

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 12th FEBRUARY 2019**

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[9:35]

**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**

First of all, can I welcome on your behalf His Excellency the Lieutenant Governor?  
[Approbation]

#### **1.2 Apology for Court use of Members' Room**

Secondly, there was the court use of the Members' Room during the last week or 10 days which may have caused some inconvenience to Members. I have to say, I do not think it was appropriate the court used the Members' Room for that day and I would like to offer my apologies to Members for that purpose.

#### **1.3 Camermen in the States Chamber**

### **The Bailiff:**

At this time the more observant Members will have noted that there are cameras taking place and those cameramen are about to withdraw.

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

Sir, may I, just as a matter of interest ask who they were that were filming us this morning.

### **The Bailiff:**

There is a programme being done which I approved about a week ago. I am really glad you asked me that question, Senator. Not least because the main one is for Digital Jersey, for which you are responsible. [Laughter]

[9:45]

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE REGULATION OF THE ESTATE AGENCY INDUSTRY: [WQ.68/2019]**

### **Question**

What plans, if any, does the Minister and his department have to develop regulation around the estate agency industry and to ensure that National Estate Agency Association qualifications should be a minimum standard for practitioners; and if there are no such plans, will the Minister explain why not?

### **Answer**

The Minister does not have plans to develop further regulation of estate agents at this time.

The Consumer Protection (Unfair Practices) (Jersey) Law 2018 came into force in June 2018 which, for the first time, provides a comprehensive framework for the protection of consumers against unfair commercial practices. The Law extends to consumers who engage the services of estate agents, including to sell and to purchase property.

The Law enables Trading Standards to tackle unfair commercial practices, including:

- misleading advertisements and listings;
- misleading omissions where a business has failed to provide the consumer with important material information in good time;
- aggressive practices;
- banned practices, and
- failure to act in accordance with professional diligence.

The Law will, as a result, support estate agents to adopt good practice in their business activities, and enable Trading Standards to deal with estate agents who do not comply with the specified standards of practice.

The Minister is of the opinion that the legislation requires time to embed itself within the industry before further regulation is considered. This reflects the approach set out by the Chief Minister in his response to the Residential Property Transactions Review Panel (S.R.2/2018).

The Minister's preference is for industry-led self-regulation, and many estate agents in Jersey already adopt good practice. A number of estate agents are, for example, already members of representative trade bodies such as the National Estate Agency Association, and will comply with industry-led standards. These include requirements in relation to qualifications for staff members to make sure they are appropriately qualified to carry out estate agent activities.

Moreover, Trading Standards is working closely with Environmental Health to deliver a series of 'Breakfast Bites' workshops to relevant business sectors to inform and educate. This includes events held this month with Letting Agents. Further workshops are also planned.

## **2.2 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE PRESIDENT OF THE CHAIRMEN'S COMMITTEE REGARDING THE PURPOSE OF SCRUTINY PUBLIC HEARINGS: [WQ.69/2019]**

### **Question**

Will the Chairman advise whether any Scrutiny training provided to members has established that one of the purposes of a public hearing is to obtain information in public; and will she further advise whether the Chairmen's Committee requires a consistent approach to be taken by Panels to the questioning undertaken at hearings in order not to confuse the public and witnesses?

### **Answer**

A number of the training opportunities provided to Scrutiny members to date have covered matters relating to the underpinning principles (such as objectivity and transparency) and practical aspects of good, influential parliamentary scrutiny, including effective approaches to public hearings and other evidence gathering methods. This includes a workshop for Scrutiny members held in July 2018 called 'What is Effective Scrutiny', facilitated by the highly regarded Dr Hannah White from the Institute for Government based in the UK. A training session provided by H.M. Attorney General in October 2018 considered effective questioning techniques for Scrutiny hearings. Members can also rely on ongoing expert procedural and best practice advice provided by Scrutiny Officers.

Notwithstanding that training, it is clear that any public hearing held by a Scrutiny Panel will, by its public nature, result in the information generated being introduced into the public domain. The Scrutiny and PAC Proceedings Code of Practice establishes that '*As a matter of principle, Panel/PAC hearings are held in public...Normally only where there is information of a confidential or personally sensitive nature will a Panel/PAC hearing be held in private session*'. All public hearings are open to public and media attendance, and are streamed live on the States Assembly website where they are available to view for 6 months. A

transcript of the proceedings is also produced and uploaded in perpetuity to the same website within days of the hearing. Most public hearings will also be accompanied by social media activity undertaken by the States Greffe to promote the proceedings.

As part of its overarching role to promote an effective system of scrutiny, the Chairmen's Committee concerns itself with and supports the training and advice referred to above. It also holds responsibility for oversight of the aforementioned Proceedings Code which provides the framework for some procedural consistency where appropriate. This includes a section on hearings as appended. It should be noted, however, that no two hearings are the same given the influence on proceedings of different witnesses, members, topics, objectives and context. This will inevitably and understandably lead to differences in delivery and execution when it comes to questioning.

In practice it is a matter for the Chairman of each Panel to conduct meetings as they wish within the guidelines as set out below. The Chairmen's Committee has not received any representations regarding public or witness confusion relating to questioning at hearings, but would welcome feedback should such situations arise.

## **O. Hearings**

78. As a matter of principle, Panel/PAC hearings (evidence gathering sessions) are held in public and will be webcast live and the audio recorded, with transcripts being uploaded to the website at the earliest opportunity. Meeting rooms have been set up for this purpose in the States Building but the Panels/PAC may choose to hold a hearing at an alternative venue. Normally, only where there is information of a confidential or personally sensitive nature will a Panel/PAC hearing be held in private session. In such circumstances, a Panel will consider publishing a full or redacted transcript after the hearing if appropriate. Such decisions rest with the Panel/PAC concerned, in liaison with the witness concerned and advised as appropriate by the Scrutiny Officer.

79. Panels/PAC will decide who they wish to invite as witnesses. Witnesses may include individuals or organisations that have submitted written evidence, but do not have to be limited to those. No organisation or individual has the automatic right to give evidence – it is for the Panel/PAC to decide who it wishes to invite but Panels/PAC will make every reasonable effort to consider all relevant evidence.

80. Panels/PAC will arrange and publish dates for oral evidence to be given at public hearings, providing witnesses with reasonable notice of all the Panel's/PAC's requirements. The Panels/PAC will inform the witnesses of the key areas of questioning, as opposed to fully detailed questions, it wishes to focus on at least five working days in advance of the hearing. This is to enable witnesses to prepare themselves fully to address the objectives of the Panel/PAC.

81. The primary purpose of oral evidence sessions is to put questions to witnesses in order to elicit information and views which the Panel/PAC will subsequently consider in preparing its report. Panels/PAC should ensure that their questioning is related to the topic and their terms of reference. Panels/PAC must endeavour to put witnesses at their ease to provide an environment which encourages openness and a willingness to provide information.

82. Witnesses requested to attend on a Panel/PAC will not be remunerated for travel, loss of earning or other expenses. If a Panel/PAC feels that there should be an exception, a request will be made to the Chairmen's Committee.

83. Members of the public who are admitted to a Panel/PAC public hearing will be expected to comply with the conditions of behaviour as determined by the Chairmen's Committee. Their attendance will be on the basis of an observer. No intervention into the public hearing will be permitted.

84. The Chairman may request that any member of the public who does not observe these conditions be removed from the hearing room and excluded from the remainder of that public hearing. In the event that a member of the public refuses to leave, the Chairman may close the hearing.

85. Following the public hearing, a draft transcript will be uploaded to the website at the earliest opportunity, but witnesses will be provided with a draft copy of the transcription for correction of any inaccuracies in the text. Substantial revisions to the verbatim text will not be permitted. However, the Panels/PAC may accept further clarification from the witness regarding points made during oral evidence. Should changes be agreed by the Panel/PAC, the draft transcript previously uploaded to the website will be replaced.

### **2.3 THE CONNÉTABLE OF ST. LAWRENCE OF THE MINISTER FOR HOME AFFAIRS REGARDING THE NUMBER OF EMPLOYEES IN HIS DEPARTMENT: [WQ.70/2019]**

#### **Question**

Will the Minister confirm –

- (a) the total number of police officers who were in employment on 1st January 2018 and 1st January 2019, broken down by rank;
- (b) the total number of employees who worked for the Jersey Fire and Rescue Service on 1st January 2018 and 1st January 2019, broken down by rank and / or role;
- (c) the total number of employees who worked for the Jersey Customs and Immigration Service on 1st January 2018 and 1st January 2019, broken down by rank and / or role; and
- (d) the total number of employees who worked for the States of Jersey Prison Service on 1st January 2018 and 1st January 2019, broken down by rank and / or role?

**Answer**

- (a) States of Jersey Police:

	<u>01/01/2018</u>	01/01/2019
	<u>Headcount (HC) / Full Time Equivalent (FTE)</u>	<u>Headcount (HC) / Full Time Equivalent (FTE)</u>
Senior Management	9 HC/9 FTE	8 HC/8 FTE
Inspector	11 HC/11 FTE	13 HC/13 FTE
Sergeant	36 HC/35 FTE	34 HC/33.06 FTE
Police Constable	156 HC/150.4 FTE	141 HC/136.4 FTE
Police Staff (Civil Servants & Manual Workers)	117 HC/106.5 FTE	112 HC/101.64 FTE

(b) Jersey Fire and Rescue Service:

		<u>01/01/2018</u>	<u>01/01/2019</u>
		<u>Headcount (HC) / Full Time Equivalent (FTE)</u>	<u>Headcount (HC) / Full Time Equivalent (FTE)</u>
Senior Management (Chief Officer, Deputy Chief Officer, Area Commander, Group Commander)		5 HC/5FTE	4 HC/4 FTE
Station Commanders		4 HC/4 FTE	4 HC/4 FTE
Watch Commanders	Wholetime	8 HC/8 FTE	5 HC/5 FTE
	On-Call (Retained)	2	2
Crew Commanders	Wholetime	12 HC/12 FTE	10 HC/10 FTE
	On-Call (Retained)	8	7
Firefighters	Wholetime	39 HC/39 FTE	37 HC/37 FTE
	On-Call (Retained)	22	26

It should be noted that an additional four individuals are due to attend basic training at the Fire Service College from the end of February until the end of April. These individuals will then complete their initial training on Island. Recruitment for retained firefighters takes place on an annual basis.

(c) Jersey Customs and Immigration Service:

	<u>01/01/2018</u>	01/01/2019
	<u>Headcount (HC) / Full Time Equivalent (FTE)</u>	<u>Headcount (HC) / Full Time Equivalent (FTE)</u>
Senior Management (Head of Service, Director, Assistant Director)	7HC/7 FTE	7HC/7 FTE
Senior officers	9 HC/9 FTE	9 HC/9 FTE
JCIS Officers	45 HC/45 FTE	39 HC/39 FTE
Assistant Officers	7 HC/7 FTE	7 HC/7 FTE
Other (Admin)	16 HC/15.4 FTE	15 C/14.36 FTE

It should be noted that there is a current recruitment process for an additional 5 JCIS Officers. When all these positions are filled, the HC/FTE will be 44.

(d) States of Jersey Prison Service:

	<u>01/01/2018</u>	<u>01/01/2019</u>
	<u>Headcount (HC) / Full Time Equivalent (FTE)</u>	<u>Headcount (HC) / Full Time Equivalent (FTE)</u>
Senior Management (Governor, Deputy Governor, Unit Manager, Head of Operations)	8 HC/8 FTE	7 HC /7 FTE
Senior Officers	11 HC/11 FTE	11 HC/11 FTE
Residential Officers	54 HC/54 FTE	41 HC/41 FTE
Prison Officers	32 HC/32 FTE	40 HC/40 FTE
Civilian Support	21 HC/21 FTE	21 HC/21 FTE
Civil Servants	26 HC/23.5	28 HC/ 24.27 FTE

It should be noted that, since 1<sup>st</sup> January 2019, an additional 3 positions have been filled. Recruitment for an additional 8 Prison Officers, plus two other positions, will commence in February.

#### **2.4 THE CONNÉTABLE OF ST. LAWRENCE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE NUMBER OF EMPLOYEES WORKING FOR THE AMBULANCE SERVICE: [WQ.71/2019]**

##### **Question**

Will the Minister confirm the total number of employees who worked for the Ambulance Service on 1st January 2018 and 1st January 2019, broken down by rank and / or role?

##### **Answer**

On **1<sup>st</sup> January 2018** the following employees worked for the Ambulance Service;

Total 74 staff

##### **Breakdown of rank/role**

- 1 x Chief Ambulance Officer
- 3 x Operations Manager
- 1 x Corporate Service Manager
- 1 x Fleet and Technical Services Manager
- 1 x Training and Development Officer
- 1 x Storeman/Technical Assistant - Ambulance
- 1 x Senior Secretary - Ambulance
- 1 x Clinical Training and Development Administrator



5 x Leading Ambulance Paramedic  
1 x Leading Control Officer  
17 x Paramedics  
12 x Ambulance Technician  
13 x Combined Control Centre Officer  
8.5 x Ambulance Care Assistant-Patient Transport Service  
4 x Ambulance Care Assistant-Intermediary Service  
1.5 x Patient Control Officer -Registration and Planning  
1 x PTS Systems and Training Officer  
1 x Infection Control Operative

(Vacancies on 01/01/2018: 1 x Deputy Chief Ambulance Officer, 2 x Technician, 1 x Paramedic, 1 x Combined Control Centre Control Officer)

Paramedic/Technician ratios change due to training requirements.

On **1st January 2019** the following employees worked for the Ambulance Service;

Total 73 staff

**Breakdown of rank/role**

1 x Chief Ambulance Officer  
4 x Operations Manager  
1 x Fleet and Technical Services Manager  
1 x Training and Development Officer  
1 x Storeman/Technical Assistant - Ambulance  
1 x Senior Secretary - Ambulance  
1 x Clinical Training and Development Administrator  
5 x Leading Ambulance Paramedic  
1 x Leading Control Officer  
18 x Paramedics  
10 x Ambulance Technician  
13 x Combined Control Centre Officer  
8.5 x Ambulance Care Assistant-Patient Transport Service  
4 x Ambulance Care Assistant-Intermediary Service  
1.5 x Patient Control Officer -Registration and Planning  
1 x PTS Systems and Training Officer  
1 x Infection Control Operative

(4 additional Ambulance Technician and 3 additional Intermediary Care Assistant posts have been recruited to post 01/01/2019.)

(Vacancies on 01/01/2019: 1 x Deputy Chief Ambulance Officer, 1 x PTS (under recruitment), 1 x Combined Control Centre Control Officer (under recruitment)).

Paramedic/Technician ratios change due to training requirements.

**2.5 THE DEPUTY OF ST. PETER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE REGULATION OF AIRBNB ACCOMMODATION: [WQ.73/2019]**

**Question**

In relation to ‘Airbnb’ accommodation, will the Minister advise how, if at all, the relevant categories of accommodation (i.e. entire place; private room in house / apartment; shared accommodation) are regulated or controlled by the States of Jersey to ensure compliance with residency laws and landlord controls (e.g. smoke alarms) and how it is ensured that taxes are paid on any income received?

**Answer**

Jersey does not have a single law that controls the short-term or casual letting of accommodation let via ‘Airbnb’ or other similar platforms. While I have endeavoured to answer the question tabled, I am mindful that the underlying question in the minds of most stakeholders will be whether Airbnb-style letting is legal in Jersey.

I administer the Tourism (Jersey) Law 1948, which requires persons letting out premises that accommodate more than 5 tourists at any one time to register their accommodation. Many Jersey properties marketed via Airbnb fall outside the scope of this particular Law. Aspects of Jersey consumer protection legislation, which I also retain administrative responsibility for, can also have a bearing on this type of economic activity.

Residency restrictions and landlord controls are set within the Control of Housing and Work (Jersey) Law 2012 and the Residential Tenancy (Jersey) Law 2011, which are administered by the Chief Minister and the Minister for Children and Housing respectively. Fire safety matters fall within the scope of the Fire Precautions (Jersey) Law 1977, administrative responsibility for which rests with the Minister for Home Affairs. Income Tax law and compliance is ultimately a matter for the Minister for Treasury and Resources. There is also the fundamental question of permitted land use to consider, which is regulated by the Minister for Environment through the Planning and Building (Jersey) Law 2002.

Government is aware that there are currently over 100 premises being marketed to tourists via the Airbnb platform. I trust that all landlords engaging in this activity are making themselves aware of their legal obligations, including the requirement to declare income received. I am equally aware that government could do more to clarify the position for those who wish to engage in short term letting to tourists. That is why I have already instructed officers to make the necessary arrangements for me to meet with the Ministers for Children and Housing, Environment and the Assistant Chief Minister to discuss options to reform the current policy and legislative position.

**2.6 THE DEPUTY OF ST. PETER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COST OF THE VILLE DU MANOIR HOUSING PROJECT IN ST. PETER: [WQ.74/2016]**

**Question**

Will the Minister, as shareholder representative, request from Andium Homes a breakdown of the costs (both to date and forecast) relating to the Ville du Manoir housing project in St. Peter and confirmation of how any income arising from the project, once completed, is planned to be used?

**Answer**

Andium Homes have provided the following response and information, in answer to the Deputy of St Peter’s question:-

The actual costs to date relating to the Ville du Manoir project are as follows: -

Legal & Planning Fees	£37,179
Professional Fees	£63,536

Site Surveys & Investigations	£19,274
<b>TOTAL</b>	<b>£119,989</b>

The overall forecast cost of the project will be influenced by several factors, such as:-

- Inflation
- The state of the construction market and the cost of building at the time
- House prices at the time that sales can take place
- The final design of the scheme
- Additional costs not directly associated with the homes themselves such as offsite planning gain and Planning Obligations imposed by Planning
- Professional fees
- Finance costs
- The timing of the project, the longer it is delayed, the more uncertainty over cost

The Ville du Manoir project is a development of approximately 65 first time buyer homes for sale to purchasers who are registered on Band 5 of the Housing Ministers Affordable Housing Gateway with priority being given to those families who can demonstrate strong links to the Parish of St Peter. The homes will be sold at an estimated 75% of their prevailing market value. Controls are put in place to ensure that owners cannot profiteer from the discounted purchase and all subsequent sales are at the same proportional value, to ensure that the homes remain affordable in perpetuity. Andium Homes is not anticipating making any income or profit from the development which will need to break even, with the full cost of the development being repaid from the sales.

By way of an example, Andium Homes recently sold 6 properties at the De La Mare site, constructed by the Jersey Homes Trust, at between £325k and £335K, using a similar discounted arrangement with homes remaining affordable in perpetuity. Andium Homes did not make any profit from these sales.

## **2.7 DEPUTY R. LABEY OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE DELIVERY OF ‘HEALTH AND SOCIAL SERVICES: A NEW WAY FORWARD’ (P.82/2012): [WQ.75/2019]**

### **Question**

With regard to ‘Health and Social Services: A New Way Forward’ (P.82/2012), adopted by the Assembly on 23rd October 2012, what percentage of the objectives detailed have been delivered in accordance with the timeline target; what percentage are late on delivery; what is the estimated time of delivery of any such objectives; and what explanation does the Minister have for any late or non-delivery?

### **Answer**

In agreeing ‘Health and Social Services: A New Way Forward’ (P.82/2012), the Assembly agreed that:

- A substantial programme of change and investment was needed to develop safe health and care services for Jersey that are sustainable and affordable for the States of Jersey and for service users.
- Services should support people to live longer, healthier lives by focusing on prevention and keeping people healthy, rather than treating illness.
- By providing care closer to or in the home we could reduce unnecessary emergency admissions to reduce pressure on the acute hospital as our community’s demographic changes.

That investment was necessary – budgets for health and care have risen from £171m in 2012 to £211m in 2017 and this trend is expected to continue. P.82/2012 has also created the right environment for change through strong partnerships with GPs, pharmacists, community and voluntary providers.

In accordance with the timeline target, a number of preventive services have been introduced that keep people healthy or delay more serious illness. Many of these services are delivered in the community or in people's homes. These are services that:

- Promote healthy lifestyles
- Support children in their early years
- Support people with mental health problems
- Look after our community as they age and live with more complex health and care needs

These are services that would not be in place without the investment enabled by P.82/2012 and that are beginning to realise benefits in terms of hospital bed capacity and reduction in average length of stay.

This growing infrastructure of services based in our community will continue to support Jersey's acute hospital services to care for those people who are at their most vulnerable and in need of care due to serious illness.

The sunray diagram affixed to this answer details objectives that have been delivered as part of P.82/2012 and those that are yet to be delivered. The diagram illustrates that approximately 65% of those objectives have been delivered.

In terms of the overall vision, it has been a challenge to move from strategy to implementation, make an overall shift of care from hospital to the community and primary care and replicate worthwhile pilot studies on a larger scale.

There is still progress to be made on digital modernisation due to complexities around systems integration, information sharing and data protection and there is still progress to be made on sustainable funding arrangements for health and social care.

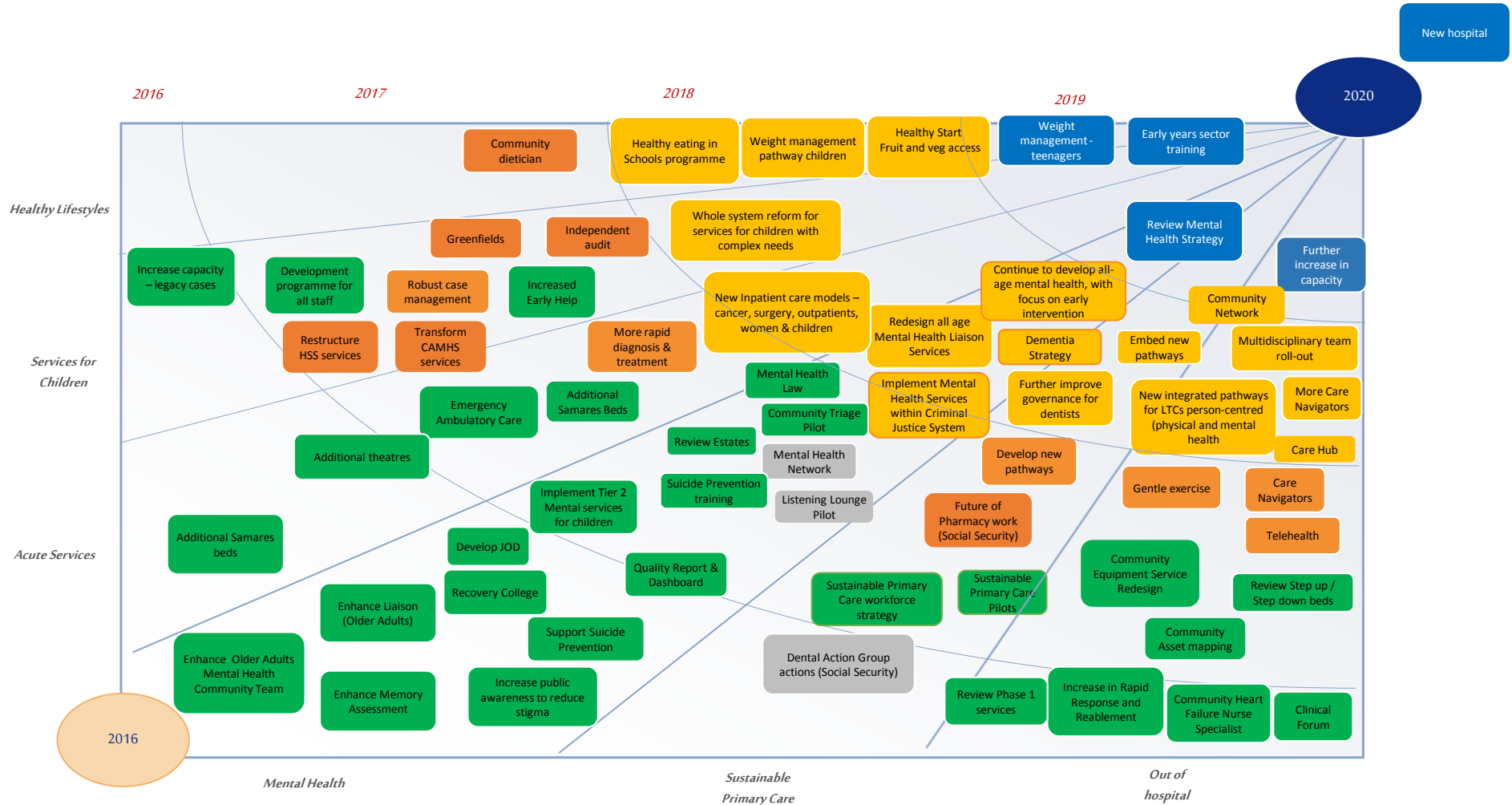
There has also been significant debate about the site of the Future Hospital, which has consumed substantial amounts of attention at the expense of service development. The result of the ongoing debate (which is a matter for this Assembly) will be that a new hospital is unlikely to be built in the timelines originally envisaged.

The department for Health and Community Services considers both the delivery of the vision of P.82/2012 and the provision of a new hospital for Jersey to be an ongoing priority.





# Planned service developments in MTFP 2



**2.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COMPARATIVE TAX PAID BY EMPLOYEES AND SELF-EMPLOYED PEOPLE: [WQ.76/2019]**

**Question**

Will the Minister inform members what a single employee earning £40,000 a year will pay in tax and Social Security contributions along with the sums that would be paid by a self-employed person who earns the same amount but who has opted to incorporate as a self-employed company manager / owner?

**Answer**

An individual who an employee is earning £40,000 in 2019 would pay income tax of £6,396 (assuming he is not entitled to any other tax reliefs and allowances) and class 1 employee social security contributions of £2,400 on those earnings. The employer also pays £2,600 of class 1 employer social security contributions, bringing the total social security contributions paid to £5,000.

An individual who owned his own company and paid himself a salary of £40,000 in 2019 would pay income tax of £6,396 and class 2 social security contributions of £5,000 on that salary.

If that company pays a dividend rather than a salary, the answer above still applies. The dividend would be taxable and class 2 social security contributions would be due on it.

**2.9 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE EXPENDITURE LIMITS SET IN THE PUBLIC ELECTIONS (EXPENDITURE AND DONATIONS) (JERSEY) LAW 2014: [WQ.77/2019]**

**Question**

Will the Chairman advise –

- (a) when the maximum expenditure limits set in the Public Elections (Expenditure and Donations) (Jersey) Law 2014 were last reviewed;
- (b) whether the limits have ever been increased in line with R.P.I. since they were established and, if so, when that has occurred; and
- (c) if increases in R.P.I. have not occurred, why that has not been the case?

**Answer**

The expenditure limits set in the Public Elections (Expenditure and Donations) (Jersey) Law 2014 have not been reviewed since the legislation was adopted in 2014. There has been no RPI increase because the law does not provide for this. The Committee expects to undertake a review of election costs later this year and will consider the case for increasing the maximum expenditure limits and amending the legislation to provide for an annual increase in the limits in line with inflation.

**2.10 SENATOR S.Y. MÉZEC OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE ROLE OF CONVENTIONS IN THE PROCEDURES OF THE STATES ASSEMBLY: [WQ.78/2019]**

**Question**



Will the Chairman of PPC explain what assessment, if any, his Committee has made of –

- (a) the role ‘conventions’ play in the rules of the States Assembly; and
- (b) how conventions are recorded as being applicable in the States, who adjudicates on them and how Members can seek to change them?

**Answer**

PPC has not undertaken any work on the role conventions play in relation to the States Assembly.

In a parliamentary context, conventions are widely-held views about how things are done. They are not codified, are less prescriptive than the law or standing orders, and may be departed from if it is generally thought desirable to do so. Conventions may also evolve over time and may sometimes be codified and become formal rules. Examples of conventions in the States Assembly include such matters as the manner by which Members indicate that they wish to speak; the way in which committees can create informal sub-committees; and the tradition that the Lieutenant-Governor only speaks twice in the Assembly during his period in office.

Member who wish to change the established practices of the States Assembly may attempt to do so by bringing a proposition for debate in the Assembly.

Members may be interested in the [report](#) of the UK Joint Committee on Conventions, which was published in 2006. It dealt with the conventions governing the relationship between the House of Commons and House of Lords and includes further information about the advantages and disadvantages of formalising conventions so that they become formal rules.

**2.11 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING EXPENDITURE ON HOUSING BENEFIT IN 2017 AND 2018: [WQ.79/2019]**

**Question**

How much was spent on housing benefit for 2017 and 2018 in the following areas?

- (a) Andium Homes tenants;
- (b) Tenants in private rental accommodation; and
- (c) Tenants in Housing Trust accommodation.

**Answer**

This information is provided in the Social Security annual report. The 2017 report was published as [R.109/2018](#).

The calculation to produce these figures is described in the 2017 annual report as follows:

“As the value of Income Support paid to a particular household depends not only on the mix of components that it is entitled to, but also on the other income received by the household, it is not straightforward to report on the value of each component in the total expenditure for Income Support. However, to enable an analysis of the total cost to be undertaken, a method of allocating costs within the various components has been developed. This method divides the actual Income Support benefit received by a household in proportion to the gross value of each of the components that the household is eligible for, to allocate a specific net value to each of the components. ... In order to compare the total spend in 2017 across the

range of components, it is necessary to examine expenditure throughout the year. The mix of claims changes over time and the values of some components were increased during the year. The following analysis includes data taken from each month of the year to ensure that trends in the take-up of Income Support and rate changes during the year are represented, and provides approximate net values for the cost of each component group.”

2017

<b>Tenure</b>	<b>Total £</b>
Andium Homes	16,613,000
Other Trust Rental	3,233,000
Private Rental	8,903,000
Other	777,000
Owner Occupier	16,000
<b>Total</b>	<b>29,544,000</b>

Equivalent calculations have been undertaken for the 2018 data. These figures are currently provisional and are subject to change, pending the approval and publication of the States Accounts.

2018

<b>Tenure</b>	<b>Total £</b>
Andium Homes	16,794,000
Other Trust Rental	3,455,000
Private Rental	9,127,000
Other	778,000
Owner Occupier	14,000
<b>Total</b>	<b>30,168,000</b>

**2.12 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE ISLAND’S TARGETS FOR CO<sub>2</sub> EMISSIONS: [WQ.80/2019]**

**Question**

Will the Minister advise –

- (a) whether Jersey has targets for its CO<sub>2</sub> emissions;
- (b) if not, why not;
- (c) if it does, what those targets are and how successful the Island has been at meeting them; and
- (d) what actions, if any, are being taken to lower the Island’s CO<sub>2</sub> emissions?

**Answer**

[\*Pathway 2050: An Energy Plan for Jersey\*](#), agreed by the States Assembly in May 2014, outlines the detailed policies and suite of actions to reduce Jersey's carbon emissions by 80% on 1990 baseline levels by 2050.

The delivery of the Plan is overseen by the Jersey Energy Partnership. The Partnership has two parts, a Ministerial energy executive, and a multi stakeholder energy forum. The energy executive is responsible for reviewing the plan and the ongoing monitoring of the actions in the plan. The energy executive will develop or commission new policy areas or actions, according to review findings. The energy executive group members are the following Ministers: Minister for the Environment, Minister for Infrastructure, Minister for Social Security, and Minister for Economic Development, Tourism, Sport and Culture.

Jersey reports annually on its carbon emissions<sup>1</sup> and publishes an annual Energy Plan update report on [www.gov.je](http://www.gov.je).

## **2.13 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE MONITORING OF CAR-PARK USE AT SPORTS FACILITIES: [WQ.81/2019]**

### **Question**

Will the Minister advise whether a private firm has been monitoring use of the car parks at FB Fields, Grainville, Langford and Springfield since September 2018; and, if so, will he further advise –

- (a) how many tickets have been issued;
- (b) how many such tickets remain unpaid;
- (c) how much has been collected to date;
- (d) how much is owed in total;
- (e) what the total cost to the States of Jersey of employing the company has been;
- (f) whether the company is based in Jersey and is liable for tax in Jersey; and
- (g) how much of the money collected has been returned to the States of Jersey?

### **Answer**

Yes.

Regarding the detailed questions at (a) to (g) above -

- (a) 622 tickets have been issued since October 2018, when enforcement restarted;
- (b) 343 tickets remain unpaid;
- (c) £15,010.00 has been collected to date;
- (d) The total sum owed is £20,580 (343 tickets at £60). There is scope for this figure to be reduced insofar as fines paid within 3 days incur a reduced charge of £40, while the department applies a policy of reducing fines to £10.00 in special circumstances.
- (e) £156.00 per site per month for Grainville, FB Fields, Springfield and Langford
- (f) The company is based in Jersey;
- (g) All money collected is paid into the relevant budget code for each site that the tickets were issued.

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<sup>1</sup> <http://www.aether-uk.com/Resources/Jersey-Infographic>

Parking orders have been on these sites for many years. They are there to ensure that those legitimately parking there are using the Sports Centre or Playing Fields in question. The parking is free for specified periods. Adequate provision is provided within the order for those to undertake their sport/exercise. Users are simply required to display their time of arrival.

Parking at Les Quennevais Sports Centre and taking the bus to the Airport for an extended period or parking at Springfield and going shopping in town are other examples of abuses that the parking orders are intended to address. The Sport Division also has to deal with dumped and abandoned vehicles at its sites each year, which is costly and time consuming. Having the car parks monitored regularly helps to tackle these issues and ensure spaces are available for users of the facilities.

## **2.14 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PRESCRIPTION OF MEDICINAL CANNABIS PRODUCTS: [WQ.82/2019]**

### **Question**

In light of the agreement that medicinal cannabis products may be prescribed, will the Minister advise –

- (a) whether any G.P.s are still unwilling to prescribe such products and, if so, will he undertake to confirm whether this is due to a lack of knowledge, education, support from his Department, or cultural resistance from more senior colleagues;
- (b) whether any pharmacies are unwilling to supply such products and, if so, whether it is due to any lack of clarity or specificity regarding the products made available which thereby renders such products subject to costs on the private tariff; and
- (c) if there are such G.P.s or pharmacies, what he is going to do to deliver on the agreement that such products may be prescribed; and

will the Minister explain whether any pharmacies have not yet moved the drug Sativex from the private list of products to the free prescription list and, if there are such pharmacies, why that is the case?

### **Answer**

- (a) The recent changes in legislation have removed the legal barrier to prescribing quality assured cannabis-based medicinal products and, as with any other prescription medicine, the decision to do so is a clinical one to be taken by the prescriber. The decision to prescribe or not to prescribe is entirely a matter for individual GPs as independent healthcare professionals. All medical practitioners registered to practise in Jersey are required to be licensed to practise by the General Medical Council (GMC) and must at all times adhere to the GMC's standards of good medical practice, including good prescribing practice. Apart from jeopardising their GMC licence to practise, any medical practitioner deviating from these standards would also compromise their medical indemnity cover.
- (b) The recent changes in legislation specify the manufacturing and quality control measures which any cannabis-based medicinal product must comply with and therefore does not impose a restriction to any specific named products. Pharmacists are under a professional obligation to only dispense medicinal products where they can guarantee the quality of the product. Compliance with Good Manufacturing Practice (GMP) requirements by the manufacturer provides pharmacists with such an assurance regarding the quality of the product. Any cannabis-based medicinal product dispensed by a

community pharmacist in response to a GP prescription would be on the basis of a private prescription.

- (c) Quality assured cannabis-based medicinal products can now be legally prescribed by any doctor or approved prescriber in Jersey following the legal change approved by the Minister.
- (d) To date, no application has been made for any cannabis-based medicinal product, including Sativex, to be placed on the approved list.

The list of community-dispensed items available at no cost to the patient is maintained by the Social Security Minister under the Health Insurance Law. Pharmacies cannot unilaterally move products to the approved list. Under the Health Insurance Law, the Social Security Minister must take advice from the Pharmaceutical Benefit Advisory Committee (PBAC) before making any changes to the approved list. The PBAC comprises an independent chair, 3 GPs, 2 community pharmacists, 1 community dentist, 2 Social Security representatives, 2 Health and Social Services representatives, the Medical Officer of Health and the Chief Pharmacist at the General Hospital. Any local prescriber (doctor, dentist, approved non-medical prescriber) can make an application to the PBAC for an item to be added to or removed from the approved list.

The PBAC considers applications in light of current clinical evidence and expert advice, with the aim of ensuring that patients in Jersey have access to an appropriate range of modern, safe and effective treatments from their GPs and other community prescribers at a proportionate cost to the Health Insurance Fund. The approved list does not include a range of more specialist items which are only available on prescription from an appropriate specialist prescriber (doctor, dentist or non-medical prescriber) working in the Hospital.

The (UK) National Institute for Health and Care Excellence (NICE) provides [evidence-based guidance](#) and [advice](#) for health, public health and social care practitioners. NICE is currently developing guidance in respect of cannabis-based products for medicinal use and this guidance is expected to be published in October 2019.

## **2.15 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE ACCOMMODATION OCCUPIED BY HEALTH STAFF: [WQ.83/2019]**

### **Question**

Will the Minister provide details of the units of accommodation either leased or owned by his Department and let to health staff, including –

- (a) the grade of staff occupying these units (e.g. nurse including grade, doctor including grade);
- (b) whether such staff are employed as a locum or on a permanent contract; and
- (c) how the length of any tenancy agreements and rental values are determined?

### **Answer**

The units and types of accommodation either leased or owned are as follows:

**Owned units:**

Type	Quantity
Rooms	63

**Leased units:**

Type	Quantity
Rooms	67

**Total :**

Type	Quantity
Rooms	130

Studio	22
1 bed	5
2 bed	12
3 bed	17
Total:	119

Studio	25
1 bed	3
2 bed	21
3 bed	2
Total:	118

Studio	47
1 bed	8
2 bed	33
3 bed	19
Total:	237

a) &b) Grade of staff and type of contract:

Type of staff	Type of contracts	Total number
Nursing		
Agency Nurses	Agency contract	39
Nurses, includes staff nurses, nurse specialists, sister	Permanent	17
Midwifery		
Midwives	Permanent	<5
Dental Nurses	Permanent	<5
Medical Staff		
Consultants	Locum	12
Registrars, staff grades, Associate specialist	Locum	10
Clinical Fellows	Fixed Term	8
GP trainees	Fixed Term	<5
Foundation Doctors Y1 & Y2	Fixed Term	26
Medical Students	Placement	9
Allied Health Professionals		
Clinical Psychology	Permanent	<5
Physiotherapy	Permanent	<5
Occupational Therapy	Locum	<5
Paramedics	Fixed Term/Locum	<5
Radiographer	Permanent	<5
Radiographer/sonographer	Locum	<5
Pharmacy technicians	Permanent	<5
Pharmacy Dispensers	Locum	<5
Biomedical Scientist	Locum	<5
Biomedical Scientist	Permanent	<5
Mortuary Technician	Locum	<5
Social Work		
Children's Social Workers	Locum	22

Team Manager Children's Services	Locum	<5
Adult Social Workers – Mental Health	Locum	6
Other		
Health and Safety	Agency	<5
Chaplain	Permanent	<5

c) Tenancy arrangements vary dependent on operational need and demand, particularly in the case of temporary staff such as those on locum or agency contracts.

In the case of staff employed on a fixed-term basis, the tenancy matches the duration of the contract.

For medical students on placement, the length of tenancy is agreed with the university.

In the case of staff permanently appointed, leases are renewed on a 6-monthly basis. Extension to the lease is made on a case by case basis, dependent on individual circumstances.

Rental charges are determined by the landlord/owner of the property and reviewed on an annual basis.

**2.16 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING THE LEGAL PROVISIONS RELATING TO THE ASSESSMENT OF PUBLIC INTEREST IN DETERMINING PLANNING APPLICATIONS: [WQ.84/2019]**

**Question**

By what legal provisions does the Minister for the Environment assess the public interest in deciding planning applications on major projects which are not in accordance with the Island Plan and what alternative mechanisms for assessing the public interest are available to the Assembly?

**Answer**

The determination of all planning applications inherently involves assessing the public interest. The assessment by the Minister for the Environment (“the Minister”) is by way of an inquiry under the Planning and Building (Public Inquiries) (Jersey) Order 2008 (“the 2008 Order”). The 2008 Order requires the inspector to prepare a report to the Minister, collating and summarising the evidence submitted, setting out his findings and the grounds for them.

The Minister is the ultimate decision maker for planning applications determined by him under Article 12 of the Planning and Building (Jersey) Law 2002 (“the 2002 Law”). There is no mechanism under the 2002 Law for the assessment of the public interest to be made by anyone else, including the Assembly.

Detailed answer

Planning is concerned with land use from the point of view of the public interest. The public interest is always engaged and is part and parcel of any grant or refusal of planning permission, irrespective of whether the application concerns a major or minor project.

This is because the right for a person to do as they please with their land has been curtailed by planning legislation. Since the introduction of comprehensive planning control under the Island Planning (Jersey) Law 1964, which came into effect on 1st April, 1965, ownership of land no longer carries with it the right to use or develop land as an owner thought fit. Ownership only carries with it the right to continue with the use of land for its existing lawful use, or the right to apply for planning permission.

The requirement for planning permission cannot operate in a vacuum. Planning decisions are taken having regard to planning policy, the most important policy document of which is the Island Plan, as approved by the States.

Broadly put, the duty under the 2002 Law is to assess all applications on planning principles, in accordance with the Island Plan, for the public good. The Island Plan is a significant document. In general, planning permission shall be granted if the proposed development is in accordance with the Island Plan. There is discretion to grant permission that is inconsistent with the Plan if the relevant decision maker is satisfied that there is sufficient justification for doing so. The unwritten corollary in the 2002 Law is that applications inconsistent with the Island Plan will not generally be granted permission.

The Minister will only be the decision maker for major projects or developments that would be a departure from the Island Plan.

This is because Article 12(1) of the 2002 Law provides:

*“This Article applies in respect of an application for planning permission where the Minister is satisfied that if the proposed development were to be carried out –*

*(a) the development would be likely to have a significant effect on the interests of the whole or a substantial part of the population of Jersey; or*

*(b) the development would be a departure (other than an insubstantial one) from the Island Plan.”*

Article 12(2) is unambiguous in its terms:

*“Where this Article applies –*

*a) **the Minister, and only the Minister, shall determine the application; and***

*(b) the Minister shall not do so unless and until a public inquiry has been held concerning the application.” [Emphasis added]*

The Minister cannot abdicate his decision making.

Article 12(3), provides that *“The Minister shall take into account in determining the application representations made at the public inquiry”*.

If the terms of reference require the inspector to draw conclusions or make recommendations, they must be included in the report. The duty is to give the Minister a fair account of the evidence on which the inspector has based his report.

The Minister’s discretion is not fettered by recommendations of the inspector since it is the Minister who bears ultimate responsibility for the decision. Nonetheless the Minister may adopt the reasoning of the inspector, so that the reasons of the inspector become the reasons of the Minister.

The responsibility for determining planning applications dealt with by way a public inquiry under Article 12 is placed on the Minister, and not the Assembly or individual politicians. The Assembly can form a view on a proposition properly adopted, and there is nothing wrong in the Minister taking that view in to



account where it raises material planning considerations – as long as in so doing he does not abdicate his responsibility (*IDC v Fairview Farms* [1996 JLR 306 at 314]).

The 2008 Order does not enable the Minister himself to seek the opinion of the States as part of the Inquiry process. If the Minister wished to seek the opinion of the States on a particular planning consideration, this would require an amendment to the 2008 Order.

The Minister must have regard to all considerations that are material to an application. Material considerations are those considerations that serve a planning purpose. A planning purpose is one which relates to the character of the use of land. There is therefore some breadth as to what is capable of being a material planning consideration.

## **2.17 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING A TIMELINE OF THE PLANNING APPLICATIONS FOR THE FUTURE HOSPITAL: [WQ.86/2019]**

### **Question**

Will the Minister set out a timeline in respect of the planning applications for the Future Hospital to show the length of time the planning process in relation to this project has taken to date, as well as the planning stages through which it has passed; and will he state, for each planning stage, which procedures apply to the processing of the application?

**Answer**

The tables below set out the timeline in respect of the two hospital planning applications, including dates and references to the Articles within the Planning and Building (Jersey) Law 2002 or subordinate legislation, for each stage of the application process.

**FIRST APPLICATION (PP/2017/0990)**

<b>Date</b>	<b>Action</b>	<b>Wk</b>	<b>Relevant procedure</b>	
29 Jun 17	Application delivered	0	Planning and Building (Jersey) Law 2002	Art 9
17 Jul 17	Minister resolves to hold Public Inquiry	3	Planning and Building (Jersey) Law 2002	Art 12
20 Jul 17	Independent Inspector appointed	3	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 3
25 Jul 17	Announcement of Inquiry	4	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 5
17 Aug 17	Terms of Reference issued	7	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 4
8 Sept 17	Deadline for Statements of Case	10	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 5
22 Sept 17	Extended deadline for Statements of Case	12	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 5
10 Oct 17	Site visit	15	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 16
20 Oct 17	Deadline for Proofs of Evidence	16	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 9
6-10 Nov 17	Public Inquiry held	19	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 14
2 Jan 18	Inspector's Report submitted	27	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 17
9 Jan 18	Minister refuses application, applicant notified	28	Planning and Building (Jersey) Law 2002	Art 12 & 19

**SECOND APPLICATION (PP/2018/0507)**

<b>Date</b>	<b>Action</b>	<b>Wk</b>	<b>Relevant procedure</b>	
13 Apr 18	Application delivered	0	Planning and Building (Jersey) Law 2002	Art 9
24 Apr 18	Minister resolves to hold Public Inquiry	2	Planning and Building (Jersey) Law 2002	Art 12
30 Apr 18	Independent Inspector appointed	3	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 3
15 May 18	Announcement of Inquiry	5	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 5
17 May 18	Terms of Reference issued	5	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 4
6 July 18	Deadline for Statements of Case	12	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 5
18 July 18	Revised Terms of Reference Issued (alternative sites)	14	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 4
24 July 18	Amended drawings received and re-advertised	15	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 4
2 Aug 18	Pre-Inquiry Meeting	16	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 8
28 Aug 18	Deadline for Proofs of Evidence (application)	20	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 9
7 Sept 18	Deadline for Proofs of Evidence (alternative sites)	21	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 9

17-21 Sept 18	Public Inquiry held	23	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 14
10 Dec 18	Inspector's Report submitted	34	Planning and Building (Public Inquiries) (Jersey) Order 2008	Art 17
14 Jan 19	Minister refuses application, applicant notified	39	Planning and Building (Jersey) Law 2002	Art 12 & 19

**2.18 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING EMPTY OR PARTIALLY-USED PROPERTIES OWNED BY THE STATES OF JERSEY: [WQ.86/2019]**

**Question**

Will the Minister provide a list of all States of Jersey-owned properties which are currently either partially used or empty, as well as the future projects for which such properties are earmarked (e.g. sports facilities, social housing, capital projects)?

**Answer**

There are presently 28 buildings, or in four cases parts of buildings, across 18 sites that are empty or only partially used. There are a variety of reasons for the properties being unoccupied, which include:

- 9 sites vacated prior to demolition or redevelopment;
- 2 sites vacated for refurbishment or maintenance works;
- 7 sites with void properties awaiting re-use by States departments or re-letting to a third party. Four of the void properties are short-term voids with new tenants already lined up.

Half of the vacant sites are pending redevelopment either in relation to the Future Hospital project, the Office Strategy project or potentially as social housing sites.

The property details, including addresses, are not made public, because it is deemed that its disclosure could lead to the properties in question being targeted by criminals and becoming the targets of vandalism. I would be happy to meet with the Deputy to provide him with this information.

**2.19 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING MAINTENANCE AND BUILDING WORKS REQUIRED AT THE GENERAL HOSPITAL IN THE NEXT 10 YEARS: [WQ.87/2019]**

**Question**

Will the Minister provide the list of maintenance work and any other vital building works that in his view is required to keep the current hospital running safely for the next 10 years?

**Answer**

Health and Community Services is in the final stages of completing a 6 Facet Building Condition Survey. This type of survey provides an 'industry standard' means of assessing the condition of the Jersey General Hospital estate with respect to 1) physical condition 2) functional suitability 3) space utilisation 4) quality 5) fire, health and safety and 6) environmental management.

A summary of backlog maintenance costs as of February 2019 is set out below. These costs are associated with maintaining statutory and regulatory compliance. They are currently going through a process of internal validation before a final report can be provided to the Health and Community Services Management Executive

All Blocks									
Summary costs									
	Cost	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5-10	Year 11-15	
Works cost	£54,871,514	£21,632,588	£1,514,795	£1,891,026	£733,802	£511,352	£16,612,687	£11,975,265	
Additional costs (inc. Jersey %)	£283,310	£283,310	£0	£0	£0	£0	£0	£0	
<b>SUB TOTAL</b>	<b>£55,154,824</b>	<b>£21,915,898</b>	<b>£1,514,795</b>	<b>£1,891,026</b>	<b>£733,802</b>	<b>£511,352</b>	<b>£16,612,687</b>	<b>£11,975,265</b>	
<b>PRELIMINARIES (20%)</b>	<b>£11,030,965</b>	<b>£4,383,180</b>	<b>£302,959</b>	<b>£378,205</b>	<b>£146,760</b>	<b>£102,270</b>	<b>£3,322,537</b>	<b>£2,395,053</b>	
<b>CONTINGENCY/RISK (10%)</b>	<b>£6,618,579</b>	<b>£2,629,908</b>	<b>£181,775</b>	<b>£226,923</b>	<b>£88,056</b>	<b>£61,362</b>	<b>£1,993,522</b>	<b>£1,437,032</b>	
<b>PROFESSIONAL FEES (11%)</b>	<b>£8,008,481</b>	<b>£3,182,188</b>	<b>£219,948</b>	<b>£274,577</b>	<b>£106,548</b>	<b>£74,248</b>	<b>£2,412,162</b>	<b>£1,738,809</b>	
<b>OVERALL COST</b>	<b>£80,812,849</b>	<b>£32,111,174</b>	<b>£2,219,477</b>	<b>£2,770,731</b>	<b>£1,075,166</b>	<b>£749,233</b>	<b>£24,340,908</b>	<b>£17,546,159</b>	
		<b>Year 0</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5-10</b>	<b>Year 11-15</b>	
<b>Cumulative Costs</b>		<b>£32,111,174</b>	<b>£34,330,651</b>	<b>£37,101,382</b>	<b>£38,176,549</b>	<b>£38,925,782</b>	<b>£63,266,690</b>	<b>£80,812,849</b>	

These costs are associated with the General Hospital alone. The relatively large amount in 'Year 0' (£32m) reflects the accumulated deferred backlog maintenance. Much of this work was deferred because buildings were programmed for early demolition as part of the Future Hospital Project. These buildings will now need investment not previously considered. Further surveys will need to be undertaken for the remainder of the Health and Community Services estate including community and ambulatory services at Overdale Hospital and mental health and other services at St Saviour's site. There is also a significant number of individual Health and Community Services buildings across the Island whose condition will need to be surveyed.

They do not include the capital costs of other vital building works, particularly those associated with providing additional hospital bed, operating theatre or outpatient clinic capacity that will be needed to meet the demand created by the increasingly ageing demographic on the Island. Nor do they include any additional costs such as service decant and temporary buildings, associated with enabling backlog maintenance projects to proceed. The costs are current costs excluding the impact of inflation on any programmed works.

In conclusion, these costs set out in this written answer are likely to represent only the *minimum* costs required to keep the current General Hospital statutory and regulatory compliant for the next 10 years.

## **2.20 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE APPOINTED DAY ACT FOR ARTICLE 20 OF THE DORMANT BANK ACCOUNTS (JERSEY) LAW 2017: [WQ.88/2019]**

### **Question**

Further to the response to my Oral Question last year, OQ.107/2018, that an Appointed Day Act for Article 20 of the Dormant Bank Accounts (Jersey) Law 2017 would be brought forward before the end of 2018, will the Minister confirm when this Article will be brought into force?

### **Answer**

Article 20 of the Dormant Bank Accounts (Jersey) Law 2017 activates the future distribution of dormant account proceeds held within the Jersey Reclaim Fund and requires the Minister, by way of an Order, to determine policy and procedures for distribution.

Officers continue to work on the required policies and procedures to ensure appropriate management of the Reclaim Fund. Recognising that the States of Jersey carries future liability for proper claims against the Reclaim Fund, a range of factors are under consideration including:

- Prudent management of the Reclaim Fund given potential for repayments in the event of claim;

- An appropriate investment strategy to balance capital preservation and generate a modest annual income;
- Tracking the number and value of reclaims albeit current history is limited to 12 months.

The Economic Affairs Scrutiny Panel will be briefed on the draft policies and procedures both as a matter of good practice and given previous concern to ensure provisions of Article 20, (3) Article 20 (4) were suitably arm's length of the Minister.

Officers expect to be in a position to brief the Panel by end of March 2019.

## **2.21 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING LEGISLATION TO PREVENT THE DISCRIMINATION BY LANDLORDS AGAINST TENANTS WITH CHILDREN: [WQ.89/2019]**

### **Question**

Will the Minister provide an update on when legislation will be brought forward to enact the States Assembly's adoption of 'Housing: prevention of discrimination by landlords against tenants with children' (P.31/2018) on 6th March 2018 and advise which Ministers are involved?

### **Answer**

Legislation to introduce measures protecting prospective tenants with children against discrimination by landlords is identified as a priority for phase 2 of the Children's Legislation Transformation Programme. This work is anticipated to commence in 2020 and, subject to public consultation, draft legislation will follow.

The work will be undertaken by the Minister for Social Security in consultation with the Minister for Children and Housing.

## **2.22 DEPUTY M. TADIER OF ST. BRELADE OF H.M. ATTORNEY GENERAL REGARDING THE MISUSE OF DRUGS (MISCELLANEOUS AMENDMENTS) (NO. 7) (JERSEY) ORDER 2018 (R&O.147/2018): [WQ.90/2019]**

### **Question**

Will H.M. Attorney General explain whether and, to what extent, the Misuse of Drugs (Miscellaneous Amendments) (No. 7) (Jersey) Order 2018 (R&O.147/2018) satisfies from a legal perspective the requirements of the States' decision to adopt 'Medicinal Cannabis: right to prescribe by medical professionals' (P.113/2018), namely that all medical professionals with the right to prescribe should be permitted to prescribe –

- (i) Cannabis;
- (ii) Cannabis-derivatives; and
- (iii) individual Cannabinoids?

### **Answer**

Part (a) of P.113/2018 asked the States to decide whether they were of the opinion that all medical professionals with the right to prescribe should be permitted to prescribe –

- (i) Cannabis;
- (ii) Cannabis-derivatives;
- (iii) individual Cannabinoids;

(iv) pharmaceutically-created Cannabis-derived products (including Dronabinol, Epidiolex, Nabilone and Sativex);

The proposition was adopted by the States.

Controlled drugs are specified in Parts 1, 2 or 3 of Schedule 2 to the Misuse of Drugs (Jersey) Law 1978 (the “Law”). The relevant controlled drugs, for present purposes, as listed in the Law, are as follows:

- Cannabinol derivatives, defined as meaning the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives
- Cannabinol
- Cannabis
- Cannabis resin

The list includes, amongst other things, any preparation or other product containing these substances or products.

The Misuse of Drugs (Miscellaneous Amendments) (No.7) (Jersey) Order 2018 (the “2018 Order”) uses the terminology in the Law. The wording in the proposition of “cannabis-derivatives” and “individual cannabinoids” appear to be generic terms rather than pharmaceutical descriptions, and do not have the legal certainty that is required in legislation.

Dronabinol and Nabilone were already listed in Schedule 2, and Sativex in Schedule 4 of the Misuse of Drugs (General Provisions) (Jersey) Order 2009 (the “General Provisions Order”), and therefore were available on prescription prior to P.113/2018 being lodged.

Article 1(a) of the 2018 Order substituted the list of cannabis related drugs that was in Part 1 of the Schedule to the Misuse of Drugs (Designation) Order 1989 (the “Designation Order”). That list had read as follows:

*“Cannabinol  
Cannabinol derivatives except dronabinol and except any stereoisomer of dronabinol  
Cannabis (not being the substance specified in paragraph 4 of Part 2 of this Schedule) [ie Sativex]  
Cannabis”*

The new list in the Designation Order, as inserted by the 2018 Order, states:

*“Cannabinol (not falling within paragraph 5 of Part 2)  
Cannabinol derivatives (not falling within paragraph 5 of Part 2), other than dronabinol or a stereoisomer of dronabinol  
Cannabis (not falling within paragraph 4 or 5 of Part 2)  
Cannabis resin (not falling within paragraph 5 of Part 2)”;*

A new paragraph 5 of Part 2 to the Schedule to the Designation Order, which lists controlled drugs that are excepted from Part 1 of the Schedule, now reads as follows:

*“5 A controlled drug (not falling within paragraph 4) that –*

*(a) is –*

- (i) cannabinol,*
- (ii) a cannabinol derivative, other than dronabinol or a stereoisomer of dronabinol,*
- (iii) cannabis, or*

- (iv) *cannabis resin; and*
- (b) *constitutes or is contained in a medicinal product, as defined in Article 2 of the Medicines (Jersey) Law 1995, that is manufactured –*
  - (i) *in compliance with the principles and guidelines of good manufacturing practice laid down by Commission Directive 2003/94/EC of 8 October 2003 laying down the principles and guidelines of good manufacturing practice in respect of medicinal products for human use and investigational medicinal products for human use (OJ L 262, 14.10.2003, p.22) as amended from time to time, and*
  - (ii) *by a manufacturer who holds a certificate of good manufacturing practice issued under Article 111(5) of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p.67) as amended from time to time.”*

The description in paragraph 5 above is hereafter referred to as “medicinal cannabis”.

The effect of moving medicinal cannabis from Part 1 to Part 2 of the Designation Order, enables medicinal cannabis to be regulated under the General Provisions Order, which authorizes activities that would otherwise be unlawful.

Article 2(b) of the 2018 Order substituted the list in Schedule 1 of the General Provisions Order to read as follows:

*“Cannabinol (not falling within paragraph 10 of Schedule 2)  
Cannabinol derivatives (not falling within paragraph 10 of Part 2), other than dronabinol or a stereoisomer of dronabinol  
Cannabis (not falling within paragraph 10 of Schedule 2 or within paragraph 10 of Schedule 4)  
Cannabis resin (not falling within paragraph 10 of Schedule 2)”*

Article 2(c) of the 2018 Order added the following paragraph 10 to Schedule 2 of the General Provisions Order.

*“10 A controlled drug constituting or contained in a medicinal product, if and to the extent that the drug and the medicinal product fall within paragraph 5 of Part 2 of the Schedule to the [Designation Order].”*

Article 2(a) of the 2018 Order prohibits the taking or administration of medicinal cannabis by smoking, as recommended to the Minister of Health and Social Services by the Misuse of Drugs Advisory Council.

Further to medicinal cannabis being included as Schedule 2 controlled drugs in the General Provisions Order, medicinal cannabis can be prescribed by any medical professional with the right to prescribe. The UK government has restricted the power to prescribe cannabis medicines to “specialist medical practitioners” which (generally speaking) means consultants. However, the 2018 Order reflects the States decision to adopt P.113/2018 and permit all medical professionals with a right to prescribe, the power to prescribe medicinal cannabis.

In summary the objective of P.113/2018 appears to have been met by the 2018 Order, but the wording that was used is consistent with the Law rather than the proposition.



**2.23 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE CIVIL SERVICE GRADES ALLOCATED TO SCRUTINY OFFICERS: [WQ.91/2019]**

**Question**

What civil service grades are allocated to the role of scrutiny officer and how do these compare to the grades allocated to communications and ministerial support roles elsewhere in the States of Jersey?

**Answer**

The Chairman of SEB is aware of the concerns raised by the Deputy in his question, and has discussed the matter with the President of the Chairmen's Committee.

An initial investigation suggests that Scrutiny Officers were last graded eighteen months ago, with Private Secretaries being graded six months ago. The grading of Officers is a non-political process, undertaken using the HAY evaluation method. If it is felt that an updated job evaluation might be warranted, this would be supported.

As to the grades, it is not felt appropriate to disclose the precise grading of specific, small groups of civil servants, but they are in the 10 - 12 range for each of Scrutiny Officers, Private Secretaries to Ministers, and Departmental Heads of Communications.

**2.24 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING THE NUMBER OF SCHOOL STUDENTS STUDYING A MODERN FOREIGN LANGUAGE: [WQ.92/2019]**

**Question**

What bench-marking, if any, takes place in the field of Modern Foreign Languages (MFL) to measure the percentage of Jersey students leaving secondary or further education with proficiency or qualifications in MFL, compared to other European countries? If none, why? If benchmarking is conducted, can the latest figures be provided?

How many students in States-funded schools (including Victoria College and Jersey College for Girls) have a language other than English as their first language? Out of these, how many are entered into a GCSE of that language?

**Answer**

No routine benchmarking to European countries is currently undertaken by the department. This is partly due to the difficulties in direct comparisons with education systems in other countries.

In January 2018, 2,567 pupils at States primary, secondary and special schools or in alternative provision had a first language other than English (EAL) recorded.

Of the 120 pupils with English as an Additional Language (EAL) in Year 11, 63 entered a GCSE in their first language. Of the 57 other pupils, 27 entered at least one GCSE in a language other than English.

The Minister for Education would like to renew her previous invitation to Deputy Tadier to meet with her and departmental officers, to foster a collaborative working relationship in line with his delegated political oversight for culture, arts and heritage.

**2.25 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING INFORMATION ON THE NUMBER OF PATIENTS IN THE ISLAND SUFFERING FROM DEMENTIA: [WQ.93/20219]**

**Question**

Will the Minister advise members –

- (a) whether the department holds information on the number of patients in the Island's care homes who are suffering from dementia or cognitive impairment and if not, why not;
- (b) what plans, if any, there are for the provision of state-run nursing homes for dementia patients;
- (c) what provision, if any, the department has made for respite care for dementia patients and their carers; and
- (d) what the department's forecasts are for the growth, or otherwise, of the number of people with dementia in the Island?

**Answer**

- (a) whether the department holds information on the number of patients in the Island's care homes who are suffering from dementia or cognitive impairment and if not, why not;**

Health and Community Services is not the exclusive provider of care for people with dementia. As it does not have a regulatory function in this area it only holds information on people who are being supported in its care homes and inpatient facilities.

The care home facility managed by the Health and Community Services Department providing care for people with dementia and cognitive impairment is Sandybrook Nursing & Residential Care Home. Currently, 13 individuals have a confirmed diagnosis of dementia or cognitive impairment.

- (b) what plans, if any, there are for the provision of state-run nursing homes for dementia patients;**

The Health and Community Services department has no plans to extend government-provided nursing homes for dementia patients or those with cognitive impairment other than that which is currently provided at Sandybrook.

Where there continues to be gaps in service and lack of capacity within the independent care home sector to accommodate higher thresholds of complex need, Health and Community Services will continue to provide 'inpatient' based care and support at Rosewood House.

- (c) what provision, if any, the department has made for respite care for dementia patients and their carers; and**

Respite care for people with dementia and their carers is also termed as 'short breaks' and can include day services, domiciliary care and residential care. Respite can be funded through the long-term care benefit. Health and Community Services does not provide residential respite services for people with dementia, however, day respite is provided by Health and Community Services' day centres following an assessment of need.

**(d) What the department's forecasts are for the growth, or otherwise, of the number of people with dementia in the Island?**

Assuming the recent level of net migration continues, the population is expected to rise from 104,200 to 130,000 by 2036. Further analysis suggests within the timescales of the next 20 years, diseases which affect mainly older age groups increase independently of migration.<sup>2</sup> It should be noted that the numbers in the projections report apply the population projections to current (2016) age-specific rates of the conditions referred to and do not take into account the likelihood of changes to the age-specific prevalence rates.

The number of people on the dementia register is estimated to double over the next 20 years, from 500 in 2016 to 1,000 in 2036.

At the end of 2017 there were 650 patients recorded on GP systems with a diagnosis of dementia. (*Prevalence of health conditions in Jersey and their multi morbidity. Statistics Jersey, December 2018*)

**2.26 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING A 'PARETO ANALYSIS' OF THE WORK UNDERTAKEN IN HIS PORTFOLIO: [WQ.94/2019]**

**Question**

Will the Minister undertake a 'Pareto analysis' of the work of his department in order that members may understand –

- (a) whether 20% of items (other than staffing) cost his department 80% of its non-staff budget and if so, what those items are; and
- (b) whether his department spends 80% of its time addressing 20% of the matters which it works on and if so, what those matters are?

**Answer**

Under the new Growth, Housing and Environment department I do not have a specific departmental budget. Areas of my remit are split between the 'Operations and Transport', 'Property and Special Projects' and 'Regulation' divisions and some of the former budget of the Department for Infrastructure has been transferred to other areas of the States (Strategic Policy, Performance and Population, States Treasury and Exchequer, for example).

We have not undertaken a Pareto analysis and in such a period of change it is difficult to see how such an analysis could be beneficial on a historic basis. A high level analysis of the work of the new Growth, Housing and Environment department can be found in the Transition Report (R155/2018, presented to the States by the Minister for Treasury and Resources on 17 December 2018).

**2.27 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING A 'PARETO ANALYSIS' OF THE WORK UNDERTAKEN IN HIS PORTFOLIO: [WQ.95/2019]**

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<sup>2</sup> Disease Projections 2016-2036: States of Jersey Public Health Statistics Unit  
<https://www.gov.je/sitecollectiondocuments/government%20and%20administration/r%20diseaseprojections2016-2036%20140917%20ph.pdf>

## Question

Will the Minister undertake a 'Pareto analysis' of the work of his department in order that members may understand –

- (a) whether 20% of items (other than staffing) cost his department 80% of its non-staff budget and if so, what those items are; and
- (b) whether his department spends 80% of its time addressing 20% of the matters which it works on and if so, what those matters are?

## Answer

Under the new One Government target operating model I do not have a department, as historically understood. My environment portfolio activities are now predominantly undertaken within the Growth, Housing and Environment, and Strategic Policy, Performance and Population departments. Under One Government, departments work collaboratively to deliver Council of Ministers priorities.

We have not undertaken a Pareto analysis of my environment portfolio activities and I do not believe such a review would be beneficial at this time of significant change and limited resources.

A clear breakdown of how public money is spent by the States of Jersey is provided in the annual report and accounts, presented to the States Assembly and published on [www.gov.je](http://www.gov.je). The States of Jersey accounts for the period 2003 to 2017 are available online and the 2018 accounts will be published by the Minister for Treasury and Resources in Q2 2019.

### **2.28 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING A 'PARETO ANALYSIS' OF THE WORK UNDERTAKEN IN HIS PORTFOLIO: [WQ.96/2019]**

## Question

Will the Minister undertake a 'Pareto analysis' of the work of his department in order that members may understand –

- (a) whether 20% of items (other than staffing) cost his department 80% of its non-staff budget and if so, what those items are; and
- (b) whether his department spends 80% of its time addressing 20% of the matters which it works on and if so, what those matters are?

## Answer

It is not my intention at present, or in the foreseeable future, to undertake a 'Pareto analysis' of the work of the Justice and Home Affairs Department as I do not consider this to be a priority.

A clear breakdown of how public money is spent by the States of Jersey is provided in the annual report and accounts, presented to the States Assembly and published on [www.gov.je](http://www.gov.je). The States of Jersey accounts for the period 2003 to 2017 are available online and the 2018 accounts will be published by the Minister for Treasury and Resources in Q2/Q3 2019.

**2.29 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING THE PLACE OF MODERN FOREIGN LANGUAGES IN THE STANDARD CURRICULUM FOR THE ISLAND'S SCHOOLS: [WQ.97/2019]**

**Question**

Would the Minister consider the reintroduction of at least one modern foreign language as a compulsory subject until GCSE as part of the standard curriculum in all States schools? If not, why not?

Will the Minister provide an estimate of what extra resourcing, if any, would be required, were such a requirement to be made?

**Answer**

The 2015 – 19 Business plan stated its aspiration for a modern foreign language (MFL) qualification to be part of every students GCSE portfolio in the long term. As a first step towards this aspiration the department have supported the effective teaching of French in primary schools, as detailed in the Jersey Curriculum, and have trialled an intensive French programme in some schools as well as employing a lead French teacher since September 2017. The Minister supports the study of modern foreign languages and further detail will follow with the publication of the next Departmental Business Plan.

The annual cost to fully support the French Experience in all Jersey primary schools would be £132,000 per annum. This would ensure that every child is given the opportunity to study French up to entry level for GCSE whilst in primary school. This would then enable pupils at secondary school to complete their study of French to an effective and independent conversational and written standard, or to transfer that skill and knowledge to another language such as Spanish, German, Portuguese or Polish. This funding would also ensure ongoing termly training and development for teachers of French in primary schools and a coordinated relationship for Jersey schools with French schools in Normandy, as well as support for MFL teaching in secondary schools, under the guidance of the Lead French teacher.

**2.30 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE SECURITY OF DATA KEPT BY THE GOVERNMENT ON EUROPEAN UNION NATIONALS: [WQ.98/2019]**

**Question**

What assurances, if any, can the Chief Minister give to members that the data kept by the government on European Union nationals residing in Jersey is sufficiently accurate to ensure that those who have been resident for a minimum period of 5 years will not be wrongly subject to deportation or refused entry upon their return to the Island?

**Answer**

The Chief Minister can give complete assurance that Settlement Scheme applications will not be refused solely as a consequence of limited government data. The question posed covers a number of specific areas of the scheme which are highlighted below and provide further clarity on this issue.

1. The data available to settlement scheme caseworkers will come from 6 different areas of Social Security data, but it is not expected that this data will be sufficient to evidence residency for all applicants to the scheme. As such an application will not be refused purely on the basis that shared Social Security data does not demonstrate a requisite period of residence. The use of such data is being used in order to simplify the application process for the majority of applicants, removing the need for many to have to submit any supporting evidence of residency.

2. Those who indicate, via the application form, that they have been resident for a period longer than is evidenced by Social Security data will be able to provide separate evidence to support their claim, from an inexhaustible list. However information from landlords, employers, parishes, utility companies, doctors and dentists could all be used to support such claims.
3. This procedure is in compliance with UK's draft Withdrawal Agreement; *“the competent authorities of the host state shall help the applicants prove their eligibility and avoid any errors or omissions; they shall give the applicants the opportunity to furnish supplementary evidence and to correct any deficiencies, errors or omission;”*
4. There are two types of leave which will be granted to applicants, settled status to those that have more than 5 years residence and pre-settled status to those resident for less than 5 years. Therefore, in even a ‘no deal’ scenario, as long as caseworkers are satisfied that a person arrived in Jersey prior to 30<sup>th</sup> March 2019, they will be eligible for pre-settled status, which is leave to remain for a 5 year period. Once 5 years residency has been acquired those with pre-settled status will be able to apply for settled status, which is indefinite leave to remain. In summary an EU national does not need to have acquired a 5 year period of residency in order to be granted leave to remain under the scheme.
5. It should be recognised that the settlement scheme is in place following an enabling piece of legislation and as such, where necessary, caseworkers will be assisting applicants to fulfil the residency requirements.

Entitlements in Jersey to housing, work, healthcare, social security and education are all on the basis of time resident in Jersey and not on the basis of nationality. This will not change for those that are granted settled status.

### **2.31 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE EFFICIENCY PLAN TO IDENTIFY £30 MILLION IN SAVINGS: [WQ.99/2019]**

#### **Question**

With regard to the efficiency plan to find £30,000,000 of savings, can the Minister advise –

- (a) what the plan will consist of;
- (b) who has been commissioned to carry out the plan; and
- (c) how much it is going to cost?

#### **Answer**

In order to deliver £30 million of savings a programme of activities are planned throughout 2019. We are currently in the discovery phase, where existing savings plans are considered, changes to existing plans are looked at and new ideas explored. Examples of what is being considered include improvements through process redesign and automation, a review of temporary and agency staff and management de-layering. A first iteration of the plan is to be produced by the end of February.

EY have been engaged to assist with the discovery phase with a view to continuing through to designing and implementing the plan.

This piece of work has not been procured on a fixed price basis, instead it involves stages in the programme where decisions will be made whether to proceed or not depending on success so far. We are currently in phase 1, the discovery phase, where the Minister is advised that the maximum liability for the States at this phase is £50,000.

If a decision is made to proceed with the next phase the intention is for a shared gain arrangement to be entered into where the cost to the States reflects the success of the efficiency plan.

**2.32 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE MONITORING OF POLICE CLOSED-CIRCUIT TELEVISION SURVEILLANCE CAMERAS: [WQ.100/2019]**

**Question**

Will the Minister advise whether the police closed-circuit television (CCTV) surveillance cameras in St. Helier are regularly monitored? If so, by whom, and how often; and if not, why not?

**Answer**

The States of Jersey Police (SOJP) make good use of the CCTV cameras that are in place across the Island, including in St Helier. The cameras are monitored 24 hours a day, 7 days a week by Police Officers and Police staff who work within the Combined Control Room. The SOJP have continual access to all cameras and can monitor different cameras whenever required.

The Deputy, and any other States Member, is most welcome to visit the Combined Control Room to see how CCTV cameras are monitored.

**2.33 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PROSPECTIVE USE OF AGENCY WORKERS TO ADMINISTER INCOME SUPPORT: [WQ.101/2019]**

**Question**

Can the Minister confirm whether 12 permanent and full-time posts for Income Support assessors are currently being filled by agency workers on terms and conditions that do not include a sick pay entitlement and or pension provision?

Can the Minister advise whether or not this is in breach of Jersey Advisory Conciliation Services guidelines on zero-hours contracts?

**Answer**

There are no permanent roles within Income Support being filled by agency workers.

The Minister considers that the department's decision to engage temporary workers via an agency does not breach JACS guidance that relates to the use of zero-hours contracts.

The Minister considers the department's current use of temporary workers is appropriate given the department's workload and obligations. The department must be able to act quickly to set-up new projects and initiatives and to provide support to customers following changes in legislation.

**2.34 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE RISK OF THE PRESENCE OF ASBESTOS IN STATES BUILDINGS: [WQ.102/2019]**

## Question

What information, if any, has the Minister provided to tenants and employees who work in States buildings in relation to the status of, and any risks attached to, the presence of asbestos in those properties?

## Answer

In the portfolio of States-owned buildings where Jersey Property Holdings manages identified asbestos, it supplies to the principal person(s) in the respective premises a copy of the Asbestos Management Plan detailing where the Asbestos is located.

## **2.35 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE PRESIDENT OF THE CHAIRMEN'S COMMITTEE REGARDING THE IMPACT OF THE GOVERNMENT'S TARGET OPERATING MODEL ON THE SCRUTINY FUNCTION: [WQ103/2019]**

## Question

Will the President advise members –

- (a) what communications, if any, her Committee has had with the Council of Ministers regarding the maintenance and improvement of the Scrutiny function, particularly in connection with the adoption of the Government's Target Operating Model;
- (b) what the predicted budget required for Scrutiny is for 2019 / 2020; and
- (c) whether it is her assessment that adoption by the Government of the Target Operating Model will have any impact on the level and standard of scrutiny activity?

## Answer

(a) There are regular meetings held between the President of the Chairmen's Committee (accompanied by the Vice-President) and the Chief Minister at which relevant matters that are affecting, or might impact, the effectiveness of the scrutiny function are discussed. The meetings are usually held shortly following the monthly meeting of the Chairmen's Committee, during which matters to be raised from the scrutiny perspective are identified. These have included concerns connected to public sector reform. Letters are also occasionally exchanged (and published) on certain matters arising between meetings, for example with regard to Policy Development Boards and their impact on Scrutiny.

(b) 2019 Scrutiny Budget (current)\*:

<b>PS0001 - Scrutiny General- Budget 2019</b>		
PS0001 - Scrutiny General	Civil Service Perm Basic	545,606.00
PS0001 - Scrutiny General	Civil Service Perm Pension	76,159.00
PS0001 - Scrutiny General	Civil Service Perm Soc Sec	34,492.00
PS0001 - Scrutiny General	Facilities Hire	1,000.00
PS0001 - Scrutiny General	Other Fees	44,000.00
PS0001 - Scrutiny General	Transcription Costs	14,000.00
PS0001 - Scrutiny General	Advertising & Publicity	4,000.00



PS0001 - Scrutiny General	Meals & Entertainment	2,000.00
PS0001 - Scrutiny General	Other Travel	3,000.00
PS0001 - Scrutiny General	Hotel Accommodation	2,000.00
PS0001 - Scrutiny General	Conference & Course Fees	5,000.00
PS0001 - Scrutiny General	Other Administrative Costs	500.00
	<b>TOTAL</b>	<b>£ 731,757.00</b>

\* the States Greffe budget for 2019 is being reprofiled in view of additional money received as a result of funding bids. This process is very likely to lead to more funding being made available to the scrutiny function.

2020 Scrutiny Budget:

In line with the process and timetable for the Government Plan, the 2020 budget is in development. Figures are therefore unavailable at this time. The process includes consultation with the Chairmen's Committee.

- (c) To date the Chairmen's Committee has been in agreement that, given the flexibility of having topic based Panel remits, the Target Operating Model of the Chief Executive itself has not directly and unduly impacted the effectiveness of the Scrutiny function. It might be noted also that the States Greffe, as a non-Executive department supporting the work of the States Assembly (including its Panels and Committees), is not directly within scope of that Model.

We do, however, hold some reservations about political accountability within the revised structure and our ability to clearly identify who controls relevant information with regard to timely access to it. We therefore maintain a watching brief and receive updates and presentations of relevant aspects of the plans from Government officials.

There are, however, pressing concerns about the growing impact on the quantity and quality of scrutiny work of insufficient staff resources within the Scrutiny section of the States Greffe, along with associated recruitment and retention challenges. Some of these do arise from wider aspects of the public sector reform programme, including new grade imbalances between comparable jobs and confusion over the apparent extension of a recruitment freeze to the States Greffe. Highly effective support provided by the small team of Scrutiny officials is a key influence on the standard of scrutiny that is undertaken by Panels.

We also face a significant budgetary challenges, see (b), notably with regard to a substantial reduction in the money available to source expert, objective technical advice and evidence. As President of the Chairmen's Committee I have raised these issues as matters of urgency with the Greffier and his team, as well as the Chief Minister. Both have been supportive. With their support it is hoped that satisfactory solutions will be established without undue delay.

### 3. Oral Questions

#### The Bailiff:

We now come to oral questions.

#### 3.1 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding the system of repayment in cases where overpayments of Social Security were made as a result of miscalculation or error: [OQ.41/2019]

May I ask the Minister, will the Minister review the system of repayments of overpayment of Social Security where recipients have not committed any deliberate deception, and/or where it is clearly a Social Security miscalculation or error, to ensure the system is fair on such recipients?

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

Thank you, Deputy. I am satisfied that the system for managing overpayments of Social Security is fair. People can be overpaid benefits for a number of reasons but in all cases people have been paid more than they were entitled to, so it is appropriate that this money is repaid. In most cases the money is paid back by a weekly deduction from their ongoing benefits.

**3.1.1 Deputy R.J. Ward:**

The real-life outcome is often to keep people at the minimum level of income or even below it for sometimes years in these circumstances which are not of their making and these questions come from a number of cases that we deal with as Deputies. Do you consider that to be a fair situation?

**Deputy J.A. Martin:**

As already said, there can be many reasons that a benefit is overpaid and our system is benefits paid in advance. To look at the overall system would be to go something like Universal Credit and pay in arrears, because every time somebody's income increases in that week, they may have worked, they may have done a bit of it overtime, it needs to be repaid the next week. So I really do not understand where the Deputy thinks I can change the system. Yes, there have been mistakes on both sides but the benefit is the benefit and if it is overpaid the benefit unfortunately needs to be repaid back so it can then go on to other people needing benefits.

**Deputy R.J. Ward:**

Just a point of clarification, if I can. The question is regarding historic payments that were in error, not necessarily payments that were because of a change of circumstance within a week or a month. Some of these go back 5 years or so and were not picked up for 3 or 4 years. I think it is an important distinction to make there.

**Deputy J.A. Martin:**

I understand where the Deputy is coming from, in some cases - obviously historically - these were not picked up quick enough, there were things that I passed in P.77 that allows the benefit systems to talk to each other but the emphasis now is people are one-to-one more often or on the phone one-to-one with the staff at the Social Security emphasising: "Please let us know everything. Tell us any circumstances that is changing or even if it may be changing. If you want to move someone into your house, if you want to take a new job." If you want to do this, find out first and then we will not have overpayments. The system is improving and it has improved over the years.

**3.1.2 Connétable R. Vibert of St. Peter:**

Would the Minister confirm if Social Security review cases of hardship where there have been overpayments? I ask the question because I have a parishioner who is having deductions from something historic, from many years ago, and now faces great hardship. That hardship is as a result of the deductions that are being made. There should be a system. This particular person now has a muscle-wasting disease and is virtually unable to walk and needs their full benefit paid to them. So could you confirm that they do review cases of hardship? Thank you.

**Deputy J.A. Martin:**

I really do not want to get into individual cases but I would advise the Constable to speak to Social Security with the person and make sure they are getting all the benefits because it sounds like their health is deteriorating and they might need more benefits. There are negotiations on a daily basis of

how much people can pay back or afford to pay back. It can be a £1 a day, £7 a week, it is never normally more than £3 a day. Some people realise they have got more money than they should have got and have not spent it and want to pay it back straightaway, but I absolutely take where the Constable is coming from and literally if he needs to talk to me about this case, not in the coffee room but face-to-face I would really like to hear about it.

### **3.1.3 Connétable D.W. Mezbourian of St. Lawrence:**

I hope this does not move too far from the original question. I had a parishioner who contacted me recently because he had been refused payments for being signed-off with a medical condition - sick pay - because he had not made enough contributions. The Minister mentioned her department speaking to each other. He was refused this and therefore had no income of his own. He contacted me. When I contacted the department... only when I contacted the department, did they then look to see whether he was entitled to income support, and they established that in fact he was. However, had he not contacted me, he would have been in the situation of having no income for himself and I wondered why that is continuing to happen and how the Minister can address it?

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

I thank the Constable for her question. Obviously, this case ... and I do not know how recent it is, Customer and Local Services has been in since October, November, we have more staff, we have people greeting at the desk and I am sorry that this case was not picked up. I appreciate that the constituent had to contact the Constable so it was then picked up. Probably should have been advised down at Social Security that maybe he was entitled ... I do not know if he was in person there or he just sent in the sick note, he maybe got a letter back saying he had not paid the contributions and unfortunately if there was not something to say: "You may be entitled ...". I am glad to hear that the case was resolved but obviously ongoing we should be more cross-referencing. This is what currently we are doing down at Customer and Local Services.

### **The Bailiff:**

The Constable was right, she really went too far in her question. The question is the system of repayments and overpayment and not every Social Security matter that could be asked.

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

Mine relates to the rationale for the policy on overpayments. Does the Minister think that there are double standards being applied to the methodology for overpayments when the public sector workers are demanding a year-on-year pay increase? They are told: "We have no money" and that is considered to be a reasonable excuse for not giving a cost of living pay increase. Yet when the poorest in our society have been given an overpayment through no fault of their own and say: "We have no money to pay you back" that is not considered a satisfactory excuse.

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

Surely this is a bit far from the original question but I will answer it. We are not saying that these people do not have money. The Deputy, like me, lived in the real world and he used to get paid, sometimes one week you'd get more money, sometimes you would do overtime. This is money that is not my money, it is unfortunate that because we pay in advance ... I want to pay in advance, I would be loath to go down the Universal Credit system which can wait for 4 to 6 weeks and is really causing poverty in the U.K. (United Kingdom). If he wants to make me answer about the pay, I refuse.

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

We are generally not speaking about short-term errors which relate to fluctuations; that is understandable. We know how the 3-month back payment systems works for contributions, *et cetera*. But when there are years in some cases of overpayments which are not the fault of our constituents and when they run up tens of thousands of pounds of back payments which are not their fault, would it not be a better outcome if the department said: “When it is our error, after a certain period of time if we have not picked that error up we will not expect you to repay that” and it might focus the minds of her officers in their department to work a bit more thoroughly?

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

I can assure the Deputy the officers in my department do work thoroughly. I have said we are improving things. The Deputy has just spoken about going back years and thousands of pounds and he wants me, as public money or looking after public money, to write this off. I do not think £1 or £3 a day will put somebody into poverty who has had, in the Deputy’s own words, thousands of pounds from the department that they were not entitled to.

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

I think the key to this question is the historic nature of these payments. I would not want us to go down the Universal Credit route, that is not the point I am making here. Small changes over short periods of time, weeks and months, yes, I absolutely understand, but these are historic payments which could have be 5 or 6 years ago and they are putting people into hardship. People who only have their pension to live on and every time they get a pension increase they do not see it and they are stuck in a poverty trap right at the bottom of our income scale. I think it would be sensible, and what I am asking you to do is, to review a point in time where we do write-off these repayments because that money was spent years ago.

[10:00]

We can write-off money from the Innovation Fund and all sorts of other areas of States spending but when it comes to the poorest on our Island we are still claiming back, which may appear to be small amounts but amounts that are significant to them. Can I ask, would you please consider taking a cut-off point? I am quite happy to discuss it - I know we have discussed situations before - so we can just simply help people to get out of this poverty trap?

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

I understand where the Deputy is coming from. I am not making a policy decision standing here. I do not know the cases the Deputy is specifically talking about and, again, if he wants to bring them to my attention, I am more than willing. I cannot stand here and say: “If this repayment is more than 4 years old I am not going to ask people for their money.” Again, not my money, we need this money, there is a pot for benefits, it is rated and people have had the money. I am willing to speak to anybody who has people who they feel are in hardship but, as I say, they are negotiated and if the officer does see ... I have seen cases, they have showed me, they can go back to and say ... some, even if they are old or if they are only a week or 2 old, are paid at a £1 a day. Other than that, the only way to rectify this is to make sure it is watertight, is to go down the Universal Credit and make it in arrears.

## **3.2 Deputy J.M. Maçon of St. Saviour of the Minister for Children and Housing regarding the development of the Children and Young People’s Plan: [OQ.32/2019]**

Will the Minister confirm that hard-to-reach children and young people have been included in the development of the Children and Young People's Plan; and if not, why not?

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

I thank the Deputy for this question. There is a slight difficulty here in that the term "hard-to-reach" does not have a precise definition or parameters which we use. So it is not exactly clear who does and does not fall within this term. There is also a risk that the term can have a professional focus based on what services are able to do or not to do, as opposed to looking at it from the perspective of the child. What I can say to the Deputy is that the level of engagement with children and young people throughout the process of putting the Children's Plan together, I think, has been at an unprecedented scale compared to what we have done in the government previously. We have worked with organisations outside of the government to try to engage with those children who do not necessarily engage directly with public services.

**3.2.1 Deputy J.M. Maçon:**

I understand that the communications section of the government does have a policy when it comes to hard-to-reach groups. More specifically then, can I ask the Minister: have children with special educational need from backgrounds where English is not the first language and children in care, whether they have been included in the development of this plan?

**Senator S.Y. Mézec:**

That is absolutely the case. There have been different engagement events throughout this process but the most prominent and well-known one was on 14th March last year, where over 120 children and young people were included. Many of those children were involved in this process via organisations like the inclusion project with the Youth Service. There were children from Mont à l'Abbé School who took part and also there were children who are care experienced who were involved, who played a very important role in helping us put together the Youth Connect project which will help provide them a voice in future and is an essential part of us meeting our obligations, not just from the care inquiry report but also the Children's Plan itself.

**3.2.2 Deputy S.M. Wickenden of St. Helier:**

Could the Minister please confirm if any consultation has occurred with the Minister for Education and, if so, has the Minister for Education given her backing, given the implications of the plan on her department?

**Senator S.Y. Mézec:**

I am sure that the Minister for Education has been sighted on the plan. This has been looked at by the whole Council of Ministers as well. But what I have to say is the plan itself is a broad plan and does not specifically identify the detail of workstreams, which is something of a feature across all departments and the aspirations that we are attempting to meet through this will be not quite as detailed as, for example, some of the things that are going on with the Improvement Plan.

**3.2.3 Deputy S.M. Wickenden:**

When the Minister says the Council of Ministers has been sighted on it, does it mean that the plan is being done in isolation right now and that the consultation for the detail of a plan will come later?

**Senator S.Y. Mézec:**

Last week we had the first meeting of the board that is providing oversight of the implementation of the Children's Plan. The plan exists, it has not yet been published because there is still some work to do on putting our communication strategy for that plan together and there is very heavy involvement of children and young people in that process very specifically, as well as the process of

putting the plan together itself. But the plan is about our broad aspirations for children and young people in the Island and we are going to have to refer back to it and be very consistent throughout the next few years when we are putting forward proposal from each government department and will have to measure that up against the Children's Plan and work out if what we are proposing is in line with those aspirations.

#### **3.2.4 Deputy J.M. Maçon:**

I wonder if the Minister could explain further, given that this is a broad plan and therefore will have implications for other departments, why the Ministers which will therefore be responsible in the implementation of the plan once the broad plan is agreed have not been included? How can you get an understanding about what you are going to deliver when those people who will be responsible for implementation will not necessarily have the political buy-in as this consultation is going on?

#### **Senator S.Y. Mézec:**

The board that is put together to help us with the delivery of this plan has representation from across government departments. Of course Ministers will be heavily involved, not just in this but in the government plan that we are putting together at the moment as well. It is not a case of forcing aspirations on to other government departments and expecting them to get on with it without consultation. There will be, I am sure, very robust discussions over the next few years and there will often be disagreements about the best path to deliver the aspirations in this plan but that is all healthy in our system. It is not quite as simple as saying: "Here is the exact blueprint for every detail or decision" that is obviously something that will be subject to lots of discussions over the coming years.

### **3.3 Deputy G.P. Southern of St. Helier of the Chief Minister regarding his policy position in respect of the ongoing dispute over public sector pay awards: [OQ.42/2019]**

Will the Chief Minister inform Members of his policy position in respect of the ongoing dispute over public sector pay awards and, in particular, will he summarise the content of the meeting he had with the regional organiser of Unite the Union on 4th February 2019?

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

The States Employment Board have directed officials to hold discussions with those unions that have not accepted the employer's pay offers for 2018-2019. Those talks are continuing. The S.E.B. (States Employment Board) will be meeting on 14th February - that is Thursday - to receive feedback on how those discussions are progressing and obviously given the confidentiality of those discussions it would not be right to comment on that point any further at this stage. In relation to my meeting with the organisers from Unite, I could be very cheeky and say I have no comments to make on the meeting of 4th February because it took place on the 5th. But anyway, on the Tuesday we did meet with the officials of Unite; they genuinely welcomed the opportunity to meet face-to-face. As a rule, I do not comment on private meetings but it was a broad-ranging discussion, it covered things like pay, government finances and Brexit. It was made very clear it was not a negotiation in any way, shape or form and basically it is inappropriate for me to comment any further given that we are in the middle of a mediation process.

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

At any stage in that meeting on the 5th, did the Chief Minister revert to his statement that there is no more money?

#### **Senator J.A.N. Le Fondré:**

It would be fair to say that we commented on the government finances and the pressures that we will be facing going forward. There is also the point that needed to be made generally, that all parties can and should be working very hard for a settlement for the good of the Island and its public services but in order to achieve that it is important that both parties try to resolve the matter jointly, which will mean that both sides are having to change their public position. Obviously, there are mediation and negotiations going on at the moment. We will have a further update on Thursday.

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

Given the fact that the mantra more for less does not seem to be being accepted generally by the work force, understandably, and is seen as derisory and treated with the contempt it deserves, would the Chief Minister try a new approach, which is less for less? That is, we expect you to do less work for less money.

### **Senator J.A.N. Le Fondré:**

Is the Deputy advocating a pay cut?

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

What I am saying is that the Chief Minister knows that there is a pay cut because that is exactly what happens when the pay increases that are offered do not meet with the rate of inflation. That is effectively what our public servants have been having for the last 10 years. So given the fact that public servants have had a pay cut for the last 10 years and that they are not willing to do more for less, should a different negotiating strategy be put forward, i.e. less for less?

### **Senator J.A.N. Le Fondré:**

The point I make is that all parties are genuinely committed to make not too many public comments while in the middle of negotiations. We will get an update on the state of those negotiations through the mediation process later this week and at this point in time I am reserving my comments until I know the outcome of those discussions.

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

May I ask the Chief Minister to just consider that given that we are facing public sector strikes by teachers, nurses, civil servants and beyond, is this becoming an emergency for the Island?

### **Senator J.A.N. Le Fondré:**

We are all aware that there are certain groups that are unsettled with the general position. Part of that would be with the various organisational changes that are happening, some of them are very longstanding grievances that are not just to do with pay. We are committed in certain areas to try and sort some of these matters out going forward. However, as I said, given that we are in the middle of mediation and negotiations and we will have an update a little later this week, I am not prepared to go too much further in commenting at this stage because that is what we generally agreed to do.

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

For the sake of the widest possible communication around the position that we now have, will the Chief Minister accept an invitation from the activist group of Unite the Union locally to address their meeting in the near future?

### **Senator J.A.N. Le Fondré:**

What is probably quite clear is it depends on the circumstances, it depends on the timing. I have agreed occasionally to meet and we will try and make it a bit more regular with the representatives of the relevant unions that I have met so far. We will try and do that more often. I shall consider the detail if it comes through. It must always be clear it is not a negotiation process and also that at the

moment we are trying to maintain that balance of not commenting or not adding to matters while negotiation and mediation are taking place.

**3.4. Deputy R. Labey of St. Helier of the Minister for Home Affairs regarding the appointment of a new Chief Officer and Deputy Chief Officer of the States of Jersey Police: [OQ.33/2019]**

What are the reasons for the time being taken to advertise for, and employ, a Chief Officer and Deputy Chief Officer of the States of Jersey Police?

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

As the Deputy, I am sure, knows the department is at the consultation stage of its target operating model. It was not sensible therefore to make substantial recruitments to the posts the Deputy mentioned while the work to develop the new structure was ongoing. Once the new structure has been confirmed appropriate recruitment processes will be put in place.

**3.4.1 Deputy R. Labey:**

Would he give a timeline on that? I think it is a moot point whether a permanent chief officer would not have been advantageous during the consultation stage for this new model? What we have at the moment is somebody dangling with all of the responsibility and none of the power. That is an intolerable position to be in, is it not? Especially for a police chief.

**The Connétable of St. Clement:**

I can confirm absolutely that the acting deputy chief is not dangling whatsoever. I would commend him for the excellent work that he has done while being in this position of *de facto* Chief of Police. He has done the work in an exemplary manner, well supported by his management team. To answer the actual question that was asked, the target operating model, the plan is for it to be confirmed next month, after which the recruitment processes for the whole for the department, where appropriate, will take place.

**3.4.2 Deputy S.M. Wickenden:**

The States of Jersey Police Force Law (Jersey) 2012 states that the only person that can make changes to the organisation of the police is the Chief of Police. Therefore what authority does the target operating model that is being proposed to the States of Jersey Police fall under? Which laws and powers give that right?

[10:15]

**The Connétable of St. Clement:**

The police law is the overriding law for the management of the States of Jersey Police. It reinforces and it makes it absolutely clear the operational independence of the States of Jersey Police, and as the Deputy knows we have a number of correspondence and email exchanges on the issue. That independence is sacrosanct on operational matters. It was reinforced by the report of the Comptroller and Auditor General, which was published in the spring of last year and I have committed that the recommendations made by the Comptroller and Auditor General will be put into place to reinforce the independence of the States of the Jersey Police and their reporting lines to the Jersey Police Authority on which the Deputy sits.

**3.4.3 Deputy S.M. Wickenden:**

What is happening here is the target operating model is being created by the Minister's department to then be put in place to the States of Jersey Police. Would not the right way of looking at it be to



recruit the chief officer and the deputy chief officer of the police and ask them to then come up with a model of how they want their police force to look, as the law states.

**The Connétable of St. Clement:**

The target operating model is not exclusively about the States of Jersey Police. It is about all the services that are provided by Home Affairs, including Customs, Fire and Ambulance as well. It is important there is co-ordination, co-operation and understanding among all of those services, not just one of them.

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

Would the Minister assure this Assembly or give assurances to this Assembly that any legislative changes needed in order to implement the target operating model are passed by this Assembly in advance of the model itself being implemented?

**The Connétable of St. Clement:**

It should go without saying that any legislative changes that are necessary to implement the preferred model or the appropriate model will come before this Assembly and clearly any changes which rely on law cannot be implemented until the legislative changes have been agreed.

**3.4.5 Deputy R.J. Ward:**

The model might be broad but it includes the police and a police chief could inform the model. When will he appoint a Chief Officer of the Jersey Police Force?

**The Connétable of St. Clement:**

I have already answered that question and, of course, the States of Jersey Police and the acting chief officer whom I have absolute confidence in, and I am sure this Assembly has too, is making a full contribution as to the appropriate model for the entire Home Affairs family.

**3.5 Connétable A.S. Crowcroft of St. Helier of the Minister for the Environment regarding the monitoring and reporting of air quality: [OQ.39/2019]**

Will the Minister explain what monitoring and reporting of air quality is carried out, especially on busy roads and in the vicinity of schools?

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

There are 2 different methods of air quality monitoring which are used by our environmental health team. The first is passive air quality monitoring which is carried out in over 23 locations across the Island where air quality is thought to be worst. Two of these are near a school. The results do not give us a real time update, they give us the results for a month. They do not give us peaks and troughs of that analysis but they are important. The second method is near real-time air quality monitoring which is carried out in 2 locations, one of those is in the Central Market where traffic is heavy and often at a standstill, and at Howard Davis Park. Those results and the real-time results are published on the gov.je website so people can see how the variations happen in conditions of traffic and other factors. In relation to schools, the environmental health team, also with the eco-active and education officers, do incredible work working together with schools to develop an air quality education package for schools to enable them to understand the air quality around their schools and understand the air quality and pollution issues. That is a voluntary scheme and the schools that participate will be able to monitor their air quality. This project is due to launch in June to coincide with the Clean Air Day, which is a national initiative in many locations throughout the U.K.

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

I thank the Minister for his comprehensive answer. Is he satisfied that only 2 real-time locations are going on and certainly none of those it appears to me to be in the critical areas around the main schools where traffic, as Members know and the public knows, is backed up at school run times, particularly Mont Millais, College Hill and Wellington Hill in particular where the air quality is noticeably bad if one is walking rather than driving one's car? Will he undertake to see if we can improve the number of locations where real-time monitoring is taking place as a lot of European towns and cities are?

**Deputy J.H. Young:**

Yes, I share the Constable's concern. I think our environmental health team have taken the lead on this work in Jersey and been very proactive in it. It has not that long been assigned to the Ministry of the Environment. The real-time monitoring is obviously more expensive, more sophisticated and I certainly would like to see that extended. At the moment the technique is to pick up both the oxides of nitrogen, also any particulates and so on. I absolutely agree with him that I think we need to do more and, in fact, it is essential, I believe, that we need more and more evidence of what is, I believe, a serious problem. But having said that, thankfully, the quality of air in Jersey is very good but, unfortunately, we do have these hotspots of traffic-based pollution. Of course, children, being at a lower level are much more affected by these contaminants from vehicles.

**3.5.2 Deputy K.F. Morel:**

The Minister almost answered my question. Having said that Jersey's air quality overall is very good, having looked at the results, how would the Minister describe the quality of air in these hotspots near schools as a general overarching comment?

**Deputy J.H. Young:**

Yes, it is difficult. I think we all know that the air quality changes according to the weather, whether we are in still air, and in the locations. It is very variable, so thankfully if one is still on the north-west coast of St. Ouen one gets some of the finest air quality probably in the world. But, unfortunately, if you are living in the streets of town, in the bowl of St. Helier when there is a temperature inversion and you get accumulations it is poor. In fact, I refer the Deputy to the written answer that was given to Deputy Tadier by myself on 9th October 2018, in particular in relation to the tunnel where there is no question there is very poor air quality in that particular location. It is something that I want to do more about and I think the answer is let us do something about vehicles.

**3.5.3 Deputy M. Tadier:**

Looking at the government website for his department it currently states that at Howard Davis Park the monitoring unit is undergoing essential repairs and will be reinstated as soon as possible. It seems that we only have one live monitoring going on in Jersey at the moment. Does the Minister know why that particular device is out of action, when it came out of action and when we can expect it to be back online?

**Deputy J.H. Young:**

I thank the Deputy for his alertness. I should have realised that Members, of course, can check the website from in here. I am sorry, I did not know it was down. I am very disappointed to hear that and I will undertake to find out the answer to the Deputy's question and get this sorted out.

**3.5.4 Deputy R.J. Ward:**

Can I ask the Minister to confirm that things such as carbon monoxide, sulphur dioxide, low-level ozone which are really dangerous for children, particularly if you are asthmatic, and other solid particulate levels are measured within particularly the centre of St. Helier? Otherwise we cannot give

health risk updates in emergency situations, such as in the middle of summer when the temperature makes such a difference to the air quality in that area.

**Deputy J.H. Young:**

I do have a basic scientific understanding but I am sure the Deputy has considerably more scientific understanding than me. The information I have is that particular ones where monitoring takes place are the oxides of nitrogen and indeed the particulates, which I think is P.M. (particulate matter) 2.5 or something which is a very small particle of solid matter which is the things that get in people's lungs and causes that serious damage. Those things are emitted by diesel vehicles. The other things, yes, they do cause health aspects. I think in time we will need ... there is a thing called an air quality strategy and there are matters generally ... for example, the presence of radon gas within dwellings. No question, radon gas obviously is an air quality issue and that does cause health hazards. I think what I would like to do in answer to the question is to promise to come back to the Deputy with a more thorough analysis of the air pollution issues for him, and circulate it to Members if they wish.

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

The previous Minister of the then titled D.f.I. (Department for Infrastructure) admitted to the States that we have failed and his department has failed to meet its traffic reduction targets as set out in the last policy. We have no recent policy or strategy to reduce traffic, effectively we are operating - if he will excuse the pun - in a vacuum. Will the Minister undertake to get his fellow Minister at the department now called G.H.E. (Growth, Housing and Development) to prioritise this matter which clearly does affect people's health, particularly if we are trying to get more children to walk and cycle to school?

**Deputy J.H. Young:**

Yes, this is absolutely one of my priorities but, as the Constable said, under our current organisation I do not have that direct responsibility. For example, when I met with Guernsey, the president of the Environment Committee, I was asked what are our air standards, traffic air standards. Are we going to set a limit or a date by which we will end pollution from diesel vehicles? I had to say: "Well, I do not have that responsibility." I know, of course, throughout Europe other towns are doing so. They are setting very, very clear targets. Now that sort of thing I am hoping will come out of the work that the Council of Ministers are doing under the Common Strategic Plan. I am pleased to say that the Minister for Infrastructure and I are both working on that group and the officers now are not in the gift of myself or the Minister for Infrastructure, we are working cross-government. I am very hopeful... there is a strong conviction that this is something we have to address in the timescale of this States. I make that commitment and I will do my best.

**3.6 Deputy K.F. Morel of the Minister for Economic Development, Tourism, Sport and Culture regarding the recommendations of the strategic review by BOP Consulting into Jersey's culture, arts and heritage: [OQ.23/2019]**

Following last year's publication of a strategic review by BOP Consulting into Jersey's culture, arts and heritage, has the Minister decided to accept any of the report's recommendations and, if so, which ones?

**Deputy M. Tadier (Assistant Minister for Economic Development, Tourism, Sport and Social Services - rapporteur):**

I would like to thank the Deputy for his question. Like him, I am very keen to make sure that culture, arts and heritage are well supported and I am keen to make sure that the recommendations which have merits are not just accepted but that they are acted upon. I am inclined to accept all the

recommendations in principle. Some thought will need to be given to the manner in which a number of the recommendations are implemented. I am also minded that a number of the recommendations require a cross-governmental approach to implement them properly. It may be helpful to tell the Deputy that some of the recommendations are already being done, one of which I could cite is recommendation 8, which asks to make culture, arts and heritage more visible through key events and anniversaries. For example, this year we have the 100th anniversary of women's suffrage, which is being enacted upon by the Greffe and the Jersey Archive and other civil society groups. Liberation 75 of course next year but I have already had meetings to try and commemorate the 250th anniversary of the corn riots which will take place in September. Very big anniversary, very significant, which of course gave rise to the democratic changes which we now enjoy in Jersey. Some of the recommendations are perhaps more simple and immediate to be acted upon.

### **3.6.1 Deputy K.G. Pamplin of St. Saviour:**

It seems like an opportune moment for Members to congratulate Jersey born Michael Pearce for his outstanding debut B.A.F.T.A. (British Academy of Film and Television Arts) win at the weekend. This Jersey-born resident has gone on to achieve great things already in his short career and will go on, I am sure, to do more to represent the Island in his field. Does the Assistant Minister agree with me that this is an opportune moment for the Island and the department to look at investment in the terms of movie making and the availability of funds to those who want to continue and be inspired by Michael's success?

[10:30]

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

Yes, I would like to join the Deputy in his very eloquent words; I do not need to reiterate them. I do share his sentiment and I know the Minister for the department has already commented on this yesterday. I fully agree and that is why when considering the bid that was put forward by ArtHouse Jersey to develop the commercial arm of their operations we were very pleased to support that. That will enable more of these things to be coming forward in future, for them to provide seed funding and support for these kinds of initiatives. We would like to see a lot more of that in Jersey and I am keen to make sure that all of the cultural organisations that exist in Jersey, whatever their specific remit, are sufficiently funded in the same way. But a very good example of how some investment and some encouragement can lead to great success, very visibly in this case, on the international stage.

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

Does the Assistant Minister think that the Arts Centre and the Opera House are funded to an acceptable level as compared with similar organisations, say, in the U.K., given that operating here is more expensive in terms of taking in tours because of the stretch of water?

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

I thank the Deputy for that question. It is very pertinent because while we know that one of the bids that was put in to Treasury was accepted, the other 2 are still pending and the longer that they pend - if that is the correct word - one tends to think that they may not be accepted. I have been in talks directly with the Arts Centre to make sure that we, as a department, can support them and I have made it very clear, robustly, to my officers and I hope the Minister for Treasury and Resources will also be listening, that if monies are not available very soon for the likes of the Arts Centre, which is suffering from both capital expenditure needs and operating expenditure... they have seen pay freezes in their grants for years on years and it has come to the point where it is going to affect their operating model. I would not want to see any reduction in their artistic programme. I would hope that these things could be done at a departmental level, talking with the Treasury, but if not I certainly

have the told the department I would be prepared to come to the States Assembly to ask for more money and perhaps take it from the Chief Minister's budget. I hope it does not come to that. I think conversations can be had and we should all be supporting the arts across the piece, not just in words but by giving them appropriate funding.

### **3.6.3 Senator S.C. Ferguson:**

If the department ventures into movies again, can we have assurances that the lessons that were learned from the previous foray will be noted and the correct protocols, controls and checks will be applied?

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

I am now on the other side of the table and I can assure the Senator, with her very good question, that as far as I can see, the lessons have very much been learnt. I think the clue is in the name Canbedone. I think somebody certainly did get done on that one. Nonetheless, we do need to be a can-do government and there is a risk that we can become too risk averse because there are very good ideas out there which do need some sort of level of support from Government. It may be funding, it may just be encouragement or things that we can do for the industry, because it is an industry as well as a sector. I think the lesson has been learned but let us not be too risk averse when it comes to investment either.

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

I just wanted to get the Minister's view on the second recommendation in the BOP report which is about improving the integration of culture, arts and heritage with skills and education. I just wondered whether work has already begun on this and, if so, is the Assistant Minister's view that culture, arts and heritage should have similar standing to sciences, or the S.T.E.M. (Science, Technology, Engineering and Mathematics) subjects in our education system?

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

Very much so. I think that sometimes almost derogatorily these are termed as the soft skills but they are very much the important skills. What we have seen is that students who either entirely or partly, as part of their ongoing studies, focus on the arts, whether it is music, performing arts or the plastic arts, find that it gives them confidence, it allows them to think in different ways, especially when they are able to go away and get experience and perhaps come back to the Island. It is very important and I think that is also appreciated by employers. So very much so. I think there is a bigger piece of work that can be done between our department and Education because clearly culture sits very much between the 2 and there will be an overlap that needs to be bridged in those 2 departments.

### **3.7 Deputy L.B.E. Ash of St. Clement of the Chairman of the Education and Home Affairs Scrutiny Panel regarding the prospect of Scrutiny review of applications from students at States schools to Oxford or Cambridge Universities: [OQ.34/2019]**

In the light of the news that 41 students from Brampton Manor Academy (a comprehensive in Newham, East London) obtained places at Oxford or Cambridge, will the panel undertake an inquiry into how the Island's schools compare in this matter?

### **Deputy R.J. Ward (Chairman, Economic and Home Affairs Scrutiny Panel):**

First of all I would like to thank the Deputy for the question. It is nice to see Scrutiny being recognised for the importance of the work it does and carries out, and it is important as a component for the governance of this Island. The panel is not looking to undertake a specific review into the number of students from Jersey schools who go to Oxford and Cambridge. This is mainly because

the question itself can be answered by requesting the relevant figures from the Minister for Education about how many students go from Jersey and study at both of these universities. As such, it is a very narrow Scrutiny topic. We can ask the question through the scrutiny panel for the Deputy or I can talk to him about the wording if that helps. The wider issue of comparison with this particular school would be difficult given that Jersey does not have one single fee-paying or non-selective school that covers the complete year 7 to 13 range, although I did find out that the school the Deputy mentioned takes 300 students from around 3,000 applications in its sixth form. So it could be said to be selective itself. I do not think that Scrutiny is here to look at a single indicator of performance at any individual school, we need to look at the provision as a whole trying to address specific areas that could produce constructive outcomes. The Deputy may be aware that the panel is currently conducting a review of post-16 education, which is looking at all provision available to young people once they finish compulsory education at the age of 16. This review will look to establish the pathways and opportunities for young people who were taken into higher education and employment and whether what is available meets the needs of all students in the Island. This much wider review is more appropriate for Scrutiny. The review would also look at what is available to students in other countries, including but not limited to the United Kingdom. We are currently carrying out a survey of local students which runs until 1st March.

**The Bailiff:**

Chairman, there is a 90-second rule for answers.

**Deputy R.J. Ward:**

Sorry. Could I just take one liberty to thank the work of Scrutiny officers who do superb work and make my concerns about funding of Scrutiny now and into the future.

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

I thank the chairman for his answer. In the past, Oxbridge entry was very much the preserve of the public schools and the entry requirement could be difficult to assess. It was once said, I think, to get into Teddy Hall at Oxford you were passed a rugby ball, if you caught it you got in, if you drop-kicked it back you got a scholarship. But those days have changed now, it is very much a meritocracy and would the chairman feel as part of putting children first it is very much our job to allow the brightest children the very best chance of entering these institutions.

**Deputy R.J. Ward:**

It is difficult to know how to answer this as a Scrutiny chair rather than just a Member but I would suggest that Oxbridge is not the only indicator of success where our students go. We have to be really careful with narrow indicators and narrow pathways. What we need to ensure in our education system is that we are not stopping entry to any university if that is what students want. The move forward in funding in university education has helped with this, in particular for those with low incomes because the financial barriers are one of the greatest barriers for young people going to university. In terms of the academic achievement, I would suggest that, yes, we are addressing that in the post-16 review to see the provision we have across the board. It is not just about Oxford and Cambridge.

**3.7.2 Deputy R. Labey:**

Do we gather from the first answer of the chairman that Scrutiny are going to look at whether it is right for a child to have to sit an entrance exam to get into one of the private schools which are subsidised?

**Deputy R.J. Ward:**

That is a very good question. We have a pathway through, if you like, what we are going to take on in Scrutiny and that would certainly be an interesting issue for us to look at. There are a number of legacy issues that we want to deal with as well, recruitment and retention and also Home Affairs. I must take this opportunity to say we are limited by the resources that we have in Scrutiny. We have one Scrutiny officer for the panel who works incredibly hard. I know other Scrutiny Panels are in the same position. Yes, we would love to undertake all of these but we will be limited by the resourcing that is available.

### **3.7.3 Senator S.C. Ferguson:**

The Auditor General in the U.K. has commented that advice available to students - and in my experience careers advice as well - is less than optimal for students. Is the Scrutiny Panel including the careers advice available to our students as well in its review?

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

Thank you for the question. Yes, we have taken a submission from Skills Jersey who look at careers advice and some of the questions that are going out to students - about 1,000 students - will be about how much they know about their pathways. So, yes, we are addressing that issue but as part of a wider context. Again, with Scrutiny we have to have ... it is a balance between a wide investigation into the number of factors that will affect outcomes in the long term and specifics within that. I think we have got that balance, yes.

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

Does the Scrutiny chairman believe that there may well be professionals and teachers out there listening to this question in a quite bemused manner when they have pupils coming to school who perhaps have not had breakfast, who have no lunch money, who may be struggling with literacy and with difficult home situations, to face potential comparisons with a highly selective school in the U.K. which is sending students to what is still a very elitist system? Does he think that might send the wrong message out and if, in fact, the Deputy who is asking the question wishes to find out a comparison there is no need for a Scrutiny review, simply he needs to ask the Education Department for the figures and he can make his own comparisons?

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

Again, answering as a Scrutiny chairman is going to be a difficult one. I will refer you back to something I said when I answered the original question; we need to look at the provision as a whole, trying to address specific areas that produce constructive outcomes. That is what we do in Scrutiny. Yes, we have an issue across our Island and across many other jurisdictions about access to education that is way beyond just a few exclusive universities. It goes right back to day one in schools in terms of children being able to have the right sort of standards of living. That to me is what is putting children first, that we give genuine access to the education that they want and that we need. We do not need everyone to go to Oxbridge, we need people to be nurses, teachers and professionals in all sorts of ways in our Island if we are going to function as a society so we need to look at the widest possible scrutiny of our education system.

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

In congratulating the panel chairman on their review of what seems the education opportunities for our young people, could the chairman comment on whether or not the current system of 14-plus selection is a factor that needs to be considered as part of such a review and whether that has any bearing on people's achievements?

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

There is something called the scoping document. You have to be very careful that we stay within the scoping documents to get the outcomes and recommendations for the actual scrutiny we are undertaking. We have said post-16 scrutiny. Yes, the 14-plus transfer is an issue in our education system. Does that allow genuine access post-16, does it get in the way of that? That is something that will be considered but I think that is something for later. It will touch on to this post-16 review and I would be very interested to see what you think about the recommendations and the outcomes of that review. Yes, all of these factors will impinge upon that review but we are focusing on what happens post-16 across the Island as well. All of it is post-16 provision.

**The Bailiff:**

The question was about Oxbridge entry and the questions are now going wider and wider and wider. They are going to come back again shortly, I hope. Final supplementary? Thank you very much.

**3.8 Deputy M.R. Higgins of St. Helier of the Chairman of the States Employment Board regarding the advice provided by officers to the Board during the ‘Alwitry case’: [OQ.44/2019]**

Is it the chairman’s assessment that the officers’ advice given throughout the ‘Alwitry case’ to the States Employment Board was correct and was not affected by any personal views they may have held?

[10:45]

**Senator J.A.N. Le Fondré:**

The Deputy of St. Ouen is answering this question.

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

I think the Chief Minister meant Connétable of St. Ouen, my apologies to the Deputy. I think I thank the Deputy for this question. The chair is satisfied that officers’ advice to the S.E.B. was correct and was not affected by any personal views they held for the following reasons. As advised by officials, the S.E.B. commissioned 3 independent reports by Beal and Haste and the former S.G. (Solicitor General) Howard Sharp, so it was not a simple acceptance by the S.E.B. of the hospital management view. No officer is criticised in the judgment for incorrect advice or providing advice that was affected by personal views. On the contrary, having heard live evidence at the trial of 6 senior managers and clinicians of the hospital, the court found that the hospital management had acted in good faith and in the best long-term interests of the hospital. The court also found that Mr. Alwitry was not dismissed for raising patient safety concerns or because he was a whistle-blower. Mr. Alwitry abandoned his claim that there was a tortious conspiracy among senior managers in the hospital. He also abandoned his claim in defamation and his claim for punitive exemplary damages were dismissed by the Royal Court.

**3.8.1 Deputy M.R. Higgins:**

If that is the case why did the Royal Court find in Mr. Alwitry’s favour?

**The Connétable of St. Ouen:**

Sorry, it was not quite the supplementary that I was expecting because the Deputy had not sent me a supplementary before, but he has clearly changed his mind. I just preface this by saying that Alwitry case is *sub judice* in 2 respects. First, the judgment of the Royal Court handed down last year is being appealed to the Royal Court of Appeal. Second, the judgment of the Royal Court was in respect of liability only and did not deal with the quantum of the amount of damages which is the subject of



further proceedings. So at this juncture I would like to ask the S.G. whether I can respond to that question.

**The Bailiff:**

It is not really a matter for the Solicitor General but if it is not going to cause any difficulty ...

**Mr. M.H. Temple Q.C., H.M. Solicitor General:**

I think the answer is Deputy Higgins can read the judgment and the reasons are set out in the judgment.

**Deputy M.R. Higgins:**

With respect, I was asking the Minister because he gave an answer which tried to confuse people's views as to the actual judgment. What I am trying to say is why did the Royal Court rule in favour of Mr. Alwitary, which is now the subject of an appeal from the S.E.B.? A simple question.

**The Bailiff:**

Deputy, my reaction to that was that the reason for the Royal Court's judgment is in the public domain, I am not sure the Minister in any event can speak for the Royal Court. The Royal Court says what it thinks through its judgment and if you wish to know the answer to why the Royal Court thought the way it did then the Solicitor General's comment, read the judgment, is the right answer.

**Deputy M.R. Higgins:**

I have, Sir, but other Members may not have.

**The Bailiff:**

Well, it is up to them. Even in this free society that we have, we cannot make people read things.

**3.8.2 Deputy R. Labey:**

I would just like to say that I think some of what the Assistant Chief Minister has just read out is highly selective, one-sided and ill-advisable. The world of the hospital consultant is a small world, is there evidence to suggest that the Alwitary case is doing harm to recruitment at the hospital and is an appeal not just prolonging that agony and making things worse?

**The Connétable of St. Ouen:**

I am slightly struggling with this answer but, as far as I am aware, the outcome of the Alwitary judgment is not having an impact on the recruitment of further consultants. I am not sure about answering the second part of the question and perhaps the S.G. might like to guide me in that respect.

**The Bailiff:**

As far as I understand it, no appeal has yet been entered so while it is still possible for an appeal to be entered - the time has not expired - but it is difficult to say that the matter is *sub judice* because the case is not going anywhere as far as liability is concerned because no appeal has been entered. Of course if the question were to go into the amount of damages, that would be a completely different issue and therefore that would be out of order, as potentially affecting the court case.

**The Connétable of St. Ouen:**

Thank you for that clarification. If I could just ask the Deputy to repeat the second part of his question, that would be helpful.

**Deputy R. Labey:**

Is appealing the decision, the recent decision, not prolonging the agony, futile and a waste of public funds?

**The Connétable of St. Ouen:**

In the opinion of the States Employment Board, the answer to that is no, we feel that we have a good case to appeal it and that we disagree with the judgment of the court. That is the basis of our appeal, that we are unhappy with the outcome, which is why we will be submitting an appeal.

**3.8.3 Deputy J.H. Young:**

Is the spokesman for the States Employment Board aware of the posts on social media that show this case being circulated by the British Medical Association and does he not think that such a case - and in great detail - would reflect well on the Island?

**The Connétable of St. Ouen:**

I thank the Deputy for his comments. I am afraid I try not to follow social media. The repetition of these comments outside of the Island is unfortunate and is potentially damaging, but nevertheless, we do feel we have got a strong case and as such we have been advised that an appeal has a good chance of success. We feel it is right to do so.

**3.8.4 Deputy M. Tadier:**

In order to convince the Assembly that an appeal is the best course of action and is in the public interest, would the Assistant Chief Minister be able to say what likelihood of success he expects for the appeal versus the potential cost that would be incurred if it loses?

**The Connétable of St. Ouen:**

I thank the Deputy for his question. As I am sure he will understand, any matter that goes to court is never an absolute certainty, but we have been advised by our legal advisers that we have a good case and that we have every prospect of being successful. In relation to the costs, while I cannot comment specifically, they certainly would be substantially less than any potential award that might be awarded against us.

**3.8.5 Senator S.C. Ferguson:**

Does the Assistant Chief Minister not think that sacking somebody a week before they start work is grossly unfair and not the sort of example that this Island wishes to set in its employment of people? Does he not realise that there is a time when discretion is the better part of valour and that this thing is put to bed properly, and having ruined somebody's career, we try to make some sort of amends?

**The Connétable of St. Ouen:**

All I can say in response to that question is that that is one side of the argument, which I accept the Senator holds as an opinion. Clearly the S.E.B. have looked at both sides of the argument and feel that an appeal is a worthwhile and right way to go forward.

**3.8.6 Deputy K.F. Morel:**

Given that the S.E.B. has been found wrong once already, if the S.E.B. were to appeal and were to lose that appeal, then hence being found wrong twice, would the Assistant Chief Minister agree that therefore his position would no longer be tenable on the States Employment... in fact, the S.E.B., the positions there would no longer be tenable, having been proven twice wrong?

**The Connétable of St. Ouen:**

I think the answer to that is no, I would not see our position as being untenable. We are following legal advice on a case that we inherited from the previous S.E.B. We feel it is the right way forward, but as with all legal advice, there is no guarantee that we are going to be successful. We are putting the best interests, we feel, of the States first and pursuing this appeal.

**3.8.7 Deputy M.R. Higgins:**

Can the Constable tell the States how much has been spent to date on the pursuit of this claim? It has not gone to appeal yet, so therefore I am just wanting to know what the costs have been to the States to this point in time.

**The Bailiff:**

You do not mean on the pursuit of the claim, because that is what Dr. Alwitry has spent money on, you mean on the defence of the claim?

**Deputy M.R. Higgins:**

On the defence of the claim, Sir, yes. I stand corrected.

**The Connétable of St. Ouen:**

Can I just check that the S.G. is happy for me to answer that question?

**The Solicitor General:**

I think part of those costs would be in relation to the claim generally and they would include, for example, quantum of damages, which is still an ongoing issue. As I understood it, you make a distinction between the appeal and then the ongoing claim as regards quantum in relation to whether or not this question was *sub judice* so it ...

**The Bailiff:**

I understood the Deputy's question to relate to the costs and not the liability in damages.

**Deputy M.R. Higgins:**

That is correct, Sir. Thank you.

**The Solicitor General:**

In that case, I am not sure whether the Constable has the information, but to the extent he has the information then ...

**The Bailiff:**

Very well. Connétable.

**The Connétable of St. Ouen:**

Yes, I am afraid I do not have the information. I am more than happy to supply the Deputy with it after the sitting.

**Deputy M.R. Higgins:**

If I could say, I gave the Constable advance notice of the question I was going to be asking about costs. I am disappointed he does not have them available and I hope he will publish them to all Members and to the public.

**Deputy M. Tadier:**

Can I raise a point of order? It sets a strange precedent when someone who is being questioned asks the permission from the law officer, Crown Officer, to ask whether he can answer the question. I understand what is going on, but it sets a strange precedent, given the fact that in future we may not have an S.G. or A.G. (Attorney General) at the time. It is also strange that a Minister asks permission to answer a question and when he is given permission, he says: "I do not have the information."

**The Bailiff:**

Deputy, I think your point of order is really a rebuke of me in the Chair and that is right, because I should not have allowed the reference to the S.G. Either it breaches Standing Orders, which is a matter for the Chair, or not. I think probably I should not have done so and I accept that.

**Deputy M. Tadier:**

The word "rebuke" is far too strong. I just wanted clarification, but thank you for that.

**The Bailiff:**

I have just said I think I should not have done that. It was the most delightfully rendered rebuke, if I may say so. [Laughter]

**3.9 Deputy K.G. Pamplin of the Minister for the Environment regarding a mechanism to address the requirements of the Island Plan that would allow a new hospital to be built on a prospective site: [OQ.37/2019]**

Given a number of sites could physically accommodate a new hospital, albeit they would each come with their own considerations in respect of the environmental impact, is it the Minister's assessment that a mechanism will need to be found to allow for construction to proceed on any such site, despite what is contained in the Island Plan, and if so, how can that be achieved?

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

I thank the Deputy for his question, a matter that we spoke about at length in the recent Scrutiny hearing. The Planning and Building Law adopts a plan-led system, whereby development which is in accordance with the Island Plan will be permitted, and a mechanism already exists to allow the decision-maker - whoever they are - to depart from the provisions of the Island Plan if there is "sufficient justification to do so". Ultimately what constitutes sufficient justification is not defined, but I absolutely agree that providing a much-needed new hospital could provide such a public interest justification. As Minister, recently I had to make that difficult judgment, whether to override the planning arm and the contraventions reported by the planning inspector under the present law or otherwise. Now, I considered whether a change in the law would provide an improved process, such as bringing in a special law, like Queen's Valley, or a fast-track amendment to the Island Plan for major public infrastructure, but on advice and a lot of thought, these changes would not improve upon the present process, nor speed it up. Where I am on this at the moment is I am of the opinion that achieving a much-needed new hospital as soon as possible will be helped or enabled by our adopting an open and transparent process of public and stakeholder engagement before the next

planning application is lodged on whatever site is decided, as is routine for such projects in other jurisdictions.

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

I thank the Deputy for his answer. Will the Deputy elaborate on the impact of the environmental ecological studies that are needed in such a plan of this size and his importance of them?

#### **The Bailiff:**

The question is about mechanisms for getting around the Island Plan and I am not sure that that supplementary really is related to the question, unless you can reformulate it to draw it to the question, which is about mechanisms, process and the environmental impact.

[11:00]

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

No, I totally take your point. I was just rewording it in my head as you were speaking. If he can answer it in relation to the question then of the Island Plan and the law that it applies, of the impact of the Island Plan with the decision-making, about how important the environmental considerations are in his decision-making.

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

Yes, as part of the suite of legislation in the Planning and Building Law, we do have a subordinate legislation on the requirement for an environmental impact assessment to be carried out and produced by the applicant as part of the application. The scope of that environmental impact is dependent upon the characteristics of the site. In some circumstances it would be ecological impact, as the Deputy referred to, but in other cases it would be the impact on traffic, on general pollution levels and so on. What we do not have in Jersey that other jurisdictions have is a very much more sophisticated subordinate legislation defining in greater detail on what the content of an environmental impact is required, but there is no question, what we do have is a requirement for an environmental impact assessment on a project of this size. I forget what the threshold is of size, but this project clearly does require it. I think that will be so under any procedure. What I was addressing in my answer was how we could get to the answer quicker. I personally would not be convinced that the answer is in shortcutting the process at the planning application stage. I think myself - my experience has always been - the more attention is paid to that pre-application to get it right, the more the process downstream of the application and its approval goes smoothly, because you save the time there. Those are my thoughts, but I am open to views of others. I have said this is my current thinking.

### **3.10 Deputy K.G. Pamplin of the Minister for Infrastructure regarding the laws and policies in place in relation to the covering of lorries transporting loose loads from building sites: [OQ.38/2019]**

Further to engagement I have had with some concerned Islanders, will the Minister confirm what law and policies, if any, are in place in relation to the covering of lorries transporting loose loads from building sites?

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

I can confirm that, yes, there is legislation in place that prevents unsafe loads from being carried on our roads. Article 106(2): "Maintenance and use of vehicle so as not to be a danger" of the Motor

Vehicle (Construction and Use) (Jersey) Order 1998 under section F: “Avoidance of danger” states that: “The load carried by a motor vehicle or trailer shall at all times be so secured, if necessary by physical restraint other than its own weight, and be in such a position, that neither danger nor nuisance is likely to be caused to any person or property by reason of the load or any part thereof falling or being blown from the vehicle or by reason of any other movement of the load or any part thereof in relation to the vehicle.”

**3.10.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. If that is the case, then following my engagement with the concerned Islanders, I spent some time going around the Island and noticing that this obviously was not in place in certain sites, where I witnessed large loads of dust-contaminated vehicles not covered up. In the instance of a former question earlier today about the environment and air pollution, will the Minister advise how this could be followed up and regulated further?

**Deputy K.C. Lewis:**

The Driver and Vehicle Standards, in association with both the Honorary and States Police, I believe organise approximately 30 road checks per year. Any vehicles stopped will be immediately impounded if the load is unsafe or unsecured until such time as that can be remedied. People carrying an unsafe load or causing any severe damage or even injury to another person would be liable, I believe, to a fine up to £5,000, so when these vehicles are caught, if they are in a dangerous condition or carrying a dangerous load, they are pulled over.

**3.10.2 Deputy K.F. Morel:**

Road checks are one thing, but there is a certain random nature to road checks. It strikes me that if the department wanted to police lorries and their loads more effectively, visiting construction sites or similar would be more effective. Does the Minister agree with this and would the Minister take that forward to see whether his department would in fact start targeting construction sites for such observation?

**Deputy K.C. Lewis:**

That is being carried out and there are leaflets that are given to lorry drivers explaining the law to them and the dangers they are in of having an unsecured or unsafe load. As I say, many vehicles are pulled over. There are regular checks. I was at a road check just the other day and vehicles are indeed pulled over.

**3.11 Deputy M.R. Higgins of the H.M. Attorney General regarding the number of cases lodged against the States of Jersey claiming damages: [OQ.45/2019]**

Will Her Majesty’s ... it is addressed to the Attorney General, but the Solicitor General, inform Members how many cases are currently lodged against the States of Jersey claiming damages, for what type of action and quantity of any damages currently being sought?

**The Solicitor General (rapporteur):**

I have taken this question to refer to the number of claims for damages where legal proceedings have been commenced in court, given that the question refers to claims lodged. I would also add that it should be noted that claims for damages are brought against individual Ministers or against the S.E.B. rather than the States of Jersey as a defendant. There are currently 9 claims where proceedings have been commenced claiming damages against Ministers or the S.E.B. As regards the type of action,

one claim is for damages for wrongful dismissal against the S.E.B. and 6 claims are against the Minister for Health and Social Services, which are mainly claims for clinical negligence. Then lastly, there are 2 other claims for damages against the S.E.B. and other defendants which have been both brought by the same plaintiff and those claims are for financial loss for defamation and misfeasance in public office, among other claims. As regards the quantity, a draft schedule of loss has been provided for the claim for wrongful dismissal, which claims damages of £8 million plus interest and costs. In relation to the other 8 claims, schedules of loss have not yet been provided in relation to these claims, so the damages cannot be quantified. Lastly, I would add that this information does not include claims in the Employment Tribunal for unfair dismissal and discrimination as technically such claims are not claims for damages, which are determined by the court, but are claims for awards of compensation limited by employment legislation and determined by the Employment Tribunal, but I can give the Deputy that information if he wishes.

**Deputy M.R. Higgins:**

Yes, please.

**The Solicitor General:**

There are a total of 6 claims for compensation against the S.E.B. in the Employment Tribunal, 2 of those for unfair dismissal and 4 for discrimination and the total exposure to those claims is approximately £77,000.

**The Bailiff:**

A final supplementary?

**Deputy M.R. Higgins:**

No, Sir. I thank the S.G. for the information. I will be coming back, no doubt.

**3.12 The Connétable of St. Helier of the Minister for Infrastructure regarding the site vacated by the States of Jersey Police: [OQ.40/2019]**

Will the Minister update the Assembly on the steps being taken to repurpose the site vacated by the States of Jersey Police?

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

The yard is used by the Fire Service, who have also taken on a small element of the old police station. There are currently no plans to move the Fire Service elsewhere. The old police headquarters building is empty and in the process of being decommissioned, as it is unfit for occupation or any use. This is a valuable site in St. Helier and there is keen competition for it to be allocated for a variety of uses. These will be considered and suitability and cost of use put forward and the Assembly will of course be updated.

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

I am disappointed that we seem to have moved backwards from the time this was last raised in the States by former Deputy Lewis of St. Helier. Can I remind the Minister and ask him will he confirm that among possible reuses for the site were more space for Rouge Bouillon Primary School, more amenity space for town residents, who have very little access to open space in the area of Rouge Bouillon, and more parking, so that some people who currently drive into town can park and walk and for residents to have more parking spaces? If he cannot explain now, will he undertake to

investigate those 3 quite valid priorities for the use of this space and to come back to the Assembly in a short period of time?

**Deputy K.C. Lewis:**

The site is partially listed. The central fire station is the old arsenal. The remainder of the site is obsolete and in disrepair and is in the process of being shut down and boarded up to prevent unauthorised access and vandalism. With suitable investment, it is believed the site could accommodate a combined fire and ambulance centre and would deliver efficiencies to our colleagues at Home Affairs, freeing-up the existing ambulance centre for development. No formal work has been commissioned to resolve this. Interest has also been expressed in the site as an extension for Rouge Bouillon School, which I believe answers the Constable's question. No formal work has been commissioned to determine the requirements or cost. The site could also be considered for disposal or development in the context of the office modernisation programme.

**3.12.2 Deputy J.M. Maçon:**

The Constable did ask my question, but with my Education hat on, can I please reassert to the Minister the Education Department's keen interest in the site, the expansion of Rouge Bouillon School? If there has not been a feasibility study by the department, will the Minister meet with the Minister for Education in order to discuss and progress that particular matter?

**Deputy K.C. Lewis:**

Yes. I have just mentioned, interest has been expressed as an extension to Rouge Bouillon School and more than happy to pull that one forward.

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

I am a little bit dismayed by the prepared answer nature that the Minister has read out. He has not given me an undertaking that he will come back to the Assembly with any timescale to comment on the need for more amenity space and more parking in the area of Rouge Bouillon. I would like to hear that from him. I would like to ask him whether he agrees with me that 15 years to repurpose the former J.C.G. (Jersey College for Girls) building should not be his target with repurposing the former States of Jersey Police headquarters.

**Deputy K.C. Lewis:**

Indeed, 2 totally separate cases. No intention of waiting 15 years or anything like it. As I say, the building is now vacated, parts of the building are being used by the Fire Service. The rest of the building will be repurposed or otherwise disposed of. But as I say, I am quite keen for it to be put to a good use and I think the school would be a good use, but I will get back to the Assembly when we progress this further.

**The Bailiff:**

I wonder if I could ask the Chairman of Privileges and Procedures if he has got any plans for increasing the fines for Members whose machines ping during the Assembly?

**Deputy R. Labey:**

Yes, and I would like to thank Deputy Wickenden for immediately looking at me when my computer went off and then looking at you. **[Laughter]** Of course we will contribute.



**The Bailiff:**

The Greffier will make a note of that, thank you.

**3.13 Deputy K.F. Morel of the Minister for Treasury and Resources regarding the funds which had been allocated to the cost of joining Liberation Square and Weighbridge Place for the ‘Liberation 75’ celebrations: [OQ.24/2019]**

As the cost of joining Liberation Square with Weighbridge Place for the Liberation 75 celebrations is now being borne by the States of Jersey Development Company rather the Growth, Housing and Environment Department, will the Minister advise the Assembly of any plans she has for the £2 million that had been allocated in the recent budget to the department for that same work?

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

As demonstrated in table D of the Draft Budget 2019, the majority of the funding for this project was to be met by unspent capital sums.

[11:15]

£580,000 was allocated from 2017 underspends and the balance was to be funded by underspends identified in 2018. There have been some challenges over the underspends identified as available, therefore alternative funding routes have been considered in order to allow the Growth, Housing and Economic Department to get on with the necessary work, one funding solution identified being an element of the return due from S.o.J.D.C.’s (States of Jersey Development Company) College Gardens housing scheme. This was identified as an appropriate route, with profits made by the States wholly-owned company being used to pay for improvements in public realm. Officers are finalising this proposal. However, no decision has been made as to the best funding method for the Liberation 75 scheme as yet and therefore no decisions have been made about how best to use the one-off budget this alternative funding route would release. I understand from the Growth, Housing and Environment Department that the scheme is now likely to cost £3 million, not £2 million, and I await an explanation of the variations when I consider the recommendation of officers.

**3.13.1 Deputy K.F. Morel:**

I am pleased that the Minister for Treasury and Resources is aware that the scheme has increased in price by 50 per cent within 3 months of us passing the budget. I would also like to know when the Minister became aware of this new funding route, when this new funding route or an exploration of this new funding route began.

**Deputy S.J. Pinel:**

As I said in my opening remarks, the original estimate was made at £2 million, based on a high-level concept design, which was produced for the business case in the middle of last year. The scheme has now been developed up to feasibility stage, which has enabled a more detailed estimate to be produced. This work has highlighted the challenge of the task of rerouting the traffic from the busy road and the need to find a solution for buses, which currently access the bus station through this route.

**Deputy K.F. Morel:**

That was not, in my view, an answer to my question. The question was: when did the Minister become aware or when did the Minister start exploring this new funding?

**Deputy S.J. Pinel:**

As I said, it is in conjunction with the Growth, Housing and Environment Department as to what their alternatives are for this public realm development, so when we have all the variations, we can work out what the increase or not may be.

**The Bailiff:**

I think the question, Minister, was when you started looking at alternative methods of financing.

**Deputy S.J. Pinel:**

Gosh, Sir, that is very difficult to say. It must have been about 5 or 6 months ago, I would have thought.

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

Will the Minister confirm that she recalls the promise made to this Assembly and to the people of Jersey that the estimates of between £50 million and £75 million of revenue from the development of the Waterfront and the Esplanade Quarter would be used for urban regeneration schemes and that in the absence of a mechanism for prioritising this funding, the Regeneration Steering Group is the appropriate body to take a view on this? Will she undertake to bring any changes in the funding plans for the joining of 2 open spaces to that group so that they can make the decision about it?

**Deputy S.J. Pinel:**

Absolutely. It would be a terrible mishap if we did not bring the Regeneration Steering Group to the table.

**3.13.3 Deputy K.F. Morel:**

If the Minister was aware 5 or 6 months ago that a new funding route was being explored or the need for a new funding route, may I ask why the States were asked to vote on this £2 million allocation in the budget, given that it had already been chosen to go elsewhere for this money?

**Deputy S.J. Pinel:**

That was only an alternative in case we could not find the funding anywhere else. We knew that that was going to be the initial request. The £1 million, as I have already said, depends on what the Environment Department come up with as the variation on the theme.

**3.14 Deputy L.B.E. Ash of the Minister for Health and Social Services regarding problems with parking in close proximity to the Hospital: [OQ.35/2019]**

Is the Minister aware of any current problems with parking in close proximity to the hospital, and if so, what plans does he have to ensure that more provision is made?

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

Public parking in close proximity to the hospital is the responsibility of the Minister for Infrastructure or the Connétable of St. Helier, specifically the Minister for Infrastructure for Patriotic Street Car Park and the Connétable in respect of on-street parking. But Members can rest assured that should this Assembly decide that the hospital will remain on the current site for up to 10 years, then I will have discussions with both of those parties, because clearly we all know there is pressure on parking.

It is known that people arrive at the hospital clinics sometimes in quite a harassed state, having been unable to find parking spaces. It may not be about the absolute number of spaces, but we can also give consideration to how they are managed, for example, could all-day parking be replaced perhaps by parking for 2 or 3 hours? On the part of the Health and Community Services, we could look at how we organise appointments to perhaps reduce or stagger demand for parking. If we can deliver more care in the community and in G.P. (general practitioner) surgeries, that will alleviate some of the pressure. We can look at times of appointments, we can try to extend the working day and make appointments available in the evenings, and finally, make better use of clinical facilities.

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

Would the Minister agree with me that with the delay in the hospital, it is absolutely paramount that we make every effort to make the patient experience as comfortable as possible over what will become a very challenging next few years?

**The Deputy of St. Ouen:**

That is certainly a very high priority and I would welcome discussions with the Deputy and any other parties as to how we might do this, but I certainly see the continued use of the hospital and particularly the outpatient facilities there as needing those facilities for parking, they are needing to be improved.

**3.14.2 Deputy M.R. Higgins:**

Does the Minister not accept that the lack of parking and even with an extra floor on Patriotic Street is a very good reason why the hospital should not be located where it is, in fact, it should be at some other location where proper parking facilities can be put in place?

**The Bailiff:**

This is not a question about where the new hospital should go, it is a question about parking.

**Deputy M.R. Higgins:**

It still relates to parking, because if we have got problems now, we are going to have even more problems if it stays.

**The Bailiff:**

That was just a warning to Members, that we are not going to go questioning about where the new hospital is going. Carry on then, Minister.

**The Deputy of St. Ouen:**

As you rightly say, Sir, this is about current difficulties and not hypothetical difficulties that might arise in the future. The current scheme that the Assembly approved was subjected to all sorts of testing and traffic studies and it was considered sufficient that the extra floor on Patriotic Street would meet the need. We do not know how we will be accessing facilities in the years to come, when our hospital might be delivered on the Gloucester Street site. As I mentioned, it is imperative we give more care in the community and in G.P. surgeries. I do believe we are bringing people into clinics where we do not really need them to come in from rural Parishes or wherever they live to a clinic. We can deliver the care they need in their homes or perhaps in community hubs, so there are various ways of mitigating the pressures on a hospital.

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

I just wanted to start by correcting the Minister when he said that the Constable of St. Helier is responsible for the on-street parking. Obviously, that only applies if there are Parish roads rather than main roads and there is clearly not much provision of that around the hospital. Could the Minister confirm that the 40 per cent of users of the hospital who currently do so without needing to park takes a great deal of pressure off the demand that we already have and would he further agree to look at, with the Minister for G.H.E. prioritising parking in Patriotic Street for users of the hospital? Because there are a lot of very able-bodied people who currently park in there who are perfectly able to park in Pier Road if they are, for example, commuting. That would free-up space for people who really need the space in Patriotic Street.

**The Deputy of St. Ouen:**

A number of questions there. I think I should have jotted down some notes, but yes, I will discuss with the Minister for Infrastructure and D.f.I. on the use of Patriotic Street Car Park. Some parts of that car park are presently used exclusively for hospital users. As to the first comment made by the Connétable, yes, they are of course States main roads around 2 sides of the hospital site. I was thinking more so of the Newgate Street and Patriotic Place parking, where I think people tend to try to park if they are visiting clinics. I hope that answers the question.

**The Bailiff:**

A final supplementary? We now come to Questions to Minister without notice. The first question period is in relation to the Minister for Treasury and Resources and I invite questions.

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

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

The Minister is, I am sure, fully briefed on how our investments are going generally. Certainly we sat at Social Security on the Treasury Advisory Board for a number of years and our investments did particularly well. The market has dropped significantly. Can you just give us an idea of how our investments are appearing?

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

I thank the Deputy for his question. The answer is not as well as they were doing 6 months ago. However, we had a hedging situation against the level of the U.S. (United States) dollar which came down to nil and has now been reinstated as of ... when was that? May, I think, in which £352 million has been triggered to be 50 per cent hedged against the U.S. dollar and the investments on the Social Security Reserve Fund, i.e. known as the Pension Fund, are now at about £1.4 billion, where they were £1.2 billion, so although they might be not doing as well as they were, they certainly are in a very good place, but the others have bottomed out, I think might be the phrase, inasmuch as they are not doing badly, but they are not doing as well as they were, but they were doing exceptionally well.

**4.2 The Connétable of St. Helier:**

I do not know if I am the only Member who is alarmed by the Minister's admission in her last question, question 13 to Deputy Morel, that when we debated the Budget, she knew that the funding for the Weighbridge and Liberation Square might not have to come from the States at all, but from another source. How is it possible that the Minister can be comfortable that work is underway on a project costing £3 million instead of £2 million without a funding solution being agreed? What

happens if the R.S.G. (Regeneration Steering Group) states that this is not a sufficient priority to be having any call on the money from the Waterfront?

**Deputy S.J. Pinel:**

I am not in the slightest bit alarmed. As I said in my opening remarks to Deputy Morel's question, that the money has been put aside and the design concept has been gone into, but no work has started. I have already agreed with him that we would be talking with the St. Helier R.S.G. We are also obviously waiting for the Environment Department to come back with what their wishes are. There are various requests going on here. Some people say that if you close the road and put new paving over the whole area of Liberation Square and Weighbridge Square, then the Liberation Square side of it, which was completed quite a long time ago, will look incredibly forlorn in comparison with what we are doing, so that may be another use for the extra £1 million, but that has not been decided.

**4.3 Deputy K.F. Morel:**

I would like to ask the Minister whether she expects to have to put aside funds to fund a fully-funded legal aid model. If so, how much is she expecting to have to put aside and when is she expecting to have to put that aside?

**Deputy S.J. Pinel:**

I thank the Deputy for his question. Of course this is quite a fiery problem at the moment with legal aid and the debate, as we all know, has not yet been had, so we do not know what any allocation of spending would be. It is also very difficult to allocate spending when we are in the middle of producing the annual accounts for 2018 to know what underspends would be to allocate in 2019.

[11:30]

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

Will the Minister advise the Assembly when she intends to implement independent taxation, which is long overdue, and would she further advise what the overall response to her personal tax review survey has been?

**Deputy S.J. Pinel:**

The first part of the question was independent taxation and it may not come to that. We are waiting for the results of the survey as to whether it is independent taxation, as in the U.K., or whether we follow a process of household taxation, which is what is executed with Social Security. So it is not a decision that has been made yet until we have all the results of the survey. I think the Deputy will be very well aware that I was very supportive of Deputies Perchard and Doublet in their married ladies' - women's - taxation and to be able to find a way around that.

**4.5 Deputy S.M. Wickenden:**

When we debated P.1/2018 and passed it under Article 8, we introduced a new provision to require the Minister for Treasury and Resources, after consulting the Chief Minister and accounting officer, to give the States Assembly at least 2 weeks' notice of a transfer of one head of expenditure to another. Could the Minister please point out where the 2 weeks' notice was given and where I can find it for the recent transfers of heads of expenditure under the R155 Transition Report, please?

**Deputy S.J. Pinel:**

As the Deputy will obviously be aware, we have had various emails about this and they have been answered.

**4.6 Senator S.W. Pallett:**

Rather than commenting on any individual bid, could the Minister provide an update on the current investment appraisal bid process and when further monies may be released to support various areas of government, including culture, arts and sport?

**Deputy S.J. Pinel:**

This is the Investment Appraisal Board that the Senator is referring to, which is relatively newly-established. It was established because the regulatory system around the previous way of the Council of Ministers dealing with bids for grants to function in various regions has become more regulated. There is now a board of officers which see the bids. The reason it seems to be more regulated is that they see all bids in the round, so priorities can be given as to essential needs and those that can possibly wait for a year. This appraisal board then sends its recommendations to the Chief Executive Officer and the Treasurer and then they recommend to the Minister for Treasury and Resources as to what is signed off or not. The second part of your question, in a previous life I was very involved with the arts and continue to be so and will pursue arts-related grants, but obviously the appraisals come before I get to see any of them.

**4.7 Senator S.W. Pallett:**

I just wondered if the Minister could give us any idea, because the way in which these bids are being released seems to have slowed up over recent weeks. Can you give us any idea when? Has it stalled or are these bids currently being assessed?

**Deputy S.J. Pinel:**

Yes, the bids are currently being assessed, but there is £100 million worth of bids and about 100 bids, and as I said before, they have to be put in a priority order. It is a new board, and I agree with the Senator, it is operating a little slowly, but with that amount of bids to put in order of priority, it is quite difficult.

**4.8 Deputy D. Johnson of St. Mary:**

The recent housing report identified the reluctance of residents to downsize as being one of the contributory problems to the housing shortage. Would the Minister agree to consider with the Minister for Housing possible ways of incentivising downsizing, including the reduction or exemption of stamp duty on those who do downsize when buying their next house?

**Deputy S.J. Pinel:**

Yes, Andium Homes are already investigating this with a way to persuade people to release family houses in order to downsize to more appropriate, possibly, apartments, so it is already being looked at.

**The Deputy of St. Mary:**

Can I clarify, Sir? I appreciate the Andium situation but a more general one, and not just in relation to those within the Andium development?

**Deputy S.J. Pinel:**

Yes, I think it is something I will have to discuss more with the Minister for Children and Housing as to where the incentive is to downsize outside of the Andium project.

**4.9 Deputy S.M. Wickenden:**

I just would like to challenge the answer the Minister gave me; I do not feel that the question was answered and even if it had been done in a private email, it is the right of anyone in this Assembly to ask a question in a public forum and have it answered and not just be told it is being emailed to the Member. Could the Minister please confirm where the 2 weeks' notice was published under the law?

**Deputy S.J. Pinel:**

I admire the Deputy's persistence. I cannot answer the question as to when and where it was published but I will find out and get back to him.

**Deputy K.F. Morel:**

I was going to ask for an answer to Deputy Wickenden's question as well.

**4.10 Deputy G.J. Truscott:**

The Minister and I were both made aware while we were at Social Security of the number of companies and individuals that were in arrears with their social security contributions. The department became very proactive in collecting those arrears. I am also aware, as I am sure is the Minister, that there are a number of companies and individuals who hold back on their I.T.I.S. (Income Tax Instalment System) payments. Is the Minister's department proactive in pursuing these arrears?

**Deputy S.J. Pinel:**

A very good question because, yes, we have been but only as of last year in pursuing people who have not hit the deadline for their tax receipts and by giving them a gap, if you like, a holiday of when they have to repay this; it has raised £1.5 million for Tax Revenue Department. It did work by doing that but I think the whole tax system is now changing, it is completely outdated; the last tax law, as such, was 1965. The system is changing to a much updated computer system and there will be online filing. There will also be, just to add, paper filing if people still want to pursue that, which will, hopefully, negate these back payments and people not coming forward with their I.T.I.S. in time.

**5. Questions to Ministers without notice - The Minister for Children and Housing**

**The Bailiff:**

Does anyone have more questions for the Minister for Treasury and Resources? Then we will come to the second question period for the Minister for Children and Housing.

**5.1 Deputy G.J. Truscott:**

The Mydeposit scheme started 3 years ago, Minister. There were, originally, some teething problems; I would just like an update on the Mydeposit scheme. Do you think it is working? Are there any problems? That will do for now.

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

I thank the Deputy for the question. I am thoroughly pleased with the Tenancy Deposit Protection Scheme. I think it is the right thing to introduce it in the Island and I have personally had experience of the U.K. scheme before Jersey introduced its scheme. I spotted problems with the U.K. scheme that we did not replicate when we introduced it here. I think it is the case that certain elements of it did not necessarily go as expected. We did not receive as large an amount of money into the scheme, as we thought would be the case. I have been satisfied enough with the scheme, however, to authorise a 2-year extension to it and in the process of that extension we will, of course, revert to the usual process of looking for alternative options or a renewal at the next stage. I have met those who have been in the Mydeposit scheme; I believe they are coming back to the Island again next month and if there are any particular issues that we think there may be with the scheme or ways that we could improve it, we would be grateful to hear that and pass it on to them and do what we can to improve that for both landlords and tenants.

#### **5.1.1 Deputy G.J. Truscott:**

It is interesting and I am pleased that you have extended it for 2 years; it gives continuity. But while in Social Security we were discussing if we could bring it in-house and I am just wondering if the Minister might want to consider talking to Social Security with that view in hand, obviously getting the money locally and administrating it locally would be a good thing.

#### **Senator S.Y. Mézec:**

When the scheme was first mooted there were several ideas about how it could be facilitated, not just doing it in-house but doing it with a third-sector local provider was also considered as well. The reason, I understand, that those options were not pursued at the time was simply because the expertise and the experience of doing that sort of work did not exist. I said in the answer to the first question that when it comes up for the end of its 5 years there obviously does have to be a full and transparent process for looking at how we move forward. I am sure that that option will be one that would be considered but we have to accept that there are downsides associated with that. It is a fact, I think, that the Mydeposit people do a very good job, are very experienced and are doing an excellent job.

#### **5.2 Senator S.C. Ferguson:**

If housing benefit is taken as indicative of the number of people in social rented properties, as shown in question WQ.79/2019 today or the answer to a written question and this supports the contention that the States makes the market, when will the Minister remove the concept of 90 per cent of market rent, as it just inflates the cost of housing within the Island?

#### **Senator S.Y. Mézec:**

I thank the Senator for her question and she raises issues that I myself have expressed my deep concerns about, not just as Minister for Children and Housing but as a Back-Bencher beforehand. I reiterate that I voted against the introduction of the 90 per cent rule in the first place. I have said that I want the first piece of work that the new Housing Policy Development Board undertakes to be looking at the rental calculation system and looking towards moving to a system that is sustainable and fair, not just for tenants but also to the taxpayer as well of course. That is not a piece of work that could be done overnight but I remain 100 per cent committed to it because I think it is the right thing to do.

#### **5.2.1 Senator S.C. Ferguson:**

The Minister has now been in post for 6 or 7 months, when can we expect to see this?



**Senator S.Y. Mézec:**

An absolutely fair question and I find the constraints of power as frustrating as anybody else does. It had always been our ambition and I would ask her to read the Reform Jersey manifesto, obviously an excellent read; I recommend everybody reads it. But that very clearly said that we would undertake a larger piece of work to do this and to find that new system. The format of that was agreed to be taken with the Chief Minister; that it would go through a Housing Policy Development Board. I will say that I found it frustrating that it has taken as long as it has to be in a position where we are almost ready to launch that and I think that experience has probably been felt with some of the other policy development boards as well but you live and learn.

**5.3 Deputy S.M. Ahier:**

Further to my question on 9th October regarding the installation of fire extinguishers in all Andium low-rise flats, the Minister promised to raise the issue at the next meeting with Andium. Would the Minister inform the Assembly what progress, if any, has been made?

**Senator S.Y. Mézec:**

I am due to have a meeting with Andium very shortly. It has been a while since my last one; I suspect it may have been before the question was raised. I have a long list of items I need to raise with them. I will say I know this question was about low-rise flats but I have seen first-hand the work that has been done with some of the high-rise flats and I am confident that Andium will be meeting its obligations there.

**5.4 Deputy R.J. Ward:**

May I ask the Minister, as Minister for Children, pleased as I am that the settlement scheme for E.U. (European Union) nationals will no longer incur a charge, does he have any concerns over children being registered throughout the Island, in particular perhaps families with difficult relationships or coercive relationships where they may become a tool in that game?

**Senator S.Y. Mézec:**

I think the Deputy shines a light on what is an important issue and I will confess that I have not had a discussion along those lines with the Minister for External Relations or the Minister for Home Affairs for that matter as well, who are taking the lead on this scheme. I thank him for raising that and I will ask to have that discussion with both Ministers, so I can seek assurances that something will be in place to make sure that children's rights are protected and defended throughout that scheme.

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

The Minister has shared his thoughts with us on 90 per cent of Andium rents being a fair social rent and I accept that is a calculation that is not necessarily fair.

[11:45]

I listened before and you were saying you were going to have a review of Andium to set this but surely you must have some ideas in your mind about how you are going to calculate these fair rents and what you perceive as being an acceptable outcome. Can you please share those thoughts with us?

**The Bailiff:**

Through the Chair, please, the Minister.

**The Deputy of St. Peter:**

Sorry; Minister.

**Senator S.Y. Mézec:**

In beginning this process where we will start to do the work, and bear in mind that I will not be the only person involved in this work, this is work that will involve other Ministers. We will invite expressions of interest from non-ministerial States Members and also people who are in the sector as well would be involved in putting this together. It is not a case of my dream of the perfect system will necessarily prevail. It may well be the case that it is not done on a percentage of market rate at all. There may be another form of calculation based on people's earnings instead. But I say that at this point I remain open-minded on that because there will be a process that will go through to find a better system at the end.

**5.6 Deputy M. Tadier:**

With regard to the issue of discrimination against families with children in housing, does the Minister believe that his answer given to written question 21, saying that work is anticipated to commence in 2020, subject to public consultation and will be done by Social Security, is soon enough? Could it not be an alternative matter for a way forward that this matter be dealt with by order by amending the Residential Tenancy Law, for example, so that it becomes a matter directly under his remit?

**Senator S.Y. Mézec:**

I would have to double-check the wording of the original proposition. If I recall correctly, I think the wording of the proposition that made this decision was that it would be an issue to do with the Discrimination Law, rather than the Residential Tenancy Law. If there is an alternative that can be dealt with there then we would have to look into that and give that more consideration. But more broadly, on the point of his question, let me be open and frank about this; I am incredibly frustrated that I am consistently still seeing advertisements for properties on the market being put out by letting agents that are still saying no children and when you look at the properties, I simply cannot fathom why those properties would possibly be unsuitable for children. I reiterate my view to those letting agents that they should stop doing that now, do not wait for it to become enshrined in our Discrimination Law. Adopt that practice now because there is not a good excuse in the vast majority of cases that I have seen. I will be writing to letting agents shortly to make my view on that perfectly clear to them and I will be pressuring the Minister for Social Security to help deliver this through the Discrimination Law. But I am happy to have a discussion with him if he thinks there are alternatives as well.

**5.6.1 Deputy M. Tadier:**

Would the Minister undertake to come back to the Assembly, not just me, looking at whether the Residential Tenancy Law or any other law that is within his purview can be amended easily, either by coming back to the Assembly or by order, in order to get an amendment that states clearly that it is discriminatory and that practice will be outlawed officially?

**Senator S.Y. Mézec:**

I am happy to look at the Residential Tenancy Law and take advice on that and get back to Members.

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

I would like to ask the Minister, I have a lot of housing estates in my Parish and I have a lot of them that are under-occupied. A lot of the people who are in them, although they have had them for the

best part of their life, now find them very difficult to maintain and keep going and then they would be quite happy to downsize but if they are to downsize it is going to cost them. Can you not sort of waiver that? Would that not please everybody? You would then have a family home and you would have a couple or a lady or a gentleman on their own who could then move into an apartment, instead of having to have more rent. They might as well stay where they are and everybody loses out. Could you not look into that, please, Minister, for me?

**The Bailiff:**

Could the Minister not look into it? Yes.

**Senator S.Y. Mézec:**

Could I just ask for clarification from the questioner? Was she referring to the social sector or private sector?

**The Connétable of St. Saviour:**

No, I am referring to the housing estates, the social sector that I have, yes.

**Senator S.Y. Mézec:**

The social sector, okay. It is the case and it is, in some respects, a bizarre consequence of the rental arrangements that were put forward in 2014; that people can be worse off when they downsize, when in many instances we want to help people downsize so that we can free-up their properties for families. She is right that that is a problem and it is something that the Housing Policy Development Board will be looking at because I think it is right that we help the people to end up in the properties that are most suited for them. But I just reiterate a point that I have made previously, that I do not think that it is right for us to be coercive when trying to force people out of their homes. I do think that we should have a compassionate approach to people's family circumstances there.

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

The Minister has indicated that he was looking into to try and implement some rent controls in the private landlord sector. I am sure it is very well-documented in his manifesto, which I am afraid I have not read. However, can you please share with us how this can practically be implemented and delivered upon?

**Senator S.Y. Mézec:**

He says he has not read the manifesto. I urge him to read it because I do think that it makes it clear. The manifesto itself made no pledge to introduce rent caps or anything like that. What it did say is that we would undertake a piece of work that would look at the rental market and work out what regulation is appropriate for ensuring that there are fair and affordable rents. I think it is the case that there are lots of properties out there on the rental market that are being put out for extortionate and unjustifiable prices. One pledge that we did make in that manifesto was the reintroduction of the Rent Tribunal. I have instructed my officers to do the beginnings of work on that and I will have them report back to me in March to have a look at a bit more detail from that. But, of course, none of that would be put forward to this Assembly without the full views of Assembly Members being put to me and having a vote on the final proposition.

**5.9 Deputy M. Tadier:**

I know it is an issue which may, theoretically, fall under Environmental Health but insofar as it touches housing, is it still the long-term plan that all properties that are rented out as homes should

be subject to an inspection in the future before the landlord is given a licence to be able to rent out that property and if not, why not?

**Senator S.Y. Mézec:**

That question would be better put to the Minister for the Environment, who is more up to date on the very specifics of how that is being implemented. I understand that there are certain tests that would need to be met before we get to a point of looking at those next stages but the Minister for the Environment would provide a more in-depth answer than me.

**5.10 The Connétable of St. Lawrence:**

How does the Minister ensure that children are not excluded from mainstream schooling unnecessarily?

**Senator S.Y. Mézec:**

Again, this question would be better placed to the Minister for Education, who has more active involvement in what is happening at schools and whether people are taking out from that. I certainly reiterate that we have made pledges to put the interests of children first and exclusion should always be a very, very last resort and we should be doing whatever we possibly can to make sure that children who have complex needs for whatever reason have those needs met and receive the support they can to make sure that they are able to have as fulfilling experience at school as possible.

**5.10.1 The Connétable of St. Lawrence:**

I acknowledge the Minister's response but, as Minister for Children, how involved does he think he should be in making decisions on the exclusion of children from school unnecessarily?

**Senator S.Y. Mézec:**

I would not want to be involved in any decision that was unnecessary. I think decisions, of course, should only be made when they are necessary and when there are no alternative options. I do think it is right that in the first instance that should be the duty of the Minister for Education but, of course, I do work very closely with her. If I had any concerns over policies or particular examples, I would have no trouble in having an audience with her to express those concerns. Of course I am also Assistant Minister for Education but that is mostly for the purposes of the children's portfolio.

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

Given the projections for 7,000 extra homes if population trends continue, what will the Minister do to get empty properties back on the market?

**Senator S.Y. Mézec:**

I thank the Deputy for that question. The projections for 7,000 extra homes comes from the Objective Assessment of Housing Need report, which was not necessarily a prediction of where we certainly will be at the end of that timeframe but it would be where we would be if we did nothing. It has been quite helpful in providing us with a breakdown of what sorts of accommodation we would need in that circumstance. I guess the 2 answers to that is, firstly, we will not need to do that much because there will be a population policy that comes forward that will help to deal with some of that. But on the issue of empty properties, I have spoken to the Chief Minister and this is something that we are both interested in having the Housing Policy Development Board look at. In terms of the other work we are doing, it is probably not quite as onerous a piece of work as some of the others and we would look to see what we can do to incentivise those properties that are empty for no good reason to be put

back on the market. I cannot give her a timeline for when those proposals will come forward but it is on our radar and we will be looking at it.

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

Going back to social rental controls, capping or what have you, would the Minister give Members some thought as to how his mind is working? He alluded to the need to do a piece of work but maybe he has some thoughts of his own, which he might like to communicate with us.

**Senator S.Y. Mézec:**

I did say in answer to an earlier question that I remain open minded on what the final solution to this should look like. I think there are things that can be looked at that will help us in terms of the understanding there is between Andium Homes and the Treasury. Of course, they provide the Treasury a very, very significant return every year but, likewise, the Treasury also supplements Social Security by sending money that way, much of which will then get paid in rent to Andium, so there is money that is going around there. I think that there could be some help we could provide the system by looking at that arrangement. But, as I said, I will not be the only person involved in this work and I do genuinely want to be open minded about what alternative solutions will look like.

**The Bailiff:**

Yes, that brings questions to Ministers without notice to an end. There is nothing under J or under K.

**PUBLIC BUSINESS**

**6. Jèrriais: promotion by the Public Sector (P.143/2018) - as amended (P.143/2018.Amd.(2))**  
**The Bailiff:**

We now come to Public Business. The first item of Public Business is Jèrriais: promotion by the Public Sector - P.143 - lodged by Deputy Maçon. Deputy, did you wish to make your proposal with incorporating the second amendment?

**Deputy J.M. Maçon:**

If possible, yes please, Sir.

**The Bailiff:**

Members do not oppose that. Very well, then I will ask the Greffier to read the proposition, as amended by the second amendment.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to request the Council of Ministers to agree (a) that all official and departmental letter-headings produced and used by the Public Sector in Jersey should include Jèrriais as well as English, subject to paragraph (b); (b) that within 4 months it will produce guidelines for how Jèrriais will be incorporated into all official signage and letter headings produced and used by the Public Sector in Jersey; (c) that the aforementioned guidelines should have the default position that Jèrriais is used and will seek to incorporate Jèrriais as much as is reasonably possible; (d) that, insofar as is reasonably practicable, this policy should also extend to the courts and those bodies wholly or partly owned by the States or in receipt of States funding, with implementation plans to be included in their next annual reports; (e) that the implementation of the

aforementioned should be as and when materials are renewed, replaced or rebranded; (f) that L'Office du Jèrriais should be consulted for any translation service as an official authoritative body; (g) that the practicalities of implementing the above policy for publications, websites and social media should be explored and a report presented by the Council of Ministers to the Assembly within 12 months of this proposition being approved.

**The Bailiff:**

Deputy, do you wish to propose the proposition?

**6.1 Deputy J.M. Maçon:**

I think, as many Members will know, we are in the U.N.E.S.C.O. (United Nations Educational, Scientific and Cultural Organisation) Year of Indigenous Languages, so perhaps this is an opportune time for us to look at our own indigenous language, Jèrriais, and how we can look to support it. I would just like to begin by thanking the L'Office du Jèrriais, the teachers, Professor Mari Jones of the University of Cambridge, who have all helped me with my proposition and providing me with sources of evidence for my speech today. I would also like to thank the Council of Ministers in how they received me at their meeting in order to explain my proposition. In particular, I would like to thank the Chief Minister in dealing with this particular matter, as Members will have read from my second amendment, there was an issue waiting for civil servants to deliver an amendment, that never progressed. In the meantime, of course, I went and got on with it; with some proactive work from the Chief Minister we managed to get to an agreed position. I would just like to thank the Chief Minister for taking that time; he is a very busy man with very many other important matters to consider but I would like just to thank him for the practical way he has engaged in what is, effectively, a Back-Bencher's proposition.

[12:00]

When presenting my proposition I did email Members round a copy of the Jèrriais Plan 2017 - 2019 (R.72/2017), to which I am sure many Members in preparation for this debate have read extensively. Just to talk to my particular proposition, I would like to quote from page 14 of that document where it says: "A successful campaign to give prominence to Jèrriais requires that the States itself sets an example. Departments will be encouraged to adopt their own plan and will be given assistance by a language officer in preparing translation for signage and other materials. Similar support will be offered to the private sector. There have already been excellent examples of public and private bodies using Jèrriais in this way, for example, Jersey Post employing the language on the stamp and the Treasury giving prominence to on Island banknotes, text on the Parish of St. Helier vehicles, recent bilingual signage in English and Jèrriais by Trading Standards in the Central Market." I come to this debate really not asking the States to necessarily do anything new but simply to take this opportunity and when the rebranding of departments, *et cetera*, are going on to reinforce perhaps that commitment and perhaps give us a little bit more strength in going forward. As some of the language within this particular plan is a little bit woolly, I am trying just to reinforce that particular position. But I would like to state that the Government's position already is that we do support and want to use Jèrriais within the public sector. Members were contacted by a member of the public who expressed an interest in this particular debate and, first of all, I would like to thank them for showing some interest, even though we might sit on opposite sides of this particular debate. It is good when members of the public get interested in a matter. They were of the opinion that, as for Jèrriais, it was never used by locals as a form of communication in the written sense. From the sources that I have distributed to Members by email, they will see that Jèrriais was used in the written form, even going back as far as 1786; we have examples of sourced material which demonstrates the use of Jèrriais in the written

form. I do not want to dwell on the point but I think I have provided that evidence to show that this is part of culture, it is part of our heritage. Of course, if you do want to go back further you do have to remember the context at the time; Jèrriais being more of a language of the farming community, perhaps we would call them peasants nowadays, in times when literacy rates were not quite as what they are today. It was mainly an either/or of a language and perhaps not much was written down. Not necessarily a great shock to me but I just wanted to point out that it has been used in the written sense for quite some time. I would say historians might look back and look at what was. I would like to think that politicians look forward as to what could be. An example for this might be around the Manx language when looking in comparison. Of course, the Manx language, as some Members will know, was officially declared dead and extinguished up until the point where members of the Manx community started writing to the U.N. (United Nations) in their own native language to say: "If Manx is dead, what exactly is this language I am writing to you in?" To which they reversed the position, it is still there. The point is revivals of languages can happen; it does come to the commitment that the communities want to put in there. Jèrriais is an important part of our heritage, our local identity. It does help when we go and talk to, in particular, our Norman neighbours, a soft diplomacy side where we can reference it. It does help with those conversations, it is something we are proud to do. We should look to see how we can support it going forward. Turning to the particulars of my proposition as amended, what I am hoping to do is, yes, promote the use of Jèrriais within letterheads and signage within the Island. Part (b), which I brought in, is basically let us apply some common sense; I think there were a few civil servants that baulked as soon as they saw the word "all". The idea is, speaking with the Council of Ministers, let us apply some common sense around here. I think some were perhaps getting concerned that big tomes were needed to be produced in Jèrriais; that is not exactly where I am looking to go. But, to begin with, can we start looking at things like the titles of documents, perhaps the indexes, perhaps the headings; let us look at that, how we can incorporate it in a way which might help promote the language in documentations? Again, the matter on signage - we had this conversation around the Council of Ministers' table - am I looking for the fishing regulations on St. Catherine's Pier to be done in Jèrriais? No, but again let us look at the title of that particular sign; could that be in Jèrriais? It is, again, how can we incorporate it that just applies some common sense? Which is why I have asked the Council of Ministers to come back with some guidelines because they have come back with some technical matters where it might be difficult and today I am happy to look at that in a reasonable fashion. Again, that is also then asking bodies outside the States to look at it, which, as I said, are ... whether that is the ports or bodies wholly or partly owned by the States or in States funding and some already do. In the pack that I already issued to Members, of course, if you remember Checkers, the Checkers' signs did include Jèrriais in them as well. Again, that is not like I am really asking anything particularly new but, again, it is just again providing that support to the language and how we want to see it going forward. But it does provide flexibility for those organisations to decide how they are going to take it forward. It is not saying: "Thou shall have to do this" but it is saying: "What can you do?" Which is what I am asking Members to agree today. All of this to be done when signage and letterheads, *et cetera*, materials are renewed, replaced or rebranded, so I am not expecting it to be on tomorrow but, of course, when materials are renewed, which is normal within the corporate sphere or in the States sphere, we know we are going through vast amounts of rebranding in the States at the moment, therefore you are going to have new signage and letterheads having to be reformatted, relooked at anyway. Why do we not take this opportunity to see how we can encourage Jèrriais within those spheres to be used, which is what I am asking there? But, as I say, it is down to normal maintenance procedures anyway. Part (f) asks to recognise L'Office du Jèrriais as the main port of call when it comes to translation services. I would hope that would not be a controversial matter. Again, the last part, part (g), is then looking, as I said, a bit more broadly about perhaps publications and these things like that, and just to say I am not expecting tomes to be produced in Jèrriais; I do not think that would be practical but, again, how can we incorporate Jèrriais into those publications? Is that the title page

alongside English? Is that the index? Things like that. If you could get someone really creative behind there, we could do something very exciting. I hope Members will be able to support this proposition today. I have not asked anyone to second it but I hope it will find favour and I make the proposition.

**The Bailiff:**

Is it seconded? **[Seconded]**

**6.2 Jèrriais: promotion by the Public Sector (P.143/2018) - amendment (P.143/2018.Amd)**

**The Bailiff:**

We come to the amendment lodged by Deputy Tadier and I ask the Greffier to read the amendment.

**The Greffier of the States:**

Page 2 before the words “to request the Council of Ministers to agree”, insert the following new paragraph “(1) that Jèrriais should be recognised as one of the official languages of the Assembly and” and re-designate the opening words “to request the Council of Ministers to agree” as paragraph (2) of the proposition.

**6.2.1 Deputy M. Tadier:**

In starting, may I ask the question: *comment est qu'tu'es? Mais j'-sis d'charme, mèrcie bein des fais.* I would not necessarily have been able to say that quite so well a few years ago and I would like to pay tribute to the great Jèrriais teachers that have been recently employed. **[Approbation]** I think we have got 4 who work officially for the Education Department but who work closely with my department and go into schools and also come into the Assembly. Many Members will know who have availed themselves of the opportunity to learn our native tongue, that those classes take place every week and I think for those of us who have attended I think they have been very useful. I also hope that during the course of this speech I will not have to nip out because it is considered impolite. I have drunk a lot of water today and I may need to visit *la p'tite maison* during the course of this debate but I hope not; I think I can just hold on until lunchtime. There are certain words which you would recognise, *la p'tite maison* literally means “the little house” but it is well known to me; the lavatory. There are lots of similarities for anyone who may be a French speaker to picking up Jèrriais. But, as I have been told, you are supposed to leave your French at the door when you learn Jèrriais but do not shut the door because you might need it. There are other words which are not immediately obvious, so we have got lots of seagulls in Jersey, they like to congregate in different places around town and at Snow Hill they like to go and eat the leftover food from the bins. I think it is great that the Constable leaves so many of those black bags out for them to feed them because we have got to look after our wildlife. **[Laughter]** In French they call them *la mouette* but that will not be much use to you if you are wanting to find the Jèrriais word, which is *mauve*, of course. When you start to look at the etymology of that word you find that that is an old English word it comes from, I think it is *mauve* or *möwe* it would be pronounced, which is related to *mou*, I think Germans use *mauve*. That is because Jèrriais did not evolve from French, which is often a misconception; it is sometimes called Jersey French, it is a form of Norman French. Those of us who had our memories refreshed about the evolution of the language will know that of course Jersey was part of the Norman invasions when the Battle of Hastings occurred. There would have been Jersey and Guernsey men who would have taken part in that, who would have gone over to the Battle of Hastings and with the success of William the Conqueror that there was a change that took place to the Saxon language, to the English language over there and that many of the root words that we have go back to old English and Norman French, which are the roots of our modern Jèrriais, if you like. It is amazing how much controversy something



like language can create and even a simple amendment like this - and I need to congratulate Deputy Maçon as well because I think this is going in the right direction - can cause. But it is perhaps not surprising because language is intrinsically linked to our concept of identity and self-identity, both in the personal sense and in a collective sense. If you have seen some of the threads that have taken place on social media you would think that this is perhaps the most controversial issue. Some people saying: "Quite agree with it; I absolutely understand where the 2 Deputies are coming from and the preservation and promotion of Jèrriais is really important" and other people simply taking a utilitarian argument, which goes thus, essentially: "What is the point in preserving a language or using a language or allowing a language to be used in your Assembly which is not spoken widely and which is not understood widely?" I could understand that argument, I can understand it from a utilitarian point of view, but I would suggest that does not take into the account the value of any language but especially our own Jèrriais language. If anyone is willing to stand up and say that we should just willingly nail the lid on the coffin of Jèrriais and not bother investing in it, I think they should stand up during this debate and say that and that is a valid political point of view but it is not one that I share and I hope it is not one that most of us share. I think we recognise the intrinsic value of Jèrriais and I think we also recognise the fact that if we do not promote it and we do not preserve it as an Island and as an Assembly and also as a Government, then we cannot expect anybody else to do it for us. Jèrriais is not going to be starting to be spoken in the Welsh Assembly or in the Scottish Assembly or in Westminster. They are not going to make provisions under their Standing Orders or under their customs to be able to do that; it is something that we have to do as an Assembly. There are some Jèrriais speakers in this Assembly and I hope that there will also be some fluent Jèrriais speakers in the future, although not necessarily in the immediate future but we may have some. I think what this does; it is permissive. I do not think we need to get into the arguments about what happens if somebody stands up and makes an entire speech in Jèrriais? I hope that is a problem we one day have to contend with but it is certainly not something that I anticipate any time soon. If people are saying that English is the only language that we should be using, then I would challenge those Members to turn their attention to French, which was the pre-existing language of this Assembly for centuries and which up until 1900 we learned from the comments submitted by P.P.C. (Privileges and Procedures Committee) it took an actual decision of the States Assembly to allow its Members to converse and debate in English. The primary language of this Assembly was and presumably, theoretically, remains French; English then came along. But all during that time there were many Jèrriais speakers in the Island who would have been speaking it on a daily basis and no doubt the States Members themselves. I am not trying to turn back the clock in this with some kind of rose-tinted spectacles.

[12:15]

But I am saying that it is an important part of our strategy and that a simple amendment to allow for it to be spoken occasionally, when appropriate in the Assembly, should not be too much to ask. I make the proposition.

#### **The Bailiff:**

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

#### **6.2.2 Connétable C.H. Taylor of St. John:**

I would like to congratulate Deputy Maçon on bringing this proposition and I shall be supporting the main proposition. But, as for the amendment, I have significant difficulties. Firstly, Jèrriais is not an official language and it does vary, depending on whether you are in St. Ouen or Grouville. The second reason is I sometimes have difficulty understanding what Members are saying and that is

when they are speaking English. **[Laughter]** I would have no chance at all if they spoke Jèrriais. But my third reason is a very interesting one; before I started farming I worked as a relief milker giving farmers a break and I would milk their cows to enable them to have a week or 2 weeks holiday. I was on a farm when having milked in the morning and left, returned in the afternoon to find that the French couple had not done any of the work they were supposed to have, cleaning down the stable, mucking it out and getting it ready for me with fresh bedding to milk the cows in the evening. I managed to find this French couple and I swore with the most unparliamentary of language at this couple, telling them to jolly well clean the stable and get it clean. When I had finished speaking and finished this unparliamentary language, I got a poke in the back from a walking stick, which was the father-in-law of the farmer and he said: "I did not know you spoke the Jersey French." On that basis, if unparliamentary language that I was using can be classified as Jersey French, then it cannot possibly be used in this Assembly anyway.

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

As Deputy Tadier said, in 1900 English was made optional in debates in this Assembly, although laws continued to be drafted in French. In 1946 there was another debate as to whether English or French should remain as the official language of this States. In 1966 Lord Coutanche summed up the traditional attachment of Members of this Assembly for the French language when he said this: "40 years ago French was the language largely used in debate and almost exclusively for legislation. When, some years later, the Income Tax Law was being drafted, by this time it was 1928, it had to be in English because no one could draft it in French, whereupon one distinguished but very conservative Jurat asked the Bailiff to rule whether it was constitutional for a law to be passed in Jersey in a foreign language." In those days maybe some people thought English was a foreign language but I have a question for you, Sir, if I may. I know you are a follower of Jèrriais and taking lessons yourself but would it be constitutional for a language to be used in this Assembly that is not spoken or understood completely by the Speaker?

#### **The Bailiff:**

I would clearly have to learn very fast, Deputy.

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

I am pleased to follow the Constable of St. John because I would struggle to support Jèrriais being used in this Assembly, purely because I do not think enough of the population would understand it and certainly, to my embarrassment, I would not be able to understand it either.

### **6.2.4 Deputy J.M. Maçon:**

Responding to the Deputy of St. Martin, I suppose the issue is that we have many Members in this Assembly who would not understand French. But, of course, because it has been allowed in the Standing Orders one Member could quite easily deliver a speech in French and whether necessarily all Members of the Assembly understood that and the public is, of course, another matter. I think, practically, if Members want to get their point across in the Assembly and influence Members they will use the parlance which is the most practicable. But what I would want to say is when we think about things such as the Liberation Day speeches, and I do recall that during World War 2 Jèrriais was, of course, a very good language because the locals could speak it and the Germans did not necessarily understand what they were saying. During that particular ceremonial States sitting, why should not Jèrriais be used during that? Why should it not have that recognition? Because it was an important part of our culture. I understand exactly where Members are coming from if we had large speeches in Jèrriais, of course many of us would not necessarily understand it. But at the same time I do not necessarily think practically that is going to happen. I think it might be the odd phrase. I

think it might be used for ceremonial occasions when why should we not be celebrating our local language on those ceremonial days? But, technically, under the Standing Orders that would not be allowed. I think perhaps some Members are making more of a heavy weather of this than necessarily there needs to be. But I also think, again, this is U.N.E.S.C.O. Year of Indigenous Languages and I think it would not look good to say that it is something we would reject from our Assembly in that vein if we are trying to promote it. Those are my thoughts on the matter. I think we should deal with it practically.

#### **6.2.5 The Deputy of St. Peter:**

Please bear with me. *Si j'allons parler Jèrriais j'allons ti chanter Ma Normandie et béthe un trou Norrmand?* And I was wondering if Deputy Tadier would respond, preferably in English.

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

Sir, if it is a point of clarification I am happy to come back now but I ...

#### **The Bailiff:**

No, you have a chance to respond at the end but I did not make the point earlier but until this proposition is adopted it is not possible to use Jersey French in this Assembly. Thank you.

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

Sir, you have just ruined my speech because ... **[Laughter]** **[Aside]** I am trying English, it is a Cockney version, let me tell you. **[Laughter]** Sorry. I will probably be the one that the Constable of St. John can very rarely understand. But until you just made that ruling, Sir, and I remember a fantastic speech by the Constable of St. Saviour on Liberation Day and there were lots of little bits in it with Jèrriais, which she speaks brilliantly. Obviously, she would speak it well. I have no idea what the Deputy of St. Peter said but I am going to be told. My problem is, Deputy Tadier has quoted Jèrriais many, many times and, helpfully, after he has done it he has translated it into English for me. I have to trust that that is right. Is there something lost in translation, as they say? I do not know. I listened to his speech and it was a bit... well, we do not want the Assembly to never be able to be allowed to speak Jèrriais. As long as I have been here people have gone off and spoken in Jèrriais in the middle of a speech, explained something and then they have always explained it to the Assembly what they mean. With that ruling I do not know because I am of the sentiment it will not ruin my life. Hopefully people will be able to understand me; I will get the translation in Jèrriais. But I think reading the further comments from P.P.C., if it is made official, if somebody did want to speak in French, somebody would have to do the work ... sorry, and go into French but if we make this official with Jèrriais somebody would then have to come and do the work and have a full translation. Probably need some qualifications and some understanding from where the Deputy understands this but that is how I understand it, if we make it official. Really, Sir, your intervention was most unhelpful just before I spoke. **[Laughter]**

#### **6.2.7 Senator S.Y. Mézec:**

Just very briefly, I think the fact that this is a bilingual Assembly is one of the nice things about the way we do things here and I think that is something that not only should be preserved but, in this instance, when there is an extra unique thing about our Island, surely it is right to be expanding that, to make this a place that reflects our unique Jersey identity a little bit more. The fact is that in the States of Jersey Law under the Standing Orders of the Assembly there are not strict rules about how language can be used apart from avoiding the language of unparliamentary language, so this is an issue to do with the convention and the convention was changed 119 years ago to allow English to

be spoken here. I am sure we would have seen lots of arguments against that at the time. I know it was not a unanimous vote that passed it then and 119 years later, look where we are. Things change. The thing that I think sometimes frustrates me about the debate on what role Jèrriais should have in our society in that I think that there is too much of a tendency to look back at the role it has played in our history rather than ask the question about what role it will play in our future. I think the fact is that some of the work that has been done to preserve the language and give it new life I think has been really interesting, and in some instances inspirational and a few years ago I would have been somebody that would have said: “It is a dead language, what is the point in bothering with all of this” and I have completely changed my mind because I have seen it to be used as a cause for good. The fact that in schools some of the people who are best able to pick up the language happen to be kids who are from Portuguese or Polish backgrounds because their brain is already used to dealing in more than one language and so to pick up another one becomes easier. So to see it as a unifying force that brings us together around our identity as a unique Island with its unique identity. I cannot see anything negative coming from this. I do not think we are going to be faced with a situation where Members’ attempts to persuade people to vote one way on something by speaking to them or lecturing them in a language they do not understand because practically that would make no sense. Why would anyone do that? It is already the case that French can be used in this Assembly when some of our French is not good enough to understand it in depth but we do not question removing French as one of the languages of this Assembly because it is one of the things that makes it special. So I completely support Deputy Tadier’s amendment. I think it is nice thing to do and what it will do is it will help engrain this in our consciousness. We will start picking up more phrases. The very few Jèrriais phrases that I do know are phrases that I have picked up from songs that of course Deputy Tadier has been a part of giving new life with his musical endeavours. I see nothing bad coming from this. It is not going to have any negative impact on the work of the Assembly. It just helps make our identity and add something special to what we are doing.

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

I am afraid I am the old curmudgeon in this debate because I can see very little sense or sensibility in both this proposition and the amendment. My reservations about it start basically with the fact that we keep mentioning a language. We are not talking about a language. We are talking Jersey French, Norman French. We are talking a patois. It is not a language. It is not recognised elsewhere in any international sense whatsoever whereas French and English are and we can communicate in either with other people but we cannot with a patois because that is, by definition, localised. Whether we like it or not we have some hopeful pieties and some wishful thinking from the proposer of this proposition I think because when a push comes down to shove, a language will survive if it has either power or status. If we look at the Welsh language which is surviving and healthy that status came with ... it was representative of the fierce independence and the wish to be independent that the Welsh felt at the time. That is why Welsh survived and grew and is still growing because it is attached to that status of being Welsh and the pride that comes with it. But like it or not, I am afraid, over the last century and increasingly in more recent years we have become increasingly Anglo-centric. Talk to any young person in Jersey and see where his culture is coming from. It is Anglo-centric. It is extra-English. It is City and our main industry. It is the City; the attachment is there. It is with English. That status does not, I do not think, exist to allow us to recreate and make service a patois. I have already witnessed it twice today. I have had 2 sentences of Jèrriais both of which I did not understand and neither of which have been translated.

[12:30]

Do we really want to start that as a way forward at this stage in our history? I do not believe we are or we should be. I am afraid that both the amendment and the proposition both fail with me, in

particular - I use a single reason - I am always sceptical of someone who uses the words “common-sense” so repeatedly as the proposer did in his opening speech. It was common sense we were told. Common sense is a wide field and one which is very rarely specific so I do not believe it is common-sense either to do either of these proposals.

### **6.2.9 Connétable K. Shenton-Stone of St. Martin:**

I am pleased to follow Deputy Southern because I do not agree with him at all. I do agree that we should give power to language and I do believe that Jèrriais is a very intrinsic part of our heritage and culture and my children, who are only 20 and 22, learnt Jèrriais at school and they see themselves as very European. They do not see themselves as extra-English at all. I am glad that you mentioned Wales because as part of the C.P.A. (Commonwealth Parliamentary Association) Westminster seminar in November we were taken to visit the Welsh Assembly and we spent a day there. We were greeted in Welsh. None of us in the coach - there was about 50 of us from all over the world - none of us spoke Welsh. We had a couple of speeches in Welsh which were then translated and it was very good because then you realise that you were in Wales, you were not in England, you were not part of England, you were different. We are not part of England. We do speak English. We do have French here and we have a language that Norman French gave the root words to a lot of the English language. Following on from this I am very pleased that because it is the year of the indigenous language and, as you all know, you granted us a loan for the redevelopment of the old school, which is the *la vie à école*, which my Jersey French is not good or my French pronunciation. We had a unanimous decision that every sign in the old school will be in Jersey French and English and I am very pleased to support the proposition. I do believe that if anyone does speak Jersey French in the Assembly it will be well translated and I think it is something that we must not let it die. Let us give it power. In the Welsh Assembly, I can assure you, that not everybody in the Welsh Assembly speaks Welsh but they did say that one of the very good points that it is their official language is that more and more people do speak Welsh because of that. So maybe there is hope for Jèrriais. Thank you.

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

There are many of you in this Assembly who were not born in Jersey. There are many of you in this Assembly who have Jersey connections either by marriage or family relationships. All of you are very proud to be associated with Jersey. It is why you chose to serve your Island.

#### **The Bailiff:**

Through the Chair, Connétable. Members; it is not “you”. That is the way we ...

#### **The Connétable of St. Mary:**

I can understand if people have a passion for the Jersey language, the Jèrriais language as you will want to further embrace our Island culture to become part of it. I am a Jerseyman. I am proud to be. I do not share that enthusiasm for Jèrriais. It does not give me any more right to an opinion that it does to anyone else who lives here. I admire anyone who speaks Jèrriais or indeed anyone who wishes to learn the language. I am a practical Jerseyman. I know that the language was from a bygone era. It serves no practical use. It never will. If I quote John Kelleher, the author of the *Triumph of the Country* as follows. He states: “What Deputy Maçon seeks is to give Jèrriais a role it never had historically. It was always primarily a spoken language. It had no written form until a small group of individuals interested in the language decided to create one fearful as they were that Jèrriais and indeed French was being swamped by the English language. This creative process did not commence until at least the mid-19th century and really only became well-established after World War 2. However, the written form has never been used beyond a small group of academically-minded individuals. It was never used by locals as a form of communication. Until the advent of English as

the most universal language of our Island French proper was the mode of written communication. To take steps now to use Jèrriais as written language on official signage and departmental letterheadings is simply to rewrite history. Put another way, it is to seek to create an aspect of our identity that never existed. That, with respect, is rather muddle-headed. Our history is very clearly something we should treasure and I fully accept it contributes to our identity but if we are to make use of it to that end, we must make sure we are truly representing that history and not recasting any of its component parts into a different form. This Island accepted to be part of England in 1204. We have remained loyal to the Crown ever since. English is the chosen language. The chosen language adopted throughout most of the world. Understandably French was a major language throughout those centuries in Jersey. This is reflected in our legal system, with our laws, deed and advocate's training being conducted in French until quite recently. If someone wishes to learn a language in order to converse in business or to help people throughout this world then it has to be a modern-day language that is spoken and understood by all in that domain. Jèrriais has its place for those wishing to preserve a past culture, and it should be encouraged but not imposed on us or take precedence when taught in schools." As to there being no financial implications with this, does that mean that if I had my van sign-written that I would have one side in Jèrriais free of charge? I was elected to implement important issues. This is not one of them. We have to accept that Jèrriais in this modern day is as much use as a chocolate teapot.

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

We are all getting very previous, Sir, over this issue. Unusually for the Connétable of St. Mary, sure what Deputy Tadier is doing - it is nothing to be frightened of - is giving the language a status, a recognition, by being one of the official languages of the Assembly. I speak as the son and grandson of a Jèrriais speaker but not a speaker of the language myself alas because of attitudes 40-plus years ago, which is sad. I applaud all the efforts being made by the Deputies to help revive the language, put it on the map and the work that Tony Scott Warren and all his colleagues have done recently. It is absolutely amazing and I applaud that too. I think this amendment from Deputy Tadier will mean that people will begin to see the language on signs; it will spark interest. They will Google it and it will counter the argument that: "Oh, it is not even ... oh, I have looked this up to see what it is about. Oh, but it is not even one of the official languages of the Island's Parliament." I think it is in name only. It will not be used on important matters and I do not think there is anything to be afraid of. It is putting our money where our mouth is.

### **LUNCHEON ADJOURNMENT PROPOSED**

#### **The Bailiff:**

I have 3 Members wishing to speak, quite apart from Deputy Tadier who will wish to reply, so it probably is a sensible time to adjourn particularly because there is an announcement I wish to make about the hospital propositions that we have got coming up later on in the sitting. I wanted to make an announcement about the procedure which we will follow dealing with the amendments to P.5, Deputy Labey's proposition on the site of the Future Hospital. We originally had 2 amendments to Deputy Labey's proposition; one from the Connétable of St. Helier and one from Deputy Morel, both of which were straightforward to deal with. However, the third amendment, lodged by the Minister for Treasury and Resources - and there is no implied criticism I hasten to add - restructures the proposition into paragraphs and it means that the original amendments from the Connétable of St. Helier and Deputy Morel will fall if the third amendment is adopted. Now, both Members therefore lodged the text of their original amendments as amendments to the third amendment - the Minister for Treasury and Resources' amendment - as well but it is theoretically possible and it may politically happen, who knows, that their amendments could be adopted but the whole of the Minister for Treasury and Resources' amendment could be rejected and that would leave us with just Deputy

Labey's main proposition to debate and vote on. In those circumstances, if we reached that position, Standing Order 20, paragraph 3, prevents a proposition from being debated within 3 months of a debate and vote on the same proposition or a proposition on substantially the same terms and therefore it would prevent the original amendments from the Connétable of St. Helier and Deputy Morel being debated. It would be a perverse and unintended outcome of the Standing Order and it could frustrate the will of the Assembly on those matters. So in my view the situation is one which is not provided for in Standing Orders and Standing Order 167 enables me to decide on the proposition which ought to be followed. So I am going to take the amendments and the proposition in this way; first of all Deputy Labey will move his proposition as usual. I will then invite the Minister for Treasury and Resources to move her amendment, the third amendment, and Members will vote on that amendment. If the amendment is adopted we will then move on to the Minister for Treasury and Resources' amendment lodged by the Connétable of St. Helier and once that has been debated and voted on we will deal with the amendment lodged by Deputy Morel, including the amendment lodged by the Council of Ministers. So far so good. If the Minister for Treasury and Resources' amendment is rejected, we therefore will return to the original proposition but we will debate the amendments lodged by the Connétable of St. Helier and the amendments lodged by Deputy Morel to the original proposition. Once all the amendments have been dealt with there will be a debate and vote on the main proposition either in its original form or as amended but what the process, which I have just described does, is it ensures that there will be effective votes on all the amendments. Whatever the outcome of those votes might be they will be effective votes and also that we will not have the same debate on Deputy Morel's and the Connétable of St. Helier's amendments twice. So that is the process we are going to adopt this afternoon. Before Deputy Labey says anything to me, I know all Members will have found this to be absolutely crystal clear but the Greffier, as is not always the case, is doing nothing over lunch and would be delighted to talk to Members further about it. **[Laughter]**

[12:45]

**Deputy R. Labey:**

I am sure the Assembly is grateful for that direction. I was going to ask, and this now might be redundant in the light of what you have just said, I was going to ask if it would have been in order for me to propose my proposition as amended by the third amendment by the Minister for Treasury and Resources because it is wording I would have used had Treasury had it available to me at the time I lodged the proposition.

**The Bailiff:**

That is always possible as we have just seen with Deputy Maçon proposing his position subject to his own amendment as long as everybody in the Assembly is happy that that is the process that should be adopted. If the Assembly is not happy to adopt that process then you would have to propose your proposition as first drafted.

**Deputy R. Labey:**

Do I make it a proposition?

**The Bailiff:**

Well, I am just seeing whether anyone is at all interested in it so ...

**Deputy M. Tadier:**

Could we consider these matters over the lunchtime then?

**The Bailiff:**

I think that would be sensible and we will return to ... the proposition in relation to the hospital comes later on the agenda so we will finish the Jèrriais propositions after lunch and then we will return to this issue then. The States are adjourned until 2.15 p.m.

[12:48]

**LUNCHEON ADJOURNMENT**

[14:15]

**The Bailiff:**

The Assembly now resumes the debate on Deputy Tadier's amendment to P.143.

**6.2.12 Deputy J.H. Perchard of St. Saviour:**

As one of the possible token young people within the Assembly about whom I think Deputy Southern referred in his earlier remarks before lunch, I must speak up in support of this proposition and the amendment. I do oppose the suggestion that if I were asked in the street about my culture, my heritage or my identity that I would immediately express a kind of English sentiment. That is not to say that I have been of course greatly influenced by the culture across the sea and I have of course attended university in the U.K. and we have a lot to be grateful for that has come from U.K. culture and its own history and heritage. Those links remain strong and powerful and meaningful. However, in terms of being a Jersey girl and a person of Jersey heritage, I think that the language of the Island is of utmost value. It is the language of my ancestors and the language of my grandparents, and a language which died almost instantly when the generation below my grandparents - thus being my parents - were actively told not to use it. In fact, my grandmother's first language was Jèrriais; she spoke Jèrriais and then French and then English in that order. But my father's first language is English and he also speaks fluent French. The point I guess I am making is that that loss was so greatly felt by me when I grew up speaking just English and eventually did learn French, which I would hastily add is not fluent but probably better than just a beginner. But the point is the languages of our heritage, of our ancestors and of our place of birth or the place in which we choose to reside are ultimately incredibly valuable indicators of our culture and of our own identity. There is nothing wrong I think with celebrating facets of our identity in this particular way. I think making a language a language of the Assembly is a very powerful gesture in favour of what could be lost in terms of our culture and in terms of our identity. I certainly make it a point to explain when I am abroad where I am from. It is very easy to say I am British, which I am, and particularly when you are quite far away. I visited friends in America recently and everywhere I went they said: "Oh, you are British and where do you live in England?" I said: "Actually I do not live in England, I live on this tiny little Island off the coast of France and it is called Jersey, old Jersey, the one that your New Jersey is named after." People are really fascinated by this idea of a small community coming from the Channel; it is very enticing and very intriguing to people. We still have pound notes which is obviously very, very exciting, and it is even more exciting when you hold those pound notes up to the sky and say: "Look, what do you see?" and they expect to see the Queen's head and in fact see a Jersey cow. That is clearly titillating to people because it is unexpected and it is kind of quirky and it is unique. That is kind of what Jèrriais represents to me. It is that quirk of our culture; it is that uniqueness of our identity. In terms of being a States Member, being proud of our Island and being proud of our cultural history is one of the biggest things that drew me to this very room. I think this room itself, just looking around it, embodies that history and that culture which we do revere, respect and love. Of



course in any place there are things of history which are less tasteful and things that we perhaps are even ashamed, but that does not mean that we should throw the baby out with the bathwater and reject any attempt to celebrate and to show our love for our own Island and our own history and culture. For me Jèrriais is a very important part of that and I do hope that by making it a formal language of the Assembly that we also then take further steps to improve the teaching of Jèrriais in primary schools, which is offered but it would be wonderful if it was improved and offered in a more sustainable and meaningful way so that school children are able to genuinely speak in Jèrriais with older members of society. Because if we do not do something about it the language will truly die in the next 50 to 100 years and that would be such a great shame. I am speaking obviously completely in favour of the proposition and the amendment, and thank you for listening.

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

It is a pleasure to follow the previous speaker. Those Members who know my family history will know that I come from the Querée stock from my grandmother's side, and she fell in love with a Welshman who came to live at the Island, the great, late Taffy Pamplin of Muratti fame. When he came to Jersey and he fell in love with my grandmother he was quite taken aback - and I am paraphrasing family conversations - of Jèrriais, and he conversed in the Welsh native tongue that he spoke. Thank goodness they did because if they had not fallen in love over their common connection of language I would not be here; and that is for others to debate if it is a good thing or not in the future. But that just perfectly illustrates what I think we are getting at here, is that connection between 2 people crossed divides and barriers and brought those 2 people who mean so much to me together. My own relation is obviously important with my daughter, who I know I talk a lot about, but Beatrice was very lucky to receive the Jèrriais speaking classes in her primary school in St. Lawrence. She took to it like a duck to water and she absolutely loved it and it was a curious connection she made with our dearly missed grandmother because she remembers a conversation where my grandmother said that she was not allowed to speak Jèrriais. That is a great shame because Beatrice realises that she has got the keys of education unlocked to her that ties her to her family history. Then she turned to me and said: "Daddy, well then you must speak to it because you are now a very important person at last." I think she meant my job and role that I now undertake, and she said: "Well obviously you do, do you not, and the other politicians you work with and the Bailiff" who she sees as her new hero in life, that she just expects it that we do that as her role... she looks up to me as her role model and she just took it that: "If I am learning this very important thing, surely you as the ambassadors of our Island should as well." That really struck resonance with me, which is why I have been enjoying the Jèrriais classes I have been doing to brush up myself. I think we must not forget though that when you go into secondary schools - and she will do in a couple of years' time - we must encourage bilingual education and learning the languages of the world that give her and many other young people the opportunities to succeed in life in our ever-changing and diverse world. Not just in public, it is also digitally; conversing with people of different languages is absolutely important. We are not disputing that; we are just saying - as the previous speaker rather eloquently put - this is our little part of the world, and as we saw in recent weeks Islanders feel very protective of their Island and their culture and their heritage, and this just gives it a bit of status and the opportunity to do that. We are aware there are very important things to debate and, as we look at our Standing Orders, we will do that. I just think this is a nice important moment in history and that is why I am in support of the proposition, and congratulate my fellow Deputy, and the amendment as well.

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

*Merci Monsieur, quand je parle en Français ici, ce n'est pas un problème, mais Madame la députié Martin, elle ne comprend rien mais ce n'est pas un problème pour elle, donc je ne comprends pas son argument contre le Jèrriais ici comme une langue officielle de cette Chambre.* Now I will move

back into English because I have made my point. It is really interesting because this is one of those propositions where I am so blinded by my wish for it to be carried that I find it hard to understand the opposing argument. But for me one of the biggest sadnesses of my life - and I have thought this since I was a young child - is that I do not speak Jèrriais, and yet I know plenty of my ancestors and at one point all of my ancestors spoke Jèrriais. The reason I feel a huge sadness about that is because it is not just about losing words on a page or, according to the advocate, words that were never put to a page; it is about losing a deep cultural connection to your history, your past and, yes, as many people including Deputy Perchard just said, a connection to your own identity. I have always felt that a part of my identity as a person from Jersey was missing because I could never read the works of Wace. When I was younger, I did hear people speaking Jèrriais far more often than I do now, but I could never respond to them or speak to them. Even recently I was speaking to a former politician in Jersey and he started speaking Jèrriais and I just had to kind of look blankly at him, and I felt a sense of shame that here I am, someone whose family on one side is so rooted in Jersey it disappears into the mists of time and on the other side it disappears to France after a while, and yet this is missing. But this sense of shame is at the heart of why I think we should make Jèrriais an official language of this Chamber, because it was a sense of shame that authorities in the past used to embarrass Islanders into not speaking Jèrriais. If you spoke Jèrriais you were not moving up, you were down among the lower classes, and that sense of shame was used to great purpose; hence we are now here debating to some extent whether Jèrriais has a reason to stay alive or not as a language. The same tactics were used against the Welsh, the same tactics were used against the Irish, they were used against the Scottish and they were used against the Manx in order to wipe out their languages. They came incredibly close in all of those jurisdictions and all of those nations to wiping out those languages. I had the pleasure to spend 2 years of my schooling in Wales and I was always incredibly pleased that all road signs were in Welsh and English, and not just road signs, signs for shops, banks, everywhere you went it was in Welsh and English, Welsh and English, Welsh and English. In South Wales, where I was, the English is above the Welsh; then at some point halfway up Wales as you head north the Welsh goes above the English. That in itself shows the importance of languages to people and to their identities, and certainly in the north of Wales that Welsh sense of identity is stronger than in the south of Wales, and that was reflected in the order of languages on signage. It is easy to talk about our history and our connection and our identity but - and I think it was Senator Mézec who said this and I agree with him - it is not just about our history, it is about our future. It is about a future in which Jersey can look proudly upon itself and upon its linguistic origins and the way the language is spoken through society and helps Jersey come together as an Island, and we will need that in the future as we face various challenges.

[14:30]

I know from a practical perspective I will almost certainly never stand up and introduce my speech in Jèrriais, as much as I may do it again in French, but that is just because of my own limitations in speaking Jèrriais. I have had a few lessons with my teacher up there but not enough to get me even uttering a word yet. So it does sadden me to hear people say that it is not practical, it does not matter, just get rid of it, let us ignore it; because I think they are really missing the point of Deputy Tadier's amendment. This is about saying that we recognise Jèrriais, we believe it does have a future and that its future is different to its past, that future will be as a written language, not as the learned advocate has communicated to all of us that it was only an oral language in the past. All languages were oral languages before they became written languages. Sanskrit may be the only one that was not; I do not know. But basically that is how languages begin; they are spoken and then they become written down. Jèrriais has lost the conversational aspect but we are able to save it precisely because we can write it, and by writing it then perhaps people will start conversing again one day, and that will be a different future and that language will have a different future and Jersey will have a different future

as a result of it. So I hope you can understand my tortured logic, and that this is not so much about the past; it is as much as anything or more than anything about the future. I really hope we do adopt Jèrriais as an official language of this Assembly, even if the reality is, in my lifetime, I am unlikely to see anyone give a speech in that language. To suggest that it will be an impediment is wrong. To suggest that not being able to understand it is a problem; that is wrong, there are so many bilingual and trilingual Parliaments around the world that it really is not ever going to be a problem. So I hope people understand that even if they just do it to pacify those of us who believe Jèrriais has a place in our future, that they do feel that they can vote for this proposition because I do think it is important and I do think it will help people in Jersey move past that era when to speak Jèrriais was shameful, and to move into a new future where to speak Jèrriais fills them with pride.

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

You will be glad to know I will not repeat what I said last time, so the beads of sweat on your brow will be all right and Hansard will be quite safe. I would like to say that my Deputy on the opposite side of me, Deputy Perchard, she spoke very well. It is a heritage we have got. You go through the town here and we hear lots and lots of languages and we do not bat an eyelid, and yet for some unknown reason here we are in our own States trying to discuss whether we should keep ours. We let everybody else keep theirs. We do not say: "You have to learn English" and if we meet somebody who does not speak English we help them through and there is not a problem. I think it is very sad that we have had to bring a proposition into this Government for us to find whether we want to keep our language or not. As a Jersey person - and my mum and dad were here during the occupation, and my brother - that was a language that saved most of the Jersey people because they could talk among themselves in front of the Germans and the Germans had not got a clue what they were saying. It was absolutely wonderful. We did not stop the Germans from talking, in fact the Germans insisted that we learnt German. Why can Jersey not just for once stand up for itself and say: "Yes, we have a language and we are proud of it, okay, some of it is a little bit obsolete but we are still going to use it." As someone who has sung Beautiful Jersey in Liberation Square lots and lots of times, and now sing it for the evacuees, it is a song - even when it is in Jèrriais and some of them cannot understand - that is close to everybody's heart. Montfort's group do it now; Kit is absolutely fabulous. He has taught it to them in sign language and I think if that was brought for Liberation Day, signing Jersey French with the sign language ... because we have to remember that the Liberation Day we have got coming up now, 75 years, it is not that far off, is going to be for the Jersey people and there are not many of them left. It needs to be made for them, and they spoke Jersey French and they need to be spoilt. I have said this before; we need to take the bull by the horns, grasp the nettles, this is our language, this is our Island. You are more than welcome, anybody can come, we really do not mind because you are all an asset, you all speak your languages, that is fine. But please do not stop me from using mine. *Mèrcie bein des fais.*

#### **6.2.16 Deputy L.B.E. Ash:**

I shall keep this short. I just want to take issue with a comment made by Deputy Labey earlier where he said in this amendment there is nothing to be frightened of. Well the thought of Deputy Tadier making one of his longer speeches in Jèrriais and then translating it into English is petrifying. **[Laughter]**

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

I am only planning on speaking once to the various amendments and so on. Just a number of points: Deputy Morel mentioned that we are very protective of our history. I think history is important and, yes, keeping a language is important. However, I have got a but here; what percentage of the population speak or understand Jèrriais? That is the first point. So if we preserve it so much why is

it others have not taken it up? We have had courses in the schools and, yes, I think it is great that they are doing it, but I do not believe that we should go overboard when it comes to putting signs up in both languages. The road signs will have to be twice the size as they are at the moment with Jèrriais on it and English on it.

**The Bailiff:**

Could we keep to the amendment please?

**Deputy M.R. Higgins:**

Yes, sorry. That is the first of it. But my biggest objection to it is what is it going to cost to rebrand, resign everything. The reason why I am mentioning the cost is we go on about there are children going to school without sufficient food or going to school hungry, we are talking about many members of our society are in poverty and we need to do something for them, and I think we have got our priorities wrong if we are going to put this before anything else. So I cannot support this and I will not support it. I agree with the Constable of St. Mary and Deputy Southern on this issue but, as I say, I do agree with the initiatives in the school and for those children who wish to do it; yes, they should be encouraged to do it. But I do not believe that we should go 100 per cent in this direction and try to rebrand everything and the signs and so on. As far as the Constable of St. Saviour is concerned, it is not trying to stop you speaking a language. Unfortunately I am one of those people who has trouble even with English, so I have trouble with other languages so I know my own limitations. I admire the fact you can speak Jèrriais, and those who can speak French and German and all the other languages, but I do not believe that we should be forcing on the society that we have. So as I say, I will not be supporting any of the amendments or even the proposition.

**6.2.18 Senator L.J. Farnham:**

I just wanted to say that this is really no big deal. Members have been able to address the Assembly in French for a very long time, longer than in English in actual fact, and in my time in the States I can remember it happening on a handful of occasions. I think that if we are to show that we are serious about our culture and our heritage we should start by allowing Members, should they wish, to address the Assembly in Jèrriais. Although in practice I do not think it will happen that often, but having the right to do it I think is important.

**6.2.19 Senator J.A.N. Le Fondré:**

When I came into this Assembly this morning I was minded not to support the amendment. I will say we have worked with Deputy Maçon on the main proposition and I think we have got what I would consider to be a practical solution and it is not about road signs because signage was taken out of the amendment. Deputy Maçon is trying to be very practical where he can be and it is about replacing things as they are needed. But I must admit for me originally it was ... I am in the territory with a number of other people; I have never spoken Jèrriais, I definitely obviously speak French and, as Vice-President of the A.P.F. (Assemblée Parlementaire de la Francophonie), of course I am very much in favour of French. That is what got me thinking as I have been listening to the debate going on. What we are talking about is putting Jèrriais on the same footing as French in our States Assembly. I think if Members look at the proposition that is all it is saying is that Jèrriais should be recognised as one of the official languages - we have arguments about the official language or not - of the Assembly. One of the reasons we have got a Minister for International Development is about Island identity, it is one of the themes in there. It is about promoting the Island obviously in a wider context; Island identity is part of that. If part of our Island identity is that one of the oldest languages on the planet near enough - with exaggeration - be spoken in its home Assembly that would seem to be a very logical place to be. It does not have to be spoken all the time. I think the point has been

made by P.P.C. very clearly; in the same way as French whoever speaks that language will have to say what they have said in English afterwards. I do note the comments from Deputy Ash and probably share his concerns; but if we stand back from it, that is where we are. I was in very much the territory to the extent both my children are doing languages, they have both done the introduction things in Jèrriais in primary school, but where would I normally like them to be? If there was only one choice I would want them probably to do mainstream French. I am glad that they will learn something else as well, mind you. However, that was the stance from probably 2 or 3 years ago; and that is probably not dissimilar to many people in the Island. We then had a presentation from Professor Jones who is obviously a specialist in languages particularly, including Jèrriais, and the presentation she made to us is that you have a 1,000 year-old language, a living language, and if you do not do anything about it, it will die on your watch. That really struck home. Then she went on to talk about the fact that it is the basis of a whole range - and I always wish I had the list - of English words, the foundation of a whole range of the English Dictionary is the language that is still spoken on this Island. She also then went on to talk about the experiences of Manx which I think had died and they have managed to rejuvenate it. That is not to say I am going to be rushing out to speak Jèrriais, I am probably too far down the line on that front, although I will definitely try and do some phrases. But I am very much keen to see it not die on our watch, and whether it will do very much or not, I do not know, but if it sends a message to say: "Yes, you can have the ability to speak it in our Assembly" then maybe we should go for it. I think Senator Farnham is correct; I do not think there is that much to lose on the downside than on the upside. On that basis I have been swayed by the debate and I will certainly be supporting this amendment. Thank you.

**6.2.20 Deputy J.H. Young:**

As a Cockney boy I am as useless at language as one would expect. I struggle with French and I came into this debate feeling very negative about it. I thought it was impractical and I worried about social exclusion because such a small percentage of people can speak it. I have done in this debate a bit of reflecting; I do not want to see this Island lose its identity. It is key. I came here in the 1970s and even as recently as that there were people working as my officers who only spoke Jersey French at home, and I heard those people being corrected and ticked off by others: "You must not speak that." I did not understand what was going on and of course over the years the longer one hears it fluently at auctions, and out in the north-west of the Island one hears it, and I am frustrated that I cannot speak it and I do not suppose I ever will.

[14:45]

But I just do not want to see our identity becoming any more anglicised. We have seen this, the pressure on us - this Island - to become just another English county council. Absolutely not. I want to resist that. I am looking forward to how "target operating model" translates into Jersey French. **[Laughter]** I will leave my comments about the loss of the States of Jersey into the Government of Jersey for another day. So I am a convert to these propositions. Hang on to the culture, celebrate it. Yes, there are big practical issues about what will be the practical effect, but if we decide here today to discard it that would be a retrograde thing, and it could be economic importance for us as well for tourism. I am going to support both the amendment and the proposition.

**The Bailiff:**

Does any other Member wish to speak? I call on Deputy Tadier to reply.

**6.2.21 Deputy M. Tadier:**

I am glad that from time to time the debating Chamber still serves its purpose and that we can have a good debate and that people can have their minds changed. When it comes to the Jèrriais question, that is very much something that I have been on my own journey with as well. I remember when I was a younger politician and Members will know that I have a passion for languages and a passion for language learning, and I think no one knows that perhaps better than Senator Vallois at the moment with all my questions to her about education in Jersey. It really pains me to see a decline in language learning. For example, French which is one of the languages that we theoretically still adopt as an Assembly is in decline. It is no longer taught obligatorily in our secondary schools so you can stop learning French at the age of 13 or 14. I do not know why that happened; I suspect it is retrograde and I certainly would want to reverse that trend. I asked questions in the past saying would it not be better to spend money on the acquisition of Chinese rather than spending money on Jèrriais, because surely from a utilitarian argument there are more Chinese speakers in the world and we want to do business with that area of the world. It was not long before former Senator Jean Le Maistre was on the phone to me of course and we had a good chat. I learnt the value of not just Jèrriais but of all languages, but particularly the fact that Jèrriais does have its own value, it is part of our culture, and I got a new appreciation for that. I suspect that there might be many reasons for my change of heart but I think that there is an element of big truth in what one of the Deputies of St. Lawrence said, who is also called Deputy Morel I think in this Chamber - it is all very confusing. He made the point that for a long period of time Jèrriais was literally and metaphorically beaten out of people, often with a ruler, but there was violence towards young children who had the temerity to speak Jèrriais in a classroom because it was thought that it would interfere with their acquisition of English and what was termed “good French”. We now know of course that is nonsense, but I still suspect that there is an undertone with many of a particular generation in Jersey who are embarrassed, who have internalised that prejudice. We have heard from certain speakers for different reasons, and I am sure that they are valid points to be made, that we see some of that prejudice coming out. We see some linguistic chauvinism, if I may call it that, and some linguistic colonialism coming out as if to say: “English is the language which most people in Jersey speak, it is the language which they should speak and, therefore, we should only use that language.” Now, I did send an email because I understand that I also like clarity when it comes to things, and as I have got older I have realised that not everything is black and white. So I asked for clarification from the Privileges and Procedures Committee about whether or not prayers should continue in this Assembly; not full stop, but just in French, or whether they should be in English. The Deputy Greffier will not mind me reading it out, I said: “I would be grateful if you could ask P.P.C. to give consideration to the roll call and prayers being performed in English rather than in French. The rationale is that Jersey is now an English-speaking Island and that the States business is conducted overwhelmingly in English. It should also be noted that the established church in Jersey is the Church of England, not the Church of France or the Church of Jersey, and the Dean is an English speaker, not a native French speaker. The whole affair, it could be argued, is thoroughly bizarre.” That is what I wrote, not 10 years ago but just in October. I got a response saying that: “P.P.C. has considered this at the last meeting. Its initial view is that it is not minded to acquiesce to your suggestion but we contact you to ask whether you have raised it in the capacity as an Assistant Minister for Culture or as President of the A.P.F.” **[Laughter]** I have yet to respond. There is clearly a bit of fun going on there all behind the scenes. But I think it is really important because if we want to develop that utilitarian argument to say: “Well if Jèrriais is of little use in this Assembly then French clearly is of little use” - and to address Deputy Higgins’ point - the second biggest language in Jersey which is spoken widely in civil society I presume would be Portuguese. After that I presume it would be Polish, probably followed by Romanian and then French; although there is no doubt many people in Jersey society have French as a secondary language. That is the difficulty when you pursue the utilitarian argument to its logical conclusion. We should in theory adopt Portuguese as our second language of the Assembly; it might serve to engage many of the Portuguese community. But it of course misses a trick, which is that our

traditions are not steeped in Romanian, Polish or Portuguese culture, but they are steeped in a mixture of British, French and Jèrriais Norman culture. What I am seeking to do with this proposition is to enable us to be allowed to speak Jèrriais in this Assembly. This proposition is not about forcing anybody to do anything. It is okay for Deputy Southern to come in with his mug saying that he is a reformed grumpy old man; he has clearly forgotten the mug today and he has clearly forgotten that he is a reformed grumpy old man as well today. But he is allowed to bring his mug in. I cannot read these words out to you unfortunately because they are in Jèrriais, but I can read them in English and translate them and it says: “The proof of the pudding is in the eating.” As far as this Reform Jersey mug is concerned it is more than half full, it is four-fifths full, so at least that is something that we can be proud of. I do make the proposition. It would be great if we could all get behind this today. This is simply an amendment. I value the words of my Minister as well, Senator Farnham, who realises this is not a big deal, this is something we can get behind. We can also use it for branding; that is not the prime driver of it but it is great when you go to a new place and you see that there is Jèrriais signage out there. It would be ludicrous, would it not, if we had Jèrriais signage at the police station, if you have got the Co-op putting up their own Jèrriais signage, if we have got our own letterheads in Jèrriais, we have even got disclaimers that are written in Jèrriais; but we ourselves are forbidden to utter a word of Jèrriais in this Assembly. It just makes a complete nonsense of it, so I think there is a sense paradoxically in which using Jèrriais can be inclusive. We know that many Portuguese speaking students, newcomers to the Island, like to learn phrases, and I think we should adopt this hopefully universally. So I do make the amendment and ask for the appel.

#### **The Bailiff:**

The appel is called for. I ask Members to return to their seats. The vote is on Deputy Tadier’s amendment to P.143, Jèrriais: promotion by the Public Sector, amendment, and I ask the Greffier to open the voting.

<b>POUR: 37</b>		<b>CONTRE: 8</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of St. John		
Senator L.J. Farnham		Connétable of St. Mary		
Senator S.C. Ferguson		Deputy G.P. Southern (H)		
Senator J.A.N. Le Fondré		Deputy K.C. Lewis (S)		
Senator T.A. Vallois		Deputy M.R. Higgins (H)		
Senator K.L. Moore		Deputy S.J. Pinel (C)		
Senator S.W. Pallett		Deputy of St. Martin		
Senator S.Y. Mézec		Deputy L.B. Ash (C)		
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
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 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)				

### **6.3 Jèrriais: promotion by the Public Sector (P.143/2018) - as amended**

#### **The Bailiff:**

Very well, that amendment having been adopted we now return to the main proposition which is open for debate. Does any Member wish to speak?

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

Seeing as Members are recounting their family history, I am very proud to tell Members that my family tree goes back to the mid-1400s in Jersey. I wish I could take it further. Many of my ancestors' generations before me will have spoken it, perhaps right up to my father. Jersey French was his first language and he was one of those embarrassed at school to stop using it. When I look at my family tree I am very proud of my Island heritage, and like Deputy Perchard when I worked in France, I took great pains to promote my Island and to tell people where I came from. I could not agree more with Deputy Tadier when I see that the French language being taught to our children is in demise and I think that is sad. France is as close to us as any other country and being able to go there and talk their language is not only important for us but it is very important to them. I have always found that being able to speak French in France rather than relying on French people's ability to speak English got me much further when I went there. I also agree with Deputy Tadier about Polish and Portuguese, and certainly I know more Polish and Portuguese than I do Jèrriais. I am not proud of that but it is a fact of life. But when we come into this Assembly to debate propositions we need to think more about just heritage and how proud we are of our Island; we need to consider all aspects and how that affects people that we represent. That is why I am disappointed that in this proposition the financial implications have not been properly examined. Deputy Maçon used Wales as one of his examples and it is a fine example to use. Any of us who have been to the Welsh Assembly or been to Wales will see how much they promote their language. But do Members in this Assembly know how much it costs Wales to do what they do on an annual basis? I am going to tell you: £75 million is the cost to Wales to do what they do with their Welsh language. In Jersey terms that would probably equate per capita £2.5 million annually. I am not saying for one minute that Deputy Maçon's proposition is going to cost us £2.5 million next year if it is successful, but I make the point. Trying to find any way forward on an issue like this is always and often a compromise. I feel that what we currently have in Jersey, our Jèrriais plan and our commitment that we have currently made, is sufficient. Members have been talking as if we have no commitment to our language, no financial commitment to making sure it stays alive and no commitment to our young people learning it. It is not true. I believe we have made enough of a commitment thus far, and I am a supporter of keeping the language alive, I feel we are doing that. But I fear that this proposition is the thin end of the wedge and I hope when Members reflect on £2.5 million they will see that. I am



afraid to say that until we have much more detail on what these financial implications of this proposition are, that I am not going to be able to support it.

### **6.3.2 Senator S.W. Pallett:**

I am afraid my speech is going to be in the same vein as the speaker I am following, Deputy Luce. I supported the amendment; I am quite happy to have Jèrriais as a recognised language within this Assembly. But the amendment from Deputy Maçon I am afraid in terms of the wording, although it took some of the sting out of what he was asking with signage, it did not take out all the consequences of supporting this proposition. Unfortunately these debates can quite often be divisive; I think it is unfortunate at times because we should not be taking sides on issues like this because they are important and I absolutely accept that Jèrriais as a part of Island life needs to remain that way. It is not often I concur with Deputy Southern on many things but today I absolutely can. As I said, nobody is denying the importance of Jèrriais, certainly it is a part of our history and it certainly needs to be part of our future. But as Deputy of St. Martin has just said, R.72/2017 – the Jèrriais Plan - gave us a clear, detailed plan for developing Jèrriais in Jersey. I know some may feel that did not go far enough and I know Deputy Maçon probably feels that way, that there are elements of that that did not quite hit the mark and he wanted to go a bit further. But it did deliver Jèrriais lessons in primary schools, there is opportunity for further learning for both children and adults. We have a Jèrriais website; I cannot even say Jèrriais, never mind speak the language, but we do have a Jèrriais website, we are committed to online learning and I do understand the need for increased visibility in the Island. Nobody would deny that.

[15:00]

But it does include a pathway and it does include set actions, many of which I think we have already met. I, like many, know that learning another language does have benefits to overall learning. But I believe we have gone far enough at present in regards to what we are trying to do with Jèrriais and how we are delivering that. For me this proposition just goes a little bit too far. I do worry about priority in schools; we know we have got limited time in our current curriculum and I am concerned that other important elements within schools are not being really well addressed and one I would think of immediately, which is of concern to me personally, is physical well-being of children. So I think we need to be very careful about how much time we give to certain subjects in school, but again I understand the need for keeping this important language alive. Deputy Tadier knows I am supportive of what he does; I know he has got a true passion for Jèrriais and he often uses Jèrriais in our ministerial meetings but he loses me every time he does. But I know that passion is there and he brings that through. I have family members that still speak it and probably some of those will not be happy about the approach I may take on this, but I am sorry, for me this proposition, like I say, goes a touch too far. I do not feel any shame for not speaking Jèrriais but I do feel that it is wrong to suggest that shame is the reason for supporting this proposition. It should not be. I am a proud Jerseyman, as we all are here, I think we are proud of our Island, proud of its history, its culture. I am certainly proud of the achievements that we achieve in all sorts of areas. But I do not think Jèrriais is going to be the thing that brings Jersey together. It does have a future but I just do not think it has a future in what is being suggested within this proposition. In terms of Deputy Higgins, 3 per cent of our population speak Jèrriais. It is a small number and I would like to see more having an understanding of it. But, like I have said, we have a perfectly good Jèrriais plan that I believe we need to support; it is well defined, it has been well put together over a period of time. For me this proposition just goes a touch too far. There are ways to carefully and selectively use Jèrriais. I have got no issue, for example, on my card that has got Government of Jersey on one side - and I will hold it up - it says Senator Steve Pallett on one side and on the back of it is in Jèrriais. That is a good use of Jèrriais; I have got no issue with that. But in terms of what we are trying to do with signage, I am

sorry that this just does not ring it for me. There are better ways to use funding, there are better ways to ensure that Jèrriais can become a larger part of life in Jersey; this for me is not one way to do it so I am sorry I cannot support this proposition.

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

I must differ to the last 2 speakers. I think that our generation is to blame. We were quick to blame the generation before us but realistically we have let things slide, and if we are to get this language back on its feet, if you can call it that, we have to constantly push. This proposition today I think is doing that. The Island is becoming more cosmopolitan; we have heard references to different countries, different Eastern European countries and they are speaking their own languages and it is easy for us to, shall we say, level out to the same level as every other town and city in the U.K. and possibly the Continent. I would pick up the suggestion of the Deputy that we need to retain our own identity, it is so important not to lose it, it is fragile, and I for one will be pleased to support the proposition.

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

I do not want to speak against my colleague at E.D.T.S.C. (Economic Development, Tourism, Sport and Culture) because we get on, but it is just to present a different point of view. The first thing is that as a linguist and anyone who has learnt any language, whether it is our own native tongue - and I mean English when I say that rather than anything else - or whatever language we grew up speaking, is that it is really helpful to be able to see and visualise when you are learning a new language. Certainly I need to be able to visualise, I need to know in my head how something is written because it contains all sorts of information, it is easier to remember, it is easier to find out where the words came from, the cognates to remember and cement that word in your memory. People say they do not speak Jèrriais but I suspect that lots of us know exactly what *séyiz les beinv'nus en Jèrri* means. I would like to say to the Jèrriais teacher now I can do it, because we passed an in principle decision, *séyiz les beinv'nus*, Ben. Because we have seen it written, you go to the airport, you go to the harbours and you know from the context what it means, so that means even people who are not from Jersey will know what that means. When you see *mèrcie bein des fais* written down you know what that means, and it is great to be able to say *mèrcie bein des fais* but sometimes you might want to finish off an email or you might want to wish somebody happy birthday on Facebook but do it in Jèrriais, and you might know how to say it, it is *bouôn anniversaithe*, but how on earth do you pronounce that? Is B-O-N, is it B-U-O-N-N-E, you might get it confused with your Italian because it is quite similar, it is a Latin-based language, so you want to know how to write these things. So the basic things that you are going to use every day and that are going to keep the language alive we need to see written down around us; they already exist. I could understand, and there is a certain comparison that can be made to Wales and to the Welsh Assembly, but that is only valid up to a point because of course in Wales that is one of their working languages in the Assembly. Everything is translated, they have simultaneous interpreters so people have got headphones on in case you do not speak Welsh or in case you do not want to speak in English, and literally everything is produced in duplicate in every publication and the documents and it employs very many people to do that. That is not what we are talking about today and if we were talking about that I could understand some of the reservations. It may well be that we get to a point where that happens but I do not think that is really what we are talking about; I think it is the fact that we want to recognise this culture and it is just to complement what we are already doing and Government is already doing it. So again I think it is strange; Deputy Maçon has made it quite clear that it is when signage is replaced and that the big cost that comes with signage is the replacement of it and if you are going to replace it that is when you get to decide what text you put on it. We all know when you get printing done it is not the amount that you get done it is the fact that you need something new and the words on the page are

not what you get charged for, you get charged for the number of prints you get. I can understand the argument but there is another thing that I would hope that the Minister for Sport would get behind is that this is a really great opportunity for branding for sports in the Island. I do not think it is going to cost anything; it is going to be another way to market Jersey. When you have got a very successful rugby team, and hopefully we are going to get more visible football teams and football leagues going on in Jersey, or whether it is the Commonwealth Games or whether it is the Island Games, we can have our own language out there and it can be not just attached to the emails but it may well be on the sports branding. There are great possibilities here for the business types who love all that, and I think that is great, we need all that. That is not my prime driver, but I think that is an added bonus so if we are not going to do it simply to protect the language from a cultural point of view let us do it because there are so many reasons to get behind this. It is a simple step, it is complementary, and if it starts to appear that it is disproportionate I will be one of the first people to say: "Hang on, we need to get a grip of this." But that is not what is being proposed here; it is a proportionate step, I do not think it is going to cost any extra money. The value it will bring to the Island and to our sense of identity and self-worth I think is going to be immeasurable.

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

I have to say, notwithstanding my wholesome support for what we are trying to do culturally with Jèrriais, I was a reluctant supporter of this on similar grounds to those expressed by Senator Pallett. But I am going to support it today because I think the important piece of work that has to be done is to produce some sensible guidelines. We are not talking about changing all of the road signs; I wanted to be clear on that. This amendment says let us produce some sensible guidelines to ensure that we are giving it the relevant prominence in our culture and in our society, so I just wanted to make that point. I would expect that, as the ministerial team responsible for arts and culture, Deputy Tadier and I will work closely with Deputy Maçon and any other Members who want to be involved in putting these guidelines together; if we cannot agree, if necessary we can ask the States Assembly to agree them. I just wanted to make the point, whatever we put in place has to be sensible and practical and we do not want... while I admire what the Welsh Assembly have done in many instances, if you ask a number of people that work in the public sector in Wales they possibly went too far with what they did and it ended up costing them huge sums of money and we want to avoid that.

### **6.3.6 Deputy C.F. Labey of Grouville:**

I have been trying to get to speak to you after the Deputy of St. Martin's speech and then it was followed by Senator Pallett and a sort of lukewarm speech from Senator Farnham, the Minister for Tourism, who I would have thought is embracing this opportunity to show who we are, our identity, surely. I mean, goodness me, the opportunities in sport, culture, tourism, education; can you not see it? Can they see it, Sir; I know you can. But really we need to nurture this; we cannot just sit back and allow it to die. Deputy Maçon has come forward, in my opinion, with a very sensible, measured proposition, as did Deputy Tadier. No one is going to give a speech in Jèrriais if they are trying to win over an argument; it is always going to be the odd word and the odd phrase. But really, we need to embrace this and be proud of it, it is our identity. Please, just sometimes we have got to recognise it is not just knowing the cost of everything but we need to recognise the value as well. I would just say that the common sense bit that Deputy Maçon is charging the Civil Service to do, I would say perhaps there should be some guidelines so that we do not see a flurry of spending here and there when it is not truly necessary. We all understand exactly what he means, welcome signs hither and yon in departments and what have you, but it might just - as I say - need a few guidelines. But I do not know why we have been debating this for quite so long; this is our heritage for goodness sake. I travel to Scotland quite often and when I leave the airport there you are under no misapprehension of what Scotland is about, it is about bagpipes, whiskey, Aran jumpers, thistle, shortbread, you name

it. What have we got at our airport? I mean, really, we have got a dinosaur, we have got a few books about World War 2, the Beast of Jersey. I mean, really, for goodness sake people, let us be proud.

### **6.3.7 The Deputy of St. Peter:**

I would rather not follow that. Deputy Tadier used the most relevant word so far, it is called branding, and anybody who is discussing the cost or the value of branding just go and ask Nike the value of the tick, go and ask Coca Cola the value of that shaped bottle. As the U.K. are exiting Europe we have a great opportunity to rebrand ourselves - on the global market, not just inwardly - to state that we are independent but we are maintaining our allegiance to the Crown and fiercely defend that and fight for that independence, and opportunity simply to rebrand ourselves on a global hemisphere. I think we should just go ahead regardless of the perceived extra cost. Who knows the value of branding?

[15:15]

### **6.3.8 The Deputy of St. Mary:**

I hesitate to rise given the address given by my immediate neighbour but I confess that I do sympathise with the comments made by Senator Pallett and Deputy Luce. That is not to say that my enthusiasm for the Jersey language is any less than anyone else in the Assembly, but what does this particular motion do? We are already able in branding terms to promote anything we want, we do not have to have this proposition supported to enable us to have signs at Jersey Airport; Ports of Jersey already do that. I do urge caution that ... yes, let us brand ourselves, let us promote Jersey; we hosted the Island Games without any problems, as I recall, without the support of this proposition, and I simply suggest that we should not maintain that opposition to this proposition denotes any less enthusiasm for the Jersey language, it does not. But I do urge caution in the sense that we may well be spending money which we cannot afford to do at present, and even without this proposition we are able to do it as and when the time comes. So I think on that basis I shall oppose the proposition.

### **The Bailiff:**

Deputy of St. Martin rather than Deputy Luce, Deputy, please. Does any other Member wish to speak? Then I call on Deputy Maçon to reply.

### **6.3.9 Deputy J.M. Maçon:**

I thank Members who have contributed to this debate and the amendment. I think we have had some very personal accounts from Members and it was absolutely worthwhile to contribute that. While there was a lot of discussion about looking backwards, it was refreshing that a lot of Members wanted to concentrate on looking forwards and where this is going to take us. It is interesting that Senator Pallett quoted the Jèrriais Plan. On page 16 of the Jèrriais Plan it does talk about to work with States cultural departments, to encourage the use of Jèrriais within the States of Jersey, to promote the use of Jèrriais within heritage sites and to work with businesses in Jersey to promote Jèrriais through stuff like signage: "So therefore I am going to vote against your proposition." **[Laughter]** Okay. This is precisely why I brought this proposition because, yes, we do have a Jèrriais Plan, and I am not entirely convinced that it is necessarily being acted upon. Therefore, I thought it was quite useful, instead of having a document that has been issued by the Government, to have something backed by the Assembly because, exactly as Deputy Southern said, this is about Jèrriais, this is about giving Jèrriais within Jersey the status that it deserves. That is what this proposition is about. I thank the contributions from other Members talking about how this is about taking Jersey forward, this is about branding for the Island, this is about appreciating our history and our heritage. The cost concerns, it is interesting that the former Minister for the Environment made a big thing about costs when in fact he was one of the ones leading the campaign to reduce the amount of signage and clutter within the

Island. I do not necessarily disagree with that. Here is an opportunity to look at that thing and assess: do we need signs in the first place? From the money you might save from not putting up certain signs, you might be able to reinvest and put Jèrriais on other signs, so swings and roundabouts. I think Members have pretty much made up their minds. I do not think there is much I can offer. I do thank, however, the Constable of St. Martin for her contribution showing that where there is a political will, it could happen within the community, and what I would hope is Members of this Assembly will give Jèrriais that political will. Give it the encouragement, to the teachers teaching it, to the students learning it, give them that support in this the U.N.E.S.C.O. Year of Indigenous Languages. Thank you and may I ask for the appel.

**The Bailiff:**

Deputy, it is a matter for you but do you wish to take paragraph (1) because bear in mind it is now the amended proposition. Deputy Tadier is not quite right to say that it was now approved that one could speak in Jèrriais in this Assembly because that has yet to be approved by the Assembly. All that has happened so far is that his amendment was agreed. Do you wish to take paragraph (1) and paragraph (2) separately or do you wish to take them together?

**Deputy J.M. Maçon:**

I will take them *en bloc*, thank you.

**The Bailiff:**

Then the vote is on the amended proposition of Deputy Maçon, Jèrriais: promotion by the Public Sector. I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR: 39</b>	<b>CONTRE: 6</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Senator S.W. Pallett	
Senator L.J. Farnham	Connétable of St. Mary	
Senator S.C. Ferguson	Deputy G.P. Southern (H)	
Senator J.A.N. Le Fondré	Deputy M.R. Higgins (H)	
Senator T.A. Vallois	Deputy of St. Martin	
Senator K.L. Moore	Deputy of St. Mary	
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of St. John		
Connétable of St. Peter		
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 G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. 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 J.M. Maçon:**

May I thank Members for their support.

**The Bailiff:**

Before lunch I raised the question of whether or not ... well Deputy Labey suggested he might want to propose his proposition in relation to the Future Hospital as amended by the Minister for Treasury and Resources. It would be helpful no doubt for those who are thinking in advance about their speeches, they might like to know what the process is going to be. Does the Assembly agree that Deputy Labey may do that? Very well, that is what we will do then. So the proposition, Deputy Labey, you will make, as amended by the Minister for Treasury and Resources. After that, we will deal with the amendment of the Connétable of St. Helier. After that, we will deal with the amendment of Deputy Morel and then at the same time then deal with the Council of Ministers' and then we will return to your original proposition as amended or not, as the case may be.

**7. Draft European Union (United Kingdom Exit - Miscellaneous Amendments) (Jersey) Regulations 201- (P.148/2018)**

**The Bailiff:**

Now we come to the Draft European Union (United Kingdom Exit - Miscellaneous Amendments) (Jersey) Regulations - P.148/2018 - lodged by the Minister for External Relations and I ask the Greffier to read the citation of the draft.

**The Deputy Greffier of the States:**

Draft European Union (United Kingdom Exit - Miscellaneous Amendments) (Jersey) Regulations 201-. The States, in pursuance of Article 5A of the European Union Legislation (Implementation) (Jersey) Law 2014, have made the following Regulations.

**The Bailiff:**

Minister, do you wish to propose the principles?

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

If I may. The purpose of these miscellaneous amendments are in effect simply to fix, if I may use that term, existing Regulations to preserve the original intended policy effect. Generally speaking, the U.K. has to be added into these Regulations because after Brexit the U.K. will no longer be a member state of the European Union and therefore is not covered when we use such a phrase and therefore has to be added in as a stand-alone country. Therefore, these amendments are technical in nature; they do, however, cover extremely important areas such as data flow from Jersey to the United Kingdom. Hopefully, they are straightforward. If I quickly run through them now: the first one relates to employers' liability insurance; secondly, adds the Customs' territory of the U.K. so that goods imported are covered by the protections against false trade descriptions; thirdly, it means that we treat the U.K. as an E.E.A. (European Economic Area) country so that our data can flow to the U.K., as I said earlier; fourthly, recognising the U.K. stock exchanges under the Control of Housing and Work (Jersey) Law 2012; fifthly, allowing us to continue to move waste to the U.K. and, sixthly, again, is in relation to U.K. stock exchanges as being recognised exchanges. I maintain the principles.

**The Bailiff:**

Are they seconded? **[Seconded]** Does any Member wish to speak on the principles? Those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Deputy Morel, does your panel wish to scrutinise these?

**Deputy K.F. Morel (Chairman, Economic and International Affairs Panel):**

No, thank you.

**The Bailiff:**

Do you propose them *en bloc*, Minister?

**7.2 Senator I.J. Gorst:**

If I may. I have just quickly gone through each of the Regulations and their purpose and I will endeavour to answer any questions that Members may have. Thank you.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak?

**7.2.1 Deputy K.F. Morel:**

It is just to give some reassurance to the Assembly that the Brexit Review Panel, and also with the Economic Affairs and External Relations' hats on, we have looked at these Regulations and gone through them one by one and we are satisfied with them. Thank you.

**The Bailiff:**

Does any other Member wish to speak? Do you wish to reply, Minister?

**7.2.2 Senator I.J. Gorst:**

No. I thank the Deputy for his comments. He is absolutely right, and I hope that as we run up to the big day, as it were, we will be able to continue working in a similarly productive manner.

**The Bailiff:**

Those Members in favour of adopting Regulations 1 to 7, kindly show. **[Interruption]** The appel is called for. I invite Members to return to their seats. The vote is on Regulations 1 to 7 of the

European Union (United Kingdom Exit - Miscellaneous Amendments) (Jersey) Regulations and I ask the Greffier to open the voting.

<b>POUR: 43</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of St. John		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
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 of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B. 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)		

**The Bailiff:**

Do you propose them in Third Reading, Minister?



### **7.3 Senator I.J. Gorst:**

If I may. Members will be aware of course that these changes are necessary, whether the United Kingdom leaves under the terms of the withdrawal agreement or if there is no deal forthcoming. Members will also see that the provisions for bringing them into force remain flexible to deal with any eventuality between now and 29th March 2019 as well. I maintain them in Third Reading.

#### **The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting the Regulations in Third Reading, kindly show. Those against? The Regulations are adopted in Third Reading.

### **8. Draft Amendment (No. 38) of the Standing Orders of the States of Jersey (P.1/2019)**

#### **The Bailiff:**

We now come to Draft Amendment (No. 38) of the Standing Orders of the States of Jersey - P.1/2019 - lodged by the Privileges and Procedures Committee. Greffier.

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

Draft Amendment (No. 38) of the Standing Orders of the States of Jersey. The States, under Article 48 of the States of Jersey Law 2005, make the following amendment to the Standing Orders of the States of Jersey.

#### **8.1 Deputy R. Labey (Chairman, Privileges and Procedures Committee):**

These amendments to Standing Orders would delete 3 provisions which, for various reasons, are no longer necessary. The amendments are presented in 2 parts: part 1 would delete paragraphs (2D), (17A) and (17B) from Standing Order 117. Standing Order 117, as a whole, sets out the appointment process for Ministers. As part of that process, the Chief Minister designate is required to give the Greffier of the States a list of his or her intended nominees for ministerial positions. There is then an obligation on the Greffier to distribute this list to all States Members and paragraph (2D) simply says that this distribution may be done by email. This paragraph was no doubt included at a time when the default position was to distribute documents in hard copy but the paragraph is no longer needed. It is explicit in Standing Orders that distribution by the Greffier means distribution by any means, including email. Standing Order 1(3) makes that clear. For the avoidance of doubt, if paragraph (2D) is deleted, the Greffier will still be able to distribute the list of ministerial nominees by email. Paragraph (17A) currently places a requirement on any Member elected unopposed as a Minister to provide the Greffier with a written statement of their proposed policies. Paragraph (17B) states the Greffier must then distribute the statement to all Members. P.P.C. is proposing to delete these 2 paragraphs, and there is an amendment from Deputy Morel on this point which I will deal with after he has made his amendment. Part 2 of P.P.C.'s amendments would delete paragraph (2)(c) from Standing Order 141A. This follows a proposition I brought last year; deleting the paragraph would allow Members to sit on both the Planning Committee and the Environment, Housing and Infrastructure Scrutiny Panel. The Assembly agreed last year that should be the case and part 2 of the amendment would bring that decision into force. I make the proposition.

#### **The Bailiff:**

Is it seconded? **[Seconded]**

[15:30]

## **8.2 Draft Amendment (No. 38) of the Standing Orders of the States of Jersey (P.1/2019): amendment (P.1/2019 Amd.)**

### **The Bailiff:**

Very well, then we come to the amendment of Deputy Morel and I ask the Greffier to read the amendment.

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

Page 7, amendment 1; for amendment 1 substitute “1 Standing order 117 (Ministers: selection process) amended: in Standing Order 117 of the Standing Orders of the States of Jersey (a) paragraph (2D) is deleted; (b) in paragraph (17A) for the words “paragraph (5)” there is substituted “this Standing Order”.

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

If Members of this Assembly are wondering why I brought this amendment, initially so was I. It is because understandably Deputy Labey and the rest of the Privileges and Procedures Committee are undertaking really what is a tidying-up exercise. One of the main things they wanted to do by deleting paragraph 17A, I believe it was, was because there is an unlevel playing field in the situation at the moment. If you are a Minister who is unchallenged for your ministerial position, you have to provide a written statement to the Assembly; that then goes online. If you happen to have been challenged, then you do not have to provide a written statement, as I understand it. So understandably that is an unlevel playing field and the Privileges and Procedures Committee thought they should level everything up and that is quite an understandable position. But what I saw when I was reading through the committee’s proposition was not just to level the playing field but, in my view, to go a step further and to improve the situation, and improve in terms of transparency and accountability. So whereas the current proposition unamended by the Privileges and Procedures Committee dispenses with any need for Ministers to provide a written statement of their proposed policies after their election, that is what will happen with the proposition as it stands. My amendment instead puts a duty on all elected Ministers to provide a written statement of their proposed policies and for that to be put online. I have done this because I see that as being far more transparent and enabling accountability. Now one of the reasons for the committee’s decision, or one of the reasons behind the committee’s thinking, was that the Ministers, whether they are challenged or not, they have to provide a statement in the Assembly and they speak through that. They then face a certain period of time of questions and, of course, all of that is recorded and put into Hansard. My problem with that is that technically they may not mention their policies within those statements or within those questions. I accept it is unlikely but it is possible. Then the other aspect of it is, as a member of the public, before I was a Member of this Assembly, I often looked through Hansard trying to find the piece of information that I was looking for that a Member said once upon a time in the Assembly. It is not easy to do so whereas I felt that by taking this opportunity we could ask all the Ministers who are elected, however and regardless of how they are elected, within 3 days of being elected to ministerial office, they have to provide a written statement of their proposed policies and they are put on the States Assembly website in perpetuity, so over that term they can be held to account at the end of it when the elections are coming, people can ask them: “You said you were going to do X but you have not, please can you explain to us why?” That is the sort of thing I think we need in a modern democracy. I have proposed this amendment purely as a very simple, an opportunistic amendment in that respect. I have seen an opportunity to do what I think is to improve the democratic process in Jersey, to improve transparency, to improve accountability, and I hope this Assembly will join me in that by voting for my amendment. There is absolutely no criticism of P.P.C.’s work in that respect;

I understand where they are coming from and why they did it. I just looked at it from a different angle and saw what I think is the opportunity to improve matters, so it is all based on a technical amendment. How many of you have read my amendment, I do not know, but I hope you will see this as an opportunity to make democratic life in Jersey better than it is now in a very simple way. There are very little costs. The resource implications are literally asking a member of the States Greffe to put up those statements once every 4 years or whenever ministerial office changes hands and that is where they will sit. There is no real financial implications; there is a very minor resource implication. I do hope you will all join me in supporting my amendment. Thank you.

**The Bailiff:**

Is the amendment seconded? **[Seconded]** It is now open for debate.

**8.2.2 Deputy J.A. Martin:**

I thank the Deputy for his explanation and I have read the amendment. I just really need some clarification because he is saying this is being helpful. Now, over the years, we have had one person stand for Minister, there has been no need to make a statement, there has been no need for questions and people have just stood against that Minister to literally tease out some policies and tease out some answers. So we had a general election on 16th May, we were all elected to this Assembly, and there was a blanket of people who were going to be Ministers, after the Chief Minister was elected, and we went through that process. Now, I can only speak for myself, I put forward a statement, I put forward a speech and I put forward a lot of policies in that, and I was questioned on the Assembly of this House ... **[Interruption]** Yes, I will get there. You know where I was questioned; I was here. **[Laughter]** My problem, and I absolutely see where Deputy Morel is coming from, because after 2 or 3 days of being elected I got an email from the Greffier saying: "Really, you should be putting a statement on." I said: "Well, I made a statement, I put my policies." I was even asked for policies I did not produce in my speech and asked what my opinion was. There, transparent, I was questioned. What the Deputy now asks, within 3 working days after being elected, to bring forward a policy statement. Well there is no link between that policy statement and what I say in this Assembly. I can say: "Yes, and now I am going to be Queen Midas, and I am going to give everyone gold, and I am going to do this" because there is no link. I am stood here - or whoever goes for Minister - will be putting their policies forward and thinking that the Deputy is helping being transparent, and it is hard to go through Hansard. Basically I think, from memory, myself and the Greffier said: "Well just reproduce your speech, that was on Hansard, and the questions you answered and there is your policy statement." To me, that is exactly what it was. I emphasise this, unless I completely read it wrong, the policy I am being examined on that I am standing for is what I am going to say in here and all Members then can question me. Three days after? I think: "I did not really like what I said being put under pressure by the Constable over there or the Deputy there. I am going to change that policy." But this is written in perpetuity for everyone to see; it does not matter what I said in here when I was being held to account. So I see where the Deputy is coming from, I am not really opposed to it, I just wanted there to be a complete link back to what any Minister stands for on the policies in this Assembly that they are questioned on. Not 3 days to have a sort of think about it, add to or detract from, and that is where I am coming from. I am open to try to support the Deputy. I know where he is coming from but it does not do what he said it should do on the tin. That is my reading, thank you.

**8.2.3 Deputy R. Labey:**

It is a previously-stated aim of mine that I really want to make Standing Orders more user-friendly, more economical and I believe that the Deputy's amendment is completely unnecessary for reasons I am about to spell out. It is quite technical; please, I hope Members will bear with me. I have written

it down because I want to get it absolutely correct. Before the last election, Standing Orders were changed so that everyone standing to become a Minister has to make a statement to the Assembly - their pitch for the job - and then answer questions. This applies to Ministers whose positions are uncontested, as well as when there is an election. This was plainly a sensible change and it worked well when we elected Ministers last June. Under the previous system, Ministers who were not opposed were elected automatically and they did not have the opportunity to present their pitch or take questions, even if they wanted to. However, Standing Order 117 required those Ministers to present the Assembly with a statement of their policies a few days after their election to being a Minister. Although this gave Members and the public an idea of what those Ministers wanted to do in office, it was all a bit late; they are already in post. When the systems changed, this requirement for Ministers elected unopposed to present the Assembly with a statement of their policies was not repealed. This was, I believe, an oversight. The Greffe contacted Ministers in this position to ask for their statement of policies and most Ministers simply pointed to the statement they had already delivered in the Assembly. They had nothing extra to add and, frankly, it would be strange, as Deputy Martin was saying, if they did have some additional priorities to mention after their election which they have chosen not to reveal when seeking election. One or 2 Ministers did provide a written statement and those were circulated but can anyone really remember them now? This a sensible tidy-up which reduces bureaucracy without diminishing accountability which will take place in the right place on the floor of this Assembly and at the right time when Ministers are being elected. Deputy Morel's amendment would require all Ministers to make a statement about their proposed policies days after they have been elected. This achieves nothing. The change is justified on the grounds that Ministers might be elected, having not mentioned their policies and not being questioned about them, but the solution to this problem lies in Members' hands. My suggestion is that the first question to any ministerial candidate should be: "What will be your 3 main priorities?" The answer will be recorded in Hansard and Members can decide if they agree with those priorities or not when they vote. For those reasons, I reject Deputy Morel's amendment.

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

When I read P.P.C.'s I thought that was sensible initially, trying to level the playing field, it is just clearing up an anomaly and it evolved in a particular way. But then reading and listening to Deputy Morel, his is preferable, and I will explain the reasons why. First of all, it is being said: "Oh, this is going to be a statement given a few days after the person has been elected." Well what is the Strategic Plan, the Common Strategic Policy, the common policy of the Council of Ministers if it is not a joint plan which is made several days - in that case I think 30 or 60 days - after being elected collectively? They come up with their statement and they have given their individual statements. I think the point is, when a person stands for Minister in this Assembly, first of all, they do not know whether they are going to be contested until the day; they may be contested, they may not. It may well be someone who suspects they are not going to be contested and they may give a different speech because the purpose of giving a speech to this Assembly for any position is to convince the Assembly that you are the right person for that job. It may well be that you are light on policy. It is possible to get elected as a Minister in this Assembly and be very light on policy because you can use rhetoric, you can aspire and there is nothing necessarily wrong with that. It is right that at the correct time that policy is padded out. I would go further to saying it is entirely possible to get elected to this Assembly and be very light on policy as well but I do not need to say that at the moment because we are talking about ministerial elections. So it could well be that somebody comes in, and it might well be that if there is no one else contesting it, you may stand up at the last minute and say: "I want to give this person a run for their money because I think I could do a better job of it." You make some policies up, you make some ideas up on the hoof. Then you hear some questions after you have been elected, if you are elected unopposed, and then you say: "I had not thought about those; those are some really

good ideas. Maybe I need to incorporate that into my policy statement.” Once you are elected you go and talk to your officers and say: “Well I have got these ideas but how do they pad out?” and after a few days you can talk to them immediately. You can talk further to Council of Ministers colleagues. You might well find out that somebody else who you thought you were going to be working very closely with has not been elected and the person that has been elected in that cross-cutting department is someone different who has got a completely different vision. For example, you might get a Minister for Economic Development, Tourism, Sport and Culture with responsibility for culture who has got very different ideas to a Minister for Education and they need to have a chat and decide what their way forward is. Or you might well get that with a Sports Minister; you might well get that with a Minister for Infrastructure and the Minister for the Environment. So hypothetically speaking you get a very progressive Minister for the Environment who says: “I want to sort out sustainable transport. I want Jersey to lead the world in environmental and green issues” but you get a completely useless Minister for Infrastructure who does not seem to want to grasp the nettle of sustainable transport. Luckily, we do not have that but you have got a case for all possibilities. It may well be that the Minister for the Environment says: “Because I am so passionate about sustainable transport, I think that needs to come into my remit” but he could not say that at the time because he did not know who he would be working with.

[15:45]

So the statement allows him to put his ideas down within 3 days saying: “This is my team. Having sustained questioning from the Assembly, that is where I can give you a bit more information” and then again later on, there will be a Common Strategic Policy that is brought forward by the Minister. I do not know why we are making such heavy weather of this. It is a good, logical amendment and I think that P.P.C. should hopefully understand the argument because Hansard, and what is recorded on Hansard, it can be very different to a thought-out statement after you have taken stock of the Assembly and its mood and who you are going to be working with; entirely sensible.

### **8.2.5 Senator I.J. Gorst:**

I think the chairman largely said what I was going to say but I did want to add one other point about the evolution of how we have arrived at today. He was very careful in his wording. The truth of the matter is that when we amended Standing Orders prior to the last election and made it a requirement for Ministers that were unopposed to make a speech and be questioned, it was an oversight to remove the requirement to then submit a statement to the Greffe for publication on the website. So it was an oversight and what P.P.C. are trying to do is correct that oversight. The Deputy is making a point that the correction perhaps should be that every Minister should issue a statement. If we look back when the ministerial system was first introduced, of course, and Deputy Martin made this point I think in her speech, or alluded to it, when it was first introduced an individual could be nominated for a ministerial position, have no opposition and not be required to make a speech or answer a question or submit a statement. The remedy at that point, I believe, was to then submit a statement. The Greffier is indicating that may not be the case. That was my understanding, there was no need at that point to do so; therefore, the creation of submitting this statement was introduced. For my part, I think, it is far superior that anyone standing for office, whether it is contested or not, should make a speech. That speech should, and this perhaps is where Members will consider the Deputy’s amendment, be about policy. Anyone standing for political office of any sort should be setting out a vision and indicating the policies that they wish to pursue. That is not something, quite rightly, as Deputy Tadier said, that we have always been good at in this Assembly. I hope that we are getting better at it because it is important and it enhances democracy. For my part, the Deputy is not wrong to suggest that a written statement of policies is a good thing, I am just not sure that there will be anything different between the speech and the answering of the questions in a period of 3 days. I

would hope that Members, before they put their name forward, or were selected by the Chief Minister to indicate their wish to stand for a position, would already have spoken to officials and spoken to colleagues about what the important issues that the departments were facing were and also what their vision and their policies were to deliver that. The chairman of P.P.C. said he has already forgotten the statement that I issued to the Greffier 8 or 9 months ago. I do not take offence by that fact but I recall largely using my speech as the basis for my statement. It is a matter of whether Members see it as correcting the oversight and the anomaly or they wish the speech to be formed into a statement which is issued and then published on the States website. In a way, it is slightly as broad as it is long but the whole point of the P.P.C.'s proposal is to amend the anomaly that was created and the position that was not considered.

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

I must start by reassuring the Minister for External Relations that I do in fact still have the copy of the statement that he submitted at the time, and I studied it very carefully, and I took it with me to our quarterly meetings that we had with the Minister. So I can assure him that it was not time wasted and in fact was taken very seriously and, on top of that, was incredibly useful. Because of course it is very helpful to hear someone outline their policies verbally and to ask them questions but, as we can recall, at the time when we were going through the process of electing our new Chief Minister and subsequent Ministers, there were time limits. I, myself, suffered from those time limits. I did not get to ask my question of the Minister for External Relations during the election of the Chief Minister because of the, quite right, requirement for there to be an equal amount of time given to each candidate. But that did mean that I was denied the opportunity to ask my question and seek the advice and evidence that I needed for my reassurance from those candidates. Subsequently, receiving that document proved incredibly useful and valuable in terms of some of those things. I am a bit confused as to why there is any resistance about this simply because it seems very, very straightforward to put to paper what one is willing to say out loud, particularly in this room where everything is on record and everything is said in a meaningful and sincere manner. I am confused as to why that seems so difficult or implausible to Members because if I were to run for a ministry, I certainly would want to know myself what my policies were before I stood. I certainly would want to make clear to Members what my intentions were and obviously in an ideal world, you would want that information before you choose those Ministers. I think one of the most overwhelming and baffling moments for me upon entering this career was to discover that one of the very first things that you do is possibly one of the most important things you do in your time here, which is elect your Chief Minister and his or her ministry. As a new Member, that is based on very little knowledge. It is people that you have not worked with before so you do not know where their moral compass sits, you do not know about their work ethic, you do not know about their perspectives and attitudes towards certain things. All you have is that finite amount of time in the room. As someone alluded to previously, this is a space where we do a lot of convincing and we use a lot of persuasive rhetoric. The function of this room is debate and in debate we are here to spar with one another with our words and that is not the best platform to truly understand someone's well-thought-out and well-constructed policy ideas. Of course - of course - you cannot be expected to not change your mind about the direction which you wish to take and that is the case in any context. Should I say: "On day one, this is my policy" and then by day 50 or 60 realise I was wrong to think this way about this issue or: "I have learnt more about this since then. I have developed my ideas and I wish to change my direction slightly." This is completely understandable and, in fact, I would be incredibly worried if no one was that reflective and everyone just said: "Right, day one, here are my policies and I am going to unwaveringly stick to them for the next 4 years because otherwise I might not get elected again." No one is going to expect that but what one does expect is a clear idea of where people stand, how they think, and what kinds of things they wish to achieve in their role. Because, as I said, it is very useful

when you come to a quarterly hearing or questions without notice or any of the situations where you do have the opportunity to scrutinise the work of Ministers as a Back-Bencher, that you have that document in front of you. As has been discussed before, Hansard is fine for us but it is incredibly difficult to navigate for the public. It is something that is impenetrable to some people, it is very hard to find what you are looking for, and having each Minister present their statement, summarising probably the things they said anyway, for me is a very straightforward, simple task. It is not a big pull on resources, it is a step in the right direction. Ideally, you would want it before you decide and before you are in the room but we are not talking about that today, we are talking about what the proposition is which is to bring that level of accountability to the fore in the first place. I really do not understand the issue with that. I think the benefits far outweigh the inconveniences. Thank you.

**Senator S.Y. Mézec:**

I was just going to ask clarification from yourself, if I might, just on the wording of this amendment. Is there anything in the wording of this amendment that would stop elected Ministers from simply copying and pasting their speech for the election to be their written submission?

**The Bailiff:**

There is nothing in this amendment that does that.

**Senator S.Y. Mézec:**

Is there also anything in the wording of it that would prevent the Greffe from using the Assembly website to draw attention to those speeches in Hansard separate from the usual Hansard system so that they would be easier to find?

**The Bailiff:**

I am not sure the Greffier would count that as part of his job. I think it is a matter for Greffe administration and I would have thought probably that is going a step too far.

**Senator S.Y. Mézec:**

Exactly. Thank you, Sir.

**8.2.7 Deputy J.H. Young:**

I feel rather confused with this debate and maybe there might be other Members. While the debate was continuing on, I was trying to look up the Standing Orders and I noticed on the Jersey Law website that we have in fact made 7 changes to the Standing Orders in the last 12 months and, of course, there is no consolidated law. One has to read through every change and work out how it works and so on; it all gets incredibly convoluted. Now, I am struggling to see what the gain is and what we are trying to achieve with the amendment but I do understand the logic in what Deputy Perchard said and the implications of Senator Mézec's question, which is obviously designed to the fact that we do not have a system here, where we have a strange system whereby the objectives of Government are set after the Ministers have been elected which is really very difficult, it is very unusual. But for me in the process that I underwent ... in fact, before I say that, the first time I came in this Assembly, and I absolutely share Deputy Perchard's concern, the very first Assembly virtually that you get elected to, you are effectively setting the whole shape of government and the policies for the next 3 years and that is really a very, very high-risk thing and, therefore, we rely on what Members say. The approach I took, I personally feel, in the absence of any other system, bound by what I said to the electorate in my speech and I published it on my own website. I accept the fact that I could not guarantee that I would deliver it because it is dependent, as Deputy Tadier said, upon other

Ministers and the way in which the Strategic Plan comes out but I still feel bound by those statements. What I sought to do was to convey to Members if they went with me, as opposed to the other candidate: this is the aspiration, this is the intention I would try and fulfil. I feel bound by that. What I am still looking for is how we can have a change to Standing Orders which, after you have been elected in office, then allows for some different statement to come along. I would like to feel that everybody would do that with honour, they would not doctor, manipulate, miss out inconvenient bits or what. But I am still troubled by that as a principle, that this follows after the election. If we need to have statements, we need to be sure, in my view, we have them before the States make an election; before. That is why I kind of feel without really understanding the why, so I said I was confused. I think this is what P.P.C. are trying to do, to create a situation where they tidy that up. But I will wait to hear what Deputy Morel says, because I may have missed this, but I am troubled with the principle of statements being made, important policy statements, after the States have made a decision to elect somebody with a really important office that is going to carry on for a number of terms. I think, for me, that is a worry.

[16:00]

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

I am also slightly confused by how complex and technical we are getting over this amendment. The way I am seeing it, this amendment is about some form of clarifying statement of policy or intent that goes to the public after the election and simply to increase our contact with the electorate after a Minister is elected and it is as simple as that. Surely that cannot be difficult because Ministers will make speeches in the Assembly and if they do not make speeches, publish a statement anyway. To be quite frank, how do you choose a Minister if you do not know their policies and their intent? So all of that should have happened; this is just another part of the process at the end that would probably give some clarity to the electorate and those outside the Assembly which I think is probably quite an important thing for us to do, given the view that is sometimes taken of this Assembly which I think, as a new Member, is unfair on those of us who have come into the Assembly itself.

### **8.2.9 Deputy S.M. Wickenden:**

I thought I would just maybe ask a question of the Solicitor General, if possible, which is: if Deputy Morel's amendment is adopted and these statements had to be made, because it is done through the Standing Orders Law, what legal standing would these statements have?

### **The Solicitor General:**

The answer is: I do not think they would be enforceable in court.

### **The Bailiff:**

I agree with that.

### **8.2.10 The Connétable of St. Ouen:**

I also share Deputy Young's concern. I listened with interest to Deputy Perchard's eloquent speech on the subject but I cannot get away from the point that if a Minister makes a statement in the House where he is accountable and is then subject to question, that there should be any suggestion or reason he would want to change that or publish something after the event. That is what he is elected on and that is what he should stand by, and I have a big problem with something being published after the event. It may or may not be different, even if it does clarify what he said in the House. What you



say in this House is what you should be accountable for, and I certainly will not be supporting Deputy Morel's amendment.

**The Bailiff:**

Which House is that? [Laughter]

**The Connétable of St. Ouen:**

Sorry, I beg your pardon, this Assembly. [Laughter]

**Deputy M. Tadier:**

It is just a quick point of clarification because I have spoken but it is either a point of order or for the Attorney General, I am not sure which, is to ask whether the statement would constitute an official document and whether that would be covered by parliamentary privilege essentially, or whether it would be maybe something for the Deputy, but just to know the nature of the document in question and its official status or not.

**Deputy J.A. Martin:**

As we are asking the Solicitor General questions; I think I did probably start this hare running. To me, I have no problem with what the Deputy is trying to do. My point was, and I am asking now the Solicitor General, could the statement 3 days after and your policy document be entirely different ... now it might be your last term, you might have 4 years as a Minister, I am asking a legal point, could it be entirely different from what you have said in this Assembly?

**Deputy J.H. Perchard:**

May I add a clause to that question? If they can be entirely different, would the verbal statement made in the Assembly, which assumedly is on record, assumedly it would not fall away or be any less valid because everything you say in this room, as we know, is on record and you cannot retrospectively take back what you have said, does that still stand? Thank you.

**The Bailiff:**

Solicitor General, would you like to help the Assembly on this?

**The Solicitor General:**

In response to Deputy Martin's questions, again to me, these are essentially political questions and they are not really enforceable in court. As regards whether or not these documents are covered by the privilege of the Assembly, I would just need a little bit ... can I have a few minutes just to check that before I give my answer? I think they probably would but I just want to check.

**The Bailiff:**

Have you got more questions for the Solicitor General or do you want to speak?

**Senator K.L. Moore:**

No, I thought I would speak.

**The Bailiff:**

All right, then you are in the queue. Senator Farnham.

**Senator L.J. Farnham:**

I am happy to give way to Senator Moore.

**The Bailiff:**

Very well, Senator Moore. [Laughter]

**8.2.11 Senator K.L. Moore:**

Sorry, I had not realised that there was a queue in operation but I did think that I ought to share some views from the Chairmen's Committee about what is essentially a political matter here. I think Deputy Perchard had already hit the nail on the head. With the very best of intentions, perhaps, Deputy Martin is obfuscating slightly in that by raising the point that one could publish after the event a different statement to that which had been said in the Assembly, no doubt Scrutiny Panels will be looking and comparing and contrasting - we most certainly will after this debate - those policy statements with what has been said in the Assembly. It is an important and integral part of the Scrutiny role to have that paper trail, that trail of what has been promised in the Assembly prior to a vote, and it forms the very important basis of the process that follows once a Minister has been appointed to their post.

**8.2.12 Senator L.J. Farnham:**

I am not quite sure what Deputy Morel is trying to achieve, and I am very pleased to work closely with him on a number of issues. He will know, as he and his panel question the Department of the Minister for Economic Development, Tourism, Sport and Culture, that we work in an environment that is changing: the economy changes, conditions change regularly, policies and procedures have to change regularly. Every word that is spoken in this Assembly is recorded on Hansard and while it might not always be easy to get into the detail, it is recorded, and that is a key point. It is recorded for a reason: so we can be held to account and questioned, every Member, on every word they speak in this Assembly, should it be desired by a Scrutiny Panel or a member of the public or another Member. Referring to Deputy Young's comment, could he be suggesting that States Members or aspiring politicians might say one thing in a manifesto and then get elected and do something completely different? Well I have never known that to happen. [Laughter] What I am trying to say is, notwithstanding Deputy Perchard's excellent speech, do we really need to do this? I understand the sentiment behind it but given the fact that once we are here, the work of the Assembly is fluid, and for Ministers and Assistant Ministers and Scrutiny Panels, it is fluid work. So while we all make policies and statements with the best intentions, they do change at times. I am just wondering what is the purpose of having that particular statement in that format, at that time, which by the time it needs to be, or Members or members of the public want to scrutinise it, the backdrop has changed somewhat. Of course, then once we are all elected as a Government and an Assembly, we then go on to agree, together and collectively, new plans, new policies and new strategies which could override the policies and the wish lists of the Ministers at the time they were elected. Between a manifesto speech, then there is of course the trading that goes on to be elected as a Minister. We all know it happens, and I am not being critical, it is just political life. So I know of Members that have changed policies and reorganised their position to get into office and there is nothing wrong with that. The point I am trying to make is: what is to be gained by taking a statement of time 3 days after an election which could be meaningless a little while down the road? Thank you.

**The Bailiff:**

Solicitor General, are you ready to ...

### **The Solicitor General:**

Yes, thank you for giving me a couple of minutes just to check in relation to the question concerning legal privilege. My view is that these statements are covered by the Assembly's privilege in Article 34 of the States of Jersey Law. I think the wording there is broad enough to cover them. In relation to the question concerning what would happen if a Member completely changed their position within 3 days of making a speech setting out their policies and then completely changing their position, I maintain the view that that is not a question or a matter that is enforceable in a court of law. The consequences would be political and that Member would face potentially a vote of no confidence in this Assembly if that were to happen, so I hope that assists.

### **The Bailiff:**

Does any other Member wish to speak? Then I call on Deputy Morel to reply.

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

Thank you to my fellow Members of this Assembly for making my first intervention in legislation so entertaining and so interesting [**Approbation**] because this is the first amendment or proposal that I have brought to the Assembly. I did not expect it because, as I said at the beginning, I know initially this was an administrative amendment by the Privileges and Procedures Committee. Interesting questions but, to go on, it may come as some surprise to Members that my amendment is not about us. It is not about Ministers, it is not about Members of this Assembly, my amendment is focused 100 per cent on the public and it is focused on giving the public the ability to hold us to account in just one easier way than we currently do at the moment. I have heard, yes, that what I say here, this is the record and it must not change, that is fine, but it is not easy. It is not easy to do so, it is not easy for members of the public, some who, as Senator Ferguson will often tell us, do not have online access either but my amendment does not help with that. But it is not easy for members of the public to use Hansard and to then hold Ministers to account. We also operate in a system which is not a party system. Personally, I am fine with that but one of the drawbacks of not having a party system is that we have ministerial government in which members of the public do not know what individual Ministers stand for. We have, as Deputy Tadier said, the Common Strategic Policy. How many months after ministerial election that came out I ... was it November and the elections were in July? So if things Senator Farnham have not changed between July and November, then if you are happy with that situation, then surely you must be happy with a situation of just 3 days if you are willing to let 5 months pass between statements essentially. As far as the idea that you may make a speech here and change your statement to be held on a website, well that is your choice as Minister, you could do that. But members of the public, and I know there are members of the public in the gallery right now who will spot that straight away and will make sure that we, as other Members of the Assembly, do know that your speech and your statement on the website are 2 very, very different things. It will not go amiss; we will not miss that and, as Senator Moore said, Scrutiny will certainly spot that as well. So I do ask Members to think of this. As I said, this was not an amendment I brought because I was desperately trying to change P.P.C.'s mind or anything like this, P.P.C. were making a change which I thought could be improved upon and it could be improved upon for the benefit of the public. Members of the public, you have all heard, Members have all heard, complaints about not knowing what Ministers stand for and so this is about speaking to them and giving them a simple place, an easy place, that they know they can go and just see what the Minister for the Environment, the Minister for Instructure, the Minister for External Relations, what they said they are going to stand for in office. Yes, it is after the election but that is because this is not about us. This is not about us making a choice of Minister, this is about the public just being able to easily find what Ministers said they want to stand for in office. I do not believe there will be any sort of conflict with changes. Yes,

life does change but again if that argument was to hold then, the C.S.P. (Common Strategic Policy) is worthless.

[16:15]

I believe that you cannot logically hold to that argument and still say there is value in the C.S.P. I do ask Members to support the amendment, precisely because it will help members of the public have greater trust in us because they will understand how they can hold ministerial government to account just that little bit more. It is such a simple change and it is not onerous, as Senator Mézec suggested when speaking to the Bailiff; you can just copy and paste. It is that simple. You could just do a few bullet points, as I have said in the report: “This is what I stand for, A, B, C, D. There you go.” It really is not difficult. If you are worried about what you said in the Assembly changing between you saying it and you writing your statement, then I suggest you just write your statement very quickly after you have made your speech because that would be the easier way around it. Copy and paste and there is no problem at all. My worry is, is that we are going to use lots of excuses for not doing something that will simply make life a little bit easier for members of the public to understand the work we do within the States of Jersey and the Government of Jersey. This is just a very simple opportunity to change that and to make it a little bit easier for our Islanders, all 105,000 of them, to understand the work we do and to have a little bit more trust in us. Thank you and I make the amendment.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on the amendment of Deputy Morel and I will ask the Greffier to open the voting.

<b>POUR: 21</b>		<b>CONTRE: 24</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Senator S.W. Pallett		Senator L.J. Farnham		
Connétable of St. Saviour		Senator S.C. Ferguson		
Connétable of St. Brelade		Senator J.A.N. Le Fondré		
Connétable of St. Martin		Senator T.A. Vallois		
Deputy J.A. Martin (H)		Senator S.Y. Mézec		
Deputy G.P. Southern (H)		Connétable of St. Clement		
Deputy of Grouville		Connétable of St. Lawrence		
Deputy M. Tadier (B)		Connétable of St. John		
Deputy M.R. Higgins (H)		Connétable of St. Peter		
Deputy of St. Martin		Connétable of St. Mary		
Deputy L.M.C. Doublet (S)		Connétable of St. Ouen		
Deputy S.M. Wickenden (H)		Deputy K.C. Lewis (S)		
Deputy K.F. Morel (L)		Deputy J.M. Maçon (S)		
Deputy G.C.U. Guida (L)		Deputy S.J. Pinel (C)		
Deputy M.R. Le Hegarat (H)		Deputy of St. Ouen		
Deputy S.M. Ahier (H)		Deputy R. Labey (H)		
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 J.H. Young (B)		
Deputy K.G. Pamplin (S)		Deputy L.B. Ash (C)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy of St. John		

### **8.3 Draft Amendment (No. 38) of the Standing Orders of the States of Jersey (P.1/2019) - resumption**

#### **The Bailiff:**

Very well. We now return to the main proposition, Draft Amendment (No. 38) brought by P.P.C. Does any Member wish to speak? If not, those in favour of adopting the amendment kindly show? Those against? The proposed amendment to Standing Orders is adopted.

### **9. Jersey Employment and Discrimination Tribunal: appointment of members (P.2/2019)**

#### **The Bailiff:**

We now come to the Jersey Employment and Discrimination Tribunal: appointment of members - P.2 - lodged by the Minister for Social Security. I will 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, in accordance with the Employment and Discrimination Tribunal (Jersey) Regulations 2014, to appoint the following persons as members of the Jersey Employment and Discrimination Tribunal, each for a period of 5 years to begin on 1st March 2019: Miss Jennifer Bridge, Mr. Michael de la Haye, O.B.E. (Order of the British Empire), Mr. Simon Nash, Miss Roisin Pitman, Advocate Fraser Robertson, Mrs. Hannah Westmacott.

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

I am very pleased to propose the appointment of 6 new members to the Employment and Discrimination Tribunal, subject to approval. The 2 deputy chairmen and 4 lay members would be appointed for a 5-year term starting on 1st March this year. Members of this tribunal hear complaints made under the Employment and Discrimination Laws. This includes claims for wages owed, minimum wage, holiday pay, unfair dismissal, redundancy and discrimination on grounds of race, age and disability. At the end of the year we advertised for these posts. We were grateful to receive good quality applicants and I accepted the recommendations of the recruitment panel. The Jersey Appointments Commission has confirmed that the process was conducted in accordance with its guidelines. Just for information, we had 12 good applicants, 9 were interviewed. Out of those 12 there were 6 men and 6 women and of those to be appointed today, 3 men and 3 women. I am satisfied the proposed new members have the necessary skills and experience and I am grateful to them for taking on this important responsibility. I am pleased to propose the appointment of 2 deputy chairmen, who are Fraser Robertson and Hannah Westmacott, and 4 lay members: Jennifer Bridge, Michael de la Haye, Simon Nash and Roisin Pitman. I ask Members to support the proposition. Thank you.

#### **The Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak? Those Members in favour of adopting the proposition, kindly show. Those against? The proposition is adopted.

### **10. Credit-related checks (P.3/2019)**

We come next to Credit-related checks - P.3 - lodged by Deputy Maçon. I will 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 agree - (a) to request that any Minister(s) seeking to introduce consumer lending-related legislation will undertake to consult with lenders in the first instance, whether and how account rental payment history and Parish rates payment history is taken into account when assessing a borrower's creditworthiness for a mortgage; (b) that any consultation will also include consideration of the appropriate use of the aforementioned data in creditworthiness assessments for other types of lending to consumers; and (c) to request that the relevant Minister(s) bring forward the necessary legislative changes for debate by the States Assembly no later than April 2022.

### **10.1 Deputy J.M. Maçon:**

Unfortunately I have not received comments from the Council of Ministers so I am not entirely sure where I stand with this proposition. But as I have not had anything to say that we are against it, I will proceed in that light. Basically, as Members will be aware, I did lodge a previous proposition based on the work of Lord Bird in the U.K. which was looking at how we can support poorer members of society to get their foot on the property ladder. I tried to bring that legislation to Jersey only for one of the officers within one of the departments to bring my attention to the fact that we do not have that legislation in Jersey so therefore I could not request the change that was going forward. So I had to take a step back and ask the Council of Ministers and the relevant Ministers to look at the way in which they are going to conduct changes to the way that they do mortgage lending. Now, the department, as pointed out in my new proposition, they are already looking at how mortgage lending should be regulated within the Island so that is already being looked at. All I am really asking today is that, as part of that work, the Council of Ministers include the questions around whether people's rental history, their Parish rates payment history be taken into account when assessing a person's creditworthiness and will that give them the few extra points to demonstrate their history in order to perhaps qualify for the mortgage that they are looking for. Basically it comes from the thinking that poor people need credit in order to be able to do things; in order to advance themselves and the question is do we have systems that fairly look at that and establish that. That is what part (a) of my proposition is looking to do. Again, it is just seeking consultation at the time. It is not telling the Ministers that they have to do X, Y and Z but it is just to insert it into their consultation when looking at the establishment of the regulation going forward. It does not ask them whether that would be appropriate or not so they can always come back and say: "Yes, we have looked at it, unfortunately this is not the way in which we wish to proceed." That is fine but I think it just needs to be looked at, and I, as a lowly Back-Bencher Member do not have the resources to be able to do that so it just seems an opportune time to wrap up that piece of work on what the department is already doing. Part (b) of the proposition looks to establish the principle of, well, if we are going to look at rental payments for people when they are assessed for creditworthiness, do we do that when looking for other types of lending; so do we do that for maybe white goods, et cetera. At the moment that might be quite a complicated scheme. Again, what I am asking the department to do is to establish the principle and if, practically, down the line that cannot be done it becomes too complicated, perhaps too expensive for the people we are trying to help in the first place, then if the Minister can put forward a reasonable case about that, that is absolutely fine. But I think it is just looking at how we assist poorer members of society getting their foot on the housing ladder. Then of course, part (c) is to look at this within the lifetime of the Assembly, so hopefully something will be done before we have a new Assembly and perhaps we have a different membership. Again, it is about inserting bits into the consultation process but not binding the Minister's hands to anything in particular while making sure that things are properly considered, which is what I am asking for today. I look forward to Members questions. Thank you.

### **The Bailiff:**

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

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

I understand the philosophy behind the proposition but I just pick up one point with regard to the suggestion that Parish rate payments be taken into account and the financial and manpower implications indicating that this should be met within existing budgets. I do not believe the Parishes have had any consultation on this and I welcome the Deputy's proposals as to how this might take place and what the implications may be on the Parishes.

**10.1.2 The Connétable of St. Ouen:**

I welcome the Deputy's proposal. I would just like to make a few comments about it because obviously I have had many years' experience in the banking industry and perhaps I can shed a little bit of light on what he is trying to do. Firstly, I have just a few cautionary comments. One needs to be careful what one wishes for because banks, unfortunately, look at Jersey as a fairly small part of their market and if we are too prescriptive in what we suggest or insist they do, they will just simply turn round and say: "Jersey is too expensive a market; we do not make enough profit out of it so we are not going to lend." We have to be cautious and I very much welcome the Deputy's proposal to consult with the industry, and that was always my comment when I first saw this proposal. It is important to talk to the providers of finance in the industry so that they continue to provide the lines of credit that we need and, indeed, those at the bottom end of the scale desperately need to get their hands on. I am almost answering the Constable of St. Brelade's question. Because part of bank lending, in terms of payment of rental debts and also Parish rate debts, is normally assessed by reviewing the applicant's credit history and looking at any judgments that are obtained against them. That, as a bank, is the normal process of looking at these things. I am not entirely sure how making that less formal is going to help the bank's risk department because they are only really interested in people who really do default on their payments. They are not particularly interested in whether they have paid it and avoided court action. That is of less interest to their lending assessment. The principal criteria for lending is around affordability, so banks will simply look at the applicant's outgoings and see whether they are within their income means and whether they can afford the repayments and/or the interest payments before they make a decision on whether to lend. It certainly also would be helpful if the Deputy was able to widen his proposition a wee bit and maybe look at some sort of state mortgage scheme to help people at the bottom end of the ladder because one of the big problems that people face in this Island is the question of affordability. Banks use a criteria known as "loan to value" and also a multiple of salary will be used to determine that. Unfortunately those at the bottom end or the starting end of the bracket where they will find that is a problem; they cannot get up to the required criteria applied by the banks. Whereas a state-sponsored scheme is able to take a more lenient approach and perhaps spread the payments out in a way that banks cannot do. I would perhaps suggest to the Deputy that that ought to be on the table as well. Overall, I very much welcome his initiative. I was the Minister that was working on this particular proposal. We do not have any regulation in the Island for instalment credit and that was one of the things I identified when I came into office and we are currently working towards that. I hope that the Deputy will join me in working on that and we will get the benefit of his ideas as well. Thank you.

**10.1.3 Deputy H.C. Raymond of Trinity:**

Can I just follow on from you because, as you know, we set up a lot of the first lending schemes in the U.K.?

[16:30]

The Building Society Act was changed in 1983 to allow people to come in at the bottom end. I was senior manager of the Cheltenham and Gloucester at the time and we had branches all across the U.K. But one of the questions that I am putting to you is: are you suggesting, which is following on from you, Sir, that we, as Jersey States, start to lend money? Because the one thing you have to fundamentally accept is that the lending policies of the lenders are down to them. We cannot dictate to the lenders what they will lend on and that is why it is essential, as the Constable said, that we speak to the lending authorities. If we are going to set up a scheme, dare I say it, when we were around it was 100 per cent mortgages where 10 per cent was given and everything else to allow them to do it. But the interesting thing, which is one of the fundamental things, the Building Society Act changed in 1983/85 and they started checking on whether they paid the rent, whether they paid their taxes and everything was on. The other thing was, as you know, we looked at the county court debts or anything like that. There is a fundamental expertise in this room with Deputy Ash as well that have lent a lot of money across the board and across the U.K. but there are restrictions in how you deal with it. I would be more than happy, especially with the experience gained by a lot of people that are in this room. Thank you.

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

I have not had any banking experience but I did spend some time working with a debt collection company and obviously with credit there are a number of issues there that this proposition potentially touches on. I can see the purpose of this because, as I understand it, for example, Jersey people who want to borrow money in the mainland of loans on properties elsewhere and so on, I have come across the situation where people do not have an established credit record because those banking systems do not routinely access, or do not have in place the arrangements to access locally the kind of detailed information at kind of a lower level. What they would access, as has been said already by people with more knowledge than I, is the national databases that exist on debts, such as run by the Registry Trust and so on, which is pretty well a national body whereby anybody - everybody, in fact - having a judgment against them in Jersey for debt, that is recorded within that database. At the moment I think the national databases record the negative problems about people and I do not think they routinely access positive things. Where this takes me, and I think what probably underlines this, is that we will need to, as a Government, start to look to introduce some kind of home loan systems for affordable homes for ourselves. This will take us into working with banks and others, about working out the sort of criteria on the lending and so on which will, I think, lead towards work in this area of where people's records in, what you might call domestic affairs, in rental, income tax and so on, can be taken into consideration. Because obviously nobody is going to lend money to unknown credit risks so I think the intention behind this proposition is good. I do not underestimate the challenges that will be required to take it forward.

#### **10.1.5 Senator I.J. Gorst:**

I just want to thank the proposer for his very constructive engagement with officials in the Financial Services Unit and the work that the Assistant Minister is doing around consumer lending. I think the proposal from the Deputy fits in very nicely with the work of consumer lending and we have just heard of the Assistant Minister's vast experience in that particular area and some of the traps which need to be avoided as we do that work and as we think about the ability of lending criteria to help get people on to the home owner ladder. Also, of course, it fits in with the work that the Minister for Housing is going to be doing with his Housing Policy Development Board. There is not going to be one single measure that will make homes more affordable and help young families on to that housing ladder, it is going to be a range of measures. One of those measures is about access to credit but of course we, in this place, must also be mindful that there are restrictions on access to credit for very good reasons. We do not want to solve one problem and create another. The Deputy is absolutely



mindful of this and that is why I thank him for his constructive engagement. We, in the department, support his proposals and we will incorporate it into those consultations and those pieces of important work. Thank you.

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

This is an important proposition which really and ultimately is about regulating lending into the future. Deputy Maçon did ask, in relation to the C.O.M.'s (Council of Ministers) position, and as the Chief Minister is busy working on hospital notes, as I am looking over my shoulder for the next debate, I wondered if I might just comment on that briefly. C.O.M. did discuss this and generally welcomed the constructive contribution which should be seen in the context of the States strategy for improving home affordability and access to credit. Yes, C.O.M. was generally supportive of part (a) of the proposition, agreeing to consult over how rental and Parish rate payment history are considered in mortgage creditworthiness assessments as part of introducing at a later date consumer lending regulation. Also, C.O.M. were keen to keep open the prospect of supporting part (b) of the proposition which considers if rental and Parish rate payments history are factored-in to creditworthiness assessments for non-mortgage related lending. But that is something that we could do after learning from the U.K. experience. I just wanted to say that and thank the Deputy for his proposition. I think we all agree that we need, in a modern world, to look towards regulating for the lending industry which is very important to us. Thank you very much.

#### **The Bailiff:**

Does any other Member wish to speak? I call on Deputy Maçon to reply.

#### **10.1.7 Deputy J.M. Maçon:**

Can I begin by thanking Members for their contribution, particularly Senator Farnham, Senator Gorst and the Constable of St. Ouen? I absolutely accept the caveats that the Constable of St. Ouen outlined in that there is more work to be done in this area. I am not looking to bind the department heads in any particular way except in saying that this should be looked into. I am grateful to say that is something which they accept and whether that should be widened out to incorporate other schemes, again, that is within the Minister's hands and of course I am happy to support that. The Constable of St. Brelade asked me what is the cost going to be to the Parishes. I cannot say that at the moment because all I am asking for is that, with industry, the department asks how it could be done. Now, it can come back saying it would be too complicated therefore we could not do it and therefore there would be no impact on the Parishes. Fine, but again, I am sure the Parishes, if there was a way in which they could support people for their creditworthiness checks that would help them get a mortgage, that might be something that they would be willing to support by showing data in some way. Again, what I am asking for is those questions to be asked. Okay, there might be a bit of consultation costs between the Parishes but I think the Constables would probably be keen to support that in some way. Again, that is for the Financial Services Department to work through. I thank the Deputy of Trinity for his question, whether I was looking to lend money States-wise. It is not what my proposition is asking for at this stage. Whatever is developed by the Ministers we will see in future but that is not what I am asking for. I absolutely thank the Deputy for his contribution because he revealed quite a lot of experience and knowledge in this particular area, which I think Members will find particularly useful, and I am thankful to him for contributing in that way. Deputy Young talked about the bigger systemic issues about how credit is assessed. Again, going back to what the Constable of St. Ouen said about how we interact with the U.K. system, the reason why I brought my proposition is this is being discussed in the U.K. at the moment and it is about whether we can change with them almost at the same time so there is that parity in the systems, or whether we do the typical Jersey thing and wait for 20 years and then do it. Again, I think if we just keep it open and ask those

questions; maybe the groundwork cannot be done within the lifetime of this Assembly but, again, if that is being looked into, and you might say maybe not in the lifetime of this Assembly, but because it is on stream, in 5 years' time it is something we can then plug into. I am happy with that but I think it is about asking the questions about rental payments when assessing creditworthiness as part of the wider consultation that the department is doing. That is what I am looking to do. What that comes out with, of course, will be subject to consultation with the industry. I thank, again, Senator Farnham for his comments and finally, if I have not confused anyone, I would like to ask for the appel. Thank you.

**The Bailiff:**

Deputy, before we do that, can I just ask you to focus on paragraph (c) and it may well be that I must register apologies for the second time in the day. Paragraph (a) is a request to any Minister seeking to introduce consumer-lending related legislation to undertake to consult; so that is straightforward. Paragraph (b) is to say what that consultation should include. Then paragraph (c) requests the relevant Minister, whoever it may be, to bring forward the necessary legislative changes and I am not clear what the necessary legislative changes are when (a) and (b) have dealt with just a request that they consult. The reason I ask the question is that it is not right for the Assembly to adopt a request for Ministers to bring forward legislative changes if nobody knows what those are. If you have a clear answer to that, that is excellent. If you do not, then may I suggest that you take paragraphs (a) and (b) together and paragraph (c) we might take afterwards.

**Deputy J.M. Maçon:**

I can do even better I will withdraw paragraph (c).

**The Bailiff:**

I think that is better still. Very good. You have asked for the appel. I invite Members to return to their seats. The vote is on paragraphs (a) and (b) of P.3 of the proposition brought by Deputy Maçon in relation to Credit-related checks, and I ask the Greffier to open the voting.

<b>POUR: 45</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of St. John		
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 J.H. Young (B)				
Deputy L.B. 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 J.M. Maçon:**

May I thank Members for their support.

**The Bailiff:**

We now come to Draft --

**Deputy R. Labey:**

Sir, I wonder if I might address you on a procedural issue before we move on to the next proposition. Given the time, we know that we are going to sit tomorrow, and testing the mood of the Assembly, to make the decision to start the hospital debate fresh tomorrow morning and to adjourn this sitting after the debate on the Chairmen's Committee proposition has concluded. That way people will not feel they need to rush that one at all because it seems ridiculous. We will probably only get my speech in and then we adjourn. I do not think that is a sensible way to progress a debate. I know it is a little bit radical and it is unusual, we might be adjourning 25 minutes or half an hour earlier than we might ordinarily do. But I think there is a special circumstance with a big important debate, that we should take fresh in the morning and it will help the debate. Could I make that proposition **[Approbation]** if it is allowed?

**The Bailiff:**

You are very confident we will finish P.4 tonight. **[Laughter]**

[16:45]

Members seem to at least be in favour of taking P.4 and then adjourning at that stage?

**Senator K.L. Moore:**

I feel quite differently about it and I do hope that P.4 will take us a matter of 5 minutes max and it would be good, especially considering I am sure the lovely ladies and gentlemen in the gallery are not here to listen to a debate on P.4 or any of the prior debates this afternoon. It would be nice to get started and I am sure we all have the matters at hand at the forefront of our minds anyway so we shall not forget the words of Deputy Labey overnight.

**The Bailiff:**

There is a proposition from Deputy Labey that we deal with P.4 and then the States adjourn until tomorrow morning. Let us not have a debate about it.

**Deputy J.H. Young:**

I was going to ask that before you put it to us, I do think Members, if we start tomorrow morning, that raises a question whether we may have to stay late tomorrow night in order to finish it.

**The Bailiff:**

Was is it seconded? **[Seconded]** The proposal is that we take P.4, the Amendment (No. 39) of the Standing Orders and then adjourn after that so that we start afresh with the future hospital debate tomorrow. Those Members in favour of adopting that proposition, kindly show. Those against? The proposition is adopted.

**Deputy R. Labey:**

May I just apologise to Members of the public in the gallery but it is for the common good and I hope they will understand.

**11. Draft Amendment (No. 39) of the Standing Orders of the States of Jersey (P.4/2019)**

**The Bailiff:**

For those in the gallery who have not quite followed it, we are not going to talk about the hospital tonight. We come to P.4 the Draft Amendment (No. 39) of the Standing Orders of the States of Jersey. I will ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

Draft Amendment (No. 39) of the Standing Orders of the States of Jersey. The States, under Article 48 of the States of Jersey Law 2005, make the following amendment to the Standing Orders of the States of Jersey.

**11.1 Senator K.L. Moore:**

I really do hope that Members will consider this a very minor tidying-up exercise. It simply relates to 2 Scrutiny Panels and the shifting of those panels to reflect the changes in the current Government. Firstly, to reflect the Minister for Housing, which is now the Minister for Children and Housing, and also to move the focus of the Corporate Services Scrutiny Panel, which was on international finance

and financial services, from that panel to Economic Affairs. If Members think for one moment that I was trying to reduce the workload I have myself moved on to Economic Affairs as well. Also, the final part of this just makes a change to the rules of which a Minister can and cannot nominate a particular person for the role of a Scrutiny Panel chairman. I do hope that Members will understand and support this proposition.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? All those in favour ...

**Deputy R. Labey:**

Sorry, Sir, I was going to speak on this proposition.

**The Bailiff:**

You have got to be quick, Deputy. You have up to three-quarters of an hour. **[Laughter]**

**11.1.1 Deputy R. Labey:**

I just need to get something off my chest with the Assembly with this, and that is the proposition, which is my fault; I brought it and the Assembly backed me, to have Ministers not vote for their opposing, as it were, chairmen of Scrutiny Panels. I have had a bit of a Damascene conversion on this for this reason: it just felt a bit daft, during the course of the last elections, for Ministers and Scrutiny Chairs. I am uneasy about disenfranchising any Member of the Assembly, effectively taking their vote away on something. I am uneasy about that. It is very rarely done, is it not, if ever and I might seek the advice of my Privileges and Procedures Committee and in due course bring a proposition to take that out and return to the other system. I cannot really see that Ministers would really vote for the person they thought was most inept to be the Scrutiny chair opposing them. So in my youth and ignorance I brought that proposition to the House and I just wanted to say that I am not sure. I would be interested to hear what any other Member says about this. If Members feel it is working, if it is worthwhile or whether we should scrap it and not disenfranchise any Member from voting on these important questions.

**11.1.2 Deputy M. Tadier:**

The chairman has given an invite. Could you just clarify that it is in order to be talking on the issue which the chairman has solicited answers because I am quite happy to but I am not sure whether it speaks to the proposition that is being put forward by the Scrutiny chairman, chairperson or chair. She is lovely whatever you call her. **[Laughter]** Take that with a pinch of irony. I would like to comment on what Deputy Labey just said because I think you either do it one way or the other; you do it properly or you ...

**The Bailiff:**

I think that you are right. You asked me to give you a ruling on this because there is no amendment proposed to Standing Order 126A, which is the one that deals with voting. Therefore, the chairman of the Privileges and Procedures has spoken very eloquently of the subject. It is probably an invitation that ought not, theoretically, be taken up unless Members stamp their feet now, in which case let us have a debate about it. All right, good, you should not take up the chairman's invitation.

**Deputy M. Tadier:**

I will just conclude then. I am quite happy to come and talk to the chairman privately and he should extend an invitation to Members; I think there is a wider piece of work on this. This is just a consequential amendment that has been put forward that the chairman has to follow so I am sympathetic.

**11.1.3 Senator S.C. Ferguson:**

I am sure that Deputy Labey did not mean to perhaps mislead the House, or the Assembly - sorry, Sir - but in fact he kept talking about the Minister and the opposing chairman of the Scrutiny Panel. We are not an opposition, we are critical friends, and you can be jolly awkward as a critical friend, but it is not quite the sort of stand up in your face opposition. Just a slight correction for Deputy Tadier: “chairman” is a generic title and there is nothing wrong with it so can we just stick to the proper title. Thank you.

**The Bailiff:**

Does any other Member wish to speak? Very well, then I call on Senator Moore to reply.

**11.1.4 Senator K.L. Moore:**

I thank those Members for their helpful interventions and in response to Deputy Russell Labey, perhaps all I need to say is that we are dealing with the Standing Orders that we currently have, therefore, I hope that he will be kind enough to accept Standing Orders and perhaps it can be a matter for P.P.C. if he has chosen to change his mind. I, for one, think that it was a sensible vote at the time; I believe I voted with it then. I think he had good support from the Assembly at the time and so I would propose, kindly, that he sticks to other work programmes that he has because perhaps his time might be better used. But that is just a simple piece of advice from the chairman, if I may. **[Laughter]** So, I will not stall any longer and I hope that Members will support this proposition.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on Draft Amendment (No. 39) of the Standing Orders of the States. I will ask the Greffier to open the voting.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
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)				

**The Bailiff:**

I can announce that the amendment has been adopted: 44 votes in favour, no votes against. That is without the chairman being a piece of furniture. **[Laughter]** Well, the States now will stand adjourned until 9.30 tomorrow.

**ADJOURNMENT**

[16:54]