

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 12th NOVEMBER 2019

COMMUNICATIONS BY THE PRESIDING OFFICER.....	9
1.1 Welcome to His Excellency the Lieutenant Governor	9
QUESTIONS.....	9
2. Written Questions.....	9
2.1 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING IMPLEMENTATION OF THE RECOMMENDATIONS OF THE HR LOUNGE IN RESPECT OF BULLYING AND HARASSMENT: (WQ.474 /2019).....	9
2.2 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING GOVERNMENT POLICY IN RESPECT OF POPULATION LIMITS: (WQ.475/2019).....	10
2.3 THE CONNÉTABLE OF ST. MARTIN OF THE ASSISTANT MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROSPECT OF EXTENDING THE LISTENING LOUNGE INITIATIVE: (WQ.476/2019)	10
2.4 THE CONNÉTABLE OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE USE OF THE GRANITE FAÇADE OF THE OLD NEWGATE STREET PRISON: (WQ.478/2019)	11
2.5 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE IMPLEMENTATION OF THE JERSEY ETHICAL CARE CHARTER: (WQ.479/2019)	12
2.6 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE SICKNESS LEAVE TAKEN BY STATES OF JERSEY EMPLOYEES: (WQ.480/2019)	13
2.7 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING MENTAL HEALTH INCIDENTS TO WHICH THE STATES OF JERSEY POLICE HAVE BEEN CALLED: (WQ.481/2019)	13
2.8 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING STATES OF JERSEY STAFF ON SECONDMENT SINCE 1ST JANUARY 2018: (WQ.482/2019).....	13
2.9 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DELAYS TO 2018 TAX RETURN NOTICES: (WQ.483/2019)	15
2.10 SENATOR K.L. MOORE OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE DWELLING HOUSES LOAN FUND: (WQ.484/2019).....	16
2.11 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE DELEGATION OF FUNCTIONS: (WQ.485/2019).....	16

2.12	DEPUTY S.M. AHIER OF ST. HELIER OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING EXPENDITURE ON VOLUNTARY RELEASE AND COMPULSORY REDUNDANCIES: (WQ.486/2019)	19
2.13	DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE SELECTION PANELS ON WHICH THE CHIEF EXECUTIVE OFFICER HAS SAT: (WQ.487/2019)	21
2.14	DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ACCESS TO RETINAL SCREENING APPOINTMENTS: (WQ.488/2019).....	22
2.15	DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING DIVESTMENT IN COMPANIES THAT ARE RELIANT UPON FOSSIL FUELS AS A BASIS FOR THEIR ACTIVITIES: (WQ.489/2019).....	23
2.16	DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING LUNCH BREAKS IN THE ISLAND’S SCHOOLS: (WQ.490/2019) ..	23
2.17	DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE PROPERTIES OCCUPIED BY THE GOVERNMENT OF JERSEY: (WQ.491/2019).....	24
2.18	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING STAFF TURNOVER IN THE CHILDREN’S SERVICE: (WQ.492/2019)	25
2.19	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING COMPLAINTS MADE TO THE CHILDREN’S SERVICE: (WQ.493/2019)	26
2.20	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING A DIGITAL SYSTEM FOR SHARING PATIENT RECORDS: (WQ.494/2019).....	28
2.21	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RECORDING AND INVESTIGATION OF INSTANCES IN WHICH PATIENTS SUFFER ADVERSE SIDE EFFECTS FROM MEDICATION: (WQ.495/2019).....	28
2.22	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INSTANCES IN WHICH DETAILS OF AN INDIVIDUAL’S CIRCUMSTANCES CAN BE SHARED WITH OTHER AGENCIES WITHOUT THE INDIVIDUAL’S CONSENT: (WQ.496/2019).....	29
2.23	THE CONNÉTABLE OF ST. MARTIN OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE POTENTIAL LEGISLATIVE CHANGES ARISING FROM THE EXTENSION OF THE U.K.’S MEMBERSHIP OF THE WORLD TRADE ORGANISATION TO JERSEY: (WQ.497/2019)	29
2.24	THE CONNÉTABLE OF ST. MARTIN OF THE CHIEF MINISTER REGARDING THE REPRESENTATION OF JERSEY’S INTERESTS AT WESTMINSTER: (WQ.498/2019)	30
2.25	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING DEPARTMENTAL EXPENDITURE ON WAGES AND SALARIES: (WQ.499/2019)	31
2.26	DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE NUMBER OF PEOPLE SLEEPING ROUGH IN JERSEY: (WQ.500/2019).....	32
2.27	DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE GRANTING OF ENTITLED STATUS UNDER REGULATION 2(1)(E) OF THE CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (JERSEY) REGULATIONS 2013: (WQ.501/2019).....	33

2.28	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING CONSULTATION IN RESPECT OF THE USE OF THE EXISTING LES QUENNEVAIS SCHOOL SITE: (WQ.502/2019)	34
2.29	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE EXPECTED RISE IN SEA LEVELS: (WQ.503/2019)	34
2.30	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING STUDENTS WITH POLISH, ROMANIAN OR PORTUGUESE AS A FIRST OR ADDITIONAL LANGUAGE: (WQ.504/2019)	35
2.31	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE AFFORDABILITY OF PRIMARY CARE: (WQ.505/2019)	36
2.32	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING MEASURES UNDER CONSIDERATION TO IMPROVE THE AFFORDABILITY OF PRIMARY CARE: (WQ.506/2019)	38
2.33	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING IMPLEMENTATION OF THE RESULTS OF THE CONSULTATION, ‘LIVING TODAY, THINKING AHEAD’: (WQ.507/2019)	39
2.34	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING AGREEMENTS BETWEEN THE CUSTOMS AND IMMIGRATION SERVICE AND U.K. CUSTOMS AUTHORITIES: (WQ.508/2019)	41
2.35	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING FOSTERING AND ADOPTION PROCESSES: (WQ.509/2019)	42
2.36	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COLLECTION BY JERSEY POST OF V.A.T. ON GOODS: (WQ.510/2019)	45
2.37	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE STATES OF JERSEY POLICE PROFESSIONAL STANDARDS DEPARTMENT: (WQ.511/2019)	45
3.	Oral Questions	46
3.1	Senator S.C. Ferguson of the Minister for Treasury and Resources regarding training contracts issued by Government Departments: (OQ.284/2019).....	46
	Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):	46
	3.1.1 Senator S.C. Ferguson:	46
	3.1.2 Senator S.C. Ferguson:	46
	3.1.3 Senator S.C. Ferguson:	47
3.2	Senator K.L. Moore of the Minister for Health and Social Services regarding a sustainable funding mechanism for primary care: (OQ.269/2019)	47
	Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):.....	47
	3.2.1 Senator K.L. Moore:	48
	3.2.2 Deputy G.P. Southern of St. Helier:	48
	3.2.3 Deputy K.G. Pamplin of St. Saviour:	48
	3.2.4 Deputy R.J. Ward of St. Helier:	48
	3.2.5 Senator K.L. Moore:	48
3.3	Deputy S.G. Luce of St. Martin of the Minister for Infrastructure regarding the reclamation site at La Collette: (OQ.274/2019)	49

Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):.....	49
3.3.1 The Deputy of St. Martin:.....	49
3.3.2 The Deputy of St. Martin:.....	49
3.4 Deputy K.F. Morel of St. Lawrence of the Minister for Treasury and Resources regarding the diversity of the board of Andium Homes: (OQ.270/2019).....	50
Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - <i>rapporteur</i>):.....	50
3.4.1 Deputy K.F. Morel:.....	50
3.4.2 Senator K.L. Moore:	50
3.4.3 Deputy J.H. Perchard of St. Saviour:.....	51
3.4.4 Deputy J.H. Perchard:.....	51
3.4.5 Deputy K.G. Pamplin:.....	52
3.4.6 Deputy R.J. Ward:.....	52
3.4.7 Deputy R.J. Ward:.....	52
3.4.8 Connétable M.K. Jackson of St. Brelade:	52
3.4.9 Deputy C.S. Alves of St. Helier:.....	53
3.4.10 Deputy M.R. Le Hegarat of St. Helier:	53
3.4.11 Deputy K.F. Morel:	54
3.5 Deputy R.J. Ward of the Chief Minister regarding the allocation of funds for public sector pay rises: (OQ.278/2019).....	54
Senator J.A.N. Le Fondré (The Chief Minister):	54
3.5.1 Deputy R.J. Ward:.....	54
3.5.2 Deputy K.G. Pamplin:.....	55
3.5.3 Deputy G.P. Southern:	55
3.5.4 Deputy R.J. Ward:.....	55
3.6 Deputy C.S. Alves of the Minister for Health and Social Services regarding the cancellation and rescheduling of operations at the General Hospital due to bed shortages: (OQ.277/2019).....	55
The Deputy of St. Ouen (The Minister for Health and Social Services):	56
3.6.1 Deputy C.S. Alves:	56
3.6.2 Deputy G.P. Southern:	57
3.6.3 Deputy R.J. Ward:.....	57
3.6.4 Deputy R.J. Ward:.....	57
3.6.5 Deputy K.G. Pamplin:.....	57
3.6.6 Deputy S.M. Ahier of St. Helier:	58
3.7 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding the development of the Jersey Care Model: (OQ.280/2019)	58
The Deputy of St. Ouen (The Minister for Health and Social Services):	58
3.7.1 Deputy K.G. Pamplin:.....	58
3.7.2 Deputy G.P. Southern:	59
3.7.3 Deputy K.G. Pamplin:.....	59
3.8 Deputy G.P. Southern of the Minister for Health and Social Services regarding a reduction in the co-payment for patients for G.P. consultations: (OQ.282/2019)	59
The Deputy of St. Ouen (The Minister for Health and Social Services):	59
3.8.1 Deputy G.P. Southern:	60
3.8.2 Deputy G.P. Southern:	60

3.9 Deputy I. Gardiner of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the Jersey Innovation Fund: (OQ.272/2019).....	60
Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	60
.....	60
3.9.1 Deputy I. Gardiner:	60
3.9.2 Deputy I. Gardiner:	61
3.10 Deputy G.P. Southern of the Chair of the States Employment Board regarding the provision in the Government Plan for pay inflation: (OQ.283/2019)	61
Senator J.A.N. Le Fondré (Chair, States Employment Board):	61
3.10.1 Deputy G.P. Southern:	61
3.10.2 Deputy S.M. Ahier:	61
3.10.3 Deputy R.J. Ward:	62
3.10.4 Deputy G.P. Southern:	62
3.11 Deputy I. Gardiner of the Minister for Infrastructure regarding community facilities at the old tea factory building: (OQ.273/201)	62
Deputy K.C. Lewis (The Minister for Infrastructure):	62
3.11.1 Deputy I. Gardiner:	62
3.11.2 Deputy R.J. Ward:	63
3.12 Deputy K.G. Pamplin of the Minister for Treasury and Resources regarding the introduction of a new online tax system: (OQ.280/2019)	63
Deputy S.J. Pinel (The Minister for Treasury and Resources):	63
3.12.1 Deputy K.G. Pamplin:	63
3.12.2 Deputy R.J. Ward:	63
3.12.3 Deputy K.G. Pamplin:	64
3.12.4 Deputy K.G. Pamplin:	64
3.13 Deputy R.J. Ward of the Minister for the Environment regarding the encouragement and facilitation of more greenery in the Island’s urban areas: (OQ.279/2019).....	64
Deputy J.H. Young of St. Brelade (The Minister for the Environment):	64
3.13.1 Senator S.C. Ferguson:	65
3.13.2 Senator S.C. Ferguson:	65
3.13.3 Deputy S.M. Wickenden of St. Helier:	65
3.13.4 The Deputy of St. Martin:	65
3.13.5 Deputy G.J. Truscott of St. Brelade:	66
3.13.6 Deputy K.F. Morel:	66
3.13.7 The Connétable of St. Brelade:	66
3.13.8 Deputy R.J. Ward:	66
3.14 The Deputy of St. Martin of the Chief Minister regarding the future of Haut de la Garenne: (OQ.275/2019)	67
Senator J.A.N. Le Fondré (The Chief Minister):	67
3.14.1 Deputy K.G. Pamplin:	67
3.14.2 Deputy K.G. Pamplin:	67
3.14.3 Deputy S.M. Ahier:	68
3.14.4 Deputy S.M. Ahier:	68
3.14.5 Connétable K. Shenton-Stone of St. Martin:	68
3.14.6 The Connétable of St. Martin:	69
3.14.7 The Deputy of St. Martin:	69

3.15 Deputy K.F. Morel of the Minister for Infrastructure regarding the States-owned sites at South Hill and Cyril Le Marquand House: (OQ.271/2019)	69
Deputy K.C. Lewis (The Minister for Infrastructure):	69
3.15.1 Deputy K.F. Morel:	69
3.15.2 Deputy M.R. Le Hegarat:	69
3.15.3 Senator S.C. Ferguson:	70
3.15.4 Deputy K.G. Pamplin:	70
3.15.5 Deputy K.G. Pamplin:	70
3.15.6 Deputy K.F. Morel:	70
4. Questions to Ministers without notice - The Minister for the Environment.....	71
4.1 The Deputy of St. Martin:	71
Deputy J.H. Young (The Minister for the Environment):	71
4.1.1 The Deputy of St. Martin:	72
4.2 Deputy D. Johnson of St. Mary:	72
4.3 Deputy G.J. Truscott:	72
4.4 Deputy K.F. Morel:	73
4.4.1 Deputy K.F. Morel:	73
4.5 Deputy S.M. Ahier:	73
4.6 The Connétable of St. Brelade:	74
4.7 Connétable R.A. Buchanan of St. Ouen:	74
4.8 Senator S.W. Pallett:	74
5 Questions to Ministers without notice - The Minister for Treasury and Resources ...	75
5.1 Senator S.W. Pallett:	75
Deputy S.J. Pinel (The Minister for Treasury and Resources):	75
5.1.1 Senator S.W. Pallett:	75
5.2 Deputy I. Gardiner:	75
5.2.1 Deputy I. Gardiner:	76
5.3 Deputy S.M. Ahier:	76
5.4 Deputy M. Tadier of St. Brelade:	76
5.4.1 Deputy M. Tadier:	76
5.5 Deputy M.R. Le Hegarat:	77
5.5.1 Deputy M.R. Le Hegarat:	77
5.6 Connétable D.W. Mezbourian of St. Lawrence:	77
5.6.1 The Connétable of St. Lawrence:	77
5.7 Deputy G.J. Truscott:	77
5.8 Senator S.C. Ferguson:	78
5.8.1 Senator S.C. Ferguson:	78
5.9 Deputy K.F. Morel:	78
5.10 Deputy R.J. Ward:	79
5.11 Deputy K.F. Morel:	79
PUBLIC BUSINESS.....	79
6. States Assembly: time limits on speeches in debates (P.101/2019).....	79
6.1 Deputy R.J. Labey of St. Helier (Chair, Privileges and Procedures Committee):	80
6.1.1 The Connétable of St. Lawrence:	83
6.1.2 Deputy M. Tadier:	83
6.1.3 Senator L.J. Farnham:	87
6.1.4 Senator S.Y. Mézec:	87

6.1.5	Connétable C.H. Taylor of St. John:.....	88
6.1.6	Deputy R. Labey:	89
LUNCHEON ADJOURNMENT PROPOSED		91
LUNCHEON ADJOURNMENT		91
7.	Draft Rehabilitation of Offenders (Exceptions) (Amendment No. 2) (Jersey) Regulations 201- (P.104/2019)	91
7.1	The Connétable of St. Clement (The Minister for Home Affairs):.....	91
7.1.1	Deputy R.J. Ward:.....	92
7.1.2	Deputy J.H. Young:	92
7.1.3	Senator S.Y. Mézec:	92
7.1.4	Deputy M. Tadier:.....	92
7.1.5	Senator L.J. Farnham:	93
7.1.6	Senator S.C. Ferguson:	94
7.1.7	The Connétable of St. Clement:.....	94
8.	Channel Islands Lottery: allocation of proceeds from 2018 (P.105/2019).....	96
8.1	Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	96
8.1.1	The Deputy of St. Mary:	96
8.1.2	The Connétable of St. Brelade:	97
8.1.3	Deputy K.G. Pamplin:.....	97
8.1.4	The Connétable of St. Lawrence:.....	97
8.1.5	Deputy K.F. Morel:.....	97
8.1.6	Deputy M. Tadier:.....	98
8.1.7	Senator L.J. Farnham:	98
9.	States of Jersey Development Company Limited: re-appointment of Non-Executive Directors (P.108/2019)	100
9.1	Deputy L.B.E. Ash (Assistant Minister for Treasury and Resources - <i>rapporteur</i>):.....	100
9.1.1	Deputy J.H. Young:	101
9.1.2	Deputy J.H. Perchard:	101
9.1.3	The Connétable of St. John:.....	102
9.1.4	Deputy K.F. Morel:.....	102
9.1.5	Deputy M. Tadier:.....	102
9.1.6	Deputy R.J. Ward:.....	104
9.1.7	The Connétable of St. Martin:	104
9.1.8	Senator I.J. Gorst:	105
9.1.9	Senator K.L. Moore:	105
9.1.10	Deputy K.C. Lewis:.....	106
9.1.11	Deputy L.B.E. Ash:	106
10.	Draft Financial Services Ombudsman (Case-Fee, Levy and Budget - Amendments No. 2) (Jersey) Regulations 201- (P.111/2019).....	109
10.1	Senator S.W. Pallett (Assistant Minister for Economic Development, Tourism, Sport and Culture - <i>rapporteur</i>):	111
10.1.1	Deputy J.H. Young:.....	113
10.1.2	Deputy K.F. Morel:	113
10.1.3	Deputy R.J. Ward:	113
10.2	Senator S.W. Pallett:	115

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS.....	117
11. Deputy R. Labey (Chairman, Privileges and Procedures Committee):	117
11.1 Senator L.J. Farnham:	118
11.1.1 Deputy G.P. Southern:	118
11.1.2 Deputy M. Tadier:	118
11.1.3 Deputy K.F. Morel:	118
11.1.4 Deputy R.J. Ward:	119
11.1.5 Deputy J.H. Young:	119
11.2 Deputy M. Tadier:	119
11.2.1 Senator S.W. Pallett:	119
11.2.2 The Deputy of St. Martin:	120
11.2.3 Senator S.C. Ferguson:	120
11.2.4 Deputy R.J. Ward:	121
11.2.5 Deputy K.F. Morel:	121
11.2.6 The Connétable of St. Clement:	121
11.2.7 Deputy J.M. Maçon:	121
11.2.8 Senator J.A.N. Le Fondré:	122
11.2.9 Deputy M. Tadier:	122
ADJOURNMENT.....	123

[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Greffier of the States (in the Chair):

1.1 Welcome to His Excellency the Lieutenant Governor

On behalf of Members I would like to welcome His Excellency the Lieutenant Governor to the Chamber this morning, [Approbation]

QUESTIONS

2. Written Questions

2.1 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING IMPLEMENTATION OF THE RECOMMENDATIONS OF THE HR LOUNGE IN RESPECT OF BULLYING AND HARASSMENT: (WQ.474 /2019)

Question

Further to the response to Oral Question 261/2019 and given that the States Employment Board does not currently intend to invite The HR Lounge back for a follow-up review of bullying and harassment, will the Chair provide further details about how the efficacy of the Government's implementation of The HR Lounge's recommendations will be measured, and by whom?

Answer

The States Employment Board continues to monitor the delivery of the plan against the recommendations of the HR Lounge. The first such formal report is due in December 2019.

The Group Director for People and Corporate Services will provide information relating to the number of complaints, the nature of the complaints and outcomes of complaints raised in relation to bullying and harassment.

The States Employment Board committed to introduce a mandatory 'exit interview' and survey this month that will allow individuals leaving the organisation to also raise concerns. This will be monitored for trends monthly and areas of concern acted upon.

Additionally, the staff survey in 2020 will have specific questions relating to behaviour, incidents or perception of bullying and harassment. We will be able to identify potential trends or areas of concern from staff feedback and put in place further actions or interventions if required.

We continuously monitor the Whistleblowing submissions (both anonymous and named) through the bullying and harassment reporting site, which is run independently. We also monitor the outcome of such allegations.

We also intend to engage with the trade unions to review perceptions of the effectiveness of the bullying and harassment policy and consult on any changes required to improve our work in this area.

If any of the above actions and reviews result in further significant concerns, we will, if appropriate, commission a further review from the HR Lounge.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

DG Level x15 minutes: £20.25

Total: £20.25

2.2 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING GOVERNMENT POLICY IN RESPECT OF POPULATION LIMITS: (WQ.475/2019)

Question

Given the response to Oral Question 251/2019, when the Assistant Chief Minister stated that he is “not in favour of infinite [population] growth”, will the Chief Minister –

- (a) advise whether the report from the Migration Policy Development Board will include a proposed limit on the size of Jersey’s population;
- (b) advise whether any preliminary consideration has been given to such a proposed limit and, if so, what the results of that consideration have been to date; and

(c) if the report will not include proposals for such a limit, explain why not?

Answer

The terms of reference of the Board state that its purpose is: *“to develop comprehensive migration policy proposals which will deliver more responsive controls over who can come to live, work and access public services in Jersey, improving consistency wherever practical and helping to reduce the Island’s reliance on inward migration.”*

The Migration Policy Development Board published its interim report on 24th October outlining its work and the complex issues that surround this issue to help inform the debate on how to develop meaningful and sustainable migration controls in the future.

As was said in the answer to Oral Question 251/2019 ultimately it will be a question for the States Assembly as a whole to debate and agree the level of migration control that it wishes to enforce and any population targets it wishes to impose. Our current timetable suggests a debate on migration controls in early summer 2020.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 12 x 20mins: £10.70

Civil Servant Grade 15 x 20mins: £15.00

Total: £25.70

2.3 THE CONNÉTABLE OF ST. MARTIN OF THE ASSISTANT MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROSPECT OF EXTENDING THE LISTENING LOUNGE INITIATIVE: (WQ.476/2019)

Question

Will the Assistant Minister outline what scoping, if any, has so far been done to examine the feasibility of extending the Listening Lounge initiative to other parts of the Island?

Answer

Islanders can now access free early help and support at the Listening Lounge. The aim is to provide early intervention to prevent deterioration in people's mental health. The Lounge opened on the 4th November and is based in Charles House, Charles Street, St Helier.

The facility is a pilot scheme which aims to help islanders with issues such as anxiety and depression before they become more complex. It has been co-produced by the Government of Jersey, the voluntary sector and those with lived experience. Funding is through a partnership arrangement between Health and Community Services and L.I.N.C, a specialist mental health and wellbeing provider in Jersey.

Its delivery is part of the Government of Jersey's commitment to delivering the best health care for islanders, with mental health care a priority. A 14-month contract has been signed between the Government of Jersey and L.I.N.C, which is owned by LV Home Care Ltd, part of the LV Care Group. The service specification has been set for the next three months and will be reviewed by all partners at the beginning of February 2020. The review will look at how the service is working and whether it is meeting the needs of the community and support services.

This is a new service and a pilot. Therefore, it will be continuously evaluated and any lessons learnt before extension is considered. We want to ensure that we have a secure evidence base before dedicating further public monies to the approach. However, the approach is creative and multi-agency and my department would be very pleased to be advised of any needs assessment work that has taken place and any possible resources (venues and staffing) that exist in the Island.

2.4 THE CONNÉTABLE OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE USE OF THE GRANITE FAÇADE OF THE OLD NEWGATE STREET PRISON: (WQ.478/2019)

Question

Given the granite façade of the old Newgate Street prison has been in Government storage since 1974 on the basis that it be kept for some future project, will the Minister agree to take action and request that the granite form part of a new States structure or, if not, agree to its disposal to the highest bidder within the next 12 months?

Answer

Over the years, there have been a number of suggestions as to the re-use of the Newgate Street prison façade, from Cyril Le Marquand House, the Public Library and the Magistrate's Court to, more recently, the future hospital. The barriers to such re-use seems to have been cost and architectural style.

We are informed that, despite some opinions to the contrary, the granite blocks are all present and in good condition and could therefore be incorporated in the design of an appropriate Public building. The challenge is that modern designs tend not to be of the same scale as the prison and accommodating the arches would result in an imbalanced and anachronistic appearance.

An alternative to reconstructing the façade as part of a single building would be to split it over two or three, although this would dilute the imposing nature of the original.

Reuse of the façade continues to be considered for possible use in either of the two major build projects (the new hospital and the new Government offices) in the near future.

2.5 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE IMPLEMENTATION OF THE JERSEY ETHICAL CARE CHARTER: (WQ.479/2019)

Question

Further to the Minister's answer to Oral Question 29/2019 on 29th January 2019, will he outline what work the "next stages" in the implementation of the Jersey Ethical Care Charter has entailed, as described in the answer, and provide an update on progress towards implementation?

Answer

Members will be aware that in July 2017 the last States Assembly adopted a Proposition (P48/2017) put forward by Deputy Southern that, in principle, Jersey should adopt an Ethical Care Charter governing the provision of care in people's homes. As instructed by the Proposition, a consultation was undertaken with the Jersey Care Commission and with users and providers of care services on the terms of the Charter with the result that there was general support for the proposed content of the Charter – 84% of responses agreed or strongly agreed that all providers of domiciliary care should be required to sign up to the Charter.

While the intention behind the Charter is entirely laudable and one which I support wholeheartedly, there are some practical obstacles in proceeding with implementing the Charter as a legal or contractual provision. Having consulted the Jersey Care Commission and Caritas Jersey, it is clear that establishing a mechanism that delivers mandatory requirements in the proposed Charter is difficult to achieve.

The proposed Jersey Charter has its origins in a UK union-sponsored voluntary charter that care providers and local authorities can choose to adopt. Such a voluntary approach allows providers to differentiate themselves in terms of how they treat their workers and to stand out in terms of attracting and retaining staff. It allows them to secure clients looking for a provider that adheres to particular standards. The user of the service is then ultimately making an informed choice.

If the Charter was to be compulsory there are particular issues around its terminology (it is not drafted as a legislative provision), its enforcement and the regulation of service providers. The proposed Charter contains elements that relate to terms and conditions of employment and therefore it is not appropriate for such a task to rest with the Jersey Care Commission. While the Commission upholds a comprehensive set of care standards across all care sectors, it does not stray into setting terms and conditions of employment, particularly the establishment of a minimum wage for those working in domiciliary services. Furthermore, Jersey's Employment Law does not make provision for separate legal requirements to apply to different groups of employees. I am informed that the Social Security Minister is not minded to prepare an amendment to the Employment Law in this respect and I agree that it is not appropriate.

The Charter refers to the requirement for a signatory to pay the Jersey Living Wage. This is at variance with the voluntary nature of the Jersey Living Wage – where the employer has decided voluntarily to become accredited. I understand that the promoters of the Jersey Living Wage do not support compulsory accreditation.

So, while I share the desire to ensure that Islanders receive the best possible domiciliary care and recognise the role that a Charter could play in articulating and promoting a set of locally-agreed standards and adherence to good practice, the practicalities of doing this in a legal or contractual framework are proving challenging.

I am willing to continue meeting with Deputy Southern (and the questioner if he wishes) to achieve implementation of the Charter in the best practical way.

2.6 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE SICKNESS LEAVE TAKEN BY STATES OF JERSEY EMPLOYEES: (WQ.480/2019)

Question

Will the Chair provide the Assembly with information about the amount of extended time taken off for sickness by States of Jersey employees where the absences are either due to mental health reasons or due to reasons explicitly related to employees' work (such as exhaustion or their work conditions)?

Answer

So far in 2019, up until 5 November, there have been a total of 104 employees, with a total of 4,937 days, who have been off for 20 days or more, for a variety of ailments that may or may not include mental health reasons or work-related absences.

We currently do not collect information in such a way that allow us to interrogate absences in the way the question asks.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 13 x 15minutes: £10

Total: £10.00

2.7 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING MENTAL HEALTH INCIDENTS TO WHICH THE STATES OF JERSEY POLICE HAVE BEEN CALLED: (WQ.481/2019)

Question

Will the Minister state –

- (a) the number of mental health incidents to which the States of Jersey Police has been called out in each of 2017, 2018 and 2019 (to date);
- (b) the number of police officers deployed in each instance; and
- (c) the time spent on each such call-out?

Answer

Mental health incidents	No. of incidents	No. of attended incidents	Average number of officers deployed	Average deployment time
2017	346	300	2.9	1:06:44
2018	602	515	3.0	1:05:40
2019	547	390	2.7	1:05:17
Grand Total	1,495	1,205	2.9	1:05:49

2.8 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING STATES OF JERSEY STAFF ON SECONDMENT SINCE 1ST JANUARY 2018: (WQ.482/2019)

Question

Will the Chair advise how many States of Jersey staff have been on secondment within the organisation since 1st January 2018 to date (including those still currently on secondment), breaking down this figure to show in which departments each secondment has taken place, the length of each secondment and (for those secondments that have been completed) whether the individual subsequently left employment with the States of Jersey or whether they continued in permanent employment with either the borrowing or lending department?

Answer

The information is attached in the table below. There have been 49 secondments during the period 1st January 2018 to 31st October 2019 in the Government of Jersey. This covers 45 employees as 3 employees had more than one secondment during this time.

Department	No. of secondments into the Department	Length of Secondments	Secondments ended during timeframe	Completed secondments where employee left GoJ
Chief Operating Office	7	4 secondments: ≤ 6months 3 secondments: 7 months – 1.2 yrs	5	2
Children, Young People, Education & Skills	4	3 secondments: ≤ 6months 1 secondment: 1.1 years	4	1
Customer and Local Services ¹	12	7 secondments: ≤ 6months 5 secondments: 7 months – 1.4 yrs	5	0
Growth, Housing and Environment	1	1 secondment: 1 month	1	0
Health and Community Services ²	13	6 secondments: ≤ 6months 7 secondments: 7 months – 3 years	8	0
Justice and Home Affairs	2	2 secondments: ≤ 6months	2	0
Non-executives and legislature	1	1 secondment: 1 year	0	0

¹ In Customer and Local Services the 12 secondments were covered by 10 employees

² In Health and Community Services the 13 secondments were covered by 11 employees

Office of the Chief Executive	3	3 secondments: ≤ 8months	2	0
Strategic Policy, Performance & Population	4	4' secondments ≤ 1 year	4	1
Treasury and Exchequer	2	2 secondments ≤ 2 months	2	1

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 13 x 1 hour: £40

Total: £40

2.9 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DELAYS TO 2018 TAX RETURN NOTICES: (WQ.483/2019)

Question

Further to the public advice issued by Revenue Jersey regarding the delays to 2018 tax return notices, will the Minister advise –

- how many Islanders are yet to receive their I.T.I.S. tax return forms;
- how many Islanders are affected by having to pay at a higher rate for the remainder of 2019 in order to secure their full payment of I.T.I.S by the end of December; and
- what the impact will be on the Department, if any, particularly on whether the introduction of online filing of returns will be delayed?

Answer

It is assumed from the Deputy's question that when he refers to ITIS tax return forms he is referring to the effective rate notices sent to Islanders that are in employment.

When the 2018 return is assessed by Revenue Jersey, a replacement effective rate notice is sent to the taxpayer (and spouse/civil partner where appropriate). The effective rate may be the same as the existing rate, or higher or lower depending on the circumstances.

- As at 4 November 2019 approximately 15,900 2018 tax returns submitted (affecting 20,600 employees) are awaiting a replacement effective rate notice.
- It is not possible to provide this information as it will not be known - until the taxpayer's return is reviewed by Revenue Jersey - whether or not their effective rate will change.

Revenue Jersey's online information explains that the majority of customers have similar circumstances year on year and that their effective rate is unlikely to differ.

It also advises that where taxpayers have submitted their 2018 return, have not yet received an assessment and are genuinely worried that - through a material change of circumstances (for example

significant variation in income, marriage/civil partnership, change in number of children) - they will not be able to pay their tax without an unmanageable impact on their finances they should contact the department.

- (c) Revenue Jersey is working hard to minimise the impact of tax assessing delays on the public. Revenue officers are working overtime with a view to completing 2018 tax assessments early in 2020.

Specific technical resources have been allocated to the introduction of online filing so it is not anticipated that the delays in return processing will have a direct effect on the introduction of this service.

2.10 SENATOR K.L. MOORE OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE DWELLING HOUSES LOAN FUND: (WQ.484/2019)

Question

Will the Minister provide the Assembly with a report on the position of the Dwelling Houses Loan Fund, stating in particular –

- (a) the current level of the Fund;
- (b) the income to the Fund over the last year and the anticipated income over the next year; and
- (c) whether there are any plans to develop the purpose and use of the Fund and, if so, what those plans are?

Answer

- (a) The current level of the Dwelling Houses Loan Fund as at 31st October 2019 was £5,031,183. This figure is comprised of £1,430,140 in existing loans and £3,601,043 in funds available.
- (b) The income to the Fund over the last year (November 2018 to October 2019) in interest income was £148,462. The projected interest income (November 2019 to October 2020) is £111,833.
- (c) The Housing Policy Development Board is considering policy responses to address challenges in Jersey's housing market. While the Board has not concluded its work, it is exploring the potential to introduce new assisted home ownership products. £10 million is earmarked in the Government Plan for this purpose in 2021.

The detail of how any such products might work needs to be developed, but the Dwelling Houses Loan Fund has been used to facilitate previous assisted ownership schemes and could be used for a similar purpose again subject to ensuring such schemes meet the terms laid down in the Building Homes (Jersey) Law, under which the Fund was established and in consultation with the Treasury and Exchequer.

2.11 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE DELEGATION OF FUNCTIONS: (WQ.485/2019)

Question

Further to the Ministerial Decision MD-C-2018-0110 regarding a delegation of functions, as reported to the Assembly in R.89/2018, will the Chief Minister state the job title of the Accountable Officer(s) referred to in the delegation and will he provide a list of all activity undertaken by the Accountable Officer(s) since the enactment of this Ministerial Decision within the delegated functions, as described in R.89/2019, namely the powers to –

- (a) enter into agreements for any purpose of his or her office;
- (b) acquire, hold and dispose of movable property;
- (c) do any other thing which the Minister can do by virtue of his or her office; and
- (d) do anything reasonably necessary or expedient for or incidental to any of the matters referred to in the foregoing clauses, limited to the value of £1 million and the period between June 2018 and December 2019?

Answer

Since the lodging of R.89/2018 there have been two accountable officers that have received delegation of functions from the Chief Minister. These, along with the activities under the delegation, are detailed in the Supplier and Interim contract tables below:

Job Title	Contractor	Date Signed	Details
Chief Operating Officer	Leo Learning	July 2019	Procurement of preferred Digital Content suppliers to provide support with digital content delivery. These are engaged with as and when needed and therefore spend is actual to date and not total contract value.
	ALX		
	Sirena		
	Virtual College		
Chief Operating Officer	Catalyst (extension)		Team Jersey support
Chief Operating Officer	Ian Ronayne	July 2019	Project Manager, Team Jersey
Chief Operating Officer	Kojima	July 2019	Support to implement My Conversation, My Goals

It should be noted that interim contracts of a value exceeding £100,000 follow a strict appointment process and contracts are only signed by the accountable officer once approval from States Employment Board to appoint has been given.

Job Title	Contracting Agency supplier	Date From	Interim (Details)
Treasurer of the States	Green Park	July 2018	Interim Head of Reward
Treasurer of the States	WBMS	July 2018	Interim Cyber Security Business Analyst
Treasurer of the States	Green Park	July 2018	Head of Resourcing (extension)
Treasurer of the States	Green Park	August 2018	GDPR Programme Manager

Treasurer of the States	Direct contract with SOJ	November 2018	Finance Director - Health
Treasurer of the States	Penna	November 2018	Interim Head of HR ER/IR (extension)
Chief Operating Officer	Network HR	November 2018	Interim Job Evaluation Specialist
Treasurer of the States	Gatenby Sanderson	December 2018	Interim DG of Health and Community Services (extension)
Chief Operating Officer	Direct contract with SOJ	December 2018	Interim Head of Health Modernisation (extension)
Chief Operating Officer	Green Park	December 2018	Interim Head of Digital Strategy and delivery
Chief Operating Officer	Green Park	December 2018	Interim HRD - Health (extension)
Chief Operating Officer	WBMS	December 2018	Interim Senior Cyber Programme Manager (extension)
Chief Operating Officer	Green Park	January 2019	Interim Cyber Security Business Analyst
Chief Operating Officer	Green Park	January 2019	Head of ER and Pay and Reward Strategy
Chief Operating Officer	Penna	January 2019	Interim Head of HR (OD)
Chief Operating Officer	WBMS	March 2019	Interim CIO
Chief Operating Officer	Ackerman Pierce LTD	April 2019	Assistant Director Children's Services (extension)
Chief Operating Officer	Ackerman Pierce LTD	April 2019	Head of Service (Children's) (extension)
Chief Operating Officer	Ackerman Pierce LTD	April 2019	Head of Service (Children's)

Chief Operating Officer	Contract for Service	May 2019	Interim Head of Digital Delivery Portfolio (Head of Corporate Change)
Chief Operating Officer	Penna	July 2019	Head of ER and Pay and Reward Strategy
Chief Operating Officer	Green Park	October 2019	Interim Job Evaluation Specialist

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 13 x 1 hour: £40

Civil Servant Grade 15x 2.5 hours: £125

Civil Servant Grade 15 x 2 hours: £100

Head of Resourcing x 0.5 hours: £60

Total: £325

2.12 DEPUTY S.M. AHIER OF ST. HELIER OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING EXPENDITURE ON VOLUNTARY RELEASE AND COMPULSORY REDUNDANCIES: (WQ.486/2019)

Question

Will the Chair advise the Assembly –

- how much money has been paid from the Redundancy Provision in relation to Voluntary Release and Compulsory Redundancies from the inception of the Provision in 2015 to the current date;
- how many employees have received such payments; and
- at which Tiers these individuals were employed?

Answer

- Since the scheme was launched in 2015 a total of £9.4m has been paid out for VR and a total of £975k has been paid out for CR from the Redundancy Provision. The table below provides a breakdown by year:

Please note, these figures relate solely to VR's and CR's that have been paid from the Central Redundancy Provision and therefore does not include CR's funded by departments

Year	VR	CR
2015	£4.7m	
2016	£2.9m (Excl. £6.88m Transferred to Restructuring)	£818k

2017	£608K	£106k
2018	£705K	£25k
2019 (Jan – Sept)	£603K	£26k
TOTAL:	£9.4m	£975k

(b) A total of 214 VR applications have been approved to date. The table below provides a breakdown by year:

Year	Number of Approved VR Applications
2015	105
2016	78
2017	11
2018	10
2019 (Jan – September)	10
TOTAL	214

A total of 72 people have been made compulsory redundant to date. The table below provides a breakdown by year:

Year	Number of Employees made Compulsory Redundant	Tiers
2015	0	Tiers were not used as terminology during this period
2016	49	
2017	20	
2018	2	
2019	1	2x Tier 4
TOTAL	72	1 x Tier 1

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 8 x 1 hour: £26

Civil Servant Grade 13 x 30 minutes: £20

DG Level x15 minutes: £20.25

Total: £66.25

2.13 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE SELECTION PANELS ON WHICH THE CHIEF EXECUTIVE OFFICER HAS SAT: (WQ.487/2019)

Question

Will the Chair provide a list of the job titles of all the roles for which the Chief Executive Officer has sat on the selection panel since the Chief Executive Officer's appointment?

Answer

As of the 4th November 2019, the Chief Executive Officer has sat on the selection panel of 30 roles. All of these roles were chaired and over seen by the Jersey Appointments Commission.

Director General Customer and Local Services

Director of Local Services

Group Director of Customer Services

Group Director of Customer Operations

Director General Children, Young People, Education and Skills

Director of Safeguarding

Director, Young People, Further Education, Skills and Learning

Director General Health and Community Services

Group Managing Director Health and Community Services

Director General Justice and Home Affairs

Group Director Public Protection and Law Enforcement

Chief of Police

Chief of Staff

Director of Communications

Director of Risk and Audit

Director General Growth Housing and Environment

Director of Property and Special Projects

Group Director Economy and Partnership

Group Director Operations and Transport

Director General Strategy, Policy, Performance and Population

Group Director Policy

Director Corporate Planning and Performance

Director Strategy and Innovation

Chief Operating Officer

Group Director People and Corporate Services

Director Commercial Services

Group Director Modernisation and Digital

Comptroller and Auditor General (Non-Voting Member)

Chief Executive Ports Jersey

Chief Executive Jersey Finance

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 8 x 15 minutes: £13.00

DG Level x15 minutes: £20.25

Total: £33.25

2.14 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ACCESS TO RETINAL SCREENING APPOINTMENTS: (WQ.488/2019)

Question

How many patients have accessed a retinal screening appointment since a Government statement was released on 25th February 2019 to invite patients with diabetes to attend such screenings; and what progress, if any, has been made in increasing access to this service since that time?

Answer

In February 2019, a process of risk stratification was completed on all patients listed on the Diabetes Centre register. 778 patients considered the highest risk of Retinopathy were invited for screening. Of this cohort, 440 patients attended and their images were graded by a locum retinal consultant. These images have subsequently been sent to a specialist team at Gloucester NHS Foundation Trust for a second grading.

Screening was paused as of the 9 July 2019 to permit continued development of the service with anticipated recommencement of the service towards the end of November 2019. Unfortunately, due to a number of significant challenges around IT, long-term sickness and delivery on contracts, we cannot realistically expect the retinal screening programme to be operational until January 2020.

A project board has been established to oversee the continued development of retinal screening. This board meets monthly, with quarterly conference calls with specialists in Gloucester NHS.

- A retinal screening programme manager and quality assurance advisor to Public Health England with over 15 years' experience in the field had been seconded from the NHS for 12 months to support development of the local service. This individual is currently unavailable for the next 2 months, so a person within HCS has been sourced to give some support to the programme during this interim period.
- The contract with Gloucester NHS Foundation Trust to provide assessment of retinal images captured in Jersey is near completion. This will ensure Jersey benefits from the quality assurance measures and experience of a much larger programme. The data protection agreement with Gloucester will be finalised once the contract is signed.
- A Jersey service specification is being developed in consultation with stakeholder groups to tailor the service to the needs of patients and healthcare professionals. This will incorporate the learning and developments in this field which have occurred over the last 10 years so that the local service makes use of the latest technology to promote access, uptake, patient satisfaction and efficiency.

- The entire retinal screening pathway will be supported by a specialised software package in use by numerous programmes (both in the UK and other countries). This will enable accurate data collection so that Jersey outcomes and performance can be benchmarked.

To keep the momentum of the programme going, the decision has been made to take a two-phased approach:

Phase One:

1. Deliver a retinal screening programme with 4 screening sessions per week to be held within the Ophthalmology Department.
2. Grading/clinical outcome to be undertaken by Gloucester NHS, with clinical leadership and support for the development and sign off of retinal screening clinical pathways.

Phase Two:

1. To establish local clinical leadership for the programme, preferably within Ophthalmology.
2. Explore the option of community setting for screening clinics (one establishment sourced in St Brelade).
3. Explore the option of OCT surveillance clinics which will reduce the number of consultant follow-up patients within Ophthalmology (equivalent of 1 clinic per week).
4. Introduce structured failsafe systems which will avoid duplication of Ophthalmology referrals.

To conclude, high-risk patients have been recalled for screening with a robust grading quality assurance process and assessment of harm being undertaken by a specialist at Gloucester NHS Foundation Trust. The new redesigned service will mitigate previous risks and provide assurance to diabetes sufferers that they are being provided with the best possible care in Jersey.

2.15 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING DIVESTMENT IN COMPANIES THAT ARE RELIANT UPON FOSSIL FUELS AS A BASIS FOR THEIR ACTIVITIES: (WQ.489/2019)

Question

What work, if any, has the Minister undertaken with the finance sector to encourage or promote divestment in companies that are reliant upon fossil fuels as a basis for their activities; and, given the Assembly’s previous declaration of a climate emergency, what is the timescale for such divestment to occur?

Answer

Work in response to the Assembly’s declaration of a climate emergency is being carried out across Government. Government is working with Jersey Overseas Aid and Jersey Finance to encourage the use of socially responsible investment, which includes divestment of fossil fuel dependent activity. Government is also monitoring international progress in this area, such as in the EU and the work of the Task Force on Climate-related Financial Disclosures. Government has not proposed a timeline for financial services companies divesting in companies that are reliant upon fossil fuels as a basis for their activities.

2.16 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING LUNCH BREAKS IN THE ISLAND’S SCHOOLS: (WQ.490/2019)

Question

Will the Minister –

- (a) advise what guidance or direction, if any, is given to schools regarding the length of lunch breaks;
- (b) state how her Department ascertains that students in all of the Island’s schools are able to access suitable food at lunches and have the time to do so, and whether the Department is currently certain that this is the case; and
- (c) provide a list showing the length of lunch breaks taken in the Island’s schools, highlighting the minimum and maximum length currently taken?

Answer

- (a) Head teachers are responsible for determining internal timings of the school day. Any changes to the start and finish times of the day must be consulted upon with the Department, who will advise on consultation with parents and stakeholders (e.g. neighbouring schools, bus company etc.)
- (b) The healthy eating in schools programme, and school food standards are linked to the Governments Food and Nutrition Strategy for all schools who provide a hot meal service. Where this service is not provided the parents are responsible for providing a packed lunch.

(c)

Government of Jersey, Provided Schools Lunch Breaks	Length (mins)	
Bel Royal, d’Auvergne, First Tower, Grainville, Grands Vaux Reception - KS1 and KS2, Highlands, Janvrin, Jersey College Preparatory, La Moye, Les Landes, Mont Nicolle, Mont à L’Abbé, Plat Douet, Rouge Bouillon, Springfield, St Clement, St John, St Lawrence, St Luke, St Martin, St Mary, St Peter, St Saviour, Trinity and Victoria College Preparatory	60	Maximum
Grouville, Jersey College for Girls, Samarès and Victoria College	55	
Grands Vaux Nursery, Hautlieu	45	
Haute Vallée	40	
Les Quennevais	35	
Le Rocquier and La Sente	30	Minimum

2.17 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE PROPERTIES OCCUPIED BY THE GOVERNMENT OF JERSEY: (WQ.491/2019)

Question

Will the Minister advise the Assembly –

- (a) how many properties owned by the States of Jersey are being used by Government departments;
- (b) how many properties are currently being rented to accommodate Government departments;
- (c) how much rent is being paid for each of the properties listed under (b); and

(d) in light of the intention to accommodate Government departments in one building, how much money it is estimated would be saved per year by having such a purpose-built ‘One Gov building’ for Government departments?

Answer

- (a) Government departments currently occupy 28 main sites, 12 of which are owned by the Government and 16 of which are privately-owned. The 12 Government-owned sites have multiple uses, such as Peter Crill House, which is primarily a medical site, but also houses offices. This question is ambiguous, as we might include, for example, schools used by Children, Young People, Education and Skills to provide education or day care centres used by Health and Community Services to provide care. These examples have not been included in this list.
- (b) The Government currently leases 16 office buildings; nine of which are solely floors or parts of buildings, as opposed to whole buildings. The attached table names the 16 offices and their locations and the Government departments occupying them.
- (c) The total rental paid out for these 16 properties is £3,354,703.17 a year. The rentals and licence fees paid for each individual office are deemed to be commercially confidential and are not being provided.
- (d) An outline business case is currently being prepared which will detail the savings, and which will be announced after the work has been formally signed off by the Council of Ministers. I am confident that the proposal will reduce both capital costs and running costs, by reducing the scale of our office estate. I expect it also to provide Government employees with fit-for-purpose office space – which will enable them to work more effectively – and to enable us to vacate a number of sites, the sale of which will generate revenue and enable them to be put to other uses, such as, potentially, much-needed housing.

2.18 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING STAFF TURNOVER IN THE CHILDREN’S SERVICE: (WQ.492/2019)

Question

Will the Minister provide a yearly breakdown of staff turnover in Children’s Services from 2014 to date, indicating the departments and contract types (including agency staff) concerned?

Answer

Year	Full-time budgeted establishment	Permanent	Contract	Agency	Agency pre-2017	Total
					48	48
2014	104	4				4
2015	164.5	18	1			19
2016	232.7	14		26		40
2017	255.6	27		55		82
2018	224.5	23	3	39		65
2019	267.3	21	4	29		54
Total		107	8	149	48	312

The staffing establishment for Children's Services is shown in the table above along with the turnover figures to illustrate the changes in the service over the period 2014-2019. It should be noted that the overall staffing number increased in 2015 and 2016 after investment made by the Health and Social Services Department predominantly in the social care service which saw the staffing establishment double.

There is considerable variance in the staffing establishment across the period because:

- 2014-2016 includes Child and Adolescent Mental Health Service (CAMHS)
- from 2015 onwards there was significant investment in the service
- 2017 includes a number of posts based at the Child Development Centre
- 2018 is the Children's Services social care establishment (only) which transferred to the Chief Minister's Department on the instruction of the Chief Minister
- 2019 is the current establishment as per the model set out in the Government of Jersey's Target Operating Model and includes CAMHS (not doctors) and posts transferring from Health and Community Services

The changes outlined above highlight the difficulty of making annual comparison.

The turnover figures in the table above relate to all staff working within the service and include:

- Social Workers
- Medical Consultation (Doctor) CAMHS (before they were decoupled from Children's)
- Nurse CAMHS
- Registered Childcare Officers
- Family Support Workers
- Admin/Secretarial
- Domestics – residential

Over the period January 2014 to October 2019 there has been an average turnover of 14.5 staff/annum (notwithstanding that the 2019 figures are only for 10 months).

It is important to note that the service now has a senior leadership team, made up of five permanent staff, committed to take the Children's Service forward. They will focus on developing a Service Development Plan that directly responds to Ofsted and the Care Inquiry, as well as instilling a robust quality and performance management culture relentlessly focused on improved outcomes for children.

2.19 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING COMPLAINTS MADE TO THE CHILDREN'S SERVICE: (WQ.493/2019)

Question

Will the Minister provide a breakdown of the number of complaints made to Children's Services in each of the past 5 years, indicating the grounds of the complaints and whether or not they were upheld?

Answer

The Children's Service receives complaints from time to time from children and their families. These complaints can range from those which could be considered as 'straightforward' in manner to those which are more complex and may include third party information or involve children who may be involved in legal or court proceedings. A significant number of children and families are involved with Children's Services through compulsion and not their own volition rather than a relationship which is more 'customer and provider'. This statutory compulsion can at times make for relationships where disagreement and tension exists.

Each complaint is unique to the individual circumstance and requires investigation and careful consideration. Often complaints may contain a number of issues that are linked and have to be investigated and responded to as part of one response. At times complaints may be raised about a child being removed from a parental or family home or conversely being allowed to remain in the care of an adult. These decisions may cause significant upset and distress to family members and result in a complaint; where this has been the result of court proceedings (with evidence tested and established) the circumstances will not be re-looked at outwith the legal process.

The main issues raised as complaints to the Children's Service include: attitude of staff, disagreement with assessment (sometimes described as factual accuracy), access to resources/practical support, disagreement with care plan (either to allow a child to remain or be cared for by an individual or removal into the care of the Minister), change of social worker (either wanting a change or unhappy about a change). Complaints are investigated and responded to in writing by a senior manager with each element of the complaint having a finding recorded set out ; '*Upheld*', '*Partially Upheld*', '*Not Upheld*', where a complaint cannot be considered by the Service that is detailed.

In a small number of situations complainants will be unhappy about the response and will appeal, the complaint will be re-examined by a member of staff not involved in the complaint, if still unhappy the complainant can ask for a Stage 2 review where a panel made up of appropriate professionals and the Minister, if the complainant remains unhappy a further review will be undertaken by colleagues in a neighbouring jurisdiction and subsequently a final stage of the Independent Complaints Review Panel. In recent years the numbers of complainants seeking to go to Stage 2 and further is very small - *less than five* (that descriptor is used in line with data protection requirements to ensure that individuals cannot be identified).

The nature of complaints to the service and the unique circumstances of each makes it difficult to collate exact numbers of complaints and findings for example one person may submit one complaint with three elements where one element is upheld, one not upheld and one partly upheld. That is not an exceptional occurrence. The same complaint may also be made on more than one occasion and requires consideration before a conclusion can be made about whether it is the same or slightly different. Information is recorded by individual's name not by the number of issues raised. There are rare occasions of individuals who may be considered 'vexatious complainers'.

In other jurisdictions complaints to Children's Services and other services working with vulnerable individuals are dealt with as part of a Statutory Complaints (recognising vulnerability and complexity of matters) – this is not the case in Jersey. This was an issue raised in the recent review carried out by the Independent Jersey Care Inquiry.

As part of ensuring that the voice of children and young people are heard, issues, comments and complaints can be raised and improving services there is significant expansion proposed to expand advocacy and participation services. This includes establishing and increasing the Children's Rights Service, commissioning advocacy and participation support to looked after children and care experienced individuals from a third sector organisation and establishing advocacy for children and young people in the child protection system or who may be considered 'children in need'

The data will be collated and provided as soon as possible.

2.20 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING A DIGITAL SYSTEM FOR SHARING PATIENT RECORDS: (WQ.494/2019)

Question

Will the Minister state when, if at all, a digital system to allow the sharing of patient records between primary care providers and his Department will be put in place?

Answer

A secure digital platform has been established between primary care and Health and Community Services (live in October 2019) to support the sharing of patient records i.e. clinical information between primary care and HCS clinical information platforms.

Digital services that are being actively worked on and being developed between HCS and primary care include:

1. The ability for GPs to digitally request radiology tests and receive corresponding digital reports back – live clinical pilot started November 2019
2. The ability for GPs to digitally request pathology tests and receive corresponding digital reports back – clinical pilot to start Q1 2020
3. Integration of HCS diabetes centre provides a single view of the patient record between HCS (diabetes) and GPs and will be delivered during Q1 2020. This arrangement supports HCS's strategic objective of developing a shared patient care record.

Further HCS digital integration activities in support of the new model of care are in the pipeline for development and deployment during 2020-2023. These initiatives form part of our continuing health modernisation & digital programme of works that HCS is committed to deliver.

2.21 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RECORDING AND INVESTIGATION OF INSTANCES IN WHICH PATIENTS SUFFER ADVERSE SIDE EFFECTS FROM MEDICATION: (WQ.495/2019)

Question

How are instances where patients suffer adverse side effects from medication recorded and investigated in Jersey?

Answer

All medicines can cause side effects (commonly referred to as adverse drug reactions or ADRs by healthcare professionals). ADRs can be reported by healthcare professionals and the public using the Yellow Card Scheme which is coordinated by the UK medicines regulator – the Medicines and Healthcare Products Regulatory Agency (MHRA).

<https://yellowcard.mhra.gov.uk/the-yellow-card-scheme/>

Jersey does not operate its own separate scheme but feeds into the MHRA Yellow Card Scheme, with all healthcare professionals encouraged to report any suspected ADRs via the online reporting system.

The Yellow Card Scheme is vital in helping the MHRA monitor the safety of all healthcare products in the UK to ensure they are acceptably safe for patients and those that use them. Reports can be made for all medicines including vaccines, blood factors and immunoglobulins, herbal medicines and homeopathic remedies, and all medical devices available on the UK market. From 20 May 2016, the

MHRA also started collecting reports of safety concerns associated with e-cigarette products through the Yellow Card Scheme.

The Scheme collects information on suspected problems or incidents involving:

1. side effects (also known as adverse drug reactions or ADRs)
2. medical device adverse incidents
3. defective medicines (those that are not of an acceptable quality)
4. counterfeit or fake medicines or medical devices
5. safety concerns for e-cigarettes or their refill containers (e-liquids).

It is important for people to report problems experienced with medicines or medical devices as these are used to identify issues which might not have been previously known about. The MHRA will review the product if necessary and take action to minimise risk and maximise benefit to patients. The MHRA is also able to investigate counterfeit or fake medicines or devices and, if necessary, take action to protect public health.

Side effects reported on Yellow Card are evaluated, together with additional sources of information such as clinical trial data, medical literature or data from international medicines regulators, to identify previously unknown safety issues. These reports are assessed by a team of medicine safety experts made up of doctors, pharmacists and scientists who study the benefits and risks of medicines. If a new side effect is identified, the safety profile of the medicine in question is carefully looked at, as well as the side effects of other medicines used to treat the same condition. The MHRA takes action, whenever necessary, to ensure that medicines are used in a way that minimises risk, while maximising patient benefit.

2.22 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INSTANCES IN WHICH DETAILS OF AN INDIVIDUAL'S CIRCUMSTANCES CAN BE SHARED WITH OTHER AGENCIES WITHOUT THE INDIVIDUAL'S CONSENT: (WQ.496/2019)

Question

Under what circumstances does the Minister's Department disclose an individual's employment and benefits status, and related details, to other departments or agencies without the individual's consent?

Answer

As Minister for Social Security, this answer relates to laws and schemes under my political remit. The Customer and Local Services Department processes data across a wide range of government functions which fall under the responsibility of a number of other Ministers.

In respect of the processing of benefits, data can be disclosed without consent when there is a legal right to do so and this power is exercised within the remit of the Data Protection Law. The data sharing is undertaken mainly under the condition of public function. (Data Protection (Jersey) Law 2018 - Schedule 2 Part 1 (4) and Part 2 (13)).

2.23 THE CONNÉTABLE OF ST. MARTIN OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE POTENTIAL LEGISLATIVE CHANGES ARISING FROM THE EXTENSION OF THE U.K.'S MEMBERSHIP OF THE WORLD TRADE ORGANISATION TO JERSEY: (WQ.497/2019)

Question

Will the Minister outline what legislative changes, if any, will need to be adopted by the States Assembly in preparation for the potential extension of the territorial scope of the U.K.'s membership of the World Trade Organisation (W.T.O.) to Jersey and provide a timetable for when any such legislative changes will be brought to the Assembly for debate; and will the Minister also advise whether it is envisaged that extension of the territorial scope would require Jersey to contribute to the W.T.O. budget and, if so, whether the minimum contribution of 0.015% would apply or whether a higher contribution rate would be required?

Answer

The formal notification sent by the UK Foreign Secretary confirms that the extension of the Agreement establishing the World Trade Organization to Jersey will take effect on the date that the United Kingdom exits the European Union, or else at the end of a transition period which is agreed between the UK and EU.

Ensuring the extension of UK membership of WTO before Brexit occurs means that Jersey may enjoy the benefits of international trade rules in the areas of goods, services and intellectual property alongside other WTO members, including EU Member States. This result represents the conclusion of a political and diplomatic process that has been an objective of the Government of Jersey for over 20 years.

With regard to legislative changes, none are required for extension. There is no WTO budget contribution required from Jersey.

The Ministry for External Relations is currently concluding the "Let's Talk Trade" public consultation to seek local views and evidence on the shape of Jersey's future international trade policy, and the opportunities presented under WTO membership are explored as part of this exercise.

2.24 THE CONNÉTABLE OF ST. MARTIN OF THE CHIEF MINISTER REGARDING THE REPRESENTATION OF JERSEY'S INTERESTS AT WESTMINSTER: (WQ.498/2019)

Question

In light of recent comments made by the Chair of the All-Party Parliamentary Group (A.P.P.G.) for the Channel Islands regarding Jersey's relationship with Westminster, does the Chief Minister intend to conduct any work in respect of the possibility of the Island being represented at Westminster; and if so, will this include introducing new formal links with the U.K. Parliament beyond the A.P.P.G., as well as discussing with States Members how best to represent the Island's interests in that Parliament?

Answer

As a self-governing parliamentary democracy, Jersey does not require and is not seeking formal representation in the UK Parliament. No work is being conducted on the possibility of such representation.

Nonetheless, given the historic closeness and ongoing importance of the Jersey-UK relationship, the Government of Jersey is always seeking to strengthen and improve links with Westminster. The Chief Minister and Minister of External Relations hold regular Government-to-Government discussions with UK Ministers. They also hold regular engagements with other senior UK Parliamentarians, supported by the Jersey London Office.

Such engagement includes, but is not limited to, interaction with the A.P.P.G. for the Channel Islands, which is comprised of Parliamentarians from across the political spectrum and which exists to explore and promote the Islands' interests within Parliament. It should be noted that the A.P.P.G. does not

hold any formal responsibility to represent the Islands in Parliament, and that the interests of Jersey and our fellow Crown Dependencies will continue to be managed across official channels through the Ministry of Justice. In a broader international context, engagement with the UK Parliament also takes place through Jersey's participation in the Commonwealth Parliamentary Association.

Ministers would be pleased to meet any Member to discuss any suggestions for future engagement.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 11 x 15mins: £7.20

Civil Servant Grade 13 x 60mins: £35.40

Civil Servant Grade 15 x 15mins: £11.25

Total: £53.85

2.25 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING DEPARTMENTAL EXPENDITURE ON WAGES AND SALARIES: (WQ.499/2019)

Question

Will the Minister provide members with a table showing the proposed 2020 departmental heads of revenue expenditure and indicating the estimated sums to be spent within those heads of expenditure (both in real terms and as a proportion of total revenue expenditure) on wages and salaries and further indicating the estimated Full Time Equivalent (F.T.E.) staff numbers to be employed within each department at the close of 2020; and will she also state what estimates, if any, have been applied to pay inflation within the figures provided?

Answer

The information requested is provided in the following table. Note these figures reflect proposed departmental efficiencies and that no estimates for pay inflation have been applied to the figures. Given the significant changes to departmental expenditure FTE numbers below are best estimates.

Department	Proposed Head of Expenditure (including efficiencies) 2020	Staff Costs 2020	Staff Costs as Percentage of Departmental Revenue Expenditure	Estimate of FTE
	£	£	%	No.
Chief Operating Office	36,181,000	20,722,000	57%	331
Children, Young People, Education and Skills	144,061,000	111,211,000	77%	1937
Customer and Local Services	88,400,000	13,357,000	15%	252
Growth, Housing and Environment	62,243,000	30,451,000	49%	620
Health and Community Services	202,387,000	136,525,000	67%	2528
Jersey Overseas Aid	12,431,000	189,000	2%	4
Justice and Home Affairs	52,330,000	46,013,000	88%	789
Office of the Chief Executive	18,585,000	7,658,000	41%	97
Treasury and Exchequer	128,453,000	18,158,000	14%	281
Strategic Policy, Performance and Population	12,225,000	6,796,000	56%	87

2.26 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE NUMBER OF PEOPLE SLEEPING ROUGH IN JERSEY: (WQ.500/2019)

Question

Will the Minister state –

- what the figures are for those sleeping rough in Jersey in 2019;
- which Government departments and agencies monitor the health and wellbeing of these individuals and how; and
- how many people who have died in 2019 were recorded as being rough sleepers at the time of their death?

Answer

- Information is not available on the number of people who have been sleeping rough in Jersey during 2019.

As part of the homelessness review, a survey was undertaken with the Shelter Trust and Sanctuary Trust on 16th August 2019 to provide a snapshot of the number of people who were residing in their properties at a given time. The survey showed that 117 people required temporary accommodation on that date. While the figure does not indicate the level of rough sleeping in Jersey, it does provide an overview of the number of people who are homeless or living in vulnerable housing situations.

- Government agencies who support rough sleepers (and people who would be classed as homeless) include Adult Social Services, the Drug and Alcohol Service and Community Mental Health. There is also a safeguarding unit in Customer and Local Services that assists people who are homeless or living in vulnerable housing situations and who require support.

In addition, the Government works in partnership with the Shelter Trust (as well as other charitable organisations) to provide accommodation and support to people who are homeless, and funding is provided to support the service provided by the Trust.

- Information is not available on the number of people who were recorded as sleeping rough in Jersey at the time of their death during 2019.

The need for an effective evidence-base to understand the extent and nature of homelessness in Jersey has been identified as a priority as part of the homelessness review and strategy. Some third sector organisations are collecting information on the number of homeless persons in the island, but there is not a standardised dataset to provide a consistent picture on the issue.

The need to improve the way that data on homelessness is collected and analysed is likely to feature as a recommendation in the homelessness strategy, which will be published in early 2020. The data will help to inform policy development and help address gaps in accommodation and support provision.

2.27 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE GRANTING OF ENTITLED STATUS UNDER REGULATION 2(1)(E) OF THE CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (JERSEY) REGULATIONS 2013: (WQ.501/2019)

Question

How many Entitled statuses under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013, if any, were granted in the last 3 years to people who were already employed by, or otherwise found to be associated with, a Jersey company?

Answer

	2017	2018	2019 (year to date)
Total 2(1)(E) approvals	34	14	17
Those who are employed in a Jersey registered company	1	1	1
Those who are creating a Jersey registered company i.e. bringing business to the Island or are a key element of a Jersey registered company and joining it from another jurisdiction	7	3	1

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 14 x 1 hour: £42

2.28 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING CONSULTATION IN RESPECT OF THE USE OF THE EXISTING LES QUENNEVAIS SCHOOL SITE: (WQ.502/2019)

Question

What consultation is it planned will be undertaken with residents of Les Quennevais regarding any future development of the existing Les Quennevais School site; when is any such consultation likely to commence and what form will it take?

Answer

This question is similar to an oral one asked by the Deputy in 2018, and the present answer is consistent with the one given by my predecessor last year. Full public consultation, including with the residents of Les Quennevais, on the future use of Le Quennevais school will take place once the options have been developed and are available. This work is currently underway with the key stakeholders to ensure that proposals meet the future needs of the Island, as identified through the emerging Island Property Estates Strategy and Revised Island Plan. On this basis, proposals for public consultation are likely to be available in mid-2020. In the interim, it is open for the Parish or any party to submit their thoughts to JPH should they wish to do so.

2.29 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE EXPECTED RISE IN SEA LEVELS: (WQ.503/2019)

Question

What level of sea rises are expected by the Minister's department in Jersey over the next 30 years and what provisions, if any, are being considered in terms of –

- (a) improvements to coastal defences; and
- (b) planning restrictions in areas of the Island that may be susceptible to temporary or permanent flooding, resulting from either higher sea levels or more frequent storms?

Answer

Over the last 2 years officers from Growth Housing and Environment and Strategy, Policy, Performance and Planning led by the Minister for Infrastructure and the Minister for Environment have been developing a Shoreline Management Plan (SMP). The draft SMP was out for public consultation between July and September this year and is available to view on www.gov.je/shorelineplan. The final SMP will be published in January 2020.

States Members briefings on the SMP were delivered on 2nd May and 25th June 2019 to which all members were invited.

The Planning Policy team has been closely involved in the SMP project from the outset, with the timing of the project specifically being set so that it would feed into the Island Plan Review process that is currently underway. This will enable the development of an appropriate policy response in the new Island Plan to ensure that the implications of climate change can be explicitly considered in the planning process.

The SMP examines the risk of coastal flooding using the UK's National Oceanography Centre guidance to assess the impact of climate change on flood risk in the future which recommends using the Intergovernmental Panel on Climate Change's 'RCP8.5' climate change emission scenario ("business as usual"). The likely range under this scenario is from 0.53-0.98m by 2100 and for 2050 it is estimated to be between about 0.18m and 0.30m. The SMP is planning for the next 100 years

and uses the 50th percentile results under the RCP8.5 scenario which gives a sea level rise prediction of 0.83 metres by 2120.

The SMP details the management intent for the Island's coastline over the next 100 years with the aim of preventing and managing the effects of coastal erosion and flooding, through assessing the impact of climate change on rising sea levels over time. It assesses the risk of coastal erosion and flooding using hydraulic modelling, historic maps and beach surveys and highlights the areas of the coastline which are likely to flood during a range of different intensity storm events. It takes into consideration the coastal defences already in place and their condition.

The SMP aims to maintain existing defences or identify new defences which will be required to protect against coastal flooding up to a 1:200 year return period event (a storm event which is predicted to occur, on average, once every 200 years. The SMP will be reviewed every 10 years to respond to advancements in climate change predictions and sea level rise predictions.

2.30 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING STUDENTS WITH POLISH, ROMANIAN OR PORTUGUESE AS A FIRST OR ADDITIONAL LANGUAGE: (WQ.504/2019)

Question

Will the Minister advise how many Jersey students (between the ages of 4 and 18) have been recorded with Polish, Romanian or Portuguese as a first or additional language; and will she state whether it is her intention to ensure that some (or all) of these languages are made available as a standard part of the G.C.S.E. syllabus, funded by her Department; if so, will she explain what work is taking place in this regard and, if not, will she explain why not?

Answer

Pupils recorded with an additional language

Our September 2019 census numbers show that the number of pupils in all Jersey schools (including private schools) with a first language other than English is:

Polish - 547

Portuguese – 1,592

Romanian - 134

From working with schools, it may be the case that some families who speak more than one language at home are registering their children with schools as having English as their first language because their children are fluent in English. This, therefore, reduces the number of children recorded as speaking more than one language. We are working with schools and the data collection team to improve this situation, but current numbers may be an under-estimate.

Please note, a pupil's first language is defined as;

The language that a pupil was exposed to during early development and continues to be exposed to in the home or community. If a pupil was exposed to more than one language (which may include English) during early development, a language other than English should be recorded, irrespective of the pupil's proficiency in English.

Portuguese

GCSE Portuguese is available to pupils across the island through the provision created by the PROTOCOL OF COOPERATION BETWEEN CAMÕES – INSTITUTO DA COOPERAÇÃO E DA LÍNGUA AND THE GOVERNMENT OF JERSEY. Teachers employed by CAMÕES work in Jersey schools delivering Portuguese to KS2, GCSE and A level students. Students choose whether

to take GCSE and A level exams (paid for by their home school) as well as or instead of the CAMÕES exams which are taken each June.

Currently most pupils are taught Portuguese as an after school class and parents pay a contribution towards the CAMÕES resources and examination entry. Portuguese GCSE entries and resources are supported from school budgets.

Polish

Pupils who wish to add GCSE Polish to their GCSE options are usually supported by their schools to prepare for the examinations and have their examination fees paid as part of their suite of qualifications. Some schools will offer this support within the school day, others as an after school provision.

Romanian

Currently there is no GCSE available for the Romanian language.

Languages provision with GCSE options

Each school arranges their option blocks to suit their cohorts. GCSE options will often change from year to year and different schools offer different combinations of subjects. All Jersey schools ensure that every pupil has access to an entitlement of English, mathematics and science options at GCSE, and some schools make a modern foreign language an additional entitlement. Further options will reflect pupil requests and interests, whilst accommodating maximum and minimum class size limits.

2.31 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE AFFORDABILITY OF PRIMARY CARE: (WQ.505/2019)

Question

Further to the responses to Written Question 464/2019 and Oral Question 265/2019, will the Minister

- (a) advise whether it is his assessment that there is an urgent need for action to make G.P. consultations affordable for those in clinical, financial or social need;
- (b) state what action, if any, he is prepared to take in order to make the cost of such consultations affordable to those in clinical, financial or social need;
- (c) state whether he will lodge an amendment to the Government Plan that would explicitly deliver lower-cost primary care; and
- (d) advise which groups are at the top on his priority list when considering the delivery of affordable primary care and state what consideration, if any, has been given to the role means-testing could play in the development of proposals in this area?

Answer

Parts A and B of this detailed question refer to GP consultations. Parts C and D refer to primary care. The question does not refer at all to the new Jersey Care Model (JCM).

As Minister for Health and Social Services, one of my highest priorities for urgent action is to continue the exemplary work that has been undertaken in the last few months to develop the JCM. This work is vital to creating a holistic, patient-centred health system and will form the basis of planning for the new hospital and the development of a sustainable health system to serve Jersey for many years to come. The Government Plan includes a commitment to develop a model to support access to primary care for financially vulnerable individuals.

The development of the JCM will create a new relationship between government and general practitioners. It will also create and strengthen relationships with many other types of health care providers. Working together across primary care, a range of professions will support local people with their healthcare needs in the future. The role of patient fees in the new system will be developed over the next few months following an intensive exercise to be undertaken by health economists who will consider and validate each aspect of the JCM. That work will start in December and is anticipated to be completed in the first half of 2020.

Completing this validation process to enable the JCM to begin implementation in the second half of 2020 is a high priority. This will begin the transformation of our existing primary and secondary care services and the settings in which these are delivered. The focus in this time period is to complete these preparatory steps comprehensively, but also as quickly as possible to allow the new system to commence. Given this significant and transformational workstream, it would not be a good use of public resources to undertake work on making adjustments to the current primary care system in advance of the completion of the validation exercise. Once that high-level work is complete, the Government will be ready to address any barriers to access that might be faced by patients in the new system.

To address the 4 parts in turn:

- (a) advise whether it is his assessment that there is an urgent need for action to make G.P. consultations affordable for those in clinical, financial or social need;

There is an urgent need for action to reaffirm and redesign the role of the GP within the overall healthcare system. This work is currently underway as part of the development of the Jersey Care Model. Following a detailed financial analysis of the model, plans will be drawn up during 2020 to address any financial barriers faced by patients who require GP consultations under the JCM. Initial plans suggest that many activities currently undertaken by GPs will be provided through other appropriate healthcare professionals in future (for example, practice nurses or community pharmacists). Some services will be provided free of charge and others will still require a patient fee. Some services will be provided outside of the traditional GP surgery. For example, last week the Listening Lounge was opened. This community-based free service provides direct support for people with mental health issues.

- (b) state what action, if any, he is prepared to take in order to make the cost of such consultations affordable to those in clinical, financial or social need;

Detailed work will be undertaken during 2020 to identify potential barriers to accessing healthcare as part of the Jersey Care Model. Initial plans suggest that individuals with long-term conditions which need regular monitoring will receive this as part of a patient pathway which will be provided free to the patient. Where fees are retained in the new system, plans will be drawn up as part of the overall implementation to support low income groups with these costs. Embedding health services within communities will help to ensure that hard to reach groups are encouraged to access the health system and are signposted to appropriate health and wellbeing advice and education.

- (c) state whether he will lodge an amendment to the Government Plan that would explicitly deliver lower-cost primary care;

There is no need to lodge an amendment as the Government Plan already includes a commitment to support financially vulnerable people in 2020 and this commitment will be fulfilled during 2020 within the context of the Jersey Care Model. The Government's commitment (on page 47) is to:

“Deliver new models of primary care including: ...

- the development of a model to support access to primary care for financially vulnerable individuals.”*

- (d) advise which groups are at the top on his priority list when considering the delivery of affordable primary care and state what consideration, if any, has been given to the role means-testing could play in the development of proposals in this area?

As noted above, a full economic and operational analysis of the healthcare system has been commissioned with work starting in Jersey in December this year. Once this is complete, the findings will be incorporated into the detailed plans for supporting low income groups in 2020

2.32 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING MEASURES UNDER CONSIDERATION TO IMPROVE THE AFFORDABILITY OF PRIMARY CARE: (WQ.506/2019)

Question

Further to the responses provided by the Minister for Health and Social Services to Written Question 464/2019 and Oral Question 265/2019, will the Minister –

- (a) advise whether it is her assessment that there is an urgent need for action to make G.P. consultations affordable for those in clinical, financial or social need;
- (b) state what action, if any, she is prepared to take in order to make the cost of such consultations affordable to those in clinical, financial or social need;
- (c) state whether she will lodge an amendment to the Government Plan that would explicitly deliver lower-cost primary care; and
- (d) advise which groups are at the top on her priority list when considering the delivery of affordable primary care and state what consideration, if any, has been given to the part means-testing could play in the development of proposals in this area?

Answer

Parts A and B of this detailed question refer to GP consultations. Parts C and D refer to primary care. The question does not refer at all to the new Jersey Care Model (JCM).

I fully support the Minister for Health and Social Services, who has identified one of his highest priorities for urgent action is to continue the exemplary work that has been undertaken in the last few months to develop the JCM. This work is vital to creating a holistic, patient-centred health system and will form the basis of planning for the new hospital and the development of a sustainable health system to serve Jersey for many years to come. The Government Plan includes a commitment to develop a model to support access to primary care for financially vulnerable individuals.

The development of the JCM will create a new relationship between government and general practitioners. It will also create and strengthen relationships with many other types of health care providers. Working together across primary care, a range of professions will support local people with their healthcare needs in the future. The role of patient fees in the new system will be developed over the next few months following an intensive exercise to be undertaken by health economists who will consider and validate each aspect of the JCM. That work will start in December and will be completed in the first half of 2020.

I fully support the HSS Minister's view that completing this validation process to enable the JCM to begin implementation in the second half of 2020 should be a high priority. This will begin the transformation of our existing primary and secondary care services and the settings in which these are delivered. I support the HSS Minister's decision to complete these preparatory steps comprehensively, but also as quickly as possible to allow the new system to commence. Given this significant and transformational workstream, it would not be a good use of public resources to undertake work on making adjustments to the current primary care system in advance of the

completion of the validation exercise. Once that high-level work is complete, I understand that the Government will promptly develop plans to address any barriers to access that might be faced by patients in the new system.

To address the 4 parts in turn:

- (a) advise whether it is his assessment that there is an urgent need for action to make G.P. consultations affordable for those in clinical, financial or social need;

There is an urgent need for action to reaffirm and redesign the role of the GP within the overall healthcare system. This work is currently underway as part of the development of the Jersey Care Model. Following a detailed financial analysis of the model, plans will be drawn up during 2020 to address any financial barriers faced by patients who require GP consultations under the JCM. Initial plans suggest that many activities currently undertaken by GPs will be provided through other appropriate healthcare professionals in future (for example, practice nurses or community pharmacists). Some services will be provided free of charge and others will still require a patient fee. Some services will be provided outside of the traditional GP surgery. For example, last week the Listening Lounge was opened. This community-based free service provides direct support for people with mental health issues.

- (b) state what action, if any, he is prepared to take in order to make the cost of such consultations affordable to those in clinical, financial or social need;

Detailed work will be undertaken during 2020 to identify potential barriers to accessing healthcare as part of the Jersey Care Model. Initial plans suggest that individuals with long-term conditions which need regular monitoring will receive this as part of a patient pathway which will be provided free to the patient. Where fees are retained in the new system, plans will be drawn up as part of the overall implementation to support low income groups with these costs. Embedding health services within communities will help to ensure that hard to reach groups are encouraged to access the health system and are signposted to appropriate health and wellbeing advice and education.

- (c) state whether he will lodge an amendment to the Government Plan that would explicitly deliver lower-cost primary care;

There is no need to lodge an amendment as the Government Plan already includes a commitment to support financially vulnerable people in 2020 and this commitment will be fulfilled during 2020 within the context of the Jersey Care Model. This is detailed on page 47:

“Deliver new models of primary care including: ...

• the development of a model to support access to primary care for financially vulnerable individuals.”

- (d) advise which groups are at the top on his priority list when considering the delivery of affordable primary care and state what consideration, if any, has been given to the role means-testing could play in the development of proposals in this area?

As noted above, a full economic and operational analysis of the healthcare system has been commissioned by the Health and Community Services Department with work starting in Jersey in December this year. Once this is complete, the findings will be incorporated into the detailed plans for supporting low income groups in 2020.

2.33 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING IMPLEMENTATION OF THE RESULTS OF THE CONSULTATION, ‘LIVING TODAY, THINKING AHEAD’: (WQ.507/2019)

Question

Will the Minister update members on the actions taken to implement the findings and results of the consultation ‘Living Today, Thinking Ahead’ and, in particular, will she advise when she will lodge a Proposition to extend the period for which Maternity Allowance can be claimed from 18 weeks to 26 weeks, given this was a proposal that was strongly supported by consultees?

Answer

The results of the consultation “Living Today, Thinking Ahead” were published as [R.25/2018](#).

The findings of the consultation are being acted on as follows:

- Strong support for contributory benefits to continue to include benefits for bereavement and parenting.

No action needed

- Strong support for requiring a longer period of payments into the scheme before benefits can be claimed.
- Eligibility rules for benefits are confusing and particularly difficult for new residents to understand.

These issues will be considered in 2020 as part of the implementation plan in respect of changes to migration policy.

- Some support for a longer period of maternity allowance

As part of the commitment made in the [Government Plan 2020-2023](#), the Minister has acknowledged the need to move to a more family friendly labour market, one which recognises the role of all parents in the care of their children.

In parallel with the Assembly’s approval of the “Family Friendly” changes to the Employment Law on October 22nd 2019, in 2020 the Minister intends to make changes to the existing maternity allowance contributory benefit so that both parents will be eligible to receive it. In addition, the length of time this allowance can be claimed will be increased to 32 weeks (shared between the parents). For example, this could allow a mother to claim 26 weeks of allowance and her partner to claim 6 weeks. The proposal to fund these additional weeks from increases in the higher level of employer contributions also reflects the views of the public in their response to the consultation.

The Minister’s proposals are described on page 75 of the Government Plan:

Amend the social security scheme to provide benefits to both parents. The contributory benefit system currently only supports a birth mother with a weekly allowance of £216 per week while she is off work caring for a new baby. As part of the Social Security Review, we have acknowledged the need to move to a more family friendly labour market, which acknowledges the role of all parents in the care of their children.

In 2020, we will make changes to contributory benefits so that both parents will be able to receive parental benefits. This will be funded from two changes to Social Security contributions. We will increase the cap on earnings from £176,000 to £250,000; we will also increase the contributions rate received from employers of higher-earning workers, and high-earning self-employed people, from 2% to 2.5%.

These changes are anticipated to generate an additional £3.35 million in 2020.

Subject to Assembly approval of the Government Plan, it is the intention for these changes to the maternity allowance to come into force alongside the revised Employment legislation in the third quarter of 2020. The required legislative changes will be lodged according to this timescale.

2.34 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING AGREEMENTS BETWEEN THE CUSTOMS AND IMMIGRATION SERVICE AND U.K. CUSTOMS AUTHORITIES: (WQ.508/2019)

Question

Will the Minister advise members –

- (a) whether there are any agreements between Jersey's Customs and Immigration Service and the U.K.'s customs authorities with respect to the collection of V.A.T. on goods posted or sent from Jersey to the U.K.;
- (b) whether he is aware of any parcels being held up, either in Jersey or the U.K., in order that it can be checked whether V.A.T. is payable and, if so, state for how long, on average, such parcels are delayed or detained and the procedure used to recover the V.A.T. payments from the sender or recipient;
- (c) whether there are any reciprocal agreements whereby the U.K.'s customs authorities collect G.S.T. for the Customs and Immigration Service and, if so, what amount of money has been raised each year since they began collecting this tax and, if there are no such reciprocal agreements but they exist in relation to V.A.T., why Jersey is providing this service for the U.K. authorities in relation to V.A.T.; and
- (d) what rules are followed in determining whether V.A.T. is applicable to any parcel or shipment and who is responsible for making that determination?

Answer

- a) There exists a Memorandum of Understanding (MOU) between Her Majesty's Revenue & Customs (HMRC), the Jersey Customs & Immigration Service (JCIS) and Jersey Post Limited (Jersey Post) namely, the UK Import VAT Accounting Scheme (IVAS) or the 'Scheme', which consists of arrangements for:

"The accounting of UK Import VAT on all commercial consignments (excluding alcohol, tobacco and tobacco products) not exceeding the statistical threshold of £873 in value, that would otherwise be chargeable on goods on importation into the UK."

- b) HMRC established the Scheme to allow locally registered IVAS traders to pay VAT on mail order goods only exported to the UK via Jersey Post. Being party to the Scheme removes friction at the UK border meaning consignments can move unhindered by HMRC fiscal checks. This enables goods to be delivered directly to the customer without incurring any further charges or delay. These are important benefits for the IVAS trader. The Scheme was introduced in response to the UK Government's decision to remove the Low Value Consignment Relief (LCVR) for goods originating in the Channel Islands. The Minister is not aware of any delays either here or in the UK to parcels sent under the Scheme.

The IVAS trader is obliged to submit a retrospective monthly report to Jersey Post detailing all sales for all goods sent under the Scheme. The VAT liability is determined by the conditions detailed in (a) above and the prevailing UK VAT rate for the good in question. The IVAS trader then remits the UK import VAT due to Jersey Post, who in turn send the total amount collected from all the IVAS traders to HMRC. This happens once a month.

- c) The Government of Jersey is not providing this service. Instead, Jersey Post are recompensed by HMRC to operate and administer the Scheme on their behalf. HMRC does not collect GST on behalf of JCIS, nor does JCIS have any such arrangement with Royal Mail.

Although the UK removed LVCR Jersey still maintains a low value threshold of £240 before taxes, including GST, are collected. The majority of goods sent by mail from the UK fall below the £240 value threshold.

- d) Any commercial consignment sent by post outside of the Scheme is potentially subject to UK import VAT at the point of entry into the UK. The amount payable is determined by HMRC and depends on the prevailing VAT rate associated with the good/s.

2.35 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING FOSTERING AND ADOPTION PROCESSES: (WQ.509/2019)

Question

Will the Minister set out the process followed by his Department when a child is taken from their parent(s) for fostering and / or adoption (providing a flow diagram in addition to any written explanation, if possible); will he explain the rights of the parent(s) and siblings at each stage of this process; and will he set out a table showing the number of children who were removed (a) for fostering and (b) for adoption in each of the last 10 years?

Answer

The term 'looked after children' refers to all children and young people who are in the care of the Minister.

Parental Responsibility and Foster Care

A child can be placed in foster care in one of 3 ways; (i) in accordance with article 17 of the Children (Jersey) Law (the Children Law), known colloquially as voluntary accommodation, (ii) by order of the Royal Court in accordance with articles 24 (care order), 30 (interim care order) and 37 (emergency protection order) of the Children Law or (iii) by police protection powers in accordance with article 41 of the Children Law.

When a child is voluntarily accommodated, a parent with parental responsibility retains responsibility and effectively delegates care of the child to the Minister. The Minister does not acquire parental responsibility, and a parent with parental responsibility can remove the child from foster care at any time. However, a child who has reached the age of 16 and who has agreed to being provided with accommodation cannot be removed from foster care by a parent without the young person's consent.

When a child is accommodated by virtue of a care order, an interim care order or an emergency protection order a parent with parental responsibility maintains responsibility. The difference is that the Minister also acquires parental responsibility and he has the power to determine the extent to which a parent may exercise their parental responsibility but only so far as the Minister is satisfied it is necessary to do so in order to safeguard or promote the child's welfare. A parent cannot remove a child who is subject to a court order from foster care without the consent of the Minister, or by further order of the Court.

A child may be taken or kept in police protection for a maximum period of 72 hours where there is reasonable cause to believe that the child would otherwise suffer significant harm. The child may be placed in foster care for the period of the police powers but neither the Minister nor the police acquire parental responsibility. A parent may not remove the child from foster care for the period of the police powers.

Parental Responsibility and Adoption

A child can be placed for adoption with the consent of each parent with parental responsibility in accordance with Article 13 Adoption (Jersey) Law 1961 (the Adoption Law'), the consent of a mother

cannot be relied upon if it is given less than 6 weeks after the birth of the child. Alternatively, the Royal Court can make a declaration freeing the child for adoption in accordance with Article 12 of the Adoption Law. These are both preliminary steps ahead of a final adoption order being granted in accordance with Article 10 of the Adoption Law. Once an adoption order is made the child is treated in law as if they were not the child of any other person other than the adopter/s.

When a child has been placed for adoption by consent and an application for an adoption order has been made, the birth parent cannot remove the child from the prospective adoptive parents care without leave of the Court. Once an adoption order has been made the adoptive parent/s acquire sole parental responsibility for the child and the parental responsibility which the birth parent had is extinguished.

When a child has been declared free for adoption the Minister acquires parental responsibility pending the adoption order being made, and the parental responsibility of the birth parent is extinguished. Once the adoption order is made the adopters acquire sole parental responsibility and the parental responsibility that the Minister had by virtue of the declaration is extinguished.

It is important to note that for matters in proceedings parents are entitled to free legal advice from a specialist panel of child care lawyers and that children are appointed a guardian and if required separate legal representation. In relation to siblings if they are part of the proceedings they would also be appointed a guardian.

When a child becomes a Looked After Child, they are allocated an Independent Reviewing Officer (IRO). The IRO's primary focus is to quality assure the **care planning and review process** for each child and to ensure that his/her current wishes and feelings are given full consideration.

Care planning and reviews are about bringing together children who are looked after, their families, carers and professionals, in order to plan for the care of the child and to review that plan on a regular basis. Effective care planning and review is underpinned by careful assessment of the needs of the child and making the right decisions about how to meet those needs.

Review meetings are carried out in line with timings specified in the Looked After Children Procedures. The first review must be held within 28 days of the date the child first becomes looked after. The second review should be no more than four months from the date when the child becomes looked after, and subsequent reviews, no more than six months after the previous one. In addition, a review must be held if there is a proposed change to the care plan. And must be held before that proposed change is implemented.

When meeting with the child before every review, the IRO is responsible for making sure that the child understands how having an advocate can help and their entitlement to one. This service is currently being commissioned to be delivered by an Independent organisation "Jersey Cares" and is expected to start delivery imminently. Until then this service can be provided by Barnardo's. In this process an advocate is someone to support children and young people in expressing their views; the word 'advocate' in this instance does not refer to a legal adviser. Children are also informed of their right to apply for a Care Order to be discharged or a Contact Order to be applied. Younger children will be advocated for by their carers.

Parents do not lose their PR at any point unless a Freeing Order is made prior to adoption.

Children have the right to ongoing contact with parents, siblings and wider family when it is in their best interest and safe for them to do so, this needs to be part of assessments before the Court.

The number of children who were removed (a) for fostering and (b) for adoption in each of the last 10 years?

We are not able to show the number of children removed for fostering in each of the past 10 years – the only historic data that we keep on children looked after is a monthly snapshot which would not include any children that started and ended a foster placement within a month (either because their looked after episode ended, or because of a placement move). Mosaic is the services electronic recording system and was implemented in late 2017, and we now have much better access to reliable data – We have shown in the table below how many children have been removed and placed in foster

care in 2018 and 2019 to date. We have given numbers of children in foster placements on 31st December in each of the years below. We've also given the number of adoptions, per year, for the last 10 years.

Number of children becoming looked after and placed in foster placements – 2018 and 2019

In 2018, 32 children became looked after and placed in foster care, compared with 16 so far in 2019. Around 60% of these children were initially looked after on a voluntary basis under Article 17, although their legal status may have subsequently changed.

Several children were looked after for a period, later returning to live with their parents, some continue to be looked after, while a small number have since been adopted. For those returning to live with their parents, several were looked after for less than a month.

Number of children looked after in foster placements

The table below shows the total number of children looked after as an end of year snapshot, with the total number of foster placements, either with connected carers or other foster carers:

	2019 (as at 7/11/19)	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
Total number of Children Looked After on 31 st December	81	93	96	90	98	92	90	79	83	77	82	75
In Foster Care (with family and friends or other foster carers)	56	67	65	61	70	63	65	54	53	50	50	46

Number of adoptions

The table below gives the number of adoptions per year, numbers less than 5 are not provided as this would risk revealing identifiable information.

	2019 to 07/11/19	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
Number of adoptions	7	5	<5	6	<5	6	5	<5	6	9	<5	5

NB children and not placements counted.

Requested Flow Charts are not currently available and will follow as soon as possible.

2.36 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COLLECTION BY JERSEY POST OF V.A.T. ON GOODS: (WQ.510/2019)

Question

Will the Minister, as shareholder representative, advise –

- (a) why Jersey Post is collecting V.A.T. on goods posted from Jersey to the United Kingdom (U.K.); and
- (b) what value of V.A.T. was collected as a result for each of the last 5 years and what the cost was of Jersey Post providing this service for the U.K. authorities?

Answer

The following response has been provided by Jersey Post.

Jersey Post offers an HMRC approved VAT prepayment scheme the intention of which is to minimise delays and extra costs to island residents and businesses sending items to the UK.

VAT is due on any commercial item sent from Jersey to the UK including anything sold by members of the public (for example, on eBay).

VAT is also due on any gift sent from Jersey to the UK that is valued over £39 (including the postage and packing).

Pre-paying VAT is the quickest and cheapest option to get items to the UK. Alternatively, residents and businesses in Jersey could send their items without pre-paying. This could lead to delays in Customs and the recipient would need to pay both the VAT and an £8 Royal Mail collection charge to claim the item.

The value of VAT collected over the past 5 years is as follows: -

2019 year to date	£1.8m
2018	£1.3m
2017	£1.5m
2016	£2.3m
2015	£5.8m

The service is being provided by Jersey Post to the businesses and residents of Jersey and not to the UK authorities (i.e. HMRC). However, in recognition of the time and effort saved by HMRC in collecting VAT on goods exported from Jersey to the UK, they recompense Jersey Post for operating the Scheme.

2.37 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE STATES OF JERSEY POLICE PROFESSIONAL STANDARDS DEPARTMENT: (WQ.511/2019)

Question

Will the Minister provide members with the number and roles of any non-police officers working for the States of Jersey Police Professional Standards department?

Answer

There is one non-police officer working in the Professional Standards department at the States of Jersey Police. The role is investigative.

[9:45]

Senator S.Y. Mézec:

Could I just take this opportunity to apologise to Members that some of the answers to my written questions had to be submitted late and there is still one which is outstanding, but I am hoping to get that in later on today. It just proved difficult to collate some of the information that Members were asking for.

The Deputy Greffier of the States (in the Chair):

There are 3 questions missing from the bundle today, which will be circulated as soon as we have them available to Members.

3. Oral Questions

3.1 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding training contracts issued by Government Departments: (OQ.284/2019)

Are Government departments permitted to assign training contracts to companies without putting them out to tender; if so, why is that the case and how many such contracts have been assigned in this way?

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

No, Government departments are not permitted to assign training contracts to companies without following Financial Directions and applying appropriate process to the value being spent. As an example, all contracts, including training contracts, where the value of the contract exceeds £100,000 must follow the tender process, unless an exemption has been granted. Where the value of a contract is between £25,000 and £100,000, 3 quotations must be sought and below £25,000 a single quotation is appropriate.

3.1.1 Senator S.C. Ferguson:

Would the Minister please inform us how many contracts have been assigned without going out to tender?

Deputy S.J. Pinel:

All the contracts that are signed are held at departmental level, so I do not have the information of the whole collated amount.

3.1.2 Senator S.C. Ferguson:

In which case, will the Minister investigate and report back to the Assembly with a list of what contracts have been awarded without going out to tender?

Deputy S.J. Pinel:

Is the Senator referring to all the contracts under £100,000?

Senator S.C. Ferguson:

I am concerned, because these training contracts are all with small businesses and the problem there is that if you award them without going to tender, you are acting unfairly with regard to small businesses and, therefore, I think it is appropriate that the States know how many of these anti-competitive awards of training contracts have been made and to whom.

Deputy S.J. Pinel:

I think I answered the question inasmuch as if the contract is under £25,000 then there is no need for it to go to tender. It will just be a quotation of that amount. Because of the time it takes to do tendering, where the contract is under £25,000 and, as the Senator rightly says, most of these go to small businesses anyway, so it is hardly unfair on small business.

3.1.3 Senator S.C. Ferguson:

I think there is possibly a problem in that, in some cases, the contracts have been awarded to organisations which are perhaps not the optimal organisation to perform the contract.

The Deputy Greffier of the States (in the Chair):

Your question, Senator?

Senator S.C. Ferguson:

Will the Minister therefore check and see, particularly in the small business area, how many there have been, because each department should know, surely and will the Minister then report back to the States with how many there have been and to whom they have been awarded?

Deputy S.J. Pinel:

As I say, all these contracts come under Financial Directions and I will see if I can provide the numbers, but I am not quite sure that it is entirely possible with so many being awarded.

Senator T.A. Vallois:

May I raise the *défaut* on Senator Moore please?

The Deputy Greffier of the States (in the Chair):

Do Members agree that the *défaut* should be raised?

Senator T.A. Vallois:

And Deputy Southern please.

The Deputy Greffier of the States (in the Chair):

Very well, the *défaut* is raised on Senator Moore and Deputy Southern. Question 2 on the Order Paper is by Deputy Doublet who is, unfortunately, *malade* so we then move to question 3.

3.2 Senator K.L. Moore of the Minister for Health and Social Services regarding a sustainable funding mechanism for primary care: (OQ.269/2019)

What steps has the Minister taken to reach agreement regarding the sustainable funding mechanism for primary bodies, as agreed by the Assembly in P.82/2012?

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

The development of the Jersey Care model will create a new relationship between Government and general practitioners. It will also create and strengthen relationships with many other types of healthcare providers. Working together across primary care, a range of professions will support local people with their healthcare needs in the future. Healthcare economists will undertake a full economic and operational analysis of the Jersey Care model over coming months. Once validated, the transformation of our existing primary and secondary care services and the settings in which these are delivered will be considered. Initial plans suggest that many activities currently undertaken by G.P.s (general practitioners) will be provided through other appropriate healthcare professionals in future, for example, practice nurses, or community pharmacists. Once the analysis of the healthcare system has been undertaken, Ministers can work together to agree a sustainable approach to overall healthcare funding.

3.2.1 Senator K.L. Moore:

What consultation has taken place with those primary care bodies to achieve the point that the Minister is at currently?

The Deputy of St. Ouen:

A very significant amount of consultation. Every G.P. surgery in the Island has been visited by officers in my department, who put together the Jersey Care model and the model has been well received by the profession as a whole, together with other partners in primary care and in community work.

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

Will the Minister agree with me that those who are financially vulnerable individuals in society are those who are recipients of income support and no further means testing is needed in order to deliver to financially vulnerable individuals?

The Deputy of St. Ouen:

I agree with the Deputy that financially vulnerable people can be found within recipients of income support, but there are also people who are ineligible for income support who might be classed as financially vulnerable. If the Deputy's question is about the work going on in that area - he is asking me a question later as an oral question, there is a written question - but there is a workstream in the Government Plan that commits the Government to deal with financially vulnerable people and their healthcare costs.

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

Can the Minister give an indication, or an outline, the sort of timetable for the next stages of this, the economic funding, for when he would like to present that to the Assembly in this time period, for example, before the next election?

The Deputy of St. Ouen:

Certainly before the next election. It is intended that the health economists will complete their work in the spring. I have yet to work out with other Ministers and my Assistant Ministers exactly how that work will be brought to the States, but I do, at some stage, want the States to fully endorse the healthcare model when we have all that information behind us.

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

Given that primary healthcare will be absolutely essential to the working of the new healthcare model, can the Minister make some sort of assurance that the services that were being replaced, that were previously held by G.P.s, will be free at point of access for those, particularly the most vulnerable, so that they can genuinely access this healthcare system?

The Deputy of St. Ouen:

That is the work we want the health economists to do, so that we can fully understand the economic factors around this. I think, going forward, there will be some services that will still be paid for, as now, but there will be other services, many more than now, that will be free at the point of delivery, because we can take cost out of the hospital services and put those into primary care services. That is the thinking at the moment, subject to the more detailed work to be undertaken.

3.2.5 Senator K.L. Moore:

The Director General describes the Health Insurance Fund as transformational in the purpose of the new care model and moving forward. Could the Minister describe please how this Health Insurance Fund is deemed to be transformational, how it is intended to be used, particularly given that the actuarial report suggests it could be empty within 10 years, if current use continues?

The Deputy of St. Ouen:

I and my officers are in discussion with the Minister for Social Security and her officers, who administer the Health Insurance Fund, on precisely how this will, or could, be used in the future. We do not regard the Health Insurance Fund as a completely sustainable fund, because it has a certain capital reserve but, of course, healthcare is expensive and that would be used up in time. It is available, perhaps, to pump prime new initiatives. It is available, perhaps, to meet the costs of double running, because we will still be treating patients in present ways perhaps while trying to make the transformation into primary care. There are a number of uses that it can be put to as we develop this model. So, it is a resource. It is a very useful resource and it will be carefully considered and brought back for decision making.

3.3 Deputy S.G. Luce of St. Martin of the Minister for Infrastructure regarding the reclamation site at La Collette: (OQ.274/2019)

Will the Minister inform the Assembly how long it will be before the reclamation site at La Collette is at capacity?

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

It is not possible to accurately calculate the exact amount of time that the La Collette site has before it is full. We are currently estimating that, on a present infill rate, the site will have 18 to 24 months before the remaining void space for inert waste is full. My officers and I are proactively working on a plan to extend the life of the facility and I hope to be in a position to announce more details in the near future. The contaminated inert waste, we have in excess of 5 years of void space in a form of engineered containment cells.

3.3.1 The Deputy of St. Martin:

The Minister will be aware that the next infill site after La Collette is destined to be La Gigoulande quarry at St. Mary, but also that Jersey Water have recently identified the site as the next potential reservoir. Does the Minister agree with me that La Gigoulande would not only be comparatively easy and excellent, but an obvious site for the storage of Jersey's water in the future?

Deputy K.C. Lewis:

Yes. The Island Plan and waste mineral strategy will assist in identifying future sites for inert waste disposal. There are not many sites on the Island that offer the required size, or environmental containment, required for inert waste. Disposal sites such as La Gigoulande may be better repurposed for other activities. Such sites as La Crête quarry may be technically difficult to develop, or too small to be financially viable, but we will be examining many sites on the Island and the benefits and opportunities that are preferred, or coastal land reclamation may also be a possibility.

3.3.2 The Deputy of St. Martin:

Members and the Minister will be aware of recent incidents at the Waterfront where the Horizon site polluted the sea. Can the Minister assure the Assembly categorically that no such pollution will be occurring at La Collette?

Deputy K.C. Lewis:

Absolutely. It is a private development, it is on the Waterfront at the moment, but we will take every endeavour to make sure that there is no pollution, whatsoever, into the sea, leaching, or otherwise, into the sea.

3.4 Deputy K.F. Morel of St. Lawrence of the Minister for Treasury and Resources regarding the diversity of the board of Andium Homes: (OQ.270/2019)

Given that the 2 independent directors, who recently resigned from the board of Andium Homes were women, will the Minister explain why she has not chosen any women as their replacements, thereby creating an imbalanced board of directors that includes just one woman out of 6 directors

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

The Assistant Minister will answer this question.

[10:00]

Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - *rapporteur*):

The situation I faced in relation to the Andium Homes board and the recent resignations within was unique and required urgent action to be taken. It was an extremely pressing situation, which required immediate action to ensure that the board of the company comprised the required number of directors to be able to operate in accordance with its memorandum and articles of association. There were specific skill shortages that were identified in a board effectiveness review in 2018 and the candidates chosen to replace the departing directors have the required backgrounds and knowledge to fill that skills gap and, most importantly, were available immediately. I am fully aligned with the Deputy's desire to have a diverse mix of non-executive directors on the boards at States-owned companies, but given the urgency of this particular situation, it was necessary to identify the candidates in a matter of days to fulfil the roles required. I hope the Deputy can be comforted that both appointments were made following consultation and endorsement from the Jersey Appointments Commission, who recognised the need for swift action to be taken.

3.4.1 Deputy K.F. Morel:

I feel somewhat that the Assistant Minister overplays the urgency. But given that the C. and A.G.'s (Comptroller and Auditor General) report on board remuneration is damning of the Treasury's oversight of the boards of States-owned entities and arm's length organisations, with many previous recommendations remaining unimplemented, will the Minister commit to recommendation 8, which states that: "Treasury needs to strengthen arrangements for oversight of the States relationship with companies, statutory bodies and funded bodies including through determining and monitoring compliance with minimum corporate governance standards." So, will the Assistant Minister set a minimum standard, such as Norway's, which demands a minimum of 40 per cent of boards being female?

Deputy L.B.E. Ash:

As far as recommendations of the governance of the boards, we have already put in place a complete review of the M.O.U.s (memorandum of understanding) and those should be coming to a completion soon. As far as quotas are concerned, I do not believe in quotas. I do not think the Chief Minister believes in quotas. I do not think we, as a Government, believe in quotas. We believe in the best person for the job. What I do believe in, is that any interview selection process should have a diverse list of candidates and I do believe in that very strongly.

3.4.2 Senator K.L. Moore:

Given that the previous Chair of Andium had been told some months earlier that his time as Chair was due to come to an end, why did the Treasury consider that this was a matter of urgency and why had a recruitment process not been implemented at a sooner point?

Deputy L.B.E. Ash:

It is a very good question. The board of Andium were told when he was appointed that we expected, or the Government expected, at the time for a replacement to have been put in place by the end of June this year. In fact, a selection process had not even been put in place. We then asked the then Chair if he would stay for another 3 months, to see if we could move in that direction. Unfortunately, due to certain issues over salaries, *et cetera*, it was impossible to move while that board were in place and hence the appointment of someone else to oversee the company now and resolve the issues that are there and tighten up that governance.

3.4.3 Deputy J.H. Perchard of St. Saviour:

Does the Assistant Minister agree that the meritocratic argument is completely bogus, because you cannot possibly get the best person for the job if you are ignoring half of the population? Does he also acknowledge that if you only approach 2 male candidates, you cannot possibly appoint a female candidate? Does he also agree that by not having a diverse board he is placing the board and subsequent organisations at financial risk, as has been proven by many studies?

Deputy L.B.E. Ash:

Some great points made. Some of them I agree with. As I said, this was made very quickly. It has to be said that both these appointments are temporary appointments. They are placed there while we sort this situation out with Andium. Once we have done that, there will be a complete selection process taking place and I would hope that we will get Andium back to being where they were, which was the most diverse board of all the States-owned companies. I sincerely hope we will and, as I said, I will absolutely ensure that the interview process is as diverse as possible.

Deputy J.H. Perchard:

None of my questions are answered. I would please urge the Assistant Minister to at least attempt to answer one of the 3 questions I posed.

Deputy L.B.E. Ash:

Would you like to repeat them and I will endeavour to do so?

Deputy J.H. Perchard:

Does he not agree that the meritocratic argument is completely bogus, given the fact that you cannot get the best person for the job if you ignore 50 per cent of the population?

Deputy L.B.E. Ash:

I did answer that. As I said, at the time, we had to move very quickly and the best 2 people that were available - and that we knew were available to fill these roles - happened to be men. Had it been a woman, we would have used a woman straightaway at the time, but they were not. The best 2 people available, within a very limited timescale, happened to be men. It is an irrelevance to suggest otherwise.

The Deputy Greffier of the States (in the Chair):

I am going to allow you one further supplementary, Deputy, because your question was not answered in the first instance.

3.4.4 Deputy J.H. Perchard:

Could he clarify, the best 2 people out of what pool? Are we talking the best 2 people out of 2 people, or the best 2 people in the world?

Deputy L.B.E. Ash:

As good as Sir Mark is, I do not think he would put himself up as one of the best 2 people in the world. They were the people who came to our notice very early on and were perfectly qualified. One

is a top person, who has helped out Jersey companies before, so we knew his skillset; and the other guy was one of the top accountants on the Island. Obviously, we had lost the finance director, who it is interesting to say and this may please the Deputy, it may not, but the acting finance director is a woman, called Lindsay, but still a woman.

3.4.5 Deputy K.G. Pamplin:

Does the Assistant Minister ... in every opportunity, as my late grandmother used to say, there is an opportunity learned. In the world of business, panels, chairs, committees can suddenly change. It happens a lot in the world of business so, therefore, is there much to learn from the scenario that just taking a bit of time to get the right people could avoid questions like receiving today?

Deputy L.B.E. Ash:

I think it is a great point that the Deputy makes. This is exactly what we have done. We have made these appointments to buy ourselves the time to make the correct decision as far as diversity is concerned and to get the correct people in on a long-term basis. I must stress, this is an interim appointment while we sort this problem out.

3.4.6 Deputy R.J. Ward:

Does he not understand that in order to increase diversity, to address the inequality that we have had for so long, you have to go and look a little bit harder and you have to go and look a little bit further for the right type of candidate in order to address inequalities that have been pointed out in so many different reports?

Deputy L.B.E. Ash:

As I have said and I will reiterate, we will be looking as hard as possible to get the most diverse people that we can for this board. For this particular moment, we needed to buy ourselves some time, which we did with the appointments we made. That does not mean we will not be trying to be as diverse as possible when we have made permanent appointments to that board. When you look at quotas and I take on board the point that you have to make things available and I think when we saw the South African rugby team where they did not have quotas, but they have made those opportunities available to people throughout, which is what we have to do with women and you could see the results when sadly they won the World Cup.

3.4.7 Deputy R.J. Ward:

Would the Assistant Minister, therefore, consider that perhaps you should, when you do look to fill this permanent post, have quotas in order to directly address imbalance for once on this Island?

Deputy L.B.E. Ash:

I have said we will get as diverse a group of people together for the interview process as we possibly can. I cannot say it any more plainly than that. What I will say is that we will not have a quota of successful candidates. We will select the best person for the job from those people. But we will have a diverse as we possibly can group of people that will be interviewed for these roles.

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

Given the innuendo from some Members questioning on this matter, it seems to me that aspersions are being cast to the temporary Chairman appointment. Would the Assistant Minister agree that the appointed person, a Jerseyman, extremely well qualified, has been of great benefit to the Island and that having this temporary appointment and getting over this hurdle until the next stage, that we are very lucky and would he confirm that, because I feel quite annoyed about the questioning line that has been taken?

Deputy L.B.E. Ash:

I thank the Connétable for that question. It is 100 per cent right. We are so lucky to have Sir Mark available. We are lucky that he has agreed to help us out here and we must take full advantage of the year when we have him to make full use of his experience and knowledge in moving the company forward.

Deputy J.H. Perchard:

Point of order? I do slightly resent that the insinuation that the line of questioning about diversity somehow is a commentary on the individual in the role. I think that is an irrational leap. I do not think that is a logical jump and I wonder if the Constable might withdraw it.

The Deputy Greffier of the States (in the Chair):

Connétable, I certainly did not take it that anyone here was necessarily being derogatory about the people who had secured the positions, just really the appointment process and the lack of diversity.

The Connétable of St. Brelade:

No, ma'am, I feel I also ought to bat for the other side.

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

Will the Assistant Minister advise what role, if any, has the Minister for Children and Housing had, or will have, in the new board members being appointed?

Deputy L.B.E. Ash:

Obviously, when we come to do this and we get the criteria, I hope to have quite a full role in it. Thus far, Sir Mark has only just put his feet under the table. He is still trying to establish exactly what we need going forward, both for employee side of things and for the board because, obviously, people need to replace. What I will say about Andium is that - and I hope it continues - they have got tenant representatives, one of whom is female and I hope that continues, because I think it provides a very strong focus for that board.

Deputy J.H. Perchard:

Point of order? Sorry, I really am apologetic about labouring the point, but I do feel that the term 'bat for the other side' is not only unparliamentary, but again enforces the idea that there are 2 sides here, which is illogical. The fact that Members are questioning the diversity of a board does not, at all, comment on the quality of the candidate that has been chosen.

The Bailiff:

I accept the point that it may not be a comment, or should not be a comment, on the quality of the candidate, but I do not think the expression 'bat for the other side' used in this context is an unparliamentary expression. It is open to people to obviously answer the question in the way that they think is right, provided they stay within the boundaries of parliamentary language.

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

In light of the way that this question has gone, this is a question that I shall now ask, which I was going to ask of the Minister, not the Assistant Minister. Can the Minister, or Assistant Minister, confirm that the new Chair of Andium is a cousin of the Minister's husband? If this is the case, is this appropriate and what was the selection process that was followed?

Deputy L.B.E. Ash:

I can confirm that the new Chairman, Sir Mark, is a cousin of the Minister for Treasury and Resources's husband. She had no part in the selection process, because it comes through myself who has complete delegated responsibility. It was basically with the Chief Minister and the Chief Executive that this appointment was made. We live in a very small Island and I can look round here

and say of all the people I know, I have been on 2 golfing holidays with the Constable of Trinity and that is before I ever came into this Chamber. It would be very strange to say that many people here do not know different people who might, or might not, be appointed to roles. Some people might even have people who work as consultants, or something, that are used by the States on projects and things. It would be a very strange world in Jersey if we stopped someone working, just because they were distantly related to somebody, or other.

3.4.11 Deputy K.F. Morel:

Given that the States Assembly is being asked to reappoint another 2 men to a board today - in this case the Jersey Development Company, leaving that board with a level of just 30 per cent of members being female - will the Assistant Minister commit to seeking another appointee to the States of Jersey Development Company, who is female, in order to create a better gender balance on that board?

Deputy L.B.E. Ash:

I find myself repeating myself. We will appoint the best people for the role. I would hope again that we will have a very diverse process in doing that. As far as the reappointment, which we will come to later as you say, we are reappointing 2 men. It is quite a normal process to reappoint board members until they reach their 9-year term, unless there is a pressing need to remove them.

[10:15]

I am sure no one would say we should remove these 2 people, so we can appoint 2 women. It would be completely the wrong thing to do.

3.5 Deputy R.J. Ward of the Chief Minister regarding the allocation of funds for public sector pay rises: (OQ.278/2019)

What allocation has been made in the Government Plan for public sector pay rises from 2021 onwards?

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

The proposed Government Plan presently includes provision for pay growth at 3.1 per cent. However, reference percentage for pay is September R.P.I. (retail price index) usually, which, as Members will recall, is lower at 2.7. Accordingly, an Amendment is being brought today, which will update figures based on these changes and also based on the revised forecast and income. Pay awards fundings held within the reserves for centrally held items, as part of the Government Plan, along with allocations of pension and social security increases to get to the answer, particularly for 2021 to 2023, this presently amounts to a total of £163 million. That is in addition to the figure for 2020. The figure has not yet been allocated and is subject to a pay strategy being developed and agreed by the States Employment Board.

3.5.1 Deputy R.J. Ward:

Given the time of unprecedented change in public services, the requirement for so many workers to work so differently and be part of Team Jersey, would it not be the best thing to do to guarantee at least inflation pay rises to show genuine value for our workforce from day one and support them in the ongoing change that they face?

Senator J.A.N. Le Fondré:

As the Deputy, I am sure will be aware, pay negotiations are always subject to discussion, negotiation and so on with the trade unions. Therefore, it would not be appropriate for me to be committing to something that we have not yet discussed with the unions. The proposal on pay going forward is that we will consider ... we have a new Director of H.R. (human relations). He is putting together, at the

request of the States Employment Board, a pay strategy, which will be looked at by S.E.B. (States Employment Board) in quarter one and once we have then agreed that and there are some ongoing discussions with the unions, then we will set that strategy in play and then that will form the basis of the negotiations. Until such time, I am certainly not making any commitments one way or another.

3.5.2 Deputy K.G. Pamplin:

I am curious about the timing of this and the relevance of the question, because the actions of the recent months are still lingering in our memories. What lessons have been learnt from that and can the Chief Minister reassure us what engagement with all the staff is taking place, so that we do not find ourselves in a similar situation?

Senator J.A.N. Le Fondré:

To split that question into 2: one matter, just to be clear, is that ultimately most pay groups have settled in an agreed settlement. I think there is only one pay group that did not, which was the Civil Service Union. Obviously, we have tried, but overall, unfortunately, we had to implement the pay arrangements and that is where we have been. There has not been too much pushback from that thus far. In terms of discussions with staff, the Deputy may recall that we did get some flak from writing to staff on, I think, 2 occasions. Generally, the rule on these is that we try and negotiate with the unions first and then, obviously, depending on where we go, depending on communications, we have taken the option to write to staff in the past. One of the issues that there will be, we are looking to try and approach matters in a slightly different way. Most of the pay negotiations that have been agreed and/or implemented have already covered 2020. There are some slight exceptions. That means we now have some time to be on the front foot, hopefully and then start having those discussions properly in advance of the end of the negotiations, rather than always in arrears. We are stating the facts and we are trying to change things. The negotiations are always complicated in this area. We know that it is not all about pay. It can be about differentials, it can be about the working week, it can be about career progression and that is something we want to try and look at as part of the pay strategy and then see where we go forward.

3.5.3 Deputy G.P. Southern:

To what extent is any pay rise, or pay inflation, built into the Government Plan? To what extent is that dependent on staffing numbers? Can he say whether the 6,900 currently given as an estimate for 2020 is down, or raised, on 2019 figures?

Senator J.A.N. Le Fondré:

I do not have the inflation to hand, but I will endeavour to find out.

3.5.4 Deputy R.J. Ward:

I am very pleased to hear the Chief Minister talk about being on the front foot in pay negotiations. That would be really nice to see. Would it not have been prudent, intelligent and sensible, therefore, to allocate a minimum of inflation R.P.I. pay rises, so that it is available to those who are negotiating, rather than, as usual, them having their hands tied?

Senator J.A.N. Le Fondré:

I think I have already dealt with that in my first part of the answer. There is a provision in there, based on the present inflation estimates.

3.6 Deputy C.S. Alves of the Minister for Health and Social Services regarding the cancellation and rescheduling of operations at the General Hospital due to bed shortages: (OQ.277/2019)

Will the Minister advise whether, in the last 3 months, any operations have been cancelled, or rescheduled, due to bed shortages in the General Hospital and, if so, how many? Will he also advise whether any patients, who have undergone treatment, or are in hospital in the U.K. (United Kingdom), have experienced delays in coming back to Jersey due to bed shortages?

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

The General Hospital's bed occupancy figures fluctuate and are currently running at approximately 75 to 80 per cent. Bed shortages are rare. We only have those shortages in the most exceptional of situations. Daily operational meetings are held to review and plan capacity. Health and Community Services has not, until now, maintained figures of when an operation is cancelled due to bed pressures, the reason being that is such a rare scenario but, however, a new code has now been allocated to cover that scenario. Should it be necessary, surgeons would prioritise all operations, based on the level of urgency. For example emergency, that would be life-saving and urgent surgery, for example cancer, would not be cancelled, but a routine operation, for example hernia, would be assessed by a surgeon at the time and might be deemed safe to postpone. In that regrettable circumstance, the patient would be advised and provided with a new date of surgery as soon as possible, envisaged within a couple of weeks. Should there be a need to cancel an operation, the Group Managing Director would also be advised. As to the return of patients from the U.K., again, until recently, Health and Community Services did not maintain records as to the number of patients who have experienced delays in being repatriated back to the General Hospital due to a lack of beds. Once a patient is referred by a U.K. hospital and accepted by a consultant in Jersey, we endeavour to repatriate as soon as possible. When delays do occur, it is usually due to a lack of isolation cubicles on a ward, or within the intensive care unit, or the special care baby unit, the reason being that all U.K. hospital transfers require a period of isolation and screening to ensure cross-infections do not occur.

The Bailiff:

Minister, I would ask you to draw your answer to a close. We are at 2 minutes already and that is 30 seconds more than the time generally allocated to an answer.

The Deputy of St. Ouen:

Thank you, Sir. I can leave it there and answer any supplementaries.

3.6.1 Deputy C.S. Alves:

I have recently been made aware of a case where someone became ill on holiday in Europe. They spent 5 weeks in that hospital where, after 3 weeks, it was safe for them to travel back to Jersey. They were unable to, due to bed shortages and were, therefore, transferred to the U.K. for a further 3 weeks. Understandably, members of the public are concerned that a new hospital is being proposed with fewer beds when instances like these are occurring. What assurances can the Minister provide that incidents of bed shortages will not become an issue when a new hospital is built?

The Deputy of St. Ouen:

It is difficult to respond to the specific instance that the Deputy refers to and I would urge anyone who has concerns relating to specific patients to raise them with us and we will very readily investigate them. My understanding is that - and I do not know if this is the same case that the Deputy has referred to - I was aware of one case where the patient was privately funded and there were insurance company considerations. I do not believe that in the case I am thinking of that the question was related to bed shortages. It is not usual for bed shortages to occur, certainly not over 3 weeks, unless it is in the sort of case I have referred to, where the patient needs to be in an isolation unit. The hospital planning as to bed numbers, speaking more broadly, is very carefully worked out. It is very systematically considered and will be further developed in the work that is going to be undertaken over the next few months, so that we have a reliable figure of the number of beds that

could be placed in the new hospital and that will be subject to further consultation and engagement. But I reiterate, if the Deputy, or any other Member, wishes to come and discuss specific instances, we will certainly investigate and I could answer in a better way than I can on my feet here.

3.6.2 Deputy G.P. Southern:

After the Minister's answer that he does not normally keep bed shortages as a reason for cancellation, does he have any figures for staff shortages resulting in any cancellations?

The Bailiff:

I think that is outside of the ambit of the question, Deputy, which relates to bed shortages and the causes for any difficulties. If you can rephrase your question, to bring it to bed shortages, then I will allow you to ask it again, but I am not prepared to permit it as asked.

3.6.3 Deputy R.J. Ward:

I was going to the same topic and I think they are related. We talk a lot about the number of beds in a hospital and I would like to ask the Minister whether he is referring to physically the number of beds, or is it more to do with the staff that can staff the provision of those physical beds in the hospital themselves, which is, I think, the question we were going for here and is that not the wider issue? We can put in more beds and we can have more rooms, but if we do not have the staff to staff them, they will simply not be available and that, I think, is the issue that we are getting to.

The Bailiff:

Minister, I think that is within the ambit of the question.

The Deputy of St. Ouen:

As I mentioned earlier, operational meetings are held at the beginning of each day to review and plan capacity for that day. My information is that no operations are cancelled due to staff shortages on that day.

3.6.4 Deputy R.J. Ward:

Can I press this a little, because I think it is really important for the wider discussion on the new hospital? Are we talking about physically the number of beds, or are we talking more about the amount of staff to enable those beds to be used on an ongoing basis?

The Deputy of St. Ouen:

We are fortunate in Jersey in that we do not suffer the kind of staff crises that seem to occur and we hear about in the N.H.S. (National Health Service). Nursing numbers have recently been recruited to and we are well-served, we are well-staffed in our healthcare. There are always pressures, because there are pressures throughout the healthcare system in the whole western world. I am not aware of the sort of pressures that seem to be raised by the question. It is a deeply operational question. I do not fix the number of nurses that are present on each ward, or in the operating theatres each day. I do not have any oversight of the rotas and the like. If this is a real concern of the Deputies behind me, I would invite them to come and have a discussion with myself and management and we can reassure them.

3.6.5 Deputy K.G. Pamplin:

Before I begin, can I raise the *défaut* on the Deputy of St. John if that is needed? Just checking. I like to look after him. I can help the Minister from my experience of being in the hospital for 24 hours to see how the facility works. There is a group of people who make bed decisions. In the evening, one person makes the bed decisions on all incoming and outgoing patients. Based on information and some really good Scrutiny work, we discovered that the waiting time list put on the website is not accurate, therefore, concern is growing on the information put forward. Will the

Minister reassure us to provide that accurate information so we can determine what the issues are when it comes to bed shortages, or any such issues?

[10:30]

The Deputy of St. Ouen:

In a Scrutiny meeting last week, we discussed our present waiting lists and we shared with the Scrutiny Panel that the data that we hold at the moment is not perfect, it is not great. Therefore, we are not entirely confident in the accuracy of waiting list figures, but the news is, of course, that this has come to light because so much more work is being done around our data collection in Health and Social Services. Sorry, I am struggling to think of the question asked by the Deputy. As the Deputy has seen, there is good planning within the hospital around the staffing levels and the management of care for our patients.

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

Will the Minister give an explanation as to why patients are being detained at the hospital, rather than being returned to the care of their families, thus leading to bed shortages at the General Hospital?

The Deputy of St. Ouen:

I do not believe patients are detained beyond any need for their own healthcare needs.

3.7 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding the development of the Jersey Care Model: (OQ.280/2019)

Will the Minister advise what consideration, if any, was given during the development of the Jersey Care model for Health and Community Services to the Jersey Ethical Care Charter, the carer strategy and the review into assisted dying?

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

I thank the Deputy for his question. The Ethical Care Charter relates either to terms and conditions of employment of specifically domiciliary care workers, or to regulatory matters governed by the Jersey Care Commission. In its specific parts, it has not got that great a relevance to a new care model. However, the intent behind the charter is very much in accord with the Jersey Care model in that domiciliary care plays a great part and we recognise workers must be valued and supported for the service to be sustainable. As to the carer strategy, we will seek to put patients and their families and carers at the heart of our services. Care is to be holistic and will be wrapped around the patients and thus the carer will be treated as part of the team that is offering care for those specifically with long-term conditions living at home. Treatment plans will include consideration of the needs of carers. Services, facilities and technology providers in patients' homes are very likely to assist carers in their work. As to assisted dying, this is not yet an agreed position of the Island, or the Assembly, so as yet there has been no direct consideration of the matter in the Jersey Care model. Of course, if assisted dying was to be introduced to the Island, it would be a service regulated by the Jersey Care Commission.

3.7.1 Deputy K.G. Pamplin:

I thank the Minister for his answer. There are many strategies and reviews currently going on in the world of health and social services. We touched on the area of the Alzheimer's and dementia strategy. Is his ambition, therefore, to pull all these many strategies together and come up with this full care model, instead of picking at it in years to come with ongoing strategy, ongoing discussions.

The Deputy of St. Ouen:

That is certainly my ambition, to provide a comprehensive, holistic healthcare service for the needs of the Island, but let us not be under any illusion: healthcare is constantly changing and healthcare is a huge area. There is always work to do, always room for improvement, so if the Deputy is suggesting we will arrive at a position where we can say everything is now organised and ready to go, I think we will always be running to keep up.

3.7.2 Deputy G.P. Southern:

As the Minister will be aware, we met last week, I think it was, to discuss the progress, or lack of it, on the Ethical Care Charter, which has been passed by this House and was last referred to in January, when the Minister said he was making progress on it. I agreed at the time to do some research as to how the Ethical Care Charter is used in the U.K. and immediately I find that it is used as a *pro forma* for outsourcing, so local authorities outsource a service and use it as a basis for a service level agreement in various parts. Will the Minister undertake to perform a similar role to use the Ethical Care Charter in Jersey to form the basis of service level agreements that he takes on with external providers?

The Deputy of St. Ouen:

I fully support the Ethical Care Charter. It sets out the standards and the ways of working that we wish domiciliary care workers to adopt. I am pleased to hear from the Deputy that since our meeting last week he has investigated that and I will certainly be happy to meet with him again to talk in detail about what he has discovered. The difficulty for me in answering that question is that I no longer, as Minister, have involvement with the progress he was mentioning, but it is something that we can talk about as Government as to how we ask our domiciliary care companies that are licensed through the Jersey Care Commission to carry out their work.

3.7.3 Deputy K.G. Pamplin:

Returning to my original question: will the Minister and the Department, therefore, provide us all the current strategies, reviews and work going on alongside the development of the care model, so we can keep track of all of them going forward, if we wish to, in Scrutiny, or in this Assembly?

The Deputy of St. Ouen:

Yes, I will arrange for this to be drawn up and circulated to Members.

Deputy K.G. Pamplin:

Also, an update of the work in progress since it started alongside that information?

The Deputy of St. Ouen:

Yes, to the extent that that update is reflected in formal minutes that have been agreed, indeed.

3.8 Deputy G.P. Southern of the Minister for Health and Social Services regarding a reduction in the co-payment for patients for G.P. consultations: (OQ.282/2019)

What target date, if any, does the Minister have for a reduction in the co-payment for patients at G.P. consultations? What mechanism will the Minister use to achieve this?

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

This question covers similar ground to the written question posed by the Deputy this week, number 505 and I would refer Members to that answer. At present, I do not envisage proposing an across the board reduction in co-payment that would benefit rich and poor alike in this Island. I would reiterate, though, that there is an urgent need for action to reaffirm and redesign the role of the G.P. within the overall health system. This work, as I said in answer to an earlier question, is currently underway as part of our development of the Jersey Care model. Following that detailed financial analysis, plans

will be drawn up next year to address financial barriers faced by patients who require G.P. consultations. Where fees might be retained in the new system, plans will be drawn up as part of the overall implementation to support low income groups with the costs of doctors' appointments.

3.8.1 Deputy G.P. Southern:

Will anybody see any reduction in 2020 in the size of the bill that they receive for G.P. consultations, or other services from G.P.s?

The Deputy of St. Ouen:

That workstream the Government has committed to within the Government Plan to undertake next year and its precise implementation will need to be a matter for that work.

3.8.2 Deputy G.P. Southern:

The question remains: what target date does he have for delivery of any reduction in the size of the payment for seeing a G.P.? What groups will he intend to target? He said it is not going to be blanket across the board, but does he agree with my estimate of something like a third of people who would benefit, either on clinical, medical, or social grounds, or economic grounds, from free treatment, or reduced fees, significantly reduced fees in the system? When will we see that?

The Deputy of St. Ouen:

The Deputy is trying to get us to run before we can trot. We are doing more than walking. We are planning the review and the economic analysis. The Government Plan commits Government to working during 2020 to bring forward proposals for addressing the vulnerable in the Island. Meanwhile, the Deputy has put forward an Amendment to the Government Plan, which proposes that large numbers of people will have a significant reduction in the co-payment for their G.P.s, including all persons over the age of 65, regardless of their wealth. I think that would be a poor use of public funds. There are many people over 65 ...

The Bailiff:

That will be a debate in 2 weeks' time as to whether the Deputy's Amendment will be accepted.

The Deputy of St. Ouen:

Indeed, Sir. The Deputy has asked me if I agreed with his figure of one-third of people in the Island receiving further benefit. I think he has drawn the net far too wide and too prematurely in bringing his Amendment.

3.9 Deputy I. Gardiner of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the Jersey Innovation Fund: (OQ.272/2019)

Further to recent reports that most of the loans from the Jersey Innovation Fund have been repaid on time, will the Minister consider revising and reopening the fund, in order to support local start-ups?

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

Turning back to the Innovation Fund, from the beginning I think the principle was absolutely right, but it was difficult, due to the lack of political and public appetite for the kind of risk that is associated with these kinds of ventures. I think the short answer is that there are no plans to reopen the existing fund. However, access to funding for start-ups and/or to develop growth and productivity in businesses, I think, is essential in our future economy. That work is now being undertaken by the Future Economy Group with the economic framework. The answer to the Deputy's question is there are no plans to reopen the existing fund, but there are plans to introduce a new type of funding.

3.9.1 Deputy I. Gardiner:

Can the Minister advise how much money remains in the fund now?

Senator L.J. Farnham:

The fund is closed, so technically there is no money remaining, but if my memory serves me correctly, I think £5 million was allocated and just over £2 million was utilised.

3.9.2 Deputy I. Gardiner:

Just to clarify, is it the £2 million was utilised and £3 million goes back to funds from the date the fund is in use, or the £3 million remains somewhere aside from this fund, the £3 million that was unused?

Senator L.J. Farnham:

The £3 million was returned, as I understand it, to the Treasury. I am not sure whether it went into reserves, or contingency. I am happy to find out. I will liaise with the Minister for Treasury and Resources and come back to the Deputy, but it certainly was not utilised by the fund and it was returned.

3.10 Deputy G.P. Southern of the Chair of the States Employment Board regarding the provision in the Government Plan for pay inflation: (OQ.283/2019)

This question has been largely answered by a previous question, but what funds are available to the States Employment Board from the Government Plan for pay inflation and when does the Chair anticipate opening new talks on pay and conditions with States employee representatives?

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

As the Deputy rightly confirms, the first part of this question is pretty well as I replied to Deputy Ward's earlier question, which is Oral Question 278, or number 6 on the Order Paper. For clarification, obviously any amount is a provision, not a target, I should always stress, as it always depends on what the circumstances are that we are facing at the time. I can confirm that the States Employment Board has asked officers to develop a pay strategy for 2021 and beyond. That will be presented in quarter one 2020 and, subject to States Employment Board approval, negotiations are, therefore, likely to take place later in 2020.

3.10.1 Deputy G.P. Southern:

As part of the reordering of the government services, many staff have been asked to reapply for their own jobs at lower rates. How many staff have been asked to do this?

Senator J.A.N. Le Fondré:

I am afraid I did not anticipate that as a follow-on question from this particular oral question. What I shall do is go away and seek the information and return that to the Member and Members in due course.

[10:45]

3.10.2 Deputy S.M. Ahier:

Will the Chair of S.E.B. assure the Assembly that pay negotiations for 2022 will begin in late 2021 and not be left until after the election, as was the case in 2018 when members of the previous S.E.B. knew that they were not standing for election?

Senator J.A.N. Le Fondré:

That is a way away, so I shall give my best endeavours to achieve the dates the Deputy is referring to. I make the point that where we are now is hopefully, for most people, or most pay groups, 2020

is resolved and we will be negotiating in 2020 for 2021. Subject to how that goes and the length of time that comes up for settlements, I would hope we can achieve what the Deputy is talking about, but I can never promise quite that kind of answer.

3.10.3 Deputy R.J. Ward:

Can the Chief Minister assure this Assembly that strict deadlines will be kept to during those negotiations? Can I ask the Chief Minister whether those negotiations will take place with individual pay groups, or as a collective approach, as has happened in the past?

Senator J.A.N. Le Fondré:

The issue around deadlines is always tricky, because it requires 2 parties in any negotiations to meet those deadlines. As far as I am aware, the States Employment Board and its negotiating officers will always try to endeavour to be as timely as possible. In terms of the other matter, I would say that my understanding is there is not unanimous support among the pay groups for the strategy that the Deputy has outlined. Therefore, I cannot give that commitment either.

3.10.4 Deputy G.P. Southern:

As Chair of the S.E.B., will the Chief Minister do his utmost to avoid the situation where imposition of a pay award is the end result and not genuine and open negotiation with the representatives of our employees?

Senator J.A.N. Le Fondré:

We always try to avoid implementation and we always prefer to arrive at an agreed settlement. That is the basic principles. We cannot always guarantee the outcome. That obviously depends on the details of any arrangements that are being negotiated at the time and whether they are acceptable to either, or both sides.

3.11 Deputy I. Gardiner of the Minister for Infrastructure regarding community facilities at the old tea factory building: (OQ.273/201)

Will the Minister explain what plans, if any, are in place to maintain and improve the community facilities at the Old Tea Factory building?

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

The O.T.C. (Overseas Trading Corporation) building houses the First Tower youth project on the ground floor and has 2 areas of government storage archives on the first floor. The building frontage and original fixtures have a heritage status. J.P.H. (Jersey Property Holdings) has repaired the roof and completed significant repairs to the windows on the front elevation within the last 5 years. There is a lease of the space used by the youth club to the charity that runs it and, therefore, they have responsibility for internal repairs, with Jersey Property Holdings performing the mandatory cyclical maintenance element of the whole property. There are no plans for any capital works on the property.

3.11.1 Deputy I. Gardiner:

Would the Minister agree that to put this responsibility on the small charity is not right for the Government? Also, does the Minister know that this particular building, used by the community, completely does not comply with discrimination law?

Deputy K.C. Lewis:

If the Deputy would explain how it breaches the discriminatory law, but I think anything outside of this - we are providing the building - would not be part of my personal remit. I am not sure if the Deputy needs to approach other bodies for funding for expanding the facility.

3.11.2 Deputy R.J. Ward:

Given the greater understanding we have of the need for community services right in the centre of our communities, does the Minister believe that using the top 2 floors for storage of files is the best use of this facility, or would it not be best to increase the community access to those 2 floors and, therefore, improve facilities in the area?

Deputy K.C. Lewis:

I do not believe we have been approached regarding this before, but I am more than happy to look at it if the leaseholders concerned would like to approach us, or the Deputies would like to approach us, with any plans. We are more than happy to look at it if they can find the funding.

3.12 Deputy K.G. Pamplin of the Minister for Treasury and Resources regarding the introduction of a new online tax system: (OQ.281/2019)

Further to the answer to my Written Question 483/2019, will the Minister update Members on the progress towards a new online tax system? Will she reassure Members that it will be in place, as predicted, from 1st January?

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

Revenue Jersey remains on track to offer the option of filing online for some Islanders in 2020 for their 2019 year of assessment tax return. We will go live on a date in January, to coincide with Islanders receiving their paper tax returns by post. The exact date and availability of the launch will be decided following user testing currently involving members of the public. Most of the team doing the development work on this transformation programme are separate to the business teams processing Islanders' returns, which is why we have been able to maintain our commitment. In its first year it is very much about a choice between online and paper, but all Islanders who opt to file online will then be taken off the print list for tax returns for the following year. During 2020, we will be planning community road shows to give support to Islanders who want to take up this online service.

3.12.1 Deputy K.G. Pamplin:

May I thank the Minister for a very concise and well-responded answer, although I do pick up on the wording of 'some Islanders'. If she could clarify what that means and whether any of the delays that some Islanders are incurring at the moment have had any impact at all.

Deputy S.J. Pinel:

There are 2 questions there. When I say 'some Islanders', many do not have the facility of online applications and will remain on paper and it is a choice. You do not have to select online; you can remain with paper. The second question was: has the delay had an impact? We are expecting all tax returns to be dealt with by the end of January 2020. Yes, people are concerned, but if they have any concerns as to whether their circumstances are causing them hardship, they can apply to the Tax Office for assistance in that way.

3.12.2 Deputy R.J. Ward:

Has any consideration been given to this as an opportunity to provide a facility where people can come in and be assisted with an online application, sat down one-to-one and, therefore, helping people to have accurate income tax, which would save in the long run, but also enabling people to see the benefits of online registering rather than the paper registration?

Deputy S.J. Pinel:

I said at the end of my initial statement that we are doing road shows next year. There are staff available, as I mentioned just now to Deputy Pamplin, who will answer questions and if people are facing hardship then they can come into the Department to deal with that. There is a difficulty with offering one-to-one services on what would be an *ad hoc* basis anyway, because we are very short staffed, or the Tax Department is very short staffed. There will be as much help as we can possibly give to education in online filing.

3.12.3 Deputy K.G. Pamplin:

Just picking up on the Minister's wording there, I pay tribute to the hardworking staff who helped me and some of my family members with a very delicate situation under the huge experiences that they are under currently. But I return to my written question where specific technical resources have been allocated to the instruction of online filing and just picking up what the Minister was saying there about short staffed: what is the process for the well-being of the staff who are working under extraordinary measures in tax, which is one of the most fundamental ways of Island life?

Deputy S.J. Pinel:

I thank the Deputy for his obvious heartfelt concern. Yes, the Tax Department is working extraordinarily hard but, as I mentioned earlier, in 2 different ways. The tax assessment and the Revenue Jersey management system are being operated by 2 separate levels of staff, but they are working incredibly hard. This is not the first time that there has been a delay in this, but when one is replacing a 35 year-old tax system, it is going to take time for the staff to get used to it and for the customers to get used to it.

3.12.4 Deputy K.G. Pamplin:

Sorry, just the bit about the well-being of the staff who are working overtime and long hours and dealing with very nervous and confused members of the public who have concerns, that has an effect on the mental well-being of staff, especially if they are short staffed. What is going on to protect the well-being of our hardworking civil service staff in this area?

Deputy S.J. Pinel:

Quite a lot, because obviously the well-being is the most important thing for us that they continue, but it is very confusing and difficult to accommodate oneself with the new system, so they are all being watched very carefully, as their overtime mounts up. It is being taken into consideration.

3.13 Deputy R.J. Ward of the Minister for the Environment regarding the encouragement and facilitation of more greenery in the Island's urban areas: (OQ.279/2019)

Given the welcome announcement of the intention to plant 6,000 trees in the north of the Island, what action, if any, is the Minister taking to encourage and facilitate more greening in our urban areas and to prevent the removal of mature trees as housing developments become more centralised in St. Helier?

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

I am already committed, as part of our Island Plan and Future St. Helier work, to plan for more green landscaping and trees in our urban areas, in particular using planning agreements and new Island Plan policies. But the question gives me an opportunity to announce new work. The team is formulating a practice note to allow more tree planting on marginal agricultural land where it can be demonstrated the benefit to the wider environment, landscape and public access. Also, we do lose too many trees at the moment and, therefore, in terms of that I will be coming forward shortly with changes to the Planning and Building (Jersey) Law, seeking to provide greater control on the removal of trees,

particularly in the urban area. Of course, looking after trees is fundamental to climate change, well-being, landscape and biodiversity and I will keep the Deputy updated as that work continues.

3.13.1 Senator S.C. Ferguson:

For some years not only has the Island Plan been concerned with trees, but also landscape. Will the Minister confirm that he will, in fact, be employing a landscape specialist, so that proper landscape designs can be assessed when planning applications go in?

Deputy J.H. Young:

We do not have a landscape architect on the planning team. Obviously, the whole trend has been to keep the budgets tight and we tend to use outside specialists where it is required. What I can say is that, as part of the planning work that I said about, the Island Plan and assessing landscapes, I can confirm that there is a professional partner on board to do that work as part of the Island Plan. As far as assessing applications later on, I think it is intended if not landscape, certainly the intention is to have an arboriculturalist available to the team, which is part of the positive things in the G.H.E.'s (Growth, Housing and Environment) structure.

3.13.2 Senator S.C. Ferguson:

Will the Minister be ensuring that there is proper observation and application of the green backdrop zone policy?

Deputy J.H. Young:

Absolutely. I think the green backdrop zone has been very much not given sufficient emphasis and I certainly have been critical, as a Member, of planning decisions that have not given adequate weight and allowed developments that I think rather mar those areas. As Minister, I have been very pleased to deal with a few appeals when that situation has not been allowed to continue. I think people should see trees and a green backdrop area and their maintenance as fundamental to our well-being.

[11:00]

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

Could the Minister confirm that his Department has been working with the Men of the Trees company up at Howard Davis farm to help them propagate trees and land around the Howard Davis farm area?

Deputy J.H. Young:

I think the Deputy has got the advantage on me. I would be very interested to hear more about this, but I have met Men of the Trees and I am very inspired by them and generally, as a principle, I am very keen on Government working with community bodies that are geared up and expert in these fields. If we have got the resources to do things with them, we will. I am not sure where the funding stream is, but in the Government Plan ... I hope for the Government Plan and there is some money in there that helps do this.

3.13.4 The Deputy of St. Martin:

I welcome very much the news from the Minister that he will be issuing a planning note about planting of trees in agricultural fields. Can I just assume that, in waiting for that planning note to come out, that any other farmers who apply to plant trees in fields will receive proper approval?

Deputy J.H. Young:

Well, I could not give a guarantee, but I think there is no question that, in the change in the public mood about climate change, certainly people do see there is no question, trees are maintained and that carbon-fixing vegetation is an important element in that. Obviously, we had a particular project that came forward, which I think on the record I have been advised should have made a planning application, but nonetheless what we decided to do is to, in fact, issue some guidance to give

clarification of where marginal land is and so on. A qualified yes, I suppose, is the answer, but please wait for the practice note, which will be out pretty soon.

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

I do welcome what the Minister reiterated earlier, that trees are so important to everybody. It is just an off-the-cuff suggestion: what about a T.P.O. (tree preservation order) on all trees in St. Helier? I would like you to respond to that. I think it is something that could practically be done, but also are the fines sufficient? If somebody breaks a T.P.O., are they sufficient as they currently stand?

Deputy J.H. Young:

That is an excellent question. I will take the second part first. Deputy Guida and I have worked on this with our officers for months trying to get there and I think we have, at last, made a breakthrough that we should be controlling these. What we see at the moment, I am afraid, is the moment anybody gets hold of a site and thinks about it, the first thing that happens is the trees are gone. I am afraid it is too late and you cannot put them back and planning conditions plainly do not work, which is why we have come to the conclusion, Deputy Guida and I, that we have to be strong. Could we have a blanket T.P.O.? We are told no at the moment, but nonetheless we are going to try and find ways of amending that planning law that will give us a greater measure. I think the message to people is please look after our trees, please think. Mature trees in the urban area are vital for us to look after.

3.13.6 Deputy K.F. Morel:

The Minister did not answer the previous question fully and that was the part about are fines of a sufficiently high value to stop people cutting down the trees as their first action when they get to a new site?

Deputy J.H. Young:

Well, no. In fact, it is worse than that. The current situation where a tree is not listed - and we do not have many trees listed at all, because it is massively resource intensive to do a tree listing and there are all sorts of legal obligations in doing that - we rely on planning conditions that say: "Look after these trees, do not alter them." But when there is a breach of condition, which happens all the time, there is very little in practice we have been able to do to enforce and the issue of fines does not arise. Deputy Guida and I are determined that in those law changes we will tighten up on this and I think it will be for this Assembly to hopefully go with that if we get it right.

3.13.7 The Connétable of St. Brelade:

Would the Minister agree that if applying T.P.O.s to private owners that there should be some consideration of support in maintaining trees, which anyone who owns trees will know is an extremely expensive business?

Deputy J.H. Young:

I think the Constable puts his finger on the big legal issue about having a blanket T.P.O. Many of those T.P.O.s will be on privately owned land and there is a duty to notify the owners and many owners would object and say: "I do not want this tree looked after. If I have got to maintain it and so on, who is going to pay?" At the moment you know my position. We spend half a per cent of our budget on the environment. There are no funds in this area, there are no funds to look after our heritage in conserving listed buildings. I think as we start and these things become more recognised by the public we are going to have to look at some of those systems, but in the end the resources are dependent on the Members here and, of course, the past history has been that Members are not keen to raise money in order to pay for such systems.

3.13.8 Deputy R.J. Ward:

I did not get my original supplementary, which was about monitoring trees being removed and I think it has been covered. I will just finish off with this one. It is good to see how trees bring people from across the Assembly together. What consideration has been given to other areas, such as green roofs and other creative measures in urban developments, which we see around Europe and the world, which make such a significant impact on the well-being of communities, the environment and the quality of air in urban areas?

Deputy J.H. Young:

I think the realm is getting into design issues and design issues require design guidance. There is no getting around it. If we are to accommodate, or have to have developments to accommodate more people in our built areas, we are going to have to have design advice on the sort of techniques that will help people do that. Green roofs and so on are just one and, of course, what I am not personally very keen on is one has seen almost green roofs in some places being used as green wash and I am not very keen on that. I take the point and we will look at, as part of the Island Plan work, coming out with designed supplementary guidance to help do that.

3.14 The Deputy of St. Martin of the Chief Minister regarding the future of Haut de la Garenne: (OQ.275/2019)

Has the Council of Ministers reached a final decision on the future of Haut de la Garenne?

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

The Council of Ministers considered a proposal for the redemption and future use of the former Haut de la Garenne site on 2nd October 2019. Ministers felt they would like to confirm the views of the Citizens' Panel before making a final decision to ensure that they have taken the perspective of the survivors into account. The Citizens' Panel was recruited to recommend a fitting way for the Island to remember the failings addressed by the Care Inquiry and it has continued to work with Government to support the implementation of a legacy project. It is due to meet again in early December and so, on that basis, a final decision about the proposal for the future of Haut de la Garenne will be made, I guess, when the Council of Ministers reconvenes in early New Year. A public announcement will follow and I will ensure that the Deputy and Connétable are kept apprised as matters progress.

3.14.1 Deputy K.G. Pamplin:

That gives me an excellent opportunity to refer Members to the updated response to the Care Inquiry Scrutiny report done by the Care of Children in Jersey Review Panel, where you will see on page 30, 8.2, we cover Haut de la Garenne in great detail, with 3 findings and one recommendation that the Council of Ministers should identify and allocate capital funding in order to update the building and bring it into line with modern safeguarding requirements. This should be completed for inclusion with the next Government Plan for 2021. Does the Chief Minister agree?

Senator J.A.N. Le Fondré:

The short answer is what the Council of Ministers decided it wanted to do, it had some proposals put forward to them. I think they are good proposals, but I am not giving any details at this stage. We have been trying to manage this process really sensitively, given the sensitivities around the whole subject. The next step is to make sure that the Citizens' Panel is absolutely happy with what we are proposing to do. I do think there are some good ideas in there and I do hope the parties involved so far will be pleased with the outcome. Until that crucial meeting has taken place, I cannot commit one way, or another, to that without confirming an outcome, but I would hope people will be pleased with the details if the Citizens' Panel is happy.

3.14.2 Deputy K.G. Pamplin:

I am sure the Chief Minister has read our Scrutiny report and he would see that we identify what I agree is a very sensitive and important issue. However, time is of the essence. If there is no communication and further delay, it can cause issues. Can the Chief Minister assure us that this urgent matter will be resolved as soon as possible, by engaging the right people?

Senator J.A.N. Le Fondré:

We believe we are engaging the right people. As I said, they are next meeting in early December and then, once we get that feedback, it will go to the next Council of Ministers. If they make it before Christmas, brilliant, that will be on the agenda. If not, it will be the first meeting after the New Year.

3.14.3 Deputy S.M. Ahier:

I am sure the Chief Minister is aware of the report of the Independent Jersey Care Inquiry Panel 2019. Under recommendation 8, concerning the Haut de la Garenne site it states: "It remains in our view in our recommendations that the building should be demolished." Does the Chief Minister agree with this finding?

Senator J.A.N. Le Fondré:

The difficulty we faced, which the Care Inquiry is fully aware of, is that when a survey was done of members of the public - and I believe about 1,000 people took part - 94 per cent of respondents, including the Citizens' Panel, who are those most directly affected, which includes survivors from our care system, disagreed with that recommendation to raze the building and that is why it remains in its present position. **[Approbation]** I do stress we have got to deal with it sensitively and that is why we are reconfirming the position with the Citizens' Panel shortly.

3.14.4 Deputy S.M. Ahier:

My question was to the Chief Minister. Does the Chief Minister believe that the Haut de la Garenne site should be demolished as the recommendation in the Jersey Care Inquiry report?

Senator J.A.N. Le Fondré:

I will stick to what I said publicly at election time, which is that if the public mood on that, which included survivors, was that it should not be razed then, unfortunately, I did not support that recommendation. That was the difficulty, that as the decision was made - and I think it was by the previous Council of Ministers - to go and consult on the future of the building, we have consulted and we have an outcome that says 94 per cent of people do not agree with that recommendation. It is, therefore, very difficult to go to people and say: "We would like your opinion" and then not to follow that through. That is the difficulty we face. We are trying to balance off the various needs of the various parties and that is why I said the discussion in early December is that final stage, but we need to deal with it very sensitively.

3.14.5 Connétable K. Shenton-Stone of St. Martin:

My question has more, or less, been answered. I would just like to say that I find this really frustrating, because I knew that the Citizens' Panel had agreed to keep Haut de la Garenne. I just want to know why we cannot make a decision and keep to it and why do we have to keep going back on things to make sure that it is 120 per cent correct?

Senator J.A.N. Le Fondré:

There are 2 aspects to that. One is that further to the outcomes of the work that came out in January, I think it was, this year an officer group has been putting together various options as to how we progress those forward and that is part of what will be going to be the Citizens' Panel. The second point is, obviously, that the Care Inquiry has reiterated its recommendations and we are making sure that that remains the case but, as I said, in terms of the options I have seen, I think they are good options in front of us and I hope all parties will find them acceptable. But we are very mindful of the

outcomes of the previous public positions that have been taken and we are just trying to manage what is a very sensitive issue as sensitively as possible.

3.14.6 The Connétable of St. Martin:

I would like to ask the Chief Minister whether the Parishes will be able to have any input on this at all?

Senator J.A.N. Le Fondré:

Absolutely.

3.14.7 The Deputy of St. Martin:

I think all my points have been raised, but it is 18 months since the Chief Minister has been in post and during that time we have had what is, as far as I can remember, the largest and most expensive consultation ever. We have had the results and the Chief Minister alluded to them. I accept that there are sensitivities here. Can the Chief Minister guarantee that we will have a decision one way, or the other, before the end of January?

Senator J.A.N. Le Fondré:

As I said, what the process is meant to be is that we are timing it into the Citizens' Panel. We do keep saying we are trying to manage this as sensitively as possible. That means dealing with it appropriately and as soon as that decision comes back it will go to the next Council of Ministers. I am expecting that to be before the end of January. It would be great if it could be before Christmas, but I do not know if it will be.

3.15 Deputy K.F. Morel of the Minister for Infrastructure regarding the States-owned sites at South Hill and Cyril Le Marquand House: (OQ.271/2019)

Will the Minister confirm whether the States-owned site at South Hill and the site at Cyril Le Marquand House have been transferred from Jersey Property Holdings to the Jersey Development Company?

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

The Regeneration Steering Group, the political body that directs the S.o.J.D.C. (States of Jersey Development Company), has directed the transfer of South Hill and Cyril Le Marquand House to the S.o.J.D.C. We are awaiting completion of development briefs for the plots to be undertaken by the S.P.P.P. (Strategic Policy, Planning and Performance) Department before the land will be formally conveyed to the company via a Ministerial Decision and 15 days' notice to the States Assembly.

[11:15]

3.15.1 Deputy K.F. Morel:

Would the Minister advise the Assembly of any other sites that have been transferred, or are in the pipeline for being transferred to S.o.J.D.C.?

Deputy K.C. Lewis:

Nothing at the moment, but I would add that there is a slight delay regarding Cyril Le Marquand House, as the data centre is still *in situ* at the moment, which will take some time to relocate. We are looking at the transfer of Cyril Le Marquand House to be in the first quarter 2020.

3.15.2 Deputy M.R. Le Hegarat:

What is the value of these transfers?

Deputy K.C. Lewis:

I do not have that to hand at the moment, but, if it is not commercially confidential, more than happy to get that to Members.

3.15.3 Senator S.C. Ferguson:

Will the Minister confirm that it will not be confidential, that the transfer value will not be zero and that it will conform with the original valuation schedule set down in the original Proposition, which formed the States of Jersey Development Company? As I understand it, the transfer value was meant to include the uplift from the planning permission for the project that it was going to be used for. Will the Minister confirm that it will be a realistic valuation based on the planning value as per the original Proposition?

Deputy K.C. Lewis:

Yes, absolutely. More than happy to get back to Members with details.

3.15.4 Deputy K.G. Pamplin:

In a similar theme of the original question: can the Minister confirm whether the States-owned building of the former St. Saviour Hospital has equally been transferred from Jersey Property Holdings, or any transfer of that building?

Deputy K.C. Lewis:

Not as yet.

3.15.5 Deputy K.G. Pamplin:

Can the Minister tell us now, or tell Members in a way he sees fit, what the process is and when States Assembly Members are aware of such transfers? I am just curious to know.

Deputy K.C. Lewis:

It would be done by Ministerial Order and the States will have 15 days' notice of that. As the Deputy may be aware, obviously is aware, as he has a very keen interest in mental health, there is considerable work to be done on the St. Saviour site with rebuilding and relocation. I cannot see anything happening in the very short term.

3.15.6 Deputy K.F. Morel:

Would the Minister advise the Assembly of whether consideration was given to transferring these sites to Andium Homes and, if not, could he explain why not?

Deputy K.C. Lewis:

Yes, it was a direction from the Regeneration Steering Group. Obviously, Andium Homes are looking for sites, but we need to realise significant funds to enable this to happen. So, realising States assets will certainly put that in the way.

The Bailiff:

Very well, that brings questions with notice to an end. We now start the first question period to Ministers without notice and the first Minister to be questioned is the Minister for the Environment.

Deputy K.F. Morel:

If I may, just before we start, Written Question number 13 on this list I asked, it came to light that during answers from the Assistant Minister for Treasury and Resources - so this is Written Question 487 - it is a list of interview panels that the Chief Executive has sat on, but it came to light during the Assistant Minister for Treasury and Resources' answers on another subject that the Chief Executive had sat on the selection panel for Andium Homes, that is not listed in this answer, which has made

me query whether the answer given is correct, or not. Can I ask what the procedure is to try and ascertain whether that is the case?

The Bailiff:

I think that is a matter that must be dealt with at this point. Unless the question can be asked directly of the Minister during the course of question time, which of course we have now finished, I can make a ruling as to whether the answer is relevant to the question, but it certainly appears to be relevant from the way you have characterised it, Deputy. I think this must be a matter that is dealt with outside the Assembly to start with and then, if necessary, brought within the Assembly if you do not get a satisfactory response. Yes, so the first question period is to the Minister for the Environment.

[Please note, Deputy L.M.C. Doublet of St. Saviour was *malade* for this meeting of the States, so was unable to ask her oral question OQ. 276/2019 of the Chair of the States Employment Board. The Chair has provided the response that he would have given, had Deputy Doublet been able to ask her question.]

Question:

What action, if any, has been undertaken to review and expand upon existing flexible working policies for public sector staff?

Answer:

Our existing flexible working policy offer employees a number of different working arrangements, other than full time working hours. These options include working;

- Reduced (or part-time) hours,
- term time working,
- job share arrangements,
- annualised hours,
- seasonal working
- compressed hours, and
- remote working

Recent analysis for the 2019 Gender Pay Gap Report identified that 28% of our workforce are currently working part time. This report also committed to revising and changing related policies and working practices across the Government of Jersey, particularly in relation to supporting employees with caring and domestic commitments.

Work to review our policies has already begun and also research into potentially adopting an agile, or smart working culture. Agile or smart working gives employees a different approach to their work, moving away from the traditional presence from 9am-5pm at their desk. Instead those who are not customer facing are able to working across a number of locations, including at home, fulfilling their contractual working hours in a different way. This results in greater employee satisfaction, through better work-life balance but without a reduction in productivity.

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

4.1 The Deputy of St. Martin:

The Minister will be aware of recent data about landings of crab and lobster. Is he concerned about the sustainability of our wet fish and shellfish in our territorial waters?

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

Yes, very much so. I think the pattern has been that we are increasingly seeing that pattern and there are suggestions that, in some areas, we are overfishing, or need to change techniques. I am pleased to say that Deputy Guida in fact chairs the Marine Resources Group, the meetings are taken regularly and we keep ourselves abreast of that situation. Unfortunately, it is not the best situation to introduce new wider regulation because, of course, we are dealing with the very critical times of Brexit uncertainty and the issue does not just potentially affect ourselves and our fishermen, many of these issue affect the Bay of Granville agreement. I think we are keeping an eye on it and I undertake that the moment we see the need to bring forward stronger regulations to do that we should.

4.1.1 The Deputy of St. Martin:

Would the Minister agree that the sustainability of the stock must come above, in priority order, anything to do with Brexit, or the Bay of Granville?

Deputy J.H. Young:

Yes. I tried to avoid spelling it out, but the whole issue is tied up strongly with the agreement with the French and the Bay of Granville agreement and, of course, if, for whatever reason, that agreement were to fall away, we would lose our landing rights and so the whole question of trade and so on would be affected. These issues are intertwined, but where we have got clear cut issues then I agree we will give that conservation of stock priority.

4.2 Deputy D. Johnson of St. Mary:

Would the Minister advise whether he shares the concerns of representatives of Jersey Water, expressed at the annual farming conference last week, both in relation to water quality, in particular high levels of nitrate in major catchment areas and the need for the additional posts of a water catchment officer and also water quantity in terms of the need for a new reservoir and the possible introduction of requirements for new properties to have their own private rainwater catchment tanks?

Deputy J.H. Young:

I was pleased to attend the conference for part of the day where the Deputy was also present and Deputy Guida. Yes, I think very much we were reminded strongly about the longstanding position that Jersey Water take, that we need to do more in terms of new regulation and water management codes in the area of water quality, particularly with nitrates. But, of course, in saying so they gave full marks to the constructive work done by the Action for Cleaner Water Group with the farming industry that has produced a reduction. Clearly there is more to do, because we are seeing nitrate levels in the raw water catchment, in at least one catchment, in excess of the E.U. (European Union) limits. So, there is more to do there and it is a matter of strong regret - and I have been very frustrated - that the longstanding request for a water catchment officer to do this work has been outstanding since 2016. Under our Target Operating Model Government system I have had to wait 2 years for it and there are no signs of it coming, so I am doing my absolute best to deliver that.

4.3 Deputy G.J. Truscott:

What can the Minister do to help conserve, protect the beautiful environment of St. Brelade's Bay going forward? We have the Island Plan coming forward, but what can we do? Perhaps rezone might be something we could consider, does the Minister agree?

Deputy J.H. Young:

Yes, again, the Deputy will know that part of St. Brelade's Bay is in my own constituency, so I have a very strong interest in that. As a previous States Member, in 2014, I brought forward an amendment to the Island Plan at that stage, piggy back on a review to try and moderate, or reduce, the size of replacement buildings, but unfortunately it has not been fully successful I do not think and there are still major issues about redevelopment pressure on the bay. I think the solution lies in stronger planning policies, change planning policies in the Island Plan, because, at the moment, St. Brelade's

Bay is part of our built-up area and, therefore, the same rules for its development apply there as apply to every other built-up area. This one size fits all simply does not work. That is why you will have to spend more money in the Island Plan work to define the character areas and work with the community and try and set some new draft planning policies. I think the strength in the green backdrop zone, which also affects St. Brelade's Bay, is part of that and so I am confident that is the way of work. The Deputy, of course, is a member of the Planning Applications Committee and I am sure I can rely on him to apply absolute rigour to those tests. But there is an issue, a very interesting one, that has come out about how we can maintain our tourism sites. That is a key tourism site and, in the past, efforts to have policies which help us keep our tourist industry in our special places and not lose them to housing have not been successful and I think that is something we need to look at in the Island Plan.

4.4 Deputy K.F. Morel:

Would the Minister advise the Assembly as to progress on whether there is a project and progress in that project to split out the regulatory group that carries out the environmental regulatory functions to create a new environmental regulatory group, whether there is a project and where we are in the progression of that project?

Deputy J.H. Young:

Well, no, as you know, obviously, in the past, there was an integrated Planning and Environment Department where all the functions were integrated in one place and it was easy to work with one Chief Officer. Obviously the introduction of the OneGov structure effectively ripped that apart. Effectively all those bits and pieces are functioning in other places. I think, after a bit of a false start, we have got at least the regulatory functions now working together in one place. They are all now situated in offices, albeit on a temporary basis, in The Parade and I am pleased that that group is now starting to integrate very well. But I think there is much to do. I feel fairly frustrated because, as I mentioned in my earlier answer on water catchment, issues about where we get staffing changes to give effect to political priorities, that area is one that I am still ... you know, the period where we are in limbo as far as this Target Operating Model is not good and I want to see this come to an end as soon as possible. One is doing one's best.

4.4.1 Deputy K.F. Morel:

Does the Minister share the view of many Islanders that as long as the regulatory group forms a part of the Environment Department that there will be a perceived conflict ... as long as it is part of the Ministerial Department there will be a perceived conflict as it is seen to be policing the Ministers within whose Department it sits?

Deputy J.H. Young:

Yes, I think that perception has possibly always been present, but it has worsened with the ambiguity in the Growth, Housing and Environment model. I have taken the position that I would like to see that separated. The way that is set up is not an easy question. At the moment that unit is basically self-funding, in other words it generates fees. Budgets are tight, so one cannot propose, for example, a fully independent model without having funding sources in place. At the moment those options, I am told, are being looked at and it is important to try and establish an arrangement that removes that perception of conflict of interest.

4.5 Deputy S.M. Ahier:

After the recent success of using reusable glass bottles for the sale of milk, will the Minister be advocating a move away from plastic bottles towards the restoration of the use of returnable glass bottles for other refreshments?

Deputy J.H. Young:

I like this glass bottle scheme. I have used it elsewhere. I have seen how it worked in Alderney, it is very good, it has removed thousands of plastic containers. I do not have responsibility for waste policy, that fits with the Minister for Infrastructure. I could write a standard now and say: "Let us get rid of it" but what would happen? Nothing, because the reality is when we make major changes about removing plastics I think we have to work with the industries, we have to work with the supply chain that comes into the Island, right through to our disposal arrangements, or recycling arrangements.

[11:30]

Yes, we can set new standards, I would be hopeful that we can work towards that, but at the moment I think we are facing the same difficulties as our other Island communities. When we meet with them they tell us the same thing. We are pretty dependent, I think, on the legislation that the United Kingdom introduces which we will then, as far as I am concerned, very much follow.

4.6 The Connétable of St. Brelade:

Given the interim immigration report made no mention of the potential of water shortages in the coming years, would the Minister agree to work closely with the Jersey Waterworks Company to progress their preferred ambitions regarding the use of La Gigoulande Quarry, rather than, as intimated earlier, use it as a tip when it comes to the end of its life?

Deputy J.H. Young:

I suppose there is potentially a conflict for me here, because I am the Minister on the one hand that will be proposing a draft Island Plan which will propose the use of that quarry for the future but, of course, at the moment that quarry already has an existing consent for the further production of construction material. What is proposed would have to match in with what we do in the mineral resources work, which is also ongoing. Clearly, I think that policy is based on the rationale of more importation of construction material and we need the infrastructure to be able to do that, which we do not have. In principle, I am absolutely keen on having a facility for the growth in water quantity needed. When one looks at the population numbers it is major. What is the alternative? Joining up the outfall from the S.T.W. (Sewage Treatment Works) into our drinking water system, as is done elsewhere. Is that likely to be acceptable to Jersey people? We will see in the Island Plan. That would not be one that I would recommend, but it is done elsewhere, so a qualified yes.

4.7 Connétable R.A. Buchanan of St. Ouen:

Would the Minister update the Assembly on progress that his officers have made towards relaxing planning restrictions on listed buildings to enable energy efficient measure to be put in place to assist the Island in achieving its zero carbon strategy?

Deputy J.H. Young:

The honest answer, I am afraid, is it is all very well to have intentions, but I have not been able to make the progress on that. The task is opening it up to an even bigger issue on the whole issue of where we draw the line on heritage issues, or not. There has to be a review, I have committed to it, but I think it is going to be a big challenge for a system where we are in danger of losing our heritage, there is no money to support it and yet people mourn the loss of these assets, as well. I will come back to the Assembly with a more detailed plan at a later date. I am afraid, at the moment, I cannot, hand on heart, say that there is progress, but I intend there will be.

4.8 Senator S.W. Pallett:

Just following on from Deputy Truscott's question around St. Brelade's Bay: the Minister will be aware of a number of developments that are going to take place on the escarpment at the back of St. Brelade's Bay, could the Minister give us an idea of what he and his officers are going to do to ensure we retain the landscape character and protect that green backstop before any further damage

is done? I think he knows the sites I am talking about, ones that have currently got planning permission.

Deputy J.H. Young:

Yes, I think Constable ... sorry, the Senator. Apologies, I keep referring to the former Constable. The Senator is spot on. It is a bitter disappointment to me that the green backdrop zone in the Island Plan, in the built area, requires that the development retains the majority characteristics of its green space and yet time after time we see developments where that vegetation is destroyed and removes the effect of hiding the buildings from open views. Why? Because people want lovely views and so they chop the trees down. Now, what I am reliant on at the moment, until we can get a stronger policy and more explicit requirements, is the Planning Committee's operation when those applications come forward. Where we have third parties who appeal against those, then I think they are fully entitled in law to challenge those decisions if developments do go ahead with an unreasonable loss, or damage, to the green backdrop zone in those areas.

Senator S.W. Pallett:

A very brief supplementary?

The Bailiff:

I am afraid not; the time which is allocated for questions to this Minister has come to an end, Senator, I am sorry. We now have questions for the Minister for Treasury and Resources.

5 Questions to Ministers without notice - The Minister for Treasury and Resources

5.1 Senator S.W. Pallett:

I have had concerns over the precise funding sources for a new skate park and the number of satellite facilities Island-wide within the Government Plan and as detailed in R.91. I wonder if the Minister could please clarify the position regarding funding for the skate park business case.

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

I am aware of the Senator's concerns, of course, for this and I can assure the Senator full funding for the skate park has been allocated within the Government Plan and is made up of the following contributions, quite a lot of figures: £785,000 Government funding, £75,000 from Ports of Jersey, £425,000 allocated from the States of Jersey Development Fund dividend. The Regeneration Steering Group have given in principle approval to this on 24th October and it will be ratified at their next meeting.

5.1.1 Senator S.W. Pallett:

A brief supplementary? Will the Minister advise both myself and the Minister for Economic Development, Tourism, Sport and Culture when the allocation has been ratified by S.o.J.D.C. and does she believe this will be before the Government Plan debate, in 2 weeks' time?

Deputy S.J. Pinel:

It has been ratified by the S.o.J.D.C. but, as I say, it has to be clarified by the next steering group, Regeneration Steering Group and I am not sure when their next meeting is. So, as soon as it has been clarified by them, we will let the Senator know.

5.2 Deputy I. Gardiner:

Could the Minister advise whether the inventory has been made on the furniture left in Cyril Le Marquand House and whether it will be sold to offset the spend on new furniture in Broad Street?

Deputy S.J. Pinel:

I am sorry, I have not been into Cyril Le Marquand House since we moved to Broad Street and the furniture in Broad Street is already in place, so any furniture left in Cyril Le Marquand House ... I know all the paper, files and desks were moved, but whether anything is left I really cannot answer the Deputy on that.

The Bailiff:

I think the question was would it be sold to offset costs?

Deputy S.J. Pinel:

As I do not know what is there, I cannot say whether it would, or not.

5.2.1 Deputy I. Gardiner:

Would the Minister take an action to assess what is left, if it can be sold and if it can offset for the new furniture?

Deputy S.J. Pinel:

Yes, of course I will get information on what is left. I know much of the vault, which, of course, is an important part of Cyril Le Marquand House, has already been transferred into secure units and Jersey Heritage.

5.3 Deputy S.M. Ahier:

Will the Minister advise the Assembly what alternate revenue streams she will be putting in place to compensate for the marked decline in tobacco sales and the subsequent effect on *impôts* duties?

Deputy S.J. Pinel:

Yes, there is a marked decline in tobacco sales, which is very good for the health side of the system, but for the revenue system is quite difficult and we have to compensate for it. In the proposed budget increases there is an increase in fuel, as the Deputy will be aware, by 6p, 4p of which will be transferred into the emergency climate change fund and the other increases in *impôts* duty would be on alcohol, which would hopefully compensate for the lack of tobacco.

5.4 Deputy M. Tadier of St. Brelade:

The question is about the P.E.C.R.S. (Public Employees Contributory Retirement Scheme) debt, the pension debt. Is the Minister aware that the current level of the debt is £290 million and it is due to be repaid by 29th September 2053, by which time there would have been an estimated of £743 million paid back for a current debt of £290 million? Does the Minister have any views on whether this could be paid back early and, if not, why not?

Deputy S.J. Pinel:

I am very aware that a lot of companies, some of the arm's length organisation companies, have already paid off their pension debt, but it is a matter of whether you have resources to do that. There are over 6,000 public servants requiring future pensions on the career average, which came into place 15 years ago. So, anybody employed after that time will be on the career average scheme as opposed to the P.E.C.R.S. Only employees within 7 years of their normal retirement age have the option to remain in the final pension scheme.

5.4.1 Deputy M. Tadier:

Could the Minister confirm that the approximate value of repayment every year is £8 million? Could she confirm to whom that £8 million is paid and whether it would be worthwhile using money perhaps from the Strategic Reserve to pay off the entirety of the £290 million in one go, if that is possible, and then to simply top up the Strategic Reserve with that £8 million, or a lesser sum, each year?

Deputy S.J. Pinel:

Yes, it has been discussed at length and we can certainly look at it more. I cannot confirm the £8 million, because I do not have the exact figures with me, but certainly we can look at it, but it is very difficult, because there are quite a lot of debts to be paid from pre-1987.

5.5 Deputy M.R. Le Hegarat:

Can the Minister confirm that she intends to force a reduction to the Andium Homes C.E.O. (Chief Executive Officer) salary?

Deputy S.J. Pinel:

I can say that the new Chairman is here to discuss the salary, remuneration and the whole situation with Andium and it is not down to me to discuss that any more, I am afraid.

5.5.1 Deputy M.R. Le Hegarat:

Is she not aware that this would breach the person's contract and the employment law of Jersey?

Deputy S.J. Pinel:

I am not quite sure I understand the Deputy, what would breach the employment contract?

The Bailiff:

I am not sure I understood the thrust of the question either, Deputy.

Deputy M.R. Le Hegarat:

If they are looking to force a reduction in someone's salary, would this not be a breach of their contract, their employment contract and, therefore, potentially a breach of the law in relation to the employment?

Deputy S.J. Pinel:

As I said in my initial answer, a new Chairman has been appointed and I cannot answer that question. It is down to the Chairman and the board to answer that.

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

We will be debating P.108 shortly to reappoint Directors to the States of Jersey Development Company. I get a little bit confused when I hear about the S.o.J.D.C., because they are an arm's length States-owned company and yet they call themselves the Jersey Development Company. Why have they removed the titles, or the reference, to the States of Jersey when they refer to themselves?

Deputy S.J. Pinel:

I am unaware they have changed the title, but they are the States of Jersey Development Company, they do developments for the States of Jersey and they remit dividends back to the States of Jersey. I think the title is appropriate, but it was before time, I am afraid, so I cannot say why it was given that title.

5.6.1 The Connétable of St. Lawrence:

Will the Minister undertake to make enquiries and come back to the Assembly to advise us who made the decision that the company would be referred to, by themselves, as the Jersey Development Company?

Deputy S.J. Pinel:

Yes, of course I will.

5.7 Deputy G.J. Truscott:

The Fiscal Policy Panel have a dim view of creating new taxes, hypothecated taxes, or ring-fenced taxes; does the Minister agree with that view and, if so, why?

Deputy S.J. Pinel:

A very good question from the Deputy. Hypothecated taxes are always difficult. The major one that we can refer to is, for the public's information, the long-term care fund which is, in theory, hypothecated, or ring-fenced, which is operating extremely well.

[11:45]

It is a difficult question as to whether we carry on doing that ... not with the long-term care fund, but if we find other ways of ensuring that revenue goes to the destination that was agreed by the Assembly and the public. I cannot remember the second part of the question.

The Bailiff:

It was if you do not agree, why do you not agree.

Deputy S.J. Pinel:

We had the advice of the Fiscal Policy Panel, which they have recently released their report in October and we will investigate as to what is possible on their recommendations.

5.8 Senator S.C. Ferguson:

Following the question of the Connétable of St. Lawrence, is it perhaps not time for Jersey to stop trying to compete with commercial development companies and dissolve the States of Jersey Development Company and put it out of its misery?

Deputy S.J. Pinel:

I do not think they are miserable. They have done exceptionally well. They have already sold one of the buildings that they have built in the International Finance Centre, the other one's sale is due to come to completion very soon, with another 4 in the process of being built, so I do not think it comes into question whether they would be dissolved.

5.8.1 Senator S.C. Ferguson:

Yes, but is it appropriate for the States of Jersey to try and compete with commercial development companies, particularly in a market that is overheated?

Deputy S.J. Pinel:

I am not quite sure what the Senator is saying, because they do compete with other companies and all construction companies and development companies are completely overstretched at the moment, so I think we are very fortunate to have the S.o.J.D.C. with their plans for the future and bringing back a big dividend to the Island, which commercial companies would not.

5.9 Deputy K.F. Morel:

The C. and A.G.'s report into board remuneration is, as I said earlier, damning of Treasury's management of the relationships with arm's length organisations and States-owned entities. Does the Minister accept the criticism and the findings within the C. and A.G.'s report and would she explain to the Assembly exactly what she will do to address the issues and will she implement all the recommendations? If so, by which time?

Deputy S.J. Pinel:

Yes and I do agree with the Deputy to make this public and the C. and A.G.'s report indeed was quite contradictory and difficult over a lot of the States-owned companies. A review was already underway before her report came out and we will certainly take note of all her recommendations, one by one,

which we have started doing. I cannot give the Deputy an answer on when we will finish that, because the report is fairly recent.

5.10 Deputy R.J. Ward:

Does the Minister, or her Department, keep a record, or monitor, the number of days worked beyond the minimum of 15 days of non-executive directors?

Deputy S.J. Pinel:

From my consideration as being sometimes involved with their panels, or boards, the non-executive directors work considerably more than the paid allocation that they get.

5.11 Deputy K.F. Morel:

Given that the Assistant Minister for Treasury and Resources in his answer to a question in oral questions earlier stated that there were months between being advised of the Chairman of Andium Homes not being reappointed and obviously the end of his term of office, what exactly was the emergency and the urgency that so affected the appointment of a new Chairman, given that we have just been told there were months before the end of his term of office?

Deputy S.J. Pinel:

Yes, the timing was extremely difficult. The Chair and the Deputy Chair, the end of their appointment was the end of February. During their appointment time, which was 2 years, they were asked to find successors for both, which did not happen so, therefore, when the term of appointment came at the end of February it was extended to June for the Chair because there was no Chair. In the meantime, we had to bring in somebody else, as the Assistant Minister said earlier, an interim Chair and an interim F.D. (Financial Director). The timing was tight and the appointments were approved by the Jersey Appointments Commission.

PUBLIC BUSINESS

6. States Assembly: time limits on speeches in debates (P.101/2019)

The Bailiff:

I am afraid that brings the time allocated to questions to the Minister to an end. We then move on in the Order Paper. There is nothing under J and K. We come to L, which is Public Business. The first item is the Proposition entitled 'States Assembly: time limits on speeches in debates' P.101, lodged by the Privileges and Procedures Committee. Before we start, however, there are a number of Amendments, which have been lodged by Deputy Tadier. Deputy, because of the requirement for a 2-week lodging period, you will need to seek the agreement of the Assembly under Standing Order 26(7) to reduce that lodging period, so the matters can be debated at this meeting. Do you wish to make that Proposition?

Deputy M. Tadier:

Could I just address that very quickly? When I submitted this, I thought that I had done it in time and I only realised subsequently, after it had been lodged, that there was a 2-week lodging period, because it was a Committee that had lodged it, rather than an individual. With that in mind, I am very mindful that the Assembly has indulged other Members, in particular Ministers and Committees, when they have asked for the time limit to be reduced and they have applied whether the public interest in that matter applies. I do not think I have ever asked the Assembly to reduce the lodging period for any of my Propositions in the past - I will be corrected if I am wrong - and I do not intend to start today, because I think lodging periods serve a purpose; therefore, I will not be asking the

Assembly to reduce the lodging period even though I believe the Amendments themselves would improve the Proposition. They will fall away.

The Bailiff:

All of the Amendments fall away and we simply deal with the Proposition on its own, *proprio vigore*, as it were. Very well. We now move directly, therefore, to the debate on the Proposition and ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - (1) (a) that speeches in debates in the Assembly should not normally exceed 15 minutes in length, excluding time spent on interventions, points of order and clarification and questions to the Attorney General; (b) that the presiding officer should be permitted to exercise discretion to allow a member to speak for longer than 15 minutes; (c) that the presiding officer should be permitted to announce and implement a shorter time limit on speeches if he, or she, considers that it is necessary to do so; and (2) (a) to request the Privileges and Procedures Committee to prepare and lodge Amendments to Standing Orders to give effect to paragraph (1) above; and (b) to request the Bailiff to issue guidance on the discretion which may be exercised by the Presiding Officer under paragraphs (1)(b) and (c) above, following consultation on that guidance with the Privileges and Procedures Committee.

6.1 Deputy R.J. Labey of St. Helier (Chair, Privileges and Procedures Committee):

May I start with some important clarification, because I do believe there is a lot of misunderstanding surrounding this Proposition? P.P.C. (Privileges and Procedures Committee) is not seeking to time limit any Member bringing a Proposition, or an Amendment to a Proposition. There will be no time limit on speeches that are proposing something, or summing up. Further, there will be no time limit restrictions on what we might call the principal responder, be it the relevant Minister in reply, the right of reply speech, be it a Scrutiny Chair, be it an individual member in their own right. The principal responder, or responders if that is the case, will not be subject to any time limit. Furthermore, we believe that if an individual Member has a long speech to give, a lot of technical information, perhaps it is their specialised subject that they have been working on, they can apply, as is the case in many other jurisdictions, to the Presiding Officer for leeway to go over the 15-minute ordinary time limit if they wish to do so. It is a softly, softly approach by P.P.C. You might ask: "Well, why bother?" because, in fact, if I were to click my fingers and we were to enact this right now it would take several debates, probably, before anyone would notice the difference. I will come to why bother in just a moment, but let me explain why we are going to softly, softly. P.P.C. is perfectly cognisant of the fact that, unlike many other jurisdictions, every single debate in this Assembly matters, because every single debate can go either way. One debate can turn on one contribution. Why is this different? Why are we different here? It is because of the makeup of this Assembly. We, at the moment, do not have a majority party with a majority operating under a 3-line whip making the debates academic. You can look at Westminster and see that many debates, not the Brexit ones and, of course, now it is a hung Parliament it is a little different, in the past with a majority government you can predict the outcome of 80 per cent, perhaps, of debates. You cannot here and that is precious and that must be preserved. But if we look, for example, at a debate that outstayed its welcome, I think it would be the free buses debate from Deputy Ward, not his fault and in fact he never went over 10 minutes on his speeches, summing up, or proposing, he is a brilliant speech maker, extremely concise and the debate was all the better for it. But it was subject to a couple of Amendments and we were back the next day and there was a point at which the Bailiff said ... he just gently advised Members that perhaps the debate had run its course, there was repetition happening and advised Members to keep that in mind. In that set of circumstances, of course, following on very shortly from that was the guillotine motion, which was successfully proposed by the Constable of Grouville. Members under the impression and wanting to safeguard the right of

every Member to speak for as long as they like in every debate need to realise that right is regularly removed from Members by the guillotine motion, or the motion to move to the next item. Regularly the Assembly does vote and the closure motion under Standing Order 84, I think it is, has been more successfully proposed in 2019 than in recent memory. It is a sign. If we are honest, there are times when debates outlive their usefulness and the kindest thing to do for all parties concerned, ourselves and the listener, is to put that debate out of its misery and so along comes the guillotine. My and my Committee's feeling is that if we can anticipate that period, if we can anticipate that moment when the debate ... there are more Members in the coffee room, or nearly more Members in the coffee room than in the Assembly, that is a sign. If we can anticipate that and reduce the time limit, instead of bringing in the guillotine, although it is still available, we can try to ensure that every Member who wants to speak does get to speak, but just for a shorter duration. If Members have watched the Brexit debates, they will have seen Speaker Bercow reducing the time limits gradually down to 10 minutes, to 5, to 3 and even to 2, I think. Nobody complains about it. What that serves to do is reinvigorate the dying hour of a debate. It makes it much more punchy. If Deputy Tadier will think back to the time when he proposed his one per cent for the arts on G.D.P. (Gross Domestic Product), if you remember, it was late in the afternoon and we voluntarily - I think under my suggestion - imposed on ourselves an under 10-minute contribution to the debate, so we could get it done by the end of the business and it was a fantastic debate. It was all the better for it. It was much punchier and, of course, Deputy Tadier was successful with it. So, that is what this is about. It is not taking something from Members, it is helping to ensure that they do get to have their say, because in the bus debate, once the guillotine was proposed, there were 3 or 4 Members - I think maybe 4 or 5 Members - who did not get a chance to speak at all. Why I say that we will hardly notice the difference of this is because in that debate nobody - nobody - spoke for over 15 minutes, apart from one Member, which was Deputy Kevin Lewis, the Minister for Infrastructure and he only went over the 15 minutes because he took an intervention. Otherwise, he would have finished, too, under the 15 minutes.

[12:00]

I think that interventions, questions to the Attorney General in the middle of speeches, the clock would have to stop. We will have a little discrete digital display, so Members can keep an eye on the time. If we are honest, when Members do keep an eye on the time, I have noticed it myself when I am looking at the clock, the speech is all the better for it. When Deputy Tadier puts a self-imposed time limit on his speech, it is better for it. It is universally better when people have an eye on the clock, they are more punchy, more to the point. The scientific research in this area, the general consensus is that a speaker will have the full attention of his, or her, audience for 18 minutes before that starts to drift away, this is a good speaker. Eighteen minutes before that attention span starts to drift. Of course, in the situation where that listener, that audience, is having speech after speech, as is the case in our debates, then, of course, the attention span for those speeches gradually begins to reduce by minutes. So, in fact, towards the middle and end of a debate, Members are not doing themselves any favours by going on for a little bit too long, because it is very difficult to retain the audience, to lodge your points in an audience's brain, if they have been listening to so many words for so long. So, in fact, this is not borne out of any kind of bad practice by Members. This Assembly is fantastic at preparing really good contributions to debates and we are grateful for it. This is not a response to any kind of bad practice. I am proud of Members for it and I respect them for the preparation they put in and the contributions they make to debates. So, there we are, 2 very important points. We impose a 15-minute limit on ordinary contributions to debates. As I say, you will hardly notice that. We also allow a certain situation where, if we are honest, we all recognise that a debate has run its course and yet still people want to make their point and lodge their contribution and that is fair enough. We bring in the concept of reducing those down. Those are 2 straightforward and simple bases of this entire Proposition. The third point is slightly more complex. It is the implementation of it. It is the discretion of it. It is who decides. You will see from the Proposition, in Article 2(b), that we ask for guidelines to be prepared by the Presiding Officer in consultation with

P.P.C. and I pledge to Members that that consultation to arrive at the guidelines for how we implement the time limits, if they are going to be taken down, P.P.C. will consult with all Members to reach a successful set of guidelines. Because the last thing we want to do is put the Presiding Officers in any kind of exposed position. We do not want them to be open to any kind of misinterpretation, or accusation and it is very important, it is part of our duty, to protect them from that. So, if Members will go with me today and we do that consultation, I believe we can bring back the Amendments to Standing Orders that will satisfy all Members. If I am unsuccessful in that, Members have the chance, when this comes back, to reject it. But let us do that work. Let us see if we can reach an accord. While we recognise where the Assembly is at its best, let us recognise those moments when we are not at our best and try to enforce a remedy, which I think if we get it right will absolutely reinvigorate a tired debate towards the end. I think Members will be better for it and we will all be better informed. There is also the opportunity with being able to implement moveable time limits of being able to time manage more successfully. Unlike many jurisdictions, who allot a certain time in which a debate must take place, we do not have that and we are not suggesting we do implement that. It would certainly be very useful. Members will remember, in a big budget debate, or in the forthcoming Government Plan debate, often the Greffe will draw up a timetable with the Bailiff, or the Presiding Officer, to see where we are and see how we can stick to getting through the entire thing by the end and this tool will be useful in that. Deputy Tadier's Amendments were late. I am cognisant of some of them. In one of them he asks why is it a speech should not 'normally' exceed 15 minutes and not 'shall not' exceed 15 minutes?

Deputy M. Tadier:

A point of order? Surely the *rapporteur* should not be responding to an Amendment which has been withdrawn. The whole point of withdrawing the Amendments means that they do not need to be responded to. Presumably, if points are made in the main debate he can do that in summing up. I would not want him to go over time in addressing issues that are not relevant to the debate.

[Laughter]

The Bailiff:

Obviously, Deputy, you are entirely right. You have withdrawn your Amendments. There is no debate to take place on your Amendments. There will be no argument, or vote, upon your Amendments, but the Amendments were lodged. They were lodged and they express ideas and, I suppose, if the *rapporteur*, in connection with explaining the main Proposition, wishes to touch on some of those ideas, then I do not think that it is out of order for him to do so.

Deputy R. Labey:

To satisfy the Deputy, people may say: "Why does the Proposition not say 'shall not' exceed 15 minutes instead of 'shall not normally exceed 15 minutes'?" I think because you cannot cut somebody off mid-flow when the clock exactly hits 15 minutes in their mid-sentence. That would be quite wrong. Speakers and Presiding Officers in Parliaments all over the world are allowed and it is right to have a little bit of discretion. I can think of a circumstance. I think, perhaps, the finest speech I have heard in this Assembly this parliamentary session was in the in-Committee debate on mental health and it came from the Constable of St. Peter. I cannot remember if it went over the 15 minutes, or not. It was gripping and important to hear. We were all enthralled by it. Now, had the Constable of St. Peter inadvertently gone over his 15 minutes, it would be quite wrong for him to have been cut off before being able to finish that magnificent contribution. So, there has to be some leeway. I trust all our Presiding Officers to exercise their discretion in that way, discretion in terms of when we come down to imposing the shorter time limit, but we can talk about that. It may be that there is an allowable zone for such time limit restrictions, or further ones to be introduced and we can decide on that. It might be time, it might be the amount of speakers and it might be that the Presiding Officer, or Members, would prefer if that Proposition to reduce the time limit came from

the floor, rather than just an edict from the Chair. I am happy with that, but we will consult widely with Members to get it absolutely right. So, I think it is important that we keep re-examining how we do things. This is not a kneejerk to anything. It is a sensible way when we all know a debate has run its course to put that debate out of its misery and even re-enliven it. With that, I make the Proposition.

The Bailiff:

Is the Proposition seconded? [**Seconded**]

Deputy R.J. Ward:

May I ask for a point of clarification? I think this is a point of clarification; if not, then I will sit down and I will speak later and I will go with ...

The Bailiff:

Who is the point of clarification from?

Deputy R.J. Ward:

From the speech and from the report that goes with the speech.

The Bailiff:

Of course, the *rapporteur* will respond at the end and during the course of your speech you can raise any queries that you wish to raise.

Deputy R.J. Ward:

It was just a very specific thing.

The Bailiff:

Well ...

Deputy R.J. Ward:

OK, do not worry, thank you.

The Bailiff:

I think it should be done during the course of the debate in general.

6.1.1 The Connétable of St. Lawrence:

I will not be supporting this Proposition, as I have not done with similar proposals in the past. I regard the imposition of time limits on speeches as an infringement, as a violation, in fact, of our democratic right as elected Members to address this Assembly.

6.1.2 Deputy M. Tadier:

A good short speech there and certainly the Deputy of St. Lawrence does not need a 15-minute time ... Constable - and she was a very good Deputy - and now she is making a great speech there as the Constable of St. Lawrence. Now, this Proposition is so full of holes and problems I am not sure if they are ordinary holes, or if they are cigarette burns that have accidentally gotten on to the parchment on which they were written. Certainly, there is so much in this Proposition, even if the idea itself were to be supported, that this particular iteration cannot be supported. It is not simply just a difference in wording, because we will look at some of the counterfactuals here, the things that are not in the Proposition and which, perhaps, could be if it were to do the job. It is not that the Proposition says it shall not normally exceed, it says it should not normally exceed. What seems to have happened and remember, this is not a Proposition from Deputy Labey, this is a Proposition from P.P.C. I would like to know, first of all, whether it has the full support of P.P.C. in it being brought

forward, because Deputy Labey seems to say that it is his baby, if you like, if you support ‘me’ today rather than if you support ‘my Committee’, if you support the 3 pages of reports and the evidence that we have provided you citing other jurisdictions, Australia, Canada, Council of Europe, Ireland and New Zealand. Scotland has no formal rules. The first thing is, we are not those countries. That does not mean we should not look to best practice elsewhere. The first point, perhaps, to make is that we are different in the sense that we do not have a recognised and a formal system of party politics. So, already within those systems there exist mechanisms of discipline within the parties. They will allocate *rapporteurs* and they will do deals, if you like, before to find out what the positions are, but the debates still happen. My concern is that this is very much a utilitarian argument. It seems to go down the idea that there comes a certain point in any debate when everything has been said and nothing else can, therefore, be said which is new and, therefore, everybody should sit down. I sat next to somebody in this Assembly, a former States Member, who was quite radical in his way of thinking, who came out with suggestions, for example, that we should have a voting system whereby you can vote at any time during, or even before, the debate. So, you could go into a debate and if you already had a majority you would not need the debate. Or, if there was a slim debate, like today perhaps, you could change your vote at any time and any time that there was a majority the debate would cease and the vote would be carried. That would be really expedient and that would be a really good utilitarian thing to do, but it ignores the fact that we are a debating Chamber. While we might have our individual ideas, while we might think that our ideas are better than somebody else’s, or anybody else’s, in the Assembly, no individual and no party, or Committee, or grouping, informal or otherwise, has the monopoly on good ideas. I have seen it in this Assembly when there have been lots of speeches, when somebody stands up - and I can think of one, or 2, people who this might apply to, some of whom are not in the Assembly - and they will make a speech, perhaps late in the Assembly, they will make a point that nobody else has thought of, it could be a question for the Attorney General, or it could just be a way of looking at things that nobody else has thought of and that completely changes the debate. That could be after the point at which 10 Members have spoken. It could be after that point at which a guillotine motion could have been moved. Interestingly enough, Deputy Labey talks about the fact that the guillotine motion is inherently undemocratic and I agree with him. One of the first things I learned in this Assembly, from a more senior Member, whose politics I did not share and he did not share mine, was that we found some solidarity on the fact that the guillotine motion is inherently undemocratic. He said to me: “I never vote for a guillotine motion because even if 15 people have spoken and I have spoken, how can I then say that somebody else does not have the right to speak, just because they have chosen to speak late in a debate?” Now, we all have to make that decision about whether we speak at all in a debate, whether we speak early, whether we speak in the middle. Of course, you do not know where the middle is going to be if there is a guillotine motion at the other end. So, Deputy Labey has identified a correct problem here, the problem that the guillotine motion is undemocratic, but the solution proposed by P.P.C. is not to remove the guillotine motion, it is to be even more draconian than that and say: “We are going to guillotine everybody’s individual speeches to 15 minutes.” So, it has identified a problem, which does not necessarily exist in this Assembly.

[12:15]

He said it himself that nobody goes on too long generally and that this is not a problem, but we have found a solution to a problem that does not exist. To make it worse than that, he is asking us for some kind of steer today, but what are we being asked to make the steer on? He is saying that speeches should not normally exceed 15 minutes and he is right that the Constable of St. Peter, in the mental health in-Committee debate did make an excellent speech and so did other Members. The Constable of St. Peter spoke very much from the heart and I do not know if it was planned, or if it was extemporaneous and there were other Members, who had written out longer speeches. But we cannot go down the route where we say if somebody happens to be making a particularly good speech and it pulls at your heart strings, or they are funny and entertaining, then it is up to the Chair, not us;

not us as an Assembly to decide, but whoever the Presiding Officer might be. It could be the Bailiff, who is presiding today; it could be one of the Greffe staff; it could be one of us, theoretically. We are putting them in an invidious position to say: "I think that the Assembly is enjoying themselves, so I am going to give this Member an extra 5 minutes and let us see where it goes." Or: "I like his, or her, ideas, they seem interesting" and immediately the Chair is put in not just an invidious position, but a position in which he is having to make political calls about the validity of arguments. So, that is a non-starter. Then parts (b) and (c) go on to say let us have a 15-minute time limit maybe, not in all debates and the principal responder is allowed to speak for more than 15 minutes. Well, who is the principal responder in a debate like this? P.P.C. has a Proposition. The Council of Ministers, are they the principal responder? Why would they be, because they do not represent the Assembly? In this case, the Council of Ministers do not have a position on this; they have granted a free vote to the Council, so they are not the principal responder. Am I the principal responder, because I have taken it upon myself as an individual? I am not speaking as a party member necessarily here. Am I the principal responder, simply because I have managed to get my light on quickly enough and, therefore, the Bailiff is presuming this is a passion for Deputy Tadier, he has the expertise in this area, the self-appointed expertise, which is just passion? I am not an expert in time limits at all, I just feel that I would like to speak in this debate, but how do I know that the next person who puts the light on is not the principal responder? The principal responder presumably could be speaking in favour of the Proposition. So, what we are saying is we might as well just get out the dice, roll the old ancient unicorn dice from whoever is in the Chair and if they say: "Yes, OK, you can have a little bit longer", "You cannot", that is problematic for the Chair. Now, Deputy Labey is saying that maybe we should put it to the Assembly, that the Assembly should decide. We decide the guillotine motion already, but then you get left with the problem of the tyranny of the majority. That is why there is a point in Standing Orders which says so long as it does not infringe the rights of the minority, which it always does. It is a kind of inherently contradictory point. There is a safeguard in there, because you are not allowed to move the guillotine motion if you have already spoken, so what you normally do is you ask somebody else to move the guillotine motion for you, somebody who has not spoken and then some other poor person cannot speak, because of that, but no issue there. I have come to realise, in my time in the Assembly, that whoever the individuals are on P.P.C. - and we have, I think, some great individuals and even collectively on P.P.C. some great knowledge and some progressive individuals on there - P.P.C. always seems to be inherently reactionary with some of the things that they come out with. Here they are trying to restrict the rights of States Members. The other big concern is that they are asking us to give them work, to tie them up with work, without really a clear steer of what this looks like, so that they are going to be doing work on this particular issue to bring back to the Assembly only to find out that those proposals may not be acceptable. Now, I would have thought that P.P.C. had bigger things and bigger fish to fry in this issue. They should be getting to grips with the fundamental issues of the constituent parts of this Assembly, about representation in the Island. That Proposition, that I know they have been working on, has been unlodged and is hopefully going to be relodged. They have not addressed any of the fundamental issues about the separation of powers, which have come up time and time again in various reports. Those are the things that are outstanding, if you like, on their work plan and they seem to be grappling around for new pieces of work to be done. They have not got to grips with the fact that States Members' remuneration and pension pots, not for necessarily us, but it has been highlighted as an issue for recruitment in the future about the fact that we are falling completely out of sync with other places and certainly within our provision. I am not saying these are things that the Chairman has not thought about, because I know he is passionate about them, but where are those Propositions to be put forward on the table? I would ask Members roundly to give this a ... not their endorsement. It also does harm the backbencher. If you are a member of a party, it is fine if you have 5 Members in your party ...

Senator S.C. Ferguson:

Point of order, Sir. I think it is a point of order.

The Bailiff:

It is a decision I have ... if you are asking ...

Senator S.C. Ferguson:

Sorry, I apologise.

The Bailiff:

If you are asking for me to make a decision, then it might be a point of order. If you are doing anything else, then it cannot be a point of order.

Senator S.C. Ferguson:

Yes, the Deputy has been saying that we should not be speaking longer than 15 minutes and ...

The Bailiff:

No, that is not a point of order, Senator; however long the Deputy might be speaking for.

Senator S.C. Ferguson:

By my calculations he has spoken longer than 15 minutes.

The Bailiff:

That is absolutely not a point of order. That is an improper intervention.

Deputy M. Tadier:

It is quite perverse. I am saying the opposite. I am saying that we should not be imposing a 15-minute time limit. I am not deliberately speaking at length, incidentally. I think there are several points to make and when I have finished I will sit down. That is how it works in this Assembly. I also like to think that I am the principal responder to this Proposition and, therefore, the theoretical 15-minute time limit would not apply to me. Nor would it apply to Amendments, incidentally. If you happen to lodge 8 Amendments to a Proposition, because you think it is so flawed, rather than just taking your chances with whether the Chair will allow you to speak for 15 minutes, you might as well just stick in 8 Amendments and you can talk for as long as you like. Even on one of them you can speak for as long as you want on one Amendment. So imagine that, you could get a mischievous Member of the States Assembly ... or not even a mischievous one, but a conscientious one, who decides that there are so many flaws that each one needs to be granularly looked at in the fine detail in order to convince Members, who I know are always open-minded and are reasonable and rational when it comes to these kind of debates, so that they can listen to the finer points of the argument. The last point I will make, before I was incorrectly interrupted by the Senator on a false point of order, was the fact that if you are part of a grouping, you can then say to the Chair, for example: "Deputy Southern is going to be the main responder on behalf of the Reform Jersey party, so can he be exempted from the time limit, please, because we are not going to speak, he is going to do all the talking on this particular one?" The Chair will have to make a judgment call, which will be the spirit of the debate today has been that that is what we agreed. If you represent a group, or you are the expert in your field from that particular point of view, then the agreement was that there should not be a time limit. Other Members are going to look at us and say: "Hang on a minute." They will complain to the Chair saying: "Just because they have a party they are allowed to speak for as long as they want. That is not fair." He might say: "If you get your own group together" and you say: "We have been working on this particular issue for some time now" and it is the fact that Deputy Morel, or Senator Moore, for example, or Deputy Perchard is the particular responder for that particular group, because they have been working on a set of policies which are important to them, therefore they are exempt from the time limit as well. It just becomes a complete mess and the Chair

cannot do right for doing wrong. Not to mention the fact that, of course, Reform Jersey could each speak for 15 minutes. We could have one printed-out version. We could time it. Deputy Ward would do the first 15 minutes. He would sit down and pass the paper over to me, then I would read the next 15 minutes. Deputy Alves would read the next 15 minutes and so on and perhaps Senator Mézec can sum up, by which time we would have spoken for an hour and a quarter, each perfectly within the rights. That is before we get into Senator Mézec, who is making a particularly good speech and then asks the Chair to speak for a little bit longer, so that he can make a couple more excellent points. Of course, if we had 10 Members, then that would be for 2½ hours. So, an interesting idea from P.P.C. I do not agree that the problem exists that they are trying to solve and even if the problem did exist the way that they are trying to solve it is, frankly, quite ridiculous. We should give this short shrift. My only regret is that this Proposition did not deserve such a long speech. It would have been much better served by silence.

6.1.3 Senator L.J. Farnham:

We must remember we are a small Assembly, a small Parliament and we do not have hundreds of Amendments like some of the bigger Parliaments, the national Parliaments we are talking about. There are other reasons why time limits are applied in those large national assemblies. I think our uniqueness plays in our favour, as sometimes we tend to be keen to emulate other parliamentary processes. While some of ours might be different, I think we have a very good mix currently. While we do not all agree on the decisions this Assembly makes, I generally think that it makes the right decisions over the years and decades, especially in the post-war period. This Assembly, while always being held very toughly to account by the citizens of Jersey, tends to make the right decisions and I think that is because we are allowed to have our debates unfettered by time limits. As a result of that, when we make a decision, with the odd exception - certain things do keep coming back - it tends to hold fast through a period of time. I wonder if decisions that are made after a good debate with some longer speeches and some shorter speeches it might be said afterwards: "I did not have a chance to say what I wanted to say, because my time limit ran out." I am not sure. I think, in my experience, the best stopwatch for any Member speaking is other Members themselves, because gentle heckling turns to moans and groans and then sometimes to the sounds of gentle snoring. On that note, I will leave it at that.

6.1.4 Senator S.Y. Mézec:

I too will be opposing this Proposition and I agree with what the Constable of St. Lawrence said in her speech that it is basically an infringement on the rights of Members in this Assembly to represent their constituents and make the case that they believe they have the mandate to make on the terms that they think they need to do so to make it most effective. The proposer of this Proposition described it as softly-softly. I disagree with that. I think that it is a sledgehammer to crack a nut. I think that that has been made self-evident by further comments that the proposer made when he said that this Proposition is not borne out by bad practice. Of course, you have to ask the question: if it is not borne out by bad practice, then why are we here debating it in the first place? There is no indication as it stands that there is a problem that we are trying to deal with and there has been no consultation with Members to understand if there is an appetite for this particular suggestion. What I would say to the Chairman of P.P.C. is if he is not prepared to withdraw this Proposition, but if the Proposition loses, what I think would be a much better way to go about this is to engage with Members to find out if we have any ideas about how the business of this Assembly could be conducted more effectively. There may well be other things that can be done. There may well be particular powers of intervention we would not mind the Presiding Officer having. There may well be ways that Members ought to conduct themselves that ought to be considered. But if our ambition is to enable this Assembly to conduct its business in a better way, we should be having that wider conversation in that context, rather than having this arbitrary proposal, which does not necessarily get to the point. Aside from those practical considerations, I do want to make a quick point about the

infringement on Members' rights here, which Deputy Tadier alluded to when he spoke about the potential groupings there are in the Assembly in that we have a Council of Ministers, which will often take collective positions on things. There is one party, which will take collective positions on things. But outside of those groupings, or in a context where those groupings are not relevant, there are potentially dozens of perspectives and observations that can all be equally valid, that all deserve an equal airtime in this Assembly, that could be potentially persuasive. What this Proposition does is that it infringes on those Members' abilities to do that. I do not often speak for longer than 15 minutes in debates, but I have done it from time to time. When I have done so, I felt that I have been right to do so, because there have been a substantial number of points I wanted to deal with that I did not believe other Members were going to deal with and that the detail needed to be addressed.

[12:30]

One example of that was one of the previous debates on the issue of the dual role of the Bailiff, where the Attorney General had provided comments to a Proposition which went into great detail on particular bits of case law, international human rights conventions, that I thought that there were alternative perspectives, different jurisprudence and different cases that addressed those points that were quite complex and I wanted to get into the detail of that, so that Members could be aware of those perspectives and that could be on the record. In a situation like that, you would put the Member making that case in potential conflict with the Presiding Officer, whoever that Presiding Officer would be, because there would be an onus to make the case that that speech is worth going over the 15 minutes, when I do not believe a Member should have to do that. It should be self-evident in what they say that it is worth saying and worth being heard. I think when we have a parliamentary system, which is very different to the U.K. House of Commons - and the proposer of this Amendment did refer to the outgoing Speaker, John Bercow and how he could reinvigorate a debate by imposing shorter time limits - the way this Chamber works is nothing like how the House of Commons Chamber works. In many respects, I think that is a good thing. I just do not think that comparison is worthy. Some talk has been made about the guillotine motion. The guillotine motion is proposed by a Member and used at the discretion of Members, not by the Presiding Officer, so even though it is problematic in itself, at least there is one safeguard in it. But here we will be moving to a position where we have time limits and the guillotine motion, which I think is far too heavy handed an option to have when there is no problem that is trying to be addressed, as the proposer of this Proposition has himself admitted. So, I would ask Members to vote against this Proposition on the basis that it is impractical and the basis that it is an infringement of Members' rights and instead ask the Chairman of P.P.C. that if there is a discussion to be had about how we can better conduct the business of this House there are more constructive ways to go about doing so.

6.1.5 Connétable C.H. Taylor of St. John:

Personally, if I was bringing this Proposition as an individual, I would have made it 10 minutes, not 15 minutes. I accept that very few speeches ever do exceed 15 minutes and, therefore, this at the moment is a soft and gentle approach. This Assembly has already agreed - and it was passed some time ago - on a P.P.C. Proposition that speeches should be time limited. The only issue that was not agreed was what that time limit should be. In principle, this has already been agreed. What we have done on P.P.C. is to bring forward a proposal that it should be 15 minutes. I think that it is a perfectly reasonable time of 15 minutes, because it says in Standing Orders that speeches should not be repetitive. It says in Standing Orders that they should not repeat themselves and they should be succinct.

Senator L.J. Farnham:

The Constable was just repeating himself.

The Connétable of St. John:

I am glad you picked that up. I do sometimes have a little humour. Speeches must be succinct, repeating myself again. When it comes to a speech that is more than 15 minutes, invariably Members do tend to repeat what other Members have already said. This really is the crux of the matter. I would urge Members to think very carefully about this. It may not be applicable at this present time, but we may, at some time in the future, have somebody who stands up, rather enjoying the sound of their own voice and going on for considerable periods of time. Members may sit and wish they had voted differently, so I urge Members to support this. There will be a second opportunity when the change to the rules comes. Let us see what those proposed changes are. At least give us the option to come back to the Assembly and say: “These are the changes to Standing Orders that we want to make”, rather than throwing it out before you have had that opportunity to see.

Deputy M. Tadier:

I have a point of clarification. It may be a point of order if the Constable is inadvertently misleading the Assembly. He referred to a Proposition in principle to limit debates. I do not recall that, but maybe I have a bad memory. Could he clarify?

The Bailiff:

That is a legitimate point of a request for clarification, if you are prepared to accept it.

The Connétable of St. John:

As I understand it, it was once debated previously. I do not have the details. It is what I have been told and it was there, but I stand corrected if I am wrong.

Connétable L. Norman of St. Clement:

If it helps, I was in the Assembly when that debate took place. It was a Proposition by Senator Routier of the day to time limit speeches, which the States agreed, but they could not agree to part 2, which was the amount of time we should be limited to.

The Bailiff:

Very well. Thank you for that clarification, Connétable. I think that was helpful. Does any other Member wish to speak on the Proposition? I call on the Chairman to respond.

6.1.6 Deputy R. Labey:

I just think that Members tend to have short memories. We do tend to block out the more nasty experiences in our memory, do we not and just remember the good times, but there have been debates where there has been almost half the Assembly in the coffee rooms with their ears bleeding, **[Laughter]**, going: “When will this end?” In fact, on the Sunday trading debate, I stood in the coffee room - both coffee rooms - and I went: “Remember this now when I am speaking about bringing in a time limit. Remember how you feel right now.” No offence to Senator Farnham, but that debate had run its course, but still it went on. I think we have to be honest about this. It is not good for anyone. This will be a tool by which we can prevent that torture from continuing. It is a classic States compromise, is it not, to vote to agree that time limits should be implemented and not be able to agree on the actual time that it should be limited to? This is a very gentle move and it will reinvigorate and stop that torture that, if we are honest, we can all remember. I respect enormously the Constable of St. Lawrence and she never overstays her welcome when she is on her feet speaking in this Assembly. She only speaks when she feels she has something to say and I commend her for it. I listen to her and I respect her. But the violation she talks of in terms of not allowing every Member to speak for as long as they like, if that is a violation it exists already and even more so by this Assembly in 2019 that closure motion is regularly passed. That does whip away the opportunity for any Member, even for 3 or 5 minutes, to just make their point and explain their point of view. Let us try to get real, I would say to Members and try to make headway on the moments when really debates have outlived their usefulness. Senator Mézec wants me to consult more. Well, this is borne

out of Members coming to me, or the Committee, saying: “When are you going to do something about time limiting speeches?” The Constable of St. Helier is one. Unfortunately, of course, he cannot be with us, because he is travelling to Adelaide to attend the C.P.A. (Commonwealth Parliamentary Association), but he is regularly my conscience on this. The Minister for Treasury and Resources will not mind me saying that she regularly handbags me with: “When are you going to bring in time-limited speeches?” So, there is an opinion on the floor of the Assembly that wants action in this area. Similarly, I forget who it was now, who mentioned we do not want a situation where Members finish a debate and they say: “I did not have my chance to speak.” That can happen now. It does happen now. With the system I am suggesting, everybody would get their chance to speak. It is just that if it is towards the end of a debate, after a period of time, when it is felt by Members that there is nothing new to contribute, they will still be able to have their say, but just for a shorter length of time. Simples. I maintain the Proposition and I ask for the *appel*. [Laughter]

The Bailiff:

I am not sure “simples” has yet found its way into the English language, Deputy.

Deputy G.P. Southern:

Could I ask the *rapporteur* to clarify whether this was P.P.C. and whether it is a united decision of P.P.C. to proceed with this procedure, or is it one or 2 members of P.P.C.? He was asked.

The Bailiff:

It is a matter for the *rapporteur* whether he wishes to clarify that.

Deputy R. Labey:

We never bring anything unless there is a majority in P.P.C. I cannot remember the voting figures for this particular one, but I would never bring it if the Committee is not majority in favour. This was pretty full on, as I recall.

Deputy M. Tadier:

It was a question that I think I asked, so I am probably able to ask for the point of clarification. Of course, the way Committees work is that it is a majority of whoever is sitting around the table at the time. So, if there are 4 members in the quorum, of course, it could be passed with 3, which is not a majority. So, it would have been helpful to have exactly who on P.P.C. was in favour and who was against.

The Bailiff:

I suspect it might be possible to identify that after the vote is taken, Deputy. The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 26		CONTRE: 19		ABSTAIN: 0
Connétable of St. Clement		Senator I.J. Gorst		
Connétable of St. Saviour		Senator L.J. Farnham		
Connétable of St. Brelade		Senator S.C. Ferguson		
Connétable of Grouville		Senator J.A.N. Le Fondré		
Connétable of St. John		Senator T.A. Vallois		
Connétable of Trinity		Senator S.W. Pallett		
Connétable of St. Peter		Senator S.Y. Mézec		
Connétable of St. Mary		Connétable of St. Lawrence		
Connétable of St. Ouen		Deputy J.A. Martin (H)		
Connétable of St. Martin		Deputy G.P. Southern (H)		
Deputy K.C. Lewis (S)		Deputy of Grouville		
Deputy J.M. Maçon (S)		Deputy M. Tadier (B)		
Deputy S.J. Pinel (C)		Deputy J.H. Young (B)		

Deputy of St. Martin		Deputy K.F. Morel (L)		
Deputy of St. Ouen		Deputy of St. John		
Deputy R. Labey (H)		Deputy M.R. Le Hegarat (H)		
Deputy S.M. Wickenden (H)		Deputy S.M. Ahier (H)		
Deputy of St. Mary		Deputy R.J. Ward (H)		
Deputy G.J. Truscott (B)		Deputy C.S. Alves (H)		
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Very well, the time has now come where we would normally adjourn for the luncheon adjournment. Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The States stands adjourned until 2.15 p.m.

[12:42]

LUNCHEON ADJOURNMENT

[14:15]

7. Draft Rehabilitation of Offenders (Exceptions) (Amendment No. 2) (Jersey) Regulations 201- (P.104/2019)

The Bailiff:

The next item of Public Business is the Draft Rehabilitation of Offenders (Exceptions) (Amendment No. 2) (Jersey) Regulations, P.104, lodged by the Minister for Home Affairs and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Rehabilitation of Offenders (Exceptions) (Amendment No. 2) (Jersey) Regulations 201-. The States make these Regulations under Articles 8(5) and 10(3) of the Rehabilitation of Offenders (Jersey) Law 2001

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

The purpose of the Rehabilitation of Offenders (Exceptions) (Jersey) Law is to provide for the rehabilitation of certain offenders, who have not been reconvicted. In other words, once a specified amount of time has passed, the record of a person's crime is no longer required to be reported, allowing them to be rehabilitated. Colloquially, it means the conviction has been spent. There are some situations where it will always be right to know about a person's past record, so we have the Exceptions Regulations to allow the appropriate persons to check a person's record, regardless of whether their record has lapsed, for example, for certain areas where people are working with children, police officers, both States and Honorary, law officers and so on. These draft Regulations I bring today make 2 changes to the Exceptions Regulations. First, they provide the scope for any

person applying for a licence in respect of a controlled drug under the Articles of the Misuse of Drugs (General Provisions) (Jersey) Order 2009 to be asked about their full criminal record. As things currently stand, that question cannot lawfully be asked. Secondly, these Regulations allow for a corresponding Enhanced D.B.S. (Disclosure and Barring Service) certificate to be sought by the applicant. As things stand, an applicant cannot apply for one. The equivalent U.K. law provides the necessary scope for a controlled drug licensing regime to make enquiries regarding the spent convictions of an applicant seeking a licence to produce, supply, offer to supply, or possess, a controlled drug. Jersey should be, in my view, applying a similar high standard to that of the United Kingdom on any such licensing applications. So, on that basis, I propose the principles.

The Bailiff:

Is the principle seconded? [**Seconded**] Does any Member wish to speak on the principles?

7.1.1 Deputy R.J. Ward:

May I just ask a question? It may be under the Regulations, because I have just seen the word “regulation”. Regulation 1 talks about: “... into account with respect to a person’s role in, or relationship with, the applicant or holder ...” Just to double-check who these police checks would be on. Would they be with the direct applicant, or would they be with relatives as well? I cannot quite remember the outcome of the information we asked on this.

The Bailiff:

Did you want to speak further on the principles, Deputy, or was that ...?

Deputy R.J. Ward:

No, it was just a question, really. It was just a clarification, I suppose.

7.1.2 Deputy J.H. Young:

I have a question and again I apologise to the Minister for not giving notice, but it has just occurred to me. Obviously, on the environment side, we know there are quite a number of people cultivating cannabis plants, as a species, but obviously my understanding is not all of those are looking to cultivate cannabis of the category in terms of its chemical content that would require a licence. Does this law prevent anybody, who wants to cultivate that plant, for example people like Jersey Hemp and so on, who from my understanding are not interested in medicinal cannabis? Can I have some clarification on that?

7.1.3 Senator S.Y. Mézec:

Likewise, I apologise if this point has been made clear somewhere else, but just to help me understand the purpose of this, in getting information about people’s spent convictions - and remember those convictions are spent because it is meant to be part of the rehabilitation process - what purpose, in this instance, when it comes to granting licences for producing, or cultivating, cannabis plants, does it serve to have the information of spent convictions and if it turned out somebody did have convictions from the past what impact would that have on their application for one of these licences?

7.1.4 Deputy M. Tadier:

I am sure, like many Members when this was originally lodged it did not strike one as a Proposition that was controversial, but I have since been contacted by a member of the public, who is not a personal constituent of mine, who raises a key issue and it does follow on, I think, from what Senator Mézec has raised. If it is simply to have the information there it begs the question why would you want to know someone’s full background, which even if it is spent convictions, if it then does not have an adverse effect on their application for a licence? This individual ... and let me preface this by saying that I have no doubt that certainly when it comes to our current drug legislation that it is complete madness, some of the prohibition that we have in the Island, whereby it is perfectly legal

to smoke tobacco, it is perfectly legal to sell tobacco and to profit from other people's misfortune and it is perfectly ethical, it would seem, for the Minister for Treasury and Resources to rely on that duty to pay for public services. But, on the other hand we have a relatively harmless drug, in relative terms, that is, which is completely illegal, it has medicinal benefit and a year on, it is over a year now since we passed in this Assembly the ability for G.P.s and our own staff at the hospital to prescribe this to people in need and that has been completely boycotted. We have individuals, this is not unique to Jersey, we have seen it on the national news and on talk programmes where people are suffering and they have to self-medicate using the criminal infrastructure that exists, because the health provision in this Island is essentially failing. It is a perverse consequence that we are criminalising otherwise sick people in the search for medicine that they know works effectively for them. So, we will have a situation and I consider this exactly the same - and Members might not like the analogy - as what happened to Oscar Wilde, where people were criminalised for something which was simply a human right and access for them and we will look back on our drugs' law, perhaps in 50 years' time, but I hope in 5 years' time, or sooner than that, and say: "What on earth were we doing?" This individual has pointed out that if you get caught for a relatively innocuous offence as it currently stands, let us say to do with cannabis and then you serve your time, you may have been in prison, or you may have had a fine and then you come out, if you are using that for medicinal use you have the expertise because you know about this. You then want to apply for a licence to legitimise yourself and to put your knowledge into practice, because you know about these issues. You will then be presumably disqualified and if not disqualified automatically I am sure that will be counted as a black mark against you, because you are not an upstanding member of society. So, we allow people, who are upstanding members of society to be given a licence to sell alcohol to people to the point of inebriation, so that they can then go on to the street, cause massive problems, have police presence, commit in some cases all sorts of crimes, although most of the drinkers I would suggest are moderate. We allow people to buy as much tobacco as they want, to go out on to the street and throw cigarette butts on to the floor and for it to be swept up at ratepayers' expense, or the public's expense, for them to find themselves in hospital being treated for avoidable diseases, but we have this blind spot and this puritanical nonsense, I would say, when it comes to one particular drug, which is medicinal and has been for millennia and these people with the expertise, because they have been unfortunate enough to be caught, will be precluded from engaging in the very kind of industry that they would want to engage in. These are not my words, but the words of somebody who has contacted me, paraphrased. I put that to the Assembly, because I think it is important that it is said at this stage and because of that reason I will not be supporting this Amendment today.

7.1.5 Senator L.J. Farnham:

This Amendment is putting us in line with the U.K. rules that we are working closely with, with the Home Office and it is essential for our new industry. What we are doing here in Jersey in trying to establish a new medicinal cannabis industry not only will help expedite the use of medicinal cannabis into the community, something that is close to many of our political agendas, not least Deputy Tadier. This will help with that as we move forward. I think it represents, probably, one of the greatest well-being and healthcare opportunities in a generation, but the key to it at this stage is good regulation. Jersey is known for its gold standard regulation. In Jersey we are very good at a number of things. We are especially good at 2 things. We are good at growing things and we are good at regulation and we want to make sure in the early stages while this plant is being more widely understood and the vast medicinal well-being benefits are still being discovered by scientists and doctors, that as we are growing our industry, we are staying ahead of the regulation. At some time in the future, jurisdictions around the world, more and more of them, will start legislating not only for medicinal use, but for recreational use, or adult use. I mean the words: 'recreational use' now are not being used. 'Adult use' of this drug, for whatever reasons, in the years ahead is likely to be legitimised. I am not saying by Jersey; that is a matter for a future States Assembly and if it was to go down that road then these sorts of rules, the licensing rules and the strict licensing criteria that the

Minister for Health and Social Services, who was advised by the Chief Pharmacist, would want to adhere to in these early stages. As society becomes more accepting of the benefits of this plant, then I am sure these regulations will change in the future. However, in the meantime, this is absolutely essential if we are to get on and develop this medicinal industry. I would try to persuade my colleague, Deputy Tadier, to change his mind on it and support this, so we can get on and start developing this industry and stay at the forefront of the world. At the moment we are leading on this. We are making bold decisions. We have issued licences to grow hemp. We have just recently issued licences to extract C.B.D. (Cannabidiol) oil from the flower. We want to move that on, so we can create not only a new agricultural sector, but a new pharmaceutical, health, well-being, intellectual property and research and development, so it is very important that we approve this today.

7.1.6 Senator S.C. Ferguson:

I am a bit uneasy about this, because I felt for some time - and I used to nag Senator Le Marquand about it - that our Rehabilitation of Offenders Law is really quite draconian and I am really wondering, can we not differentiate in this case between dealers, dealing in a great deal of cannabis drugs and the odd case that I know of where somebody has been prosecuted for growing one plant for his own consumption, because he was not well? Do we have to use a sledgehammer, as somebody has said, to crack a nut?

The Bailiff:

Does any other Member wish to speak on the principles? I will call on the Minister to respond.

7.1.7 The Connétable of St. Clement:

I am not quite sure if Senator Ferguson has understood the Proposition, because what we are talking about here is the licensing of individuals, not creating criminal offences for growing plants that already exist. I would say to Deputy Young and to Senator Ferguson that what we are talking about here only applies to persons who are applying for a licence to the Minister for Health and Social Services in respect of controlled drugs under the Misuse of Drugs Order 2009. They are the only ones that this would apply to. Deputy Ward asked who is covered by the new exemptions and that is the applicant himself, or herself and the person who has a role, or is in a relationship, with the applicant. That is quite normal with police checks, we have the police officers and so on, who is in the household. Why are they needed? Well, if someone is applying for a licence when the Minister is considering whether to grant that licence he has all the information. It does not mean that somebody cannot have one, if they have a drug offence, but it will inform the Minister when he makes these decisions on the individual. So, it does not mean that he refuses the licence, but it gives him the information to make an informed decision. I think that has answered all the questions and I maintain the principle.

[14:30]

Deputy R.J. Ward:

Just a point of clarification, the word 'relationship', are you referring to brother, sister, wife, boyfriend, girlfriend, significant other? Is that what is included in relationship?

The Connétable of St. Clement:

It could be. It depends on the nature of the business, but it is a business relationship that we are talking about here, mainly, but clearly it could be applied to relatives, or whatever, as well.

The Bailiff:

Very well. Those in favour of adopting the principles kindly show ... the *appel* is called for. I invite Members to return to their seats, and I ask the Greffier to open the voting. The vote is on the principles of the Rehabilitation of Offenders (Exceptions) Regulations.

POUR: 35		CONTRE: 6		ABSTAIN: 0
Senator L.J. Farnham		Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		Senator S.Y. Mézec		
Senator T.A. Vallois		Deputy G.P. Southern (H)		
Senator K.L. Moore		Deputy M. Tadier (B)		
Senator S.W. Pallett		Deputy R.J. Ward (H)		
Connétable of St. Clement		Deputy C.S. Alves (H)		
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Deputy Ward, does your Panel wish to call this in?

Deputy R.J. Ward (Chairman, Education and Home Affairs Scrutiny Panel):

Yes, Sir, I think we do. We did have a briefing on this, but I think there is some clarity that we need. We will be as quick as we possibly can.

The Bailiff:

Then it is incumbent on us to fix the return. It cannot be any more than 4 meetings' time. Do you wish to defer it? Obviously not to the next meeting, I would not think, with the Government Plan but the one after that?

Deputy R.J. Ward:

Yes, I think it would have to be 1st January because of the Government Plan, or 21st January, sorry, to give us time to do that. I am very conscious of the amount of work that Scrutiny has, but I think it would be prudent to scrutinise this Amendment for its implications.

The Bailiff:

21st January. Very well, in which case there is an absolute right to call the matter into Scrutiny and the matter will be relisted for 21st January.

8. Channel Islands Lottery: allocation of proceeds from 2018 (P.105/2019)

The Bailiff:

The next item of Public Business is the Channel Islands Lottery: allocation of proceeds from 2018, lodged by the Minister for Economic Development, Tourism, Sport and Culture and I ask the Greffier to read that Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to agree, in accordance with the provisions of Regulation 4(5) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, to allocate £1,000,000 to the Association of Jersey Charities to enable the Association to continue a grant programme.

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

Members will know that the Channel Islands Lottery has been growing in success in recent years, so much so that the profits have increased exponentially and in 2018 were in excess of £2 million. The indications for 2019 are that the lottery has had another successful year and these profits are likely to grow even further. Members will also know that I lodged Proposition P.87 earlier in the year, which asked for a certain course of action to be taken in the way these profits were distributed. I am sure Members will all want to ensure that the funding, the sharing of the lottery profits, are distributed as far and wide as we possibly can among the wider community and now there are much bigger profits to distribute we have the opportunity to do that. A textbook tender process was carried out and the winner was a U.K. distributor of charity profits. Subsequent to that announcement being made, new information came to light and my Department was approached by a number of local organisations, some did and some did not participate in the tender process, offering their services. In an Island of our reputation with our expertise and excellence in digital technology and regulation and one thing and another, I thought it would be absolutely sensible that we could deal with this on-Island, so we changed our minds in Economic Development and withdrew that Proposition. We are working on that process now and I will be bringing something, or Deputy Tadier will be bringing something back to the Assembly early in the New Year for Members to consider. In the meantime, I would simply like to ask Members for a continuation of the existing agreement with the Association of Jersey Charities and we are asking today that we allocate £1 million of the 2018 profits to be distributed by the Association of Jersey Charities under the current service level agreement.

The Bailiff:

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak on the Proposition?

8.1.1 The Deputy of St. Mary:

It is appreciated that this measure is a stop-gap one until new arrangements are in place according to the Proposition. Can the Minister give any indication as to how soon that might be, as to the new arrangements?

Senator L.J. Farnham:

We are aiming to have the new arrangements completed and in operation by the end of ... I beg your pardon.

The Bailiff:

Someone else might have some points to make.

8.1.2 The Connétable of St. Brelade:

Would the Minister confirm that the tender arrangements previously undertaken, in which we got an English company, are going to be reviewed? Clearly it was unsatisfactory to come up with that result, which was unacceptable to the public.

8.1.3 Deputy K.G. Pamplin:

I rise because, as many know, I have a great deal of passion and connections in the charity world and I appreciate the Minister's time to meet with me and talk about some of the concerns that are coming out. One of the concerns continues over with this process as well and I think we need just a bit of clarity about the money being transferred, how it is being maintained and how the A.J.C. (Association of Jersey Charities) are continuing to evolve. Also, I have stood up a couple of times in this year to mention that the A.J.C. have been dipping into their reserves to support certain charities, so I am just curious if the Minister can give us a bit more of an update of the knowledge he knows of their funding situation, so that this will enable the money to go towards the charities but also if there is anything that has come out of the discussions about their current state. This is really important and I concur with the Deputy of St. Mary that we really need to get a resolution very quickly, because this has been a very difficult year for some charities.

8.1.4 The Connétable of St. Lawrence:

I know we have just agreed to reduce the time that we spend when we speak during debates, but I do not recall that we have asked for reports to be as brief as this. I really feel that there is insufficient information in this report from the Minister for me to make an informed decision today and I think that is backed up by the questions that we have heard from a couple of Members. We know there have been some issues with this and I really feel that we do not have enough detail and certainly the Minister's speech did not provide me with enough detail to be informed on this and I find it very disappointing. I will reserve my judgment as to how I vote on this.

8.1.5 Deputy K.F. Morel:

I was not planning to speak and I was going to leave it to the Second Reading, but following the Constable of St. Lawrence's comments, which I do agree with in terms of the brevity of the report, I think it is poor, I have to admit and I would expect more from the Department, but I would like to put the Constable's mind at rest from a Scrutiny perspective. We have issued a comments paper on this, which contains more information than the report from the Department does. This is an entirely interim measure, because of the withdrawal of the previous Proposition, P.87 I think it was and because the proceeds are going to be allocated in line with the existing regulations and rules surrounding the Association of Jersey Charities in that sense nothing changes. It is just giving £1 million to the Association of Jersey Charities in order that they distribute it appropriately. I do agree with the Constable. I think the Minister should perhaps ask his Department to write more in-depth reports to their Propositions in future, but having looked at it from a Scrutiny perspective we are satisfied that this will work in the interim. I warn the Minister now to expect a full review of the new Proposition when it comes through, so do not go putting any deadlines that are hard to reach from a Scrutiny perspective, because we will be undertaking a full review and it is at that review when I think wider questions will be asked about the new situation with regard to allocating lottery proceeds going forward. I would urge the Constable and any other people who are disappointed by the report in the Proposition to give it the benefit of the doubt, because we do think this should work and it should be fine going forward in the interim and it is only in the interim.

The Bailiff:

Deputy, I thought you said when you started that you were not going to speak. You were going to speak during Second Reading. Just in case any other Members are labouring under that, there is no Second Reading, because it is a Proposition, so if people are keeping their powder dry, now is not the time to do it. Does any other Member wish to speak on the Proposition?

8.1.6 Deputy M. Tadier:

Just to address the comments of the Constable of St. Lawrence. I know she is a diligent Member who I think reads everything that comes to the Assembly. It is a short report and it is even shorter if you have not read it, but I think the reason it is short is because this is a very straightforward decision. There are lots of comments that can and have been made around the changes that are being proposed to the new lottery system and as has been acknowledged by the Scrutiny Chair and as they have said in their report it is something that they can support. This is a very straightforward Amendment. We could ask our officers in the Department to pad out the reports a little bit more, but I think it is a case of saying an appropriate amount in order to give Members the ability and the confidence to vote for it. No doubt the next one, by the sounds of it, will be much more complex and there will be other views being put forward and that is fine, but this is a measure to allow the Association of Jersey Charities to keep on doing the job that they have been given to do until the changes are made.

The Bailiff:

Does any other Member wish to speak on the Proposition? I call on the Minister to respond.

8.1.7 Senator L.J. Farnham:

Can I thank all Members that have spoken? Can I start off by responding to the Constable of St. Lawrence and I thank her for her comments, but as Deputy Tadier has pointed out, what we are simply trying to achieve is a continuation of what the Association of Jersey Charities have been doing for many years now. Of course, a lot of this is covered in the Public Lotteries report which was presented to the Assembly earlier this year. I did not think it necessary to put too much more information, given it was fairly straightforward, but I do apologise to Members if they felt they needed more and her point is well made and I shall certainly not make that mistake again. With reference to the Deputy of St. Mary, we are aiming to complete this, to have the new process in operation by the end of the first half of next year and work is underway to achieve that. The Constable of St. Brelade asked about the tender process. We cannot change tender processes because we did not like the outcome. As I understand it, the tender process was conducted fairly in line with the correct procedures and those involved chose whom they felt had the best offer and the best value and that is how it worked out. It just so happened that the tenderer was based off-Island and, of course, the States do business with many organisations off-Island. Every time we use a debit, or credit, card the money is dealt with off-Island, but in this instance and the Channel Island Lottery and the Jersey Lottery I think is so intrinsically linked to our community, that it was felt that we would like to keep the complete administration of the lottery on-Island. I would just add there was no question of handling a decision-making process off-Island. It was just the administration process that was proposed, but we are good at administration here, so we are going to keep it on the Island. Thank you to Deputy Pamplin for his interest in this. As I said before, there is no difference to the current workings of the A.J.C. They are going to continue to distribute their money among their members in the very good and diligent way that they have done in the past and they are involved with the new process, helping to select and choose a better way going forward with that. Can I thank also the Chairman of the Scrutiny Panel? Scrutiny have been helpful with this and I take on board the comments in their report and their comments to this Proposition. I undertake to work closely with them in finding the right solution for Jersey and the Channel Islands Lottery moving forward.

The Bailiff:

Those Members in favour of adopting the Proposition kindly show?

[14:45]

The *appel* is called for and I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

9. States of Jersey Development Company Limited: re-appointment of Non-Executive Directors (P.108/2019)

The Bailiff:

The next item is the States of Jersey Development Company Limited: re-appointment of Non-Executive Directors, P.108, lodged by the Minister for Treasury and Resources and I ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to reappoint Mr. Tom Quigley and Mr. Richard Barnes as Non-Executive Directors of the States of Jersey Development Company Limited for a further period of 3 years, in accordance with the Memorandum and Articles of Association, to take effect from the delivery to the company of the notice referred to in paragraph (b) below; (b) to authorise the Greffier of the States, for and on behalf of the States, to deliver a notice to the States of Jersey Development Company Limited in accordance with Article 21(b) of the Memorandum and Articles of Association to give effect to such appointments.

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

Thank you, Sir. The Assistant Minister will take this Proposition.

9.1 Deputy L.B.E. Ash (Assistant Minister for Treasury and Resources - *rapporteur*):

I stand to recommend to the Assembly that it agree to reappoint Mr. Tom Quigley and Mr. Richard Barnes as non-executive directors of the States of Jersey Development Company for a further period of 3 years, in accordance with the Memorandum and Articles of Association of the company. These reappointments will run consecutively from their first term of office. Mr. Quigley and Mr. Barnes were first appointed to the board of the S.o.J.D.C. in November 2016 for a period of 3 years and both have confirmed their willingness to continue as non-executive directors for a further 3-year term. During their first 3-year period in office the company has completed a number of successful developments, including College Gardens and the 2 I.F.C. (International Finance Centre) buildings on the Waterfront. Furthermore, the sale of all units at College Gardens and both I.F.C. buildings have led to profitable major property developments, the exact purpose for which S.o.J.D.C. was established. Tom Quigley and Richard Barnes have strong backgrounds, experience and qualifications for the required roles. Brief details of these are contained in their biographies, which are attached to this Proposition. In addition, local expertise and local knowledge are important here and I believe we have it in these 2 individuals. Members may be aware that the current Chair of S.o.J.D.C. is due to complete a full 9-year term of office in 2020. The recruitment of her successor is currently being undertaken in line with the guidelines laid down by the Jersey Appointments Commission and further to what we discussed this morning I will endeavour to make sure this is a very diverse candidature taking place in that. With this change of leadership at the top of the board, I believe it is imperative that there is continuity with the remainder of the non-executive team and, as such, the reappointment of Mr. Quigley and Mr. Barnes will assist with maintaining stability of leadership for the company's executive directors and staff.

The Bailiff:

Is the Proposition seconded? [**Seconded**] Does any Member wish to speak on the Proposition?

The Deputy of St. Mary:

Very briefly. Given that one of the nominees was kind enough to sign my nomination paper as Deputy, I think I should abstain from voting.

The Bailiff:

That is a matter for you. I do not think you are required to necessarily, but if you think you should that is perfectly acceptable.

9.1.1 Deputy J.H. Young:

I think there is something that I need to point out. There is no question that the individuals are highly qualified and appropriate for the roles. They have made that contribution for 3 years, but I really find that I must just flag up when we look at the remuneration, which is £1,500 per day, which boils down to £200 an hour and I just think we ought to bear that in mind when we have our minimum wage debates and so on. I think because we have got a very divided society in Jersey and if we are to provide social mobility in society and opportunity for people it is not just about achieving the right gender balance. It is about trying to help people come through life and to be able to aspire to these types of top-drawer roles. Having said that, I just want to flag that in the arena. Nothing to the detriment of the 2 people. It is about broadening opportunities in our search for greater diversity and reducing inequality, which we are signed up to now as part of the Government Plan.

Deputy R.E. Huelin of St. Peter:

Following on from the Deputy of St. Mary who prompted me, it will make no difference to my vote, however I should declare that Richard Barnes is a personal friend of mine.

9.1.2 Deputy J.H. Perchard:

Just to clarify my position before we start, there is no doubt that these 2 gentlemen are incredibly well-qualified and experienced and what I am about to say has no bearing on my view of their credibility, quality or suitability for the roles that they are being reappointed to; however, I must point out to the Assembly that it has been admitted in a public hearing by the Chief Minister that aiming for equal representation of men and women on boards is a 'good thing' but it was also stated that one of the barriers to that and one of the problems with agreeing a Proposition that, for example, said: 'You have to have at least 40 per cent of each gender.' One of the barriers pointed out to me was that you cannot just kick people off halfway through their term, it is not appropriate and it is not fair but that at a time of reappointment, or a time of change, that is an appropriate time to strive for a greater balance and equality. This is a time of reappointment and, as I have already pointed out, these candidates are of the highest calibre, they have my utmost respect, but in terms of what we are talking about with gender diversity, this would have been an opportune moment to try to aim to strike a better balance on this board. I am disappointed. I thank the Minister, as I did try to raise my views in advance of this debate and before having to stand here and air it out loud, but unfortunately it has not had an impact. Again, I will be voting against, on a matter of principle alone and I urge anyone who feels the same way as me to do the same.

The Connétable of St. John:

On a point of clarity, 2 of the 5 directors are ...

The Bailiff:

Sorry, Connétable. If you are asking the Deputy to clarify an item in her speech you can. If you are clarifying an item in your speech you could if you had spoken, but you have not and, consequently, I am not sure you can simply stand up and provide information. However, if you wish to be called to speak next there is no reason why not.

The Connétable of St. John:

Thank you, Sir. May I speak next? **[Laughter]**.

The Bailiff:

Yes, it does look like you can speak next.

9.1.3 The Connétable of St. John:

I wish to point out that 2 of the 5 non-executive directors are ladies and whichever way you put it, when you have 5 non-executive directors one way or another there is going to be a gender imbalance, but this is as balanced as it possibly can be.

9.1.4 Deputy K.F. Morel:

Or we could put it down to 2 of the 7 directors are female, as opposed to 2 of the non-executive directors, because the Constable of St. John is cutting his cloth to make the point that he wants to make and I will come and say: “No, it is only 2 of 7, not 2 of 5” and he very well knows that. I just wanted to say again and it really is not a comment or questioning the characters of these particular people, I was concerned and perhaps I should have brought it up with Treasury at the time, but I was concerned about the issue of conflict of interest with regard to the Jersey Development Company and some of the roles that directors and non-executive directors have had either previously, or currently. There are issues around being on the boards of banks and obviously involved with loans and mortgages with regards to the development company. Also, estate agents who have been involved and also tenants of the development company and I would really appreciate clear guidance on exactly how those conflicts of interest are managed by the shareholder representative who has, as I have said already today, been shown to be not performing the role of shareholder representative brilliantly as per the C. and A.G.’s report. I am concerned about the potential conflicts of interest with these appointments. I would also like to raise an issue that I have raised before in this Assembly, which is the one of 9-year appointments, as opposed to 6 years as the Institute of Directors says is the best as far as good governance is concerned. So this, I hope, is their final 3-year appointment as non-executive directors, rather than going for the full 9 years that the States of Jersey seem to think is better. I would like to know if this will be their final 3-year term of office as directors. Yes, conflicts of interest, there definitely is an imbalance on the gender front and how about limiting to 6 years the terms of office, well, 3 years, but maximum of being reappointed once?

9.1.5 Deputy M. Tadier:

I would take this one step further. There is a problem generally about representation on these boards. If we take this one step further back, the question has to be asked about who owns the asset ultimately, the assets of the States of Jersey Development Company, or perhaps they should be called the Government of Jersey Development Company, because presumably they report back to the Government of Jersey. That is an interesting question for the Constable of St. Lawrence to ponder but they have just gone, I presume, for Jersey Development Company, because everything is now Jersey plus another noun, so Jersey Sport, Jersey whatever, Jersey Jersey. If you made jerseys you could call it the Jersey Jersey Company, perhaps and it would be a quango with some kind of loose control over the ball of wool that led back to a politician somewhere. Joking aside, the assets that they manage are the public’s asset. They are the land and, in the case of States of Jersey Development Company, by and large they manage one of the most expensive pieces of land that the Island has got, because it is reclaimed land and what have they done with that? They have been given the ability to sell that off to their rich mates, to the private sector, so we have some land and I remember it growing up, because I was around at the time, you had the boundaries of the sea changed ...

The Bailiff:

Sorry, did you say “rich mates”? Because if you said “rich mates” I think that carries with it an implication that something improper has happened and I think you would wish to withdraw that, I am sure.

Deputy M. Tadier:

Sir, which part should I withdraw? The “rich” or the “mates”?

The Bailiff:

I think the juxtaposition of the phrase that suggests something improper might have happened.

Deputy M. Tadier:

What I am saying is the people who bought the land on the Waterfront, which is public land, clearly had to have money, so the people who bought the buildings that sit on the land and the leases are clearly individuals with lots of money. They did not have the land themselves. They are using public land. These are public assets that have been given over and I have said this in this Assembly before, that the neo-liberal model that the majority of this Assembly and previous Assemblies has been willing to perpetuate, its prime aim is to transfer public assets into private hands. That is what we are seeing the world over and we are seeing a battle for public assets to be owned and controlled by the public. This is not simply ...

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

Excuse me, Sir.

Deputy M. Tadier:

If it is a point of order, Sir, I will give way.

The Connétable of St. Saviour:

Yes, it is, I am afraid.

The Bailiff:

Please let us not have an exchange between Members. If it is a point of order, yes, of course.

The Connétable of St. Saviour:

Yes, it is, because I think you did ask that the “rich mates” be withdrawn and that has been glossed over and it has not been brought back to our attention. I do not think saying “rich mates” is very good in this Assembly.

The Bailiff:

Deputy, I had taken that your explanation was, in effect, a retraction of the juxtaposition of “rich mates”. You were explaining that people were rich, but I do not think you have gone on to say that they were their mates, carrying with it the implication that they have got some kind of special deal.

Deputy M. Tadier:

I will withdraw the “rich mates” term, because you have ruled that it is an unparliamentary expression. That said, I would be very surprised in other Parliaments, including in the U.K. Parliament or the ones that I have seen in my experience of Commonwealth, if somebody were to be told to sit down and withdraw the term “rich mates” because it undermines the expression, the ability to express yourself freely. I will withdraw it, because I respect the decision of the Chair. The underlying idea that I am trying to convey, that a piece of valuable asset, which we built and paid for on land that was extremely expensive, where the cost of that land was not properly figured in to what was being sold is a true fact, which I believe to be true and which I am trying to convey. Whether or not the rich people who bought that piece of land were their mates, I think that there is on the board we see that there is a control by the political and financial elite, call them technocrats if you will and it is quite right that we need expertise, but where are the representatives of the ultimate owners of those assets, the people on these boards? It used to be the case, before we set up quangos, there were Committees of politicians, who were elected directly by the people, who were accountable to the people every 4 years, who were not paid hundreds of thousands of pounds. They possibly were not even paid back then.

[15:00]

Now we are paid to make these decisions and we have abdicated them to individuals. There is a paradox. We must not hold the individuals liable themselves, but, of course, they are representative of a small, narrow elite and when the representative from Treasury talks about a diverse board I do have to ask, what is going to be diverse about the board? Is it the colour of their ties which is diverse? Is one going to come in wearing a spotty tie, the other one a striped tie? Because, if we are serious about addressing this, we would put quotas in and we would actively go out and say we want a gender-balanced board, but it is more than about gender, it is about making sure that we have representatives of the public, because that is really important and we get into group think. I have a fundamental difficulty with the actual apparatus of the States of Jersey Development Company. You could argue that it is not their fault, we set them up, but also I have got a fundamental problem with the direction in which they are taking us, which seems to be at odds, that the public of the Island would want to see those assets being used in the proper way. In the meantime, we have other assets which are being run into the ground which we cannot afford to maintain. La Folie is one on my particular portfolio, which is no longer on my actual portfolio, because that has been given to another quango. What is going on with that? All these kinds of questions are not being dealt with, so it should not be taken personally if any Member chooses to vote against these 2 individuals today, but I think there are more fundamental questions that need to be addressed about what mechanisms we have to control the assets that we own, via the quasi-democratic structures that we have set up. I will be quite happy to listen to Senator Gorst now he has put his light on.

9.1.6 Deputy R.J. Ward:

By definition, this is about the appointment of 2 individuals, so we are drawn into that slightly personal approach, but I do not want that to be the case. We have got no other option, because it is about exactly that appointment of 2 individuals. What I would say, though, are a couple of really key things. I just mention what Deputy Young had said about pay. I asked a question earlier: it does state there is a minimum of 15 days, which is just 4.1 per cent of a year. I think we need a clearer picture of the number of days that is needed of input from any individual who takes up this post to have the sort of impact to produce such successful projects that we have talked about in the report itself. I would say that the report mentions successful projects, including the Horizon development and I would question as to whether that is successful in the way that we are saying, given that what has happened there is homes have been built that are unaffordable to the vast majority of this Island. Many are even advertised as lock-up and leave. Is this really a successful development, with the priorities that we have agreed on in the Common Strategic Policy in this Assembly? I would suggest that it is not, so, therefore, to define those projects as so successful is a mistake and therefore we need to look again at the criteria, which we are using, to say that somebody has been successful in a role. I think there is a big issue about the appointment of members for these bodies, which are arm's length and we need to be very careful about what we do in the future as to whether we get more of the same and more of the same is not what we need.

9.1.7 The Connétable of St. Martin:

I thoroughly support Deputy Perchard's comments and I really feel that we need to wake up in this Assembly and stop sleepwalking through these decisions. We, as an Assembly, are being lazy and we are not casting our net widely. Time and time again we keep voting the same people on to the same boards and it is getting really tiresome. I have a lot of people in the Parish and in here who say: "Gender equality: oh, you know, you have to get the best person for the job." Yes, you do have to get the best person for the job, but males and females can both do the job equally well. If we do not start spreading our net more widely and if we keep going on and choosing the same names, we are going to be in the same place in 5 or 10-years' time. It is not changing. We really need to do something. I will say that on this one I am friends with Charlotte Barnes. She took over as Chair of the Art Fund from me, and her husband happens to be Richard, who I do not know so well and I am sure he and Tom Quigley - who I have never come across - are very fine gentlemen. I have got

nothing personal against them. I may end up having to abstain on this, but I do think we are being really lazy and we need to wake up. It is the 21st century and we do have a lot of very talented people in this Island that we can choose from.

9.1.8 Senator I.J. Gorst:

I would like to thank those 2 individuals for the work that they have done. S.o.J.D.C., contrary to a speaker on my left, I think has been successful. The development of the Finance Centre is something that this Assembly should be proud of achieving, because it has continued to see economic certainty, jobs for Islanders and a successful future. The building of residential units on the Waterfront in due course, I am sure - like the other buildings of residential units on the Waterfront - will be successful. I think perhaps the Deputy is slightly misinformed when it comes to the development being currently built. My understanding is that they are not lock-up and leave in the negative sense of the word, but you have to be Jersey residents. What is wrong with lock-up and leave? Many Jersey retirees buy flats, sell the family home, release provision for others, because they want lock-up and leave. We have to be careful and recognise that there is a nuance in moving people who get to a certain age, releasing larger properties and moving into smaller ones. That is not to say, therefore, the work that S.o.J.D.C. has done and these 2 individuals, as directors on that board, can be anything other than congratulated for the work that they have done. That is what we are here to decide today, whether we approve the reappointment of these 2 directors. The earlier speaker, who suggested that the board did not have appropriate political oversight, that is exactly what we are doing now. We are approving the appointment of directors. The Minister for Treasury and Resources is the shareholder representative, she delegates that to her Assistant Minister and we, in this Assembly, hold these organisations to account. We hold them to account by delivering on policy that we expect them to act upon and to deliver for the benefit of Islanders. I know that some Members of this Assembly would like to bring them back into direct political ownership and being able to meddle and control and go back to the good old days, where Committees were deciding the design of stamps at Jersey Post and were designing the paint colour of houses at Andium and were deciding where we put a kitchen and where we would put a toilet, only in most cases not delivering value for money for Islanders. I think these 2 directors have done just that. There is an issue. There is an elephant in the room, which one or 2 Members have spoken about and that is gender diversity on boards going forward. I have always historically felt that we wanted the right person for the job, but I, perhaps as a dinosaur, have to admit that that has not delivered fairness and equality across the boards that we are responsible for. There is no doubt that there needs to be a new way of thinking and a new way of, in the future, delivering gender equality, because the current approach that the Government employs is not working, so we cannot pretend anything other than that. All of us, probably, have different ideas about how we can improve that. I think, perhaps, rather than criticising each other across this Assembly, there would be great value in Members coming together - because I know that some Members feel perhaps more strongly than others - and it might even be a job for Scrutiny to develop a review that looks at how we can improve that gender diversity across boards. I know that there is the 'I will' programme in Government and I know that there is the work that the I.o.D. (Institute of Directors) do in mentoring prospective directors and ensuring that gender equality is right at the top of the agenda of businesses locally and more globally. The processes we have used previously have not worked. We have got to do something different, but we have got to do it together to deliver understanding and improvement. But as far as these 2 directors are concerned, they have my support. They have done a good job and I think they will carry on doing a good job.

9.1.9 Senator K.L. Moore:

I would like to follow on from the previous speaker. He quite rightly said that this is the Assembly's opportunity to offer our oversight on this process. It is a point that has been regularly raised recently. We look only at question time this morning and the questions that remain in this Assembly and out in the public about the directorships at Andium and how that has been conducted. We have seen the

Comptroller and Auditor General's recent report, which has criticised the oversight and the governance within the Treasury and Exchequer, as I think they are now called. It is our opportunity to cast our votes and to offer that opinion as to whether there is effective governance and oversight. It is absolutely not about the personalities in this case and I would like to raise that I do know one of the directors, or proposed directors. But there are important questions about governance and oversight. This is our opportunity to voice our concerns as an Assembly, despite the fact that I have no bones about the personalities involved. Also, I must say I am a great supporter of the work of S.o.J.D.C. I think they have done a fantastic job and it is by no means a desire to derail that work whatsoever, but it is a message to the Treasury that they need to up their game. They need to give better consideration to the diversity of boards and to their own work in delivering, as shareholder on behalf of the public, what we wish and to deliver something with vision that the public wants to see and get behind in the future. It is with some sadness that I will probably vote against this motion.

9.1.10 Deputy K.C. Lewis:

I will be very brief. The second elephant in the room was mentioned earlier on, in which an innuendo was made - and I am delighted to say was withdrawn - and further on in the debate that we would like more diversity and more diverse people coming into this particular role. Who would want to put up with that kind of innuendo, or abuse? In the U.K. we have Members of Parliament standing down at the next election, because they are fed up with the abuse and innuendo going around. Can we just be a little bit calmer and innocent until proven guilty and just sort of go with our true feelings, that these people are good people and best for the job?

The Bailiff:

Does any other Member wish to speak on the Proposition? I call on the Minister to respond.

9.1.11 Deputy L.B.E. Ash:

Quite a few points made there. Bearing in mind what we discussed before lunch, I shall try to keep it as short as possible in my reply. Deputy Young raised the issue of remuneration for these roles. They are very much within the market sphere and if you wish to attract people with the abilities and experience of these people, that is what you have to pay. Deputy Ward made the same point and he also made the point of how do we know they are working 15 days. Certainly, in my experience, since I have been in this role, they work considerably more than 15 days, particularly on the research reading and so on that they have to do for any of these board meetings and they are very hardworking individuals. It also comes back to one of the reasons it is great when you occasionally do have remunerated people, rather than honorary people, because when people are remunerated, they feel a real obligation to earn that money. Certainly the people that I have seen very much do. Deputy Morel: no, I cannot guarantee that they will not serve the full 9 years. Generally we have always reviewed these positions and people have served the full 9 years. They have the experience of the company and that is why they go on to do that. We will review it again, hopefully, in 3 years' time and we will see, but I cannot guarantee that if things were going swimmingly I would say: "You cannot stand." As far as where people are recruited from - particularly you referenced the finance industry - it is what we are good at.

[15:15]

We have a tremendous ability in finance, accountancy, law. That is roughly where we are going to get people, because we are very good at that. The lady, who is just about to stand down as the Chairman of S.o.J.D.C., her background was in the finance industry. She is also Chairman of Tranmere Rovers Football Club, an incredibly talented lady, but her initial thing was in the finance industry in Jersey. It is highly likely, if we are looking for top-quality board members, we are going to recruit from there. I cannot see why we would not.

The Bailiff:

I am sorry ...

The Connétable of St. Martin:

I just felt I should correct Deputy Ash.

The Bailiff:

Do you wish to give way, Deputy?

The Connétable of St. Martin:

Sorry. Nicola Palios, her background is law, not finance.

Deputy L.B.E. Ash:

I do take the point she was in law, but she also worked for one of the major financial companies here in the capacity as a lawyer, so I do take that correction. But I also had said finance, law and accountancy, so I covered myself. Maybe not in glory, but I did cover myself. I will just touch on Deputy Tadier's speech, because it was right out of Highgate Cemetery. Am I allowed to say that, Sir?

The Bailiff:

I am not sure I entirely understood it, Minister, so that might be why.

Deputy L.B.E. Ash:

"All property is theft", Sir.

Deputy M. Tadier:

I understood it. That is the main thing.

The Bailiff:

I imagine Highgate Cemetery, a famous grave is there, I believe. That would be the reference to Highgate Cemetery; Karl Marx's grave. I think if you wish to attribute ... to suggest someone's speech is left wing, I do not see any harm in doing that. I am not sure it is particularly helpful to refer to Highgate Cemetery as such, but ...

Deputy M. Tadier:

I do not object to it. I am aware it is not difficult in this Assembly to be considered left wing.

The Bailiff:

If you would like to carry on now.

Deputy L.B.E. Ash:

I digress, but I do not think all property is theft and I think there are many people who own property in Jersey, the States own considerable property in Jersey and there is probably a case that we should utilise it better, but that is for a different day. Deputy Perchard, I have to say it is not the first time that we have discussed this problem between ourselves and I greatly admire her stance on this, because she is very consistent on it. As I have promised her, we will desperately try with new appointments to do that, but this is not a new appointment, this is a reappointment and reappointment for 2 people who have done a great job. Would it not be discriminatory if we turned to these 2 people and we said: "Hi chaps. Unfortunately the States voted you out"? "Any reason why?" "Because you were men." That is as discriminatory as any argument you would see, because if we do not back this, they are being voted out because they are men. I move the Proposition and call for the *appel*.

Deputy M. Tadier:

I do have a point of clarification. I asked in my speech not just about gender diversity, but about social diversity on the panel. For example, it is not the fact that they are men, it is because they are rich white men, but does the Assistant Minister ...

The Bailiff:

I am afraid the time for further questions is over. The Assistant Minister has answered as he wishes. He has either satisfied you with his answer, or he has not, Deputy, but I am ...

Deputy M. Tadier:

It is customary for Members to stand up when a point that they have raised has not been answered. It is obviously at the discretion of whether he wants to raise that.

The Bailiff:

I think it is perfectly reasonable to ask the Assistant Minister in effect to give way and ask him to clarify something; that is perfectly in order and provided for within Standing Orders. If that is what you wish to achieve, then that is something we can permit.

Deputy M. Tadier:

Thank you for making that point. That is what I am asking, if he would give way and just tackle the issue about social diversity on these kind of panels.

The Bailiff:

Deputy Morel, did you have a similar kind of ... let us get them both out of the way.

Deputy K.F. Morel:

Yes, another clarification. I asked clearly about how the board manages conflicts of interest. If the Minister for Treasury and Resources wants my vote, they are going to have to tell me how the board manages conflicts of interest.

The Bailiff:

Entirely a matter for you as to whether you wish to give either of those forms of clarification, but that is what you are asked for.

Deputy L.B.E. Ash:

As far as conflicts of interests are concerned, I do not sit on the board, so I do not know how they manage a conflict of interest. It would be wrong of me to speculate on that. As far as Deputy Tadier's assertion of rich white men, that seems to be 3 forms of discrimination he is looking at, but I cannot comment further than that.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 33		CONTRE: 7		ABSTAIN: 5
Senator I.J. Gorst		Deputy M. Tadier (B)		Senator K.L. Moore
Senator L.J. Farnham		Deputy K.F. Morel (L)		Connétable of St. Peter
Senator S.C. Ferguson		Deputy M.R. Le Hegarat (H)		Connétable of St. Martin
Senator J.A.N. Le Fondré		Deputy S.M. Ahier (H)		Deputy of St. Mary
Senator T.A. Vallois		Deputy J.H. Perchard (S)		Deputy J.H. Young (B)
Senator S.W. Pallett		Deputy R.J. Ward (H)		
Senator S.Y. Mézec		Deputy C.S. Alves (H)		
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				

Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

10. Draft Financial Services Ombudsman (Case-Fee, Levy and Budget - Amendments No. 2) (Jersey) Regulations 201- (P.111/2019)

The Bailiff:

The next and final item of Public Business is a matter raised at the last meeting when the Minister wished to reduce the lodging period so it could be taken today; that is the Draft Financial Services Ombudsman (Case-Fee, Levy and Budget - Amendments No. 2) (Jersey) Regulations. Minister, I am ...

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

If I may, Sir, at the last sitting Members asked if I could arrange for a presentation to be made, which was done and hosted very ably by Senator Pallett, who will be acting as *rapporteur* today, if the Members agree it. My office has also agreed with the Scrutiny officers, as requested by the Chairman at the last meeting. On those grounds, I would like to formally ask Members to take this item today.

The Bailiff:

So you are proposing, or asking the States to agree that this Proposition is debated today?

Senator L.J. Farnham:

Yes, please.

The Bailiff:

Is that seconded? [**Seconded**] Very well. Does any Member wish to speak on that?

Deputy J.M. Maçon of St. Saviour:

I would just like to have an idea if Scrutiny are satisfied to carry on with this debate.

Deputy K.F. Morel:

I am really sorry, Sir, I could hear neither the Minister, nor yourself. That is why I have no idea what we are talking about at the moment.

The Bailiff:

I can assist you, I think, so far, Deputy Morel. The Minister has asked for the leave of the Assembly to take the Financial Services Ombudsman (Case-Fee, Levy and Budget - Amendments No.2) today, notwithstanding the lodging period has not entirely been met. He had indicated that there had been a presentation, I think there had been liaison with your Committee and it was on that basis he was asking for the States to agree. That was seconded and Deputy Maçon has asked for your confirmation, I think, as to what the position is.

Deputy K.F. Morel:

Yes, specifically towards Deputy Maçon, as a Panel, we are happy for it to be debated today. Thank you very much.

Deputy J.M. Maçon:

Thank you.

The Bailiff:

Does any other Member wish to speak on the Proposition? Do you wish to respond, Minister?

Senator L.J. Farnham:

No, thank you, Sir.

The Bailiff:

Very well. Those in favour of agreeing that the matter be debated today, kindly show. The *appel* is called for. I invite Members to return to their seats. I think the *appel* is called for, so it is done now. If Members have ...

Deputy R.J. Ward:

Sorry, may I ask, are we now voting on whether we are going to debate this today?

The Bailiff:

Yes.

Deputy R.J. Ward:

Because I think some people are somewhat confused.

The Bailiff:

I am sorry if there is confusion. The vote is purely on the Proposition whether, or not, this can be debated today, not anything else. I ask the Greffier to open the voting.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				

Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Very well. The next item is indeed then that piece of draft legislation and I ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

Draft Financial Services Ombudsman (Case-Fee, Levy and Budget - Amendments No. 2) (Jersey) Regulations 201-. The States make these Regulations under Articles 6(2) and 26 of, and paragraph 4 of schedule 2 to, the Financial Services Ombudsman (Jersey) Law 2014.

Senator L.J. Farnham:

Senator Pallett is taking this.

10.1 Senator S.W. Pallett (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):

Can I first thank the Assembly for agreeing to hear this today? It is an important piece of legislation and, as I will state, will give time for the Financial Services Ombudsman to get any changes, if they are agreed today, in place. The Financial Services Ombudsman was set up in 2015 to give Islanders an alternative to legal action if they experience difficulties with their bank, insurance company, pension, or any other service provider. It was an important piece of legislation, a piece of legislation

that I was fortunate enough to be able to scrutinise with the Deputy of St. Martin at the time and it clearly provided an alternative to taking legal action through the courts. It is unique, as far as we know, in that it covers 2 jurisdictions, Jersey and Guernsey. It is overseen by a joint board of people with considerable experience in this field and operates from a single office in Jersey. It is important for the Assembly to note that this is an independent body, funded entirely by the industry. It oversees through levies and case fees. No taxpayer funding is required. When it was set up in 2015, it was agreed that the costs of the Financial Ombudsman Office should be split equally between Jersey and Guernsey and the companies operating in each Island. It was expected that after several years of operation - as I say, it started operating in 2015 - that the funding structure would be revisited to ensure that the approach continued to be the right one. The initial funding structure was due to expire on 31st December 2018. In 2017, the Financial Ombudsman Office began a detailed consultation process with industry stakeholders in Jersey and Guernsey. The aim was to identify a new funding structure that would take effect from 1st January 2019, earlier this year. This consultation involved 4 stages. In the first stage, a series of meetings were held with industry stakeholders, starting in April 2017, to identify their views on the issues to be included in the consultation. These meetings were well-attended by 61 individuals from 49 organisations across Jersey and Guernsey. In the second stage, a discussion paper was issued on 11th July 2017. It emerged that because of the different numbers of financial services businesses in each Island, there was a difference in the amount paid for the same service by Jersey and Guernsey companies. For instance, a bank with branches in both Islands would be paying more for their Guernsey business than their Jersey one. This was an unintended consequence of the 50:50 split of costs. A consultation paper on 5th December 2017 for the third stage: this reported industry stakeholders' views and invited businesses to comment again on a narrow set of issues that would help determine the new funding structure. In the fourth and final stage, there was a final consultation paper, which I have here, which was issued on 19th April 2018, setting out the preferred option for a new funding structure, with a target date to take effect from 1st January 2019. To be clear, this was an extremely thorough consultation process that resulted in a recommendation that was based on the comments of industry stakeholders and gained widespread support from them. Final recommendations published on 29th October 2018 set out the proposed approach, which had also been approved by the board. Under the new proposed funding structure, the cost of the Channel Islands Financial Ombudsman will be split equally between all the relevant businesses, erasing the difference between costs in Jersey and Guernsey. The total levy will be divided among all the registered providers in both Bailiwicks. In future, a Jersey bank will pay the same as a similar Guernsey bank and a Guernsey investment business will pay the same as a similar Jersey investment business. The new funding structure will combine the finances of the Guernsey and Jersey Financial Ombudsman, as provided for in Article 6 of the legislation for accounting and reporting purposes. Both already have the same board overseeing the joint operation. There is minimal change to governance. Going forward, the board will report to the States of Jersey through the Minister and the States of Guernsey through the Committee for Economic Development annually. In 2018, Jersey and Guernsey Ministers agreed a one-year delay before implementation, to allow enough time for the legislation to be drafted. As a result, we are bringing forward this update from 1st January 2020, as expected, but a year later than the financial services businesses would have liked. It has already been stated that we have had an opportunity to brief States Members and the Economic and International Affairs Scrutiny Panel. I thank all those that came to those meetings and heard from both the Chief Executive Officer and the Chairman of the board. These Regulations meet the requirements of Article 6(1) of the Financial Services Ombudsman (Jersey) Law 2014. I commend this Proposition to the Assembly and I am happy to take any questions on the proposed changes.

[15:30]

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

10.1.1 Deputy J.H. Young:

Just a question. Obviously it is a very interesting example, at face value, of successful co-operation inter-Island, which is obviously one that has been attempted many times in the past and this looks as if it is going well. In fact, the Senator, in his summing up, if he could just comment on that, whether I am reading that correct, that it is going well. One thing I looked at in the statistics, I could not see any split between the workload between the Jersey industry and the Guernsey industry, which I think would be quite interesting. Looking at the stats published, they do not seem to distinguish between the 2 and obviously here we have got an example of cost-sharing. One would like to get a view about how that is working out across Islands. Obviously, I assume that the new arrangement will iron that out in terms of the volume of business done by both Islands, but I would like to know the balance of complaints, if there is any information comparing our Islands.

10.1.2 Deputy K.F. Morel:

As I mentioned just before, the Economic and International Affairs Scrutiny Panel have had a briefing on this and the Chairman and the Chief Executive of the Financial Services Ombudsman were very amenable and open to all the questions that we threw at them. To be honest, the new restructure does seem like an appropriate step forward from where we are. It was a good idea to start just by sharing the costs between the 2 Islands, but naturally, I think in partial answer to Deputy Young's question, I was going to say it is two-thirds/one-third I think is the way it goes. I seem to remember the Chairman and Chief Executive saying that the number of complaints was similar to the population difference in the ratio, so two-thirds to Jersey, one-third to Guernsey. It is unfair to keep Guernsey covering half the costs of an organisation where we take two-thirds of its resources, though many may like that. Yes, this new structure is a better way to do it, because some industries, such as banking, end up using the service. There are more complaints against an industry like banking than there are against other industries, for instance, so having industry-specific fees makes sense and that way it is those industries which create the most complaints which will pay the most, regardless of which Island they are in. We were satisfied with it. It was a pleasure to meet the Ombudsman and the Chairman of the board and I hope that this new structure enables them to carry on their work very well into the future.

10.1.3 Deputy R.J. Ward:

It is a really small point of clarification with regards on page 10 there is a formula - it is nice to see a formula in there - $X - Y$ over 2 is substituted for $X - Y$. It does not define what X and Y are and it would be nice just to know what that is for clarity in terms of knowing what we are talking about. If you cannot answer that at this point, at some time in the future. I saw your reaction.

The Bailiff:

Does any other Member wish to speak in the principles? I call on the Assistant Minister to respond.

Senator S.W. Pallett:

I thank Deputy Ward for his question. **[Laughter]** I have no idea what X and Y are. I shall endeavour to answer that. Deputy Morel has already answered, I think, all the questions for me, so I do not know if he has got the answer to this one.

Deputy K.F. Morel:

It was a very good briefing and I asked that exact question: what do X and Y mean?

Senator S.W. Pallett:

I will give way.

Deputy K.F. Morel:

It is basically the money in, but minus the money out, divided by 2, so fees take away costs.

Senator S.W. Pallett:

I thank the Deputy for his magnitude. We should swap seats. Just to answer Deputy Young’s question, I think the co-operation in this particular area has been excellent. I think having the office shared between 2 Islands has allowed that co-operation to grow. The industry, in terms of the consultation, I think there has been a lot of joint consultation between both Islands and that has been very good. The numbers I think you have already been given by the Deputy. I think it is a good news story in regards to co-operation between the Islands and one that I would like to see elsewhere. I am pleased that both the Chairman and the Chief Executive have had an opportunity to come in, because I think they are so experienced in the Ombudsman world and the Financial Ombudsman world. It was an opportunity, I think, for Members to cross-examine them on all sorts of areas and I think those that were there had the opportunity to really get an in-depth view of how we are operating. All I would like to add is that there was a long, hard fight to get this into legislation in the first place and it took several years. I know Deputy Higgins, over many years, fought the corner for having an Ombudsman in the Island, so that people had somewhere else to go than the courts if they had financial issues that they did not feel were being correctly dealt with. I am pleased it is working well. There have been 2,700-odd complaints dealt by the Ombudsman since it was first set up, so clearly there are issues in both Islands that the Ombudsman needs to deal with, but I think it has been a success and I hope this new funding structure will make it even more of a success, so again, if I commend the Proposition to the Assembly.

The Bailiff:

All those in favour of adopting the principles ... the *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the principles for these Regulations.

POUR: 44	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		

Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

I assume your Scrutiny Panel does not wish to call this in, Deputy Morel?

Deputy K.F. Morel (Chairman, Economic and International Affairs Scrutiny Panel):

No, Sir.

The Bailiff:

How do you wish to deal with the matter in Second Reading?

10.2 Senator S.W. Pallett:

If we can take the Regulations *en bloc*, I am happy to say a few words, unless the Assembly are not keen to hear about the Regulations. They will be brief.

The Bailiff:

It is a matter entirely for you.

Senator S.W. Pallett:

I will give a brief rundown on it. Regulation 1 provides the budget for the Ombudsman office. The amended provision applies in any year in which there is an arrangement between the Governments for uniting the finances of the scheme in which the equivalent legislation in Guernsey contains a reciprocal obligation to co-operate with the Ombudsman office; must report to the Minister if it becomes aware of that obligation being removed from the Guernsey legislation and that is not the case. In such a year, the budget, including a joint reserve and joint accounts, to be drawn up in co-operation between the schemes in each Island using combined figures. Regulation 2 amends Regulation 6 of the Financial Services Ombudsman Regulations, which provides for the calculation of the total amount required for the levy scheme, and Regulation 3 gives the title by which the Regulations may be cited.

The Bailiff:

You have moved the Regulations in the Second Reading. Are they seconded? **[Seconded]** Does any Member wish to speak on the Regulations in Second Reading? All those in favour of adopting the Regulations in the Second Reading, kindly show. Those against? The Regulations are adopted in Second Reading. Do you move them in Third Reading, Assistant Minister?

Senator S.W. Pallett:

Yes, Sir.

The Bailiff:

Are they seconded in the Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? All those in favour in adopting the Regulations in Third Reading ... the *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting. The vote is on the adoption in Third Reading of the Regulations.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hagarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Deputy I. Gardiner (H)				
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Senator S.W. Pallett:

Can I thank the Assembly for their support?

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

That concludes the Public Business for this meeting and I invite the Chair of the P.P.C. to propose the arrangement for public business for future meetings.

11. Deputy R. Labey (Chairman, Privileges and Procedures Committee):

While we have been on the air, we have had a few more Amendments to the Government Plan: Amendments 16, 17, 18, 19 and 20 from the Corporate Services Scrutiny Panel, Amendment 21 from Senator Mézec and Amendment 22 from the Council of Ministers. Also lodged is a P.110 Amendment from the Corporate Services Scrutiny Panel. In the light of that, I think it would be a good idea to decide now on a further continuation day for the next sitting beginning on the Monday, 25th November with questions, of course. We are due to sit on the Tuesday, Wednesday and Thursday. Given the amount of Amendments, I think it would be sensible, because the week after is December - Christmas is coming, the diary is getting fat - and so I think it would be a sensible idea to decide now if we have to have a fourth continuation day. I would propose that that be Friday the 29th, in the same week, so I would like to make that Proposition, that we decide on that now.

The Bailiff:

Very well, we will do that. That is seconded? **[Seconded]** Does any Member wish to speak on that? Do Members agree that we should sit on Friday the 29th? Deputy, I had invited speeches already and your light did not go on.

Deputy M. Tadier:

It was just to ask if any Member is not here on the 29th, could they indicate now? Because I think it is important that Members tell the Assembly, so that they can be excused for the day, otherwise, of course, we will not know if they have booked between now and Friday the 29th.

The Bailiff:

Are Members in favour of continuing on the 29th? Very well, I will take that as a vote then in favour. Do you propose the business otherwise as on the Order Paper?

Deputy R. Labey:

I do, Sir. Thank you.

Deputy K.G. Pamplin:

Has the Chair finished, sorry? Thank you. I hope Members do not mind and if this is OK to do so, but there was a very important person missing from the States Assembly today and that is Jan, our tea lady. I am sure she is listening in to us and seeing if we are behaving ourselves. I am sure we just want convey best wishes for a speedy recovery. May I nominate the Assistant Minister for Treasury and Resources to do the washing up, with the Constable of St. Brelade the drying up? Thank you. **[Approbation]**

The Bailiff:

Thank you, Deputy, but could we adopt the future business first before that, if that would be all right?

Deputy K.G. Pamplin:

You are the Chair, Sir.

11.1 Senator L.J. Farnham:

I wonder, when we have a prolonged sitting, we often get to the evening and then we have a debate about whether we are going to sit until 5.30 p.m., or 6.00 p.m., or 7.00 p.m. I wondered if that is something we might think about right now.

Deputy R. Labey:

If I am being asked my opinion by the Senator, I think it is very difficult to do this in advance. I think it would be wise for those with children and childcare, looking after children issues, to maybe make provision for any eventuality during the course of that debate.

The Bailiff:

It is open to the Assembly obviously to regulate the conduct of its business, but Members might think it is difficult to do so, as the Chairman has suggested, until one in a sense sees on the Tuesday how the business is flowing.

Senator L.J. Farnham:

The point I was trying to avoid is it can be in the middle of a debate, we could be nearing the end of the Order Paper and we might decide to run on until 7.00 p.m. or 8.00 p.m. and it is always a shame to lose Members from the Assembly that have other arrangements to make. I think it might be sensible just to give that a bit of thought.

11.1.1 Deputy G.P. Southern:

We do this all the time. We pay nominal lip service to being a decent employer and treating those with childcare properly in order not at the last minute to go into late sessions. We cannot do this nominal stuff. We either mean it, or we do not mean it and I think we should not be freelancing on evening meetings. It should not happen.

The Bailiff:

Do you have anything you wish to add, Deputy Tadier?

11.1.2 Deputy M. Tadier:

Yes, I think we should decide now to finish no later than 5.30 p.m. on the Friday. There is a commonly known adage which goes something like: 'The debate will extend to fit in the time that we allocate to it.' Friday is just one day of the 4 days that we will be sitting. We could agree to sit on any of those other days late if we wanted to, but I think we need to be mindful of those who have families and it is probably difficult, especially on a Friday night, to book a babysitter but then find out you might not need it. Can I propose that we do agree to sit no later than 5.30 p.m. on the Friday?

The Bailiff:

I think we must bring some order to this process. I have at least 3 other lights on, people who wish to make some observations. As the lights were on before you made your Proposition, Deputy Tadier, I propose to let people say what they want to say and then if somebody wishes to move a Proposition, they can do so at that point. Deputy Morel, just going in order around the ...

11.1.3 Deputy K.F. Morel:

Just briefly, it is more in response to Deputy Tadier.

[15:45]

The problem is - and I believe this has come from conversations that I have had - is we can decide today to limit ourselves to 5.30 p.m. on Friday and then at 4.00 p.m. on Friday I can bring a Proposition, or anyone else can bring a Proposition, to say: 'Let us sit until 7.00 p.m. or 8.00 p.m. tonight.' There is nothing we can do today which ties us in on that Friday. For that reason alone, in my view it is a waste of time going through that process.

The Bailiff:

If it assists Members, that is an accurate summation. The most the Assembly at this point can do is indicate what its current view is about the situation, but the Assembly is always master of its own procedure and it can reach a different view. It would be strange were it otherwise, in fact, on the day in question. Deputy Ward, did you wish to ...

11.1.4 Deputy R.J. Ward:

Yes, please, if I may. I will say, I do not have to get childcare anymore, my children are grown up, but I can remember when I had to and it is a very difficult thing to do. I think we have to stop just paying lip service to this and ensure that people can make arrangements. Perhaps it is that earlier in the week if we suggest that we may go into 6.00 p.m. on 3 of the previous days in order to get through and have time then, so at least there is consistency, that people know when they will be expected to be in the Assembly and it might stop some of the very late Propositions moving onwards and we can organise our time in that way. I think it is really important that we do try and be as accommodating as possible to an increasingly diverse membership of the Assembly.

The Bailiff:

Deputy Young, you have been waiting to have your say.

11.1.5 Deputy J.H. Young:

I can be as flexible, but I have to accept, listening to other Members - and we have had this discussion a number of times - that we have to respect people with family commitments. It is not just childcare, it might be grandparent commitments and all sorts and here we are coming up to a weekend. OK, I accept what is being said, that it cannot be a binding decision and irrevocable, but I still think we should try and come to a view now. My view would be we stick to 5.30 p.m., then I think if we cannot conclude our business by the Friday, I would be prepared to go on until the Monday, frankly, to go ... well, I do not mind, but I just think it is making the decision, because otherwise we run the risk of Members having to leave the debate, a very important debate. If you like, such an arrangement is open to distortions, how it has been done, so I think we should stick to 5.30 p.m. throughout.

The Bailiff:

There are various views that have been expressed. At the moment there is no Proposition upon which the Assembly is voting. It is open, I think, to a Member if they wish to make a Proposition and we continue.

11.2 Deputy M. Tadier:

I thought I had. I would like to propose that we finish at 5.30 p.m. on the Friday, irrespective of where we are in the order. If we need to come back on the Monday, that is another matter, but we should finish at 5.30 p.m. on Friday.

The Bailiff:

Is that seconded? **[Seconded]**

11.2.1 Senator S.W. Pallett:

With somebody that is charged with the physical and mental well-being of all Islanders, sometimes I think we do not give us due respect for the time and effort we put in. **[Approbation]** I am 60 years of age; I am going to be 61 this year.

Deputy M. Tadier:

The Senator is misleading the Assembly, surely.

Senator S.W. Pallett:

Getting to 5.30 p.m. in the afternoon, I find it - on a day where you have had to listen intently to debate - completely consuming from a mental point of view. Now, it cannot be good and it cannot be good for debating if we carry on too long and people are tired and sometimes do not contribute because they are too tired, or they just cannot be bothered and they just want to get home and rest. I would much prefer that we made a decision to stop debating at 5.30 p.m. each day and then on Friday ... and that includes Friday. We can come back the following week. We are duty-bound to ensure we get the Government Plan through and there is adequate time to do that, but let us not get to a point where we are making bad decisions, or we are not thinking straight, so I would propose that we finish at 5.30 p.m. each day and then we assess where we are at the end of next week.

The Bailiff:

We have to take the Propositions in order. We have got Deputy Tadier, who has proposed ...

Deputy M. Tadier:

I am happy to amend my Proposition to reflect that, if that is in order, Sir, just so we finish every day ...

The Bailiff:

I will be flexible about the procedure involved. Very well, the Proposition is that we finish at 5.30 p.m. every day of next week that the States is sitting. Is that seconded? **[Seconded]**

The Bailiff:

Very well. Does any Member wish to speak on that Proposition? Deputy of St. Martin.

11.2.2 The Deputy of St. Martin:

I do not wish to disagree with my good friend Senator Pallett, but I would point out to Members that in making a very hard and fast case to finish at 5.30 p.m. on a Friday, if, for example, we have 25 minutes left to complete our Order Paper, we will be committing to going home and coming back on a Monday morning, which cannot be a good use of our time.

The Bailiff:

What I would say to assist Members, as I have said, even if there is a vote in favour of stopping at 5.30 p.m., it is open to the States from a procedural point of view to revisit it during the course of the sitting next week. The best it could be is an indication.

11.2.3 Senator S.C. Ferguson:

People have made arrangements for some time, well in advance. We are prepared for that week to be devoted to the Government Plan, but I have appointments that I cannot move on the Monday and so forth. To have to start to reorganise 7 people on the Monday is almost as bad as reorganising 49 on the Fridays. I would rather work until 6.00 p.m. each evening and get the whole thing cleared in the week.

The Bailiff:

We are speaking at the moment on Senator Pallett's Proposition that we conclude at 5.30 p.m. If anyone who has not spoken on that would want to speak ... I do not think you have spoken on that, Deputy Ward, so ...

Deputy R.J. Ward:

Can I speak again?

The Bailiff:

Not if you are speaking again, but I am not sure you have spoken on the Proposition to finish at 5.30 p.m. each day.

11.2.4 Deputy R.J. Ward:

I have not spoken on this. I think it is very important that we do have that set time, for all the reasons that Senator Pallett talked about in terms of well-being and families. If we have to come back on the Monday, then we have to come back on the Monday. Sitting in this Assembly needs to be our priority, particularly at a time when we are looking at really important things such as the Government Plan. If we come back on the Monday for a couple of hours, we come back on the Monday for a couple of hours. It is not a large Island, we can all get there. If people want to car share, I am sure they can. I think we should be doing that, so I wholeheartedly support that, so that people can make childcare arrangements and we can show to the rest of the Island that we are willing to come back and do the job, as long as it takes and whatever day it takes.

11.2.5 Deputy K.F. Morel:

Another one of the usual suspects when it comes to speaking. I just want to say, while I appreciate the sentiments in Deputy Pallett's Proposition, my main concern basically I would say is when you are towards the end of a debate on one of the Amendments and you know another 15 or 20 minutes would finish that off, round it off for the day, that to me makes a lot of sense, so if it means staying until 5.50 p.m. or something like this to finish that off, that makes sense. I could only support Senator Pallett's Proposition with the proviso that we can round off pieces of business so we start the next morning on a new piece of business. I really dislike holding debates over in the middle of a debate. It is difficult for Senator Pallett, but if we are towards the end of an Amendment debate and it is 5.30 p.m., just be warned I will probably bring a Proposition to finish off that one debate, 20 minutes or whatever, because to me that makes sense.

The Bailiff:

I think that Proposition would be in order. I think we must try to bring this to a close, if at all possible, but Connétable.

Deputy K.F. Morel:

I appreciate that.

11.2.6 The Connétable of St. Clement:

All I was going to say, Sir, if we are going to be that flexible, which I think we must be - and you have explained that we can be - what the heck are we debating? **[Approbation]**

The Bailiff:

I think the most that Members are voting on is a wish in principle to conclude at 5.30 p.m. I am not sure that it can be more than that, because, as I say, the States is master of its own process and procedure.

11.2.7 Deputy J.M. Maçon:

Absolutely agree. I just want to say it is, of course, not just about us as elected Members, we have also got a duty to the staff that work in this place as well.

The Connétable of St. Clement:

And to the public.

11.2.8 Senator J.A.N. Le Fondré:

What I was going to say is to endorse both what the Senator and Deputy Morel have said, but in the past, the Chairman of P.P.C. has given us an indication at around 2.00 p.m., or 3.00 p.m., in the afternoon of that day as to sort of the running order and how many Propositions we had left to go and what that meant and whether it meant 3 days of debates, or whatever. I do recall that being done on the Island Plan. I think that would be worthwhile. It would then tie into Deputy Morel's Proposition, so that would be my intention. I think, at the end of the day, the Government Plan, irrespective of where one is on it, is probably the most important debate we are going to have certainly this year. It is allocated down ... for everybody who has been through these type of things before, these debates take a long time often and we have got 20-odd Amendments. It is right to allow a lot of time in that week and to keep it clear, if possible. Obviously, that means if we overrun that week, that then leads to consequences, as Senator Ferguson has pointed out. I do not mind supporting Senator Pallett at present, but I am very much in the Deputy Morel territory of you need flexibility and we should be finishing in that week. That is what Islanders would expect, I think.

The Bailiff:

Very well. Did you wish to respond, Senator?

Deputy M. Tadier:

I think it was me to respond to that. I think it was my Proposition, Sir, which was subsequently amended, but I do not want to split hairs over it.

The Bailiff:

Oh, I see. I beg your pardon. I am confused as to whose Proposition it is, but it is your Proposition now to conclude at 5.30 p.m. for each day of a sitting day at the next debate, bearing in mind that it is understood by the Assembly that that is a matter that the Assembly can revisit during the course of that debate?

11.2.9 Deputy M. Tadier:

Yes. I think of all the debates that we have in this Assembly, it must be these which are of most fascination to the public. Maybe we could have a practice round today and stay until 5.30 p.m., see how that goes on, because we have almost done it. The point I would make is that commonsense does not go out the window. What we are doing today is setting the expectation, so we are setting a presumption of how ordinary business will work until 5.30 p.m. every day. That includes the Friday. Clearly if the last speaker has only 5 minutes to go on the Friday, we probably will not vote to come back, but that will be taking into account the very strong signal we send today on that. It may well be that P.P.C. want to consider a time limit for debates rather than for individual speakers so that we can have certainty about when debates start and end, but I will not tempt them into bringing something as coherent as that.

The Bailiff:

I take it you maintain the Proposition then, Deputy. Those in favour of adopting Deputy Tadier's ... the *appel* is called for. If Members would like to return to their seats, I ask the Greffier to open the voting.

POUR: 31		CONTRE: 10		ABSTAIN: 1
Senator L.J. Farnham		Senator S.C. Ferguson		Deputy G.C.U. Guida (L)
Senator J.A.N. Le Fondré		Senator K.L. Moore		
Senator S.W. Pallett		Connétable of St. Clement		
Senator S.Y. Mézec		Connétable of St. Lawrence		
Connétable of St. Saviour		Connétable of St. Peter		
Connétable of St. Brelade		Connétable of St. Martin		
Connétable of Grouville		Deputy J.A. Martin (H)		
Connétable of St. John		Deputy of St. Martin		
Connétable of Trinity		Deputy R. Labey (H)		
Connétable of St. Mary		Deputy L.B.E. Ash (C)		
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Very well, could I remind Members that the States sits at 2.30 p.m. on Monday the 25th? That concludes the arrangements for public business. Very well, in which the States business is now concluded and we stand adjourned until Monday, the 25th at 2.30 p.m.

ADJOURNMENT

[15:58]