

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 20th OCTOBER 2020**

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

### **1.1 Welcome to His Excellency the Lieutenant Governor**

On behalf of Members I would like to welcome His Excellency the Lieutenant Governor to the Chamber virtually this morning. He is participating in Teams. **[Approbation]**

### **1.2 Tribute to Arthur Philip Querée**

Members will be aware that the former Connétable of St. Ouen, Arthur Philip Querée, passed away last week. Mr Querée dedicated his whole life to public service. He was in the Honorary Police, he was a roads inspector and a Centenier before being elected as Connétable of St. Ouen in November 1984. This was a role he relished for 10 years, until he retired in April 1994. Mr. Querée came from a family of politicians. During the time he was in this Assembly, his sister Enid was also in the Chamber as Connétable of St. Brelade, and their father had previously served as Deputy of St. Ouen. During this time in the States he was a member of the Defence Committee, the Finance and Economics Committee, the Prison Board, the Fort Regent Development Board, the Agriculture and Fisheries Committee, and the Etat Civil Committee, which he chaired from December 1990. After his retirement from this Assembly he became a Jurat of the Royal Court until his retirement in 2004. Notwithstanding these achievements, he was first and foremost a family man. Married for 66 years to Molly and they had 2 children - Pam and Rosemary - and 4 grandchildren. He farmed at Val de la Mare before being elected as Connétable and was much loved in his Parish. I ask Members to stand for a minute's silence to pay their respects to Mr Querée. **[Silence]** May he rest in peace.

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **2. Resignation of Senator S.C. Ferguson as Chair of the Public Accounts Committee**

**The Bailiff:**

I have received a notification under F, of the resignation of Senator S.C. Ferguson as chair of the Public Accounts Committee. I propose, having noted that resignation, that we deal with the election of her successor immediately before Public Business, after questions have been dealt with.

## **QUESTIONS**

### **3. Written Questions**

#### **3.1 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding the undertaking of Children's Rights Impact Assessments (WQ. 369/2020):**

##### **Question**

Will the Chief Minister state, in respect of Children's Rights Impact Assessments (C.R.I.A.s), what steps he will take to ensure that C.R.I.A.s are undertaken on any future Covid-related policies and legislation and will he confirm where any such C.R.I.A.s will be published?

##### **Answer**

Completion of a Children's Rights Impact Assessment (CRIA) will become a mandatory part of our process to develop legislation and policy once the 'due regard' law, which will indirectly incorporate the United Nations Convention on the Rights of the Child (UNCRC) into Jersey's domestic legislation, comes into force in 2021.

Under Article 25 of the Commissioner for Children and Young People (Jersey) Law 2019, Ministers are already required to consult with the Children's Commissioner, when preparing, "any enactment directly concerning children or young people." Prior to the introduction of a mandatory CRIA process, all Covid legislation affecting children and young people will benefit from the Children's Commissioner's expert guidance.

The current priority of the small team leading our work on children's rights is to develop the legal framework for all the measures that will be introduced by the due regard law, including CRIA. The template and guidance for the Jersey CRIA process are currently under development, with support from the Children's Commissioner. A programme of training will be established to support Members and Officers to integrate the CRIA process into their work.

Jersey's CRIA process will commence with an initial 'screening' step to quickly establish if the policy area in question has any potential positive or negative impacts on children. If the likelihood of impacts is identified, this step will be followed by detailed assessment and prediction of the way in which the identified policy options are expected to impact children and children's rights; thus allowing potential enhancements or mitigations to be devised. A full CRIA process should include consultation with children and other stakeholders including the Children's Commissioner.

### **3.2 Deputy K.F. Morel of St. Lawrence of the Minister for Health and Social Services regarding the contact-tracing digital app (WQ. 370/2020):**

#### **Question**

When compiling the business case and choosing a developer for the Contact Tracing Digital App, will the Minister advise what selection process took place, including tenders or competing bids, to determine the right developer that would deliver the most effective app and the best value for money?

#### **Answer**

The support of Jersey companies has been very important to the success of the app and is the subject of a dedicated FAQ question on our website <https://covidalert.gov.je/pages/app-management.aspx?#section-5> *How Jersey companies were involved in the app.*

Digital Jersey, along with other stakeholders, has been actively working on smartphone-based digital contact technologies since February 2020. The goals have always been to:

- i) acquire a working solution based on Bluetooth technology; and
- ii) ensure integration with our existing contact tracing team; and
- iii) ensure that any app would be compatible with other parts of the common travel area, if not further beyond.

From March until early June, NHSx (England) was working in conjunction with Pivotal Labs, a software development company within the VM Ware group, to develop its own software which was initially envisaged as a UK-wide solution based on a so-called "centralised" approach. It was hoped that this software would function for all the health systems within the UK, including Crown Dependencies such as Jersey. This proved challenging due to the variety of independent rules and localised health policies. To ensure eventual compatibility between the UK and Jersey, we began an independent negotiation with Pivotal to adapt the UK product for Jersey. This reached an advanced stage and a quote was produced with a *minimum* estimate of £750,000.

On the 10 April, Google and Apple announced an effort to produce a harmonised proximity detection system called the Exposure Notification Service (the GAEN APIs). The intent was to streamline the implementation of Bluetooth-based proximity detection across Android and iOS devices and reduce the technical difficulty of developing a proximity-based contact tracing app. Shortly after the announcement by Google and Apple, NHSx announced the cancellation of its project and pivoted towards the so-called “decentralised” solution based on the GAEN APIs. This created the potential to choose from a slightly larger group of software providers which had demonstrable experience with the GAEN APIs, while maintaining the ability for the Jersey app to achieve interoperability with other apps across the UK.

At this stage, five approaches were under active consideration:

- i) A local provider
- ii) Pivotal – which had begun to produce its own second attempt based on GAEN
- iii) Zühlke – a company based in Munich, which had recently begun work on a GAEN-based solution for England
- iv) Ubique – a company based in Zurich, which has announced work on the SwissCovid GAEN app
- v) NearForm – which had produced working software for the Republic of Ireland and Gibraltar.

A virtual meeting of interested parties in Jersey was held on 14 April 2020 to discuss the status of the project in light of the NHSx decision, and to seek input from local software developers. This meeting was well attended. Given the complexity of the software and the need for rapid solution, no local developers expressed an interest in producing this on-island – in fact the opposite occurred, with several companies citing reputational damage as a key risk.

After the NHSx project cancellation, Pivotal Labs appeared to be struggling to redirect its resources after several months of heavy work on the original NHSx “centralised” solution and had focused its attention on the US market.

Zühlke and Ubique were approached on two occasions, but no reply to our expression of interest was ever received.

NearForm was the first developer in Europe to produce a working product based on GAEN and had been working with Google and Apple intensely on the first versions of this technology. NearForm was responsive to our approach and provided an extremely reasonable estimate of £170,000 (for build and ongoing support) and a short development cycle of 8 weeks. The efficiencies came in part because NearForm was able to re-use code already developed for ROI (Republic of Ireland), but also because the Contact Tracing Team in ROI used the same management platform for its case work as the Team in Jersey. By avoiding the need to design a new interface to the existing Contact Tracing platform, the complexity and cost of the work was further reduced.

We were not aware of any other independent (i.e. not heavily supported by an academic organisation) software development companies in Europe which had a working understanding or were actively developing a solution, and in the circumstances we were not prepared to use limited resources in investigating further afield. In short, at that time, no other provider that could have matched NearForm for experience with the technology and the ability to move rapidly. It is also worth noting that this has proved to be a sensible choice and, given that Northern Ireland and Scotland now also use technology developed by NearForm, it has engendered a spirit of mutual

collaboration in improving the technology across those countries, as well as significantly simplifying work on interoperability across the common travel area.

**3.3 Deputy K.F. Morel of St. Lawrence of the Minister for Health and Social Services regarding construction workers travelling to the Island (WQ. 371/2020):**

**Question**

Will the Minister advise the Assembly of the rules and restrictions in place, as well as any specific Regulations under which those rules have been devised, to regulate the movements of the construction workers travelling to the Island from France to work on the Horizon construction site?

**Answer**

The arrangements for construction workers at the Horizon site were considered by the Competent Authorities Ministers on 21<sup>st</sup> August. Endorsement for permission not to isolate for work purposes was given to the workers on the basis that the permission only applied to the period of time the workers were at work and subject to adherence to the risk management plans submitted by the company involved. The arriving workers remain subject to the standard testing and isolation regime based on their travel history though they receive permission to leave isolation in order to attend work. The decision to grant permission on this basis was supported by advice from the Consultant in Communicable Disease Control (Dr Muscat).

On 18<sup>th</sup> September, after CAM endorsement, a centralised process for the granting of permission not to isolate for work purposes was launched; the guidance and application process is available to all island businesses on gov.je at:

<https://www.gov.je/Health/Coronavirus/Travel/Pages/RequestPermissionNotToSelfIsolateWorkPurposes.aspx>

The arrangements and restrictions in place mirror those agreed for the Horizon workers. Where such arrangements are agreed, these workers will not be avoiding self-isolation – the strict regime means that there are formal criteria around the process and the controls that have to be in place. From 19<sup>th</sup> October, the Horizon workers will be required to request permission not to isolate through this centralised process in the same way as every other local business.

**3.4 Deputy M.R. Le Hegarat of St. Helier of the Chair of the States Employment Board regarding supplemental payments made to Government of Jersey employees (WQ.372/2020):**

**Question**

Further to the answer to Written Question 291/2020, will the Chair state, regarding Government employees and supplemental payments –

why there are employees still receiving supplements; and  
how many of the 15 employees in July 2020 have been recruited in the last two years?

**Answer**

a) 15 employees are in receipt of supplemental payments, the majority of which are used to retain highly specialist skills. These supplemental payments are subject to regular review and change in line with market pay data and GoJ's need for these specialist skills.

b) 5 of the 15 employees have been recruited since October 2018.

**3.5 Deputy M.R. Le Hegarat of St. Helier of the Chair of the States Employment Board regarding the monthly cost of senior public sector employees (WQ.373/2020):**

**Question**

With reference to the answers to Written Question 291/2020 and Written Question 329/2020, which stated that “the total monthly cost of the top level employees plus vacancies for January 2018 is £2,008,281 and for July 2020 is £2,077,652” and that “this extrapolates to an annual cost of £24.1 million for January 2018 and £24.9 million for July 2020, an increase of £832,812 (3.4%)”, will the Chair explain why the total cost for top-level Government employees (those with a total salary cost of over £100,000 per annum based on 2020 costs, excluding employees in the Health and Education Departments) has increased over the last 2 and a half years, despite the Chief Executive’s statement that there would be a significant reduction in costs in this area?

**Answer**

The information provided in Written Question 291/2020 and Written Question 329/2020, asked for information relating to several grades and it is not necessarily the case that salaries at these grades will be over £100,000 pa. It is also the case that because the answers provided relate to salaries for a broad group of management they do not exclusively relate to top management, which GoJ defines as Tier 1 and Tier 2 roles. Unfortunately, it is also not clear where the text included in quotes above is referenced from, as it does not appear in either of the answers to written questions 291 or 329.

The Chief Executive’s commitment was to reduce the number of Chief Officers and the aggregate costs of Chief Officer roles. Comparing the costs of the more broadly defined group of managers over the relevant period may produce an increase in costs but, as noted above, the relevant comparison is with Tier 1 / Tier 2 ( previously Chief Officer ) roles which are a subset of the broader group.

Over the relevant time period, for the appropriate Chief Officer / Tier 1 and Tier 2 roles, there has been a reduction from 74 FTE to 33 FTE, a reduction of 41 FTE (55%). Costs for posts at this level have reduced from £1,230,692 - £728,086, by £502,600, per month (41%).

During this period, all Tier 1 and Tier 2 roles have been included within scope of a pay freeze.

If it would be helpful, Officers would be happy to meet with the Deputy to explore the relevant comparisons further.

**3.6 Deputy K.G. Pamplin of St. Saviour of the Minister for Social Security regarding the Child Personal Benefit Scheme (WQ.374/2020):**

**Question**

Will the Minister provide the following information in respect of the Child Personal Benefit Scheme

—

- (a) how many applications were submitted each year for the last 3 years;
- (b) how many applications were successful;

- (c) what amount of money was paid out each year for the last 3 years; and
- (d) what is the departmental procedure for supporting a child in response to a specialist's requirements?

### **Answer**

Child Personal Care is a payment made under the Income Support (Special Payments) (Child Personal Care) Regulations 2014. It represents a weekly payment equivalent to the two higher levels of the Personal Care element of the impairment component of Income Support. Personal Care level 2 is paid at a value of £109.34 a week and Personal Care level 3 at £157.01 a week.

Unlike other payments made under Income Support, Child Personal Care is paid in respect of children with high care needs irrespective of their parents' income. It is targeted to children who have a high additional need for support with a range of everyday activities. It is assessed using the same medical assessment for children in Income Support households and is available for any physical, mental, sensory condition which means that the child has a high need for daily support with a range of normal activities.

- a) Customer & Local Services does not record the number of applications submitted, as there are a number of reasons that an application may not proceed to the assessment stage. Applications may be withdrawn or amended before they reach the assessment stage.
- b) Data that is available confirms that families were receiving Child Personal Care claims at the end of each year as follows:

2017 - 173 children had an open claim at year end  
2018 - 185 children had an open claim at year end  
2019 - 209 children had an open claim at year end

There is some limited variation of claims during the year.

- c) The amounts paid out for Child Personal Care claims are as follows:

2017 £1.2M  
2018 £1.3M  
2019 £1.5M

- d) The Child Personal Care is a financial benefit paid to a parent following an assessment of the child's personal care needs. The Health and Community Services and Children, Young People, Education and Skills Departments are responsible for supporting the child and the family in response to specialist medical and developmental requirements.

### **3.7 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the integration of Mental Health Services and Adult Social Care (WQ.375/2020):**

### **Question**

Will the Minister provide the medical evidence used to support the proposed scheme to integrate Mental Health Services and Adult Social Care, and will he include in his response how any experiences of the past 8 months have informed the merger?

## **Answer**

Health and Community Services is already integrated at organisational level with adult social care, physical health and mental health already within the umbrella of the department Executive function and Ministerial portfolio. In 2018, through the Target Operating Model, HCS consulted with all staff members around closer integration of services and this included bringing Adult Social Care and Mental Health Care Groups together under a leadership structure.

The evidence around integrated physical, mental health and social care is overwhelming and this is a clear strategic and operational ambition for all systems of healthcare.

In Jersey, the integration of mental health and social care aims to improve care and support for people who use services, their carers and their families. It does this by putting a greater emphasis on joining up services and focusing on proactive and preventative care.

The evidence for integration across care boundaries is significant, particularly when aimed at people with severe, complex and long-term needs (Leutz 1999). It is not a new idea, but to improve the likelihood of successful integration a number of factors need to be in place including strong system leadership, professional commitment, and good management (Kings Fund 2019). On a macro level, we meet the success criteria described by Goodwin et al (2011) and Rosen et al (2011) of having the following:

- A regulatory framework in place
- A financial framework
- Support for innovative approaches to commissioning
- Outcome measures, and
- Investment in continuous quality improvement.

We have strengthened our relationships with the police and ambulance service, but going forward we will still need to collate information and evidence regarding the impact our integration has on patient experience, the impact on the use of resources – including beds – and the impact on costs for different parts of the health and social care system (Ramsey, Fulop and Edwards 2009).

To address the second part of the question, I have been acutely aware that the way in which services are currently organised does not suit the needs of all of our users. It was important to me that, during these difficult Covid-influenced times, we were able to critically look at how we can best organise ourselves using the service user as the organising principle. Our health and social care services have a stable, experienced, and professionally clinically-led leadership team who, by collaborating together to integrate management and clinical leaders, are able to embody our core values and principles of providing better care with improved health outcomes.

I also want to reassure the Deputy that this change only serves to bolster increased managerial and professional support for Mental Health services on the Island. The Integrated Care Group will retain the current strategic leadership provided by Dr Miguel Garcia, with a dedicated Lead Nurse, Lead AHP, Lead Social Worker and a Mental Health Improvement Lead remaining part of the leadership team. In addition, the support and leadership of the Chief Social Worker, more general managerial support, a Principal Social Worker and safeguarding support will be provided to the Care Group.

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**3.8 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the delivery of flu vaccinations to the Island (WQ.376/2020):**

**Question**

Will the Minister advise why the recent shipment of flu vaccinations from a U.K. supplier to Jersey pharmacies was delayed in transit and subsequently had to be thrown away due to not having been properly refrigerated whilst awaiting dispatch, and state the total financial loss incurred and the number of people requiring vaccinations who were affected?

**Answer**

It is the responsibility of the supplier to deliver any medicines to their destination and to ensure that storage arrangements are complied with during transit. The flu vaccines only become the responsibility of the pharmacy or GP practice once it has accepted delivery.

If a shipment is delayed in transit (e.g. due to bad weather) there is a risk that products requiring cold chain distribution may go outside of the recommended temperature range. In these cases, the supplier will direct that the product should not be used, which is in accordance with the manufacturer's recommendations. This is part of Good Distribution Practice (GDP) requirements that all pharmaceutical suppliers must adhere to. Generally, refrigerated medicines are transported in specially designed cool boxes which maintain the necessary temperature for the anticipated duration of transport plus a safety margin. This is confirmed by including temperature monitors inside the containers. If the boat is delayed significantly (as I believe was the case) it is possible that the necessary temperature might not be maintained during transport. I believe the boat did not sail for 2 days which meant that deliveries due on a Friday were not received until Monday.

If this happens, the supplier will make arrangements to send another consignment to replace the one that cannot be used. The cost of this is borne by the supplier and not the pharmacy or GP practice so there is no financial loss incurred.

Pharmacies and GP practices order their own supplies of flu vaccine so we do not have information on the numbers of vaccines that were affected. HCS has no involvement in the pharmacy and GP ordering process.

**3.9 Deputy K.G. Pamplin of St. Saviour of the Chair of the States Employment Board regarding the prospect of bonuses or higher wages in the public sector being frozen (WQ.377/2020):**

**Question**



Will the Chair advise the States Employment Board has considered, or will consider, the freezing and / or reduction of bonuses and high wages for the highest paid States employees as part of any savings and efficiencies necessary as a result of the impact of the Covid-19 pandemic?

**Answer**

Employees in public service who earned £100k or more have been subject to a pay freeze for the past two years. A pay review was due to recommend an award for 2020. This has already been postponed as a result of the Covid-19 pandemic. No Government of Jersey employees receive bonuses.

Any pay award for the highest paid States employees in future years will be mindful of the economic situation and pay awards for other groups.

**3.10 Deputy K.G. Pamplin of St. Saviour of the Minister for Home Affairs regarding the E.U. Settlement Scheme (WQ.378/2020):**

**Question**

Will the Minister provide an update with regard to –

- (a) the number of any European Union (E.U.) Nationals that are yet to register for the Jersey E.U. Settlement Scheme; and
- (b) the nature of any further resources that will be provided to ensure that any Islanders in need of support are assisted in meeting the settlement requirements before the deadline of 30th June 2021?

**Answer**

- (a) The initial number of resident EU nationals in the Island was the best estimation that could be made at the time as there was no requirement to hold such information. That number was estimated as 20,000. To date there have been just over 13,000 applicants to the scheme, which would still leave a large number yet to apply if the initial estimate was accurate.
- (b) The scheme is currently being resourced by two fulltime caseworkers and further supported by a JCIS Officer. Funding has been requested for the two caseworkers in the Government plan until the end of June 2021. Funding has also been requested for a temporary administrative support officer to the Immigration casework section to support all immigration matters that will be affected by the changes brought about by Brexit.

A Beyond Brexit communications campaign was launched in August 2020 to encourage EU nationals who had not yet applied to do so. This resulted in an increased rate of applications to the scheme, back to the numbers that were being received pre Covid-19. Public communications will be ongoing throughout 2021.

Direct communications with Honorary Consuls, charities, churches and associations is ongoing in order to ensure all those who need to have the appropriate immigration permission will do so.

The use of Yoti as an online solution to completing the application process will be launched this month, however this will not be a requirement for applicants. In person appointments are still be conducted in line with government guidelines and the caseworkers are providing regular advice to applicants over the phone or via email.

**3.11 Deputy I. Gardiner of St. Helier of the Chief Minister regarding the administration of the Probate (Jersey) Law 1998 (WQ.379/2020):**

**Question**

Will the Chief Minister advise whether, in the administration of the Probate (Jersey) Law 1998, next of kin who cannot afford to apply for a Grant of Probate are unable to access the Co-op dividends of their deceased relative; and, if so, and given that those affected are likely to be the poorest in society, is it the Chief Minister's assessment that the Law should be amended so that dividends under the value of £1,000 can be released without any requirement to apply for a Grant of Probate?

**Answer**

Currently, in order to access the movable property of a deceased person, a grant of probate (where there is a will) or a grant of administration (where there is an intestacy) is required under the provisions of the Probate (Jersey) Law 1998. The reason for this to prevent fraudulent activity. However, it is recognised that this causes difficulties in some cases and work is in progress to consider certain amendments to the Law which would put in place an exemption for small estates. Unfortunately, this work has had to be rescheduled due to competing priorities and the Covid-19 pandemic. Constable Richard Buchanan, Assistant Chief Minister, and the Legislative Advisory Panel will be liaising to consider this further.

**3.12 Deputy I. Gardiner of St. Helier of the Assistant Chief Minister regarding the impact of a new hospital at Overdale on the surrounding properties (WQ.380/2020):**

**Question**

Given that Overdale has been chosen as the preferred site by the Council of Ministers for the new hospital, will the Minister provide the following details in respect of private properties –

- (a) how many, if any, may need to be purchased as part of the site;
- (b) how many, if any, are in such close proximity to the site that it has been assessed that their value is likely to be affected;
- (c) how many, if any, is it estimated will result in the residents having their daily life affected during the period of construction of the new hospital;
- (d) whether the owners of the private properties in (a), (b) and (c) above have been contacted; and
- (e) is there a contact number for owners and residents to raise concerns?

**Answer**

- (a) The plan included at Appendix 1 of P.129/2020 ‘Our Hospital Project: Acquisition of land at Overdale’ presents the areas that are required for the new hospital at the site. This includes the following proposed acquisitions:
- A corporate office and service yard
  - Four fields in separate ownerships
  - Three residences in separate ownerships
  - One residential development under construction
  - Land in the ownership of the Parish of St Helier including:
    - The Jersey Bowling Club, Westmount Road
    - Verges on Westmount Road
    - People’s Park Car Park
    - Inn on the Park Car Park
    - Two verges on St John’s Road
- (b) An assessment has not yet been made in relation to any change in value of adjacent properties.
- (c) Around seventy-five residences are in close proximity to the site but the impact of the construction is difficult to define until more details of the process are available. If the Overdale site gains approval of the States Assembly, the approach adopted will be based on minimising any potential disruption through proper planning, process, management and regular communication with residents. Rok FCC will undertake a programme of community engagement, including neighbourhood meetings around project progress and timelines, details about construction activity, defined hours of work, newsletters, and contact details, including a hotline telephone number.
- (d) All the owners of property and land have been contacted by the Project team. Owners of those that properties and plots that could be required for the project have been in discussions with a property agent from the Our Hospital Project Team since July, when the five shortlisted sites were announced. This has included letters, telephone conversations and face-to-face meetings. During the week commencing 12 October 2020 the Design and Delivery Partner began contacting the owners of properties adjacent to the site.
- (e) As yet, no formal decision has been made confirming the site for the new hospital. However, the Design and Delivery Partner, Rok FCC has written to neighbours and property owners providing contact details, including a telephone number of a named individual, so that they can hear any specific concerns that residents might have.

### **3.13 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding the taxation of High Value Residents (WQ.381/2020):**

#### **Question**

Will the Minister state, with regards to High Value Residents (H.V.R.) –

- (a) what percentage of H.V.R.s are paying the £145,000 initial tax rate;
- (b) what percentage, if any, are on legacy payment levels, with a breakdown of the amounts paid and the percentage paying each such amount; and

- (c) if there are any residents on legacy levels, whether that is due to a legal right to stay on those levels or whether it is the result of a policy decision?

## **Answer**

Taxpayer data relating to 2019 will not be available, in full, until after the first quarter of 2021. This answer therefore includes data as at 31 December 2018.

It is assumed that the reference to ‘High Value Residents’ (‘HVRs’) relates to those individuals who come to Jersey by obtaining “entitled status” under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 (and predecessor legislation) and thereby have access to preferential tax rates above a prescribed limit.

(a). The percentage of taxpayers subject to the latest version of the HVR (tax) Regime with a prescribed limit of £145,000 is 5.8%

(b). The previous versions of the Regime in force with lower prescribed limits were:

Version 1: £100,000 to 29 December, 2010 (with lower rates of 10% and 1%)

Version 2: £125,000 to 30 June, 2011 (with lower rates of 10% and 1%)

Version 3: £125,000 to 31 December, 2017 (with lower rates of 1%)

The percentage of HVRs to which each version of the regime applies are detailed in the table below:

<b>HVR Regime Version No.</b>	<b>Percentage</b>
1	18.7%
2	2.6%
3	72.9%

(c). Article 135A of the Income Tax (Jersey) Law 1961 requires HVRs to be to be taxed under the version of the Regime which was in force at the time they acquired HVR status under the relevant social law (currently the Control of Housing and Work Regulations 2013) - unless an HVR exercises their right under Article 135A to apply to join the latest version of the scheme.

### **3.14 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding shared spaces for cyclists and pedestrians (WQ.382/2020):**

## **Question**

Will the Minister advise –

- (a) what specific actions, if any, are being planned to increase mutual understanding and the successful use of shared spaces between cyclists and pedestrians in the coming 6 months;
- (b) what plans are being developed to improve the marking of cycles lanes in shared space areas such as St. Aubin’s Bay; and
- (c) what the timescale is for completion of any such work?

## **Answer**

- a) Active travel is at the heart of the Sustainable Transport Policy and promoting safe walking and cycling is key to the ambition. IHE has a number of cycle routes where the constraints of space mean it is not possible to have cycle lanes segregated from pedestrian areas, and pedestrian priority and considerate cycling is allowed in these mixed-use areas.

In recent years, each May, as cycling increases, the Department supports the Road Safety Panel and States of Jersey Police to deliver a road safety campaign entitled "Let's Look Out For Each Other". Initially this focussed only on courtesy between pedestrians and cyclists on the promenade and similar areas, but more recently the campaign has been expanded to cover general courtesy between all road users.

The campaign's banners, leaflets, social media videos and on-site engagement by the police's road safety officer, uniformed officers and on occasion the Department's staff helps users see things from other people's point of view and it is hoped this will prompt them to think about others' needs when out and about.

Amongst other things, in terms of cycling, it highlights that it should always be remembered that the Highway Code requires cyclists using shared or segregated paths to look well ahead and watch out for pedestrians stepping into their path and be considerate of other road users, particularly blind and partially sighted pedestrians. Letting them know you are there when necessary, for example, by ringing your bell.

The campaign emphasises the Highway Code requirements that cyclists must take care when passing pedestrians, especially children, older or disabled people, and allow them plenty of room. Always be prepared to slow down and stop if necessary. This priority is reflected in the signage along designated routes.

Pedestrians are also reminded that they should take care when crossing cycle lanes and that young children should not be allowed out alone and need to be closely supervised. Further to this, the campaign promotes sensible advice on visible clothing, not walking in cycle lanes or letting dogs on extendable leads do the same.

While there was some social media work, in 2020 this full campaign didn't take place due to Covid-19 restrictions and the redeployment of staff to other duties. There are no specific actions planned within the next 6 months as during the colder months as there is reduced activity, to have the maximum impact it is important the campaign is run to coincide with the start of the high season for the promenade's use. With the pandemic still impacting capacity it is not possible to say whether the campaign will run again in 2021, but it is hoped it will.

- b) Areas such as La Haule on the approach to St Aubin have constrained promenade path sections where space is lacking to fit an adequate separate cycle path. This has been a concern to me, so I have commissioned a review of this area to explore the potential to better use the space available. Whilst it may mean difficult challenges such as reducing the areas of verge, roadside parking and road space for other uses, I am determined to explore all options to try to make it a better environment for walking and cycling. This commission should produce concepts that I can discuss with stakeholders in the new year.

In 2017, as part of the Road Safety awareness campaign "Let's Look Out For Each Other" the department held a consultation to seek the public's views on the difficulties. This consultation

identified that greater segregation should be a key focus for improving user experience on the Promenade from West Park to St Aubin.

However, improving segregation comes with a number of challenges. For much of the route the available space is narrow and, also, used by Le Petite Train. Improved segregation therefore needs to allow greater widths for 2-way cycling to avoid the possibility of reducing cyclist / pedestrian collisions and replacing them with cycle v cycle.

As most cyclists start or finish their journey in town the Department has planned a programme of work starting from the town and heading west to St Aubin. The first step is the current scheme under construction at Les Jardins de la Mer where the creation of a dedicated cycle path for the full length of the edge of the park will address the conflicts. Currently bus users cross the cycle route to board the out of town direction buses at West Park which is unsatisfactory. I am delighted that we have been able to work with SOJDC to create this new facility for the benefit of cyclists, bus passengers and the many others who walk in this busy area. This is the start of a programme of schemes which are now under development to work westwards to improve the cycle track and reduce conflicts, the path, improve segregation and trial new road markings to improve users' understanding of what each area is for.

- c) The work at Les Jardins de la Mer will be complete by the end of November 2020. Further western cycle route improvements are being planned and funding for the improvements is being identified, these will compliment other measures to address barriers to using this route such as the crossing on La Rue du Pont Marquet to be installed next year (safer routes to school measure).

To further advance these initiatives the government has committed to the recruitment of a cycling infrastructure officer. It is anticipated that a new officer to focus on progressing these and other cycling initiatives will be appointed early in 2021.

**3.15 Deputy R.J. Ward of St. Helier of the Chair of the Privileges and Procedures Committee regarding the implementation of time limits on speeches during States debates (WQ.383/2020):**

**Question**

Following the adoption of a time limit on speeches in the States Assembly, will the Chair consult with the Bailiff and provide guidance on –

- (a) what period of notice will be required to extend a speech;
- (b) what means should be used to request permission to extend a speech;
- (c) what criteria will be required to extend a speech beyond the 15-minute maximum;
- (d) whether there will be the opportunity to challenge decisions on limiting a speech to 15 minutes and, if so, will a procedure be put in place; and
- (e) whether there will ever be a requirement to look at the content of a speech?

**Answer**

The Committee has consulted the Bailiff on these points and can answer as follows:

- (a) A request to the Bailiff for a longer speech to be permitted in a debate should be given before the debate begins.
- (b) Members should email the Bailiff to request permission to extend a speech and to set out their reasons for doing so, by reference to the circumstances in which a longer speech can be permitted as set out in the guidance accompanying [P.109/2020](#). Members should not make the request by speaking or raising a point of order in the Assembly, as this will not provide an appropriate amount of time for the Bailiff to consider the matter.
- (c) The guidance attached to [P.109/2020](#) sets out the circumstances in which the presiding officer can exercise discretion to permit a longer speech. These are:
- where the Bailiff has designated a Member to be the “main respondent” to a debate. This will be announced at the start of a debate, in accordance with the criteria set out in the guidance
  - where a number of technically complex points need to be made during the speech
  - where the subject of the debate is especially emotive and further time is required by an individual member to complete his or her speech
  - where a member has experienced technical difficulties when participating remotely
- (d) The decisions of the presiding officer to enforce the 15-minute speech limit cannot be challenged, although Members may raise points of order where there is a need for a ruling from the chair on a related matter. A Member wishing to amend the guidance should write to PPC and the Bailiff and has the option, if necessary, of bringing a proposition to the Assembly for debate.
- (e) The guidance involves longer speeches being permitted if the subject matter of a speech or a debate is particularly emotive or if a Member wishes to elaborate on complex or technical matters. A Member seeking to make a longer speech should give a brief explanation of which of these criteria applies but does not need to provide a copy of the speech.

### **3.16 Deputy R.J. Ward of St. Helier of the Minister for Education regarding the support available to families to purchase school uniform and equipment (WQ.384/2020):**

#### **Question**

Will the Minister advise what support, if any, is available for families who are struggling financially to afford school uniform, including wider school equipment such as P.E. kit, given that this can total at least £250 in secondary schools, and is it the Minister’s assessment that any measures currently in effect are meeting the needs of those families?

#### **Answer**

Families with a low income may be able to get help with uniform costs and information on this is available on [gov.je](http://gov.je)

<https://www.gov.je/Education/Schools/SchoolLife/Pages/SchoolUniform.aspx>

#### **Primary Schools**

Variety - the Children's Charity of Jersey, who are totally funded by donations, provide very generous and welcome support for families who apply to them for financial assistance with school uniform purchases. In 2019 they spent a total of £14,697 supporting school clothes and shoes purchases. In 2020 they have spent £8,314 and although they received a similar number of requests, they have had to limit their support in this area due to other factors.

## Secondary Schools

For families with secondary school aged children attending Government of Jersey provided 11-16 schools, application forms can be obtained from the school requesting support for essential items of secondary school uniform and school shoes, including essential P.E. kit. However, funding for training shoes and tracksuits is not given. For students attending other GoJ secondary schools the application can be made to the Education Welfare Team.

Each secondary school receives an amount of funding annually from the Education Department's budget of £6,000 based on the number of students attending the school and the percentage of students requiring uniform.

School	Annual Sum
Grainville	£1,024
Haute Vallee	£1,448
Le Rocquier	£1,840
Les Quennevais	£1,088

An additional £600 is held centrally by the Education Welfare Team for requests made in relation to uniform for other schools.

## Minister's Assessment

Schools have autonomy to make decisions about uniform requirements for their students and the allocation of any funds they use to provide support. The Minister is not aware that the current support from charity or Government funding is not meeting the needs of families.

### **3.17 Deputy R.J. Ward of St. Helier of the Assistant Chief Minister regarding the provision of private beds in the new hospital (WQ.385/2020):**

#### **Question**

Will the Minister state the number of private beds that will be available as part of the new hospital development and the cost to the public purse of developing any such private facility?

#### **Answer**

The current proposal is that the new Hospital will have 30 private beds. This is an increase over the existing provision of 14 private beds in the current hospital.

The cost will be part of the overall Our Hospital Project design and build programme. The provision of private beds at the Hospital will be income generating and will contribute positively to the Health and Community Service budget.

### **3.18 Deputy M. Tadier of St. Brelade of the Chair of the Privileges and Procedures Committee regarding the use of the Assembly's official languages during States meetings (WQ.386/2020):**

#### **Question**

Vu que l'Assemblée a trois langues officielles dont les membres peuvent s'en servir librement, le Président consultera-t-il le Bailli afin de déterminer s'il est raisonnable qu'on demande à un



membre de fournir sa propre traduction quand il/elle veut se servir du français ou du jèrriais à l'Assemblée, tandis que cela n'est pas le cas quand on parle en anglais; et passera-t-il à l'action pour que l'administration de l'Assemblée fasse le nécessaire, si une traduction est exigée?

("In light of the fact that the Assembly has 3 official languages which members are freely able to use, will the President consult the Bailiff in order to determine whether it is reasonable to request a member to provide a translation when he or she wishes to use French or Jèrriais in the Assembly, given that this is not the case when English is spoken; and will he take action to ensure that the States Greffe puts in place the necessary measures if such a translation is requested?")

### **Answer**

Le Comité a consulté le Bailli en ce qui concerne l'usage des 3 langues officielles de l'Assemblée. Suite aux conventions historiques et aux décisions antérieures des Etats, tous les membres ont le droit de s'adresser à l'Assemblée en anglais, en français ou en jèrriais. La demande d'une traduction ne représente pas une limite à ce droit mais un reflet de la réalité où il y a des membres qui ne comprennent ni le français ni le jèrriais; alors que tous les membres comprennent l'anglais et une traduction française ou jèrriaise d'une contribution en anglais n'est pas nécessaire.

L'autorité du président de demander une traduction a été reconnu dans le commentaire du Comité précédent sur 'Jèrriais: promotion by the Public Sector' (P.143/2018), où on a constaté que "le président aurait l'autorité de demander une traduction de la part d'un membre qui a décidé de s'adresser en jèrriais, s'il était nécessaire, afin de déterminer si la contribution en jèrriais était en règle." La même logique s'applique aux contributions en français.

A l'égard d'un service de traduction, le Greffe des Etats peut offrir aux membres de l'assistance (par exemple, pour la réponse à cette question). Pourtant, le Greffe n'a pas la capacité d'offrir un service d'interprétation immédiate pour les contributions en français ou en jèrriais et on ne propose pas d'introduire un tel service, vu la probabilité qu'on l'utiliserait rarement.

(The Committee has consulted the Bailiff regarding the use of the Assembly's 3 official languages. In line with historic convention and previous decisions of the Assembly, members have the right to address the Assembly in English, French and Jèrriais. Any request for a translation is not an infringement on that right but a reflection of the practical reality that not all members of the Assembly will understand a contribution made in French or Jèrriais; whereas every member will understand contributions made in English and so a translation into French and / or Jèrriais would be superfluous.

The authority of the Presiding Officer to request a translation, if needed, was also highlighted in comments made by the previous Committee on 'Jèrriais: promotion by the Public Sector' (P.143/2018), in which it was stated that "*the Presiding Officer would have the authority to request a translation from any Member speaking Jèrriais, if required, in order to ensure that any speech in that language was in order.*" The same rationale applies to contributions made in French.

In relation to a translation service, the States Greffe can provide some support (for example, the response to this question). However, the Greffe is not resourced to provide an instantaneous interpretation service for speeches made in French or Jèrriais and there are no plans to introduce such a service, in light of the number of times it would likely be used.)

### **3.19 Deputy G.P. Southern of St. Helier of the Minister for Social regarding the review of how the minimum wage was determined (WQ.387/2020):**

## **Question**

Will the Minister state what measures are under consideration in her review of the way in which the minimum wage is agreed, as stated on page 45 of the report accompanying the proposed Government Plan 2021-2024?

## **Answer**

The process by which the minimum wage rate is agreed is currently set out in the Employment Law. As part of the commitment made in the Government Plan, I have asked my officers to examine what scope there may be for making changes to that process. Once that work has been completed, I will report back to States Members.

### **3.20 The Connétable of St. Martin of the Minister for Health and Social Services regarding the Assisted Reproduction Unit (WQ.388/2020):**

## **Question**

Will the Minister provide –

- (a) a table of the planned year-on-year funding for the General Hospital's Assisted Reproduction Unit in the proposed Government Plan 2021-24; and
- (b) confirmation of whether there is currently any intention to increase funding or support for the Unit as part of any future Government Plan before 2025?

## **Answer**

We are currently undertaking a strategic review of the Assisted Reproduction Unit in Jersey which includes activity, cost, patient experience and tertiary/off island pathways to the UK. This will include public, staff and stakeholder group engagement as part of the review. Once concluded (by January 2021), we will then be able to confirm service plans for the future. The service would be funded through the HCS base budget and so would not feature in the Government Plan proposals.

### **3.21 Connétable of St. Martin of the Minister for Health and Social Services regarding the future delivery of services currently provided at Overdale (WQ.389/2020):**

## **Question**

Will the Minister advise whether an action plan for the preservation of current services at Overdale during the construction of the new hospital (including operations, infrastructure and funding) will be presented to the States Assembly prior to the debate on the selection of a site for new hospital; and, if not, why not?

## **Answer**

Health and Community Services, working with Infrastructure, Housing and Environment and the Future Hospital team, is in the process of developing business continuity plans for services currently operating at Overdale in the event of a confirmed site selection for the new Hospital.

We anticipate all services will be sustained should decant be required and will ensure that impact to patient experience is minimised. Details for the decant will be confirmed once site selection is concluded and our operational plans will be shared with the Health and Social Security Scrutiny Panel.

**3.22 Deputy G.P. Southern of St. Helier of the Minister for Social regarding contractual arrangements with G.P.s (WQ.390/2020):**

**Question**

Will the Minister state –

- (a) what progress, if any, has been made towards reaching agreement over new contractual terms between her Department and G.P. representatives;
- (b) the details of any measures she has under consideration to replace the Health Insurance Fund as the mechanism for funding primary care of the period of the proposed new Government Plan; and
- (c) the extent to which the Minister for Health and Social Services has been kept informed of any progress on these matters?

**Answer**

The Deputy has not specifically identified which new contractual terms he is referring to, however following the meeting he and Deputy Alves had with myself and the Minister for Health and Social Services on 29 September 2020, he is aware that officers are currently discussing a new scheme which will reduce the cost of General Practice appointments for low income groups, and that this scheme will use a contractual mechanism.

- (a) I am able to confirm that discussions regarding this contractual mechanism are on-going and progress is being made. The negotiations are covered by a qualified exemption under the Freedom of Information. As negotiations are underway, it is not appropriate to release any further details at this stage.
- (b) The Government plan 2021-24 includes a commitment to undertake a review of funding for primary care, options and measures will emerge as this work is undertaken. The commitment reads:

*We will undertake a full review over the next six months to determine an appropriate model for future health funding, with particular reference to the funding of primary care, incorporating the low income access scheme, and the extended primary care services envisaged within the Jersey Care Model.*

This review will commence in the near future.

- (c) The Council of Ministers and individuals Ministers are and will be briefed on progress at appropriate intervals.

**3.23 Deputy S.M. Ahier of St. Helier of the Minister for Home Affairs regarding cycling and skateboarding on pavements (WQ.391/2020):**

## Question

Will the Minister state, for the period 2015 to present –

- (a) the number of reports to the States of Jersey Police of people cycling or skateboarding on pavements;
- (b) the number of reports to the Police of people involved in a collision with cyclists or skateboarders on pavements; and
- (c) the number of people hospitalised by such incidences?

## Answer

The States of Jersey Police are not able to provide this data in the time frame available.

Whilst this information is collected as part of individual cases, and therefore the data is held, collating it would require an individual going back and manually researching and counting each separate offence which involved those modes of transport. This is not an effective or proportionate use of Police time.

With that being said, the Police continue to have dedicated resources working within the town area who will proactively engage and, when required, report persons who continue to use pedal cycles, scooters and skateboards on pavements in and around the town area.

The Police would be willing to meet with the Deputy and discuss this issue if he wishes.

### **3.24 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding affordable access to primary care (WQ.392/2020):**

## Question

Will the Minister update Members in relation to ‘Affordable Access to Primary Care Scheme’ (P.125/2019), advising in particular –

- (a) when the scheme will be available to vulnerable groups;
- (b) which vulnerable groups have been identified and will be targeted as being able to access the scheme;
- (c) which identified vulnerable groups are to be omitted from the scheme, if any; and
- (d) the reasons behind the group selection?

## Answer

As set out in the answer to WQ390/2020 addressed to the Minister for Social Security, officers are currently discussing a contractual relationship with GPs to deliver a new scheme which will reduce the cost of General Practice appointments for low income groups and discussions regarding the proposed contractual relationship are ongoing.

This work is in line with the actions set out in P.125/2019 and the commitments of the 2020 Government Plan, where the Council of Ministers sought to ‘*Deliver new models of primary care including the development of a model to support access to primary care for financially vulnerable individuals*’.

a) It is the intention that the scheme will be available by January 2021.

b), c) and d) The exact nature of the groups to be included or excluded from the scheme forms part of the ongoing negotiations. It would be inappropriate to provide further information at this stage, but once the negotiations are complete details will be published.

**3.25 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the implementation of ‘Establishment of a digital register of all commercial and residential properties in the Island’ (P.93/2020) (WQ.393/2020):**

**Question**

Following the adoption of ‘Establishment of a digital register of all commercial and residential properties in the Island’ (P.93/2020) on 22nd September 2020, will the Chief Minister advise Members what actions, if any, he has taken to establish the register to date, and who he has placed in charge of this project to ensure that it will be in operation before the end of 2021?

**Answer**

The ministerial and departmental leads are now being put in place, and resourcing considerations are underway. This work should be completed by mid-December, and a development and implementation schedule will be scoped, to support the timescales determined by the Assembly. This will be shared with the Deputy.

As outlined in the Comment issued to support the debate, delivering a register is a sizeable undertaking, especially noting the decision of the Assembly to proceed outside of the Jersey Financial Services Commission.

**3.26 Deputy M.R. Higgins of St. Helier of the Chair of the States Employment Board regarding the breach-of-contract dispute with Mr. Amal Alwitary (WQ.394/2020):**

**Question**

Will the Chair explain to Members with regard to case involving the breach-of-contract dispute with Mr. Amal Alwitary –

- (a) the States Employment Board’s rationale for repeatedly attempting to re-litigate the case having already exhausted all other legal avenues with regards to the final decision of the Privy Council;
- (b) who is responsible for the decisions to pursue this case to its current position;
- (c) the number of hours of legal time at each level that have been expended on this case, the (notional) charge out rate of each of the lawyers involved and the total sums expended on the case to date; and
- (d) whether the Board sought external legal advice rather than relying solely on the advice of the Law Officers Department, and if so from whom?

**Answer**

- (a) The States Employment Board has not “*repeatedly attempt[ed] to re-litigate the case*” regarding Mr Amal Alwitary. The issue of quantum is outstanding and due to be heard at a 5-day trial in 2021. Ahead of this quantum hearing, the SEB appropriately sought

clarification from the Royal Court on a preliminary point regarding the assessment of damages as a result of a significant finding by the Court of Appeal.

- (b) The States Employment Board makes all decisions regarding this case based on advice received.
- (c) As noted by the Chair of the SEB in his answer to the Deputy's question of 16 June 2020 [WQ.230/2020], £140,000 had been spent on external legal costs as at that date. An additional £16,000 has been incurred since. The charge out rates of external counsel have been agreed at favourable Crown rates. All other legal work has been carried out by the Law Officers' Department within its existing budgets and at no cost to the SEB or Department of Health and Social Services.

We have not been able to identify the number of hours that have been expended on this case within the time available, but we will report back to the Assembly by the end of the month with this figure.

- (d) The SEB has been advised throughout by leading employment law QCs from England and Wales. The identity of counsel is privileged information.

We note that we have previously offered a briefing to the Deputy and that offer still stands should it be of benefit.

### **3.27 Deputy M.R. Higgins of St. Helier of the Minister for External Relations regarding the measures in place to prevent money-laundering (WQ.396/2020):**

#### **Question**

Will the Minister explain what controls and monitoring of estate agents and lawyers, if any, are currently in place to minimise or eradicate money-laundering through the purchase of property in the Island, and is it the Minister's assessment that any such controls are adequate, giving his reasons for saying so if this is the case?

#### **Answer**

The purchase and sale of all land in Jersey must involve a lawyer to confirm title. Estate agents in Jersey do not handle any cash when involved in the purchase or sale of a property, this is done by the lawyers, who will receive the funds from the purchaser into their client account before it is transferred to the vendor.

	Estate Agents	Lawyers
Controls in place to minimise or eradicate money-laundering through the purchase of property in the Island	Persons who wish to provide estate agency services in or from within Jersey, must register with the JFSC as required by the provisions of the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008.	The Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 captures lawyers who are providing legal or notarial services to third parties when participating in immovable property, transactions concerning any of the following: (i) the buying and selling of

		(ii) immovable property or business entities; the buying and selling of shares the ownership of which entitles the owner to occupy immovable property
Monitoring in place to minimise or eradicate money-laundering through the purchase of property in the Island	The JFSC supervises estate agents for money laundering and the financing of terrorism.	The JFSC supervises lawyers for money laundering and the financing of terrorism.

Section 17 of the Bailiwick of Jersey's National Risk Assessment of Money Laundering Report 2020<sup>1</sup> (the "NRA") provides an overview of the Immovable Property sector in terms of Money Laundering risk and Section 13 covers the Legal sector. This work did not identify any significant risks in respect of the purchase of property<sup>2</sup> in the Island. It is notable that the overall assessment of the ML vulnerability for this sector is low.

Whilst this is a good indication that the controls which are currently in place are adequate, money laundering is always evolving and becoming more sophisticated and complex so there will always be more to be done if we are counter potential risks satisfactorily. All actions identified in the NRA process are being formulated into a detailed action plan which is being worked on alongside a detailed new structure for assessing ongoing risk of financial crime. This will include actions across all sectors covered for money laundering and countering the financing of terrorism.

### **3.28 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding property investments by High Value Residents (WQ.397/2020):**

#### **Question**

Will the Chief Minister advise members of the amount of foreign direct investment and domestic investment in property in the Island from High Value Residents?

#### **Answer**

210 freehold and flying freehold properties have been purchased by 2(1)(e) residents over the period 2004 to 2020, the period that statistics have been maintained, at a total cost of £723 million.

Shares in companies owning property can be purchased by any individual, whether resident on the Island or otherwise, under the Control of Housing and Work (Jersey) Law 2012. This includes share transfer property, commercial property, development companies or other properties in

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<sup>1</sup><https://www.gov.je/SiteCollectionDocuments/Industry%20and%20finance/ID%20Bailiwick%20of%20Jersey%20National%20Risk%20Assessment%20of%20Money%20Laundering%20September%202020.pdf>

company ownership. Therefore, statistics are not maintained under the Law in relation to the residential status of these shareholders. Instead, the Law controls matters such as who can occupy these properties, and the ability to trade in Jersey.

It is likely that work undertaken in relation to the implementation of P.93/2020, “Establishment of a Register of all Commercial and Residential Properties”, will increase the statistics available on property ownership in Jersey.

**3.29 Deputy K.F. Morel of St. Lawrence of the Chief Minister regarding non-resident business licences (WQ.398/2020):**

**Question**

“Will the Chief Minister provide the Assembly with the rules or guidelines used by the Population Office when determining whether or not to issue non-resident business licences to work in Jersey, including details of the types of businesses (sectors and size of undertakings) that are required to apply for a licence before operating in the Island.”

**Answer**

The presumption against issuing a business licence or employing registered staff does not apply generally for visiting non-resident undertakings, because these permissions do not add to the permanent resident population of the Island and are generally short-term. This is outlined in guidance issued in 2015:

<https://www.gov.je/SiteCollectionDocuments/Working%20in%20Jersey/ID%20Business%20licencing%20guidance%20notes%2020170516%20DM.pdf>

Further advice for businesses on how to apply for a licence is available on the website:

<https://www.gov.je/Working/WorkPermits/LicencesWorkJersey/Pages/NonResidentBusinessLicence.aspx>

All undertakings operating in the island are nevertheless required to obtain a licence, and to pay a fee in the case of a non-resident undertaking, unless an exemption applies (for example, construction undertakings visiting Jersey to perform contracts do not require a licence for five days or less work in any 12 month period). Exemptions from the requirement to obtain a licence are outlined in: [https://www.jerseylaw.je/laws/revised/Pages/18.150.10.aspx#\\_Toc535508438](https://www.jerseylaw.je/laws/revised/Pages/18.150.10.aspx#_Toc535508438)

This question was received after the deadline for States Members written questions, which limited the time available to provide a full answer.

**4. Oral Questions**

**Deputy M. Tadier of St. Brelade:**

Sorry, can I interrupt before this starts? I have left a message in the chat. The link on the website to the Order Paper does not seem to be working. I know a separate link has been circulated to Members but anyone following remotely might have difficulty following proceedings because it is the old Order Paper from the last meeting.

**The Bailiff:**

Thank you very much, Deputy, for noting that. Hopefully those participating and indeed watching can now follow with that. Senator Moore, you have indicated you would like to propose a member



for the role of chair of P.A.C. (Public Accounts Committee). I propose that we deal with that election immediately before Public Business, and we will deal with that and any other nominations, if there are any, when that time comes.

**4.1 Deputy J.H. Perchard of St. Saviour of the Minister for Health and Social Services regarding the Government's plans to mitigate the impact of a 'Covid winter' on the most vulnerable Islanders (OQ.264/2020):**

As the Island moves into its first "COVID winter", what Government plans are in place to ensure that the most vulnerable Islanders are able to maintain their independence as much as possible when accessing essentials, such as food?

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

I thank the Deputy for her question on this most important subject. Advice for Islanders at high risk currently continues to make risk-based personal decisions around the activities they engage in with the help of the activity risk guide and other advice and support available on gov.je, and also sent to individuals by letter through their G.P.s (general practitioners). We continue to promote the support and resources available for mental and physical health as well as practical needs through Connect Me, also available at gov.je or through the helpline for those who do not use the internet. Work is ongoing through Connect Me to uphold strong partnership working throughout the Parishes, which are prepared to draw upon the volunteer workforce once again, throughout the winter, if the public health guidance for this group changes. This will ensure Islanders at high risk can access the support they need, whether it is having their shopping delivered to them, having someone to talk to or other needs.

[9:45]

Connect Me also collates resources on how to stay active and connected for all age groups to ensure the mental health and well-being of those who remain in isolation is protected.

**4.1.1 Deputy J.H. Perchard:**

I thank the Minister for the response although the things he listed seem to be the same things that we were talking about a few months ago. So I suppose my supplementary question is: what changes are being made to the guidance for the most vulnerable Islanders as we approach winter, given the fact that winter is likely to look and be a very different experience for all Islanders in the light of the rising cases of COVID on the Island, and the fact that we expect cases to go up in winter.

**The Deputy of St. Ouen:**

There are probably no dramatic changes and we continue to monitor the situation constantly. So it is possible that advice may change but, as the Deputy will know, COVID-19 activities are being carefully monitored and if numbers increase beyond confined isolated clusters we may once more strongly advise Islanders at high risk to avoid all indoor activities, as was the case at level 2 of our safe exit strategy. If that does take place, we will still continue to encourage Islanders at high risk to cautiously engage in outdoor exercise where this is possible, connecting with a small number of friends and family and taking care of themselves in that way. Thank you.

**4.1.2 Senator K.L. Moore:**

Previously it is my understanding that this service of volunteers relied in many respects on people who were unable to work at that time, so they instead turned their hands to volunteering. What evidence does the Minister have that there are still a good number of volunteers available to assist those vulnerable members in our community?

**The Deputy of St. Ouen:**

My understanding is that there is still a good cohort of people who are willing to volunteer and assist in a variety of roles.

#### **4.1.3 Deputy J.H. Perchard:**

I am just going to go back to the original question which is about vulnerable people maintaining their independence when accessing essentials and I was wondering whether the Minister had considered, and would consider, as part of the service he is providing, the Government taking a bit more action to ensure, just for example, that shops could perhaps have a time just for vulnerable people where they would come and show their letters. Just as one example of a way in which we could promote independence of people while living in this difficult time.

#### **The Deputy of St. Ouen:**

It has been discussed and I will ask again that this be discussed among or in our contacts with retailers. There are also bodies within government; there is a Financial Impact Action Group which is a group of charities working with government to ensure vulnerable adults receive support. There is a community task force which deals with needs from the food bank and that is ready to mobilise as and when required. The Minister for Social Security is involved with an older persons' cluster and mental health cluster, which are partnerships between charities and the Government of Jersey, involved in delivering meals and providing support. Thank you.

#### **The Bailiff:**

I should say before we move on to the second question, as Members will have noted from the Order Paper, there are some 28 questions listed for this period. That, if it goes strictly on a pro rata basis, allows for a little over 4 minutes per question. If we are reaching the point where that seems unlikely to get through a large number of those questions, then I may have to say that there will be no supplementals to supplementary questions but I will keep that under review as we go forward.

#### **4.2 Connétable J.E. Le Maistre of Grouville of the Chief Minister regarding the Jersey Celtic Coin Hoard (OQ.270/2020):**

Will the Chief Minister confirm whether the “finders” of the Jersey Celtic coin hoard have received any reward from the States and, if not, when will any such payment be made?

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

Once discovered, as is usual under customary law, the Crown claimed ownership of the Celtic coin hoard. Following an initial valuation, the States entered into an agreement with the Crown and paid them £737,808 towards the hoard based on a first valuation. Of this, £250,000 was paid to Jersey Heritage for the restoration. The Crown also entered into an agreement to recognise the contribution of the finders and landowner and that is a matter between the Crown and the finders/landowner. However, following various processes and valuations, the Crown has only recently formalised a proposed offer with a view to the Government finally securing the hoard to the Island, and this matter is shortly to come to the Council of Ministers for discussion.

#### **4.2.1 The Connétable of Grouville:**

I was aware that a small proportion of the value of the fund had been paid to the finders. The Celtic coin hoard was discovered in 2012, some 8 years ago, and it was agreed at the time that the find would be treated in the same way as trove is treated in the U.K. (United Kingdom). This would provide a reward to those who were involved in the find to the value of that find. Is the Council of Ministers committed to buying the hoard at market value and has it set funds aside to do so?

#### **Senator J.A.N. Le Fondré:**

Certainly from my perspective it would be an absolute tragedy for the Island not to buy the hoard and, on that basis, for the Government to buy the hoard on behalf of Islanders. I am not looking at the constraints we obviously face at the moment, I am looking over the whole long term on the basis it is the biggest Celtic coin find in Europe ever to date. In terms of value, that, I believe, has been one of the discussions that is going around because of its somewhat unique nature and size is how it

gets valued. I believe, I am waiting for the latest updates, that that has in some shape or form been resolved and, as I said, I am waiting for that information to be brought to me and then obviously it will be coming up to the Council of Ministers, I am expecting, in the quite near future.

#### **4.2.2 Deputy M. Tadier:**

Would the Chief Minister confirm that there is nothing under Jersey law that requires us to give any money to the finders who have already had some money and also that there is nothing to stop the Crown, who currently own the trove, just gifting it to the Island of Jersey?

#### **Senator J.A.N. Le Fondré:**

The latter I cannot confirm because that would be a matter of law and I am not that sighted on the law. What I can say, there is not a specific law to set out essentially what happens next. But the Crown said it wants to act in the spirit of what is the U.K. law, which is the U.K. Treasure Act, and that is to make the hoard available for public enjoyment through ultimately Jersey Heritage but also to recognise the part played by the finders and the landowners by passing on funds by way of a reward. That is not only because of acting appropriately in the interests of the people who discovered it but also because if one does it and does it properly, then future finders of any other treasures, for want of a better expression, on the Island are therefore encouraged to report the finds because they are dealt with responsibly. So, Deputy Tadier's approach, I would have to say, would not be one I would condone because essentially it would not encourage anybody in the future to act responsibly as these finders have done all the way through.

#### **Deputy M. Tadier:**

Can I ask clarification? I have not suggested any way forward, I have simply asked the Chief Minister a question. It is wrong of him to infer anything from what I ...

#### **The Bailiff:**

I am afraid, no, Deputy, you cannot make a point of clarification. I was going to give you the right to ask a supplemental question.

#### **4.2.3 Deputy M. Tadier:**

I can ask that, if you would like. Does the Chief Minister agree that I have not prescribed any particular way forward, I was just asking a question and it is wrong of him to infer any ...

#### **The Bailiff:**

Deputy, please do not comment on it. Does the Chief Minister accept that you were only asking about the position and not suggesting a way forward?

#### **Senator J.A.N. Le Fondré:**

If the Deputy is saying he was not inferring a way forward, it was just suggesting that that was an option of a variety of options, then I accept the comment.

#### **4.2.4 The Connétable of Grouville:**

This is quite a simple matter, it really just requires decisions, albeit there is money involved. Will the Chief Minister commit to getting this item on the Council of Ministers' agenda shortly and get the matter sorted before the year end?

#### **Senator J.A.N. Le Fondré:**

I will absolutely commit to getting it on to the agenda shortly. Whether that is just before the year end or just after the year end, I cannot commit to that. I would ideally like it before the year end, absolutely. It does come down to ... I know there has been a lot of work behind the scenes, I know there have been a variety of valuations. I did see an update report within about the last 4 weeks and I am expecting it to be on to the Council of Ministers' agenda in the next few weeks. But the reason

I am caveating that response is I gather there are always some technical issues that come out of this and I am not aware if they have all yet been resolved.

**4.3 Senator S.Y. Mézec of the Chair of the Privileges and Procedures Committee regarding the recommendations from the Commonwealth Parliamentary Association's Election Observers' Report of 2018 (OQ.266/2020):**

Will the Chair publish a formal written update detailing the progress made in implementing the recommendations from the Commonwealth Parliamentary Association's Election Observers Report of 2018, and the timetable for implementing any outstanding recommendations?

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

I am happy to do that for the Senator if he can give me until the end of the week.

**4.3.1 Senator S.Y. Mézec:**

I am more than happy to do that but just a supplementary question. Is he able to perhaps hint at the sort of things we might be looking at, in particular what might be the next pieces of work associated with those recommendations that might come to the Assembly for our consideration?

**Deputy R. Labey:**

Yes, of course. Briefly, recommendations 2 and 4 to 18 deal with what we might call housekeeping or some new initiatives for the States of Jersey and they are all in train apart from, I think, recommendation 14, which is the one about media regulations. But I have got a meeting with the editors of the local media next week, so we will start that one. Articles 1 and 3 are to do with the composition and election of the States and trying to address the demographic deficit that operates here. Of course, P.126 earlier this year was an attempt to deal with all the points made in those recommendations and failed by 6 votes. P.P.C., I think, have just got approval now to lodge a revised version of Senator Gorst's P.7 which never got debated, which we hope will kickstart back the debate on trying to get some electoral reform. All the other recommendations, we looked at bringing them up singly but we are going to bring them all probably together in 2 or 3 propositions.

**4.3.2 Deputy M. Tadier:**

Are there any plans for the chair and P.P.C. to bring forward for debate the Clothier propositions which have never been properly debated in this Assembly?

**Deputy R. Labey:**

Well interestingly enough, I had a conversation with somebody just about that yesterday and the phrase used was "the Clothier ship has sailed" in that Clothier still does not comply with, it is better than what we have now, but it still does not comply with the E.O.M. (Election Observation Mission) recommendations, which is what we are trying to implement. However, it is certainly one of the options I looked at when P.126 fell, and I have drawn something up which is along the lines of Clothier. I thought the best approach was probably to take Senator Gorst's proposition, he has asked P.P.C. to do so. I thought that probably stood the best chance of getting some approval because some of the Constables intimated when P.126 was debated that they might support P.7, so I think that is the best route. Of course, the other prospect is the Guernsey election, and the reason why I have not brought anything until now is because I could tell in a debate it will be all about: "Well let us wait and see what happens in Guernsey" and that was interesting.

**4.3.3 Senator J.A.N. Le Fondré:**

Just in asking this question, I will just make the point I was not aware of the comments that the Chair of P.P.C. has just made about bringing further propositions. Would the Chair just note obviously that we were in the process of reconvening the group ...

**The Bailiff:**

Well, I am sorry, Senator, this does have to be a question. This is a question to the Chair rather than a point of explanation.

**Senator J.A.N. Le Fondré:**

Would the Chair agree that we were just in the process of reconvening the group that was meant to have been created after the debate of earlier this year but obviously has stopped because of COVID?

**Deputy R. Labey:**

Yes, I feel that if P.P.C. puts something down, lodges something soon and it is there, that is when the membership normally take these issues seriously, when it is down in black and white and up to be debated.

[10:00]

I hoped it might provide the spur for the Chief Minister's group to get a bend on with producing some recommendations or amending the proposition that I am going to bring. I would like to see the membership of the Assembly taking a look at this in their various groups and not continually tell me what they do not want and what they will not put up with and what they cannot vote for. But tell us what, by form of an amendment or a proposition of their own, you will vote for, tell us what Members will compromise on because that is the only way we are going to make progress.

**4.3.4 Senator L.J. Farnham:**

Would the Chair agree that one of the reasons the States Assembly has failed to agree to electoral reform is because we have not perhaps communicated enough and we have been too far apart on our ideas for electoral reform? If so, would the Chair not commit to engaging with this group because if agreement can be reached over sensible ideas collectively, we have a far greater chance of reaching agreement and making some progress?

**Deputy R. Labey:**

Yes, I did undertake a lot of consultation throughout 2018 and 2019, which resulted in P.126. But Members, and this is entirely their prerogative, when it comes close to the debate and on the day of the debate, what Members might have said they are inclined to go for and perhaps would take a punt on and this time would do it, that, I have noticed by experience, changes drastically. Now, that is the nature of debates and the game that we are in. It is not a criticism of Members, I am just saying it is very difficult to build propositions on foundations of what Members commit to at that time. As the Constable of St. Clement said to me, the only thing that I can take as gospel from Members is when they say: "We are definitely not voting for this proposition." That is the only thing you can rely on, in my experience.

**4.3.5 Deputy J.H. Young of St. Brelade:**

Would the Chair agree that the success of our sister Island in showing just how reform and democratic reform can be tackled despite all the predictions, and they have demonstrated that, should act as a stimulus to all Members now to really get behind this subject and include your work so that we can do our very, very best to achieve the progress at an early date? Would he agree that that experience of our sister Island has shown us the need for that initiative?

**Deputy R. Labey:**

Well, yes. I have written in the press about how the Guernsey election has defined expectations in 2 key areas. People were not random voting, they obviously had done their homework and were voting sensibly and the figures show that. Of course, the system did result in new faces arriving and, unfortunately for them, some sitting Members going. The Guernsey system came out of course from that referendum. Very few of the 5 options of that referendum would comply with the C.P.A.E.O.M. (Commonwealth Parliamentary Association's Electoral Observation Mission) recommendations to us. Nevertheless, if the Senator is asking me if I would take the Guernsey system now over what we

have in Jersey now, I think my answer is probably yes. There is so much broken with our system, it is unfair, votes count for more depending on your postcode, that is wrong and we have to sort it out.

#### **4.3.6 Senator S.Y. Mézec:**

Could I ask the Chair if the proposals he is working on to bring to the Assembly include proposals for automatic voter registration rather than the proactive registration system we have now and if he has confidence that such a system could be implemented and in place ready to be used at the next election?

#### **Deputy R. Labey:**

Well, yes, that is being worked on; the Greffier is heading that up. There is a project manager now appointed and looking at how this will work. It is one issue which seems to be coming up against jams or blocks again and again and again. It has taken a long time to get where we are. I know that the Minister with digital responsibility is working hard to get this done. We were going to have a meeting of senior staff to knock heads together and say: "Look, we need to push on with that." Then there was a bit more movement but we reserve the right to do that. I think it is absolutely vitally important.

#### **4.4 Deputy S.M. Ahier of St. Helier of the Assistant Chief Minister regarding the prospect that compensatory payments would be made to residents in the immediate vicinity of a hospital built at Overdale (OQ.273/2020):**

Will the Minister advise whether, if the new hospital is built at Overdale, the Government will consider making compensatory payments to residents in the immediate vicinity of the development due to any disruption caused?

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

As with all government construction and infrastructure projects, it is incumbent on us to minimise any disruption to residents through the design and planning process, so careful management and of course regular communication will play a big part of that. Planning permission conditions can be imposed regarding hours of working, the demolition process, site access and other operational matters. Also an environmental impact assessment will identify the screening measures needed. It is not the Government policy to provide compensation for disruption caused by construction and infrastructure projects since all activities will have to comply with statutory requirements in relation to the building and development process.

#### **4.4.1 Deputy S.M. Ahier:**

Will the Minister accede to the request of the residents to meet them in person at the Town Hall to discuss their concerns as soon as possible?

#### **Senator L.J. Farnham:**

Yes, of course, I would be very pleased to meet with residents or anybody affected, impacted or even interested in the hospital development. But I think I would wait until the States Assembly has made a decision because at the moment the Overdale site is only a proposal and requires States Assembly approval. So as soon as that debate has been had, and depending on the outcome, I would be pleased to meet with any Islander interested to learn more.

#### **4.4.2 Connétable A.S. Crowcroft of St. Helier:**

Does the Assistant Minister agree with me that of course it is very important that we find out exactly how neighbouring properties could be impacted by the development of the hospital at Overdale, if that is where it is placed, and at the same time that we are relieved? Does he share my relief that both the countryside and woodland below Overdale is going to be protected and that, in particular, the King George V Cottage Homes will not need to be affected by the development?

**Senator L.J. Farnham:**

Yes, I do completely agree with the statements made by the Constable. Not only pleased but very relieved for having minimal impact on people's homes and the woodland area, notwithstanding there are 3 homes that the States will have to purchase. I hope that can be agreed amicably, subject of course to the States decision to approve the site. I think that played a big part in the selection of the Overdale project, was the reduced impact on the area that the new proposals had.

**4.4.3 Deputy I. Gardiner of St. Helier:**

In the Minister's answer to my Written Question 380 that was tabled for this sitting, the Minister has indicated that around 75 residents are in close proximity to the site but the impact of the construction is difficult to define until more details of the process are available. Would the Minister commit to engage with the 75 residents that will be affected from the construction and reconsider several different possible types of arrangements, first of all to reduce the disruption, and maybe also to think about compensation that was mentioned by Deputy Ahier?

**Senator L.J. Farnham:**

Yes, I just repeat, that I am, as with all members of the political oversight group, I am sure, prepared to meet and engage with neighbours and all Islanders, either located near to or just interested in the project. I can give that commitment absolutely but I think it would be wise to wait until the States has made a final decision before we fully engage. In the meantime, the design and delivery partners have been in touch with the majority of neighbours, as I understand it, and provided some information and a contact phone number, a direct contact person and email address so neighbours, in the meantime, can start to gather information as the project progresses. Of course, I, and members of the group, are also available to any States Member or any neighbour or Islander who wants to ask us questions between now and the debate. In relation to the second part of the question, I am afraid it is not in my gift to agree to give compensation. There is no precedent of that, that is ultimately a discussion for the States to have if it deems necessary to do so in the future, but I would perhaps caution against that without a great deal of thought on the implications that would provide. Of course, it is the intention of the project to deliver the project with minimal impact on the residents and ultimately the end product will significantly enhance the area of Overdale and the neighbouring area and hopefully the neighbouring properties.

**4.4.4 Deputy J.H. Perchard:**

It was confirmed in a previous sitting that there exists a log of conversations with residents in the vicinity of each of the then shortlisted sites, detailing their willingness to move from their homes if needed. Have the residents of the 3 homes mentioned, those homes being the ones that will need to be subject to compulsory purchase, expressed any desire not to move?

**Senator L.J. Farnham:**

I am happy to have that conversation offline with Members, I am not sure it is in the interests of the home owners, in their private interests, to discuss their views on the matter publicly at this stage but I understand that positive communication has and is taking place. Of course, that has to remain slightly stalled until the States make a decision but, again, I can promise full engagement with all residents and neighbours of the area at the appropriate time.

**4.4.5 Deputy R.J. Ward of St. Helier:**

I was pleased to hear the Assistant Minister say there will be standards when building happens, wherever the hospital happens, but can he commit to improving the ability for residents wherever the hospital is built to contact and complain about noise, dust, *et cetera*, particularly during out-of-hours times and at weekends because the system is not working well?

**Senator L.J. Farnham:**

Yes, I can absolutely commit to that. The design and delivery partners will commit to that and also they are working on a social engagement programme which will overlap with this process to provide additional opportunity for Islanders to become involved in the project. Also, I would remind Members that people who live within 50 metres of a development site have a statutory right of appeal under planning legislation, if necessary, so they do have recourse to the Statutory Nuisance Law if things do get out of hand but of course we are going to be working to avoid that at all costs.

#### **4.4.6 Deputy R.J. Ward:**

There is no doubt that they have recourse to the law but the problem is that people cannot complain unless they have a direct contact. The system itself is not conducive to making those complaints and getting action quickly if this happens. There are many cases of this around the Island, so can the Assistant Chief Minister commit to a particular helpline, a particular contact for those residents should those issues arise?

#### **Senator L.J. Farnham:**

Thank you to the Deputy for the question. At the risk of repeating myself, I think it is probably the third or fourth time I have said it this morning, yes, I can absolutely commit to that.

[10:15]

To repeat myself once again, contact has gone out to the majority of neighbours with the name of the person to contact, their phone number and the email address, so that is currently in place as we stand.

#### **4.4.7 Deputy S.M. Ahier:**

Will consideration be given to purchasing those properties within the site perimeter which owners are now willing to sell?

#### **Senator L.J. Farnham:**

I think the short answer to that is, yes, and that perimeter is outlined in the proposition and, I believe, the Compulsory Purchase Order proposition, which is coming to the States.

#### **4.5 Deputy M.R. Higgins of St. Helier of the Attorney General regarding enforcement notice referrals to the Law Officers' Department from the Department of Infrastructure, Housing and Environment (OQ.281/2020):**

Will Her Majesty's Attorney General advise Members of the number of enforcement notice referrals his department has received from the Department of the Environment and Planning each year over the last 4 years and the number of prosecutions that have resulted from any such referrals?

#### **Mr. M. Jowitt, H.M. Solicitor General (Rapporteur):**

Sorry, it is the Solicitor General. In answer to the Deputy's question, and just by way of explanation, enforcement notices are issued under Article 40 of the Planning and Building Law where someone breaches planning conditions or breaches building controls. The purpose of an enforcement notice is to require that person to come back into compliance within a stipulated time, failing which they commit an offence under Article 44 of the law. It is in those circumstances that the enforcement notice is referred to the Attorney General for him to decide whether to prosecute. Specifically to answer the Deputy's question, the Planning Department made 2 such referrals in 2016, one in 2017 and one in 2019. Of those matters, one of the 2 in 2016, led to a prosecution and a conviction. Building Control referred 3 enforcement notices in 2019, one of which led to a prosecution and a conviction.

#### **Deputy M.R. Higgins:**

Sorry, a point of clarification?

#### **The Bailiff:**



No, you can have a supplementary question, Deputy.

**Deputy M.R. Higgins:**

Yes, I misheard what he said, I was trying to get the figures. If he could repeat what he said about 2019 first.

**The Solicitor General:**

Yes, of course. In 2019, Building Control referred 3 enforcement notices to the Attorney General, one of which resulted in a prosecution and a conviction. The Planning Department made 2 referrals in 2016, one of which led to prosecution and conviction, one in 2017 and one in 2019.

**4.5.1 Deputy M.R. Higgins:**

Could I ask the Solicitor General how long it takes to process one of these notifications from the department if they are wanting to recommend for prosecution? How long a period of time does it take for your department to process them?

**The Solicitor General:**

I do not think there is any simple answer to that. It is something of a “how long is a piece of string?” question. It depends on the complexity of the matter, it depends on the extent of evidence which is already available or any further evidence which might need to be obtained. It depends upon the time it takes to analyse the case, advise on it, the time it then takes to consider, first of all, whether there is sufficiency of evidence and thereafter whether a prosecution is in the public interest. So there is no simple answer, I am afraid.

**Deputy M.R. Higgins:**

Okay, I thank the Solicitor General for his answer.

**4.5.2 Deputy J.H. Young:**

In thanking the Solicitor General for his answer, could he just confirm whether I am correct in believing that once a notice is served by either the Planning or the Building Control teams with a period of time to bring the matter into compliance, there is a right of an appeal on that notice and could he advise the Assembly to whom that appeal is, please, under the law?

**The Solicitor General:**

It is correct that there is a right of appeal. I do not immediately know to whom that right of appeal lies but I will look into that, if I may, and answer it when I have the answer.

**4.5.3 Deputy J.H. Young:**

Could I ask the Solicitor General to confirm whether my understanding is correct that it is the Minister that has that responsibility under the law to deal with the appeal after due process? Would he further confirm that it would therefore be inappropriate for a Minister to become involved in these enforcement actions given that situation?

**The Bailiff:**

Well, the Solicitor General has already said that he does not know the answer to that particular question. **[Interruption]** Someone appears to have been pushed over the edge. I am wondering if there is any possibility of stopping the ... Please bear with me for just a moment. Very well, I will continue. No, I cannot, there is a huge echo and feedback. Very well, I am afraid there is still far too much feedback, I am suspending the sitting for 5 minutes to see if we can cure this technical difficulty.

**ADJOURNMENT**

[10:30]

**The Bailiff:**

Can everybody now hear me? Excellent, then we can continue. We will add obviously 10 minutes of injury time to the timing for finishing these questions. Deputy Higgins, I think I cut you short, probably unfairly. Did you wish to have a final supplementary in the question to the Attorney General?

**4.5.4 Deputy M.R. Higgins:**

Yes, thank you. Could I just ask the Attorney General, he referred to one case being received by the department in 2017, he did not state whether it was under Planning law or under Building Control, can he be a bit more specific on that particular question, please?

**The Bailiff:**

Mr. Solicitor General, are you able to assist?

**The Solicitor General:**

Yes, my understanding is the 2017 matter was a Planning matter, not a Building Control matter. I think that answers the Deputy's supplementary. I am also in addition able to deal with the earlier supplementary question from the Minister for the Environment. My understanding, looking at the Planning and Building Law, first of all, there is a right to appeal the issuing of an enforcement notice under Article 109. In fact, the procedure under Article 113, as I have understood it, is that it is an inspector who is appointed by the Judicial Greffier to consider that appeal. In answer to the second part of the question, it would never be appropriate for a Minister to seek to interfere with or influence in any way a decision on whether or not to prosecute an infraction under the Planning and Building Law, which I think may have been the thrust of the Deputy's question but I hope that answer is helpful.

**4.6 Connétable M.K. Jackson of St. Brelade of the Minister for Health and Social Services regarding exemptions to the self-isolation rules established by the Government of Jersey (OQ.278/2020):**

Further to reports that some 80 foreign workers have been given exemptions to enable them to avoid the current government self-isolation rules, will the Minister advise whether such an arrangement is in place and, if so, will he assure Members that this practice will cease forthwith; and, in the event that this assurance cannot be given, will the Minister explain why not?

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

Permission may be granted not to isolate where it is critical to the running of a service or business for a person to travel to the Island and work during an isolation period. This would be subject to strict conditions relating to infection control. On 18th September, after endorsement by the competent authorities Ministers, a centralised process for the granting of permission not to isolate for work purposes was launched on gov.je. Under the process, employers may apply in advance, providing evidence of the risk mitigations in place in the workplace. If permission is granted, it applies only to the period of time the worker is at work; at all other times they must isolate for the period of time designated by their travel history. They must undergo the testing regime specified by their travel history and they must observe all the other strict conditions of the permission.

**4.6.1 The Connétable of St. Brelade:**

Would the Minister confirm that that regime which he outlined is sufficiently robust to respond to the rapid changes in controls on the borders that we are presently experiencing?

**The Deputy of St. Ouen:**

These matters are subject to constant review and enforcement measures and each application received will be considered in the light of the situation on the Island.

**The Connétable of St. Brelade.**

I thank the Minister.

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

I would just like to know, are they the same 80 people that come through every time and, if so, are they tested when they arrive and when they leave? Also, what areas are they from? If we are doing this traffic light thing, are they from a red area? I think the Islanders need to know.

**The Deputy of St. Ouen:**

I do not have a breakdown of how many from reds, how many from ambers, how many from greens and, in any event, those areas have changed recently. There were a number of questions there of which, I am sorry, I have forgotten. If the Connétable could repeat the earlier questions.

**The Connétable of St. Saviour:**

Yes, the first one was: are they the same 80 people who come through every time, the same workforce?

**The Deputy of St. Ouen:**

No, there would be some who are coming for a need that is just a one-off and others that may be more regular workforce.

**4.6.3 The Connétable of St. Saviour:**

As the Minister is unable to tell us what traffic-light zone they come from, are we not taking their names and addresses?

**The Deputy of St. Ouen:**

Yes, indeed, they will be taken at the border and our teams will have names, addresses; they will know where these employees are staying.

**The Connétable of St. Saviour:**

So if they come from a red zone, we are still allowing them through?

**The Bailiff:**

No, that was a supplementary to the supplementary.

**The Connétable of St. Saviour:**

Yes, I do apologise.

**4.6.4 Deputy J.H. Perchard:**

Under which policy was the exemption described in the original question enabled and could the Minister ask officers to please circulate this policy to Members so that we can better understand all possible exemption scenarios?

**The Deputy of St. Ouen:**

The guidance and application process is on [gov.je/Health/Coronavirus/Travel](https://gov.je/Health/Coronavirus/Travel), so the conditions, the very strict conditions set out, are there available for all to see. This was agreed by competent authorities Ministers on 18th September and the processes administered by the contact tracing team.

**4.6.5 Deputy J.H. Perchard:**

Could the Minister please instruct officers to directly send me the links to the exemption policy so that I can better understand all possible exemption scenarios?

**The Deputy of St. Ouen:**

Yes, I will ask Ministers to communicate directly with the Deputy. Can I also refer the Deputy to Deputy Morel's written question, I think it is number 371, filed today which gives that further detail?

**4.6.6 Deputy M.R. Higgins:**

Can the Minister tell us whether there have been any breaches of the conditions that attach to these exemptions and, furthermore, whether any of these people have been involved in any of the contagious outbreaks?

**The Deputy of St. Ouen:**

I am advised that there was one exempt worker who tested positive and inadvertently went straight to work instead of waiting for his arrival test results. He was isolated immediately the test results came through, so one appears to have happened in this case.

**4.6.7 Deputy K.F. Morel of St. Lawrence:**

Would the Minister agree that due to the isolation policies and the fact that these workers are remaining within their hotel environments when not at work, and also due to the sheer small numbers of workers involved, that the main threat to the Island from coronavirus coming through our borders remains through domestic travel to the U.K. and not via these 80 or so workers from France?

**The Deputy of St. Ouen:**

Yes, I do agree with the Deputy. Because of the measures taken if permission is granted to any of these companies or businesses or services, there really are very strict conditions around infection control and the movement of these people within the Island which are, of course, supervised by their employers, as well as checks being undertaken by contact tracing. So the applications are all risk-assessed in that regard and the risk is assessed as an appropriate one to take in the interests of the Island because these are critical workers. The Deputy is perhaps right that there may be greater risks coming through the borders because of the numbers involved and the difficulty in the regular follow-up of those people and their requirement to isolate. But I think attention is moving away from the borders now as fewer people travel into the Island and we really need to start thinking about on-Island measures because it is quite possible that we will see community transmission in the Island because we are entering the winter period when the virus will be more virulent. We must concentrate on efforts among ourselves to control the spread of infection and remove this complete focus on the borders because the risks are moving more into the community.

**Deputy R.J. Ward:**

It sort of follows on from the answer that was just given. When I asked ...

**The Bailiff:**

Can I just remind Members that we must stick within the parameters of the question which was the exemptions given? It strayed a little bit there in the answer but if you would like to ask a supplementary on that basis then ...

**4.6.8 Deputy R.J. Ward:**

Yes, it is regards the exemption which requires isolation away from work. Is the Minister confident that the mechanism for that isolation, those people getting food, the travel to and from work, recreation, for example, is strong enough to ensure that they are effectively living in a bubble while they are here as part of that exemption rule?

**The Deputy of St. Ouen:**

When employers make application, they have to assure officers of the infection control measures they will put in place, which include providing independent transport to and from the workplace and ensuring the worker has suitable accommodation and support to isolate, which includes taking meals

as well as the provision of hygiene facilities and ensuring physical distance. All of this is risk-assessed and monitored.

**4.6.9 Deputy R.J. Ward:**

Can the Minister reassure that those procedures are monitored and that the staff in hotels who are serving these guests have suitable protection as well when they are encountering the bubbles in close quarters?

**The Deputy of St. Ouen:**

I am sure this would all be part of the risk assessment so that the officers who may consider the exemptions will consider the appropriateness of the place of residence of these workers and the ability of staff who may be working there to protect themselves and to control the spread of infection.

**The Connétable of St. Brelade:**

My questions have been satisfactorily answered by the Minister.

**4.7 Deputy R.J. Ward of the Chair of the States Employment Board regarding negotiations in respect of public sector pay (OQ.271/2020):**

What arrangements are in place to commence negotiations over public sector pay from this year into 2021 and subsequent years?

**Senator J.A.N. Le Fondré:**

The Connétable of St. Ouen is taking this question.

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

The S.E.B. (States Employment Board) is in the process of agreeing the parameters for pay negotiations with the unions. We will have a draft framework for discussion by early November and we are hoping will have agreement to that by early December. Meetings with our union colleagues to discuss this will be set up very shortly. The framework, on the assumption it is agreed, will allow pay negotiations for 2021 and beyond to take place, noting of course that there will be a new S.E.B. in place from 2022. Any negotiations will consider the current economic position of the Island and the affordability of pay awards.

[10:45]

**4.7.1 Deputy R.J. Ward:**

Given the role that the public sector workers, particularly some areas, have played in the pandemic, and indeed we have all stood outside our homes and applauded, will the Assistant Chief Minister commit to remembering that commitment that was made to our public services in these negotiations and subsequently valuing the importance they are for this Island?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his supplementary question. The factors he outlines will of course be borne in mind when considering pay awards for 2021.

**4.8 Deputy K.F. Morel of the Chief Minister regarding engagement with minority groups in Jersey (OQ.263/2020):**

Given that 3 per cent of those responding to the recent survey regarding Islanders' opinions of the Government's priorities in light of the COVID-19 pandemic stated that they are Madeiran or Portuguese, and 2 per cent stated that they are Polish, what action is the Government taking to ensure that future surveys reach, and are responded to by, minority groups in Jersey?

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

The Council of Ministers values the input of our immigrant communities into the development of the Government Plan and policy generally through our consultations. What I would just note before getting to answering the rest of the Deputy's question is obviously the 5 per cent referred to by the Deputy represents around 102 responses. In total we had around 263 responses, i.e. around 13 per cent of those responding from what is described as non-Jersey, non-U.K., non-Republic of Ireland and non-Crown Dependencies. That is out of about 2,100. Proportionately from the last census this will have changed, and we will see more next year when the new census comes out; the last census indicated we had about 7 per cent Portuguese and Madeira of origin and around 3 per cent of Polish. So that just puts those numbers that he is citing into context and the Polish looked broadly representative based on the last survey obviously. Obviously the Madeira and Portuguese is lower, but it is still a reasonable number in absolute terms. The gov.je website does provide a translation services that ensures that content is available in multiple languages but the use of that is somewhat limited. The reality these days is that many users set their operating system and browser languages to their preferred language or use browser extensions to control the language they read content in. That means that they can read both promotional posts about our surveys and the surveys themselves in their preferred language. But we do continue to develop communications in non-English languages for key Government campaigns. That has taken place at present both for the Jersey E.U. (European Union) Settlement Scheme and the recently launched domestic abuse campaign which includes communications in Polish, Portuguese, Romanian and Thai.

#### **4.8.1 Deputy K.F. Morel:**

I am pleased to hear the Chief Minister accept that Madeira and Portuguese population's responses are not representative in terms of the size, 3 per cent and 7 per cent are not the same thing. With that in mind, and notwithstanding all that the Minister has just said about how the Government speaks outwardly in different languages, does the Minister accept that the Government does not often hear the voices of the Madeiran and Portuguese population in Jersey?

#### **Senator J.A.N. Le Fondré:**

As I said, I think the fact that overall we have had a 13 per cent response I thought was pretty good; the 263 respondents from non-English speaking or likely to be non-English speaking countries. I think there is quite a lot of attempt to do engagement, particularly with the communities that he has talked about. I know that I have - well it obviously did not happen this year - certainly attended a number of Madeiran or Portuguese events during my time as Chief Minister, so I would have thought the engagement was reasonable. We know we can always do better; there is no question on that. Obviously the other issue is you can reach out as much as you like but you cannot force people to respond. That can come down to the whole issue around apathy that we face in a whole range of areas. But I think the fact that around 263 - and I accept I am using the totality - of about 2,100 responses were, as I said, from what is sometimes defined as "other countries" is not something we should ignore. But we know we can always do better.

#### **4.8.2 Deputy J.M. Maçon of St. Saviour:**

Can I ask the Chief Minister, of those groups already mentioned does the Minister agree with me that even within those groups they are not homogenous and you will have a spectrum of opinion?

#### **Senator J.A.N. Le Fondré:**

Yes.

#### **4.8.3 Deputy K.F. Morel:**

Given the Chief Minister's response to the last question, and in accepting that there is no homogenous single voice of any given community in Jersey, does he accept that is the reason why it is very important that numerically rather than statistically such surveys reach out to a representative sample of all the communities in the Island?

**Senator J.A.N. Le Fondré:**

I think we always do our best to make sure we get the broadest opinions of all Islanders. As I said, we do make efforts to deal with what is sometimes referred to as minorities and we are making, I think, quite different efforts to reach out to certain members of our community. What you cannot do is oblige them to respond, and that in itself will distort the responses. But, as I said, 13 per cent of the responses are from what is deemed other countries and it can always be improved but that is not a bad start.

**4.9 Deputy M. Tadier of the Attorney General regarding the legal ownership of the Sir George de Carteret statue in St. Peter (OQ.287/2020):**

Will the Attorney General please advise the States if the States has any legal ownership of the Sir George Carteret statue in St. Peter, and if not who the legal owner is?

**The Solicitor General (Rapporteur):**

The conveyancing team within the Law Officers' Department have recently carried out some very thorough research on this topic. It transpires as a result of that, that the statue stands on land which is in fact owned by the States of Jersey. The reason for that is that little parcel of land once formed part of the A12, the main road through the village which was in States ownership. In the 1950s the route of the A12 was shifted to the east and straightened in order to remove what was a fairly pronounced corner in that part of the road, but the land remained in the ownership of the States and does today. So if the land is owned by the States I suppose the question then is who owns the plinth and the statue that sits on it. My view is that the plinth and the statue are sufficiently permanent a structure that they together amount to a fixture which in turn means that they would be considered in law as forming part of the land on which they sit and thus owned by the landowner, in this case the States. So in the absence of any arrangement or agreement to the contrary - and we have seen none - we think the plinth and statue are owned by the States of Jersey.

**4.10 Deputy L.M.C. Doublet of St. Saviour of the Minister for Children and Housing regarding the prohibition of smacking in accordance with the Children and Education (Amendment) (Jersey) Law 2020 (OQ.283/2020):**

What steps, if any, has the Government taken to ensure that parents and prospective parents are fully aware of the new Children and Education (Amendment) (Jersey) Law 2020, which prohibits the smacking of children?

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

Jersey is the first jurisdiction in the British Isles to implement a smacking ban. I was very pleased that it received a lot of publicity at the time in the local media and even some national media as well, so I know that a large proportion of the Island hopefully will already be aware of this because of that significant coverage it got. There was a communications effort alongside this to try and spread awareness about this where the Government encouraged further media coverage of this with press releases, and I myself took part in quite a few media engagements with this. The details of the ban have been sent to all schools for parent mail, the youth service and I understand some Parish magazines as well. There was also a leaflet produced in English, Portuguese and Polish for an Island-wide leaflet drop through every letterbox in Jersey homes, and of course social media was used extensively as well to put this across.

**4.10.1 Deputy L.M.C. Doublet:**

What follow up is the Minister doing to check whether Islanders do understand that the law has changed so that he can assess the impact of these measures, because it seems the measures have been quite broad? How is the Minister assessing these to ensure they have gotten through to the entire population?

**Senator S.Y. Mézec:**

I do not have a specific idea now of how successful that has been. I can only guess based on the breadth of the coverage that there was at the time, and I am not necessarily entirely sure what more could be done to ascertain whether that message has been picked up loudly and clearly by the public. I suppose one idea could be having some sort of question in the next survey that the Statistics Unit puts out to understand if there are parts of our community which may be less aware of it than others, but that is just an idea I have come up with on the top of my head, so if the Deputy has any suggestions on how we might ascertain that information I would be grateful to hear it.

**4.10.2 Deputy C.S. Alves of St. Helier:**

Has the Minister considered putting out any sort of periodic reminders about the legislation, especially for those where there might be some cultural factors in play as well?

**Senator S.Y. Mézec:**

In terms of an update campaign, not at this point but I can raise that with my comms officers who were involved in putting the first campaign together and who I think did a very good job; that is something I can raise at my next ministerial meeting. I think one important thing we may need to consider, if it has not been considered already, is how this is included in any sort of information pack or things that are provided to people when they come to the Island because many people may perfectly innocently just assume that the rules here are the same as they were when they have come from elsewhere and that can include the U.K. because of course it is still legal in most of the U.K. That is something I can take up with my officers to see what a good follow-up could be.

**4.10.3 Deputy L.M.C. Doublet:**

The Minister's idea is a good one. As for measuring the reach of the initial campaign, I wonder if the Minister could look at some comms feedback, a comms report on what the engagement levels were with that campaign. That might give some information. Also I do wonder if the Minister please would agree to communicate with health colleagues and discuss the option of including this information at a set point where women are in touch with health professionals during pregnancy because that to me seems like a good opportunity to access parents before they give birth.

**Senator S.Y. Mézec:**

I thank the Deputy, those are all really good suggestions and I might get in touch with her afterwards just to explore some of that but, yes, they sound like good suggestions.

**4.11 Deputy I. Gardiner of the Minister for Infrastructure regarding the condition of the Nightingale Wing of the Jersey General Hospital (OQ.267/2020):**

Will the Minister update the Assembly as to the current condition of the Nightingale wing of the Jersey General Hospital?

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

It is worth noting that my Department oversaw the provision of the facility in response to a statement of need from the Health Department, and that the medical operation of the facility is not my responsibility. We are, however, supporting the Health team and have been attending some minor remedial works to mitigate leaks that have occurred during the recent heavy wind and rain.

[11:00]

Although there was a small amount of ingress this was on the inner side of the outer walls and did not affect the ward areas. We are in the process of completing additional sound attenuation works on the oxygen generators in order to be good neighbours and reduce the impact of noise generation. The original requirement for the building was for a short period of time however for medical reasons that has been extended as an insurance policy. As the building was not originally expected to be used over the winter we will retrofit a heating module to the existing air handling system which has been ordered and will be installed on arrival.



**4.11.1 Deputy I. Gardiner:**

I would like to emphasise that my question was around infrastructure of the Nightingale wing and not necessarily the medical operation, so my follow-up will be: what are the ongoing costs, if any, in keeping the Nightingale wing open and ready for admissions?

**Deputy K.C. Lewis:**

I do not have the costs with me but I can provide that to Members. I believe that was released in a previous question, but I can get the cost to Members.

**4.11.2 Deputy R.J. Ward:**

Is the Minister confident that the Nightingale wing will be fully operational throughout the winter, even if we have a severe winter?

**Deputy K.C. Lewis:**

Yes, indeed. The specification is quite high for what is basically a temporary structure. The roof and outer walls are a double skin, especially on the roof, so even if heaven forbid it should snow the air pump through the roof lining is heated so that would melt any snow that lands on the roof. Plus we have the additional benefit of the Nightingale unit being at sea level, which is always slightly warmer than the upper levels of the Island. It is relatively sheltered there; the wind does come off the sea but that has all been attenuated.

**4.11.3 Deputy R.J. Ward:**

Given that we have had to retrofit a heating system, does the Minister understand concerns that the hospital is not designed to work through a winter period, or is he still confident that that will be fully operational even in the severest of weather?

**Deputy K.C. Lewis:**

The Deputy is quite right, we did not anticipate running the Nightingale unit through the winter but, as I previously stated, a heating unit will be arriving shortly and will be fitted as a priority. So the unit will be operational as soon as possible. As soon as our colleagues in Health call upon it to be used it will be up and running.

**4.11.4 Deputy I. Gardiner:**

We do have infrastructure in place; have any other strategic functions been considered for the Nightingale wing including but not limited to an inoculation centre, for example? So we will use already built infrastructure for other purposes if we do not need to currently use it for the COVID cases?

**Deputy K.C. Lewis:**

While it was built and designed for COVID-19 any other uses will be a matter for our colleagues in the Health Department.

**4.12 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding engagement with the Island's G.P.s in respect of the Jersey Care Model (OQ.279/2020):**

Is it the Minister's assessment that the success or failure of the proposed Jersey Care Model will depend on the support of the Island's G.P.s (general practitioners), and if so, and given that the Health and Social Security Panel's survey of G.P.s indicates that such support is largely absent, will the Minister outline what steps will be taken to ensure the confidence of the majority of G.P.s in the Care Model?

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

General Practitioners provide vital services to Islanders and, as key stakeholders, their support in improving our health system is essential and important. The responses to the Scrutiny Panel's survey of G.P.s are very useful, reminding myself and us in H.C.S. (Health and Community Services) that it is crucial to continue conversations and engagement with all stakeholders and Islanders on the Jersey Care Model. Officers in H.C.S. have regular monthly meetings with the Primary Care Board and regular contact between meetings. A key commitment from our side is to ensure G.P.s are part of the implementation plan of the Jersey Care Model. G.P.s have raised the desire to review the governance arrangements for future decision-making and officers are currently working with the Primary Care Board to co-design overarching governance principles of the model to ensure sufficient and adequate G.P. representation.

#### **4.12.1 Deputy G.P. Southern:**

I thank the Minister for his answer. What information does the Minister have as to the progress on achieving an agreement with G.P.s that they should deliver affordable services in primary health care on the Island?

#### **The Deputy of St. Ouen:**

That is rather straying away I think from the direction of the question but that is subject to current negotiation and my understanding is progress has been made.

#### **4.13 Deputy C.S. Alves of the Minister for Health and Social Services regarding the prioritisation of Covid-19 tests (OQ.289/2020):**

Will the Minister advise whether and how COVID-19 tests are prioritised and, if any such priority system is in operation, will he state whether the tests of inbound travellers to the Island are being prioritised over the tests of any symptomatic Island resident?

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

P.C.R. (polymerase chain reaction) tests for COVID-19 are taken with the aim of identifying all new cases and preventing the spread of the virus. I have got quite a raft of information but the question focuses on the priorities between symptomatic Island residents and inbound travellers. We use 4 different laboratories for our tests; one is the on-Island hospital laboratory which has an average one to 2-hour turnaround time, and that is used to test hospital admissions and symptomatic hospital patients. The on-Island COVID laboratory which is sited at the Aero Club has an average of 8 to 12-hour turnaround time, and for the moment that is testing all day zero tests from inbound travellers. The off-Island private laboratory, Micropathology, has an average 29-hour turnaround time and it is to that laboratory that most symptomatic community cases who are already in isolation are sent. So that is the primary use of each of the laboratories. We would want and aim in a short while to ensure that our laboratory at the Aero Club is able to conduct all the tests that are needed in the Island.

#### **4.13.1 Deputy C.S. Alves:**

The Minister mentioned 3 labs I think, not 4. When does the Minister see that the lab at the Aero Club will be able to process more of these tests, and can the Minister also clarify which lab is currently processing day 5 tests, as I have been hearing from a significant number of residents and travellers who are waiting for their 5-day test and it is taking up to 48 hours, which is resulting in them having to isolate up to 7 days instead of 5 as initially thought.

#### **The Deputy of St. Ouen:**

Yes, I did not mention the fourth laboratory which is off-Island and is run by Public Health England and has an average 35-hour turnaround time, and that is used only at the moment for workforce screening tests, which is why I did not mention it first. So the 5 and 8-day tests are, in the main, conducted off-Island with Micropathology, which has an average of 29-hour turnaround time, but they are primarily used for the day 5 and day 8 tests for direct contacts and the day 5 tests for green and amber arrivals and, as I said earlier, for symptomatic community cases who are already in

isolation. We would hope to be able to conduct all these tests within a matter of weeks. I think it is a careful graduation of the on-Island testing facility so the report I had is perhaps a week old but all was going well with the process, and I think I can say within a matter of weeks that we hope to have all Island testing.

**4.13.2 Deputy R.J. Ward:**

Part of my question was answered in the previous answer but does the Minister understand the importance - particularly as you mentioned earlier there may be on-Island transmission occurring - that quick turnaround tests will be vital as part of the test and trace process that gives us the opportunity to suppress the virus even on-Island.

**The Deputy of St. Ouen:**

Yes, that is recognised and of course suppression means that we require people to isolate. It is the fact they are isolating which means that the virus is limited in its spread. The use of the laboratories I have mentioned is the primary use of each laboratory; where appropriate we can be flexible and if a case warrants it then the on-Island laboratories will be used where there is capacity.

**4.13.3 Deputy R.J. Ward:**

Does the Minister accept that the balance between isolation and then receiving a test and therefore being able to carry on with lives, which is the key to us having some sort of continuation here, that will be assisted by quick turnaround testing from tracing processes and from those who are receiving a second test? So, therefore, it is a double priority, i.e. people can get their test quickly and then continue with their lives if they are hopefully negative.

**The Deputy of St. Ouen:**

Yes, I would accept that we have always sought to achieve as quick a turnaround as we can and that is one of the reasons for the substantial investment in the on-Island laboratory, which will meet all our needs very quickly.

**4.13.4 Senator K.L. Moore:**

I would be grateful if the Minister would confirm the current maximum number of tests that can be processed at the on-Island testing facility at the moment. If the Minister could also confirm, when he describes that he hopes a greater variety of tests will be able to be processed on that site, is that due to the decreasing numbers arriving or an increasing ability to test per day, and if so what will then be the number of tests he expects the laboratory will be able to process per day.

**The Deputy of St. Ouen:**

The laboratory will be able to process up to 2,000 tests each day, which we anticipate will be sufficient for most of our needs, though we still wish to retain the option of the off-Island facilities and we will be ensuring that that continues. The notes I have anticipate that this new functionality will be available within the next month, that is November. We are certainly operating the on-Island test laboratory at over 1,000 tests at the moment, working towards that 2,000 figure.

[11:15]

**4.13.5 Deputy L.M.C. Perchard:**

Just on the original concept of the priority, why is it that day 5 tests of children who are sent home to isolate from schools are not considered to be suitable for the on-Island facility rather than being sent away?

**The Deputy of St. Ouen:**

They are suitable to be conducted on the on-Island facility; I think it has thus far been a question of capacity because the greater risk of spread on the Island has been coming from inbound travellers, though as I have said that is perhaps beginning to shift. But with that greater risk it is important that

the on-Island testing facility is able to rapidly test all day zero incoming passengers, and that is what it has been doing. Where there has been spare capacity other tests have been taken but until the on-Island laboratory has reached its 2,000 a day capacity we are using Micropathology with the average 29-hour turnaround time for those day 5 tests.

**4.13.6 Deputy L.M.C. Perchard:**

Does the Minister not think that in the case of an outbreak in a community such as a school where obviously young children are expected to isolate, would he not consider that those are urgent enough to warrant the second test being done more quickly?

**The Deputy of St. Ouen:**

That may be the case. These decisions on prioritisation do not come up to ministerial level and I would not be the right person to assess and graduate risk. So what I have been describing is the primary use of each laboratory but of course officers are able to in a situation like a school infection to ensure that those tests are conducted by a laboratory on-Island, for example, where there is capacity and capacity may well be made. So the system is flexible enough to meet needs.

**4.13.7 Deputy C.S. Alves:**

Would the Minister consider taking the comments that have been raised during this question back to his officers, especially around children and workforce, because I have seen comments, for example, about one particular individual that worked for the emergency services and was in contact with a positive case and still took 34 hours to get their result back. So I would appreciate it if the Minister could take this back to his officers and ask them maybe to reconsider how they prioritise certain tests.

**The Deputy of St. Ouen:**

Yes, I will undertake to do that. I do not think we have discussed workforce at any great length so may I ask the Deputy to email me with the details of the workforce case that she has just mentioned if she wants us to look into that or similar situations.

**4.14 Deputy S.G. Luce of St. Martin of the Minister for Education regarding the number of Jersey students at universities off-Island (OQ.268/2020):**

How many Jersey students are currently studying at universities off-Island?

**Deputy J.M. Maçon (Assistant Minister for Education - rapporteur):**

What appears to be a simple question; for context we know the number of students who register with Student Finance, and while they do encourage all students to register with them as this can help with the student being charged home fees as opposed to international fees in some circumstances, not all students do. These students will be a mixture of undergraduate, postgraduate, opérateurs, dance academies and other non-university institutions that provide level 6 qualifications. This figure would also include students on-Island. The total figure is circa 1,600 and it is estimated that approximately 200 students study off-Island without Government support. As mentioned earlier, not all students register with Student Finance as they may not qualify for financial support due to income assessment or may not have been living on the Island for 5 years.

**4.14.1 The Deputy of St. Martin:**

I thank the Assistant Minister for his answer. Can he inform the Assembly whether he has contact details for all those students?

**Deputy J.M. Maçon:**

Contacts for students registered with Student Finance the department will have.

**The Bailiff:**

Can I just say to Members we are literally at the halfway point of asking questions and we have used up three-quarters of the time available to us in order to do so. Consequently from hereon I will not take supplementary questions to supplementary questions. So the usual supplementaries for the main questioner will be available but any other Member may ask a question but not a follow-up supplementary after that. That is to enable us to have the best chance of getting through the remaining questions.

**4.15 The Connétable of St. Helier of the Minister for the Environment regarding the development of a public realm and movement strategy and its contribution to the walking and cycling strategies for St. Helier (OQ.284/2020):**

Will the Minister advise how he will ensure that the current work being undertaken by Arup Consultants on developing a public realm and movement strategy for St. Helier will contribute to the development of walking and cycling strategies for St. Helier by the Minister for Infrastructure?

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

The work being undertaken by Arup is part of the Island Plan project and it will provide a strategic framework for the public realm and movement in St. Helier. After the analysis and stakeholder engagement the strategy will bring about a plan for improvements in the use and management of St. Helier's network of roads and streets, which will have the objective of prioritising movement of walking and cycling and proposes an active travel network. As well as that, the second part is that it will help us better co-ordinate the urban planning work and the infrastructure implementation work being developed under the Sustainable Transport Policy by the Minister for Infrastructure. I think that is progress because in the past I think we have been less joined-up in that work. So the strategic framework will provide a frame for the Minister for Infrastructure and including those elements of the active travel plan and what the Constable's question refers to, and the way that is being done is very close involvement with the team, which is an across team, and the Minister is briefed. That is the overview. It is a complex picture but I am confident this will do better joined-up Government than before in this vital area.

**4.15.1 The Connétable of St. Helier:**

It is good to know that the silos are coming down but could the Minister advise us when the outcome of the Arup work will be passed to Infrastructure because, as he knows, the Minister for Infrastructure has committed to bringing his active travel strategy to the States by the end of the year. Clearly there is not much time left. While he is replying to that supplementary could he also give us an estimate of the cost of the work being undertaken by Arup?

**Deputy J.H. Young:**

If I may deal with the first question first. The project is being funded through the budgetary provision that was made for the Island Plan, and obviously as a complicated project, a bit like a jigsaw with lots of different facets, what we have had to do is to contract various elements to different partners. Of course the Minister for Infrastructure, the contract was done for the coastal management plan and so on, and this is another one. Now, what we have had to do because of the timescale, Arup, who were originally engaged as our partners to help us provide objectivity to this, have contracted to fill the gaps, as it were, where we lack that resource to get these things done. So the work is going at pace. I cannot give an exact date but I can say that as far as I am concerned, I am being told certainly before the end of the year this work has to come together because obviously the Minister is committed to bring the ... we have got to deliver the objectives in the Sustainable Transport Policy in the 2021 period. So buses, parking plan and mobility are other elements, but of course this is the active travel plan that the Constable is referring to. So I will come back with a specific date on that but it is a very complex project and I have to talk to the team to come back, but I promise the Constable I will come back with that exact date. But it is going to have to be soon because the Island Plan will have to be published in March.

#### **4.15.2 Deputy R.J. Ward:**

Can the Minister give an estimated date of any project that would be a tangible change to our transport policy from this? Any one will do.

#### **Deputy J.H. Young:**

What we are doing here is complex, it is a top down process and the idea is that the Island Plan will have to set out the big picture. I said at the start of the project I want a fresh look at St. Helier traffic and road schemes because we are putting in a lot of housing there and we have got to make sure that we create decent places to live. Now that work will have to be completed by the end of the year otherwise the Island Plan will be missing a vital element, so that element has to be done. But as far as the actual delivery pieces, these are dealt with by the Minister for Infrastructure. But the team at the moment is comprising the S.P.3 (Strategic Policy, Performance and Population) team, which is part of the chief executive's team now, we have got officers for Infrastructure, officers for Housing, officers for Environment; they are all working on it. So I will stand or fall on delivering this commitment for the big picture Island Plan with that vision and the way we want to see town can work, but putting the nuts and bolts in place will be Infrastructure. The Deputy of course will know that in other places those 2 functions are dealt with by the same civil team. They are not in Jersey; that is what I have to work with, that fragmentation I am trying to avoid.

#### **4.15.3 The Connétable of St. Helier:**

I am grateful to the Minister for his candid answers. Does he agree with me that the fact that we currently have no safe designated cycling routes in St. Helier, nor any holistic plan for walking around our town, is something which we are incredibly overdue on; and will he work with me to try to persuade the Minister for Infrastructure to really prioritise these projects?

#### **Deputy J.H. Young:**

The Constable knows where my own personal preferences are because I believe this is vital because if we are going to put a very large number of increased densities of new residents in town we have to deal with this problem and make it better for people to move around the town in cycling and walking. We have to do that. Now, at the end of the day I am going to be in the Assembly's hands here because that Island Plan is not in my gift, it will be in that plan and it will be for the public inquiry and States Members to sign up to. I hope that will be and I am always keen to work with the Connétable; the Connétable knows that. For me having a really improved urban vision for our town area is a vital part of future life in Jersey.

#### **4.16 Deputy K.G. Pamplin of St. Saviour of the Minister for Social Security regarding the Child Personal Care benefit (OQ.275/2020):**

Is it the Minister's assessment that, with regards to recent cases of families with highly complex medical needs unable to qualify for support, the child personal care benefit is in need of review?

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

I thank the Deputy for his question. Obviously the Deputy will understand that it is not appropriate for me to discuss any details of individual cases. There is a mix of support that Jersey is able to provide to children with highly complex medical needs. Their medical needs are co-ordinated through paediatric services delivered by the Health Department. As needed they also receive extra support with education and developmental needs through C.Y.P. (Children and Young People). For children who have personal care needs as well as medical needs direct financial support is provided through the benefit system in the form of the child personal care benefit. The child personal care benefit is based on a comprehensive assessment of personal care needs of the child and I do not consider that it is in need of a review.

[11:30]

#### **4.16.1 Deputy K.G. Pamplin:**

I thank the Minister for her answer. As we go through this process - and she is quite right of course not to discuss one family's need but there are others coming forward - as part of this will she look also at communication with her department, as I will provide evidence to her that I am seeing cases where communication to families waiting for responses is not as forthcoming as we would hope in terms of their mental health while they wait.

#### **Deputy J.A. Martin:**

Absolutely. Obviously I would like to help the Deputy and the families as much as possible and I am sorry if the communication is either not clear enough or definitely not getting to the families in time.

#### **4.17 Deputy J.H. Perchard of the Minister for Education regarding the impact of Covid-19 on learning and education (OQ.265/2020):**

Will the Minister undertake to consider a policy paper recently published by the Education Policy Institute with funding recommendations to the U.K. Government to minimise the impact of COVID-19 on learning (including, for example, doubling pupil premium spending) and will she set out her equivalent funding plans in the wake of the pandemic?.

#### **Senator T.A. Vallois (The Minister for Education):**

I thank the Deputy for her question. I am happy to consider the policy paper the Deputy refers to and set out my plans to minimise the impact of COVID-19 on learning. My officers have designed a school catch-up programme based on lessons learnt both in Jersey and in other jurisdictions. This will establish a tutoring programme to provide small group tuition to the children most in need within intensive learning support and give schools access to subsidised tutoring sessions and free coaches for various groups of children, such as those in Jersey Premium, English with additional language, special educational needs disability and the most vulnerable. Also the programme will invest additional funding in the Olevi teaching programme to accelerate and build capacities to deliver the catch-up programme effectively and improve sustained attainment into the future and to make sure all staff are best equipped for the recovery challenge. In total this programme is costed at £1.345 million and spread across 2020 and 2021. I am aware that the Minister for Treasury and Resources is minded to approve the Ministerial Decision this week that will transfer £445,000 in 2020 from the general reserve to my department. Additionally in the proposed Government Plan there is just over £900,000 to continue the programme into 2021. These sums will put in place a 16-month programme with funding running across the financial years to address the learning loss experienced by many children at primary and secondary schools. Finally, in addition to the catch-up programme, the proposed Government Plan also includes an additional £291,000 for Jersey Premium, and this is in addition to the £400,000 growth already planned for 2021 in last year's Government Plan. In total if the plan is accepted these proposals will deliver around £2 million in additional funding for the catch-up programme and Jersey Premium.

#### **4.17.1 Deputy J.H. Perchard:**

I thank the Minister for that thorough and pleasing response. Would she be minded to share the catch-up programme - sorry, I do not know if it is already public - detail with Members in addition to any other reports? I know there was a review done on how education was impacted from COVID but it is not publicly available. Would the Minister be minded to share those assessments and plans with Members?

#### **Senator T.A. Vallois:**

Yes, absolutely. We are planning on publishing that report that the Deputy refers to help support evidence-wise for the bid that we have made to Treasury with regards to the catch-up programme.

Those papers will be published shortly and I will be happy to share them directly with States Members.

**4.17.2 Deputy L.M.C. Doublet:**

The paper mentioned in the question touches on support for the early years sector and the Minister will be aware that there was at least one closure of nurseries during the first lockdown. Could the Minister outline what financial support she will be giving to nurseries and early years setting, please, to ensure that does not happen to any other settings?

**Senator T.A. Vallois:**

In terms of the early years, of course the focus has been on the schools' catch-up programme where some of our nurseries are attached to those schools, so that will be included with regards to the nurseries within those schools. There has not been an additional amount identified but we do have a sum in the Government Plan for next year to do with the nursery education funding, but we have been supporting private nurseries throughout the pandemic and they have been really helpful, not just to us as a Government but to the Island as a whole in supporting particularly vulnerable and essential workers' children during the pandemic. We assisted with continuing providing support, whether that be through continuing the funding of the N.E.F. (Nursery Education Fund) and also provision of P.P.E. (Personal Protective Equipment).

**4.18 Deputy M. Tadier of the Minister for Infrastructure regarding the use of the former Les Quennevais School site (OQ.288/2020):**

Will the Minister advise whether he has been approached by any groups who wish to use the vacant building at the former Les Quennevais School site, and will he give consideration to allowing the site to be used on an interim basis for community purposes; and if not, why not?

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

I can confirm that a number of groups have made contact with requests to use the old Les Quennevais School premises. The first point to make is that the transfer of certain school equipment from the old premises to the new facility is still taking place and therefore third party uses cannot be considered until that is fully complete. The second point is that the old school was towards the end of its life, which is obviously why we built the new one, and only essential maintenance was carried out. So it may need money spending to bring it back to full use, if that was decided. The third point is that our focus remains on determining the future permanent use of the site and our preference is to concentrate on delivering that. Once that is known and agreed, depending on the timescale before the future plan is implemented, there may be scope to accommodate certain groups on short-term arrangements. It should be noted that I am always keen to work, where possible, with the community and in fact the Back to Work teams are using the portacabins on site. To answer the Deputy's question, we are in discussion with ministerial colleagues and certain government departments about possible interim usage. The library continues to operate on the site until a permanent relocation is resolved.

**Deputy M. Tadier:**

I did not mean to cut off my Reform Jersey colleague but he can wait his turn. I wanted to ask how long the Minister thinks it will take before some of these groups are likely to be able to move in, if indeed the Minister is so minded to allow them to move in?

**Deputy K.C. Lewis:**

I cannot really give a date at the moment. As I mentioned the school is not fully transferred yet. It is my information that the Les Quennevais School will be transferring to the new premises, which they have already done, but there is still some equipment on site which they will either transfer, I believe, or possibly auction off. I am very keen to see the premises used wherever possible so I take the Deputy's comments on board.



**4.18.1 Deputy R.J. Ward:**

Can the Minister confirm that a final decision on the use of the site has not been made and that full consultation will happen, particularly with the local community, before any final decision is made?

**Deputy K.C. Lewis:**

No decisions have been made and I believe the whole Island will be consulted on that. Of course the Parish and Parish Deputies will also be consulted.

**4.18.2 Deputy G.J. Truscott of St. Brelade:**

The decision-making wheels of Property Holdings are renown for moving quite slowly, could the Minister give an indication of how soon we can expect to see some firm proposals emanating from his department's think tank as to the future use of the old Les Quennevais site?

**Deputy K.C. Lewis:**

As I have already pointed out, the decision is not just mine. Obviously I oversee Property Holdings but the school is still occupying the site at the moment. Once they are completely clear then we can make a decision on a temporary basis and it will be down to colleagues in the States as to exactly what happens to the building ongoing. But, as I say, that is a matter for the future, I cannot give an exact timeline at the moment but I do not anticipate it being a long one.

**4.18.3 The Connétable of St. Brelade:**

Would the Minister agree that there is a desperate need for additional housing in the area for the over-55s? Would he consider supporting that principle with his Property Holdings hat on in due course when it comes to debate?

**The Bailiff:**

Presumably this relates to the Les Quennevais School site, Connétable? It cannot be a more general question than that.

**The Connétable of St. Brelade:**

Very much so, indeed. The site lends itself well to the provision of over-55 homes and I ask the Minister if he agreed.

**The Bailiff:**

Thank you for that clarification.

**Deputy K.C. Lewis:**

I am in the hands of Members. If that is what is decided then I am all in favour of over-55s housing throughout the Island. There is a desperate need for housing. That particular site will be a matter for Members.

**4.18.4 Deputy M. Tadier:**

If I can just thank the Minister for keeping his powder dry on that last question. Could I ask him to reiterate that while the future use of the site will be a matter for wider Island consultation that really there needs to be a mechanism whereby the immediate residents of the area can be asked to give their feedback, perhaps in proportion to the distance from the school that they live, about what might go on there and what features might best service the local community as well as the Island community?

**Deputy K.C. Lewis:**

Yes, absolutely.

**4.19 The Deputy of St. Martin of the Assistant Chief Minister regarding the costs of the proposed new hospital at Overdale (OQ.269/2020):**

Will the Minister advise when the Our Hospital Political Oversight Group were shown the costs of the proposed new hospital at Overdale?

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

The Our Hospital Political Oversight Group were initially shown specific costs relating to the proposed new hospital build for both Overdale and People's Park at the technical briefing provided by the design and delivery partner on 23rd September this year. These costs were then considered and discussed further and taken into consideration during and between the subsequent meeting held on 30th September 2020 at which the Our Hospital Project Oversight Group reached the decision to recommend Overdale as the final preferred site to the Council of Ministers. As Members will know, the Council of Ministers then went on to endorse that recommendation and accordingly have lodged a proposition to that end.

**4.19.1 The Deputy of St. Martin:**

Did those costs include the cost of putting the new road up from Westmount?

**Senator L.J. Farnham:**

Yes, they did. If I can refer Members to the proposition lodged, it contains 2 tables of detailed costs and those costs appear in table 1 on page 10, as I understand it, of the report and proposition under the heading of "Site Specific Costs".

**4.20 Deputy G.P. Southern of the Minister for Health and Social Services regarding the regulation and governance of the delivery of care in people's homes (OQ.280/2020):**

Will the Minister outline for Members which bodies are responsible for the regulation and governance of the delivery of care in people's homes, and what (if any) improvements he proposes for this sector under the new Jersey Care Model?

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

Currently care delivered in people's homes is regulated by the Jersey Care Commission. Each service providing care is required to register with the Commission and, in addition, each professional is required to be registered with the Commission to practice in Jersey. Each organisation who provides care has its own governance arrangements to provide assurance for themselves, for the people who access the service and stakeholders. In relation to the implementation of the Jersey Care Model, the model sets out a commissioning framework and as part of commissioning and developing new or more care services in the community there will be scope to enhance the governance provision through those commissioning arrangements.

[11:45]

**4.20.1 Deputy G.P. Southern:**

What opportunity does the Minister envisage to enable the delivery of the ethical care charter passed by this House?

**The Deputy of St. Ouen:**

I do anticipate good opportunities. I know the Deputy's interest in it but we are seeking to deliver more care in community settings, more appropriate care and the value of the organisations that work in the community are recognised and their roles will be enhanced. In that connection we can ensure through proper commissioning arrangements that standards are set in place for employees and for service users.

**4.20.2 Deputy R.J. Ward:**

Does the Minister have any concerns about the growing number of larger U.K.-based companies taking responsibility for care both in nursing homes and in the home on the Island, and that we may be losing governance of that sector more and more with these large non-linked to Jersey companies?

**The Deputy of St. Ouen:**

I think that is really a matter for the Jersey Care Commission to consider what risks there may be. It is not a matter which lies within the control of myself as Minister for Health and Social Services or Health and Community Services. I would much prefer that we had a local workforce delivering care. Sometimes that has been difficult to ensure where 24-hour or overnight care has been necessary. It is difficult to obtain local people who might wish to do that sort of work. For that reason U.K. companies have sent agency staff across to deliver that care in people's homes. As to the governance of the organisations around it, that is subject to the high standards imposed by the Care Commission.

**Deputy G.P. Southern:**

Just to say that I look forward to delivering and working with the Minister in delivering the ethical care charter after 2 years.

**4.21 Deputy M.R. Higgins of the Minister for the Environment regarding planning and development control (OQ.282/2020):**

Will the Minister explain what measures, if any, are in place to ensure that any lack of enforcement prosecutions does not lead to planning and development control regulations and laws being flouted by builders and developers to the detriment of the Island's environment and our heritage?

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

As the Solicitor General explained earlier today in his answer to the Deputy's question, question 5, prosecution is the final sanction through the Attorney General's office, which is reserved only for the most severe cases or other corrective actions. Of course it is, in a number of cases, necessary to serve a statutory enforcement notice to ensure that those corrective measures are taken. I answered the Deputy on 8th September and gave him the list which is on the website. There are around about 50 of those notices that have been served over the last 5 years and obviously fewer have gone to prosecutions. I am satisfied that that process is a proportionate one and that will be my answer at the moment.

**4.21.1 Deputy M.R. Higgins:**

Does the Minister not accept that there is plenty of anecdotal evidence that many developers or builders are delaying, obfuscating, appealing and just generally are not complying with what your department are putting forward to support the law in the Island? In other words, they are ignoring you.

**Deputy J.H. Young:**

I think one thing I just need to make clear to the Deputy again, there is no department of the planning team anymore. The functions are now absorbed within a regulatory framework. My job as Minister is to take political accountability for that and not be involved in its day-to-day operations because of the appeal responsibilities that I have. So I think there is an issue of resourcing, on which I think I have answered the Deputy, and I directed that the director general in his new target operating model increases the number of staff in that team to increase their capability. I think that is happening. So that will enable us ... the Deputy is normally very keen on people having rights, and I agree with him. That is why if somebody appeals, they are entitled to appeal, it is a legal entitlement and we have to then make sure we are objective in how we go to enforce it. It is not a private police force.

**4.22 Deputy L.M.C. Doublet of the Chief Minister regarding the recommendations of UNICEF dealing with the gendered challenges and risks arising from Covid-19 (OQ.285/2020):**

Will the Chief Minister advise to what extent, if any, the Council of Ministers is taking into account the recommendations of U.N.I.C.E.F. (United Nations Children's Fund) for dealing with the gendered challenges and risks of COVID-19 in making policy decisions in response to the pandemic?"

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

It slightly broke up at the end but I will go from the oral question written. Throughout the Government response to the COVID-19 pandemic there has obviously been concern for how the most vulnerable in our community are affected by the emergency response to managing the virus. Now many of the actions that the Government has undertaken as part of its strategy are consistent with the U.N.I.C.E.F. 5 core actions for gender equality in the COVID-19 response. I am going to give you 3 examples of those 5 but obviously if the Deputy or any other Member would like to speak with officers to understand more, I would be very happy to arrange that. The 3 examples are from the first core action, care for caregivers; the third one, which is maintenance of core health and education services; and the fourth one which is engaging and assisting women and youth rights networks to support connectivity and vital information flow. Care for caregivers, obviously U.N.I.C.E.F. highlight that women are at the forefront of all public health crises and here, as in many places, roles such as nurses, midwives, community health workers are indeed often filled by women. We focus on caregivers and their critical work by ensuring that they receive regular and prioritised testing, which reflects their increased risk of infection. The youth service My Time project is also supporting young carers, with over 1,500 interventions by youth workers ranging from a weekly check in text or phone calls to online youth work sessions and walk and talk sessions. The third one, which is maintenance of core health and education services, so from the outset clinicians from paediatric and maternity services have been at the forefront of public messaging encouraging families to attend clinics as usual and reassuring families that existing services are open as usual, despite the COVID-19 restrictions. Obviously there has been necessary nursery and school provision and also the isolation benefit was established. Fourth, engaging existing women's and youth networks to support connectivity and vital information flow, the children and families hub that has been established during the pandemic is obviously an example that now provides a range of resources on the Island to families. It is a long answer, obviously if there is further detail we are happy to provide to the Deputy.

**4.22.1 Deputy L.M.C. Doublet:**

I thank the Chief Minister for his answer and, yes, I would be grateful to meet with him or one of this Ministers and I wonder if he could perhaps discuss with the Minister for Social Security about a pending meeting with herself and the Community Relations Trust, which would cover this topic. I wanted to focus in on the first recommendation of this report, which is to prioritise gender alongside disability, age and other marginalised groups in needs assessments and decisions on targeting and also recognise the excellent work that the Minister referred to. Is gender being considered at a basic level in all decisions, in the way that this first recommendation from U.N.I.C.E.F. does outline?

**Senator J.A.N. Le Fondré:**

Just to be clear, my understanding from the U.N.I.C.E.F. report is it says essentially - bearing in mind the recognition as we said earlier that women are at the forefront of all public health crises because of the various roles they play - that together we must provide adequate support, including childcare, health services and other social support and protections for vital front line responders. Which I do believe we have been doing. Cash transfer programmes for women and girls need to be prioritised and it is vital we also champion family friendly policies to protect employees, reduce stress, et cetera. I think we have been trying to do that all the way through. I also refer the Deputy, of course, to the answer to her written question, which is 325, which was back in September. This was when we were starting to gather the data around individuals ... that is more ethnicity rather than gender but I will come back to that.

**[Please note that the Comité des Connétables subsequently provided the response below to the oral question from Senator S.Y. Mézec which was not asked due to time constraints.]**

#### **4.23 Senator S.Y. Mézec of the Chair of the Comité des Connétables regarding Roads Committee elections (OQ.286/2020):**

##### **Question**

Given the current restrictions on the number of people allowed to attend a Parish Assembly physically, what measures, if any, will be taken to ensure that the Roads Committee elections that are due to take place at the end of this year will be conducted in a democratic and accessible way?

##### **Answer**

I am pleased to re-assure the Senator, and all States members, that the Connétables have throughout the COVID-19 restrictions been taking advice so that appropriate arrangements can be made to ensure not only that the democratic process for Parish Assembly meetings is not adversely affected, but also to ensure that all the vital services provided by the parishes continue to be delivered.

This advice has, of course, varied as restrictions have changed over the last six months.

There is no limit on the number of persons allowed to attend a Parish Assembly. Rather the public health guidelines limit the number of persons at a single gathering.

The current restrictions on gatherings are based on key public health principles. Those principles are set out in the guidelines published from time to time by the Government.

The key principle is that no more than 40 people can come together, at any time, at a single event or gathering. In addition to the 40 attendees there may be up to 10 customer facing staff/officers.

We have now had confirmation that a Parish Assembly may be held in more than one room concurrently **provided** we adhere to the guidelines. These include -

- a risk assessment being conducted
- those within each group are kept separate from others in different groups
- physical distance must be observed between persons of different households
- data needs to be recorded and retained for track and trace purposes
- the groups cannot be allowed to mingle outside the building or cross as they enter and exit the building.

Where a meeting is to be held, we will need to ensure that all those attending can hear and be heard so that each is able to participate and to exercise their vote. Each Connétable has considered the arrangements for forthcoming meetings to ensure the democratic process whilst observing public health guidelines.

#### **5. Questions to Ministers without notice - The Minister for External Relations**

##### **The Bailiff:**

Very well, that brings the period of questions with notice to an end. We now have 2 periods of questions to Ministers without notice and the first period is for the Minister for External Relations.

##### **5.1 Deputy K.F. Morel:**

I am sure it will come as no surprise to the Minister for External Relations that I will be asking Oral Question 274, which hopefully he will have prepared an answer for. Following the U.K. Government's successful inclusion of a permissive extent clause in the U.K. Fisheries Bill, will the Minister explain to the Assembly the effects of this clause on the Island and our constitutional relationship with the U.K., and will he advise the Assembly as to any actions he has taken to protest against the inclusion of such legislation in the Bill?

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

As Members will be aware from statements I made last week, this permissive extent clause is both unwanted and unnecessary. I have made it clear to U.K. Ministers on several occasions, both formally in writing and informally during our regular discussions, that Jersey objected to the inclusion of this permissive extent clause. I prefer and usually believe it is most effective to make such representations in private but where it is necessary and in Jersey's interests I will put our position and views on the public record. The practical effect of the inclusion of this P.E.C. (permissive extent clause) is minimal given that legislation can only be applicable and enforceable within the Bailiwick of Jersey if it is approved by this Assembly.

**5.1.1 Deputy K.F. Morel:**

With regard to that last statement, that legislation can only be enforceable if it is approved by this Assembly, would the Minister please provide the Assembly with his understanding of where legally that says it is the case? Which law or which treaty or which agreement is that held in?

**Senator I.J. Gorst:**

The Deputy I am sure is aware of Article 31 in the States of Jersey Law that requires Orders in Council ... such a U.K. legal mechanism would require Her Majesty to make an Order in Council, any such Order in Council needs to be laid before the Assembly by the Chief Minister. I have no doubt, and I have already discussed it with him, that he would take advice in that regard from law officers. Even if their advice was that to follow Article 31 of the States of Jersey Law that Order in Council had to be laid, that would then be a matter for the Assembly to vote upon. I have made it clear, and I make it clear again now, that I would not recommend that course of action to the Chief Minister nor would I support it in a States vote, and I would recommend all States Members voted against implementation of such an order if it were not in our interests. In this case I do not believe it is either in our interests nor is it necessary because we are autonomous and we meet in domestic legislation all and any of our international obligations.

**5.2 Deputy S.M. Ahier:**

During the recent U.S.A. (United States of America) Ambassador's visit, was a U.K./U.S.A. free trade agreement discussed? What benefit would such an agreement have on trade between Jersey and America.

**Senator I.J. Gorst:**

We have been quite clear in wishing to be involved in the process of the negotiation of free trade agreements which the U.K. has embarked upon. Of course they have not quite yet managed an agreement with the European Union. There is a continuity agreement which is largely based upon on continuity of the relationship between Japan and the E.U. (European Union) which the U.K. has reached agreement upon.

[12:00]

Then there are the 4 others with the U.S.A., with Australia, with New Zealand and with Canada and we wish to be involved in those processes. We have made it very clear to the U.K. Ministers in the Department for International Trade and we will be seeking to consider whether our involvement in goods and services could bring benefit to Islanders. Of course, we raised those very issues with the U.S. Ambassador to the U.K. I had raised them previously and we raised them again during his visit in person.

**5.3 Deputy M.R. Higgins:**

Going back to the question that was put about the U.K.'s action on fisheries, is the Minister perhaps not putting expectations among the public up too high, that even if the States decides to defy the U.K. Government real politics means that the U.K. Government can exert pressure on the Island in other

areas that we perhaps think are more important to us and that they could force the Island's compliance in the end. Is it being slightly ... I do not know what term to use. Slightly inadvertently misleading the public about how far our defiance can go?

**Senator I.J. Gorst:**

Not at all because the inclusion of a permissive extent clause on the Fisheries Bill, to my mind, completely misses the point. At no point have I ever indicated, nor has Jersey ever taken action which means that we do not, in Jersey legislation, give full effect to any international obligations that we might have. Therefore I am absolutely clear, it is completely unnecessary. I cannot envisage a point whereby we would not meet our international obligations in the normal constitutionally appropriate way, and that is to introduce legislation for agreement in the States of Jersey in the absolutely normal way. I am simply making it clear it is constitutionally inappropriate and, of course, absolutely unnecessary.

**Deputy M.R. Higgins:**

I must say I do agree with the Minister on that particular point. It is just the question of the message we are trying to put out to the public. Thank you.

**The Bailiff:**

Was that a question, Deputy Higgins, because this is a question time?

**Deputy M.R. Higgins:**

No, Sir, I am sorry, it was not a question. I shall leave it at that then.

**5.4 Deputy G.J. Truscott:**

Could the Minister indicate what is the current operational status of our numerous overseas offices and during the COVID period, how effective have they been?

**Senator I.J. Gorst:**

It will not surprise the Deputy to hear that the offices in Brussels, in Caen and the office in Westminster have, for the majority of time, been working virtually and those individuals have been working from their own homes, similar to what happened during lockdown here in Jersey. That, of course, has added an extra layer of complexity to their work but what it also has done has resulted in some meetings, which have been arranged that I have participated in, perhaps at a greater volume than might have been had I had to visit those particular countries in person. Of course they have all pulled together, not just doing their everyday work around international relations but also importantly in supporting the direct COVID work on Island with helping to ease some of the supply lines. The Deputy will recall right at the start of COVID some of the international shortages of P.P.E. and the like. My officials helped with that. Of course, very importantly, they helped support Islanders who found themselves trapped, as it were, during the global lockdown in places around the globe. Some of those they were able to help to return to the Island, others they were simply in a position to offer moral support in their interaction with the British Consular Service around the globe. I think they helped something like 500 Islanders in that regard as well.

**5.5 Deputy K.F. Morel:**

From questions of the U.K. and Europe and crossing to the other side of the Atlantic, the Minister and his department have been making efforts to increase trade with the U.S.A. and to develop deeper relations between the Island and the United States of America. With the impending U.S. presidential election, the senatorial and congressional elections, and without being so imprudent as to ask him for his views upon those elections, has the Minister and his department undertaken an analysis of how they think differing results in the elections would affect Jersey's relationship with the U.S.A. and the extent of our trade efforts or our attempts to grow trade? If so, is he satisfied that Jersey is prepared for whatever outcome in the elections?

**Senator I.J. Gorst:**

Thank you. Yes, of course, the Deputy is right, we would not comment on an election or the democratic process in another country in the way that he has raised in his question. We stand ready, as we do with countries around the globe, to work with the Government that the democratic processes elect to Government. We worked and started some of this building of the relationship process under a democratic-led Government when President Obama was leading the United States of America. We have done the same and built on that when President Trump is leading the U.S.A. and we did, of course, as you would expect, have those conversations with the U.S. Ambassador when he was here visiting Jersey, around timescales for a free trade agreement with the U.S.A. Some of that depends on how much is agreed before the election that can be rolled over. Inevitably a change of regime, if it were to take place in the United States, would slow down that free trade agreement, but we work - in the U.S.A. as we do in London - with a Conservative Government, we work with the Labour Party, we work with the Liberal Democratic Party.

**6. Questions to Ministers without notice - The Minister for Treasury and Resources**

**The Bailiff:**

Very well, are there any other questions for the Minister for External Relations. We now come on to questions for the Minister for Treasury and Resources.

**6.1 Deputy R.J. Ward:**

Given the answer to today's written question, which was 381/2020, where only 5.8 per cent of those on the H.V.R. (high value residents) tax regime pay the current £145,000 in tax, can I ask the Minister, is it not time to have a thorough review of this system rather than waiting the 5 years she previously suggested?

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

Further to the Deputy's question, yes, I agree with him that waiting 5 years is too long. It has previously been reassessed in version 1, 2 and 3, which is in answer to the written question in 2010, 2011 and then 2017. So it will be re-evaluated but I cannot give the Deputy a date as yet.

**6.1.1 Deputy R.J. Ward:**

Can I ask the Minister that given so many of the high value residents are far from their current level of taxation, is it not a matter of urgency given the situation we have regards income for the Island and a drop in income, that there is a fairer playing field within that system?

**Deputy S.J. Pinel:**

We are unable to be retrospective in this form so we cannot renegotiate current contracts but any new H.V.R.s coming in will be obviously assessed on a different level.

**6.2 Deputy S.M. Ahier:**

With more than £3 million being drawn down from the Business Disruption Loan Guarantee Scheme, what oversight does the Minister have on the ability of those companies to repay the loans during these difficult times?

**Deputy S.J. Pinel:**

As the Deputy can imagine, after previous loan schemes have not been quite as successful as they might be, there is a huge amount of oversight on the loan scheme that the Government has launched on a fiscal stimulus basis. So it has heavy oversight.

**6.2.1 Deputy S.M. Ahier:**

Does the Minister believe that all the loans will be repaid in full?

**Deputy S.J. Pinel:**



I do at this time, yes.

### **6.3 Deputy K.F. Morel:**

In the Minister's answer to Deputy Ward's previous question, she mentioned that the high value residency schemes were not retrospective. Upon what basis does she make this assertion, given that for most Islanders we change our taxation according to the whims and wills of the Government and the States Assembly. I am certainly not paying on the same basis that I was when I started paying taxes so why does that apply to high value residents?

### **Deputy S.J. Pinel:**

The contracts were dealt with with each applicant and, as I said, they are not retrospective and they move now only with a lower rate of 1 per cent on top of the £145,000, before there was an option - and it is still an option of course - to pay 20 per cent if that is what the H.V.R. wants to do, but certainly not retrospective to increase it from the contract that they were given when they arrived.

#### **6.3.1 Deputy K.F. Morel:**

Why is it that high value residents sign a contract when no other Islanders, whether they were born here or have moved here, sign contracts with regard to their taxation? Why do high value residents sit outside of the normal method of engaging with the taxation system in this Island?

### **Deputy S.J. Pinel:**

It is a good question and it is largely historic inasmuch as attracting high value residents with the quantity of tax that they pay in comparison to local residents is a competitive field and that is why the offers are personal to the high value resident. I quite understand where the Deputy is coming from but at the moment that is the way it stands.

### **6.4 Senator K.L. Moore:**

Last week we heard from the Chief Minister that the imposition or changes to the corporate tax regime is under consideration by this Government. Could the Minister outline what consultation has taken place with business leaders, particularly in light of the fact that a very small group pay a large percentage of the tax take from corporate taxation? For example, in 2017 10 companies paid 40 per cent of the corporate tax revenue.

### **Deputy S.J. Pinel:**

As the Senator referred, we are in consultation and will be consulting largely with the Tax Strategy Group, the Income Forecasting Group, the Fiscal Policy Panel as to how this may or may not change. Again, this has been an ongoing question as to corporate taxation and again you have to be very aware of Jersey's competition in that whole global scale.

#### **6.4.1 Senator K.L. Moore:**

I would be grateful if the Minister could outline what her principles are and her values that she could easily communicate with that group and any others who might be concerned by uncertainties in government policy at a time of uncertainty.

### **Deputy S.J. Pinel:**

The Senator has hit the nail on the head. We are in times of great uncertainty and a consultation will bring up from the tax groups the people who pay corporate tax as opposed to the ones that do not.

[12:15]

So it is going to be a very full consultation and hopefully we will come forward with something that we can feed back to the Senator and States Members when we have done the consultation.

### **6.5 Deputy M.R. Higgins:**

Could the Minister advise Members of the legal basis for making separate contracts with the high net worth individuals? If she does not know the answer, can she undertake to inform Members and the public as soon as possible?

**Deputy S.J. Pinel:**

I am sorry, I missed the beginning of that question. Could Deputy Higgins ...

**The Bailiff:**

The legal basis for contracts with high net worth individuals.

**Deputy S.J. Pinel:**

Yes, I will get back to the Deputy on that one but it is part of Article 135A of the Income Tax (Jersey) Law, which admittedly is 1961. As Deputy Morel said, it does need looking at again and another consultation, as it is quite an outdated law as are most of the tax laws.

**6.6 Deputy R.J. Ward:**

To keep on the topic of high value residents, can I ask the Minister whether she believes that the open-ended and not time-limited contracts that these individuals have are really an effective way to run the tax system? Should they be changed?

**Deputy S.J. Pinel:**

I think I have answered that question in Deputy Higgins' question, inasmuch as we are reviewing it, but I think one has to bear in mind that it is not just tax that H.V.R.s put into the system in Jersey. They employ a lot of people, a lot of them are very philanthropic. I think one has got to extend just the tax perception to what these people will commit to the Island.

**6.6.1 Deputy R.J. Ward:**

Can we extend that attitude to those who are so essential to the Island, like nurses, doctors, those who save lives, and perhaps let them negotiate their tax in a similar way because of the value that they bring to the Island?

**Deputy S.J. Pinel:**

If we did that we would be doing nothing else but assessing tax.

**6.7 Deputy S.M. Ahier:**

The cost of the COVID epidemic has been evaluated as being £136 million in Guernsey. Would the Minister explain why Jersey's response has cost nearly 3 times as much?

**Deputy S.J. Pinel:**

The estimation - and it is an estimation - towards the end of the year, because it is not predictable as to quite what will happen in the next couple of months, is going to be up to about £400 million in the costs of the COVID treatment, if you like. A lot of that has been in test and tracing, which has been incredibly effective and the new test, which I think the Minister for Health and Social Services alluded to earlier, which provides an answer ... the OpenCell laboratory is providing answers under 12 hours as opposed to sometimes 36. So that is going to be very effective but, of course, that has cost money. Also the payroll scheme has cost quite a considerable amount, which was the last 2 weeks of March, so implemented very quickly, and extended until the end of August and then extended from the end of August until 31st March next year in a tapered fashion. So there was not a cliff-edge situation for companies and employees where it was just cut off. We have also, as the Deputy will be aware, deferred G.S.T. (goods and services tax) and social security payments. We have done the bank loan scheme, which the Deputy asked about earlier. We have also reduced the employees contributions to social security by 2 per cent, which will help those who are self-employed, obviously as well as other employees, but the self-employed who could not take part in

the payroll scheme because a lot of them did not have a business licence and that was stipulated as part of the payroll scheme. There has been a huge amount, and I probably missed out some others, but a huge amount that is being done and we also have almost double the size of the population of Guernsey. They have not done the test and tracing that we have done. They just closed their borders, we opened ours on 3rd July, hence the test and tracing went up considerably.

#### **6.8 Deputy K.F. Morel:**

With regard to the fiscal stimulus, what comfort can the Minister give Island businesses that the £50 million of fiscal stimulus funding will be targeted at them as Island businesses and will not be spent on businesses from outside the Island?

#### **Deputy S.J. Pinel:**

I can give great comfort to the Deputy on that. The fiscal stimulus, the £50 million that we are asking the States Assembly to agree, will be spent on-Island, will only be done with a business case - quite a strong business case - provided and there will be a fiscal stimulus oversight group which will have the chief economist on it, an independent member, the Treasurer and another member, I think it is the director general of Treasury, to oversee all of the applications. They will be up to £5 million and although quite a lot of people think this will be just construction and are worried at overheating the construction industry, it does not do just that, there are projects for development of skills, development in technology and the money will have to be agreed to the applicant and also must be spent by the end of December in 2021. So it is quite a rigorous process of oversight.

#### **6.8.1 Deputy K.F. Morel:**

I would like to thank the Minister for her answer. Is the Minister able to go as far as to say that all principal contractors, regardless of whether it is construction or any other sector, will be Island-based and it would only be situations whereby perhaps where specialist skills are needed subcontracting outside the Island may be necessary? Can she state that principal contractors will be Island-based businesses?

#### **Deputy S.J. Pinel:**

Yes. Until we get the applications it is difficult to know what they are going to be but Island based businesses could include U.K. but with an Island base. So it is difficult to know until we get the applications as to whether it is totally Island-based companies or whether there is a U.K. link. But it is aimed at, by dint of its title, fiscal stimulus for Jersey.

### **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

#### **7. The Assistant Minister for Education will make a statement regarding university students travel survey**

##### **The Bailiff:**

Very well, if there are no other questions for this Minister then that brings questions to an end. The next item on the Order Paper is the statement to be made by the Assistant Minister for Education, who will make a statement regarding university students travel survey.

#### **7.1 Deputy J.M. Maçon (Assistant Minister for Education):**

I am hoping the technology is working. Members will be aware of the ongoing concerns of families with students studying overseas with regards to the impact of the COVID-19 on any future travel plans and associated issues. I wanted to provide a general update to Members and the public today which I hope will provide some reassurance that co-ordinated work is ongoing to provide the support and information to all concerned. As Members will be aware, we have set up a cross-governmental working group which includes officers from Customer and Local Services, C.Y.P.E.S. (Children, Young People, Education and Skills), External Relations, Justice and Home Affairs, Health and Community Services, and Policy. The group are meeting weekly and co-ordinating responses to

queries and provide regular updates to the Student Finance frequently asked questions pages on the gov.je. There has been a growth in demand which, of course, is pleasing as it shows the current scheme is enabling more students to study a level 6 qualification. The processing of student finance grants has been impacted this year by multiple factors, including staff shortages. Student Finance has a bespoke system and the COVID-19 lockdown has impacted access to the vital I.T. (information technology) system used for the processing of grants. Despite all of this the very small team have managed to process a similar amount of grants in the same timeframe but we are aware that this has still left many families with delays in receiving information. On behalf of the service I would like to apologise and thank students and their families for their patience. Despite this I am pleased to offer my thanks to the Student Finance team who have worked above and beyond throughout the pandemic and continue to do so. I am also pleased to advise Members that the backlog is nearly cleared and the latest estimate to clear it is around 15 working days. Today we are launching an online survey so that we can better understand the potential travel plans for the circa 1,600 overseas higher education students who may return for the festive period. We would like to encourage young people studying off-Island to complete the short survey and provide us with additional information where appropriate and relevant to help us understand the impact on travel links. While the majority of students study in the United Kingdom, we do have some that study further abroad and they are not forgotten. The aim of the survey means to get as much information about the intention of the students with regard to travel during the Christmas period. The survey will enable the Gouvernement D'Jérri to better manage a potentially large influx of students over a relatively short of period of time. I will inform the departments of any potential issues with mandatory self-isolation for students and their families and allow better informed consideration of any action that may be required. We are aware that with the increase of COVID-19 cases overseas, students, their parents and carers may feel anxious and wish to plan ahead regarding travel arrangements during the festive period. We want to provide as much reassurance as we can, as soon as we can, but the ever-changing impact of COVID-19 will always made it difficult to make longer term predictions for travel. I would like to remind families that all travellers arriving in Jersey are required to follow the travel advice as outlined on gov.je. The link to the survey will be published on gov.je shortly and communicated to the media through the usual channels.

#### **The Bailiff:**

Thank you, Assistant Minister. There is now a period of up to 15 minutes for questions that can be put to the Assistant Minister for Education.

#### **7.1.1 The Deputy of St. Martin:**

I thank the Assistant Minister for his statement and his acknowledgement that COVID has obviously impacted access not only by students to information but impacted access for us to get to students as well. He mentions travel and it is going to be somewhere between 25 and 30 plane loads of students to get them all back for Christmas. Can the Assistant Minister assure the Assembly that he will be putting arrangements in place before the end of November so that students have time to plan this?

#### **Deputy J.M. Maçon:**

While we continue to enjoy a good working relationship with travel operators, of course it will be ultimately their decision about what flights or ships come and go. We know, for example, Condor has said in early December they will be sailing to Jersey to support students. The Deputy has asked me can I guarantee that such things will happen. Unfortunately it is not entirely in my remit but we will work as closely with the operators as we can to ensure that access to the Island does continue. I will continue to keep Members updated as the situation progresses.

#### **7.1.2 The Deputy of St. Martin:**

The Assistant Minister says it is in the commercial operators' remit but would he accept that if the commercial operators do not put on planes or boats that there is a responsibility on him to try to help and put planes and boats on at government expense for this?

**Deputy J.M. Maçon:**

We saw that indeed earlier in the year where we did keep a lifeline route going for essential travel. Should the situation get to that I am sure colleagues around the Council of Ministers' table will adopt a similar approach.

**7.1.3 Deputy R.J. Ward:**

Could I ask the Assistant Minister what advice he would give to families of young people who may have to come back and isolate for 14 days, in terms of the isolation requirements and the way in which they can manage that and their work commitments?

**Deputy J.M. Maçon:**

Is the Deputy able to be more specific in his question?

**Deputy R.J. Ward:**

Not really but I suppose I can say if young people are returning and are required to isolate for 14 days, what advice would he give to parents of students in order to assist them in that isolation, given that they may need to be at work as well? Would he say, for example, if parents work within the education system they would be given leave to isolate with their children?

**Deputy J.M. Maçon:**

We have had similar issues raised with us. This is an active matter that the working group is considering. So, for example, if you do have an essential service worker at home and have to do a face-to-face job, what happens with their student. Perhaps the home will be too small for them to isolate in. We are actively considering what we can do to support people at that time. I have made contact with the Health Department and the Housing Department to see if they have any properties which perhaps we could use. Those discussions are ongoing and I do not have a conclusion to them as of yet. As soon as I do of course I will let Members know.

**7.1.4 Deputy R.J. Ward:**

There was a time at the beginning of COVID when facilities in hotels may possibly have been available for those who wanted to self-isolate.

[12:30]

I think it was essential workers and so on. Would the Assistant Minister consider having that arrangement, given the worst-case scenario where students return and have to isolate somewhere, and making that provision available?

**Deputy J.M. Maçon:**

The Deputy highlights exactly the type of conversations that are going on between officers at this moment in time. Again, when I am able to inform Members of what can be done, I will let them know but it is certainly what we are actively considering if that is some comfort to the Deputy.

**The Bailiff:**

Are there any other questions for the Assistant Minister for Education? If there are no other questions then I close the question period. We are now a little past 12.30. The next item before we move on to public business is the appointment of the new Chair of P.A.C. (Public Accounts Committee). The Standing Orders provide that any candidate can speak for 10 minutes and thereafter answer 20 minutes of questions and that will happen even if there is only one nomination. Clearly if we start now we will move substantially into the luncheon period. Would any Member like to propose the adjournment and we will deal with that straight after lunch?

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

Very well, the Assembly stands adjourned then until 2.15 p.m.

[12:31]

## **LUNCHEON ADJOURNMENT**

[14:16]

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **8. Appointment of the Chair of the Public Accounts Committee**

#### **The Bailiff:**

We now come to the appointment of a new Chair of the Public Accounts Committee in replacement of Senator Ferguson who resigned from that position. In accordance with Standing Order 119, I therefore invite nominations for candidates for the position of Chair.

#### **8.1 Senator K.L. Moore:**

First of all, before I make my proposal, I would just like to take this opportunity to thank those members of the public who have served on the Public Accounts Committee to date and also to pay tribute to the great commitment to Scrutiny of Senator Ferguson. It is very sad that she is unable at this time to continue in the role and on behalf of the Scrutiny Liaison Committee, we would like to acknowledge the great achievements that she has made in this role. Senator Ferguson stood and served as shadow Chair when P.A.C. and Scrutiny was in its very early stages and so she has since then served twice as Chair, once as a Vice-Chair. In the words of one person who has worked closely with her, she has been formidable in her approach to accountability, whether that be with officers or Ministers, and she has also been a great guide to many past and present States Members when taking up their roles in Scrutiny. That diligence and commitment is greatly appreciated by all of us and we wish her a good recovery. **[Approbation]** Thank you. I would like to propose Deputy Inna Gardiner.

#### **The Bailiff:**

**[Seconded]** Are there any other nominations? Very well, if there are no other nominations, then in accordance with Standing Order 119(2)(a), I invite Deputy Gardiner to speak for up to 10 minutes which will then be followed by a period of questions of up to 20 minutes.

#### **8.1.1 Deputy I. Gardiner:**

When I was elected to this Assembly in March 2019, 10 months later than everyone else, I expressed an interest in joining a Scrutiny Panel and then Senator Ferguson asked me if I would like to join P.A.C. My first reaction to the name of the committee, Public Accounts Committee, I said: "I like the sound of the 'public' but 'accounts' is just a number and I am interested in people. I am not sure how it works." So as a new Member, I did not know much about P.A.C.'s work but Senator Ferguson said to me: "I know it sounds as dry as dust and it is just numbers but it is not just the numbers and it is not like this at all." During the last, say, 20 months, I found a very diverse and exciting committee. I find myself working with a team of politicians and lay members for the good of the whole Island. We hold the chief executive Charlie Parker and his team to account and we scrutinise whether they have effectively and successfully implemented the policies that we here in the Chambers spend hours debating and agreeing on. The P.A.C. looks at where and how Government spend all the money we give it, which I find very interesting. I now realise how incredibly complicated it is to run an economy and balancing the books and, yes, we do still have a lot of numbers to look at but we are lucky to have a highly competent Comptroller and Auditor General to help us with our understanding of the audit of the States annual accounts and to take us through numerous other reviews she undertakes and we look to see where we can best add value to the incredible work she does. We also conduct our own reviews. We are now in the final stages of an estate management review. We also have successfully pursued the Government to implement a recommendation tracker which tracks all the recommendations made by C. and A.G. (Comptroller

and Auditor General) and the P.A.C. so we can examine where and how implementation of recommendations takes a very long time even considering the COVID-19 crisis. Two weeks ago, we did a workshop. I led the workshop and we planned workstreams for 2021 which will probably include the Government's response to COVID-19, procurement, compliance processes and government performance. The themes which will be emphasised through all our work are decision-making, efficacy and transparency. Using data, clear evidence and K.P.I.s (key performance indicators) is essential if we are to understand if public money was spent well. For P.A.C. to achieve maximum effectiveness, it must have access to the best brains available in the community. When the Jersey P.A.C. was set up, it was designed to include lay members of the business community and elsewhere so we can have access to the people at the top of their game with experience in business and other fields so we could have, again, a wider perspective because not every States Member and not every political representative on the P.A.C. has such experience. We all have our strengths and I think that we would be really grateful if the public could contribute to P.A.C. work. After the new P.A.C. team will be completed, we will have a joint brainstorm session to finalise our problems going forward honouring the legacy and great work that the current P.A.C. has already done and, as a member of the current P.A.C., I would like to inform Members that we are working on our Legacy report that will be part of the discussion of the P.A.C. going forward. I can promise that I will continue with Senator Ferguson's work while I do not think I really can match her style and knowledge. For all her years in the States, she has amazing knowledge and sometimes she brings things that I would not be aware of because I do not have this history. I will take inspiration from her tenacious spirit, her strength, her honesty and her ability to take the hard task of examining the implementation of a policy and hold these government officers to account. I am grateful to Senator Ferguson that she invited me into P.A.C. when I was elected and I am grateful to all P.A.C. members as we do a job that needs to be continued. Thank you.

**The Bailiff:**

Thank you very much, Deputy. There is now a period of up to 20 minutes of questions. Does anyone have any questions?

**8.1.2 Senator S.Y. Mézec:**

Would the new Chair of P.A.C. tell us if she has any ideas of what sort of lay members she would want to appoint to the newly constructed P.A.C. and would she be re-inviting any who have served before?

**Deputy I. Gardiner:**

I thank Senator Mézec for his question. Following the announcement today, there will be advertising going to the media and the people will be invited to apply to be lay members on the new P.A.C. Committee, and all candidates will be considered. Another point that I would like to make is we need to see who are the States Members who would be part of the P.A.C. Committee so we know what the scope of skills is we have among the States Members and what type of skills will be required to attract the lay members. It is really important that we have diverse views and diverse skills to be able to look together through the topics that I mentioned.

**8.1.3 Deputy K.F. Morel:**

I would just like to congratulate Deputy Gardiner on her election as the Chair of P.A.C. I am sure she will do a fantastic job. There is no question. I would just like to ask a question in a similar vein to the question of Senator Mézec but perhaps more specific. The Government Plan shows almost £100 million of spending on I.T. (information technology) costs over the next 4 years. With that in mind, how does the Chair of P.A.C. envisage ensuring that her committee is able to properly analyse and ensure that the Island is getting value for money for that enormous I.T. spend? Thank you.

**Deputy I. Gardiner:**

I thank the Deputy for his question. It is extremely important to have on our P.A.C. an expert who has operational I.T. understanding and not the general knowledge, but I.T. operational who knows all the nitty gritty. I can give an example because, unfortunately for P.A.C. but fortunately probably for the Deputy of St. Peter when he was on the P.A.C. Committee, his contribution with his experience with the software was really, really valued so definitely we would need to have an expert. If we cannot find someone within the States Members, I am encouraging the public to apply for the job to be a lay member but, if not, we will need to consider having a consultant who will help us with this knowledge. Thank you. I personally do not have this knowledge and this is the reason I definitely think we need somebody with expertise.

#### **8.1.4 Deputy R.J. Ward:**

I congratulate you as well. I would just ask how you would encourage wider input given that we have a really positive input from lay members, which is something that is recognised in other jurisdictions and indeed by the Commonwealth Parliamentary Association as good practice? How would you encourage wider membership from a more diverse community and would part of that be having meetings that are not during the 9.00 to 5.00 time when people are working, et cetera, so that you can try to encourage other members?

#### **Deputy I. Gardiner:**

First of all, I truly believe in and I come from the approach which is We-Q and We-Q, from my perspective, is collaborative intelligence. It is really extremely important to have diverse views and this is why I am speaking about diverse views and I am calling to the members of the public who are passionate about the Island to come and to apply to join the committee. Regarding times of working, we will need to consider all members who will be on the panel and there is always flexibility. We can consider flexibility with working on Teams or working on Zoom, and it is something that can be discussed. We will need to find a mutual solution. I am a team player. I really listen and will try to find a solution which will be as good and as suitable for members of the panel.

#### **8.1.5 Senator T.A. Vallois:**

I would like to join everybody else in congratulating Deputy Gardiner on her appointment to the P.A.C. Chair. My question relates to the Public Finances Law that we, as an Assembly, agreed last year, in particular to the wording which refers to the principal accountable officer and whether he should be answerable to the Public Accounts Committee or whether he should be accountable to the Public Accounts Committee and how Deputy Gardiner sees the appropriateness of answerability to the P.A.C.

[14:30]

#### **Deputy I. Gardiner:**

I thank the Senator for her question and I agree with the Senator that now, with the new Finance Law, P.A.C. has a crucial role in holding the principal accountable officer to account. I am minded to introduce more regular hearings on implementation by the principal accountable officer of the policies and/or the Government Plan. Basically, it is important for me to develop ongoing conversations with the principal accountable officer and probably with the director general as well. Thank you.

#### **The Bailiff:**

Does any other Member have any questions for Deputy Gardiner? If no other Member has questions for Deputy Gardiner, then I close the questions and declare that she has been appointed as Chair of the Public Accounts Committee. Congratulations. **[Approbation]**

#### **Deputy I. Gardiner:**



I would like to say thank you and I am grateful to the Members for their trust and I hope I will meet their expectations. Thank you.

**The Bailiff:**

Deputy Tadier, you have raised in the chat the use of a particular phrase or expression. I have to say that I may not have been listening close enough but I did not hear it and therefore I cannot make a ruling or pick up on it but if it is to be raised at some point in the future, then that can happen.

**PUBLIC BUSINESS**

**9. Jersey and the slave trade (P.78/2020)**

**The Bailiff:**

Very well, we now come on to the public business. The first item of Public Business is Jersey and the slave trade, P.78/2020, lodged by Deputy Tadier. Deputy, you have lodged 3 amendments and there is a further amendment lodged by Deputy Perchard. Do you wish to have the proposition read as amended by your second and fourth amendments? Your third of course relates to the same part of the proposition as Deputy Perchard and, in any event, therefore would have to be taken separately but do you wish it to be read with the second and fourth amendments read in?

**Deputy M. Tadier:**

No, Sir.

**The Bailiff:**

No. So you would like us to take it all entirety and in sequence, yes?

**Deputy M. Tadier:**

Yes, please.

**The Bailiff:**

Then I ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of the opinion - (a) to request the Minister for Treasury and Resources, as shareholder representative, to request the States of Jersey Development Company to rename Trenton Square as Benin Square; (b) to request the Chief Minister to commission a report and to establish a permanent memorial which acknowledges Jersey's part in the slave trade to be presented to the States no later than 23rd August 2021; (c) to request the Chief Minister to commission, in conjunction with Jersey Heritage, the Jersey Community Relations Trust, Black Lives Matter Jersey and other potential stakeholders an audit of all place names and memorials relating to former slave traders in Jersey in order to inform work on understanding and explaining the full contribution of the slave trade to Jersey's history with the outcome of the audit to be presented to the States no later than 23rd August 2021.

**9.1 Deputy M. Tadier:**

First of all, can I add my congratulations to Deputy Gardiner as well for her election? I think this has probably been a long-awaited debate in some ways because I know that of course there have been some amendments which are in time but which have clearly required reading. I think that is probably why we have had some fairly late comments from the Chief Minister but also from Black Lives Matter. I thank both the Chief Minister and Black Lives Matter for taking the time to submit comments, particularly detailed comments in the case of Black Lives Matter who I know do not have necessarily all the resources that the Chief Minister might have to submit comments. That is very much appreciated. I hope Members have had a chance to look at them, but, if not, I am sure they can be referenced during the course of this debate. I do want to start by looking at the comments

submitted by the Chief Minister, if I can shuttle between my screens sufficiently adeptly. So the first part clearly is my proposition as unamended is to deal with the naming of Trenton Square and the unamended option put forward is to rename it to Benin Square. Part (b), as we have heard, is to ask the Chief Minister to commission a report looking into the establishment of a permanent memorial which acknowledges Jersey's role in the slave trade and part (c) would be to request the Chief Minister to allow the stakeholders to engage in an audit around that. Now I was a little bit disappointed and surprised by the Chief Minister's comments because, effectively, the way I read them is like: "Okay, we support the general principles." I do not even know if it went so far as to say that. The paragraph says: "We would support anything that goes to strengthen the relationship between the Bailiwick of Jersey and the State of New Jersey" which is not at all what this proposition is about per se. That is, in itself, a good thing to do and I think that is happening anyway. There is a twinning association of St. Helier set up with Trenton. That has been established now and I think that work is ongoing. So that is really a side issue to the main thrust of this proposition, which is about Jersey dealing with its relationship with the slave trade in an open and honest way but also the wider context about equality, diversity and antidiscrimination. We have heard this strange argument being put forward saying: "Well, we do not really need a memorial for the slave trade and we do not need to celebrate or commemorate 23rd August because the 2 could of course go together" and suggest that, in some ways, I might have been selective with my arguments which is completely strange because all I have said is that we should have a memorial in the same way that we have a memorial for the holocaust, which is situated outside the Maritime Museum. It is a physical memorial. There is also a ceremony that goes with that each year - I think it is 28th January - where we remember the holocaust memorial and there are wreaths laid there. There is a curious comment, and this always seems to happen and I think it is called whataboutism, where people try to pick and say: "Well, you are reporting selectively on history" and I think we really need to scotch this myth from the beginning. The argument that the Chief Minister puts forward about the uprising in Haiti which was the first country to abolish slavery ... and we remember that later on, it was the French and the British who followed, largely out of fear, it has to be said, because they did not want any violent uprising and even when those colonial powers did get rid of slavery, they did it in a 2-staged approach so they banned the slave trades. The English banned the slave trades but they did not abandon slavery until much later in the 1830s. The Chief Minister says: "These people in Haiti, they were not all good either. They went on to do terrible things, some of them, and they were dictators." It is a slightly strange argument because I have never mentioned once these individuals in any of my reports. I have just simply said that there is a well-established international date for the abolition of slavery which happens to be on 23rd August and that is why 23rd August is a recurring theme in the proposition. U.N.E.S.C.O. (United Nations Educational, Scientific and Cultural Organisation) have recognised that as an international day so I am just asking that, in light of that, we look to have a memorial, and it is the same kind of argument. The Chief Minister is saying: "But these people did bad things so it just goes to show point scoring in that Deputy Tadier is being selective in his arguments" which I think is not true. It kind of smacks of being petty because it misses the bigger picture of what we are trying to do here, which is to set the brainwork for what kind of modern society we want to live in, not just what kind of society we want to project as an image for the Island but, in reality, what is the kind of Island in which we want to live? That has to be the kind of Island which is cosmopolitan and which is diverse and which has always required immigrant labour and has welcomed that immigrant labour but, in many ways, their experiences in the past have not always been straightforward. I think it is about having that open and honest dialogue and so we do not say: "We should not remember Holocaust Memorial Day because Stalin who freed Auschwitz and the Red Army was a dubious person" and this argument that he was less than savoury. We know that Stalin was a terrible dictator but it does not stop us from recognising the day when Auschwitz and all of those camps were liberated because that is a highly significant part of the Second World War, the end of the war and that human cost. The reason I mention that is because Jersey does memorials really well in many ways. It remembers the Occupation very well, I think. It tells the story of the Occupation in a very nuanced way and, clearly, people can tell their own narratives but I think we

tell the story with the good and the bad, so we do have lots of stories of heroism during the Occupation but, similarly, we have lots of stories about betrayal, which we have not shied away from, and sometimes they have been difficult to tell. We also tell the story of the slave workers who were forced labourers even in the last century, certainly more than 100 years after the abolition of slavery. We remember those people because what happened to them was a complete human tragedy and it serves as a reminder lest it happen again, and of course we know it always happens again. These things always happen again but it does not stop us from aspiring, as humans, to try and be better and try and do better globally and locally. The reason I make a parallel with what happened during the Second World War is that we have to understand the psychological consequences that arise even many years, decades and sometimes centuries down the line if things have not been dealt with properly. The reason that, in this case, the Nazis were able to commit these mass atrocities of millions of Jews and other groups that they sought to pick on was because the first thing they did was to dehumanise them. So the process of dehumanisation of saying: "Our race is better than yours" ... and I caveat that of course because I do not believe in race, I believe there is only the human race, but humans do like to categorise themselves historically. The fact is they were able to say: "Well, this group of people here are something less. They are less than human." Sir, you remind us of that every year when you are giving your address at the Holocaust Memorial, as have previous speakers and previous Bailiffs. That is a message we can never hear too many times but the truth is - just to follow my internal logic here - it would be very strange if we constantly heard the story of the Occupation or of the Second World War and there was never any mention of the holocaust or the concentration camps and that mass project of dehumanisation, of enslavement and ultimately of death and mass murder. It is entirely of course possible to tell selective stories about different parts of the Occupation or different parts of the Second World War story without having to, every time, refer to that. If you only ever heard narratives of the Occupation which completely omitted that story, you would be saying to the person telling you, the teachers or whoever is responsible for setting up that narrative: "Hang on a minute. Why are you omitting this? Why have I not been told that?" That is exactly what has happened with the history of slavery in Great Britain. One of the British historians that I have been listening to as part of my research for Black History Month is David Olusoga who is a black British Nigerian academic. I think his mother was born in Britain and his father was Nigerian. He says that: "British history does not make sense unless you remember how global and how international and how central slavery was to our story." He also quotes a British Jamaican historian and intellectual. Somebody asked him once: "Why do you think there are so many immigrants in Britain?" He said to them: "We are here because you were there." Now a lot of these stories we were never told at school.

[14:45]

We are not routinely told about Haiti, for example. I did not even know we had an abolition of slavery. I did not know it existed as a thing until I did some research, and I am somebody who is interested in history and who generally likes to find out about these things. This is not about condemning anyone and saying: "You do not know about this. You are not doing enough. Therefore, you are a bad person." This is really about the context of what we have seen again in the U.S.A. with the George Floyd murder, which I think you cannot help but watch that and be moved by the complete perversity of what happened earlier this year and, understandably, the mass demonstrations and protests that that led to. The point I would make is that we are still dealing with the consequences of the slave trade today because the colonial project has not been fully dealt with in the British or, I would say, in the Jersey psyche. It has not been dealt with, firstly, because we have not taught it, we have not understood it. Therefore, I think we do need to deal with it and that part of the journey starts with being honest and finding out, telling the whole story. There is a perversity, I think, that so many people who want to tell one particular narrative ... and it is not their fault, it is because they have probably been told a particular narrative. Let us bring this back to the Jersey context and let us talk about George Carteret. So, a lot of people did not know that George Carteret was a significant figure in the slave trade. We are already getting the airbrushing of saying: "Oh, he had links to the slave

trade.” Of course, quite rightly and understandably, we get members of the establishment - and I will call them that - writing letters to the paper saying: “Oh, but what about Tom Gruchy, he had a slave girl, he had at least one slave girl, so there you go; Deputy Tadier and Deputy Doublet are picking their arguments.” Of course, this is completely not the case. I know now that Tom Gruchy, for example, was a slave trader and I gave a talk many weeks ago about Tom Gruchy and said this guy was a problematic character because he did have a slave girl. It is quite possible that he may have had some business dealings in the U.S. with slavery and it is important to tell that story. The difference is I do not think I or anyone else is suggesting that we put a statue up of Tom Gruchy in the 21st century because that would be, euphemistically speaking, massively problematic. You do not put statues up of former slave traders. In the case of Carteret, of course, he was not just a casual slave owner, as I know that many of the middle-class and even the lower middle-class in Britain would have probably owned a slave. The poor, of course, did not own slaves. We are talking about George Carteret, who founded one of the companies, and one of its prime terms of reference, along with ivory and gold trading, was to trade in human lives. Of course, we already get what I would call the mitigators or the revisionists saying: “But they never captured any slaves, they just bought slaves from the other tribes.” This is where it brings us on to the Benin argument, of course. They say they just bought slaves off tribes which were already feuding, as if that is somehow some kind of mitigation because the slave trade in itself was not bad enough. So let us look I think now at some of the consequences of that slave trade. This is why I have used the opportunity to look at the name of one of our central squares in St. Helier and why we might want to call it a different name to Trenton Square. Remember, this is not just some bright idea that I have come up with. I was very much listening to the discourse that went on following the murder of George Floyd. I was listening to Black Lives Matter and other commentators, who are questioning why St. Helier, having twinned with what is a majoritarian black town in New Jersey, were not involved, first of all, in any of the discussions that went on there, which is quite strange. I suspect when Bad Wurzach was being twinned with St. Helier I would be surprised if there were no German speakers in Jersey who were not involved in the twinning, yet we did not have any black people being involved in the twinning with a black town in New Jersey, but that is perhaps an aside. I do want to look at some of the atrocities of the slave trade and also more specifically Jersey’s involvement with the slave trade. Just to put the numbers into context, between 1514 and 1866 there were more than 12.5 million African captives who were forced on to about 40,000 European ships during the Atlantic slave trade. These are estimates and it has to be said these are very likely to be conservative estimates. The full numbers might not fully ever be known. If you look at the original report that I put together, I have just taken a couple of figures and diagrams which shows how the blacks were really just stacked like goods. So they were put into storage, if you like, for these tumultuous journeys. I do not want to lighten the story at all, but if you can imagine a particularly rough crossing with Condor going from Jersey to St. Malo or Jersey to England and how if you are not particularly good with the boats you might find that a pretty torturous trip. But just imagine hundreds or perhaps thousands of slaves who were forced on to a big galley and you can see them all laid out there in the pages, just treated like cattle. The reason I object to the phrase “nitty-gritty” when it is used and I think the reason it quite rightly has been put on one of the unparliamentary phrases lists ... and again it is not a criticism of anyone who uses it because I was only told recently about the history. The history of: “Let’s get down to the nitty-gritty” comes, we think, from the slave trade and it refers to the kind of grit that used to be formed on the bottom of a slave ship. Also the nitty-gritty is euphemistically what was called when the slave or the shipmaster, whoever it was, decided that they wanted to rape one of the slaves. They would get down to the nitty-gritty on the bottom of the ship, which was clearly covered in all sorts of mess. We do not even know this necessarily is widespread but that is why the term “nitty-gritty” is used and that is why it is offensive. I can imagine some of the anti-P.C. (political correctness) brigade saying: “We are not going to be allowed to say anything in the future, are we?” but I think words do matter. The etymology of words do matter and we have to be sensitive. What is interesting here is that I did not know this because I was told it by my partner, who is from Liverpool. What it shows is that there are certain cities around the world, and I tend to refer to Liverpool, Bristol or

Nantes in France, all of whom have been on their own particular journey, that what they share as the commonality with Jersey is that they were big port towns, they were seafaring towns. Jersey had a big ship-building industry as well and at one point Jersey was the fourth or fifth biggest ship-building place in the British Isles, presumably after the likes of Liverpool, Bristol, London, et cetera. They have had to come to terms with their history because it is twofold. The cities tended to do very well and the big mansions, the houses, the cod houses that we have in Jersey, they are all testament to that part of the slave trade. The cod triangle, the triangles that went on, all involved slavery. Their journeys have not necessarily been easy ones either and they have had to come on their own personal journeys to get where they are today. But I think that they have had those conversations and if those conversations lead us to a better place as a community, then I think that has to be a good process to go through. So, I have heard people say: "We are not responsible for what happened in the past and, therefore, why should we feel bad about it?" I have also heard other people saying: "I do not like Black Lives Matter, the way they are going on about this, because they are trying to make us feel bad. Why are they making us feel bad?" I do not see it like that at all. When I learn about the history of the slave trade I feel sad rather than necessarily feeling bad. I do not feel any personal guilt. I guess this is the problem that we have had narratives, and the problem of coloniality and narratives is that we tell ourselves these stories of national pride, and in order to do that we have to airbrush or not talk about the less appealing aspects of our collective history. So it is one thing to say: "I do not feel any shame and I do not feel any national pride" because you can only have pride for the things that you have done and you can only feel ashamed of the things that you have done, and that is fine if you genuinely believe that, but we are sold an idea of collective pride. If you are going to have collective pride, then presumably you can have some collective shame. But I am more interested in rather than using I think either of those analogies, which I think are possibly false dichotomies, is that again I bring it back to the point of what can we do to make our societies better. I think the one thing we do is that we look at our history, our British history and our colonialist history, and we are honest with ourselves. So just by doing that, let me turn quickly to a local historian who I have quoted in my report about the condition of slaves. This really ties into the idea of why we might want to call Trenton Square Benin Square, which was one of the modern-day countries from which these African slaves were taken. Doug Ford, the local historian, says that on one of these 40,000 ships, which was the Speedwell, the Speedwell commanded by James Carteret, Sir George Carteret's son, undertook one of the early voyages of the company. So that was the company that was set up by his father to specifically, among other things, trade in slaves. "Leaving London in January 1663, he picked up 302 slaves in the port of Offra in the Bight of Benin and transported them to the West Indies - 20 died on the passage. In February 1664 he sold some of his cargo in Barbados and then the following month he sold the rest of the slaves in St. Kitts. By the time he left in March 1664, Carteret had sold 155 men, 105 women and 22 boys to the eager planters. The company enjoyed a monopoly until 1698 and dealt in slaves up until 1731." So that is quite a difficult history to hear and I certainly was not told that at school. I have never been informed of that by anyone when they are telling the history. Again, I am not saying that you would expect to hear that history at every turn that you go, but I am saying it is very strange that we have been basically ... I feel like I have been force-fed, spoon-fed, this particular history about George Carteret, which is, it has to be said, a valedictory one. We hear about the mace, we hear about these lands that were given to George Carteret by the King; in fact, it was the King's brother in the end but it all amounts to the same. He was given these vast tracts of land in America, which we will look at in a moment because the lands, of course, morally if legally did not belong to him. This whole sad story is part of our history, which for some reason we are not told, which is a shame because we can learn from that. Again, I would ask what would happen if we had not ever been told or taught the history of the Holocaust. People might be saying: "You can do the research yourself, why should you wait for it all to be presented to you on a plate?" but the point is we do teach the story of the Holocaust. We do teach the story of the D-Day landings. We do teach the story of the beginning and the end of the Occupation. We do teach the story of all those great battles. You almost cannot move for all the war-time memorials that we have and the special days that are linked to the First and Second World Wars. I am not criticising

that either, but I am saying one of the areas that has been fundamental to British history and which still leaves a legacy today ... and this is where I will conclude this part, Members might be pleased to hear that, but I hope similarly that they accept it is a meaty issue. It gets back to this point that the legacy, the psychological legacy, that has been left by the slave trade has never been dealt with properly in the British or in the Jersey psyche, I would proffer.

[15:00]

I think the reason for that is because ... and that is the reason we still see many of what Deputy Doublet has referred to, I think quite rightly, in the Assembly as unconscious bias. It is because we have been told this narrative, which I think in the past was we are better than those people over there; the reason we can enslave Africans and that we can make them do our work for us in the Caribbean and bring back the sugar and the reason we can force labour in India and bring back the tea so that we can have our nice cups of tea ... and this is what would have been told to people at least at an unconscious level back in the days: because we are better than them, we are their superiors, these are the savages, we have to enslave them, it is the natural order. Remember, this was still a deeply religious time and people would have thought: "Okay, that is just the way things are, it is our divine right, we are the colonists, they have been the subjugated peoples, and this is the way that it is meant to be." Now, of course, we know that was not the universal story. We know that there were people who were fighting all throughout history against the slave trade and for the abolition of slavery, but it was something that was really hard fought and it had to be done incrementally. So the reason that Haiti is such an interesting example is it was the first abolition of slavery and it was also an organic one. It was an uprising of the slaves themselves. It was not done through Parliament. It was not done through realpolitik or through negotiation. It was done because the slaves themselves ... and you can imagine the difficulty you would have to rebel. They managed to rebel and they were organised to be able to do that. But, again, this is the point I will finish on. I am really shocked that it has taken me this year and perhaps even Black History month and some of the great programmes that have been on television, some of the great articles that have been published recently, for me to realise the shocking struggle that it took to abolish slavery. So, first of all, as I said, it was done in 2 parts. It was not properly abolished. It took ages for it to happen. The trade was abolished but the owners were allowed to keep their slaves. Secondly, when it came to compensation, who do you think it was that got compensated? It was not the slaves or their families, it was the slave owners who got financial compensation from the Government at the time. It is probably the biggest bailout, perhaps not including 2008-2009 when the banks were bailed out. Because the cost of that was some 40 per cent of the Government spending at the time. There were families like William Gladstone, the Prime Minister, who, although a liberal, he was speaking against abolition at every turn because his family was doing very well from the slave trade. So William Gladstone's family was paid out something like £10 million, £10.5 million at the time, which in today's money would ... sorry, no, in today's money it would come to that sum of money, £10 million, £20 million. But in terms of the G.D.P. (gross domestic product) what they were paid out was something like £450 million for the privilege of having been slave owners. Then after that the slaves themselves were forced to work for another 6 years to compensate their masters. These are things we have not been told and so if I seem slightly miffed and slightly angry and say to Jersey: "Why was I never taught this in history?" go figure, you can never learn everything. So I am going to leave it like that. I think I have had enough of talking about these 3 particular parts, but what I do want to concentrate on is having a positive legacy that this Assembly can get behind. I think it is important that the Assembly does not say: "Why do you not go ahead and do this as an Assistant Minister?" because I would not feel that I have any power or any mandate to do something that the Assembly itself might not want me to do. I will leave it like that and I do make the proposition.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** .

**9.2 Jersey and the slave trade (P.78/2020): amendment (P.78/2020.Amd)**

**The Bailiff:**

Very well, there are a number of amendments. The first is lodged by Deputy Perchard and I ask the Greffier to read the amendment

**The Greffier of the States:**

(1) Page 2, paragraph (a) - For the words “as Benin Square” substitute the words “to a name put forward by Black Lives Matter Jersey, which may wish to consult the wider community and other stakeholders, within 60 days of the adoption of this proposition. (2) Page 2, paragraph (c) - For the words “place names and memorials” substitute the words “place names, memorials, public art and public holidays.”

**9.2.1 Deputy J.H. Perchard:**

I think the case for the changes has been really well outlined by Deputy Tadier so you will forgive me for not repeating any of that. Very simply, the addition to part (a) was simply based on the rationale that I would like to give a voice to the people who are affected most significantly by this change. I understand from the email we all received from Deputy Doublet on behalf of Black Lives Matter that they do, in fact, support the name change proposed by Deputy Tadier, so to some Members that may make part (a) redundant. I think for me I would still like to see my reworking of part (a) adopted simply because it is still not ... maybe the Deputy can clarify later in the debate whether he came up with the name and it was approved by Black Lives Matter or whether Black Lives Matter suggested the name. I think for me that makes quite an important distinction. I do think that if we are going to look to rename Trenton Square then there should be an opportunity for anyone in the community, but particularly anyone from the Black Lives Matter group and their wider reach, to suggest names to put forward. I think for me it would be nice to see that process happen, to see a range of different ideas put forward, and maybe something ... there may be ideas out there that wish to honour a particular person from black history. Why not Ruth Bader Ginsburg Square, just for example? I certainly do not feel like it is my right to make the suggestion of what the name should be, but I just thought that it would be appropriate to give Black Lives Matter an opportunity to have the 60-day period where they consult as widely as they possibly can and consider a range of different names because I think that is an appropriate process to go through. So, following that, the change to part (c) is, again, quite minor. The rationale behind it is that we do not have much, if any, political public art in Jersey. I think that carrying out an audit might seem a bit contradictory to say I want to audit something that we do not have, but that is kind of the point. It is to evidence the fact that we are lacking something that I think we need, so I welcome the opportunity to add art to the list. I think the public holiday rationale is exactly the same. I do not have any particular holidays I want to abolish. That is not the reason for putting that in but again it is just about providing an opportunity to audit something to demonstrate the lack of it and to give an evidence base upon which to legitimise an opportunity to change that and to implement new things. It is very easy to look at a calendar or to look around the Island to see that we do not have public holidays or public art that are particularly political or celebratory or that give any kind of recognition of the Black Lives Matter movement. But it is one thing to say that anecdotally and it is another to audit it and evidence it and then move on from there. So, I am hoping that part (c) is completely acceptable. I appreciate that for part (a) perhaps the Deputy would argue that Black Lives Matter has endorsed his suggestion and, therefore, we should support it, but for me I would still prefer to see the wider consultation and just to allow people the option to be innovative and creative and to give more time to seriously consider what the name should be and what values we wish to capture through the name. I think people will have differing views on that, so I think that is why I would like to maintain the amendment.

**The Bailiff:**

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

**9.2.2 The Connétable of St. Helier:**

I intend to address my remarks to part (a) of the proposition only, the proposed renaming of Trenton Square. Inevitably, I will have to refer to both Deputy Tadier and Deputy Perchard, who are effectively both wishing to rename the square. Trenton is a place, not a person. “Trenton makes, the world takes”, as it says on the lower free bridge, is an example of how proud Trentonians are of their city. It may not be as pretty as Princeton or New Brunswick with their universities, as exotic as Atlantic City or as peaceful as the Barrens or the Jersey Shore, but it is the capital and the home of the state parliament. I have been to New Jersey several times, both at my own expense when I was researching the links between Jersey and New Jersey, and I have taken part in 2 delegations, 6 years ago at the request of the Chief Minister to represent Jersey at the 350th anniversary celebrations of the founding of New Jersey, and in January this year, again at the request of the Chief Minister, to sign the twinning agreement between Trenton and St. Helier in the council chamber of Trenton City Hall. In the course of my visits, I have found New Jerseyans hospitable, welcoming, friendly, hard-working, forward looking, outward looking, and not only fascinated by history but also extremely well-researched about it. Their interest in their history is not just at amateur level but professional, as you would expect for a state with so many institutions of higher education. There are more than 60, including 4 public research universities, 8 state colleges and universities, 14 private universities, 2 of which are classified as research universities, 19 county colleges, 14 religious institutions and 8 for-profit proprietary schools. When the States celebrated its centenary, they welcomed the then Bailiff, Frank Ereaut, the Constable of St. Helier, Dennis Ryan, a youthful Ted Vibert, and also a Jersey cow called Precious Galinthia. But perhaps more significantly for this debate, they commissioned no fewer than 40 scholarly works on the state’s history, the first by the distinguished Professor of History, the late Richard P. McCormick, who also when he addressed the Jersey Society in London called for a greater understanding and greater links between Jersey and New Jersey. That, of course, was half a century ago. I note in passing that, given the current concerns, Professor McCormick chaired the committee addressing the issues raised by African-American students at Rutgers University way back in 1969. Professor McCormick is one of the founders of the New Jersey Historical Commission, whose headquarters in Newark turned out to be just around the corner of my hotel in Newark in January. It was closed, but as I looked in at the window I was invited in and on explaining where I was from, as you can readily imagine, I was given a tour of the museum. Before going down to Trenton, I was an observer at a roundtable discussion on how New Jersey is embracing the digital revolution, at least a dozen leaders and academics attending to meet the delegation from old Jersey as well as our Digital Jersey representatives. I mention this to illustrate the fact that there is a state-wide interest in the links that have long languished between St. Helier and Trenton and Jersey and New Jersey. I will go so far as to say that the twinning between the 2 capitals has been the catalyst for a renewed interest in developing those links. The potential benefit of our new relationship will be as much in the cultural sphere as the digital, and it is a pity that neither Deputy Tadier nor Deputy Perchard did not pause for a moment to ask themselves what effect these propositions might have on the development of these cultural links, particularly in the case of Deputy Tadier who is, as we know, the Assistant Minister for Economic Development, Tourism, Sport and Culture. It is a shame they did not consult representatives of the Parish that had signed the twinning agreement just a few months before the initial proposition was lodged. Had they done so and had they done a little research, they would have found that both of the recent official visits in which I have been involved have placed the development of cultural ties very high up the agenda indeed. At Deputy Tadier’s request, I met with him and a representative of Black Lives Matter last week in an effort to understand the concerns of this organisation. It was a constructive meeting and at the end of it I offered the following statement, which I hoped would be a reason for Deputy Tadier withdrawing paragraph (a) of his proposition.

[15:15]

My statement read: “The naming of Trenton Square was designed to be emblematic of the historic links between Jersey and New Jersey and the 2 capitals have signed a twinning agreement, so it would not be appropriate to change the name of the square. However, I will work with the various agencies



which administer the area to ensure that every opportunity is taken to explain and interpret how both communities are seeking to deepen the understanding of their histories.” Deputy Tadier, as will be clear, declined to withdraw part (a) of P.78/2020, claiming in a text message to me after my email: “My deal is that you accept the Trenton Lenape on the basis that it does not affect your twinning but would enhance it. Nothing in this is done to undermine your links with Trenton but to bolster them.” I do not know on what basis Deputy Perchard or Deputy Tadier believe that their projects will have no effect on St. Helier’s twinning. Imagine if you will the reaction here and in Madeira if we changed the name of Rue de Funchal for whatever reason. I do not really understand either on what basis Deputy Tadier feels that what we are doing today will enhance the relationship between Jersey and New Jersey. What I do know is that when I attended the 350th anniversary celebrations I was invited into the state house where the senate and general assembly were in the middle of a budget debate. I was welcomed by the Speaker as a representative of the States of Jersey and I was asked to witness the passing of a special resolution, which refers to the: “... significant relationship with close ties of friendship between the state and its namesake of Jersey, as well as the strong desire for continued mutual co-operation and fraternal harmony between the peoples of our 2 societies.” This joint legislative resolution having been approved unanimously, I was then asked, without any warning I might add, to address the joint houses, an opportunity which I was told afterwards had not been made to a stranger in the Parliament in living memory. So, in a way, I am grateful to the Deputies, for while their proposition seemed to me to be poorly researched and muddleheaded, they do give me this opportunity 6 years after the date to place on the record of the States of Jersey my thanks to the senators and assemblymen of the state of New Jersey’s legislature for their courtesy towards a Member of this Assembly on the day of their state’s 350th anniversary and their desire for closer relationships with “original Jersey”. As far as I know, neither Deputy has made any effort to talk or communicate with the members of Trenton City Council, who voted to support the city’s first twinning relationship on 2nd May last year, several of whom travelled here for the naming of Trenton Square in May, nor to ask them how they would react to the Parliament of Jersey directing that the name of Trenton Square should be changed to something else. If they had approached them, I expect they would have found the hand of friendship extended to them, an invitation to visit the museums, at least one of which tackles the issue of slavery head on, to meet some of the large number of amateur/professional historians whose knowledge of their state’s past I believe eclipses our knowledge of ours. The Deputies would have been encouraged, in other words, to deepen their understanding of the issues that concern them and those they represent locally before taking such a step as seeking to unpick the good work that has been done by the Government of Jersey and the Parish of St. Helier. P.78/2020, part (a), whether amended or not, should not be supported as to do so would show a serious lack of courtesy on the part of this Assembly, as well as a sad lack of perspective.

**Deputy I. Gardiner:**

I would like to clarify that we are now debating an amendment put forward by Deputy Perchard?

**The Bailiff:**

Yes, Deputy.

**9.2.3 Deputy I. Gardiner:**

I would like to have just really 2 or 3 comments. First I will follow the Constable. It is an important point for me how our twin town, Trenton, and their council will look at us telling them what to do. Why I am raising it is because, as everybody knows, I am coming from the former Soviet Union. I was born there and lived there for 20 years, or 19 years, whatever. I remember how many times the names of the places changed but they have changed ... even for the capital of Kazakhstan, where I was born, the name of the city changed 4 times in my lifetime, but it was their decision. It was the decision of the citizens of this country to make this change. If we twinned with Trenton and it is Trenton as a city, maybe we need to put a plaque, but personally I think it is important that we will not tell them what to do and how to call their city. So it is where I am coming from. But why I

decided to speak for Deputy Perchard's amendment is because the point that she is bringing into the proposition is valid. If we decide to rename the square at least let us consult with all stakeholders. I am not sure if Members are aware there is an organisation that Deputy Tadier is in contact with, which is Black Lives Matter, but there is also Friends of Africa. Friends of Africa has 3 different communities. There are Caribbeans, there are Afro-Caribbeans and there are Africans. They are all together on the Friends of Africa organisation and all of them might have different views. I know that there was some communication with the committee, but I am not sure if it was communication with their community, and their community is I think now 2,000 members, maybe more, maybe less, we do not have exact numbers. So I would think if we are talking about Deputy Perchard's amendment, it does make sense to consult with all stakeholders that are connected, including, by the way, Trenton Council, for how we are changing the name and not decide because we like this or that name.

**The Bailiff:**

Connétable of St. Saviour, you have said: "Question please." Is that a point of clarification you are seeking or do you wish to speak?

**The Connétable of St. Saviour:**

No, Sir, I would like to speak when it is my turn.

**9.2.4 Connétable C.H. Taylor of St. John:**

I am going to speak just the once on the whole proposition rather than on parts (a), (b) and (c). I think the first concern I have is that racism and slavery are being muddled. They are 2 very different subjects and I think it is wrong to link the 2 together. Talking on slavery, slavery itself is as old as mankind and goes back many thousands of years. The pyramids and sphinxes of Egypt were built by slaves. Should they be knocked down? The Greeks had their temples built by slaves. The Romans had their amphitheatres built by slaves. Should all these wonderful buildings be pulled down because they were built to glorify their slave masters during their time? Slavery, one needs to understand how it has come about and basically one goes back to tribal warfare many, many thousands of years ago. The winning tribe would naturally slaughter the military, but what happened to the civilian population behind the military? They were either slaughtered in a genocide or they were taken as slaves, and this has been shown throughout history. The victor has taken either the slaves or they have committed genocide. It is nothing new. This has gone on for a very long time. Indeed, we have seen genocide within our own lifetimes. In the 1950s we had the genocide in Kenya. We have had genocide in Rwanda, Croatia, Cambodia, and we are seeing a genocide at the present time in Myanmar, the former country of Burma, where the Rohingya Indians have been forced out of the country or face slaughter. Either slavery and genocide are unacceptable and completely repugnant and must be stopped. It appears that the proposition is referring to a particular part of slavery from approximately 1500 to 1850, the 350 years in which there was slavery from Africa to the Americas. It is interesting to know, and there was a truly excellent programme a month or 2 back on the television, that in 1491, 3 Portuguese ships entered a country called Kongo. It is not the current Congo. It is now what is known as northern Namibia. The king welcomed the Portuguese ships and he found that the Portuguese had things that he wanted, refined clothes, jewellery and so on, but he had nothing to trade other than sugar and slaves. That was the start of the slave trade from Africa to America. He also declared his country Catholic and appointed his son as bishop, and as a result was able to access the courts of Lisbon and Rome, putting his own son right at the centre of Europe. As the slave trade built up, so too there were more battles and more wars, and his successor Queen - and I apologise if the pronunciation is incorrect - Nzinga took over the country and continued the slave trade and enhanced it by increasing the wars and battles in that part of Africa to obtain more slaves to trade. Approximately 68 per cent of the slaves from Africa went to South America and about 28 per cent went to the United States. The trade was mutual and in about 1800 the Muslims took over a country called Sokoto, which is in northern Nigeria at the present time. They declared a caliphate and everybody who was Muslim was free and any non-Muslims were deemed as slaves. Over 2

million slaves in 1820 were sold by that country into the United States. I am not defending slavery, I am simply giving a history lesson of how it has come about. It is not an excuse, it is just simply giving background, and I think it is important we understand that the proposer is talking around a specific period of slavery in time. I have tried very hard to find a figure of how many slaves there are in the world today, and the only figure I can find is an unreliable one from the United Nations, which says it is believed there are well over a million slaves today around the world. That to me is the most important and the most repugnant part of slavery and that needs to stop. You cannot rewrite history because the danger in doing so is you rewrite it by today's standards and not the standards of the past. I finish with a very simple ... sorry, there is one other thing. The term "nitty-gritty" was brought up by Deputy Tadier. It only appeared in print in 1930. That was the first time. If you look up on Google Phrase Finder you will find out details of it. My understanding has been that it comes from the internal combustion engine and refers to the fine iron filings that you find in the sump of the engine. There is certainly no link, except modern, within the last few decades of any reference of the term "nitty-gritty" linking to slavery.

[15:30]

The final point I would like to make is if we were to erect a statue to the meanest person whose very name is known as penny-pinching and miserly, in other words Mr. Scrooge, the term "scrooge" is used to define a penny-pinching, miserly person, yet one could erect a statue for him for his generosity and his kindness. Because the last few pages of the book illustrate that Scrooge became a generous benefactor known throughout the land and Tiny Tim was never left wanting for anything. You have to look at both sides. You cannot rewrite history and I would urge Members to not support the proposition.

#### **9.2.5 The Connétable of St. Saviour:**

I would like my Deputy from St. Saviour, for whom I have a lot of respect because she does work extremely hard, to just explain when she rounds up (c), because they want an investigation into everything that is linking slavery to different place names here. Has she estimated what the cost is going to be and, if there is a link to slavery, will we have to change the home names or the street names to appease everybody? I would just like to hear from Deputy Perchard.

#### **9.2.6 Deputy J.A. Martin:**

It is a privilege to follow the Constable of St. Saviour because I would like to start with (c). Deputy Tadier was very selective in his comments from the Council of Ministers. (c) is not a problem. (c) can be done. (c) can be done by Deputy Tadier as the Assistant Minister for Economic Development, Tourism, Sport and Culture. He has the full backing of the Council of Ministers. He just needs to put in some hours. He has the officers. He can do it. I just need to put that out there. He could have been doing it by the time you put all these amendments in. I just want to go back to part (a). I was prompted to speak on the amendment by Deputy Perchard on the comments by Deputy Gardiner. I listened to Deputy Perchard, and Deputy Perchard is a great orator. She spoke very reasonably about consultation. The amendment does not say that. Let me read what the amendment says if you adopt it. It says: "to request the Minister for Treasury and Resources, as shareholder representative, to request the States of Jersey Development Company to rename Trenton Square to a name put forward by Black Lives Matter Jersey, which may wish to consult the wider community and other stakeholders, within 60 days of the adoption of this proposition." So they may consult. If it was the other way round I absolutely want ... firstly, I am not supporting it, but if there was a new name I would want everybody in on it. That does not say that. This is a name put forward by Black Lives Matter, who may wish to consult. So what if they come up with something really offensive to Jersey? I do not know. Why would they, but could they? If anyone has just about 18 months' memory, when we were looking at the climate change emergency panel, Extinction Rebellion wanted everything, whatever came forward, they wanted no say in the Assembly, they wanted every amendment to be adopted, bypassing this Assembly. Basically, we had a meeting downstairs and it was like if you want to dictate laws and policies, stand for election and then you can. So I just put it out there. As I

say, Deputy Perchard put it across very nicely. Deputy Gardiner has swallowed it. This is not about consulting. It is about them, a group, putting a name forward and then we have to deal with it. I do not accept that, but I just wanted to point it out. So, as I say, (c) can be done very easily and part (a) I am not supporting.

#### **9.2.7 The Very Reverend M.R. Keirle, B.A., Dean of Jersey:**

We all know that slavery in all its forms is the most terrible thing and it is right that we acknowledge our part in it as a community, as an Island. There are 2 things I want to say, really. Firstly, I think a memorial is a very laudable thing to the darkest part of our history. We do, of course, have a memorial to some slaves in the Island and that, of course, happens on the afternoon of our Liberation when we remember the slave workers who suffered and died in this Island. The second thing I would like to say under (a) is just in the interests of balance. Deputy Tadier spoke about the divine right and that people thought that religiously it was their right to have slaves. While that was so, I think in the interests of balance I would like to add that the abolitionists were largely made up of Christian ministers and former slaves, so I think I would like to bring some balance to that comment as well. My third point really is about the renaming of the square. Although it is not my job to try and persuade Members to vote this way or that, I do ask the question whether we are missing an opportunity here. I agree with the Constable of St. Helier that I think it would be deeply discourteous to rename the square without any consultation whatsoever with the twinned city of Trenton. I was privileged to be part of the group from St. Helier who hosted a visit recently. In fact, they came round to our house for a meal and it was a joy to be able to meet them. But, of course, these are people who have experienced slavery and it seems to me that in order for us to deal with this that we are missing an opportunity to learn from friends and colleagues in Trenton. I agree with the Constable that Trenton is a place and not a person, but there is much that we can learn from their history that can inform our history and perhaps make the memorial that Deputy Tadier would like a little bit more understandable. I would also agree with the Constable of St. John that we need to make a deep commitment to stamp out modern-day slavery in all its forms, some of which are still present in this Island here in Jersey today.

#### **9.2.8 Deputy R. Labey:**

Deputy Tadier is doing an important thing today, but what is missing here from both the proposition and the amendment is authenticity, authentic voices. Trenton, New Jersey, is 52 per cent black or African American, 33 per cent Hispanic or Latino. Where is the consultation with B.L.M. (Black Lives Matter) in Trenton, New Jersey, or the African American Chamber of Commerce New Jersey or the 100 Black Men society of Trenton, New Jersey? There are no authentic voices. There does not seem to be any consultation with people it would be interesting to hear from, those brothers and sisters in Trenton, New Jersey, of colour. So, without authentic voices we are in dangerous territory. How is this going to be interpreted and how is the message going to be received when it gets across the Atlantic if we did this today, striking out the name of Trenton on the newly named square? It is open to really damaging interpretation. Will the residents of Trenton, New Jersey, interpret this as us, well-meaning, white folk in Jersey, saying they should be ashamed to be living in a town called Trenton? I think as well-meaning as this is, it is dangerous and it is ill-researched and it lacks authenticity, so I cannot support (a) or the amendment, but I will speak on the memorial later.

#### **Deputy L.M.C. Doublet:**

Before I make my speech, could I just ask you, Sir, for some clarification on the effect of the amendments passing? Because as I understand it, Deputy Tadier has an amendment which would affect part (a) about the naming of the square.

#### **The Bailiff:**

If this amendment is passed, then in my view the amendment from Deputy Tadier dealing with the same matter automatically falls because the States will have decided how it is to be named. Does that assist you?

**Deputy L.M.C. Doublet:**

Yes. I am just looking at my speech because I might make slightly different comments now that I know that.

**The Bailiff:**

So, sorry, I assumed that to be your point but I did not let you ask me the question, so perhaps I should do that, if you would like to ask the questions of me, Deputy.

**Deputy L.M.C. Doublet:**

No, you did answer my question, so if this amendment is approved then Deputy Tadier's amendment on this point falls away and it will not be debated at all.

**The Bailiff:**

Yes, Deputy Tadier's third amendment falls away because it deals with the naming of the square, giving it a specific name, and the States will already have adopted a process by which the name will be nominated by Black Lives Matter Jersey. So, the 2 are back to back mutually exclusive and, therefore, if this is passed, the other does not go before the Assembly.

**9.2.9 Deputy L.M.C. Doublet:**

Thank you, Sir, that is clear. I will continue my speech, if that is okay. I will first talk about the second part of Deputy Perchard's amendment, which speaks about the audit of place names and artwork, I. I do think this adds value to this part and, as the States trustee for the Jersey Community Relations Trust, I can to a certain extent speak on behalf of the trustees. One of our trustees has been in touch with Jersey Heritage and this work is already under way and, I believe, encompasses the things that Deputy Perchard talks about. So I think that Members should certainly support this part of the amendment. I am going to reserve the majority of my remarks for the main debate but just touch briefly on one point, and this relates to part (a) of Deputy Perchard's amendment and, indeed, part (a) of Deputy Tadier's main proposition. I am having a slight feeling that I am feeling a little uncomfortable about this debate because essentially we are a group of white people discussing a white person's ideas on how we can help black people. In that sense, this amendment is better because Deputy Perchard has stated that she believes that we should be asking the black community what they think. But I do just want to offer some gentle criticism to both Deputies and that is I think that we should approach stakeholders before we commit them to carrying out actions. Again, I think Deputy Perchard ... I applaud her intentions in this and I will be supporting this amendment because I do think we should be consulting with Black Lives Matter and, indeed, the Deputy, I am sure, had this in mind when she lodged the amendment, but ideally both Deputies ... and possibly I have done this myself before. I cannot recall whether I have. Ideally, we should make an approach before anything is lodged for debate, whether that is Black Lives Matter, J.C.R.T. (Jersey Community Relations Trust), Jersey Heritage or any other body. But I will be supporting both parts of this amendment.

**9.2.10 Deputy M. Tadier:**

I will be speaking just to the amendment from Deputy Perchard, which I know is an unusual *modus operandi* nowadays, but nonetheless I will do that. The first point I need to make, though, to Deputy Doublet is that just because I have not made a song and dance about it, she should not think that I have not been consulting extensively with Black Lives Matter. Because from the very beginning when they had their protest and since its inception I have made sure that I have spoken to them as much as possible and been in constant dialogue with them for months about possible ways forward to raise some of these issues. So just to contextualise very quickly, in a debate like this it is going to feel clumsy sometimes. There is going to be no perfect solution and you can always get criticised. It almost feels like unless you are going to do everything you should not do anything, but we have to take baby steps, I think, sometimes. This is new territory for us. We are an entirely white Assembly

and we are an Assembly which the majority of people think should remain entirely British. We have just made a decision a couple of weeks ago to forbid non-British people from standing for election and, therefore, we should not be surprised if we do not get the full panoply of ethnic representation in our Assembly that we might want. So looking at the amendment, my first concern is that first of all this proposition might have been okay before Black Lives Matter had submitted comments, but they have submitted comments which say they are happy with the proposals that are being put forward.

[15:45]

They seem comfortable with either name being chosen and I think they have probably given a slight preference towards the Trenton Lenape name, which I think we can debate next and Members can decide that on its merits. The question I have for Deputy Perchard is that the way that this is phrased it says to change it to a name put forward by Black Lives Matter Jersey and then it says: "... which may wish to consult the wider community and other stakeholders." So, when it says "which" I am presuming the "which" refers back to Black Lives Matter and so it is saying that Black Lives Matter basically get to decide the name of one of our local squares, which ... and I am a supporter of Black Lives Matter, by the way, but it seems strange to say that Black Lives Matter should decide what the name of our square is because it is a public square even though Black Lives Matter and maybe the black community in Jersey are only maybe a couple of per cent. But it is only permissive in allowing them to consult with the wider community. But what if Black Lives Matter do not have the bandwidth? What if they do not want to consult with the wider community? That 60-day period of adopting makes it very difficult because if Black Lives Matter are consulting with a majoritarian white Jersey population their voice is likely to get drowned out. So it is kind of contradictory in a sense; you either let Black Lives Matter choose the name and give them 60 days to do it or you have an Island-wide consultation on the name of a square, which we know the Constable of St. Helier does not even want us to change. So I cannot really support this part 1 of the amendment, but certainly the second part of the amendment about including place names, memorials, public holidays, in the audit, seems entirely sensible and I am happy with that to be added. It makes it better.

#### **9.2.11 Connétable J. Le Bailly of St. Mary:**

I find it inconceivable that we are discussing this today. Our electorate are appalled that we are even contemplating such a proposition when we have so many current issues to address. Issues that affect their lives and their futures now. It is without doubt that everyone abhors slavery. Everyone knows the horrors and misery that it caused when it was considered a legitimate trade. However, that was history. Many horrific things happened in history that blotted every nation. Our lesson is to learn from history as we cannot change it. Slavery has sadly not ended. It is rife today among the dregs of our modern societies and colour is no barrier as many white and Asian people have and still suffer the consequences of ruthless gangs whose only quest in life is money. Our recent history shows that people had a disregard for life in a way that we would not consider today. Working people were born into harsh working conditions, dangerous working conditions, which very often resulted in death, loss of limbs, or industrial disease. People working in early industry, mills and mines, generations of people committed to one type of life from an early age until an early death. Nothing in their lives but work. Changing the name of a square or a street will not do anything for all those poor unfortunate people. Pulling down a statue will not improve the lives of the people who died needlessly or those enslaved in the present day whose only release is death. History can be vile; we need to learn from it and avoid the hate and slaughter of the past. Sometimes a poignant reminder in the form of a statue or a name associated with a possible injustice is sometimes necessary. Why Trenton has been chosen is not appropriate. I would urge you all to not vote for any part of this proposition.

#### **9.2.12 Deputy R.J. Ward:**

I am going to use that classic term that a lot of people say and say I was not going to speak on this, because I was not. These debates frustrate enormously and they do so because we seem to lose focus on what the amendment is and what we are talking about and extend out into areas of belief and

thought, which we need to be very careful of. We have to face up to something, which is difficult for us to face up to. As a white and a middleclass male, I have to face up to the fact that I am in a privileged position in society. I am that partly because of my colour. We do not want to hear that but it is true. The more we understand that, the more we understand what the difference is. When we understand what the difference is, we recognise that racism in all its forms has no place in our society. One of those things that makes us understand that is understanding history and dealing with, part by part, little by little, every issue and every change that we can make and face up to. If that means changing the name of a square, then let us change the name of the square and forget about the inconvenience for St. Helier as a Parish. In terms of the issues of dealing with another jurisdiction, I am sure our argument can be explained and that can be understood. I would rather have a debate about whether or not as an Assembly we would deal with issues such as unconscious bias, which is something that is advised for all parliamentarians in all governments around the world. Because then we have a greater understanding of where we come from and where we go to. Perhaps that is one of the issues that we need to all be addressing. So I would quite happily support this amendment or the other amendment because all it does is deal with a situation that has arisen. It may deal with it better by hearing a voice from the Island. That voice from the Island is a minority voice on this Island, but one that faces discrimination. Now we either do something or we do not. I think the phrase is, you are either part of the solution or you are part of the problem. I would say that we should all be part of the solution no matter how inconvenient it may seem.

### **9.2.13 Senator J.A.N. Le Fondré:**

In a way I am rather pleased to follow the last speaker because I too would rather not be debating this subject today because at the end of the day it is ultimately not going to benefit very many people, if any at all. To be honest, I would rather be having a debate, if we are going to do it, about how we could help to address current slavery in the rest of the world. But that is not what the subject is. I do want to speak briefly on Deputy Perchard's amendment, but it is difficult to avoid tying it into the original part (a) as well, which is ultimately about renaming Trenton Square. We have kind of missed the point and, in fact, I am just looking at my picture being streamed and over my left shoulder the map on the wall is that of New Jersey from when one of the groups that came over last year presented it to us. I am really delighted to follow and highly endorse all the comments made by the Connétable of St. Helier. We should be very proud of the relationship that has been built with New Jersey and the Connétable of St. Helier, and his Parish officials very much deserve credit for their continued work to tie his Parish with the city of Trenton and with all those other places, in which we have historic and cultural links, such as Bad Wurzach and Avranches and Funchal. But I think the point is that, as has been said, Trenton Square is named to commemorate the twinning of St. Helier with the city of Trenton in New Jersey. The square's name does not directly celebrate William Trent and nor can I see how it endorses the historic practice of slavery. Instead, it is a monument to our Island's longstanding ties to the state of New Jersey and the increasingly close economic and educational and cultural links enjoyed between St. Helier and Trenton. I was slightly disappointed to hear on the radio this morning it referred to as "some town in America". It is not just some town in America; it is the capital of New Jersey. This is not just about choosing a name for a particular square that does not bear a name; it is about changing a name, and a name that is representative of the modern ties to the capital of New Jersey and to the United States as a whole. For me, it is something we should be taking pride in. It is a forward-looking relationship, which we have carefully nurtured over many years and opening the opportunity for local businesses to trade and invest in the United States and vice versa. But, as I said, with the cultural and educational links as well. The whole point of twinning originated following the Second World War and the initiative facilitates an avenue to foster friendship between communities, not as a prism through which to pass judgment on others or their history. It would be entirely inappropriate, for all the reasons that have been referenced before me, to rename Trenton Square. It would wrongly send a message to our friends in New Jersey basically that we were seeking to distance ourselves from them. Also making the point, from the point of view of the history of New Jersey, New Jersey has led the way in recognising the historic evils of slavery. It

became the first northern state to formally apologise for its part in the slave trade and making what they call Juneteenth an official holiday. Far from distancing ourselves from our friends in New Jersey, we should be looking to build upon the links between our communities and to learn from their work. As I have said, the twinning of our communities has facilitated trade, education and friendships. I am proud of the connections that have been made to date and I very much look forward to building on those in my political time. But, as far as I am concerned, we should be looking at how these links can be used to promote and encourage ways in which the Island can learn from others, and hence some of my comments to the proposition as a whole. I will make the observation, it has been made elsewhere, there are other parts of the main proposition where the Deputy requests certain pieces of work to be done. To me again it is a fairly, when I say “pointless exercise”, the Deputy is very free to bring it, but it is also in his power, as has been alluded to already, to commission his officers or for himself to do the work that is being asked for. He does not need States permission to do it. He does need to make sure that there are resources available to it and he has said in his own proposition that there are adequate resources available and it would not cost too much. Therefore, frankly, that would have been the best route to be covering. I will speak more in the main debate.

**9.2.14 Deputy J.M. Maçon:**

I do not have much to add to this one. I thank Deputy Martin and Deputy Tadier, who critiqued and analysed this particular amendment as to why it should not be supported. My only really outstanding question, because I do think the name needs to be changed, but not in the way in which Members may think. Because obviously the main proposition is brought by our representative of the Parlementaire Francophonie and I would much rather see it as Place de Trenton than Trenton Square.

**The Bailiff:**

Does any other Member wish to speak on the amendment? If no other Member wishes to speak then I close the debate and ask Deputy Perchard to respond.

**9.2.15 Deputy J.H. Perchard:**

I will start with the practical and helpful questions raised by my Constable of St. Saviour and I thank her for raising those sensible questions. Just to reassure her, the implementation of my amendment would have no extra costs at all. It would not include private houses or residences, so, no, they would not have to change house names.

[16:00]

In terms of street names, all that would happen is there would be an audit made, so we would reflect upon the names of our roads perhaps, I suspect, as part of an audit process, because they are technically public places. But my amendment does not require, and I think the main proposition does not require, any change to be made. It just simply asks us to audit them. So there would be prerogative from this amendment in terms of it forcing any changes. So I hope that has helped. Just commenting on some of the other remarks made about the amendment that are relevant directly to the amendment. I cannot make a community group do anything. I do not have the mandate or the authority to do that and I certainly would not have approached it in that way anyway. So I am really surprised that Deputy Martin suggested that because I use the word “may” it somehow invalidates my intent, which is that I would like to see a consultation. I have made that clear in the report. The fact that is the main difference between the original proposition and the amendment makes very clear that is what I would hope to be the outcome. But I have no authority to make a community group do that and if I had attempted to force a community group to do such a thing I would be criticised for inappropriately exercising a power I do not have. I am quite baffled by the suggestion that she made that we should not give a voice to the B.L.M. community because they might put forward an offensive name. That is a really baffling statement. I thank the Dean for his contribution and I appreciate he was not arguing on either side but just rather making the point that there is a great opportunity to consult more widely. For me, that was always the intent of part (a). Part (a) would allow broader consultation, whatever that would look like. So, if it transpires that my part (a) was adopted and



Members felt that the Trenton community should be consulted, then it allows that to happen. It does not prevent that from happening at all. What does prevent that from happening is if we adopt a new name today, because then it is done and there is no opportunity to widen the consultation that we have heard would have been desirable. So, in many ways, even if you are against the main proposition, my part (a) should be more desirable to you. So I was quite baffled by some of the responses along those lines. My part (a) is more flexible, it allows wider consultation, and it absolutely does not prevent consultation. Deputy Labey, I do appreciate the question about the message being received in Trenton itself. I struggle a little with this logic though because we are talking about local Islanders' objections to a name of a place in our Island. The message that we came to the realisation that a name we have chosen to adopt for a location in our town, we have come to the realisation that place name does have explicit links to a slave owner from Jersey. We have reflected on that and we decided we did not have a problem with that. That for me is a much worse message to send than looking into it and allowing other ideas to be put forward to address what some see as a very offensive name. The argument that it will cause offence to the residents of Trenton, maybe on a diplomatic level it is a bit embarrassing. But in terms of your average residents in an average town, like in St. Helier or Trenton or wherever they are in the world, I think we should give those residents more credit because I do not necessarily think it would be seen as offensive. I think that, given that Trenton is a largely black and Hispanic community, who may already themselves share concerns about the name Trenton, their own town, that might inspire change somewhere else in the world that would be part of a really positive movement. How does the Constable and how does Deputy Labey know that the members of Trenton, New Jersey, do not have a problem with the name? Have they consulted? Just to throw back the criticism that is coming my way, how do they know that is a name that has not caused anguish among members of the community? Maybe we could demonstrate the power of listening to our community and the power of adapting to something that we have come to realise was a mistake. I do not agree that this would be seen in the light that has been presented. I would also like to add that at the time when we did rename our square Trenton Square concerns were raised locally by a minority at the time. The reality is we ignored that. I am including myself in that. As an Assembly, we ignored the fact that concerns were raised, probably because it was from a minority, probably because it was not a very loud objection, and probably because, as politicians, we were being political. We probably did think: "Oh, diplomatically that is a bit awkward" or: "Well, it is already in train" or: "We are having visitors from Trenton; that is awkward." I have reflected on that inaction since, on my own inaction, and in the wake of the killing of George Floyd and the Black Lives Matter movement this year, I have realised that, by not reacting to that small minority voice in Jersey at that time, I was part of the problem. I think we all have to acknowledge that because the objection was raised at the time and we did not do anything about it. I am talking about local residents, Jersey people, our own Islanders raising an objection at the time and we did not react to it. So, yes, now the timing is not ideal and it is a bit embarrassing, but now that we are confronted again with a decision to act or not, what is worse? Just finally on the comments from the Chief Minister. I do appreciate that it can be difficult to understand the offence that others feel in a name and it is very easy for us, as members of the community who are privileged, that it is very easy for us to just say: "Well it is just the name of a place so it is not offensive." But the thing is it has been deemed offensive by a group of people who have been personally, or their ancestors have been, affected by slavery. Sometimes we have to acknowledge that what causes some people offence is worth ridding our society of. Sometimes we have to acknowledge that we might not understand fully how someone might feel about the thing that they find offensive. But we sometimes have to acknowledge that we are not capable of understanding that because we are in a different position. We are of a different level of privilege. We have had a different upbringing. We have had a different experience of life. Maybe we have never been on the receiving end of racism. So it is really important that, instead of dismissing the views of those who feel offended, that we listen and strive to understand and, when appropriate, act. So, in summary, my part (a) is designed to be more flexible than the original proposition. It was designed to allow consultation and I would encourage it. It was designed to allow more conversations to happen between those Members who have a

problem with the renaming and those who want it changed. My part (a) allows this process to go on a bit longer and to have more conversation and more dialogue, which I personally think in this particular context, in this particular instance, is only a good thing. There is nothing to stop the Constable of St. Helier sitting down with Black Lives Matter Jersey and going through a name shortlist or reaching some sort of compromise. Or understanding about what steps are appropriate to go forward that make all sides happy but that also achieve the outcome that is being fought for. If my part (a) is rejected, then we are just having a debate about should it be called this or not. At that point, I feel very uncomfortable, as a privileged white person, in even discussing it. So, for me, it is quite important that we have that flexibility and that Members allow that flexibility. Part (c), I did not think I would hear any particular objections and hopefully I have answered the practical question raised by the Constable of St. Saviour, which again was really helpful, so thank you for that. I maintain the amendment, thank you.

**The Bailiff:**

Deputy, will you take a point of clarification from Deputy Morel?

**Deputy J.H. Perchard:**

Yes, that is fine, thank you.

**Deputy K.F. Morel:**

I just wondered if the Deputy would clarify, in her speech she mentioned a slave trader from Jersey, I think were her words. I was just wondering who Deputy Perchard was referring to, was it William Trent, for whom Trenton was named after, or was it somebody else?

**Deputy J.H. Perchard:**

I do not remember the exact sentence so I am going to struggle to answer that accurately. But if Deputy Morel would like to email me with the exact sentence he is referring to, because I think I mentioned slave trading in different ways a couple of times.

**Deputy K.F. Morel:**

It is only to clarify William Trent was not born in Jersey.

**The Bailiff:**

Deputy, do you wish your amendment to be taken in 2 separate parts?

**Deputy J.H. Perchard:**

Sorry, I am having technical difficulties. Yes. Were you asking if I want to take it separately?

**The Bailiff:**

Yes.

**Deputy J.H. Perchard:**

Yes, that is fine, thank you.

**The Bailiff:**

The first vote is on the first part of the amendment, and I will ask the Greffier to post a link into the chat. I ask the Greffier to open the voting and Members to vote in the usual way. Members need to be a little bit persistent with the link because it can be a bit slow. Anyone who has not been successful in voting on the link, could they make sure they have recorded their vote in the chat? Could perhaps Members restrict their comments in the chat only to recording a vote so that it is easier to identify the votes? Could everyone check that their microphones are switched off please? Members have had the opportunity of casting their votes either on the link or through the chat. I ask the Greffier to close the voting. The amendment as to part (a) has been defeated:

<b>POUR: 12</b>		<b>CONTRE: 34</b>		<b>ABSTAIN: 0</b>
Senator S.Y. Mézec		Senator I.J. Gorst		
Connétable of St. Martin		Senator L.J. Farnham		
Deputy G.P. Southern (H)		Senator J.A.N. Le Fondré		
Deputy M. Tadier (B)		Senator T.A. Vallois		
Deputy L.M.C. Doublet (S)		Senator K.L. Moore		
Deputy of St. John		Senator S.W. Pallett		
Deputy M.R. Le Hegarat (H)		Connétable of St. Helier		
Deputy J.H. Perchard (S)		Connétable of St. Clement		
Deputy R.J. Ward (H)		Connétable of St. Lawrence		
Deputy C.S. Alves (H)		Connétable of St. Saviour		
Deputy K.G. Pamplin (S)		Connétable of St. Brelade		
Deputy I. Gardiner (H)		Connétable of Grouville		
		Connétable of St. John		
		Connétable of Trinity		
		Connétable of St. Peter		
		Connétable of St. Mary		
		Connétable of St. Ouen		
		Deputy J.A. Martin (H)		
		Deputy K.C. Lewis (S)		
		Deputy M.R. Higgins (H)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy 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 S.M. Ahier (H)		

### The Greffier of the States:

The 10 who voted pour were: Deputy Doublet, Deputy Ward, Deputy Tadier, Senator Mézec, Deputy Perchard, Deputy Alves, Constable of St. Martin, Deputy Le Hegarat, Deputy Pamplin and the Deputy of St. John. On the chat there was also Deputy Southern and Deputy Gardiner.

### The Bailiff:

We now come on to a vote on part (b) of the amendment and I ask the Greffier to post a link into the chat.

[16:15]

The link has been posted and I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Part (b) of the amendment has been defeated:

<b>POUR: 13</b>		<b>CONTRE: 33</b>		<b>ABSTAIN: 0</b>
Senator T.A. Vallois		Senator I.J. Gorst		
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		

Deputy G.P. Southern (H)		Senator S.W. Pallett		
Deputy M. Tadier (B)		Connétable of St. Helier		
Deputy L.M.C. Doublet (S)		Connétable of St. Clement		
Deputy J.H. Young (B)		Connétable of St. Lawrence		
Deputy of St. John		Connétable of St. Saviour		
Deputy M.R. Le Hegarat (H)		Connétable of St. Brelade		
Deputy J.H. Perchard (S)		Connétable of Grouville		
Deputy R.J. Ward (H)		Connétable of St. John		
Deputy C.S. Alves (H)		Connétable of Trinity		
Deputy K.G. Pamplin (S)		Connétable of St. Peter		
		Connétable of St. Mary		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Deputy J.A. Martin (H)		
		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 L.B.E. Ash (C)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy S.M. Ahier (H)		
		Deputy I. Gardiner (H)		

### **The Greffier of the States:**

Those Members who voted pour were: Deputy Doublet, Senator Vallois, Deputy Tadier, Senator Mézec, Deputy Ward, Deputy Perchard, Deputy Le Hegarat, Deputy of St. John, Deputy Young, Deputy Pamplin, Senator Moore, Deputy Alves and in the chat Deputy Southern.

### **9.3 Jersey and the slave trade (P.78/2020): Third Amendment (P.78/2020 Amd.(3))**

#### **The Bailiff:**

We now come to Deputy Tadier's third amendment and I ask the Greffier to read that amendment.

#### **The Greffier of the States:**

Page 2, paragraph (a), for the words "Benin Square" substitute the words "Trenton Lenape Square".

#### **9.3.1 Deputy M. Tadier:**

I am pleased to be able to move this proposition because, even though I did end up supporting Deputy Perchard's in the end, I wanted 2 bites of the cherry so to speak. I would happily have accepted her position if the States had also gone for that. I am delighted to be able to talk about the Lenape people of New Jersey. Because, if nothing else, this gives their story a platform in our little Assembly. I have been in correspondence with some of the Lenape people in that part of the world and I say that not all of them will necessarily be in New Jersey because of course there was a big displacement, as hopefully we know if we have read the amendment. It is not just something to do with the Jersey situation or George Carteret or Charles II, as I said earlier, giving lands away, which did not morally belong to him. But it was the whole colonial project in fact. As soon as the visitors came into New

Jersey that area was already inhabited of course and so gradually, over decades and centuries, the Lenape people who are a native American ancient people who would have inhabited the land, were forced out. So nowadays most of them have been forced out to places like Delaware and that area. This is an opportunity to tell some of their story. Again, had anyone heard of the Lenape tribe or the Lenape people, the Lenni-Lenape they are sometimes called, of New Jersey and of that part of America. I certainly had not and so this just goes to show the way that we are all interlinked. The fact that our square in St. Helier has been called Trenton has given rise to some people in the community questioning why it had been called that in the first place. We get back to the fact that Trenton is a longhand for Trenton Town, it was named after William Trent who himself was a prolific slave trader. Of course the people of New Jersey from the Lenape, as I have said, would have been forced out. So our histories are all interlinked. You might think, why would we call it Trenton Lenape Square? Politics is the art of the possible and to answer the question from the Constable [offline] been in contact with the municipality of Trenton and I have done this only after I put my amendments in, so I am still waiting for a response. But I did get a very helpful lady from their office who I spoke to called Nicky. Maybe the Constable knows Nicky who works in the Municipality Office in Trenton. She was certainly very helpful. I was not able to speak on the phone to Mr. Conlon, who is the clerk in the Municipality, but I have sent him an email. I am hoping that we can get a conversation going. The Constable has said he had a meeting with us and he put something to me, which is a form of words. He did read out that form of words. I am going to try to find them because I think it is important. But we are getting a lot of whataboutism and a lot of should have, could have, would have in this debate: "You should have done that, you should just do this yourself." We know we live in an imperfect world but right from the beginning I have reached out to the Constable and asked for meetings. Because the Constable is quite happy to read out text message correspondence between us, I am not going to do that, but I will say that on several occasions I asked for a meeting and the Constable refused to meet with me unless I would withdraw part (a) of my proposition about the renaming of the square. I said: "I cannot do that. I have been in correspondence with Black Lives Matter. I am doing this to give them a voice. They do not have a voice of their own otherwise in our Assembly. But also to raise the wider issue about why it could be called that." I was hoping that the Constable might put something forward more constructive. For example, personally I would be very surprised if a mature small city like Trenton, which has been on the journey that the Constable and the Chief Minister have described to come to terms with their own history, dealing with colonialism all around them and deciding what they have to do to get a just outcome. They have had all those conversations. I would be very surprised if they were not sympathetic to the fact that Jersey was also going on its own journey, perhaps at a much earlier stage of our journey, and that they would not be respectful of the fact that we might want to call the square Trenton Lenape Square. Because I would suggest that the advantage of this name as opposed to Benin, and both have merit, is that it does not do away with the work that the Parish has been doing, if indeed that is the charge about Benin. But it allows wider consultation to take place. Certainly, the conversations I have been having with the Lenape people, and I have been doing this in conjunction with our own Kit Ashton of course who is a good Jersey patriot, Jèrriais speaker, ethnomusicologist, who has really been engaging and leading on this. Would it not be great to have the Lenape people, the indigenous people, representing part of New Jersey to come over to Jersey, to Old Jersey, next time we have a twinning or next time we have a wider celebration, so that they can take part in our ... I say "our", I know it is technically St. Helier's celebration, but as our capital, I think that is great. I will read the Constable's email that he sent out. I do not think I am going to find it at this short notice. The point I will make is that Constable Crowcroft's words were so vague as to be meaningless and he read them out himself saying that he would talk to the agencies in the area to make sure that all opportunities were taken to explore the links and strengthen the links between Jersey and New Jersey, something to that effect. The point is that does nothing to address the nub of the issue that we are talking about today, which is Jersey's slavery past and the links that it has with New Jersey in regard to that slave history. He got back to me on Friday, this is all happening in quite short order. If he had got back to me and said: "How about I put an amendment

in to say ‘subject to consultation with Trenton’?” He made that quite clear that he was not up for any negotiation around that. Or even something more concrete to say that: “I can give a statement saying that we will do all that we can to take proactive steps to have much more deeper links, learning, from Trenton’s history and slave past so that we can apply that to Jersey and have the wider conversation with all parts of our community, including the black community living in Jersey.” Something like that. But it seems that, again, Black Lives Matter and, if black lives matter then black voices should also matter. Again, there was not even the mention of a black person in that form of words that the Constable came up with. He can speak again, so he can defend himself if he wants to on this part. But would this not be a great opportunity for Jersey to make links with the Lenape people in the wider area? In the same way that we might make Jèrriais links with the Munsee language, one of the languages that they speak. We could have a cultural exchange in that regard. Maybe the charge is going to come back: “Deputy, you can do all this anyway.” Yes, I can. But I need some kind of mandate from the Assembly. I will address that fully in a moment, because the Chief Minister’s comments I think addressed the wider debate, and I am trying to focus only on the context of why we should be calling the square Trenton Lenape Square. The bottom line is, if you think that Benin Square is a better name than Trenton Lenape Square, then do not vote for this amendment. But if you think that this amendment, Trenton Lenape Square, is better than changing Trenton’s name to Benin Square then I think it is best to vote for this because, even if you do not vote for it in the main proposition, from your perspective it would damage limitation. So this is a proposal, an alternative proposal, to Benin Square, which also has its merit, and if you do not want Trenton Lenape Square of course we can go on to debate the merits of calling it Benin Square or otherwise. Thank you, I make that amendment.

**The Bailiff:**

We seem to have lost audio at the moment and it is being worked on. I will suspend the Assembly for 5 minutes. I suspend the sitting for 5 minutes.

**ADJOURNMENT**

[16:34]

**The Bailiff:**

Hopefully, Members participating remotely can hear me. Thank you very much indeed. This happened this morning and it looks like it may have been the same cause. Somebody presumably wishing to mute pressed “mute all” and the mute all has a fairly catastrophic effect, as its name might suggest. So, anybody muting, could they please be careful that they are not pressing “mute all” when they do so. We now have opened the debate and the first person to speak is the Connétable of St. Helier.

**9.3.2 The Connétable of St. Helier:**

As they say, I was not going to speak in this part of the debate, but Deputy Tadier’s remarks really leave me no option. I do need to correct some of his assertions, for example that I refused to meet with Black Lives Matter. The problem I had with Deputy Tadier’s offer of a meeting was that he wanted to meet to discuss the renaming of Trenton Square. As I explained to him in an email, that, as far as I was concerned, was not on the table. I was however persuaded to meet with him because I suspected if I did not he would find a way of turning that against me in the debate. He did come with one member of this organisation and I have to say I know nothing about the extent of this organisation, the numbers in Jersey, their constitution or anything like that. Indeed, just to counteract something Deputy Perchard said early, I was not contacted by this organisation when I proposed the naming of Trenton Square originally, nor indeed when the twinning with Trenton was taken to the Parish Assembly. I do not know whether Deputy Tadier was listening to my speech earlier. I had hoped that a single speech would suffice. But I did read out in my speech the statement I sent him, which seemed to me to be really quite reasonable. It was not the last word on the subject and indeed he could easily have come back to me to say that he was not satisfied with the statement. When I

said: “I will work with the various agencies, which administer the area, to ensure that every opportunity is taken to explain and interpret how both communities are seeking to deepen the understanding of their histories”, I was taking that from conversations we had together, me, him, and the representative of Black Lives Matter, where we spoke about the fact that there would be opportunities when Trenton Square is expanded, as we expect it will be, and elsewhere on the waterfront, to have some kind of recognition of the complexity of these issues. So that was not an empty promise. That was a promise made quite sincerely. I was disappointed that he thought it would be better to have the debate instead. The Deputy now wants us to consider a new name for the square and I have to say that this whole process, since May when he lodged his initial proposition, has been quite hard for us to follow. If we are finding it hard to follow, one wonders how the public are managing to follow this debate. Because we have had so many different names put forward to us, we are now being asked to name it after the indigenous Amerindian tribe. Again, I refer the Deputy back to what I said in my speech and those 40 works by professional historians that were commissioned as part of the New Jersey tercentenary. The first of which was by the late Professor Richard McCormick. It was entitled *New Jersey from Colony to State*, published in the tercentenary year. Perhaps if he had read that book he might have a better understanding of how New Jersey academics, and I have mentioned there are scholars in more than 60 places of higher education in the state, they have been looking at these matters for the past half century, if not longer. For us to feel that we can teach them something about this subject I find really quite embarrassing. I do not think we can and I think we need to learn from them. We need to accept their outstretched hand, as I referred to it, as we talk to them about our history and they talk to us about theirs. But changing the name of the square from a name that is not the capital makes that emblem, as I described it, completely meaningless. St. Helier is twinned with Trenton. Trenton is actively looking for a square to name St. Helier Plaza or something like that. Just as the city of Funchal found a wonderful street to name Rua St. Helier in response to St. Helier naming Rue de Funchal, it was a powerful and a concrete measure, which showed how the 2 communities wished to be associated together and to learn from each other and to celebrate each other’s culture. So I think that whatever name the Deputy pulls out of a hat next, it is not the name of the capital, and only when Trenton decides to change the name of their capital would I be interested in changing the name of Trenton Square.

### **9.3.3 Deputy L.B.E. Ash of St. Clement:**

It is always a pleasure following the Constable of St. Helier and he makes some great points. Although I will slightly disagree with him here because when I first heard that Deputy Tadier had wished once again to amend his proposition to change the name from Benin Square I wrongly presumed it was to correct his spelling that had been Lenin Square, but that was not his purpose, as I can now see. If we were to rename the square, I do not see why it has to have any sort of slavery connection or American connection if we were to go down that route. Could it not be named after a Jersey person, Harry Vardon Square or some such, or even more salient, if you do want a slavery connection, Louisa Gould Square, who lost her life in fighting slavery by helping Russian slave workers during the war. But I do feel, and this is where I do disagree with the Constable, this is Deputy Tadier’s proposition. We should vote on it as he intends it to stand. If he wants to name it Pinky and Perky Square that is up to him, we should allow him to change it to what he wishes us to vote on. So I am happy to back Deputy Tadier on this and let us vote. I will not be voting, I can say now, on changing the name. But let us vote on the name that he has chosen and vote on his proposition as he wishes it to look.

### **The Bailiff:**

Does any other Member wish to speak on this amendment? If no other Member wishes to speak then I close the debate and call on Deputy Tadier to respond.

### **9.3.4 Deputy M. Tadier:**

If my speech is slightly disjointed, it is because I cannot see myself or anyone else, and obviously I do not expect to see anyone else necessarily, but such is the setup I have here. Nonetheless, I am

quite used to talking to myself so I should be quite proficient at it. To get back to the Constable of St. Helier, I sometimes do not get where he is coming from because he says things, which are reversals, I would call them, because they are the opposite of the point that I am making. So he has not just misunderstood, but he has reversed the point that I am making. At no point have I said that we should be lecturing New Jersey or questioning New Jersey's record. The Constable and I are in full agreement that New Jersey, when it comes to these matters, is streets and miles ahead of Jersey, of Old Jersey, and even of St. Helier. That is exactly why we need to go on our own journey. We cannot piggyback on their good work by saying New Jersey and Trenton have done so much, they have written 40 works, therefore that makes us good. What I would ask is where is our process? Where are our memorials? Where is our slave day? Where is our involvement with Black Lives Matter? To say stuff like: "Black Lives Matter did not get in contact with me when we were naming the square." That is probably because they did not exist. I do not know if Black Lives Matter Jersey even existed. But if we had not noticed there is a wider context to this and that is the point that in May, in Minneapolis, a black person was murdered because he was black. It was institutional racism and it was a sectarian murder by the police. We have all seen it, the police officer was lying on his neck while he was being filmed. That sent shockwaves throughout the world. It did raise old feelings and new feelings of mistreatment that have happened. So this is the wider context and I know some Members have tried to trivialise this and say this is just about a name; it has not been consulted on. There is a fundamental issue here that we have been moving away from because it suits the Assembly to debate pedantry and to make nit-picking points when in fact we should be looking at the wider issue, which is when we name squares in St. Helier or anywhere else in our Island, do we consult properly. Are we aware of the ramifications? When we put up a statue, and we found out today that it is our statue, so that is great, is it not, we funded it, we might as well own it. When we put up a statue to a slave trader and we invite people over from Trenton to look at that statue, I mean there is a painfully embarrassing photograph of a black politician from Trenton, presumably it is him, being invited to open or participate in a ceremony for the unveiling of a slave trader who profited immensely and who killed possibly thousands of slaves and benefited from it financially, as one of our heroes. This is the wider context. This is what it always has to come back to. Politics is the art of the possible.

[16:45]

Of course the first time you might hear it, Benin, Trenton Lenape, these might sound ridiculous names because they are foreign to us. But somebody had to make a political choice at some point to twin with Trenton. As I said, Trenton has done a lot of great work, but again that was a political decision. The decision to twin with Trenton was not because they have 50 per cent black people and 30 per cent Hispanic, it is because it plays into that narrative that we like to tell ourselves that this piece of land was gifted to one of our heroes for being loyal to the king. I am afraid that is not an authoritative historical narrative. There are other narratives that are at play. There are other voices that deserve to be heard in this Assembly when we tell ourselves these stories. Those voices that need to be heard on this occasion, for this amendment, are the voices of the Amerindian people who we had a part in displacing. We displaced these tribes throughout parts of America. In some cases, we had a part to play in that. But the greater colonial project, which we were part of, and that is intrinsically part of our story, they are the ones who suffered for that. So, if it is a minor inconvenience to have to go back to Trenton and say: "You know what, some politician here has decided that we want to call it Lenape", not Pinky and Perky Square incidentally, Deputy Ash. No one has suggested that we call it Pinky and Perky Square. So the trivialisation that has happened already in that, this is a serious issue about a serious matter that has occurred and that is continuing to affect people around the world. If Black Lives Matter and other groups come to us and say: "Look, what has happened here has raised a lot of problematic questions that the Island has not dealt with", fine, we may not rename the square today. I hope that States Members will vote for this amendment. But what are they offering? What are Members offering in return? Because it is easy to criticise, but when it comes to concrete action that is what I want to see. Yes, of course we could call it Louisa Gould or any other square, but that



again is for a different part of the debate when it comes to the audit. So I do hope that Deputy Ash will be supporting at least part of the wider proposition. Because, when it comes to deciding how we name squares or roads or icons or what monuments we put up or what pieces of art and who we celebrate, that has a significant impact in whose story gets told. Today, I am looking to tell a story that has never been told in Jersey about the Lenape people and about our role and the fact that we are all interconnected. So I do ask Members to support this part of the proposition and its amendment.

### **The Bailiff:**

The vote is on the adoption of this amendment and I ask the Greffier to add the link. The link is in. I ask the Greffier to open the voting and Members to vote in the usual way. I am going to close the vote in about 5 seconds. Members have had the opportunity of voting. I ask the Greffier to close the voting. The amendment has been defeated:

<b>POUR: 15</b>		<b>CONTRE: 32</b>		<b>ABSTAIN: 0</b>
Senator S.Y. Mézec		Senator I.J. Gorst		
Connétable of St. Martin		Senator L.J. Farnham		
Deputy G.P. Southern (H)		Senator J.A.N. Le Fondré		
Deputy M. Tadier (B)		Senator T.A. Vallois		
Deputy J.M. Maçon (S)		Senator K.L. Moore		
Deputy L.M.C. Doublet (S)		Senator S.W. Pallett		
Deputy S.M. Wickenden (H)		Connétable of St. Helier		
Deputy of St. Mary		Connétable of St. Clement		
Deputy L.B.E. Ash (C)		Connétable of St. Lawrence		
Deputy K.F. Morel (L)		Connétable of St. Saviour		
Deputy of St. John		Connétable of St. Brelade		
Deputy J.H. Perchard (S)		Connétable of Grouville		
Deputy R.J. Ward (H)		Connétable of St. John		
Deputy C.S. Alves (H)		Connétable of Trinity		
Deputy I. Gardiner (H)		Connétable of St. Peter		
		Connétable of St. Mary		
		Connétable of St. Ouen		
		Deputy J.A. Martin (H)		
		Deputy K.C. Lewis (S)		
		Deputy M.R. Higgins (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy R. Labey (H)		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy K.G. Pamplin (S)		

### **The Deputy Greffier of the States:**

Those voting pour: Deputy Gardiner and Wickenden, Deputy Ward, Deputy Alves, the Constable of St. Martin, Deputy Tadier, Senator Mézec, Deputy Perchard, Deputy Morel, Deputy Doublet, the Deputy of St. John, and in the chat Deputy Maçon, Deputy Southern, the Deputy of St. Mary and Deputy Ash voted pour.

### **9.4 Jersey and the slave trade (P.78/2020): Second Amendment (P.78/2020 Amd.(2))**

**The Bailiff:**

We now come on to the second amendment and I ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 2, paragraph (c) – After paragraph (c) insert the following new paragraph – “(d) to agree that every year, the Government should mark 23rd August as International Day for the Remembrance of the Slave Trade and its Abolition; and to request the Council of Ministers to provide members of Jersey’s black community with such assistance as they may reasonably require to lead and organise events on that day.”

**9.4.1 Deputy M. Tadier:**

First of all, I just need to correct something I said earlier, which was a minor misremembering, which is that the International Holocaust Memorial Day is on 27th January every year. Just to reiterate that point, that is a well-established day of remembrance in our Island and it is something that, as I have said, is remembered I think very solemnly and simply in some ways. There is always a good speaker or 2 that come along to it and, even though it sometimes can seem like a subject that we have heard about so many times, we always learn something new, I find, when we go to that. So that is just to put it in the wider context. I think there is merit in doing this and to tie this back to my portfolio this is not something that is within my gift, this particular amendment. It needs wider support from the Assembly and the Council of Ministers. I could not simply go out there and create a new memorial day, something of this nature needs to be recognised by the States. We are not reinventing the wheel; it is already an existing day from the U.N. (United Nations). It would provide an opportunity for us to engage, I think constructively, with all different parts of the community and have those conversations and tie it into the education programme that already exists in some parts of the curriculum. I do thank the Minister for Education for circulating the link earlier, which shows that there is scope within the curriculum for teaching of slavery. That was not necessarily the case when I was young, but there seems to be more scope for it now. So I hope that this amendment is uncontroversial and I think that is all I need to say on this one.

**The Bailiff:**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? No Member wishes to speak on the amendment. Then I ask the Greffier to post a voting link in the chat. I open the voting and ask Members to cast their vote in the normal way.

**Deputy J.M. Maçon:**

Just a point of clarification if I may. The consequence of this amendment is just it puts it into the main proposition, does it not?

**The Bailiff:**

Yes, it does not substitute anything, it adds an additional paragraph.

**Deputy J.M. Maçon:**

Which can then be subsequently voted against presumably?

**The Bailiff:**

Yes, all it does is place it in the overall proposition and people are not prejudiced from voting against the entirety of the proposition if they wish to do so.

**Deputy J.M. Maçon:**

Thank you for that clarity.

**Deputy M. Tadier:**

Or for, I might add.

**The Bailiff:**

Or for, but I think the question, Deputy, was directed to whether or not its inclusion meant that it could not be reconsidered again. I propose to close the voting in about 5 seconds. I ask the Greffier to close the voting. The amendment is equally placed in the voting link and I count 5 votes contre in the chat and 2 votes pour, accordingly it is defeated.

<b>POUR: 20</b>		<b>CONTRE: 24</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of St. Ouen		Senator J.A.N. Le Fondré		
Connétable of St. Martin		Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		Senator S.W. Pallett		
Deputy M. Tadier (B)		Connétable of St. Helier		
Deputy M.R. Higgins (H)		Connétable of St. Clement		
Deputy of St. Ouen		Connétable of St. Lawrence		
Deputy L.M.C. Doublet (S)		Connétable of St. Saviour		
Deputy R. Labey (H)		Connétable of St. Brelade		
Deputy S.M. Wickenden (H)		Connétable of Grouville		
Deputy J.H. Young (B)		Connétable of St. John		
Deputy K.F. Morel (L)		Connétable of St. Peter		
Deputy of St. John		Connétable of St. Mary		
Deputy M.R. Le Hégarat (H)		Deputy K.C. Lewis (S)		
Deputy J.H. Perchard (S)		Deputy J.M. Maçon (S)		
Deputy R.J. Ward (H)		Deputy S.J. Pinel (C)		
Deputy C.S. Alves (H)		Deputy of St. Mary		
Deputy K.G. Pamplin (S)		Deputy G.J. Truscott (B)		
Deputy I. Gardiner (H)		Deputy L.B.E. Ash (C)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy S.M. Ahier (H)		

**The Deputy Greffier of the States:**

Those voting pour in the chat initially: Deputy Southern, the Constable of St. Ouen, and then in the voting system, Senator Mézec, Deputy Labey, Deputy Morel, Deputy Ward, Deputy Gardiner, Deputy Alves, Deputy Le Hégarat, Deputy Young, the Constable of St. Martin, Deputy Wickenden, the Deputy of St. Ouen, Deputy of St. John, Deputy Pamplin, Deputy Perchard, Deputy Higgins, Deputy Tadier, Deputy Doublet and Senator Moore. Those voting contre: the Deputy of St. Mary, the Constable of St. John, Senator Farnham, the Constable of St. Mary, Deputy Maçon and the Constable of St. Saviour. Then in the link, Senator Le Fondré, Deputy of St. Peter, the Constable of St. Clement, the Constable of Grouville, the Constable of St. Peter, Deputy Pinel, Deputy Guida, Senator Gorst, Deputy Lewis, Deputy Ash, Deputy Martin, the Constable of St. Brelade, the Constable of St. Helier, Deputy of Trinity, Senator Pallett, Deputy Ahier, Deputy Truscott, the Constable of St. Lawrence.

**9.5 Jersey and the slave trade (P.78/2020): Fourth Amendment (P.78/2020 Amd.(4))****The Bailiff:**

We now come on to Deputy Tadier's fourth amendment and I ask the Greffier to read that amendment.

**The Deputy Greffier of the States:**

Page 2, paragraph (c) – After paragraph (c) insert the following new paragraph – “(d) to request the Chief Minister to commission work on the desirability and practicalities of establishing an Equalities and Human Rights Commission in Jersey and to present a report to the States on the outcome of this work by 23rd August 2021.”

#### **9.5.1 Deputy M. Tadier:**

This proposition today asks Members if they are in the mood to be open-minded effectively to the creation of a Human Rights and Equalities Commission in Jersey. What it does not do is to prescribe in any way, shape or form, what the outcome of that piece of work might be from the Chief Minister. It does ask Members to consider the desirability really of creating a human rights group. So it does not give the green light to the formation of that group. That would have to come back to the Assembly and it would have to come after a couple of iterations. First of all, the Chief Minister would have to be convinced from the findings in the report that it was both desirable and practical to establish such a group, and beneficial. Secondly, the States would also need to be told about exactly how it would work, including costs, et cetera. So this is very much an in-principle proposition. It has not come in a vacuum.

[17:00]

I have been following quite closely some of the voices in the legal profession, not least Professor Claire de Than, a Jersey advocate who has been quite vocal in writing about the options of how to progress human rights issues and anti-discrimination matters in Jersey and building on the legislation that we already have. I would notice from the comments of the Chief Minister the fact this is completely different to a tribunal. So we do have a tribunal already, but there are limitations as to what a tribunal can do. The purpose of a Human Rights and Equalities Commission would not just be to uphold people's rights and to deal with complaints. It would probably be that as well. But it would be something that can afford to be much more proactive in the promotion of equality in a way that perhaps the States cannot necessarily do. It can do that independently. It can also of course hold the States to account in the same way that, for example, the Children's Commissioner works very closely scrutinising the actions of institutions, but including the States and Government. So, if Members want to leave some kind of positive legacy from this debate, which leaves the door open to options, it could range from a fully gold-plated commission that has all bells and whistles, to something that is even a voluntary thing, but with statutory powers. But the whole range is available there and I suspect it will be somewhere in the middle or something that is both affordable but also practicable. The last point I would make is that again this comes back to the context, this is moving away from slavery, if you like, and to the point that what are the issues that we are grappling with today as a small Island community? We have seen in one of the recent surveys in 2019 by Our Government showed that some 12,000 adults said that they had been discriminated against. The top one was age but the same number, 12 per cent of the population of those who had been asked, the projected figures of that would be over 12,000 people in an Island of more than 100,000 said that they felt they had been discriminated against on grounds of ethnicity and nationality. That is significant for us as a small community, so this is something we can hopefully all adopt as a States Assembly and commission some work in this regard. I make the proposition.

#### **The Bailiff:**

Is it seconded? [**Seconded**] It is seconded. Does any Member wish to speak on this amendment?

#### **9.5.2 Senator S.Y. Mézec:**

It is always difficult after something has been proposed to work out when is the best time to speak or if others are going to. Since the last one went without a debate, I would not want that to be the case for this one. Because I think that what Deputy Tadier is suggesting is looked into here is a really, really good idea and I do hope that Members of the Assembly will back it. Not least because it is an amendment, which does not ask us to establish an Inequality and Human Rights Commission right now and specify the terms for doing so, but merely to investigate the feasibility of that and what it

might look like in a Jersey context. So I find it difficult to accept reasons for not doing that. The reason that I think this is a good idea is partly because of what I see as the success of establishing our first national human rights institution in the Island, which is the Office of the Children's Commissioner, whose job is to promote and defend children's rights, and that is tied to the United Nations Convention on the Rights of the Child. Having that role exist in the Island I think has been a very positive force for good in having an office that has the statutory ability to take up complaints on behalf of people; that is a statutory consultee when it comes to policies that are likely to have an impact on children's rights. The information flow that there has been between, not just Government, but other agencies and the Children's Commissioner and the improvements in understanding and the visibility of children's rights issues in the Island is extremely important. This all at a time when the United Nations Convention on the Rights of the Child is not incorporated into Jersey Law, whereas the European Convention on Human Rights is. So that is a fundamental piece of legislation for Jersey, the E.C.H.R. (European Convention on Human Rights), it being enforceable in Jersey. It strikes me that there is clearly a gap in that we do not have a national human rights institution of some form that exists to promote and defend human rights and equality along a similar basis. That we do not have that clear statutory consultee. That we do not have a body that people who are concerned that their rights are not being upheld can go to. That is different to a discrimination tribunal. They are not the same thing. A tribunal is not there to help inform policymakers, it is there for people who proactively choose to pursue a complaint to go to and it is an adversarial body in that it takes disputes and there is more than one side to a dispute. That is different to the purpose of a national human rights institution. So I think that this is absolutely worth looking into and it may be the case that perhaps some sort of alternative is more appropriate or a version of this that does not quite mirror what the Children's Commissioner does might be appropriate. That is all fine. This proposition is clearly open-minded on that. But the Island would benefit from having a body of that sort that could play a role in promoting and defending human rights in Jersey. Just a final point I will make is that in 2009 the then politician Paul le Claire brought a proposition to the Assembly asking to establish the office of Children's Commissioner and the Assembly voted against it. That was clearly a huge mistake and I wonder how much of a different place the Island may well be in today had that gone the other way; had just a couple of Members voted the other way then. I hope it is universally accepted that getting to the right place there, at least in the end, in establishing that role was a good thing. I hope that we do not make a mistake of missing out on an opportunity to create some sort of body, office or institution, that can play a positive role in promoting and defending human rights in the Island. So I commend Deputy Tadier for bringing this amendment. I was really impressed with it when he suggested it and I hope Members will vote for it and not be taken in by the usual excuses, not the right time for it and nonsense like that, because that is just an excuse that can be used to get around things, which might prove to be inconvenient for you, but absolutely in the interests of the public. So I hope Members will vote to support this.

### **9.5.3 Deputy J.M. Maçon:**

It is just to talk through the comments from, I do not know if it is the Council of Ministers or Chief Minister, that came through last night. I just need to get more clarity from that because it is around the resource implications of this particular decision. Because in the comments it says: "If the Assembly is minded to adopt part (d) of the proposition, it should be noted that this work will displace existing 2020/2021 social policy priorities. As it stands, existing social policy priorities, for example, those related to the regulations of children's social work services, assisted dying, and a number of family law matters, have already been significantly impacted by the time spent on COVID-related projects. The Assembly might therefore determine that this work should not be undertaken at this point in time." So it is from the Chief Minister. I need to ask the Chief Minister just to elaborate on what programmes are going to be delayed should the States Assembly support this? I have constituents who are waiting for these other pieces of work, let alone the work that needs to happen with the Public Sector Ombudsman. I would ask the proposer of this amendment where the resource is going to come from in order to support this. I do not necessarily think that it is a bad idea. I

presume it might replace the work of some of the Community Relations Trust. But there are other pieces of work that this would dislodge and I do have a deep concern about the impact of that and I need some more clarity.

#### **9.5.4 Deputy K.F. Morel:**

Just following on from the last speaker, Deputy Maçon, I am also concerned about the resource aspects of this part of this amendment and I raised that recently with Deputy Tadier. But one way around that would be for the Human Rights and Inequalities Commission to incorporate the work of other States bodies or States-appointed bodies. As Deputy Maçon mentioned, the Jersey Community Relations Trust, part of or all of their work. Also, in my view, as human rights it should then be Human Rights, Children's Rights and Inequalities Commission. Because, in order to stop the proliferation of these bodies and the pull on States resources, it would make sense that the Children's Commission is incorporated into this body as well. So, in order to understand how I am going to vote on this, because I am not yet decided, it would be really important for me to know whether Deputy Tadier would entertain the idea that such a commission would incorporate the Children's Commission and the Community Relations Trust into it.

#### **9.5.5 Senator J.A.N. Le Fondré:**

I will try to briefly address Deputy Maçon's comments. Part of it is that it is all somewhat dependent on COVID and where we go forward. The issues in terms of resources are that ultimately it falls down into 2 areas, one is financial and one is time. Financial is very difficult to estimate. We have given an indication in our comments, in other words it could be anything between £750,000 a year, it could be £1 million, because there is no argument it is based on the cost of the Children's Commissioner, for example. But obviously that is a more restricted area. So monetary-wise it is an indicative amount. That is not meant to be scaremongering; the Children's Commission budget is £750,000 a year. So this would be in the same area. In terms of time, quite literally COVID, as we have said before, has caused significant delays in what we call the policy pipeline, which is produced by Strategic Policy, Planning and Performance, is what we call S.P.3, is the relevant department. So they essentially try to plan for the work and lay out where it is going to go. I have not reviewed it in full but we have lost months, most of this year, on policy development, mainly through the diversion of personnel into all sorts of other areas, including fairly obviously drawing up the guidelines and everything else that we have been doing on COVID. That continues. There will be a new winter strategy coming out fairly shortly, it is an updated strategy, but a strategy for winter. So it is very difficult to judge the impact, for example, of COVID on the quite finite resources of S.P.3 in developing a new policy. So it is a matter for the Assembly and it is a matter for prioritisation. But the ones that the Deputy has alluded to, which is, for example, regulation of children's social work services. Assisted dying by itself is something that is being demanded or asked for or sought by many Islanders. There is a significant piece of work that will have to happen there with all the moral and ethical arguments that will go with it and the establishment of the citizens' panel that will be required. The Minister for Health and Social Services has relatively recently referenced that. But that is another piece of work, and obviously, as we have said, family law matters.

[17:15]

Those are just examples of what is in what we call the policy pipeline. In other words, the timestream or work that we had hopefully envisaged would be happening during the course of this year. So, essentially, in order to achieve something by 23rd August, looking at the amendment, to have this done by, as to whether it is desirable or not, will be a reasonably chunky piece of work and it would therefore evidently displace resource from some other area. All we have highlighted are those are the kind of areas because it is social policy and it will be people who work on social policy would then have to be diverted to this. As to whether it be including the work on the ombudsman, as we know, the ombudsman timing has been deferred, but the intention is, again I think it is a very important piece of work, to get the work done on that during the course of next year. Certainly, all in place, including propositions and legislation for debating, to be all done before the May elections

in 2022. So that is all we are really saying. That is the consequence. Obviously if it had been absolutely critical and on the agenda previously, no doubt the Deputy, if he had felt so strongly about it, he could have been flagging it during the course of 2018 or during the course of 2019 that this was a matter of policy that should have been built in to that pipeline. Obviously, the Council of Ministers could have considered that appropriately and made the adjustments if it felt appropriate. That, as far as I am aware, did not take place, and therefore this is coming in slightly from left field. But it is a matter for the Assembly. If the Assembly decide to vote for this, then obviously things will have to be adjusted. That is really all we are trying to say; that there is a consequence on resource of this piece of work. I certainly would place things like assisted dying, things like the ombudsman, things like children's social services, and those type of areas, and family law matters, ahead of this. On that basis I certainly will not be supporting the amendment.

#### **9.5.6 Deputy G.P. Southern:**

I was shaking my head earlier because I found this absolutely an extreme version of we cannot do it, which often occurs in the House when Ministers just want to stop things and reduce us to inaction. I urge Members not to pay attention to this phony shroud-waving that says, if we adopt this way forward then all other activity in the social sphere will stop. Not only that, but we have not done any figures on it, but it might cost £1 million. I mean, come on, do not be taken in by it. Put your sensible head on. Things can be adjusted. The workforce, the civil service, the public sector, is not stripped to the bone, there are people who could help this thing move forward. So please do not be put off and please, if you wish to see developments in this area, then now is the time to vote for this proposition.

#### **9.5.7 Deputy D. Johnson of St. Mary:**

I begin by saying that I can see the advantages of establishing such a commission. But, like Deputy Maçon, and I am grateful to him for pointing it out, and Senator Le Fondré, I am concerned at the financial impact. The question of the Jersey Public Ombudsman has been mentioned. That comes within the remit of the Legislation Advisory Panel and only yesterday did I have a meeting with officers to discuss various aspects and we are prevented from going forward on that and other matters simply due to the lack of resources. It is a question, I am afraid, of saying, if there were resources available for the commission, I would rather they were diverted to the Public Ombudsman. So, yes, I am in favour of it at some stage. Deputy Tadier in his introduction did mention the name of an eminent lawyer locally who is in fact a member of the Jersey Law Commission. It is within the power of the Law Commission to themselves bring forward a proposition that they carry out such a commission and work and would then give to L.A.P. (Legislation Advisory Panel) in the first instance an estimate of the amount of work and the likely cost involved. I simply put that forward as a possibility. I expect it might well be less than the money, which Government itself could provide, although the Government would have to provide it eventually, but there would at least be a fixed figure to work on. So I am afraid, much as I do see the advantages of the establishment of such a commission, I do take the Chief Minister's point that there are other priorities and, if it is defeated, I invite the commission to consider that and bring it forward to us.

#### **9.5.8 Deputy J.A. Martin:**

I do sometimes sit here at this late hour and wonder if people have read what is in the wording. You can like what you like and you pretend to read what you want to. I can assure Members that this is an in-principle as to whether you want to establish this commission and then you have read the Council of Ministers, how much it could cost or would cost. But again, like I do with a lot of them, well the majority of propositions, I go straight to finance and manpower implications. I will read what it says, not what you want to think it says, or anyone here at this late hour. It is not late, but it has been a long day. It seems like we keep repeating the same debate. It says: "If and when the States decides to proceed with the establishment of an Equality and Human Rights Commission, there will be a cost, but it is envisaged that the necessary work for this preparatory work will be done from within existing ministerial budgets." I was really pleased that my Assistant Minister, Deputy Maçon,

who is also an Assistant Minister across Education and Health, wanted to know where this money was coming from. Because I can assure every Member listening, every Member in here today, Deputy Tadier has never approached me to say that I can put this work forward. I absolutely refute what Deputy Southern said. By the way, I have lots of officers sitting in cupboards doing nothing so I can just wheel them out and it will be their day money. I do not know which world we are living in. There is no money for this preparing work. Today, to me, you decide whether you want this commission. As Senator Le Fondré said, there is an order of things, people keep popping up with more and more money, more spend, and we do not have it. But if the States decide today that I have to find out of my ministerial budget, something will stop. It will across the Council. No Member of the Council, from my memory, and I am at every meeting, has been spoken to. Even the Deputy's Minister does not agree with it because he has not been spoken to, even though the last amendment was going to go out of the Economic Development budget. But the Minister voted against it because I do not think he had spoken with the Deputy, who is his Assistant Minister by the way. You can read and you can believe what you like and this is all nice, but honestly there is no time, there is no people, and I do not want to keep rewriting my priorities and I need to take money out. If you want it, it has to be done properly. You cannot do it on the back of a fag packet. I will leave it there, but please do not vote later on what you wish it said and what you wish it might cost and you wish you have hundreds of civil servants sitting there somewhere doing nothing. It is not the case. Vote against this. Lovely, is it not, in an ideal world, before the last 6 months or even when it is financially costed. Just bring me the finances and where the money is coming from and you might get a vote out of me that says yes.

#### **9.5.9 Connétable K. Shenton-Stone of St. Martin:**

I will be voting for this amendment. I do not feel we should be told that, if we adopt this, we are responsible for stopping other vital work. It is a good idea and it will likely fill a hole left for the over-18s who are not represented by the Children's Commissioner. It will address the lack of proper institutional human rights watchdogs and uncertainty on the U.K.'s stance on the international human rights institutions, such as the European Convention on Human Rights and Brexit. It will be a great advantage to the Island. However, if it is not voted for, then I hope we take heed of the Deputy of St. Mary's recommendations.

#### **9.5.10 Deputy J.H. Young:**

I want to support this but I am sorry, I think just the practical consequences on the priorities as outlined by the Chief Minister cannot be ignored. We have a huge policy pipeline of work, we have less than 2 years to get that one before the next elections. The Chief Minister spoke about social priorities, assisted dying and work on that, and the ombudsman. I am really sad to see that delayed. But in the environmental work I know very well we have had the same policy pipeline, it is the same team of people, and we have had to suffer delay in carbon neutrality work and so on and also it has affected on the S.D.S. (scheme development standards) and the work I want done on nuisance in the environment. So it is right across the piece. So I really want this. People might say it is a question of money, we can track that out. For me, it is not a money issue for me, I am not objecting on that. What I am concerned about is the effect on the team of people, the small team, the S.P.3 team who are leading on the policy pipeline. A team of outstanding quality civil servants, I have to tell you, that have absolutely worked flat out and they have had to be so diverted doing COVID. I want to support this and I am speaking now because I want it on the record that I think in the future, in our planning, we are going to have to increase the S.P.3 team to be able to make sure we can respond to, not just Ministers, but to Back-Bench very good propositions. But I think that is for tomorrow and so with great heart I am going to have to vote against this.

#### **The Bailiff:**

Does any other Member wish to speak on this amendment? I have one more Member who has indicated a desire to speak. We are at the point where we normally consider the adjournment and I have an obligation under Standing Orders to raise the question of an adjournment.



**Senator L.J. Farnham:**

Could I propose we continue and finish the debate?

**Deputy R.J. Ward:**

I will be quick.

**Deputy M. Tadier:**

It is Deputy Tadier. Can I ask that I would be much more comfortable ... I think we need to come back tomorrow anyway, I am happy for Deputy Ward to speak but there are quite a few points that I need to address that have been raised already. I think that is going to take me a little time and we are coming back tomorrow anyway.

**Deputy R.J. Ward:**

I am more than happy to come back tomorrow and speak rather than be the graveyard shift.

**The Bailiff:**

Very well, having heard those views expressed, does anyone wish to make a proposition either that we adjourn or that we remain, which is the question I have to ask according to Standing Orders?

**Deputy K.F. Morel:**

Yes, I would make the proposition to adjourn.

**The Bailiff:**

Is the proposition to adjourn seconded? **[Seconded]** Chief Minister, do you wish to speak on this question of adjournment?

**Senator J.A.N. Le Fondré:**

I was trying to make a proposition to continue on and finish this particular item. On the basis that was too late, presumably we can go for an appel on this.

**The Bailiff:**

Yes. The answer is you are perfectly entitled to speak on the question of an adjournment. You are obviously going to vote against it at this point on the basis ...

**Senator J.A.N. Le Fondré:**

I accept absolutely we are coming back tomorrow. It is always a matter for the Assembly but it just feels to me that it is usually more beneficial to finish an item if we can. I believe there is only one person left to speak. Then obviously Deputy Martin's comments as well. Then we can resume on the substantive debate in the morning, I would have said. That would be attractive to me but I may be in the minority. On that basis I would not be supporting an adjournment at this stage.

**The Bailiff:**

Does any other Member wish to speak on the question of the adjournment? Very well, I think we will put the matter to the vote. A vote pour, we adjourn now until 9.30 a.m. tomorrow morning, a vote contre, we continue. The link is in the voting box and I ask the Greffier to open the voting.

[17:30]

I am going to close the voting in a few seconds. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposal to adjourn has been adopted:

<b>POUR: 24</b>		<b>CONTRE: 18</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator L.J. Farnham		
Senator K.L. Moore		Senator J.A.N. Le Fondré		
Senator S.Y. Mézec		Senator T.A. Vallois		

Connétable of St. Saviour		Senator S.W. Pallett		
Connétable of St. Brelade		Connétable of St. Helier		
Connétable of St. John		Connétable of St. Clement		
Connétable of St. Peter		Connétable of St. Lawrence		
Connétable of St. Ouen		Connétable of Grouville		
Connétable of St. Martin		Connétable of St. Mary		
Deputy G.P. Southern (H)		Deputy J.A. Martin (H)		
Deputy M. Tadier (B)		Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		Deputy of St. Martin		
Deputy J.M. Maçon (S)		Deputy S.M. Wickenden (H)		
Deputy S.J. Pinel (C)		Deputy of St. Mary		
Deputy L.M.C. Doublet (S)		Deputy G.J. Truscott (B)		
Deputy R. Labey (H)		Deputy G.C.U. Guida (L)		
Deputy J.H. Young (B)		Deputy of St. Peter		
Deputy L.B.E. Ash (C)		Deputy S.M. Ahier (H)		
Deputy K.F. Morel (L)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

**The Bailiff:**

Therefore we stand adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:32]