

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 17th NOVEMBER 2020**

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[9:31]

**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 this morning. **[Approbation]**

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

### **2. Nomination of Deputy J.M. Maçon of St. Saviour as the Minister for Children and Housing**

**The Bailiff:**

We come to the selection of the Minister for Children and Housing. In accordance with Standing Order 117, the Assembly is due to appoint a new Minister for Children and Housing. Members have received notification from the Chief Minister of his nomination. Chief Minister, would you like to make that nomination?

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

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

**The Bailiff:**

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

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

This must be what a Constable feels like being elected unopposed. I would like to thank the Chief Minister for proposing me for the position of the Minister for Children and Housing. I gave considerable thought before accepting and being elected to this post but just to reassure Members that this will trigger my resignation from various other roles that I currently hold as I believe this role requires that focus and dedication. Members, quite rightly, would have concerns regarding workloads so I thought it best to address that at the outset. I have confidence in the Chief Minister and when I have stepped in for other Ministers of the Council of Ministers I have contributed to the discussions, engaged with colleagues, raised points of view that may not have been considered, challenged colleagues and officers, so I know that I do have some experience in this area already and that I can also work as part of a team after having those robust discussions. I have previously chaired Scrutiny Panels and the Privileges and Procedures Committee, which further demonstrates my leadership and team-working skills and from my time on Scrutiny I know the importance of having evidence-based qualities. I am dyslexic, I have dyspraxia and I am 33, meaning that I would bring neurodiversity and youth to the Council of Ministers. This position is not an easy one as automatically one becomes a member of the Housing and Work Advisory Group which often requires consideration of difficult and emotional appeals. I have sat on the Planning Committee for 12 years and, for the Minister for Education this term, I have also taken the department's appeals. This I believe shows that I have the ability to take difficult decisions, uphold the rules, which may not make one popular, and show compassion when appropriate in these decisions. When I joined the teams at Social Security and Health as an Assistant Minister, I did not know these departments in great depth. However, I threw myself into developing my understanding and I have shown myself to be a fast learner. I do not underestimate the challenge that this change would be because, if anything, this term I think I have proven that I am not work-shy; yes, I am adaptable. I would like to continue much of the good work set in train by Senator Mézec. In the Government Plan there are several projects

that need to come to fruition. The 2019 Annual Report from the Citizens Advice Bureau shows that the most common queries, almost 2,000, are to do with housing-related matters; therefore, our priority needs to be the proposed Housing Advisory Service. This was a recommendation from the review to access to social housing published in June 2019. There are other various recommendations in that report and one which I wish to highlight is the legislative framework to govern the Housing Gateway and allocation process, including a statutory appeal system, and, as mentioned, I do have experience of appeals. From my experience on the Planning Committee, I have learnt that it is crucial to consider the social aspects of any planned developments principally provided to us by Andium because many aspects of negative behaviour are due to lack of space within the home environment and also lack of communal recreational facilities, particularly for our young people. I would like now to reiterate my support for extra facilities in the north of town for the Youth Service and, while I have been part of these discussions, I would like to carry on and engage in order to see that plan come through, and we are having good discussions with Property Holdings and the Parish of St. Helier as well. The Income Distribution Survey published in 2015 showed us that the cost of housing is the highest living expense on the Island which causes the most financial stress to Islanders. This will not be news to Members and it is for the Minister for the Environment to identify in his own sites and it is for the Minister for Children and Housing to build them through our partner agencies. The homeless strategy, which was due to be published earlier this year, drew together expertise from the private sector, charities and the Government. The report and its findings need to be published and its recommendations would be a high priority for me. Resource for these proposals have been made in the Government Plan in anticipation of this report. The Housing Policy Development Board's report, due to be published imminently, I have not had the advantage of being part of those discussions but I am given to understand that there will be some significant implications for several Ministers. The children's ministerial position is no less important. The workload includes responding to the recommendations of the independent Care Inquiry and their follow-up review. In the follow-up report it recommends that the position of the Children's Commissioner should not exceed 6 years as in line with other U.K. (United Kingdom) jurisdictions in order to ensure the independence and the perceived independence of the post. The report further recommends, and I quote: "We therefore recommend that further consideration should be given as to what might be done to ensure the future attractiveness of the post to candidates of the highest calibre."

[9:45]

This needs to be a priority and work needs to be commenced in this area in order to ensure that Jersey can attract people of calibre to this position and ensure a smooth transition. As we know, human resources matters can be so easily forgotten. Then there is also work to be done regarding implementing the principles in spirit to the United Nations' Rights of the Child and linked to this the ability to have child rights impact assessments. Members will be aware of the work undertaken by the Children's Commissioner regarding this area in her recent Legislative Gap report. Of course, there is one key recommendation of the original inquiry and that was that a memorial should be commissioned. Under the second Gorst administration, I contributed to the Council of Ministers' reply to the inquiry with other non-Executive Members. With regard to part 8, Legacy issues, the report recommends that, and I quote: "There is some form of tangible public acknowledgement of those who have been ill-served by the care system over many decades. This should allow the experiences of those generations of Jersey children whose lives and suffering worsened because of the failures in the care system to be respected and honoured in decades to come. The form of this acknowledgement will need to take into account the views of survivors, and the medium or approach adopted must recognise the realities of the past and speak to the future aspirations of the Island's looked after children." We took this to be a memorial in the broader sense. As Members know, I am not a fan of the citizens' panel as they are not accountable and I believe on this occasion the citizens' panel has not made the right recommendation in suggesting a statue. In the terms of reference drafted by the citizens' panel for a memorial, point 6 states that the memorial would be, and I quote: "Highly visible, cannot be ignored. A memorial should be located in a highly-prominent position so that all

are constantly reminded of the injustice that took place and how children were failed in the care system. It should remind the Jersey Government as corporate parent but not shock the survivors and bring back memories.” It is clear that this proposal, the proposed statue, has done just what the panel wanted to avoid. I believe that any type of statue or physical memorial will inevitably have this effect. What I would suggest, and would want to take to the citizens’ panel instead, is that the funds allocated are used to fund a training scheme and the interest of that fund is used to help train Islanders with skills to help children specifically. This could be for mental health and trauma skills, early years or to help those who have come through the care system. I would also propose that appropriate plaques could be positioned in areas, such as the courts, States Assembly, government headquarters, Child Services, police station and the Law Officers’ Department of which the citizens’ panel can help draft the criteria for the training fund and the work going on of allocation of the plaques. I attended the recent protest to listen and we were made aware that some survivors are suffering from this proposal already as they do not wish to be faced with a reminder of their negative past in this manner and pointed out that any statute would likely be vandalised, whereas a training fund to assist children in care and those caring for children would be a positive acknowledgement, which would last into the future. Other priorities for the Minister for Children and Housing must be to press on with the regulation of social work with particular regards to the complaints process and the improvements to C.A.M.H.S. (Child and Adolescent Mental Health Service) in order to provide more early-intervention services for children of all ages. I thank Members for their time and look forward to their questions. Thank you.

**The Bailiff:**

Before we move to the period of questions, I just acknowledge our gratitude to the Deputy of Trinity for his contribution to the Greffier’s Fund in the normal way. There is now a period of 20 minutes of questions available. The first person to ask a question, Senator Mézec.

**2.1.2 Senator S.Y. Mézec:**

Could the candidate give his definition of rent stabilisation?

**Deputy J.M. Maçon:**

I believe there are funds in the Government Plan in order to progress this aspect. I believe after the in-committee debate there was a great feeling that some form of European rent-style stabilisation mechanism should be progressed and that would be my first preference.

**Senator S.Y. Mézec:**

I do not think the candidate adequately answered the question, I asked him for his definition of what rent stabilisation is.

**Deputy J.M. Maçon:**

I beg your pardon, I misheard the first question. Rent stabilisation is therefore a mechanism in which to stabilise rents.

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

First of all, congratulations to the Deputy on his new role. Would he give his thoughts on an empty property tax?

**Deputy J.M. Maçon:**

It is an interesting one and, as we know, we need more units in the Island. I believe under the last survey that was done under the Minister for Housing, Deputy Pryke, there was an examination of how many vacant properties there were to be used. In order to get movement on these properties to get them back in the market, a mechanism could be some form of property tax. One mechanism which I think would be quite effective would be something along the lines of perhaps doubling or tripling the rates in order to encourage those properties to come on stream but we have to remember

it is also to do with the quality of the properties, why they might be vacant for a reason. Therefore, we also need to look at what can be done in order to support individuals perhaps to support them to get those properties back into the market, and I think that work is outlined in the Government Plan as well. Of course, that would all be subject to consultation with the Comité.

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

What would the new Minister do in order to get more of these empty properties back on to the market?

#### **Deputy J.M. Maçon:**

I would need to look at what was available in the department and look at the policies at the moment. I do not have a specific policy on that but I am aware that it is a key issue and I believe that it is something that the Housing Policy Development Board will have comments on, and I would want to look at their recommendations first.

#### **2.1.5 Deputy J.H. Young of St. Brelade:**

Again, congratulations, and would the Minister-elect please give us his views on whether he would support the readoption of a planning obligation agreement policy to require the provision of affordable homes within all private sector housing developments, i.e., would he favour the previously-failed H3 policy and, by the way, also if he can add to that his views on speculative buy-to-let developments by government agencies for investors. Could he give us those views, please?

#### **Deputy J.M. Maçon:**

If the Minister is looking for a friendly voice around the Council of Ministers' table for those types of policies, he has got one. I think this was proposed under the Island Plan when Senator Cohen brought that mechanism. Unfortunately, it was referred back to him for further policy development work, it never came back to the Assembly for fruition. But if the Minister is looking for an ally in this area, I will absolutely be there to support him because there is some work that needs to be done in this area. From all my time on the Planning Committee, I am aware that there is a loss which other jurisdictions do claw back when granting planning permissions through planning obligation agreements. It comes down to the size of the development and what can be done there.

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

Thank you for the new Minister's answer there. I did include as well, if he could answer, what he thinks about speculative buy-to-let home developments by government companies like S.o.J.D.C. (States of Jersey Development Company) under share transfer speculative schemes. Could he add to that his views on that?

#### **Deputy J.M. Maçon:**

It would be best I think in Jersey if we could move to a place where your home is exactly what it is; a home instead of an investment vehicle. The mechanism for that would require more work. I do not have a policy out of the air but we know that there is an issue whereby anyone can purchase a property in Jersey but not everyone can live in one. If you want to ensure that the future generations of young people in this Island can stay on the Island, as well as attracting the key essential workers that we need, for example, in our health system, we do need to grasp the nettle around home ownership and we do need to look at secondary homes as investments as a key issue. I agree with the Minister on that.

#### **2.1.7 Deputy R.J. Ward of St. Helier:**

Does the Minister-elect support the 90 per cent of market rate model for Andium Homes? If not, what will he do about it and what is the timescale for that change?

#### **Deputy J.M. Maçon:**

A review of that particular policy and the exact wording escapes me. It is within the Government Plan as something to look at. I know that Members such as Senator Vallois and other Members expressed great concern that the 90 per cent pegging against the market rate basically did away with social housing. I believe that the mechanism does need to be reviewed and looked into. If Members are looking for me to peg it at another rate ... I mean, ideally, what you would want to do, is you would want to move away from the market system. You would want to recover payment for the units, the maintenance costs and maybe a little bit more in order to be able to reinvest and develop more units which may not be the same as what it is against market rate, but that would be a completely new and different formula.

**2.1.8 Deputy R.J. Ward:**

Does the Minister recognise the difficulties that so many Andium tenants have in affording their rent because it is no longer affordable housing for so many? Is this not one of the most urgent issues that the Minister faces in reducing Andium home rents?

**Deputy J.M. Maçon:**

It is also how it links up with the income support system because of course people do get a top-up through that mechanism as well. But I absolutely take on exactly what the Deputy has said, this piece of work is high-listed for review in the Government Plan and I absolutely will be using that as a priority.

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

Congratulations to Deputy Maçon. I wanted to ask whether he is aware of the medical and scientific evidence on the mental and physical health of the mother being directly linked to the mental and physical health of babies and very young children and indeed children across their life span? Does he thus agree with me that a Minister for Children and Housing should also champion the health and well-being of pregnant women, mothers and families?

**Deputy J.M. Maçon:**

As I have served with the Member on the Early Years Policy Development Board, I am absolutely aware of the issues that she has raised. She is quite right, it does affect the development of a foetus going forward. I recall the founder of Brighter Futures whenever she said: "Please stop talking about children and please start talking about families" because it is not just the child. If something is not going right within the family situation, then just focusing on the child will not solve that so, yes, I believe the Deputy is right in what she said.

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

Would the Minister commit to ensuring that increased funding and, indeed, increased expertise in the area of perinatal mental health is secured as soon as possible, please?

**Deputy J.M. Maçon:**

I will take that away. I do not know if I can do it exactly within this Government Plan from where exactly we are but if it requires more work in the next Government Plan the Deputy has my commitment to see what I can do in that area, yes.

**2.1.11 Deputy G.P. Southern of St. Helier:**

In the coming 2 years, what measures will the Minister introduce to minimise the impact of rental stress on tenants?

**Deputy J.M. Maçon:**

That is the work to be done through the Common Strategic Policy, as I have already discussed, and I am not going to state a policy until that work has been done.

**2.1.12 Deputy G.P. Southern:**

Thank you for the answer, Minister-elect; however, I did say: what measures will you introduce in the next 2 years? It is surely the remit of the Minister for Children and Housing to alleviate housing stress, mental stress.

**Deputy J.M. Maçon:**

What I would want to do of course is also to work with my colleague in the Planning Department to produce more units. But, as we have said, the mechanism for what the social rents are pegged at needs to be reviewed as part of the work of the Government Plan, and I wish to press on with that.

**2.1.13 Senator K.L. Moore:**

Could the Deputy outline his vision for children, please, and express to Members how he will put right the generational experience of States neglect and indifference?

**Deputy J.M. Maçon:**

I feel that, as has already been suggested in my opening speech, one of the key issues will be the support that we give, particularly for early intervention in mental health areas in order to prevent escalation to further mental health issues. It seems to me that that is one of the key aspects in order to support children going forward who not only are in our care but across the Island.

[10:00]

Not only that but to support the Minister for Education in concluding the inclusion review, which also supports children in this area so that of course we can help them, not only in their home lives but at school as well.

**2.1.14 Senator K.L. Moore:**

The Deputy slightly misunderstood my question, but the point was if he could outline his vision for children and families who have interfaced particularly with the children ... mostly for children as a whole. What does he wish for our Island's children?

**Deputy J.M. Maçon:**

Well of course I wish the best outcomes possible for our children. I think that the key services that we need to do going forward are around the more nurturing side, particularly among the early years where we know the most critical development happens, from conception to birth, and through the work of the Policy Development Board. I think all the evidence shows that the best support you can give to children is in the early years. While that is more under the remit of the Minister for Children and Housing and the Minister for Health and Social Services through the work of things like healthcare assistance, my vision is to support the outcome of the Early Years Policy Development Board. The Minister for Children and Housing is a key stakeholder in that policy work and that is something which of course has my full support.

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

Congratulations to Deputy Maçon. I also congratulate him on his announcement regarding the care memorial; I think that sounds like an excellent way forward. Looking at his housing portfolio, we have seen, and I believe many thousands units of housing are expected to be built over the coming years in order to accommodate Islanders, how will the Minister for Children and Housing try to ensure that that construction, which is carbon heavy, also fits in with our carbon-neutral policies and so perhaps creates a new and innovative way to building to reduce our carbon footprint?

**Deputy J.M. Maçon:**

It is an interesting point and this often is where the responsibility lies between the Minister for Children and Housing and the Minister for the Environment and I do not want to scapegoat those issues. So, for example, can we look at designs whereby far more greenery, far more landscaping, is introduced into developments? We know, for example, in other jurisdictions they have garden walls

going up buildings in order to help with the ongoing carbon aspects of buildings, and that is one way in which we could go forward but that is a discussion I would need to have with the Minister for the Environment in the new Island Plan. If the Deputy is specifically referring to construction methods, I would need more time to come back to him on that.

**2.1.16 Deputy K.F. Morel:**

I thank the Minister for his answer. Can I also ask essentially the same question but with regard to Andium Homes specifically? Will the Minister work with Andium Homes to see if their large construction and a portfolio going forward will seek to minimise its carbon footprint?

**Deputy J.M. Maçon:**

Yes, in discussions with Andium, I think there needs to be something about, maybe it is another term, but their terms of reference is including more of an ethical charter, more of an environmental charter in their developments which takes into account ... so, for example, other jurisdictions also do a health impact assessment. Why do we not have Andium as our leading light go into those higher standards? Whether that is a health impact assessment, an ethical impact assessment, an environmental impact assessment, I think that is something we can do within our remit now with Andium going forward. That is something I do want to raise with them.

**The Bailiff:**

A significant number of Members still wish to ask questions. We have gone through three-quarters of our time; therefore, I will not allow further supplementary questions, so one question for each Member coming forward.

**2.1.17 Deputy K.G. Pamplin of St. Saviour:**

I would like to also congratulate my fellow District No. 1 of St. Saviour in his new role and stepping up and his words about mental health and children. My question is involving his children's role, tossing up the number of questions on his other role, how will the new Minister dedicate his time to both these roles that determine the future of many Islanders, but particularly for his children's role, given the importance of where we find ourselves, given the past?

**Deputy J.M. Maçon:**

I think what I would say is, Members will know that I have already served as an Assistant Minister in 3 government departments as well as serving on various different committees; obviously this work will be reduced. Therefore, I think Members can take comfort that in juggling the responsibilities and priorities within these roles I am able to apply the correct amount of time to each role. Because inevitably whatever role you have, there are always going to be peaks and troughs in that role and you need to be able to manage your workload accordingly. Both roles will be demanding on time, I have no misunderstanding of that, but it will have to be managed. I cannot say, 60 per cent children, 40 per cent housing because inevitably the workload will change within those portfolios.

**2.1.18 Senator I.J. Gorst:**

I was going to ask the Minister about his vision but somebody else has done that, so I will ask him, transformation of Children's Services is tough, hard, difficult work and it is littered with failure. If the Minister could just deliver one change to Children's Services to stimulate that transformation, what would it be, please?

**Deputy J.M. Maçon:**

When we look back on the Care Inquiry report, one of the awful responses in the modern times of that report was children turning around and saying: "I have not even bothered to learn the name of my social worker because they change so quickly." What I think needs to be one of the key things is that workforce stabilisation model in order that we have continuity of service because that is so crucial in the development of children, for the development of their relationships going forward. So

that is the one key change which I could ensure, is that stability of the workforce in order that the relationships that those people have with the children continue because that is in their best interests.

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

How does the Deputy view the progress to date in transforming children's lives and what will he do to accelerate that process and involve people with lived experience?

**Deputy J.M. Maçon:**

We know in the follow-up review from the Care Inquiry, they welcomed the priority that this area had received within the Government, they welcomed the leadership that had been put in place in order to develop the services and noted a significant amount of change that had already happened. As regards to how we are going to incorporate those through the system in order to highlight those changes, I will take that forward from the Deputy and will come up with creative solutions in order to do that. But I agree, we have been improving things and we should celebrate that. There is still plenty to go, there is still lots to do but things have been happening.

**2.1.20 Deputy M.R. Higgins of St. Helier:**

I would like to congratulate Deputy Maçon on his appointment as well. My question is: many of the customers of the Children's Service are in fear of the department and are fearing that their children are going to be taken away by sometimes overbearing social workers. They are also finding that their records are inaccurate and when they go to court, things are in there that are not true and have never been proven. What will the Minister do to correct those 2 areas?

**Deputy J.M. Maçon:**

I appreciate the point that the Deputy has made. I think what we need is we need some form of independent advocacy group that can work as a bridge between the parents, who are non-experts, then find themselves having to grapple with a machine in order to have themselves heard. But there is an issue about the confidence between the social workers and parents and I think we need an independent advocacy service in order to provide that in order to give parents that support and confidence, and also be able to challenge other experts which ordinary parents may not necessarily have. That is how I would deal with that thing so that parents can have confidence in the system.

**The Bailiff:**

Very well, that brings the period of questions for Deputy Maçon to an end. As there are no other nominations and the speaking period for questions has been completed, I confirm that Deputy Maçon has been selected for appointment as Minister for Children and Housing. **[Approbation]**

**Deputy J.M. Maçon:**

May I thank Members and the Chief Minister on this appointment?

**QUESTIONS**

**3. Written Questions**

**3.1 Deputy K.F. Morel of St. Lawrence of the Minister for Infrastructure regarding the sale of publicly owned flying freehold properties (WQ.425/2020):**

**Question**

"Will the Minister advise how many flats or apartments have been sold out of public ownership as flying freeholds since 1st January 2010; and, of these, how many were sold to the occupier at the time of the transaction and how many to other parties?"

**Answer**

There were 157 apartments originally conveyed by way of 99-year leases. They were subsequently converted to flying freehold ownership, and those 99-year leaseholders who wished to acquire the

flying freehold interest of their respective apartments were able to do so. To date, 120 former 99-year leaseholders have cancelled their leases and acquired the flying freehold ownership of their apartments. The Public has sold none of the subject 157 apartments to parties other than the former 99-year leaseholders, although in some cases, the owners sold-on their apartments very shortly after acquiring the flying freehold interest. There is one further apartment transfer to a 99-year leaseholder being processed at present, with a court date planned for 27 November 2020.

**3.2 Deputy K.F. Morel of St. Lawrence of the Chair of the States Employment Board regarding the remuneration of Directors in the public sector (WQ.426/2020):**

**Question**

“Given the ‘Directors’ Remuneration’ section of the 2019 Annual Report and Accounts indicates that some directors receive “other remuneration” outside of salary and allowances of up to £60,000, will the Chair explain what constitutes “other remuneration” in this context and how it is calculated?”

**Answer**

With reference to the Directors Remuneration in the 2019 Annual Report and Accounts, the costs within the ‘other remuneration’ column are recruitment and retention supplements which may be based on peoples’ previous role and market factors for this role. They are subject to regular review.

**3.3 The Deputy of St. John of the Chair of the States Employment Board regarding the number of civil servants working remotely (WQ.427/2020):**

**Question**

“Will the Chair advise –

- (a) how many Government of Jersey employees are consistently working remotely from a location outside the Island;
- (b) the grades of any such employees; and
- (c) their roles within the Government of Jersey?”

**Answer**

At the present time there is one Government of Jersey employee consistently working remotely from a location outside the Island. This employee is a social worker employed to work with and support Jersey children in care.

**3.4 The Deputy of St. John of the Minister for Health and Social Services regarding inpatient bed spaces in the new hospital (WQ.428/2020):**

**Question**

“Will the Minister –

- (a) state how many inpatient bed spaces will be provided in the new hospital, not including spaces in the Day Surgery Unit, Emergency Department, Urgent Treatment Centre, Intensive Care Unit, or Outpatients Department;
- (b) state how many of these spaces will be occupied by beds; and
- (c) provide a numerical breakdown by medical speciality of the designation of these inpatient beds?”

**Answer**

The definition of in-patient beds is increasingly difficult and under a process of change internationally. The terms are changing to include the following:

- End of life care

- Long term in-patient care
- Medium term in-patient care
- Short term in-patient care
- Overnight stay
- 23-hour stay
- Day-case
- Ambulatory care
- Therapeutic care
- Clinic-based treatment

This makes direct comparisons difficult and inherently open to misinterpretation. In addition it should be noted that the functional brief that this is based on may be subject to modification due to the iterative process of ongoing clinical engagement as the Our Hospital Project (OHP) is a clinically-led project.

Furthermore, looking at beds alone is not a useful measure of the functionality of a hospital and even less so when assessing a healthcare system. To elaborate on this further, a 21<sup>st</sup> century hospital is designed for a variety of clinical and therapeutic functions needing a selection of clinical spaces and bed/couch/ambulatory options. Put simply, a hospital is so much more than just the ‘In-patient’ beds.

In any any healthcare system, one needs the full range of care facilities – personal home care, preventative measures, community-based care, primary care, intermediate care, secondary care, tertiary care, long-term care and end of life care. It is the totality of this that matters in a well-functioning health care system and not just hospital beds.

In any case, the OHP functional brief at present has between 267 and 436 “beds or designated clinical therapeutic spaces” as well as other facilities as outlined above. The final functional brief is yet to be approved by senior officers and the Political Oversight Group and will be subject to continuous clinically-led evaluation until the SOC (strategic outline case), the OBC (outline business case) and the final contract to build is confirmed.

### **3.5 The Deputy of St. John of the Assistant Minister for Education regarding the repatriation of university students (WQ.429/2020):**

#### **Question**

“Will the Minister outline what plans are in progress to ensure the repatriation of students studying outside the Island who wish to return to Jersey in time for Christmas; and, furthermore, what provision, if any, will be made for those returning students who are required to self-isolate on arrival in Jersey, but who are not able to do so at the accommodation they would ordinarily be returning to?”

#### **Answer**

Officials have been working on a number of key issues to facilitate the return of students who need assistance and last Wednesday 11/11/2020 the Competent Authority Ministers agreed three key enabling sets of actions.

1. A revised policy on testing that will be as effective as the current one, while slightly reducing the self-isolation period. Further details on this policy will be announced this week. This will support their mental and physical health, provide reassurance for family members, and not result in any student or their family having to endure living in cramped or isolated conditions as they separate from their families for any longer than is medically necessary.

2. Secondly, there was agreement to put in place contingency plans in respect of possible extra flights which take into account the publication of new guidance by the UK Government in respect of student travel from English Universities once the lockdown in England ends on the 2 December. The guidance describes a "student travel window" which will be in place from Thursday 3 to Wednesday 9 December (inclusive).
3. A recommendation to make available self-isolation accommodation for students who cannot undertake this in the family home. Students will need to meet a set of eligibility criteria, which are under development, and a small team from the Department for Children, Young People, Education and Skills will be mobilised to support this process and to ensure both the welfare of isolating students and their compliance with self-isolation guidance. Demand will be assessed through the student surveys and the contract with the provider will allow for the numbers of units required to be flexed up and down, dependent upon the level of service needed.

The Department will continue to assist Higher Education students generally through its Student Finance Service.

Following on from the UK announcements last week and Jersey's planned response, we will be contacting students this week to gather further information through a survey to enable us to confirm both travel and arrival arrangements in Jersey. Students will have one week to complete this survey.

**3.6 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Services regarding the independent oversight board to be established for the Jersey Care Model (WQ.430/2020):**

**Question**

Will the Minister provide the following details regarding the establishment of the Independent Oversight Board for the Jersey Care Model –

- (a) what criteria, if any, will be applied to the recruitment of Board members, will it allow application by members of the public and who will ultimately be responsible for the appointments;
- (b) will there be specific requirements for the position of Chair of the Board;
- (c) will members of the Board include representatives from health care professionals, the Third Sector and the Primary Care sector (i.e. G.P.s, dentists, pharmacists, opticians and care businesses);
- (d) how, and by whom, will the Terms of Reference be determined;
- (e) how often will the Board meet;
- (f) what will be the reporting requirements of the Board and will their reports be made public;
- (g) how will the Board be able to judge progress i.e. will they get regular updates from Health and Community Services as well as feedback from other stakeholders; and
- (h) will the Board have the power to alert Scrutiny that things are not going as planned and, if so, what opportunity will the Health and Social Security Scrutiny Panel be given to deal with the situation?

**Answer**

Officers will create options against these questions for discussion by the Minister for Health and Social Services and the Health and Social Security Scrutiny Panel. The aim is to have the Terms of Reference agreed by the end of 2020. Depending on the approval of the Government Plan, which includes the funding for the Jersey Care Model, the intention is that recruitment to the Board will start in January 2021.

### **3.7 Deputy I. Gardiner of St. Helier of the Minister for the Environment regarding the hospital catering unit at St. Peter's Technical Park (WQ.431/2020):**

#### **Question**

“Will the Minister advise what progress, if any, has been made and what action, if any, has been taken to address the follow issues in respect of the hospital catering unit located at St. Peter's Technical Park –

- (a) the strong food odours from the hospital catering unit which can be smelt beyond the boundaries of the Technical Park and inside residents' properties, depending on the wind direction;
- (b) the daily charging noise of the refrigerated vehicle that can last for up to 3 hours and can also be heard inside residents' properties; and

will he further advise whether either one or both of the above has been assessed as constituting a breach of planning conditions?”

#### **Answer**

I can confirm that officers from Infrastructure, Housing and Environment's Regulation teams (Environmental Health and Development Control) have sought to address matters in response to the issues raised in respect of the hospital catering unit located at St. Peter's Technical Park.

Such work has involved both teams: meeting with representatives from the Unit, being shown around the site so as to be able to fully assess the operations that are being undertaken, and the monitoring of noise and smells allegedly coming from the Units.

In determining whether matters constitute a statutory nuisance, officers must take into consideration a range of factors such as frequency, duration, time of day, noise levels, strength / unpleasantness of odour, location, sensitivity of complainant and effect.

Since visiting the site, the team received confirmation on 13 August 2020 that carbon filters had been fitted and have since determined that the smells have been addressed to a point where they are not considered unacceptable. It is the view of the team that this addresses part a of the question.

In regard to part b, the charging of a vehicle does not require planning permission. In this instance, a refrigerated replacement vehicle was on loan whilst the vehicle normally used was being repaired. The replacement vehicle caused some noise whilst being re-charged outside the unit in an authorised parking space. This vehicle has since been removed and the original, quieter vehicle returned. This will continue to be monitored, but it is not regarded as a Statutory Nuisance at this time.

Therefore, at the current time it is the view of the Regulatory Officers in IHE that neither the levels of (a) odour or (b) noise witnessed would constitute a statutory nuisance under the Statutory Nuisances (Jersey) Law 1999.

On the matter of the above having been assessed as constituting a planning breach, officers from the Development Control team have confirmed the following.

*“Condition 4 of planning permission 4/11/828 V dated 19th June 1984 for the industrial units confirms that ‘The character of the industrial usage shall not cause detriment to the amenities of the area by virtue of noise, smell, fumes, smoke, soot, ash, dust or grit and effluent.’*

*In terms of assessing the impact of the noise and fumes, the Development Control Section is aware that some impact is experienced by whatever might occur on the site. However, the context of the site is relevant. The land enjoys planning permission for an industrial use and it would be unrealistic to expect that use to come with no impacts of noise or other disturbance. So, the impacts must survive a 'test of reasonableness', bearing in mind the context.*

*To the extent that the impacts have so far manifested on site, the team are content that the threshold set by the 1984 planning condition has not been breached. The impacts are not unreasonable, bearing in mind the context*

*Should the situation change, an Officer from Environmental Health or Development Control will revisit to reassess any of the issues identified."*

I would add that this matter specifically has been considered by the Complaints Board and is the subject of a recent mediation. I recognise this conclusion will be considered to be unsatisfactory by adjacent residents and is but one of an increasing number of complaints of noise and other nuisances affecting people's homes.

It is my intention to carry out what I view as a long overdue review of the Statutory Nuisances Law and bring forward an improved legal framework for dealing with such cases. However, there is currently no timetable set for this work which is resource dependent.

### **3.8 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding staffing at the General Hospital (WQ.432/2020):**

#### **Question**

Will the Minister state –

- (a) the figures for August 2020 for staffing levels at the Hospital in an equivalent table to that provided in response to Written Question 375/2019 (showing the two sets of figures for comparative purposes);
- (b) the number of shifts filled by bank nurses in August 2019 and August 2020;
- (c) the number of the staff in post who were agency or locum appointments in August 2019 and in August 2020;
- (d) an estimate, for each staff group, of the additional annual cost, in percentage and in real terms, of using locum or agency workers over substantive employees of the Department;
- (e) the number of locum physiotherapy posts that have been removed since August 2019 and whether the reduction, if any, has affected the delivery of service in that Department;
- (f) to what extent the figures for vacancies in 2019 and 2020 reflect the implementation of a vacancy management factor to enable staffing expenditure to be reduced to meet efficiency savings or rebalanced targets; and
- (g) how he assesses the figures for locum / agency staff for August 2020 against the objective to appoint vacancies with substantive staff rather than continue reliance on agency and locum staff?

#### **Answer**

Will the Minister state –

- (a) the figures for August 2020 for staffing levels at the Hospital in an equivalent table to that provided in response to Written Question 375/2019 (showing the two sets of figures for comparative purposes);

Staff Group	Funded posts		Actual staff in posts		Current vacancies	
	Aug 2019	Aug 2020	Aug 2019	Aug 2020	Aug 2019	Aug 2020
Allied Health Professionals	240	223	218	193	22	25
Civil Servants	239	271	190	219	50	42
Manual Workers	347	380	307	249	40	131
Medical Staffing	167	179	160	178	7	1
Nursing and Midwifery	680	706	606	593	74	113
Totals	1673	1759	1481	1432	194	312

(b) the number of shifts filled by bank nurses in August 2019 and August 2020;

The bank shifts filled in 2019 and 2020 were as follows:

August	2019	2020
HCA	760	1813
RN	466	470

(c) the number of the staff in post who were agency or locum appointments in August 2019 and in August 2020;

The number of agency nurses and allied health professionals in post in August 2019 and 2020 were as follows:

Agency	2019	2020
Nurses	36	56
AHP	14	32

(d) an estimate, for each staff group, of the additional annual cost, in percentage and in real terms, of using locum or agency workers over substantive employees of the Department;

Locum and agency staff can attract premium expenditure above a permanent role budget. The Department operates rigorous governance and financial control in respect of the authorisation of agency and locum expenditure, with full consideration to ensuring staffing levels are enough to meet the needs of the service that it is providing.

The table below provides an estimated analysis by staff group of locum and other agency expenditure which has been incurred in comparison to substantive establishment budgets.

**January 2019 to December 2019**

<b>Staff Group</b>	<b>Additional cost of agency staffing £000's</b>	<b>Additional cost of agency staffing %</b>
	<b>(over)/under</b>	<b>over/under</b>
Allied Health Professionals	159	0.80%
Civil Servants	(1,502)	-7.11%
Manual Workers	405	2.87%
Medical Staffing	(3,041)	-12.45%
Nursing & Midwifery	135	0.23%
<b>Grand Total</b>	<b>(3,843)</b>	<b>-2.76%</b>

#### January 2020 to October 2020

<b>Staff Group</b>	<b>Additional cost of agency staffing £000's</b>	<b>Additional cost of agency staffing %</b>
	<b>(over)/under</b>	<b>over/under</b>
Allied Health Professionals	(1,259)	-7.38%
Civil Servants	(1,006)	-5.37%
Manual Workers	193	1.60%
Medical Staffing	(3,450)	-16.71%
Nursing & Midwifery	(1,709)	-3.24%
<b>Grand Total</b>	<b>(7,232)</b>	<b>-5.97%</b>

- (e) the number of locum physiotherapy posts that have been removed since August 2019 and whether the reduction, if any, has affected the delivery of service in that Department;

In general, locum physiotherapists are used to cover vacancies or long-term absences. Since August 2019, 4 locum physiotherapists have left the physiotherapy department when substantive colleagues were recruited or returned. Two locum colleagues remained with the service to support the Covid response. All physiotherapy services have remained operational.

- (f) to what extent the figures for vacancies in 2019 and 2020 reflect the implementation of a vacancy management factor to enable staffing expenditure to be reduced to meet efficiency savings or rebalanced targets;

The Department manages its budget robustly and through a variety of mechanisms. This clearly includes vacancy management because, as for all organisations, vacancies occur through natural turnover throughout every year. However, what the Department also does is to ensure that staffing levels are sufficient to meet the needs of the service that it is providing.

- (g) how he assesses the figures for locum / agency staff for August 2020 against the objective to appoint vacancies with substantive staff rather than continue reliance on agency and locum staff?

There has been an increase in the use of locum agency staff in response to Covid and also to support an expansion of the workforce whilst permanent recruitment continues to fill vacancies. This is a common approach across all healthcare providers as a way of dealing with the international shortage of qualified nurses and AHPs, but ensuring that the services provided have sufficient staffing levels. The on-Island training opportunities for nurses provide another recruitment route into some of these roles.

**3.9 Deputy G.P. Southern of St. Helier of the Chief Minister regarding the 2019/2020 Income Distribution Survey (WQ.433/2020):**

**Question**

Further to his responses to previous questions asked in the Assembly, will the Chief Minister advise whether he has consulted the Chief Statistician about when the results of the 2019/2020 Income Distribution Survey will be available and, if so, what was the outcome of the consultation; and will he take the necessary steps to ensure that this data is available before the States Assembly is asked to make decisions in respect of the Government Plan?

**Answer**

The Chief Minister can confirm that he has consulted with the Chief Statistician as to the intended date of publication for the 2019/2020 Income Distribution Survey on more than one occasion in recent weeks. The Chief Minister has relayed the results of these meetings to Members on 06/10/2020 and 09/11/2020. To summarise, the Chief Statistician has confirmed each time that Statistics Jersey intend for the 2019/2020 Income Distribution Survey to be published within Q4 2020. Unfortunately, Statistics Jersey are unable, at this stage, to confirm a specific date within Q4 2020 as they are still in the process of validating the data which has been accumulated and will only be able to give a response once they are satisfied the analysis is complete. This process has been interrupted by the COVID-19 pandemic but Statistics Jersey are working apace to ensure the survey can be published as soon as possible.

Statistics Jersey is an apolitical body formally constituted under the [Statistics and Census \(Jersey\) Law 2018](#). Under Article 7(2) of this law “The (Chief) Minister must not influence any decision of the Chief Statistician in the exercise of his or her responsibilities under Article 3(1)”. Article 3(1) of the law includes “(g) the form, timing and methods of dissemination of statistics compiled by Statistics Jersey”.

**3.10 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the delivery of affordable primary care (WQ.434/2020):**

**Question**

Will the Minister inform members what measures, if any, will be put in place to deliver affordable primary care to vulnerable groups (whether in financial, social or clinical need) in order to meet the terms of the Affordable Access to Primary Care Scheme (as agreed with the adoption of P.125/2019) and will he confirm when these measures will be introduced?

**Answer**

As set out in the answer to WQ390/2020 addressed to the Minister for Social Security, and WQ.392/2020 addressed to the Minister for Health and Social Services, officers are continuing discussions with GPs to deliver a scheme which will meet the terms of the Affordable Access to Primary Care Scheme (as agreed with the adoption of P.125/2019). It remains the intention for the scheme to be introduced by January 2021.

**3.11 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding the sale of Andium Homes properties (WQ.435/2020):**

**Question**

With reference to Oral Question 192/2019, will the Minister (as shareholder representative) advise whether any Andium homes have been, or will be, sold on the open market to off-Island investors, buy-to-let purchasers, or 'lock-up and leave' investors, especially those within the Millennium Park Development; and, if so, will the Minister confirm the number and size of Andium properties sold in this manner?

**Answer**

The Minister can confirm that no Andium Homes properties have been sold on the open market to off-island investors. Since incorporation Andium Homes have sold a small number of properties in the open market on a Freehold or Flying Freehold basis mainly due to them being financially unviable to renovate. All purchasers would need to have been "Entitled" to purchase, but their ultimate intentions for the properties would not have been recorded.

The former Gas Works site adjacent to the Millennium Town Park is not a Category A (Affordable Housing) site under the Planning Law. As such there is no requirement to construct affordable homes on the site and, had Andium Homes not acquired the site, it is envisaged that none of the significantly greater number of homes proposed by the former owner, would have been affordable. "Affordable" in this context means homes that are accessible through the Affordable Housing Gateway, the principles of which were agreed in P.33/2013 The Reform of Social Housing and the white paper R.47/2012.

Andium Homes acquired the site on a commercial basis and on 17 January 2018 P114/2017 was approved by the Assembly. The Proposition stated: "Andium Homes is proposing to reduce the overall yield of new homes on the particular site and develop only 110 homes, some of which would be affordable homes..." The development of the Gas Works site must be financially viable and sustainable, and it is likely therefore that some of the homes will need to be sold on the open market.

Homes sold by Andium are sold on a Freehold or Flying Freehold basis which requires that buyers must be 'Entitled' to purchase under the Control of Housing & Work Law. Homes sold on the Jersey Gas site will only be sold in this way, but until the overall costs of the development are finalised it is not possible to confirm how many of the homes will need to be sold in this manner. All affordable homes will be offered through the Housing Gateway; how open market properties are utilised by purchasers once the transaction is completed is a matter for the ultimate owner.

**3.12 Deputy R.J. Ward of the Chair of the Comité des Connétables St. Helier regarding Parish housing schemes (WQ.436/2020):**

**Question**

Will the Chair outline what provision, if any, exists to support single parent families in applying for, and accessing, suitable accommodation via Parish housing schemes?

**Answer**

The Parishes do not currently have rental housing schemes suitable for families.

A number of Parishes do have rental housing for senior citizens but these are not suitable for, nor available to, families. This includes Grouville, St John, St Lawrence, St Martin, St Ouen, St Peter, St Saviour and Trinity.

Some Parishes have provided housing schemes for first time buyers and these are available equally to those eligible for such accommodation including single parent families. Several Parishes are actively seeking to provide for further developments in the Island Plan.

A few Parishes have accommodation for the Parish Hall caretaker and this is available to the person undertaking that role. Residential property that is no longer required for Parish purposes may be advertised for rent.

**3.13 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding individuals between the ages of 18 and 25 who have lost their right to claim Income Support (WQ.437/2020):**

**Question**

Will the Minister advise how many individuals aged between 18 and 25 who are members of a household have lost their right to claim Income Support in the last 2 years?

**Answer**

There have been no changes to Income Support eligibility for adults aged 18 to 24 over the last two years.

Income Support is a benefit that is paid to an entire household, and when calculating entitlement looks at all of the changes which could affect that household. This includes (but is not limited to) changes in income, changes in care needs, and changes of who is included in that household. People aged 18-24 are included in the household of their parents or guardians if they are in full time education or are looking for work.

In most cases, a single member of a household cannot lose entitlement as it is calculated on a whole household basis. An individual who was included in an Income Support household may leave the household and then no longer qualify for Income Support in their new household. There are also some benefit rules in respect of young adults in Income Support households which could lead to the young adult receiving their own Income Support claim or no longer being included in the family claim.

The main circumstances that could result in a person aged between 18-24 ceasing to be included in the parental Income Support household include the young person:

- Attending university outside Jersey (these students are added back to the parents' claim each time they return to Jersey)
- Leaving the household to live independently
- Getting a job and continuing to live with their parents,
- Receiving their own Income Support claim because they qualify for higher-level support with the costs of a long-term illness or disability.

Where a young person leaves the family home they will be treated as their own household and will be able to apply for Income Support in their own right. There are some restrictions on the range of components available to claimants aged under 25.

Income Support claims are opened, closed and changed frequently in response to changes in household circumstances. The number of Income Support participants in this age range has remained broadly static as a percentage over the last two years.

<b>Month</b>	<b>Income Support Participants aged 18-24</b>	<b>Total Support Participants</b>	<b>Income</b>	<b>18-24 as % of total</b>
October 2018	443	10391		4.3%
October 2019	416	10211		4.1%
October 2020	498	11122		4.5%

Over the last two years there have been total of 1,041 people of this age in total included in claims.

In the time available to provide an answer, an initial analysis has been undertaken to identify the number of Income Support participants who:

- Were included in a larger Income Support household during the last 2 years; AND
- Have left that Income Support household during the 2-year period (either by moving out of the family unit OR by no longer being included in an ongoing Income Support household claim); AND
- Do not have an Income Support claim in their own right.

The results of this initial analysis suggest an average of 12 individuals per month, over the last two years who fall into this category.

**3.13 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding the provision of glasses to children in families who are struggling financially (WQ.438/2020):**

**Question**

Will the Minister state what provision, if any, is available to meet the cost of glasses for children in families who are struggling financially, particularly where there is a need for thinned lenses or where the child may be suffering from astigmatism?

**Answer**

The guidelines used within Income Support recognise that specialist glasses are more expensive, and that children may need help more often. This means that the household can apply for a special payment grant in respect of glasses for a child up to once a year, and extra payments towards specialist lenses will be considered.

**3.14 Deputy R.J. Ward of St. Helier of the Minister for Education regarding the impact of online teaching on children's eyesight (WQ.439/2020):**

**Question**

Following the increase in online teaching in response to Covid-19, and the possible effect on children's eyesight, will the Minister state –

- (a) what provision, if any, is in place, or planned, to assist families who may need more regular eye tests or to meet the needs for changes to prescription glasses; and
- (b) what work, if any, is being undertaken to monitor the effects on eye health as a result of the change in delivery of education?

**Answer**

- (a) Families who are on a low-income can apply for the Income Support benefit. Income Support has provisions for families to apply for special payments towards certain medical expenses, including grants towards the cost of glasses.

The guidelines used within Income Support recognise that specialist glasses are more expensive, and that children may need help more often. This means that the household can apply for a special payment grant in respect of glasses for a child up to once a year, and extra payments towards specialist lenses will be considered.

From January 2021, EYECAN., a local charity that supports sight impaired Islanders in Jersey (previously known as the Jersey Blind Society), will be trialling a year-long voucher scheme funding up to £90 towards the cost of new glasses for Island children under 8 years old.

<http://www.eyecan.je/voucher-scheme/>

Parents and carers will be able to claim one EYECAN voucher per child by simply providing their optician with their child's Jersey registration number. The scheme will be trialled throughout 2021 before being reviewed.

(b) Paediatrics is not running specific or targeted programmes in relation to eye care for children as a response to changes in delivery of education. However, during routine clinic consultations and in ward rounds the Paediatric doctors screen children for common vision disorders and diet advice is given to include all essential vitamins to maintain eye health. If parents are worried about increased screen time usage and raise the issue with doctors in the department, appropriate advice is given to the families to negotiate screen time limits with their children based upon the needs of their children, the ways in which screens are used, and the degree to which use of screens appear to displace (or not) physical and social activities and sleep.

### **3.14 Deputy C.S. Alves of St. Helier of the Minister for Education regarding the prevalence of Covid-19 in the Island's schools (WQ.440/2020):**

#### **Question**

Will the Minister outline what contingency plans, if any, are in place should Covid-19 be shown to be spreading through schools and into the wider community, providing the answer in relation to each Key Stage?

#### **Answer**

There are very detailed plans in place should there be a rapid increase in COVID-19. Every school has experienced the challenges of managing in this pandemic. Schools have clear approaches to 'blended' learning and are ready to relaunch this if the need arises. In addition, training has been rolled-out this term to support any teacher who is unsure about providing a combined system of learning for their pupils.

Over the past few weeks, there has been a steady increase in numbers and the relevant schools, health officials and education department have acted jointly and quickly. This situation will be monitored over the coming weeks and officers will continue to revise policy and practice based on the scientific advice from health officials.

Early Years key stage is predominantly supported with Home Learning in paper hard copy format. All other key stages are predominantly using online Home Learning as and when children are unable to attend school. Our Covid-19 contingency plans are not key stage based, they are based on the medical advice in relation to effects and / or spread of the illness by age group.

### **3.15 Deputy C.S. Alves of the St. Helier of the Chief Minister regarding Subject Access Requests to Government departments (WQ.441/2020):**

#### **Question**

Will the Chief Minister provide a breakdown by department of the number of Subject Access Requests that have been submitted across all Government departments over the last 5 years, and, of those, identify how many have –

- (a) not been addressed within the 4-week time limit;
- (b) been referred to the office of the Information Commissioner; and
- (c) resulted in complaints regarding alleged inaccurate record keeping, tampering or altering of original documents, or failure to release all documents?

#### **Answer**

Breakdown by department of the number of Subject Access Requests (SARs):

**Please note that some departments either did not exist in 2015 or did not track SARs back to this date so we have indicated below the dates the figures relate to.**

Customer and Local Services	219	Data is from November 2015 and includes Social Security and the Library The Office Superintendent Registrar is included in the data from Nov 2017. There are no available records pre this date. Any SARs relating to People Hub would be dealt with by People Services.
Children, Young People, Further Education, Skills and Learning (CYPES)	32	Number of SARs between 2014-2017. After this date they were recorded centrally, and it has not been possible to extract this data within the timeframe available. Children's Services SARs are managed and reported under Health and Community Services department.
Health and Community Services	716	Number of SARs since October 2017
Justice and Home Affairs - Public Protection and Law Enforcement, Criminal Justice and Offender Management, Fire & Rescue	1	Number of SARs since departments formed in January 2019
Justice and Home Affairs - Customs and Immigration	12	Number of SARs since April 2019
Justice and Home Affairs - Prison	10	Number of SARs since March 2019
Office of the Chief Executive	2	Department was formed in 2018. Not formally tracked by the department but have recorded 2 SARS since March 2019.
States Treasury and Exchequer	24	Number of SARs since May 25, 2018
Infrastructure, Housing and Environment	22	Number of SARs since Nov 2015
Strategic Policy, Planning and Performance	1	Number of SARs since 2018 when Department was created
Chief Operating Office - People Services	49	Number of SARs logged by Central Data Protection Team

		since June 2018  A separate log has not been kept as SAR's are centrally managed.
Chief Operating Office - Commercial Services	0	
Chief Operating Office - Modernisation and Digital	0	

(a) Number of SARs not addressed within 4 weeks:

**Please note that, prior to May 2018, the legal deadline for responding to SARs was 40 days, not 4 weeks. Please also note that the Data Protection (Jersey) Law 2018 provides for an extension to the 4-week deadline to be granted where the SAR is complex. The figures below do not, therefore, indicate that the SAR was not responded to within the time permitted by law.**

Customer and Local Services	6
Children, Young People, Further Education, Skills and Learning (CYPES)	No data available from the department
Health and Community Services	410*
Justice and Home Affairs - Public Protection and Law Enforcement, Criminal Justice and Offender Management, Fire & Rescue	1
Justice and Home Affairs - Customs and Immigration	1
Justice and Home Affairs - Prison	0
Office of the Chief Executive	1
States Treasury and Exchequer	0
Infrastructure, Housing and Environment	2
Strategic Policy, Planning and Performance	No data available from the department
Chief Operating Office - People Services	No data available from the department
Chief Operating Office - Commercial Services	N/A
Chief Operating Office - Modernisation and Digital	N/A

• - Since Oct 2017

(b) This information was not recorded over the period requested.

(c) This information was not recorded over the period requested.

**3.16 Deputy C.S. Alves of St. Helier of the Minister for Health and Social Services regarding adults with learning difficulties (WQ.442/2020):**

**Question**

Will the Minister state –

- (a) how many adults with learning difficulties, or who are otherwise vulnerable, are currently looked after by care providers in Jersey;
- (b) what advocacy service, if any, is available to any such individuals; and
- (c) what oversight or monitoring is currently in place to ensure that such individuals receive the appropriate level of care?

**Answer**

- a) The current caseload (at 31 Oct) of the Adult Social Care or Learning Disability Service is 215 people.
- b) The Capacity and Self-Determination (Jersey) Law 2016 (the CSDL) provides for statutory advocacy. The CSDL affects everyone aged 16 and over. A learning difficulty does not equate to a lack of capacity. However, where learning difficulties do cause a lack of capacity to make a particular decision, the person would come under the safeguards of the CSDL. In terms of advocacy, this is delivered through the Independent Capacity Advocate (ICA) role.

An ICA must be instructed for people who lack capacity in the following circumstances:

- there is no one independent of services, such as a family member or friend, who is “appropriate to consult”; and
- a decision needs to be made about either a long-term change in accommodation or serious medical treatment.

The ICA also provides reports in relation to any restrictions that are necessary to deliver safe treatment and care, for the benefit of the person’s health and welfare. Finally, an ICA may be used where the friends or family of a person lacking capacity to make the decision are in conflict. This service is currently provided by My Voice Jersey.

In terms of more informal advocacy support, we are working closely with a local provider to develop an independent advocacy services for people with LD and Autism on the island since MENCAP ceased to offer self-advocacy in October. We are at advanced stages of the developments with costs identified. We will not be replacing like for like and propose a focused trial for the first 12 months during which the provider will accept referrals and work with unsupported, complex clients for issues broadly in line with the UK Care Act. This will allow us to scope the levels and numbers that do need a service as well as growing the provider as a service in the area.

- c) Any package of support is implemented based on an assessment of need. Where a package is implemented, it is reviewed after 4-6 weeks, and a minimum of annually after that. A review or reassessment can be requested at any time should there be a concern or change in need. The learning disability service provide annual health checks to everyone open to their service. The learning disability service works alongside the Adult Social Care Team and comprises clinical nurse specialists, therapists, support workers, psychologists and an associated psychiatrist.

**3.17 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the use of zero-hour contracts (WQ.443/2020):**

**Question**

Given the most recent Labour Market Report shows that job losses, largely concentrated in the hospitality sector, are disproportionately to be found in those on zero-hour contracts, is it the

Minister's assessment that such jobs are intrinsically insecure and unable to provide a sustainable income; and, if so, will she outline what measures, if any, are planned to control the use of zero-hour contracts under employment legislation?

**Answer**

Employees on zero hours contracts in Jersey enjoy the same employment rights as those on other types of contract. The situation in the UK is different, where employment rights are limited for some types of worker.

A zero-hour contract is an employment contract where there is no obligation for the employer to offer a specific number of hours work in any week, and likewise the employee is under no obligation to accept the work when hours are offered.

The Labour Market Report for June 2020 reflects the fact that job losses have occurred among employees with all types of employment contract: full-time, part-time and zero hours. In the hospitality sector, the reduction in jobs from June 2019 to June 2020 amounted to 27% for full time workers, 24% for part-time workers and 28% for zero-hour workers.

More generally, the overall reduction in the number of zero hours contract jobs reflected the significant impact of Covid on sectors that typically use a higher proportion of zero hours jobs.

I do not accept the assertion in the question that the recent Labour Market Report statistics provide evidence that zero-hour jobs are "intrinsically insecure and unable to provide a sustainable income".

I am not currently planning to review the operation of zero hours contracts in 2021.

**3.18 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the reviews of contributory funds within the Minister's remit (WQ.444/2020):**

**Question**

In light of the recently announced large-scale reviews of the contributory funds within the Minister's remit, will she state –

- (a) whether such reviews will take into account the impact of the living wage and eligibility considerations and the interaction with non-contributory funds (i.e. Income Support), and
- (b) when she will engage with States members over the terms of reference and scoping documents for these reviews, and if it not her intention to do so, why not?

**Answer**

- (a) We are planning the reviews now. The reviews will look at how we can improve the sustainability of health care and old age pension costs, including the Social Security and Health Insurance Funds.

I will take into account economic factors, including employment and wages, and the latest advice from the Fiscal Policy Panel. The reviews will not extend to Income Support which is not paid out of the contributory Social Security Funds.

- (b) It is not normal practice for terms of reference and scoping documents to be brought to the States Assembly for approval. I will work with my ministerial team and the Council of Ministers on the terms of reference for the reviews. I will keep my Scrutiny panel informed of progress. Work on planning the reviews has already started and I expect to agree the details in the near future. Following the reviews, my intention is to bring proposals to the Assembly during 2021 for approval.

**3.19 Deputy M.R. Higgins of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding a review of the impact of the Island's current and projected industries (WQ.445/2020):**

**Question**

Will the Minister agree to commission reports on the Island's current and projected industries (including Finance, Agriculture, Hospitality, Aquaculture, Digital, and Fintech), ensuring that these reports include a cost-benefit analysis of each industry that takes into account not only their contribution in financial, economic and employment terms, but also the associated costs (such as the level of subsidy, if any, provided by Government) and their environmental impact (such as the level of pollution); and if not, why not?

**Answer**

Most of this work is already under way and will be delivered as part of the Future Economy Programme but the Minister will give consideration to extending this work in view of the Deputy's request.

The Future Economy Programme is a major and wide-ranging piece of work intended to provide a clear overview of Jersey's economic ecosystem, identify threats, constraints and opportunities, and determine how new and existing sectors might best evolve and the relative roles of both Government and industry. One of its aims is to design and deliver initiatives to improve productivity, support a sustainable and vibrant economy, and to provide a skilled workforce for the future.

**3.20 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the impact of Covid-19 during the winter months (WQ.446/2020):**

**Question**

Will the Minister explain his strategy for dealing with an increase in the number of Coronavirus cases in the Island this winter and outline the criteria, if any, that will be used to determine whether or not to lock down the Island, with particular reference to –

- (a) the R (reproduction) rate;
- (b) the number of infections per 100,000 of the population;
- (c) the number of Intensive Care Unit beds being used by COVID-19 patients; and
- (d) the types of illnesses caused by COVID-19?

**Answer**

Locking down normal life, the economy and travel will be the last resort of the Government.

A key feature of the recently published Winter Strategy is the principle of *a balance of harms*. Underpinning this term is the learning from the previous period of lock down. Evidence now clearly shows that, whilst effective in terms of disrupting the spread of transmission, there were significant economic and health and wellbeing impacts on the population.

The key objective in the Winter Strategy is to keep COVID-19 rates low whilst minimising impact on life and work. The key principle which acts to achieve this objective is to maximise targeted action. This means that the Government will attempt to counter threats on a targeted basis, before putting in place significant island-wide or universal restrictions.

Decisions about when to apply targeted or more universal measures are based on the specific infection patterns identified via the daily Analytical Cell alongside key public health indicators. The table below shows the indicators reported daily via the COVID-19 Public Health Dashboard. These indicators form the basis of further investigation, review and public health policy development.

Discussions ensue in STAC on the basis of the information presented via the dashboard. The same information is presented to Competent Authority Ministers. From these discussions, policy formulation is developed, reviewed and approved. This approach means that public health measures are predicated on a series of indicators, which enable a proportionate response based on the known local profile of the pandemic.

Officers are continually reviewing metrics (including the reproduction rate of the virus). The measure of ICU beds is a recognised indicator, for example, although improvements in treatments available to treat people with severe symptoms of COVID-19 mean that comparisons between ICU admissions in the first and second wave should be approached cautiously.

### Public Health Intelligence: COVID-19 Monitoring Metrics

Headline Indicator	Specific Measures	Frequency
<b>Positive Cases</b>		
Positive cases	<ul style="list-style-type: none"> <li>• Total No of cases</li> <li>• Last case confirmed</li> <li>• Total recovered</li> <li>• Active cases</li> <li>• Positive cases confirmed by swab date</li> <li>• Positive cases identified in last 2 weeks</li> <li>• Tested positive, symptomatic vs asymptomatic</li> <li>• Age tested positive</li> <li>• Cumulative positive cases per 100,00</li> <li>• Last 14 days Positive Cases per 100,000</li> </ul>	Daily
Positive cases over time	<ul style="list-style-type: none"> <li>• Proportion of positive cases with symptoms</li> <li>• Proportion of positive cases with asymptomatic</li> <li>• Death from positive cases</li> <li>• Active cases</li> </ul>	Daily
Positive cases with underlying medical conditions	<ul style="list-style-type: none"> <li>• Latest case confirmed with underlying conditions by SWAB Date</li> <li>• Total positives with underlying medical conditions</li> <li>• Daily outstanding over time</li> </ul>	Daily
<b>PCR Testing Activity</b>		
PCR testing	<ul style="list-style-type: none"> <li>• Daily outstanding over time</li> </ul>	Daily
PCR testing	<ul style="list-style-type: none"> <li>• All samples % neg</li> <li>• All samples % positive</li> <li>• All samples % pending</li> </ul>	Daily

PCR average turnaround times over time	<ul style="list-style-type: none"> <li>• On-Island PCR tests</li> <li>• Send away PCR Tests</li> </ul>	Daily
PCR testing reasons over time	<ul style="list-style-type: none"> <li>• Admission screening (Care Homes)</li> <li>• Admission screening hospital</li> <li>• Contact with symptomatic</li> <li>• Inbound travel</li> <li>• Seeking healthcare</li> <li>• Workforce screening</li> <li>• Other</li> </ul>	Daily
All PCR tests by swab date over time	<ul style="list-style-type: none"> <li>• Asymptomatic tested</li> <li>• Symptomatic</li> <li>• First positive result</li> </ul>	
<b>Early Warning Metrics (Notifiable Disease Reporting)</b>		
Notifications by reporting location over time	<ul style="list-style-type: none"> <li>• Hospital setting</li> <li>• Personal residence</li> <li>• Residential / Care Home</li> <li>• Unrecorded</li> </ul>	Daily
Notifications by reporting location over time by age	<ul style="list-style-type: none"> <li>• 0-11yr</li> <li>• 12-17 yr</li> <li>• 18-59yr</li> <li>• 60+ yr</li> </ul>	Daily
Total number of Notifiable Disease forms submitted	<p>Number of patients tested within 7 days post submitting form</p> <ul style="list-style-type: none"> <li>• Patients tested positive</li> <li>• Patients tested negative</li> <li>• Patients awaiting results</li> </ul>	Daily
Symptoms reported via Notifiable Disease form	<ul style="list-style-type: none"> <li>• Loss of taste/smell</li> <li>• Muscle joint</li> <li>• Sore throat</li> <li>• Running nose</li> <li>• High temperature</li> <li>• Cough</li> <li>• Short breath</li> </ul>	Daily
<b>Early Warning Metric - COVID-19 Helpline Activity</b>		

Helpline callers in last 7 days	<ul style="list-style-type: none"> <li>• Symptomatic</li> <li>• Non symptomatic</li> </ul>	Daily
Symptoms reported on helpline call over time	<ul style="list-style-type: none"> <li>• Cough</li> <li>• Fever</li> <li>• Muscle ache</li> <li>• Headache</li> <li>• Tiredness</li> <li>• Gastrointestinal symptoms</li> <li>• Sore throat</li> </ul>	Daily
Age breakdown of helpline callers (symptomatic only)	<ul style="list-style-type: none"> <li>• 0-11yr</li> <li>• 12-17 yr</li> <li>• 18-59yr</li> <li>• 60+ yr</li> </ul>	Daily
<b>Early Warning Metric Hospitalisation</b>		
Number of patients with COVID-19 in Jersey General Hospital over time		Daily
<b>Early Warning Metric Inbound Travel</b>		
Total number of inbound travellers over time	<ul style="list-style-type: none"> <li>• By Sea</li> <li>• By Air</li> </ul>	Daily
Total number of inbound travellers over time	Weekly number of swabs	Weekly
New case confirmed for arrivals	Weekly	Weekly
Test positivity rate for arrivals	Weekly	Weekly
Positive rate per 100,000 for arrivals	Weekly	Weekly

**3.21 Deputy M.R. Higgins of St. Helier of the Minister for Children and Housing regarding the use of independent advocates (WQ.447/2020):**

**Question**

Will the Minister advise Members how many independent advocates have been appointed by his Department to act as a point of contact between the Children's Service and its clients; and, furthermore, will he provide the following information –

- (a) the role taken by advocates in this context;
- (b) any qualifications or experience an advocate is expected to have;

- (c) the number of people each advocate represents; and
- (d) a list of names of all those persons appointed to date?

#### **Answer**

- a) The role of the advocacy and participation worker is to support children and young people to fully participate in decisions about their lives, directly benefit from the relationships with carers and professionals and ensure that there is proper accountability.

There has been one adult who we have sought to arrange Welfare advocacy for and to provide financial support to achieve this. It is not in place yet, as the adult is considering this offer. This advocacy is to support the adult in fully participating in decision making around her children.

Currently we have the Children's Rights Team within Children's Social Care and two organisations that are commissioned by Government to provide independent advocacy to children who have the involvement of Children's Social Care:

- b) The expectation is that advocates are trained to the Diploma Level qualification in independent Advocacy. The children's Rights Team have enrolled on this training which is a two-year course. A relevant qualification, to a minimum standard of level 3 in a discipline related to working with children and young people and/or promoting rights
- c) Jersey Cares provide independent advocacy to children in care aged 5 – 18 years and young people leaving care aged 18 – 25 years. They have been commissioned since October 2019 and up to the end of August 2020 they have worked with 40 children and young people.

Barnardo's provide independent advocacy for children aged 5 – 18 years who are subject of a child protection plan. In the period January – September 2020, they have provided advocacy support for 76 children.

Since the Children's Rights Team was established, they have provided advocacy to 40 children and young people.

We are unable to say the number of people that each advocate represents.

- d) Jersey Cares have the following staff; an advocacy and participation lead (30hrs per week), an advocacy and participation worker (30 hours per week) and, when needed, by the CEO (37.5hrs per week). Barnardo's have one employee that provides 37 hours per week and the Children's Rights Team is resourced by a Team Manager and two Children's Rights Officers.

#### **3.22 M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the wellbeing of staff in the uniformed services (WQ.448/2020):**

##### **Question**

Will the Minister explain to Members how his Department safeguards the wellbeing of any staff within the Ambulance, Fire and Rescue, and Customs and Immigration Services, as well as the States of Jersey Police, who experience mental illnesses, including those associated with a severe addiction to drugs, alcohol or gambling; and, furthermore, will he outline what duty of care his Department has towards employees in this respect?

##### **Answer**

The Government of Jersey offers free counselling support to all staff through the Employee Assistance Programme, Be Supported, on a 24/7 basis. Additionally, further face to face sessions are arranged locally for individuals depending on their circumstances. Where the individual has more complex mental health issues, such as an addiction, we encourage them to seek advice from their GP or Health Services (Drug and Alcohol Unit) and also sign post them to local organisations such as, Gamblers Anonymous, Alcohol Anonymous, Silkwood, etc where they can also seek further specialised help, advice and support.

The States of Jersey Police recognise they have a duty of care to all staff (Police Officers and Police Staff). As such the SoJP has a bespoke newly adopted Well-Being Strategy that seeks to support, encourage and enable officers and staff to maintain a healthy balance between their work and other interests and responsibilities in their life.

A Well-Being Working Group promotes well-being and supports the achievement of an appropriate work life balance.

The SoJP acknowledge that officer and staff health, safety and well-being is a priority and will be delivered in an environment where staff are well managed, valued for their contribution and are developed within available resources.

Sickness data is monitored closely and those officers who have extended periods of sickness that needs management intervention, or are on restricted duties, are managed by a Restricted Duties Review Group (RDR). The RDR Group which has been in place since January 2019 is chaired by a Chief Inspector and includes representation from Human Resources (HR) and the Welfare Officer. This group allows the organisation to fully understand an individual's specific needs which in turn allows for a tailored support plan to assist the individual.

The SoJP is committed to developing Supervisors and Managers so that the safety, health and well-being of staff can be understood. This allows the organisation to support staff with interventions for physical and psychological conditions. To date the SoJP has and continues to support a number of officers and staff through situations specific to them.

Supervisors and Managers are / will be trained in 'Defusing' Critical Incident Stress Management (CISM) training which seeks to reduce trauma related ill health.

As a modern workforce who strives to support its staff the SoJP has in place an in-house Welfare Service and a 24/7, 365 day a year Employee Assistance Programme phone line. These services are open to all staff.

The Senior Leadership Team recognise Well-being as a regular agenda item and processes are being enhanced to ensure regular updates and monitoring.

The Police Association have a specific interest in well-being and will continue to consider the most appropriate time to conduct internal staff surveys which provide feedback to Senior Managers.

There is a recognition that early intervention is critical, as such there is in place a mechanism for staff to access to comprehensive Occupational Health Services including force wide introduction and embedding of CISM. Psychological Risk Management Guidance and access to an Employee Assistance Programme phone line (Be Supported / Health Line) is also in place.

### **3.23 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the disciplinary processes used in the uniformed services (WQ.449/2020):**

#### **Question**

Will the Minister explain to Members how the disciplinary procedures followed by the States of Jersey Police, and the Fire and Rescue, Customs and Immigration and Ambulance Services are compatible with the principles of 'natural justice' (in that an employee should have the opportunity to state their case freely when facing disciplinary action and that no-one should be a judge in his own cause or act as a judge where there is real possibility of partiality); and, if it is his assessment that these procedures do not meet those principles, will he explain how this situation will be addressed?

#### **Answer**

Everyone is entitled to a fair hearing within a reasonable time by an impartial tribunal established by law.

With the exception of Police who have their own procedure set out in line with the Police Complaints Authority the below procedure applies for all other departments set out above.

All employees have the opportunity to state if they believe there is a conflict of interest at any stage of a disciplinary process, this includes raising a conflict of interest with a commissioning manager, case manager, investigator or a member of a hearing panel. Hearing panel chairs must have delegated authority to sit as a chair on a panel and must have authority to dismiss. Hearings are chaired by a manager, who has the appropriate authority to take action in relation to the allegation and the level of the employee. Arrangements are made for a suitable alternative manager, of sufficient seniority, should a proposed chair be conflicted in any way.

In all circumstances we endeavour to have an independent panel, there are circumstances that a panel will need to incorporate someone from the department in cases of professional standards and practice. In these circumstances an independent will also sit on the panel to ensure impartiality.

The Government is in the process of reviewing all policies and procedures relating to disciplinary and grievance to ensure we remain in line with ACAS best practice. An employee facing a disciplinary process and a dismissal procedure is entitled to assume that the decision will be taken by an appropriate officer. Employees therefore have the right to raise any concerns they have regarding any conflict of interests at any stage of a disciplinary process including the hearing or appeal.

Regarding the States of Jersey Police, the relevant provisions detailing how a complaint is dealt with in relation to a States of Jersey Police Officer are contained in Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Complaints and Discipline Procedure) (Jersey) Order 2000.

There is an ongoing review of this Law and the Order, which has resulted in the development of updated legislation reflecting best practice in investigating and addressing complaints against the Police. This has been circulated more widely to seek the views of other interested parties following which it will be lodged in the normal manner for States scrutiny and debate.

#### **The Bailiff:**

There are no matters under G, nor under H. A number of answers have been provided to written questions. At the request of Deputy Gardiner, I will be reviewing the answer provided to question 430 and give you my ruling either after lunch or first thing in the morning, depending upon time. We now come on to Oral Questions and the first question is from Senator Moore to the Minister for Treasury and Resources. Senator.

#### **4. Oral Questions**

##### **4.1 Senator K.L. Moore of the Minister for Treasury and Resources regarding letters to taxpayers requesting payment for the 2019 year of assessment (OQ.323/2020):**

How many letters have been sent out to taxpayers requesting payment by 30th November for the 2019 year of assessment?

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

Revenue Jersey has been doing as required in 2020, as in previous years, by assessing people for income tax and issuing notices accordingly. These assessments detail amounts of outstanding taxation and due dates. Around 51,000 of the 2019 notices of assessment have been issued during 2020 and these will include standard wording which flags the payment deadline of 30th November. Other than these notices of assessment, the Comptroller of Revenue has assured me that no other letters have been sent out to prior year taxpayers requesting payment of their 2019 tax liability by 30th November. Following the Assembly's decision on 4th November, Revenue Jersey has now issued public notices, including 2 notices in the *J.E.P. (Jersey Evening Post)* on 10th and 12th

November, advising individuals that payments do not need to be made and letters are currently being issued to all affected taxpayers.

**4.1.1 Senator K.L. Moore:**

Why, Minister, was there no mention of the possibility of the move to the current year basis when these notices were sent out after the debate was had by this Assembly and the decision taken?

**Deputy S.J. Pinel:**

For precisely the reasons the Senator has just mentioned, we had to have the debate and have it agreed before we could send out the notices. So all we have been doing to date is send out notices of assessment, which happens every year, and we have to do that by law which we could not change until such time as the approval of the move from P.Y.B. (prior year basis) to C.Y.B. (current year basis) happened.

**Senator K.L. Moore:**

Sorry, the Minister fails to understand my question, I think. The assessments were sent out after this Assembly took its decision and the question is why was there no mention of the move to current year basis in those notices that were sent out requesting payment?

**Deputy S.J. Pinel:**

As I said in my opening remarks, those notices are sent out by law and 51,000 of them have been sent out during 2020 for 2019 liabilities. They mention, I have had one myself so I know what it says: "The outstanding balance to be paid by 30th November" because that legally we had to do until such time as the Assembly agreed that the move from P.Y.B. to C.Y.B. could happen. Further notices to that effect, not the standard notices of assessment, are being sent out this week so everybody will get a letter saying they do not have to pay, apart from corporates, their 30th November payment on account bill. If they have already paid it, it will be accrued against their 2020 tax bill.

**4.1.2 Deputy K.F. Morel:**

Following complaints I have received from Islanders, I would like to ask if the Minister is aware that the Tax Department has been issuing fines to taxpayers for late payment even though those taxpayers have not received their tax assessments? If she is aware, how many fines have been levied?

**Deputy S.J. Pinel:**

No, but if the fines have been levied, that is possibly on late payment of the May issuance. It will not be on the November one because that is not now demanded of people because of the P.Y.B. situation, so if it is late payment fines, then it could be on current year basis. I do not have access to people's personal tax situations but I am not aware that any fines that have been levied should not have been.

**4.1.3 Deputy K.F. Morel:**

Given that I have received complaints from Islanders about this, would the Minister undertake to go back to the Tax Department and confirm with them whether they have issued fines for late payments this year before tax assessments have been received by Islanders?

**Deputy S.J. Pinel:**

Yes, I will have an answer for the Deputy before the lunch break.

**4.1.4 Senator K.L. Moore:**

In the last sitting, the Minister admitted that the Department of Income Tax was struggling, what measures has she identified for improvement in Revenue Jersey and particularly with regard to regaining the confidence of the public in this service?

[10:15]

**Deputy S.J. Pinel:**

Revenue Jersey has had 2 years of big, big changes, as the Senator will know. There was the move from a 35 year-old computer system or I.T. (Information Technology) system to move that up to date, which has taken a lot of work on behalf of the staff but will become far easier to administer in the future, which is why it was done. We are trying to move towards independent taxation, which we want to do for 2022, which will be much easier based on this move from prior year basis to current year basis. As I have already mentioned to the Assembly that we will be coming back with the regulations for the Assembly to debate in end of January, February to agree for the end of March, so there is a lot going on in the Tax Department. From having a huge number of vacancies, because it is quite difficult to recruit people because of the finance industry, we now have only 4 remaining and so the whole pressure is being alleviated considerably by that.

**Senator K.L. Moore:**

I would ask the Minister to answer the question which was: what measures are in place and how will public confidence be regained and neither point has been addressed.

**The Bailiff:**

Were you intending to address by that answer those points, Minister?

**Deputy S.J. Pinel:**

I thought I had answered those points with my last remarks. There is also a Being Heard survey, which is for staff and customers, which is ongoing and there will be the results of that as well.

**4.2 Deputy C.S. Alves of the Minister for Health and Social Services regarding the employment of social workers in the States of Jersey (OQ.341/2020):**

Will the Minister advise how many social worker vacancies there are currently in the States of Jersey and how many social workers have left employment in the last 12 months?

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

I can advise Members that there is a funded establishment of 33 social work posts in Health and Community Services and of those 13 are vacant posts with 9 of the vacancies covered by locums and 2 vacancies covered by secondments from within H.C.S. (Health and Community Services). Interviews have taken place and offers made for 2 of the vacancies and interviews take place this week for the secondment posts. No social workers have left H.C.S. in the last 12 months. The question asks me about social worker vacancies across the whole States of Jersey, so of course Children, Young People, Education and Skills also have social workers in their teams. I have been advised that within C.Y.P.E.S. (Children, Young People, Education and Skills) there are 47 social workers with 20 vacancies, 20 senior practitioners with 3 vacancies and 17 managers with one vacancy. Many of those vacancies are of course filled by locums. In the last 12 months, 6 permanent staff left that service, which is not an unusual figure. C.Y.P.E.S. continue to actively recruit, including via Let's Be Honest website. There is investment in training to retain staff and financial support provided to students on the social work course at Highlands College.

**4.2.1 Deputy C.S. Alves:**

Is the Minister aware whether exit interviews are taking place and if there is any data collected as to the reasons why social workers are leaving?

**The Deputy of St. Ouen:**

I am not directly aware of that. As I said, within H.C.S. there have been no departures within the last 12 months. I am not aware of C.Y.P.E.S. procedures.

**4.2.2 Deputy R.J. Ward:**

Does the Minister believe that the support and training for social workers is adequate to retain and recruit staff for what is such an important and challenging profession?

**The Deputy of St. Ouen:**

In recent years the Government has recognised the importance of recruiting and retaining and growing our own social workers and for that reason has established the course at Highlands College, which was validated in 2019, began in September 2019 with the first intake of 12 students. I am advised there are currently 10 students in year 1 and 11 in year 2. All of last year's cohorts successfully passed their first year and the first year to graduate will be in 2022, so clearly there is a significant change in recruitment from within the Island.

**4.2.3 Deputy R.J. Ward:**

Really the question was about current social workers and whether they are ongoing in service training, and support was adequate to retain and support them in their role. Does the Minister believe that that element of social work is adequate?

**The Deputy of St. Ouen:**

Not being a professional social worker, it is difficult for me personally to assess adequacy but there is training which must follow a national set programme and, as it would do so, it must be deemed an adequate and, I am sure, a good and worthwhile training programme.

**4.2.4 Deputy G.P. Southern:**

Does the Minister not recognise, since he is carrying something like close to 50 per cent vacancy rates, that whatever measures he has taken to increase recruitment in this area it has so far failed? What new initiatives will he undertake in order to fill this gap?

**The Deputy of St. Ouen:**

It is not a 50 per cent vacancy rate either within H.C.S. or within C.Y.P.E.S. The greater vacancy rate is within C.Y.P.E.S. but of course it should not be thought that that work is not being done because there are locums carrying out that work. The remainder of the Deputy's question, it will be a matter for the Minister for Children and Housing when he gets his feet under the desk, I am afraid. He is nodding at me beside me. I cannot really speak for that department as to what measures it may wish to take.

**4.2.5 Deputy G.P. Southern:**

I make 13 vacancies out of 33, very close to 50 per cent, and similar figures from C.Y.P.E.S. Does the Minister not accept it is approximately 50 per cent?

**The Deputy of St. Ouen:**

It may be closer to 40 per cent. The numbers are there and it is well-known that within social work across the whole of the United Kingdom there are shortages. It is very usual for social work authorities to have to fill those posts by means of locums. We should not think that locums do any lesser job though obviously it is best to have those vacancies filled with permanent staff and all the efforts of the department are to achieve that.

**4.2.6 Deputy C.S. Alves:**

Does the Minister feel that he has an adequate number of social workers within his remit, not C.Y.P.E.S., especially now that the Jersey Care Model is going to be implemented and that people will be at the centre of that?

**The Deputy of St. Ouen:**

I do not recall receiving any representations that the number is insufficient. I think we can always work better and, to that end, within H.C.S. our adult social work team has recently combined with

Adult Mental Health Services and are working together as one care group, which I believe will deliver better, more co-ordinated care.

**The Bailiff:**

Question 3 falls away as Deputy Maçon is now Minister.

**4.3 Deputy G.P. Southern of the Minister for Health and Social Services regarding the use of vacancy factor management in his Department (OQ.334/2020):**

It follows on from the previous question. Given the continuing level of vacancies experienced by his department, will the Minister explain the role, and extent, of the use of vacancy factor management in achieving efficiency savings or any rebalancing measures in the Government Plan 2021-2024?

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

Departmental budgets have historically been funded assuming all roles are always filled throughout the year. The reality, as we have discussed in the previous question, is that there will always be a natural level of vacancies in departments and these arise from a multitude of factors including natural turnovers, employees retire or leave for other jobs, implementation of target operating models and challenges in recruiting to specialist roles. Applying a vacancy factor, a percentage of payroll costs before allocating departmental payroll budgets, is an explicit recognition that unfilled vacancies create a financial saving. This is common practice in large organisations where there is significant staff turnover and subsequent lags in filling vacancies. The Government has therefore agreed to apply a vacancy factor equivalent to around 1 per cent of payroll costs and to retain that funding centrally to invest in Government Plan priorities. This prudent reduction lowers the estimated vacancy rate from 10 per cent to 9 per cent and this will be closely monitored to ensure there is no service impact from this efficiency and to identify whether the opportunity exists to deliver greater efficiencies.

**4.3.1 Deputy G.P. Southern:**

I have a figure for 194 vacancies across his department in August of last year. Does he have a current figure for what that vacancy rate now is?

**The Deputy of St. Ouen:**

I do not immediately have that to hand.

**4.3.2 Deputy R.J. Ward:**

Is that constant vacancy rate just a simple way of a Minister saying: "There are this many people employed" when not employing that many people? Is it not misleading for the public when the Government plans to have 1 per cent of vacancies empty?

**The Deputy of St. Ouen:**

In answer to the first question, there will always be the number of posts within the department and the vacancy will of course still be vacant to be filled. In answer to the second question, clearly within large organisations, and it is a common practice, there is a recognition that there will always be a turnover of staff and thus vacancies at certain times of the year and throughout the year.

**4.3.3 Deputy R.J. Ward:**

Are the number of posts available set up so that the organisation can work at its most effective? Therefore, when those posts are not filled, would the Minister accept that the organisation cannot work at its most effective level? By planning to not fill those posts and have that money as a saving, is he therefore not accepting that the organisation, Health, will not work to its full capacity?

**The Deputy of St. Ouen:**

No, I do not accept that. Health has over 2,000 employees, the Government itself, I believe, employs over 7,000 employees. It is unrealistic to suggest that every one of those thousands of posts will always be filled. It is of course the case that there will be natural turnover for all sorts of reasons and it is right for an organisation to accept that and plan accordingly.

**4.3.4 Deputy G.P. Southern:**

According to my calculations, there is a gap of unpaid salary among these 200 that are there, 200 vacancies that are there, of something like £8 million. If 1 per cent of the total budget is of the order of £2 million, what does the Minister propose to do with the remaining £6 million that he is not paying out for these professionals for their roles because they are vacant?

**The Deputy of St. Ouen:**

I have no immediate plans to allocate any of the savings that might be achieved.

**Deputy G.P. Southern:**

But the Minister will spend it at some stage?

**The Deputy of St. Ouen:**

The Government Plan will set out the department's spending priorities and that will be followed throughout the year.

**4.4 Deputy R.J. Ward of the Chief Minister regarding breaches of tenancy legislation (OQ.324/2020):**

Will the Minister state how many dwellings have breached tenancy laws in the past 2 years due to the sale of utilities above cost price to tenants, and will he confirm what action, if any, is taken against any landlords found in breach of the law?

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

Yes, the sale of utilities to tenants is covered by the Residential Tenancy (Supply of Services) (Jersey) Order 2013.

[10:30]

It applies to residential units also as defined under the law and covers situations where services, for example, electricity, gas, water or similar are not provided by the service provider to the tenant but are resupplied by a reseller, which could be the landlord but that is not always the case. Under the order the reseller shall not charge more for the supply of a service than that charged by the service provider. Where officers identify situations where tenants have been overcharged, the reseller is made aware of this and provided with advice around the need to refund the amount overcharged in line with the requirements of the order. The order provides that amounts overcharged must be refunded within 14 days of the money having been collected. But the reseller does also have a defence if they are not aware of the error within 14 days, provided that they basically refund the amount as soon as possible after becoming aware of the error. In terms of what happens then to non-compliance, if resellers do not comply with these requirements following notification from officers, matters are referred to the Law Officers' Department for their consideration. Cases have been referred to the Law Officers' Department; however, as these are ongoing/open investigations, it is not appropriate to give further details of the numbers, et cetera, at the current time. So, therefore, I hope I have answered the second part of the question but I am unable to answer the first part.

**Deputy R.J. Ward:**

The Chief Minister is unable to answer the first part of the question, did he say?

**Senator J.A.N. Le Fondré:**

Yes.

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

The Chief Minister is unable to answer the first part of the question, did he say?

**Senator J.A.N. Le Fondré:**

Yes.

**Deputy R.J. Ward:**

Does the Chief Minister believe that breaching the law, which he so nicely explained to us, is fraud and, therefore, more action should be taken against landlords who are exploiting their tenants? Would he support prosecuting landlords who do not follow the instructions, as he detailed?

**Senator J.A.N. Le Fondré:**

It should be fairly obvious that the reason I am answering this question is in the absence, until very recently rectified, of the Minister for Children and Housing. I am obviously not sighted on the types of cases that we are talking about. It may not be fraud, it may be simple error, which is obviously different. It will depend on the circumstances and it depends on the magnitude of the issue and it depends how often these things are taking place with any one individual. Before one goes down that line one has to understand what the circumstances are and I do not know the magnitude of the problem. But it is not something that we should be encouraging certainly.

#### **4.4.2 Senator S.Y. Mézec:**

Whether it is fraud or error, the extent to which this is going on would have been caught by the proposed landlord licensing scheme that the Minister for the Environment recently brought forward. Given the fact we do not know how much this abuse is going on and in light of the statistics recently published on rental homes failing to meet those minimum standards, does the Chief Minister have any regrets over his failure to support his own Minister for the Environment in bringing forward those regulations?

**Senator J.A.N. Le Fondré:**

I was very clear when I sat down and thought about the matter. I was conflicted, I felt, from about 3 different directions on that matter and that remains the case.

#### **4.4.3 Senator S.Y. Mézec:**

Does that mean that we can take it that the Chief Minister will not be supporting improved housing standards, improved regulations to ensure the laws, which already exist, are being implemented because he has a conflict and would he like to explain to us what sort of leadership exactly that is?

**Senator J.A.N. Le Fondré:**

No, I think that is an assumption of the Senator trying to put words into my mouth and I do support improved standards. I am sure the new Minister for Children and Housing and the Council of Ministers will proceed with that in due course.

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

Can the Chief Minister confirm whether any of his Ministers or Assistant Ministers have fallen foul of breaching this law?

**Senator J.A.N. Le Fondré:**

The short answer is I am not sighted on any of this side of things in terms of their accuracy. I would also make the point that at the end of my response I said that as there were ongoing open investigations, it was not appropriate to give further details and I think that remains to be the case.

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

It is very difficult to have a final supplementary when you do not really believe you have had an answer but can I ask the Chief Minister, will he make a commitment to increasing the ability for those who are monitoring standards to look at this issue of overpricing of the most vulnerable, those least able to pay, which is purely exploitative, and end this horrendous occurrence in the rental situation in Jersey?

**Senator J.A.N. Le Fondré:**

I do not think I can add any more to what I have already said. I think we will need to understand the magnitude of the problem and the severity of each individual issue. If it is a mistake and/or error, then that is one matter. If it is flagrant abuse of the regulations, then that is obviously a different matter. I think that is all we can say about having an understanding of the issue. I am sure the new Minister for Children and Housing will be looking at it.

**The Bailiff:**

Very well. Before we move on to question 6, I was asked if a further question could be asked during this. I did not call upon the person asking that. The norm is that only one question per Member can be asked but, in any event, time is sufficiently pressing that I had already called the last list of questions leading to the final supplementary on this particular question.

**4.5 Deputy M.R. Higgins of the Minister for Home Affairs regarding disciplinary procedures in the uniformed services (OQ.319/2020):**

Will the Minister advise whether there has been any incidence of a disciplinary hearing organised by the ambulance service, Jersey Customs and Immigration Service, Jersey Fire and Rescue Service or the States of Jersey Police not being conducted in accordance with Article 6 of the European Convention on Human Rights, i.e. the right to a fair trial, and, if so, will he provide the reasons for the non-adherence to that Article?

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

I am not aware nor have I been advised of any such incidence regarding disciplinary hearings being conducted in accordance with Article 6 of the European Court of Human Rights.

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

I would ask the Minister to look in more depth at this question and speak with the various departments because, to my knowledge, just recently an officer who was going to be disciplined in the States of Jersey Police was told that he had to attend a disciplinary hearing, even though at that point in time he had no legal representation or representation, which would be a breach of the Article. I might add, however, that he subsequently did get representation and the hearing was conducted properly by the chief officer. But it was very concerning that senior officers were all ...

**The Bailiff:**

Deputy, this is a speech, this is not a supplementary question.

**Deputy M.R. Higgins:**

It is, Sir.

**The Bailiff:**

Could you please ask ...

**Deputy M.R. Higgins:**

I will come to the question. The point is, will the Minister go back and make sure that senior officers do not order members of their particular force to attend hearings without proper representation?

**The Connétable of St. Clement:**

As I said, I have not been made aware of any such incidence. Obviously I did speak and I did check with the heads of the services named by the Deputy in his question. I have spoken to central H.R. (Human Resources), who assure me that all disciplinary matters comply with Article 6 of the European Convention on Human Rights. All employees have the right to a fair trial. If the Deputy, as he quite often does, thinks that something has not been done in accordance with the law, I am not going to investigate it unless he gives me the information.

**Deputy M.R. Higgins:**

I shall forward it to the Minister.

**The Connétable of St. Clement:**

It would have been helpful if he had done that in the first place.

**4.6 Deputy L.B.E. Ash of St. Clement of the Minister for Economic Development, Tourism, Sport and Culture regarding access to F.B. Fields (OQ.330/2020):**

Will the Minister advise whether the gate giving access to F.B. Fields from Samarès is ever locked and, if so, will he commit to remedying this situation to allow for ease of access to this facility, particularly for those residents of Andium Homes properties who are elderly or who have young children who are otherwise required to walk to the front entrance?

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

The gate in question is used only for school access to the running track. Public access to the F.B. Fields is via the main gates, which remain open 24 hours a day. Unfortunately, I am told by our team that there have been incidents of vandalism, dog mess and littering, including broken glass in the athletics area and officers have concerns that this will increase if the gate is opened and access is provided. We do need to ensure that sporting events are not disrupted and that the specialist surface of the rubber athletics track is maintained. Deputy Ash's question indicates that there might be a shortage of general amenity space in what is a very residential area. I will undertake to discuss with officers and the Deputy to explore solutions and review the current position.

**4.6.1 Deputy L.B.E. Ash:**

I believe the Senator has covered it but can I just confirm that he would agree with me that following the granting of permission by the States for Andium to build a substantial development on the Samarès site that it is of paramount importance that young people are provided with and have access to decent recreational facilities?

**Senator L.J. Farnham:**

Yes, I do, I completely agree. It is absolutely paramount and I think we should learn from such developments, even though they provide fine housing for residents, it is absolutely unacceptable to build these developments without providing adequate and suitable amenity space. I hope we can all learn from that. I am sure the new Minister for Children and Housing will also take that on board.

**4.7 Deputy R. Labey of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the affordability of flights to Jersey during the Coronavirus pandemic (OQ.327/2020):**

Given the impact of last-minute flight cancellations by airlines, will the Minister explain what action, if any, he is taking to ensure that flights remain affordable, particularly for students returning to the Island over the Christmas period?

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

As the number of cases across the U.K. has increased and passengers arriving in Jersey have been required to isolate for up to 14 days or up to 10 days now, the demand for flights has reduced significantly. Airlines have suspended routes and reduced capacity for the period of the lockdown in

the U.K. We have established a travel unit with cross-government Ports of Jersey representation to monitor the situation and to advise Ministers. Even with the current reduction in demand for prices for the reduced schedules to remain competitive, however, this forms part of the daily monitoring processes under way currently. We have already approved the use of Blue Islands to provide extra flights for returning students, if required, and we also have the security of the lifeline connectivity contract, also with Blue Islands for residents if our commercial connectivity reduces further. But I can also update Members, having spoken with officers this morning, that our lifeline connectivity contract is likely to be reactivated within the next 2 weeks.

#### **4.7.1 Deputy S.G. Luce of St. Martin:**

Could I ask the Minister about flights, obviously health requirements, education requirements, recreational and commercial requirements all need flights; could the Minister confirm which Minister, which department, have overall responsibility for making decisions about flights?

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

Transport to and from the Island is within my portfolio but we work collectively. When we discuss exactly if we get to that situation how and why Islanders should not travel, those decisions are brought out either to the competent authority Ministers or to the full Council of Ministers, so we act collaboratively and collectively with these challenging issues when they do arise.

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

What is the current Government advice to students wishing to return for Christmas?

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

I would have to defer that question to the Minister for Education or Assistant Minister. But my advice to any Islander wishing to return to the Island for Christmas is to try and secure their transport arrangements in advance but also being mindful that there could be changes in the situation, both in the U.K. or wherever they are in Jersey.

[10:45]

I would like to reassure Members and Islanders that we will do whatever we can to ensure that our important lifeline transport links are maintained right throughout the pandemic.

#### **4.8 The Deputy of St. Martin of the Minister for Health and Social Services regarding the number of flights to Southampton available to Islanders with medical conditions (OQ.318/2020):**

Will the Minister advise how he intends to assist any Islanders with medical conditions who are facing challenges caused by the reduction in flights to Southampton to just one per day?

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

Each Island is advised by the H.C.S. travel office, according to their individual circumstances. Paid hotel or other accommodation will be arranged for Islanders attending outpatient appointments who need to stay overnight. Wherever possible and where it is clinically appropriate, teleconference alternatives can be arranged. In cases where any of these arrangements are not practical for Islanders or where the patient does not wish to travel, the consultant doctor responsible for their care will agree an alternative treatment plan that minimises clinical risks associated with not being able to travel to attend the U.K. hospital in person. As Senator Farnham has mentioned in the previous question, there is a Government of Jersey travel cell and membership includes representatives from Health and Community Services. The travel cell advises the travel office as circumstances change so that Islanders and the staff who care for them have the latest information to inform their decisions. Also, Senator Farnham has just said the lifeline contract with Blue Islands will be reactivated in the near future to ensure we remain connected to the U.K., and this could well have an effect on patients travelling to Southampton or other U.K. hospitals.

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

The Minister will be aware that Southampton Airport is now closed at weekends. He will be aware that medical passengers who have to travel away for appointments cannot have the appointment and return on the same day as previously. He will be aware that those people who have to stay overnight then have to isolate. He will be aware of doctors that are not able to visit the Island, resulting in a number of additional Islanders having to go away for medical appointments. Can the Minister not see the advantage of the States putting on a second plane every day so that appointments can be taken away from the Island and people return on the same day?

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

Yes, at first sight I could see the advantage of that and that is something that could well be discussed and may well be being discussed within the travel cell. Because the requirements of patients are not the only possible requirements within the Island. I will make enquiries as to whether that is under consideration.

#### **4.9 Senator S.Y. Mézec of the Chief Minister regarding the publication of the Housing Policy Development Board's final report (OQ.337/2020):**

When will the Chief Minister publish the Housing Policy Development Board's final report and does he accept its recommendations?

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

The report was received by me, I believe, on Friday, 6th November. Members will recall that the vote of no confidence was on the following Tuesday. Basically, given the level of meetings over the past 10 days dealing with COVID-19, Brexit, border measures and also dealing with the vote of no confidence and the aftermath, there have been some fairly substantial time requirements, so I hope it will come as no surprise I have not yet read the report. I cannot, therefore, make an observation on the findings, although I am sure they will be very measured and balanced. But as soon as I have managed to get to reading the report, it is intended to publish that report in due course and obviously then the findings and recommendations will be then brought in and obviously be of great interest both to the Minister for Children and Housing and myself.

#### **4.9.1 Senator S.Y. Mézec:**

It will not come as a surprise to the Chief Minister that one of the recommendations will be to implement rent stabilisation and it will not be a surprise because I gave the Chief Minister advanced notice of that. Could the Chief Minister outline whether he supports rent stabilisation or whether he will be conflicted, as he said he would be, for another housing matter?

#### **Senator J.A.N. Le Fondré:**

The short answer is I will make that judgment when I have read the report and the recommendations.

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

When the report is finally published and he does read it, if it contains mechanisms to reduce or to stop buy-to-lets by people who do not live here, would he support that?

#### **Senator J.A.N. Le Fondré:**

One word: absolutely. I was very clear from an election commitment and it is something that has been raised as well from around the Council of Ministers, I am just not entirely sure how tricky the legislation is, is that what I will refer to as external buy-to-lets, which is people coming in, people external to the Island buying a residential property for future rental is not something that instinctively feels right and when we have any issues around demand and supply.

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

Is he aware of what stance the new Minister for Children and Housing has taken on this issue?

**Senator J.A.N. Le Fondré:**

My understanding is it is similar to mine but I will also go and have a discussion with him on that matter.

**4.9.4 Deputy M. Tadier:**

Is the Minister likely to support any commitments to reduce rental stress for those in the private and States sector?

**Senator J.A.N. Le Fondré:**

Sorry, Sir, could the Deputy repeat the question?

**The Bailiff:**

Are you likely to support any measures taken to reduce rental stress, was the expression, I believe, Deputy Tadier?

**Deputy M. Tadier:**

That is right, Sir.

**The Bailiff:**

In the public and private sector.

**Senator J.A.N. Le Fondré:**

I think it depends on what the Deputy means by rental stress. Because notionally, depending on the nature of the tenant, for example, in, shall we say, Andium-style accommodation, it depends on the proportion. But many tenants will be already receiving income support, therefore, provided those are at the right level, which I have always understood to be the case, then in theory those tenants should be protected from rental stress.

**4.9.5 Deputy M. Tadier:**

The standard definition of rental stress is when a household spends more than 30 per cent of their income on housing costs. Given that Jersey sees a vast excess for many people in private or social sector, what steps would the Minister like to see brought forward?

**Senator J.A.N. Le Fondré:**

We are getting very much into designing housing policy on the floor of the Assembly at no notice. What I have said is I will go away and read the recommendations of the Housing Policy Development Board and obviously we will be discussing with the Minister what the best way forward is on any of those recommendations that we believe are reasonable and implementable. I am not aware of any that are not but, as I said, I have not yet read the recommendations.

**4.9.6 Senator S.Y. Mézec:**

Given that the Chief Minister has endorsed the Government Plan which specifically says in it that there will be funding allocated to implement rent stabilisation next year, can we take it as read that the Chief Minister will wholeheartedly support this fundamental way of improving housing affordability for renters in the Island? Finally, would he like to perhaps give a better go than his newly-appointed Minister at offering what he thinks the definition for rent stabilisation is?

**Senator J.A.N. Le Fondré:**

Anything that is in the Government Plan, provided it is approved by the Assembly, will also remain a commitment that the Council of Ministers will be committed to implementing, bearing in mind the constraints of COVID. In terms of rent stabilisation, I am not going to attempt to do a definition on the floor of the Assembly. The Senator and I have had one or 2 conversations about his understanding of it and I am still alive to that issue.

**4.10 Deputy I. Gardiner of St. Helier of the Minister for Infrastructure regarding the No. 19 bus service (OQ.321/2020):**

Following the Minister's statement to the Assembly in June that discussions are ongoing with regards to the trial No. 19 bus service allowing passengers to access the town centre via Library Place with a stop at the Le Sueur Obelisk, will the Minister give an update as to when this service will be implemented?

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

As I explained in my answer to Oral Question 221, I can confirm that discussions that took place with LibertyBus over the summer identified that any extension of service 19 could not be accommodated within the existing bus schedules and driver duties, therefore, it would be necessary to deploy additional resources at considerable extra operational cost. But as it is unlikely that any rise in fare revenues would result from altering service in this way, LibertyBus are unable to absorb these increases and my department has insufficient budget to cover any additional expenditure on adding to the bus service. Nevertheless, I have committed to meet with the Constable and LibertyBus in the near future to see what might be achieved.

**4.10.1 Deputy I. Gardiner:**

Would the Minister explain how many extra minutes would add to the road and what the cost will be and why this small matter, which is so important for the senior citizens especially and people who have limited ability to have taken more than 5 months?

**Deputy K.C. Lewis:**

The actual cost to my department would be approximately £2,100 per week. Timing wise would be about 10 to 12 minutes for the bus to make the circular route. But because if it was tagged, for instance, on to an existing service, that would add 10 minutes to every single run of that particular bus. It would need to have a dedicated service and, as I say, that would cost approximately £2,100 a week.

**4.11 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding the impact on mental health of the recent rise in Covid-19 infections (OQ.331/2020):**

Given the measures to be used to combat the recent rise in COVID-19 infections on the Island, will the Minister advise what plan, or enhanced plan, is in place to combat the effects of mental health and to support those with mental illness, both in and out of a care environment?

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

As an Island we need to be flexible and responsive to advice from the deputy medical officer of health to contain the virus. There appear to be 2 elements to this question, firstly, in relation to combatting the effects of mental health within our community. H.C.S. is part of a network of services, which include both the private and third sector and we will continue our support for the Listening Lounge, which saw an uplift in demand over the lockdown period. We will continue to operate our mental health liaison team, the home treatment team and the mental health contact team. We will continue working closely with all other services and stakeholders in the private and third sector. In relation to the delivery of acute services, there has been very substantial learning during the pandemic period. We know we need to keep essential front line services running to support service users and prevent situations becoming more acute. We have developed audio-visual technology capability within our teams and we are able to provide community service users with telephone and video link support. We would also work to ensure that processes for referral into services are maintained and inpatient services will continue to be provided by a dedicated staff team with support from all others in adult mental health.

**4.11.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. In relation to Islanders who are in isolation due to the impacts that the infection could have on their health, does he agree with me that the messaging that is given out at any time from press conferences to social media posts to how the media is delivered, the importance on their mental health, even the wording of advice that is given out could have a detrimental effect on their mental health if not carefully provided?

**The Deputy of St. Ouen:**

We are very conscious of the effects of self-isolation, necessary though it is. We do not want to imperil people's well-being or mental health.

[11:00]

To that end, the communication is very carefully thought through. I would invite the Deputy, and I know he would always want to take this up and I am sure he does, that if he has ideas on better ways of communicating we will always be receptive to them. I would just also remind the Deputy of the Connect Me service, which is available to anybody who is feeling under stress at this time and is a route through to all the help that might be available.

**4.11.2 Deputy K.F. Morel:**

Could the Minister advise the Assembly, when deciding upon particular measures to take to combat COVID-19, whether the department or S.T.A.C. (Scientific and Technical Advisory Cell) or any other organisation within the Government undertake a mental health assessment of the likely effects of those measures? For instance, a recent announcement that years 11, 12 and 13 in schools have to wear masks, when other children clearly do not, has the potential to make those children feel stigmatised and to blame, this in itself can have an effect on their mental health. Would the Minister advise whether they do a proper mental health assessment of the measures that they impose?

**The Deputy of St. Ouen:**

There is detailed and significant consideration by policy officers and S.T.A.C. If the Deputy is thinking of a long, detailed document consisting of many pages being a mental health assessment, no, I do not see that in most of the measures we need to discuss. Because, of course, very often we are reacting with a degree of urgency. But the head of Mental Health Services does sit within S.T.A.C. and does advise on mental health implications of possible decisions and it is something that is in the forefront of all considerations within S.T.A.C. We treat mental health as having parity with physical health. As to the children in masks, that measure is fully supported by the Minister for Education and her department. I do not see any reason why the older children should feel at all impacted and there will be support for them. I believe they understand the reason and the good preventative measure that wearing masks will be.

**4.11.3 Deputy K.F. Morel:**

It is good to hear that the head of mental health is involved in S.T.A.C. Is the Minister advising somebody whether a children's mental health expert is involved in that advice-making process within S.T.A.C. because obviously children have different mental health needs, particularly teenagers, and somebody with the overall view may not focus enough on young people in that situation?

**The Deputy of St. Ouen:**

S.T.A.C. has the ability to call on all advice and expertise it considers necessary, so it would draw from specialist services, such as within C.A.M.H.S. if it believed that advice was needed.

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

Will the Minister not agree that the recent reduction of numbers for people attending faith community gatherings whereby the restrictions allow for restaurants and venues to serve any number of people with a small building 7 days a week but where a once-a-week gathering of 40 people in a large well-ventilated church is not allowed, can only reduce the mental well-being of those within this

community as we approach Christmas? Would he consider working with S.T.A.C. to review the restrictions regarding faith community restrictions?

**The Deputy of St. Ouen:**

It is the case that this advice on gatherings, of course, emanates from S.T.A.C. The fact of the matter is that people gathering in a place of worship are there for a common purpose, so they do constitute a gathering. I do understand the Dean's point that, yes, they often socially distance and the like. The difficulty is that were we to make an exception for churches because church leaders believe that their congregations are well behaved, then the same might be said about sports clubs or all sorts of other organisations, which would negate entirely the point about gatherings. The evidence worldwide is that gatherings have been a source of infection, we know that from other countries. The question of restaurants and other venues, if the Dean considers that there has been sort of risky behaviour there, legislation I am bringing forward will allow enforcement officers to enforce rules in that area. There will be a requirement that tables in restaurants should be not more than 10 and each table is a separate gathering, which does not mix with others. It is a complex area. It gives me no pleasure to make these sort of restrictions and I hope that we will be able to bring them to an end as soon as we can.

**4.11.5 The Dean of Jersey:**

Could the Minister provide details of how many clusters of COVID-19 have resulted from people attending church or can he please get that information available to me?

**The Deputy of St. Ouen:**

I am not aware locally of any clusters arising from members attending church. The question is: do we wait until problems have arisen that people have become ill and then we decide to do something or do we draw on evidence from other jurisdictions who have gone through this in the past and learn from them and try and act at a stage where we can limit the spread of infection?

**4.11.6 Deputy K.G. Pamplin:**

I thank Members and the Dean for joining in the question time. My final question is related to finances. If a project came forward from those who support people with mental health, either be it in the charity sector or within his own department, does he have money available to him or would he be able to sort those extra resources if they were requested to support Islanders' mental health during the next period if required?

**The Deputy of St. Ouen:**

There continues to be substantial investment in mental health services, both in the last Government Plan and in the one that we will be debating next month; that is not to say that there is spare money floating about which is unallocated. But, of course, if the Deputy or any other organisation has a business plan to put forward which involves H.C.S., then we will give it full and proper consideration with a view to bringing enhanced services forward as soon as we can.

**4.12 Connétable R. Vibert of St. Peter of the Minister for Infrastructure regarding expenditure on the bus contract as part of the response to Covid-19 (OQ.322/2020):**

Given that the Government Plan indicates expenditure as part of the COVID response of £2 million in 2021 on the bus contract, with further expenditure anticipated for 2022 and 2024, will the Minister advise what this money is to be used for?

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

Although the 2013 bus operating contract places the revenue risk on the operator, rather than the Government, a certain level of passenger demand is required in order for the service to break even. Passenger demand since March 2020 has fallen way below this level due to COVID restrictions, the public's response and incoming visitor numbers and it is likely to recover to 2019 levels during 2021. Accordingly, the shortfall in fare income is being made up through additional contract support

funding, as provided for within the Government Plan, allowing services to continue operating and, importantly, employment to be maintained.

**4.12.1 The Connétable of St. Peter:**

Could the Minister confirm if the bus company supplied data to justify these funds being paid over to them for the total period to 2024, in fact the amount involved by 2024 is a total of £4 million?

**Deputy K.C. Lewis:**

Indeed, the figures are gone through forensically with my department and also we liaise with Treasury but this would be an absolute maximum. Additional support for the bus service of just under £400,000 was required in the quarter to 2020 because income is still reduced. It is currently likely being sought for quarter 3 and quarter 4 2020. Extra money is being made available in the Government Plan to sustain the network, as the Constable says, in 2021. The total number of bus passengers in the week ending 1st November 2020 was 44 per cent lower than in a comparable week of 2019, so the figures do bear out.

**4.12.2 Senator S.Y. Mézec:**

In previous debates on the bus service the Minister has said of LibertyBus and I am quoting here: "Their business is their business." Will this extra funding come with any strings attached or is it really the case that their business is their business and they should not be held on life support?

**Deputy K.C. Lewis:**

When I say the business is their business I was referring to their profits, which, of course, there are none at the moment. We are just trying to preserve the bus service, which is an essential item for the Island to keep people mobile, keep people in work and people who do charitable works to get to their place of work. It is not to support the company, it is to support the Island.

**4.12.3 Senator S.Y. Mézec:**

When the Minister said: "Their business is their business" it was not in relation to profits, it was in relation to the level of service that they provide. Could he just confirm that he, as Minister, will continue to have a complete *laissez-faire* approach to this offering, no instruction whatsoever on what level of bus service for those people who need to get to work, as he just described?

**Deputy K.C. Lewis:**

That is a complete nonsense to say I have a *laissez-faire* ... we work very closely with LibertyBus. We have a dedicated officer within infrastructure who liaises directly with LibertyBus and we have 2 other consultants who liaise with them too. This is vital for the Island to keep the bus service going. We have a very good working relationship with LibertyBus. I myself signed the contract with them in 2013. They were head and shoulders above every other operator that applied for the contract. To say I have a *laissez-faire* attitude is a complete nonsense. We work closely together, they are a social enterprise group and they provide an excellent service. It is not their fault that COVID came along and we are doing our best to work closely with them.

**4.12.4 Deputy R.J. Ward:**

Will the Minister confirm that that money will not be returned from LibertyBus during the time of this funding to the central HCT Group, as has been apparent in their accounts for the last few years and that none of this government funding will go towards central accounts of HCT Group?

**Deputy K.C. Lewis:**

Not to my knowledge. This is a life-saver, we are keeping the service going because it has dropped so drastically. If we let this company go it will be an absolute disaster, not to mention unemployment of all the drivers and all the ancillary staff and mechanics. This is in our interest to keep LibertyBus thriving until we are through COVID and then it can be back to its pre-COVID result. Prior to

COVID they were up, I think, 14 per cent on the previous year. Being hit by COVID was devastating for us and the bus company.

**4.12.5 Deputy R.J. Ward:**

Pre-COVID returns were made to central groups, which went towards funding other bus companies throughout the U.K. Will the Minister confirm that none of these government funds in the Government Plan will go towards the central funding of HCT Group from a return from Jersey bus?

**Deputy K.C. Lewis:**

As I have just said, not to my knowledge. I will check up on that but they are part of a larger network of companies. But, as I say, their accounts are gone through forensically with my department and we know exactly what is what. We are trying our best to preserve the service.

**4.12.6 Deputy K.F. Morel:**

Would the Minister explain on what forecasting he has come up with the figures for the need for funding for the years 2022, 2023 and 2024, given that there is likely to be no COVID-affected business in those years?

[11:15]

**Deputy K.C. Lewis:**

Yes, the Deputy makes an excellent point. This is worst-case scenario. We would dearly love for the new vaccines to come online before Christmas and early in the new year so we could get rid of COVID altogether. But your guess is as good as mine whether this works. This is the worst-case scenario. As soon as things get back to normal obviously funding will cease.

**4.12.7 Deputy K.F. Morel:**

Would the Minister confirm that these funds are only to enable LibertyBus to break even and not to make a profit?

**Deputy K.C. Lewis:**

That is my information I have, yes. I will check up on that. As I say, their whole network is devastated throughout the U.K. too, it is not just Jersey but I will check on those items.

**4.12.8 Deputy G.P. Southern:**

“Not to my knowledge” is the catchall that many Ministers use whenever they do not wish to answer. The question should be and is: what mechanisms do you have to ensure that these subsidies are not being diverted either to the central body or to the subsidiaries of HCT?

**Deputy K.C. Lewis:**

“Not to my knowledge” means exactly that. Obviously we are working very closely with LibertyBus, we are working very closely with Treasury and the Minister for Treasury and Resources, who is not known for giving any money away unless they really have to. At the moment we really have to, to keep the bus service going. But I will check on the items requested by the Deputies but, as I say, this is to keep the bus service afloat.

**4.12.9 Deputy G.P. Southern:**

Bring any mechanism that he has available to him to the Assembly.

**Deputy K.C. Lewis:**

Could the Deputy define that question?

**Deputy G.P. Southern:**

Any mechanisms by which you can control where this money goes.

**Deputy K.C. Lewis:**

Yes, absolutely. I will get back to the Assembly and I will check up on those extra details.

**The Bailiff:**

Senator Ferguson, you have asked if you can ask a question. Unfortunately, I closed the questions on this because a large number of people have already asked and we have time pressure.

**The Connétable of St. Peter:**

No further questions, Sir.

**4.13 Deputy K.F. Morel of the Minister for Infrastructure regarding the availability of residential parking at Beaumont (OQ.339/2020):**

Does the Minister have any plans to undertake a review of the availability of residential parking at Beaumont, particularly for those who live on Route de La Haule and the surrounding area and, if not, why not?

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

The Sustainable Transport Policy adopted by the States Assembly in March this year has required me to undertake a parking plan to identify a blueprint for the future outlines of how Jersey manages the car parking demand. This piece of work will have an Island-wide scope and it will feature parking at Beaumont and Route de La Haule and the surrounding area, as requested.

**4.13.1 Deputy K.F. Morel:**

With increased housing being built at Beaumont it is clear that residents are challenged for parking. While the Sustainable Transport Policy may be an excellent general document, will the Minister confirm to the Assembly that he will look particularly at the needs of the Beaumont area for their residents?

**Deputy K.C. Lewis:**

Absolutely. Most of this will come under the Minister for Planning in the sense that when buildings are put up that there should be adequate parking there or bike racks or similar. Policy T.T. (Travel and Transport) 13, there is a protection of the highway network which prohibits certain routes being made on to the highway from private residences but I cannot talk about individual cases but this is something that is ongoing.

**4.13.2 Deputy M. Tadier:**

Could the Minister talk more generally, but including obviously the area in question, about what the policy is and what he thinks it should be when it comes to cars being able to park routinely on main roads?

**Deputy K.C. Lewis:**

If the Deputy is talking about Route de La Haule, then that would be out of the question because it is a major artery going to the west. But off-road parking is provided behind the Goose on the Green and that particular area, which is a public access area.

**4.13.3 Deputy M. Tadier:**

There are many main roads in Jersey, I could cite a few, for example, St. Aubin's Inner Road, St. Clement's Inner Road, the Coast Road on Grouville, where cars park routinely on main roads and they are allowed to do it and parking is free in some of those places. How does the Minister decide whether a main road allows parking or whether it is a freeway and particularly in the context of La Haule?

**Deputy K.C. Lewis:**

I am advised by my highway officers within Infrastructure who have all the plans and all the roadworks on every major road throughout the Island. Obviously it is not such a problem with Parish roads but on main roads in certain areas it can be a problem. There are certain pinch points where it would be unrealistic to have parking there. But we like to obviously help people out wherever we can, which was why the parking was not removed on the St. Aubin's Inner Road. But obviously the major road, it does take a tremendous amount of traffic and some roads do not have sufficient width to allow parking on either side.

**4.13.4 Senator S.C. Ferguson:**

I understand that there was some time ago plans for a bypass round St. Aubin, round the Beaumont roundabout, and I am not sure whether the land was bought or whether the people owning it are holding on to it so that it could be used for a more circulatory system, more like the bottom of Trinity Hill. Basically, if we got that into place ...

**The Bailiff:**

Senator, I am sorry, this does have to be a question. You have set up a number of propositions, we have tight time, could you formulate your question, please?

**Senator S.C. Ferguson:**

Yes, I am sorry, I did but ... yes, there is the availability of land which could incorporate extra parking in the Beaumont roundabout area; why has that not been looked at again?

**Deputy K.C. Lewis:**

Yes, I am aware of the scheme the Senator is talking about. It was basically to bear left towards St. Aubin, cut through the housing area there and to loop back on to the bottom of Beaumont Hill and creating a one-way system. This was mooted several years ago. I do not believe any land was purchased on that but the ideals were there. Some bits of land have been built on but not all. It is still a feasibility thing but I believe officers advised against it because it would leave the houses in the middle basically on an island, which would be very unfair. There were many, many reasons against it, which I will need to refresh my memory on. But I will drop a line to the Senator informing her of the outcome of that project.

**4.13.5 Deputy R.E. Huelin of St. Peter:**

We are clearly getting pinch points in parking at Beaumont, which was highlighted in a recent planning application. This has been magnified with the Dandara developments on Goose Green. May I ask the Minister if he will urgently take a look at the unique circumstances that are brewing at Beaumont and try and come up with a resolution for the residents that are suffering from the lack of parking?

**Deputy K.C. Lewis:**

Indeed, the developments on the Goose Green site there, the apartment blocks were built with underground parking and/or outside parking and at least one space was provided for every single apartment there. Plus the developers, Dandara, also contributed £32,000 to the bus service, which pays for a lot of the bus shelters, et cetera, and also £125,000 for associated highway works. There were contributions made to the area. But it is not very realistic that we would provide everybody in the Beaumont area with a car parking space. We do not have the land or the money to do that but we try and assist people wherever we can.

**4.13.6 The Deputy of St. Peter:**

That is the question behind this, will he please review and come and have a look at Beaumont to look at some of the unique circumstances and individual circumstances where people may need that support? I am aware of the Dandara parking and I am aware of the contributions they are making.

**Deputy K.C. Lewis:**

Yes, as I have said in my original answer, there is a parking plan being developed which will be a blueprint for future parking, which will include the Beaumont area.

**4.13.7 Deputy K.F. Morel:**

Just continuing from that parking plan that is being developed, would the Minister entertain the idea, as part of that parking plan, providing certain spaces for residents, not individually named but in a similar way that operates in St. Helier where they have a residential parking scheme?

**Deputy K.C. Lewis:**

I will put that into the mix, absolutely. I know there are several houses on Route De Beaumont, who for various reasons of dangerous exit, if you like, on to Route De Beaumont would not be permitted to put in private driveways. I will certainly take note of that.

**4.14 Deputy T. Pointon of St. John of the Minister for Treasury and Resources regarding the issuing of investment bonds to Islanders (OQ.320/2020):**

Will the Minister consider issuing 3, 5 and 10-year investment bonds to residents of the Island which offer a realistic rate of return and, if not, why not?

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

I am always willing to consider new and innovative funding solutions. However, the bonds suggested in the Deputy's question are unlikely to be an attractive option for 2 main reasons. Firstly, as a Government, Jersey is able to borrow money at this time at historically low rates. It is highly unlikely that it would be able to offer Jersey residents the rates of return that they would be looking to achieve without requiring subsidies from taxpayers. Secondly, unless it was for specific short-term projects, the Government is likely to be looking to secure large borrowing, such as for the hospital, for a much longer period, typically 40 years. Having said that, I would be happy to directly discuss the Deputy's idea with him in more detail, as the short space of time I am permitted to respond does not allow full articulation of the challenges thrown up by what might appear, on the face of it, to be a simple proposal.

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

Would the Minister agree that by allowing the people of the Island to invest in government bonds, the eventual returns for the investor would remain in the Island and provide stimulus for the economy in future years?

**Deputy S.J. Pinel:**

Yes, I understand completely where the Deputy is coming from and this has been talked about year on year. But what is a realistic rate of return at the moment when the U.K. base rate is at 0.10 per cent and most savings accounts offer even lower rates, if any interest at all, it would not be an appropriate time to invest, as I said in my opening remarks. It would be, effectively, taxing Islanders in order to pay an investment return to those same Islanders.

**4.14.2 Senator S.C. Ferguson:**

We had very long-term bonds for the J.E.C. (Jersey Electric Company), for the water company and even De Gruchy's. The bonds and shares for De Gruchy's were still going in the 1960s, 1970s.

[11:30]

If there are arguments as to why we should not do a bond, would the Minister kindly circulate the summary of this to the States Members so that they can understand the arguments taken into account or perhaps we should have the C. and A.G. (Comptroller and Auditor General) and the P.A.C. (Public Accounts Committee) look at them?

**Deputy S.J. Pinel:**

I think I have laid out the 2 main reasons that exist at present as to why we should not be issuing bonds because the return is negligible. As far as keeping ...

**Senator S.C. Ferguson:**

Yes, I am sorry, Sir ...

**The Bailiff:**

No, I am sorry, Senator, please let the Minister conclude her answer and then by all means ask a supplementary question.

**Senator S.C. Ferguson:**

All right. Thank you, Sir.

**Deputy S.J. Pinel:**

There is also the concern that any investment in bonds and revenue from them may not stay on the Island. It is not something that has been thrown out with the dishwater, so to speak. It has certainly been discussed, as I said, for years. It is just not a good time at present to issue, I think as the question said, 3, 5 and 10-year bonds when we are looking at a much longer term one for the hospital.

**4.14.3 Senator S.C. Ferguson:**

Why can the Minister not issue a short report giving the numerical reasons why she is not doing it. It is all right just to tell us you would not get a very good return. Would it not be fairer to let the public and States Members make up their minds? Would it not? A little explanation on the numbers side always helps.

**Deputy S.J. Pinel:**

I am sure we can issue a short summary of this. But I am very aware, which perhaps the Senator is referring to, the Guernsey Together bond, which is expected to be launched in January 2021. It is aiming to raise £50 million and has been outsourced to an external investment firm to manage. While I accept we could follow a similar model, I believe that the Government Plan and P.128, which is establishing the Fiscal Stimulus Fund, both utilise the £500 million revolving credit facility and are sufficient to support the local economy in the coming years.

**4.15 Deputy M. Tadier of the Minister for the Environment regarding the repair or removal of glasshouses that had been left to fall into disrepair (OQ.328/2020)**

Will the Minister advise what powers, if any, he has to order the repair or removal of glasshouses that have been left to fall into disrepair and that are not in current agricultural use; have such powers been used; and if not, why not?

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

Obviously, dilapidated glasshouses is a longstanding controversial planning issue. Each site will have its own different planning history. But basically there are 3 situations. First of all, some planning permissions in which those glasshouses were permitted may include conditions requiring removal if it falls into disuse or disrepair. The wording might be different from site to site. In other cases, there was not a practice to put such conditions on historically. Going back even longer in the very oldest of situations, glasshouses pre-date the 1960 Island Planning Law, so there are no permissions at all and of course agricultural activities have not required consent. Previously, there was a power that was held by the Minister and indeed successive committees, Planning and Environment and before that the Island Development Committee, to require a ruinous or dilapidated building, or part of it, to be repaired or removed completely. But in 2014 that power was removed from the Minister and given to the chief officer under Article 84 of the Planning Law because the Minister now has to deal with appeals and there is a conflict of interest. The information I have, it is my understanding that this power has remained unused. The reason for that is because the removal

of glasshouses obviously is an expensive and difficult business. But in some cases, where a developer can make a case that it can be done within the current policies, small developments have been allowed to achieve the glasshouse removal on those sites. But it is a very complicated situation.

**4.15.1 Deputy M. Tadier:**

Could I suggest to the Minister, I do not know whether he agrees, but it is not complicated really, is it? It just is a question of political will. Albeit that the power is exercised now by the chief officer. There are lots of dilapidated greenhouses around the Island and at a time where we have scarce land in the Island and we also have a question of food security, why is that power under Article 84 of the law to require those buildings to be demolished, repaired, decorated, or otherwise improved never been used in the history of the law? Would the Minister seek to speak to the chief officer about enforcing that law in the many examples where it needs to be in the Island?

**Deputy J.H. Young:**

Yes, I certainly will agreed to talk to the chief officer. But I am certain I would have to talk to the Attorney General. Because the changes in the law that removed many, in fact almost all, of the Minister's powers to regulate these sort of situations as a result of the appeals arrangement, my expectation is that there would be conflicts. Because I find it difficult to understand how on one hand the Minister could then give a direction to a chief officer that some action should be taken that he then has to decide an appeal when that person objects to it. But I will have those discussions. I think it is one of the unsatisfactory features of our system. But the Deputy is right when we have an acute shortage of land, both for agricultural use itself, because that is really important for food, but also for where we have competing other uses that could be allowed, for example housing, it is not right that those sites ... I can think of at least one site, which is currently zoned, where there is still a dilapidated site on that site. But I will take up the challenge from the Deputy to see if we can find a way forward.

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

I would like to pick up on this issue of food security. Would the Minister say that there really is a need to look at this issue regards greenhouses and growing facilities, given the need for food security as shown by COVID, perhaps with Brexit, and in the future issues with climate change?

**Deputy J.H. Young:**

Very much so. Obviously, the Island has an agricultural tradition. The needs of agriculture have changed. There have been times when certain crops have been very profitable and we have seen those developments, and other times when the market changes. At the moment, for example, I can think of one example where we have had redundant greenhouses in the middle of the Island that were proposed to be developed for holiday homes, which did not happen. But now I understand it is being used for agricultural purposes for investment in cannabis production. Obviously not food, but nonetheless it is agricultural. We do need to become more sustainable with local food but I am afraid this issue is heavily invested in economics. But I will take on board the challenge and see what can be done. The new Island Plan is probably the vehicle for new policies here. So I will have a look at that.

**4.15.3 Deputy R.J. Ward:**

I was going to ask the Minister whether the new Island Plan was the vehicle and he answered my question just as I was about to ask it. But I would add, as the Island Plan would be a vehicle for that, will he consider really genuinely looking ahead and having food security as an issue within that Island Plan that is front and centre to the development of it?

**Deputy J.H. Young:**

Post-COVID, we all know that achieving more sustainable food supplies, where that is possible within the limits of the economy, is an important objective. It is one of probably a huge number of

objectives within the Island Plan. So, yes, it will have consideration, but I cannot give any commitment to the Deputy at the moment what will be in the draft plan. But even then, of course, the Deputy will be able to bring amendments if he thinks that what is in there is not sufficient, and that will be subject to public inquiry and final States decision. Plenty of opportunity to steer the direction of travel there.

**4.15.4 Senator S.C. Ferguson:**

In fact farmers often received loans to build glasshouses but there is no sign of those being repaid. You find that many owners want to rent or sell the glasshouse site. They want to rent or sell at a high price closer to building prices. This is probably why you cannot get planning permission.

**The Bailiff:**

Senator, the question relates to the powers and the exercise of the powers of the Minister to remove unused glasshouses. Do you have a supplemental question that relates to that?

**Senator S.C. Ferguson:**

Are you going to examine the position of glasshouse sites and just see what can be done and what should be done?

**Deputy J.H. Young:**

I thank the Senator for her question. I cannot give guarantees here but in my answers to other Members I have agreed that consideration to how this might be done within the Island Plan policies will need to be examined. But of course the Senator is right, that the real reason why people who own those glasshouses, and many of them leave them in that disrepair, it is because they have hopes of getting planning consent at the end of the day. But of course that is not a soft option for me. It is not a route to get housing fast-tracked.

**4.15.5 Deputy M. Tadier:**

I am reassured by the Minister's final words. Does he agree with me that, at a time where more and more Islanders are having to live in cramped accommodation, they would love to have access to a small plot, a garden of their own? But in the absence of that perhaps an allotment. Seeing these dilapidated acres of glasshouses in the countryside, which could be fruitfully literally producing for the Island, is an absolute disgrace. Will the Minister look to make sure that the presumption is always that glasshouses are returned to agricultural use and not used by stealth to get planning permission for housing to make landowners very wealthy?

**Deputy J.H. Young:**

Certainly while I am Minister there will be no use trying to achieve a development by stealth in this manner. But I do agree with the Deputy. Access, with people living in more cramped conditions, density going up, we desperately need to provide areas where people can do activities like grow their own food. I am absolutely a fan of allotments. That, I can tell the Deputy, is very much one of the priorities I have set to the Island Plan team to find a site. If that means we have to buy the site, as far as I am concerned that is a good idea. Allotments are really important to mental and physical health for people.

**The Bailiff:**

We come to question 17. Before we do so, we have 10 questions left and well less than 30 minutes to try to get through them. Therefore I propose not to allow supplemental questions to supplementary questions.

**4.16 Deputy C.S. Alves of the Minister for Home Affairs regarding applications for Settled Status (OQ.342/2020):**

Further to recent media reports that approximately 6,000 people have not yet applied for settled status, will the Minister advise what, if anything, is being done to contact and encourage these individuals to submit their applications?

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

When the settlement scheme was planned back in 2018, the figures available were not definitive and came from a number of different sources. A number of 20,000 has been published as the approximate number of E.U. (European Union) nationals in the Island. However, there is no way to determine how many of these have remained in the Island, how many have dual nationality or children born in the Island who may be eligible for British nationality. So the figure of 6,000 has been published but it could be considerably less than that. There is no way that we can really know. But following the drop off in applications during the lockdown period, we are now seeing applications back up to about 500 a month.

[11:45]

As to what we are doing to encourage more people, over the last 2 years we promoted this scheme through engagement with various charities, churches, Chamber of Commerce, the Honorary Consuls, and representative groups from industry, agriculture, hospitality, health, education, Children's Services, and groups from the retail, construction and finance sectors. These consultations, these initiatives, will continue through to next year as applications can still be made up to 30th June 2021. We will be filming today a proposed social media campaign as well.

**4.16.1 Deputy C.S. Alves:**

Can the Minister state what the potential consequences will be if people do not submit their applications on time?

**The Connétable of St. Clement:**

There is this grace period of 6 months until 30th June next year. Subsequently, anyone who does not have settled status granted or has not made application for settled status will be in the Island illegally. Any cases found will be treated on a case-by-case basis as sympathetically as possible.

**4.16.2 Deputy I. Gardiner:**

Would the Minister confirm if the letters were posted to the registered addresses for the remaining 6,000 people who did not apply and, if not, would it be done?

**The Connétable of St. Clement:**

No. As I explained in my opening comments to Deputy Alves' question, we do not know who these individuals are. There has never been any need for us to know and we do not know if 20,000 is an accurate number. It could well be a lot less than that. We cannot send letters to people that we do not know.

**4.16.3 Deputy C.S. Alves:**

Has any of this data of those that have applied been shared with the Consuls and vice-versa in a bid to possibly contact individuals that may have not applied yet?

**The Connétable of St. Clement:**

We have had a very close and positive relationship with the Honorary Consuls over the last 2 years and they have been very helpful in identifying individuals who need to apply and continue to do so.

**4.17 Deputy K.G. Pamplin of the Chief Minister regarding a new protocol for Government press releases (OQ.332/2020):**

Further to the Chief Minister's comments during the debate on P.149/2020 that a new protocol will be put in place for Government press releases, will he provide a timescale for this to be implemented and state what action, if any, will be undertaken in the meantime?

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

The Assistant Chief Minister, the Connétable of St. Ouen, and the director of communications, have been liaising on this matter. It was agreed that a new protocol for press releases and media queries is going to be formally in place by the end of the month. Existing measures have already been strengthened to ensure absolute clarity in how press releases and press inquiries are to be handled.

**4.17.1 Deputy R.J. Ward:**

The press releases that will come from the Communications Unit, can I simply ask him how much is spent on the Communications Unit each year?

**Senator J.A.N. Le Fondré:**

I do not have that figure to hand. I will obviously come back to the Deputy. I can give an indication of the kind of work that is done. So, in terms of queries received in this year to date, it is around 3,800 media queries and just under 800 news releases sent out and 700 interviews arranged. So the volume of work that is going through is quite considerable, particularly in things like social media. We have had 60 million impressions in 2020 against 12 million impressions in 2019 and we have 63,000 followers. So the point I am making is that I will get the costs to the Deputy but the context is also the amount of work that they are doing. By bringing some of the work in-house they have saved money, for example on design.

**4.17.2 Deputy K.G. Pamplin:**

Further to the Chief Minister's answer to my first question, will he also include in that work with the Connétable a review of my former proposition, P.88, and the success of weekly press engagements as we saw on Friday and how effective they can be beyond anything that is ever posted on Facebook?

**Senator J.A.N. Le Fondré:**

I am sure you will be continuing to review that. As we have said, the media engagement is tailored to the moment. But in where we are going forward into COVID there will be more formal press conferences coming.

**4.18 Senator S.Y. Mézec of the Minister for Social Security regarding the banning of exclusivity clauses in zero-hours contracts (OQ.338/2020):**

When will the Minister implement the decision made by the States in adopting zero-hours contracts, P.92/2016, that exclusivity clauses in zero-hours contracts should be banned?

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

On 16th November 2016, the Assembly agreed in principle to ban the use of exclusivity clauses in zero-hour contracts. The second half of the proposition set a requirement to bring forward legal changes. That part of the proposition was withdrawn during debate. The effect of an exclusive clause is to prevent an employee on zero-hours contracts from being able to work for another employer, even if the first employer has no work for them to offer. While I have been at Social Security, I cannot find any evidence of the need to prioritise this over other employment law areas. I have asked the Jersey Advisory Council and Citizens Advice and have confirmed that this is not an issue they have concerns about. Zero-hours employees have exactly the same employment protection as those employees on other types of contracts. We are different from the U.K.

**4.18.1 Senator S.Y. Mézec:**

The decision of the States was clear, it was that exclusivity clauses in zero-hours contracts should be banned. Is the Minister in her previous answer indicating that she is unilaterally overruling that States

decision and not taking the action? Admittedly it was not her brief at the time, but her office has been instructed to do it by the Assembly.

**Deputy J.A. Martin:**

It is one of those awkward propositions. The first part was accepted and then the part that says to bring forward legislation was dropped during the debate. With all the other legislation in the pipeline and having to plan, if I have a problem, if I can find a problem, I have tried to find this problem. I did try to find a problem when Deputy Southern was there with me as Assistant Minister. I cannot find a problem so I do not want to waste law drafting time for something that is not a problem.

**4.18.2 Deputy M. Tadier:**

Does the Minister agree with exclusivity clauses in zero-hour contracts?

**Deputy J.A. Martin:**

Absolutely not. If I thought they were happening, being abused and happening, I would legislate. We went to J.A.C.S. (Jersey Advisory and Conciliatory Service) and said: "What is the worst thing that you are getting?" because we thought it would be some form of zero-hour contract. It was rest breaks and annual leave and we are out to consultation on that. If I can find proof and I can improve the lot of the worker, I will do so.

**4.18.3 Deputy G.P. Southern:**

Nonetheless, this Assembly instructed the Minister to do something and the Minister has failed to do so. Can she tell the Assembly why that has occurred apart from: "I have been a bit busy"?

**Deputy J.A. Martin:**

If the Deputy had listened, I did not say I had been a bit busy. I have been a bit busy trying to find the evidence to see if they are being abused by the exclusivity in zero-hour contracts. I am told they are not. Chambers have told me. They advise all their people who are with Chamber not to use them, they are abusive, so they are not being used.

**4.18.4 Senator S.Y. Mézec:**

The Assembly has cast its verdict that exclusivity clauses in zero-hours contracts ought to be banned. It is not for the Minister to overrule that or find some justification. The instruction from the Assembly is clear. So my question to the Minister is: would she like to volunteer a deadline by which this change ought to be made or would she prefer me to bring it back to the Assembly, as it was my proposition originally, to do so and enforce a timeline, which might not be the most appropriate one given the rest of her work programme?

**Deputy J.A. Martin:**

Not today. I can bring a timeline when I can look at this. It will not be next year. I have too much legislation coming forward and some that has gone backwards. So that is about the time I can do. The Senator will have to bring the evidence to the Assembly that it is needed.

**4.19 Deputy G.P. Southern of the Chief Minister regarding applications to the Affordable Housing Gateway (OQ.335/2020):**

Will the Minister state what the waiting time is between the submission of an application to the Affordable Housing Gateway and acceptance on a priority band enabling the applicant to bid for suitable housing units; and is this processing time dependent on the type of property required?

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

Obviously the newly appointed Minister for Children and Housing will have more detail and I am sure the Deputy will be seeking it. But what I am advised is that the Housing Gateway aims to process and place on the waiting list all applications within 3 working days of an application being

submitted, provided obviously the applicant is eligible for social housing. Applications are activated subject to all necessary documents being submitted. So if further information is required an applicant will receive an email or letter within 3 days of applying advising what information is needed to proceed. That might, for example, include medical documents. So it will depend on the speed at which documentation comes back. What I can say is the length of time it takes to process an application does not depend on the type of property an applicant requires.

**4.19.1 Deputy G.P. Southern:**

So the likelihood of any applicant being told there is a 9-week waiting time is highly unlikely, not to say impossible?

**Senator J.A.N. Le Fondré:**

It depends what the definition of a waiting time is. The question said between the submission of an application and acceptance in a particular priority band. If the waiting time is to when accommodation is available that is a different timeframe and is a different question. But in terms of the submission time and acceptance on to a priority band, unless there are some very specific circumstances about information not being received on a timely basis, the information I have been given would suggest that a 9-week time to do that should not be the situation. That is different to accommodation becoming available.

**4.20 The Deputy of St. Martin of the Assistant Minister for Education regarding travel arrangements for Jersey students returning to the Island for Christmas (OQ.326/2020):**

Will the Assistant Minister update the Assembly on his plans for travel arrangements for Jersey students returning to the Island for Christmas?

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

I am grateful to the officers who have been working with a number of key issues to facilitate the return of students who need assistance. Late on Wednesday night the competent authority Ministers agreed 3 key enabling sets of actions. The first being the triple testing method, so all those arriving from green, amber or red, countries on day zero, 5 and 10, and what this allows for is a reduced isolation period. The second decision was to put in place isolation units and the third was to get approval to put on extra flights with our partner agency Blue Islands. So I appreciate and thank the Deputy for his continued interest in this matter. It certainly helped provide extra pressure on this matter. All I would conclude by saying, we did send out another survey yesterday directly to students from the Student Finance. We got around the data protection issues and we managed to do that in a legal manner. So we are just waiting for that final data. Because the U.K. changed its travel corridor for students we just need to know their plans before we issue anything. Other than that we will be ready to go.

[12:00]

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

I thank the Deputy for his answer. The question was not about isolation but about travel. He will be aware that the number of commercial flights is reducing on a daily basis almost as the crisis has affected the U.K. Does the Assistant Minister realise the urgency of putting the extra flights on and of telling students and their parents when these flights will be and where the aircraft will come from?

**Deputy J.M. Maçon:**

Yes.

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

From the last question, at what point will parents and students know when they will travel, where they will travel from? Can the Assistant Minister guarantee that all students wanting to return home will be able to in the time that they have available to them?

**Deputy J.M. Maçon:**

On the first part of the question, we are sending out the survey now, there will be an analysis of that by the end of the week, but the survey closes Friday. Of course we already have some intelligence by then. We will then intend to announce the flights by next week so then parents can make their decisions ideally earlier in the week. So that is the plan. Then there was a second part to the Deputy's question, I wonder if you could just repeat it for me?

**Deputy R.J. Ward:**

It was where the flights will come from.

**Deputy J.M. Maçon:**

The flights will come from Jersey. Well it depends, because it is with Blue Islands, so I do not know specifically where they might come from. If he means where they will depart from, which is a completely different question, which of course I will answer. We anticipate that it will likely be somewhere from the north, the midlands and the southwest. But we are just waiting for the survey results to come back in order to confirm that.

**4.20.3 The Deputy of St. Peter:**

While the Minister is doing exceptionally good work in helping to get our students back for Christmas, may I ask him to extend that brief slightly and look into other families who have working children who are obviously adults, probably over the age of 22 or 23, who would also like to return to Jersey for Christmas, although the time that they wish to be here is probably shorter because they are working elsewhere? I think there are significant numbers that fit into this category.

**Deputy J.M. Maçon:**

I thank the Deputy for his question. That would help with the viability of the flights of course. But I think we will be following a similar method to that of Guernsey, which is where they gave priority to students in the first instance and then did open it up for other people. So I think we will be following a similar method.

**4.20.4 Deputy M.R. Le Hegarat of St. Helier:**

What other airlines other than Blue Islands have been considered?

**Deputy J.M. Maçon:**

Because the Government of Jersey already has a contract with Blue Islands, therefore we have that relationship where we can organise things. I know that the travel cell have, for example, explored talking to Guernsey through their routes and other airlines to see what could be done. Looking at the finances, the Blue Island option came out to be the quickest and most financially viable method. That is why I believe it was chosen.

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

I know the Minister has already given this answer to Deputy Ward, but can I seek absolute clarity because this is a vital issue? The Minister said, and can he confirm, that where these flights are coming from and when they will come from the U.K. airports will be confirmed by next week?

**Deputy J.M. Maçon:**

Yes.

**4.21 Deputy R.J. Ward of the Minister for the Environment regarding the Climate Emergency Fund (OQ.325/2020):**

Will the Minister explain what spending there has been, if any, from the Climate Emergency Fund during 2019, and will he outline any spending and planned allocations for 2020?

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

There was no expenditure from the Climate Emergency Fund during 2019. The fund did not exist until the States decision of 2nd December 2019. The budget was approved for 2020. Where we are this year so far, the spend to date is £179,732. The projected spend by the end of 2020 is £536,988. The budgeted figure in the Government Plan, which is subject to approval of course, is £4,403,000. I have the breakdown but I will not give it now. Basically, what we spend this year is the preliminary on the carbon neutral strategy to get the whole process underway; preliminary early costs on the Sustainable Transport Policy, in particular the scheme called Strong Star; then a whole set of measures on the environment, which were commenced and approved in 2020, soil health, biosecurity, habitat management, marine science and so on. If the Deputy wants more detail, I can send that in detail to Members. But that is the situation.

**4.21.1 Deputy R.J. Ward:**

Can I ask the Minister what tangible changes he envisages seeing by the end of 2020 from this fund?

**Deputy J.H. Young:**

Although it is not my ministerial responsibility, the Sustainable Transport Policy is obviously the responsibility of my colleague the Minister for Infrastructure. But both our objectives are surged from this fund. So the allocations I am told for the Strong Start scheme are £82,000. I am told this is for schemes that are almost ready, if not ready. I will have to come back as to the start date, but that is a real concrete benefit. On the question of the carbon-neutral, had we not spent the money we would not be in a position to carry forward and have that citizens assembly next year. All the work is really accelerating. So I think that is progress. Will we have the soil health, biosecurity, habitat management, marine science, in place? Not yet. But we have had to go on recruitment approaches and a whole lot of preliminary work there. So there will be real tangible benefits this year. If the Deputy has the impression that this is not going anywhere, it is simply not true.

**4.21.2 Deputy K.F. Morel:**

I was just wondering, in any given year, if the funds within the Climate Emergency Fund are not spent, would the Minister advise as to whether they are carried over or reallocated elsewhere?

**Deputy J.H. Young:**

A simple question; yes, they are rolled over. That is the arrangement that was agreed in the terms of reference of the fund. Of course, as those terms of reference require, the new Government Plan sets out that rolling over on page 172. It sets it out on a year-by-year basis. This is obviously an ongoing fund that rolls over but every year the States are required to approve the authorisations of expenditure in the Government Plan. That is part of the rules.

**4.21.3 Deputy R.J. Ward:**

Is there flexibility within the fund for projects that may develop during the year, given that the response to climate change is such a fast-changing science. Opportunities arise very quickly in the development of technology.

**Deputy J.H. Young:**

Within the scope of the terms of reference for the fund and the allocations, which are very broad - not all Members might like that but they are very broad allocations - there should be the possibility to absorb them. For example, under the Sustainable Transport Policy called Strong Start, there is a chunk of money of £3,150,000. So I would like to think there is flexibility within that to do quite a lot.

[The following Oral Questions were not able to be asked due to time constraints and the responses later provided by email.]

**4.22 Deputy M.R. Higgins of St. Helier of the Chair of the States Employment Board regarding the Human Rights compliance of disciplinary hearings in the uniformed services (OQ.343/2020):**

Will the Chair explain how the States Employment Board's policies ensure that all disciplinary hearings are conducted in accordance with the principles of natural justice and with Article 6 of the European Convention on Human Rights?

**Answer**

Sir, the **three** main requirements of **natural justice** that must be met in every case are: adequate notice, fair hearing and no bias.

Where a disciplinary process takes place the individual is notified with adequate time, normally orally and in writing, of the allegation against them which has been subject to an independent investigation process – has the right to respond to the allegations, present their own evidence and proof.

Before the final report is issued, the person being investigated also can correct findings of fact.

Throughout this period, the employee has the right to be accompanied to these meetings by a trade union official or a workplace colleague.

Should the report find that there is a case to answer, the employee is then subject to an independent hearing where a decision is taken on the balance of probabilities and, if appropriate, an appropriate sanction is applied.

The employee has the right to appeal the findings or outcome of the first hearing. This is heard independently.

We therefore feel that our processes meet these three tests

Article 6 of the EU Convention on Human Rights largely relates to criminal and civil legal proceedings, however our process, where relevant measure up well to this convention .

**4.23 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Services regarding P.C.R. testing times (OQ.333/2020):**

Will the Minister advise the Assembly what impact, if any, the presence of the on-Island testing laboratory has had on the speed of polymerase chain reaction (P.C.R.) testing within the last month?

**Answer:**

Testing alongside tracing and isolation are our key operational lines of defence to ensure that new cases of COVID-19 are identified, and we can break the chain of coronavirus being passed on to other people.

Testing will help us prevent new clusters and outbreaks of the virus. We have built robust and effective capacity to successfully deliver testing, tracing and isolation, underpinned by monitoring and enforcement.

During the summer the development of an on-Island PCR testing laboratory has allowed testing capacity to steadily increase. Together with existing off-laboratory provision, we have the capability for large volumes of testing; at present we can quickly process up to 65,000 PCR tests per month on-island, and can access a similar capacity from laboratories in England if we need to.

Examples of how the on-island PCR testing capacity has impacted can be described as follows:

Turnaround Times:

- The average turnaround time on the 1<sup>st</sup> August was almost 29 hours. Our target average turnaround for the on-island lab is 12 hours, and I'm pleased to confirm that we are achieving this, with an average of just 9 hours over the past week.

- As the time taken to process a PCR swab has been shortened considerably for passengers arriving to the Island, we have been able to introduce a day 0 isolation period for passengers arriving from ‘Green’ countries and regions.
- Passengers arriving from ‘amber’ regions have also been able to resume their normal lives within 24 hours of their ‘day 5’ test; previously this was a longer isolation period whilst waiting for test results to be returned from the off-island laboratory.
- And our expanded workforce testing is also being processed on-island, which means we can identify direct contacts of positive cases in the workplace more quickly, isolate and test these individuals, and help manage COVID transmission from asymptomatic Islanders.

### Workforce screening

This programme represents a key part of the pre-emptive measures set out in the Winter Strategy. Swabs from this programme are sent to the on-island lab.

- In the first two weeks of the workforce testing, 18 positive cases were identified. Their direct contacts have been traced, isolated and tested and Officers continue to consider whether precautionary wider testing is needed in the locations where a positive case and a number of direct contacts have been identified – for example, in a workplace or a school.
- Almost 1,900 PCR tests were undertaken in the 6 days at the harbour drive-through.
- In addition, a significant proportion of hospital staff and care home staff were tested at their places of work.
- Workforce testing uptake was spread across various groups, including teachers, retail staff, post and utilities.
- Testing at the harbour is by appointment only, between 11.30am and 7pm Monday – Friday and 0830 – 6pm on Saturday. If demand requires, we can also open on a Sunday.

### Escalation

The various forms of lockdown in surrounding countries, and the end of the summer tourist season, has seen a significant reduction in passenger numbers to the island. Increased cases of infections in those countries has increased the relative risk associated with inbound travellers and led to the majority of the UK being designated as ‘red’ regions.

Ministers have recently agreed additional testing at the border. The additional PCR testing capacity required to deliver this measure can be serviced from the on-island laboratory, and testing takes place at the airport drive-through.

The appointment system for day 5 and the new day 10 tests is now automated.

- Based on current passenger numbers (approximately 100 arrivals per day) there will be an estimated additional 200 test per day (assuming the majority of those arrivals are from country’s/regions assessed as high risk- red). All the additional PCR tests will be processed through the on-Island laboratory.
- This estimate does not include any additional testing related to contact tracing.
- This increased capacity, along with other additional testing for contact tracing, can be delivered within our existing testing capacity. We continue to keep this under review, to ensure we are able to respond to changing needs.

**The Bailiff:**

That brings the period for questions to an end. We now move to 2 periods of questions without notice.

**Deputy M.R. Higgins:**

Can I just ask, could the remaining questions that are outstanding, if the Ministers would provide written answers to all Members please?

**The Bailiff:**

Very well, Deputy, you have made that request. It will be for the Ministers of course to decide what to do. The first period is for questions for the Minister for Home Affairs. Does anyone have any questions for the Minister for Home Affairs?

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

**5.1 Deputy S.M. Ahier of St. Helier:**

Further to my Written Question 391, in regard to cyclists colliding with pedestrians, will the Minister request that States of Jersey Police collate records of such incidents henceforth so that we can determine the number of injuries taking place?

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

I am quite happy to ask the police if that is practical.

**5.2 Senator K.L. Moore:**

Can the Minister confirm to the Assembly how many complaints regarding behaviour of senior members of his officials team have been lodged during his tenure? How many disciplinary processes have been put in place during his tenure?

**The Connétable of St. Clement:**

Sorry, I do not have that information. It is not the sort of information that is always provided to me. But I am aware of one or 2 complaints that have been made and dealt with appropriately through the H.R. process.

**5.2.1 Senator K.L. Moore:**

Is the Minister aware of any further such complaints still underway?

**The Connétable of St. Clement:**

No, I am not.

**5.3 Connétable M.K. Jackson of St. Brelade:**

Would the Minister confirm that his Customs and Immigration Department is sufficiently staffed to cope with the effects that Brexit may bring upon us in the next few months?

**The Connétable of St. Clement:**

Yes. This is something I wanted to be absolutely certain about and I am now confident, because my senior officers at Customs and Immigration are confident, that they do have the resources, including upgraded I.T. facilities, which will make dealing with freight and with people much easier than it has been in the past. So, yes, we have a high level of confidence, a high level of preparedness. I think that Jersey's borders are as prepared, probably better prepared, than anywhere else in the Common Travel Area for the changes that we are going to face at the beginning of next year.

**5.4 Connétable A.S. Crowcroft of St. Helier:**

The Minister has written to me, and I believe it is now public, to explain that he has risen to the challenge of rehousing the Jersey Sea Cadets and that they will be moving to the Rouge Bouillon site

of the former police station from January for a period of 2 years. While I commend the Minister for this, does he not worry that this temporary use of the former police station will set back the need to provide much-needed space for Rouge Bouillon Primary School and other community needs the site may well be able to provide?

**The Connétable of St. Clement:**

That does not worry me in the short term because, while Jersey Fire and Rescue Service are operating from that site, it will be very difficult for the school to be extended. But the Jersey Sea Cadets have been badly treated I think over decades and I have committed to them that we are going to resolve their situation. We have found them a temporary headquarters, as the Constable said, in St. Helier. I have given a deadline to Property Holdings to find a permanent solution for them before the end of this year. If that cannot be found then I will be seeking funds through Property Holdings and my friend the Minister for Infrastructure to redevelop their site at Fort Regent.

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

Does the Minister agree with me that it would be a tremendous advantage for the Sea Cadets if we could find them a site near the sea that they could obviously exploit to a much better advantage than being further to the north of town?

**The Connétable of St. Clement:**

Yes, of course that would be absolutely ideal. It may be that we could get a joint headquarters with the other cadet units and that would be a good solution too.

[12:15]

But I think the Constable remembers, as I do, that a site was found for them very close to the sea, down by the harbour, but eventually it was refused by the States if I remember correctly. But quite honestly, let us be realistic, nowhere in Jersey is very far from the sea in any event. My understanding is that they have been at Fort Regent for many decades and that would be their ideal solution to go back there, unless we can find them somewhere better and more appropriate.

**5.5 Senator S.C. Ferguson:**

Has the Minister got it in writing or has in writing a confirmation that the Sea Cadets will be returning to the Fort Regent base?

**The Connétable of St. Clement:**

No. My commitment to the Sea Cadets ... because they had to leave their base, they had to leave Fort Regent, no question about that. Health and safety would not have it, the place is really crumbling and it is unsafe. Therefore I was very grateful to the Minister for Infrastructure and Jersey Property Holdings for identifying the site at Rouge Bouillon and providing the funds to make it a decent headquarters for the next couple of years. What I have said to Property Holdings and the Minister for Infrastructure is that we need to make a firm commitment and we cannot just have this temporary building being a temporary building for years and years. So I have said that we have to resolve this, have a site identified by the end of the year. If we have not been able to identify a site by the end of the year, I will be coming back to the States with a proposition to find the funds to refurbish or to rebuild their headquarters at Fort Regent.

**5.5.1 Senator S.C. Ferguson:**

But can he be sure that they will be returning to the base at Fort Regent?

**The Connétable of St. Clement:**

If I get to the situation where I need to bring a proposition to the Assembly, it will be a matter for the States, not solely for me.

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

The new police headquarters has been open for some time now. Could the Minister indicate if there have been any logistical issues, particularly with regard public access?

**The Connétable of St. Clement:**

Not as far as I am aware. I think it has been a very successful building and I know certainly the police who used to operate out of the old police station in Rouge Bouillon are delighted with it.

**The Bailiff:**

Any other questions for the Minister for Home Affairs? If there are no other questions for this Minister then the question period is concluded. The questions are now open for the Minister for International Development.

## **6. Questions to Ministers without notice - The Minister for International Development**

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

I will ask my question 21 effectively. Could the Minister advise when the Island Identity and International Profile report will be published and which stakeholders have seen the current draft and whether the current draft has the support from all Ministers who have seen it?

**Deputy C.F. Labey of Grouville (The Minister for International Development):**

A very early draft of the Island Identity report was agreed in principle at the Council of Ministers in July. Ministers gave their feedback, which was considered by the board. They also suggested that I consult with some of the major stakeholders before a broader consultation, which we are currently in the process of doing. Their feedback will help develop the report further. As stated in my written answer to the Constable of St. Martin on 2nd November, it is our intention to create a website setting out the full report and findings and to publish a summary version in early 2021, whereupon we will consult with a wider audience.

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

I thank the Minister for that initial response. I do not think she said whether it had full support from the Council of Ministers. But could she clarify who the major stakeholders are that she referred to that she needs to consult with?

**The Deputy of Grouville:**

Yes, I am currently in the process of consulting with you, the Bailiff, the Comité des Connétables, the States Greffe, various departments, Government colleagues, Jersey Finance Limited. Those are the people that I am presently consulting with. Sorry, what was the first part of your question?

**Deputy M. Tadier:**

Just to know whether the initial draft had support from all of the Ministers.

**The Deputy of Grouville:**

The Ministers gave me some very, very useful feedback, which, as I say, the board considered before we made any amendments to the report. I did not hear any adverse comments to it.

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

As the Treasury eyes a raid on the United Kingdom overseas aid budget to help pay for COVID, does the Minister fear a similar grab for funds from our Minister for Treasury and Resources?

**The Deputy of Grouville:**

No, I do not. What we have done, and Members will see what we have done in the Government Plan, and hopefully will be approving it, is over the course of this year we have reversed the decline in our overseas aid contribution. So we did get down to 0.21 per cent of our G.V.A. (gross value added), which is the international standard, the benchmark that we measure jurisdictions giving. So we got

down to 0.21 per cent. This year we raised it to 0.26 per cent and, as from next year, we are tying it to G.V.A. So as well, I am asking for a 0.01 per cent year-on-year after that. So I certainly do not anticipate going the way the U.K. are. But, just to put it in context, I should say that the U.K. giving is 0.7 per cent of their G.V.A. and what they are proposing is reducing it for this year only to 0.5 per cent of G.V.A. So Jersey is still 0.26 per cent, so almost half. I would certainly not advocate reducing aid at this time. We are in a global recession and a global pandemic and it will be hitting the world's poorest the most.

### **6.3 Senator S.Y. Mézec:**

Does the Minister consider it to be a help or hindrance to her mission in international development and overseas aid in supporting some of the world's poorest, be it wider engagement that the Government has with some of the worst dictatorships and human rights abusers, particularly in the Middle East, which is often conducted in such a way that appears to have no reflection on the fact that they are dictatorships and human rights abusers?

#### **The Deputy of Grouville:**

I do not regard it as either. Because Jersey Overseas Aid have our own policies and, as I have always said, aid and trade should be kept completely separate. So we have devised a strategic plan. We have our own policies. We pursue those. I cannot say more than that really.

#### **6.3.1 Senator S.Y. Mézec:**

Does the Minister consider that the issues of lack of democracy and on human rights abuses will clearly have an impact on poverty in some of the regions, which her and her team are rightfully trying to make a positive impact on? Also that it is only with secure human rights regimes and with democracy that those measures to get people out of poverty can be most effective? Would she prefer that; it does not have to be some sort of crusade, but that the Government of Jersey's position appeared to be one that more clearly acted in condemnation of those human rights abuses and dictatorships? So that those people who she is trying to help will one day be in a position where they can help themselves more easily.

#### **The Deputy of Grouville:**

Yes, absolutely. But, as I said, we have devised policies that take corruption and such things into account. I am trying to find the formula. We have a formula for choosing the countries that we support. It is we take the corruption perception index value and times it by the humanitarian development index so the value is squared. And we end up with a choice of countries that we wish to support. We end up with the needs of the country being first and foremost and the likelihood of it creating lasting change. So we feel that is as much as we can do, although obviously some of our projects help promote and obviously lift people out of poverty and need. But we feel the formula that we have devised to choose our countries is a sound one.

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

Given the development of a COVID vaccine that will cost money, can the Minister see overseas aid being used to acquire vaccination programmes for countries that we assist by the overseas aid programme?

#### **The Deputy of Grouville:**

Not at the moment, no. Because what we have done, as well as choosing our countries based on the formula I have just described to your colleague, we also have specific themes of giving aid. We have chosen those deliberately where Jersey can add value rather than just giving money. So our themes are financial inclusion, conservation and dairy. Before we decided on these policies, it was more of a scattergun approach to the themes and we would do various other projects. Whereas we feel by focusing on 3 we can more ably add value, add expertise, and bring more to the table. So we feel that is a better use of our resources.

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

I noticed that the name of the Island Identity Report has also been given “and International Profile Report”. Can the Minister answer whether or not she thinks that there is any tension between the Island Identity and the International Profile part of that report?

### **The Deputy of Grouville:**

No, I do not feel that there is. What we are trying to do is focus on common focal points that project the Island well; that promote our unique culture, our varied talents, which form a positive part of our international identity, which we can project. We feel that this is especially important now in a post-COVID world for Jersey that we ensure that our distinct identity is very strong. So that when athletes, diplomats, whoever are going overseas, they can promote Jersey’s strengths. We have very many of them. The only trouble is we have not been promoting them as best we should.

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

Is one of the key drivers of the report to try to combat the perception, especially abroad, of Jersey as a tax haven?

### **The Deputy of Grouville:**

No. The drivers are for people living in Jersey, are civically engaged and proud of the Island, and Jersey has a recognisable and positive international personality. Those are the 2 drivers. We have many things to promote about our Island, as the Deputy knows very well, having been the Assistant Minister for Culture.

[12:30]

It is a shame that he did not in fact join the board when I invited him to because then he would have a greater insight into our workings. But the idea of this is to promote more than just Jersey as an international finance centre; it is to promote all our strengths. We feel there is some sort of co-ordination here. We feel that some of our work that we are pursuing in Africa on overseas aid, we feel rather complements this. Our work with dairy, for instance, and conservation with Durrell and dairy with the R.J.A. and H.S. (Royal Jersey Agricultural and Horticultural Society), and adapting our finance expertise here to financial inclusion and looking at philanthropic projects. So it is very varied.

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

Just a question regards the Island Identity project. Can I ask the Minister which groups were engaged with from our minority groups on the Island, be they different cultures, different places in the world, different religions, and the wide diversity of people who enrich our Island?

### **The Deputy of Grouville:**

As he will probably know from Deputy Alves, who is a member of the board, we have been writing and researching and gathering information to put a report together. We have not yet consulted on it. We are consulting with a few key stakeholders and a few of the key stakeholders that made major contributions to the report. Then, as I have said, when we have developed a website we will go and consult to a wider audience. We do not intend it to be written in stone, the report on the website, it is for reference and guidance and to develop policy.

### **The Bailiff:**

Does anyone else have any questions for the Minister for International Development? If no other Member has a question, then that ends the questions for this Minister without notice. There is nothing under J and K and we are scheduled now to come on to public business. Before doing so, Deputy Martin has asked to raise a matter of public business at this point.

**PUBLIC BUSINESS**

**Deputy J.A. Martin:**

I have emailed all States Members and I have spoken to Senator Farnham. I have a problem on Thursday, which I think my small debate might go to. I have a medical appointment at 11.00 a.m. and I cannot get out of it. So I am asking that, as Members, if I can take P.124 now. It should be able to be done before lunch but if we go over that is fine. I am in the hands of the Assembly.

**The Bailiff:**

Is the proposition to take P.124 out of order and take it as the first item of public business seconded? **[Seconded]** Does any Member wish to speak on that proposition? If no Member wishes to speak on that proposition then could Members please indicate in the chat if there are any contrary voices who wish a voting link to be placed? I will take that as an affirmation on a standing vote.

**7. Draft Social Security (Amendment of Law No. 14) (Jersey) Regulations 202- (P.124/2020) - as amended**

**The Bailiff:**

Therefore the first item of public business is indeed the Draft Social Security (Amendment of Law No. 14) (Jersey) Regulations, P.124, lodged by the Minister for Social Security. The main responder will be the chair of the Health and Social Security Scrutiny Panel, Deputy Le Hegarat. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Social Security (Amendment of Law No. 14) (Jersey) Regulations 202-. The States make these Regulations under Article 50 of the Social Security (Jersey) Law 1974.

**Deputy J.A. Martin:**

There is also a consequential amendment and I would like to take that together if that is possible.

**The Bailiff:**

When we reach the point of dealing with the individual Articles of course you can take it as amended on the assumption the Assembly has no problem with that, Minister. But at the moment we are dealing with the principles.

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

Thank you to the Assembly for allowing this. These changes to the Jersey Maternity Benefits are long overdue. This Assembly recognised that when they approved moving forward with the included parental grant in producing parental benefits and support in the Government Plan 2020-2023. As Members will remember, I hoped to have this work ready and back in June when the Assembly also approved the introduction of family friendly employment law changes. But we all know what was going on with the COVID around that time. I did put in a temporary scheme in place to help employers with some of the costs for the second parent's paid leave while we caught up on the work for the new benefits. I made a promise back then that I would get the work done in time for parents to access the new benefits at the start of 2021. Today, we provide 18 weeks of benefit. From January, this will increase to 32 weeks, which the parents can split between them. Each parent can take up to 3 separate blocks of benefit and the parent must not be working during those weeks. Single parents will be entitled to the full 32 weeks. I would like to thank the Health and Social Security Panel and the Economic and International Affairs Panel for their interest and the input into this topic, as it has been going through over the last year. Finally, the previous Minister for Social Security made a commitment in 2018 to introduce equality in contributory parental benefits as part of the Social Security Review. I would like to thank her for starting us down this road. It has taken some time but we are there and that is such a good thing. I would be glad to answer any questions that Members have and I propose the principles.

**The Bailiff:**

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

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

I just wanted to make a couple of brief points and I had one or 2 questions as well. But firstly I just want to thank the Minister for pressing on with this legislation. This is really a quite significant day for Jersey and a really significant day for equality. Because fathers have not always had the same recognition in terms of their importance as parents. Many other jurisdictions do not have anything like this in place and we as an Assembly should be really proud that we have got to this stage. The Minister herself should be proud. This has been quite a journey. It was 2016 when I first started questioning about this and really happy to be at this point today. I just wanted to make the point that I do think there is still some work to be done in this area. As the Minister accepted, I think it was a separate proposition rather than an amendment, to review this legislation to see what the impact has been on businesses and on families and on whether any other measures are needed to enable that access. So that children can have that benefit of the full 1,001 days care and bonding with a parent, which of course takes the child up to their second birthday. So I look forward to seeing that work being done in the future. I just wanted to ask the Minister about something that she mentioned in her report. There is a line in there, I think it was in the financial and manpower statement, that not all parents are likely to immediately claim this benefit. Given that the Minister has recognised this, I want to know how she will ensure that all prospective parents know about these changes in plenty of time, including those who do not speak English as their first language. The other question that I had for the Minister is I just was wondering how this legislation is going to interact with COVID. For example, if we have a self-employed mother or father who has not been able to work due to the nature of their jobs and COVID, and therefore do not have the requisite quarter of contributions before their child is born, will they be able to look at a different quarter when things were normal, before COVID? I know that adjustment has been made for those that were claiming the co-funding payments because that is something that I campaigned for with the department. I am very grateful and I know parents were very grateful that adjustment was made. So I want to know whether that adjustment is also going to be made in this instance. I will stop there, but just to thank the Minister for this legislation and for pressing on with it.

#### **7.1.2 The Connétable of St. Brelade:**

I refer to the effect on employers and particularly small businesses by the adoption of this law. I ask the Minister in her summing up whether she could clarify the content of appendix 2 in her report whereby there will be some subsidy towards employers, as I see it. It is not terribly clear so I just ask her to make it clear in her summing up.

#### **7.1.3 Deputy J.M. Maçon:**

It would be appropriate, not only to thank the Minister for bringing this, but also to thank her predecessor, the Deputy of St. Clement, Deputy Pinel, who set the department on track down this road. So I think that needs to be acknowledged as well.

#### **The Bailiff:**

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles then I close the debate and call upon the Minister to respond.

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

To Deputy Doublet, we will be getting started now all the elements are in because we wanted to compare old benefits and old employment law with the new. So, if this goes through today, everything is in and we can start comparing on all the reasons the Deputy has given. They were in a report that came straight after my family friendly. On the financials, we know we have about 900 babies born a year and we have to make the budget fit that amount. Where it says we are aware not everybody will take the full, that is because they will make decisions, they will not be able to because they would rather maybe go back part time, and there will be different things. On the Deputy's last

question about contributions, I do know the co-funding and some of the things like the scheme I put in was not statutory and it was not law. You would have to have the correct months of contributions to get this. Obviously, if the Deputy or I find cases and we can maybe solve this, I will try. But that was a good question because I had not thought of that. The only extra help that I can see, there is no extra help to the employer, because I put that extra help in the temporary scheme in June. So what the new employment law was giving, it was giving the second partner 6 weeks paid by the employer. These recommendations today in benefits, they allow the employer to claim these back from their employee. So it was a small scheme, it was running from June, it will run to December until these come in on 1st January. I hope I have answered all of the questions. I maintain the principles.

**The Bailiff:**

In a moment, the Greffier will put a voting link into the chat relating to the principles. The link is there. I open the voting and ask Members to vote in the usual way.

[12:45]

If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted:

<b>POUR: 43</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Connétable of St. Brelade		
Senator S.C. Ferguson		Connétable of St. Mary		
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				

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

**The Deputy Greffier of the States:**

Voting in the link, the Constable of St. Brelade voted contre.

**The Bailiff:**

And the Connétable of St. Mary in the link voted contre.

**Deputy G.P. Southern:**

Can you tell me whether my vote was recorded? I cannot see it anywhere.

**The Bailiff:**

Your vote was recorded in the chat as a pour, Deputy. I will just ask the chairman of the Scrutiny Panel, Deputy Le Hegarat, is your panel proposing to call this in?

**Deputy M.R. Le Hegarat: (Chair, Health and Social Security Scrutiny Panel):**

No, thank you.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

Very well. The adjournment is proposed. The Assembly stands adjourned until 2.15 p.m.

[12:47]

**LUNCHEON ADJOURNMENT**

[14:15]

**The Bailiff:**

We will now continue with the debate on P.124. Minister, you have lodged an amendment to the regulations. Do you wish to take them as amended?

**Deputy J.A. Martin:**

Yes, please, Sir. It is a consequential amendment and it has an old word in the original, so, yes, please.

**The Bailiff:**

Could Members indicate if anyone does not agree to the regulations being taken as amended? Very well, the regulations will be taken as amended. How do you wish to propose the regulations, Minister?

**7.2 Deputy J.A. Martin:**

I am happy to take them *en bloc*. If anyone has any questions, I will be happy to answer them if I can. Thank you.

**The Bailiff:**

You propose them *en bloc*. Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak on the regulations or any of them? No Member wishes to speak. I ask the Greffier to place a vote in the chat in all of the regulations in Second Reading. I open the voting and ask Members to vote in the normal way. Hopefully Members have voted in the chat if they have not managed to vote in the link. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Second Reading:

<b>POUR: 32</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Ouen				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy G.C.U. Guida (L)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				

Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

How do you wish to deal with the matter in Third Reading, Minister?

**7.3 Deputy J.A. Martin:**

Before I propose that, I would like to thank the Minister for Children and Housing for discussing with me these regulations and sending me a letter of support. Deputy Doublet asked me a question earlier in the principles: how will new parents know? Every parent who has a midwife will be sent an email, as soon as this goes through, telling them when and how and exactly what to do. Yes, I maintain the regulations in the Third Reading, thank you.

**The Bailiff:**

Are the regulations seconded in the Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

**7.3.1 Deputy R.J. Ward:**

I was not sure when to ask this question or indeed whether to ask the question. In the horrible situation where a parent has a stillborn child or a child dies very early on, I know it is not a topic we want to talk about, would the parental leave be sensitive enough to give parents time, as parents in that time of grieving, or are there other available support mechanisms for those parents as well? I cannot see it anywhere in the principles. It may not be the right place to ask that question, but it would be appreciated if there was an answer to that, as it does happen and I think we need to give as much support, as a Government, if that does happen.

**7.3.2 Deputy K.G. Pamplin:**

On behalf of the Health and Social Security Scrutiny Panel, we thank the Minister for her words and also her officers for the information sent and the briefing received. We only ask that we are informed and kept up to date on how the scheme is going. Of course, we will do our part, during our quarterly hearings and any interactions we have, but if the information about these things are forthcoming, so we can hear as early as possible where the slight problems are, instead of finding them out later, I think would be a good approach. Also to hear back from the Minister how now this can be communicated to all sectors of Islanders' families to make it really plain and simple, in language everybody can understand, what they are entitled to and how this works.

**The Bailiff:**

Thank you very much, Deputy. Does any other Member wish to speak on the regulations in Third Reading? No other Member wishes to speak. Then I close the debate and call upon the Minister to respond.

**7.3.3 Deputy J.A. Martin:**

I will answer Deputy Pamplin first. After this has gone through a press release will go out. As I should have said in answer to Deputy Doublet earlier, every person who is pregnant will get an email to tell them the update. We will do as much as we can to make sure that people know. From now onwards we will be able to monitor the old system against the new system, because we have been waiting for this last bit to go through. Deputy Pamplin is on the Scrutiny Panel who scrutinises me and can bring this up any time. I would love to keep him informed. Yes, it is a sensitive question, Deputy Ward. The benefit is there if a baby is stillborn or dies very early after birth, which is very, very sad; we recognise the parent or parents still need to take the time. The benefit is still there as if

the baby was born live and lived. I hope that gives the Deputy some comfort. I hope that may give some parents some comfort if that horrible thing does happen. I maintain the regulations in the Third Reading and ask for the appel.

**The Bailiff:**

Thank you very much. I ask the Greffier to post the link in the chat in the normal way. The link is there. I open the voting and ask Members to vote in the usual way. If Members have had the opportunity of casting votes, I ask the Greffier to close the voting. The regulations have been adopted in the Third Reading:

<b>POUR: 40</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 1</b>
Senator I.J. Gorst		Connétable of St. Mary		
Senator L.J. Farnham				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**8. Reduction of lodging periods**

**The Bailiff:**

That brings us back now to Public Business in accordance with the way it was arranged in the Order Paper. There are some preliminary items to be considered by the Assembly before we move on to the hospital debate and that is whether the various lodging periods can be reduced in accordance with Standing Order 26(7), so that various items can be considered at the present meeting. The first is an amendment to the proposition P.123, the hospital site selection at Overdale, which has been lodged by the Future Hospital Review Panel. Notice has been given in accordance with Standing Order 32 to include this matter on the Order Paper. I understand, Chair, that you wish to make the proposition to reduce the lodging period in according to Standing Order 26.(7).

### 8.1 Senator K.L. Moore:

I would be grateful if Members would consider lifting the lodging period. They will be aware that the Scrutiny Panel has turned around this report and amendment in very short order. There was very little we could do in terms of bringing an amendment at an earlier stage and it is regretted.

### The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? Very well. I ask the Greffier to put a voting link on that proposition in to the chat. The voting is open. I ask Members to vote in the normal way. If Members have had the opportunity of casting their votes on this procedural aspect, I ask the Greffier to close the voting. The proposition is adopted:

<b>POUR: 39</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 1</b>
Senator I.J. Gorst		Deputy J.H. Young (B)
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.W. Pallett		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy L.B.E. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		

Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

There is an amendment to that amendment, which has been lodged by the Council of Ministers. I understand that you wish, Chief Minister, to seek the leave of the Assembly to have the matter considered at this meeting and to make the proposition to reduce the lodging period in the usual way. Chief Minister.

**8.2 Senator J.A.N. Le Fondré:**

Yes, Sir.

**The Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak on that proposition? I ask the Greffier to post a voting link in the chat in the usual way. The chat contains now the vote. I open the voting and ask Members to vote in the usual way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition is adopted:

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 1</b>
Senator I.J. Gorst				Deputy J.H. Young (B)
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				

Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

### The Bailiff:

There is a further amendment to the same proposition, P.123, the hospital site selection, which has been lodged by the Connétable of St. Helier. Connétable, I understand you are seeking agreement of the Assembly to have the matter dealt with today.

[14:30]

### 8.3 The Connétable of St. Helier:

I apologise to Members that this is so late. The genesis of this amendment only occurred at a meeting with residents worried about how they will be affected by P.123 on Thursday evening last week. I set about working on the amendment the following day and it has taken me a few days to get the amendment to Members. I would be grateful if it could be considered in this meeting.

### The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? No Member wishes to speak. I ask the voting link to be placed in the chat in the normal way. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I close the voting. The proposition has been adopted:

<b>POUR: 39</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 1</b>
Senator I.J. Gorst		Deputy J.H. Young (B)
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		

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

**The Bailiff:**

There is an amendment to proposition P.132 Carbon Neutral Strategy and Sustainable Transport Policy – Additional Considerations for Implementation lodged by the Minister for Infrastructure. Minister, you are also seeking the leave of the Assembly to include this matter in the Order Paper for today?

**8.4 Deputy K.C. Lewis:**

Yes, please, Sir.

**The Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak on that proposition?

**8.4.1 Deputy R.J. Ward:**

I wondered how much time the Minister had to bring the amendment. I understand with the hospital situation that we have there have been meetings with people and I would not disagree with reducing lodging periods at all. I may be wrong here, and perhaps I am just voicing a gripe, forgive me if I am, but sometimes when Back-Benchers bring these very last-minute amendments that get thrown in, which non-Executive Members do not really have the time to respond to, they are given such a short time to do it. I just want to know the actual reasons for this reduction of the lodging period, just for this one occasion. I may be wrong, thank you.

**The Bailiff:**

Does any other Member wish to speak on the proposition? No other Member wishes to speak. I close the debate and call on the Minister to respond.

**8.4.2 Deputy K.C. Lewis:**

Apologies to Members for the lateness; there was a misunderstanding with the original proposer. As I say, this is just a bit of housekeeping and apologies for delay. Hopefully Members will accept the late amendment.

**The Bailiff:**

I ask the Greffier to post the voting link into the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted:

<b>POUR: 38</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Deputy R.J. Ward (H)		
Senator L.J. Farnham				
Senator K.L. Moore				

Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

The final item is Senator Farnham’s proposition entitled Draft Amendment (No. 50) of the Standing Orders of the States of Jersey, P.144. Senator, do you wish to make the proposition that that is dealt with at this meeting?

**8.5 Senator L.J. Farnham:**

Yes, please, Sir.

**The Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak on that proposition?

**8.5.1 Deputy R. Labey:**

I fail to see what is in the public interest in allowing Senator Farnham to bring this early and not for it to mature its full lodging period. We know what is going on here and it is not the work of good legislature. We make rules and legislations and pass legislation in the hope that it will survive in perpetuity, unless something very different comes along. To change legislature, to change the rules and regulations, just to scupper one particular initiative, is not good legislative behaviour. It is quite

wrong. We debated this exact same proposition earlier this year. Admittedly it was defeated by 2 votes. Subsequently, Members have told me that they either made a mistake or would prefer not to vote for it this time round. I urge Members to do the decent thing here. Let Senator Farnham, if he wishes to pursue this, take this proposition at its proper time. There is no public interest to bring it forward. It is going to cause, if it passes, I believe, a bitter resentment and divisiveness among Members. I just cannot imagine it. That is not the way we behave here. When I lost P.126, one of the first people I came across as I descended the stairs of the States Assembly was my nemesis in the shape of the Constable of St. Lawrence, and what did we do? We put our arms around each other, gave each other a kiss and I said: "It is a pleasure doing business with you." She said: "The feeling is mutual." That is how we work. However, when something like this comes along, it is going to spoil that. It is going to cause a bitter and deep resentment and it is wrong, wrong, wrong. I, please, urge Members do not vote for this to be taken now. Let it be taken, if it must, at its proper time. However, it is quite wrong.

**The Bailiff:**

Deputy Tadier, you have a point of order?

**Deputy M. Tadier:**

It may be more of a procedural point, by the way, and I think it is helpful to ask it now. Just to make sure we are all on the same page. We are asking to be able to take Senator Farnham's proposition to increase the number of votes needed for any electoral reform. Is that correct?

**The Bailiff:**

Yes that is the proposition.

**Deputy M. Tadier:**

If it is not taken today, when would it fall on the Order Paper, which item of business?

**The Bailiff:**

I am afraid I cannot immediately remember when it was lodged.

**Senator L.J. Farnham:**

If could attempt to be of assistance and perhaps the Greffier will confirm this. I believe that it could be debated on Thursday, if the States was still in session.

**The Bailiff:**

The fact is that if the Assembly is still sitting on Thursday it could be taken on that time. It would have been lodged long enough. It was lodged on 22nd October. It is a 4-week lodging period. Sorry, I was concentrating elsewhere when you were speaking, Senator Farnham, and I do not know if you were clarifying the position for the Assembly.

**Senator L.J. Farnham:**

I was, Sir. What you have just said is my understanding. I was just slightly late in lodging it.

**The Bailiff:**

Does any other Member wish to speak on the proposition?

**Deputy M. Tadier:**

Sir, could I carry on speaking then?

**The Bailiff:**

You can or you can register a desire to speak subsequently.

**Deputy M. Tadier:**

I will do that, Sir, thank you, I will register.

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

I am sorry, I seem to have been concentrating on other things. I am having trouble finding this proposition of Senator Farnham's. I thought this was the one about putting back the Senator's ... it is not on the States Greffe's website. I am really troubled about that, in terms of how the public will perceive that. Could I have that clarification, what the P number is? I am trying to find it.

#### **The Bailiff:**

The P number is P.144.

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

Thank you, Sir.

#### **The Bailiff:**

I am turning to it now in case further questions arise.

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

While I do agree with the chairman of P.P.C. (Privileges and Procedures Committee) that I do not think that there is necessarily public interest in reducing the lodging time, and I will not speak to the merit of the proposition obviously, but I think it would be very helpful to know, for example, going into the actual reform debate, if we can call it that, with the many amendments that will come, whether or not those debates will be in the context of needing a super-majority or a simple but absolute majority. It would probably be helpful to know that before the debates start, because that puts a completely different complexion. Indeed, P.P.C. may not wish to maintain the propositions if they know that the requirement for a super-majority will be needed. I can see that it would be helpful to know in advance what the rules are, if you like, for any future electoral reform before we embark on that marathon of debates on the 30th November.

#### **The Bailiff:**

Thank you very much, Deputy. To assist, the various propositions dealing with the change of the composition of the Assembly require a different majority than normal. I think it is a majority of the elected Members, as opposed to the majority of Members present. Does any other Member wish to speak on the proposition?

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

We are making a little bit of a meal of this. At the end of the day, Senator Farnham has brought this in his capacity as a Back-Bencher. Ordinarily, if I have understood it correctly, the States, if it is sitting on Thursday, would not even have to worry about debating this, because it would fit into the timing. Essentially what we are arguing about is a day. In fact, Deputy Ward has got the nub of the issue in the chat. For me, bringing it forward by a day or so, in the context of what we are likely to be debating between now and the next sitting, does not really make too much difference. On that basis, I am very happy to reduce the lodging period. My understanding is that even if we decide not to, if we carry into Thursday we will be debating it anyway.

#### **The Bailiff:**

Deputy, your question is answered in the affirmative: it is tabled in enough time for debate on Thursday.

#### **8.5.5 Senator S.Y. Mézec:**

Very briefly, as the chairman of P.P.C. said earlier, there is a reason that these rules exist for lodging periods and there is a process to go through to reduce the lodging period, which is often based on the concept of public interest. We have just reduced the lodging period for other amendments. That is

clearly because they relate to propositions where a great deal of time has already been expended on them and there are very serious consequences arising from those. We did that frequently throughout the worst of the COVID-19 period when there was emergency legislation that had to be brought through. However, this particular change to Standing Orders is something the Assembly considered not that long ago. There was a result. As far as the rules of the Assembly are concerned, that result still stands and there is not a need to re-debate it. The Senator has lodged it of his own volition. He is obviously entitled to do that. Objectively, there is no reason why it has to be back on the table, apart from the desire of Senator Farnham.

[14:45]

It is clearly not a matter of public interest and it really does set a bad precedent to simply give way to these lodging periods, seemingly automatically now. We do need to get back into a habit of measuring these objectively and applying the rules as they are intended to be applied. That is clearly in this instance voting against allowing a reduction in the lodging period. If it comes to debate on Thursday, fine, that will accord with the rules as they are. There is no reason to do otherwise. We really need to get back on track with applying those rules in that way.

**The Bailiff:**

If it assists, Members, although it has been lodged in enough time for debate on Thursday, the fact is that the Standing Orders say that the lodging period must have expired immediately prior to the start of the meeting, which is, of course, today. If Members do not agree to truncate the lodging period and we are still sitting on Thursday, it still will not be debated, if that assists Members in that case to gain an understanding.

**8.5.6 Deputy R.J. Ward:**

Thank you for that clarification. That is what I was trying to ask the question about, but I did not word it quite so well. I do not think we should reduce the lodging period. There are rules, but we have played hard and fast with them recently. We have just forgotten them. Many of us understand the reaction to the COVID-19 response and certainly understand the issue with the hospital. That needs to be sorted, however, this does not; this one in particular. I agree with the chair of P.P.C.; this has been debated before and we can clearly see the reason for the lodging of this, but Members really do need to have the time to look at this carefully and think about the implications and we do not want to be rushing through with this. Therefore, I would urge Members not to reduce the lodging period on this. Let us see it at the appropriate time, for the impact that it would definitely have on our democracy.

**8.5.7 Deputy G.P. Southern:**

I shall not beat about the bush with this one. I see, no matter how I look at the public interest, absolutely no reason that this could possibly be categorised as in the public interest, for us to try again to tackle the inequities in our electoral system and to rebalance this House in an appropriate and democratic manner. What we have here is a simple, straightforward wrecking ball, designed to not have that debate and to put an artificial blockade on what we are trying to do. I cannot possibly vote to lift the lodging period of this particular occasion.

**The Bailiff:**

Does any other Member wish to speak on the proposition? No other Member wishes to speak. I close the debate and call upon Senator Farnham to respond.

**8.5.8 Senator L.J. Farnham:**

I am slightly worried to hear the Chief Minister say that I was lodging it in my capacity as a Back-Bencher. I hope he is not arranging a reshuffle and has not told me. Notwithstanding that, the general precedent has been, and for all my time in the States ... I remember on many numerous occasions being able to discuss propositions that came into time a day or 2 into the debate. We are talking

about a day here. I crave Members' indulgence on this occasion. We have been very open-minded about all of the shortening lodging times that we have put through today and recently. Given the speed at which we are now going to attempt to tackle electoral reform, this is certainly in the public interest and an important debate to have prior to the next sitting, when we could be changing the whole constitution of the States Assembly. I respectfully ask Members to support my request and I hope we can debate this on Thursday, thank you.

**The Bailiff:**

Thank you, Senator. I ask the Greffier to post a voting link in the chat in the usual way. It is there. I open the voting and ask Members to vote in the usual way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted:

<b>POUR: 26</b>	<b>CONTRE: 20</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Senator S.C. Ferguson	
Senator L.J. Farnham	Senator S.W. Pallett	
Senator J.A.N. Le Fondré	Senator S.Y. Mézec	
Senator K.L. Moore	Connétable of St. Helier	
Connétable of St. Clement	Deputy J.A. Martin (H)	
Connétable of St. Lawrence	Deputy G.P. Southern (H)	
Connétable of St. Brelade	Deputy M. Tadier (B)	
Connétable of Grouville	Deputy M.R. Higgins (H)	
Connétable of St. John	Deputy J.M. Maçon (S)	
Connétable of Trinity	Deputy of St. Ouen	
Connétable of St. Peter	Deputy L.M.C. Doublet (S)	
Connétable of St. Mary	Deputy R. Labey (H)	
Connétable of St. Ouen	Deputy S.M. Wickenden (H)	
Connétable of St. Martin	Deputy J.H. Young (B)	
Deputy of Grouville	Deputy of St. John	
Deputy K.C. Lewis (S)	Deputy M.R. Le Hegarat (H)	
Deputy S.J. Pinel (C)	Deputy S.M. Ahier (H)	
Deputy of St. Martin	Deputy J.H. Perchard (S)	
Deputy of St. Mary	Deputy R.J. Ward (H)	
Deputy G.J. Truscott (B)	Deputy C.S. Alves (H)	
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

**9. Our Hospital Project: acquisition of land for the new hospital at Overdale (P.129/2020)**

We now come on to the first item of Public Business, properly so called. Deputy Young, however, you wish to make a statement?

**Deputy J.H. Young:**

Yes, Sir, if I may. I would like to formally declare that as Minister for the Environment, I do have a conflict of interest in this matter, because ultimately if there is a planning application for a hospital it will be my responsibility after a public inquiry to determine the application. So I am going to withdraw from the debate on P.123. Also, if P.129 goes ahead later on, I will do the same thing. I am going to leave the Assembly, if that can be recorded on the record, I would appreciate that, Sir, thank you.

### **The Bailiff:**

Thank you very much. The first item is the Our Hospital Project: acquisition of land for the new hospital at Overdale, P.123, lodged by the Council of Ministers. The main responder will be the chair of the Future Hospital Review Panel, Senator Moore. I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of the opinion to approve Overdale as the preferred site for Jersey's new hospital, which is to be delivered within the boundaries illustrated on the plan in Appendix 1 of the report accompanying this proposition.

### **9.1 Senator L.J. Farnham (Deputy Chief Minister - rapporteur):**

Jersey's main hospital, known as the General Hospital, was built on a site stretching from the Parade to the sea and bounded by Gloucester Street in the mid-18th century. The building was not at first intended to be a hospital, but a poor house. Its original benefactor, Marie Bartlet, had wanted it built in St. Aubin. In 1745, the States formed a committee to look for a suitable site in St. Aubin, but the search proved fruitless. When the local Seigneur, Philippe Bandinel, offered land on the sand dunes to the west of the town - the sand dunes to the west of the town in those days - the committee decided to recommend the hospital and poor house be built there. Work began in 1765, 20 years after the States committee was formed. *Plus ça change*, as some may say. The first Islanders were admitted in 1772 and the rest is history. Of course, the hospital has evolved significantly since then, but in the year 2020 it is probably a fair assumption that Jersey now needs a new hospital. In a statement to the Assembly on 6th October I reminded Members that in an Island of our size there are very few large sites to accommodate a new hospital. I am sure we all know that our planning framework, roads and infrastructure are such that our hospital cannot be delivered without significant challenge. However, it can be delivered. To that end, our Hospital Political Oversight Group set out to identify the most appropriate site that has the greatest likelihood of delivering within the timeframe and criteria set out in the previous report to the States, R.54, the report titled *New Hospital Project: Next Steps*. The report outlined the importance of delivering the new hospital by the end of 2026, thus fulfilling the delivery target of the previous scheme. A thorough site selection process was developed and applied to the most comprehensive long list of potential sites. This long list of sites was then evaluated according to a set of extensive criteria developed and agreed by clinicians, healthcare professionals, a citizens' panel of Islanders and technical advisers. The process ultimately resulted in a final shortlist of 2 sites: Overdale and the People's Park. In reaching the judgment that Overdale should be recommended as the preferred site, the political oversight group and the Council of Ministers have extensively deliberated upon the opportunities and the risks involved with each of the sites. In reaching this conclusion, they have considered that Overdale would provide a better integrated hospital design that could support current and future generations of Islanders, as the Overdale site is of sufficient size that it can accommodate all clinical services, inclusive of mental health, on one site. The site provides sufficient scope to allow for flexibility in design and to respond to the need for expansion in the future. Furthermore, the single site solution will also reduce operational, running and logistical costs. Overdale can deliver our hospital in the anticipated project timescale. Overdale offers a better option in terms of flexibility of design and future-proofing. The impact of acquisition of private proposition and impact to nearby residents is limited and is significantly less than other options, with the exception of People's Park. The access challenges, which are duly acknowledged, can be overcome and provide opportunities to improve the road infrastructure and network and to support wider health and well-being activity. Any additional cost of the new hospital at Overdale, when compared to People's Park, will be outweighed by its contribution to the long-term healthcare outcomes of Islanders over its lifetime. Members will have seen for themselves, from the full site evaluation report appended to the report and proposition and from the many briefings held, just how detailed the process and the technical assessments have been to reach these conclusions. I would like to turn now to the perennial public debate and the many individual views and preferences shared with us over the choice of site, in particular I would like to provide some further clarification as to why

Warwick Farm and St. Saviour's Hospital did not make the shortlist of sites. In relation to Warwick Farm, while the site passed the first 2 clinical criteria tests, in that it would be large enough to accommodate all the required clinical support services, including staff services access facilities, and could be delivered within the project timeline, it did not meet other key aspects of the citizens' panel criteria, specifically that the out-of-town location would require far greater use of the private car and greatly reduce opportunity for pedestrian access. There would be a significant requirement for highway and road improvement to cope with the capacity that a hospital would require, both in the local road network to Warwick Farm and on the wider highway network stretching far to the north and into town, with the potential to displace homes and private property far greater than the highway improvements and the land acquisition proposed for Overdale. The lack of social and community facilities nearby would not support sustainable behaviour. Warwick Farm is not a flat site. It is a challenging sloping site. Furthermore, during the previous Future Hospital project, a planning inspector's report said of the site: "It is within the green zone." I can confirm that, the whole site is within the green zone where there is a presumption against all forms of development although the associated policy, which is N.E.7, does allow possible exceptions for strategic development which could include a new general hospital. While it could physically accommodate a large hospital, it would conflict with the Island Plan strategic focus of development in the built-up area. Its location would not be particularly accessible or sustainable.

[15:00]

The option would involve greater challenges than Overdale to the Island Plan and could only be realistically considered in planning terms if no other sites were demonstrably available or workable in other more sustainable locations. In relation to St. Saviour's Hospital, the site also passed the first 2 clinical criteria test in that it would be large enough to accommodate all the required clinical and support services including staff and access facilities and may possibly be able to deliver the hospital within the project timeline. The key challenge with the timing here would be the requirement to relocate Mental Health Services to a temporary location prior to the start of the project. It also did not meet with the citizens' panel criteria specifically but it is a remote site with very restricted access capability or capacity. There would be significant requirement for highway improvements to cope with the capacity that the hospital would require both locally and on the wider highway network stretching west to Five Oaks and beyond with the potential to displace homes and private property on a scale greater than the highway improvements in land acquisition proposed for Overdale. The remote location would require far greater use of the private car and very limited opportunity for pedestrian access and I say that, and ask Members to remember, in context, there are carbon neutral aspirations that the States have debated and passed. The lack of social and community facilities nearby would not support sustainable behaviour and staff and visitors would have no facilities to provide services found in less remote locations. During the previous Future Hospital project, a planning inspector's report held the view that advocates of this site suggested that at an established hospital site currently vacant and available, it would provide a therapeutic and healing environment. However, the pursuit of this option would fundamentally conflict with the Island Plan, its remoteness from the main centre and the majority of the Island's population. The potential destruction of a fine Grade 1 listed building and the likely serious impacts on the character and appearance of the area would conflict with a raft of strategic and other policies within the Island Plan. I am not saying that Overdale does not have similar challenges but they are far less a challenge than those I have outlined for the Warwick Farm site and the St. Saviour's hospital site. Having said that, it would be possible to build a hospital on both of these sites and many of the other sites suggested, but the very thorough process that was followed and the subsequent evidence presented, clearly places Overdale as a better option. The Council of Ministers and the political oversight group judged Overdale to be the best choice. However, I cannot help but reflect that whatever site we had put forward as a preferred site, alternatives would have been suggested and very heavily lobbied for. I would be sure that if we had turned to Warwick Farm or St. Saviour or People's Park or the waterfront, other sites would have been proposed and we would probably be having the debate the other way around. It is important

for Members to note the step change that has taken place in this version of the hospital project in terms of engagement. From the outset, we acknowledge previous criticisms and the stakes and took steps to resolve them and, in particular, our clinicians have been at the very centre of the process as it has unfolded. Then public have taken part in the call for sites and a citizens' panel was established to reflect the unity of Islanders that simply did not exist in the previous iteration. I have attended public meetings as recently as last week in the attempt to reassure residents and provide accurate information and context. I would like to thank the residents who live close to Overdale for their forbearance during the process to date together with the Connétable of St. Helier and the District Deputy who have engaged thoroughly and comprehensively with the process on behalf of their parishioners. I would like to place on record my absolute assurance, as I did at the public meetings, that I, together with the hospital project team, will continue to work inclusively and collectively with the Connétable, Deputies and neighbours of the Overdale project as it progresses, subject of course to receiving States approval. We understand, I am sure, the enormity of this project in all its elements and we are committed to addressing Islanders' and States Members' concerns at every stage. The affordability of the hospital has rightly prompted questions, the scale of the cost being far greater than Islanders have ever considered before but it is affordable for an Island in our strong financial position and with a long record of prudent financial stewardship. We will not avoid this level of expenditure if we decide not to build a new hospital and I want to be clear about that. We will not avoid this level of expenditure if we decide not to build a new hospital. Even if the current hospital could be maintained, which it could not, Jersey would still face expenditure in the region of £600 million to maintain and update current healthcare services and facilities to meet the needs of our community over the lifetime of any new hospital. The current estimated cost of this project is set out in tables 1 and 2 of the report and proposition and Members had a presentation yesterday morning on the costs, and I have since received further detailed figures behind the headline figures we presented yesterday. To summarise, a total target cost for construction of the hospital; furniture, fixtures, fittings, equipment, technology, decamp fees, site-specific costs of pre-construction services and delivery partner contingency is estimated at £550 million. That is £550 million. In addition, there could be up to £254 million in demolition, land acquisition, optimism bias and other contingency to ensure all eventualities are covered. I do not believe for one minute that all contingency will be utilised but we do have to budget for this in line with best practices. Many Members have asked: "Can the Island afford to build a new hospital?" and many have asked: "Can we afford not to?" Notwithstanding the current COVID-19 challenges, the Island remains in a strong financial position. We must remember that the capital cost of the new hospital will provide us with an even more valuable asset and I would ask Members to keep in context the cost of the new hospital in relation to our annual health budget. During the life of our new hospital, we will quite rightly spend billions of pounds on providing the very best health service possible. Our new hospital will deliver the foundation on which to develop our health service to embrace new science and technology, to provide modern facilities to care for future generation of Islanders and to attract and retain the very best healthcare professionals. The full and detailed financial case will be made to the Assembly when the Council of Ministers presents for approval the hospital finance and funding strategy next year prior to the summer recess. There is ample time to discuss and reassure ourselves about the affordability and agree together the detail of the options we will have when we finance the project. In debating this proposition today, the States of Jersey is presented with the opportunity to deliver our new hospital on the back of a thorough process which has benefited from the engagement, guidance and support of all key stakeholders including our clinicians, our front line healthcare professionals, our technical advisers, our citizens' panel and with far greater public engagement. I commend the proposition to the Assembly and I look forward to a constructive debate.

## **9.2 Our Hospital Site Selection: Overdale (P.123/2020) – second amendment. (P.123/2020. Amd.(2))**

**The Bailiff:**

Is the proposition seconded? **[Seconded]** There are some amendments to the proposition, the first of which has been lodged by the Connétable of St. Helier and I ask the Greffier to read that amendment.

**The Deputy Greffier of the States:**

Page 2. At the beginning of the proposition insert the following paragraph: “(a) to request the Council of Ministers, prior to its acquisition of land or properties required to facilitate access to the preferred site for Jersey’s new hospital, to present to the States Assembly for approval a report on alternative access strategies designed to maximise sustainable modes of travel to and from the new hospital, and to minimise the impact on homes, leisure facilities and the surrounding environment of the access interventions currently proposed;” And redesignate the existing paragraph as paragraph (b).

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

I would like to repeat my apology to Members who will have only had my report for a matter of hours and I hope that they have had a chance to read it and, if they have not, I hope they will glance at it while I am speaking. I was very optimistic once the spectre of People’s Park becoming a building site was lifted again. I was optimistic that I would be able to get sufficient reassurance and make sufficient progress on the concerns that were being raised about Overdale and its impact upon St. Helier, its residents and its environment that the officers involved would be able to have reassured me and the residents and the other stakeholders that their fears were groundless. When we got to the second public meeting last Thursday evening, it was clear to me that sufficient progress had not been made and therefore I needed to consider what protection I should try to put in place for the Parish and our parishioners should P.123 be adopted. I spent quite a lot of time over the weekend putting together this amendment. I want to start by thanking a member of the community who was present on Thursday evening for suggesting at that meeting that a lot of the problems would be avoided if Westmount Road from just beyond the entrance to Westmount Apartments up to the top of a hill was to become a one-way road. First and foremost, that would allow ambulances to get up to the hospital using the preferred route chosen by the team without the kind of U.K.-style road reconstruction proposals that are clearly part of the current scheme on the table. Clearly, some work could be done on the hairpin bend at the top but, as I pointed out in my report, this is a promontory of significant heritage importance. That is not referred to in P.123 but I am sure many Members will know that this is the area where Peirson gathered on 6th January 1781 prior to his descent to rescue the Island from French invasion. It is also near the site of Gallows Hill where those unfortunate enough to be hanged in Jersey would be taken. While that is not a particularly nice idea, it is still a part of our heritage which we demolish, I believe, at our peril. The suggestion from the floor that we look very hard at a one-way system on Westmount Road clearly presented to me the possibility, and to those at the meeting, that if this was feasible, it would not be necessary to demolish the properties at the top of the hill, particularly Hillcrest on the right-hand side, because blue light services would have a clear run up to the hospital and the only other traffic going up the hill mostly would be going to the hospital as well. Of course, that could be controlled as was required. This led me to do further work on P.123 and to really go through it a little bit more forensically than I had done. What I noticed and what I think is very heartening - and Senator Farnham has already repeated the words - is that the choice of Overdale presents a real opportunity to the Island in terms of accessing the hospital by sustainable modes of travel. I accept that not everybody can walk to the hospital at Overdale and not everybody can cycle, even with the benefit of an e-bike, but clearly quite a few people can and quite a few people would if there was a safe, segregated cycleway. That could be accommodated within a one-way Westmount Road and of course there are other ways to access the site as well. As I suggest in my report, it is not difficult to envisage a well-lit and well-constructed pedestrian and cycleway coming up from the Inner Road through the delightful surroundings of Val André up to the hospital that would have very little impact on the ecology of the woodlands. It would indeed allow people to experience them for themselves as they walk to and from the hospital from the west of town.

[15:15]

Equally, pedestrian and cycle improvements from the north coming down St. John's Road and also coming up Tower Road could all be used to encourage people to use their feet and their bicycles as a first choice in getting to the new hospital. Of course, I do not include staff in this picture of a future hospital linked by sustainable modes of travel. I fully accept that hardworking staff in the hospital need to be able to drive to work. They are often doing so in foul weather, they may well be doing so at night and I would like to see the car parking that is provided prioritised for the use of the staff. Then of course I would like to see it prioritised for the use of those people visiting the hospital who are clearly unable to walk there or to leap on a bicycle. It is a matter of some disappointment to me that the technical reports accompanying P.123 more or less disregard these sustainable modes of travel. They say that there is not much chance of people walking or cycling to Overdale and yet P.123 itself is claiming that the opportunity of placing the hospital up a hill is going to make the public healthier in the long term. We have to decide which we want. Are we serious about sustainable travel or are we simply going to allow everybody who wishes to go to hospital to go there by car? The other I think major gap in the presentations that we have had from the technical reports is that the bus services are simply evaluated, as you would expect on a desktop study, on the basis of what services are currently provided. It is of course the somewhat notorious number 19 route that was the subject of questions from Deputy Gardiner this morning that services Overdale Hospital. As I point out in my report, it would be expected that a frequent ... a free and efficient possibly zero emission shuttle bus service would ply backwards and forwards between the hospital and the town, particularly the car parks and particularly Pier Road Car Park which is empty for much of the time. That would allow people who wish to go to the hospital to visit or indeed for appointments to do so in a manner that would help them play their part in protecting the environment. I believe that more work needs to be done not only to guarantee that we have a healthier population in the decades that follow the construction of the hospital but also to protect the residents who live near Overdale from having their homes needlessly destroyed, to protect the Jersey Bowling Club with its 108-year history from having to relocate to some unspecified location and losing all the tradition and investment its members have made in their premises and of course also to save the Island millions of pounds. I do not say a lot in my amendment about the money but it is quite clear that the U.K.-style road engineering project that is being dreamed up by highway engineers on the other side of the Channel is going to cost many millions of pounds and I suspect much more than the £15 million that is being talked about. As I say in my report - and I am slightly unfair to talk about a Southampton treatment - you could pick any major town in the U.K. to see what happens when you let loose highway engineers and bulldozers. I do have grave fears about the kind of traffic interventions that are being proposed in P.123 in the technical reports not just Westmount Road, not just the top of the hill but indeed the approaches to St. Helier from the west, Peirson Road with its fine line of historic buildings and People's Park itself although the parking may well be replaced. We are going to see road widening and all kinds of interventions, the like of which we have not really seen since the States took the unwise decision to build the underpass which is, again, a completely alien structure which has really no part in the Island or indeed under fiscal stimulus. I referred to this in my report when it was decided to redo the West Park roundabout with a U.K. style lamp standard. Again, it is unsightly. Then of course the straightening of Victoria Avenue, which I do not think many Islanders understood. It certainly is not much straighter than it was and, again, it is a movement of the Island towards U.K.-style interventions in our highway network. For reasons of respecting the rights of residents to enjoy their properties, for reasons of allowing the Jersey Bowling Club to stay where it is, for reasons of not prejudicing People's Park with all kinds and all manner of road works around its perimeters and for reasons of saving money, I believe that my amendment should be supported.

#### **The Bailiff:**

Thank you very much, Connétable. Is the amendment seconded? **[Seconded]** Does any other Member wish to speak on the amendment?

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

I thank the Connétable for bringing this amendment and for all of the engagement he has participated in. We have worked closely together and I do understand completely the anxiety without certainty for Islanders and residents and close neighbours of the Overdale site. I think many of them want certainty so they can look to the future and I think if we all look to the future, we will realise that when the project is completed, if we get the green light today, we will look in those years ahead at the tremendous improvements that the project will not just make to the area but to future generations of Islanders. It is easy to conjure up visions of road engineers designing U.K.-style road junctions and things but that is not going to be the case because we have employed team members with a great deal of knowledge about what we are doing here. I have discussed with the Constable the opportunity to improve the wooded areas and there is a huge opportunity to make a far better environment in the whole of the area than currently exists at the moment and that is the absolute intention of the project. It is to make improvements. I want us all to think positively about what we can do here and not what we cannot do. I was at the meeting where this idea was suggested and, on the surface of it, it seemed like a good idea. Transport and travel considerations are absolutely fundamental to any large-scale construction project so I can confirm that access, including the sustainable options, is an integral part of the planning for the new hospital. Very regrettably, I would have to ask Members not to support this amendment because these important issues are all in hand and, as the Constable confirms in his report, we are listening to the concerns of the public meeting with them and addressing all the points they raise. The biggest concern is the potential for delay to the project. As Members will know, the time schedule we have been working to is challenging but it is achievable. It is very achievable. Any report for approval in accordance with the Connétable's amendment will require a 6-week lodging period which will delay the delivery of the property acquisitions by at least 2 months. As I have said, it will delay certainty for those Islanders who are in negotiation and willing to sell their properties, which is the majority of landowners in the area and, without this, the project cannot progress as anticipated with a strong likelihood that deadlines would be missed. As commented, we do however support the Constable's desire for sustainable and innovative ways of accessing the new hospital and I think there are some really exciting opportunities there. We are starting to have those discussions in the social engagement plan and the community engagement plan that will be launched subject to the States agreeing today, which will really provide significant opportunities for Islanders to get involved with how we develop the access routes with that in mind. Some project activities for the critical part of the project, which are those activities which are critical that we deliver the project on time, mean that the road design and construction will need to commence in the initial stages if Overdale is approved as the preferred site. Commencing highway works is a key scheme to enable the hospital build for materials and equipment to the site and for the hospital itself. The site evaluation report, which is published on gov.je, examines alternative access strategy designed to maximise sustainable modes of travel to and from the new hospital and to minimise the impact on homes, leisure facilities and the surrounding environment. Negotiations are, as I said earlier, currently ongoing with property owners and it is anticipated that private homes will not need to be acquired through compulsory purchase and I am very pleased we are almost at that stage. The next stage is to meet planning and sustainable transport policies, which will include a thorough transport assessment and in the environment, and that will be part of the environmental impact assessment. The impact arising from the traffic going to and from the new hospital will be assessed in the environmental impact that will form part of the planning submission. The Connétable refers to sustainable modes of transport in his amendment and the highway injunction proposals included for Westmount Road are not only for vehicles but include far wider pathways for pedestrians and cyclists. The environmental impact assessment will also provide mitigations to those impacts. It is recognised that there will be impacts to residents adjacent to any access serving the new hospital site and these are not likely to be greater on Westmount Road than they would be on any other access, for example, the access routes to the north. We will and are listening to the concerns and we will mitigate the challenges. However, we have assessed the road options and the subject matter experts have concluded that the Westmount Road option is the most deliverable with the least impact on residences and neighbours. We know of the huge impact on residents on a greater number of private homes and

the environment if we were to decide to come in from St. Aubin's Road or from the Inland Road, as we know it. It would have been far greater than proposed here and far more costly, I may add. It is recognised if the access was one way there would be less impact on Westmount Road and we accept that. However, this solution is going to be very difficult from a technical aspect and then of course significant displacement and impact elsewhere, for example, on the residents, road users and the pedestrians to the north of the site. If all of the traffic of Westmount Road was one way going up, so all of the traffic exiting the properties and the new hospital complex, it would have to then go north. Everybody exiting would be sent north there which would put tremendous strain on the roads in the north. The Jersey Bowling Club wants to support a new hospital at Overdale and we want to support them. I think the States and the Parish have a moral responsibility to replace those facilities and I can give reassurance that we will assist to provide the club with new and hopefully better facilities. The design of the road, cycle and footpath has not yet commenced and so, as noted, the extent of any land acquired within the People's Park has not been completely determined. It is therefore not correct to suggest that there will be the loss of dozens of mature trees which could well compromise significantly the quality of People's Park. The environmental impact assessment will determine any ecological impact and provide mitigation to that impact and that means minimising it or replacing it with a far greater number of trees and a far more acceptable environment. As design has not yet commenced, the extent of any land required on Peirson Road between the Grand Hotel and Cheapside has not yet been determined either. Consequently, the extent of any relocation of parking there and People's Park is still work ongoing. It is completely understandable that neighbours to the new hospital will have concerns in relation to the scheme. However, it is not clear how those provided in this amendment would be addressed by the report requested on sustainable transport.

[15:30]

The next stage of design will be to review traffic models and determine any impacts on the wider network. This work will be presented as part of the environmental impact assessment along with all of the relevant mitigations. However, the evaluation report presents various access options for the hospital, including access to or egress from the north. While this was not considered in respect to a one-way system, its unsustainability as a preferred route for construction and operational traffic remains the same. It has significant constraints and existing highway widths are insufficient for vehicles and would require road widening unless Tower Road and St. John's Road are also going to be made one way. This would be disadvantageous for ambulance access and residents. The wider network in this area is unlikely to be able to support the increased number of vehicles unless land is acquired to increase capacity at locations such as Rouge Bouillon. A one-way system would also increase traffic near to the school. Preliminary tracking of heavy-goods vehicles has taken place. They are not able to turn from Queen's Road into St. John's Road. This routing is also not preferred from a sustainability perspective owing to the longer journey time and the number of residents that will be affected. Proposals will therefore seek to minimise that use. So there are a lot of technical issues and challenges and aspects here. I fully support and admire the work and the engagement of the Constable and his willingness to find solutions that are more acceptable in helping the project to progress. But very regrettably, because I am working very closely with the Constable, I would ask Members not to support this amendment simply because it could provide quite an unnecessary delay to the project. Despite having said it would be very difficult, it will be considered as part of the traffic planning. But, having reviewed in the last 24 hours again all of the technical challenges to the traffic, although it will be considered, it is unlikely to be a final option. So I thank the Constable and ask Members to reject this regrettably.

### **9.2.3 Deputy K.C. Lewis:**

Senator Farnham said quite a bit of what I was going to say so I will not repeat them. Regarding the Constable of St. Helier, we share his concerns. He does make some very valid points. But we have gone through all the paperwork and all the schemes and it would be impractical to make Westmount Road one way, as Senator Farnham has just alluded to. With the demolition and construction alone,

the traffic would be horrendous coming out on to Old St. John's Road and St. John's Road area. But, as Deputy Gardiner knows, we have just installed a new zebra crossing at the top end of St. John's Road to make it safer for children to cross over to school. So that is a very bad junction at the best of times. It would be completely impractical if we were to take demolition and indeed construction vehicles that way. So the safest way would be to enlarge Westmount Road. Then the demolition vehicles would come straight down the road and would go straight down to La Collette to have all the demolished materials sorted and recycled. We do share the Constable's concerns, they are valid. But if I could put in a cable car from Patriotic Street going straight up to the hospital I would do so. But I have been told it is not practical. But we are looking for other ways, other means of mass transit, other than buses of course, to get people from town to Overdale. That is something I will still actively be pursuing. But, as I say, we do not know exactly what is going to happen yet regarding the lower end of People's Park, but it will just be a bit of parking area removed to get one lane of traffic in. But this is just the first step, but we will be working very closely with the Constable of St. Helier. But regrettably, because of this, we cannot accept this amendment.

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

It will not come as a surprise to Members that this issue has been raised. On page 217 of the Minister's own report, under the Site 2, Overdale Hospital, it says: "Vehicle access for main roads to the site is poor." It is quite clear; this is always going to be a major issue. It has always been one of the main considerations I have had when thinking about Overdale as the hospital site. If you speak to, and I have, people who work at Overdale currently, the amount of time they have to wait to just re-enter the traffic flow in their cars next to People's Park when they finish work, it is a lot, it is 5, 10, 15 minutes sometimes. If the Minister thinks that by creating a new road up to Overdale site, and modifying a few little bits here and there alongside People's Park, that he is going to create a traffic flow system that will work smoothly he is wrong. I am going to support the Constable on this. I want to know a bit more. I have always thought traffic was a major issue. I do not think the answers have been provided.

#### **9.2.5 Deputy M.R. Le Hegarat:**

One of my biggest concerns in relation to Overdale always was the access. I have asked the question over and over again. At some stage in the proceedings I have asked about the one-way system. I have never really been given what I would say is a proper answer as to why it is not feasible. However, what it appears to me is, is the widening of the road is not about what happens at Overdale after, this is about the access to build the hospital. So what we are doing is we are widening a road in order to build the hospital, not for people to access it thereafter. I will fully support the Constable in relation to this amendment because I feel that at least, by having this amendment, it might go some way to alleviating some of my fears. If you look at all of the routes into Overdale, they are all challenging. To widen this road I do not think will make a lot of difference. For me, we should not be widening a road purely to build the hospital. If you listen to what the Minister said before, it was about people being able to get into the site and out of the site with their large lorries. We will not be having large lorries once the hospital has been built. Therefore, I will support the Constable and I would urge everyone else to do the same.

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

I will speak very briefly as I thoroughly agree with the previous 2 speakers. I simply wanted to add a further piece of helpful information for Members if they are still in any doubt. It particularly strikes to the comment of Deputy Le Hegarat about the building of this road to assist the building of the hospital at Overdale. It has been brought to my attention that Queen's Road is a perfectly effective route for large construction vehicles. Had the site team conducted any inquiries with the relevant hauliers in the Island they might have been able to conclude that themselves. Therefore I will also be supporting the Constable.

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

It is important here that we do not simply take the assurances that have been given to us by Ministers. I know that the Constable has had to work in quite short order. I know we do not always see eye to eye on everything but he is really looking for extra safeguards for his parishioners and, in particular, the constituents of this District of St. Helier 3 and 4. I know that certainly when I was campaigning with Reform Jersey during the by-election not so long ago it was one of the real areas of concern, all this uncertainty that was going on about the hospital. About the many residents who live in that area. It was one issue that they were actively concerned about. I remember even staying and speaking and looking at the houses and gardens and being shown the concerns about the new access roads, the cliffs. That was even at a time when they were not sure what was going on. Because this has moved so quickly where the site selection process has moved around, I think it is important that the local residents do have that extra safeguard to know that when the decisions are finally made about access, et cetera, that it does come back to the Assembly so that their representatives can speak and can make any last-minute adjustments that might have been overlooked. Because while there is an overriding public need for this hospital to be done, and it cannot be subjected to pure nimbyism, I do not think that is what this is here. I think it is about balancing the needs of those individual residents. I can certainly sympathise with the Constable that, if it were happening in my area, I would also be representing the local residents. It is about getting that balance in what is delivered. This can only add value. It should not tie the hands of Ministers in delivering this but it should give an extra safeguard that the final decisions being made are the right ones.

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

Part of the report that the Constable of St. Helier put forward really resonates with me. That is about pyrrhic victories in the saving of People's Park and the hospital being at Overdale. This project could end up destroying both areas in one sense. Going back to Deputy Tadier, it is not nimbyism. I am fully committed to having a hospital. But I do want to try to see what impact it is going to have on all the parties concerned and find the best solution. I do not want to see People's Park destroyed, which could be the result. We have no real information from the Minister. We are talking about properties being demolished, which again, if we can avoid doing that, so much the better. Although I accept that with any building project there could always be collateral damage to properties nearby. But this whole project has been rushed and there is still so much detail outstanding. This is the first of the propositions or amendments coming forward and there are going to be objections to each part of the plan. We do require more information. We are being rushed into this. It is wrong. I will not support this if it means that we have to push through things not having the information. The People's Park is one, access routes are another, impact on the residents, all these things have to be dealt with satisfactorily before I will commit to supporting the hospital at Overdale.

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

My greatest concern over this is the delay that will ensue and the consequences of that. That is why I will be voting against this amendment and urge other Members to do so. The present hospital is limping along and yet so many people tell me that it looks good, it looks clean, it looks bright. But that is only on the surface. As Members know, we have major problems with the present hospital infrastructure and considerable expense in just keeping it going. That expense is likely to ramp up should we delay beyond the 2026 date, which is set as the date for the new hospital to be built, which I hope of course will be at Overdale. There is a very firm timetable for this. For example, property acquisitions are programmed to commence in the next 6 weeks as Senator Farnham has told us. Also, detailed transport planning and design will be commenced if this Assembly adopts Overdale as the preferred site. So all that will enable transport impact assessments and environmental impact assessments to go into a planning application.

[15:45]

I see from this amendment that we are simply at risk of duplicating all that effort. We are saying as a States Assembly we have the ability to assess the engineering impacts and that we should act as planners and we should sort the issue ahead of its due time for consideration, which would be as a

very detailed examination at the planning inquiry stage. I do not think we are the proper body to determine that. So we have a critical timeline and it does mean that the work on road design and construction now needs to take place to meet that planning inquiry stage. The delay means additional expense, even the inflation expense caused by simple delay, but then all those other issues including the impact of current hospital services, which I have mentioned. This would not be good for Islanders. This would not be good for the staff in health services still to be working in suboptimal conditions. We really need to get on with what is proposed. I, sitting on the political oversight group, have been impressed with the amount of work that has been put into this and will be. Because we have an excellent team that can work out all these issues and we should allow them to get on with it as timetabled.

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

I would like to say that access to Overdale, it is the major challenge of this site. Personally, I am not telling this is the right site or wrong site, but the access there, it is extremely important. As a Deputy of the District, we have all been there not once and not twice, all the roads are complicated and the old roads are pretty narrow. The one-way road was raised during the meeting last Thursday by the parishioners with the Deputy and Chief Minister, Senator Le Fondré. From what I recall from that meeting it has been said to the parishioners: "Yes, we would consider, we will look into this and we will come back with some information." I know it is Thursday, Tuesday, 5 days, it does feel rushed. It does feel a very short time. But we do not have this information. It is important information because this one-way road means for several houses not to be destroyed. One-way road means quieter environment that they have now for hundreds of residents that not necessarily the houses will be destroyed, but it will go through next to their properties. So I would be supporting my Constable on this amendment to assure that at least this option would be considered seriously and not just waved out.

#### **9.2.11 The Connétable of St. Brelade:**

I can understand the reasoning for bringing this amendment. It has been stimulated by a lack of information as a result of imposed timelines on the whole project. The project teams have taken the easy option of plonking an enormous car park in an adjacent field without giving any consideration to alternative methods of access. Deputy Lewis' department have some very clever traffic modelling kit so I suggest that Members be allowed to see the results and not be treated as imbeciles as the Minister for Health and Social Services has just suggested. We want to see what the alternative methods of transport are, what the future changes in transportation might simulate. On that basis I shall support the amendment.

#### **9.2.12 Senator S.Y. Mézec:**

I would be the last person to want to suggest anything that ends up delaying this project. It is an absolute disgrace that it has taken our government system so long to get even to this point. There is some real soul-searching that each Assembly Member ought to have to make to understand why it has taken us so long to get to this point and why we are at risk of causing further delays. As a then member of the Council of Ministers, I was consistently pushing for the issue of the hospital to be dealt with quicker and quicker. At the final meeting where I anticipated that we would arrive at the inevitable conclusion that Overdale is the appropriate site for the hospital, which I was looking forward to and which I was ready to welcome, one of the things I was dreading about it was what I thought was going to be the inevitable proposal alongside it to demolish the George V Cottages and provide access, which was something I was uncomfortable with but prepared to settle for if it was going to be necessary to make this project work. Then when that presentation was made and it became clear that was not part of the proposal, I was obviously delighted. But the reason I am raising that is because it shows that there are options for access that Members are entitled to know about. I am not suggesting that anything is put back on the table, but the access is clearly one of the most difficult issues surrounding this. I think greater transparency cannot possibly be a bad thing. Like Deputy Tadier, I spend lots of time meeting people in that part of St. Helier, knocking on doors and

talking to them about their concerns. I found that the attitude to having a hospital on their doorstep at Overdale was not something that they were resolutely against and wanted to get in the way of. But I think it is right that we try to bring people along with us in this. I would hope that, because of the work that has been previously done on examining different access options, it would not take very long at all to do this piece of work and have it accompany the other bits of work that will get delivered to us as we go down this project. So, on the basis that I simply do not believe that it will cause any sort of delay and that I think it provides greater transparency, and ultimately greater confidence that it is right that the hospital goes at Overdale, then I think it is safe to support this amendment, which is what I will do.

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

It is a very attractive amendment and I just really want to try to spell out why the way the amendment is phrased causes a problem and why therefore all those who have been working on the hospital group are not in favour of it. It is not about lack of transparency because what I can do is absolutely repeat the commitment made by Senator Farnham that we will be looking at the alternative access strategies. To go back to the amendment, about looking at sustainable travel from the hospital and obviously minimising the impact on the surrounding environment. Because this was literally lodged in the last 24 to 48 hours, I think it was last night, it is causing a difficulty, is the approval side. In terms of the approval prior to the acquisition of land or properties required to facilitate access to the preferred site, which is the first part of the amendment. That is the nub of the problem. Because in practical terms anything that any Minister lodges, as far as I can see, will require a 6-week lodging period. That means, even if negotiations were concluded tomorrow, you would have to lodge it for 6 weeks, which I guess would take us into January. Therefore, again, in terms of what is a tight but exceptionally doable deadline, we use probably in reality 2 months before we can get this side of the process resolved. It is worth making the point, it is really clear for all Members who have been through this previously, there is no perfect site. If there was, I am sure the previous team would have gone through it. Indeed, this team has gone through it and done an absolutely fantastic job of dealing with a whole number of concerns Islanders were raising at that point. One attraction, which we do need to be aware of, particularly for Members who were not in the previous Assemblies, the impact of Overdale and the attractions of Overdale fall into 2 areas at the very least. One is that the site itself will have a fantastic environment. It will give fantastic views. That is important in itself for the healing process. The other side, as we all know, the access is an issue. Other sites have had other difficult issues. But in essence, the number of properties that are impacted by this are quite a lot smaller. In fact Senator Mézec has just touched on the fact that we are not proposing to go through King George V Homes. So just from memory, as I call up an email, previously we had 2 hotels, one 72-bedroom, one 56-bedroom hotel, which would have had to have been again subject to compulsory purchase negotiation, and also 14 flats. That is just from very, very quick research and ignores anything else that was in the equation. What we are talking about here, I believe the minimum number of residence sites, there is obviously other land, et cetera, is 3. All of them have been speaking to the relevant parts of the team in the past few weeks and my understanding is that, in principle, they are minded to essentially transfer their properties across to us for the right consideration. So the point is, we are very, very close to be able to achieve the work that is needed to facilitate the access and to keep the scheme moving forward. That is where we keep going. The objective I set when we set this all up was to be contractually committed ideally before the next elections, which means then the political risk is minimised. Because that is one of the problems we definitely, hopefully all of us, would agree on is that the political risk on this project has been one of the issues going forward. Partially it is how different schemes have been brought together. It is also just worth making the point, the reason for the road widening is not just around access to get contractor vehicles, heavy-goods vehicles, et cetera, up to build the site. It has also to be done, for example, in conjunction with the head of the ambulance service, who has given advice on the need to widen the road. So it is also being done in conjunction and on the advice of representatives from the blue-light services. So really what we are trying to say is we absolutely agree with the sentiment

of the Connétable of St. Helier. The significant difficulty we have is with the requirement to present a report for approval. There is absolutely no question, I can reiterate the commitment that we will absolutely be exploring all the issues around sustainable transport. I am completely in that category. Straight away the answer would seem to be a hoppla bus or whatever it is that will need to be provided there. Straight away, that obviously is something that would benefit much of St. Helier. But the key issue on this is the requirement in the amendment for an approval process because that then adds potentially 2 months on to this whole process even before we can get to the property acquisitions. That does cause delay and I cannot remember the exact figure, I think Deputy Huelin of St. Peter had made the comment it is something like £120,000 a day for every day of delay. It is very much in the hands of the Assembly. But I cannot really emphasise enough, Ministers are not going against this because of any fit of pique, something along those lines. It is purely for the absolute impact of the practical impact on the delay of the project. It is real. Obviously, it has come up very, very recently. If we had a chance we could have attempted to amend it but we felt we did not have the time to deal with it. It literally came in, I believe, last night. On that basis, I would ask Members to reject the amendment. It is very much on the basis that we will commit to providing all of the information that the Connétable is seeking, particularly around sustainable modes of travel to and from the hospital and also the impact on the surrounding environment. On that basis, I will pause there, but I do urge Members not to support the amendment as it is presently written.

[16:00]

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

I only have a few words to add really. I keep reading the amendment and it says: “To request the Council of Ministers prior to its acquisition of land or properties to facilitate access to the preferred site of the new hospital to present to the States Assembly for approval a report on alternative access strategies designed.” The Constable talked about one way. I know the hospital team are talking to, along with the Constable, residents and a lot have decided: “I would rather not live next to the hospital and you are prepared to take my home, I am happy to sell, obviously I do not want to lose any money.” My problem with this is what happens when it comes back, 6 weeks, 8 weeks, and we will be into January and there are a few properties on there that people say: “I do not like that and we do not like that”, and we have already delayed for so long. I have been in this Assembly too long probably to remember, this must be 10 years, and the first mention of Overdale was when it was a split site with Gloucester Street. The clinicians were very right in the end and said getting up and down that hill with half of us in Gloucester Street might not be that great. Then the mistake I think people made, my opinion, they went back to look at and everything was concentrated on Gloucester Street. Then we have had the iterations of People’s Park. As well, sometimes you have to admit this is being rushed, I have heard from Deputy Higgins; I think it has been rushed according to Senator Moore. Senator Moore was on that Scrutiny Panel when it was a split site, going back a while. Today, this to me, it just does not help. We need to get this passed; we need to get the site passed. You have heard Ministers say that they will try to incorporate everything the Constable wants. When I saw the plans I did ask for assurances, absolutely, about People’s Park and just what would be needed to go. I got those reassurances. Unlike some who have spoken, I trust the Minister who has told me this. I tried to stop the police station after 20 years of getting a home for the police station and I really did try. Sometimes you have to admit it is now there, the residents do not mind it, the residents feel quite safe and it is a fantastic building and the police needed it. That is the police. It is a small building compared to the hospital. I cannot support the Constable. I hope he can trust in the Ministers and the teams that are working with the residents. If you come back with half of these properties identified and half not, we are going to have a debate and it is not going to be helpful. Unfortunately, to build the hospital, we need the road widened and we do need the road widened when the hospital is there. Speeding ambulances up and down. We need the road to be better. It is not a great road, everybody knows that. I will leave it there but I really think some people need to think: do they want this hospital? Do they want the work to start? Do they want the unemployed builders who have suffered through COVID to get some work in? Or the subcontractors who might not be in the first

tranche? But it will be local builders, it will be locals working on this, and I do not want them delayed. I want the economy stimulated and I want it done as soon as possible. We have waited years and years for this hospital. It cannot go there, it cannot go there, now it must be worked on, and now it could be Overdale. You have heard everything why I cannot be. The clinicians say this site is even better because you can get everything on it, better than People's Park, although that is a flat site. I will leave it there, and I do respect my Constable, but some things have been rushed and this amendment, when you really read it, does not put anything back. If the Council bring it back, you will still get people who are not happy because their home is in or out. Whereas now we can be dealing with the public and telling them what needs to happen.

**9.2.15 Connétable J. Le Bailly of St. Mary:**

I have been asked many times: "Is it the intention to build a catering facility attached to Overdale in order to make the transport arrangements to deliver food between the catering facility at St. Peter and Overdale quite unnecessary, thereby reducing our carbon-neutral commitments over quite a long distance constantly?" Transport accessibility is vital to a hospital for all patients and visitors and staff alike, along with servicing the hospital itself. Pedestrianisation and cycling is of very little importance to those in hospital or those visiting, so it should not be considered a factor in the construction of a vital project. We should not delay a hospital for the sake of a road scheme. This should not be part of something, which will further delay a much-needed project. We need to get on with this now.

**9.2.16 Deputy G.P. Southern:**

Once again, we hear assurances from the Chief Minister: "Do not worry about this issue, I promise you we will look at and examine all the options, trust me and, therefore, do not vote for the Constable's proposition but just trust me". I am afraid I have heard those words "just trust me" all too often in my 18 years in this Assembly. I say the logical thing is not to trust the Chief Minister or any Minister for that but to vote. That is what you have as your weapon. If that is what you want, and there is absolutely no reason why it should cause inordinate delay, if you organise your consultation properly you can do that in a very efficient manner. So, no, if you think we do need to examine this option, then vote for the amendment.

**9.2.17 Connétable P.B. Le Sueur of Trinity:**

Just to be brief, the proposition that is before us I am afraid comes at the very last minute. The scheme that is being proposed by the political oversight group represents months of work by professional road planners working with the emergency services to arrive at a completely workable solution. Appreciate that we cannot make omelettes without breaking eggs. But we are at best well-meaning amateurs coming to the party at the last minute, trying to offer alternative solutions, when there is already a well-thought-out, well-planned, proposition before us. I am afraid I cannot support the Constable on this occasion. I understand why he is bringing it because perhaps in the same situation I would do the same to represent my parishioners. But we must be looking at the bigger picture and making our representations on the basis of what is best for the whole population. So I am afraid I cannot support the Constable's proposition.

**9.2.18 Deputy G.C. Guida of St. Lawrence:**

The whole Assembly needs to understand how big this project is. We are all quite scared by the amount of money that is going to be spent but it is also probably the largest project ever done in Jersey, even if you include the different forts. So this is quite a bit at the limit of what we can do. The last thing we want at any stage is we try to do it with one hand tied behind our back. We created this project as the best possible hospital for Jersey. What we are looking at now is can we compromise on the access to make it a little bit nicer for this or a little bit nicer for that. But not as an access. This is an access that will bear 5 years of heavy works. This is an access that will bear deliveries, indeed daily deliveries for massive operations. That will bear emergency vehicles coming up and down. It has to be the best possible access for the hospital. It has to be built exclusively on

access terms. Can we make it faster, straighter, wider? It has to match the hospital that we are building. We cannot look at this extraordinary building that we have in mind and then say: “Yes, but maybe we can have all this and make it a little bit nicer for a couple of neighbours or make sure that cycle access is better”. It will be ambulances. It will be 800 people commuting every day. It will be visitors going there very quickly and coming out very quickly. It is not a park. It is not something that you go and enjoy. It is something that you have to go to. So, yes, electric buses as much as we can, but they will be large and they will need very wide access with no sharp bends. So, please, I beg the Assembly, do not start by tying our hands behind our back when we are at the very, very beginning of the biggest project that the Island has ever done.

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

The only people having their hands tied behind their back are the States Assembly Members. We have been told these last few days how we have to vote for this, it cannot be delayed, cannot continue. Essentially we are being told that you do not have a choice. I did want to respond to the Connétable of Trinity because I believe he defined politicians, well-meaning amateurs. That is exactly what we all are, every single one of us is a well-meaning amateur. Because we are being asked constantly to decide upon subjects in which we are not professionals. So thank you for telling us what we are. But I just wanted to explain why I have sympathy with this amendment. That is threefold. One is the simple fact, if the road up Westmount was one way, then it would not need widening for ambulances, it is that simple. Secondly was the idea that the road is being widened in large part because of construction vehicles was something that did not come through in the presentations that I attended. Thirdly, it is something that is quite clear to me that sustainable transport has not formed part of the planning so far. The idea that a 600 to 700-space car park is needed to serve this hospital tells me straight away that there has been no thought given whatsoever to sustainable transport and trying to minimise the use of the individual motor vehicle. That has not been the case. In fact when I picked that up on the very first presentation of the Overdale site, at that point it was an 800 to 900-space car park, it has been reduced slightly, but I was given the answer: “We modelled it on car parks in England”. That is not an appropriate way to model a car park in an Island that is aiming for carbon-neutrality by 2030 and is demanding more sustainable means of transport. So all those 3 reasons give me very good reason to think long and hard about supporting this amendment because we need the hospital to be focused on sustainable transport. We need the hospital to minimise disruption to the residents in the area. I do take some umbrage with my fellow Deputy of St. Lawrence when he just says: “It is about being a bit nicer for the residents”. No, this is about people’s homes being destroyed and knocked down, which is a little bit more than just being a bit nicer to residents. So those are my reasons for considering very strongly to vote for this amendment but I will continue to listen to the debate before making my decision.

#### **9.2.20 The Deputy of St. Peter:**

Access is always going to be an issue; whichever site was to be chosen. Today we are here to attempt to go ahead with Overdale. I have sat on the political oversight group for some 2 years now. The effort that goes in and the planning that has gone in to ensuring that the right access point was found, or access route into Overdale was found. In fact many deliberations were taken because of that very same reason, Overdale would not be a sustainable hospital site for the next 60 years unless the access was deemed to be bulletproof.

[16:15]

Obviously, great concerns were given along the way because when we first had a look at that route it was quite clear that some homes would be affected and we would be asking people to potentially leave their homes for life. That is always going to be regretted but, compared to Gloucester Street, as we have heard from the Chief Minister, which I think was 14 homes and 2 hotels, on numbers terms only is not that bad. We have a situation where those 3 known homes, and they are quite splendid houses I have to accept. The owners of which have accepted this and I believe are very close to agreeing the right remuneration and the right timescales to leave and are ready to go to court

to ensure that this project can continue. There seems to be a discussion that this access route is for lorries only for construction. Yes, it has to start with the lorries, we cannot start the construction without this access route being completed for the lorries to get there. But it is very important to note that, if we are going to have any form of sustainable transport, we have to have a wide road to go up the side of that hill. Why? To have buses going 2 ways, ambulances going 2 ways, and, more importantly, pavements for pedestrians and for bicycles alike. A traffic impact assessment will take place. Environmental impact assessments will take place. The considerations and the sentiment of this proposition from the Constable of St. Helier will take place. However, one thing that cannot take place is delay. We can ill-afford any delay. We have a deadline to meet to get a spade in the ground before the election, which is in line to have a hospital built by the end of 2026 for reasons that we are all aware. It is therefore that reason that we will deliver on the impacts, we will work with the Constable. He will get an understanding of the sustainable transport policies that we are trying to adopt to ensure the access is deliverable. However, we cannot afford one second delay if we are going to deliver this hospital for the 100,000 people of this Island.

**9.2.21 Deputy R.J. Ward:**

I think what we have in this debate is an exact example of the juxtaposition between a Government that is desperately trying to push forward a project and an Assembly that wants detail that will mean that we can agree something and be able to represent our constituents fully. I want to go to the amendment itself. The amendment itself asks just for consideration of alternative methods of access. What we have got from that; that has been translated by those on the Government side into: "This will create huge delay. We cannot have this delay. It has to be brought by this time." They were not concerned about this delay when they put falsehoods on the table like People's Park being a site or St. Andrew's Park, which were a complete and utter waste of everybody's time and certainly delayed the process unnecessarily. We are presented with one site to vote on: yes or no. This is a small amendment that says consideration will be taken for access. There are enough people, we have spent enough money on enough experts to be able to deal with this consideration without delay and get on with the project if it is agreed. But the information for that project, and there are positives in the idea of Overdale, but I see no problem. Take it from me, with respect for my Constable, he does at times, he has brought amendments to my propositions that I have found incredibly annoying. But on this occasion, I must agree with my Constable, however annoying this may well be for the Government in terms of what is happening with the hospital. But I must agree and I think it needs to be considered fully. I, for one, will be supporting this and I do not accept the doomsayers saying that this is therefore the end of the project and it will take for ever to build. I am sorry, that is not a valid argument to bring to this Assembly.

**9.2.22 Deputy L.B.E. Ash:**

Basically I would start by saying: is this amendment a surprise? No. It is what has dogged this project since it was first mooted, what is now many, many years ago. That is the desire to delay, whether it be on sites, whether it be on the size, and now whether it is on the roads. The motto appears to have been, and still is in some cases: "If in doubt, delay". The delay has of course already cost this Island millions of pounds. Further delay, which is what is being advanced in some quarters here, will add to that mounting bill. Delays cost money. There is inflation of course, but there is also the additional costs of spending longer on the project than we need to do, thus increasing the cost. Even if we stand people down and then stand them up again, that adds to cost because of lead-in times. It can also lead to organisations moving their people on to other schemes temporarily and thus we lose continuity, experience and quality. When all is said and done, this is not a game. Let us today draw a line under the wasted expenditure of the last few years because, if we do not, there will be no spade in the ground in 2022.

**The Bailiff:**

Does any other Member wish to speak on the amendment? If no other Member wishes to speak on the amendment I close the debate and call upon the Connétable of St. Helier to respond.

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

I want to deal with a couple of the last speeches first if I may and pick up, if I can, some of the general comments being made. If I could go first to Deputy Ash, I must impress upon him and on the Council of Ministers that there is no desire on my part, no intention to delay the project. In fact I support the choice of Overdale. I have for a long time. I share the vision that is outlined in P.123 of a hospital campus on a prominence above St. Helier with views for the patients to enjoy. Indeed a hospital, which will be hopefully designed by great architects, which will be extremely well done. And which we will all look up and see, whether we are in town or possibly elsewhere in the Island, perhaps out in our boats in St. Aubyn's Bay, and we will see it and we will be proud of our hospital. That is the vision I have. I believe I share that with the Ministers and those who do not support this amendment. But I have to say the Council of Ministers and the political oversight group could have got it right. What other hospital these days, in Europe, in fact anywhere in the world, is advanced without a travel plan? But that is what we have. We have no idea and we have no commitment that the travel to and from the hospital will be any different from the way it has always been, whether that is limited use of the buses, limited use of sustainable modes. As Deputy Morel commented, the very fact that it is all about the car park suggests that we are not really requiring Islanders to do anything very differently. He and a couple of other Members reminded us that we have committed to zero-carbon. We have for decades of course committed to all kinds of environmental commitments. We really stand no chance of achieving them if we continue to base our engineering on car accommodation and business as usual. I would also like to take issue with the Deputy of St. Peter who made comparisons with the number of residents that would have been affected by the Gloucester Street scheme. I would argue that hotels are not the same as people's properties because people do not tend to live in them, even those who own them. I would remind him and other Members that there are hundreds of people who have moved into Westmount Apartments overlooking People's Park. Yes, they have had the threat of a hospital in front of their apartments. They have had that threat removed. But they are really worried about the impact on their lives in those apartments as this monster scheme gets underway. Particularly now we have just heard today that there will be 5 years of misery as H.G.V.s (heavy goods vehicles) cart the construction materials up and down in front of their windows. So there are a lot of residents that are being affected. Some Members have tried to play down the number of homes that will be required by this development. If they had stood with me and the Deputies of the District and spoken to those residents and heard how they are not sleeping, I think they would have perhaps had a slightly different story to tell. I would remind Members, it is not so much the buildings, the households that are being intended for demolition, these are particularly the ones closest to the road at the top of Westmount Road, it is the ones nearby. The people whose homes will not be bought but will now find themselves living next to a major road. They are the people who are worried and yet their homes are not being offered to be purchased. I want to turn next to the major reason that some Members have opposed the proposition. It is because they object to the prospect of delay. They refer to the wording of the proposition. It was carefully worded. I did originally think of just asking for a report but I realised that would not achieve anything. That would achieve lots of fine words. We have had fine words before when we have considered large developments. I was in the States Assembly as a very young Deputy when the work on the waterfront was first outlined. I remember the late former Senator Dick Shenton talking about how wonderful it would be if there could be lots of open space and the buildings would be served by sustainable transport and there would be very little traffic on the waterfront. Of course the States did not build in any cycling infrastructure. They did not build in any walking infrastructure. So those have had to be retrofitted and, as a result, are really not very good. If we turn to my amendment, the wording of the amendment requires the Council of Ministers to do this work on a hospital travel plan and on looking at the alternatives to making this U.K.-style roadworks on Westmount Road, in particular, and not to purchase any land or properties required to facilitate access. So that statement does not say they cannot buy the field opposite Overdale. It does not stop them buying Westmount Terrace, which are properties right in the middle of the scheme, or indeed other properties, which are part of the Overdale area as shown in the plan on P.123. What this wording is designed to do is to prevent

the Council of Ministers from buying up land on the way up to Overdale. That is properties required to facilitate access to the preferred site. Particularly of course I have in mind here the properties on the right-hand side at the top. These are the residents that I and the Deputies have met and invited to the meetings. Also of course the Jersey Bowling Club, who have been told they have to be out by June next year and they are not even sure if they would be able to run a season next year and send out the annual membership. These are the properties I believe should not be purchased until we are absolutely sure that Westmount Road will not work as a one-way system. Going back to some of the speakers, I want to thank Senator Farnham for being, as usual, very gracious in his remarks. I have commended him in the report for the way he handled the meetings with residents. Some of these people were very upset and I think Senator Farnham has handled those difficult meetings extremely well. He does say that there will be a delay. I hope I have managed to explain to him that it is not the intention of the wording here to delay the acquisition of properties for the hospital but merely to make sure that the access up to Westmount Road is properly looked at. He was followed by the Minister for Infrastructure, Deputy Lewis, and again I thank him for his gracious remarks. He did talk about the difficulty of the St. John's Road and Queen's Road junction, and I would argue that needs sorting anyway. It is currently dangerous for the hundreds of students trying to walk to and from Haute Vallée School, and any of us who have driven up Queen's Road or driven along St. John's Road to that junction know that it is a terrible junction. It might convince some people not to put the hospital at Overdale; what I see it as is an opportunity to sort out the traffic at that junction and to make sure that priority is given to walkers and cyclists.

[16:30]

If the rest of us in our cars have to wait a bit longer because there are lights there, because we are allowing the pedestrians and the cyclists a chance to get across the road, then I for one am happy to sit in my car a bit longer to allow people who are walking and cycling to the hospital and from the hospital to carry that out properly. I want to thank Deputy Le Hégarat for her support. She was, I think, the first Member who really flagged up the worry that the road works are principally being done to build the hospital. I do not think any of us buy the need to have a wider road up Westmount. If it is a one-way road there is plenty of width and, as I said in my opening remarks, it is quite conceivable that the hairpin can be eased without either destroying the bowling club or the properties at the top of the road. If I could turn to the Chief Minister; he and others have made a commitment to look at access and he too is worried about the delay. I would suggest that if the transport planners can come up with a hospital plan and they can come up with revised proposals then the Assembly would be very happy to look at a shorter lodging period for the Council of Ministers to bring this back to the States. The Assembly has after all very kindly reduced the lodging period for this amendment, and I am sure they would be willing to reduce the lodging period for the Council of Ministers if they could bring back revised proposals very soon. I do not think I have left any questions unanswered. I would like to say that my vision is the same as is stated in P.123 and indeed I took my lead from the quotation where they said that the higher cost of Overdale over People's Park: "Will be outweighed by its contribution to the long-term health and care outcomes of Islanders over its lifetime." I think that is a really important remark and I do not think it should just be left as mere words because if it is left as mere words then it is simply not going to happen. As Members probably have not had much time to digest my report, which I accept is late, I just want to finish by quoting a section from it. I refer in the report to my experience of going up to the crematorium, and it is something I have to do a fair bit and of course it is a solemn occasion. But what I have discovered is that if I do not take my car to the crematorium ... and of course the crematorium traffic is a subject that nobody has mentioned but it is pretty horrendous if there is a big funeral at the crematorium, but we are in Jersey, we are used to sitting in our cars if there is a problem and we put up with it. But I thought it would be better for my health if I started walking to the crematorium. The first time I simply did not leave enough time and I was struggling to breathe as I sat in my pew. I have learnt now to leave a bit longer and it is a great walk, and it is a chance to think about the person that one is going to the crematorium for. Indeed it is a chance to enjoy the beauty of Westmount Woods.

Something I would say again is that I am very impressed with the way that the Council of Ministers has found an access route that does not destroy the woods below Overdale, and those are going to be really important for the patients in the hospital and their visitors, and indeed for people who choose to walk or cycle up through the woods to get to the hospital. I think the environment around the hospital is a really important part of what will make it a success. But if I can quote perhaps the bigger picture of sustainable transport, if I just refer to my report: “Imagine doing the walk every day or taking advantage of an e-bike, cycling up to the new hospital along the safe, segregated cycle route that could be provided without the kind of drastic roadworks that probably are required if Westmount Road remains 2-way. Imagine a new walking and cycling access to the new hospital coming up through the trees from the Inner Road, allowing staff and visitors approaching from the west who are fit and able to use the more sustainable modes of travel to enjoy the woodland environment below the new hospital as they make their way to and from it. Imagine safe, segregated cycle ways and proper pedestrian facilities for those approaching the new hospital from the north, which would incidentally make life so very much easier for students of Haute Vallée School who currently brave some of the most unsatisfactory junctions and pavements in the Island. Imagine for those staff and visitors unable to walk and cycle a frequent, free, efficient and environmentally friendly hospital shuttlebus service. The combined effect of an access solution for Overdale which places sustainable transport at its heart would be to create a fitter and happier population which would indeed save money in the long run.” I maintain the amendment.

**The Bailiff:**

Thank you very much, Connétable. I ask the Greffier to put the voting link into the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The amendment has been adopted:

<b>POUR: 23</b>		<b>CONTRE: 19</b>	<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator L.J. Farnham	
Senator S.W. Pallett		Senator S.C. Ferguson	
Senator S.Y. Mézec		Senator J.A.N. Le Fondré	
Connétable of St. Helier		Connétable of St. Clement	
Connétable of St. Brelade		Connétable of St. Lawrence	
Connétable of Grouville		Connétable of Trinity	
Connétable of St. Martin		Connétable of St. Peter	
Deputy G.P. Southern (H)		Connétable of St. Mary	
Deputy of Grouville		Deputy J.A. Martin (H)	
Deputy M. Tadier (B)		Deputy K.C. Lewis (S)	
Deputy M.R. Higgins (H)		Deputy J.M. Maçon (S)	
Deputy of St. Martin		Deputy S.J. Pinel (C)	
Deputy L.M.C. Doublet (S)		Deputy of St. Ouen	
Deputy R. Labey (H)		Deputy S.M. Wickenden (H)	
Deputy G.J. Truscott (B)		Deputy of St. Mary	
Deputy K.F. Morel (L)		Deputy L.B.E. Ash (C)	
Deputy M.R. Le Hegarat (H)		Deputy G.C.U. Guida (L)	
Deputy S.M. Ahier (H)		Deputy of St. Peter	
Deputy J.H. Perchard (S)		Deputy of St. John	
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

**Deputy R.J. Ward:**

Sorry, Sir, what are the final numbers on that one?

**The Bailiff:**

By my calculation that is 23 votes pour and 19 votes contre.

**9.3 Our Hospital Site Selection: Overdale (P.123/2020) - amendment (P.123/2020 Amd.)**

There is a further amendment lodged by the Future Hospital Review Panel, and I ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 2 – Designate the existing paragraph as paragraph (a) and insert the following paragraph – “(b) to request the Council of Ministers to present a report to the States prior to lodging any proposition seeking the Assembly’s approval of the Outline Business Case for the new Hospital, to contain the following – (i) the performance detail from the demand-modelling with all key demand and capacity assumptions linked to the sizing of the new hospital and how this links to the role and function of health facilities as set out in the Jersey Care Model; (ii) a statement by clinical specialty that senior clinical representatives have agreed and signed off their respective departments, both room areas via the Schedule of accommodation, and drawings that match the latest hospital plans; (iii) the proposed hospital total area including all main hospital street communication corridors, department circulation and non-roof plant, in order to provide a total inclusive Schedule of Accommodation; (iv) the calculations for all project cost including non-works costs, equipment costs, non-medical costs (including the whole life transport solution), inflation, optimism bias, a clear split of all project contingencies, the premium costs for materials and confirmation that all “current exclusion” are subject to at least the latest provisional sums; (v) an analysis that the aligned programme has taken account of both the programme impact, Covid-19 and Brexit; (vi) a full breakdown of the assumptions and amounts for recurring savings supporting the overall affordability of the project for both capital and clinical/support revenue; and (vii) forecast Cost at Completion, broken down into components identified in Paragraph 6 of the report accompanying this proposition.”

**Senator K.L. Moore:**

Before I start I would like to say that I do not accept the amendment to the amendment.

**The Bailiff:**

We will come on and deal with that in due course.

**9.3.1 Senator K.L. Moore (Chair, Future Hospital Review Panel):**

The purpose of this amendment is for the Council of Ministers to present a report to the States prior to lodging any proposition, seeking the Assembly’s approval of the outline business case for the new hospital. Without a joined-up approach to the Our Hospital project, which includes strategic design and clear inclusive capital assumptions, the States Assembly risks being placed in a position where it cannot have confidence in or appropriate assurance about the total cost. The purpose of this amendment is to give the Assembly confidence and assurance about the cost. The panel found that in the absence of an outline business case at this stage there is very little detail as to the cost of this project beyond the headline figures. It is noted that a total development budget of £804.5 million has been proposed for this project. The advisers explained that the design of the hospital is still at a pre-concept phase, the cost of land acquisition is still unknown, and any technical challenges with the project remain to be revealed; as Members have just identified in the previous debate. In the absence of an outline business case the panel agrees with its advisers that while cost and affordability would normally feature significantly in any options appraisal it is noticeably absent from the site selection process. Indeed both People’s Park and the Gloucester Street site were both much cheaper. The panel notes that the funding approval for the chosen scheme will be brought to the States Assembly via a separate finance paper in the form of an outline business case in May of next year. The panel requests in order to give the Assembly confidence and assurance the following costs should form part

of the report brought to the States Assembly prior to lodging any proposition seeking the Assembly's approval of the outline business case for the new hospital. Those being - and apologies for the long list - the construction of the hospital and its ancillary facilities, furniture and fixtures and equipment, decant costs, delivery partner contingency, site specific costs, preconstruction services agreement, site acquisition costs, services and utilities, optimism bias and client contingency, migration costs - that is moving from the existing hospital to the new facility - pre-operational costs, I.T. and specialist equipment, demolition of existing hospital, Government of Jersey internal costs, external adviser costs and total forecast development budget. The report once brought to the States, prior to lodging any proposition seeking the Assembly's approval of the outline business case for the new hospital, should also highlight the demand and capacity of the size of the hospital and how it links into the Jersey Care Model; full details on how the size of the hospital has been calculated in line with the Care Model; senior clinical representatives should also have agreed and signed off their respective departments in line with the drawings that matched the current hospital plans; the proposed hospital total area including all main hospital corridors, department circulation and non-roof plant are also signed off and agreed in line with drawings that match the current hospital plans; all project costs including non-work costs, equipment costs and non-medical costs, inflation, optimism bias, contingencies split, materials costs are all subject to the latest provisional sums; what is currently being proposed prior to lodging any proposition seeking the Assembly's approval of the outline business case when it comes to the Assembly; an analysis that the aligned programme has taken account of both the programme impact, COVID-19 and Brexit; finally, a full breakdown of the assumptions and amounts for recurring savings supporting the overall affordability of the project for both capital and clinical support revenue. Although these might sound very technical it is not because we assume that the Assembly should be a specialist overseeing body, but it is normal procedure and good process that such specific items would be identified and properly costed at the stage that the Assembly has to take that important decision to move forward with this project. We take this extremely seriously, particularly in light of the very long-term impact that the cost of this project will have on Islanders for the next 30 to 40 years. Therefore, I do propose this amendment.

[16:45]

**The Bailiff:**

Thank you very much, Senator. Is the amendment seconded? [**Seconded**]

#### **9.4 Our Hospital Site Selection: Overdale (P.123/2020) - amendment (P.123/2020 Amd.) - amendment (P.123/2020 Amd.Amd.)**

**The Bailiff:**

There is an amendment to the amendment proposed by the Council of Ministers. I ask the Greffier to read that amendment to the amendment.

**The Deputy Greffier of the States:**

Page 2, paragraph (b), delete the words "Outline Business Case" and substitute the words "financing strategy" and, in paragraph (b)(ii), after the words "a statement" for the words "by clinical specialty that senior clinical representatives have agreed and signed off their respective departments" substitute the words "that the Associate Medical Directors for Scheduled Care, Unscheduled Care, Mental Health and Primary Care have agreed and signed off operational areas for Our Hospital that fall under their respective care groups".

#### **9.4.1 Senator L.J. Farnham (Deputy Chief Minister - rapporteur):**

We are accepting the Scrutiny Panel's amendment almost in its entirety but just with a couple of minor clarifications. These are in paragraph (b) that the States will debate the financing strategy, which will be supported by the outline business case, and in paragraph (b)(ii) that there would be a need to better define senior clinical representatives to mitigate the risk of the project being stalled at a later date because we were unclear of exactly who needed to sign off the hospital plan. Senior

clinical representatives could include a very, very broad group of people. The director general of health services and the clinical director of Our Hospital have advised that the most appropriate group of clinicians would be the associate medical directors for scheduled care, unscheduled care, mental health and primary care, as we recognise as our senior clinical representatives. The amendments put forward by the panel describe what could be considered appropriate controls for a project of this scale to provide some assurance to States Members and the public of how the assumptions behind the hospital have been built up. So in accordance with the amendment we will provide detailed information about how costs are broken down, controlled, and how external factors such as COVID-19 and Brexit will be taken into account in the project. We will incorporate this information into our outline business case, which will be presented as a report to the States and support a proposition to the Assembly about how we will finance our hospital. It is anticipated that the outline business case will be developed and published for late spring 2021 and will be presented to the Assembly, as I have said, as a report before a proposition is lodged to debate the finance strategy. That is pretty much exactly what the amendments are asking for but utilises a slightly different terminology. As we have noted, the programme is ambitious but achievable, with a view to submitting a detailed planning application in the autumn of 2021 with hopefully a positive planning determination in spring 2022, and starting on site before the next general election. However, producing this report should not delay the delivery of our hospital, which is why we can support in broad principle the amendment, thank you.

**The Bailiff:**

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

**9.4.2 Senator K.L. Moore:**

I would ask Members to vote against this amendment to the amendment, particularly the first point, the replacement of the outline business case reference to replace it with a financing strategy. While of course we will welcome a financing strategy being brought to the Assembly we do also feel that it is good process to bring the outline business case and in doing so it will allow proper scrutiny of that outline business case, whereas if it is not brought then it will not go through the same process. Our advisers have found it quite perplexing that the Government has chosen to depart from accepted best practice on several occasions, and I hope that Members have been able to read their extensive report which is most helpful. It has been brought by our advisers who have a wide range of experience and have built hundreds of hospital around the world so they are well placed to offer their views, and indeed the panel have found them extremely helpful. With regards to the second point, I would contend that it is better to stick with the Scrutiny Panel's version of the amendment. It offers a broader cross-section and as we often know in the medical world there is not always a healthy view of the hierarchy internally and, therefore, the wider the cross-section and the broader the diversity of the opinions sought from medical professionals the better for process also. I am grateful to the Deputy Chief Minister for accepting the remainder of our amendments, which is most welcome, and look forward to listening to the rest of the debate.

**The Bailiff:**

Does any other Member wish to speak on the amendment to the amendment? If no other Member wishes to speak then I close the debate and call upon Senator Farnham to respond.

**9.4.3 Senator L.J. Farnham:**

There is not a lot more to say but I would just like to press the point slightly in terms of the definition. It may be seen by some as a minor point but the clarification I think is important. As I said before, there would be a need to better define senior clinical representatives as stated in the amendment. That is why, upon advice from our director general and the clinical director for the Our Hospital group, who themselves between them have significant experience and have also been involved in very many projects, have advised that the most appropriate group of clinicians which fits in with our

structure and are the appropriate senior clinicians to sign off what is being asked for, would be the associate medical directors for scheduled care, unscheduled care, mental health and primary care. It is fairly subtle but an important difference, however, either way we will work around it. Also, just in relation to the amendment asking us to produce a report, we are going to produce a report and that report will be our outline business case, so again it is more about terminology. So for the interests of continuity throughout the project, and to avoid a slight risk of the project being stalled because we cannot ascertain or agree on who the senior clinical representatives are, I would ask Members to support this minor amendment to Senator Moore's amendment.

**The Bailiff:**

I ask the Greffier to post a voting link. I open the voting and ask Members to vote in the normal way.

**Senator J.A.N. Le Fondré:**

Can I ask a quick question while people are voting?

**The Bailiff:**

I have just closed the voting, Chief Minister, are you sure this is an appropriate time to ask it?

**Senator J.A.N. Le Fondré:**

The reason is that I am not entirely sure if everybody is in the right chat for voting.

**Senator L.J. Farnham:**

Sorry, could I just also confirm there appear to be some Members who are not in our meeting or have access to this chat.

**The Bailiff:**

I have noted 7 votes in the chat and there are 38 Members who have cast their votes on the link, so I am not sure how that works. I think we have to proceed and take the vote because it is impossible now to check this in the middle of a vote being cast. I ask the Greffier to close the voting. The amendment to the amendment has been defeated:

<b>POUR: 22</b>		<b>CONTRE: 23</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.C. Ferguson		
Senator L.J. Farnham		Senator K.L. Moore		
Senator J.A.N. Le Fondré		Senator S.W. Pallett		
Connétable of St. Helier		Senator S.Y. Mézec		
Connétable of St. Clement		Connétable of St. Lawrence		
Connétable of St. John		Connétable of St. Brelade		
Connétable of Trinity		Connétable of Grouville		
Connétable of St. Mary		Connétable of St. Peter		
Connétable of St. Ouen		Connétable of St. Martin		
Deputy J.A. Martin (H)		Deputy G.P. Southern (H)		
Deputy of Grouville		Deputy M. Tadier (B)		
Deputy K.C. Lewis (S)		Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		Deputy of St. Martin		
Deputy S.J. Pinel (C)		Deputy R. Labey (H)		
Deputy of St. Ouen		Deputy G.J. Truscott (B)		
Deputy S.M. Wickenden (H)		Deputy K.F. Morel (L)		
Deputy of St. Mary		Deputy M.R. Le Hegarat (H)		
Deputy L.B.E. Ash (C)		Deputy S.M. Ahier (H)		
Deputy G.C.U. Guida (L)		Deputy J.H. Perchard (S)		
Deputy of St. Peter		Deputy R.J. Ward (H)		
Deputy of Trinity		Deputy C.S. Alves (H)		
Deputy of St. John		Deputy K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

**9.5 Our Hospital Site Selection: Overdale (P.123/2020) - amendment (P.123/2020 Amd.) - resumption**

**The Bailiff:**

We now return to the debate on Senator Moore’s amendment. Does any Member wish to speak on the amendment? If no Member wishes to speak on that amendment then I ask the Greffier to put a link in the chat. I open the voting and ask Members to vote in the normal way.

**Senator L.J. Farnham:**

Sir, it has been a long day, but did the chair of Scrutiny need to speak on her amendment?

**The Bailiff:**

No, Senator, the amendment was proposed, it was seconded, we then moved to consider the amendment on the amendment. No one has wanted to speak in response to the opening speech by Senator Moore, therefore, there is no right of response and we move straight to the vote.

**Senator L.J. Farnham:**

Understood, thank you.

**The Bailiff:**

If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The amendment has been adopted:

<b>POUR: 31</b>	<b>CONTRE: 7</b>	<b>ABSTAIN: 0</b>
Senator L.J. Farnham	Connétable of St. John	
Senator S.C. Ferguson	Connétable of St. Ouen	
Senator J.A.N. Le Fondré	Deputy J.A. Martin (H)	
Senator K.L. Moore	Deputy J.M. Maçon (S)	
Senator S.W. Pallett	Deputy S.J. Pinel (C)	
Senator S.Y. Mézec	Deputy S.M. Wickenden (H)	
Connétable of St. Helier	Deputy G.C.U. Guida (L)	
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Martin		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy L.B.E. Ash (C)		

Deputy K.F. Morel (L)			
Deputy of Trinity			
Deputy of St. John			
Deputy M.R. Le Hegarat (H)			
Deputy S.M. Ahier (H)			
Deputy J.H. Perchard (S)			
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

**The Deputy Greffier of the States:**

Those voting contre: are Deputy Guida, Deputy Wickenden, the Constable of St. John, the Constable of St. Ouen, Deputy Martin, Deputy Maçon, Deputy Pinel.

**9.6 Our Hospital Site Selection: Overdale (P.123/2020) - as amended**

**The Bailiff:**

Very well, we now return to debating on the main proposition as amended. Does any Member wish to speak on the main proposition? If no Member wishes to speak on the main proposition, then I close the debate and ask the Greffier to put the vote in the voting link. I am sorry, the Deputy of St. Martin, it is too late, I have closed the debate. I offered a good opportunity for people to communicate.

[17:00]

Has anyone tried to indicate and then it just has not appeared in the chat? What I want to do is I want to understand, if Members can assist me, what happened was I asked if any Member wished to speak. I left a significant pause, I closed the debate and asked for the vote to be posted. Nobody at that point had indicated a desire to speak and, therefore, the debate is closed under the way that we normally practice in this Assembly. At least one Member, the Deputy of St. Martin, has indicated a desire to speak. The Deputy of St. Martin, did you miss the vote or did you press send and it just did not reach the chat?

**The Deputy of St. Martin:**

I have to admit, Sir, that I pressed the button after you closed the debate. I was late, so I typed it out, pushed the button and it was too late, so I did not have any problems technically.

**The Bailiff:**

Thank you very much indeed.

**Senator L.J. Farnham:**

Sir, just to confirm now, we are voting on the main proposition as Overdale for the preferred site as amended.

**The Bailiff:**

Yes, I am afraid the vote, therefore, is to be made on the main proposition and I ask the Greffier to post the link. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. It has been adopted:

<b>POUR: 37</b>	<b>CONTRE: 6</b>	<b>ABSTAIN: 1</b>
Senator I.J. Gorst	Senator K.L. Moore	Deputy I. Gardiner (H)
Senator L.J. Farnham	Senator S.W. Pallett	
Senator S.C. Ferguson	Connétable of Grouville	

Senator J.A.N. Le Fondré		Deputy M.R. Higgins (H)		
Senator S.Y. Mézec		Deputy of St. Martin		
Connétable of St. Helier		Deputy J.H. Perchard (S)		
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

**The Deputy Greffier of the States:**

Those voting contre in the chat: the Deputy of St. Martin and Senator Moore and then in the link the Constable of Grouville, Senator Pallett, Deputy Perchard, Deputy Higgins and Deputy Gardiner abstained.

**Senator L.J. Farnham:**

I wondered if I just may say something very briefly because there was not an opportunity to sum up. But I just wanted to add for the record a vote of thanks to the Our Hospital team of professionals that assisted in this panel, all of whom who have worked considerably long hours and very hard to get to this stage. I would also like to thank States Members for their support and give them my reassurance that we will deliver this project, we will deliver it well and we will deliver it together.

**10. Our Hospital Project: acquisition of land at Overdale (P.129/2020)**

**The Bailiff:**

Thank you very much, Senator. The next item is the Our Hospital Project: acquisition of land at Overdale, P.129, lodged by the Council of Ministers. The main responder will, of course, be the chair of the Future Hospital Review Panel, Senator Moore, and I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of the opinion: (a) to approve the acquisition by the Public of the land and properties required to deliver the Our Hospital project at Overdale Hospital, including, where appropriate land or property to accommodate the hospital buildings and their reasonable curtilage and any other properties to facilitate access to the site as identified in the relevant drawing for the adopted site in Appendix 1. (b) to negotiate with the owners for the purchase of the said land and properties at a fair and proper price to be agreed by the Minister for Infrastructure; (c) to agree, in principle, that the Minister for Environment should be empowered, in exercise of the powers conferred by Article 119 of the Planning and Building (Jersey) Law 2002 and subject only to the approval of requisite funding, to acquire the land and any interest therein by compulsory purchase on behalf of the Public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961; (d) to authorise the Attorney General and the Greffier of the States on behalf of the Public to pass any necessary contracts in connection with the acquisition and subsequent sale of the site and adjoining land.

**10.1 Senator L.J. Farnham (Deputy Chief Minister - rapporteur):**

We all know that compulsory purchase is a legitimate tool of all the States, but is also considered rather draconian and its use must be recognised as an appropriate and proportionate action to retain legitimacy but only as a last resort. Even when authorised compulsory purchase is an action of last resort when negotiations have failed to reach a reasonable agreement. We all know the long history of the new hospital but, more importantly, we know that the need for a new hospital has become critical. It is vital for the Our Hospital project to be completed by 2026 to avoid having to sink further investment into the existing hospital building, making sure that the land and properties required to enable the project must be secured as soon as possible. Taking someone's property and, in particular, someone's home must show a compelling case of public benefit and that there are no reasonable alternatives. The site selection process that has been undertaken demonstrates a transparent and logical consideration of sites for the hospital across the Island. The consideration and recommendation takes into account the fact that private land and, in particular, that the homes of some people are required. For the Our Hospital project there had been significant progress in acquiring the 3 houses that are needed by agreement. These properties are in the most sensitive part of the land that is needed and this progress represents good news and demonstrate that negotiate acquisition is very often achieved. I would like to thank the owners of those houses for their co-operation to date in what must be a very unsettling situation for them. The remaining land is also being negotiated and good progress is being made, however, the project cannot be allowed to stall over the unwillingness to sell land or the demand for unreasonable valuation. The programme to deliver the hospital is ambitious but achievable and we have made a very important step today with the previous proposition and supporting Overdale as the preferred site. However, if land cannot be assembled to deliver the project, there may be significant delays due to the size of the expert project team working on the project and inflationary effects in any delay would, therefore, be costly. But we have had that debate and we stand at risk of continuously repeating ourselves. We must remember that this is an in-principle position that will enable the project team to continue negotiations in the knowledge that powers are available should negotiations fail. The compulsory purchase legislation requires that the States agree a plan showing the land to be acquired and a credit of money is necessary to meet the expenses to be incurred in the acquisition of the land and that the land has been voted by the States. This proposition asks the States to approve the plan and this plan shows a maximum area of properties and land that will need to be acquired and we hope the need for any compulsory purchase will apply to the fewest number, if any, properties. There will be a need to compulsory

purchase some areas of land where there is not certainty over who owns the land or where covenants exist. For example, there is a covenant on one of the fields that does not allow any building along the road frontage. Compulsory purchase will extinguish that covenant but allow our compensation to be paid to those who benefit from the covenant. If we exhaust all our avenues of negotiation in the Assembly we will be asked to vote on the expenses in accordance with the legislation, so that the compulsory purchase powers can be exercised by Ministers. It is important to remember that if the compulsory purchase process is followed to its conclusion, an independent panel establishes the level of compensation that is appropriate for any land or property. Property owners will not lose out financially on the value of their land in any compulsory purchase process. While I stress that going through with the compulsory purchase process will be the last resort, the safety net needs to be in place to ensure there is no undue delay to the critical project and the necessity to build our new hospital. I commend the proposition to the Assembly.

**The Bailiff:**

Very well, Senator. Is the proposition seconded? **[Seconded]**

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

I was only hoping that the Minister would refer back to the previous proposition as amended and just clarify that properties required for the access suggested in P.123 will not be purchased before he has come back to the States with the Sustainable Transport Plan for the hospital, as agreed.

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

I think Members know full well that I have always supported the Overdale site as a site for the hospital. I am, however, very deeply concerned about the design. I think the access is poor and I do not believe that that access, as proposed, is the best available. I am very strongly against building a car park on an agricultural field. If I just take a step back and let Members know what my vision was and that was to access the site from the Inner Road via the King George V Cottage Homes. This is an excellent access point off a large road and it does not have the difficulties that the other access has. It means that the hospital can then be built further to the west on the lower parts of the site and not on the highest parts of the site. The 2 agricultural fields involved could then be used for affordable housing, both rental and purchase for future medical staff that the hospital will require. There is no point putting up a hospital unless you can get the staff, and one of the most important issues in getting staff is not just providing accommodation but also providing accommodation for purchase, not just rental. I am sad with the design that they have put forward, I do not think it is an efficient use of our assets and I think also it brings into the equation compulsory purchase, which would not normally be needed with a better design. I would, with great regret, urge Members to vote against this proposition because I do not believe it is the right design. We have got the right site, that I am convinced with but it is not the design and I do not think compulsory purchase is necessary. To vote in principle is in fact giving us a sledgehammer to hold over the heads during the negotiation stage with the various people being asked to give up their homes. With that, I will be voting against this proposition.

[17:15]

**10.1.3 Senator J.A.N. Le Fondré:**

I thought I better just follow after the last speaker, who I hold in great admiration. I think the one observation I would make is, fairly obviously, the complete full design of the hospital because it is obviously not yet complete. That is the first point, is to get the site confirmed which is what obviously Members have just done. I think the crucial thing really is just to reiterate this is not just about houses and certainly my position is I have always not been a fan of compulsory purchase but particularly unless it was absolutely necessary. This Assembly did, for example, approve it for the Les Quennevais School position and one of the reasons where I have been persuaded on compulsory purchase for this site is it is not just about houses. It is about land that does not necessarily have a direct social impact that we need to deliver the hospital. It is particularly around small parcels of

land where ownership is not clear and also particularly where covenants or restrictions exist because the compulsory purchase order allows that to be, for want of a better expression, cleared up. It is about assembling the land to deliver a hospital and ensuring that we are acting in the Island's healthcare interests and obviously that is then an individual landowner cannot hold that project to ransom. As we have already said, the compulsory purchase process is the last resort but it is that safety net that needs to be in place to ensure there is no undue delay to the project. If I can just confirm the comments made by the Connétable of St. Helier. His understanding is absolutely the same as mine and, as we have said, this is about enabling the project to progress. It is about demonstrating we have a compelling case for the public benefit and there is no reasonable alternative. I know we have talked about delay. We know the existing hospital's state is deteriorating and we know, obviously, there are certain things that Members want us to come with but within all of that the Connétable of St. Helier was very clear he had no issue around the extended purchase of other land other than that for the accessing of the site. The Assembly has approved Overdale as the preferred site for our hospital. This is now about enabling us to assemble the land and, as Senator Farnham has already alluded to, there is, for example, a covenant on one piece of land that does not allow any building along the road frontage. Compulsory purchase will enable that covenant to be extinguished. It will also allow compensation to be paid to those who benefit from the covenant. I cannot really add much more than that. I would hope Members have been appropriately briefed on all the various briefings that Senator Farnham and our hospital team have conducted and on that basis, I would urge Members to be supporting this proposition.

**The Bailiff:**

Thank you very much, Chief Minister. Deputy Labey, you have asked for an opinion from the Attorney General. It might be helpful if you were to ask him the question now. It is not clear how many Members wish to speak and whether we will be continuing with this aspect of the debate and whether it will still be live overnight. Perhaps if you ask now, that might be helpful.

**Deputy R. Labey:**

I just wanted to know from the Attorney General what the status of the land that might be compulsorily purchased is after we have just passed the proposition that we have passed. I wanted to also know if, in passing this today, does that mean that if it goes to compulsory purchase, it does not have to come back to the Assembly? I am happy to propose the adjournment now and give the Attorney General overnight because, undoubtedly, we are sitting tomorrow anyway.

**The Bailiff:**

I will ask the Attorney General if he is able to advise immediately or if he wishes some time to consider it.

**Mr. M. Jowitt, H.M. Solicitor General:**

In fact, Sir, it is the Solicitor General. It is somewhat late in the day. I could venture an answer now but I would be grateful if the Deputy could repeat his question in an email just so I am sure I have it covered. I am confident we can answer it either before you rise tonight or first thing in the morning.

**Deputy R. Labey:**

May I just interject? I thought I did cover that positioning in the opening speech and the question was, for the Solicitor General's benefit, if any of the acquisitions went to compulsory purchase, when would the States have to agree it?

**The Solicitor General:**

Can I then try to answer it in this way? Under the Procedure Law, it is not sufficient for a compulsory purchase simply that there has been a decision by the Assembly to order a purchase. There has, in addition, to be a second and further vote of the Assembly to agree a budget as the second and necessary limb of that purchase order. It is only when both of those things are in place, a decision to

purchase and an agreed budget for the purchase, that a compulsory purchase can proceed. Until that second decision is made, the status of the land at the moment remains that it is in private ownership and will remain so until such time as the necessary building lots are in place to push on with a compulsory purchase. I hope that is helpful.

**Deputy R. Labey:**

That is extremely helpful of the Solicitor General and I thank him. I just wanted to get clarity also on how the land is currently valued now. My understanding in law is that a field is a field and it is I think valued as an agricultural field but now that this has been passed, is it still an agricultural field or is it a potential building plot in terms of the price attached to it that is fair?

**The Bailiff:**

Are you able to assist, Mr. Solicitor?

**The Solicitor General:**

Yes, it is valued in accordance with the Procedure Law itself, Article 10, of which sets out the rules for the assessment of compensation and that starts under the proposition that no allowance shall be made on account of the fact that the acquisition is compulsory in deciding what the level of compensation should be. The fact that a hospital is to be built on it is therefore not directly relevant. It is presently agricultural land and it will be valued on the basis that it is so and that there is a willing buyer able to purchase it on that basis. That, I take to be the effect of the Procedure Law.

**The Bailiff:**

Does that assist you, Deputy Labey?

**Deputy R. Labey:**

Yes, it does and I thank the Solicitor General again.

**The Bailiff:**

We are now at approximately 23 minutes past 5. Can I ask if anyone else wishes to speak on this proposition?

**10.1.4 Deputy M. Tadier:**

Just very quickly, I thought the comments of the Constable of St. John arrived at the wrong conclusion. I understand that some people instinctively do not like compulsory purchase and some are literally so against it but he seems to be saying because he did not like the design of the hospital but he liked the site that he was going to vote against the ability to enable compulsory purchase, which seems a slight non-sequitur. It seems that he probably should have made these comments in the main debate I suspect but, nonetheless, I think given the fact that we are going to build a hospital up there, we need to empower negotiations to take place freely. I think he said it would be like holding a sledgehammer above the heads during negotiations in a slightly mixed metaphor there, but I see it the other way around that having the backstop of compulsory purchase focuses the mind much more effectively during negotiations. It means that both parties know that a compulsory purchase can be invoked and that a sale is very likely to be agreed one way or the other and therefore it is incumbent on both parties to be as reasonable as possible and of course there is that legal backstop there. I think it just saves time in the long run because both parties know that the land can and will be acquired if it needs to be so I think we do not need to make too heavy weather of that.

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

I hope Members might just indulge me for just a few moments of flippancy. I realise this is an important debate with huge consequences for every Islander. There are just a couple of points I would like to make, if I may. I am sure we would all wish to be back in the Assembly today, especially for this type of debate, and I found myself thinking about how we might use the current

COVID restrictions to facilitate that happening. I remembered that we are still only until tomorrow allowed to have more than 40 people together at funerals and then it occurred to me that that should be okay then because the proposition we have debated today has been a funeral. It has been a funeral of States Members making their own mind up and it has been a funeral, in my view, of democratically elected Members having the freedom to decide. It is my view that today, probably more than any, we have done nothing more than rubberstamp a choice that was made some time ago and, indeed, I fear probably there was no choice. In my view, we have been conveniently steered down a very long cul-de-sac, one that has been impossible to get ourselves out of, and disastrously in my view. We have just approved this proposition today. I think we have all been asked to look through rose-tinted spectacles at the decision we have made previously and we are now talking about compulsory purchases. I am of the view that not everything is going to be perfect in the garden at Overdale Hospital when we are finished. That is probably the wrong analogy because what we really have here is not States Members not wearing rose-tinted glasses but blindfolds and, when it comes to the Overdale Hospital, I think we have had the blindfolds on since this Government came into power. I am not even going to start the sentence about States Members and mushrooms. We really, in my view, have been in the dark for far too long but I feel and fear that it might be apt in a way that the proposition we have just debated is a bit of a car crash waiting to happen. I will try to conclude as quickly as I can. My last moment of flippancy may be we all tend to go on the internet at this time of the year, and I am the same as everybody else and, in my case, I go on the internet to choose something I like the look of and I go straight to the reviews to see what the others think. In 10 years' time, maybe 15 - I do not know how long it is going to take us to build Overdale but we are not going to have it done by when we are told - if one was to go on Amazon and type into the search bar "Hospitals to purchase Overdale", I suspect the description of that single result would read really, really well. However, I do not think it will be scoring more than a couple of stars in the reviews and we may see things like: "Really expensive for what it was", "Bitterly disappointed", "It does not do what it says on the tin" and "It looks great but I just could not get mine to work." I fear we are going to have to spend an awful lot of money. There is a 4-letter word, that is "cost". I realise we have had the debate and it was very unfortunate that other Members did not get to speak. Cost is a massive issue and my children and grandchildren, and everybody else's, are going to have to spend a long time paying for it. The final thing I would say, and it refers back to the compulsory purchase.

[17:30]

Senator Farnham accepted that the site is going to be a massive challenge from a planning perspective and that might just be the biggest understatement of the many understatements that we were faced with in the proposition. He says he is going to make it look great but he needs to remember that hospitals are great on the inside and it does not really matter what they look like on the outside. It will come as no surprise that I was not in favour of this proposition. I voted against it, consequently I will not be voting in favour of the compulsory purchase.

**The Bailiff:**

I have one further speaker who has indicated a desire to speak on this matter. I wonder if anyone who intends to speak, but has not noted, if they could inform me now so that Members can consider the adjournment in the knowledge of how long the debate is going to carry on for. The general mood of those within the Assembly appears to be to adjourn.

**Senator L.J. Farnham:**

I just ask if there is one more speaker, I am sure I can sum up and respond to the speakers succinctly and would ask Members, for the sake of 10 or 15 more minutes, just to finish this debate. I think it important, especially to some of those negotiations that are underway and provide certainty for the project.

**The Bailiff:**

There are differing views being expressed in the chat. In my view, this is best resolved if we put the matter of the adjournment to the vote.

**Deputy J.M. Maçon:**

Should I propose the adjournment?

**The Bailiff:**

If you propose the adjournment. Is that seconded? **[Seconded]** Does any Member wish to speak or are Members content that I take a vote on the adjournment? A vote pour for the adjournment will be adjourn until 9.30 a.m. tomorrow. A vote contre will be that we continue for the time being, in the light of the fact that there are not many persons left to speak. In which case, I would ask the Greffier to put a voting link in the chat. The vote is on the adjournment. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The adjournment has been defeated.

<b>POUR: 19</b>	<b>CONTRE: 24</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Senator L.J. Farnham	
Senator S.C. Ferguson	Senator J.A.N. Le Fondré	
Senator S.W. Pallett	Senator K.L. Moore	
Connétable of St. Clement	Senator S.Y. Mézec	
Connétable of St. Brelade	Connétable of St. Helier	
Connétable of Grouville	Connétable of St. Lawrence	
Connétable of St. Martin	Connétable of St. John	
Deputy M. Tadier (B)	Connétable of Trinity	
Deputy M.R. Higgins (H)	Connétable of St. Peter	
Deputy J.M. Maçon (S)	Connétable of St. Mary	
Deputy of St. Martin	Deputy J.A. Martin (H)	
Deputy L.M.C. Doublet (S)	Deputy of Grouville	
Deputy R. Labey (H)	Deputy K.C. Lewis (S)	
Deputy of Trinity	Deputy S.J. Pinel (C)	
Deputy M.R. Le Hegarat (H)	Deputy of St. Ouen	
Deputy S.M. Ahier (H)	Deputy S.M. Wickenden (H)	
Deputy R.J. Ward (H)	Deputy of St. Mary	
Deputy C.S. Alves (H)	Deputy G.J. Truscott (B)	
Deputy K.G. Pamplin (S)	Deputy L.B.E. Ash (C)	
	Deputy G.C.U. Guida (L)	
	Deputy of St. Peter	
	Deputy of St. John	
	Deputy J.H. Perchard (S)	
	Deputy I. Gardiner (H)	

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

I was prompted to speak by the last speech by the Deputy of St. Martin, who I thought has given a very cynical speech where this is a momentous occasion in the life of our Island, that we have made a significant step towards the building of our new hospital. There are still many steps to go but this is an issue that has been dogging us as an Island for a decade or more and we need to sort it. I am pleased that today there has been an overwhelming majority in favour of the construction of a hospital at Overdale. I do not share the cynicism of the Deputy of St. Martin. There has been a highly professional team that has been involved in planning this hospital and the site selection. A team with excellent governance put around it and a team that engaged the clinicians working in the health service very significantly and very satisfactorily. I draw the distinctions with what appears to have

happened in the last iteration of the hospital planning. It has been very different this time and, having been involved in the 2, this has been a very different feel. I say again, very professionally led and very well-governed in its project governance. States Members have had a constant flow of information. There is a great deal of information that has been made available to Members and to the public. There have been many briefings on various aspects of this project. So many briefings it would appear that when we came to debate nobody wished to add anything more to all that we had heard. We had no speakers on the debate, we are, as an Assembly, satisfied that we have reached the right decision on the site. I do remind Members, who perhaps remain concerned having taken this significant step, that it is a significant step but it is a decision on the site only. We have still many more steps to take before we get a spade into the ground. We have Connétable Crowcroft's amendment today; the report that will be prepared as a result of his amendment will be brought forward thus giving rise to a further discussion and decision and examination of the access to the site. We will have in the future the outline business case, we will have the financial strategy coming forward. To get back to the compulsory purchase matter, which we are to vote upon. This is giving the tools to the Minister, to the team, to progress with the important decision we have just taken. It is a normal procedure in huge public projects of this nature and it will assist both parties because they will know that that is the backstop against which they are negotiating and it will just mean that they will know that, they will concentrate on their discussions. The compulsory purchase order should not be seen as something that is overbearing on the part of Government because Government has no control over it, at the end of the day, if agreement cannot be reached because the matter is taken to a board of arbitrators, independent of Government, and Government is at risk of paying more than it might have wished to offer in the first instance. So there is every incentive for the parties to these negotiations to reach that agreement before having to resort to compulsory purchase powers. It is a perfectly proper procedure and I know that there have been extensive negotiations already with the owners of the properties involved and they have been productive negotiations. As the Minister has said, it bodes well that we believe we should be able to reach agreement without resorting to these powers. It is perfectly right and proper to have them in the toolkit to implement the decision that we have rightly taken now and move this Island forward to what we want, which is that new hospital as quickly as we can get it.

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

As regard to this particular vote on compulsory purchase, I will support it. I am a democrat, I accept the vote of the Assembly on Overdale, however I do believe that we will rue the day in terms of the damage or desecration that will happen to the People's Park and the surrounding area of the approach roads there. I think because it was never really set out properly we will rue the day. I will support this particular proposition but I wanted it to be known the reasons why I was certainly voting against previously.

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

I just wanted to respond to some of the comments made by the Minister for Health and Social Services. He is absolutely right that many briefings were arranged for States Members, and I attended all the ones that did not clash with any other Scrutiny commitments that I had. They were informative and I found the officers to be incredibly willing to engage and answer questions. I think something that is worth pointing out, particularly as I voted against the main proposition, is that for me this process has very much felt - and this was raised in the briefings that we had yesterday - like a decision that we had to agree to irrespective of unanswered questions that Members may have had. We received some slides yesterday during a briefing that detailed particular financial information, which was incredibly useful but again that was not sent in advance. I, and many other Members, had Scrutiny back-to-back yesterday. I was in meetings literally all day without a lunch break and I know many of us ... I am not saying I work hard, I am just saying there was no time to digest that information yesterday. Today, we received an email at 2.30 p.m., which included a response from the Government to the Future Hospital Review Panel's review, which again is welcome and helpful but

was given 15 minutes after the lunch break had ended. I think it is just really important to rebut the claims that Scrutiny are being unreasonable by saying that we have not had enough information. I guess maybe a more accurate statement is that we have not had enough information in a timely manner or with appropriate time to digest it. I think what happened in the debate today was shameful. We should be embarrassed that none of us registered our desire to speak because it is not really good enough. I take full responsibility for my part in that too but I think part of the reason for that jarring delay on behalf of Members is it was this sense of feeling like we had to support this. Feeling the pressure. Having heard officers say yesterday that a delay cannot be afforded. Of course no one wants a delay and of course we all understand the need for the new hospital but what I would just ask going forward is that when important information needs to be disseminated to Members on issues like this it needs to be given in advance and Members need to be given the impression of choice. They need to be given actual choice not just the impression of choice. I do hope that the Government commit to fulfilling the recommendations of the Scrutiny Panel. I am going to vote contre in this next vote because I did not feel in a position to support the main debate, and for me that is a demonstration of consistency. I am not necessarily saying Overdale was not the right site but I just did not feel I was given time by the Government to make a fully-informed choice. I am still not in a position to agree to things that I do not feel I have had time to properly analyse and scrutinise. I apply that to the vote in front of us now. With that, I thank you.

**10.1.9 Deputy K.G. Pamplin:**

I will be brief. I voted pour for the main debate after the amendments got approved by this Assembly but I do not think this is the end of the scenario and we should not be popping any celebratory balloons just yet. There is a process to go through that we have to respect in terms of all the reports, all the planning, the environmental and, of course, the planning inspector and all of that process. Also part of that process is the impact on the environment of those people living in their homes.

[17:45]

I have always gone on record and said I feel very uneasy about the act of compulsory purchase; the one time I went against my own convention was for the move for the school in Les Quennevais. There was a well-put-together case and there were things obviously involved that made me think otherwise. I think it is important to go on record after what just happened previously and it is for that reason, and I am here to listen to the summing up of the Minister to convince me otherwise but, at this moment, after reading and going through the fine detail I cannot support, at this stage, but I am open to hear what the Minister says in his summing up.

**The Bailiff:**

Does any other Member wish to speak on the proposition? No other Member wishes to speak. Then I close the debate and call upon the Deputy Chief Minister to respond.

**10.1.10 Senator L.J. Farnham:**

Can I thank all Members who have spoken? I will try and deal with it in chronological order and firstly, in relation to the comments made by the Constable of St. Helier, which I have listened carefully to and of course I can absolutely confirm that we will abide by the decision of the Assembly as reflected in the support for the Connétable's amendment. As we speak, officers are getting to work now to make sure we provide the relevant traffic study information as requested. The Connétable of St. John was courteous enough to call me and discuss his issues with the principle really of the compulsory purchase, for which I thank him. I think we have to agree to differ but I do understand his concern in particular to the field and his views for the fields and what they should be used for, which of course ultimately will default to the planning process and all the opportunities to be involved at that stage. I would just ask the Constable, while he explained clearly his view in relation to the field, to think about the impact that this important order that we are asking for today will have on the rest of the site. We need to acquire land. We hope it will not be required but it is important that we have this in place. Of course, Deputy Labey and also the Constable of St. John

and the S.G. (Solicitor General) as well commented. Any budget or moneys required for compulsory purchase will have to come back to the States. That is likely to be in relation to a particular piece of land or property. I note the comments of Deputy Luce and I hope to work hard with my colleagues on the political oversight group and Council of Ministers and other States Members to hopefully build the confidence to turn around the views of those who feel disappointed by the decision we have made today. I undertake to work hard to do that. As the Constable of St. Helier said, let us build something, let us have a vision. We lack vision so often in this States Assembly. Let us have a vision about this hospital that we can all embrace, no matter how negative some of us might be feeling right now. If we can think about a really good outcome and keep our thoughts on that then I am sure we can deliver something the whole Island will be proud of. In relation to Deputy Perchard's comments, which I thank her. Since Scrutiny lodged their report on Friday and the Constable's amendment appeared yesterday, and we were working on amendments to amendments, and so forth, we have had to work at a speed we do not often see in these kind of debates. So that has led to the tight timescale between receiving amendments and comments and the time we have to vote. I have never said Scrutiny are being unreasonable. I have purposely avoided that. I have done my very best, as has the panel, to work closely with Scrutiny. We have received their report. I have replied to Senator Moore by letter this afternoon and will be providing a more detailed response as we move ahead. But do not forget, and if I can remind all Members, that we are still in the preliminary stages of this project but we have made a really important decision today. We have made a landmark decision today and I hope we can support this proposition. Once we have approved that, we can release the resources to allow our hospital team to really get into the detail that States Members and members of the public quite rightly are demanding and, if we approve this now, this final piece of the puzzle, from tomorrow morning our team will be working flat out to deliver what we need to, to complete the project.

**The Bailiff:**

I ask the Greffier to put a voting link in the chat. I open the voting and ask Members to vote in the usual way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition has been adopted:

<b>POUR: 34</b>	<b>CONTRE: 7</b>	<b>ABSTAIN: 1</b>
Senator L.J. Farnham	Senator K.L. Moore	Connétable of St. Helier
Senator S.C. Ferguson	Connétable of St. John	
Senator J.A.N. Le Fondré	Deputy of St. Martin	
Senator S.W. Pallett	Deputy K.F. Morel (L)	
Senator S.Y. Mézec	Deputy J.H. Perchard (S)	
Connétable of St. Clement	Deputy K.G. Pamplin (S)	
Connétable of St. Lawrence	Deputy I. Gardiner (H)	
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Mary		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		

Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				

**The Deputy Greffier of the States:**

In the chat the Deputy of St. Martin and Senator Moore voted contre. In the link the Constable of St. John, Deputy Gardiner, Deputy Perchard, Deputy Pamplin and Deputy Morel voted contre. The Constable of St. Helier abstained.

**Senator L.J. Farnham:**

May I propose the adjournment?

**The Bailiff:**

The adjournment is proposed. The Assembly stands adjourned until 9.30 tomorrow morning.

**ADJOURNMENT**

[17:52]