



Environment, Housing and Infrastructure Scrutiny Panel

Draft Food (Jersey) Regulations 202- Review

Witness: The Minister for the Environment

Monday, 9th February 2026

Hearing Transcript Disclaimer

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Panel:

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair)

Deputy T.A. Coles of St. Helier South (Vice-Chair)

Deputy A.F. Curtis of St. Clement

Deputy D.J. Warr of St. Helier South

Connétable D. Johnson of St. Mary

Witnesses:

Deputy S.G. Luce of Grouville and St. Martin, The Minister for the Environment

Ms. K. Whitehead, Group Director, Regulation

Mr. R. McAleer, Senior Regulation Standards Officer

[15:30]

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair):

Welcome to this public hearing of the Environment, Housing and Infrastructure Scrutiny Panel. Today is 9th February 2026 and this is a hearing specifically focused on the Draft Food (Jersey)

Regulations Review public hearing. I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live. The recording and transcript will be published afterwards on the States Assembly website and please make sure that all electronic devices are switched to silent. We will start with introductions. My name is Deputy Hilary Jeune and I am the chair of the Environment, Housing and Infrastructure Scrutiny Panel.

Deputy T.A. Coles of St. Helier South (Vice-Chair):

Deputy Tom Coles, vice-chair.

Deputy A.F. Curtis of St. Clement:

Deputy Alex Curtis, panel member, and I will just declare my interest in the topic as owning a business that is touched by food regulations.

Deputy D.J. Warr of St. Helier South:

Deputy David Warr and I have the same declaration as Deputy Curtis.

Connétable D. Johnson of St. Mary:

Constable David Johnson, panel member, and no declarations.

The Minister for the Environment:

Deputy Steve Luce. I am the Minister for the Environment.

Group Director, Regulation:

Kelly Whitehead, Group Director for Regulation.

Senior Regulation Standards Officer:

Ralph McAleer, Senior Regulation Officer.

Deputy H.L. Jeune:

Thank you very much, Minister and officers, for coming this afternoon. Please could you set out who the Draft Food (Jersey) Regulations will apply to?

The Minister for the Environment:

Well, the food regulations are going to apply to just about anybody who has anything to do with food in one way, shape or form. As you will know, Chair, we are categorising businesses into different risks and some will need to be registered but will not pay a fee, but it is important that I just wanted to stress that this is a 1960s law, which is really need in updating. We have done the principles and do not need to go back through that again but it really is important. The licensing aspect is important

at the moment. We only have 2 categories of licences that cover - I am just trying to remember now - ice creams and places of refreshment, so a lot of major food outlets are not covered at all. It is really important that we get them in. We have had a number of incidents, if I can call them that, through people becoming ill during the course of the year on an average year and it is time that we got on top of that. There is a regulations in here, I am sure everybody knows, but just about everybody will be covered in one way, shape or form and the important thing is the higher the risk the more you do. If you are dealing with food, which is inherently very easy to become contaminated and make you ill, that puts you at a higher risk. Obviously some food you can deal with very little risk at all, but I think it is really important that all food businesses generally are covered.

Deputy H.L. Jeune:

Minister, when you mention this it is, because of course ... and it is something that we will focus on later, questioning about the streamlining as mentioned within the regulations, that there is a lot of legislation that has been folded into this one, but focusing on who will this apply to, are there then a lot of organisations, businesses that will be captured in these food regulations for the first time?

The Minister for the Environment:

Absolutely. I think that is correct to say. Similarly, at the other end of the scale, as you might appreciate we have had a huge number of enquiries from people, from charities, a Women's Institute event, a lifeboat afternoon, various one-off incidences that take place during the year or very irregularly. While we started off by saying to people, please do not worry, a lot of those just will not be covered, we have ended up then developing quite an extensive list that I guess we keep adding to all the time of examples where people are not going to be impacted, they are not going to be stopped, they are not going to be heavily regulated. I think it is important to say that what we are definitely not trying to do here is to shut down the community spirit in Jersey that has already had food and drink at the heart of it, all these charitable and community-type events. That is not the idea of this. We started off with a quite a light touch. We have ended up with a long list of examples that are not going to be affected.

Deputy H.L. Jeune:

For some of those we will go into more details later. I suppose because it is such a ... different elements within this law, we have broken up into different areas and so really I am focusing now, my more specific questions, on food labelling. The panel understands that one of the main features is to modernise Jersey's regulation of food to protect those with allergies. Please can you set out how the regulations intend to achieve that goal?

The Minister for the Environment:

Okay. I am going to look to officers on both sides, but you have mentioned labelling. Food that is prepacked for sale is going to have to be labelled pretty much. If it is not going to be - and I use the word - interfered with between being produced and sold, it is going to need a label, depending on what it is. There are different types of label. If it is a very small product there is a limit to how much you can get on a label. I think it is 10 square centimetres or something below which you do not need to have quite so much. The regulations are very clear about what you need to put on the label, which allergens, whether it is in bold, whether it is in capital letters, whether it is percentages, whether you are dealing with organics, whether you are dealing with a whole range of other stuff. I do not know if officers ...

Group Director, Regulation:

Just to support the Minister's comments, in terms of the purpose of including the allergens, it is absolutely essential. Jersey needs to catch up, catch up with the E.U. (European Union), the U.K. (United Kingdom) in terms of allergen information. We need a clear framework to reflect the seriousness of this issue. It is potentially life-threatening activities in terms of the consumption of food that potentially is an allergen. Our goal is to make eating out safer and more inclusive with access to accurate information, to allow the public to make those informed choices in terms of what they are buying and consuming. We must take proactive steps now to reduce the risk of a serious incident in Jersey rather than waiting for it to occur and then asking why the regulations are not in place. This is absolutely one of the most critical aspects of what we are trying to introduce at this point.

Deputy H.L. Jeune:

The panel understands on this that the acceptable methods of proven allergen information on the proposal includes clearly written allergen information on signage or printed sheets and that unacceptable methods including relying solely on verbal information without proper staff training or signage. To what extent is information about food allergen currently being incorrectly provided to consumers?

Senior Regulation Standards Officer:

At the moment we have no allergenic requirements so the businesses that are doing it are doing it based on good practice and good guidance from the E.U. and U.K. As Kelly has mentioned, we need to catch up.

Deputy H.L. Jeune:

Do you believe that the proposals for the provision to consumers are realistic for all food businesses including small-scale food businesses such as the hedge veg vendors and of course the Minister has talked about some small ...

The Minister for the Environment:

Well, we have spoken about that and certainly I have had a number of discussions with the farming industry about hedge veg. Quite rightly, if you are putting more products, if you like, potatoes, carrots, cauliflowers on it, that is what it is there for. If you are going to sell these pre-packaged products, precooked or whatever it is, on a hedge veg you are going to have to comply like everybody else, but getting back to the hedge veg, I have said to the farmers that there will be a number of different regimes is the word I use, probably wrongly, Red Tractor, Salsa, that type of thing, where the farm itself qualifies. There is a number of other schemes where they will be asked to register but not pay a fee, I believe.

Group Director, Regulation:

That would obviously be subject to a future order that the Minister could bring forward but the intention would be if the exemption for those that do comply already with quite stringent regulations from an export perspective, things like Red Tractor, that we would not attempt to overregulate or add additional regulation to those areas that already have quite a high level of requirements who will be checking in with those. Hedge veg when it is unprocessed would not come under the licensing scheme. It would only be if you were cleaning, washing, packaging and processing that it would become licensed and a low-risk category with the possible fee exemption, particularly if you already meet other regulatory requirements.

Deputy T.A. Coles:

To be clear with that, let us take potatoes for example. If somebody washes and bags potatoes, that will need to comply with the labelling?

The Minister for the Environment:

That is a very good question. In my mind it is not interfering with the product itself.

Senior Regulation Standards Officer:

Some already do that, but would not be a requirement. It depends on the packaging. If it is wholly enclosed and it is not exempt under the out of scope activities then it could fall in. We are looking at a case-by-case basis and so it is quite tricky to put every scenario into low, medium and high, but I appreciate what you are saying and I think if it is crimped then no but if it is sealed then, yes.

The Minister for the Environment:

The point you are making is a good one. You could be faced with a tray of loose potatoes here and you select which ones, so they have not been touched. The farmer might conveniently have put them in kilo bags and it would be exactly the same product but already a little bit of selection is done.

It certainly would not be our intention at all for that to be covered but as Ralph said if it is sealed ...

Deputy H.L. Jeune:

You want to get most of your soil off because you want to keep your good soil.

Senior Regulation Standards Officer:

The emphasis is unprocessed rather than unwashed, I would say there.

Deputy H.L. Jeune:

With this labelling, is there a standard format, style, quality of printing, et cetera, that would be required with that information on? Will that be set as well?

The Minister for the Environment:

There is a set of words and I am trying to find it. I am looking at the draft handbook here, Chair, which is something that we have started to put together so that anybody who feels they might be covered by this could look at it and of course now you have asked me and I cannot find the bit I want particularly but I know it is here about how you display allergens. Okay, so: "If any reported allergens are contained within the food they must clearly be highlighted within the ingredients label, either as bold font or contrasting colours or underlined." There is some other things about ... that is for the allergens anyway.

Deputy H.L. Jeune:

Thank you and I think that covers that, that there is a specific style and quality of the label itself that needs to be followed. Also the regulation or the report highlights that the information must be in English. Of course we have French also as an official language. We also have, of course, lots of Portuguese and Polish languages. Why would it only be English? Do you not think that there should be other languages as well on these labels?

Group Director, Regulation:

Would you like us to pick that up, Minister?

Senior Regulation Standards Officer:

I am happy to.

The Minister for the Environment:

Yes, go on, Ralph.

Senior Regulation Standards Officer:

It is not the case. So the particulars early on in the regulations stipulate English but later on in regulations we highlight the exemptions to that. We have been very flexible in the regulations. We are exempting, for instance, French markets, any international markets that come over will be exempt from it. Our expectation is purely that they can vocalise verbally the allergenic ingredients, so if there is a translation scenario with the French product, for instance, and an English customer, that they can verbally give them the information. Similarly we have exemptions for shops that deal solely in one nationality. Again, a lot of the products already will have English on them because many products are international, but for those that do not again a verbal explanation of the allergens is acceptable.

Group Director, Regulation:

Or to have a printed sheet, so just to add a printed sheet or a QR code or somehow that is translated.

The Minister for the Environment:

Or a QR code. We have tried to think of every alternative method to make sure that customers are not inconvenienced by it being in a different language and they can connect to something very easily or quickly, so that if they want the allergen information, it is available.

Group Director, Regulation:

It is important to say that there is not the requirement to sticker over a different language. It is just the provision of an English translation.

Deputy A.F. Curtis:

I guess the question remains why it requires an English one when French is an official language. There may be producers in Jersey who would like to package products purely in French and by my reading the law would struggle with that because they are not an exemption by being a Norman market. They are a Jersey producer who uses a language that is not English but is an official language and it goes back to ...

[15:45]

The Minister for the Environment:

That could be considered a bit of a political question. We are starting off with English, we could move to French and there would be reason for doing that really or bilingual. Obviously we have referred to France but then you might say where do you go next: do you go Portuguese, Polish, Romanian? Before you know where you are you might find that you cannot see the product for labels in different languages.

Group Director, Regulation:

Just to support the Minister, there is nothing preventing other languages. We are just saying English is a minimum and that would obviously follow because the majority of our food imports are coming from the U.K. So it is a follow in terms of the U.K. You can put the provision in French as long as you have the English translation.

Deputy A.F. Curtis:

I just want to push on this, though, because if somebody wants to sell a product only in French, which is considered an official language, and somebody is cautious about what the allergen and the nutritional requirements are in a product, it is unlikely if they have not been provided the data in English they are going to buy it. That seems to be on the customer but the producer has nonetheless met the requirement to provide stuff in a language that is recognised in Jersey.

The Minister for the Environment:

I think if there was an English equivalent, QR code or ...

Deputy A.F. Curtis:

But my question is why does it need to exist because if the law is here, to your point, to protect consumers, if a consumer is unsafe with that information being in French, it is their choice not to buy it but the information has nonetheless been provided in an official language.

Group Director, Regulation:

The predominant language is English and ...

The Minister for the Environment:

You realistically can say the vast majority of people in Jersey are going to be able to read English and understand but not so many of them will be able to do that in French. As Kelly said, the language that is by far the most predominant language ... but we are not saying that you cannot do it the other way round. You can have a French label from France if you have got a QR, if you have got a piece of paper alongside, if you have got somebody serving you who can convey to you in whichever language you like what it is in English, we feel that we have covered enough bases without making it too inconvenient.

Deputy H.L. Jeune:

Thank you. Specifically looking at Article 15, which is about mandatory particulars, it states, among other requirements, a nutrition declaration, so it must appear on food labelling when required by

Regulations 8 to 13. Please can you clarify under what circumstances nutritional declarations must appear on food labels?

Group Director, Regulation:

I think principally the exemption is that it is located in Jersey, it employs fewer than 10 individuals and it supplies food directly to the final consumers in Jersey. That would be that the regulation applies to food that is made by a manufacturer that is not a manufacturer of small quantities. That would be the definition.

Senior Regulation Standards Officer:

That is correct. There is a section in the regulations that Kelly has just highlighted.

Deputy H.L. Jeune:

As you said, the exemption for this nutritional labelling is about small businesses and we have some questions on that. Please can you explain what went into the design of this exemption and why was the limit set to 10 staff members? Why not base it on annual turnover or size of customer base? For example, there are some organisations that may have 10 staff members but not all of them are employed full-time. Is there flexibility there? How do you count that and why is 10 staff members the amount?

Senior Regulation Standards Officer:

One of the reasons is that we do not collect data on turnover, so it is difficult, and we do not want to overstep our reach and ask people for their turnover data, so we cannot base our requirements on things like that. The over 10 is mirroring an U.K. and E.U. exemption on nutritional declaration, so that would put us more in line with the E.U. and the U.K. on that.

Deputy H.L. Jeune:

Is that full-time staff then? How does that happen if you have got 10 staff that are part-time?

Senior Regulation Standards Officer:

We are always flexible. What we are trying to capture here is medium to large-scale manufacturers. Anywhere that is looking to export their product, they will need to put the nutritional declaration on. Rather than say that, we are looking at anything over 10 is seen as a medium-scale manufacturer.

Deputy D.J. Warr:

Can I drop in there? This with my business interest hat on here. We employ maybe F.T.E.s (full-time equivalents) and some of them will be manufacturing product for us, toasties, all sorts of various bits and pieces. What I am hearing here is that, because of that number, we are now in that category

of we have to put the nutrition on the label. That is not because of the people who are ... we are not differentiating between the people who are doing the manufacturing and those who are maybe making a cup of coffee. How are you differentiating between who we have got manufacturing and who we have not?

Senior Regulation Standards Officer:

It is on prepacked products, products that are prepacked for sale in advance and not prepacked for direct sale. This would be supermarket shelf products predominantly that would be covered by that. So, as I say, a large-scale manufacturer, not a small business, not a café style business producing a product. It is a manufacturing requirement.

Deputy A.F. Curtis:

Does this then apply to things like jars of chutney? That is a prepackaged thing that would be sitting on a shelf.

Senior Regulation Standards Officer:

Yes, and that would be again a medium to large business that would be creating that product that would need to put ...

Group Director, Regulation:

If there was then a scale that would be over 10 individuals.

Senior Regulation Standards Officer:

That is the criterion, over 10.

Deputy T.A. Coles:

Of course manufactured means not whole food. If we go back to the example of potatoes, which Jersey is famous for, potatoes would not need to be because it is a whole product.

The Minister for the Environment:

It is interesting that you used the analogy of toasties but of course toasties necessarily would not be covered in your business because they would be on a plate delivered by somebody after choosing off a menu where you expect the information to be true.

Deputy H.L. Jeune:

This is specifically exemptions for local businesses . I was just wondering why, for example, the other Channel Islands were not included in that. We may have some people in Guernsey who may want to be bringing their products over here to sell.

The Minister for the Environment:

I think if we are going to look at things like the number of employees, I think it is probably going to be important that they are local so at least we have some sort of knowledge about the size of the business, I imagine.

Group Director, Regulation:

And be able to obtain that information as well within the jurisdiction.

Deputy A.F. Curtis:

I guess the question here is in balancing the policy you have come up with, it feels you are weighing up ensuring nutritional information on here versus the choice of products to the consumer. This will inevitably mean that certain small producers in other areas who would be able to send to us perhaps, Guernsey might be an example, will no longer fall into this. It is just a policy choice you have made and it would be good to understand why you have gone down the route that basically trumps nutritional information, which is not the same as allergenic. There is no immediate health risk here, like an allergy.

The Minister for the Environment:

There are claims that you cannot to make. You are not allowed to claim that your products nutritionally do something medicinal which ...

Deputy A.F. Curtis:

No, I am just curious as to why you are requiring this labelling on products that could come from small producers who we might want to ship to Jersey and supply in small shops but this would ...

Group Director, Regulation:

That is based on the U.K.

The Minister for the Environment:

If they are small producers they would need the ... would they need the nutritional?

Senior Regulation Standards Officer:

The jurisdictions that the businesses operate under would require similar requirements for their products leaving their Island, so that would be the cover.

Deputy A.F. Curtis:

Even if they are a small producer? Even if they only have 2 staff?

The Minister for the Environment:

I think it is likely if they are in the U.K. that they fall under the same restriction of 10 individuals.

Deputy A.F. Curtis:

But then our definition would not exempt them. So our legislation would be saying that they are not a Jersey business. The difference is even if they fall into a local exemption, the way you have worded this appears to me to say our exemption is based on locality to Jersey not the size. Those who might fall under local, their jurisdiction exemptions will not fall under it here.

The Minister for the Environment:

No, but if you are in the U.K. you would fall under the same restrictions. You would be exporting, just like the Jersey businesses could be exporting as well. We are not restricting them to not exporting. A Jersey business, for example, would not fall under this because if they are less than 10 individuals could send stuff to Guernsey. That is fine. A Guernsey business, which we imagine would be similarly regulated, would also not fall under this because they would have less than 10 individuals. They could export to Jersey and we could import it. One thing I would stress, Chair, and we have not really covered it, the importance of getting our legislation up to speed with other countries is important. We have talked about Jersey-Guernsey but Jersey-U.K., Jersey-Europe. It is really important that we are seen as a jurisdiction that ...

Group Director, Regulation:

I will just stress that this was not a unique policy choice of Jersey. It was following what has been operating in the U.K.

Deputy H.L. Jeune:

It explains it further in Article 29(3). It is very specific about it is located in Jersey, employs fewer than 10 individuals and supplies food directly to final consumers in Jersey. We were talking about that whereas I think what Deputy Curtis was talking about is that the exporting to and importing from other jurisdictions of small businesses would then have to comply and would not get this exemption and we were asking if that is normal.

The Minister for the Environment:

I might have got this wrong. To me this is all about equivalence in different jurisdictions, making sure we are the same as others. If you are a small business, less than 10, you do not have to do this. Distance selling includes exporting, does it not? When we refer to distance selling?

Senior Regulation Standards Officer:

Yes, it can do.

The Minister for the Environment:

Yes. So we could export to Guernsey. We would hope that Guernsey would have the equivalent regulations and they can export to Jersey, so small businesses generally across the piece do not have to do nutritional.

Senior Regulation Standards Officer:

Can I add one thing? If you are an exporter, you can put the information on. Anyone can put the information on. We are only saying that you must put it on these circumstances. We do not have these regulations. Businesses that we work with who want to get into other markets outside of Jersey put it on because it is good practice to put it on.

Deputy A.F. Curtis:

No, but the example was the opposite way round. Say a small shop in Jersey wanted to import a case of chutney from the U.K. or from Guernsey from a very small producer, would that product, which is prepacked, get any exemption from nutrition in Jersey. I hear the point that ...

Group Director, Regulation:

To get to Jersey they would need the requirement because the U.K. would require it, the export would require it before it enters. We wanted to make sure that we did cover something for local start-ups to support those really small businesses not having to provide overly-mandatory requirements. This was a positive intention. Yes, there might be potentially some risks with unintended consequences but I think the absolute intention in this as to how we would apply it is to ensure that those small companies, those start-ups are supported.

Deputy H.L. Jeune:

The last question about labelling, because of the time, is something we have all been alluding to, which is the more aligned with the U.K. and the E.U. regulation. I suppose it is related to the U.K. Brexit reset and aligned much more especially around the potential sanitary and phytosanitary agreement that will be coming. But what balance has to be struck and I suppose do we have any balance that we can strike as a small Island in this context of the wider U.K.-E.U. that is dealing with a much bigger market and a much bigger number of businesses, et cetera? Are we able to have movement in that or really this is about that we to align to U.K. and E.U. standards?

The Minister for the Environment:

I think we have to do what we have to do. Certainly, as Kelly said, we have made every effort we possibly can, Chair, to make this as user friendly and as light touch as possible given that we do

have to reach a standard of some sort of equivalence with the U.K. and E.U. because what we cannot risk is when we get to the E.U.-U.K. reset talks and you talk about sanitary and phytosanitary, absolutely, we cannot risk the E.U. looking at us and saying: "Oh by the way, U.K., Jersey is not complying here and there" and we find that a bit of a threat to the reset. There is a balance to be struck. We need to get to a certain level and we realise that but in doing that we are trying to find as many little carveouts as we can. I am sure Kelly will tell you some more, but we do not want to make life any more difficult than it possibly has to be but we do need to remember why we are doing this. It is protecting the consumer from allergens and risks of contamination, poisoning, sickness, illness, hospital visits. That is what all this is about.

Group Director, Regulation:

That is absolutely spot on, Minister. As the U.K. realign their regulations to the E.U., there will be a knock-on effect to Jersey. We are actively involved as a Crown dependency in discussions with D.E.F.R.A. (Department for Environment, Food and Rural Affairs) and the E.U., so we understand what is coming down the line. Therefore, we have ensured that these are robust regulations. We are quite confident that what we are proposing at the moment will give a broad equivalence so that, yes, an equivalent jurisdiction to trade in but we have where possible put in flexibility for our local markets.

The Minister for the Environment:

I am sure we are all completely aware that there are any number of businesses operating in St. Helier and across the Island at the moment that comply with this already and have done for quite some time. As much as it will be new to many people, there are still a lot of large businesses out there who have been implementing this. They will have nothing to do because they are already doing all the labelling, all the support, everything is already in train.

[16:00]

Deputy A.F. Curtis:

Minister, you touched earlier on work on where the law will touch or the regulations will touch around licensing, but if it is possible could you provide a bit more of an explanation about where we currently are as to which businesses and organisations will require a licence and which are going to be exempt. I know you listed a few. You gave examples of your work-through, but where are we at the moment?

The Minister for the Environment:

Where we are at the moment with regard to the exemptions is we have ... and I am trying to think where I am going to find it. We have compiled a list of examples of out-of-scope businesses. I will

run through where we are here just as quickly as I possibly can so we get a flavour of that. So here we are. Cakes made by individuals for a one-off school or community fete or charity cake sale. Child minders who supply low-risk food items or provide parent/guardian supplied packed lunches for children while in their care. Food prepared at home by volunteers for a cultural celebration or community event or faith-based community event. This is an important one: parish or church coffee mornings where drinks and cakes or biscuits are served. Small informal gatherings such as parish or church shared lunches. That would be like Lent lunches. Food prepared for a family event by family members for parties and celebrations. Celebratory occasional parish meals held by the parish at the community hall, for example, Christmas, Liberation Day, Lent, Poppy Appeal, Battle of Flowers, something like that. The soup kitchen in the square outside will be exempt. Barbeques and other similar events for youth organisations, cubs, scouts, guides and the like. Sports team coaches providing homemade sandwiches, oranges and stuff at half-time, et cetera, and afterwards. Volunteers providing coffee, tea, biscuits and similar refreshments at an event. Raffles and competitions, food hampers where pre-packed foods are offered. Students of cookery classes consuming or sharing some of their meals. A colleague bringing homemade food items to share in the workplace. Hedge veg and honesty box produce sales, uncut low-risk produce. I think that is the list we have got to at the moment. So I think we get a bit of a flavour for the one-off or not all that often, but the significance of this is the concentration on the low-risk foods and foods which are prepared in such ... the type of foods being prepared in such a way which are very low in risk of contamination and diseases.

Group Director, Regulation:

A key in terms of the summary is that where they are occasional, where they are low risk and where there is limited commercial scope they will fall outside the regulations and not be part of this process. We are only focused on food businesses, so undertakings and activities that are, by its very nature, a commercial enterprise. So, yes, there is a judgment to be made. Yes, we are going to provide, as much as we can, a self-assessment toolkit on the website. Our offices are available to define that, as much information as we can provide at the moment, but as we go through this without obviously having the approval of the Assembly, it is difficult for us to put that information into the public domain. So we will be there ready and rearing to go if the Assembly decide to take this forward. We will be there with ... I know we will come on to the other areas around communication, but we will be ready to make sure that is very clear on how we would assess the in and outs of the regulations.

The Connétable of St. Mary:

Can I just follow up? That list will constitute the guide, will it, within the frame of work?

Group Director, Regulation:

Exactly. Yes, on the webpage.

Deputy A.F. Curtis:

Do you think the language in the way that those exemptions are currently worded is sufficiently clear to public? So barbeque and events for youth organisations, i.e. scout clubs; is there a concern that those who have organisations that are not for youths will ... and again, maybe the plan is barbecues and events for organisations not for youths will not be exempt. I just ... where is the current ... is this clear for the public?

The Minister for the Environment:

That is a good example but it shows how difficult it is to come up with a prescribed list because obviously if you are dealing with something like refreshments at half-time in a football match, we do not want to get into a big long list of which division you have to play in, whether it is a male or female league and whether it is children's or youths or ... we could go on for ever. It is really difficult to come up with a list that says football or sports matches and where the coach provides food for the team and then be able to ... well, is there any ... yes it is, because it applies to youths or teenagers or 20 year-olds or over 60s.

Group Director, Regulation:

The information that we hope to provide in a toolkit will be a flow chart, a self-assessment that will take you through making judgment about occasional, low-risk, limited commercial scope, in order to find out whether or not it is within or out of the licensing. The intention in terms of our communication element is also to gain the feedback. If the Assembly support and approve the legislation, we can then release information on gov.je. We can get feedback, we can expand, we can have greater clarity. You are right, Deputy, this is just a list based on some Scrutiny presentations, Comité des Connétables and some discussions. It is not an exhaustive list. It has not been through full consultation. It was only a way in which we could try to get an idea about the types of things that, yes, we need to improve on that, we need to be more clear. The more feedback we get, the better we are going to get at being able to explain that, but the key thing is the flow chart on how to arrive at that decision.

The Minister for the Environment:

I do not want to go into rented dwellings, but we have had experience of rented dwellings where we got a not dissimilar ... we had a toolkit, we had a code of conduct and stuff like that, and live documents and we keep updating them as we find ...

Group Director, Regulation:

We had excellent engagement from the Jersey Landlords Association that helped us develop those together. I think we would try to do that with the food industry before the implementation by 1st October to get their feedback and to engage them in a range of communication styles and make sure that the language is shared common knowledge.

Deputy A.F. Curtis:

You mentioned about those being exempt from licences and I thought I heard are not touched by the regulations. Could you confirm if those who are exempt then do not touch the regulations under this, in the sense that any of the provisions in the Articles do not apply to them if they do not need a licence, or are there parts of the legislation that do still apply to organisations exempt from a licence?

Group Director, Regulation:

It is the exemption of licence, my apologies, but we would strongly encourage that. The primary law will still cover, still apply. Obviously, we would strongly encourage everyone to provide allergen information, even if that is on a card or something for people. So, hygiene standards, allergen standards, things part of the law, we would strongly encourage but in terms of a licence and a requirement to operate as a food business, no, that would be outside the licensing.

Deputy A.F. Curtis:

Looking to the concept of risk categories in the regulations, we noted the consultation document had risk categories and food businesses within those. Could you give any examples of where any changes happened between the consultation document and the report that accompanied the law?

The Minister for the Environment:

I am sure Kelly will provide some ... or Ralph will. The changes that occurred are fairly ... while he is doing that, I might just stress how we find it really hard to put low, medium and high risk. You mentioned, Deputy, and I have twice now mentioned 2 particular types of food which are really easy or quick to become bacteria covered and what have you. But I would also say, of course, that the low, high and medium risk applies to businesses and it is important the high risk ... I also stress that where people are vulnerable, care homes and stuff like that, you might be preparing quite simple and straightforward food but because the clients or the people who are eating it might be more likely to be at risk, that elevates your risk as well. So there is a combination of factors which go into which category you fall into. Ralph, where we have made changes since we started this work?

Senior Regulation Standards Officer:

I have got changes that occurred since the consultation, if that is what you would like. When it comes to labelling, prepacked for direct sale products - that is products in a sandwich shop,

baguettes, and they are prepacked before the customer orders them or purchases them - that is where they need the Natasha's Law compatible label. We realise that there is a challenge there for a small business, so we have removed some of the requirements for that in that they no longer need to apply the percentage of meat in the sandwich or baguette. So it is literally a list of ingredients with highlighted allergens now. We have made that more flexible there.

Deputy A.F. Curtis:

I was looking particularly around the business that fall into the categories of low, medium and high, and whether those categorisations have changed for any examples of businesses or not?

Senior Regulation Standards Officer:

The principles remain the same. As Kelly has alluded to, it depends on the scale of distribution, it depends on the type of food that is being prepared or handled and it depends on the consumer element there, the financial element there, the commercial element, sorry. So the principles remain the same. Some have moved because we have looked at them through a different lens as a result of the consultation, so we have refined some of those.

Deputy A.F. Curtis:

Have you got examples of what moved?

Senior Regulation Standards Officer:

I do not have specific examples. We have got the table here.

Group Director, Regulation:

I could just pick up things, Ralph. Again, this is very similar to how we determine what is within and out of the regulations. With the toolkit, there will be a matrix to be able to go through a series of questions to define whether you are low, medium or high risk. The key thing is that it is about the type of food used - so low risk, ambient foods, or high risk, which is meat and dairy - the scope of the business or enterprises, the degree of organisation, the complexity about the meal preparation, and the types of processing involved if that is high risk. That could be basic preparation or it could be vac-packing or Sous Vide (cooking vacuum) or things like that. But then also as Ralph has mentioned, the demographic of the intended. That is vulnerable groups are particularly in the high risk. We have provided some examples of businesses in a generic way to try to illustrate the difference between low, medium and high risk but again, as this is not an approved law, we have not made any decisions on this. There is no definition. We have not put anybody in a category or made an example because this is just by way of example how you would assess what is low, medium and high risk.

Deputy H.L. Jeune:

Well, we have got some examples.

Group Director, Regulation:

I figured that was coming as I said that. **[Laughter]**

Deputy H.L. Jeune:

I suppose one of them you were talking about were the recipients. Somebody raised this about, for example, Meals on Wheels and where they sit, because although that is prepared by the hospital catering service, there are volunteers who then go to deliver to those who need their services. Sometimes the volunteers are the ones who portion out the portions. So they are not necessarily preparing but there is a bit of handling at some point, and then, of course, it is the delivery to the recipients. So where would a charity like Meals on Wheels who is not making the food, but where do they sit within this?

Group Director, Regulation:

Before Ralph as the expert might be able to assess, it would be helpful to have ... we can provide these examples or can give definitive responses on examples, potentially in writing. We hope to have a full ... there may be discussion with other officers that is needed, but I will see if Ralph is comfortable making that assessment on the spot.

Senior Regulation Standards Officer:

Thank you. Clearly, the hospital is the manufacturer there and they are a registered high-risk, potentially high-risk food business, so they would deal with the risk burden, if you like. We do have interaction with Meals on Wheels and we have visited and provide guidance and inspected. As far as I am aware, they are not registered as a food business in their own right because they are providing a service. So I am fairly confident to say they are potentially out of scope in that they are delivering the product and providing a domestic service at the home of the person.

The Minister for the Environment:

I would also add, to my best knowledge, before meals started to be delivered to an address, there is a little bit of research is done as to things like allergies and that type of thing and what the person delivering the food might usually expect.

Deputy D.J. Warr:

Just to carry on, the other thing that comes to mind is things like bacon rolls. You are bringing in maybe raw sausages or raw bacon or whatever, and you are cooking that off and you are turning that into a bacon roll, which you then on-sell to the public. If that is a small percentage of your

business across the whole lot, does that put you in the high-risk category as a business or do you ... how do you measure when you trip into the different categories? What percentage of your business needs to be ...

The Minister for the Environment:

I think low food risk, low food recipients, low category, maybe medium high food risk but actually no vulnerable people being particularly the recipients, medium.

Deputy D.J. Warr:

Obviously, you do not know that, particularly.

[16:15]

The Minister for the Environment:

But the high risk tends to be foods which are your poultry, pork, chicken, fish, bacteria easy, and also, the care homes the hospital - as Ralph said, hospital catering is high risk - where you have a combination of both. Not just the preparation or the type of food and people eating it; when both are at risk, it is definitely going to be in a high risk. I think you can have some relatively high-risk food but still be a medium risk if your target ...

Deputy D.J. Warr:

And who is determining that?

Group Director, Regulation:

Officers will determine.

Senior Regulation Standards Officer:

I can give you some of the criteria if you like. We have been using the same scoring risk-rating system for a long time and portions of that risk-rating those scores relate to Eat Safe and portions of them are fixed, in that you are a manufacturer or you are a restaurant. Of, say, manufacturer and restaurant, exactly what you are saying, if you are providing fewer than 20 meals a day, then your score goes down. Let us say the only raw product you are producing in a café is sausage and bacon and then eggs perhaps and if that is only for an hour or 2 hours in the morning, then we will assess that in our score and the rest of the day you are producing low-risk tea, coffee, cakes, biscuits, that sort of thing, that would be factored in. You would get a lower score on that area because you are providing high-risk food at a low output.

Deputy H.L. Jeune:

Can I maybe give some more examples? For example, we have got correspondence from scallop divers who are concerned about when they shuck the scallops. Unshucked, they can sell it and that is low risk but when they shuck it, when they come to shore to sell it to those consumers who want that because that is easy for their consumers to buy, they suddenly are high risk. Just wondering if they were consulted when this proposal came and how the impact is for them.

Group Director, Regulation:

Minister, we can cover that.

The Minister for the Environment:

I know there has been discussion with the scallop divers and this is a subject which I have asked questions about, Chair. We are aware that there are some divers that will process and shuck the scallops on the boats as they get to the top of the quay, wherever they are. We are aware of other divers who have set up a mobile facility, which meets all the regular standards where they will take the scallops as they come off the boat into that facility and shuck them there. One of those is acceptable and one of those practices is not acceptable, unfortunately.

Group Director, Regulation:

I think what is absolutely key is sanitation and hygiene requirements, so ensuring that the blades that you are using to shuck are clean, that the hands are clean, there is handwashing facilities and it is an environment with basic sanitation, obviously to sell that on. The minute you do open it introduces microbiological bacteria and so, therefore, yes, it should be in a hygienic environment. There are divers that have introduced a mobile trailer where they have got the facilities to be able to do it in a hygienic way. But, again, without shucking it would be like low risk just to pass the whole thing on. It is not just the scallops; that could also be for oysters or anything like that. It is any kind of introducing that microbiological risk to that food, any kind of opening processing. That is why we want to make sure that we have got the hygiene level of safety there or ...

The Minister for the Environment:

But if we can maintain the local traditions where possible, we will be looking to try to find a balance between the 2. Because I am really conscious that for low-water fishing, scallop-diving, buying products from fishermen on the beach or on the quay is a local thing that we all love to do. But we have got to accept in this day and age ...

Deputy H.L. Jeune:

Versus frozen scallops from Canada and I think Waitrose does ...

The Minister for the Environment:

If you are going to process it, if you are going to gut the fish or you are going to open the oyster or the scallop or what have you and do some work in some sort of semi-processing before you sell it, that has to be done in hygienic conditions.

Group Director, Regulation:

Clean hands, clean implements, in a way that is ...

Deputy H.L. Jeune:

Yes. We have also had, if you could clarify, risk classification for businesses selling products specifically for consumers with food allergies and intolerances because this is an interesting one. We have had a concern of the impact of that of choices because some have read this legislation that those already with food allergens and intolerance in the food that is provided to them just falls under high-risk categories.

Senior Regulation Standards Officer:

I think I understand what you are saying, Deputy. This is about free-from claims and specific requirements for specific people with high intolerances or major allergies, yes. As far as I know, we do not have anyone that manufactures these products. These are the types of products you will find on the supermarket shelf in the free-from range; you have free-from pasta, so it is corn-based pasta rather than durum wheat-based pasta, et cetera. These are made in very specific facilities that are free from that allergen. They can send samples off on a monthly basis to the lab to maintain their accreditation, if you like, to produce a free-from product because they are producing it for people and individuals that could die if there is even the smallest trace of that allergen in there. It is not really for a café restaurant scope of business to produce free-from products. Some places are producing cakes that are free from gluten, which you could argue is slightly less risqué because it is not an anaphylaxis-causing situation. But, again, it is a part per million specific on that, so it can have a tiny bit of gluten still in it; it is not absolute when it comes to gluten.

Deputy H.L. Jeune:

I suppose this carries on to where you are saying because, yes, most of those products will be coming pre-packaged from outside. It is an importing exercise and making sure that the labelling is adhering to Jersey regulation but it is mainly from U.K. or E.U. regulation that we are saying. We see that in one of the lists that you presented to us that pubs would need to have a licence; they are low risk but mainly just selling crisps, for example. That was quite surprising to us. It is really just saying that any kind of business that is selling, even though ...

Senior Regulation Standards Officer:

I can add to that if you would like.

Deputy H.L. Jeune:

Yes, it is a bit of a confusing ...

Senior Regulation Standards Officer:

No, that would make it pure confusing because the in-bracket is mentioning low-risk products but it is more to do with the fact that they have lines of alcohol which are in cellars, which are not usually the cleanest of places. There are other aspects, pest control, line-cleaning, that is more ...

Deputy H.L. Jeune:

That makes much more sense, so I think it was because it ...

Senior Regulation Standards Officer:

The focus was not on the foods that they are selling, it is the alcohol as well.

Deputy H.L. Jeune:

Yes. Okay, thank you. I think that is enough from me, so maybe ...

Deputy D.J. Warr:

Yes, just to carry on, I am just thinking about this idea of everything seems to be put on to the business as a risk. You talk about, say, the fisherman who is coming up a slipway, has got some fish for sale, some mackerel or whatever and somebody says: "Yes, I will buy the mackerel from you. Could you just gut it for me here and do that?" At what point does the fisherman say or fisherperson say: "I am sorry I cannot do that because I am not licensed to do that."? Or at what point does the customer say: "I am prepared to pay you and I will take the chance."?

The Minister for the Environment:

I think this is about food.

Deputy D.J. Warr:

Then how, because otherwise we are going to abandon all of that?

The Minister for the Environment:

At the moment you are parting with money to buy something, there is a contract there.

Deputy D.J. Warr:

Yes.

The Minister for the Environment:

You are purchasing food, the fisherman is selling food; he becomes a food seller. He comes under some part of these regulations and it is quite clear that if you are going to gut fish and sell that fish, you will need to meet the basic food hygiene standards as set out.

Deputy D.J. Warr:

We will be, effectively, killing off some of these impromptu sales.

The Minister for the Environment:

If it is a sale where a fisherman walks to the top of the slip and guts a fish in front of you, I am not aware that that is a regular occurrence, not like a scallop,

Deputy D.J. Warr:

Okay, I am just trying to give a for instance.

Group Director, Regulation:

I think the risk is what happens if somebody is then significantly ill and that is really the point.

Deputy D.J. Warr:

But at what point does the consumer take responsibility for that, in that environment, in that setting?

The Connétable of St. Mary:

Sorry, I am not trying to be too clever but how about if the contract was broken into 2? If the fisherman sells his mackerel untainted for £5, a guy buys some, the buyer then owns them, so will he get them for 50p? Is that kind of ...

The Minister for the Environment:

If we all want to look at loopholes, this is a public meeting and do not necessarily want to go into that.

Deputy D.J. Warr:

No, no, no.

The Minister for the Environment:

But you could say, Deputy, for example: "Can I buy your fish?" I could say: "Yes, here is my fish." You could give me £5 and you could give it back to me and say: "Now I have purchased it, could you gut it for me?"

The Connétable of St. Mary:

That is what I am getting at.

The Minister for the Environment:

I think that would probably be outside of the scope of the regulations but obviously ...

Group Director, Regulation:

I think the other thing is in terms of that situation and that comes down to our 4 Es of compliance. We are then looking at a severe impact on an individual which we might trace back to an activity that suggests that it is within or without of the regulations and explain to the individual why that particular thing, which seems harmless on the surface, has then had a significant impact on the individual. We would provide advice, we would try to encourage them. We are not there policing every boat that lands on to a shore as to whether or not they are going to take their own individual responsibility. But when tragedy occurs you look to the regulator to find out what we are doing. If we trace that back that will be, did you know, were you aware, did you take your own personal spray but were you aware of that? The reason why these rules are in place is to prevent a tragedy, to put things into place that mean the public health is protected. That is the purpose of this, is to protect individuals.

The Minister for the Environment:

Just looking at the stats and this is for last year and this is only where we have had stuff reported to us; there could be any number multiples of this. But last year 94 incidents of campylobacter, 26 reported incidents of salmonella and 5 incidents of E. coli and that is where we are informed and there will be a lot more than that. I am not saying that it is fish, I am not saying this is scallops-shucking or oysters or what have you. But all I am saying is there are a significant number of incidences every year and some of these would be quite serious.

Group Director, Regulation:

There is evidence that these regulations are required.

Deputy H.L. Jeune

Thank you. I think we will move on.

Deputy D.J. Warr:

Yes, okay, having delved into all of that, let us go on to fee models, okay. Minister, food businesses have been clear in their opposition to the principle of paying for food safety regulation, particularly in light of the U.K.'s approach, which does not require contributions for inspections. Please can you respond and explain why the Jersey model is being developed around the business-pays principle?

The Minister for the Environment:

I think it will not be a surprise to you, Deputy, that Government have a number of things to do, a number of workstreams which need to be covered and the Regulation Directorate is no exception. We have got a huge amount of work to do but we do not have a huge amount of income. If we do not charge for our services in some shape or form, that makes it increasingly difficult to do everything we want. I think the principle of user-pays is something which we have to accept. If we are going to raise money to run government it is much easier to justify that by saying: "I am providing you with a service, I would like a small amount of money in return", rather than saying: "I am going to do that for you alone but I am going to take it from a general revenue where everybody contributes, so that people are indirectly paying for your service." I think it is only right that we have a contribution for the work we do. We are trying to apply that where we can in a fair way across the board throughout the Regulation Directorate. Kelly is itching to say why she needs to charge people.

Group Director, Regulation:

No, I completely agree with what you have said, Minister. I would just add that there is precedent for charging for licences already: the licensing, the alcohol licensing is charged for, places of refreshment and ice cream. That is just following, essentially, the precedent that is already in place. As you know, in terms of places of refreshment, that would be phased out and then people would move on to a food licence. On the whole those places of refreshments would be low-risk category. It would be slightly less, potentially, depending on what the Minister decides as by way of order but it could be of a similar nature. Charging is very jurisdiction-specific. There are some authorities in the U.K. that could charge for inspection. While they may not charge for the licensing as a whole, they could charge for advice as well, which we do not charge for. Again, in Canada, New Zealand and Australia they do have licensing fees. Again, there is a variety of different models and options you can look at across jurisdictions. We are picking up our own precedent and trying to make sure that we are in line with what the Government of Jersey have done for a number of different licences.

Deputy D.J. Warr:

I would just make the observation there would be a lot of local businesses would be thinking, let us point to other jurisdictions to justify why we should be charging.

Group Director, Regulation:

It is just to say that there is a range of ...

Deputy D.J. Warr:

I will just make that observation as a commentary. Please can you explain how the annual fee proposed in the consultation document of £200 for low-risk businesses, £350 for medium and £500

for high-risk businesses were calculated? What proportion of the directorate's food safety work is expected to be covered through the fee income?

[16:30]

Group Director, Regulation:

We were looking at, in terms of the numbers that we have of cost recovery, I think approximately £300,000. That is not full-cost recovery for the food team but that was an element. In terms of the number in the risk category on an annual basis, that would be fair and proportionate. That was also just for the purposes of consultation and I say again that is not the ...

The Minister for the Environment:

Can I say the numbers did start quite a bit higher but the Minister was determined that they would not be quite so high and they are a bit lower now but, again, that is to be ...

Group Director, Regulation:

I mean that the Minister could take an even lower approach.

Deputy D.J. Warr:

But you make the point that this is replacing another fee, an alternative fee, place of refreshment fee; it is not in addition to that fee.

Group Director, Regulation:

Correct, and not in addition to ice cream as well.

Deputy D.J. Warr:

I guess that is some consolation for some of us out there.

The Minister for the Environment:

We are not there yet, Deputy, but we do have the opportunity in the next few weeks to not only do away with some bits of legislation and combine to make it easier, but we also have the opportunity, if we can grasp it, to bring in the alcohol licensing, food business licensing and inspections. There is a whole range of things which the Government could do in the next few weeks that might make life a lot simpler for recipients. We are not quite there yet. We have still got some steps to take but we are hopeful we can do things better, more smoothly and for less money.

Deputy H.L. Jeune:

Would that then affect this regulation as well in that sense or that is more about the implementation?

The Minister for the Environment:

No, not in that way. I do not want to mislead anybody. There is an opportunity for the Regulation Directorate to administer this.

Deputy H.L. Jeune:

Yes.

The Minister for the Environment:

There may be an opportunity still for the Regulation Directorate to get involved in some aspects of the alcohol licensing, which we will be coming back to in the Assembly. If we can pull that off there is the opportunity, although not decided, where a single or small number of officers could cover multiple inspections at the same time.

Group Director, Regulation:

Yes, certainly, Minister, and as you have all seen and which has not been made public, that the consultation responses, it was favoured by industry to combine food and alcohol licensing. Then it is a single application for a business to remove place of refreshment and to remove ice cream and you have one application and that would then carve off to different licences essentially. But we very much want to support businesses in a very simple streamlined application process.

The Minister for the Environment:

Regulation Directorate, as we all know, works for different Ministers that obviously do a lot of work with Kelly but I am not the only Minister she reports to.

Deputy D.J. Warr:

Minister, can you confirm whether high-risk businesses will contribute proportionately more to the actual cost of regulation under the revised model and, if not, why not?

The Minister for the Environment:

That is a very good question and the proposals are not greatly different between 1, 2 and 3, is it 304? I am trying to think what the 3 numbers would go ...

Deputy D.J. Warr:

We have got 500, 350 and 200.

The Minister for the Environment:

Yes, and when you think the lower risk might be a very small number of employees and it is only a small number of items on a daily basis, whereas a high risk could be many, many multiples of volumes of sales. Not only that, could be selling to more vulnerable type people. You could quite easily make the case that the low-risk business should be £100 and the high-risk business could be £1,000 or £10,000, but you have got to pitch it some way. Clearly there is not much of a differential between the 3 categories, there is in percentage terms but there is not in actual financial terms at the moment.

Deputy D.J. Warr:

Monetary.

Group Director, Regulation:

I would just say that the advice and the support and the amount of time that the directorate would spend with high-risk categories would be then more substantial to low risk. Low risk may have an inspection frequency of 2 or 3 years and some advice if they come and approach us, whereas a high risk we would spend quite a lot of time, probably twice yearly or yearly, and provide a substantive amount of guidance and advice and come back for support. It is proportionate to the amount of support and encouragement they get from us as well.

Deputy D.J. Warr:

Yes, I am just trying to get some justification from you. Okay. Sorry, I will skip through a couple of these questions here because I am conscious of time here. Can you confirm whether your review will include a reconsideration of the fee amounts of the £200 for low risk? You have just about summarised that one already; let us ignore that one.

Deputy H.L. Jeune:

Just on that, I think it is related to the fact the consultation feedback, the Minister said that he will be bringing back a new fee system, potentially, to the Assembly in October. I was just wondering in what form that would happen.

The Minister for the Environment:

I am certainly not, potentially, going to be the Minister in October.

Deputy H.L. Jeune:

No, but what form would that potentially be?

The Minister for the Environment:

Kelly, how are you proposing to advise the Minister of the day at the time?

Group Director, Regulation:

Yes. It will be for a new Minister to make that. It is by order but because of the high level of interest by this I think that it would only be reasonable that the Minister brings that to the Assembly in terms of the proposed numbers. I do think the numbers can be looked at and I think the Minister has indicated that in the past, that potentially the low risk could be lower but, again, it will be for a new Minister to present and propose.

The Minister for the Environment:

Yes, I cannot stress enough the importance of this legislation that we are going on here is concentrating and keeping the public safe.

Deputy D.J. Warr:

Yes. No, I know.

The Minister for the Environment:

This is not a cash cow. This is not why we have got into it.

Deputy D.J. Warr:

No, I understand that.

The Minister for the Environment:

A low level of licence fee, it is nice to have, thank you very much, we are very grateful. It is not ...

Deputy D.J. Warr:

I think in the current political climate there is obviously always that concern. My last question really is to say you have also indicated that you may introduce fees for associated activities, such as re-inspection after a business fails to meet required standards. Can you confirm what activities you are considering charging for and how those charges will be calculated?

The Minister for the Environment:

Have you views on that, Kelly? It would seem to me that it is an added incentive to make sure that you do things properly, you do not want to be charged extra for additional visits. Certainly if you were to fall foul of these regulations, you could expect an additional visit or visits because we would want to make sure that you have done what you needed to do.

Deputy D.J. Warr:

How much would be chargeable?

The Minister for the Environment:

That discussion is yet to be had but I would imagine that it might well be, yes.

Group Director, Regulation:

I think in the case of repeated non-compliance, if we are being asked to repeatedly re-inspect after non-compliance, potentially it is an option but it could be an additional fee as a deterrent for non-compliance.

Deputy D.J. Warr:

Okay.

Deputy A.F. Curtis:

Could I just quickly ask, while we stay on fees, about the impact on staffing requirements for your department compared to now? Currently the financial and staffing implications say: "The implementation of these will be managed within existing resources in the Regulation Directorate, which maintains a food inspector's team and no additional financial or staffing requirements arise from this proposition." Is it expected that the existing team are going to continue work as usual and that the staffing ...

The Minister for the Environment:

When you have to ...

Deputy A.F. Curtis:

Because I am trying to marry up the fact you are going to probably generate more revenue from this than the subcategory of people on a place of refreshment and ice cream licence, yet you are working with the same allocated resources. There is an increase in money but not an increase in expenditure.

The Minister for the Environment:

Yes. The other way you could look at it, Deputy, would be to say that on an annual basis the department is giving up either making savings or having to make efficiencies on a regular basis. We are asked annually now to save hundreds of thousands of pounds and carry on doing the same jobs with the same staff. Any additional fees are welcome. But when it comes to doing the work, we have done Food Safe and we do go out and look. There will be some additional work but in many cases the staff are already doing some of that.

Group Director, Regulation:

Yes, I can speak then to the resources. At this point in time, based on the information that we have, that will follow in our normal inspection regime. But as I said, as we do the risk assessments and risk-based inspections then, potentially, we would inspect some less and some more and the more would be a lower number. As I said, we believe that we have the resources to be able to do that and the capacity at this point in time. Any time we have to implement the regulations, we have to move forward and we will be able to report back in terms of what that real impact is. In terms of the income and the expenditure, I think as we have spoken about before, regulation is reliant on a range of income and the income will fluctuate between different licence applications as well. That is all reported on obviously in the accounts. It is not to say that we would still have to gain permission to expend; we are still held within our budget limits. In terms of the income, that is monitored, essentially, by Treasury; it is Treasury income.

Deputy A.F. Curtis:

Okay.

Deputy H.L. Jeune:

Okay, thank you. Deputy Coles.

Deputy T.A. Coles:

Okay, thank you. We have had a mention of places of refreshment since the streamlining of these different laws and legislations, can you clarify the position between the Eat Safe food system and this draft legislation?

The Minister for the Environment:

Ralph, do you want to do that one?

Senior Regulation Standards Officer:

Yes, thank you, Minister. Eat Safe will carry on as is. It is risk-rated, it uses different scores as to the validity to our level of users. We take 8 scores when we inspect a premises and 3 of them are variable and they relate directly to Eat Safe score and that is out of 5; that would remain the same. In terms of the relationship is risk-based but it is the other 4 scores that we capture which are more fixed that will relate to the categorisation or the risk categorisation.

Deputy T.A. Coles:

Is there going to be any public display then changing? The Eat Safe is going to stay with the 5 stars but are there going to be any changes to show that there is a category change in your establishment? You have got your green which might be a low risk, orange if there is a medium and red for ...

Senior Regulation Standards Officer:

No, I do not think there is any value to the public to know that. If they go to a restaurant they will know there are often meats and high-risk foods there but I do not think they need to know the categorisation of that place they are going to eat.

Deputy T.A. Coles:

Okay. Eat Safe is still going to stay in the front simultaneously. The report states that: "The regulations aim to reduce the administrative burden by requiring food businesses to submit their details only once under the streamlined system." Can you confirm whether the reduction and the administrative burden referred to will be for applicants or for the department processing them?

The Minister for the Environment:

I think it is both, but I guess if you are not having to apply at the moment and you have to start to apply, that is an additional burden on you. But the way we hope to do it will certainly help staff by streamlining the way we use to categorise the information. We are trying to make life as easy as we can and we have referred to alcohol licensing previously. It may well be that businesses that do food and alcohol could go online and tick which forms. On the same early pages you tick which bits you want. Do you want an alcohol licence? Do you want food licensing? Yes, click, click, lots of drop-down stuff, ticking away and you get to the end and you push the button and away it goes.

Deputy H.L. Jeune:

This may be very specific but under 57 of grant of licence - and this is when we were talking about streamlining - point 3 says: "The licence may include any conditions the Minister considers necessary." Are those conditions already set out somewhere or is this something that this could happen, whereas in the future there could be changes in this?

The Minister for the Environment:

It sounds a bit like a catch-all situation where, despite all our work, if we find something that we might have missed, it gives us an opportunity to add something. Would that be right, Kelly, or ...

Group Director, Regulation:

In all cases where a licence is granted I think there is the absolute grant of licence with or without conditions, I think that was capturing. No, I do not think we have a set of standard conditions that we have worked up. Again, this is very presumptive to the actual approval of the Assembly. But that is certainly in terms of standard conditions something that we can develop and put into the toolkit and go out for consultation on it.

Deputy H.L. Jeune:

There is more of it in the toolkit, yes.

Group Director, Regulation:

We can certainly do that. But I think it is a standard legislative drafting that a grant of licence is permissible with conditions.

Deputy H.L. Jeune:

Okay, because, again, it is about streamlining. Under Article 58(4) it is talking about in agreement with the Minister for Sustainable Economic Development, about a condition of licence: "The premises must close earlier than the latest hours permitted." Is that related to the alcohol licensing and things ...

Group Director, Regulation:

This is related to the licensing and the tourism law and the places of refreshment or that will all sit within the Minister for Sustainable Economic Development.

Deputy H.L. Jeune:

Okay, thank you.

Deputy A.F. Curtis:

Okay. Minister, you mentioned just then about drop-downs and clicking on an online application form. It is my understanding that currently businesses must fill in either a paper or PDF form. Is this being changed or has this been changed? Will it consider things like - I have got an acronym here but I will just say the words - Hazard Analysis and Critical Control Points?

Deputy D.J. Warr:

That is a H.A.C.C.P. (Hazard Analysis and Critical Control Points).

The Minister for the Environment:

That is a H.A.C.C.P.

Senior Regulation Standards Officer:

H.A.C.C.P., yes.

Deputy A.F. Curtis:

Yes, H.A.C.C.P., I knew it was an acronym people would know.

The Minister for the Environment:

Yes, we certainly were introducing H.A.C.C.P.; that is one of the good reasons that we are doing this. Ralph, you can talk about the online PDF and where we are going.

Senior Regulation Standards Officer:

Yes. It is interesting bringing up H.A.C.C.P. H.A.C.C.P. is one of the things that we are missing from our legislation that the primary law is bringing in. That is essential for us to continue export and trade in general. But moving on to the form, there will be a change to the form, it will be an entirely One.Gov form that will be on the website. The old PDF form will likely go, unless of course people cannot get access to a computer, then we will have to produce a paper version.

[16:45]

Deputy T.A. Coles:

Is that ready to go now or is that part of your work after the ...

Group Director, Regulation:

Correct, it is not in train at the moment because that would be presumptive to the Assembly's decision. We would only look to consider then how operationally we may be able to implement this only once we get the agreement from the Assembly to continue that work.

Deputy A.F. Curtis:

I think looking to the H.A.C.C.P., the current workflow for food operators is that they will obviously ... for those who do, I think pretty much all submit a H.A.C.C.P. for their relevant processes that they have. That communication with the department is either by email or so. Again, making things streamlined, are you changing the processes for people to interact with the department to make it easier so they can use an online form to upload that? Just to understand how you are achieving your policy aim of streamlining, H.A.C.C.P. has been a clear example of where people already interact with the department by email.

Group Director, Regulation:

Minister?

The Minister for the Environment:

It is not one for me anyway.

Group Director, Regulation:

Yes, it is wholly our intention to try to make it simple and the way that we interact is easy and straightforward online. I would say, though, that depending on the prioritisation of our digital

systems, on potential funding to enable the advancement in electronic and online systems, will depend after we scope things once we have an agreement by the Assembly if it is approved; we would need to scope that work.

Deputy T.A. Coles:

Okay. There is going to be a Commencement Day Act that is required for this legislation.

The Minister for the Environment:

The other thing I was going to say was we have not mentioned the fact that people may be concerned how much time have they got. This does not come into force ... is it 6 months, Kelly?

Group Director, Regulation:

There is a Commencement Day Act of the law itself that we are bringing to the Assembly at the same time as the regulations and that would bring the law into force within 7 days. The regulations we have proposed and Article 66 would come into force on 1st October, so that allows a period of time for communication, for implementation. It allows a handover period essentially.

Deputy T.A. Coles:

Do you think that is enough time then to make it more streamlined and easier for people who are going through that transition?

The Minister for the Environment:

We hope so.

Deputy T.A. Coles:

Okay, that is the end of my questions.

The Connétable of St. Mary:

I have a few questions, some which you have already touched on. But the small businesses, many responses to the Government's consultation in the panel's survey were about the detrimental impact that the provisions may have on small-scale businesses, including potential closures. What consideration has been given to those concerns and indeed do you share them?

The Minister for the Environment:

It is always a concern, Constable, when we implement these sort of rules and regulations. Small businesses that have become used to carrying on as they always have done always find it sometimes a bit of a struggle to come up to some of the regulations which bigger businesses are just used to doing. Obviously the bigger your business the easier it is to have a department that

deals with safety or hygiene or what have you. I am acutely aware that small businesses, one, 2, 3-man businesses, there is a whole raft of different aspects to the business which those individuals have to cover; they cannot specialise the same. We have been really conscious of that. Kelly is going to tell us how we have tried to make it easier because we have at all times, I know. It is very dear to my heart. Jersey is made up of small businesses or was historically. It is important we do not regulate them out of business.

Deputy D.J. Warr:

It still is.

Group Director, Regulation:

It is absolutely. We have to strike that balance between protecting the public health, recognising that in some of the most serious cases unsafe food can cause serious illness or death but avoiding unnecessary burden on the food businesses that could limit that variety and availability. We always aim to be supportive and encouraging to business. We want to demonstrate a duty of care to their customers. We want to always, in regulation, provide effective regulatory oversight without being burdensome. We will try to be as light touch as possible, but always we have to maintain that public health as our priority. The aim of this is to protect, as I said, public health and consumer interests, which, ultimately, benefit the Island.

The Connétable of St. Mary:

Thanks. My next question was: how are you supporting small businesses? In a way you said you want to but how will you support those who have got a problem? Will it be on a personal one-to-one advice situation?

The Minister for the Environment:

Absolutely.

Group Director, Regulation:

Absolutely.

The Minister for the Environment:

The first thing we ask people to do, if they have any queries at all is to get in contact with us and officers will be going out, not to enforce but to encourage and to educate, to make sure that people learn as easily as possible how they can move forward.

Group Director, Regulation:

I am pleased to get through a Scrutiny session and mentioning the 4 Es of enforcement because otherwise I would not be doing my ...

The Minister for the Environment:

Enforcement, yes.

Group Director, Regulation:

Yes, exactly; engage, explain and encourage on a one-to-one basis, absolutely. We are absolutely committed within that period of implementation before 1st October to do bespoke sessions with particularly small businesses. We know of them, we will be able to reach out, get in touch, help them, guide them, support them and then having some sector-specific for different charities and things like that. We, of course, will try to be as open and transparent and encouraging and supportive as we can, definitely on a one-to-one basis, yes.

The Connétable of St. Mary:

Thank you for that. Moving on to transition arrangements, the report states that: "Existing businesses would not require a pre-inspection before receiving their licence. Instead they would be contacted within the first 12 months to update their details, ensuring continuity and minimal disruption during implementation." Before I ask my next question, does that 12 months run from 1st October date?

Group Director, Regulation:

I could take that, Minister, is that okay?

The Minister for the Environment:

Yes, I am happy, yes.

Group Director, Regulation:

What we want to ensure is that if you are already registered, you are part of the Eat Safe, you have already been regularly inspected, that we would issue a licence without pre-inspection because obviously the business is known to us, it has been through that process. Where the business currently is either unregistered or it is a new business that has not been through the Eat Safe, that is where we would, potentially, inspect prior to issuing a licence because we have not been there before and we have not done the inspection; that would be the case where we would inspect. But in terms of transition, we want to make it as smooth as possible going from one arrangement to the next. Where you are registered and already have had Eat Safe inspections, then it would just move over. It is not a rigorous 12 months, it could be either side, but on the whole low-risk businesses could be between 2 to 3 years on low-risk businesses.

The Connétable of St. Mary:

It could be less than 12 months then?

Group Director, Regulation:

Potentially 18 months on a restaurant café medium but then obviously the high risk could then, potentially, be where you are going for under a year.

The Connétable of St. Mary:

Are there any other form of transition arrangements to places of this kind?

Group Director, Regulation:

Yes. Yes, we do have transition arrangements for the places of refreshments licence. If you have already renewed your places of refreshment licence, that does not expire until 2027. We will honour that. Only when your places of refreshment licence expires in 2027 would you move on to the licence arrangements under these. We would exchange one licence for the other but we would not require those who already have valid places of refreshment licences to then re-license on 1st October.

The Connétable of St. Mary:

Are there any other examples? No, I am not saying there should be, I just wondered.

The Minister for the Environment:

I will just carry on with the theme of continuity and I think it is absolutely vital that we do not break any continuity between the old regime and the new regime. Food and accommodation in Jersey is worth £215 million a year to the Island. It is a hugely valuable part of the economy. We do not want to risk it. We want to make sure we have got our food regulations in place which are right. But I go back to what I have said previously, very many of our larger food businesses and restaurants and what have you are already conforming with all these regulations. None of this will be new to them, which does allow staff to do the work on the new businesses and to visit where we think there might be high risk. It does allow us to pick and choose a bit because we already know there is many, many, many businesses out there who are doing this. They may be whatever risk they are but they have got it all covered. They have got every angle under control. We are relatively comfortable. The continuity is important, we are not about shutting down any businesses as we move from one regime to the next.

Deputy H.L. Jeune:

How many do you think have you done that assessment and how many are there that are not part of this combination, that have already got some form of licence, et cetera? Has there been an analysis system thing that is newly captured I suppose?

The Minister for the Environment:

Yes, I made the mistake of saying a number before we started of rented dwellings, which was completely wrong. I will resist the urge to say how many food businesses. Ralph has a much better idea than me.

Senior Regulation Standards Officer:

I can give the numbers if you would like, yes. There is circa 1,200 registered food businesses. Of that around 200 are places of refreshment licensed and around 20 to 25 are ice cream licensed.

Deputy A.F. Curtis:

But that is just those who fall in the scope of the current legislation, not the number that will be basically falling into scope based on this.

The Minister for the Environment:

Yes, I think it is.

Senior Regulation Standards Officer:

That will be the majority that will fall into the scope with the new regulations.

Deputy A.F. Curtis:

But there will be businesses now that currently do not fall under either of those that will now become food businesses.

The Minister for the Environment:

Yes, I think that is what Ralph is saying.

Deputy A.F. Curtis:

Yes, the 1,200 is what it will be.

Senior Regulation Standards Officer:

That is current.

The Minister for the Environment:

We are aware of some but not of others, but we think there will be a total of 1,200 roughly.

Deputy H.L. Jeune:

Yes, so 1,200, potentially, would fall into that low risk, medium risk and high risk.

Senior Regulation Standards Officer:

No, no, no, sorry. Yes, in all 3 categories.

Deputy H.L. Jeune:

In all 3 categories.

Senior Regulation Standards Officer:

Yes.

Deputy H.L. Jeune:

It is 1,200 would fall between the whole 3.

Senior Regulation Standards Officer:

That is a rough ... 1,200 to 1,300 is a rough registered business.

Deputy A.F. Curtis:

But that is currently registered.

Senior Regulation Standards Officer:

Yes, sorry, I understand that.

Group Director, Regulation:

I think the key point, Deputy, is we also at this point do not know what we do not know. The ones that are not currently registered we are, potentially, not aware of. The ones that we are aware of we are counting as 1,200.

The Minister for the Environment:

We thought there were 15,000 rented dwellings ...

Group Director, Regulation:

Now there is 18,000.

The Minister for the Environment:

... until we got to the end of the process and found there were 18,000.

The Connétable of St. Mary:

Yes, I have already touched on the way you are going to lay concerns about a particular charitable sector on that written form of a list you said. Will that be formally a guide with which ...

Group Director, Regulation:

Yes.

The Minister for the Environment:

It is there as a guide because it cannot be all inclusive because of as we have discussed with the football team at halftime. But, yes, we have mentioned charities.

The Connétable of St. Mary:

It should be a living guide surely, yes.

The Minister for the Environment:

But it is important to say that it is not all charities.

The Connétable of St. Mary:

No, no.

The Minister for the Environment:

We have got a really popular and successful charity in Beresford Street that provides a lot of food commercially to outlets and they would fall under the category of probably medium risk or something like that.

Group Director, Regulation:

That is right. We are looking at food businesses that are charities, not charities that potentially have cake sales or something for fundraising. It is food businesses and some food businesses are charities.

The Minister for the Environment:

Charities, yes. But the ones that fall on to the list you are talking about, Constable, we mentioned charities and there will be many charitable events on that list, but we must make it clear that it is not all charities well beyond that list.

The Connétable of St. Mary:

I do appreciate that that is probably where the main concern lies with those voluntary organisations.

The Minister for the Environment:

Yes.

The Connétable of St. Mary:

On that, can I just raise one point? On Article 2 about the scope of regulation it says, exemption: “Food prepared and sold or distributed as a one-off event organised by a voluntary organisation”, et cetera. I am not trying to find a loophole again but if a voluntary organisation organises it, then presumably everyone who falls under their remit is similarly exempt. Are you with me?

The Minister for the Environment:

There is a number of things, voluntary organisations preparing food on a very regular basis may fall into a different category from voluntary organisations.

The Connétable of St. Mary:

One-off though, yes/

Group Director, Regulation:

It is occasional.

The Minister for the Environment:

I think the word that Kelly stressed was occasional and I think it is variations of the word “occasional” that we need to have in mind when we are trying to work out whether we are applying the regulations or not.

The Connétable of St. Mary:

All I am simply saying is that if a voluntary organisation is the organiser of it, it does give them authority to find volunteers to come and help them, shall I say, and should also be exempt by definition?

Deputy H.L. Jeune:

Can I also just add on that, yes, you have absolutely talked about occasional and in the toolkit but the Connétable does bring up the fact that in the law it does say one-off?

The Connétable of St. Mary:

It says one-off.

Group Director, Regulation:

Only for 1(c).

Deputy H.L. Jeune:

It is mentioned elsewhere.

Group Director, Regulation:

Then 2(b) is occasional; there is both of those I suppose. I think the best I can offer at this point is that we are here and available to talk through all of the instances. It is difficult to make a judgment without fully understanding the particulars of every case-by-case basis. But as we said, officers are available to be able to do that. We want to be prepared for that but not necessarily presumptive of the Assembly's decision to be made in a few weeks' time as well.

The Minister for the Environment:

I cannot stress enough it is not our intention to be closing down the W.I. (Women's Institute) once in 6-month cake sale at the parish hall. We have had a lot of concerns, a lot of phone calls along that sort of subject and variations of the same. It is absolutely not our desire to bring Jersey community to a halt.

[17:00]

The Connétable of St. Mary:

Yes. Taking that on board and hoping there will not be many appeals, the appeals process goes to yourself, as Minister, then to the Royal Court.

The Minister for the Environment:

Yes.

The Connétable of St. Mary:

That comes up time and again in your legislation.

The Minister for the Environment:

I did look up appeals because I thought we could not get through an hour and a half without using the word "appeal" somewhere.

The Connétable of St. Mary:

I am glad I did not disappoint you, Minister.

The Minister for the Environment:

I have now forgotten where it is. But I did see this, there is basically appeals brought on just about everything.

Group Director, Regulation:

13(b).

The Minister for the Environment:

Thirteen, is it?

Group Director, Regulation:

It is odd but it is new, it is added into 63.

The Connétable of St. Mary:

But the point I make is that it is to you, Minister, then, ultimately, to the Royal Court. I am just flagging again I think that ...

The Minister for the Environment:

I had missed the reference to myself, Constable. I thought it was ... has anybody got the appeal? Here we are.

Group Director, Regulation:

It is 60 for the review by the Minister is what ...

The Minister for the Environment:

It is 53, yes.

Group Director, Regulation:

Yes, exactly.

The Minister for the Environment:

But it is an appeal against the decision of myself, but do I get to decide the first appeal, do I?

The Connétable of St. Mary:

I am not saying that is the complaint that I have got, no, I am just saying that is a point at issue.

The Minister for the Environment:

No, I do not think so.

The Connétable of St. Mary:

We might not have such an agreeable Minister in future.

The Minister for the Environment:

I think the appeal is to the Royal Court because it is saying here if I refuse ... and I presume they are talking about me but this would be officers under delegated authority. If I refuse licences or vary, suspend or cancel approval, stuff like that, there is an appeal process that goes to the Royal Court.

The Connétable of St. Mary:

Yes, it is a point I made before. It is a fairly heavy-handed way of dealing with appeals of an administrative nature and that applies to certain departments.

The Minister for the Environment:

I see, you felt it was a bit too onerous to have to go straight to. You would have preferred a more ...

The Connétable of St. Mary:

Well, we debated it, you may recall, with the licensing standards, did we not?

The Minister for the Environment:

Yes.

The Connétable of St. Mary:

I am not suggesting ... I just make the general point to flag it for all Ministers who are there.

The Minister for the Environment:

Yes. There does not appear to be an informal resolution.

The Connétable of St. Mary:

Okay, and I think I have probably done everything.

Deputy H.L. Jeune:

Yes. I think because we are a little bit over time, just looking at my panel to see if there is anything we have missed. Deputy Curtis.

Deputy A.F. Curtis:

I have one question, Minister, if you have the time.

The Minister for the Environment:

Yes.

Deputy A.F. Curtis:

Lovely. It was about, I think, Article 37, training, and I was surprised that the order-making power to require training allows you to prescribe training providers who can provide training. I wondered in what circumstances would it be appropriate for the Government to choose a provider of training, not just the minimum level of training and the manner in which training must be provided under Article 37(2)(a), (b) and (c)?

The Minister for the Environment:

You are quite right, Deputy. I would have been surprised if we were going to specify which private contractor might undergo the training process for people to go on.

Senior Regulation Standards Officer:

Minister, it is purely a flexibility, future-proofing flexibility elements to it. It is you may choose to do that, so ...

Deputy A.F. Curtis:

It is flexibility but it will be the Assembly that is giving the Minister power to do something, that without understanding why you would want a power, the Assembly have to consider why we are doing something. I just wondered when drafting the law there was a clear example as to why this would be at all reasonable power to have.

Senior Regulation Standards Officer:

Sorry, Minister, may I ...

The Minister for the Environment:

Yes, yes, carry on.

Senior Regulation Standards Officer:

The quality of training can range and where we perform inspections we ask the key questions that one would learn in a training course. If we find that the training is insufficient, we might require them to retrain. If it is still insufficient, then we may look to say: "Have you considered doing a one-on-one training session at Highlands College" et cetera. It really is that provision there to maybe specify a training provider if in the future it arises.

The Minister for the Environment:

The key word is in the first line of that, 37(2), which is that “the Minister may”.

Deputy A.F. Curtis:

Yes.

The Minister for the Environment:

If it was must that would be considerably more serious but I think it is just there to say under certain circumstances, as Ralph has indicated, I could prescribe the level of training and the manner in why it must happen and who may provide it.

Deputy T.A. Coles:

You would not let minimum level of training provide that oversight of who can deliver that training because obviously if you were to suggest there had to be an N.V.Q. (National Vocational Qualification) level 2 or 3, then that might only indicate that it is only going to be in somewhere like Highlands College that was able to deliver that training rather than ...

The Minister for the Environment:

That could not be.

Senior Regulation Standards Officer:

Yes, absolutely right. If we want quality training in the food industry, then it might be that a 5-minute online course is not sufficient. I think the Minister wanted that flexibility to be able to stipulate it needs to be a robust course from an accredited provider in the future.

The Minister for the Environment:

Absolutely.

Deputy H.L. Jeune:

Thank you. Thank you very much, Minister, officers, for attending today. We will of course get back to you with our comments and maybe any other questions that we have as we are developing our final input for this to be discussed in the Assembly. Thank you very much.

The Minister for the Environment:

Thank you, Chair. Thank you, panel.

[17:05]