Connétable of St. Helier:

I am grateful to the Minister for his reply. He gives a relatively modest figure. Is it not the case that with the thousands of units that are being predicted on the south-west masterplan alone, the waterfront next phase, and all of the other private sector developments going on around the town and Andium and the Jersey Development Company's construction, we must be looking at something towards 10,000 units in the current decade?

Deputy J.H. Young:

Obviously I have not addressed the decade issue. The Connétable will know that the target for housing units throughout the Island for the 5-year period is 4,000 homes. So I do not know where his 10,000 will come from but I am prepared to look at it. The truth is, is that what is happening at the moment is we are seeing a spate of hotel developments. I think there are between 10 and 15 hotels already, either on the stocks as a planning application, or expected to come very quickly with dwelling units. I think that presents us with a challenge which is the community facilities to go with it because I certainly do not want to see town cramming, so I cannot give credence to the 10,000 figures. We are going to have a debate later on the waterfront. There are lots of choices there I think still before us. I am afraid I do not want to support that figure of 10,000 now but it will likely change for the numbers I gave, 700 to 1,600.

6.3.2 Deputy G.P. Southern:

In terms of critical infrastructure around the town, will the Minister be supporting the building of a youth and community centre in the north of town?

Deputy J.H. Young:

Absolutely, I am immensely frustrated that that has not happened. I certainly am looking at the current level of planning applications we have got because I think there will need to be at least one planning inquiry focusing on the issue of whether or not there is enough community provision around

in the town to be able to provide a reasonable environment for those new town residences. So absolutely, and I think it is within the gift of our States machinery to allocate a site. They should be doing it as soon as possible because the money is there in the budget. I think we cannot go around and around and around searching for a site, it has got to be found.

6.3.3 Deputy R.J. Ward:

Thank you, Deputy Southern, for asking the question I was thinking of asking. Let me ask another one of the Minister. Can I ask him what his definition of sustainability is for the area of the centre of St. Helier with 1,600 homes being built in such a built-up area already?

Deputy J.H. Young:

I hope the draft Island Plan will give detailed guidance on this. There is taking place a sustainability review looking at all the elements. What does that mean? Well, one could speak for a half an hour but I am not going to. It means there are enough community facilities in the area, it means that the traffic is managed and we have the facilities to service that community that lives there to enable life to go on in a harmonious way. I think we know, we only have to look at successful cities where that has worked and contrast that with areas where that does not. We clearly know if you do not have sustainable communities, then you are going to get social problems that the community will pay the price for.

6.3.4 Deputy R.J. Ward:

I thank the Minister for the recognition of that but I make it clear that those things are simply not happening. In part, when I asked the Minister, does he feel it is because of the piecemeal nature of development in that area of private sector development, public sector development and things that are not joined up? That is what has happened before and if we are not careful will happen again. Does the Minister agree and what would he do about that?

Deputy J.H. Young:

Well the tool that we have to do that is the Island Plan, which is why it is so crucial. That law is there and the whole objective of it is to ensure that land is developed in the best interests of our community. I think that is true, our government processes have become very fragmented in recent years and that is a disappointment. But I think the planning policies have to join up with the work of the Housing Policy Group where we heard from Deputy Labey this morning about the direction there. Also, I believe the Regeneration Steering Group, which as the Minister I am not on, who make the decisions on the allocations and use of public sites. These 3 things need to co-ordinate.

6.3.5 The Connétable of St. Helier:

I am very grateful to Deputy Ward for his excellent supplementary question which leads to my final supplementary question to the Minister who was chief officer at Planning when I was asked as a young Deputy to chair the Urban Renewal Subcommittee. He will remember that the previous Planning Committee had an urban taskforce. Does the Minister believe that we have the right political structure in place to achieve the coherent and holistic planning for town that is necessary or are we in danger of being fragmented and seeing the money that is being generated by projects being spent on a variety of “nice to have” projects rather than on the central matters that we have been discussing this morning?

Deputy J.H. Young:

It seems a lifetime ago when I was a civil servant and there was indeed division of an Urban Renewal Committee, I think it was called, and there were very substantial public funds allocated to it. The States also had available money to buy land, which I think was anything up to £100 million, and sites were acquired and developed in accordance with that work, so it was very progressive, ahead of its time. Sadly, a lot of that, in fact nearly all of it, has withered on the vine. I think now with the Island

Plan, and I think with Deputy Labey's energy and the support of the Connétable, there is every chance that in the future we can try and retain some of that in new structures. But realistically, we have only got just over a year to go and I think we are unlikely to get that full machinery in place at the moment but certainly the Island Plan will provide the model for the way forward.

The Bailiff:

I apologise, Deputy Doublet, I think I missed your point of order that you raised earlier. I am sorry, sometimes things get lost in the flurry of comment on the chat. You have a point of order?

Deputy L.M.C. Doublet:

Yes, thank you, and other Members did allude to it, but I just wanted to know what Standing Orders say about when the Assembly seeks legal advice. What other avenues are there if the A.G. (Attorney General) is not able to answer? Can the question perhaps be answered by the S.G. (Solicitor General) and what would be the normal procedure if the A.G. feels he cannot answer?

The Bailiff:

Well I would need to give that some consideration, Deputy. It is not something that I need to make a ruling on immediately but you may be aware that there is a request for an urgent oral question in the same terms to be directed to the Solicitor General. I will be giving consideration to that over the luncheon adjournment and perhaps that will deal with this particular matter.

6.4 Deputy M. Tadier of the Minister for Children and Housing regarding the safeguards in place to protect tenants who found themselves homeless (OQ.37/2021)

Will the Minister advise what safeguards, if any, are in place for tenants who find themselves homeless due to a fire or other event not of their making; and is it in his assessment that there are sufficient protections in place for tenants?

The Bailiff:

Minister. Deputy Labey?

Deputy R. Labey:

I am so sorry, I was having issues.

The Bailiff:

I wondered if you had forgotten you had just been elected as Minister, Deputy.

Deputy R. Labey (The Minister for Children and Housing):

That too, sorry. Well obviously one sympathises with anyone who finds themselves in this type of difficult situation which we all hope is a rare occurrence on the Island. The Residential Tenancy (Jersey) Law 2011 regulates the relationship between private parties who enter into a contractual arrangement in the letting of residential property. The law sets out the basic terms that a tenancy must contain and regulates the termination of tenancies. The law provides that if a property becomes uninhabitable through no fault of the tenant, then the tenant is not required to pay any rent during the period when the property is uninhabitable and that both the tenant and the landlord have recourse to approach the court to either vary the length of the tenancy or end it. In line with the Common Strategic Policy and the Government Plan of 2020/2021, I am committed to improving the rights of tenants and this issue will be part of that project. I give that commitment to the Deputy. It may be that the circumstances here have uncovered a flaw in the Residential Tenancy Law, that it may be defective and may need updating, and I will make that one of my first priorities.

6.4.1 Deputy M. Tadier:

I thank the new Minister for answering that question. It is probably his first official duty of his new role and he seems to be already well briefed on that. He is quite right to say that Article 9 of the Residential Tenancy Law obviously provides, say, for example, if there has been a fire, and there certainly was a fire in the Parish that I represent where 6 households found themselves homeless, so of course they do not pay rent there because they have nowhere to inhabit. But there is nothing in the law which says that the landlord must provide them with suitable alternative accommodation for the rest of their tenancy. So while there is, as he says, a recourse to the court, not just to vary the length of the tenancy but to vary the tenancy if either party wants to do that, does he agree that it is quite an arduous process and not an automatic one and that there should be a presumption in the law that if what you are renting becomes unavailable that the person you are renting it off should provide something equivalent or better at no additional cost to the tenant?

Deputy R. Labey:

Well, yes, I have to agree. Having to go to court to resolve this in an emergency situation is certainly not ideal.

The Bailiff:

We now come on to question 5 that the Connétable of St. Martin will ask of the Minister for Economic Development, Tourism, Sport and Culture. I am sorry, excuse me, Deputy of St. Peter, did you have a question in connection with the Minister for Children and Housing?

Deputy R.E. Huelin of St. Peter:

No, sorry. I am a bit slow on the button, I apologise.

The Bailiff:

Or fast on the button, perhaps, I am not sure.

6.5 Connétable K. Shenton-Stone of St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding the position of capital allowances in relation to the growing and processing of medical cannabis (OQ.25/2021)

Has the Minister considered the position of capital allowances on the large infrastructure costs, interest payments, related party fees and other mechanisms used to reduce the potential taxable profits arising from the growing and processing of medicinal cannabis; and will he state whether this will be fully addressed prior to any draft regulations being proposed?

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

This is ultimately a matter for the Minister for Treasury and Resources but I can report that Treasury officers have not yet commenced work to devise a scheme of taxation for medicinal cannabis. As stated in the response to the Constable's Written Question 35 of this year which was presented today, the Minister for Treasury and Resources has already laid the way for taxation of that sector.

[11:15]

Article 16 of the Finance (2021 Budget) (Jersey) Law 2020 enables the States to make regulations providing for the taxation of profits of companies whose business involves or relates to cannabis or its derivatives. So provision has already been made to do that. It is envisaged that work on the scheme of taxation for the sector will commence this year, once further progress has been made with other important tax reviews, such as independent taxation. But I would like to stress it is very much the intention that sector of the industry is appropriately taxed.

6.5.1 The Connétable of St. Martin:

I would just like to say to the Assembly, we are not talking about hemp here. So we are introducing the growing of high-grade medicinal cannabis in the Island and the Minister for Economic Development, Tourism, Sport and Culture is telling the Assembly ...

The Bailiff:

Sorry, Connétable, it has to be a question.

The Connétable of St. Martin:

I am just trying to get this correct, sorry. So the industry will not be regulated and we have already given out licences. Surely this work should have been done before the licences were given out. Can he tell me, as he has said to me verbally, the industry will be taxed at 20 per cent?

Senator L.J. Farnham:

I am not sure. The Connétable did state that the industry will not be regulated. I am not sure that has relevance to the question. But I can assure Members the industry is very highly regulated, in line with an M.O.U. (memorandum of understanding) with the U.K. Home Office who have delegated responsibility under the U.N. (United Nations) Cannabis Convention to Jersey. So the industry is very highly regulated and licensed. That is under the regime of the Minister for Health and Social Services. The Tax Department are doing the work on taxation of the sector at the moment. It is envisaged, but has not been agreed yet, the industry will be taxed at 20 per cent. But work is ongoing and I want to reassure Members that the industry will be appropriately taxed.

6.5.2 Deputy M. Tadier:

I do not offer an opinion of course on this, but presumably the consideration being given to the appropriate level of taxation for these companies could also consider a zero rate or a smaller rate than 20 per cent. Because I would imagine being competitive is also in the forefront of the Minister's mind when it comes to attracting companies who grow and distribute and manufacture medicinal cannabis products in the Island to come here and to stay here. So, could he maybe say that the 20 per cent tax rate is not automatically in his thinking?

Senator L.J. Farnham:

The 20 per cent rate is automatically in my thinking. That would be a fair rate. Jersey is leading the U.K. and leading the world in some instances in this sector by having a very highly regulated and controlled space from which to operate in. We want to go with quality, very high-quality production, extraction, manufacture, export, rather than quantity. 20 per cent is a competitive rate. It could even be taxed in a different way. Like I say, our tax specialists are doing the work. It is a very young industry. They need to complete their estimates and we need to wait for their advice before we make an agreement. But I have made it clear right from the word go, as well as providing more sustainability for our agricultural sector and improving productivity, in line with the rural economy strategy, this has to be a financially viable exercise for Jersey and the taxpayer moving forward. It can be if it is controlled properly and taxed properly. It can be of benefit to the Treasury and Islanders moving forward.

6.5.3 Deputy M. Tadier:

The Minister will be aware that some of the barriers are slowly coming down for medicinal users in Jersey who want to access products. He has talked about high-quality products being produced. I know they will not exclusively be medicinal products but could be C.B.D. (cannabidiol) products as well. But does he find it strange that the industry could be producing high-quality products, which themselves are not being sold in Jersey, which could potentially also attract some kind of duty or tax and other revenues on their sale? Are we missing out as well as potentially doing a disservice to currently-vulnerable people in the Island who would want to consume these high-quality products?

Senator L.J. Farnham:

That is a debate for the States for another day. There is certainly opportunity to improve the health of Islanders and to gain revenues from such activity. But that is quite separate from the industry we have established, which is based around the cultivation of cannabis, primarily for export to pharmaceutical and for medical use. The States need to discuss that at the appropriate time and make the appropriate decision.

6.5.4 Deputy G.P. Southern:

We must beware of bandying about rates of tax as if we can run the whole gamut between zero and 20 per cent, depending upon where we choose. Surely that would be a challenge to our good neighbour policy on the E.U. (European Union), who are indeed there and have imposed Zero/Ten on us in order to make our regime non-toxic for them and fairer. If we were to start bandying different rates of tax around, we would be challenging the E.U. and their relationship with us, would we not surely?

Senator L.J. Farnham:

I am not sure I would agree. We are not really bandying rates of tax. I was asked by the Connétable whether we were considering a rate of 20 per cent and the answer is yes, a rate of 20 per cent is being considered. Our taxation is a matter for ourselves. So I do not see it causing a problem. If anything, the E.U. has a problem with zero tax, not 20 per cent.

6.5.5 Deputy G.P. Southern:

The fact is that, under E.U. conditions, we are allowed those 3 bands of tax, zero, 10 and 20, and that is it. We cannot go to 15 per cent or 10 per cent or 17 per cent on things when we choose. I thought I heard the Minister say that was perfectly possible.

Senator L.J. Farnham:

I would rather wait to receive the expert advice, and I just stick to the position I said earlier that 20 per cent was currently being considered. I have not heard any other rates. But we could come back and, for example, perhaps a different form of taxation could be applied to the sector, perhaps a turnover tax for example or some other form of taxation. Although that is unlikely. We need to let the tax experts do their work and come back and listen to the advice at the appropriate time.

6.5.6 Deputy R.J. Ward:

Can I ask the Minister, in the rush to create another tax-producing industry in the Island, has he taken account of all of the possible long-term environmental effects of another monoculture? Some simple examples are the amount of water needed to grow the crop, the possible introduction of different pests, and the perhaps toxic effect on local wildlife.

Senator L.J. Farnham:

I am not sure if that relates to the initial question. But as part of the licensing application and process, environmental impact studies are required. There has been a lot of misinformation and concern about the sector and I would encourage Members to visit facilities in relation to just how the crop is grown. It is certainly a far-more friendly and sustainable use of the land than many other types of agriculture we currently deploy.

The Bailiff:

Deputy Ward, I allowed that question in. That slipped past me into the net I am afraid. I do not think it related to the original subject matter. So I will not allow a supplementary on it.

6.5.7 Deputy D. Johnson of St. Mary:

For the benefit of the Assembly, will the Minister confirm that he and his officers gave a presentation to the Economic and Industrial Affairs Scrutiny Panel less than 2 weeks ago and that he has committed to replying to some further questions we are about to raise, which are fairly imminent I might suggest? Will he confirm that these will be duly answered perhaps in anticipation of the panel conducting further work on this subject?

Senator L.J. Farnham:

Absolutely yes.

6.5.8 The Connétable of St. Martin:

What work has been carried out to prove that the production of hybrid medicinal cannabis will be a significant economic benefit? Bearing in mind the tax position on local companies and the structuring of investment companies within trusts where it is difficult to see any significant economic benefit for the Island.

Senator L.J. Farnham:

Sorry, could the Connétable just elucidate that question? I am not sure I understood it.

The Connétable of St. Martin:

What work has been carried out on the production of high-grade medicinal cannabis to prove that there will be a significant economic benefit? Bearing in mind local tax positions on local companies and structuring of investment companies within trusts. It is not always so straightforward, so has work been carried out to prove that there will be a significant economic benefit?

Senator L.J. Farnham:

Thank you to the Connétable just for explaining that a little more clearly. Work has been ongoing on this project for almost 3 years now. It was originally identified in the rural economy strategy that we must drive towards the cultivation and production of higher-value crops. A considerable amount of work has been done, not just on cannabis, but other crops as well. We have many papers and evidence based on facts in relation to the potential financial benefits of such a market. But not just to the Treasury, creating new employment streams, new skillsets. It is not just about cultivation and growth. It is about scientific research, intellectual property, so there are lots of other elements to the industry that could benefit the Island and Islanders. But of course happy to share that information with Members if they so wish. A lot of work has been done. But I would also stress, it is a relatively new industry and we have to monitor it closely. This is a long-term business development programme and I ask Members to support it and help it grow, if you will excuse the pun.

The Bailiff:

I understand that question 6 now is being deferred, Deputy Pamplin?

Deputy K.G. Pamplin:

Yes, thank you. For the benefit of Members, I thank the Chief Minister for contacting me and, further to my email to the Greffier, this question will be asked by the Chief Minister in questions without notice. My second question later on in the order will be deferred for the new Minister when he has that responsibility in place in a couple of weeks' time.

The Bailiff:

Senator Gorst, you had a point of order.

Senator I.J. Gorst:

I did. I hope it is a point of order. Things were inferred in the previous question in regard to cannabis, which I do not think are correct. I wonder if you could rule, tax rates and fiscal matters are purely a

domestic matter for the decision by the States of Jersey and not, as intimated by a questioner in that previous question, so I wonder if you can just rule on that?

The Bailiff:

I cannot rule on that. No matter what view I might take of the matter, Senator Gorst, it is not a matter on which the Presiding Officer can make a determination or the application of Standing Orders. Effectively that is a matter to be clarified outside of the course of questioning.

Senator L.J. Farnham:

To be helpful, I did allude to that in my answer. I did say, maybe not forcibly enough, that tax matters were a matter for the States.

[11:30]

The Bailiff:

Thank you very much but we cannot continue with this. This cannot be an exchange. I was asked for a point of order. I have indicated there is nothing for the Chair to rule upon and we must now move on.

6.6 Deputy I. Gardiner of the Minister for Education regarding students with settled status under the Jersey E.U. Settlement Scheme (OQ.24/2021)

What actions are being undertaken to ensure that all students who have settled status, or are yet to apply for settled status under the Jersey E.U. settlement scheme, are provided with clear and timely guidance relative to their status and eligibility for student funding, and the necessary steps they must take to enable them to make informed decisions and advance to the higher education course of their choice?

Deputy J.M. Maçon (The Minister for Education):

There are 2 elements to this question. The eligibility criteria for students to access student finance is mainly to have 5 years' residency on Island. This is not subject to an individual's nationality, the passport they hold, nor whether they have settled status. Student Finance provides regular presentations in schools, holding evening presentations, is present at the higher education fair and skills show, promotes the service on social media and all the information is on gov.je. In recent times, Student Finance have had a virtual session during the COVID period. In addition, given the above, there is no reason to treat students differently as the settled status is not taken into account when awarding student finance. However, for an informed choice, regarding student visas for students who do not have settled status, the onus is on the student to work with the jurisdiction of studies to find out all the proper information and what visas may apply. Within the U.K., for students with settled status, this would guarantee Jersey students being treated the same and this information is on gov.je. It is to be acknowledged by the department and is due to be promoted and I thank the Deputy for raising this matter. The department will be writing to all relevant students anticipated to be in years 11, 12 and 13, before the cut-off date of 1st July. Of course, the sooner the better. I am aware of the U.C.A.S. (Universities and Colleges Admissions Service) deadlines. One of the benefits of having settled status is students not being charged international fees at most U.K. institutions (there are some exceptions). All settled status information can be found under the Customs and Immigration section at gov.je. I hope that clarifies the matter.

6.6.1 Deputy I. Gardiner:

First of all, I am grateful to the Minister for his comprehensive answer and he did answer several aspects. I would like to clarify, so the home fees would be connected to the settled status and does it mean, if the Jersey students did not apply or did not receive settled status before, they will not receive home fees in the U.K.?

Deputy J.M. Maçon:

What seems like a simple question has a complicated answer. If a student has settled status, but they might have a non-British passport and they are not Irish, then, yes, under the law changes in the U.K. they should be able to apply or receive home fee status in colleges and universities that are regulated or as part of the scheme in the U.K. So, for example, we know some institutions, opérateurs and dance academies, for example, charge higher fees anyway, and therefore are not subject to the home fee status at all. Other institutions charge everyone international fees and therefore any student will be charged them. But certainly what I would say to any student who has not yet applied for the settled status scheme, it is definitely in their benefit to apply for it, as they would be able to take advantage from the home fee status. The department will be writing to all relevant students in order to highlight this with them.

6.6.2 Deputy R.J. Ward:

Can I ask the Minister then, they are very complex answers, if I am a student with a foreign passport but I have done all of my education in Jersey and going to university? My home circumstances are that I receive full funding. Are there any obstacles to that happening in a U.K. university because I do not have a U.K. passport, or will I just continue as a Jersey student?

Deputy J.M. Maçon:

No. There is the possibility that, if you do not have settled status or a British passport or an Irish passport, then you can be charged international fees as a student. Whether you come from Jersey or not is kind of irrelevant. So I would strongly encourage all students who can apply to get settled status so they will not have an obstacle later on. I hope that clarifies the matter. But, yes, there are many variables when you look at these situations.

6.6.3 Deputy R.J. Ward:

Is the Minister saying it is a case-by-case basis? If so, what is the turnaround for students to know the answer to that question? Because obviously they will be wanting to apply and know their futures.

Deputy J.M. Maçon:

Yes, it is in a sense a case-by-case basis. Due diligence to liaise with the institution in order to understand what fees they would be charged. It is not something obviously Student Finance do. It is something that is the responsibility of the student. So I hope that explains the situation.

6.6.4 Deputy G.P. Southern:

What measures is the Minister taking in liaison with other Ministers to ensure that all those who should be applying for settled status do so before the timescale runs out?

Deputy J.M. Maçon:

The officers had already identified this matter, speaking to the head of Student Finance yesterday about this. They have highlighted it and we were having a discussion about could you target it to certain people, what is the data information sharing thing. We decided it is much better to send a flier and a leaflet to every student. That way we will not miss anyone within the band I have highlighted. So that is the intention, therefore at least we know all students will be covered within that banding.

6.6.5 Deputy I. Gardiner:

I would like to double-check, Minister, if the Government or your department will keep track of those who are here, who are eligible, but they have only E.U. passports, and they applied or not applied too late with their settled status. So you would have this communication and connection to the home fees.

Deputy J.M. Maçon:

I do not think Student Finance keeps that detail. Therefore, I do not think it works that way. We have decided to do a blanket communication and therefore the information will get out there. But if the Deputy has any concerns, I am more than happy to meet with her to discuss anything where she feels more work could be targeted.

6.7 Senator S.W. Pallett of the Chief Minister regarding the results of the “Be Heard” employee engagement survey (OQ.26/2021)

Will the Chief Minister explain why the results of the “Be Heard” employee engagement survey, which closed on 12th September 2020, have not yet been published; and will he state when he expects the results will be published and which government department is responsible for collating and processing the survey data?

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

The Connétable of St. Ouen, as vice-chair of S.E.B. (States Employment Board), is taking this question.

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

I thank the Senator for his question. The “Be Heard” employee engagement survey provides a detailed and complex vat of information that has taken a while to analyse and assimilate, due in part to the size of our organisation and also there is not a common single narrative that covers all our departments. The survey is co-ordinated by the people in Corporate Services directorate through a survey company in the U.K. The S.E.B. were due to be briefed later in November. However, Members will probably be aware a number of other very urgent matters came up, which we had to deal with. Therefore, due to these time pressures, the briefing was quite delayed. These delays included matters that were debated by the States at the end of last year and also the ongoing increase in COVID cases over Christmas and the New Year. Important matters, which concern the workforce, and of course S.E.B. The S.E.B. briefing has now taken place on 27th January and we have now started to cascade briefings to Ministers, trade union employees, and we will be arranging a briefing for States Members very shortly. It is intended that all briefings will be completed by the end of this month.

6.7.1 Senator S.W. Pallett:

Can I thank the Constable for his answer? I think he would agree that our staff are our greatest asset. Hearing what they say is clearly important. The survey was clear in that it stated: “We will act on what you say.” Will the Assistant Chief Minister ensure that all comments are made available, even if it is anonymously, to States Members and the public so that we can fully understand the concerns raised by States employees and ensure they are being listened to?

The Connétable of St. Ouen:

I can give the Senator that assurance. That is entirely the purpose of doing this survey. We want to know what people think and we are keen to act on those views as we get them. Yes, the details will be published to all States Members.

6.7.2 Senator S.C. Ferguson:

We are going to listen to what our staff say. Is the S.E.B. aware that some of the employees in the States have no idea of which department they are working for? It seems to change every other week. Are we really going to hear what they are thinking? I would like to think so because we still have bullying and so on to deal with as well.

The Connétable of St. Ouen:

I thank the Senator for her question. It is difficult to respond in detail to her point, but I will take that on board. All I can tell her is that 56 per cent of our employees responded to this survey. According to the survey company that is much better engagement than they have seen with other organisations of a similar size in the U.K. So, in terms of the “Be Heard” survey, we have done everything we can to gather the views of our employees. But I do take on board the points that she has made.

Senator S.C. Ferguson:

I would like to hope the S.E.B. will make a note following up on this because it does not sound very good to me.

The Bailiff:

It does have to be a question, Senator, not a comment. Deputy Ward.

6.7.3 Deputy R.J. Ward:

How this will be different from the HR Lounge bullying report? Are we not back to a Groundhog Day of consultation with staff when, yet again, nothing is done about the structures that put them into the positions where staff are bullied and harassed in their workplace?

The Connétable of St. Ouen:

If I can answer the Deputy’s question by saying that we are due to receive a further update from HR Lounge, a report that we commissioned last year, to investigate and look into the question of bullying, which is separate from this survey. This survey is to elucidate a wide range of views from staff members on a broad range of topics relating to their employment. So it is a different survey with a different aim. The HR Lounge survey concentrates on bullying. This one will concentrate on how we have implemented the recommendations they made the last time they visited the Island.

6.7.4 Deputy R.J. Ward:

Given that the Constable has stated that he is keen to work on the report, the delay of 3 months seems to go against that keenness. What key headlines can he give to the Assembly now that he would like to see acted upon?

The Connétable of St. Ouen:

In response to the first part of the Deputy’s question, I have already outlined why there was a delay in publishing the results, which we do regret. But we have to prioritise matters at the S.E.B. and deal with those that we see as the most urgent. In terms of results, it is very difficult to give detailed results because you have to contextualise that with the report. But I can say that 56 per cent of employees responded to the survey, which is 3 per cent better than the last time. We have an overall engagement figure, which has improved by 3 per cent, to 53 per cent.

[11:45]

Rather than go into any detail, it is like all surveys, there are good parts and there are parts that are not so good. We will outline those in the presentation to States Members when they will have an opportunity to question the findings in detail.

6.7.5 Deputy G.P. Southern:

Is it the case that most departments within the Government structure do not regularly conduct leaver surveys in order to discover where the incidence of bullying and other circumstance lead to staff turnover at the rates they do?

The Connétable of St. Ouen:

No, that is not the case. We have a policy of actively encouraging managers to ensure that leaver surveys are conducted for all leavers. There is indeed an online tool that facilitates that process.

6.7.6 Deputy G.P. Southern:

How successful is that campaign being to encourage people to fill in a form? I certainly hear of people not being able to do that.

The Connétable of St. Ouen:

There was an issue with teaching staff. We are trying to address that. But I am not sure how else I can answer the Deputy's question other than to say we are doing our best to encourage everyone to complete the survey. Because, clearly, if there are issues with people and they are leaving because of those issues, we want to know about it so that we can make improvements.

6.7.7 Senator S.W. Pallett:

How can we be sure that the survey results will present the good, the bad and the ugly, and not just be softened up in any way to hide the problems that Deputy Ward in some ways has just highlighted?

The Connétable of St. Ouen:

I thank the Senator for his question. Other than presenting States Members with a picture of what is going on, the reason for doing this survey is so that we at the S.E.B. can analyse the problems that exist. If we were trying to avoid issues, we could easily use COVID, as many other organisations have done, to not do this survey. What we did, we have done the survey with the intention of finding out the issues. We will be entirely transparent with those issues when the survey is presented to Members. I would encourage all Members who are interested to come to the presentation and ask questions.

6.8 Deputy R.J. Ward of the Minister for Social Security regarding requests for redetermination of a decision regarding Income Support (OQ.31/2021)

Will the Minister advise how many requests have been made in the last 5 years for the redetermination of a decision regarding Income Support; of these, how many are still outstanding; how many claims, if any, have consequently been adjusted in favour of the recipient; and what is the administrative cost of this process?

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

Since 2016, there have been 39 formal redeterminations. Many queries on claims are resolved informally by an officer speaking with an individual concerned. Of the 39 formal redeterminations, 5 were decided in favour of the claimant. An estimate of the administrative costs of this process over the last 5 years is approximately £37,000.

6.8.1 Deputy R.J. Ward:

Can I ask the Minister whether she feels that is a number that is representative, given the number of overpayments that exist? Also, whether she is pleased with that number or feels there should be more involvement from people on income support to be more able to question the determinations that have been made on income support?

Deputy J.A. Martin:

We send out thousands of letters each year, let alone in the last 5 years. As I said, many people may need a bit of help to find out why their claim has gone up or down and they phone the department. Normally, that phone call resolves the issues. Then they are advised, if they are still not happy, they can go for redetermination. If they do not like the redetermination, they can go to tribunal. So it does work.

6.8.2 Deputy G.P. Southern:

Is it not the case that, whatever the source of the error that results in an overpayment - the department - where that fault lies with the staff of the department making a mistake, has a policy that they will

chase all errors, including that made by their own staff and insist that people pay back any overpayments?

Deputy J.A. Martin:

Yes, that is the policy, Deputy. Sometimes there are mistakes made. As I say, we are dealing with thousands of letters on a yearly basis. If the department makes a mistake, it is normally noticed very quickly, and then there is a repayment asked to be paid back.

6.8.3 Deputy G.P. Southern:

Is it also true that, whereas in the past staff have negotiated a reasonable rate of repayment, that no longer happens and they are just told: “You will pay that back at the following rate, which will leave you this much to live off”? Is that not the case?

Deputy J.A. Martin:

To answer the Deputy’s question, that may be the case on the first letter. Many do phone up and say: “I cannot afford that amount” and we negotiate a payment that the customer can afford. That happens in a lot of cases. I think the Deputy deals with people in these circumstances.

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

Could the Minister tell us how often she has intervened in any of these cases regarding overpayments or complaints that the department has miscalculated what people are owed or things of that nature?

Deputy J.A. Martin:

This is operated by the great staff at C.L.S. (Customer and Local Services) and I have to trust them. As I said, some determinations work in favour of the claimant. At the end of the day, everything that is paid out is taxpayer money. If there has been an overpayment, it is the policy that this money is retrieved.

6.8.5 Deputy M.R. Higgins:

Does the Minister ever use her discretion under the law in cases when it is absolutely impossible for people to repay?

Deputy J.A. Martin:

It has never been brought to me under the law that I have that discretion. As I say, I have been asked so many times is it my policy to get the money back. I like to get the money back so then it can do the full circle and it can go to somebody else in need.

6.8.6 Senator S.Y. Mézec:

Is the Minister aware of how many incidences there have been where there has been an overpayment that the claimant has contested, claiming that it was the department’s fault rather than theirs, which they have asked for a redetermination on and that redetermination has not been successful for them. Then they have said they would go to tribunal and then at that point the department offers a settlement with the claimant. Is she aware of how many have got to that stage where a tribunal has been threatened and then a settlement has been offered at that point? So it is after the redetermination but before it reaches a tribunal hearing.

Deputy J.A. Martin:

This has really wandered from the original question. I do not have those answers. I can get them and if the Deputy wants me to I will follow up on those questions.

6.8.7 Senator S.Y. Mézec:

It is relevant because, in my experience as a constituency representative, there have been instances where we have pushed to get redeterminations because we believed it has been the department's fault rather than the claimant's. The department has not caved in. We have threatened a tribunal and then all of a sudden they cave in. Many claimants will not feel confident enough to get to that point in the first place. Would the Minister endeavour to get that information of how many settlements have been offered at the point of a tribunal being threatened and give that information to States Members?

Deputy J.A. Martin:

I am slightly confused by the question. I think the Senator is saying that the department caved in at threat of a tribunal and then changed the amount or changed the redetermination. I do not think that has ever happened. I am not quite clear on what the Senator is intimating.

The Bailiff:

Deputy Southern, you have asked for a supplementary question. Generally, we do not allow a second supplementary question because there is normally simply not enough time for them and it would end up a simple question and answer. I can allow one on this occasion though, there is a little bit of time left allocated.

6.8.8 Deputy G.P. Southern:

It is a very simple question. Does the Minister consider that, where it is shown that her department has made a mistake, this insistence on seeing that paid back of an overpayment is fair treatment of these clients who are very vulnerable?

Deputy J.A. Martin:

The Deputy has made 2 statements there. That everyone who has had an overpayment are a vulnerable client. That is definitely not true. The fairness comes in that all the income support payments, the £80 million of it, comes from the taxpayer. So, I am sorry, mistakes will be made on both sides and the repayments have to be repaid.

6.8.9 Deputy R.J. Ward:

Does the Minister agree that it is the problem with the Social Security Law that puts the onus on the claimant fully understanding every aspect of the claim and claiming back if they perceive an error that leads to so many of these overpayments? Would she not agree that the policy of we will reclaim overpayments regardless is putting many people into serious financial debt and trapping them in a cycle of poverty?

Deputy J.A. Martin:

On every single letter that goes out we remind the client that: "If your circumstances change at all, either you get more money in or you get less money in, contact the department straight away." We do renegotiate payments, it can be as low as £3 per day, and I know that some people will find that hard. But they may have had 3 weeks prior an extra £200 or £300 a week in their payments. So where has the money gone? It has to be repaid back. I cannot let everybody not pay an overpayment back and then not be able to have enough money to pay on to the next person in need of the safety net.

6.9 Deputy M.R. Higgins of H.M. Attorney General regarding the confidentiality or otherwise of Government of Jersey contracts (OQ.42/2021)

With regard to major contracts, such as for the new hospital, where there is a major public interest due to the cost or impact of the project, will Her Majesty's Attorney General advise members of the legal position of whether each individual contract as a whole is confidential or whether only certain clauses are required to be; and in what circumstances and for what time period does such information remain confidential?

The Attorney General:

In a nutshell, the answer depends on each case and it depends on what the parties have agreed. I have researched practice in the United Kingdom in relation to hospital construction contracts. I have not been able to find any examples of contracts where either the whole of the contract or parts of the contracts have been published. That suggests that the practice there, where they also have freedom of information legislation, which is similar to ours, is not to publish such contracts. In terms of the duration, the period of time in which restrictions on disclosure of information apply, that is covered by Article 19 of our Freedom of Information Law, which provides in summary that, where an exception in the law has been relied on for a scheduled public authority to not publish the requested information, then the information must be published after 30 years. I hope that assists the Deputy to some extent in relation to his question.

[12:00]

6.9.1 Deputy M.R. Higgins:

I must say I am surprised at the Attorney General's answer. I am sure I will be coming back at him on it. Could he tell me though, for example, is there anything to prevent the cash sum involved in a contract being revealed to the public? So, in other words, if you have a main contractor who is being paid X-money for providing the hospital that his sum will not be disclosed? Or in the case of a subcontractor, the amount of money that he is being paid for a particular activity is not disclosed to the public?

The Attorney General:

That information, as I say, I have not been able to find examples of that being published in the U.K. Obviously, there are issues concerning the commercial sensitivity of that information. A contractor may insist that sort of information is not published in relation to a particular construction project. These are bargains that are struck between the parties, between the contractor, subcontractors, and the authority that is commissioning the project. So these are matters for negotiation between the parties. But certainly, from the research that we have done, we have not been able to find examples where that sort of information the Deputy has referred to has been published.

Deputy M.R. Higgins:

Final supplementary.

The Bailiff:

The way it works is that there is only a final supplementary if there is someone else has asked a question in between, otherwise your last supplementary was the final supplementary.

6.10 Deputy G.P. Southern of the Minister for Social Security regarding the benefit payments that had been available to those employees who had been unable to work due to Covid-19 (OQ.38/2021)

Will the Minister advise what benefit payments have been available to employees who have not been able to work as a result of contracting COVID-19, or having to self-isolate to protect vulnerable family members; together with the number of any successful claims and the total overall benefit amount paid?

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

I thank the Deputy for his question. Anyone who is ill with COVID-19 and cannot work is eligible for short-term incapacity allowance in the normal way and receives a standard rate of benefit. In addition, COVID-19 sickness benefit or isolation benefit was introduced last February in 2020. Isolation benefit allows people who are normally employed or self-employed to claim the standard rate of benefit via an online form if they need to self-isolate in line with public health advice as a

result of the coronavirus pandemic. The benefit is available if the person is not able to work from home during the required isolation period and is not receiving their normal wages. To date there have been 4,854 claims for isolation benefit and the total of £1.6 million has been paid. Claimants are not required to consult with their G.P. (general practitioner) or provide a medical certificate and this has enabled a speedy access to this financial support.

6.11 Senator S.Y. Mézec of the Chief Minister regarding the publication of the Housing Policy Development Board (OQ.40/2021)

Further to the answer given to this question on 17th November 2020, is the Chief Minister now in a position to publish the Housing Policy Development Board report, and does he accept its recommendations?

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

Yes, the Housing Policy Development Board's final report has now been sent to the Environment, Housing and Infrastructure Panel to request their comments and feedback. Following this, it is going to be presented to the Council of Ministers in early March and, thereafter, published for the consideration of States Members. The report has also been provided to Andium Homes and other social housing providers in its draft form.

6.11.1 Senator S.Y. Mézec:

That conveniently missed the last part of my question, which I think was quite clear, which asks does he accept its recommendations?

Senator J.A.N. Le Fondré:

At the moment I am working my way through the report and reading it with interest. It is part of my homework to finish it next week. But ultimately it is a matter for the Council of Ministers and the newly appointed what will become the Minister for Housing and Communities. As I say, it is very much going to be a matter for the Council of Ministers in early March.

6.11.2 Deputy M.R. Higgins:

Could the Chief Minister tell us why he cannot disclose that to all States Members rather than just the Scrutiny Panel? Therefore, letting the findings be widely known and giving Members the opportunity to make comment as well.

Senator J.A.N. Le Fondré:

That will be the case once it goes up to the Council of Ministers and then gets published. It is purely a matter of timing. It is purely a matter that normally, out of courtesy, on things like this we try to let the relevant Scrutiny Panel have the advance warning, sometimes in advance or sometimes just after the Council of Ministers, and then it goes out to States Members.

6.11.3 Senator S.Y. Mézec:

Will the Chief Minister endeavour to publish as soon as possible after the Housing Policy Development Board report comes out? By that, I mean really soon, because it is going to be, by the look of it, a month until it comes out and he will have had it for 5 months at that point. Will the Chief Minister publish a timetable for the implementation of its recommendations?

Senator J.A.N. Le Fondré:

Once the Council of Ministers have considered it, I am sure then that the timetable will come through, which will then determine output as a result of the recommendations and how that then forms into policy and any legislation requirements.

6.12 Deputy M.R. Higgins of the Assistant Chief Minister regarding the interaction with the Connétable of St. Helier during the progress of Our Hospital project (OQ.43/2021)

Will the Assistant Chief Minister outline for members the number and nature of any meetings and conversations held with the Connétable of St. Helier, or his officers, between the time the project board had decided that Overdale was to be the site of the new hospital and when the public announcement was made; and what the outcomes were, if any, of those discussions?

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

The political oversight group for Our Hospital met on 30th September and chose Overdale as the preferred site. The Council of Ministers approved this the following day on 1st October and we also advised Scrutiny on the same day. The proposition P.123 was lodged on 6th October, one week later. There were no formal meetings with the Constable during that period. However, I do communicate regularly and informally with the Constable and indeed many Members, including Deputy Higgins, on a range of issues. I would have contacted the Connétable to inform him of the decision of the preferred site and we spoke on the phone about that once or possibly twice during that period. Following that period, I have spoken to the Constable on a number of occasions and attended 2 public meetings with him, with the residents of the area.

6.12.1 Deputy M.R. Higgins:

Can the Assistant Chief Minister tell us then when consent was given to do drilling on the Parish-owned land. Also, what the implications were for the bowling club on top of Westmount?

Senator L.J. Farnham:

No, I cannot provide that information. That information is with our design and delivery partners and the Parish, so I do not have that information to hand. I could not understand the second part; was it in relation to the bowling club, could he just make that clear?

Deputy M.R. Higgins:

Yes, when did you communicate to the Parish that the bowling club would be lost as a consequence of the adoption of the Westmount Road approach?

Senator L.J. Farnham:

I cannot recall the exact dates of that communication. But I do remember fairly shortly after that again meeting with the Connétable and members of the bowling club and Parish officials at the Town Hall, sometime shortly afterwards. But I cannot recall the exact date.

Deputy M.R. Higgins:

Can the Minister please let Members know the date? Thank you.

6.13 Deputy I. Gardiner of the Chief Minister regarding the Office Accommodation project (OQ.30/2021)

Will the Chief Minister provide the Assembly with an update on the progress of the office accommodation project?

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

There will be a States Members briefing for all Members, it is scheduled for later this week. In fact Members have now started responding to the meeting request. The Deputy, in her capacity as chair of P.A.C. (Public Accounts Committee), was given a confidential briefing on 3rd February alongside the members of her committee and members of the Corporate Services Scrutiny Panel and the One Gov Review Panel. I believe reference was made to giving Members a briefing during that briefing. As I said, the timing is scheduled for the end of this week.

6.13.1 Deputy I. Gardiner:

I do not think it was an answer. I have received a private briefing and I have submitted this question prior to any other private briefings to the Members were arranged. My question is public and whatever update done in the public domain I would like to ask to do this.

Senator J.A.N. Le Fondré:

Sorry, I must have misinterpreted the question. The question was: will I be providing the Assembly with an update on the progress of the Office Accommodation Project? The answer is, yes, we will be on Friday.

6.13.2 Senator S.Y. Mézec:

Obviously, we do not know what the content of that update will be, but part of the rationale for having an office accommodation project is to make better use of government-owned sites and free up other sites so that they can have a better economic use. Is the Chief Minister in a position of being able to tell whether enough progress has been made on the office accommodation project to start making real moves in allocating sites for affordable housing?

Senator J.A.N. Le Fondré:

The short answer on that is the crucial point before we can start saying, yes, this site can be released on such-and-such a date, and how it gets released and what it will be used for, is very much making sure we have the location nailed down, signed up from a contractual point of view, and then moving forward. That is what I want to ensure we are giving briefings to Members on, as I said, Friday. But, please, when I say rest assured, there is no one keener than me to see this progressed for the reasons that the Senator has outlined because that is then the medium term of releasing those sites. That is about generating the further supply that we all know we need. But also because of the sheer benefits that come through from the way of the organisation working, but fundamentally for the taxpayer (a) of the roughly £7 million a year it will save and (b) in the costs that it will avoid. Because, if we do nothing, it is around £30 million more than what we are proposing. So there are savings to the taxpayer, benefits for the organisation, and also benefits in achieving supply on brownfield sites to a much-needed housing supply that we need.

6.13.3 Deputy I. Gardiner:

All public and ourselves, we have seen R.4 be lodged without any consultation and update for the States Members. I assume there will be a new Standing Order lodged pretty shortly. My question is: how are you taking in consideration changing working practice due to the COVID into the new office accommodation? If it is right time to press with the One Gov new office accommodation when we do not know how the working practices will be after COVID will go.

Senator J.A.N. Le Fondré:

I cannot recall if that was in the briefing to P.A.C., et cetera, last week, but I am fairly certain it was. But certainly in the whole office accommodation strategy, it has been reviewed taking account of COVID. The project still remains absolutely valid in the light of the COVID experience. Frankly, if we wished to go down the further delay, I make the point it was delayed 10 years ago. We have made no progress on it up to basically the last 18 months, 2 years. If the decision is to delay it further, then, as I said, 10 years ago the savings were £3 million to £4 million a year, it is now £7 million a year. That is excluding productivity. Obviously 10 years, with productivity, I used to reckon on about £10 million a year savings at least. Therefore, 10 times 10, it has cost us £100 million so far by not doing it. All that will happen is the estate will continue to fall into further disrepair. We will not release the brownfield sites and we will not achieve moving the whole thing forward.

[12:15]

From that perspective, we have reviewed it for COVID, it is still valid, and we do need to be moving this forward.

6.14 Deputy G.P. Southern of the Minister for Health and Social Services regarding the provision of personal protective equipment (P.P.E.) for healthcare workers (OQ.39/2021)

In the light of recent reports that healthcare workers surrounded by coughing patients are at greater risk of contracting COVID-19 than first thought, is it the Minister's assessment that healthcare staff are provided with an appropriately high level of P.P.E. (personal protective equipment), including F.F.P.3 (filtering face piece) respirator masks; and will he commit to providing front line staff in non-intensive hospital areas, G.P. surgeries and care homes with such masks?

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

P.P.E. is provided by the Government for relevant staff groups according to Public Health England guidance, upon which local guidance is based.

Deputy G.P. Southern:

I can hardly understand what the Minister is saying. There is interference.

The Bailiff:

I wonder if you can find a way of speaking slightly more loudly or closer to the microphone or something like that, Minister, because it is quite difficult to hear you. If you could start your answer again that would be helpful, I think.

The Deputy of St. Ouen:

Yes, I am sorry. I hope this will be clearer.

Deputy G.P. Southern:

There is an echo, a severe echo.

The Bailiff:

I wonder if I could ask all Members not speaking to turn off their microphones, if they have not already done so. It could be my microphone; that has not been a problem until now. I shall mute it for the time being, if you would like to speak, Minister.

The Deputy of St. Ouen:

P.P.E. is provided by the Government for relevant staff groups according to Public Health England guidance, upon which our local guidance is based. This guidance does not currently advise the use of F.F.P.3 masks in all healthcare settings. Protection against COVID-19 needs to be multi-layered and proportionate. P.P.E. is just one way of protecting staff at work. Regular COVID screening of patients and staff, handwashing, social distancing, training, workplace cleaning practices, ventilation and risk assessments of staff health also play an important role in infection prevention and control and managing the safety of staff and patients. In addition, of course front line staff have now been offered the COVID vaccination.

6.14.1 Deputy G.P. Southern:

Is the Minister aware that those who work without these masks and in contact with COVID-19 patients are 4 times more likely to contract COVID-19 themselves than those operating with these masks? Is that factor not a consideration for him when he considers the balance of a little more expense and having people properly protected, those working in the non-intensive areas where they become exposed to COVID and are acquiring it?

The Deputy of St. Ouen:

May I invite the Deputy to share his research with me and the infection control team? We can look into the assertion he makes and we can see whether it has been taken into account by Public Health England guidance, how Public Health England may have sponsored it, if the research he is aware of

is validated. We are anxious at all times to adopt the best practices, which is why we follow the appropriate Public Health England guidance. At the present time the risk assessments have been made in conjunction with staff and those representing them and staff have appropriate P.P.E., but again I invite the Deputy, if he has research, to share that with us.

6.14.2 Deputy M.R. Higgins:

I have sent to the Minister and others information regarding the use of ultraviolet in air-conditioning systems and ventilation systems, heating systems and so on, which can kill the COVID virus, as well as others. Can he tell Members whether any research has been conducted by his officers into this? Because it would minimise the spread of the virus into not only intensive care areas, but other areas of the hospital, and I might add also schools, which may enable things to get back together much earlier.

The Deputy of St. Ouen:

The question is rather outside the scope of the initial question, which was on the wearing of masks. I have not been able to ask that of officers specifically, though ventilation is clearly something that is recommended in Public Health England guidance and it may be that there is further research and a response from Public Health England on the research the Deputy has referred to. I will seek out any response from our local officers.

6.14.3 Deputy R.J. Ward:

What has the Minister learnt from the distribution of P.P.E. during this pandemic or does he reflect the attitude of the Chief Minister, that even with hindsight he would not have done anything differently?

The Deputy of St. Ouen:

There is always learning to be gained and there was difficulty in obtaining P.P.E. in the first months of the pandemic because of a worldwide shortage, so I think the lesson for us is that we must ensure that the Island is sufficiently prepared for emergencies of this nature should they occur in the future. That means not just public services, but we must try to ensure that private establishments such as care homes have a means of having an adequate supply and stock of P.P.E. We work closely with care homes, even closer since the pandemic has arisen, we combine together and ensure that P.P.E. is fully distributed as necessary. I hope that combined working will continue into the future.

6.14.4 Deputy R.J. Ward:

Can I take from that that one of the things the Minister would have done differently is to supply P.P.E. more quickly, more effectively and on a wider scale to care workers and hospital staff and those on the front line?

The Deputy of St. Ouen:

I think the pandemic showed us that we need a co-ordinated Island response to emergencies of this nature in which Government and the private sector play their part, supporting each other.

6.14.5 Deputy K.G. Pamplin:

On the issue of P.P.E., as the Minister has outlined the new provision, will he arrange and set up a meeting with our Health and Social Services Scrutiny Panel - to meet socially distanced, of course - at the new arrangement centre up at Five Oaks, the original building, so we can see the changes and better understand what the Minister is saying in his answers?

The Deputy of St. Ouen:

Yes, happy to facilitate that. I think we had tried - was it before Christmas now - and it was the case that panel members and my team also were just not available because of the busyness of our schedules, but we can pick that up once again and ensure that visit takes place, socially distanced.

6.14.6 Deputy G.P. Southern:

As far as I understand, the information on the face masks is in the public domain, but I shall have a look around it and certainly pass on any information I find to the Minister.

The Deputy of St. Ouen:

I am grateful.

6.15 The Connétable of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding amenity space at Springfield Park (OQ.36/2021)

What assurances, if any, can the Minister give that there will be no net loss of public amenity space, including publicly accessible grassed areas, nor any loss of trees, arising from the current planning application (P.2020/1263) for Springfield Park?

Deputy H.C. Raymond of Trinity (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):

Thank you, Connétable. I think I have to go back a little just to explain what the situation is. As you know, there was a planning application passed on 6th December last year at Springfield Stadium. This was to get 440 square metres of grassed area to be replaced by Astroturf to create spectator areas behind the goal at the south side of the stadium and behind the goal at the north side of the stadium. This was to be carried out to accommodate the increased number of football supporters, but it was also carried out for health and safety and to enable Jersey Bulls F.C. (Football Club) to continue to progress through the National League system. To continue to play in this league, the ground needs to comply with the requirements for a minimum audience of 4,000. Even though the application was approved, I can assure you it is not certain whether we will be proceeding, as this is partly dependent on a physical bid at another facility. The other thing I will say is that you are replacing grass by synthetic material. The one area that I cannot be sure on - and this is where you want your assurances - is the trees, but there has not been a complete programme of what we are intending to do. As you know, there is no other facility in the Island that meets the ground grading requirements of the F.A. (Football Association) and knowing a little about this myself - I was a director of a football club also that was trying to get into some of this - you have to assume that you win the league every year for many years. What I can say, this is going to be an ongoing situation. I can give certain assurances, but I cannot give them all to you, the main one being the trees. But what I can say is that I think it is a way down the line before we make any changes to the present football area known as Springfield and I further say that this is an area that, as far as I am concerned, will always be a green site in the centre of St. Helier, used by the local community. Whatever capacity I might be involved, you would have my total support in achieving this.

6.15.1 The Connétable of St. Helier:

Would the Assistant Minister undertake, if there is to be a loss of publicly accessible amenity space, to replace it in the immediate area? There are of course other parts of Springfield Park that could be allocated for public amenity space which are currently used for carparking and the department also has the area of carparking in the centre of the Gyratory, which is a decent-sized area, which is a cash cow to provide income for the department, currently used for at-grade parking. Will the Minister undertake to consider whether there are opportunities there to replace any loss of trees and green space?

The Deputy of Trinity:

I can certainly continue with that, because as you probably know - and I desperately want to keep you involved in all the work that is going on - we are trying to make Springfield both a community centre as well as a sports centre. All those discussions that you have had with me and the suggestions you have made, I am more than happy to take them on board.

6.15.2 Senator S.Y. Mézec:

I checked the planning website to see what this was about and what has been submitted appears quite unclear to me what exactly is being proposed to happen there. Can I ask the Assistant Minister if he will endeavour to provide a greater level of detail to the local representatives of that area so that they can have confidence that green space is not going to be encroached upon, as has been the case previously in the Springfield area, where that green space is already in very short supply?

[12:30]

The Deputy of Trinity:

Thank you very much, Senator. I am totally behind you on this and I would be more than happy to meet up, go through exactly what is intended and how we mean to go ahead. Your help in this matter, very simply, very much is expected.

The Bailiff:

A supplementary, Senator?

Senator S.Y. Mézec:

No, thank you. I thank the Assistant Minister for his answer and look forward to that invitation.

6.15.3 Deputy R.J. Ward:

Partly I would like to do the same as Senator Mézec and ask for that consultation and involvement with the Deputy, but also can I ask him to consider the effect on traffic flow and the possible increase in traffic - particularly with Springfield School being so close by and them having serious problems with safety outside of the school - and a real inertia from the department that seems to be dealing with that? Will he commit to ensuring that all of the impacts of these changes will be considered before anything is proceeded with and full consultation is undertaken?

The Deputy of Trinity:

Thank you, Deputy. At the bottom of my notes I had written that in most of these cases where we have this situation, traffic flow and carparking is mostly a central theme. The other thing, as you appreciate, is that if you have bigger attendances we will have a traffic flow problem, though I would certainly consider it, especially with the school being just around the corner. I have no hesitation in making sure that we make everything work, with your assistance.

6.15.4 The Connétable of St. Helier:

Is the Assistant Minister aware that last time when green space was threatened at Springfield by the installation of the artificial pitch, I brought a proposition to the States to make sure that there was no net loss of green space? His predecessor, former Deputy Patrick Ryan, was willing to make sure that there was not a loss of space and to adjust the plans to prevent the matter requiring a States debate. Will the Assistant Minister agree that it would be far better to guarantee no loss of space or trees to avoid this matter having to be debated by the States?

The Deputy of Trinity:

Thank you, Connétable. I would be delighted to guarantee it. The only thing is that I just need to - and I think with your help - get the overall plan of what we are trying to do and then hopefully we can come to some arrangement. But I would certainly guarantee there will be no loss of space. As I say, the one thing that is slightly worrying me is the trees. It would be silly of me to guarantee it if

we have to adapt to sort the trees, but we would be more than happy, because I cannot see the point of having a debate when we are all on the same side. I will take your views and look forward to meeting up with you and discussing it.

6.16 Senator S.Y. Mézec of the Chief Minister regarding the proposed extension of the Millenium Town Park over the Gas Works site (OQ.41/2021)

Will the Chief Minister advise whether the Government remains committed to extending the Millennium Town Park over the Gas Works site, and what support, if any, will be provided to Andium Homes to ensure their plans to achieve this remain viable?

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

Yes, we do remain committed to the decision of the Assembly from January 2018, which requested Andium Homes, subject to planning permission, to make an extension of the Millennium Town Park, providing additional park and homes. Obviously the Government have previously supported Andium Homes via a £250 million bond and I am confident the new position of the Minister for Housing and Communities will allow for additional political focus to be directed to projects such as this. The Minister will be expected to work closely with Andium. I understand the current proposal will then form part of an ongoing planning application, obviously. It is important due process is respected and is mindful of the heritage considerations. At this stage, it is a little bit too early to tell what, if any, support or any further support is required by Andium, but in much the same way that the heritage considerations were considered when the current Millennium Town Park was constructed, I - or perhaps more appropriately the Minister for Treasury and Resources, as the guarantor - would certainly welcome further dialogue with Andium on this matter. That is being followed up.

6.16.1 Senator S.Y. Mézec:

I welcome the Chief Minister's answer there. Would he agree that a worst-case scenario, which is that the plans become unviable because of those heritage concerns that he has rightly raised, and the scheme were to be abandoned and a previous planning application were to be reinstated that involve no extra green space and piling in of unaffordable homes on to that site must not be allowed to happen? Will he guarantee the Assembly and the residents of that part of St. Helier they can count on the support of the Government to ensure that that does not happen and that we will have an extension of the Millennium Park one way or another?

Senator J.A.N. Le Fondré:

I am always very cautious about giving guarantees at 20 seconds' notice, but what I will say is that the decision of the Assembly from January 2018, it was approved, it was made. On that basis, I see no reason why the Government should not be supporting that, which would therefore obviously include the extension to the Millennium Town Park. What I do want to understand is what the financial considerations are. Obviously for any planning development, including the one he has just referred to, they will also have to take account of the heritage sensitivity of the site.

6.16.2 Deputy M.R. Higgins:

I have mentioned this to the Chief Minister already, but should not the States, as a matter of urgency, involve the geological section to do radar surveys of the site and perhaps do other excavations onsite to determine the extent of the heritage aspects, in other words, the dolmen, where they are located, and other finds? Because that information will be vital in determining, first, the planning application, and second, whether it can be incorporated within the scheme, as they have done in cities like Liverpool, Lincoln and London, where they can be, for example, viewed in the underground carpark so people can preserve them, see them, but at the same time not prevent the scheme going ahead.

Senator J.A.N. Le Fondré:

The short answer, personally I do support the kind of work that the Deputy refers to. I would be very interested to know what was underneath. I do have to caveat that personal position, first understanding what the financial consequences are: is it the right approach from the heritage perspective? The reason I put it that way, we had a preliminary discussion with Heritage on this matter and I believe one of the suggestions at the moment is letting the planning process run, but it is something I am having some very, very preliminary conversations on and obviously will be guided by the professional advice on it. But on a personal perspective, I am not in disagreement with what the Deputy has referred to.

6.16.3 The Connétable of St. Brelade:

With a previous hat of having developed the original town park, is the Minister cognisant of the pollution beneath the area of the old gasworks, notwithstanding the Jersey Heritage aspects?

Senator J.A.N. Le Fondré:

In a former life - to capture a certain phrase used by one of our unfortunately late Members - I have not only smelt and watched the old works when I think it was the Grand Marché development took place, which certainly brought to light very physically the level of pollution that is in place down there. Whatever development takes place down there will have to be mindful of the contamination and the pollution on that side, but equally, as we are aware, I think it is the highest level of protection granted for that site due to the nature or potential nature of the heritage that is down there. The Connétable is absolutely correct. I rather assume that was taken into account when those planning applications were put in place.

The Connétable of St. Brelade:

I thank the Minister.

6.17 Deputy R.J. Ward of the Minister for Infrastructure regarding the importation of RD100 renewable diesel fuel to the Island (OQ.32/2021)

Will the Minister state the volume, in litres, of RD100 renewable diesel fuel that has been imported to the Island in 2021 to date; and also state the total amount of this fuel imported and sold in 2020?

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

The second-generation renewable diesel supply has imported nearly 1,750,000 litres in 2020 to Jersey, selling around 100,000 litres. In 2021, no further fuel has been imported to date.

6.17.1 Deputy R.J. Ward:

Given the opposition to removing of duty was due to the possible massive increase in fuel being imported, can I ask the Minister why this has not happened? Would he rethink the removal of duty on this fuel, because is that not the obstacle to it being used more thoroughly on the Island?

Deputy K.C. Lewis:

It is one of the obstacles, but of course the more popular the biofuel becomes, the cheaper it will become, but obviously there is a price difference at the moment. I believe it is around 20 pence per litre, but this hopefully will come down in the not-too-distant future. As I say, obviously with COVID there has been less uptake of fuels generally, but I would like to thank the supplier for allowing this information to be made public, as in normal circumstances it would be commercially confidential, so I thank them for that. As I say, moving forward we hope that prices will come down in the not-too-distant future.

Deputy R.J. Ward:

A supplementary?

The Bailiff:

I thought that was your supplementary, Deputy.

Deputy R.J. Ward:

I thought that was the original question.

The Bailiff:

All right. A supplementary question then, of course.

6.17.2 Deputy R.J. Ward:

I am somewhat disappointed with the Minister's response. Can I ask him whether he understands the need for Government to take an initial action in removing of duty or lowering duty to increase the popularity of this fuel, because is it not Government that are acting as the blockage to the development of a renewable fuel in the Island, thus having a direct impact on emission levels?

Deputy K.C. Lewis:

Not necessarily. As I say, it is work in progress. We are hopefully importing more of it. Our own fleet are using the RD100. We have, I believe, 6 or 7 vehicles that we are using to test the new fuels, all the way from cars, vans, lorries to big equipment. Reports back so far state that it is perfectly good fuel. It is biofuel and there is no drop in performance whatsoever, so we are delighted with that. We will hopefully have LibertyBus using it in the not-too-distant future. I believe they have trialled it, but with certain vehicles there is the matter of getting the manufacturer's permission. Nothing wrong with the fuel whatsoever, but it is a warranty thing. It just needs to be authorised by the manufacturers so the warranty continues. It is something I want to progress. I would like to see more and more people using RD100 and the equivalent biofuels, but this will take time to get underway. Obviously taxation is one way of doing it and that is something that is being looked at.

6.17.3 Deputy G.P. Southern:

Would the Minister not accept that it is part of the role of Government to lead the way in environmental issues and does he not accept that until the Government does lead the way and produce some concrete results we are unlikely to meet our targets, no matter how fine they sound?

Deputy K.C. Lewis:

Absolutely. This is a conversation that we are having at the moment, whether subsidies could be brought in and a source of funding. This is something that is being looked at by the department.

6.17.4 Deputy G.P. Southern:

I thought the question was the removal of extra duties rather than subsidising.

Deputy K.C. Lewis:

There are no extra duties, as such. There is just the duty, so it is very difficult to make something artificially cheaper, if you like, by removing duty from one fuel and not another. We have to be very careful how we do this, but this is something the department is looking at.

6.17.5 Deputy R.J. Ward:

Does the Minister not understand that this fuel will become cheaper only if more is used and imported, but the obstacle to that being imported and becoming cheaper - one of the main obstacles - is the level of duty?

[12:45]

It is 40 or 50 pence a litre more expensive. Therefore the Government have an opportunity to remove that obstacle, thus import more, thus making it cheaper in the long run. Can the Minister say that he is foresighted enough to take this action?

Deputy K.C. Lewis:

Yes, I got it the first time, but this is something that is being worked on and it is not going to happen overnight. But we are doing our best, we are using all the levers that we have available to encourage the use of biofuels and reduce our carbon footprint.

The Bailiff:

Very well. There are a further 2 questions listed, but there is more than enough time available for them. Is the adjournment proposed, however? It is the appropriate time for me to ask that.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. Very well, the Assembly stands adjourned and we reconvene at 2.15 p.m. Thank you.

[12:46]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

Very well, before continuing to deal with the Oral Questions, a number of matters were raised with me prior to the adjournment. The first question is the election of chairs of the 2 panels following Deputy Labey's appointment as Minister. I propose that we deal with that this afternoon, having considered people's representations and then deal with that immediately after Questions to Ministers without notice. Did you raise something, Deputy of Grouville, before I carry on?

Deputy C.F. Labey of Grouville:

Yes. It is in regard to what you have just said. I would like to propose that the elections for the chairs take place tomorrow morning. That way they give people the opportunity to consider the positions and if they are required to write a speech, it just gives more people more opportunity, I feel. I would like to make that proposition.

The Bailiff:

Very well. I think that probably is in order. I did ask before the luncheon adjournment for indications to be sent by email to the Greffier and no indication was sent. The universal voice was that we should be dealing with it this afternoon and only 2 individuals indicated - one for each of the respective positions - that they were thinking of standing. No one suggested it would go to tomorrow, which is why I made the provisional decision that we would continue this afternoon, but I think it is open to the Assembly to regulate its own business to that extent and it is right therefore if you wish to make that proposition, Deputy of Grouville, that you are able to say. I must ask first, is the proposition seconded? **[Seconded]** Very well, Senator Gorst, you asked to speak.

Senator I.J. Gorst:

Sorry, I was simply going to second the Deputy of Grouville's proposition. I think she had made the case. It is always better if we can, and I appreciate the 2 Ministers, no one stood against them this morning, and I was in a similar position at the start of this term. It is always good for democracy if others can put their names forward and we can have a debate and vote based on the issues and the programme that those individuals would deliver, so I think the delaying until tomorrow morning is not really a delay at all, it simply allows some who might be wavering and think they have not given it sufficient thought to give it that thought. We still may end up with non-contested elections. If we delay it until tomorrow there is more chance that there could be contests and therefore I second the Deputy's proposal.

Deputy M. Tadier:

Again, here we see a classic example of double standards. The only reason the position of Minister for Children and Housing became available was because we were appointing the current Minister for Children and Housing to become the Minister for Education. That by no means was a certainty. It could have been that a second or third candidate had put themselves forward for that position and that there might have been Members of the Assembly thinking: "I might fancy that job if it becomes available, but I need time to think about doing the job of Minister for Children and Housing depending on whether or not Deputy Maçon is elected to that position." There was no such suggestion this morning that we should defer the election of Minister for Children and Housing overnight until tomorrow to see if somebody else wanted to come out of the woodwork. Clearly what is happening here is that Senator Gorst and his secret party are going to try to find out whether they can coerce another States Member, who up until now would have ... let us be frank about this, everybody in the Assembly should know that these positions were becoming available. Emails were sent over the weekend and it was quite likely that ... well, it was known that if Deputy Labey was elected as the new Minister for Children and Housing, then there would be 2 vacancies coming up. We know that somebody has put their name forward for that position and in the normal course of things they would stand for election this afternoon today so we can fill those positions. It sets up an unfortunate hierarchy, if you like, saying that we must fill a position of Minister immediately without anybody really having a chance to decide whether they want the same thinking period overnight, but when it comes to a case of a particular candidate who Senator Gorst perhaps does not like, that he needs to whip his own party members overnight to put up an opposition to that particular candidate. That is the way I see it, the tactics that are happening here. By all means, we could have the election tomorrow morning, we could have it properly at the next States sitting, so we should not even ... I think we either do it now, as we did for the Minister for Children and Housing, or we leave it until the next States sitting so that there can be proper consideration as to what to do, but making up the rules like this as we go along from the 2 Ministers, the Deputy of Grouville and Senator Gorst, I think it is not really becoming of making it up on the hoof, which is what they are doing.

Deputy K.F. Morel:

It is just I would like to speak in favour of holding the votes for the chairs tomorrow rather than today. Really, notwithstanding Deputy Tadier's comments, to me it seems the only fair way to do it. I speak from slightly personal experience in that I was this morning considering standing for one of the positions and thought: "No, I will not, because I do not have time to prepare as I would like to." To me, that shows without doubt in my mind that there could well be other people in that position as well, so to rush through does seem to me to be essentially disenfranchising people. Just to slightly correct Deputy Tadier's assertion that we only kind of knew about this very quickly or very recently is that I know the Chief Minister sent an email to States Members to confirm his nomination of Deputy Maçon and he said in that email - this is a number of days ago, perhaps 5 or 6 days ago, maybe even a bit more - also he would then be seeking to nominate someone for the Minister for Children and Housing, so we did know a number of days ago that Deputy Maçon and somebody else would be nominated as Minister for Children and Housing. Had someone wanted to stand against either nomination they definitely did have time to prepare for that because they knew today we would be undertaking those votes. On the other hand, what we did not know is whether Deputy Labey would be successful or indeed that Deputy Maçon would be successful, and so we did not know that their seats on the various committees would be vacant until the successful votes this morning. It is for that reason that I feel it is only fair that people are given the chance to consider and to prepare if they do wish to stand for one of the vacant positions on P.P.C. or the Planning Committee. Just as a slight aside, I would be delighted to know about your secret political party. Maybe Senator Gorst can inform States Members about that or indeed Deputy Tadier could inform States Members about that, as he does seem to know a lot about it and I, sadly, am in the dark. I will definitely will be voting to hold the votes tomorrow.

Deputy G.J. Truscott:

I just want to understand the logistics and ramifications of taking the vote tomorrow. First, I am very aware that there is an awful lot of work backing up for the committee to attend to at the end of the month and it would be unfortunate if we were to lose that meeting. I just need to know if tomorrow we could achieve the chairing posts and if tomorrow he could select his committee as well. I think that would be crucial, in my thinking, but I would like your opinion on that, please, Sir.

The Bailiff:

I think the position is that we could certainly list the election for chair for early in the morning and whoever is selected for chair, if they are in a position to bring their committee together in the afternoon, we could deal with that then. It does not seem to me there is any difficulty in Standing Orders of achieving that, Deputy Truscott.

The Deputy of St. Mary:

I speak as someone having had a not dissimilar experience a few weeks ago, in that I was vice-chair of one panel and the former chairman moved on. That was slightly curious in the sense that the former chair delayed his taking up responsibility of his new position until such time as the ... or to a certain time and that enabled the acting chair, which was at the time myself, to continue. My concern is that if we do adopt a situation where we hold it over until the next States sitting, my understanding is - and I stand to be corrected on this - that both committees would fall away and we will be without guidance in that respect. That surely cannot be allowed to happen. I did, for the benefit of Members, email your good self, Sir, over the lunch adjournment to say I will be in favour of the election this afternoon, but I do take note of the proposition made by the Deputy of Grouville, as supported by Senator Gorst. I can see that in the interests of democracy it might appear to be sensible to wait, as Senator Gorst said. It is not really a delay if we wait 24 hours. I note Deputy Tadier's point, but I do not for one moment think this is a party issue or giving a chance to any other candidate. I think that the sitting vice-chairs, as it were, will have a very ... they are in a strong position and I doubt anyone else entering the fray would have much chance, but that is a personal view. But I would like to keep the question of party politics out of it, in the sense I think the Assembly will make a proper judgment according to the ability of the candidates themselves. For my own part, I will be happy to support the proposition now made by the Deputy of Grouville.

Deputy J.H. Young:

I think the criteria for this decision for me is whether or not we are able to appoint the committees in full, because if we find ourselves without a Planning Committee, then the volume of business there is going to be seriously problematic and also we have to have a P.P.C. that is operational. If it is true that those committees fall away as a result of them at the present time not having a chair, it seems to me that it is really important that we will fill those chairs as soon as possible. I assume that we are going to sit obviously today and tomorrow, but after that we will then have to wait for a further chance if, for whatever reason, we get the same set of arguments. I imagine that we are thinking about appointing a number of members, so to me this leans very much in favour of doing it at the end of this afternoon's session, as we discussed earlier and nobody objected to, and then that gives time overnight for Members that are potential members of those committees to be considered so we have the complete election and end up tomorrow with a full house, so to speak. I can see the political arguments. I do not really like us being in this situation, but frankly, I am really strongly feeling we should stay where we are and do this at the end of the afternoon. It is still the afternoon for anybody who wants to consider it and anybody wants to do email lobbying or so on, that can be done.

[14:30]

The Bailiff:

It is open - I just wanted to clarify in case it was not clear what I said before - it would be possible to hold an election for the chairs tomorrow morning and if the person elected as chair of any particular committee is prepared to put together their committee over the course of the day, that could be dealt with in the afternoon, so one could have, in theory, a fully constituted committee at the end of tomorrow in both cases, but that does require the elected chair to be able to proceed with that measure of haste. I hope that is of assistance to Members.

Senator S.Y. Mézec:

It follows on from what you have just said and also what Deputy Young said, that to get committees constituted as quickly as possible is obviously in our interests. The 2 candidates who have so far indicated that they would wish to go for the Planning Committee and P.P.C., in one case it is a vice-chair wanting to step up to chair. Forgive me, I do not know if the candidate has indicated that interest in standing is currently vice-chair of that committee, but certainly a member of it. There is incumbency there and it may well be the case that other incumbents would wish to carry on in their roles. The Assembly is obviously entitled to pick different candidates for those. But if they did turn out to be non-incumbents then there would need to be a greater period of time to determine who would be on the newly-constituted committee if they were seeking to effect some sort of change there. It would strike me that sort of discussion would be best held with more time than to do it in between agenda items on one sitting when we will be debating and trying to listen in to other people's speeches. So, it does make sense to me to get the initial appointments done by this afternoon and then the membership done tomorrow.

The Bailiff:

You have a point of order, Deputy Tadier?

Deputy M. Tadier:

I do not need to ask it anymore, thank you.

The Deputy of St. Peter:

I just feel I ought to declare an interest. I have an outstanding planning application, which obviously has to be heard by the Planning Committee. So obviously it is in my best interests for a committee to be constituted to avoid no further delay. I just felt I ought to share that with you.

Deputy R.J. Ward:

I wonder whether there is a compromise position on this for the sake of practicality and whether we can, if there are nominations by the end of the day for the 2 chairs, or even for one of them or both of them, then it can be postponed until tomorrow. But if we can get on with one of the panels if there is no opposition, then that helps the chair of that panel to get their panel together tomorrow. Because it is not an easy thing to do because there are not a huge number of Members who are available for panels. Being a chair of a panel and trying to fill that panel is not always easy. I just wondered whether there is an opportunity to amend what is proposed here. I absolutely agree, if people want to stand, give them some time until the morning. That is absolutely fine. But, if they do not, or if it is only one of the 2 panels, perhaps we can get some of this work out of the way early and move forward. I would have thought that people would know whether they want to stand within a few hours or a couple of hours or from the beginning of today, to be honest, because we knew this was coming up. But I understand some time to prepare a speech if they do decide they want to stand. Thank you, I hope that makes sense.

The Bailiff:

It does, Deputy, but I am not sure there is a mechanism really for amending a proposition. The correct course, if Members wish to consider dealing with the matter differently, is to vote against this proposition and then to make a different proposition. This is a procedural matter and it is a matter

for the Assembly to regulate its own procedure. I cannot say more than that at this point. Do you have a procedural question, Deputy Tadier?

Deputy M. Tadier:

Yes. It might be similar to what you have just said. I do not want to phrase it in terms of a second speech, because it is not. Tomorrow, if we elect the chairs tomorrow, we do not have to then elect the panels and the committees in full tomorrow, do we?

The Bailiff:

No, there is no requirement. In fact that could only really happen if the chairs were ready to bring a list of Members before the Assembly.

Deputy M. Tadier:

I am wondering if maybe the Deputy of Grouville could address that point when she comes back. Because that might be material about how some Members vote.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and ask the Deputy of Grouville to respond.

The Deputy of Grouville:

I am not going to make a huge speech. It was a simple request I was asking for. I did not consider a 24-hour overnight stopgap for the appointment of these positions to be an unreasonable one. Especially, as you have indicated, the appointment of the committee members can be dealt with at the end of this session. I do not necessarily agree with Deputy Young, who said that the person interested could be garnering support during this session. It needs a clear head and a clear mind and the candidates may wish to do some research and consider whatever support they might have for the positions. So, with that, I make the proposition for a 24-hour delay in sitting.

The Bailiff:

Thank you very much. I ask the Greffier to post a link into the chat.

Deputy M. Tadier:

I do have a question.

The Bailiff:

What is your question, Deputy Tadier? Is it a point of clarification?

Deputy M. Tadier:

Just to make sure we are clear on what we are voting for. The Deputy said 24 hours, is that from now?

The Deputy of Grouville:

I was just going to say it is 24 hours since we appointed 2 ministerial positions and, unlike the Deputy was saying earlier that it is one rule for Ministers and one rule for others. I do not get that. The Minister for Children and Housing, the vacancy has been there for a considerable length of time, weeks even.

The Bailiff:

The position is, from the point of view of the Presiding Officer in any event, a decision not to take it today must mean that we take it at a convenient time tomorrow. It seems to me that, in order to afford any elected chair the best opportunity of putting together a panel, the election for chair should happen

as the first item of business tomorrow morning. Therefore they would then, whoever the elected chair is, would have the rest of the day arguably, or at least until business otherwise concluded, to put together the panel and put it before the Assembly if they wish to do so. I would be interpreting the proposition not strictly 24 hours unless the Deputy of Grouville wishes to argue for a strict interpretation of her proposition and Members will then vote accordingly. But my interpretation would be that it be listed as the first item of business in the morning. Do you have any difficulty with that, Deputy of Grouville?

The Deputy of Grouville:

No, absolutely not. That is exactly what I meant. Because the items for the appointments for the Ministers were the first item today and I just felt the appointments of chairs would be the first item tomorrow.

The Bailiff:

The voting link is in the chat. A vote pour is to defer the appointment of the 2 vacant chairmanships of the committees until tomorrow morning, first thing. A vote contre is to maintain my original indication that we would deal with it today. Therefore, I ask the Greffier to open the voting and I ask Members to vote.

Senator L.J. Farnham:

Just double checking, pour is for tomorrow?

The Bailiff:

Pour is for tomorrow, yes. Pour is for tomorrow. Contre is for today. Abstention means you do not really mind. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition has been adopted: 33 votes pour, 9 votes contre, 2 abstentions. Therefore, we will deal with the election of the chair of the panels first thing tomorrow morning.

POUR: 33		CONTRE: 9		ABSTAIN: 2
Senator I.J. Gorst		Senator S.W. Pallett		Connétable of St. Mary
Senator L.J. Farnham		Deputy J.M. Maçon (S)		Deputy of St. Peter
Senator J.A.N. Le Fondré		Deputy of St. Martin		
Senator T.A. Vallois		Deputy R. Labey (H)		
Senator K.L. Moore		Deputy G.J. Truscott (B)		
Senator S.Y. Mézec		Deputy J.H. Young (B)		
Connétable of St. Lawrence		Deputy of St. John		
Connétable of St. Saviour		Deputy M.R. Le Hegarat (H)		
Connétable of St. Brelade		Deputy J.H. Perchard (S)		
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
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 S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of Trinity				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Greffier of the States:

The 9 votes contre were: Deputy Maçon, Deputy Labey, Deputy of St. John, Deputy of St. Martin, Deputy Truscott, Deputy Le Hegarat, Deputy Young, Senator Pallett and Deputy Perchard. The abstentions were the Constable of Trinity and Deputy of St. Peter.

The Bailiff:

There were another 2 matters on which I was to give consideration over the luncheon adjournment. The first was on the presentation of an urgent oral question in the same terms as question 1 on the oral questions indicated today. I have allowed that as an urgent oral question and that will be taken at the end of the oral questions, before we move to questions without notice, so quite shortly in fact. That will be taken by the Solicitor General. The last point was the point that Deputy Ward raised about the ability to challenge questions, which had been lodged outside the ordinary timeframe for the various sittings of the Assembly, given that we sit less frequently now. In my view, helpful guidance has been given to Deputy Ward over the email by the Greffier, with which I agree. In my view, the correct way to challenge questions is to present that challenge to me by email, copied to the Judicial Greffe, within 24 hours of the answers being posted on the website. In other words, when the answers are posted outside the normal sitting round, as it were, there is 24 hours from the time they are posted to challenge. Then I will make a ruling as soon as I am able to do so as to whether they need to be amended. I hope that assists, Deputy Ward.

Deputy R.J. Ward:

Yes. Just to say that does assume that we will be notified when they are posted or they are posted all at the same time by the set one week after the question has been set. Because I thought that one of the things about the change is they may be posted at any time, up to the deadline. That is all. Because the website is not sophisticated enough to give updates in that way; that was all.

The Bailiff:

My understanding is that they are effectively posted *en bloc* on the Monday after, around about lunch time on the Monday after the deadline for their provision. We now come on to concluding the questions with notice and the remaining 2 questions.

6.18 The Connétable of St. Martin of the Minister for the Environment regarding the sites that had been identified as suitable for the growing and processing of medical cannabis (OQ.44/2021)

In light of recently submitted development plans, will the Minister publish a list of sites that have been identified as suitable for the growing and production of medicinal cannabis and explain what additional information was requested in relation to these sites; and will he explain what consideration has been given, in relation to these plans, to the potential for increased activity and the impact on neighbours and on the countryside?

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

I do not have a list of sites, which have been identified as suitable for the growing and production of medicinal cannabis. The reason is that growing of cannabis is an agricultural activity and land or premises that are already in agricultural use will not require planning permission to change from one crop to another. That has been my understanding.

[14:45]

So the arrangements for cannabis, the Minister for Economic Development, Tourism, Sport and Culture controls the process of licensing applications for establishing the business of medicinal cannabis. Clearly, from the earlier answer today, that is the case. If, however, planning permission is required for any infrastructure or development to support that processing of agricultural produce and indeed cannabis works of course, this would be considered in relation to the planning policy framework and the Island Plan. Where the potential for increased activity and impact on neighbours and the countryside will be among the material considerations. Of course, there are also controls, regulatory controls, under agricultural land controls and licences for extraction of water and pollution, including impacts of nuisance. All of that regulation would be part of our standard process for any infrastructure or development required. So cannabis is agriculture, in a nutshell.

6.18.1 The Connétable of St. Martin:

I would just like to state that we are not talking about growing tomatoes or flowers or even hemp. We are talking about growing medicinal cannabis, which is more of a light industry than agriculture. I would invite the Minister for the Environment to come and see what is happening in St. Martin and what is being proposed. On that, I would like to say it genuinely concerns me that these licences are being handed out without due diligence.

The Bailiff:

Connétable, it does have to be a supplementary question.

The Connétable of St. Martin:

Sorry, my question then is why - because it is not agriculture as we know it, it is different - have environmental impact surveys at these sites not been carried out?

Deputy J.H. Young:

Obviously, I am quite open to taking advice. I would have to take legal advice on the question of whether or not growing of one crop, because it still is a crop, falls within the description that the Connétable has said that it has become an industrial use. My understanding of the information is that it is not. The rationale for that is of course - the assumption that I certainly make - this activity is not going to go on in the open countryside, it will go on in glasshouses. But of course other growing takes place, hydroponic growing, there are other products and so on. That has traditionally been the case. So cannabis being grown in that way within a structure of an agricultural building, from my point of view, it is agriculture. But I will seek that advice. But I do recognise the impact on residents because certainly I am aware of considerable complaints and concerns that have arisen in one

particular site where very big fences are erected. I personally do not want to see these proliferate in the countryside. It is an issue, which we will have to produce a policy on, and in fact I have discussed that with the Council of Ministers already and they have asked me to do so, which I will do that. But, at the moment, that is my understanding and I will have to come back with a statement on that issue of law, which I think is fundamental.

6.18.2 Deputy M. Tadier:

Does the Minister believe that there is a mechanism to ensure that, when permission is given and licences are issued for the growing of cannabis, there should be a condition for supplying to the local market of medicinal cannabis? Does he also agree that it is ridiculous for medicinal cannabis to be produced in Jersey and exported, but for patients in Jersey to not be able to access that and have to rely on imported expensive products for their medical needs?

Deputy J.H. Young:

Yes. I congratulate the Deputy on the creativity of his question. I thought originally he was talking about recreational use, which of course he is not, he is talking about medicinal use. My understanding, and this is very superficial, these products would require very, very precise standards. I understand that is what the Ministers who are doing the licensing would establish. That is likely to require processing to take place and scientific monitoring and so on to ensure compliance. So those sort of things suggest to me in practice that being done for a specialist export market, I can understand why any business would wish to do that. So that is the answer I give to him at the moment.

6.18.3 Deputy M. Tadier:

I have raised this issue with the Minister privately and publicly before. But does he agree that there are far too many derelict glasshouses in Jersey that can only be described as a disgraceful misuse of agricultural land? There should be no presumption, while he is Minister, that any change of use should be allowed for these sites. But a good use of the sites could of course be for cultivation of cannabis or other agricultural products.

Deputy J.H. Young:

I thought I had misunderstood the Deputy's question. Certainly there has been historically, as long as I can remember, a serious problem with dereliction of countryside sites as a result of greenhouses being allowed to get into a dangerous state of collapse. My expectation of that is because their owners have a hope value, or at least they have a notion of a hope value, that if they wait long enough they or their successors might eventually get planning permission for homes to be constructed and deliver the crown jewels in money terms. That is not a thing, while I am Minister, I would seek to encourage. In fact, the policies in the Island Plan will address that. Because glasshouses have conditions; not every, most of them have conditions for removal in the event of their disuse. But we know that does not happen. But of course I have to be frank, that does not rule out where you have a site where the site is a good potential housing site, that will have to be looked at as part of the Island Plan process. So it is not a one-size-fits-all simple answer to this point, but it is a matter that the Island Plan will have to address.

6.18.4 Deputy S.M. Wickenden:

Does the Minister believe that there is enough protection from building large security fences in the country zone during the licensing of these sites? If not, what does the Minister plan to do to strengthen it so we do not see a proliferation of security fences hiding our green Island?

Deputy J.H. Young:

I agree that there is an issue there. I cannot give a comprehensive answer now. Of course, as a member of the Planning Committee, the Deputy will of course have that task to be able to make those decisions. I certainly think at the moment the visual impact and what it does to the character of the

area is a matter for a planning decision. Whether the policies are strong enough to give the Planning Committee the tools to stop that, I will have to have a look at. It is not entirely negative, I have heard it suggested in one conversation that it should be possible to put security features within structures and not have to have them in the very unsightly way, which is offensive to many people and not in accordance with Jersey's character.

6.18.5 Deputy S.M. Wickenden:

Does the Minister know the Planning Committee will only address this situation if it comes to them because it has been brought to the committee? These planning applications can be done by delegated authority to planning officers. So, if the policy is not strong enough, then it will happen without the Planning Committee's involvement and it will be approved. Will the Minister go and look at the policies and make sure that they are strong enough and that his delegated powers that he gives to the planning officers, they know where they stand?

Deputy J.H. Young:

This issue of delegation to planning officers is a key one. At the moment, there is a very high level of delegation and there needs to be in order to keep the planning system going. But I do rely on the protocol that is in place, which was agreed I believe between the chairman of the Planning Committee on this matter. I do have powers as Minister to give direction to the chairman of the Planning Committee. I have chosen not to do so because I have faith in the committee. But if the Deputy is suggesting I do that, I am open to looking at that idea so that matters all go to the committee of this nature.

6.18.6 The Deputy of St. Martin:

I am pleased the Minister mentioned security fencing in the countryside. He also mentioned light pollution. Many of my parishioners are very concerned about the potential for light pollution, not light that comes from inside a greenhouse, but lights that are outside greenhouses and used for security reasons. I am not aware of it, but is the Minister aware of any rules or regulations around light pollution or is it something that is subjective and does not have any legal definition?

Deputy J.H. Young:

I stand to be corrected, the answer is I do not know definitively, but I do agree with him that light pollution is an issue, full stop, anyway. But I will undertake to come back to him. I have absolutely no doubt that these sites do have a potential issue of light pollution. At the moment, I am not aware what can be done about it from a technical point of view, if it is possible to ameliorate that nuisance. But certainly if residents are adversely affected by light pollution, I have had incidents of that at Les Quennevais School with the floodlights in people's homes, keeping people up at night. But not yet in greenhouses. But this is a fast-emerging matter and so I obviously have some work to do. I undertake to do that and to keep Members posted as progress is made.

6.18.7 Deputy R.J. Ward:

I have a point of clarification. It is really quite important. Can I check with the Minister that he is talking about what type of cultivation of cannabis? Is it via a process of hydroponics, which is an industrial process, which does not use soil and uses a vast amount of water and is in an enclosed greenhouse with controlled lighting? Or is he talking about the type of growing of cannabis as with Jersey hemp, which is a slightly different crop, which is outside in open fields? Because there are 2 very different processes there. Can I just confirm what type of growing he is talking about here?

Deputy J.H. Young:

Most of my answers were in respect of the former. I am not a technical expert on these, but we have had products grown hydroponically before, so my answers were in respect of that possibility. My understanding is that the hemp crop grown out into open fields, as it were, would not require licensing

because the psychoactive element or the component of it in that particular variety or species does not exceed the legal limit. But I do believe that what was referred to as industrial is hydroponic growing of material, which exceeds the psychoactive substance levels under controlled conditions, which the Minister licenses, but I do not. But the key point is, I will have to check legally whether that constitutes an industrial use or whether it is right, the advice I have been given and gone on, that it is agriculture. I have to get a definitive judgment on that.

6.18.8 Deputy R.J. Ward:

Is there going to be an environmental audit of both types of growing? Hydroponic growing does not add the benefit to the soil that outdoor growing of cannabis can. Therefore, the environmental benefits are very different. Also, it is a more industrial process when you take the hydroponic approach, because you are controlling every aspect of the plant's growth very carefully. It requires huge amounts of water and can attract new types of pest, which may be new to the Island. Can the Minister assure us that a fuller environmental impact can be made? It may be absolutely fine, but it needs to happen.

Deputy J.H. Young:

The Deputy is raising very good issues. I can deal with the question of the water consumption. Yes, that is a regulated matter because such activities have the potential to reduce the water table level from surrounding domestic boreholes that people rely on for drinking water. Obviously, that would be a problem. Those impacts would be assessed. In terms of the other issues of pests and diseases, we have a very capable phytosanitary team, who are monitoring and will deal with those matters. But, in terms of an audit, then these are issues that are going to have to be set down in a policy and, as I said, this has to be included as well as the planning issues.

[15:00]

6.18.9 The Connétable of St. Martin:

I am grateful to the Minister that he said that he will seek legal advice on this subject about what is industry and what is agriculture. I just wanted to ask for clarification on exactly who in Government is responsible for the awarding of these licences. Because the Minister for Economic Development, Tourism, Sport and Culture told me that it was the Minister for Health and Social Services. Then the Minister for the Environment in answer to my Written Question 29 and just now has said that it is the Minister for Economic Development, Tourism, Sport and Culture. So I would really appreciate clarity on who does handle these licences.

Deputy J.H. Young:

The brief to me is that the Minister for Economic Development, Tourism, Sport and Culture has the responsibility for that licensing. But I understand, I listened to his answers earlier, this is done under arrangements, which our Minister for Health and Social Services agrees. So I am afraid I cannot give a definitive answer. But I can say it is most definitely not myself. Planning and the other environmental issues do come under the Minister for the Environment.

6.19 Deputy K.F. Morel of the Minister for Social Security regarding the role of the Government of Jersey in the regulation of the cost of private care for the elderly (OQ.28/2021)

Will the Minister explain what role, if any, the Government has in regulating the cost of private care for the elderly, whether in a person's home or in a residential home; and furthermore, will she inform Members how the Government ensures that any increase in long-term care payments is not taken by the care sector as a signal to increase their charges?

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

Long-term care is for all adults over the age of 18 who require care, not just for the elderly. The Government does not regulate the cost of private care. Care homes are private businesses who set their own fees. Social care for adults in Jersey is provided by the Health and Community Services Department, some Parishes, commercial companies and also charities. The Government does not control the cost of fees charged for social care. Social care providers are regulated by the Jersey Care Commission, which requires a scale of fees to be published.

6.19.1 Deputy K.F. Morel:

I take it from the answer that, as well as the Government not regulating the cost of care, the Care Commissioner also does not regulate the cost of care, only requiring a scale of fees to be published. Would the Minister explain how then Islanders are protected from care providers overcharging or charging unreasonable sums for their care?

Deputy J.A. Martin:

I will try to answer that question. At the moment, we know that the highest fee, which is the £1,094.52, we can still find places for people in the care section. The question asked is do we interfere or not; that the long-term care payments are not taken by the care sector as a signal to increase their charges? I understand where the Deputy is coming from, where I take the first question from the Deputy today. If the Deputy wants to sit down with me, if our model is wrong, I would love his input as the Assistant Minister for Economic Development, Tourism, Sport and Culture.

6.19.2 Deputy R.J. Ward:

I would like to ask the Minister, have you not just demonstrated that what we have is a free-market free-for-all in the provision of care for our elderly community and for perhaps any of us who may find ourselves in that situation? It is creating real hardship and people having to put vast amounts of money in. Is it not time that there is some regulation of these costs, urgently?

Deputy J.A. Martin:

That would be true if the Deputy's statement were completely correct that there is not care places out there that people can afford under the amounts of money they can get on long-term care. I am not saying I am being complacent. I can absolutely look into this and I have just given an undertaking to Deputy Morel, who, as I say, if we need to look at the economic model and there is more we need to regulate. But, again, these are private companies and most private companies for services that they provide are allowed to charge the going rate.

The Bailiff:

That brings the time available for questions with notice to an end. We now conclude questions with notice. As indicated earlier, I am proposing to deal with the urgent oral question now and allow 10 minutes for that. Then we can move on to questions to Ministers in the normal way.

7. Urgent Oral Question

7.1 Deputy I. Gardiner of the Solicitor General regarding any potential legal threats to the Overdale Hospital project

Will the Solicitor General advise whether there is any potential legal threat to the Overdale Hospital Project from the 2 avenues of legal action under the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 and the Human Rights (Jersey) Law 2000 outlined in Blakeley Law's letter of 31st January 2021?

Mr. M. Jowitt., H.M. Solicitor General:

There is always a risk to public capital projects such as this one from possible legal challenges. Especially where a challenge is intimated in a letter from a lawyer such as this. Legal challenges to

such projects are something of an occupational hazard for decision-makers. How real the threat may be in any given case depends entirely on the merits and the detailed nature of whatever challenge is brought. At the moment, there is no new challenge, only an intimation possibly of one on the broadest and vaguest terms such that it is impossible for me, and indeed any lawyer I would think, to give any meaningful assessment of its merits and consequently the risk that it might pose. I can deal in very general terms with the 2 possible avenues that are mentioned in the Advocate's letter. It is right that there is a very arcane procedure, which allows a petition of Her Majesty in Council. In this instance it is suggested to persuade Her Majesty, through the Privy Council, presumably not to grant Royal Assent to any special law for the purposes of compulsory purchase. As I understand it, that is very much an avenue of last resort, which means that all domestic remedies should have been properly exhausted before that could be pursued. I have no experience of it and I do not know any lawyer who has. The other general suggestion is of an action under Article 7 of the Human Rights Law. That enables a challenge to be made to the States Assembly as decision-maker where the decision engages, in this case it would be Article 1, Protocol 1 of the Convention, which is the right to quiet possession or enjoyment of possession. Any compulsory purchase of land would engage that right. The question remains as to precisely what, if any, the detail of such an application might be. It is only broadly hinted at in the letter that I have seen. It contains the usual sorts of bases one might expect to see in this area, which is the decision-makers did not have regard to all relevant factors or they may have had regard to irrelevant factors in coming to their decision. But, as I say, any lawyer would want to see the detail of such a challenge before advising on it. The other point I would make, and really this would be the advice that any lawyer would want to give, which is that an Article 7 human rights challenge would appear possibly to lie against the Assembly, which would mean effectively all Members as decision-makers collectively as the Assembly could conceivably be parties to such a challenge. Any party to litigation is entitled to receive confidential and privileged legal advice. Any lawyer would be sensible to say that giving that advice in a public forum would be wholly unwise and not be recommended. That is a slightly broad overview, but I fear it is the best I can do in the circumstances.

7.1.1 Deputy I. Gardiner:

Thank you to the Solicitor General for his answer. I would like to follow up on one of the points. There was a claim that, when a compulsory purchase order is made, the States Assembly has to draw up a specific law for each property. The process means that Government has to give due consideration to whether buying or not buying property is absolutely necessary. Can the Solicitor General confirm that is the decision, that the proposition allowed compulsory purchase to all properties together or it should be a decision for each property?

The Solicitor General:

I do not think the law descends to that particularity. The special law that the Deputy is talking about would be an enabling legislation, which would have to ultimately receive Royal Assent, enabling the purchase, to my mind at least, of whatever properties were included in that law. So I do not think it is a case of one law per property, but a case of one law for all. That is not to say that the decision in respect of each individual property should not be made in a process that is rational and arrives at a decision that is lawful and rational and procedurally proper. That is a slightly different consideration.

7.1.2 Deputy M.R. Higgins:

Just a question for the S.G. Can he point out a distinction between a decision of the States and an Advocate objecting to the decision of the States, which I do not believe they can, if the S.G. can confirm whether that is the case, and a decision taken by a Minister?

The Solicitor General:

I am sorry, I missed the middle of the first question because the sound cut out. I wonder if I could ask the Deputy to repeat it?

Deputy M.R. Higgins:

Yes. I believe the Advocate concerned was complaining about a decision taken by the States. If it is a decision taken by the States, does any Advocate have a legal means of challenging a States decision? I know that they can challenge the decision of Ministers, but can they challenge a decision of the States?

The Solicitor General:

That is a very good question. Can I repeat the advice I gave a moment earlier, which is that any party to litigation would probably be well-advised to seek legal advice, which was given confidentially and under the protection of legal privilege? I am not trying to evade the question. I am simply trying, I hope, to give advice that is wise in all the circumstances.

7.1.3 Senator L.J. Farnham:

My understanding is the letter indicates that there could be a challenge under the Human Rights Convention Article 1, Protocol 1. Notwithstanding the S.G.'s comments in relation to the right to enjoyment of land or property, can he shed some light on what would be an appropriate acquisition of land or property by the public without being in breach of Article 1, Protocol 1? For example, is there a public interest test or something that would come into play?

The Solicitor General:

Yes. The Article 1, Protocol 1 right is not absolute. It provides that every natural legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

[15:15]

I do not think we are in international law necessarily here. But it goes on to say: "The preceding provisions shall not however in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with general interest." So there are avenues there under which a lawyer could argue that any particular proposal for the use of property fell within a lawful derogation from Article 1, Protocol 1, the right that is there enshrined.

7.1.4 Deputy I. Gardiner:

Can the Solicitor General clarify what potential delay, if he knows, the Westmount residents' legal challenge might bring to the project, if they decide to pursue this avenue?

The Solicitor General:

I fear only in the broadest terms. Assuming any challenge were brought, then whatever the outcome at first instance; that is to say in the Royal Court, there may be an appeal thereafter. It is not obvious necessarily how far an appeal process might go. It is not necessarily obvious in any case, never mind this case, how long a timetable would be to reach an end of legal proceedings. All I can say, I suspect, and probably it is not a matter for me, but where a legal challenge engages a point of general public importance, then one would think that the Judicial Greffier would be keen to ensure that the legal process was expedited so that there was not undue delay in giving effect to any public policy decision. I hope that is helpful.

8. Questions to Ministers without notice - The Minister for Education

The Bailiff:

We now come on to questions without notice in respect to which there is a total of 45 minutes, 15 minutes for each. The first period of questioning is for the Minister for Education. A number of Members have already indicated a desire to ask a question, the first of which is Senator Mézec.

8.1 Senator S.Y. Mézec:

The previous Minister for Education announced an extension to nursery hours provided through the N.E.F. (Nursery Education Fund). Can I ask the Minister what his plans are for implementing that and what Members can expect to see come from him and his department in the coming months?

Deputy J.M. Maçon (The Minister for Education):

Deputy Doublet raised this question during my nomination. Senator Vallois indeed announced her intention to reach a level of 30 hours, consulting and working with industry. But there are caveats in there. I want to produce the early years report and look at it holistically. So, as I said to Deputy Doublet at the time, I have not ditched the intention, but it does require consultation with industry as well as any change that might need to happen to the Nursery Education Fund. That may need to come back to the States for approval.

8.1.1 Senator S.Y. Mézec:

It was an important moment when the previous Minister for Education made that announcement and many families with particularly young children will be looking forward to that. Could he reassure those people that the plans to expand it are not at risk and, while there might be some fine detail to work out, the support we will be providing families with very young children will be increased in the coming months and years?

Deputy J.M. Maçon:

I can only reiterate, there are the usual processes, which will need to be gone through as normal policy development work occurs. We do need to work with the private sector on this. There are commercial interests, which need to be worked through. There are the other political processes that need to be worked through as well. So, as I say, the whole package needs to be looked at.

8.2 Deputy R.J. Ward:

Can I ask the Minister, given that the gap in spending between fee and non-paying schools is currently £15,000 across a school career per child, what does the Minister intend to do regards this inequality or does he feel it is justified?

Deputy J.M. Maçon:

As indicated when I stood for election, there is a recommendation in the Independent School Funding Review to consider this matter. It says: "Change in the relationship between the Government of Jersey and fee-paying schools, including offering greater autonomy and potentially means-tested fees rather than offering subsidised fees, seeing education as a universal benefit." As I have said during my election, that is something I would want to take to the Council of Ministers for political sounding. Because there is no point wasting a lot of political time on it if it is just going to go nowhere.

8.2.1 Deputy R.J. Ward:

With respect, that has not answered the question regards the current inequality of £15,000 for a child across their school career. Is the Minister intending to increase the funding for non-fee-paying schools so there is equity of spending on all of our children and thus putting all of our children first?

Deputy J.M. Maçon:

As I said when I stood for the position of Minister for Education, I said that in the Government Plan there is increased funding towards our schools. There is the Pupil Premium money going in. There is also the money for children with lower prior attainment, which is also going in. So will we reach

exactly the same point in parity? Probably not. But is funding going into the children that need it the most through the Government Plan? Yes, there is.

Deputy R.J. Ward:

So you are justifying inequality.

8.3 Deputy K.F. Morel:

I was wondering if I could ask the Minister for Education, over the last 3 years we have seen more disruption to our children's education than certainly any time in my lifetime, possibly even stretching back as far as the Occupation. With teachers' strikes and COVID taking children out of school for weeks over the past 3 years, months in fact. Would the Minister please advise the Assembly on what steps he will take to try to ensure that Jersey's children do not see another period of such disruption to their education?

Deputy J.M. Maçon:

I thank the Deputy for his question. The department has already initiated a recovery programme to provide extra tuition to students who may need it. This of course is something which will continue to be reviewed. Of course, the other aspects more importantly are to do with the well-being of students, which again funding in the Government Plan is there.

8.3.1 Deputy K.F. Morel:

With respect that was not an answer to my question. I asked what the Minister would do to prevent disruption in the first place, not what he will do after the disruption has taken place. So, I ask again, what will the Minister do to prevent disruption in the coming years?

Deputy J.M. Maçon:

I beg your pardon; I got the wrong end of the stick on that question. Unfortunately, controls over the pandemic are out of my hands. Of course, we have brought in many safety measures in order to support students. As for what might happen in wider society, it is a bit out of my hands. What I do know is that the department operationally, we do have a good working relationship with the teaching unions. But can I prevent disruption going forward? I am afraid that may be something the Deputy is asking, which I may not be able to do.

8.4 Deputy L.M.C. Doublet:

Does the Minister recall the press release from 11th December last year, which told parents that children would be given the 30 hours N.E.F. funding? Within that, there was certainty from the previous Minister for Education that this would be delivered. During the Government Plan debate, there was funding specifically allocated for this. This was confirmed within that debate. If the Minister recalls all of this and he is now saying that he is not certain about that 30 hours' funding, can he please tell the Assembly what has changed since 11th December and since the previous Minister's post? Is it his will to bring in this 30 hours or is there another barrier that has occurred in that intervening time?

Deputy J.M. Maçon:

I thank the Deputy for her question. I have the press release in front of me and it clearly states that the Minister for Education intends to extend the 20 hours to 30 hours. But then it also goes on to say that the Minister will have to work with the Jersey Early Years Association and other individuals in order to achieve that. That means there are always going to be consultation and political processes as part of that notion. So it is in the press release as well.

8.4.1 Deputy L.M.C. Doublet:

Can the Minister confirm that it is his will to have the 30 hours' funding and that also can he confirm that he is planning to have the meeting that is referred to in the press release with the J.E.Y.A. (Jersey Early Years Association) representatives?

Deputy J.M. Maçon:

It is the Minister's will to look at the Early Years Policy Development Board holistically, which will include looking at the 30-hour intention, but also working with J.E.Y.A. and other providers as appropriate. Yes, I intend to have those meetings.

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

Will the Minister advise whether the uptake of the lateral flow testing provided to schools has proved successful?

Deputy J.M. Maçon:

I thank the Deputy for his question. I have just approved a media crew to go out today, which we have had, since they were introduced, about 2,500 lateral flow tests that have been conducted with staff and years 11 and above. All of them have gone out. The vast majority have come back negative. There have been a handful that have been inconclusive. When they have been inconclusive, students or staff have been asked to retake the lateral flow tests. We had I believe one that went out yesterday or Friday, which came back as positive. The policy then was to follow the P.C.R. (polymerase chain reaction) test. That P.C.R. test has now been administered and has come back negative.

8.6 Deputy M. Tadier:

In terms of educational outcomes in general and on balance, is it the assessment of the Minister that the 14-plus transfer system in Jersey as it currently stands does more harm than good or more good than harm?

Deputy J.M. Maçon:

In and of itself, because Jersey has so many different things, we have a highly-selective system, up to 50 per cent by the time you take in the fee-taking colleges. Then you have the 14-plus transfer, which as a whole can be argued by some that the creaming-off of all those students does lead to, for example, things like lack of social integration and those types of things, which is negative. On the other hand, some will argue that allows for academic excellence to proceed as it allows students at the same level to progress. So the answer to the Deputy is there is not a clear-cut answer.

8.6.1 Deputy M. Tadier:

I know what some argue one way and I know what some argue the other, but I am asking for an assessment of the status quo from the Minister for Education, from somebody who has been working at Education as an Assistant Minister for the past couple of years, and who is a consummate politician. What is his assessment of whether the 14-plus does more harm than good? He must have some experience and some knowledge of the issue and to know whether to address any issues that arise from that.

Deputy J.M. Maçon:

I have not had the opportunity to conduct a proper analysis as the Deputy has asked.

[15:30]

8.7 Deputy I. Gardiner:

Can the Minister confirm if it is his will to have 30 hours' funding or he is going back on that commitment for the nurseries?

Deputy J.M. Maçon:

I do not want to extinguish the intention. But I want to look at the holistic Early Years Policy Board report to be produced, to look at those recommendations, bring them to consultation with appropriate stakeholders, and to see what is practical. Because I would highlight to Members of the Assembly, when the U.K. introduced this policy, it led to a closure of many nurseries and led to less choice to parents. So the thing needs to be done in consultation with private-sector providers, et cetera.

8.7.1 Deputy I. Gardiner:

As much as I am aware I remember on that, the Minister is himself on the policy board. So, if I understood correctly his answer, he is saying that he is not confident that he can achieve it because the recommendation was that it will be 30 hours, from my previous knowledge.

Deputy J.M. Maçon:

Yes, I can confirm I was on the Early Years Policy Development Board. But there are caveats. It is not just the 30 hours, it is what you do with the Nursery Education Fund rate, et cetera, how that works with industry. So simply having the policy of: “We will move to 30 hours” without properly consulting on any of the implications of that, it still needs to be done, in my view.

8.8 Deputy R.J. Ward:

Does the Minister believe that the provision of a healthy free school meal for all children at school will be beneficial to their health and their well-being? If so, what measures would he take to ensure this happens?

Deputy J.M. Maçon:

Deputy Ward and the Assembly will know my views on these matters, which is no one wants to see any of our children go hungry in the Island. But I do think that, in the first instance, it is the parents’ responsibility to provide that. Where they are unable or unwilling to do so, it is appropriate for the States to step in. As the Deputy would know, we have a pilot programme being conducted at the moment to best understand how it is best to deliver and where there is demand in the Island for such services. Of course, I will design any policy following the results of that pilot programme. Because, as the Deputy pointed out in the debate, he said I believe it was something like 46 per cent uptake, which means that there is still a significant number of children not benefiting from that. It is a wider issue. There are other things we might need to do.

Deputy R.J. Ward:

Supplementary.

The Bailiff:

I am sorry, Deputy. That brings the time available for ...

Deputy R.J. Ward:

He has not answered a single question.

The Bailiff:

... oral questions to an end. We now have questions for the Minister for the Environment. First to pose a question, the Connétable of St. Helier.

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

9.1 The Connétable of St. Helier:

Does the Minister for the Environment recall his predecessor, the former Senator Freddie Cohen, promising the States at the time of the Esplanade Quarter Masterplan that the development of the Esplanade Quarter would yield between £50 million and £70 million for urban regeneration projects?

If he does recall it, could he advise the Assembly how we are getting on in receiving that money for regeneration?

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

Challenging question. I am pretty certain that I was not a States Member at the time of Senator Cohen being Minister. I was working for a law firm. So I kept an ear out, if you like, for what was going on. But the Senator did bring forward a piece of supplementary planning guidance for the waterfront area, which I believe was very likely strongly related, if not based on, a scheme from a private developer. Then adopted that as supplementary planning guidance. But I certainly heard public comment, but I could not give any credibility to the figures that were being quoted. I recall it was discussed. Of course that supplementary guidance has now completely gone. Two planning inquiries reported that it was completely out of date and had no place. Obviously, the southwest development framework now replaces it, which I issued, I cannot remember when, but certainly within the last 12 months.

9.1.1 The Connétable of St. Helier:

I am sure the Minister will agree with me that the supplementary guidance may have gone, but the promise made to the States must remain. Bearing in mind his comments earlier to my other question on the political governance and oversight of regeneration and the fact that he is not himself on the Regeneration Steering Group, does he think there is a case for the States setting up an urban renewal and regeneration committee that can get hold of these funds that have been promised and start to do some joined-up projects in town?

Deputy J.H. Young:

I am very keen on joined-up work with committees. I find it is not anywhere near as easy, as the Connétable will know, to achieve the degree of co-ordination and integration of policy under our ministerial system. That may seem strange because that was always intended that would be. But committees can work well. Of course, I certainly found, as the Minister for the Environment, not being party to decision-making processes of the Regeneration Steering Group a problem. Whatever you call it, as I said in my earlier answer this morning, there is definitely a role of setting up such a body. Of course, can I do that unilaterally? No, I cannot. It does need the Chief Minister and my colleagues in the Council of Ministers to come up with a plan. But I have to say that urban renewal team that was put together in those days, I think it was the 1990s, 2 decades ago, was extremely successful and brought forward great progress that benefited private residents and people's homes with what we used to call E.P.I.A.s (Environmental Protection and Improvement Area) in town. I hope some of the principles of that will be embodied in the draft Island Plan. But there is a need for that co-ordinating function, yes.

9.2 Senator S.Y. Mézec:

Could the Minister for the Environment tell us if he remains committed to introducing a licensing regime for landlords to ensure that properties, which do not meet minimum legal standards, are prevented from being let out until they are made safe and habitable?

Deputy J.H. Young:

I am absolutely committed to doing that regulation work. Because what I found during the COVID lockdown, and certainly in the last 12 months, the number of complaints about housing issues, obviously as people are in their homes for much longer time than previously, has dramatically increased. Of course, the resources of the team, not having places - I have reported to Scrutiny - have been seriously reduced and we have lost key members of staff. Nonetheless, those are the problems. What I am not prepared to do is to bring forward another set of regulations and have a repeat of what happened before, where I found myself in the situation where I did not have the support of my ministerial colleagues in bringing that legislation. So, at moment, I am aware that a number of

Members have ideas. I have said that I am quite open to discuss it with those ideas. One under consideration at the moment is we might make such an arrangement, probably a 3-year process. I do not know. But I must admit I do think we have the law there; it would be easy to bring it back, but I need a consensus politically in order to do so. What I do not want to do is to be diverted away from the other big projects, which is carbon neutral and the Island Plan.

9.2.1 Senator S.Y. Mézec:

Following on from the point that the Minister made about support from his ministerial colleagues, or lack of it, could the Minister indicate why he does not have the support of his ministerial colleagues for this? What have they told him is the issue there? Will he tell us what he is doing to overcome that so that they will support this fundamental measure to improve life for often some of the most vulnerable people in our community?

Deputy J.H. Young:

What I tried to do, when I brought that forward, was to respond to the points being made, what was being suggested that there was a lot of bureaucracy, it was costly, and it was complicated. But of course I stripped all those out in the changes that I brought forward and it was not approved. Then people basically preferred to have a grand plan of licensing as far as all properties in the Island are concerned. That is where it leads to the 2 extant States decisions. The States persuaded themselves. Can I change people's minds? The case for regulating and implementing housing standards in rented dwellings is as strong as it was, if not more so.

9.3 Deputy R.J. Ward:

In the *J.E.P. (Jersey Evening Post)* on 2nd February, an officer in the Minister's department was quoted as saying that the current policy position for carbon-neutrality is 2050. P.27, as adopted by the States, says that Jersey should aim to be carbon neutral by 2030. Was his policy officer misquoted? If not, which is it, 2030 or 2050?

Deputy J.H. Young:

Yes, I do not recall reading this press article, but I do not always agree every word that gets written in the press. The reality has been, my understanding of the position is that the States set a goal, an aim if you like, a process in train to try to see if the Island could have a plan to become carbon-neutral by 2030. That is the brief I am working on. I stand to be corrected, but my understanding of the technicalities of that is, whether or not that is a binding commitment and whether it is achievable, is going to be the function of the plan that comes forward this year, at the end of this year, after the citizens' assembly. But, if the Deputy wants, I will have to go back and check back that source of that press statement. But, in any event, Deputy Perchard is leading on this now and I do not think under the questions I am allowed to pass things to her. But we are where we are with the States decision and there should be no backtracking on that States decision.

9.3.1 Deputy R.J. Ward:

Is it not therefore very important that we are consistent with our aims and our goals, regardless of how challenging they are? Therefore, to have officers in his department talk about a goal, which is 20 years further, it should be something that significantly is wrong and it should be addressed urgently. If we do not set the target, it will never happen.

Deputy J.H. Young:

I am pleased the Deputy used the phrase "target" because that is what was adopted. Is it a binding commitment? I personally, having been a civil servant myself, it never is an answer to go and directly challenge civil servants over their things. But it does happen from time to time that misreporting goes on. My understanding about the 2050 is this was the goal set by the United Kingdom, I believe, and not by Jersey. Jersey set itself the aim of 2030 but we all agreed that we would have this plan,

produce this plan of how we get there. That is the work that Deputy Jess Perchard is leading on. There will be lots and lots of opportunities for us to debate this, this year.

9.4 Deputy S.M. Ahier:

Will the Minister be carrying out an environment impact assessment on the Westmount Road development?

Deputy J.H. Young:

This is a difficult one because I have declared an interest in every single meeting that has taken place, either the States or the Council of Ministers, on the applications for both the hospital and the enabling works. I have made it plain, in my supplementary guidance that I issued, I indicated - more than indicated - there will be a planning inquiry into the hospital application when it comes forward. I have made it clear that I expect that the road and the access will be part of that application. Because I do not consider it is acceptable to have separate applications coming forward and put the inspector in a position of having to judge one without the other.

[15:45]

The 2 go together. Part and parcel of that will be the impact. The factors to be taken into account in the impact were set out in the supplementary planning guidance I issued and in the Island Plan. That is the best answer I can give the Deputy at the present time.

9.4.1 Deputy S.M. Ahier:

Is the Minister aware of any habitats that may be lost, if any, by the road-widening proposal?

Deputy J.H. Young:

I am not personally aware of wildlife habitats but I would not be surprised if there are some. Because obviously we have a woodland area in there and surrounding. An environmental impact would always work the same way, is that there would need to be a baseline assessment of what is there before the development and assessment of identifying what is there and what the impact is and what is possible to be mitigated or not in any development.

9.5 Deputy K.F. Morel:

Sadly, Jersey's sea waters are not as clean as many Islanders and many States Members would like to believe. As we have seen recently, oyster fishermen, who have their oysters classified as grade B by the E.U., are struggling now to export them into France. Would the Minister please explain what the main sources of pollution are that are stopping Jersey's oysters being classed as grade A and what measures he is taking to try to ensure that pollution into the sea is reduced?

Deputy J.H. Young:

It was my understanding that we do have a couple of grade A oyster beds. If that is not the case I will need to check back. But the Deputy, I am sure, will be aware, because he is obviously very well informed, that the environmental health team undertake monitoring of sea waters periodically, in accordance which is required on a stricter timetable tied in with the fisheries. Of course, that information has to be presented and of course if there are exceedances in the level of e-coli, for example, in the sea water, then that has the potential to downgrade those beds and that has been an ongoing issue. If there is a problem, I think that the published record has shown in the past that it has resulted in overflows from our S.T.W. (sewerage treatment works) system, which is where we have a problem with excess surface water, which, as it were, overloads our system and we get an outflow on a high tide, which then gets carried forward towards the east and picked up. But of course then those oysters would then need purging if they are to be removed. But of course at the moment the difficulties I do not believe are ... there are the key difficulties at the moment with the oyster fishing is the situation then with Brexit, which is constantly changing at the moment.

The Bailiff:

That brings the time available for questions to the Minister for the Environment to an end and the next question period for the Chief Minister.

10. Questions to Ministers without notice - The Chief Minister

10.1 Senator S.C. Ferguson:

Is the Chief Minister aware that part of the table of statistics for COVID cases should add both horizontally and vertically and does not? Could he get the I.T. (Information Technology) Department to examine the coding and report back to the States? If he wishes to tell me who to contact, I would be delighted to but it is almost impossible to see who to address this to. I have had a number of complaints about the statistics not adding up correctly.

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

I will say I am slightly concerned to hear that. If the Senator could forward me an extract of the table she is talking about, ideally circled with the bit she thinks does not cross-cast, I would be very happy to forward it through. I am sure it is just probably a formulaic error, if there is one or, if not, hopefully it would be very easy to clarify and we will get that sorted out as soon as possible. But, no, please send it through to me and we will look at it straightaway.

Senator S.C. Ferguson:

Sorry, I said, Sir, could I get a supplementary in? Sorry.

The Bailiff:

I am afraid, Senator, I did not hear you say supplementary but, yes, by all means ask a supplementary question.

10.1.1 Senator S.C. Ferguson:

Would the Chief Minister please find what the actual coding is and perhaps letting some of the experts outside the industry or at least outside the States set-up review the actual coding and see where the error is?

Senator J.A.N. Le Fondré:

Let us find out what the error is first and then we will go from there. Once we have got the details of that error I will make sure that the Senator is kept fully up to date and that is not a problem.

10.2 Deputy K.G. Pamplin:

As alluded to earlier, my thanks to the Chief Minister for taking this question. In light of the reports last week there was an increase in the rise of referrals of young people seeking support for their mental health. Will the Chief Minister update Members on the Government's response to this increase and advise what further action, if any, will be taken to address the situation going forward, especially because of the effects of the pandemic?

Senator J.A.N. Le Fondré:

Yes, thank you. It is long, I will try to get it as concise as I can. A review and redesign of C.A.M.H.S. by such departments started at the end of 2019. Obviously that was impacted by the pandemic but there is still work being continued about prioritising areas for development and that has resulted in Government Plan funding to cover the following, for example, early intervention mental health service, which is focused on what is called an I.A.P.T. (Improving Access to Psychological Therapies) model, improved specialist C.A.M.H.S. service, community-based intensive support service, which is about working more flexibly, including out of hours and improved quality and performance management systems. As the Deputy has correctly said, the mental health impact and

requirements have definitely increased as a result of the pandemic. To mitigate this, extra funding for well-being recovery was sought in 2021. This has been used as following and these are projects that have started and then some that are planned for: started, 4 extra staff have been put in post, who have been working flexibly, including being able to support clients in Robin Ward and working some weekends and evenings; that commenced on 1st November last year. We have commissioned a pilot with Kooth, online counselling and support for young people aged 13 to 25. To date, over 275 young people have registered on the service and that pilot commenced in December of last year and will go through to the end of this year. Working in collaboration with Mind Jersey to better support young people on the C.A.M.H.S. waiting list; that pilot commenced about a week ago on 1st February and delivering a primary school arts project, which is about allowing primary school children to express their story in lockdown during COVID. That is about supporting low-level anxiety from lockdown, commenced in October 2020, going through to the end of this academic year in 2021. Looking ahead, planned is to deliver training to 30 multi-agency professionals for Who's in Charge child to parent violence course to be set up on Island. The first parent and carer training session will commence at the end of quarter one this year. Recruiting a C.A.M.H.S. practitioner to Children and Families Hub; that is about flexibility, to be able to run a C.A.M.H.S. helpline for parents, carers and professionals from 9.00 a.m. to 5.00 p.m. Monday to Friday. That will start in April this year and also funding individual specialist treatment. In addition, work is underway at H.C.S. (Health and Community Services) to develop a further joint business case. Finally, a children and young people's emotional, well-being and mental health strategy will be launched over the next few months to provide the strategic direction for this work.

10.2.1 Deputy K.G. Pamplin:

I will be using my photographic memory to soak all that information up. But what I did not hear so much was the communication insight. I ask the Chief Minister: will he review doing a press conference or engagement specifically for young people using Dr. Muscat and others out there who could help communicate to our youngsters of what advice and what support is out there with what they are going through?

Senator J.A.N. Le Fondré:

Yes, I have got no objection to that at all and be very happy, again, to work with the relevant people and particularly in discussions with Deputy Pamplin to see how that can be managed. I would say there is some communication that is less around mental health but more about youngsters being done, for example, using more Instagram and things like TikTok and through the Youth Service, but obviously that is not specific to what the Deputy is referring to. We can make sure we put that in place.

10.3 Deputy S.M. Ahier:

Does the Chief Minister believe that he can deliver a population policy to the Assembly by the end of this year, even though the results of the census will not be known until November at the earliest?

Senator J.A.N. Le Fondré:

As alluded to in the Scrutiny hearing last week by Deputy Huelin, who has basically political responsibility for both population policy and population control policy, the original intention was to have an interim policy in place before the election and obviously this Assembly chose to bring that forward to the end of this year. While the Scrutiny review should not delay matters too much, obviously the debate on the population or migration control mechanisms has been deferred now until the first sitting in March. I think, essentially, what the Deputy was alluding to in that hearing, which I think is the basis for the question by Deputy Ahier, was whether it was possible to bring a full and complete policy back to the Assembly for the end of the year. He was, essentially, expressing the view that that could be difficult, particularly in the context of the timing of the census results. We

also make the point, we have had the instruction of the Assembly and we will do our best to achieve what we can, making a very clear point that the migration control policy is important on this because it then gives the levers to future politicians to turn on or turn off or control population in a far more effective way than we have had to date. That is why it is talking about laying the foundations for the migration control policy, sets the foundations then for being able to have an effective population policy going forward.

10.4 Deputy R.J. Ward:

Given that the Chief Minister's new pick for a Minister for Children and Housing and the Minister for the Environment, both have expressed support for a landlord licensing scheme today and that the Minister abstained from the vote of P.106, will the Minister now be promoting a landlord licensing law, should it come back to the Assembly, both himself and among his Council of Ministers?

Senator J.A.N. Le Fondré:

One of the workstreams that we know we have got to do, I know it is different, so the property register includes what the Deputy just alluded to. I will be sitting down with the new Minister for Children and Housing in due course to work out how the working responsibilities are going to be set up, including the delegations for Assistant Ministers and ensuring that that sort of work programme is given some clarity and some timing.

10.4.1 Deputy R.J. Ward:

Can the Chief Minister clarify that there was a difference between a register of landlords and licensing? Will he commit to the development of licensing sooner rather than later, given that we have the regulations ready to go and we have the laws in terms of minimum standards of housing?

Senator J.A.N. Le Fondré:

As I said, I will be sitting down with the new Minister for Children and Housing to work out the timing of all the various priorities that no doubt he will have and taken account of. The items that the Deputy has referred to, we will work with the Housing Policy Development Board and of course any other matters that come through that are relevant.

10.5 Senator S.Y. Mézec:

A written question has revealed that while the Chief Minister has been in office he has had more than 50 scheduled meetings with business groups but has had just 3 with faith groups and 2 with trade unions. Does the Minister not accept the value that these groups could be bringing in sharing their experiences with decision-makers and transmitting the views of the many people that they represent to those at the top of Government?

Senator J.A.N. Le Fondré:

I think it is about not necessarily always the quantity of the engagement that we have but sometimes the quality of the engagement. Yes, the point he makes is relevant. I would make the point that with the whole of the pandemic of last year and obviously continuing, that obviously does skew the work that we do at present and how we have been interacting with all parts of society.

[16:00]

10.5.1 Senator S.Y. Mézec:

Of course it is going to skew what work you are doing but surely part of that skew would be towards some of the most vulnerable people in Jersey who have been affected worse by this crisis and it will, in many instances, be those faith groups and trade union representatives who will have seen these people on the shop floor face-to-face and understand what their needs are. Will the Chief Minister commit to doing what the Assembly unanimously agreed in an amendment to the C.S.P. (Common

Strategic Policy) and hold proper engagement sessions with these faith groups, with trade union groups as well, so that their perspectives can be included in Government thinking so that he is governing in the inclusive way that he promised Members he would?

Senator J.A.N. Le Fondré:

Just because I have not necessarily met personally, other than what we have talked about, it does not mean that meetings have not been taking place with Government. For example, since the pandemic, using the unions as an example, they have met, I believe, 137 meetings with Government of representatives; that does not mean there is no engagement. From recollection, my understanding is that unions ... and I do have to thank them for the way that there has been a lot of collaborative work in these areas. I have met, I think, weekly with generally officials and obviously with things like the Connect Me and even such as the homeless policy, there is a lot of engagement going on, particularly to address the vulnerable that the Senator is referring to. Indeed, we have commented on that on previous exchanges in questions without notice on the support that is being put in place.

10.6 Deputy G.J. Truscott:

Fort Regent has been identified as a potential regeneration project, could the Chief Minister advise when the much-awaited report on the Fort's future will be released?

Senator J.A.N. Le Fondré:

There is a programme of announcements coming through over the next 2 to 3 months and the Deputy, I hope, will be delighted to know that Fort Regent is among those. As well as various other briefings that are in the pipeline for Members, there will be a briefing, several briefings I suspect, on either directly Fort Regent or projects that relate to Fort Regent over the next, I will say, 2 to 3 months. I do not have the strict timeline in front of me but in quite close time. I hope Members will be delighted with the plans that we will be announcing in due course.

10.6.1 Deputy G.T. Truscott:

In terms of millions, could the Chief Minister indicate how much will have to be spent on reviving the Fort, bringing it up to modern standards?

Senator J.A.N. Le Fondré:

I cannot give a total figure because it very much depends on one's timescale. There is funding in the Government Plan for some of the projects. There are one or 2 bits that are in the fiscal stimulus bid for moving some projects forward. Those are all achievable numbers and are doable within our present financing framework. The Deputy is right though in remembering that Fort Regent is a much-loved asset of the Island, has not been invested in for a long time and to remedy that properly will be another investment that we have to do. But the short-term measures that we can put in place mostly are either budgeted or can appear from the fiscal stimulus side.

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

Seeing as we are saying the Fort is a wonderful asset and great for the Island, what is the Chief Minister wanting to do about the opera house? The Jersey Opera House is going down into a dilapidated condition, which is very sad, and the Islanders have worked so hard to keep it as a theatre and it is well-admired by a theatre. With everything that is happening at the moment we could have had an electrician going through it and some of the work could have been done. Could the Chief Minister tell me what plans he has for the Jersey Opera House, please?

Senator J.A.N. Le Fondré:

Similar to Fort Regent, and the Connétable will not know this but I did do, I do not know, in days gone by at least 2 or 3 shows in backstage and used to know my way around some of the ladders and back corridors of that part of the opera house quite well. It also has a very soft spot in my heart and

what I can say is that in terms of getting the electrician to go around and see what needed doing, that work has been done. I think that was alluded to in the press very recently. That was the work that was commissioned before Christmas operationally from within the government. My understanding in terms of funding is that the opera house has completed an expression of interest for the Fiscal Stimulus Fund and they have been invited to submit a business case; that means they are on to the next stage of assessment. I believe that assessment then takes place over the next few weeks. Provided that funding is granted, I make no commitments on that at this stage but bearing in mind what I have just said, then that would allow that work to go ahead, I understand.

PUBLIC BUSINESS

11. Draft Wildlife (Jersey) Law 202- (P.110/2020)

The Bailiff:

That brings the period of time allocated to questions to the Chief Minister to an end and that is the end of the last questions to Ministers without notice. We now move on to Public Business. I will remind Members we adhere to the normal time limits that have become established and the first matter is the Draft Wildlife (Jersey) Law 202- P.110, lodged by the Minister for the Environment. The draft law was previously adopted as to the principles but were referred to Scrutiny and the debate, therefore, continues in Second Reading in considering of the individual Articles. The main respondent will be the chair of the Environment, Housing and Infrastructure Scrutiny Panel. Two amendments have been lodged; one by you, Minister, as to Article 1 and presumably we will take that as amended then and to the first schedule and similarly; and one by the Deputy of St. Martin to Articles 8 and 34. Do you accept the Deputy of St. Martin's amendments?

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

Sir, could I ask that Deputy Guida be the rapporteur for this item and deal with that question, Sir, may I do that?

Deputy G.C. Guida of St. Lawrence:

Yes. Sorry, no, I do not accept the amendment of Deputy Luce.

The Bailiff:

How do you wish to take the Articles, Deputy? Presumably 1 to 7 first and then we will come on to the amendment.

11.1 Deputy G.C. Guida (Assistant Minister for the Environment - rapporteur):

Absolutely. I will stop for Article 8, which is part of Deputy Luce's amendment and I will stop for Article 35, which is also part of his amendment, if you accept should split it.

The Bailiff:

Very well. Then we will take Articles 1 to 7, Article 1 as amended by the Minister's own amendment. Yes, do you wish to propose those Articles then, Deputy?

Deputy G.C. Guida:

Yes, Sir. I would like to speak about the Articles as well, is that ...

The Bailiff:

Yes, Deputy, absolutely.

Deputy G.C. Guida:

Yes, well the first thing I would like to do is to thank Scrutiny for their robust examination of this complex law and I am sincere in this, for giving us the time to alleviate the concerns of some of the

stakeholders affected. We accept all of their recommendations and we will continue dialogue with the stakeholders where all the necessary guidance is written. I will now go through all the Articles, trying to be as quick as I can. Article 1 defines terms and concepts used in the law as a whole. One important innovation throughout this law is the concept of deliberate actions. Article 1 defines how “deliberately” is to be integrated. This is a change from the more traditional legal form of “intentionally”, which was revisited to remain compatible with European law. It is an important but very subtle difference, which we have tried to make more explicit with the small change of wording in our second amendment. Article 2 sets out the general purpose of the law, which confers 2 general levels of protection and Articles 3 and 4 define the protected wild animals, birds and plants which are protected at the highest level, while Article 5 provides higher levels of protection specific to certain wild animals present. Part 2 creates a number of offences, describes differences and introduces acts authorised by licence. Article 7 provides that it is an offence deliberately to kill, injure or take a protected wild animal, bird or insect. It gives exceptions when authorised by a licence or by the Animal Health (Jersey) Law 2016 or the Animal Welfare (Jersey) Law 2004. I would like to propose Articles 1 to 7, as amended by us, again the amendments.

The Bailiff:

Are the Articles 1 to 7 seconded? **[Seconded]** Does any Member wish to speak on Articles 1 to 7 or any of them?

The Connétable of St. Brelade:

Sir, if I may, the Connétable of Grouville will act as rapporteur for the panel on the Second Reading.

The Bailiff:

Yes, that is absolutely fine, the Connétable of St. Brelade. Does any Member wish to speak on Articles 1 to 7 or any of them? If no Members wish to speak, the Connétable of Grouville.

11.1.1 Connétable J.E. Le Maistre of Grouville:

I am not quite sure, you might be able to advise me, am I allowed to speak on each of the Articles as they come up or is this counted as one speech for all of the Articles?

The Bailiff:

This is counted as one speech for Articles 1 to 7. Please, in this speech if you have any comments on Articles 1 through to 7, as amended, you can make any of those comments and observations but you have the opportunity to speak again when we move on to the other Articles, Connétable.

The Connétable of Grouville:

I should just make it quite plain, I am no longer actively involved in agriculture in any significant way but people probably know that I do have a background in farming and I keep a close ear to the farming community. The principles of this law were adopted by the States at the end of last year but at that time the E.H.I. (Environment, Housing and Infrastructure) Panel were aware of concerns that the farming community had regarding the effect the law would have on their day-to-day activities and so the panel called in the law for further scrutiny. Up until the autumn of last year the communication with the department to the farming and growing community on this subject had been poor. The restrictions proposed to combat the COVID virus did not help the situation. I am convinced that the Assistant Minister, Deputy Guida, was not aware of the lack of communication until recently but I know since the agricultural conference in the autumn he became aware of the situation and he has been meeting representatives of the dairy and growing industries, and he has been addressing their concerns. I know the industry is grateful for the time he has given to this subject over the last few months and they are looking forward to working with him to develop the practical guidelines that will be needed in order to make this law work. There were 2 main concerns that the farming community had. The first was the potential conflict between the legal requirements

for farmers and landowners to cut their hedges in order to comply with the branchage law and the obligation to protect wildlife under this new law. It has been accepted that the branchage law would take precedence over the new Wildlife Law and draft guidelines have been drawn up, I understand, giving farmers some indication of what is expected of them. The guidelines drawn up reflect the new approach taken by farmers 2 years ago after discussions with the Environment Department and environmentalists and indeed the Comité des Connétables. In essence, these guidelines require farmers to carry out the minimum of cutting of hedges, while still complying with the branchage law, which is so necessary to allow the free and, more importantly, safe movement of cars, cyclists, pedestrians and all road users. The second area of concern is the new Wildlife Law's impact on the day-to-day activities of farming. No guidelines have been set to cover these activities to date, that is my understanding, but I also understand that compliance with the law will be guaranteed if farmers are members of or follow the protocols of the L.E.A.F. (Linking Environment and Farming) organisation. L.E.A.F. is a body to which all farmers are obliged to join if they receive support from the States. L.E.A.F. is a body that sets out environmental best practice for farming and growing and they carry out independent audits on farms to ensure that farmers adhere ... sorry, Sir, I can hear terrible feedback, apologies if I stutter a little bit.

The Bailiff:

Let me see if I can help.

The Connétable of Grouville:

Thank you, Sir. L.E.A.F. is a body that sets out environmental best practice for farming and growing and they carry out independent audits on farms to ensure that farmers adhere to the requirements of L.E.A.F. standards. Farmers have been members of such bodies, some of which were supermarket-led originally for many years and the farming community take their responsibility for taking care of the environment extremely seriously.

[16:15]

One area which did not occupy too much of our panel's time, but one area that I am a little concerned of and somebody sent me an email only yesterday, is the control of non-native invasive species. There is provision in the law for the department to make funds available to control such species. One species that springs to mind is Japanese knotweed. It is thought that it was introduced into the Island as a garden plant and when people realised how persistent it was they put garden cuttings of the plants on the nearest field hedge to get rid of them. This led to the establishment of the plant in field hedgerows. It seems unfair that the farming community should have to pick up the cost of trying to rid their land of this pest. I urge the Minister to make adequate funds available, particularly in the next few years, so that landowners do not have to pick up the cost of solving a problem that was not of their making. Funds have been made available in the past but usually not adequate enough to follow the treatment through, so the affected area can be permanently cleared. In summary, the panel are fully in favour of this law and appreciate how important it is to update the 2000 law. Provided the Assistant Minister carries on his engagement with the agricultural community and continues to develop practical guidelines and that they are put in place so that farmers can follow them easily, I, therefore, ask all Members to support the Articles of the law.

The Bailiff:

Does any other Member wish to speak on Articles 1 to 7? If no other Member wishes to speak, then I close the debate and call on Deputy Guida to respond.

11.1.2 Deputy G.C. Guida:

I thank the Constable of Grouville for his kind words and 2 years ago when we started this journey it was already very, very clear to me that it would not happen without the support of the farming community. It is something that I revived a little bit a few months ago but this will not happen

without the support of the farming community and I pledge that we will work with them to make sure that they can work with this law. With that, I propose the Articles.

The Bailiff:

I ask the Greffier to place a vote into the link. The vote is on Articles 1 to 7 and I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Articles 1 to 7 have been adopted: 43 votes pour, no vote contre and no abstention in the link and an additional one indicated over the chat, which we will call it that.

POUR: 44		CONTRE: 0		ABSTAIN: 0
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. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
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 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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy I. Gardiner (H)				

We come to now Article 8, do you propose Article 8, Deputy Guida? There is an amendment ...

Deputy G.C. Guida:

Yes, Sir.

The Bailiff:

Very well. Is that seconded? **[Seconded]** I am sorry, Deputy, I cut you across, I did not know if you wanted to speak, given that we will have to take the amendment.

11.2 Deputy G.C. Guida:

I will just quickly describe Article 8, so that we know what it is about. Article 8 creates offences of interference with dens and nests of protected wild animals and birds. There are some exceptions when the act in question occurs within the living area of the dwelling house. With that I would like to propose Article 8, please.

The Bailiff:

Is Article 8 seconded? **[Seconded]**

Deputy J.H. Young:

Sorry, is that the Article 8 seconded, as proposed second, Sir?

The Bailiff:

Yes, so the second is proposed, then we will come on to consider the amendment.

11.3 Draft Wildlife (Jersey) Law 202- (P.110/2020): amendment (P.110/2020 Amd.) - Article 8

The Bailiff:

Yes, then there is an amendment and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 33, Article 8, for Article 8(3) (prohibitions relating to dens and nests, et cetera) substitute - “(3) The prohibitions in paragraphs (1) and (2) do not apply, except in relation to a bat of a species listed in Part 1 of Schedule 3, to anything done within - (a) the living area of a dwelling house; (b) the footprint of any domestic premises attached to a dwelling house; or (c) an area inside the curtilage of a dwelling house and extending to no further an 10 metres from the exterior of the house.”.

11.3.1 The Deputy of St. Martin:

I will not keep Members long. I just want to start at the outset and say that I am a great fan of this law; it is long overdue. We have a wonderful Island and we need to protect it and its animals and biodiversity as much as we possibly can. In my 3½ years as Minister, which came to an end 2 years ago, as the Assistant Minister has said, this law was in draft and I asked a number of times to see it but it was never quite ready in a good enough draft for me to look at. Consequently, I did not have time to look over it. But it is clear to me that this law has been put together by the senior officers in the Environment Department and reviewed greatly by other environmentalists. I am very keen to make sure that we will always have compromises. We all have to live on this Island, whether we are wild animals, domesticated animals, human beings. We need to be sure that we sometimes just do not go too far. I am keen to strike a balance and I am keen to make sure that humans on Jersey can enjoy the Island as much as all the wild animals can and that is the reason I brought this amendment. Members will know that this new Wildlife Law applies protections that do not apply within the living area of a dwelling house and that means to me everything that is outside of a dwelling house and this is where I have some concerns, and I think we need to find a small compromise and it is small. This outside area, outside of your dwelling house, could be your porch, in your car-parking area, it could be a pathway, it could be an access to your property. I want to remind Members and I am just going to read from the draft law, that under the protection of dens and nests it is now against the law: "Dens and nests may be in use, even if they are temporarily unoccupied." A nest or an area does not even need to have an animal in it to be protected and that wild birds and animals are not allowed to be disturbed, whether they are in the vicinity of a nest or den or not. This, to me, is quite relevant and what I am asking here is that we have a very small amount of area around dwelling houses where people live, where the humans can have a little bit of protection to enjoy and access their property and just allow them a bit more freedom and a bit more latitude within the law to enjoy their access to their homes and to protect them in areas that are close to where they live. That is as far as I go at this point; this just makes a small area around people's properties not liable for infraction under this Wildlife Law. I am not saying for one minute that people will use it and there will be many, many instances where the public will encourage wildlife. But it may just be that you could find a nest or a wild animal on an access that will stop you getting to your house, stop you parking your car, stop you parking your bike, stop you getting into your garden and I just want to make it a little bit easier for humans, given that this law is very predominantly in favour of wildlife and biodiversity.

The Bailiff:

Thank you very much. Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

11.3.2 Deputy G.C. Guida:

I am afraid this amendment, unfortunately, goes a little bit too far. I sympathise with the idea in general and it is probably something that we should work together to write guidance about but as it is it is quite dangerous. Maybe the key is that there is no such thing today as a difference between human habitat and wildlife habitat; it is the same. We live in the same place, we share the same space. Of course, in a fairly urban area like Jersey it is even more the case but it is true of the entire world. We have just had a report from the U.K. where the introduction mentions a list for the statistics; 95 per cent of the mammals on the planet are humans and their livestock. Wild animals, wild mammals, the animals that we protect in this law, represent 5 per cent of the mammals on the planet. For the birds it is 70 per cent but all birds are poultry; they are our animals. When we mention the wild birds and wild mammals we are not talking about a very large part of what remains on the planet. Certainly, again, in a mostly urban area like Jersey, if we start denying them what we would consider our space, there is nothing left. I would like to talk about hirundines. Where would swallows go if you did not allow them to nest below roofs? What about house martins? What about house sparrows? They are called house, they need the houses to live in. Lizards use our walls, crapauds use our ponds. If we start denying protection in our environment wildlife will not have an

environment. We can look at guidance for extreme cases. Again, in Jersey I cannot even think about one because you could have a badger set up on your door in the U.K. but it is not something that is likely to happen in Jersey. If puffins decide to nest under your wall, are you really going to try to move them along? Again, it is something that we can probably work together on using guidance but it is not something that we can accept and, something quite important, this law is not for humans. I apologise in advance but this law is for wildlife.

The Bailiff:

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

11.3.3 Deputy M. Tadier:

Yes, Sir. If I can phrase my concerns and my thoughts first and then see if it is something that the Attorney General can answer, otherwise it would just be part of my speech at this point. I know where the Deputy of St. Martin is coming from on this issue, partly because I have recently dealt with a constituent who had an issue with bats living in her roof. I think it was resolved in the end by, essentially, her working with the Environment Department but it was not a very satisfactory process; it was long and drawn out. Ultimately, I think she was being asked to do things by the department, which they had no legal basis to do. I say those comments without prejudice but I have got some evidence for that. As I said, there was a need for it to be done by consensus. My concern here is that we all want to protect wildlife but it is important that the law is usable and that people do not find themselves pushed into unintended consequences and actions. It might well be, for example, if we put a law in place that is too strict and does not have any flexibility in it, people might simply choose to ignore the law and to break it.

[16:30]

While they would be committing an offence, of course that would rely on them being caught, whereas if there was a different approach taken, which was maybe perhaps more sensible, then it might encourage people to contact the department because they know that they would get a more sensible response simply than one saying: "No, the law says you are not allowed to touch this." The example I would give and the question that I have in my mind, let us imagine you have ...

The Bailiff:

Deputy, just a second, I appreciate you may have a question but I am taking this to be your speech. When you ask a question of the Attorney General and he answers it I will ask you if you wish to continue your speech.

Deputy M. Tadier:

That is fine, Sir.

The Bailiff:

You have not made a speech so far, very well.

Deputy M. Tadier:

Yes, sorry, Sir, I thought I would intertwine the 2 and I do not want to make a second speech. If I ask the question of the Attorney General I may wish to continue, depending on what he says but it is more so out of courtesy to give him prior notice that I would be asking a question, so I think I am coming to that. If I understand correctly, there is a difference between the domestic dwelling house, which will be covered in the law, but if somebody has, for example, a shed or an outbuilding which it is then discovered that there is some type of wildlife that lives in there but it is wildlife that is not wanted by the owner of the premises. Also, if they find themselves in there and they have moved in since the property was acquired and that, for example, the only reason that the wild animal is living in that place is because it had fallen into disrepair, for example, a hole had appeared in the roof or

the wall, which under normal circumstances if there were no wildlife living in it the owner would normally wish to repair as soon as possible to keep that part of the property wind and watertight. Because that is what one does, as a good owner. Remember this could also apply to a landlord who is tenanting out a premises for rental, who would, at the same time, have an obligation under his tenancy and, potentially the Residential Tenancy Law, to keep his property wind and watertight and certainly there will be an ethical responsibility on him or her to do that for the enjoyment of his or her tenants. But at the same time there might be a conflict because this new law would say you cannot repair that roof now, and you would speak to the department and they say: “No, you cannot do that because there are now bats or there are now frogs or toads or whatever is now living in your shed”; the sheds which you might store your grain in or whatever. It might prevent the purpose of that shed being used just because a hole has inadvertently appeared in it and under normal circumstances you cannot repair it. You may not even be able to repair it, even if that bird or bat species migrates for the winter because the Environment Department will say: “But they are going to come back” or they will say: “They might come back, this is their home now.” I am asking the Attorney General, could we find ourselves in a situation without this amendment whereby an owner could find that they could never repair such a building, an outhouse, a shed because the law would prevent them from doing so? Because if they were to repair it they would be contravening and destroying that habitat of the creature. If that is the case, where does the law lie in terms of the proportionality and the enjoyment of one’s property vis-à-vis trying to protect wildlife, which I think we all want to do? That is my question. I am going to try and plug back in while the Attorney General is answering that because I am running out of battery.

The Bailiff:

All right. Mr. Attorney, are you able to answer that question?

The Attorney General:

I was not listening to all of the debate which preceded the Deputy’s question. But I do note that Article 8 includes a provision that the person does not commit an offence if the person acts under and in accordance with a licence. The safest course for a person in the circumstances, as outlined by Deputy Tadier, would really be to seek assistance from someone who does have a licence. In relation to the various situations that he suggested, I have to say it was not entirely clear to me whether we were dealing with an actual dwelling house, as referred to in the Article, or some sort of outhouse. It seems to me that the law is applying to someone’s dwelling house that they live in, rather than an outhouse. I think that is probably as far as I can take it at the moment but I am happy to answer any further questions that may arise in relation to what I have said.

Deputy M. Tadier:

That is helpful to a certain extent but I think the reason I was mentioning outhouses is because the way I read it is that the Deputy of St. Martin is keen that it does not just impact on the immediate dwelling house but that the domestic curtilage, which could include those kind of areas which still need maintenance. I am just seeking clarification about the proportionality of the balance between wishing to preserve nature’s habitat on one side versus those being able to have good maintenance of those areas. I hear what the Attorney General said about requiring a licence but it still is dependent on the department issuing a licence before being able to proceed, which there is no guarantee they would do. In my experience they may well say: “No, I am afraid we cannot give you a licence because our job as environment is to protect wildlife and that is what the law is there for, so you cannot have a licence.” Insofar as it impacts on the amendment that we have in front of us, I think that is where my question is coming from.

The Bailiff:

Deputy, that concludes your speech?

Deputy M. Tadier:

That is just my question really, that is reiterating my question.

The Bailiff:

Mr. Attorney, are you able to assist any further?

The Attorney General:

I am not sure that I can. I had thought that the Minister's concern with the amendment was that if it was adopted we would not be in compliance with the relevant international standards, so that is the basis of his objection. In terms of, look, is this going to create some sort of problem for the future for owners of dwelling houses who cannot repair their houses if they have got bats in them? Then I think I would simply have to revert to my previous answer, that really if there is to be any work carried out it would seem the safest course to a homeowner in those circumstances or a home occupier that they would get assistance from someone who does have a licence. It may be that the Assistant Minister can help to clarify whether guidance that is to be issued will deal with this particular point. But I do not think I am able to amplify on my previous answers to the Deputy's question, beyond what I have already said.

The Bailiff:

Thank you very much. Deputy Tadier, have you finished your speech?

Deputy M. Tadier:

Can I thank the Attorney General for those answers? I will conclude there, just to add that I ... the Deputy when he sums up, if that speech was germane and how he feels about the purpose of his amendment to address those kind of issues but that is my speech.

11.3.4 Deputy K.F. Morel:

I would like to thank the Deputy of St. Martin for bringing the amendment. It is definitely an interesting one, which does get to, I think, kind of the heart of a very important matter for this Island. That is sharing 45 square miles of rock between 110,000, and counting, people and the wildlife, which ordinarily would live here. We heard earlier today that 10,000 homes need to be built on this Island, which will only happen in concrete and various other forms of synthetic materials in the main, meaning that there will be less and less room for wildlife in this Island. As we build those thousands and thousands of concrete structures, we do not just push out wildlife from their natural habitats, we also replace that with new habitats. Those habitats are part of our homes, we have to accept that. The law itself, as presented by the Assistant Minister, clearly states already that the living areas of homes are exempted but it does not exempt areas like garages, sheds, outbuildings, et cetera that may be outside. I personally think that is absolutely correct because those areas, garages, sheds, people's gardens become the new habitat for the wildlife that we are displacing through this constant concreting of this Island. In fact it was Deputy Guida in his initial response to the Deputy of St. Martin's amendment mentioned house martins and that brought to mind someone who lived next door to one of my relatives who had a garage, which was detached from the property on a slightly separate piece of land, which housed a number of house martin nests. One day, just because he did not like the nests, that person went in and just destroyed and removed all of those nests. Personally, I find that an egregious example of destruction of wildlife habitat and I was incredibly saddened to see that happen. If he is worried about dirt on his car, then it is not very expensive to invest in a cover for the car; they are easily available at all garages. I do feel that as our population continues to grow in the absence of a population policy and as we continue to build more and more homes on this Island, many of which will have garages, many of which will have other outbuildings, we need to accept that those outbuildings, et cetera, become part of the new landscape which wildlife will seek to find homes in. I believe it is upon us to let them do so because if we do not do that, if we do

not let them do so, then the Island's wildlife will continue to shrink and will continue to suffer at our hands. I will not be supporting this amendment because I think the balance is already there in the original regulations as proposed. Perhaps the Deputy of St. Martin can respond to this if necessary. As I read the amendment some people have mentioned bats and I think that is a slight red herring because I believe the Deputy of St. Martin's amendment kind of excludes those certain species of protected bats. If it was to be passed, then they would still enjoy protection within those areas, such as garages, et cetera. In that sense all talk of bats, I believe, is irrelevant to this conversation; it is other wildlife that is being discussed here. But for myself, personally, if there are some house martins nesting in your garage let them be, let them enjoy it. Enjoy the fact that you have the privilege or we, as Islanders, have the privilege of living so close to wildlife. But as we build we need to give that wildlife space to live and our garages are one of those spaces that I will be happy to share with wildlife. In fact I would be delighted to see nesting animals, et cetera in my garage.

11.3.5 Deputy G.J. Truscott:

I was not going to speak on this one but I thought I could offer an example of how this amendment could affect things. I am quite privileged, lucky, I have got a house that was built in 1950 and we are surrounded by a fairly large garden that is fully enclosed. But it is a nature reserve; we have got squirrels, we have got bats, we have got wild snakes, you name it, crapauds are everywhere.

[16:45]

I was out the other night, on a mild night, and I counted at least 30 crapauds out looking for company and it is marvellous, it really is. I have got a pond that is within 10 metres of the house, so it would be affected by this amendment. But it is an absolute haven of wildlife. We have got newts in there, it is like newt city; you can count them on 10 fingers quite easily, there are loads of them. It is just that with this amendment there would be nothing, effectively, stopping me from filling in that pond and destroying that wonderful wild habitat and I think that is fundamentally wrong. I do believe that Regulation 8 does protect that pond from such a thing and obviously I would not do that. I am very much into my environment and protecting it, as we all are. I just have that concern and that is why I do not think I will be supporting the Deputy's amendment, but I know where he is coming from.

11.3.6 The Connétable of St. Brelade:

A couple of points really. I think that, with all due respect to Deputy Morel, my understanding from Article 8(3) is that it only applies to bats and our house martins will not be affected by the Deputy's amendment. My point really is over the health issue. Information that has come to me indicates that there are concerns over the risks to the public with regard to the potential carrying of viruses by bats. It seems to me that it is something that the Deputy's amendment covers off. While buildings play a part in the activities of some animals - and I do not deny that that should be the case - European directives and policies should not be assumed to support false provisions for wild animals in people's homes. Now, I know that the Deputy is spreading that into close outbuildings, but it seems to be a dangerous assumption to assume that bringing bats closer to people is a safe thing to do. There is evidence that suggests that they can carry various viruses and diseases. That evidence is disputed by others, but of course as they are migratory species we cannot be sure that this will be the case for ever. I do feel this is a risk and the Deputy's proposed amendment is a balancing act, which I think would be well worth supporting.

11.3.7 Deputy J.H. Young:

I am not going to be able to support the Deputy's amendment, as I accept from what he says that it is well-meaning, but unfortunately it has very major consequences if it is adopted. It is very infrequently that we get to update a law like a wildlife law. It is 20 years since the last law was passed and it is really very important. The pressures on our environment have increased hugely in that time and we really do, as a civilised society, I think need to embrace and put into place the legal

framework which meets the international conventions that Jersey has for many, many years signed up to. I think it is in the spirit of Jersey that we want to look after our wildlife. I would ask that if this amendment is passed, it would not be compliant, as the Attorney General says, but a second reason is I think a practical reason. I think, as I understand the Deputy's amendment, he seeks to extend the existing extension, which at the moment applies in the living area of a dwelling house, to the footprint of any domestic premises attached, which is basically outbuildings. That must be garages, sheds, all sorts of things, annexes - of course we know Jersey has got a massive variety of such structures - and also an exemption then within 10 metres of the curtilage, and of course where do you draw that? I think my concern about that is that many of the ... Deputy Morel was absolutely spot on. I really, really absolutely agree with every word he said, but it is also true that over time those outbuildings get up for potential development and put into other uses, even into residences. That I think provides an opportunity for - and my fear is - developers who wish to clear any wildlife that they see when properties are required from the site so that they do not have to carry out assessments of the ecological value. I certainly experienced a very large number of complaints about that practice. I think if we were to enshrine that in law, the amendment, I think that would undermine potentially the sort of ... what we are trying to do is to do better for our wildlife. Now, the law gives us hierarchy. It is a very structured law. Deputy Guida has absolutely worked on this tirelessly and I think it is really ... there is a good structure there and I am worried about developers. Now, I think the Attorney General's answer spoke about licences. When one is looking at regulations, I think one needs to have a very good and clear basis in the law, but where flexibility comes, if it is required in the individual circumstances, is in how the law is administered. We do have the opportunity to deal with licences, because there will be exceptional situations, but we also will need to have guidelines and rules as this law goes into effect, but it is going to serve the Island for a very long time, I suspect. I think that we should not go with the amendment and I think it is a bit of a shame that bats have come in. We all know the emotion of bats, we are all going through a pandemic and there is all this, lots of discussion about how the jump of viruses can happen between animal species and human beings and so on. Yes, it is a real shame, but there are lots of other animals and the law sets them out: toads, grass snakes and all the birds and so on. I absolutely empathise with what Deputy Truscott said. It is just wonderful to share that. I think, yes, let us please not dilute this law down with this change and let us rely - Deputy Guida I am sure will deal with this question - on how this law works in practice so that when exceptional and difficult circumstances ... I understand what Deputy Tadier is saying there. One does hear a question of, if you like, an over-bureaucratic approach and I do not want to be party to that and nor does Deputy Guida, I am absolutely sure, in what he spoke about, the way he has built the co-operation with the farming industry and so on. But I think for those reasons I really support Deputy Guida very much. He has taken a lead in this and I do not think we can go with the amendment.

11.3.8 Senator S.C. Ferguson:

As the Minister for the Environment is saying, we are busy coping with a bat-generated pandemic, so where is the evidence supporting this amendment with regard to our local bat population? If you want to change your wooden coffer to plastic ones, with this we are tying people to constant future expenditure. Is that fair? I do not know. I would like the Assistant Minister to comment on this, because I do not like sort of dictation from the powers that be that condemns me to future expenditure because you have to paint your pelmets around the house very frequently. If you live near the sea, you have got to paint them even more. Are we doing this in the interests of the population? I do not know. I would like a comment on it, please.

The Bailiff:

Thank you very much, Senator. Does any other Member wish to speak on the amendment? If no other Member wishes to speak on the amendment then I close the debate and call upon the Deputy of St. Martin to respond.

11.3.9 The Deputy of St. Martin:

Let me start by addressing Senator Ferguson, the Constable of St. Brelade and Deputy Morel about bats, because bats are not part of my amendment now, they are not in any way affected by the changes that I propose. I would comment though, given the opportunity to talk about bats, that they do concern me, as an owner of property who has spent a lot of money providing the equivalent of a Hilton hotel for bats, both inside and outside, a recent refurbishment. I am extremely concerned that people who are not officers, are not delegated any powers, but seem to wield great effect on applications to the Planning Department over bats, and that is something that needs to be looked into, but it is not for today and that is another time. Bats are not part of this amendment. To the Minister, Deputy Young, I hear his words and I share much of his concern, but it is a little bit disappointing that he has not come back and tried to meet me halfway here or propose any compromise. He talks about it depending on how the law is administered and I find that a very interesting thing to say. Is he saying on one hand that maybe it would be administered this way, and on the other hand maybe it might be administered so strongly on the other? I hate subjectivity in these matters, which is why when the Deputy, the Minister and his Assistant Minister mentioned guidance I get worried, because if you want to use guidance, well, let us see it. Why was the guidance not published with this draft law so we know exactly what these things mean? I do not like signing up until I have read the detail. If the Minister wants to use guidance, we should have seen it before he proposed this draft. Deputy Morel mentioned swallows and house martins and I have got those animals living here in my property and I certainly do not intend to ... in fact, I positively encourage them to stay, but the point I would make is that under this new law, there will now be an offence of deliberately disturbing wild birds, swallows and martins, whether they are in the vicinity of the nest or the den or obviously if they are in the den. At the moment dens and nests are protected, but this new law will make it an offence for me to walk into my garage and disturb a swallow or martin in such a way that it flies off. I am concerned about that. I take great enjoyment helping these birds to nest on my property, but somebody who was particularly overbearing could come in and say that when I go into my garage to get maybe a spade or to work in the garden and I disturb a bird, I will now be breaking the law, it will be an offence for me to do that.

[17:00]

Deputy Tadier mentioned very briefly where you are and where you are not causing an offence and under my amendment, my amendment extends the protection you get. The proposed law gives you protection inside your dwelling house. My amendment would extend that to other buildings attached to the dwelling house and take that protection out a distance away so that members of the public would not be breaking the very many new laws or creating the very many new offences which are created in this law. Finally, I come to the first person who responded, the Assistant Minister, Deputy Guida. Again, he mentioned guidance and it does worry me that guidance yet to be written will be used to administer, and I worry about the subjectivity. Deputy Guida said we have to share the habitat and everything on the Island is shared these days. I agree with him in many respects and I could jokingly say I am glad that I am not having to share my habitat outside my house today under such temperatures. But I would just finish by saying this: if things are so bad, why do we need to change the current law in the way we are proposing? Our bat population is increasing dramatically. I know my amendments do not refer to bats, but in many cases we are doing much, much, much better than we did in the past. So I ask Members here to support my amendment, an amendment that was just brought to try to find a small compromise and give a little bit of protection to the humans in this law, which is very, very heavily written. Well, it is written for the benefit of the wildlife and biodiversity of the Island. I call for the appel.

The Bailiff:

Thank you very much. I ask the Greffier to place a link into the chat.

Deputy R.J. Ward:

Sorry, Sir, can I check that this is for the amendment that we are voting on?

The Bailiff:

Yes, we are voting for the amendment and then, as amended or not, we will continue to debate Article 8 thereafter. So the vote is on the amendment. 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 amendment has been defeated: 13 votes pour, 32 votes contre and no abstentions.

POUR: 13		CONTRE: 32		ABSTAIN: 0
Senator S.C Ferguson		Senator L.J. Farnham		
Senator T.A. Vallois		Senator J.A.N. Le Fondré		
Senator S.W. Pallett		Senator K.L. Moore		
Connétable of St. Brelade		Senator S.Y. Mézec		
Connétable of Grouville		Connétable of St. Helier		
Connétable of St. John		Connétable of St. Clement		
Connétable of St. Peter		Connétable of St. Lawrence		
Connétable of St. Ouen		Connétable of St. Saviour		
Deputy of Grouville		Connétable of St. Martin		
Deputy of St. Martin		Deputy J.A. Martin (H)		
Deputy of St. Mary		Deputy G.P. Southern (H)		
Deputy of St. John		Deputy K.C. Lewis (S)		
Deputy I. Gardiner (H)		Deputy M. Tadier (B)		
		Deputy M.R. Higgins (H)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy S.M. Wickenden (H)		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy L.B.E. Ash (C)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		
		Deputy K.G. Pamplin (S)		

The Greffier of the States:

The Members who voted pour were as follows: Deputy of St. Martin, Deputy of Grouville, the Constable of St. John, Senator Pallett, Constable of St. Brelade, Constable of St. Ouen, Constable of Grouville, Senator Vallois, Constable of St. Peter, Constable of St. Mary, Senator Ferguson, the Deputy of St. John and Deputy Gardiner.

11.4 Draft Wildlife (Jersey) Law 202- (P.110/2020) - resumption

The Bailiff:

We now return to the debate on Article 8. Does any other Member wish to speak on Article 8? If no Member wishes to speak on Article 8, then I close the debate and ask the Greffier to place a vote into the link.

Senator S.C. Ferguson:

I started typing before you had finished speaking, Sir.

The Bailiff:

I am sorry, Senator, the rule is that once I have provided reasonable time for people to indicate a desire to speak and if they have not indicated before I say: "I close the debate" but we have now got ...

Senator S.C. Ferguson:

I type very slowly. I will throw in the towel.

The Bailiff:

Thank you very much indeed. I ask the Greffier to place a vote into the link. I open the voting and ask Members to vote. The vote is on Article 8. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Article 8 has been adopted: 41 votes pour, 2 votes contre in the link and a further vote pour in the chat.

POUR: 42		CONTRE: 2		ABSTAIN: 0
Senator L.J. Farnham		Senator S.W. Pallett		
Senator S.C Ferguson		Connétable of St. Mary		
Senator T.A. Vallois				
Senator K.L. Moore				
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. John				
Connétable of St. Peter				
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 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 St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you propose Articles 9 to 34, Deputy Guida?

11.5 Deputy G.C. Guida:

Yes, I would like to propose the following Articles. I will go very, very quickly through them. Basically the rest of the Articles offer different levels of protection to specific animals and birds, also their dens, nests, eggs and offspring. They also deal with trade in animals, import, export and selling or keeping animals that are protected. There is an Article on the use of devices and methods to kill, injure or take wild animals. Again, we have been talking with stakeholders about the use of these and I think that we are in agreement. Part 3, I will be very quick, it does exactly the same, but for plants, and also we talk about the control of invasive non-native species, which is greatly enhanced in this law. Part 4, that is quite important. Now, part 4 is about invasive non-native species control. Article 34, I will just mention this one in particular. It requires the Minister for the Environment to designate and publish strategies for the conservation of biodiversity, including a list of important habitats and species. Article 34(5) and (6) require a public body on which a duty to have regard to promoting conservation and biodiversity is imposed under Article 2, to publish a report on actions taken in pursuance of that duty on a 5-yearly basis. This is quite important because it is the first time that we have put this burden on the Government to take care of the Island's biodiversity. I will stop at Article 44 and propose Articles 9 to 34 together.

The Bailiff:

Articles 9 to 34 are proposed. Are they seconded? **[Seconded]** Does any Member wish to speak on Articles 9 to 34 or any one of them? If no Member wishes to speak, then I close the debate and ask the Greffier to post a vote 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. Articles 9 to 34 have been adopted: 42 votes pour, no votes contre and no abstentions in the link and a further 2 votes pour in the chat.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of 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 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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

We come now to Article 35. Minister, do you propose Article 35? This is of course subject to a discussion on amendment. Do you propose Article 35?

11.6 Deputy G.C. Guida:

Yes, Article 35 empowers the Minister to make orders designating an Area of Special Protection and making further provision for protection within such areas of specified wild animals, wild birds or wild plants, including provisions restricting access and prohibiting particular acts or activities. Before making such an order, the Minister must give notice in writing of the proper designation to owners and occupiers of land falling within the protected area. Such notice must invite representations to the Minister and an order may not be made unless the owners have consented or have failed to raise objections within 28 days from the date of the notice. Again, there is also a right of appeal under Article 40. I would like to add that this is not a way to make stealth S.S.I.s (Site of Special Interest). This is a power for the Minister to act extremely quickly to protect transient species or species that have established recently in the Island. We have had an actual example very recently with the roseate terns nesting in the Écréhous and basically it is about that. We have not seen it very often in the Island and all of a sudden they decided to nest there. This Article would have allowed the Minister to protect them with a very, very short time. The residents of the Island who were consulted were all in agreement and were quite happy that we could raise the protection for these animals, but the law was postponed and we were not able to use it. We really hope that we will be able to use for those purposes in the next year. With that, I propose Article 35.

The Bailiff:

Is Article 35 seconded? **[Seconded]**

11.6 Draft Wildlife (Jersey) Law 202- (P.110/2020): amendment (P.110/2020 Amd.) - Article 35

The Bailiff:

There is an amendment to Article 35 and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 50, Article 35 - In Article 35(6) (designation of Areas of Special Protection) for “28 days” substitute “3 months.”

11.6.1 The Deputy of St. Martin:

I do not think this amendment will keep Members very long. It is very straightforward. In the days when this draft law was lodged last year, I was still a Back-Bencher and I was not sitting on the Environment Scrutiny Panel. As I read through the draft law and the explanatory notes, I suddenly realised that something that had appeared quite satisfactory to me had been changed in the law itself. As the Members will see from my report, it was stated in the explanatory note that a 3-month period

would be allowed for objections, which I thought was quite sensible and sort of the amount of time one would normally expect for something quite as serious as an Area of Special Protection, but then I noted that when it came to the wording of the law itself that that period had been reduced to 28 days. I found that quite surprising because 28 days is the amount of time people are allowed to object to a minor planning application, but I have to say to Members that Areas of Special Protection are not minor planning applications.

[17:15]

While I take the example that Deputy Guida has used of the Écréhous and saying the Minister needed to move quickly, it may well be that members of the public need a little bit more than 28 days for any particular reason because this law will empower the Minister to restrict access and prohibit particular acts or activities and it will be on somebody's property. They may well object to that happening. I would say that something as serious as this, the creation of an Area of Special Protection, that members of the public should have more than 28 days to object. I would think that is perfectly normal. Somebody who was drafting this law obviously thought 3 months was the right period of time, because as I said at the outset, it was written in the explanatory notes that that period of time would be 3 months. I am disappointed obviously that the Minister has come back and gone for the 28 days. I am putting the case for 3 months and I will leave it there and see what Members have to say.

The Bailiff:

Thank you, Deputy. Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

11.6.2 The Connétable of St. Brelade:

Yes, please. I am trying to type. It is the Constable of St. Brelade. If I may, just to speak in support of this amendment, which is a logical amendment. We all know of the experiences we have had over the past few months with regard to times and delays and this just seems a very sensible route to go down, so I would urge Members to support it.

11.6.3 Deputy G.C. Guida:

Again, I would like to reiterate the fact that these powers were created to be emergency powers. If we waited for 3 months to protect roseate tern in the Écréhous, they would have been done with their offspring, given that they were lucky enough to bring them to term. We are really talking about things that need to be done very, very quickly. If a bald eagle decided to nest somewhere in the Island, we would probably be extremely happy to cordon the area and make sure that it raises its chicks properly. This is about an emergency. The 28 days is the time that we allow people to voice objections, but it does not mean that we can do it without the approval of the owners of the land.

The Bailiff:

Thank you very much. Does any other Member wish to speak on the amendment? If no other Member wishes to speak, then I close the debate and call upon the Deputy of St. Martin to respond.

11.6.4 The Deputy of St. Martin:

That noise was not from me, but I will happily continue. As I said to Members, I will not drag this one out. I thank the Constable of St. Brelade for his support. He, like me, thinks that 3 months is a better period of time. This is purely a decision for States Members to decide whether they think 3 months is better than 8 weeks. I would put forward the case that 28 days during a normal summer when people might be away or for whatever reason is quite a short period of time. It may not be noticed in the *Gazette* or members of the public may not realise what is going on and I much prefer the period of 3 months. I leave it there and call for the appel.

The Bailiff:

The appel is called for. I would ask the Greffier to place 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 amendment has been defeated: 20 votes pour, 24 votes contre, no abstentions in the link and one vote each pour and contre in the chat.

POUR: 21		CONTRE: 25		ABSTAIN: 0
Senator S.C Ferguson		Senator L.J. Farnham		
Senator T.A. Vallois		Senator J.A.N. Le Fondré		
Senator K.L. Moore		Connétable of St. Clement		
Senator S.W. Pallett		Connétable of St. Lawrence		
Senator S.Y. Mézec		Connétable of Trinity		
Connétable of St. Saviour		Deputy J.A. Martin (H)		
Connétable of St. Brelade		Deputy of Grouville		
Connétable of Grouville		Deputy K.C. Lewis (S)		
Connétable of St. John		Deputy M. Tadier (B)		
Connétable of St. Peter		Deputy M.R. Higgins (H)		
Connétable of St. Mary		Deputy J.M. Maçon (S)		
Connétable of St. Ouen		Deputy S.J. Pinel (C)		
Connétable of St. Martin		Deputy of St. Ouen		
Deputy G.P. Southern (H)		Deputy S.M. Wickenden (H)		
Deputy of St. Martin		Deputy J.H. Young (B)		
Deputy L.M.C. Doublet (S)		Deputy K.F. Morel (L)		
Deputy of St. Mary		Deputy G.C.U. Guida (L)		
Deputy G.J. Truscott (B)		Deputy of St. Peter		
Deputy L.B.E. Ash (C)		Deputy of Trinity		
Deputy R.J. Ward (H)		Deputy of St. John		
Deputy C.S. Alves (H)		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

11.7 Draft Wildlife (Jersey) Law 202- (P.110/2020) - resumption**The Bailiff:**

We return to the debate on Article 35. Does any Member wish to speak on Article 35 in its unamended form? If no Member wishes to speak on Article 35, then I will ask the Greffier to place a vote into the chat. I close the debate. 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. Article 35 has been adopted, 45 votes pour, one vote contre and no abstentions in the link and 2 votes pour in the chat.

POUR: 46		CONTRE: 1		ABSTAIN: 0
Senator L.J. Farnham		Senator S.W. Pallett		
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
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 J.H. Perchard (S)				

Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Greffier of the States:

The one contre is Senator Pallett.

The Bailiff:

Minister, do you now propose Articles 36 to 54 plus the schedules, as amended by your own amendment, Deputy Guida?

Deputy G.C. Guida:

Yes, please.

The Bailiff:

Did you wish to speak to them, Deputy?

11.8 Deputy G.C. Guida:

Very quickly. Part 5 deals with licensing of activities, which would otherwise be an offence under the law and basically part 6 contains all the provisions for the operation of the law. One thing that is important about this law in general and of course that we try to apply in any new law is to make it a little bit more malleable, so this is much easier to modify. In particular, all the lists, especially the lists of protected animals, can be changed by Orders. That is quite important, that this is a law that depends on lot on its schedules and that the schedules can be modified. So with that, I propose Articles 36 to 54 and the schedules.

The Bailiff:

Are those Articles and the schedules seconded? **[Seconded]** Does any Member wish to speak on those Articles, any of them, or any of the schedules? If no Member wishes to speak, then I close the debate and ask the Greffier to place a vote into the link. I open the voting and ask Members to vote in the usual way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The remaining Articles and schedules have been adopted: 45 votes pour, no votes, no abstentions in the link and 2 further votes pour in the chat.

POUR: 47		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				
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. John				
Connétable of Trinity				
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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you wish to propose the matter in the Third Reading, Minister? Or Deputy Guida, I should say.

11.9 Deputy G.C. Guida:

Yes, please. I would like to propose it in the Third Reading.

The Bailiff:

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

11.9.1 The Connétable of St. Brelade:

The updating of this law has been long overdue and much work has been done by the department to address this. It is not unusual to find the devil in the detail, and it was these details which stimulated my panel to call the proposition for some further consideration. It is clear that the Minister is shy on resource to apply to the policing of this new law and it suggests that there will be an ongoing need for continued funding if what is being proposed is to work. Concern has also arisen over the ability for members of the public to be able to identify protected wild animals and birds in addition to the 78 protected plant species listed in schedule 8 of the law. I am fortunate in that I had a father and grandfather who were botanists, but notwithstanding that, it may be for the Education Department to include this subject in our school syllabus and I ask our new Minister for Education please to take note. The Minister has worked with the panel to satisfy its concerns and I am grateful to him and his team for their co-operation and particularly the Scrutiny officers involved in producing our comments.

11.9.2 Deputy J.H. Young:

I would like to thank the Scrutiny Panel, in the words of the Connétable. It is absolutely true that there is work to be done in the future and the Island will have to address the issue of the resources and the effort we put, but this law I believe, if Members approve it today in the Third Reading, which I sincerely hope they will, will be around for a long time. It lays a real strong framework which can help us look after our wildlife much better. I want to particularly highlight the work of my Assistant Minister in bringing us to this point, because when he and I were both elected, he was very clear that this was very much an issue which he, as my Assistant Minister, wanted to concentrate on. His background is very much in this area, and indeed as a farmer himself in a previous life. I know he has put tremendous effort into this and believe that that will pay dividends in the work with the farming industry and others in future. Picking up Members' comments, that is what I meant when I said how important this law is being put into practice. I think that is the work to be done. I can remember when the previous law went through 20 years ago and indeed I think this is equally an important day. I do believe large numbers of members of our community in Jersey will really see this as very positive if we make this step today, which I sincerely hope we do. It brings us into line to be fully compliant with international conventions. With that, I would like to support the Third Reading proposal.

11.9.3 Senator S.C. Ferguson:

I hate to sound like a complaining old minnie, but I would like to ask that the department listen to the public if they complain to them. Some 6 years ago I complained about Japanese knotweed and effectively I was told not to be stupid because it was all female Japanese knotweed and was not any problem because it did not proliferate and now it is still proliferating. I am glad to see they are talking about doing something, but please, if the public complain, listen to them. Sometimes they do know what they are talking about.

[17:30]

The Bailiff:

Thank you very much, Senator. Does any other Member wish to speak in the Third Reading? If no other Member wishes to speak, then I close the debate and call upon Deputy Guida to respond.

11.9.4 Deputy G.C. Guida:

I would like to join my thanks to the Minister for the Scrutiny Panel and its chair. Yes, they have worked very well on our project and their input was extremely helpful. I would like to promise Senator Ferguson that after years of decline, the department is growing again and that we hope to help the people as much as we can, as much as we will help the natural environment. Having said that, I would like to propose the law in the Third Reading.

The Bailiff:

Very well. I ask the Greffier to place a vote into the link. I open the voting and ask Members to vote in the usual way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The law has been adopted in the Third Reading: 41 votes pour, no votes contre, no abstentions in the link and a further 2 votes pour in the chat.

POUR: 43		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				
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. John				
Connétable of Trinity				
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 L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				

Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The adjournment is proposed and accordingly the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:32]