



**THE STATES assembled on Tuesday
28th February 2023, at 9.40 a.m. under
the Presidency of the Bailiff,
Sir Timothy John Le Cocq.**

**His Excellency the Lieutenant Governor,
Vice-Admiral Jeremy Paul Kyd, C.B.E. was present.**

All members were present at roll call with the exception of –

Deputy Kirsten Francis Morel of St. John, St. Lawrence and Trinity – en défaut (défaut raised at 9.59 a.m.)

Deputy Philip Francis Cyril Ozouf of St. Saviour – excused attendance

Deputy Helen Mary Miles of St. Brelade – absent on States business

Prayers

Standing Order 55A – remote participation

THE STATES, with reference to their Act dated 14th September 2021, in which they had agreed that, notwithstanding Standing Order 55A(1), members who did not wish to attend in the States Chamber might continue to take part in States meetings using Microsoft Teams (until the States had considered and voted upon a proposition to re-apply Standing Order 55A(1) or to repeal or vary the terms of the Standing Order), assembled in accordance with Standing Order 55A with members able to participate remotely using Microsoft Teams.

Subordinate enactments tabled

The following enactments were tabled, namely –

Control of Housing and Work (Exemptions) (Amendment No. 6) (Jersey) Order 2023. R&O.16/2023.

Chief Minister.

Motor Vehicles (Registration Fees – Exemption for Zero Emission Vehicles) (Jersey) Order 2023. R&O.17/2023.

Minister for Infrastructure.

Road Traffic (Public Parking Places) (Amendment No. 18) (Jersey) Order 2023. R&O.18/2023.

Minister for Infrastructure.

Documents presented

Establishment of a Climate Council (P.117/2022) – comments.
Presented: 24th February 2023, *Minister for the Environment.*

P.117/2022.
Com.

Assembly consideration of the bilateral investments treaty with the UAE (P.6/2023) – comments. Presented: 24th February 2023, <i>Privileges and Procedures Committee</i> .	P.6/2023. Com.
Assembly consideration of the bilateral investments treaty with the UAE (P.6/2023): Second Amendment (P.6/2023 Amd.(2)) – comments. Presented: 24th February 2023, <i>Economic and International Affairs Scrutiny Panel</i> .	P.6/2023. Amd.(2). Com.
Governance and accountability of independent bodies and office holders (Thinkpiece) (R.174/2022): Executive Response. Presented: 13th February 2023, <i>Public Accounts Committee</i> .	R.174/2022. Res.
Appointment of Pan-Island Commissioner for Standards. Presented: 8th February 2023, <i>Privileges and Procedures Committee</i> .	R.21/2023.
Annual Report of Findings 2022. Presented: 8th February 2023, <i>Comptroller and Auditor General</i> .	R.22/2023.
States Of Jersey Law 2005: Delegation Of Functions – Minister For External Relations And Financial Services – Delegation Of Financial Services. Presented: 8th February 2023, <i>Minister for External Relations and Financial Services</i> .	R.23/2023.
Membership of the Legislation Advisory Panel. Presented: 9th February 2023, <i>Chief Minister</i> .	R.24/2023.
Annual Statement of the Office of the Superintendent Registrar 2022. Presented: 10th February 2023, <i>Minister for Home Affairs</i> .	R.25/2023.
Land Transactions under Standing Order 168(3) – La Piscine Coffee Bar, Les Quennevais Sports Centre, La Route des Quennevais, St. Brelade – Lease. Presented: 13th February 2023, <i>Minister for Infrastructure</i> .	R.26/2023.
Jersey Bank Depositors Compensation Board: Appointment of Interim Chair. Presented: 16th February 2023, <i>Minister for External Relations and Financial Services</i> .	R.27/2023.
States of Jersey Law 2005: Delegation of functions – Minister for External Relations and Financial Services – Delegation of Financial Services. Presented: 20th February 2023, <i>Minister for External Relations and Financial Services</i> .	R.28/2023.
States of Jersey Law 2005: Delegation of functions – Minister for External Relations and Financial Services – Delegation of External Relations. Presented: 20th February 2023, <i>Minister for External Relations and Financial Services</i> .	R.29/2023.
Finance Law Delegation Report for the six-month period to 31 December 2022. Presented: 27th February 2023, <i>Minister for Treasury and Resources</i> .	R.30/2023.
States of Jersey Complaints Board findings - Mr S Newman against the Treasury and Exchequer Department regarding the valuation and calculation of pension entitlements. Presented: 27th February 2023, <i>Privileges and Procedures Committee</i> .	R.31/2023.
Approach to Delivering New Health Care Facilities. Presented: 28th February 2023, <i>Minister for Infrastructure</i> .	R.32/2023.

Notification of lodged propositions

Trainee Minimum Wage (P.5/2023): amendment. Lodged: 20th February 2023, <i>Minister for Social Security</i> .	P.5/2023. Amd.
Assembly consideration of the Bilateral Treaty with the UAE (P.6/2023): amendment. Lodged: 21st February 2023, <i>Deputy P.M. Bailhache of St. Clement</i> .	P.6/2023. Amd.
Assembly consideration of the Bilateral Treaty with the UAE (P.6/2023): second amendment. Lodged: 21st February 2023, <i>Minister for External Relations and Financial Services</i> .	P.6/2023. Amd.(2).
Vote of No Confidence – Chair of the Health and Social Security Scrutiny Panel. Lodged: 21st February 2023, <i>Deputy P.M. Bailhache of St. Clement</i> .	P.7/2023.
Draft Endangered Species (CITES) (Amendment) (Jersey) Law 202-. Lodged: 23rd February 2023, <i>Minister for the Environment</i> .	P.8/2023.
Development of Town Masterplan. Lodged: 28th February 2023, <i>Connétable of St. Helier</i> .	P.9/2023.

Written Questions*(see Official Report/Hansard)*

- WQ.37/2023 1. The Minister for Infrastructure had tabled an answer on 13th February 2023 to a question asked by Deputy M.B. Andrews of St. Helier North regarding Active Card holders.
- WQ.38/2023 2. The Minister for Social Security had tabled an answer on 13th February 2023 to a question asked by Deputy G.P. Southern of St. Helier Central regarding reviewing the operation of zero-hours contracts in Jersey.
- WQ.39/2023 3. The Minister for Children and Education had tabled an answer on 13th February 2023 to a question asked by Deputy C.D. Curtis of St. Helier Central regarding access to Les Quennevais School.
- WQ.40/2023 4. The Minister for Children and Education had tabled an answer on 13th February 2023 to a question asked by Deputy R.J. Ward of St. Helier Central regarding the registration of Jersey-based teachers on the cover staff list.
- WQ.41/2023 5. The Chair of the States Employment Board had tabled an answer on 13th February 2023 to a question asked by Deputy M.R. Scott of St. Brelade regarding standards of ethical conduct in Government.
- WQ.42/2023 6. The Chief Minister had tabled an answer on 13th February 2023 to a question asked by Deputy S.Y. Mézec of St. Helier South regarding the Financial Services portfolio.
- WQ.43/2023 7. The Chair of the States Employment Board had tabled an answer on 20th February 2023 to a question asked by Deputy M.B. Andrews of St. Helier North regarding a breakdown of the payroll expenditure by ministerial department.
- WQ.44/2023 8. The Chair of the States Employment Board had tabled an answer on 20th February 2023 to a question asked by Deputy M.B. Andrews of St. Helier North regarding payroll expenditure as a percentage of overall government expenditure.

- WQ.45/2023 9. The Chair of the States Employment Board had tabled an answer on 20th February 2023 to a question asked by Deputy M.B. Andrews of St. Helier North regarding savings in payroll expenditure.
- WQ.46/2023 10. The Minister for Economic Development, Tourism, Sport and Culture had tabled an answer on 20th February 2023 to a question asked by Deputy R.J. Ward of St. Helier Central regarding Government funding for the Jersey Football Association (JFA).
- WQ.47/2023 11. The Chair of the States Employment Board had tabled an answer on 20th February 2023 to a question asked by Deputy R.J. Ward of St. Helier Central regarding full-time employees (FTE) in Broad Street.
- WQ.48/2023 12. The Chair of the States Employment Board had tabled an answer on 20th February 2023 to a question asked by Deputy R.J. Ward of St. Helier Central regarding the timescale for all 2022 public sector pay awards to be settled.
- WQ.49/2023 13. The Minister for Social Security had tabled an answer on 20th February 2023 to a question asked by Deputy G.P. Southern of St. Helier Central regarding the living wage.
- WQ.50/2023 14. The Minister for Health and Social Services had tabled an answer on 20th February 2023 to a question asked by Deputy G.P. Southern of St. Helier Central regarding the ‘various funding options’ referred to in her response to Written Question 20/2023.
- WQ.51/2023 15. The Minister for Social Security had tabled an answer on 20th February 2023 to a question asked by Deputy G.P. Southern of St. Helier Central regarding the Centre for Research in Social Policy (CRSP) at Loughborough University on Minimum Income Standards (MIS).
- WQ.52/2023 16. The Chief Minister had tabled an answer on 20th February 2023 to a question asked by Deputy L.V. Feltham of St. Helier Central regarding new staff in the Ministerial Office.
- WQ.53/2023 17. The Chief Minister had tabled an answer on 20th February 2023 to a question asked by Deputy L.V. Feltham of St. Helier Central regarding Ministerial travel.
- WQ.54/2023 18. The Chief Minister had tabled an answer on 20th February 2023 to a question asked by Deputy L.V. Feltham of St. Helier Central regarding conflicts of interest during meetings of the Council of Ministers.
- WQ.55/2023 19. The Chief Minister had tabled an answer on 20th February 2023 to a question asked by Deputy M.R. Scott of St. Brelade regarding the Minister for External Relations and Financial Services.
- WQ.56/2023 20. The Minister for Infrastructure had tabled an answer on 20th February 2023 to a question asked by Deputy R.S. Kovacs of St. Saviour regarding the AquaSplash facility on the Waterfront.
- WQ.58/2023 21. The Chief Minister had tabled an answer on 20th February 2023 to a question asked by Deputy M.R. Scott of St. Brelade regarding the application of the principle of open justice by the Jersey judiciary.
- WQ.59/2023 22. The Minister for the Environment had tabled an answer on 20th February 2023 to a question asked by Deputy M.R. Scott of St. Brelade regarding conflicts of interest in respect of the Planning Committee.
- WQ.60/2023 23. The Minister for Health and Social Services had tabled an answer on 27th February 2023 to a question asked by Deputy M.B. Andrews of St. Helier North regarding the total number of medical appointments offered by her Department.

- WQ.61/2023 24. The Minister for Treasury and Resources had tabled an answer on 27th February 2023 to a question asked by Deputy M.B. Andrews of St. Helier North regarding entities registered under the 'Zero/Ten' regime.
- WQ.62/2023 25. The Chair of the States Employment Board had tabled an answer on 27th February 2023 to a question asked by Deputy M.B. Andrews of St. Helier North regarding the number of vacancies within each Government department.
- WQ.63/2023 26. The Chair of the States Employment Board had tabled an answer on 27th February 2023 to a question asked by Deputy M.R. Scott of St. Brelade regarding a list of activities that could potentially lead to the dismissal of a public employee.
- WQ.64/2023 27. The Minister for the Environment had tabled an answer on 27th February 2023 to a question asked by the Connétable of St. Brelade regarding invasive extractor fan noise for residents of La Rue du Crocquet in St. Aubin.
- WQ.65/2023 28. The Minister for Home Affairs had tabled an answer on 27th February 2023 to a question asked by Deputy M.R. Le Hegarat of St. Helier North regarding time off in lieu in the States of Jersey Police.
- WQ.66/2023 29. The Minister for Health and Social Services had tabled an answer on 27th February 2023 to a question asked by Deputy G.P. Southern of St. Helier Central regarding a report on the potential impact of the adoption of the terms and conditions contained in the Jersey Ethical Care Charter for Homecare.
- WQ.67/2023 30. The Minister for the Environment had tabled an answer on 27th February 2023 to a question asked by Deputy G.P. Southern of St. Helier Central regarding a report on the potential impact of the adoption of the terms and conditions contained in the Jersey Ethical Care Charter for Homecare.
- WQ.68/2023 31. The Minister for Economic Development, Tourism, Sport and Culture had tabled an answer on 27th February 2023 to a question asked by Deputy M.R. Scott of St. Brelade regarding the direct involvement in planning applications of Ministers and officers of their departments.
- WQ.69/2023 32. The Minister for Home Affairs had tabled an answer on 27th February 2023 to a question asked by Deputy M.R. Le Hegarat of St. Helier North regarding domestic violence incidents and rape allegations.
- WQ.70/2023 33. The Minister for Home Affairs had tabled an answer on 27th February 2023 to a question asked by Deputy M.R. Le Hegarat of St. Helier North regarding the States of Jersey Police, Fire and Rescue, Ambulance, Customs and Immigration and Prison services.
- WQ.71/2023 34. The Chair of the States Employment Board had tabled an answer on 27th February 2023 to a question asked by Deputy M.R. Scott of St. Brelade regarding the probity standard to which the States Employment Board required all public servants to adhere.
- WQ.72/2023 35. The Minister for Economic Development, Tourism, Sport and Culture had tabled an answer on 27th February 2023 to a question asked by Deputy R.J. Ward of St. Helier Central regarding Jersey Sport.
- WQ.73/2023 36. The Chief Minister had tabled an answer on 27th February 2023 to a question asked by Deputy R.J. Ward of St. Helier Central regarding Part CM P6 of the Chief Minister's published delivery plan.

- WQ.74/2023** 37. The Minister for Economic Development, Tourism, Sport and Culture had tabled an answer on 27th February 2023 to a question asked by Deputy R.J. Ward of St. Helier Central regarding Section MEDTSC P7.1 of the Ministerial Delivery Plans relating to the Opera House.
- WQ.75/2023** 38. The Minister for Social Security had tabled an answer on 27th February 2023 to a question asked by Deputy G.P. Southern of St. Helier Central regarding a review of the benefits system.
- WQ.76/2023** 39. The Minister for Housing and Communities had tabled an answer on 27th February 2023 to a question asked by Deputy S.Y. Mézec of St. Helier South regarding the Affordable Housing Gateway and the Assisted Purchase Pathway.
- WQ.77/2023** 40. The Assistant Chief Minister had tabled an answer on 27th February 2023 to a question asked by Deputy S.Y. Mézec of St. Helier South regarding projects that had existed for the purpose of implementing e-government.
- WQ.78/2023** 41. The Chief Minister had tabled an answer on 27th February 2023 to a question asked by Deputy S.Y. Mézec of St. Helier South regarding complaints by civil servants about the conduct of Ministers or Assistant Ministers.
- WQ.79/2023** 42. The Minister for Housing and Communities had tabled an answer on 27th February 2023 to a question asked by Deputy L.V. Feltham of St. Helier Central regarding priorities in relation to the Communities portfolio.
- WQ.80/2023** 43. The Chief Minister had tabled an answer on 27th February 2023 to a question asked by Deputy L.V. Feltham of St. Helier Central regarding Government of Jersey buildings and accessibility.
- WQ.81/2023** 44. The Chief Minister had tabled an answer on 27th February 2023 to a question asked by Deputy L.V. Feltham of St. Helier Central regarding the accessibility of Government services.

Oral Questions

(see Official Report/Hansard)

- OQ.35/2023** 1. Deputy S.Y. Mézec of St. Helier South asked a question of the Minister for Housing and Communities regarding legislation to enshrine a definition of homelessness in law.
- OQ.30/2023** 2. Deputy L.V. Feltham of St. Helier Central asked a question of the Minister for Social Security regarding the evaluation of existing benefit areas.
- OQ.32/2023** 3. Deputy G.P. Southern of St. Helier Central asked a question of the Minister for Social Security regarding the measurement of relative poverty.
- OQ.26/2023** 4. Deputy M. Tadier of St. Brelade asked a question of the Assistant Minister for Home Affairs regarding the legal recognition given to Common Law Marriage.
- OQ.28/2023** 5. Deputy R.J. Ward of St. Helier Central asked a question of the Chief Minister regarding actions to address gender income inequality.
- OQ.24/2023** 6. The Connétable of St. Martin asked a question of the Assistant Minister for Home Affairs regarding the development and roll-out of the notification of domestic abusers.

- OQ.34/2023 7. Deputy M.R. Scott of St. Brelade asked a question of the Minister for Health and Social Services regarding the employment of consultants and clinicians who had reached retirement age.
- OQ.22/2023 8. Deputy M.B. Andrews of St. Helier North asked a question of the Acting Minister for External Relations and Financial Services regarding the negotiation of tax and trade agreements.
- OQ.29/2023 9. Deputy R.J. Ward of St. Helier Central asked a question of the Minister for Health and Social Services regarding the reported shortages of HRT (Hormone Replacement Therapy).
- OQ.36/2023 10. Deputy S.Y. Mézec of St. Helier South asked a question of the Minister for Infrastructure regarding urban renewal work at Havre des Pas.
- OQ.25/2023 11. The Connétable of St. Martin asked a question of the Assistant Minister for Home Affairs regarding the Taskforce on Gender-Based Violence.
- OQ.27/2023 12. Deputy M. Tadier of St. Brelade asked a question of the Vice-Chair of the States Employment Board regarding the provision of electric pool cars to Government employees.
- OQ.23/2023 13. Deputy M.A. Andrews of St. Helier North asked a question of the Minister for Economic Development, Tourism, Sport and Culture regarding the Marine Sector Support Scheme.
- OQ.31/2023 14. Deputy L.V. Feltham of St. Helier Central asked a question of the Minister for Infrastructure regarding access to swimming facilities in Town.
- OQ.33/2023 15. Deputy G.P. Southern of St. Helier Central asked a question of the Minister for Health and Social Services regarding the implementation of the Jersey Ethical Care Charter.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Housing and Communities answered questions without notice from members.

The Minister for International Development answered questions without notice from members.

The Chief Minister answered questions without notice from members.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Infrastructure made a statement regarding the New Health Care Facilities project.

The Minister for Treasury and Resources made a statement regarding a complaint in respect of the calculation of pension entitlements from the Public Employees' Pension Fund.

Arrangement of public business for the present meeting

THE STATES, adopting a proposition of Deputy Sir Philip Martin Bailhache of St. Clement agreed in accordance with Standing Order 26(7), to reduce the minimum lodging period in respect of his proposition entitled 'Vote of No Confidence: Chair of the Health and Social Security Scrutiny Panel' (P.7/2023) in order that it might be debated at the present meeting.

Ability of Ministers to vote on propositions of no confidence – ruling by the Bailiff

The Bailiff advised the Assembly of his ruling that neither the Minister for Health and Social Services, nor the Minister for Social Security, would be able to cast a vote on the proposition of Deputy Sir Philip Martin Bailhache of St. Clement entitled ‘Vote of No Confidence: Chair of the Health and Social Security Scrutiny Panel’ (P.7/2023), as the proposition related to the occupancy of the position of Chair of the Health and Social Security Scrutiny Panel and given that neither Minister, when an election for Chair of that Panel took place in accordance with Standing Order 120, was able to nominate candidates to the position or to cast a vote during such an election process.

Vote of No Confidence: Chair of the Health and Social Security Scrutiny Panel P.7/2023

THE STATES commenced consideration of a proposition of Deputy Sir Philip Martin Bailhache of St. Clement entitled ‘Vote of No Confidence: Chair of the Health and Social Security Scrutiny Panel’ (P.7/2023) and rejected a proposition of Deputy Carolyn Fiona Labey of Grouville and St. Martin that, in accordance with Standing Order 85, the Assembly move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 22

Connétable of St. Brelade
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Martin
 Connétable of St. John
 Connétable of Grouville
 Connétable of St. Ouen
 Connétable of St. Mary
 Connétable of St. Saviour
 Deputy C.F. Labey
 Deputy S.G. Luce
 Deputy L.M.C. Doublet
 Deputy M.R. Le Hegarat
 Deputy S.M. Ahier
 Deputy I. Gardiner
 Deputy I.J. Gorst
 Deputy K.L. Moore
 Deputy D.J. Warr
 Deputy J. Renouf
 Deputy R.E. Binet
 Deputy H.L. Jeune
 Deputy A.F. Curtis

CONTRE: 22

Connétable of St. Helier
 Connétable of St. Lawrence
 Connétable of St. Clement
 Deputy G.P. Southern
 Deputy M. Tadier
 Deputy K.F. Morel
 Deputy R.J. Ward
 Deputy C.S. Alves
 Deputy L.J. Farnham
 Deputy S.Y. Mézec
 Deputy Sir P.M. Bailhache
 Deputy T.A. Coles
 Deputy B.B.de S.V.M. Porée
 Deputy M.R. Scott
 Deputy C.D. Curtis
 Deputy L.V. Feltham
 Deputy A. Howell
 Deputy T.J.A. Binet
 Deputy R.S. Kovacs
 Deputy B. Ward
 Deputy L.K.F. Stephenson
 Deputy M.B. Andrews

ABSTAIN: 1

Deputy M.R. Ferey

THE STATES noted that, as there was an equality of votes, the matter had been determined in the negative in accordance with Article 16(2) of the States of Jersey Law 2005.

THE STATES resumed consideration of the proposition of Deputy Sir Philip Martin Bailhache of St. Clement and, adopting a proposition of Deputy Kirsten Francis Morel of St. John, St. Lawrence and Trinity, agreed, in accordance with the provisions of Standing Order 84, that the proposition be put to the vote.

Members present voted as follows –

POUR: 36

Connétable of St. Brelade
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Clement
 Connétable of Grouville
 Connétable of St. Ouen
 Connétable of St. Mary
 Connétable of St. Saviour
 Deputy G.P. Southern
 Deputy C.F. Labey
 Deputy K.F. Morel
 Deputy M.R. Le Hegarat
 Deputy S.M. Ahier
 Deputy R.J. Ward
 Deputy C.S. Alves
 Deputy I. Gardiner
 Deputy L.J. Farnham
 Deputy K.L. Moore
 Deputy S.Y. Mézec
 Deputy T.A. Coles
 Deputy B.B.de S.V.M. Porée
 Deputy D.J. Warr
 Deputy M.R. Scott
 Deputy J. Renouf
 Deputy C.D. Curtis
 Deputy L.V. Feltham
 Deputy R.E. Binet
 Deputy H.L. Jeune
 Deputy A. Howell
 Deputy T.J.A. Binet
 Deputy M.R. Ferey
 Deputy R.S. Kovacs
 Deputy B. Ward
 Deputy L.K.F. Stephenson

CONTRE: 7

Connétable of St. Lawrence
 Deputy M. Tadier
 Deputy S.G. Luce
 Deputy I.J. Gorst
 Deputy Sir P.M. Bailhache
 Deputy A.F. Curtis
 Deputy M.B. Andrews

ABSTAIN: 0**Impact of agreement to close debate on propositions of no confidence – ruling by the Bailiff**

The Bailiff ruled, in accordance with Standing Order 167, and notwithstanding the requirement of Standing Order 84(5) that, in light of the Assembly's decision that the proposition of Deputy Sir Philip Martin Bailhache of St. Clement entitled 'Vote of No Confidence: Chair of the Health and Social Security Scrutiny Panel' (P.7/2023) be put to the vote and the proposer of the proposition invited to reply to the debate, that the Chair of the Health and Social Security Scrutiny Panel would be provided with the opportunity to speak a second time, in accordance with Standing Order 103(2)(f), prior to the reply by the proposer to the debate.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 1st March 2023 to continue consideration of the proposition of Deputy Sir Philip Martin Bailhache of St. Clement entitled 'Vote of

No Confidence: Chair of the Health and Social Security Scrutiny Panel' (P.7/2023) and the other outstanding items of public business listed for the meeting.

THE STATES rose at 5.25 p.m.

L.-M. HART

Greffier of the States