

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 21st MAY 2019

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of 2 members of the Legal Aid Guidelines Advisory Committee

The Deputy Bailiff:

We come on to appointment of committees and panels. The matter before us is the appointment of 2 members to the Legal Aid Guidelines Advisory Committee. I understand that the Chief Minister has given notice of intention to nominate the 2 elected members to appointment to that committee.

2.1 Senator J.A.N. Le Fondré:

Just by way to remind Members; the Assembly adopted the Draft Access to Justice Law on 1st May. Just in talking, can I raise the default on Senator Ferguson as well?

The Deputy Bailiff:

Yes, the default is raised on Senator Ferguson.

Senator J.A.N. Le Fondré:

As I explained in writing to Members, a couple of weeks ago, Article 6(3)(h) provides the Assembly can nominate 2 Members of the Assembly to sit as members of the Legal Aid Guidelines Advisory Committee. We need to be very clear that the legislation is awaiting Royal Assent and registration is, therefore, not yet in force. Equally, it is clear that it is in the interests of everyone to get the work started as soon as possible, at the earliest possible stage. The proposal is that the Guidelines Committee will work in shadow form and if that does happen it is important the Assembly is represented at an early stage, which is why I am asking the Assembly to make nominations to the committee at this sitting. Having sought various expressions of interest, I am pleased to nominate Deputy Maçon and Deputy Morel to be the Assembly's representatives on the committee. Obviously, there may be other nominations from the floor.

The Deputy Bailiff:

Are those nominations seconded? [**Seconded**] Are there any other nominations?

2.2 Senator S.W. Pallett:

I would like to nominate Deputy Tadier. He has a longstanding interest in this particular area. I am sure his experience would add very much to the working party. I am happy to nominate Deputy Tadier.

The Deputy Bailiff:

Is that nomination seconded? [**Seconded**] Are there any other nominations? As there have been more than 2 nominations, under the normal process we use for committees of this nature, we will proceed to a secret ballot. The Usher will distribute ballot papers and Members should write clearly

on their ballot papers the names of the 2 individuals that they wish to appoint. You may write up to 2 names, but obviously no more than 2 names. If everyone now has received a ballot paper, could you write one or 2 names on it, up to 2 names? The candidates are Deputy Maçon, Deputy Morel and Deputy Tadier. If everyone has had the opportunity of filling out their ballot papers, I ask the Greffier and the Usher to collect the ballot papers.

Connétable J.E. Le Maistre of Grouville:

While the Ushers are collecting those ballot papers, I have just read an email from the Constable of St. Brelade. He is at the C.P.A. (Commonwealth Parliamentary Association) conference in Guernsey. I think he is marked *en défaut*. Could I ask that he be excused?

The Deputy Bailiff:

If we can deal with that just in a moment. Has everybody has had the opportunity of registering their ballots by placing them in the ballot box? In which case, I will ask the Greffier and the Attorney General to retire and count the ballots. I am sorry, Connétable, you were saying.

The Connétable of Grouville:

Yes, the Constable of St. Brelade is at the C.P.A. conference in Guernsey, so he is on States business, and I ask that he be excused.

The Deputy Bailiff:

Very well, States business.

[9:45]

QUESTIONS

3. Written Questions

3.1. Deputy J.H. Perchard of St. Saviour of the Chief Minister regarding the diversity of States boards: (WQ.162/2019)

Question

Further to the response to Written Question 231/2018, will the Chief Minister –

- (a) provide a list all States boards (including arms-length bodies such as school boards, States-owned entities and majority-owned entities);
- (b) show for all such boards where the information is collected on the percentage of male, female and other board members and, for those boards where such information is not collected, provide an indication to that effect;

and if the information cannot be provided in time for the meeting on 26th March 2019, will the Chief Minister undertake to publish this information by the beginning of May 2019?

Answer

In response to the written question, the Chief Minister instructed that the information requested be compiled as soon as possible, expecting this to be the beginning of May given the volume of information. The response is as follows:

- (a) States groups or boards with managerial, supervisory, investigatory, or advisory responsibilities can be found in Part C of the Constitution of the States of Jersey (<https://bit.ly/2YZPywk>) and Appendix A of the Jersey Appointments Commission Guidelines for the recruitment of Senior States Employees, appointees and members of independent bodies (<https://bit.ly/2uUiRSS>). A list of school boards is as follows:

- Grainville school
- Hautlieu school
- Haute Vallee school
- Highlands College
- Jersey College for Girls
- Le Rocquier school
- Les Quennevais school
- Victoria College

Appointments to these groups may be made by the States Assembly through proposition, Ministers by ministerial decision, recruitment to the civil service, or through other appointment processes, such as election to a Board of Governors or external recruitment to arms' length organisations or States owned entities.

(b) Information on the percentage of male and female members is presented below. This information is derived from a listing of group membership. It is not self-reported, and therefore the information does not take into account members with a non-binary gender identity, or other than as interpreted from the listing. It should also be noted that:

- There are instances where an individual is a member of more than one group so the grand total is not necessarily reflective of the total male/female split of appointments
- Membership of many groups is by virtue of the Board constitution and which individual occupies a particular position or post, e.g. Ministers, Attorney General, Medical Officer of Health, etc.

Some school Boards of Governors have staff and students representation.

Group or Board	Total members	Male members	Female members	Percentage Male	Percentage Female
Andium Homes	8	5	3	63%	38%
Assemblée Parlementaire de la Francophonie Jersey Branch	7	7	0	100%	0%
Association of Jersey Charities	5	2	3	40%	60%
Bailiff's Consultative Panel	9	4	5	44%	56%
Best Start Partnership (formerly Early Years and Childhood Partnership)	19	4	15	21%	79%
Board of Governors - Grainville	13	8	5	62%	38%
Board of Governors - Haute Vallee	13	9	4	69%	31%
Board of Governors - Hautlieu	9	2	7	22%	78%
Board of Governors - Highlands College	17	10	7	59%	41%
Board of Governors - Jersey College for Girls	11	5	6	45%	55%
Board of Governors - Le Rocquier	11	3	8	27%	73%
Board of Governors - Les Quennevais	8	5	3	63%	38%
Board of Governors - Victoria College	14	9	5	64%	36%
British-Irish Parliamentary Assembly	2	2	0	100%	0%
Charities Commission	1	1	0	100%	0%
Charity Tribunal	6	3	3	50%	50%
Citizens Advice Bureau	10	4	6	40%	60%
Commissioners of Appeal for Taxes Office	9	8	1	89%	11%
Commissioner for Standards	1	1	0	100%	0%
Commonwealth Parliamentary Association (Jersey Branch) Executive Committee	10	4	6	40%	60%
Comptroller and Auditor General	1		1	0%	100%
Comptroller and Auditor General Board of Governance	3	2	1	67%	33%
Control of Public Entertainment Panel	1		1	0%	100%
Data Protection Authority	5	3	2	60%	40%
Digital Jersey	5	3	2	60%	40%
Emergencies Council	6	5	1	83%	17%
Financial Services Ombudsman	4	3	1	75%	25%

Group or Board	Total members	Male members	Female members	Percentage Male	Percentage Female
Fiscal Policy Panel	3	2	1	67%	33%
Greville Bathe Fund – Trustees	4	2	2	50%	50%
Health and Safety Appeal Tribunal	2	2	0	100%	0%
Income Support Medical Appeal Tribunal	12	9	3	75%	25%
Information Commission	2	2	0	100%	0%
Jersey Advisory and Conciliation Service	7	1	6	14%	86%
Jersey Appointments Commission	6	2	4	33%	67%
Jersey Arts Centre Association	7	3	4	43%	57%
Jersey Arts Trust (ArtHouse Jersey)	8	5	3	63%	38%
Jersey Bank Depositors Compensation Board	5	3	2	60%	40%
Jersey Business Ltd	5	3	2	60%	40%
Jersey Care Commission	5	1	4	20%	80%
Jersey Child Care Trust	11	3	8	27%	73%
Jersey Community Relations Trust	7	4	3	57%	43%
Jersey Competition Regulatory Authority	5	3	2	60%	40%
Jersey Consumer Council	10	6	4	60%	40%
Jersey Council for Safety and Health at Work	5	5	0	100%	0%
Jersey Dental Scheme Board of Management	1		1	0%	100%
Jersey Electricity	9	8	1	89%	11%
Jersey Employment and Discrimination Tribunal	27	10	17	37%	63%
Jersey Employment Trust	6	4	2	67%	33%
Jersey Finance Ltd	8	5	3	63%	38%
Jersey Financial Services Commission	9	7	2	78%	22%
Jersey Gambling Commission	4	3	1	75%	25%
Jersey Heritage Trust	9	7	2	78%	22%
Jersey Law Commission	6	4	2	67%	33%
Jersey Opera House	4	3	1	75%	25%

Group or Board	Total members	Male members	Female members	Percentage Male	Percentage Female
Jersey Overseas Aid Commission Board	6	3	3	50%	50%
Jersey Police Authority	3	3	0	100%	0%
Jersey Police Complaints Authority	8	5	3	63%	38%
Jersey Post	8	7	1	88%	13%
Jersey Sport	7	5	2	71%	29%
Jersey Telecom	7	6	1	86%	14%
Jersey Water	9	6	3	67%	33%
Law Revision Board	5	4	1	80%	20%
Law Society of Jersey: Disciplinary Panel	6	3	3	50%	50%
Pharmaceutical Benefit Advisory Committee	15	8	7	53%	47%
Ports of Jersey Limited – Board of Directors	8	7	1	88%	13%
Public Employees Contributory Retirement Scheme – Committee of Management	13	12	1	92%	8%
Public Lotteries Board	7	4	3	57%	43%
Rate Appeal Board	6	5	1	83%	17%
Records Advisory Panel	5	2	3	40%	60%
Referendum Commission	5	3	2	60%	40%
Regeneration Steering Group	5	4	1	80%	20%
Social Security Appeal Tribunal	9	7	2	78%	22%
Social Security Medical Appeal Tribunal	7	6	1	86%	14%
Social Security Tribunal	11	9	2	82%	18%
States Members' Remuneration Review Body	5	3	2	60%	40%
States of Jersey Complaints Panel	12	10	2	83%	17%
States of Jersey Development Company Limited	7	5	2	71%	29%
Statistics User Group	10	7	3	70%	30%
Visit Jersey Ltd	8	5	3	63%	38%
Westaway Donations Council	5	2	3	40%	60%
Grand Total	592	360	232	61%	39%

3.2 Deputy K.F. Morel of St. Lawrence of the Minister for Children and Housing regarding the appointment of Altair as consultants to the Housing Policy Development Board: (WQ.206/2019)

Question

Will the Minister provide –

- (a) the date of the meeting of the Housing Policy Development Board at which it was decided to appoint Altair as consultants to the Board;
- (b) the cost of the Altair contract;
- (c) the details of the work Altair has been contractually asked to undertake; and
- (d) whether or not a tender process was used to select Altair and, if a tender process was used, the number of companies that bid for the work and the opening and closing dates of the tender process?

Answer

The Chief Minister established the Housing Policy Development Board by [Ministerial Decision on 19 March 2019](#). This included a requirement to use an external housing specialist.

The work of the housing specialist is set out in the Ministerial Decision from the Chief Minister as follows:

- *manage the work and activities of the Board*
- *undertake research (primary and secondary; identification and liaison with expert witnesses*
- *scope policy, delivery and financing recommendations*
- *prepare final reports*

The first meeting of the Housing Policy Development Board was held on 9 April 2019. The minutes from the Board meeting have been published on gov.je. The minutes from the meeting note:

It was noted that the board hoped to be able to engage an independent housing adviser to produce a report on issues in Jersey's housing market and the long-term measures required to deliver a sustainable housing market.

Following the first meeting of the board, funding for the external housing specialist was confirmed as part of a larger sum (£122,780) approved by the Minister for Treasury and Resources, which is recorded in a [Ministerial Decision \(18 April\)](#).

The contract with Altair in respect of support for the Housing Policy Development Board was agreed in the sum of £97,850 and was approved by a senior officer under Financial Directions and did not require a tender process.

The balance of the sum released by the Minister for Treasury and Resources relates to a separate contract to undertake additional detailed research in respect of key worker accommodation provision. This contract will also be undertaken by Altair, continuing the successful work completed at the end of 2018, which has already supported the provision of key worker accommodation.

3.3. Deputy K.F. Morel of St. Lawrence of the Minister for Economic Development, Tourism, Sport and Culture regarding the appointment of Metro-Dynamics Limited as consultants to the Government: (WQ.207/2019)

Question

With regard to the appointment of Metro-Dynamics Limited as consultants to the Government in its work on improving productivity, will the Minister state –

- (a) the financial cost of the contract to the Government;
- (b) the length of the contract; and
- (c) whether a tender process was held to select the best-value provider and, if so, where the tender was advertised and the number of companies that tendered for the contract?

Answer

- a) The total cost of the contract is £64,333.58 which includes contracted fees of £62,550 and expenses of £1,783.58.
- b) The contract commenced on the 23rd August 2018 and was for a period to the 31st December 2018.
- c) An exemption from the tender process was obtained in accordance with Financial Directions.

3.4 Deputy R.J. Ward of St. Helier of the Chairman of the States Employment Board regarding job losses within the public sector: (WQ.2018/2019)

Question

Given the ongoing process of public sector reform and the target of £30 million of savings, will the Chairman state how many posts it is proposed will be lost in the public sector by the end of 2021 and provide a breakdown by sector within the public service to show the number of proposed job losses in each sector?

Answer

At this stage there is not a specific FTE reduction target nor will FTE reduction be the only outcome of the efficiency programmes that are being developed to achieve the proposed savings target. The savings will be derived from the:

- Departmental restructurings (TOMs) which are underway.
- Development of more shared services in various clusters of activity
- Service redesigns as we join up departmental service lines and focus on the outcomes the citizen needs from their public service.

Budgets will be reset to crystallise the savings made both in 2019 and over the duration of the next Government Plan.

All proposals, including those that may have an FTE impact, will require appropriate Director General and Ministerial approval.

3.5 Deputy R.J. Ward of St. Helier of the Chief Minister regarding the implementation of ‘Justice and Home Affairs: cessation of restructure’ (P.24/2019): (WQ.209/2019)

Question

What actions, if any, have been taken to inform and instruct Directors General to ensure the implementation of the proposition ‘Justice and Home Affairs: cessation of restructure’ (P.24/2019), as amended, in particular part (e) of the proposition?

Answer

In line with the undertaking provided in response the proposition ‘Justice and Home Affairs: cessation of restructure’ (P.24/2019), a new policy has been published by the Greffe.

his new policy (attached) has been circulated to Director Generals, and senior supporting staff, and raised at relevant management team meetings, with an instruction to follow the policy as part of any restructuring process, including:

- ensuring that relevant legislation is identified of part of any restructuring proposals, and
- that following any required approvals by the States Employment Board and the relevant Minister, that any legislative changes required as part of a restructuring should be presented to the Assembly for consideration and approval *prior* to the relevant elements of the reorganisation governed by that legislation being implemented.

The Council of Ministers, States Employment Board, and One Government Political Oversight Group have also been provided with the policy, helping to promote compliance.

Policy relating to necessary legislative change as part of departmental restructuring

Public services operate within the legislative framework decided by the Assembly. This is an essential feature of our democratic system of government. Ministers and other public servants are required to uphold the law at all times.

Accordingly, and to make matters clearer following the adoption of P.24/2019, “Justice and Home Affairs: Cessation of Restructure”, as lodged by the Deputy of St. John, the Chief Minister has approved this short policy with reference to the restructuring of public services.

1. Any necessary changes in legislation required as part of restructuring a government department should be presented to the Assembly for consideration and approval, *prior* to the relevant elements of the restructuring governed by that legislation being implemented.
2. Proposals for departmental restructuring should identify any relevant legislation that may need to change.
3. Any required approvals need to be secured with reference to the States Employment Board, Council of Ministers and/or relevant Ministers, together with consultation with staff and other stakeholders where appropriate as part of a considered change process.
4. Drafting instructions for any necessary legislative changes will be considered by the relevant Minister and recorded by means of a Ministerial Decision in the usual manner, and the legislation lodged with the Assembly once drafted.
5. This policy does not prevent elements of a restructure that are not governed by statute from proceeding, if they are able to proceed separately from those elements that do require legislative change while remaining in accordance with that legislation.

The relevant Director General is responsible for supporting Ministers in adhering to this policy, and the Council of Ministers, or any political oversight board so tasked, shall monitor its compliance.

3.6 Deputy R.J. Ward of St. Helier of the Minister for the Environment regarding the monitoring of air pollution levels: (WQ.210/2019)

Question

What live monitoring of air pollution levels, if any, is currently being undertaken in and around St Helier; and what live monitoring of air pollution levels, if any, is being undertaken around schools across the Island?

Answer

Air quality monitoring takes place at a number of sites across the island. Around St Helier air quality diffusion tubes are deployed at the following locations:

- **NO_x (Oxides of Nitrogen) Monitoring:**

Le Bas Centre, St Saviours Hill, Union Street, Central Market, Weighbridge, Liberation Station, Broad Street, The Parade, Rouge Bouillon School, Gloucester Street (Hospital), Kensington Place (Hospital), and Esplanade.

- **VOC (Volatile Organic Compounds) Monitoring:**

Le Bas Centre and the Central Market

Real time monitoring is undertaken at two sites in St Helier. The sites are The Central Market and Howard Davis Park. These monitoring results are published on the Government of Jersey website.

From time to time other real time monitoring is required of developers to demonstrate best practice with respect to the control of dust from demolition and building activities. These tend to be in St Helier. This monitoring is carried out at the developer's expense and is available to Environmental Health as part of their regulatory function.

In relation to schools, air quality diffusion tubes (NO_x) are positioned near Rouge Bouillon School and St Saviours School. There is no real time monitoring currently undertaken near schools.

Schools Air Quality Education package

Officers from the Government of Jersey Environmental Health and eco active teams are working on an educational package for schools. This is being piloted now and will allow those schools which choose to take part to monitor air quality around their school, to better understand air quality, pollution issues, and to take part in a citizen science project. The proposed launch date of this initiative is 20th June, to coincide with the Clean Air Day.

The Journey to school.

Plans are in hand to monitor the air quality experienced by children on their journeys to school using specialist lightweight monitors. It is proposed to join the school walking bus (supervised walk to school). This too will provide useful air quality data and will include monitoring for NO_x and particulates.

Development

Environmental Health are working on the expansion of real time monitoring. A memorandum of understanding has been signed by Environmental Health, Digital Jersey and AirSensa to investigate the collection of real-time air quality and environmental data using approximately 200 sensors across the entire island. The aim is to generate air quality data needed to enable individuals, industry and government to make informed choices.

3.7 Deputy R.J. Ward of St. Helier of the Chairman of the States Employment Board regarding the application of pay protection in respect of the new Target Operating Model: (WQ.211/2019)

Question

How many civil service employees is it envisaged will be on pay protection following any regrading arising from implementation of the new Target Operating Models; and what is this figure as a percentage of the total workforce?

Answer

It is not possible, at this stage, to provide any definitive data in response to this question. Directorates are actively working through their restructures as a result of the Target Operating Model (TOM) and when the process is complete, this information will be provided.

3.8 Deputy J.H. Perchard of St. Saviour of the Minister for Education regarding the average earnings of teachers: (WQ.212/2019)

Question

In relation to the average earnings of teachers, will the Minister state –

- (a) the mean average earnings of teachers who are currently in training (i.e. those on the Jersey Graduate Teacher Training Programme or with Newly Qualified Teacher status);
- (b) how many teachers, if any, are currently in such training but are not paid;
- (c) the mean average earnings of teachers who do not receive any additional pay for taking on extra roles of responsibility;
- (d) the mean average salary of headteachers;
- (e) the mean average salary of senior leadership teams within schools; and
- (f) the median and modal average salaries of all teachers (including those who are unpaid)?

Answer

- a) The mean average earnings of teachers who are currently in training – so includes anyone classed as NQT or who is on the Graduate Teacher Training Programme is £30,853.

If we were to only include those working as a teacher, not in unpaid training or in a supply teacher role, the average salary of the NQT group would be £35,927.

- b) There are 5 teachers who are in training but are not paid – these 5 are included in the figure above.
- c) The Average earnings of a teacher, excluding any additional pay for extra responsibilities is £49,371. This is taken from the April 2019 Headcount report and only includes teachers at State Schools, it does not include private schools, highlands lecturers or supply teachers.

Currently only 41% of teachers receive no supplementary allowances, the average salary inclusive of these supplements is £53,671.

- d) The mean average salary of the Heads in state funded Primary, Secondary and Fee Paying schools is £84,671. This is taken from the April 2019 Headcount report.

- e) We have assumed in our workings that those on a schools senior leadership team are the Head, Deputy and any teachers within the school receiving a supplementary allowance 6 or 5.

The mean average salary of this group is £71,088.

If Heads were excluded from the calculation the mean average salary is £67,375.

- f) The Median and mode average salaries of all teachers (including those unpaid) but excluding Heads and Deputies are both the same at £53,078 which is the equivalent of those on an MPSU5 or grade TCH1 15

3.9 Deputy G.P. Southern of St. Helier of the Chairman of the States Employment Board regarding the ongoing dispute over teachers' pay and conditions: (WQ.213/2019)

Question

Will the Chairman update members on what progress, if any, there has been in resolving the ongoing dispute over teachers' pay and conditions; and if no agreement has been reached, what further initiatives, if any, does the Chairman propose to take?

Answer

Aspects of the 18/19 pay review remain at a very delicate stage and, in a public environment there are constraints in what can be said about our negotiating strategy in order to avoid potential prejudice to these talks. The employer has always sought to ensure confidentiality and not conduct negotiations in public.

The Employer has settled with Nurses, Manual workers, Police, Head Teachers and other groups who are related to those pay and conditions.

The Fire Service have rejected the pay offer and binding arbitration will take place under their No impairment of service agreement with the employer. Prison Officer`s discussions still continue.

Discussions continue with the Civil Service unions, who remain working to rule whilst in dispute with the employer.

The current three-year pay offer for teachers is worth 8.6% in consolidated (pensionable) pay rises, plus 2.1% in one-off cash payments. In 2020, the offer is worth RPI plus 1.3% (with RPI currently expected to be 3.1%).

This means that 80.3% of teachers will earn more than £50,000 and 38.3% will earn more than £60,000 after the implementation of the offer. In addition, 59% of teachers earn at least one supplementary allowance worth between £2686 and £16,116.

Negotiators representing SEB have actively continued to meet with both the NEU, and NASUWT to find a solution to the dispute. Last week, three full days of meetings took place and further meetings will take place this week.

Some progress is being made and it is to be hoped that unions will recognise that and withdraw their industrial action whilst discussions continue.

Such an approach will be to the benefit of all concerned, teachers, children, parents and the island as a whole.

Facts about teachers' pay rises

How much will teachers earn in 2020?

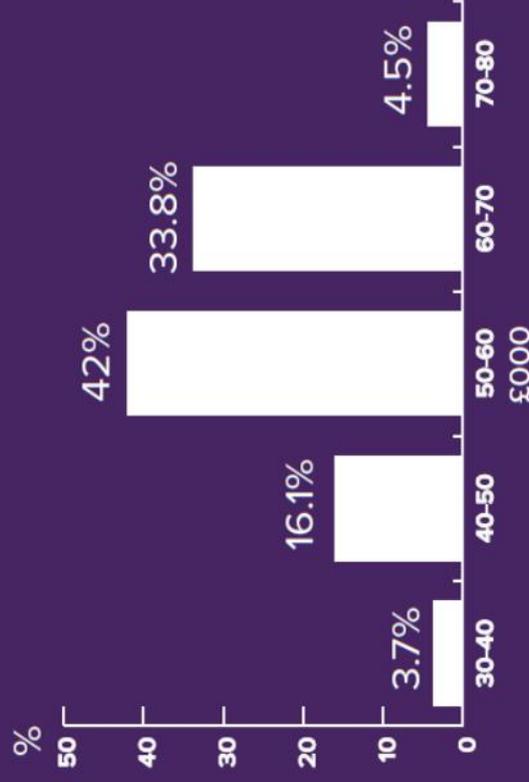
Basic salary (2020 pay rates)
+ Supplementary Allowance(s)*

= Total pay

80.3% will earn more than **£50,000**

38.3% will earn more than **£60,000**

*59% of teachers get at least one Supplementary Allowance, worth between £2,686 and £16,116.



What is the pay offer worth?

2018	2019	2020
2% consolidated	2% consolidated	RPI (3.1% est) + 1.3%
+ 1.1 % cash	+ 1% cash	consolidated

Total = 8.6% consolidated increase + 2.1% one-off cash

46% of teachers also get an annual increment worth £1,552 on average, on top of pay increases, while 54% of teachers will be at the top pay grade on 1 January 2020.

3.10 Deputy J.M. Maçon of St. Saviour of the Minister for Home Affairs regarding Road Traffic Accidents involving dogs: (WQ.214/2019)

Question

Will the Minister provide an explanation of the circumstances surrounding each of the 17 reported incidents of Road Traffic Accidents (R.T.A.s) involving a dog (as reported in the comments of the Comité des Connétables on P.30/2019); and state whether the States of Jersey Police attended all of these incidents in person and, if not, why not?

Answer

The States of Jersey Police are required to create and maintain a record of each incident of a Road Traffic Accident involving a dog, provided it meets the criteria of a recordable Road Traffic Collision.

The majority of the 17 incidents involved dogs running into the path of a car. Out of the 17 incidents reported to the States of Jersey Police, 6 incidents were attended. The Police did not attend the other 11 incidents because no one was injured and the dog owners and the drivers exchanged contact details, as required under Article 52 of the Road Traffic (Jersey) Law 1956.

3.11 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the staffing levels at the General Hospital: (WQ.215/2019)

Question

Will the Minister provide an update on staffing levels at the General Hospital from the past 18 months, indicating when and in which departments staffing levels were under capacity and in which departments and on which dates reduced staffing levels coincided with higher than average demand for the services provided by those departments?

Answer

The Minister regrets that in the time available he has not been able to answer this question. He will provide the Member with an answer and distribute it to all Members as soon as possible.

3.12 Deputy K.G. Pamplin of St. Saviour of the Minister for the Environment regarding the Minister's input into proposals for a new hospital: (WQ.216/2019)

Question

Will the Minister explain what input and advice he has provided to the Chief Minister in respect of the newly-presented proposals regarding a new hospital and explain whether he has any concerns in relation to those proposals from the perspective of his portfolio?

Answer

I have, in my capacity as Minister for the Environment, provided advice to the Chief Minister about the new hospital project which has naturally focussed on its relationship with the planning process.

In this, I was particularly concerned to ensure that the development of new proposals were based on some key requirements, including:

- a sound understanding and consensus that any new proposal adequately meets current and future clinical needs, relative to the overall plan for health care in the island;
- a site assessment process, which is objective, evidence-based, consistent and sound; and
- an open, transparent and participative process of engagement with islanders, as a prerequisite to any subsequent planning application.

I am pleased to note that these elements are contained within the Chief Minister's proposed process, as set out in his report to the States Assembly on 03 May 2019.

Perhaps what was disappointing and of concern to me, as Environment Minister, was the finding of the report, based on the discussions of the Chief Minister with States Members, which stated that '*it was conclusive that the Island Plan was inhibiting the process.*' This suggests to me a failure of States Members to recognise the role and purpose of the Island Plan.

It is important to recognise that the Island Plan is there to provide a framework – approved by the States Assembly - against which to test the implications of new development and to ensure that balanced decisions are made. Importantly, it ensures that the adverse implications of development – where they arise - are properly considered. This is important where the effects of development might be to otherwise create serious harm.

It was my judgement, and that of my predecessor, that the two applications for a new hospital submitted to date had such adverse implications that they could not be approved. In both cases, there was not considered to be sufficient justification to outweigh and override the policies of the Island Plan.

The Chief Minister's proposals envisage that the work to progress the new hospital project will be progressing in parallel with the preparation of the new Island Plan. The new Island Plan will need to ensure that the key elements of public infrastructure that are required over the Plan period – including the need for a new hospital – can be provided. This will either take the form of a site-specific allocation or a policy regime that enables a new hospital to be delivered.

Should the new hospital project progress more quickly, any new proposal would fall to be considered under the current Island Plan. Should this come about, I propose to bring forward changes – in planning guidance and the way in which major planning decisions, where there is a clear and significant public interest, are made – to help ensure that the provision of a new hospital could be enabled under the current planning policy regime, whilst still following a due and robust assessment process that is provided by the planning system.

3.13 Deputy K.G. Pamplin of St. Saviour of the Minister for Education regarding mental health support within the Island's schools: (WQ.217/2019)

Question

Will the Minister confirm what plans, if any, are in place to improve the mental health support available at all levels of schooling?

Answer

Current arrangements available to schools include the following:

- A comprehensive training offer for all school based staff in the areas of Mental Health and well being
- The opportunity for professionals to access face to face and telephone consultation with primary mental health workers; educational psychologists; well-being facilitators. This is an opportunity to talk through concerns, signpost and where appropriate agree suitable next steps including relevant interventions
- Direct support (either 1:1 or as part of a small group) to children, young people provided by:
 - primary mental health workers
 - educational psychologists

- well-being facilitators
- school-based counsellors
- emotional literacy support assistants

Some young people can be reluctant to access support in school and they have the option to access similar in the community through the Youth Enquiry Service (YES).

- Wider support from the voluntary and community sector including (but not limited to) Mind Jersey and Youthful Minds
- Specialist Child and Adolescent Mental Health Service (CAMHS) support for a small but significant number of children and young people with more complex needs. This will typically involve close partnership working with schools

There is work ongoing and scheduled to review current arrangements across the whole system and sector for supporting children and young people with mental health needs both in schools and the community. This will ensure clarity on levels of need via a strategic needs assessment; review capacity to provide for these needs and ensure a clear position on how services are organised to ensure support has maximum impact.

Currently a project team led by the Group Director, Children, Young People, Education and Skills (CYPES) and the Operations Director, Health and Community Services (HCS) are working to deliver the safe and effective transfer of community based health services of children, including CAMHS, from the operational management of HCS to CYPES.

There will then be a joint piece of work to consider the future shape and design of services to children and young people with mental health and emotional wellbeing issues. The project will consider international best practice and review services across the spectrum of need from early help to more intensive service specialist services dealing with acute difficulties. There is a link to the work taking place on early help across children's services.

3.14 Deputy K.G. Pamplin of St. Saviour of the Minister for Infrastructure regarding the proposed merging of Liberation Square and Weighbridge Place: (WQ.318/2019)

Question

Will the Minister provide a time line, including the dates of any meetings held, of the work undertaken to date on the plans to merge Liberation Square and Weighbridge Place?

Answer

Meetings

Meeting with	Format	Date
Jersey Development Company	Briefing	24/10/2018
LibertyBus	Briefing	13/12/2018
Chief Minister and Chief Executive Officer	Briefing	09/01/2019
The Bailiff of Jersey	Briefing	09/01/2019
Planning and Building Services	Pre-Application Advice	10/01/2019
Regeneration Steering Group	Quarterly Meeting	11/01/2019
Seymour Hotels	Briefing	14/01/2019
The Royal Yacht	Briefing	15/01/2019
Comprop CI	Briefing	16/01/2019
Scrutiny – Environment, Housing and Infrastructure Panel	Scrutiny	22/01/2019

Jersey Chamber of Commerce	Briefing	05/02/2019
Jersey Architecture Commission	Presentation	08/02/2019
St Helier Roads Committee	Presentation	06/03/2019
States Members	Briefing	12/03/2019
Le Petit Train	Briefing	12/03/2019
Jersey Pétanque Association	Briefing	13/03/2019
General Public	Exhibition/Open Meeting	19/03/2019

3.15 Deputy K.G. Pamplin of St. Saviour of H.M. Attorney General regarding the legal duties of the States of Jersey and Government of Jersey in respect of mental health facilities: (WQ.219/2019)

Question

Will H.M. Attorney General advise what legal duties and roles the States of Jersey and the Government of Jersey have in respect of providing facilities to support Islanders’ mental health; and what the legal consequences are in the event that any such facility is adjudged to have failed in relation to Human Rights standards or regulations?

Answer

Duties:

Under the Mental Health (Jersey) Law 2016 (Article 2) the Minister for Health and Social Services (“the Minister”) has the primary duty to “*make provision in Jersey for the care and treatment of persons suffering mental disorder*”. This includes the duty to approve establishments and premises for the purpose of care and treatment of patients suffering from mental disorder (Article 5). Further, the Minister has a power (under Article 3) to do anything which appears to him “*to be necessary, conducive or expedient*” to properly discharge the duty imposed by Article 2. For instance: the Minister may, under Article 3:

“provide or secure the provision of, establishments and facilities for care and treatment, and management and general supervision of such establishments and facilities”;

“make arrangements for the treatment, care detention of patients in such establishments”;

“make arrangements for ... the treatment and care of patients who are not admitted to nor liable to be detained in approved establishments”;

And,

“provide, or secure the provision of, ancillary or supplementary services designed for - the promotion of better mental health, the prevention of mental disorder, promoting better care and treatment of patients, and the welfare of patients.”

Legal consequences in the event a facility is adjudged to have failed in relation to Human Rights standards or regulations?

The Mental Health Law is designed to ensure that mental health services are provided in a way compatible with human rights. Under the Human Rights (Jersey) Law 2000, if there was an allegation that the Minister has acted in a manner that is in contravention of an individual’s Convention rights (under the European Convention on Human Rights), e.g. protection from inhuman or degrading treatment, proceedings could be brought against the Minister by the individual concerned. If the Court found that the Minister had breached an individual’s rights the Court could grant such relief or remedy within its powers which it finds just and appropriate. This could include an award for damages.

Further, if an “*approved establishment*” was found to contravene duties owed under the Health and Safety at Work (Jersey) Law 1989 this could lead to the issue of advice, improvement or prohibition notices, or prosecution where appropriate, of the States Employment Board as an employer.

3.16 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the payment of defence costs in cases where the client is acquitted or where no evidence is offered: (WQ.220/2019)

Question

Further to the response to Written Question 244/2018, will H.M. Attorney General advise members how a decision not to pay defence costs in full in criminal cases where the client has either been acquitted of the offence(s) charged, or the prosecution does not offer any evidence, is compatible with the European Convention of Human Rights, in particular Article 6?

Answer

There is no right under the European Convention on Human Rights (“ECHR”) to recover costs. This has been clearly established by the European Court of Human Rights (“ECtHR”) in the cases of *Masson v The Netherlands* (1996) 22 EHRR 491 and *Ashenden v United Kingdom* (2012) 54 EHRR 13. In *Masson* the point was made at [49]:

“... the Court observes firstly that the Convention does not grant to a person ‘charged with a criminal offence’ but subsequently acquitted a right either to reimbursement of costs incurred in the course of criminal proceedings against him, however necessary these costs might have been ... Such a right can be derived neither from Article 6(2) nor from any other provision of the Convention or its Protocols. It follows that the question whether such a right can be said in any particular case to exist must be answered solely with reference to domestic law.”

The matter was considered recently in the English High Court in *R (Henderson) v Secretary of State for Justice* [2015] EWHC 130 (admin) which considered the position of a defendant who paid for his own lawyers when successfully defending criminal proceedings having wrongly come to the conclusion that he was not entitled to legal aid. Article 6(3)(c) of the Convention creates a duty on states to provide legal assistance in criminal cases to those who could not afford it:

“24 The argument relating to restriction of choice proceeds upon the premise that defendants should not be ‘forced’ to engage lawyers who accept instructions on criminal legal aid by the prospect of lack of recovery of privately incurred costs paid to their lawyers of choice. It is suggested that for many reasons a defendant might wish to engage the services of lawyers who do not accept instructions on legal aid. For example, in cases where the client judges his solicitors and advocates of choice to have expertise in a specialist field not shared by legal aid lawyers or because he has a long-standing relationship with a particular firm in whom he reposes confidence. We do not know whether the claimant would have gone to legal aid solicitors had he been correctly advised that he was eligible. But I am unable to see how this point can assist the claimant’s argument. Article 6(3)(c) protects the right of a defendant to defend himself in person or through legal assistance of his own choosing; or if he has insufficient means to do so to be given free legal assistance when the interests of justice so require. In the claimant’s case he defended himself with his own lawyers. He exercised the right protected by the Convention. The Strasbourg case law makes plain that the Convention does not in those circumstances guarantee to an acquitted defendant a right to recover the costs of defence.”

Similarly, it may be reasonable for a company or person under financial or fiscal regulatory enquiry to engage elite lawyers to provide the best possible representation, but there is no human right to pass the bill onto the prosecutorial or regulatory authority concerned should those lawyers succeed in securing an acquittal.

In England and Wales an acquitted defendant can only recover their legal costs if:

1. They are a natural person (i.e. companies etc can not recover their legal costs) ;and,

Either

2. The proceedings were dealt with in the Magistrates' Court

Or

3. If the proceedings were dealt with in the Crown Court, the Defendant applied for, but was refused legal aid on the grounds of financial ineligibility.

If an Order for Defence Costs is made by an English Court, the rates which are recoverable for Crown Court proceedings are as follows:

Litigators:

<i>Class of work</i>	<i>Grade of fee earner</i>	<i>Rate</i>	<i>Variations</i>
Preparation	Senior solicitor	£43.73 per hour	£45.99 per hour for a litigator whose office is situated in London
	Solicitor, legal executive or fee earner of equivalent experience	£37.13 per hour	£38.98 per hour for a litigator whose office is situated in London
	Trainee or fee earner of equivalent experience	£24.54 per hour	£28.05 per hour for a litigator whose office is situated in London
Advocacy	Senior solicitor	£52.80 per hour	
	Solicitor	£46.20 per hour	
Attendance at court where more than one representative assigned	Senior solicitor	£34.86 per hour	
	Solicitor, legal executive or fee earner of equivalent experience	£28.05 per hour	
	Trainee or fee earner of equivalent experience	£16.91 per hour	
Travelling and waiting	Senior solicitor	£20.42 per hour	
	Solicitor, legal executive or fee earner of equivalent experience	£20.42 per hour	
	Trainee or fee earner of equivalent experience	£10.31 per hour	

Routine letters written and routine telephone calls		£2.85 per item	£2.97 per item for a fee earner whose office is situated in London
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Junior advocates

<i>Type of proceedings</i>	<i>Basic fee</i>	<i>Full day refresher</i>	<i>Subsidiary fees</i>		
			<i>Attendance at consultation, conferences and views</i>	<i>Written work</i>	<i>Attendance at pre-trial reviews, applications and other appearances</i>
All cases	Maximum amount: £545.00 per case	Maximum amount: £178.75 per day	£33.50 per hour, minimum amount: £16.75	Maximum amount: £58.25 per item	Maximum amount: £110 per appearance

Queens Counsel

<i>Type of proceedings</i>	<i>Basic fee</i>	<i>Full day refresher</i>	<i>Subsidiary fees</i>		
			<i>Attendance at consultation, conferences and views</i>	<i>Written work</i>	<i>Attendance at pre-trial reviews, applications and other appearances</i>
All cases	Maximum amount: £5,400.00 per case	Maximum amount: £330.50 per day	£62.50 per hour, Minimum amount: £32.00	Maximum amount: £119.50 per item	Maximum amount: £257.50 per appearance

An English Lawyer's fees charged to the client will often be four and five times these rates (if not higher). These additional costs are not recoverable.

The following table shows the position in some other jurisdictions with similar criminal justice systems:

Jurisdiction	Defence costs upon acquittal
Canada	Exceptionally rare – only awarded where the court has found a breach of the Canadian Charter of Rights and Freedoms.
Scotland	In exceptional circumstances, the acquitted person must prove that the prosecution was vexatious.
Northern Ireland	This is provided for in S.3 of the Criminal Costs (Northern Ireland) Act 1968. We have been advised by the Public Prosecution Service of Northern Ireland that applications are rarely made.
Isle of Man	Yes

Guernsey	No

In summary, the ECHR and its case-law does not recognise any general right for an acquitted defendant to recover costs, whether that be after a trial or when no evidence is offered.

3.17 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the action taken to encourage witnesses to the Independent Jersey Care Inquiry to provide evidence to the States of Jersey Police: (WQ.221/2019)

Question

Further to the response to Written Question 197/2019, will the Minister advise what action, if any, was taken to encourage the named and anonymous witnesses to the Independent Jersey Care Inquiry to come forward to give their evidence to the States of Jersey Police in the case of the alleged physical abuse at Les Chênes children’s home?

Answer

I refer to my earlier response to Q197/2019 which addressed this issue.

Following commencement of Operation Whistle in June 2015, the States of Jersey Police provided frequent and regular public updates via the media and social media platforms. These updates always included information for victims of non-recent abuse to either contact the police directly or via a third party e.g. Crime Stoppers. This practice continues today.

As I indicated in my previous response, 60 new victims have come forward since June 2015 (including circa 15 live investigations), which demonstrates trust and confidence in Jersey’s Criminal Justice System.

3.18 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the legal representation of the States of Jersey Police before the Independent Jersey Care Inquiry: (WQ.222/2019)

Question

Will the Minister advise members of the reasons why the States of Jersey Police were legally represented before the Independent Jersey Care Inquiry and of the cost of such representation; and is it his assessment that the cost of this representation was value for money?

Answer

The rules governing a Committee of Inquiry are set out in the Standing Orders of the States of Jersey. Standing Order 149 allows, subject to agreement by the Committee of Inquiry, any person appearing before it to be legally represented.

The States of Jersey Police used independent legal representation in order to avoid any potential conflicts of interest.

With regard to the legal costs for the States of Jersey Police, I refer to an answer provided by the Chief Minister in response to a written question on 18th July 2017:

[https://statesassembly.gov.je/assemblyquestions/2017/\(435\)%20dep%20higgins%20to%20cm%20re%20full%20cost%20of%20legal%20representation%20for%20states%20departments%20at%20the%20independant%20care%20inquiry.pdf](https://statesassembly.gov.je/assemblyquestions/2017/(435)%20dep%20higgins%20to%20cm%20re%20full%20cost%20of%20legal%20representation%20for%20states%20departments%20at%20the%20independant%20care%20inquiry.pdf).

The response to this question stated that the total legal costs for the States of Jersey Police were £1,290,428.

I am not in a position to judge whether the legal costs were value for money.

3.19 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the legal representation of the Health and Community Services Department before the Independent Jersey Care Inquiry: (WQ.223/2019)

Question

Will the Minister advise members of the reasons why the Health and Community Services Department was legally represented at the Independent Jersey Care Inquiry and the cost of such representation; and is it his assessment that the cost of this representation was value for money?

Answer

As set out in paragraph 1.1 of the Executive Summary of the Independent Jersey Care Inquiry: “*Our remit has been to establish what went wrong in Jersey’s child care system over many decades.*” Given that the statutory responsibility for the care and protection of vulnerable children lay with the Minister for Health and Social Services, it was appropriate for the Minister to be legally represented at the Inquiry. This is in line with the procedure at other public inquiries, including the Independent Inquiry into Child Sexual Abuse in England and Wales, where those designated as core participants have special rights in the Inquiry process, including the right to be legally represented.

In the answer to written question 435/2017 of 18th July 2017 asked by Deputy Higgins, it was stated that to the end of February 2017, total legal costs for States Departments were £4,765,830 broken down as follows:

Law Officers’ Department £1,210,919

States of Jersey Police £1,290,428

All other departments £2,264,483

The Minister for Health and Social Services’ legal representative also represented other States departments so it is not possible to identify the cost of the Health and Social Services representation alone.

I am not in a position to judge whether the legal costs were value for money.

3.20 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the prescription of opioids: (WQ.224/2019)

Question

Will the Minister advise members of the number of opioids prescribed by (a) the General Hospital and (b) general practitioners for each year from 2014 to 2018, as well as the respective costs; and will he also advise whether any assessment has been undertaken of the incentives being offered by pharmaceutical companies to doctors to prescribe their products and what steps, if any, he is taking to avoid a repetition in Jersey of the ‘opioid crisis’ that has arisen in the United States and that is also reportedly starting to occur in the United Kingdom?

Answer

a) The General Hospital

The table below shows the quantities of opioids supplied in each year from the hospital pharmacy system. These figures include inpatient and outpatient use. Records are not kept in a way that records the number of prescriptions. The figures are regularly monitored with any areas of concern examined further.

Drug Name	Quantity supplied by year (this is the number of individual injections, tablets, capsules or mL of oral solution)				
	2014	2015	2016	2017	2018
ALFENTANIL Injection 1 mg in 2mL	3,043	2,429	2,766	2,345	1,200
ALFENTANIL Injection 5 mg in 1mL	1,710	2,640	2,440	2,194	2,461
BUPRENORPHINE Transdermal Patch 10 micrograms released per hour	56	22	60	96	113
BUPRENORPHINE Transdermal Patch 20 micrograms released per hour	0	0	0	65	12
BUPRENORPHINE Transdermal Patch 35 micrograms per hour	15	0	8	8	28
BUPRENORPHINE Transdermal Patch 5 micrograms released per hour	56	59	102	232	315
CO-CODAMOL Effervescent Tablets 30/500mg	0	1,960	3,154	4,149	3,967
CO-CODAMOL Effervescent Tablets 8/500mg	18,061	12,620	13,184	10,413	9,472
CO-CODAMOL Tablets 30/500mg	88,734	77,681	79,621	88,349	94,590
CO-CODAMOL Tablets 8/500mg	72,673	72,575	63,775	56,694	54,471
CODEINE Tablets 15 mg	0	0	814	894	1155
CODEINE Tablets 30 mg	73,124	77,000	88,572	84,540	91,002
CO-DYDRAMOL Tablets 10/500mg	1,040	2,744	3,270	2,858	2,461
DIAMORPHINE Injection 10 mg	354	477	375	511	565
DIAMORPHINE Injection 100 mg	0	0	5	20	30
DIAMORPHINE Injection 30 mg	167	90	25	70	35
DIAMORPHINE Injection 5 mg	3,356	3,514	3,109	3,077	2,394
DIAMORPHINE Injection 500 mg	0	15	0	0	0
DIHYDROCODEINE Modified-Release Tablets 60 mg	3,745	5,379	4,914	6,046	5,835
DIHYDROCODEINE Modified-Release Tablets 90 mg	218	175	310	125	460
DIHYDROCODEINE Oral Solution 10 mg in 5mL	1,050	150	450	150	600
DIHYDROCODEINE Tablets 30 mg	9,613	11,109	10,052	6,244	6,127

DIPIPANONE WITH CYCLIZINE Tablets 10mg / 30mg	2,200	1,730	600	400	200
FENTANYL Injection 100 micrograms in 2mL	5,492	5,963	5,881	5,570	6,570
FENTANYL Transdermal Patch 100 micrograms released per hour	312	354	122	107	143
FENTANYL Transdermal Patch 12 micrograms released per hour	2,062	2,467	2,197	2,234	1,913
FENTANYL Transdermal Patch 25 micrograms released per hour	2,536	2,402	1,384	1,492	1,127
FENTANYL Transdermal Patch 50 micrograms released per hour	838	706	646	807	478
FENTANYL Transdermal Patch 75 micrograms released per hour	444	276	217	270	306
MORPHINE IN SODIUM CHLORIDE 0.9% Injection 100 mg in 50mL	231	170	180	199	205
MORPHINE Injection 10 mg in 10mL	0	0	0	0	600
MORPHINE Injection 10 mg in 1mL	5,005	4,440	3,622	3,548	3,878
MORPHINE Modified-Release Granules 100 mg	0	282	0	0	0
MORPHINE Modified-Release Granules 20 mg	120	654	74	142	240
MORPHINE Modified-Release Granules 30 mg	0	482	90	88	90
MORPHINE Modified-Release Granules 60 mg	0	120	0	0	0
MORPHINE Modified-Release Tablets 10 mg	3,882	4,899	3,692	3,607	4,949
MORPHINE Modified-Release Tablets 100 mg	126	0	16	136	119
MORPHINE Modified-Release Tablets 30 mg	3,182	1,792	1,990	1,482	1,486
MORPHINE Modified-Release Tablets 5 mg	850	1,169	647	1,010	1,030
MORPHINE Oral Solution 10 mg in 5mL	76,813	87,383	81,209	107,425	91,209
MORPHINE Tablets 10 mg	2,854	1,426	1,632	765	1,170
MORPHINE Tablets 20 mg	812	1,144	1,013	1,064	1,003
OXYCODONE / NALOXONE Modified-Release Tablets 10mg / 5mg	4,022	4,978	7,264	5,963	5,913
OXYCODONE / NALOXONE Modified-Release Tablets 20mg / 10mg	2,230	3,412	3,135	3,741	4,242
OXYCODONE / NALOXONE Modified-Release Tablets 40mg / 20mg	246	728	324	1,470	1,106
OXYCODONE / NALOXONE Modified-Release Tablets 5mg / 2.5mg	1,490	2,149	2,899	2,307	2,264
OXYCODONE Capsules 10 mg	4,355	9,131	9,620	14,139	11,160
OXYCODONE Capsules 5 mg	2,711	4,271	5,325	5,003	6,050

OXYCODONE Injection 10 mg in 1mL	650	1,000	1,776	2,527	3,021
OXYCODONE Injection 20 mg in 2mL	192	143	10	55	51
OXYCODONE Injection 50 mg in 1mL	0	0	0	5	30
OXYCODONE Modified-Release Tablets 10 mg	4,577	6,847	5,844	4,290	4,084
OXYCODONE Modified-Release Tablets 20 mg	2,233	2,476	1,826	1,944	2,284
OXYCODONE Modified-Release Tablets 30 mg	0	0	0	262	308
OXYCODONE Modified-Release Tablets 40 mg	5,432	4,817	1,939	2,091	2,448
OXYCODONE Modified-Release Tablets 5 mg	1,180	2,064	1,638	1,756	1,968
OXYCODONE Modified-Release Tablets 80 mg	72	222	0	0	238
OXYCODONE Oral Solution 5 mg in 5mL	9,530	10,353	15,010	22,800	26,193
PETHIDINE Injection 100 mg in 2mL	362	400	251	308	510
PETHIDINE Injection 50 mg in 1mL	1,220	1,250	1,180	1,360	1,020
PETHIDINE Tablets 50 mg	1,132	1,506	1,456	1,752	1,379
REMIFENTANIL Injection 1 mg	0	170	0	430	115
REMIFENTANIL Injection 2 mg	1,635	1,235	1,360	400	1,075
REMIFENTANIL Injection 5 mg	0	0	0	455	142
TAPENTADOL Modified-Release Tablets 100 mg	784	607	296	336	0
TAPENTADOL Modified-Release Tablets 150 mg	28	0	56	336	0
TAPENTADOL Modified-Release Tablets 50 mg	672	2,352	336	1,758	252
TAPENTADOL Tablets 50 mg	756	882	876	0	0
TRAMADOL (AMPOULE) Injection 100 mg in 2mL	415	110	90	5	55
TRAMADOL Capsules 50 mg	33,938	19,252	15,557	14,833	14,981
TRAMADOL Modified-Release Capsules 200 mg	0	0	0	116	214
TRAMADOL Modified-Release Capsules 50 mg	2,013	1,712	624	1,078	1,737
TRAMADOL Modified-Release Tablets 100 mg	8,803	4,391	3,508	2,135	2,901
TRAMADOL Soluble Tablets 50 mg	360	0	114	144	360
Total Cost	£47,898	£58,085	£48,858	£51,315	£50,053

b) General practitioners

- Opioid (morphine-type) painkillers account for 1% of all prescription items dispensed in the community under the Health Insurance Fund (HIF), and 3% of total expenditure.
- The volume and cost of prescription opioid medicines dispensed in the community under the HIF are shown below for the past 5 years
- Compared with England, Jersey has seen lower growth in prescription volume of opioids of 30% over the past 10 years (cf 60% in England)
- Prescribing rates for opioids are lower in Jersey than in most of England. In 2017, around 260 prescriptions for an opioid per 1,000 residents were dispensed in Jersey, lower than all but 2 regions in England (see figure below)
- Opioid prescribing under the HIF is monitored. GPs receive feedback on their opioid prescribing both at practice level, as part of the JAM card [Jersey Activity Monitoring cards are distributed by the Primary Care Governance Team to GP practices and include comparative measures of performance, including prescribing], and at an individual level, as part of 1:1 reviews
- Community pharmacies are working to raise awareness of opioid misuse. There is an educational event on 30th May for community pharmacists on 'Medication Misuse' and the local branch of the Royal Pharmaceutical Society is working with Silkworth Lodge to develop 'Codeine Cards' to improve awareness around over the counter (OTC) purchases of codeine-containing medicines and management of the conditions when OTC opiates are commonly requested
- The pharmaceutical industry is regulated and representatives are no longer able to offer GPs direct incentives greater than the value of £5.

Calendar Year	Total number of opioid prescription items dispensed	Total net drug cost for opioid prescriptions
2014	28,749	£403,985.75
2015	28,166	£394,085.09
2016	28,347	£357,373.10
2017	27,632	£340,449.06
2018	28,015	£354,638.37

Opioid analgesics prescribed in 2017

Items prescribed per 1,000 residents, by NHS region



Source: NHS Digital/Openprescribing.net

BBC

3.21 Deputy C.S. Alves of St. Helier of the Minister for the Environment regarding the blood tests performed on cats and dogs in relation to pet travel: (WQ.225/2019)

Question

Given that the current advice (available on www.gov.je) regarding pet travel after Brexit states that cats or dogs should have a “*blood test after the rabies vaccination to confirm that the pet is adequately protected*”, will the Minister provide the percentage of cats and dogs which have failed the blood test but which were vaccinated with the rabies vaccine prior to 2019 and were still within the 3 years vaccination validity period?

Answer

The Deputy’s question relates to the Pet Travel Scheme (PETS) and the advice published on the Government of Jersey website if there is ‘no deal’ Brexit. In the event of a ‘no deal’ Brexit, Jersey would be seen by the EU as a third country with no listed or preferential status.

The PETS allows owners to travel to EU countries with their pets (cats, dogs and ferrets only). Animals coming to the EU from third countries are required by the EU to have a blood test at least 30 days after rabies vaccination. Animals’ antibodies will be at their highest around this time and then slowly decline over time. Some animals may have up to date rabies vaccination but if not recently vaccinated they may fail the blood test. In this situation the vet would probably advise the owner to revaccinate the animal to boost antibody levels and then retest the animal. Many vets may advise an owner to revaccinate if not recently vaccinated for this purpose before doing a blood test in the first place to reduce the chance of failing the blood test. Obviously additional vaccination and testing incurs greater costs for owners. Owners are advised to seek advice on this matter from their private vet.

The PETS is administered by authorised vets and they carry out the required blood tests. There is no requirement for authorised vets to notify the Government of Jersey of the blood tests carried out or the results of any tests.

The Government of Jersey do not hold the information requested by the Deputy.

3.22 Deputy C.S. Alves of St. Helier of the Minister for Home Affairs regarding the reporting of complaints about noise: (WQ.226/2019)

Question

How many noise complaint reports in the last three years, if any, have resulted in no action being taken due to the requirement to have three separate complainants regarding the incident before any action is taken?

Answer

During the last three years the States of Jersey Police have received 628 noise complaints, the vast majority of which were noisy parties. It is current policy that Police Officers do not attend unless there are two separate complaints. The Police did not attend any of the 628 noise complaints as only one complaint was made. All reports are recorded in case there are repeat complaints. If appropriate the information is shared with other relevant organisations (e.g. Environmental Health).

3.23 Deputy C.S. Alves of St. Helier of the Minister for Infrastructure regarding the requirement for drivers to apply for an international driving permit post-Brexit: (WQ.227/2019)

Question

Given that the current advice regarding driving abroad post-Brexit (available on www.gov.je) is that drivers may have to apply for an international driving permit to drive in European Union (E.U.) countries, will the Minister advise whether this will be applicable to people who originally obtained their driving licence within the E.U. and –

- (a) if that is the case, explain why that is so; or
- (b) if that is not the case, explain how any such individuals will be able either to obtain their original driving licence or to prove that they have such an E.U. licence?

Answer

Applying for an International Driving Permit **will** be applicable to people who originally obtained their driving licence within the EU, but now hold a Jersey Driving Licence.

Driving licence holders are required to hold a licence issued in their place of permanent residence. Those who originally obtained their driving licence within the EU and subsequently became resident in Jersey will have had to exchange their EU licence for a Jersey Driving Licence at their Parish Hall. The EU licence would have been returned to the issuing authority along with notification that they now hold a Jersey licence. If they ever return to take up permanent residence in the EU they can apply to the authorities in the relevant jurisdiction to obtain a licence of that jurisdiction.

Whilst the UK Government continue to negotiate with the EU regarding BREXIT, Jersey's Government has been working on plans to ensure any impact for local residents are minimised as much as possible, one key area is to ensure our vehicles and drivers can continue to circulate internationally. By having the 1968 United Nations' Vienna Convention on Road Traffic extended to Jersey ensures that Jersey residents can continue to drive in the EU.

3.24 Deputy C.S. Alves of St. Helier of the Chairman of the States Employment Board regarding the turnover of teaching staff: (WQ.228/2019)

Question

Given that, at the last meeting of the Assembly, the Chairman spoke of the current turnover in teaching staff in schools, will he publish, in terms of the number of teaching staff involved, the turnover of each school per year for the last 5 years; and will he also provide a breakdown of –

- how many such staff went on to work in other schools in Jersey;
- how many went on to work in schools off-Island; and
- how many went to work in a different sector?

Answer

The table shows the number of Teaching staff (i.e. those who come under the Teachers pay group, excludes Teaching Assistants and Heads & Deputies) by school type (Primary / Secondary) who have left their roles in schools in the past five academic years.

Our data does not include private schools.

Our systems are not configured to provide the information as specified in the question because either we do not collect the data or it would require significant manipulation of data which is not complete.

Therefore, the table below does not (for example) show where a teacher has left one school and gone to a different school, it will only show the departure of that teacher from the current post.

School	Sep-13 Aug-14	Sep-14 Aug-15	Sep-15 Aug-16	Sep-16 Aug-17	Sep-17 Aug-18	Total
Mixed	2	3	3		4	12
BESD - Oakside Site	2	1			1	4
BESD d'Hautrée School		1	2		1	4
Mont-à-l'Abbé		1	1		2	4
Primary	43	30	25	44	37	179
Bel Royal School	2	1		1		4
d'Auvergne School		4	2	3	1	10
First Tower School	1	1	1	3		6
Grands Vaux School	1	2	1	3		7
Grouville School	1		1	1	1	4
Janvrin School	2	1	2		4	9
Jersey College for Girls Prep	2	1	2	3	3	11
La Moye School	5	3	2	5	2	17
Les Landes School	2	2		1		5
Mont Nicolle Nursery		2				2
Mont Nicolle School		2	1	2	5	10
Plat Douet School	2	2	1	1	2	8
Rouge Bouillon School	1		2	2	2	7
Samarès School	3	1	2	2	1	9
Springfield School	3			2	3	8
St Clement School	1	2	0	2	1	6
St John Nursery	1					1

St John School	3		1			4
St Lawrence Nursery				1		1
St Lawrence School	1		1	1		3
St Luke School	3		3	2		8
St Martin School	1	1			1	3
St Mary School	2	2	1	2	2	9
St Peter School	3		0	2	2	7
St Saviour School	1	2		0	2	5
Trinity School		1	2	2		5
Victoria College Preparatory	2			3	5	10

Secondary	50	49	50	56	47	252
Grainville	4	5	4	6	3	22
Haute Vallée	5	6	5	6	5	27
Hautlieu	10	5	7	8	2	32
Jersey College for Girls	6	12	8	6	7	39
Le Rocquier	5	11	8	4	9	37
Les Quennevais	10	4	9	17	9	49
Victoria College	10	6	9	9	12	46

Various	6	5	6	4	3	24
Evaluation & Standards		1	2	1	1	5
ICT	2					2
Inclusion & Early Intervention	4	1	2	3	2	12
Instrumental Music Service		3	2			5

Grand Total	101	87	84	104	91	467
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Schools that come under 'Mixed' are:

- d'Hautrée
- Oakside
- Mont-à-l'Abbé

Various shows teachers who work across all 3 areas, such as the Instrumental Music Service.

Looking at our current vacancy positions, as reported in the previous meeting of this Assembly, there are 19 vacancies of which 9 are in active recruitment as of today. As the annual movement of teachers results shows, there is no discernible variation that indicates an increasing trend of Turnover in this population.

- (a) Our records do not identify data to answer this question
- (b) Our records do not identify data to answer this question
- (c) Our records do not identify data to answer this question

In all three answers above, either we do not collect the data or it would require significant manipulation of data which is not complete.

3.25 Deputy L.M.C. Doublet of St. Saviour of the Minister for Social Security regarding the prospect of ‘religion or belief’ being added as a protected characteristic under the Discrimination (Jersey) Law 2013: (WQ.229/2019)

Question

Will the Minister advise whether it is proposed that ‘religion or belief’ will be added as a protected characteristic under the Discrimination (Jersey) Law 2013; if so, will she set out a timeline for the work to implement this measure and give details of any consideration of this area or work carried out so far; and if not, will she explain why not?

Answer

The original States decision in 2011 to introduce a discrimination law (P.118/2011 as amended) required the law to give protection in relation to four characteristics - race, sex, age and disability.

The last stage in this programme of work was recently completed. Protection against disability discrimination was implemented in September 2018, the second stage of which (adjustments to physical features of premises) will come into force in September 2020.

We do not currently have a programme to implement ‘religion or belief’ as a protected characteristic. That extension of the Discrimination (Jersey) Law 2013 has not been made a priority under the States Common Strategic Policy 2018-2022. If the legislation were to be prioritised by the Council of Ministers, the Minister would provide a timeline for that piece of work.

4. Oral Questions

4.1 Deputy M.R. Le Hegarat of St. Helier of the Chairman of the States Employment Board regarding applications for voluntary redundancy in the public sector: (OQ.121/2019)

Will the Chairman of the States Employment Board please advise how many States employees, if any, have an application for voluntary redundancy pending at present; in which departments do they work; and what is the age range of any such employees?

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

It is the Connétable of St. Ouen who is answering.

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

As at 17th May, there were 28 applications for voluntary redundancy pending, received from staff working in the following departments: Chief Operating Officer: 2; Customer and Local Services: 3; Growth, Housing and Environment: 5; Health and Community Services: 2; Justice and Home Affairs: 5; States Assembly: 1; Treasury and Exchequer: 10; giving a total of 28. Just as an addendum to that, Justice and Home Affairs does not include police officers, who are precluded from the scheme, as police officers cannot be made redundant in accordance with the States of Jersey Police Force Law 2012. The age range of employers for applications is 30 to 64 and the distribution is as follows: 30 to 39: 1; 40 to 49: 4; 50 to 59: 16; 60-plus: 7.

4.1.1 Deputy M.R. Le Hegarat:

What reasons are the staff giving for wishing to have voluntary redundancy? In particular, the Treasury and Resources Department, where 10 employees are asking for voluntary redundancy?

The Connétable of St. Ouen:

I do not have a rationale for each of the applications for redundancy, but I can supply that information to her after the Assembly.

4.1.2 Deputy M.R. Le Hegarat:

Would the S.E.B. (States Employment Board) please ensure that they do find out why such a large number of staff, as in 28, and in particular the Treasury and Resources Department, where 10 are asking for voluntary redundancy, and quite clear from the numbers these are not all people of retirement age or soon coming to retirement and please feed back to the Assembly why they are such high numbers?

The Connétable of St. Ouen:

As I said earlier, I am very happy to supply that information and I will make sure it is circulated to all States Members.

4.2 Deputy L.M.C. Doublet of St. Saviour of the Minister for Home Affairs regarding proposals to allow mixed-sex couples the option of a civil partnership: (OQ.134/2019)

Further to the consultation, which was undertaken on the future of civil partnerships, will the Minister outline when proposals to allow mixed-sex couples the option of a civil partnership will be brought to the Assembly?

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

I hope and indeed expect that a draft amendment law will be brought before the Assembly by the middle of next year.

4.3 Deputy M. Tadier of St. Brelade of the Chief Minister regarding the recommendations of the Jersey Citizens Panel: (OQ.129/2019)

Does the Chief Minister accept, in full, the 4 key recommendations in the report of the Jersey Citizens Panel 2018 and will he advise whether the panel's recommendations will receive the Government's full support, both politically and financially?

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

The short answer is yes. The longer answer is that, obviously, it was considered by the Council of Ministers last year. All 4 recommendations were accepted. It is mainly a memorial, a Jersey Children's Day, help and support for survivors and an emblem. In order to deliver on the recommendations, the Citizens Panel has been reconvened until July 2019 and its further work will be considered by the Council of Ministers later this year.

4.3.1 Deputy M. Tadier:

Can the Minister confirm, particularly in relation to Children's Day, whether, or not, that is going to be up and running for this year? If not, why not?

Deputy J.A.N. Le Fondré:

My understanding is that the recommendation is for it to commence from 2020. I would have to go back to the report. The obvious intention is to get it going, as soon as we can, but I think that was the intended timetable.

4.3.2 Deputy M. Tadier:

Can the Minister confirm whether any of the recommendations are dependent on bids being submitted centrally, in order to fund these initiatives where there are cost implications? If so, can he, therefore, give guarantees that the bids will be successful?

Deputy J.A.N. Le Fondré:

I do not yet know the quantum of the amount. That is one of the issues we have at the moment in terms of the memorial, for example. But, as a principle, I would be very surprised if the Council of Ministers sought to limit that in any way. The second point I would make is that in the Government Plan figures, that I have seen so far, there are provisions for this type of work, as part of the work that is coming out of the Care Inquiry.

4.4 Deputy G.P. Southern of St. Helier of the Chief Minister regarding measures to add to the progressivity of the current tax and contributions systems: (OQ.133/2019)

Following the recent report from Statistics Jersey on taxation, what measures, if any, does the Council of Ministers have under consideration to add to the progressivity of the current tax and contributions systems?

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

Just to clarify, the Statistics Jersey report that, I believe, the Deputy is referring to is not just a report on taxation. That was not the main purpose. It is a report on the overall contribution made by certain household types in different circumstances and it should be noted that it is a step in gathering information. It is not the end product. For example, we know there is a further piece of work we have to do, which has to include an assessment, if one likes, of the benefits from - shall we say - income support, so we can make sure we have got the progressivity that are rigorous in certain areas by looking at the whole thing as a package. If the Deputy is looking puzzled, I will remind him that we all know that G.S.T. (Goods and Services Tax) is fractionally regressive, but with the package of income support that regressivity was corrected. So, we have to make sure we take that into account. Just correcting that, because the question he said is that the stats report is on tax. It is not the main purpose. But, of course, as the Deputy may be aware, there is work going on in this area. Obviously, the Government Plan is bringing together income and taxation. We know there is a personal tax review, which is being reported on beside that and there is a new revenue policy law to examine those issues. It is not appropriate for me to comment on any individual proposals in advance of the conclusion of that work. I assure Members that work is being done on this area.

4.4.1 Deputy G.P. Southern:

Is the Chief Minister aware, as he ought to be, that the raising of the contribution for the Social Security Department at 2 per cent above the standard earnings limit raises £7 million? Is he prepared to examine fully the way in which our social security system is structured?

Senator J.A.N. Le Fondré:

I have certainly said that it is a piece of work we need to do, which I accept. That we now need to look at the interaction between the income support side and taxation. I would include social security contribution rates as part of that piece of work. That is not predicating the outcome. That is looking at it.

4.4.2 Deputy M. Tadier:

The Chief Minister will not need reminding that the third strategic priority out of 5 is to reduce income inequality. Does he accept that, in order to reduce income inequality, we need to close the gap around the median earnings between the top and the lowest earners in society? Can he envisage a way to do this, which does not involve progressive taxation?

Senator J.A.N. Le Fondré:

I think the Deputy is probably mixing 2 areas. I think income inequality is a far bigger area than just looking at taxation measures. It does not mean we should not look at it. It does not mean it is the only solution.

4.4.3 Deputy M. Tadier:

I fully accept that, but the definition of income inequality and reducing income inequality necessarily means closing the gap between the highest earners and the lowest earners. While he can raise the wages of the lowest earners through means of social security and income support, *et cetera*, what levers does he have to reduce the effective income of the highest earners in our society, in order to achieve his third strategic priority?

Senator J.A.N. Le Fondré:

I think it is 2 areas. The general principle I take about reducing income inequality is that it is about bringing people up, rather than bringing people down. My stance, for example, that does look at housing costs, which the Minister for Children and Housing is doing things on the Policy Development Board. It could also include - and I am not saying that is my preference or not - things like the living wage.

4.4.4 Deputy M.R. Higgins of St. Helier:

Just following on from Deputy Tadier's first question. Can the Chief Minister confirm that the work on the - sorry, I think it was Deputy Southern's question - about the social security review, that you were talking about, will that be done in time for the Strategic Plan? So, we get all the information at the same time. I am not talking about it being later. We get the whole package together, I hope.

Senator J.A.N. Le Fondré:

Just as a correction, the Strategic Plan was approved before Christmas. The Government Plan is the one that is coming through. What I will say, do not forget the Government Plan is not a 4-year package, as such. In other words, it is not the M.T.F.P. (Medium Term Financial Plan). That is it after the debate, after the summer recess. It is a forward-looking document, obviously, but we will come back ... there is flexibility built into it and we can do things again next year and the year after, if we need to. The reason I put it that way, slightly clumsily, is that we need to make sure that we are looking at the interaction of our social security and tax systems properly. That might require slightly longer to do it. That does not mean years, but it might mean more than 12 months. What I am trying to say there is it may mean, bear in mind the timeframes, that if the work is not finished in time for the debates after the summer recess, they may go into next year. That is possible. It is not definite at this stage. Or, we may say, a 2-phased process. Some of the tax work is definitely scheduled to come in line with the Government Plan. That is what we said. Social security may take slightly longer. But, we are looking at doing it as an overall package. We have to make sure those interactions work.

[10:00]

4.4.5 Deputy M.R. Higgins:

Does the Chief Minister accept, though, that for Members to fully understand where we are going forward, whether it be tax, or social security and the impact it has on the citizens of this Island, that we really need them together?

Senator J.A.N. Le Fondré:

Ideally, yes, but I will remind the Deputy, the piece of work I set going to look at population and contributions, I set that in August last year, I think and it was pretty well finalised in February. So, sometimes, these pieces of work which you can set going do take longer to bring together than we would like. But it is important to get those foundations right.

4.4.6 Deputy G.P. Southern:

The Chief Minister mentioned, in passing, the introduction of a living wage. Can he inform Members how many meetings he has had with Caritas Jersey to co-ordinate initiatives to try and increase the numbers of people on the living wage?

Senator J.A.N. Le Fondré:

I did not say I was either for, or against, a living wage. I just said it was an option that could be included, which did not mean just dealing with things under taxation. Speaking personally, I have not had any meetings with Caritas. But I would expect that to be an area for, for example, the Social Security Department, of which the Deputy is the Assistant Minister.

The Deputy Bailiff:

Before coming to question 5, I can announce the results of the ballot. The results for the election of members to the Legal Aid Guidelines Advisory Committee were Deputy Maçon received 25 votes, Deputy Morel received 29 votes and Deputy Tadier received 26 votes. Accordingly, Deputies Morel and Tadier have been appointed to the committee. **[Approbation]**

Deputy J.M. Maçon of St. Saviour:

Congratulations to the successful candidates.

4.5 Deputy S.M. Ahier of St. Helier of the Chief Minister regarding the establishment of a Public Service Ombudsman: (OQ.126/2019)

Will the Chief Minister update the Assembly on the establishment of a Public Services Ombudsman to deal with complaints of maladministration by Government departments?

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

The Deputy will recall that the States Assembly agreed, in principle, that a Public Services Ombudsman should be established, subject to findings of further research. The Jersey Law Commission has undertaken that research, it has published proposals and the Legislation Advisory Panel, I believe, have also considered the matter. As a result, later this week, the Council of Ministers will be considering a draft public consultation document, which builds on those proposals. Pending decisions of the Council, which will include considerations around the budget allocation, I would envisage that consultation will be launched before the summer recess.

4.5.1 Deputy S.M. Ahier:

In the Clothier report of 2000, chapter 9(4) states: “We recommend the institution of a proper ombudsman. This would be a matter of little difficulty and no great expense.” Why is the Chief Minister taking so long to bring legislation to this Assembly?

Senator J.A.N. Le Fondré:

I was not around. Although I contributed to Clothier at the time, I was not in the States. In fact, I do recall, on the machinery of government thing, we made a similar recommendation about the Public Sector Ombudsman. There are 2 difficulties we have, which we need to grapple with. Number one is the financial implications. For example, in the proposition that was approved by the Assembly, it suggested £200,000 to £250,000. I am being advised, at the moment, it will likely be double that amount. In other words, up to £500,000. What we then have to consider, which is the bit the Council of Ministers will need to consider, is how do we make sure that the ombudsman has appropriate teeth, more than the Complaints Board presently has? The issue then comes down to - bearing in mind the Complaint Boards, obviously, act in a very honorary tradition and in terms of cash terms, it costs us around £5,000 a year because, obviously, you are getting some very experienced members of the public, who give their time for free - is there a way to essentially continue to tap into that honorary

tradition and, most importantly, expertise? Because there are some very highly qualified members on that board, which we should welcome input into public life. Is there a way to achieve that same thing and avoid the £500,000 cost? Let us be clear, I am of the view that the complaints process that we have does need addressing. We have some very minor measures which we take at the Council of Ministers, in other words, the Complaints Board reports do come up to the Council of Ministers now, which did not use to be the case. But we do need to go a lot further. But the issue will be, there is no point, in my view, in having a Public Sector Ombudsman in place, if they do not have the teeth to ensure that their findings are carried through. The consequences of that, I believe - and that is a discussion we need to have - would mean that, therefore, a body is in place to override this Assembly technically. I am not too sure what the position is there.

4.5.2 Deputy M.R. Higgins:

I hope that the Chief Minister will take into account the cost of maladministration by States departments on the individuals concerned. In the years that I have been in the States, I have seen people, who have been financially ruined by States decisions. I have seen people suffer mental health problems and family breakdowns because of States decisions. So, it is not just a question of money. Just one other point on the Complaints Board: the previous Council of Ministers and possibly this one, have rejected Complaints Board findings and are still appealing against decisions elsewhere. This is totally unacceptable. So, in the round, in terms of costs, will the Chief Minister take everything into account, not just the £500,000?

Senator J.A.N. Le Fondré:

I think the Deputy has a very valid point there. As I said earlier, I am personally not convinced that our complaints process, that we have at the moment, is robust enough. I think that is the issue around the ombudsman. What I was trying to say is, what we have got to make sure is whatever replaces the present system has sufficient teeth and please be under no illusions that the present Council of Ministers is very cognisant of these types of issues. But we have got to then look into play where we are in 10 years' time, or wherever, in other words when none of us are here, as to what the structures are in place and are they robust enough to achieve the desired outcomes that we are talking about. This is one of a number of challenges we continue to face.

4.5.3 Deputy M. Tadier:

Will the Chief Minister bear in mind that the Committee of Inquiry into child abuse did focus on the issue that this Assembly, in the past, has been very good at expediting financial related policy and legislation, but when it comes to social policy that they have historically been slow and hopefully that has changed? Does he not agree that while we have a Financial Ombudsman in place and that seems to have been prioritised, it is woeful that we do not have a general ombudsman for other areas, which has been promised for a long time and which would be certainly of value, not just for us, but to the wider public?

Senator J.A.N. Le Fondré:

OK, I think some various contexts around that. The Public Sector Ombudsman side has been promised for a long time, is the quote. I am not too sure that it has. It is a decision of the previous Assembly, literally in its last days. As I said, I have recognised the issues that we face around how we have a robust complaints process. In terms of clarification, in terms of the Care Inquiry, because I did remind myself yesterday and interestingly enough the ombudsman in relation to children, for example, which some people have referred to in the past, it has been interchangeable with the Children's Commissioner and a Minister for Children, if one does a search through the document. Obviously, we now have a Minister for Children. That was one of the first things we did and, obviously, we also have a Children's Commissioner. In terms of addressing those particular issues, they have been addressed, but obviously we know there is more improvement to go. In terms of the

overall, so the ombudsman is a methodology about dealing with an issue and in this instance what we are talking about is a general complaint side. I think I have already addressed, through Deputy Higgins; we know we have more to deal with in terms of how we address complaints and how members of the public are dealt with by departments. We know, sometimes, members of the public do not feel well dealt with. Sometimes, because the nature of the complaint is not correct, or sometimes it can be the department itself is at fault. Generally, without going into certain territories, the departments, or the Ministers, are acting on advice in terms of how those are dealt with.

4.5.4 Deputy M. Tadier:

The Chief Minister talked earlier about the cost of the Public Services Ombudsman being set up. Does he also acknowledge that there would be a saving related to that, because we know that, notwithstanding the good work that the honorary members put into that board, it is very much a long, drawn-out process often and that justice delayed is justice denied. So, there is a cost, not just in terms of time to the individuals involved, but more importantly, perhaps, for us now to the States department during a protracted period of time there is a cost to the public service for their employment. So, is there a saving which can be taken into account in this?

Senator J.A.N. Le Fondré:

I think that is one of the discussions that we are presently having. I suspect that whatever structure is in place - although I do understand for the Financial Services Ombudsman, because that structure is now there, that does speed up the process - but whatever structure is in place I suspect there will still be calls on departmental time. The question is: is it possible to build on existing systems, to achieve the desired outcome? That is the question. The other question is: what teeth will the ombudsman have that will achieve a different outcome to where we are at present?

4.5.5 Deputy D. Johnson of St. Mary:

As the Chief Minister is aware, the Legislation Advisory Panel has approved the form of consultation document to go out and that mirrors, very much, the recommendation by the Law Commission to establish a Public Ombudsman in substitution for the Complaints Panel. Given the text of the proposition lodged by Senator Ozouf, P.32/2018 and approved by the Assembly, which includes: "To request the Chief Minister to bring forward primary legislation to establish the office of a Public Services Ombudsman, to replace the States of Jersey Complaints Board, as soon as is practicable." Will the Chief Minister advise whether, if the result of the consultation is to endorse the recommendation of the Law Commission, he will feel able to bring forward that primary legislation, without the need to bring it back, yet again, to the States?

Senator J.A.N. Le Fondré:

I was following the question right up to the very last bit. Part (d) of that particular amendment is: "To request the Chief Minister to consult widely on the design of the Public Services Ombudsman scheme, including with the members of the Jersey Complaints Board ... in order that the best elements of the Complaints Panel scheme are retained within the new system." I would expect that, once that work is done, that it would come back to the States in terms of the final form of legislation would come back. I would not expect there to be an intermediate stage of, for example, the revised principles to come back to the States. I am assuming that where we are, we have got an in principle decision, we go to the consultation, we get the framework correct, we build the legislation on that and this Assembly then considers that legislation. Does that answer the Deputy's question?

4.5.6 Deputy S.M. Ahier:

With reference to P.32/2018, which was, obviously, brought more than a year ago to this Assembly by Senator Ozouf, it was passed by a ratio of 3 to one. It stated that an appointment of an ombudsman should be progressed as a matter of priority. Does the Chief Minister concur with this statement?

Senator J.A.N. Le Fondré:

I agree it is important. The difficulty we have, as with many things, is that there are many priorities that the Council of Ministers face. I remind the Deputy that on day one of starting office, we were faced with the issues of a lawsuit of, I think, £240 million and the legislation had to be put in place to mitigate that. That, I would hope Members would expect, took greater priority than improving the complaints system. They are all important. It is which order we do it in and this is why this matter is now going to the Council of Ministers on Friday.

4.6 Deputy K.F. Morel of St. Lawrence of the Chief Minister regarding e-mail correspondence between the Chief Minister and Deputy M. Tadier of St. Brelade: (OQ.129/2019)

Further to the release of emails, following a Freedom of Information request, will the Chief Minister explain why he expressed concern about the fact that an email from Deputy Tadier, regarding the continuing employment status of an officer could be “subject to an F.O.I. (freedom of information) request” and then suggested that Deputy Tadier “do a new e-mail” but “do not include this, or any other part of that chain, in this e-mail”?

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

In relation to the email being subject to an F.O.I. request, I was concerned about the potential harm to the Assistant Minister, but, more importantly, the employee. I was, therefore, reminding the Deputy, in as tactful a way as I could, that all emails are subject to possible F.O.I. requests and that, sometimes, it is better to reflect on the contents of an email before hitting send. In addition, I was suggesting to the Deputy that he issue an immediate apology to the employee and it is my opinion that it should be a clean email, without the email chain being attached, as that felt a better way of apologising, rather than just off the back of the original email that had been transmitted. I would just say, for the avoidance of doubt; I consider the matter now resolved. I look forward to the Deputy resuming his position as an Assistant Minister at the conclusion of this sitting.

[10:15]

4.6.1 Deputy K.F. Morel:

I agree about the need to reflect before sending emails, but my concern is about transparency and to understand whether, in the Chief Minister’s mind, was there a desire to avoid transparency in respect of these emails being subject to an F.O.I. request?

Senator J.A.N. Le Fondré:

No, as I said, I thought I was trying to express my view in as tactful a way as possible about reflecting before hitting send.

4.7 Deputy I. Gardiner of St. Helier of the Minister for Infrastructure regarding improvements to St. John’s Road: (OQ.125/2019)

Will the Minister advise whether the preparatory work on new improvements to St. John’s Road will start in November this year?

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

In the summer of 2018, we identified the need to review St. Aubin’s Inner Road and St. John’s Road. The department does not have the resources to undertake both reviews simultaneously, so St. Aubin’s Inner Road was prioritised, as the collision record was of greater concern. We plan to have proposals for St. Aubin’s Inner Road ready by late summer and hope to hand over to the design and construction

team. This will then free up time to start looking at St. John's Road. We hope that this will be able to start preparation works in September, so we can run the initial consultation in November 2019. However, we do not want to run it too close to Christmas, as people have other things on their mind, so if preparation work does not start in October/November, this could slip into January 2020.

4.7.1 Deputy I. Gardiner:

I would like to ask the Minister to reconsider and work with the team to ensure that consultation will start in November 2019, taking into account that the first request for improvement for St. John's Road was submitted to the Parish in 1994 and the Minister has this document, we are talking about 25 years. From September it is slipping to November and now to Christmas and I would like to check if it is possible to stick with November 2019 and not to slip to 2020.

Deputy K.C. Lewis:

Yes, that is our intention. As I say, we do have limited resources, but to the best of my recollection there were 5 reported collisions on St. John's Road - reported collisions being reported to the police where someone is injured - and 24 on St. Aubin's Inner Road. So, St. Aubin's Inner Road has taken priority, but we would wish to move on to St. John's Road as soon as possible.

4.7.2 Deputy M. Tadier:

What does the Minister attribute the much higher rate of collisions on St. Aubin's Inner Road to?

Deputy K.C. Lewis:

All that will come out in the review that the team is doing now. That is why it is being reviewed. We would like slower speeds, possibly more crossings, but the team will determine that.

4.7.3 Deputy M. Tadier:

May I ask, is it not obvious that the reason there are more collisions on St. Aubin's Inner Road is the fact that cars are allowed to park on what is, effectively, a main road, so that other cars have to overtake going on to the other side of the road where there is simply not enough space? Is that something that needs review or just ...

The Deputy Bailiff:

I let the first supplementary go, but this one is all about work on improvements to St. John's Road and not the cause for accidents on St. Aubin's Road.

Deputy M. Tadier:

If I can rephrase, it seems to me that if the Minister and his department does not have a basic understanding of road collisions and if road collisions are the basis for prioritising one road over another, in this case St. John's Road, then it seems to me that these kind of issues will not be resolved until that basic understanding is grasped.

The Deputy Bailiff:

The question was?

Deputy M. Tadier:

Does the Minister agree that there are obvious reasons why there is a higher rate of collisions on St. Aubin's Inner Road than on St. John's?

Deputy K.C. Lewis:

That is something the team, who are experts in this field, will determine. We have people that have been doing this for many years, some have been with us for 25 years, some have been up to 40 years and they are experts in this field and they will determine what is safe and what is not.

4.7.4 Deputy M.R. Higgins:

In answer to Deputy Tadier, it is really the volume and the speed of vehicles on the Inner Road and I am saying that as the Deputy for the area.

The Deputy Bailiff:

Deputy Higgins, this is a question for the Minister for Infrastructure, not an answer to Deputy Tadier's question.

Deputy M.R. Higgins:

I accept that; I feel I must.

The Deputy Bailiff:

No, in accordance with Standing Orders, if you could just ask a question of the Minister that would be right.

Deputy M.R. Higgins:

I was just moving to do that. Would the Minister not agree?

Deputy K.C. Lewis:

I thank Deputy Higgins for his comments. He is, indeed, Deputy for the area and indeed a resident of the area, so he is fully conversant with the problems there.

4.7.5 Deputy I. Gardiner:

I know and nobody disputes that the Inner Road would take priority over St. John's Road and once the plans will be submitted in summer, I hope the 3 months will be sufficient to prepare consultation for St. John's Road.

The Deputy Bailiff:

The question was?

Deputy I. Gardiner:

Would it be sufficient, 3 months, to prepare consultation?

Deputy K.C. Lewis:

All being well it will be sufficient. However, as the Minister for Infrastructure, I have to work closely with my team and we prioritise roads that need attention. But I work at the discretion of this Assembly; if someone should bring a proposition directing me otherwise, which is in the pipeline, then there is a possibility that this could be delayed. We do have propositions that would wish to direct me in other directions.

4.8 Deputy J.H. Perchard of St. Saviour of the Chairman of the States Employment Board regarding the status of negotiations with unions over public sector pay: (OQ.122/2019)

Will the Chairman update the Assembly on the negotiations with unions over public sector pay?

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

I thank the Deputy for her question. Pay review negotiations remain at a very delicate stage in certain areas and in a public environment there are constraints as to what can be said about our negotiating strategy, in order to avoid potential prejudice to those talks. The employer has always sought to ensure confidentiality and not conduct negotiations in public. That said, we remain in negotiations with the civil service and prison officers and we are going to binding arbitration with the Fire Service

Association, in accordance with our agreement with them. I will come to teachers shortly. But it is helpful to remind the Assembly that the Board have reached successful settlements with nurses, manual workers, police and, very recently, head teachers. If Members are not aware, head teachers - we were informed on Friday and I believe it is being announced either today or yesterday – agreed, by 69 per cent, to accept the deal that we have offered them. It is worth using that as an example, because it is not always all about pay. In relation to head teachers, it has been about their spine; it has been about the career progression that they face. So, for example, up to now it has been possible that a deputy head teacher is promoted, but takes a pay cut when they become a head teacher. So, one of the things we have done in addressing this package is we have addressed that issue. We have been seeking that approach all the way down the line, in a whole range of areas. As we know, to get to the teachers' side - and I appreciate I am taking slightly longer - there have been a series of strikes by N.E.U. (National Education Union) members, which have led to school closures, either wholly, or in part. If people want me to elaborate on that, they will have to ask me a supplementary. I know neither party wants to disrupt the education of our children. The Board's 3-year pay offer for teachers is worth 8.6 per cent consolidated. That is pensionable pay rises, plus 2.1 per cent in one-off cash payments. In 2020 the offer, which is included in those figures, is worth R.P.I. (Retail Price Index) plus 1.3 per cent, which is guaranteed and the R.P.I. is currently expected to be around 3.1; so that would be about 4.4 in my maths. Overall, that package for the grade with the most number of teachers in it is worth about £5,500. I would hope Members would think that is not an unreasonable answer. But where we are is that there have been active negotiations under the direction of the S.E.B., under the auspices, as well, of J.A.C.S. (Jersey Advisory and Conciliatory Service) and that has been going all of last week; that was 3 full days. I believe progress is being made; in fact, there is a small announcement going out today, in order to resolve and make progress on resolving that dispute. Where we are is that we are establishing the foundations, but we have not yet built the house.

4.8.1 Deputy J.H. Perchard:

The Chief Minister stated that negotiations are not also about pay - I appreciate the need to be vague - but can he confirm whether, with unions still in dispute, negotiations are focused solely on pay for those unions, or if they are including working conditions, as well?

Senator J.A.N. Le Fondré:

I think I can safely say that it is also around conditions as part of those discussions.

4.8.2 Deputy K.F. Morel:

As with regard to all the pay disputes and the strikes, the attendance strikes, but particularly with regard to the teachers' strike, has the States Employment Board attempted to understand how much these strikes are costing Islanders and the Island as a whole?

Senator J.A.N. Le Fondré:

The States Employment Board is fully aware of the disruption that is being caused by the strikes on parents. It would be fair to say, as being personally impacted, there are other Members in this Assembly, as well, who are directly affected by the impact of this. What I will say is that - I think it is useful to illustrate - there is a change in the impact on parents over the past 4 weeks. In week one, there were 10 schools open, 12 partially and 13 closed; in week 2, 18 partially open and 7 closed; this week we are expecting 11 open, 24 partially open and none fully closed. So, the impact is changing on parents but, as I said, we continue to negotiate. I am hoping that we are establishing a foundation. We are getting there. We have not yet built the house; there is still work to be done.

4.8.3 Deputy G.P. Southern:

Can the Chairman explain why the Board was prepared to see strike action before getting around the table with anything like a meaningful offer?

Senator J.A.N. Le Fondré:

As I tried to illustrate in my slightly full answer, the question has always been, in our experience so far, in all the pay groups, it has not just been around pay. One has to remember there are 2 unions involved. One union has been in discussions pretty well all the way through, the other union chose to go into strike action, but we have been having constructive talks with them during the course of last week. So, S.E.B. have always been willing to talk, it has been very much a case of how the unions have decided to implement those talks and enforce their arguments. But, what I will say is at the moment: matters seem to be going through quite productively.

4.8.4 Deputy G.P. Southern:

Nonetheless, historically, always, when public sector bodies have threatened to strike, particularly teachers, in the past, the relevant authorities have got together around the table and sorted it out. Why, this time, have we seen such a marked change in policy that we are prepared to see striking teachers on this Island? What responsibility will he take for that lamentable position?

Senator J.A.N. Le Fondré:

We have always negotiated on this; it is a matter for the unions how they chose to do matters. I will just say that people do not always respond well to threats; it sometimes is better just to talk. One of the unions has been talking all the way through; another union has chosen a different tack, but they are all talking productively now and that is very important. What is also very useful is to understand the issues and that is what we have been finding in the other pay groups and when we get to that understanding, usually, we can, therefore, come to a meaningful accommodation. I will also point out that, in certain instances, sometimes, it is a result of all the unions, as the unions vary in negotiators, so some are using a mix of U.K. (United Kingdom) and local and others are using pure U.K. and that, sometimes, has an impact on how things are managed.

4.8.5 Deputy J.H. Perchard:

Will the Chief Minister tell the Assembly and the public when he expects to resolve these issues, a date would be ideal?

Senator J.A.N. Le Fondré:

The next full set of meetings is on Friday, in terms of teachers. There are other meetings, with other pay groups, occurring earlier this week. I am trying to remember if it is today, or tomorrow. But the other point is - that is face-to-face meetings - there are continuous discussions happening, usually by phone, which will be happening today and tomorrow, as well. So, the discussions continue all the time. I do know, obviously, we have the strike today and, in theory, on Wednesday and Thursday, as well. If there is any change in that, obviously, we will all be very delighted. But, as we said, although we are getting meaningful and productive talks, we are not quite there yet.

[10:30]

4.9 Deputy K.G. Pamplin of St. Saviour of the Minister for Home Affairs regarding the funding of Dewberry House: (OQ.127/2019)

Will the Minister advise whether the additional funding, requested for Dewberry House, has been agreed and, if so, when that budget will be made available to the service; and, if it has not been agreed, will he explain why not?

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

Yes, the funding for Dewberry House is being considered, alongside other bids as part of the development of the Government Plan. But I can say this to the Deputy: I regard Dewberry House as

an essential service and I will support the bid robustly during the process over the next couple of months.

4.9.1 Deputy K.G. Pamplin:

I thank the Minister for his question and his support of the service in, not just my district, but which serves the Island as a whole and has done some great work supporting Islanders at very vulnerable times. The funding for the current service ends at the end of this year and, of course, communication is very important, when concerns for budgets and employing staff could not be successful. Will the Minister confirm that the communication of this process will be upped and does he see when this could be resolved, so that they know the money will be coming?

The Connétable of St. Clement:

As I said, this is all part of the Government Plan, which will be lodged in July, which I would expect would include the funding for Dewberry House and the States will have the opportunity for debating this in September, or the autumn and if the States approve the funding for Dewberry House, it will be in place for next year and I really expect that to happen.

4.9.2 Deputy K.G. Pamplin:

Part of that funding was for a capital bid for a new purpose-built building. Can the Minister elaborate if that will be problematic alongside the funding, which they have asked for, for the C.S.A.P. (Child Sexual Abuse Pathway) funding, separate to that bid?

The Connétable of St. Clement:

As I said, there is a process for deciding on the priorities; the Government Plan will present the Government's priorities to this Assembly and the Assembly will make the decision. But, as I said in answer to the first question, I will be robustly supporting the full bid.

4.10 Deputy K.F. Morel of the Minister for External Relations regarding the access of Islanders to quality independent financial advice: (OQ.130/2019)

Given the risk that the increasing cost of financial services regulation is leading the Island's financial advisers to raise the minimum level of income and assets on which they are able to advise, will the Minister describe what work, if any, he is doing to ensure that all Islanders are able to access quality independent financial advice?

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

I ask my Assistant Minister to answer this question.

The Connétable of St. Ouen (Assistant Minister for External Relations - rapporteur):

I thank the Deputy for his question. The Deputy probably realises I am fairly uniquely placed to answer this question, as before I joined this Assembly, I was a director of a firm of independent financial advisers. I have to say, I do not necessarily agree with the statement he makes. As an industry, we have been trying to address the lower end of the market - if I can use that phrase, I do not use it disrespectfully either - by looking at products. We are using automated advice, we have been reducing costs and generally trying to encourage people to start saving for their pensions and take out life insurance by keeping costs down. There are some sectors of that marketplace that may not be interested in that type of business. Also, I do not make any apologies for the standard of regulation in the industry; we have seen the introduction of the retail distribution review in the U.K., closely followed by the introduction of a review of financial advice in Jersey, which has done 2 things. It has raised standards in the industry substantially and it has also reduced costs to the end users substantially; 2 things that I think should be applauded and have been to the considerable benefit

of the end user. But, Jersey's reputation as a financial centre is founded on strong regulation and I think that is something that we would wish to preserve and it is important for this industry. There are also other routes for people, who do not necessarily wish to engage with the I.F.A.s (independent financial advisers) to get advice through Citizens' Advice and the Community Bank. But, generally speaking, I cannot say I particularly agree with the Deputy's view and I would welcome any engagement with him on any particular issues he might have.

4.10.1 Deputy K.F. Morel:

The Deputy's view comes from speaking to financial advisers, who informed that view and who have raised concerns with me about the lack of provision for Islanders. I must ask, basically, you talk about automation and things like this, but are you tracking the availability of financial advice to Islanders, for want of a better word, average Islanders of average income and average assets? Do you, as a ministry, follow to understand how big that market is and how well-equipped it is to deal with Islanders' needs?

The Connétable of St. Ouen:

I thank the Deputy for his question. We do have an idea of the quantity of the market. The I.F.A. population provides services to about 14,000 clients in the Island, about 12,000 of whom are local. About 99 per cent of those clients would be classified as retail investors. What I would say is it is not really Government's purpose to get involved in the financial services industry in the way he might be suggesting. My experience is that every time they have done that, it has ended in disaster. The provision of financial advice commercially is really something that should be provided by the industry itself. However, I accept the point he is making and it is a point that I will bring up at the next Financial Services Board meeting and I undertake to get back to him with a response from the Financial Services Board meeting, which represents the industry, with some further information on that point.

4.10.2 Deputy G.P. Southern:

I have heard a very competent answer from a representative, it seems, of the independent financial advisers, but I have not heard a political answer. May I remind the Member that he is now a politician and the question was what is his Government going to do to assist in this area?

The Connétable of St. Ouen:

I thank the Deputy for his question. I am fully aware that I am a politician and some of the answer was directed in that direction. My comment was that it is not good for Government to interfere directly in the financial services industry and force the industry in a particular direction. In the past that has happened; I remind people of the pensions industry in the U.K., which ended in a disaster, and it is not something that I, personally, would recommend.

4.10.3 Deputy K.F. Morel:

I am particularly concerned to hear the Assistant Minister say that he does not believe it is the role of Government to interfere in the financial services industry. One reason is because the Government interferes every time it creates a new regulation and so it does it on a daily basis. But, does the Minister agree that it is, surely, the role of Government to ensure that Islanders have the facilities that they need, in order to ensure they are equipped financially for the future, especially Islanders who operate on lower incomes and do not have the wealth that many, who do successfully use the financial services industry, have at their disposal?

The Connétable of St. Ouen:

I accept the Deputy's point and we will have to give it further consideration, but what I am trying to say is it is not the Government's role to force the I.F.A.s to provide that service and I think it is worth

me and him having a discussion about the subject and me taking that back to my area and seeing where we can improve areas that he has concerns about.

4.11 Deputy K.G. Pamplin of the Chief Minister regarding the condition of Orchard House: (OQ.128/2019)

Will the Chief Minister advise what action, if any, the Government has taken following the meeting I arranged with myself and other Ministers at Orchard House, on 26th April 2019, regarding the current state of that facility?

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

Yes, I am glad the Deputy was able to arrange a meeting with himself ... but there were plans already in place, as the Deputy may be aware, prior to that meeting on 26th April regarding Orchard House and the relocation of its facilities. Work on those plans continues and I will say, from memory, I think there was an announcement in the media within the last couple of weeks. So, there was no great action required, in terms of those plans are moving forward.

4.11.1 Deputy K.G. Pamplin:

Would the Chief Minister give his personal account of that visit and what he saw, especially in the Orchard House Acute Unit?

Senator J.A.N. Le Fondré:

I am very clear the facilities are not up to scratch and that significant improvement is required. The staff that took us around were very good, as we would expect. In many areas, our staff are very good and the proposals are that there is a budget for the Minister for Health and Social Services of £2 million for 2019 in relation to Orchard House; there is a proposal for a further £3.3 million to complete those works in 2020 and a further £1 million is being sought in relation to La Chasse. So, in total, it is around £6 million, which will, therefore, at last bring matters up to acceptable standards for the medium term; and by medium term I mean roughly the next 10 years, which is sufficient then to incorporate a longer-term plan into the new hospital strategy.

4.11.2 Deputy K.G. Pamplin:

I thank the Chief Minister for his answer. The initial money that he mentioned, the £2.2 million, part of that work was for the immediate work to go into Orchard House, before the transfer of in-patients. Does he know when that work will begin, where some of that money could be used on what is so desperately needed as of right now?

Senator J.A.N. Le Fondré:

I am just looking up my notes, but I do know that some of the work has been done in terms of there were some immediate things that needed to be addressed, which I believe was a new updated personal alarm system, for example, that had to be sorted and, apparently, it has been installed. An action plan has been accepted, the Health and Safety Inspectorate is in place and senior support for staff is in place, together with a recruitment plan, to ensure vacancies are filled efficiently. That is from my notes but, as I said, we are in May; obviously, the budget will be for the year and the physical works will be in conjunction with Property Holdings.

4.12 Deputy M. Tadier of the Minister for Home Affairs regarding the Customs and Immigrations checks undertaken on journeys from St. Malo to Jersey: (OQ.132/2019)

Will the Minister advise whether baggage checks for cannabis, or other illegal drugs, are carried out, as a matter of course, in St. Malo for passengers to Jersey, including foot passengers; and if not, at which point in a standard journey Customs officers undertake such checks?

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

The control of passengers, travelling outward from St. Malo, is a matter for the French authorities and it would be inappropriate for me to comment on the operational policies and procedures of another jurisdiction. But, I can say this: the Jersey Customs and Excise Service have an excellent relationship with their French colleagues; there have been many successful joint operations, with multiple arrests and drug seizures taking place over many years. Quite often on these situations, drugs are intercepted before they leave France and the arrests and legal processes take place there. As far as Jersey is concerned, the Customs and Immigration Officers are required to conduct immigration control on all passengers arriving from outside the Common Travel Area. The Customs Control, which usually takes place after passengers have passed through immigration, is focused on detecting persons importing prohibited, or restricted, goods.

4.12.1 Deputy M. Tadier:

I understand that checks that are carried out in France are matters for the French authorities. The problem is that when somebody gets through from St. Malo and they end up in Jersey, they are then the responsibility of the Minister and the costs from 2017 for prisoners at La Moye are in the order of £77,000 a year per prisoner. So, my question is: surely it is better to catch more of these offenders before they get to the Island? With regard to the ferry operator from St. Malo, of which there is only one, would it not be better that checks are carried out routinely and automatically on all hand baggage, so that they are scanned, so that the low-hanging fruits of people smuggling into Jersey are picked up on the other side of the border, not with the expectation that they will get into the Island, where we pick up the bill?

The Connétable of St. Clement:

As I say, there is an excellent relationship between Jersey Customs and Immigration and their French counterparts and, as I said in my answer, now there are very often joint operations, where potential smugglers of illegal substances into the Island are intercepted in St. Malo, in France; are arrested in France and are dealt with by the French authorities. If the prison sentence is eventually the appropriate sanction, that is carried out in France, at the French taxpayers' expense. If a perpetrator of a crime is in Jersey, it is a Jersey issue and, therefore, we have to take responsibility for it. I do not think it is reasonable that we can ask the French to take responsibility for crimes committed in Jersey; we have to play our part in that.

4.12.2 Deputy K.F. Morel:

It is understandable that a crime committed in France, prosecuted in France, is not reported in the Island, so, perhaps, we do not know how many potential drug smugglers are caught in St. Malo. Does the Minister keep those statistics to understand how many potential smugglers to Jersey are stopped and apprehended in St. Malo?

[10:45]

The Connétable of St. Clement:

The Deputy has started his question by saying we do not know how many are arrested, or stopped in St. Malo; therefore, it is not possible for me to keep records of something that we do not know about.

Deputy K.F. Morel:

I was saying that we do not know in the media, is what I intended to say. I was wondering if, through the official perspective, you liaise and understand from the French authorities how many people they stop and apprehend in St. Malo on their way to Jersey.

The Connétable of St. Clement:

What I can tell the Deputy and I repeat it again: there is an excellent, superb, wonderful relationship between the French Customs authorities and the Jersey Customs authorities and they work together, as I said just now, on joint operations. Where it is appropriate that the potential smuggler is stopped in France, it is dealt with by the French authorities. If it is appropriate, or it is not noticed, or not caught and they are caught by the Jersey authorities, it is the Jersey authorities who take responsibility. But, quite honestly, I cannot give the Deputy numbers of individuals.

4.12.3 Deputy M. Tadier:

Perhaps I should have been more clear; my focus is not so much on the French Customs and Immigration authorities, rather the travel companies themselves and it is a well-known fact that when anyone travels to the Island by plane, all bags are automatically x-rayed, so we know what is in them, but there is no such requirement for boat travel. Would the Minister consider consulting with these ferry companies, to make sure that all baggage is scanned before coming to the Island to ultimately save us costs and expedite the process of detection of illicit substances?

The Connétable of St. Clement:

I really do not know if that would help, because my understanding is that aircraft baggage is scanned for security purposes, to make sure that there is no such things as explosives and so on. I do not believe the security operation at Jersey Airport, or any other airport, is specifically looking for illegal drugs. That is my understanding; I could be wrong, but that is certainly my understanding.

4.13 Deputy I. Gardiner of the Minister for the Environment regarding the problem of feral chickens in the Island: (OQ.124/2019)

Will the Minister advise what policy, if any, his department has to deal with the problem of feral chickens causing nuisance through noise, mess and the destruction of gardens across the Island?

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

I am aware that this is a growing problem, in common with many other places and at present we do not have a formal policy for dealing with feral chickens. Incidents and complaints are dealt with on a practical case-by-case basis within the laws that we have. But, of course, recognising that the problem is growing, we have had to deal with incidents in St. Peter, the valley and, obviously, a big problem in Vallée des Vaux. Officers from the Natural Environment Regulation teams have met, they have discussed possible solutions and it is agreed a draft policy will be formulated, which will have cost implications. Environmental Health, the States Vet and other officers, are involved and the project is being led by the Director of the Environment.

Deputy I. Gardiner:

I would like to ask first clarifications from Attorney General, if possible.

The Deputy Bailiff:

No, not during question time to a Minister, I am afraid.

4.13.1 Deputy I. Gardiner:

So, follow-up questions. I think it is reassuring that you are looking into the policy, because, as you mentioned, it has become a big problem across the Island. Residents waking up at 3.00 a.m. in the morning, feral chickens pecking at the gardens, becoming a traffic hazard as they stray on the road

and destroying the eco-balance of the system for National Trust woods. With the policy, would the Minister commit to develop a feral chicken and geese - because there is also geese - management plan to provide a framework for the Government-led action to reverse the economic, environmental, human harm caused by feral chickens and feral geese through the activities, which will include donation of the resources, prevention of infestation, rapid and indeed response to public control ...

The Deputy Bailiff:

Deputy, I am afraid there does have to be a question.

Deputy I. Gardiner:

Would the Minister create a whole management plan and also will bring legislative changes, if needed, to deal with the feral chickens case?

Deputy J.H. Young:

I do my best; there are a lot of questions there. At the moment, we deal with it on a practical, pragmatic basis. There is no question that the feral chickens cause a nuisance to people. Obviously, they often start as domestic and then go into a free life, as it were and the law at the moment - we work within the law - landowners may - and the Members may not like this - but it is legal for landowners to dispatch feral chickens on their own land, providing they use humane methods within the law, which is proper pest controllers. They are not protected in the Wildlife Law. Environmental Health can deal with them, with the landowner's permission, but without landowners' permission, it requires legal processes about statutory nuisance. Of course, it is always open for people to adopt feral chickens and I understand this goes on, but usually, I understand, that many people give up on them, because they are pretty hard work. So, the practical position that we take, I am told we have dealt with 35 in St. Peter and Vallée des Vaux, but it is an ongoing problem and I am sure that we will have to have a better solution. But the plea is: people, do not abandon chickens, because that is what we think causes a lot of it, not just hatching, but people abandoning domestic chickens, which then become feral. So, I will have to produce a paper, but I am looking for practical solutions and not Rolls Royce ones.

4.13.2 Deputy K.F. Morel:

First of all, I would like to ask the Minister if he appreciates that not everybody sees feral chickens as a constant pest and, certainly, not geese, which are often mostly wild, rather than feral; and it is concerning that the Minister was asked about them. Would the Minister ensure that any management plan would start with an assessment of the size and the scale of the problem, because I do feel that it is the sort of problem that can be blown out of proportion, rather than dealt with, as the Minister says, in a practical manner?

Deputy J.H. Young:

Yes, I am afraid I cannot answer; I would have to come back to the Assembly on the question of geese. Obviously, I had to check out, particularly, about the status of chickens and I suspect geese may be in another category, so I cannot answer for that. But I recognise that people have different views in life. Personally, I love the sound of cockerels and chickens, I think they are part of the countryside thing and that is all over the world. For me, I think it is great to be woken up in the morning, when the sun comes up; but, of course, not everybody does. Of course, I think the problem, the most practical route is about the issue of the landowner; that where people own land they control it, but there is at least one case, which I will undertake to look at, where feral chickens are being dealt with on publicly-owned, States-owned, lands and I shall be very pleased to hand that problem to the Minister for Infrastructure to have a look at. That is as far as I can go with practical solutions; that is what I would like to do.

4.13.3 Deputy M. Tadier:

Would the Minister state whether he has a plan to deal with intransigent turkeys? **[Laughter]**

The Deputy Bailiff:

I do not think you need to answer that one in particular.

Deputy J.H. Young:

I was going to suggest that we might have a chicken resettlement scheme. **[Laughter]**

4.13.4 Deputy I. Gardiner:

If the Minister would be aware that we had changes to the Statutory Nuisance Law in 2017 and now it is illegal to feed seagulls; would feral chickens be considered as wild birds and it will be illegal to feed feral chickens and a person can be prosecuted?

Deputy J.H. Young:

It is an excellent question; I apologise to the Deputy that I forgot to give that from my briefing note. It is an offence for people to feed those wild chickens and we ask people not to do so.

4.14 Deputy J.H. Perchard of the Chief Minister regarding the prospect of setting net migration to the Island to zero: (OQ.123/2019)

Given the conflict between protecting green space and addressing the need for more housing, will the Chief Minister consider setting net migration to zero until a new population policy has been presented to the Assembly?

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

The Connétable of St. John is answering the question on the matter of population.

Connétable C.H. Taylor of St. John (Assistant Chief Minister - rapporteur):

The Chief Minister recognises the importance of population and housing to the Island and, as such, has set up Migration and Housing Policy Development Boards, to consider these 2 issues. The boards consist of Ministers, backbenchers and laypersons, who bring a mixture of views and experience to the boards. The boards run alongside the Island Plan, because the Minister for the Environment announced last week that he will be providing a balanced approach, by providing new homes, allowing the economy to grow and protecting the environment. The importance of these matters for the Island require that sufficient time is given, to allow the relevant research to be taken and policies to be proposed by the various boards, so as to give the implications on policies, taxes, services, and ensure a balanced economy and environment are given due consideration. As Chair of the Migration Development Board, I am confident that we will have a properly researched, relevant and evidence-based, debate in the spring of next year on migration. A knee-jerk reaction at this stage is likely to be unproductive and setting net migration to zero could have a significant negative impact on the economy, to key services, to health and education and also a danger of sending a message that Jersey is closed for business. This is a difficult message for us to recover from.

4.14.1 Deputy J.H. Perchard:

The population is currently about 105,000, increasing at a rate of plus 1,000 a year with 1,500 people leaving every year and 2,500 coming in each year. There is no sign of this trend stopping at present. For how long does the Minister think this is sustainable?

The Connétable of St. John:

I agree entirely, this is not sustainable and this is why the board has been set up to look into these matters. But any knee-jerk reaction is likely to be unproductive. We must ensure that the economy has the staffing levels they need to ensure the economy can grow. We must, at the same time, ensure

that the infrastructure is available; that housing is available and, at the present time, there is a shortage of housing and so there are brakes being put on to migration at the moment. But we are limited as to what we can do, until a full policy and a full understanding comes forward.

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

The previous administration brought forward a proposal for an immigration policy that was pulled at the beginning of this new administration and that was almost a year ago now. Could the Assistant Minister confirm if there is a soft target of migration that is currently being used in the Island?

The Connétable of St. John:

The proposition that the Deputy refers to was pulled in September last year and we do not, at the moment, have any target other than that which has been carried forward from the previous policy. This is being looked into and I cannot report at this stage as to whether any figures are being discussed.

4.14.3 Deputy J.M. Maçon:

Is my understanding correct in that the Migration Law can only work with the policy being adopted by the Assembly; so, therefore, for the Minister to lodge an interim proposal would take 6 weeks to be debated, to only come back with a fuller policy in November, so would not an interim, as proposed by the Deputy in her original question, not really be effective?

The Connétable of St. John:

The short answer is that the Deputy's thinking is correct. To bring forward an interim policy is not the way forward, until we have fully researched the topics and come forward with an evidence-based proposition for any changes that need to take place.

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

Guernsey have, for at least 2 years, I think, 3 years, been under a work permit system. Is there any evidence that this has been detrimental, or has it been a success and can we draw any positives from perhaps looking at what they have achieved over the past 3 years and is work permits something high on the list of the Assistant Minister?

[11:00]

The Connétable of St. John:

We have not, as yet, been briefed on the Guernsey model; that is due to take place shortly. We are looking at the possibility of work permits. The big elephant in the room is Brexit and, therefore, how this is going to affect us going forward, as to how to obtain manual labour for agriculture and hospitality. There will be a need for a permit system and this is something we are actively looking at.

4.14.5 Deputy S.G. Luce of St. Martin:

The Constable said, at the start of this question, that he found the current situation is not sustainable. Could he outline which parts of it he does not find sustainable?

The Connétable of St. John:

The current parts that are not sustainable are the level of inward immigration and the level of housing that is being provided. That is not sustainable. This is why it is important that the Migration Policy Board feeds into the Island Plan, to ensure that we balance the housing needs with the Island Plan, with the level of migration.

4.14.6 Deputy G.P. Southern:

Having pulled the last attempt to get something to debate, the question must be on what sort of guidelines, what policies, is the population being controlled by? Because, at any time, it seems to me, anyone can pull a suggested policy and operate under no policy at all. It is surely impossible for us, as an Island of a certain size and a certain population, to operate under no policy whatsoever. What are his criteria?

The Connétable of St. John:

We are currently operating under the 2011 immigration policy, as agreed by this Assembly.

4.14.7 Deputy M.R. Le Hegarat:

If we have an increase of 1,000 per year, please explain what profession, or what work, these 1,000 people are doing? Somewhere we must be increasing, somewhere in our workforce, so please explain where those 1,000 people are working and where they are living?

The Connétable of St. John:

I regret that is not information that I have. I have enormous amounts of information, but not exactly where they are living; that I cannot say. Which areas they are working in, again, is uncertain, because under the regulations, where somebody has a registered licence to employ somebody, once they have worked for 5 years they can then very often change jobs and, indeed, change sectors, so it is difficult for us to trace.

4.14.8 Deputy J.H. Perchard:

In his response to my initial question, the Assistant Minister stated that there are brakes being put on migration. Can he confirm that the Government is actively reducing inward migration and clarify the Government's numerical target for net migration?

The Connétable of St. John:

We are looking at removing any unused licences that are possessed by employers and that is a process that is ongoing. As for any set target figure, I have said, at the present moment, there is not a set target figure, other than the 325, which is historic. Going forward, this is something that the board is looking at and we will come forward, in due course, once it has been fully researched.

5. Questions to Ministers without notice - The Minister for Education

The Deputy Bailiff:

That brings questions with notice to an end. We now move to questions to Ministers without notice. The first question period - the urgent question is scheduled for after that - is for the Minister for Education.

5.1 Deputy K.F. Morel:

I have spoken with parents of G.C.S.E. (General Certificate of Secondary Education) pupils, who have been told that their children will not be ready for their exams this year. I was wondering if the Minister for Education would comment on this, given the statements from the Minister for Education in the past and from other Council of Ministers colleagues that exam pupils are not being affected by these strikes, because the message I am being given by parents is that they absolutely are.

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

I can only pass the message on, which I received directly from the teachers themselves, who are directly educating the children; that they have done all that they can in terms of the schools to provide the appropriate curricular requirements for year 11s, year 12s, year 13s, in terms of coming up to their exams. The only assurance I can give is, on the back of the assurance I have been given by

teachers, trying to manage an extremely difficult situation, in which they are wishing to get on and ensure that they are providing the absolute required education for those pupils.

5.1.1 Deputy K.F. Morel:

While this may be the message the Minister is hearing, the parents that I have spoken to are saying that materials are not being given out in time to their students and that the general disruption within schools is causing a chaotic atmosphere, which is disrupting education. Could the Minister comment on this?

Senator T.A. Vallois:

I am extremely concerned and extremely worried about the disruption that is being caused, in terms of education. However, in terms of materials not being given out, if that is the case, I would encourage those parents to come forward to the Education Department to speak directly to myself, or the Group Director and we will look into it and ensure that we can expeditiously put forward the appropriate support and resources in place for those pupils.

5.2 Deputy M.R. Higgins:

On 30th April, I asked a written question of the Minister for Education about print costs and photocopying in schools. That information provided the fact that the vast majority of schools, at 95 per cent probably, are not meeting their budgets in that area; in other words, photocopying costs are greater. Also, the figures show that they have dramatically cut back on what they are spending on photocopying. Will the Minister confirm whether this is the result of the Danwood contract that was signed a few years ago, which basically, in my view, ripped off the States and will she have a look at that contract and see whether it can be either renegotiated, or whatever?

Senator T.A. Vallois:

I thank the Deputy for his question. He will be aware that, of course, I was on P.A.C. (Public Accounts Committee) when that first reared its head, in terms of the contract with Danwood. I have always had concerns with it and I thank him for raising the written question that he did on 30th April, because it has brought to my attention the extremities in terms of the budgets for the schools and how they are unable to work. I have raised questions; I have pushed, in terms of procurement, as to whether it is the appropriate thing. So, it is an area that I am challenging and questioning, especially because of school funding. We are carrying out a school funding review soon; terms of reference are being put together before that, so recognising the amendment that Deputy Ward brought to the Common Strategic Policy, as well about that question around headroom; of course, teachers need resources, to ensure that they can provide the right resources for the children to learn in the educational atmosphere. So, it is important that we have the right budgets and, if that means that the printer contract is costing more, then we seriously need to look into that and ensure that we are getting value for money out of the contracts that we have as a public service, not just in education, but right across the board.

5.3 Deputy S.M. Ahier:

With reference to Written Question 17 on Tuesday, 26th March, concerning expenditure on university grants to all students, the expenditure in 2016 was £7 million and the estimated expenditure for 2019 is £15 million. Is this level of expenditure sustainable in the long term and where is the extra funding going to be coming from?

Senator T.A. Vallois:

No, it is not sustainable in the long term. That was quite clear when it was debated last year. It was one of the last propositions debated by the last Assembly. There is a great concern over the sustainability of the funding. We have made a commitment to students, who are in university, as an Assembly; we have made that commitment to those who are taking 3-year courses. We need to

ensure that they are supported during those courses that they have already taken up. But there is a review being undertaken, we have just released the Post-16 Education Strategy for members of the public, every member of the Island, to be able to provide their views and ideas forward for what we can provide going forward, in terms of education. The amendment that was brought by Senator Ozouf on that particular proposition, with regard to funding for higher education required us, as a new Government, to look at the sustainability of that funding and ensure that we bring forward an appropriate model.

5.4 Deputy M.R. Le Hegarat:

Part of this question has already been answered; however, would the Minister please give us an overview of the state, or the effect, that the disruption in our schools, ongoing disruption in our schools, has caused? I am particularly concerned in relation to the mental health and anxiety that this level of disruption can be having to our children and could she please provide us an update in relation to this matter?

Senator T.A. Vallois:

I thank the Deputy for her question. As Members will not be surprised, it has created significant impact across all our schools. The head teachers and many others have worked extremely hard to produce risk assessment plans, to minimise the effect and disruption, wherever it is safe to do so and, obviously, as a priority we have to ensure the health and safety of the children within our schools and that is recognised as ensuring that we have the appropriate number of teachers and the appropriate number of support staff to enable education to take place. But, after each strike day the plans have been updated to reflect how many teachers did not attend work and where this has indicated it will be safe to open more classes on following strike days this has happened. I share the concerns, the most vulnerable members of our society, who are being affected, particularly those who require a particular routine, it is becoming extremely difficult for those children and those families, because they are used to a routine and they enjoy going to school and being part and parcel of that daily requirement of their routine and this disruption is, of course, affecting them quite severely. So, at the moment, in terms of the talks that have been carried out over the last week, I am more optimistic, from the conversations that have been had between S.E.B. and the relevant unions and so I am hoping, with the statement that has gone out today, that we are close to resolution to this.

5.5 Deputy M. Tadier:

Does the Minister accept that the industrial action being taken by teachers could have been much worse, were it not for the fact that they made exemptions, despite the fact that many were working to rule, for year 11s and year 13s, so that exams were not disrupted and that activities weeks are going ahead, even though that is not part of the core requirement of teachers, because they recognise that this would cause a disproportionate amount of disruption. Does she acknowledge the fact that teachers are going over and above what they have agreed to, despite their industrial action?

Senator T.A. Vallois:

Yes, of course I acknowledge that and I understand their right to take industrial action. I also have a responsibility to ensure education in the Island and I am grateful that they are creating the exemptions that are required, especially for the exams and the support in terms of the areas that are much needed at this time of the year. But it is an unfortunate position to be in.

5.5.1 Deputy M. Tadier:

Does the Minister ultimately accept that, if we want to value our teachers, we need to pay them properly and adequately and that if our economic model does not provide enough money to do that, then we fundamentally need to change our economic model to allow our staff to be paid properly and in line with the costs of living?

Senator T.A. Vallois:

I believe I have previously stated that I agree with that sentiment and I have not changed my view.

5.6 Deputy I. Gardiner:

Can the Minister advise if there is any current monitoring of the progress of local undergraduates and upon their graduation does the education service provide such graduates with information about careers in Jersey and encourage them to return to the Island to take up employment?

[11:15]

Senator T.A. Vallois:

I thank the Deputy for her question. There is a lot of work being carried out at the moment in terms of post-16 education. There has been drip-feeding, in terms of the work that is enabling Student Finance, in particular, to work with students, particularly ones who access the funding and now that we have a better funding model most of them do access that, so it enables us to have that communication with the students, ensuring that we can offer things forward. There is a student that has approached me in the last year, who is due to leave university and is interested in areas working in the public sector, possibly on policy and things like that, so I have been speaking with one of our student finance officers about how we can ensure we have some form of intern training programmes in the States, not necessarily just in terms of particularly front line staff. There is policy and back office work that is required to be done. We are not where we probably should be and that is why I think the post-16 strategy and the work that we are doing around that will enable us to inform a brand new, hopefully, more coherent and practical policy, to enable us to have the appropriate communication between those students who go off-Island, the students that stay on-Island, so that there are pathways in place, so they understand where they can and cannot take part in terms of the Island's economy.

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

Would the Minister please look into extra funding for States schools that are obliged to take in disruptive pupils from other schools, some of them even being turned out from fee-paying schools? These students are, sometimes, on a one to one and in some cases on a 2 to one and they cannot be taught in school grounds, they are taught elsewhere. Yet, schools like Grainville are obliged to tutor these students out of their budget, leaving the school short of teachers and funding. Please, could she consider extra funding for these problem children, as the rest of them are suffering in the school and these pupils cannot be turned away from States schools?

Senator T.A. Vallois:

I thank the Constable for her question. Yes, there has been a review by the department, with all of the secondary schools in particular and I recognise that the Constable mentioned Grainville School, looking at their funding models. That is being fed into and overall now we are looking at the whole of school funding, so it is not just about headroom and budgets in the schools, it is about S.E.N.s (special educational needs). It is also about social, emotional, mental health support and it is also about Jersey Premium and how that funding works, to have that wraparound support for the individuals. I want to be able to work closely with the secondary schools in the meantime, until that work has been completed and we ensure the appropriate funding is in place. But, yes, absolutely I am committed to looking at the appropriate funding for these schools, to ensure that the children are able to be educated and supported with their own particular needs.

5.8 Deputy G.P. Southern:

In answer to Written Question 228 today about where staff went when leaving either their profession, or leaving a job, the answer coming from the Minister for Education was: "Our records do not identify data to answer this question." Does the Minister not consider that it is time that she conducted exit

interviews, to determine what conditions and what terms are getting in the way of us maintaining higher recruitment and retention rates?

Senator T.A. Vallois:

I will not, personally, carry out the exit interviews, but it is something of concern and it is something that ... Deputy Alves has asked previously about exit interviews, when I was chair of S.E.B. and now seeing the response to Written Question 228 today, it was a similar answer in terms of the issues of not having the data. But this is a particular H.R. (Human Resources) matter, but I am happy to raise it with our H.R. person at Education, to ensure that that process is carried out, because it is important for us to understand the reasonings behind our teachers, or even nurses, or members of our public service, leaving and understanding whether it is policy change, legislative change, or funding changes that are required to support that recruitment and retention.

The Deputy Bailiff:

That brings the time available to questions for this Minister to an end and we now move to questions to the Chief Minister.

6. Questions to Ministers without notice - The Chief Minister

6.1 Deputy S.M. Wickenden:

When will the Chief Minister publish the consolidated list showing the functions discharged by him, those discharged by each Minister and those which have been delegated to other Ministers, as required under Article 38 of the States of Jersey Law 2005?

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

I do apologise, because I had said I would try and get it done before now. It is being drafted; it is in hand. I am happy to get it done during the half-term break. It has purely been a matter of getting things in the right place. There have been some Orders issued, I am sure.

6.2 Deputy M. Tadier:

Does the Chief Minister share my concerns about the egregious human rights record of Saudi Arabia and what does he think that his Government position should be on political engagement with this kingdom?

Senator J.A.N. Le Fondré:

Obviously, that is a matter that also extends in an area of responsibility of the Minister for External Relations. But I think we are all concerned with the executions report in Saudi Arabia recently; the incidents are deeply disturbing. But Jersey's international engagement is aligned with the approach of other like-minded jurisdictions, such as the U.K., Europe and the U.S. (United States). We do believe that increased international trade with Saudi Arabia will raise prosperity in that country as well and help encourage greater openness, tolerance and the strengthening of civil society in the longer term. As an example, Jersey finances Women in Finance events in Saudi Arabia and one example of how a Jersey organisation is supporting the empowerment of women in that kingdom.

6.2.1 Deputy M. Tadier:

When the U.K., who sell arms to the Saudis and have a vested interest in keeping relations sweet with them, they may have their own reasons for doing that, but Jersey is not necessarily dictated by what the U.K. does ... could the Chief Minister conceive of a scenario where he breaks ranks with the U.K.-agreed policy and that Jersey decides for itself what the moral limitations are with dealing with such an egregious dictatorship, as exists in Saudi Arabia?

Senator J.A.N. Le Fondré:

I do not think I will get drawn into every adjective that the Deputy has used. I will express my concern at the events that have taken place, but we do tend to try and work with countries and we do tend to try and work in alignment with the policies of European, U.K. and U.S. jurisdictions.

6.3 Deputy G.P. Southern:

Does the Chief Minister agree with the Minister for Education that given the difficulties we have in recruiting and retaining public sector staff, it is time for H.R. to conduct detailed exit interviews, in order to see how best we can recruit and retain staff?

Senator J.A.N. Le Fondré:

I certainly do not disagree with the comments of the Minister for Education. I do not think I have anything to add. In principle, I think that is a good idea.

6.4 Deputy G.J. Truscott:

Just with regard to Jersey's prosperity, since the end of the Second World War, it has been based on a regime of low tax and we have been very prosperous since then. There are so many pulls on the public purse going forward and I am just wondering how the Minister is going and his Government, and can square this up with the fact that taxes are invariably going to have to rise. We have had the Minister for Treasury and Resources indicate, at a Chamber of Commerce meeting recently, that taxes will have to rise. When does the Chief Minister propose to bring in the taxes and can he give a rough idea of how much, for example, G.S.T. will be increasing by?

Senator J.A.N. Le Fondré:

I know I have said, in the past, that I expect taxes will go up at some point. I think that is just being honest. What I have said is this is also our duty – which, I think, is what the Minister for Treasury and Resources is also saying - to make sure that we have adopted the efficiencies in place and demonstrably in place before we significantly go down that route. At this stage, I do endorse what the Deputy is saying, that we have benefited hugely from what is generally regarded as a low tax regime and that is still the principle of low, broad, fair and simple and relative to other jurisdictions. I think, wherever we go, it is still a relatively low tax regime. What the detailed changes will be in there, I would not comment on at this stage, but it will be a medium-term and a longer-term view; you do not mess around with a tax policy on the hoof. Secondly, we have to be clear as to what efficiencies can gain traction and what benefits will come out of that; that work is ongoing. I am hoping I will be able to update Members in the next few weeks, but at the very latest it will be in the Government Plan.

6.5 Deputy G.P. Southern:

I think the Minister, in the gap, may well have answered my question. But my question was the other half of low taxes, low spend and traditionally we have been a low spend regime. Can the Minister state when he is likely to come to the House with figures that compensate for the increase - because of the ageing demographic - in the inevitable costs that our Government will face?

Senator J.A.N. Le Fondré:

I think I have already answered that question, in responding to Deputy Truscott.

6.6 Senator S.C. Ferguson:

I always thought it was low tax, high spend, but never mind. What I would like to know is when the Minister will be bringing a telecom strategy to the Assembly.

Senator J.A.N. Le Fondré:

I think that probably falls more directly under Senator Farnham, for economic development matters. However, a telecom strategy was obviously published last year and that also sets out the principle for

the roll out of 5G; that is being tested this year, there are test licences available. But the spectrum will not be issued permanently until C.o.M. (Council of Ministers) has agreed a clear 5G approach. There is a consultation underway at the moment, but that is about gathering more information.

6.6.1 Senator S.C. Ferguson:

Will the Chief Minister instruct his Assistant Chief Minister to direct C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) to cease and desist issuing licences, until the telecom strategy has been agreed by the States?

Senator J.A.N. Le Fondré:

The licences that are presently being issued are test licences. Permanent licences will not be issued until the Council of Ministers has been fully appraised on what the position is. I think, at that point, because the strategy I said that was published, we are going through various stages where things were not being brought together, that was 2015, 2016. The strategy policy in 2018 is now bringing all the strands together and it will be a question of what route to go down. Essentially, the Council of Ministers considered, very recently, where progress was noted; the strategy will then determine which route we go down, so whether it requires a full States debate and/or what we do with the 5G licences.

6.7 Deputy G.J. Truscott:

La Motte Street, the fact that we have decamped a lot of the government departments down there. It has, I am hearing from a number of people, added to what was something that would have taken perhaps, say, 20 minutes before, it has added at least an hour to the time that they spend there. With a view going forward, is there work still going on with regard to relocating the Government somewhere else in town, possibly? My personal view is, and hopefully the Chief Minister agrees, that somewhere more centralised would be the ideal way going forward. Inasmuch as where you are currently now, in Broad Street, Commercial Street, there is an ideal site there, perhaps, that would be more suited for locating things centrally. Does the Minister agree?

[11:30]

Senator J.A.N. Le Fondré:

Just curious what I am agreeing to. The short answer is I am fully behind the principles of the consolidated office strategy and Members will know my view on that. Work is taking place. I do take the point that the Broad Street move, to date, I think, has been a success. I do get comments from people externally, who notice a distinctive change in mood, as it were, or ambiance of the working environment. I know there have been some people who disagree with that assessment and that is people from outside, who are saying this to me. I will also say I was slightly disappointed on the one front door comment. I know there were some teething problems at the beginning and I believe measures have been taken to address that. The feedback I have had more recently was very positive. However, if the Deputy has got particular instances, I am very happy to look at. With those sorts of caveats in mind, I think I am agreeing with his principle that we need to get a location sorted out to move forward. Work is being done and that work is being done on quite a tight timescale.

6.8 Deputy M.R. Higgins:

The Chief Minister is also Chairman of the States Employment Board; can he update Members of whether the Board is going to appeal the Alwitary decision of the courts and waste further money, or is it going to accept that they have obviously been treating the man very badly?

Senator J.A.N. Le Fondré:

I think I am probably better not commenting in public on that one, because it is still a live matter. I think that is probably what I have got to say, there are discussions ongoing on that subject.

6.8.1 Deputy M.R. Higgins:

Sir, can I just ask one other question? When is the latest you can appeal?

Senator J.A.N. Le Fondré:

I would have to go back and check, because I have got 2 appeal dates in my head on 2 different matters and I may be confusing them, but I will inform the Deputy.

6.9 Deputy K.F. Morel:

Today, I received 2 answers to written questions about consultants appointed by the States of Jersey for sums, contracts, in excess of £20,000. These were awarded off-Island, without tender. While one of them was for particularly specialised work, I have also heard of another case of very mundane work being offered to consultants outside Jersey, when it could have been done locally. Could the Chief Minister tell the Assembly whether he is concerned about the constant and consistent use of off-Island consultants by the States of Jersey, by the Government of Jersey, when local consultants are available and they are not being used, because tender processes are regularly not being done, or undertaken?

Senator J.A.N. Le Fondré:

It is a bit difficult to comment, without knowing the specifics, but the general principle is, I know, there is one area in one of the written responses where a tender process was not required, because of the amounts involved. I do know that there is a view that we do try and use local people where possible, but I also know that sometimes, depending on the speed of response, or availability, or speciality, that, yes, it is necessary to go off-Island. I would need to know exactly which circumstances he is referring to.

The Deputy Bailiff:

Are there any other questions for the Chief Minister? Very well, that brings questions to the Chief Minister to a close.

7. Urgent Oral Question

We now have an urgent oral question. Leave has been given for the asking of an urgent oral question that Deputy Morel will ask of the Minister for External Relations?

7.1 Deputy K.F. Morel of the Minister for External Relations regarding public registers of beneficial ownership:

Is the Government proposing to reconsider its position on public registers of beneficial ownership and, if so, could the Minister explain the reasons why?

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

It should be no surprise to Members that Ministers and officials regularly review the policy landscape and progress with international standards. On the topic of beneficial ownership transparency, we are cognisant of the progress of the 4th and 5th Money Laundering Directives in Europe, as well as the work of the Financial Action Task Force. In addition, conversations have continued with counterparts in Guernsey and the Isle of Man as we consider co-ordinated action in this policy area. It is this sort of continuous review by a responsive and responsible Government that inspires confidence in our autonomy and rights of self-determination.

Deputy K.F. Morel:

I would appreciate an answer to my question, please. Thank you.

Senator I.J. Gorst:

I am sure that the Deputy is not being flippant, but I gave an answer to his question. He surely understands what is in the 4th and 5th Anti-Money Laundering Directive and he also, in his role I know, understands the work that the Financial Action Task Force is currently under way.

7.1.1 Deputy K.F. Morel:

I will take it as, yes, the Government is proposing to reconsider its position on public registers of beneficial ownership, unless the Minister states otherwise. If so, could he explain upon what evidence this decision is being taken? Could he confirm what I have heard is that the Governments of Guernsey and the Isle of Man are not in accord with this position?

Senator I.J. Gorst:

This Government takes long-term decisions in the benefit of Islanders and it works together with Guernsey and the Isle of Man. It does so, certainly, in regard to international and external matters and it is doing exactly that in regard to the publication ... as I answered a question in Scrutiny only last week in regard to an action plan that the 3 islands are working upon in response to the policy direction and the requirements of the E.U. (European Union) Member States and the work that it is also doing, as I said, in regard to the review of the Financial Action Task Force. The Deputy will be aware that the approach of being a good neighbour to the European Union is not a new approach. We unilaterally and voluntarily agree to the E.U. Savings Tax Directive. We unilaterally ... I say unilaterally, we did it as 3 islands and voluntarily complied with the code of conduct on business taxation that led to the implementation of Zero/Ten across the 3 islands; not just in Jersey. We voluntarily and unilaterally - that is together with the other 2 islands - introduced substance legislation only recently, to ensure that we were not blacklisted and not seen as unco-operative. That is not a new policy position, it is the right policy position. It has served Jersey well. It has meant that we have had a business and financial services sector which has continued to see growth, unlike some places around the globe. We are not going to simply change policy, as perhaps has been suggested and we are very closely working together. I am not sure where the Deputy has got his information from, but he is incorrect in that regard.

The Deputy Bailiff:

I will allow a final supplementary, Deputy, if you want.

7.1.2 Deputy K.F. Morel:

I am sure the Minister is aware that France, in 2016, when it tried to bring in the public register of beneficial ownership, the trust had it struck out by the courts on the grounds of privacy, because it is a flagrant breach of people's privacy. The finance industry in Jersey has said that the privacy of their clients is important and that to breach this privacy would pose a threat to the Island's finance industry. Does the Minister agree that a public register of beneficial ownership could harm the Island's finance industry?

Senator I.J. Gorst:

What the Minister agrees is that detailed, difficult question policy changes, which are happening around the globe all the time. What we cannot do is put our heads in the sand and not respond to what is happening in the European Union. The Deputy talks about France and, of course, the French Constitutional Court did make that observation, but France is still incompliant with A.M.L.D. (Anti-Money Laundering Directive) 5, introducing a public register. Some Member States are seeking to take longer than others and there is not yet an E.U. standard; there will, of course, in due time be that. We, in Jersey, must, as we have always done, it has been the core of our success, respond to those global and regional standards, making our case and changing legislation, reviewing our policy, together with our fellow Crown Dependencies, to make sure that we meet the very best and most appropriate international standards. In this regard, we will continue to do so and we do it not only in conjunction with our fellow Crown Dependencies, but also in consultation with industry here in

Jersey, so that their, together with Islanders', best interests can be met, because we believe that they are absolutely aligned.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Deputy Bailiff:

Very well. We now come on to Statements on a Matter of Official Responsibility that Deputy Maçon, as Assistant Minister for Education, is to make a statement. Hopefully, it has been circulated to Members. Deputy.

8. The Assistant Minister for Education made a statement regarding post-16 education consultation

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

Members will be aware that the Children, Young People, Education and Skills Department has launched a Green Paper, *Consultation Vision for post-16 education*. We want Islanders to have their say on a Government vision for developing post-16 education, to ensure that Jersey has the right skill sets for the future. It is hoped that this strategic vision for post-16 education will give Islanders more opportunity to further their education, whether that is school leavers looking to study vocational, or academic, qualifications, higher education studies, or people who want to enrol in courses to remain in work, or change careers. This strategic vision aims to respond to the anticipated changes in the Island's economy and society, with various technological developments, as well as growing competition for business, investment and talent. Jersey will need to ensure that its post-16 education can equip Islanders with the right skills for the future. I would like to take this opportunity to thank the Education and Home Affairs Scrutiny Panel for their Scrutiny report examining this area. It has helped frame the Green Paper, as well as being a useful submission to it. This consultation, which closes on 21st June, proposes 6 key objectives: ensuring that Jersey has a highly skilled workforce that will maintain and boost its future economy; providing access to post-16 education for all, through widening participation, equality of opportunity and improving educational and employment outcomes; ensuring the quality and appropriateness of post-16 education provision; creating an international offer in Jersey for post-16 education at undergraduate and postgraduate level; encouraging appropriate research and innovation; ensuring appropriate governance and financial sustainability for post-16 education. A vibrant post-16 education sector is vital for Jersey's future. We must ensure that Jersey's young people and those looking to return to education later in life have the right skills to meet the changing demands of the labour market. It is important that all Islanders, regardless of age or background, have the opportunity to progress in education and develop their skills. Not only will this strategic vision ensure that the Island maintains a secure economy, but will help us grow our own workforce to meet the challenges of the future. It is, therefore, vital that we hear the voices of the various industries within the Island and we hope that they will engage in this process. We want to ensure that Islanders are educated to the highest possible level. We have all the elements to design, develop and deliver a post-16 education that is fit for Jersey and its economy, as well as being world-leading in its approach. We have to look to the future and this strategy for the development of post-16 education forms part of our forward-looking plans. We have arranged round-table meetings, in order to engage with the public and so may I formally invite States Members to attend any of these? Also, the Skills Jersey team is ready to assist States Members, or members of the public, in completing the consultation, or providing any further information.

The Deputy Bailiff:

There is a period of a maximum of 15 minutes available to Members to ask questions of the Deputy on the contents of his statement. Does any Member wish to ask any questions?

8.1.1 The Connétable of St. Ouen:

I thank the Deputy for his very reassuring statement. Can I just ask: does his plans include further development on university facilities in Jersey? I know there are some, but not all courses are offered. I think if we are going to be serious about post-16 education, it is important that Islanders have the ability to attend a wide range of educational courses, without the additional expense of leaving the Island.

Deputy J.M. Maçon:

Yes, as part of the consultation document it is something which we are examining, not only developing what is on offer in Jersey, at undergraduate level, but also at postgraduate level.

[11:45]

We do have an issue about trying to retain staff in Jersey, who perhaps want to progress to Masters and PhD levels and that is certainly an area of growth which we could develop within the Island, as well as having an international offer. That is within the consultation document. Of course, that does not forget the other options that we are looking at also; extending the European offer, which is cheaper than the U.K. universities and has so much more of a value-added opportunity for our graduates, if they want to spend it on the continent.

PUBLIC BUSINESS

9. Draft Revenue Administration (Jersey) Law 201- (P.122/2018)

The Deputy Bailiff:

Do other Members wish to ask questions of the Deputy? Then we now move on to Public Business. The first item of Public Business is the Draft Revenue Administration (Jersey) Law, P.122/2018, lodged by the Minister for Treasury and Resources. The Assembly will recall that it started debate on this matter on 26th February, but it was referred back to the Minister for further information to be provided. In accordance with Standing Order 86, the Minister may move the proposition afresh and anyone who spoke on a previous occasion is allowed to speak again. Is that what you wish to do, Minister? Very well. Minister, if you would like to propose. It has already been read, of course, on the last occasion.

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

The Income Tax (Jersey) Law, the law that imposes income tax and creates the office of Comptroller of Taxes, to administer it, dates from 1961. Some sections of the 1961 law even bear a resemblance to its predecessor from 1928, when income tax was first introduced. Much work is underway to modernise whole rafters of our Income Tax Law, including, for example, the current review of the personal tax system and the way we tax married people. As I confirmed on International Women's Day, on Friday, 8th March, I will be bringing forward proposals for changes to the personal tax system in the Income Tax Law in just a few weeks' time. Today, however, we are focusing on some of the various administrative provisions by which our tax system is administered by the Comptroller and his officers. We are creating this new law to house those administrative provisions which, in the future, will potentially have wider application, as we ask Revenue Jersey to take on the administration of more of the States revenue streams. I want to thank those States Members, who attended the briefing on this law last Monday. The existing administrative provisions have not kept pace with worldwide developments in tax administration. They were written for a time when both the population and the demographic makeup of the Island was quite unlike it is today. What does remain the constant and an important constitutional principle and international norm is that our tax administration operates largely autonomously. We, in this Assembly, write the tax laws, but we then hand them to the Comptroller, who takes an oath to administer them: 'Without hatred, favour or partiality' and only as the law directs. The Comptroller and his officers ensure that everybody pays

the right amount of tax, according to law at the right time. Assessing people's income tax liabilities is, of course, an inherently intrusive activity. We believe that most people do comply with their tax obligations. When the Comptroller makes inquiries into a taxpayer, most taxpayers co-operate voluntarily, but some do not. Significant numbers of Islanders do not file tax returns on time and many do not pay what they owe at the time it falls due. The Comptroller needs the right tools at his disposal to deal with those who choose not to comply with this Assembly's tax laws. It is critically important that we, in this Assembly, are seen to support our tax officers in their work. We need to be able to assure the people of Jersey that everyone does pay their fair share of tax. The provisions contained in this first phase of the new Revenue Administration Law deal predominantly with those matters that need to be settled now, to enable the full implementation of our new revenue management system, which is currently being tested in Revenue Jersey. These include measures, which will improve compliance with filing and payment obligations. If we can stick to what has always been a challenging timetable, we expect to be able to offer online filing and assessment for all taxpayers in 2020. The new systems will also enable us to make those important changes to the personal tax system that we all want, with enabling legislation being lodged and debated in 2020 and full implementation taking place as early as the year of assessment in 2021. These simply could not be made on the existing computer system, which has been running since 1985. The operation of the 1961 administrative provisions relies on a heavy manual process, both in terms of processing tax returns and managing other important aspects of the tax system. This, along with an ageing I.T. (information technology) system, results in a labour-intensive process, meaning a large proportion of our tax officers are engaged in routine processing work that is inefficient and does not necessarily focus on achieving the best outcomes for the people of Jersey. The recent creation of Revenue Jersey with a new revenue management system, all of which was first proposed by my predecessor in 2015, is a great opportunity to modernise our tax administration system. Online services are now within our grasp and further development of the new systems, over the next 2 years, will see both the changes to the personal tax system and the long promise for integration of the collection of social security contributions, also first announced in 2015. As part of this wider modernisation programme, it is only right that the laws, that underpin the work of Revenue Jersey, are also transformed into legislation fit for the 21st century; that is why I have tabled the Draft Revenue Administration Law. As I said at the outset and as its name suggests, this law is not concerned with the technical side of the Island's tax regime. For example, it is not about how much tax is charged on a person, or a married couple, or how a tax assessment is calculated. The law focuses on the administrative elements, many of which are being transferred over from the existing Income Tax Law and brought up to date, where necessary. The Comptroller currently administers the assessment and collection of tax under at least 3 different laws, as well as a number of other regulations. Administrative elements are contained in each of these separate laws. As a result, this can lead to an inconsistent approach in matters such as the length of time someone is required to keep records, or how the Comptroller is able to deal with an inaccurate declaration. These inconsistent requirements and treatments for taxpayers can be confusing and it makes sense to start bringing the requirements together. One of the primary purposes of creating a revenue administration law, is to provide consistent rules that will apply across income tax, G.S.T. and social security contributions. In the future, I expect Revenue Jersey to take on some of the revenue work currently being undertaken by Customs, so that further savings can be made, by conducting joint inquiries and investigations. The introduction of a Revenue Administration Law is not unique to Jersey. A number of countries have had tax management laws in place for years. My predecessor, in his last 3 Budgets, alluded to these changes. Between March and June 2017 a public consultation was run about the tax compliance framework. This included sections about 2 of the most notable measures included in this law; civil penalties for inaccurate declarations and the charging of interest on tax debts. Respondents to the consultation, who were mainly representatives from the tax profession, broadly supported the majority of the proposals, indicating their desire for a more joined-up approach across the different taxes. Some even suggested a management, or administration, law as a way of bringing in the proposals. In preparation for the

new civil penalties for inaccurate declarations, a disclosure opportunity was offered from spring to the end of 2017, with a clear warning to all taxpayers and especially the minority, who choose to evade their tax obligations that new penalties for inaccurate declarations would duly follow. That yielded £1.6 million in additional tax revenue, from around 200 taxpayers. With regard to the charging of interest, the Comptroller tells me that the tax system is dogged by persistent debtors. This is certainly due, in part, to the fact that it is cheaper to borrow from the people of Jersey through the tax system than from a financial institution. This should not be right. Tax debt has been in the region of £40 million to £50 million for the years 2015 to 2017, but because interest is not charged, the real value of this amount is diminishing over time. It is, therefore, commonplace for jurisdictions to charge interest on tax debts where payments are not made after the payment due date. The charging of interest will be co-ordinated with the ongoing modernisation of debts collection techniques and the centralisation of debt management work within the Treasury. The ultimate aim is to work proactively, to ensure that people do not fall into debt in the first place. In the interests of balance, credit interest will also be paid where repayments of overpaid tax are made. This law was originally lodged alongside Budget 2019, in 2018. Since then it has been reviewed by the Corporate Services Scrutiny Panel, postponed for debate by 2 sittings and debated for the first time on 26th February and then referred back under Standing Order 83. I have engaged with Treasury and the panel throughout this entire process. I met them in January of this year, before the first debate and then again in March after the referral back and I have gladly accepted 4 of the 5 recommendations the panel made following their review. Their fifth recommendation dealt with record production powers and I have decided not to propose that Article in this draft of the law. The issue of record production powers will be addressed in the next phase of the Revenue Administration Law when the Assembly will have the opportunity to debate it in full. During the last debate, the panel seemed to suggest that no more tax law should be approved, either until all tax law is modernised and lodged all together, or until there was a more definite plan for a greater review of tax policies and rewriting of tax law. As some Members observed during our last debate, tax policy reviews can be long and complicated endeavours, requiring a good degree of consultation. Tax law sometimes needs urgent review, for example, the recent laws to address E.U. concerns about economic substance. It is necessary to lodge a finance law every year, so that we continue to set income tax for that year and ensure that duties, such as alcohol and tobacco taxes, maintain their real value to the people of Jersey. It is simply unrealistic not to lay new pieces of tax law as and when it is necessary. I have articulated quite clearly what I expect to lodge in the next 2 phases of the new Administration Law in 2019 and 2020 and we have done our best to give the Assembly a clear view of what aspects of tax law we expect to review over the next 2 to 3 years, bearing in mind that the Government Plan is not yet lodged. This includes some of the work that tax advisers have asked us to address. Unfortunately, I only received sight of the panel's comments this morning, and I sincerely hope the panel is now able to recommend that the Assembly supports the principles. As I have emphasised, the proposals contained in the Draft Revenue Administration Law are the first in 3 phases. At the request of the Assembly I have provided further information about what we expect to be covered in each phase. The second phase, as I mentioned, will be lodged alongside the Government Plan this summer; work is ongoing on this. The final phase will be lodged in 2020. I have also set out the details and timetable for the wider reviews of tax policy, they partly depend on the changing landscape of priorities arising from Government or Assembly debates. We always have to respond to external pressures, which recently drove our work on economic substance legislation, which has led to our successful white listing by the E.U. Nevertheless, I understand our plans accommodate the more technical changes from the tax profession, who, I understand, are broadly content with what is being proposed. I move the principles.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? All those in favour of adopting the principles, kindly show.

Deputy S.J. Pinel:

May I have the *appel*, please, Sir?

[12:00]

The Deputy Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on the principles of the Draft Revenue Administration (Jersey) Law. I ask the Greffier to open the voting.

POUR: 27		CONTRE: 3		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. Peter		
Senator S.C. Ferguson		Connétable of St. Martin		
Senator S.W. Pallett		Deputy S.M. Ahier (H)		
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy M.R. Le Hegarat (H)				
Deputy J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Bailiff:

Does the Corporate Services Scrutiny Panel wish to scrutinise the matter?

Deputy S.M. Ahier (Vice-Chairman, Corporate Services Scrutiny Panel):

No, Sir.

The Deputy Bailiff:

There are 32 Articles and 2 schedules and there are a number of amendments towards Articles 17, 18, 19 and 26. Minister, it might be helpful to indicate whether you are accepting any of the amendments at this point.

Deputy S.J. Pinel:

Yes, Sir, we are and the Regulations will be proposed, as amended by the Scrutiny Panel.

The Deputy Bailiff:

Very well, so all of the amendments you would accept.

Deputy S.J. Pinel:

Yes, Sir.

The Deputy Bailiff:

When we reach them, if the States agree, we can take them as amended, otherwise we will have a debate on whether they can be amended. Very well. How do you wish to propose the Articles, Minister?

Deputy S.J. Pinel:

Except where there are accepted amendments from the Corporate Services Scrutiny Panel, I would like to propose the law in its constituent parts, but to group parts 1 and 2 together.

The Deputy Bailiff:

Very well.

9.2 Deputy S.J. Pinel:

Part 1 consists solely of Article 1, which is an interpretation provision. Part 2 contains Articles 2 to 7; broadly these Articles are those that are carried over from the Income Tax Law, but with modifications. I would then like to propose part 3, which deals with the use and disclosure of information. Then, to propose part 4, concerning the new civil penalties for incorrect declarations. Part 5 relates to credit, debit and penalty interest and I have accepted the amendments from the Corporate Services Scrutiny Panel relating to the mechanism through which interest rates are set. I will, therefore, propose Articles 16, 17 18 and 19 individually and then propose Articles 20 and 21 together. I would then like to propose part 6, which deals with the record-keeping requirements; consistent with the lodged comments, I will not propose Article 26. Finally, I would like to propose part 7, which contains the closing provisions. Yes, that is it. Then if this is accepted, I can continue.

The Deputy Bailiff:

When you say you wish to deal with them in separate parts, are you saying you wish to deal with parts 1 through to 4 inclusive *en bloc*, or do you wish to propose them in separate parts; 1 and 2 together and then 3 and then 4? Which would you like to do, Minister? Very well. Would you like then to propose 1 and 2?

Deputy S.J. Pinel:

Yes. These include Articles 1 to 7, parts 1 and 2. Article 1 provides for the interpretation of the Revenue Administration Law and includes a definition of what is a revenue law. Articles 2 to 7 are carried across from the existing Income Tax Law and have been subject to minor modifications in the process. Article 2 establishes the officers of the Comptroller of Revenue, broadly a relabelling of the Comptroller of Taxes, who is responsible for the assessment and collection of taxes and charges under the revenue laws, the collection administration of long-term care contributions, as agent for the Minister for Social Security and carrying out the functions of a competent authority under Jersey's international tax agreements. This Article also provides for explicit operational independence of the Comptroller. Article 3 permits the appointment of others to assist the Comptroller in carrying out his, or her, functions. This may include a deputy and one or more Assistant Comptrollers. Article 4 ensures a line of succession, in the event of the Comptroller's absence. Article 5 concerns the Commissioners of Appeal for taxation; for the first time there will be term limits for individual Commissioners. A new role of deputy clerk to the commissioners is also created, to support the existing clerk. Article 6 creates a requirement for the Comptroller, his officers and auditors to take an oath of office to ensure the confidentiality of information received by Revenue Jersey. A new provision allows the Comptroller to require persons, not previously required to take the oath, to take

the oath if the Comptroller so determines. Article 7 permits the Comptroller to make records available to the Comptroller and Auditor General and other externally appointed auditors. It also inserts a provision that recognises the fact that when being audited the Comptroller must consider the confidentiality obligations imposed by Jersey's broader international tax agreements. Sir, I propose the Articles in parts 1 and 2.

The Deputy Bailiff:

You also propose Schedule 1, which is inherent in Article 6, I think. Are the parts 1 and 2 seconded? **[Seconded]** Does any Member wish to speak on parts 1 and 2? Those in favour of adopting parts 1 and 2, kindly show. Those against? Very well, parts 1 and 2 are adopted. Yes, Minister.

9.3 Deputy S.J. Pinel:

I would like now to propose Articles 8 and 9, which together make up part 3. Article 8 places a new general statutory prohibition on disclosing information obtained under a revenue law. This prohibition goes hand in hand with the oath of office mentioned previously. It also sets out specific exceptions to the general prohibition, many of which are already in place, whether through the Income Tax Law, or by a Ministerial Decision, accompanied by a data-sharing agreement. Article 9 provides an offence for wrongful disclosure of tax information and includes anyone who has come into contact with tax information, regardless of whether they have taken the oath of office. I propose the Articles in part 3, Sir.

The Deputy Bailiff:

Are those Articles seconded? **[Seconded]** Does any Member wish to speak on the Articles in part 3?

9.3.1 The Connétable of St. Ouen:

I would just like to put something on public record, I have been approached by one of the Income Tax Commissioners, who has expressed some concern about Article 9. I have already discussed these with the Minister for Treasury and Resources and had some very helpful responses. But I feel that, as I was approached by a parishioner, I must put this matter on record. I am assured that the Minister for Treasury and Resources is addressing these concerns, but I think, nevertheless, they need to be put on the public record.

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

Yes, I have also had quite a lot of concerns brought to my attention. Is it appropriate for me to air those now?

The Deputy Bailiff:

Yes.

The Connétable of St. Martin:

Yes.

The Deputy Bailiff:

Connétable, this is your opportunity to speak on the wording of Article 8 and Article 9 and any concerns that have been raised.

The Connétable of St. Martin:

Right. I have not prepared that bit, but I will just say that to put it on Hansard that I have had concerns raised.

The Deputy Bailiff:

Does any other Member wish to speak on part 3? I call on the Minister to respond.

9.3.3 Deputy S.J. Pinel:

I am very aware of both of the concerns of the Deputy of St. Ouen and the Connétable of St. Martin. They came through yesterday and we have addressed them from the Taxes Office and legally.

The Deputy Bailiff:

You maintain there is ... I beg your pardon.

Deputy S.J. Pinel:

Sorry, the Connétable of St. Ouen.

The Deputy Bailiff:

You maintain those Articles.

Deputy S.J. Pinel:

Yes, please, Sir.

The Deputy Bailiff:

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

POUR: 33		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy S.M. Ahier (H)		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy 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 M.R. Le Hegarat (H)				
Deputy J.H. Perchard (S)				

Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

9.4 Deputy S.J. Pinel:

Next, I would like to propose part 4, which includes Articles 10 to 15. Article 10 is an interpretation provision in respect of part 4. Article 11 creates new civil penalties in the event if a person carelessly, or deliberately, provides an incorrect declaration to the Comptroller. Article 12 sets out the minimum and maximum penalties that can be imposed by the Comptroller. It also provides for reductions, if a person makes a voluntary disclosure of an incorrect declaration and enables increases to penalties if a person makes a repeat error. Article 13 states the Comptroller must issue a notice to a person who is liable to a penalty for an incorrect declaration. It specifies the information that must be contained in the notice and sets out a 40-day period in which the person must pay. Article 14 allows a person to appeal a notice within a 40-day period. The appeal follows the normal route to the Commissioners of Appeal, as if it were an appeal against a tax assessment. Article 15 clarifies that the serving of a notice does not impinge on the Attorney General’s right to prosecute a person for tax fraud in appropriate circumstances. It also states that if a person has paid a penalty the penalty must be refunded if the person is later prosecuted. I propose the Articles in part 4.

The Deputy Bailiff:

Are the Articles seconded? [**Seconded**] Does any Member wish to speak on Articles 10 to 15?

9.4.1 Senator S.W. Pallett:

It is just a brief point, but one I think that is important. As we are moving 2 penalties for the first time, I see there is no actual interpretation of ‘person’ in the interpretation part of the law and, in 11, if a person carelessly, or deliberately, provides the Comptroller a return that is incorrect. Some people, like myself, for example, may use an agent and as we are moving towards penalties, I think it is important that it is made quite clear to the taxpayer that it is their responsibility to make sure that their tax return is correct. I think, in the past, when dealing with an agent, if there is a mistake, it is not the end of the world; with penalties it could well be expensive to that individual. If it is not going to be stressed in the interpretation, I think, in future, it needs to be stressed to taxpayers that is their responsibility to make sure their tax return is correct, if they are using an agent or a third party.

The Deputy Bailiff:

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

9.4.2 Deputy S.J. Pinel:

I thank the Senator for his question. This is one of the reasons for bringing in the surcharge on late payment, which is an encouragement not to pay late but then, on the other hand, there also needs to be the interest charge on late payments up to the length of time. This will not be charged under £300 sums and it is all assessed as to whether this is somebody who has made an error in their tax returns and somebody who has a tax agent, as the Senator describes, who should not have made an error.

The Deputy Bailiff:

Do you maintain the proposition?

Deputy S.J. Pinel:

Yes, please, Sir.

The Deputy Bailiff:

All those in favour of adopting, kindly show. Those against? Part 4 is adopted. Minister, we have reached now part 5 where there are amendments. I understood you to say a little earlier that you are

accepting all of the amendments to the Articles in part 5; 16, 17 and 18. Are Members content that we take the Articles as amended? Very well, then you can propose them, as amended, Minister.

9.5 Deputy S.J. Pinel:

Does the Assembly wish me to read out a brief description of the Articles or not?

The Deputy Bailiff:

No, I think you have an apparently clear run. **[Laughter]** You are proposing the Articles as amended.

Deputy S.J. Pinel:

Yes, please, Sir.

The Deputy Bailiff:

Are they seconded in their amended form? **[Seconded]** Does any Member wish to speak on the Articles amended? All those in favour of adopting the Articles as amended kindly show. All those against? The Articles are adopted in their amended form. Yes, Minister, part 6.

Deputy S.J. Pinel:

This is part 6, Sir?

The Deputy Bailiff:

Yes.

9.6 Deputy S.J. Pinel:

Good, I have kept up, marvellous. These are Articles 22 to 28.

[12:15]

Article 22 is an interpretation provision in respect of part 6. Article 23 applies this part to all individuals chargeable to tax, except in relation to any business activities carried on by those individuals. Article 24 introduces requirements for those individuals to keep records that relate to their tax affairs and that support any declaration made to the Comptroller by the individual. Article 25 sets out the period of 2 years for which records need to be kept. As indicated earlier, I am not proposing Article 26. Article 27 introduces civil penalties for individuals who carelessly fail, or keep, furnished records. It sets the maximum penalty at £500 and a time limit of 40 days in which the penalty must be paid. It also provides a right of appeal against a penalty. Article 28 introduces a criminal offence for individuals who fail to keep, or furnish, records where the behaviour is considered to have been other than careless. The maximum penalty chargeable by the court under this Article is level 3 on the standard scale. I propose the Articles in Part 6 other than Article 26.

The Deputy Bailiff:

Very well, are those Articles seconded? **[Seconded]** Does any Member wish to speak on any of the Articles proposed? All those in favour of adopting the Articles in part 6, other than number 26, kindly show. Those against? Those Articles are adopted. Part 7, Minister.

9.7 Deputy S.J. Pinel:

I would like to propose part 7, which are the closing provisions consisting of Articles 29 to 32. Article 29 gives effect to Schedules 2 and 3 of the Revenue Administration Law. Schedule 2 makes consequential amendments to other revenue laws while Schedule 3 makes consequential amendments to other enactments. Article 30 enables the States to make Regulations to amend any other enactment affected by this law and to make transitional and savings provisions as a result of enacting this law. Article 31 contains transitional provisions, to ensure that the Comptroller and other tax officers do not have to be reappointed to their posts as a consequence of the Revenue Administration Law. The

Comptroller and other tax officers do not have to retake the oath of office. Documents referring to the Comptroller of Taxes do not have to be reissued in the name of the Comptroller of Revenue and inaccurate documents, submitted before this law comes into force, are able to be dealt with under the repealed legislation. Lastly, Article 32 enables the Revenue Administration Law to be cited as the Revenue Administration (Jersey) Law and that the law will come into force when appointed by the States by Act. I propose the Articles in part 7.

The Deputy Bailiff:

Are those Articles seconded? **[Seconded]** Does any Member wish to speak on the Articles in part 7? That includes Schedules 2 and 3. All those in favour of adopting those Articles, kindly show.

Deputy S.J. Pinel:

Can we have the *appel*, please?

The Deputy Bailiff:

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

POUR: 37	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Clement		
Connétable of St. Saviour		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy 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 C.S. Alves (H)		

Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Bailiff:

Do you wish to propose the matter in Third Reading, Minister?

Deputy S.J. Pinel:

Yes, please. May I have an opportunity to offer some thanks, please?

The Deputy Bailiff:

It is your floor in Third Reading.

9.8 Deputy S.J. Pinel:

Very quickly, but thanking the Comptroller and the Deputy Comptroller and all the officers in the team at the Tax Office for the huge amount of concentrated work over a prolonged period of time. This agreement by the States will now support the Revenue Management System, which was up and running on the 7th May, but obviously it is going to take a while to bed in and also permit the implementation of online tax filing in 2020, so I thank the Assembly for their support. I now propose the Third Reading, please.

The Deputy Bailiff:

Seconded in Third Reading? **[Seconded]** Does any Member wish to speak?

9.8.1 The Connétable of St. Martin:

I would just like to ask for a point of clarification that if this law is agreed as passed, then under Article 2, Section 7, the States must ensure that the Comptroller is provided the sufficient resources to carry out the Comptroller's functions. Therefore, are the States not agreeing to a full rewrite, as both the Comptroller and the Minister for Treasury and Resources have stated that the Revenue Administration Law, as it stands, is not fit for purpose; therefore, how can he properly fulfil his function? Are we saying that we are going to have a complete rewrite of the law?

The Deputy Bailiff:

Does any other Member wish to speak in Third Reading? I call on the Minister to respond.

9.8.2 Deputy S.J. Pinel:

This is a rewrite of the law and I think I have explained in each part of it that the Comptroller is now the Comptroller of Revenue, as opposed to the Comptroller of Taxes, but there will be a complete rewrite. Obviously, in tranches 2 and 3, which I mentioned earlier, we will be bringing forward the accompanying legislation.

The Deputy Bailiff:

Very well, those in favour of adopting the ... **[Interruption]** the *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

POUR: 37		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				

Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy 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 C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

10. Le Port Car Park, St. Peter: rescindment of parking restrictions (P.33/2019)

The Deputy Bailiff:

Very well, the next item of Public Business is the Le Port Car Park, St. Peter: rescindment of parking restrictions, lodged by Senator Pallett and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to request the Minister for Infrastructure to rescind his decision (MD-T-2019-0009) to amend the Road Traffic (Public Parking Places) (Jersey) Order 2006, to incorporate Le Port Car Park, St. Peter and introduce a maximum parking limit of 12 hours in any 24-hour period; (b) to request the Minister for Infrastructure to consult with the Comité des Connétables and other key stakeholder groups to identify and agree a list of designated areas for motorhome use around the Island and to bring forward policy guidelines, including a potential fee structure for the use of those aforementioned designated areas, for consideration by the Assembly and (c) to request the Minister for the Environment to review the permits relating to motorhome/campervan use to ensure that any habitable use in the Island is limited to 24 hours within any 7-day period within a designated area and in accordance with any revised policy guidelines and fees arising from paragraph (b).

10.1 Senator S.W. Pallett:

I will try not to speak for too long on my proposition, as I believe my report clearly lays out my reasons for lodging it and the issues that I am looking to resolve. It is important, though, that I deal with some of the concerns that have been raised and clearly define what I am proposing. Members have already received the useful document from the Camping and Touring Club of Jersey and I hope that will then set out some of the ideas for moving forward. To be transparent, I have got no personal interest in this area, I do not own a motorhome, or campervan and I probably never will, because I have got no great love of sleeping anywhere but my own bed. **[Laughter]** I hope I come at this issue with an independent view when considering what has transpired over recent months and the unfair and unrealistic position that motorhome and campervan users are now confronted with at Le Port in St. Ouen's Bay. The popularity of motorhome and campervan use has led to increased numbers of motorhomes in Jersey over the past decade and I think driven a culture change in their use, where owners do have expectations to use their vehicles both on and off-Island. This has led, over a period, to more owners using local coastal locations, such as Le Port, for overnight stays and, although illegal to do so, the practice has, to a degree, been tolerated and managed in an attempt to prevent the sort of issues that have more recently been a problem for the St. Peter's Honorary Police at Le Port. I am sure there is not a single Member of this Assembly, who wishes to see our incredibly diverse and important environment damaged in any way and I do not see this proposition leading to uncontrolled camping around the coastline, as has been suggested by some, with hundreds of motorhomes littering car parks, preventing others from parking. In fact, I believe this proposition will produce quite the opposite. As we know, virtually all of our coastal areas are living/working environments that are farmed, or where the public have access to all sorts of pursuits. It is right that we look to protect such areas that include the Jersey National Park and use these areas in a respectful way. This proposition sets out to address issues that have grown over a period of years and require a solution now. I do not think it right to suggest that these issues could simply be resolved as part of the next Island Plan process. Those users, who have become used to enjoying Le Port for weekend and overnight stays, are not at fault for asking that their current access be maintained. To potentially kick the can down the road, while waiting for a new Island Plan, is neither a reasonable, nor acceptable approach for all those motorhome and campervan owners that I met last Sunday at Le Port; and who are campaigning for continued access, not only to Le Port, but to a limited number of other designated sites around the Island. Without a sensible solution, I can only see the current situation worsening, which is not something that either the Honorary Police, or the motorhome users themselves, want, but it is important that we can find a position that allows better regulated use of public places that motorhome use aligns with better enforcement options for the Honorary Police for those who do not respect the rules, or the guidelines. The public expect us to be able to deal effectively with issues, such as this, when they crop up, so I hope that Members can agree that this proposition provides a pragmatic way forward that proposes designated sites for motorhomes, assists the police with enforcement and will cater for overnight stays, without the fear of prosecution for campervan users. The concerns over being prosecuted and how this currently works, I will deal with later when addressing part (c) of this proposition. This proposition does, though, in essence, consist of 3 distinct parts; so to explain slightly further from the report, I will deal with each part, individually. As the accompanying report states, I was initially disappointed that parking regulations and the introduction, in particular, of a 12 in 24 restriction, were introduced as the measure to prevent motorhome and campervan users sleeping overnight at Le Port. Although the Road Traffic (Public Parking Places) (Jersey) Order 2006, in particular Article 7(6)(g), is clear that a person cannot sleep in a vehicle in a parking place, such a measure does not, in my opinion, deal with the underlying issues that were a concern to both the police and the users. It certainly did not take into account the increasing popularity of motorhome use in the Island and the desire, by some, to use their vehicles, not only off-Island and on local registered campsites, but also for short periods in local coastal locations such as Le Port. Although the vast majority of users understand the limitations to use and the current legal position on sleeping overnight in their vehicles, over a number of years there has been a relaxed approach to enforcement, that has led to more and more users taking the opportunity to stay overnight. This relaxation has, to

some degree, been driven by the perceived difficulties in prosecuting potential offenders, an issue I will pick up later within part (c). The St. Peter's Honorary Police, though, have been extremely tolerant of increasing numbers of people bringing their motorhomes, campervans and, to some degree, converted vans to Le Port to enjoy the beach and surroundings, but, unfortunately, turning the proverbial blind eye has led to the expectations of users growing and to increasing numbers using the Le Port Car Park. To be clear, though, I am not in any way suggesting that the St. Peter's Honorary Police have acted in any other way than professionally by trying to accommodate all those looking to enjoy St. Ouen's Bay. I, and I think we all, have sympathy with the police in regard to the problems that they have had to address, in recent times, caused by a small minority of people and I agree that the current situation cannot continue, without better controls as far as motorhome use goes at Le Port and, if allowed, on other sites in Jersey. The motorhome genie really is out of the bottle in regards to use locally and, should a zero-tolerance stance be taken, in future, by authorities and the law rigidly applied, it will be extremely difficult to get the genie back in the bottle, without a great deal of discontent and, I think, probably bad feeling. I do not believe it realistic, or achievable, to expect those, who own motorhomes locally, to now lock them away and only use them off-Island which is why I have brought parts (b) and (c) of the proposition in the hope a solution will be forthcoming.

[12:30]

We do have to ensure that any antisocial element is kept to an absolute minimum and, most importantly, safeguard the sensitive environment around Le Port and any other site that might be designated for overnight stays in future. I will shortly be moving on to part (b) of the proposition and going into some detail about the progress that has been made, in recent weeks, to find suitable proposals for Le Port and other potential designated sites, both public and private. But, as a result of the excellent collaborative work that the Connétable of St. Peter, the local Camping and Touring Club of Jersey and the local motorhome and camping fraternity, in general, have carried out, in recent weeks, to find a workable scheme, I have come to the conclusion that while this work continues, it will be inappropriate to rescind the 12 in 24 restrictions at Le Port. Until discussions are completed, such restriction does afford the St. Peter's Honorary Police the simplest way to control parking in the area, if it is felt necessary to do so as part of management at Le Port. Should (b) and (c) of this proposition be supported by Members, it would undoubtedly require further changes to parking regulations at Le Port and any other selected designated sites to allow overnight stays. But until a full, or trial, scheme has been agreed, then I support the wish of the Connétable that the 12 in 24 restrictions should remain at Le Port at present. I know that the Connétable of St. Peter is committed to finding a long-term solution for motorhome use in Jersey, as I hope his colleagues on the Connétables' benches are, as well. It is my expectation that his own Honorary Police will take a pragmatic approach to policing at Le Port in the foreseeable future, until a scheme is introduced. Therefore, I will withdraw part (a) of the proposition today, but it does remain an option for me, should progress stall, or a zero-tolerance approach taken unnecessarily. Moving to part (b), I feel it is important to clearly explain to Members what I believe a designated site to be or, more importantly, what it is not. What I am not looking to make provision for is camping areas within the Island's car park estate, let alone reduce, in any dramatic way, the capacity of coastal car parks. I am also not recommending the creation of new campsites in the sense that formal planning permission would be required, although I do believe there is scope, within the Island, for further registered campsites and certainly such sites in the west of the Island to replace those that have been lost in recent years. What myself and the Camping and Touring Club of Jersey are proposing is a less formal *Aire* style of designated site of the type that is extremely popular in France and is gaining momentum in the U.K., as well. Rather than a formal registered campsite, with all the facilities you might expect at a campsite, an *Aire* can be described as a motorhome, campervan, overnight stopover, situated within public car parks, or private areas, such as farms, or pubs. These overnight stays for a small fee, or sometimes free - and I am aware that one local pub chain has already shown interest in offering some

limited sites - could form part of the solution for use around the Island. As I say, Members have received a camping reform proposal from the local motorhome club and as part of the proposal is a 2-tier system that could be operated from designated sites, based on the facilities each vehicle has. A permit would be required with strict terms and conditions, that would allow better control and, if necessary, enforcement around motorhome and campervan use in the Island. Any designated site, or *Aire* would not require the level of facilities required within a campsite, as vehicles are staying for a limited time and either be totally self-sufficient, with toilet facilities, or be staying within a designated site that has toilets. We have a number of car parks that could immediately provide a limited number of sites for a trial scheme, with little cost to government. *Aire*-style sites around Europe have clear guidelines that owners should follow, within their own respect rules, spelling out what is expected of them. Within these rules, owners should respect the environment - something that I think the vast majority of motorhome users do currently- elect to use uncrowded areas; shop locally; park responsibly, as you would expect them to do; exercise courteous behaviour; communicate with others and simply totally abide by these rules. I have to say it is my experience that the vast majority of those, who use Le Port, are respectful of these guidelines and I have no doubt would respect other designated sites around the Island if allowed to do so. I deliberately did not set out a fully-proposed scheme within my proposition, as I felt it was important that those closer to the issues had the opportunity to mould any proposals and agree a scheme that they all felt comfortable to sign up to. I include both the Minister for Infrastructure and the Minister for the Environment as vital stakeholders within this process. It is important that the Ministers, the Comité des Connétables and all necessary stakeholders are part of discussions, so that each can understand the concerns of others, rather than be suspicious of each other's motives. With the experience and knowledge that is available, it should be possible to formulate the basis for at least a trial scheme that could be used to assess any potential unresolved issues and consider any improvements. Such a trial may prove that an airtight proposal is unworkable, but I do not believe this to be the case, if all sides can work collaboratively. I do believe it is important to comment on the safety aspects that some have suggested would limit the benefits of introducing designated sites, or *Aires*, due, in part, to the need of providing minimum spacing between vehicles. It will be wrong to suggest that safety was not important, but the 6-metre minimum that has been suggested as a fire prevention guidance, is not an international, national, or even governmental, guideline but an arbitrary guideline that seems to have been laid down by a small number of camping clubs and, more generally, used within registered campsites where motorhomes can be situated for days, if not weeks. I am not sure that these spacing guidelines are even followed locally on registered campsites, but it is clear, on exploring sites that advertise *Aires* in France and the U.K., that a 6-metre spacing is not standard practice where owners are staying for a limited period of time, such as overnight. I also believe it is unreasonable to suggest that the introduction of designated sites, or *Aires*, in Jersey would either dramatically reduce car park capacity by 75 per cent, or have a detrimental effect on wider users of car parks. An interesting point that has been made to me over recent weeks around minimal spacing around motorhome use is why such rules would not apply, for example, to all our boat marinas, where very similar risks exist, but seem to be managed and mitigated against successfully. Boats have fuel, gas, flares and other flammable items situated within feet of each other. So, although it is right to ensure that motorhomes and campervans are fully checked and registered and are operated in a safe way, I do not see the need to mitigate the potential risk by a minimum spacing of 6 metres within a designated site or, as I say, an *Aire*. Any Google search of *Aires* in France, for example, will clearly show motorhomes parked side by side, within car parks with spacing of a couple of metres, so I cannot see why the same could not apply here. I, therefore, see no reason why *Aire*-style designated sites cannot be a reality in Jersey as a way to reduce the current reliance on a single site at Le Port and offer local motorhome users new opportunities to enjoy their pastime. Any financial implications to Government are, I believe, minimal. Identifying designated sites, within existing car parks, could be done in collaboration with the Comité des Connétables, or the individual Connétables, at little cost, as such sites are not meant to be registered campsites with all the associated costs. It is disappointing to suggest that I am

advocating the erection of new campsites, when that is clearly not the case and I hope Members are clear as to the style of designated site that I am supporting: that of an *Aire*. I am certainly not asking and nor is the local camping club, for the Minister for Infrastructure to provide anything but basic facilities on any proposed designated site. By charging for the use of such sites - which many I have spoken to would be happy to do - there would be an opportunity to add to coastal toilet facilities, for example, if felt appropriate; but, in reality, I believe there are an adequate number of sites where facilities are already in place and could be utilised with little, or no, fuss. The Minister would also not be expected to create, or operate, what would be considered new camping facilities, because they are not camping facilities, as any new designated site, or *Aire*, would not be, as I say, a registered campsite, as seen in other parts of the Island. Any future permit scheme would, I suggest, be more economically and efficiently run by the Connétables themselves, through their excellent staff at Parish Halls, rather than centrally by Government. Parishes would have an interest in ensuring that any new designated site was correctly administered and able to be policed effectively, which is why I am keen to see the Comité des Connétables be central to any proposed scheme. Moving quickly on to part (c) and the legislation that limits the habitable use of motorhomes and campervan users. As a result of the Le Port Car Park being added to the Road Traffic (Public Parking Places) (Jersey) Order 2006 as a 12 in 24 car park, I believe it will require 2 processes to permit an owner, or driver, of a motorhome to use their vehicle, for habitable purposes, at Le Port, or any potential other designated site, or *Aire*. The first will not require any change, I believe, in legislation and is set out as in my report by requiring the Minister for the Environment to review the issuing of a permit under Article 99(1)(b) of the Planning and Building (Jersey) Law 2002, thus allowing his Chief Officer to grant habitable use of a motorhome, or caravan, for 24 hours in any 7-day period, as a condition of any permit. Adding such a condition to current, or future, permits would not, I believe, be an onerous task for either the Chief Officer on one part, or those who wish to apply for the additional condition on the other, because, as I say, it does not require a law change. This would, though, remove the illegality of using a motorhome for habitable use for a limited period each week under the law and, I do stress, a limited period. It would probably be appropriate, at this point, to clarify how such an offence under the Planning and Building (Jersey) Law 2002 would be dealt with, as there seems to be some confusion as to which court would deal with any potential prosecution. The legal position, as I am now led to believe, makes it clear that an offence under Article 99 of the Planning and Building (Jersey) Law 2002 would be dealt with by the Magistrate's Court and not by the Royal Court and will be subject to a maximum fine of level 2 on the standard scale, that being £1,000. Interestingly, any offence could, at an earlier stage, be dealt with by way of a caution at a Parish Hall Inquiry, but should a fine be considered more appropriate, then the law would need to be amended to give the Centenier the power to impose a fine up to a maximum of £200 at a Parish Hall. Such an amendment would seem to me to be an appropriate improvement and could prevent the need, in some circumstances, for elevation to a Royal Court appearance. The lack of ability to fine at a Parish Hall may have been behind the comments made previously that to take action would require a Royal Court appearance. This comment, by the previous Connétable of St. Peter, who himself had worked behind the scenes, to improve what was becoming an increasingly problematic issue, was not incorrect, but did not give a full picture of what action the Honorary Police could take by way of prosecution. The second process to legalise an overnight stay would, I believe, require a minor change to the Road Traffic (Public Parking Places) (Jersey) Order 2006, which states under Article 7(6)(g) that a person must not sleep in a vehicle, or trailer, or either use a vehicle, or trailer, in a parking place for a residential, or domestic purpose. As this law is clear that sleeping in a vehicle, any vehicle, in a parking place such as Le Port is not permitted, then to permit overnight stays at Le Port, or any future designated site, or *Aire*, would require an amendment to this law.

[12:45]

I believe this could be easily rectified, to allow the Minister for Infrastructure to designate certain sites in public car parks around the Island, as their stopovers where motorhome owners could sleep

for one night in any 7, by removing this condition to Article 7(5) of the law, so it read: “A person must not, except with the written permission of the controlling body of the parking place [the Minister] sleep in a vehicle, or trailer” and the law goes on after that. This would mean, in practice, that the Minister could designate limited spacing car parks around the Island for *Aires* and permit owners to stay overnight within these designated areas. If we are to allow motorhome users to use their vehicles within the Island, then I believe it is not only important to remove the current illegality around sleeping in a vehicle for an overnight stay, but also important that we create a properly regulated scheme, to administer any proposals put forward, so that Parish authorities and particularly the Honorary Police, have sufficient powers to move on those who misbehave, or do not abide by any rules laid down. There does have to be some compromise on all sides if we are to find a solution that fits the vast majority of the motorhome and campervan fraternity. There has to be an acceptance that turning up at Le Port in a battered old van, with a mattress in the back and going to the toilet in the sand dunes is just not acceptable in this current day and age. **[Approbation]** I am thankful for all those, who have contributed to finding a way forward, including all those who came down to Le Port last Sunday to show support. I ask that everybody remains patient while we find the right scheme for Jersey and that may, initially, be in the form of a trial scheme that would include Le Port and a small number of other designated sites, or *Aires*. This could be part of the longer-term process to assess the opportunities for further sites in the next Island Plan. Finally, I just want to read a few lines from a letter I received from a young girl and an email from a couple in their late 60s who “have been devastated by the decision taken to stop overnight stays”. I had a fabulous letter, in fact it is a letter that was sent to the Connétable of St. Peter, but I am sure he will not mind me commenting from it: “I am writing this letter, because I am a camper and I would love to continue staying overnight at Le Port. I have been staying down there, on the weekend, for the past 2 years and I have loved it. It is the best part of my life and I will treasure it for the rest of my life. I do understand that there are a few minor issues, which I believe can be changed. I am incredibly privileged to have access to such an amazing place. Most kids, these days, are wasting their lives, by sitting on a chair, staring at a screen for 5 hours, or more, when they get back from school. For me, the beach is a place to be free, nobody really cares what you look like, or what you are wearing, but now this is where it slowly comes to an end. I was devastated when I knew that it was getting a bit strict. It was only when my mum told me that we cannot stay down there anymore that I decided to stand up and write a letter. Even though we can enjoy a bit of daytime at the beach, which we will still do, it is not the same as being able to stay and wake up to the amazing sight that we are privileged to have on our doorstep.” From a couple, as I say, in their late 60s: “I have a motorhome. We are not youngsters [and nor am I] being 66 and 69, it is a lovely community down there. The joy of sunsets, waking up and looking at the sunrise over the bay, walking the dog on the beach, when nobody else is there, swimming in the sea; bliss. We eat out at various local establishments and just enjoy the serenity of the place. Why should the actions of a few people spoil it for the majority of law-abiding citizens? In most of Europe they have *Aires*, some free, some with a small charge, where campers can stay overnight. They are actively encouraged. I appreciate Jersey is a small Island, but, surely, allowing use in other parts of the Island would spread the load more evenly.” As I have said, I have withdrawn part (a), but hope Members can support parts (b) and (c), so that a pragmatic solution can be found that protects our environment, but takes into account the increased popularity of motorhome and campervan use.

The Deputy Bailiff:

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

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is called for. We stand adjourned until 2.15 p.m.

[12:50]

LUNCHEON ADJOURNMENT

[14:16]

10.2 Le Port Car Park, St. Peter: rescindment of parking restrictions (P.33/2019) - amendment (P.33/2019 Amd.)

The Deputy Bailiff:

The Senator's proposition has been seconded and there is an amendment lodged by Deputy Maçon and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2, new paragraph (c): After paragraph (b), insert the following new paragraph (c): "to request the Minister for Infrastructure and the Comité des Connétables, as part of the aforementioned consultation process, to examine whether Parish Assemblies are the most appropriate forum for the determination of permits and revocation of areas of the Island to be used for the above purposes; and", and re-designate the original paragraph (c) as paragraph (d).

10.2.1 Deputy J.M. Maçon:

I will not be speaking too long. As Senator Pallett has dropped part (a), the original part (b) and (c) looked at consultation, all I am asking is that, as part of that consultation process is the examination of whether the granting and, more importantly, the revocation of permissions for areas of use, whether that is best sitting within a Parish Assembly situation. Why do I do this? Whenever I talk to new Members of the States Assembly, I always say, during an appointments process: yes, appointment processes are important, but what is more important is the dismissal process. How do you keep control over a project, over a person, over a committee? So, what we have got to think about is if this is the route the Island wants to go down and, of course, we are not at that stage yet, but if it is to go down that process, if you grant something, how do you keep control, how do you reverse it? Just because I have had some constituents, who have raised these issues with me about: "Well, we do not want people to start [in Le Port, as an example] being territorial. We do not want it to be no-go areas for the rest of the public", so, how can we just endear a kind of a good neighbour relationship between the users? So, again, the question is: where does this best sit? It has been suggested it could be in the Island Plan process, but being a long-standing member of the Planning Committee, I know the issue is once you have got an established use somewhere, it then becomes very difficult to revoke that. Once it is established, it is difficult to change, so I am not entirely convinced the Island Plan process is necessarily the best place to put it. You have then got the issues around the resources that the departments already have around enforcements, *et cetera*, at the moment anyway. So, I am just asking the States Assembly that, as part of the consultation, to consider, in order to keep control of the process, is the Parish Assembly the best way to do this? So, for example, if you do get a bad neighbour, do you have a mechanism whereby the Constable can suspend it and then you can either reject the process through a Parish Assembly, or not? I do not know, but I just want it to be considered and for it to be looked at in the round. So, that is what my amendment seeks to achieve and that is all I have got to say.

The Deputy Bailiff:

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

10.2.2 Deputy J.H. Young:

I think the amendment is well-meaning. I have not given this a great deal of thought and I apologise to the proposer and the Assembly, but I have been thinking, since the Senator introduced his substantive proposition and it seems to me the whole issue centres on what sites, if this use is to be enabled, or unlocked, in any way ... because I, personally, accept: the moment the law shuts it down and makes it the only way that overnight use of a motorhome can take place is on a registered campsite, which are dealt with under the Tourism Law, so if we are to open that up in any way, I think the issue about where the approvals are given for individual sites and the conditions that apply are going to widely differ, according to the nature of the sites. One can envisage that sites where, potentially, it is more likely that a use such as that could be accommodated, with proper management and, equally, some where they absolutely could not; I think that does lead us, it is right that it leads us, into the question of what policies do we have in place to be able to make those decisions? They need policies and, with the greatest respect to the Connétables, I think you have got a lot of different bodies there, who are going to have probably their own criteria in place for that; I think we should be very cautious about that. I think we should look at the moment, the prime body that we have and the law and the whole infrastructure we have for deciding what use any site in the Island is put, is our planning system. Now I still think at the moment and I am going to listen to what other Members are going to say, but what I heard the substantive proposer say is that we want to have the ability for motorhomes to be accommodated on an area of land that may, or may not, have toilet facilities and so on, that may, or may not, be associated with an existing business; for example, I heard pub car parks mentioned. Also, I am a bit confused about whether the proposer intends that we would include public car parks, or not, because I think I have heard conflicting comments on that, but they would also need to be subject to the planning system. So, I think where I am headed is, what that points to me, is if the Assembly wishes to go with support of this, I think we will need to look at this kind of base of planning policies, or criteria, we would use for considering such proposals. I am quite clear anyway, for me; let us take one example. If a pub operator had a pub car park and they wished to use that car park for overnight accommodation for their patrons, I think that would be a *prima facie* change of use and, therefore, I would want to see that as part of a planning application, because the use changes. Questions would arise: where are the toilets, what are the support arrangements; this type of thing. Is it just the clients of the pub, or what have you? So, whatever site you choose, you are going to raise a whole host of criteria. What about surrounding properties? What about the interests of neighbours? What about the fact that we have got third-party appeal rights? Are you going to say they do not count; we are going to just base it on the decisions of the Constables? So, I say that, with the greatest respect, I am not so sure the Constables would be wise to take this on. The experiences St. Peter had, absolutely well-meaning for all possible reasons to be sensible and pragmatic and allow things, became a serious problem. A serious problem for the Honorary Police with the behaviour and so on and it got to the extent where I, certainly, had letters, communications from visitors, people who felt intimidated by the large numbers of vehicles and so on and a shame. So, I am clear, though, I can see a distinction between ... I want to make sure that if the Assembly goes in the direction towards Senator Pallett that we do not end up with that situation again. So, not only is it about the site selections, the site permitting process, but also the conditions that would go; there would be different conditions I think to each one. Of course, the Planning Law does have the powers, as the Constable told us, in the current law and I checked it up while he was speaking; he is right, the Chief Officer can put conditions. Yes, I could not find the Chief Officer as the right to fine where things go wrong, but what I did find and this was interesting, perhaps the Constable did not spot this, there is the power ... sorry, the Senator, I do apologise. Sorry, I keep thinking of the Senator, because he and I worked together, as a former Constable. I do apologise. But I go back to the point, the Senator's proposal that the Deputy is seeking to amend puts that power to the Constable and yet the current law, the Planning Law, gives that right to set conditions and so on with the Chief Officer. The Chief Officer does not have the power to fine if things go wrong, but I highlight this and Members might be amused, I did see in that part of the law there is the power for the vehicle to be seized and disposed of, so I am sure that law has never been tested. I stand to be corrected when

anybody asks the Attorney General. So, what I am saying is, there is established law, but what we do not have is the raft of policies. We have already got the Island Plan policies; we, as part of the Island Plan, have already given this commitment. We will look at what opportunities there are throughout the Island, in the new Island planning process, but I think, in the meantime, my inclination is to stick with the existing planning policies for dealing with this issue, so I will not be supporting the amendment.

10.2.3 Connétable R. Vibert of St. Peter:

I do not have a great deal to say on this because, thankfully, the Minister for the Environment has said much of what I was already going to say. I do not believe that Parish Assemblies should be involved, particularly in the revocation of a permit that allows a site to be used for motorhomes and caravans, because, presumably, this would have required planning involvement in the first place. Therefore, for a Parish Assembly to be able to override that, I cannot believe would be correct. I would also say that myself and Senator Pallett have undertaken significant work with the Motorhomes and Campervan User Group, who produced some excellent draft proposals for a scheme. This amendment, while well-intentioned, is too early in the process and it is not really seen as a positive move and I believe it could impact those discussions in a detrimental way. We are currently only at the stage of asking for draft proposals to be considered. We have not gone any further than that, so the Ministers have not had time to consider what, if anything, would be introduced. Instead, I think the Parishes should consider if they have suitable sites as part of the Island Plan and, having identified them as part of that process, ask a Parish Assembly for their view, before they are included in the Island Plan. So, therefore, I will not be supporting the amendment and basically that is my view.

10.2.4 The Deputy of St. Martin:

Very briefly, I would just like to remind Members why we are here today, debating this. It is because 3 different Parishes, in the west of the Island, took different interpretations on the way the law could be administered. I think it would be very dangerous to continue down that path and would just not serve our purposes well, if we go that far as to try to come up with a new scheme. It will be very important to make sure we are consistent across the whole Island.

10.2.5 Deputy M.R. Le Hegarat:

Primary for me is safety and the one thing that concerns me about where we are, or where we are going to go with this is: has anyone had any consultation with any of the emergency services, for example, the Fire Service, the States of Jersey Police and others, because to me this is critical? If you have got a large quantity of vehicles, parked in a very small space, what sort of catastrophe could we be looking at?

10.2.6 Deputy K.C. Lewis:

In a very similar vein, it was my opinion that there were vast numbers of campervans and indeed private vans and vehicles down at Le Port during the summer. It did concern me that I saw many photographs of them bunched together, just a few feet apart. Mention has been made before, but I will mention it again, in the U.K. and in most professional camping and caravan sites, campervans and caravans are 20 feet apart, because they have Calor Gas, Kosan Gas and all other sorts of gas appliances on board and, for safety sake, they should be well apart and, indeed, that vehicles can exit when they need to. We do have a prevailing wind off the bay in St. Ouen and there were open fires during the summer months down there and it could have been a catastrophe waiting to happen. Luckily it did not, but as Minister for Infrastructure I feel I had a duty to bring this forward.

[14:30]

I agree that the good Constable of St. Peter bent over backwards and is still doing so, to help the camping and caravanning community, but his officers have suffered abuse in the past. This was not

so much a sledgehammer to crack a nut; bringing in the 12 in 24 was the bare minimum that I was able to do. I will speak more on the main proposition, but I will be voting against the amendment.

10.2.7 Deputy K.F. Morel:

I must admit, I was slightly confused by the amendment, because the amendment itself, I was looking at it thinking: “Hold it, is the Deputy for, or against, the Parishes being involved in that?” I read it and absolutely, Deputy, I realise it is neither for, nor against, it is saying: “Should the Parishes be consulted?” I just think Members should remember that, at the end of the day, the people who will be most affected, if the Senator’s proposition passes, will be the immediate local communities around wherever these areas are. Many of these areas, I am sure, will be approached by small lanes and these are very large vehicles. There is likely to be a tension between the local inhabitants and the people using the area set aside for motorhomes. Noise, antisocial behaviour, is going to be the Honorary Police forces most of the time, I imagine, rather than the States Police forces, that will be called in to solve those problems. So, I am quite concerned, I guess, or was surprised to hear the Connétable of St. Peter saying that he thinks this is a bad amendment. Because, the amendment itself does not say it has to be the Parish Assemblies which decide this, it is just asking for that to be in the Ministers’ minds to be considered as a possibility for the way to regulate those licences, *et cetera*. Whether it is the Parish Assembly that the Ministers end up deciding is the final forum for deciding on the permits and the revocations, it does seem to me it would be wrong to cut them out of the loop entirely. I do think their views, the parishioners’ views, have to be heard and they have to be heard loudly and, unfortunately, I do not feel that the planning process allows that. It may do in the Island Plan, but this is about the operational aspects, rather than the actual Island Plan. So, I think to throw out this amendment would be short sighted, because the amendment itself is not saying: I want Parish Assemblies to decide these things. It is just asking the Ministers to think about whether that might be the appropriate route. So, in that respect, I think it is worth supporting this amendment, because I think, at the end of the day, if the Senator’s proposition passes, what we are going to see is a lot of very local concerns being raised and I guess the 21st century phrase would be ‘hyperlocal’. In a sense, it will be the people living around these areas who have the greatest concerns and who are most affected. It will be the Parishes that are asked to sort those out, so, in that sense, I think, supporting this amendment probably is worthwhile and it does not, in any way, say that it must be the Parish Assemblies that sort it out, it is just asking the Ministers to give due consideration to that possibility.

10.2.8 Senator S.W. Pallett:

Following on from the previous speaker, I was not quite sure where Deputy Maçon was going with this amendment, but I think, having some of the concerns that people have already started to raise, some of which, I think, is pure scaremongering; nevertheless, I will get into that, maybe, when I sum up. But, keeping to this proposition, what he is trying to achieve and how he has worded it within his amendment, I am going to support, because I think it is totally appropriate. What he has said is ‘to examine whether Parish Assemblies are the appropriate forum’, not to tell them they have to be the appropriate forum. He is merely suggesting that this is a route that, should a working party be set up, for example, they work through Parish Assemblies, to see whether Parish Assemblies are the right place to go to deal with all the sort of concerns that Deputy Morel has brought up. I am not going to go into some of the issues he has brought up, because I will deal with them towards the end, but I am all for more local democracy. As a former Parish Constable, we do not use our Parish Assemblies enough. I think there are opportunities where we could go to our parishioners and debate issues and come back better informed in debates where we could say: “We have spoken to our constituents, we understand what they feel”, instead of guessing what they feel. I know we do deal - and Parish Constables, I have to say, they probably are a lot closer to their communities, because they have to deal with them on a day-to-day basis - but it is good to consult with people and it is good to talk to people in an environment where you can understand where their concerns are and Parish

Assemblies are good for that. So, I am going to support this, because it is just another tool that we can use to make sure if we do get to a point where we have an appropriate scheme it has gone through the right channels and, certainly, Parish Assemblies for me are one of the channels that is an appropriate way forward.

10.2.9 Deputy M. Tadier:

My initial thoughts, which are generic, are that it is lucky we are not finding the best way to change a lightbulb, or to find out who should be involved with it. Because, the very basis of it - and I will direct general comments, so I do not need to put these in the main speech - is that part of my outlook on politics, generally, is to try and make life as simple for people as possible. That is irrespective of any other ideology. I think it was Einstein who said: "Make things as simple as possible, but no simpler." Clearly, there will be some elements of complexity here, but people, essentially, just want to be able to go out, enjoy themselves and do no harm. I think that is the principle by which most of the campers, that I have come across, live by, both when they are enjoying the ... and it is mostly in the west of the Island, or just enjoying nature generally. Those are people from a cross-section of our communities and they are from right across the Island. So, the first consideration here is that this is not predominantly a local matter, it is not a Parish-based matter, it is not even a matter that is limited to a particular stretch along St. Ouen and in St. Peter, or St. Ouen's Bay. I think that this amendment is completely uncontroversial and I do not know why we are making such a big deal of it. We do need to have a conversation about what exactly this process and the actual plan is going to look like. It is not simply an Island Plan issue, this is not to do with ... I am not even sure if that is the best place to put it. This is really about legislation and what we allow people to do with their own property and their vehicles, where they can park them, how long they can stay for. These seem to me to be largely centralised issues, which need to be dealt with by the relevant Ministers, in consultation with the Constables. So, what Deputy Maçon is asking for is simply to give consideration in that whole process about what it is going to ultimately look like. I am sure parishioners do not want things coming to the Assembly, which are not necessarily best placed for them to resolve. If it does relate to a specific area of sensitivity, then, clearly, there will need to be consultation, but I do not see that what Deputy Maçon is putting here precludes the other good work. I think it is very helpful, so we should be adopting this and I was a little bit surprised to hear the Minister's comments, because I thought this was largely uncontroversial.

10.2.10 Deputy R.J. Renouf of St. Ouen:

I understand the points that have been made by Deputy Morel and Senator Pallett that this amendment is merely a request to consider, but I believe that the Assembly should be able to see the risks of involving a Parish Assembly and not agree to the suggestion that it be taken forward. I see 2 principal risks at the moment in that it is suggested that these *Aire*-type facilities could be in a public car park, but equally they could be on a farm. I can well understand a Parish Assembly being interested in discussing a facility on a popular, public, car park within the Parish, but if somebody were to make an application just to put a motorhome on a quiet corner of their farm, is that something that a Parish Assembly should be involved in? It is not Parish Assemblies who get involved with those sorts of planning, or other, almost semi-private, applications, so I do not think that would be appropriate. But I can also foresee difficulties, which are common to all Parish Assemblies: who attends? So, one of these *Aires* may be established, a property close by may wish to raise a complaint, ask for the licence to be revoked. If that has to come before a Parish Assembly, you would have the homeowner bringing forward their complaint, but it is possible for all motorhome owners in that Parish to come to that Parish Assembly and they would not wish to lose a facility. So, that is not an objective decision that could ever be arrived at and there are those risks asking a Parish Assembly to get involved in that decision-making process. Decisions should always be taken using objective rules, which everyone knows where they stand and should be taken by an impartial body and I regret to say that, in those

circumstances, I do not believe the Parish Assemblies are the right forum for taking those decisions. I think we should recognise that and not just leave this matter go forward at this stage.

The Deputy Bailiff:

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

10.2.11 Deputy J.M. Maçon:

I thank all Members who have spoken in this debate. Can I, first of all, just begin by thanking Deputy Morel; I think he articulated what I was trying to get across far better than I did? He is absolutely right; those were my concerns and the concerns of people that approached me had and it is about those good neighbour issues and it is about providing some remedy when there is a falling out; what are the safeguards of the system going to be? Now, my understanding from the proposition is we were predominantly only talking about public sites, we were not talking about private land sites, which the Deputy of St. Ouen has introduced into this debate. My amendment - and I think the main proposition - is focusing on public sites, not private sites. Now, if after the review that comes along that might be something else, but this is talking about public car parking sites, this is public land, so I am not going to respond to the private land argument, because I do not think that fits in with this today. Again, I was trying to be helpful, because I do think it will be around those local issues, it will be about ... the reason why I brought it is again thinking about the drains and resources of the Parishes if they have all these sites they have got to deal with. If they are being called out to these sites all the time, should the parishioners not have some say that: "Actually, we do not want this use to carry on, because it is draining our public resources, which could be better used within the Parish elsewhere." So, how do we engage the public more and bring this down to a local level, because I see this more as a local issue and not necessarily as a main issue. I am surprised at some of the Constables' comments: "No, we want it done centrally", which seems to be suggesting that they want the States to impose land usage on their Parishes and cut them out of the process, which again does not tend to be the usual fierce and independent guardians of the Parish that we are used to when we have the Constables looking at these types of matters. Although I appreciate the arguments by the Deputy of St. Martin and others, who have said basically we would want consistency, but of course there is nothing saying that the Constables could not all get together and agree among them all what the criteria would be. Heaven forbid that that should ever happen. But it could happen and let us be positive about that. So, there is that issue. My concerns are: if there is a problem what are the safeguards? If you do have bad neighbours, how could it be quickly remedied? The Minister for the Environment and the Minister for Infrastructure mentioned that they have got processes to deal with it, but we know there are already problems with the enforcement within those departments and I did not hear either of the Ministers saying: "We are going to bolster the amount of enforcement that our departments can do." The Minister for the Environment spoke about conditions and how do you do conditions on issues where you might have a mobile ... you are not dealing with a structure, a building that is going to be there, you are dealing with a mobile structure that is coming on and off the site. How strong should we believe that the enforcement of the Planning Department is going to be able to deal with these types of sites, if they are getting to the stage where there is a bad neighbour? So, for me again, it is just asking it to be considered. It may turn out that it is not the correct route and I am OK with that, but I think it is fair on those local issues, the parishioners who will have these types of issues, how they are going to be dealt with, what the safeguards are going to be for those parishioners.

[14:45]

I just think this is an option that should be considered in the round. I would just like to thank Senator Pallett and again finish by thanking Deputy Morel, who certainly put the case much better than I did. I call for the *appel*.

The Deputy Bailiff:

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

POUR: 16		CONTRE: 21		ABSTAIN: 0
Senator L.J. Farnham		Senator I.J. Gorst		
Senator S.W. Pallett		Senator J.A.N. Le Fondré		
Connétable of Grouville		Senator S.Y. Mézec		
Deputy M. Tadier (B)		Connétable of St. Clement		
Deputy J.M. Maçon (S)		Connétable of St. Saviour		
Deputy S.J. Pinel (C)		Connétable of St. John		
Deputy L.M.C. Doublet (S)		Connétable of Trinity		
Deputy of St. Mary		Connétable of St. Peter		
Deputy L.B.E. Ash (C)		Connétable of St. Mary		
Deputy K.F. Morel (L)		Connétable of St. Ouen		
Deputy of St. Peter		Connétable of St. Martin		
Deputy of St. John		Deputy G.P. Southern (H)		
Deputy J.H. Perchard (S)		Deputy K.C. Lewis (S)		
Deputy C.S. Alves (H)		Deputy of St. Martin		
Deputy K.G. Pamplin (S)		Deputy of St. Ouen		
Deputy I. Gardiner (H)		Deputy R. Labey (H)		
		Deputy J.H. Young (B)		
		Deputy G.C.U. Guida (L)		
		Deputy of Trinity		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		

10.3 Le Port Car Park, St. Peter: rescindment of parking restrictions (P.33/2019) - resumption

The Deputy Bailiff:

We now return to the debate on the main proposition. Does any Member wish to speak on the main proposition?

10.3.1 Deputy K.C. Lewis:

This issue has created a lot of media attention and comment and there have been letters in the paper and messages on social media. Clearly, for those who are regular weekend Le Port Car Park users in their campervans, or motorhomes, these parking restrictions have not been welcome. However, I have received an awful lot of phone calls and a few emails from people, who do not want me to waver on this and I have a particular concern about the way that Le Port Car Park has been used, so I am delighted that Senator Pallett has withdrawn part (a). Last month, the Deputy of Trinity and I attended a Le Port users meeting at St. Peter's Parish Hall and I wish all lobby groups behaved in this way; it was very amicable, everybody was very friendly and there was a frank exchange of views. I fully appreciate there are responsible caravan and campervan users, who would have little impact on the environment. Unfortunately, not everyone is like that. The problem is not allowing people to use their motorhomes, or campervans, in car parks for 24 hours, but it is the severe difficulties that the Honorary Police are having in dealing with situations that have been arising there. These issues involve public safety and environmental and social disruption. In addition, the Constable of St. Peter has described the appalling behaviour there and I will say that it is a minority. The way in which people have treated the environment and their impact on the environment had to be addressed. This was the problem that I was asked to help to solve, by changing the parking restrictions. Yes, this is a case of the few spoiling it for the many. Yes, I accept fully that many of the people, who spent weekends parked at Le Port were socially and environmentally responsible the whole time and, yes, they are understandably aggrieved by only being able to spend 12 hours there now and I am sorry for that. But, should I have ignored the concerns and issues raised by the Constable, and should I have

put the interests of motorhome and campervan owners above those of the Constable's and Honorary Police? I doubt if anyone in this Chamber would have done that. The Senator's proposition does, partially, include that, now that part (a) has been withdrawn. The Senator said that consultation can be funded from existing resources. The inference in saying this is that there is no cost, which is not correct. I have heard Members say: "Well it is just a consultation", but it is not a free solution. A consultation is a decision to expend resources. Officers will need to be diverted from other priority work to undertake this consultation and officers have a waiting list of work. Should this take priority over road safety schemes? Deputy Gardiner, earlier on, asked me a question about when we would start looking at road improvements at St. John and I answered in good faith, but I need to concentrate on this. The Senator wants me to supply designated areas in car parks for motorhomes and campervans, used in conjunction with a permit system, to cover a one-night stay. He says the cost of administration will be covered by permit fees. He has not provided any suggestion of how much the fees would be and how they would be administered and what sort of level of local charge campers would be willing to tolerate. Also, what would they expect for their money, what facilities would the people paying to use those designated sites want? So, we are discussing a car park in an area of natural beauty, which is open to us all to enjoy. By contemplating designated spaces and payment systems, we are at the start of a slippery slope, which could end with a blot on the natural beauty of the Island. Caravan parks are businesses. Yes, there are some in the U.K. run by government, presumably to help bring tourists to the area, but they are still run along the lines of business. The South Cliff Caravan Park, for instance, charges £21 a night, but it is quite big and provides various ancillary facilities, which also gain income. My portfolio covers the provision of car parks and people are still welcome to use the car parks, if they abide by regulations for the car park. We are not geared up to provide the oversight needed for a caravan park. We have several caravan parks on the Island which are geared up for this, at least 3 to my knowledge and they have spent a considerable amount of money upgrading their caravan parks recently with safety lighting, electrical hook-ups; vehicles spaced so there is no danger to the neighbours, toilet blocks, shower blocks. So, the Island Plan will soon enable all Islanders to consider how we use our natural environment, where we should protect and where we should allow development. Surely, it would make more sense to let issues such as this be considered in the wider context of the Island Plan and, for these reasons, I will be voting against the remainder of the proposition.

Senator S.W. Pallett:

I just wonder if the Deputy could clarify a point he made about consultation? Could he tell me where in my report, or in my speech today, I asked him, or his department, to pay for a consultation? That is not within the speech, or not within the report.

Deputy K.C. Lewis:

It is in the amended proposition.

Senator S.W. Pallett:

We are on the main proposition.

The Deputy Bailiff:

The amendment to the proposition was, of course, rejected.

Deputy K.C. Lewis:

Indeed, Sir. I withdraw that last comment.

10.3.2 The Connétable of St. Peter:

I would say that with the removal of part (a) of Senator Pallett's proposition, we are probably of one view with regard to the longer-term use of some designated sites around the Island for motorhomes and campers. However, I thought it might be useful for Members to understand, when considering

the use of Le Port, how we arrived at the current situation. For decades, surfers had often stayed overnight at Le Port, in order to catch the best waves the next morning and this very limited activity had never led to any complaints, or issues. From around the year 2000, a small number of motorhomes had discreetly also started to use the Le Port area and there was no conflict between themselves and the surfers. They were there at weekends only and, again, no real issues occurred. The users in the main were members of the Jersey Camping and Caravan Club and respected the rules of the club, ensuring there were never a large number of vehicles there. They were also considerate to the other users of the area. These vehicles all had their own facilities, so there was no abuse of the surrounding areas and vehicles only ever remained there over a weekend and were not there during the rest of the week. In 2014, however, the Parish received some complaints about the use of the area by motorhomes. I recall, at the time, that someone had been around and looked at the bumper stickers of every vehicle there, to see if they could find a Camping and Caravan sticker and I believe only reported those that had the sticker on the bumper. At this stage, there might have been a dozen, or so, motorhomes across the area of Le Port. The motorhome users' longer-term aims, as now, were that the States should consider allowing motorhomes to spend a day, or weekend, in small numbers, in designated areas across the Island. Due to the complaints, the then Constable of St. Peter called a public meeting and people attended from across the Island at St. Peter's Parish Hall. My recollection was that the original intention of the meeting was not to relax the policing of the planning regulations that make it illegal to sleep in a vehicle at night, but to remind those at the meeting that these regulations existed and could be enforced at any time. However, I think the Constable was a little surprised when some 250 to 300 people attended the meeting and there was standing room only at the Parish Hall, including the then Constable Pallett of St. Brelade. The vast majority of those, who attended, supported being allowed to continue to sleep in their motorhomes over a weekend and the eventual outcome was that the Constable of St. Peter agreed that the planning regulations would not be strictly enforced, if vehicles stayed no longer than 48 hours on a weekend, or Bank Holiday and then that they should not return for another week. The Constable of St. Brelade, Constable Pallett, also agreed that at a couple of areas in St. Brelade he would allow them to stay for 24 hours. There were a number of restrictions that were discussed. Consideration was to be given, at all times, to other users of the area and owners should only stay at Le Port over a weekend. Additional vehicles were not to be brought to Le Port, in addition to the motorhome, or campervan, so that parking spaces were not used up unnecessarily. Only vehicles with facilities, including toilets, would be permitted to stay the weekend. All owners must have the motorhome permit, issued by Planning, which advised owners of their obligations under the Planning Law. Finally, the Honorary Police would police the area and everyone should be aware that, if they failed to use the area with consideration, the Planning Law preventing sleeping in a vehicle would be enforced. I supported this decision, which was intended simply only to allow a limited number of vehicles to benefit from the existing use of the area. However, there were downsides to that meeting. It became apparent, during the meeting, that the parking regulations did not cover Le Port; so, in fact, there was no legal time limit to the time you could stay there. The area also became far better known, because the meeting was covered in the media. Eventually, this led to more and more vehicles using Le Port and a situation that could not be sustained, as there was damage to the environment, including erosion surrounding the sand dunes, which form part of the National Park land. During the summers of 2014 and 2015, the use of Le Port was acceptable and users treated it with respect. If there were too many vehicles there in one time, some owners would move their vehicles. However, during the late summer of 2016, it was apparent that a small element was moving into the area, who believed that they had a right to use the area, rather than it being a concession from the Parish. They were staying beyond the 48 hours that had been agreed at the public meeting and refused requests to leave the area. During the summers of 2017 and 2018 this element, although small, strengthened to the point that Honorary Officers were not treated with respect. When trying to deal with issues - and I had personal experience of this - they would be surrounded by certain elements, attempting to prevent them from undertaking their duty. On one occasion, a bottle was thrown at an Honorary Police Officer and narrowly missed him,

however it was not possible to establish who had done this at the time. In some cases, vehicles were parked less than 18 inches apart. This, combined with fires being lit in the area, led to serious concerns about safety. One night, in 2018, across the 2 areas of Le Port, there were 192 vehicles packed in there. There was no access for emergency vehicles. Had a fire broken out, there would have, no doubt, been serious consequences. Vehicles were now also being used in the area with no facilities, other than a mattress in the back and the sand dunes were regularly being used as a toilet.

[15:00]

I visited the area a number of times in 2018 and by September the smell in the dunes at one end of the area was horrendous. We were also aware, from social media, that individuals were purchasing vans, some of which were of dubious quality, planting mattresses in the back to sleep, simply so they could visit Le Port, get drunk and then sleep off the after effects. Both myself and the Chef de Police were receiving calls, virtually every weekend over that summer, with people complaining of the complete abuse in the area. One, in particular, I remember was a mother screaming at me down the phone that her child had just stepped in human excrement in the sand dunes and asking when the Parish was going to address this issue. There was drunkenness and loud music at times, both day and night and users of the promenade area, in front of the vans, were complaining of intimidation. This was a situation which could not be allowed to continue unchecked and, as a result, the Constables of the western Parishes met with the Ministers for the Environment and Infrastructure to discuss how order could be restored to the area. Parking restrictions were suggested and I suggested the 12 in 24-hour restrictions, consistent with many other areas of the Bay. This would provide the Honorary Police, not only with powers regarding parking, but those necessary to prevent antisocial behaviour, much of which is an offence in a car park and putting the area within the parking regulations would give it legal backing and allow them, when necessary, to move on vehicles that had stayed in the area beyond a reasonable amount of time. It would also permit checking of vehicles, that appeared to be defective, by the D.V.S. (Driver and Vehicle Standards) if they were parked there. Following the recent placing of Le Port within the parking restrictions, the knowledge that restrictions can now be enforced has led to a sensible use of the area, returning it to the use of all Islanders. On Easter Bank Holiday Monday, I have a photograph showing the area full of vehicles; however, unlike last year, 75 per cent of the vehicles are cars, which would have pretty much been the situation pre-2014. I have also been approached by a number of people, congratulating us on the improvements in the area and that it has returned to a place where you can now enjoy the view, or simply read a book, or enjoy an ice cream. One of the original surfers, who had used the areas previously, contacted me saying that after several years he could once again go to Le Port, park, and surf without any issues. I do, however, support sections (b) and (c) of Senator Pallett's proposition, that the Minister for Infrastructure should consult with the Comité des Connétables and other key stakeholder groups to identify a list of designated areas for motorhome and campervan use around the Island. Also, that the Minister for the Environment considers the review of permits relating to motorhome and campervan use, allowing, possibly, a 24-hour period within any 7-day period when a designated area can be used by a vehicle. I also hope that we will be able to establish some form of trial, on a limited number of sites, so that we can prove to the public that a sensible approach, with a permit system and only a small number of vehicles in one location, can work and does not necessarily have a detrimental impact on that area. If this is successful then Parishes can work with the Planning Department and formalise these arrangements, hopefully, within the new Island Plan. In addition, one of the Island's breweries has approached the user group to explore if any of their premises could be used for occasional overnight stays for small numbers, who have had a meal with them and then can later park up and spend the night in their car park. This initiative has some merits and it is one in which we could all work together. I would, therefore, ask you to support the remaining parts of Senator Pallett's proposition, with a longer-term aim that we establish a number of designated sites around the Island, where owners of motorhomes can enjoy the use of their vehicle, without the fear that they are doing something illegal.

10.3.3 Deputy M. Tadier:

Before I start, I wanted to ask either the previous speaker, or the Attorney General, whether there have ever been any prosecutions for parking infractions of this nature down at Le Port. I do not know if either could help.

The Connétable of St. Peter:

Well, as it was not in the parking regulations, of course, there have not been any prosecutions for parking offences. It has never been a car park at Le Port. So, the answer to that, strictly, is no.

Deputy M. Tadier:

With that in mind, I can fully see all of the sides in this argument and there are probably more than 2 and I also want to congratulate the Constable on the very even-handed presentation, as well as Senator Pallett on this. But I must admit, I do have some sympathy, when you hear of anecdotal evidence from the Constable, if there are individuals using the car park and there was this incident where the Honorary Police came down and tried to move them on. If there was no legal basis for that, then it is quite understandable that people just enjoying their - I am not going to call them God-given rights - but their liberty of association and enjoying nature, that they might feel aggrieved if there is not necessarily any teeth. Similarly, it would be very problematic for the Honorary Police, who get called out to deal with nuisance issues just to rely on, perhaps, statutory nuisance laws, if there are not any specific regulations around car parking. What this also leads me to is the same conclusion as the Constable, that parts (b) and (c) - and we do not need to talk about part (a) anyway, that has been withdrawn - are absolutely right. But I am, therefore, perplexed with the position of the Minister, because I am not sure why he would not be accepting parts (b) and (c). I think that is what he said; he will correct me if I misheard. Is it that he does not want to consult with the Comité des Connétables and other key stakeholders about agreeing a way forward? Or that he just simply does not agree that there should be any changes? Because, it seems to me that, as we have said, most people just want to enjoy their civil liberties and enjoy nature and the vast majority of people are not the issue. But this is happening anyway and it needs some form of regulation; therefore, it would seem logical to me that the Minister would want to be central in that very process, he would want to consult with the key stakeholders, he would want to consult with the Parish representatives to find a way forward where everybody knows where they are. I am not a surfer myself, but many of my St. Brelade's constituents will partake, or have done in the past, in that sport and they want to be there early in the morning to see when the waves are coming in. We know we live in an Island where many of our activities and not least of all fishing, is governed very much, by the rhythm of the tide and that can be any time of day and that the conditions might be right at 6.00 a.m., they might be right at 2.00 p.m. I am also slightly perplexed at the idea that you are allowed to park down in one of these car parks for 12 hours, but you are not allowed to sleep overnight. So, you could, theoretically, arrive there at 8.00 p.m., get a quick hour of surfing in and then come back and you would not be able to sleep there until the morning, but, if you arrived at 8.00 a.m. and parked there until 8.00 p.m., you could presumably sleep as much time as you wanted to in the day time and then you could get up at night time and stay awake all night if you wanted to. That does not seem logical either, because, presumably, we want people sleeping at night time down there, because if you are not asleep at night time, you are probably going to be awake and you are more likely to be creating noise, you might be partying. It did also strike me that this idea of how far you park away from another campervan is an interesting one, presumably there are reasons they park closely together, probably because they want to commune in some fashion, or another. I notice that there was an analogy made with the marine vessels at the harbour, some of which some people think are falling into disrepair. I just wonder - and people are not going to like me saying this, but I will say it anyway - whether it is a class issue and whether, or not, that sometimes we police certain things based on the individuals. It would be interesting if we did start policing the marina in quite as an officious way that some might be asking that we do at St. Ouen's Bay. So, I will just leave that hanging in the air, but, certainly, I commend

Senator Pallett for doing this. While I have never been in favour of the different mandates that we have in the Assembly, there is something quite appropriate that this is being brought by Senator Pallett, because this is an issue that affects the whole Island. There are people, who travel right across the Island, to enjoy the beautiful landscape that we have in the west of the Island; long may that continue, if it is enjoyed sensibly and in a sustainable fashion.

Deputy K.C. Lewis:

Sir, may I correct something Deputy Tadier just said?

The Deputy Bailiff:

Sorry, are you asking him for clarification, or are you correcting something in your own speech, because you have not been asked to, Deputy, and normally that would ...

Deputy K.C. Lewis:

Well, I think the Deputy mentioned something why I was not in favour. I do not consider (b), for instance, should be the Minister for Infrastructure, because I think this is a matter for Planning and Environment. Regarding campervans; has he seen the size of some of these campervans? They cost a fortune, so class does not come into it.

Deputy M. Tadier:

May I clarify? I will take that as a point of clarification. The other point I want to make on that is that a lot of people do not have the ability to - especially if they live in St. Helier, or the urban areas of Les Quennevais, for example - they do not have the outdoor areas to enjoy their own garden space and they may own a vehicle, hopefully it would be roadworthy. It is right that not everybody will even own a campervan, but some people may simply want to sleep in the back of their car, which may be old and battered, but nonetheless roadworthy.

The Deputy Bailiff:

I think that is more than enough clarification, thank you very much. **[Laughter]**

10.3.4 Senator I.J. Gorst:

I need to start with a declaration, although I am loathe to do so, bearing in mind what Deputy Tadier has just said about ... I am not sure if he was trying to suggest that boat owners were middle class and campervan and motorhome owners were working class. I do work hard, so I am happy to live with that label, so the Gorst family does enjoy the ownership of a campervan. I might sometimes consider myself to be a reluctant campervan enthusiast. My wife may not think I am so enthusiastic, if you understand. I am pleased, though, particularly, to follow the Constable of St. Peter, because I think he, together with his predecessor, have tried to address the issues that have arisen down there in the bay at this particular car park, which was not a car park, of course and try to allow it to be used for overnight stays and at the same time encouraging his Honorary Officers and their Honorary Officers to act appropriately and to dissuade those using the site from antisocial behaviour. As he just outlined to us, over recent years, that has become more and more difficult, which is why he made the request to the Minister. Yet today, we have heard his speech, which remains open to finding a practical and pragmatic solution to how some Islanders currently like to spend their leisure time. He also started off, of course, reminding us that surfers right across the Island when they park overnight and sleep in their car, either to catch the late waves, or the early waves ... I do not know if you, yourself, in your youth enjoyed such a pastime, but I know that many teenagers and those in their early 20s, of course, used to go down to St. Ouen. There are still some nightclubs along the bay there, others remind me of anecdotes of nightclubs long gone, shall we say. They would drive down there, they would enjoy the hospitality and even then rather than driving home they might find themselves sleeping in their car, to catch the waves. We, in this Assembly, know that they were breaking the law and right now we are enjoying a particularly high tide and those that are sleeping in their cars to

surf - something which we in our community are proud of the waves that can be enjoyed - are breaking the existing law.

[15:15]

So we need, I believe, common sense and what the Senator is proposing and what the Constable of St. Peter and I think his Constable colleagues are prepared and wish to engage with, together with the Association, is in delivering a bit of common sense; something we in politics are often accused of having very little. The current law covering car parks, the length of time that people can stay in those car parks, whether it is right for individuals to be able to sleep in their cars, let alone their campervans and their motorhomes, in the equivalent of provisions like *Aires*, as we see right across Europe, even in supermarkets in some countries. That is why it is very good that a local brewery company is suggesting that they would engage in this process and they might be able to find facilities, which I think would be absolutely ideal. The Senator said we cannot put the genie back in the bottle. Families, right across our community now own vans and campervans, which can be slept in and they use them for leisure purposes. We, in this Assembly, need to respond in a common sense manner. We are, after all, a holiday Island and Senator Farnham is doing all that he can to encourage tourism. If we look to the south, in France, we know that our French cousins, they enjoy nothing more than taking their motorhome - largely motorhomes there, rather than campervans - out on holiday. Why should we not encourage them to bring them here and enjoy our natural environment, in an appropriate controlled and policed area, where the extremes of antisocial behaviour, undertaken by the few, can be rightly dealt with in an appropriate way? Unlike Deputy Tadier, it can never be right that an Islander, or anyone in our community, would throw a glass bottle, or a glass, at a member of the Honorary Police. We absolutely should stand against such behaviour and the Constable is right to support his Honorary Police, to ensure that that does not happen at any point in our community.

Deputy M. Tadier:

A point of order, I do not know if I heard the Senator, did he say “unlike Deputy Tadier we should not” I think he is misrepresenting ...

The Deputy Bailiff:

I am not sure that is a point of order. A point of order is something that the Chair must make a ruling on.

Deputy M. Tadier:

Well, I think, first of all, he is misleading the Assembly and, secondly, he is imputing false motives, because I never suggested it was correct to throw a bottle at an Honorary Officer. Could he clarify?

The Deputy Bailiff:

Well, I think the way to deal with that, Deputy, would be to ask the Senator to give way, so that you could clarify a point in your speech, which may have been misunderstood.

Deputy M. Tadier:

I am happy to do that. If he has concluded his speech it might be difficult.

The Deputy Bailiff:

No, I do not think Senator Gorst has concluded his speech.

Deputy M. Tadier:

OK, if he could clarify that then first.

Senator I.J. Gorst:

I am happy to clarify. If I misunderstood the inference of the Deputy's comment that people going about their lawful business might feel aggrieved when a member of the Honorary Police move them on; if I misunderstood him not to be referring to the anecdote that the Constable gave in his speech then, of course, I do apologise for that.

Deputy M. Tadier:

Would the Minister simply just retract that, because that was completely egregious? There was no suggestion ... the suggestion that a law-abiding person go ...

The Deputy Bailiff:

Deputy, please, this is getting out of hand and the position simply is that if you believe the Senator has said something in his speech, which has misrepresented what you said, then it is open to you to invite him to give way and for you to then clarify, for the purposes of clarifying a point in your own speech. That is the procedural way to achieve, I think, what it is you want to achieve, a point of clarification that you wish to give about what you said.

Deputy M. Tadier:

I am seeking to clarify exactly what it was that I said and that I never once said that. I do not think I ever said it was right to throw a bottle at a ... no, of course I did not. Could I ask for a ruling from the Chair? Clearly, we do not have Hansard to play back, but that is a ludicrous position for the Senator to recollect something that never happened.

The Deputy Bailiff:

The position simply is you have had the opportunity now and have clarified exactly what you said, and now I think the point is now on the record and the speech of the Senator can continue.

Senator I.J. Gorst:

I stand by my comments, but if I misinterpreted what he had said then, of course, I apologise. There is no need for the Deputy to leave the Assembly in that particular case. I think it is important that we are welcoming. We have not even touched on and I might have expected the Minister for Economic Development, Tourism, Sport and Culture to touch upon the whole idea and area of well-being and quality of life. Getting out into our coastal areas and enjoying the National Park and what is available on our beaches must be something we promote, not only tourists, but also Islanders, to enjoy. We know that, in the Government Plan, we will introduce measurements around well-being and quality of life and delivering a pragmatic and common-sense approach is going to help in this regard. There are other areas that Islanders, day in and day out, are also encouraging tourism around - and the Senator has now left his seat - Airbnb. Islanders are making ends meet and helping with the cost of living by renting out their rooms via Airbnb and it is far from clear about the legal underpinning of that particular activity, as well. There are a number of areas where it is right that the law is updated, modernised and clarified and a common sense approach is taken. Therefore, I have no problem at all in supporting the Senator's approach that is agreed and brought forward by the caravanning and camping club and is also supported by the Constable of St. Peter and, as I understand it, other Constables as well.

10.3.5 Deputy R.E. Huelin of St. Peter:

I think there is a bigger issue here, that we have not covered. As an example, planning permission is being approved for large numbers of flats and blocks of flats in St. Helier. The Constable of St. Helier's green lungs will only go so far. We need to be prepared to ensure our urban community can escape to the country - and it is not supposed to be a T.V. (television) programme - or the seaside, to enjoy the outstanding beauty of this Island. This is clearly an Island Plan issue and we know that will take a few more years to be addressed. That is why I am totally supporting Senator Pallett's initiative to start this process and get it underway today. I must also support St. Peter's Honorary

Police, who have managed this situation, given the directive that came from the 2014 Parish Assembly that the Constable of St. Peter told us about. I was an Honorary and I have been down there during my 2 years, before I was elected to this. I have witnessed what has been going on and it is absolutely true. It has escalated over the last couple of years and I thank the Constable of St. Peter for giving a very good history of the escalating issues that have happened. That does not mean to say we stop. We have to address this. I spend a lot of time walking my hounds on the beach and, more latterly, I have taken the time to engage with the community, as I think they call themselves. I open all the conversations with these, recollecting my fantastic childhood and teenage years, when I spent every single summer surfing on St. Ouen's and about 3 weeks, or a month, of that I was camping, legally, on private land very near to the beach, so I could enjoy, as we discussed, the early morning surf. Even as a teenager, I would get up for an early morning surf. Engaging with them, they were basically supportive of the 12 in 24. They found it a calmer, quieter area, less intense. They were even happy to unofficially share that particular area. Obviously, they would like that area to be bigger and to expand in other parts of the Island, so they can move around and all can enjoy. I do not think anybody complained, but they are also prepared to financially contribute for that enjoyment and that pleasure, because they realise things have to be spent, in order for them to enjoy it. They did not want it to be a cash cow, revenue making, as long as the money was being spent and invested elsewhere. The main issue they come up with and again the Constable of St. Peter was talking about it, is public loos. It is 3,500 metres from the loos at the top of Five Mile Road, opposite where Jersey Gold, or Jersey Pearl was, down to Le Braye. The only one in the middle is one at El Tico, that has restricted openings. The Watersplash, yes, they use there and they turn a blind eye and allow people to come and go, but that is out of their goodwill. We must address that. We must not only address that for the community, but also for tourism and for all other people, who want to come and enjoy our splendid Island. I have been laughed at for this one, but I managed to invite the Director General of Housing and Infrastructure, or more pulled him down by his nose, to have a look at the German bunkers there and put it to a feasibility study; whether they can be converted into any form of public use, to use what history we have for the benefit of the Island and not have them locked up. He is going to conduct that, on an Island-wide basis. Initially, he is going to look at the Le Port and Kempt Tower. It is an idea. It is somewhere we have to start. It may not come to fruition, but it is somewhere we have to start. I would ask you all to approve this proposition and get on with helping our fellow Islanders to enjoy our Island of outstanding beauty.

10.3.6 The Connétable of St. Ouen:

I have to say this is a problem that St. Ouen has been struggling with for years. I should say we are rather fed up with moving camper vans on to St. Peter's on the grounds that they can go and sleep there, but they cannot sleep in our Parish. Perhaps it is not intended to be as serious as it sounds, but it does highlight the anomaly that has been going on and the problems my Honorary Police faced in dealing with these issues. It is time this issue was debated and I applaud Senator Pallett for bringing it forward. I am also sure that we, as an Assembly, can find a solution to this problem. From St. Ouen's point of view, there are some red lines we will not cross. First, the regulations and permits must be clear and unambiguous, so that my Honorary Police know exactly what they are enforcing and when they are enforcing it. Otherwise, I will be very unpopular and it will become, as it has in the past, an impossible situation and we will be faced with the same problems we are faced with now if it is not clear. Secondly, I think from a St. Ouen perspective and I have had this feedback from parishioners, the designated areas must be approved by the relevant Parish Assemblies. The Parish input into these things is absolutely vital. I am constantly reminded that parishioners are not that keen to see too many camper vans interrupting their vista, but, on the other hand, like everything else that one approves in a Parish, there has to be a balance between what parishioners can see and enjoy and what other people coming to the Parish can enjoy themselves. We have to find a balance and I think that balance has to be achieved at the Parish Assembly. Thirdly, there has to be and I thank the Deputy of St. Peter for bringing this up and I am impressed he has measured the distance between

L'Ouziére and St. Ouen's Bay, not something I have done, personally, myself. Seriously, it is important that approved facilities are available, where camper vans are parked, or if there are no facilities available that the vans themselves are capable of dealing with the situation, because one of the more unfortunate consequences of Le Port is people, using the ground behind Le Port, are using an area designated as a Site of Special Interest and that clearly cannot be good. We cannot encourage that. I think we need to be clear about the regulating authority. There has been discussion about whether the Parish should do it, or whether the Department for Infrastructure should do it, or whether the Department for the Environment should do it, but we need to be clear who the regulating authority is, what their powers are, how you acquire a permit and whether the Parishes are required to be involved in this. This needs to be absolutely crystal clear, because, if it is not, it will be a mess. I have had a lot of feedback from parishioners about environmental issues and how we must keep our beauty spots beautiful and we cannot pollute them with lots of white vans. I think we need to address that issue and find a balance that does that, otherwise, while we here might support the caravanners, we will face a lot of criticism from our environmental colleagues.

[15:30]

Finally, from a St. Ouen point of view and I think from a whole Island point of view, we need to understand that car parks and beauty spots are shared facilities and I would not like to see any car park and any beauty spot overtaken by caravans, such that other people cannot get down and enjoy those facilities. Subject to those requirements being met, I am very keen to support this proposal, not least because it sorts out an issue that has been a running sore on this Island for a number of years. It has only recently surfaced in the last year or so, but underneath the surface, this has been going on for some while and those of us in St. Peter and St. Ouen have had to deal with the issue, without any real resolution in sight. I welcome what has happened today and I will be supporting the proposition and I hope we can get around the table, maybe form a steering committee and put together some sensible regulations that make sure this does work.

10.3.7 Deputy K.F. Morel:

I am going to start by referring to a few things I believe are just incorrect that have been said here today and come from a rather romanticised view of motorhomes and the way they have been used over here. First, there is nothing environmentally friendly about the mobile home, so let us knock that one on the head. There is nothing environmentally friendly about the motorhome. They belch out fumes. They take up a much larger area of land than other vehicles similar to them and, as we know, as we have seen the people having to use them, waste comes out of motorhomes as well. Let us just stop saying it is environmentally friendly. It is not an environmentally friendly way to travel. It is less environmentally friendly than travelling by car and we know the car is not the most environmentally friendly way to travel at all. I can just partially refer to it. The problem with motorhomes is that they have an outsized impact. The scale of some of these motorhomes is vast. One or 2 people can take up an area of many square metres, in fact cubic metres, because they have enormous height to them as well. While I appreciate there are some small camper vans, what we are seeing in Jersey is a trend for larger and larger vehicles. As we know, there are people who have wealth and they spend it on that. That is their right and that is fine, but my concern is that we are going to change things for a minority and it has a massive impact on the silent majority. That is where I have been on it. I do not use motorhomes, as you can probably tell, but I have never thought about whether to buy one, or not, because in Jersey I have always known it is the law that you cannot use a motorhome in Jersey. Everyone, who has bought a motorhome, has known it was against the law to use those motorhomes, so they should not have bought them with the intention of using them over here. It is just common sense. You do not buy them and then force the law to be changed, because it was not what you wanted when you bought the thing in the first place. That is like the Barclay brothers in Brecqhou. They knew the law. Do not get me wrong, I feel the way the Assembly is moving and I do not doubt this will pass, but what the Constable of St. Ouen has just said I agree

wholeheartedly with in many areas. If this is to pass, the regulation has to be so clear and so extremely tight. When I heard Senator Gorst talking about the idea of attracting tourism, as well, that really worried me, because we have already seen from the experience at Le Port the number of motorhomes that can be used and the massively outsized impact. I forget the precise number, but the Constable of St. Peter said at one point there were more than 100 motorhomes down there. If there are 2 or 3 people in each one, that is 200 or 300 people, but they are affecting the area for thousands of Islanders and that is my concern. It is the enormous outsized impact. If you have a few hundred motorhomes, that want to use the Island, we have already seen what they can do at Le Port. If you have a few other car parks you say yes, 2 or 3 motorhomes in each car park and that is fine, but then we apparently want to attract tourists with their motorhomes and we want them to be in these areas. According to Senator Gorst, that is what we want. At least that is what Senator Gorst just said. Then we would have to have a ban on tourist motorhomes coming to Jersey. That is the truth of it, Senator Pallett. Apologies, through the Chair. These are my real concerns. Jersey is a tiny place. Land is, I have said this, our most precious asset and the way each of us uses that land has to be proportionate to us and who we are and our numbers. My concern is that very few people can have this disproportionate effect. I thought the history of Le Port that the Constable of St. Peter so brilliantly put the whole issue of the recent time at Le Port, was awful. I hated walking down there. I felt intimidated walking around there. It was incredibly unpleasant. I do not like to say this but the history of motorhomes in Jersey has been give an inch and take a yard and my concern here is that is exactly what is going to happen again. We are going to say at, I do not know, let us say Portelet, 2 or 3 motorhomes can stay at Portelet, but it will be 6 or 7, it will be 8 or 9. Then it will be people who are leaving the pub and want to sober up in the car park who are staying there and all the problems that occur with that are going to be the case. What Le Port proved to us is that mass use of motorhomes is unsightly and they spoil sites of natural beauty in Jersey. The Constable of St. Ouen just mentioned the outstanding natural beauty of our Island. The trouble is motorhomes themselves spoil that. Other people visiting these areas do not want to see these areas covered in motorhomes. It is that simple and we saw that with our own eyes in the last years at Le Port. I am worried that history shows that if we say 24 hours in 7 days, then that will be taken advantage of and people begin to use them for longer and longer periods. I am also worried that the Honorary Police, who as I said before with Deputy Maçon's amendment, this will fall on them. I do not doubt that and we know there are resource issues with Honorary Police, as well, so I question if we are having problems in possibly Parishes where they are not used to having these problems. We keep talking about the west, but it would be right that if we do pass this that areas are created around the Island, so we would have some Parishes that are not used to dealing with these having to learn very quickly to deal with problems of motorhomes overcrowding the area. One thing that has hardly been mentioned at all, but I spoke to one Constable today, who mentioned the problem of people using motorhomes as houses essentially, where, in many ways, the law about not sleeping in them comes from. I suggest it is quite likely that we will see people, because of the housing affordability problem in Jersey, particularly temporary workers here for the summer, using motorhomes as their place of accommodation while they are here. I can understand that and many people coming to Jersey do not understand why that is not possible, because they see in many other areas that is what people will do in many other countries. But it is not right that people can start using motorhomes as homes and I have no doubt that will be the case. It is likely that changes in this law will then affect our housing laws and the way housing is dealt with in this Island, as well. I feel very uncomfortable. I feel this is something that is about appeasing a very small minority of Islanders who have an outsized impact on all the rest of us Islanders and the majority of us Islanders. Certainly, if it does go ahead, I agree wholeheartedly with the Constable of St. Ouen, that the tightest restriction, the clearest lines must be drawn. If we say only 2 motorhomes in this car park, then it is only 2 motorhomes in that car park and it cannot ever go to 3. Unfortunately, unlike the people sitting above me, our experience of Le Port has shown that many motorhome owners are not respectful of others and that to me is the problem and the history I learnt over the last 5 years.

10.3.8 Deputy J.H. Young:

I agree with the words of Senator Gorst, that we need common sense. I also agree with the Connétables of St. Peter and St. Ouen and those who have spoken, as well, about the need to find some way, particularly in this ever-crowded Island, that we can find ways of enabling people to have better access to the countryside and enjoy the amenities of Jersey and our special places. Of course, in my view, it means all of us have to accept and work within the rules. I think there clearly is a tide running here and it is my job to focus on rational mechanisms from which we arrive at that point. We started out, and this came to this Assembly as a rescindment proposition, a rescindment on an act of the Minister for Infrastructure that the Senator has wisely withdrawn and we have heard the history of and I do not want to go into the history. I know the history that the Connétable of St. Peter has had to deal with and full marks for him in his attempt to find a way forward. I understand that, but nonetheless my concern about the proposition ...

Senator S.W. Pallett:

I am just a bit uneasy about the Deputy saying I brought this purely as a rescindment motion. It was brought as a package and could he just confirm that he accepts it is a package? It does not matter what it says on the tin, it is what is in the tin.

The Deputy Bailiff:

You will get the last word and you can obviously explain everything as you go at that point.

Deputy J.H. Young:

I apologise to the Senator. I was going on what the heading on the proposition says. It says Rescindment of Parking Restrictions. Anyway, obviously, now we are having a debate on policy. It is a good debate and it has some good ingredients in it. But what the proposition seeks to do, is to bind us for some decisions that I believe are likely to, at least as a minimum, conflict seriously with the planning system; and I will explain why. The proposition (b) asks the Minister for Infrastructure to come up with a list of sites for this new use that I think we are shaping up. We are shaping up a use, which I think are called ‘designated sites’ but I think we all mean *Aires*. We are setting up a use called *Aires* and I think that is where we may end up. We are saying: “OK, Minister for Infrastructure please, will you do it?” and: “Good, I absolutely agree with the consultation with the Constables.”

Deputy K.F. Morel:

I am not sure we are quorate. Sorry, Sir, can you check whether we are quorate?

The Greffier of the States (in the Chair):

I have just sat down. We are not quorate, I do not think. It would be good, anyway, if Members could come in from the coffee room.

Deputy J.H. Young:

Has the effect on that?

The Greffier of the States (in the Chair):

We do need Members to come in. Otherwise, we will have to call the roll. We will have to call the roll ... saved by the bell.

Deputy J.H. Young:

I should have realised I have the power to empty the Assembly into the coffee room. Perhaps I should do that when the vote comes. **[Aside]** I go back, for those who did not catch that. I am trying to explain why I think what we are left with in propositions (b) and (c) at the very minimum raise potential conflicts with the planning system about this new use. I think it could be policy setting on the hoof. When we set policy, particularly on the use of land on this Island, there is no such thing as

redundant, or unwanted, land. Every piece of land has competing uses for it, unlike other places. We do not have the vast space of France and their huge space where we can accommodate uses easily. We have to compromise on those uses and we make choices. The process we have will be like it, or love it or loath it, it is the planning system. We set policies, we do it in the Island Plan and we consult right across the piece. We are having a debate here, setting new policy, but where is the outside view about it? We want to hear that and that is what the process of policy setting in the Island Plan is for. If the proposition is passed, I would be very surprised if the Minister for Infrastructure welcomes this task to come up with this list.

[15:45]

Yes, consultation with the Constables is absolutely right, because that is what the planning system does. We have seen the experiences, just to illustrate, between our 2 Constables that I love very much and everybody else is that we have had a history where St. Peter tried to accommodate this and St. Ouen refused it. St. Ouen consistently over the years has said: "No, go away." Anybody parking in St. Ouen overnight would get moved on. Is there any consistency we are going to have? We have to arrive at shared policy. Proposition (b), there are 2 things in that proposition. It says the Minister has to produce a list of sites and then come up with the fee structure. In other words, fees for what? That assumes to me that, obviously, the Minister for Infrastructure is only going to look at publicly owned land, because how can he set fees for anybody else's land? It has to be publicly owned. If you look at the public estate, there are some very interesting things. We have vast amounts of very special places; Les Landes, Les Blanches Banques, La Lande de l'Ouest, wonderful places. Are we going to say OK, they are publicly owned land? Are we going to say they are set aside; they are the jewels in the crown? We can look at those. Beaumont, or something like that, do we put it there? There is a real conflict between where we put these sites and the uses that go on around them and I think that has to be considered in policy, the kind of criteria we are going to use and how near they are to houses and so on. We have to go through that process. Then the proposition goes further. Proposition (c) says the Minister for the Environment, and it is not the Minister for the Environment because we have learnt the power in the law is not the Minister for the Environment at all. It is the Chief Officer. Once upon a time it used to be the Chief Officer of Planning, but that has all gone now. My understanding is the Chief Officer in the planning law is the director of regulation. My reading and maybe if I get it wrong Members will pick me up, is if proposition (c) is passed and (b), that means the Chief Officer has no option when he uses that power in the law to set conditions on the importation of caravans, or mobile homes, to place these words that you can use it on a designated site with the fees and the conditions set by the Minister for Infrastructure. That is what the proposition says. I think that is, frankly, going too far today. I think it really undermines the planning system, so I cannot support it. At the moment, the planning system has liberalised the law. There are a number of things I can think of. First, caravans when the law was introduced were banned completely. You could not bring one into Jersey. Then, what was said is we need to encourage visitors, so amendments were done and it was agreed with the then tourism representatives to allow people to import their motorhomes and vehicles into the Island on registered sites. That has been the case for some while and I think it has been successful. The planning system is open to having more sites and that is what the system is there for. If there are more sites on farms, or what have you, then bring them forward. It does not need a new change in policy, or the law. We can do that. Very recently, in 2018, the rules were changed because previously it meant somebody who came in could not use their motorhome in the Islands. That was changed. They could use that on any registered site. Now I am disappointed we do not have more, but nonetheless that is what the system is there for. What I am saying to Members is please be careful and have real caution here if you are effectively defining a new use, which is a public *Aire* that is only about public land, not about private land. I can think of several sites that are very opportune. I can think, potentially, of one or 2 in publicly owned sites, one of them maybe not terribly far away from Senator Gorst in the west of the Island, who has enjoyed his protection from that use now. But that needs to be subject to due process.

With great reluctance and it is reluctance, because there is some really good energy in here about developing a policy, but I wish we had a better vehicle to take it forward than this. I think it is flawed, but unfortunately it conflicts with the planning system, so reluctantly. I will also say one thing before I sit down. I use motorhomes. I had the luck to go to Glastonbury for 5 different times and spent a lovely week in the middle of rows and rows of campervans. But, of course - I have to say my apologies to my colleague Minister here - they were not 6 metres apart. I think you could just about squeeze a car in. But the rules were at least 3 metres between the vehicles and vehicles could get out at any one time. I did enjoy that and I did not see antisocial behaviour. Mind you, there were stewards going around and all of us signed up to rules; we all had to sign up to the rules and if you did not behave you were out. In our journey to find this new use, I think it has to be accepted by all parties that if we arrive at this new use in the Island Plan, or what have you, is that we have to manage sites and set the rules too then, maybe, all these conflicts that have got completely out of hand, in the case of St. Peter we come to a situation we can all feel comfortable with. I should just add, as well, I have had many letters that have said how pleased they are they can now, you know, feel comfortable because the numbers were very high, very intimidating. But I do not want to go over that again, we have all been over that again. What I am trying to do, I am trying to ... I would love to see a way in which we could arrive at a new policy, identify a new site, a limited site, very limited and within the planning process. I am sorry, Senator, but I do not think this proposition is the one to do it, but we will come back to it, I feel sure. So, I am not going to support it, I am going to vote against it.

10.3.9 The Deputy of St. Martin:

I am pleased to follow the Minister for the Environment. Members may not know, but Senator Pallett and I are related. It is not clear whether he married into my family, or my cousin married into his, but one thing that is clear is that he and I did not know each other before we were both elected at the same time in 2011. Since that time though, we have become the very closest of friends and I have the greatest of respect for him and his politics and we agree on many things. But, this is not one of them. I am grateful that he has withdrawn the first part of his proposition and I am sure the Assembly will be grateful, because it allows me to shorten my speech considerably. But I would like to start off by telling Members that very shortly after I was elected Minister for the Environment, back in late 2014, we had, in St. Martin, a Jersey resident, who arrived from the U.K. with a very large campervan, towing a very large caravan and parked in our Parish. As Deputy, I received a number of calls and as the Minister for the Environment I was in a position to do something about it. I felt very concerned; I did not want to impose on this gentleman just before Christmas, the weather was not particularly good. I tried very hard to find alternative places for him to park. Unfortunately, over a matter of weeks I managed to agree with him what might happen and very shortly in the new year, after Christmas, he disappeared and went back to the U.K. and I was very grateful. I then requested a meeting with the Comité des Connétables, because I wanted to speak to them about the issue of campervans and caravans, because there is no distinction in Jersey law; they are one and the same thing. I went to see them one Monday morning at St. Clement's Parish Hall and pleaded with them to address this issue and I remember saying to them: "Constables, this is something we must get on top of. Not only do we have people buying campervans with the specific reason of going to Five Mile Road to stay for the weekend, these vehicles cost them a lot of money and they are breaking the law." But the real reason I went was because I felt I was discriminating against the person who had arrived in my Parish by saying: "Do not do this, do not do that, you are breaking the law" while at the same time I knew, at the other end of the Island, any number of people were continuing to do exactly that same thing weekend after weekend. So, Members, be under no illusion that the impact of what we are talking about today will be felt across the whole Island. Currently, planning and building law says that campervans and caravans can only be used on campsites and the Road Traffic Law says: "No sleeping in a public car park." The informal toleration that has been allowed in the west of the Island has made it really complicated to roll back from where we are today. It should never have been allowed to happen and I take, personally, my hat off to the members of the St. Ouen

Honorary Police, who have upheld the law. It is not them that have caused the problem that we are facing now. But if - and it is a very big if - we are to move forward we need to consult and consider this whole issue properly. The implications of any changes are significant and extremely wide-ranging, not least for the green zone and, of course, the Coastal National Park. It is also wide-ranging for any Parishes where car parks are currently used to their full capacity and certainly in St. Martin we have a number. I look at my Constable, you have only got to go to St. Catherine's Breakwater, or Gorey at weekends, to see car parks used absolutely to their capacity and I worry, because the Senator in his proposition says that he believes there is adequate space within our coastal car parks. I have to beg to differ with him on that matter. We have found ourselves undoubtedly in a difficult place here and it is time, I agree, to look again at whether we want to restate the laws as they are currently set out, or whether it is time to decide to throw away those old laws and start again with some new ones. However, as much as I want to consult, I cannot support the good Senator today, because of the same reasons that the Minister for the Environment has just used. It is the wording that is important and this proposition says: "To agree areas and bring forward a policy and a fee structure." If we agree what is proposed today, that is what will happen and for me, that is the cart before the horse, because we need, in the first instance, to decide whether we want to go away from the current policy as it is currently stated. I agree that we do need to resolve and we do need to decide where we are going from here and I am very content to consult, but because of the specific way this wording is in the proposition I cannot support it today.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? I call on the Senator to respond.

10.3.10 Senator S.W. Pallett:

I am not going to go through everybody's speech in great detail but there are some points I think that I do need to clarify. I am going to start on a point that - he is still my very good friend - the Deputy of St. Martin has made in regards to what we are and what we are not agreeing to. Part (b), and I have got an apology for the Minister for Infrastructure because it does say in part (b) 'consult', so I will apologise to him for that. What level of consultation we can disagree on, but nevertheless it does say 'consult' because if you read it we are not in cast iron agreeing to doing anything. We are asking people, if you read it, to request the Minister for Infrastructure to consult with the Comité des Connétables and other key stakeholder groups to identify and agree a list of designated sites for motorhome use around the Island and to bring forward policy guidelines, including a potential fee structure for the use of aforementioned designated areas. Now, if it stopped there, then you would be right but it does not stop there. What it says is: 'For consideration by the Assembly.' So, it has got to come back here, we still have to debate it, we have to agree it, so there is nothing to be set in stone. So, we have got an opportunity to debate that policy and whether we like it not. There is a little bit of confusion around what I was looking for in terms of initially where designated sites should be. As much as my speech did go into and did mention, for example, farms and pubs, I did say that in context with what happens in France and the U.K. I do not see it as being the starting point for any consultation, or working party around private sites. I think there are more complicated issues with private sites and I think Deputy Young is quite right to suggest that they are around some of the planning restrictions and some of the issues around neighbours. For me, this is more around public parking places, or parking places around the coast, rather than private sites, although clearly in the U.K. they do it and I see no reason why, with the right consultation and the right policies in place, we could not do it on private sites. I asked myself a question halfway through this: what happened to being a permissive society and finding a way to say yes, because we always seem to want to find a way to say no. I like Deputy Lewis, he is a smashing guy. You know there is a but coming. However, the answer always seems to be no. I just want the answer to be yes for a change. It is an emotive issue, you know, and I agree with him. There are safety issues, I think, that need to be addressed, but they are addressable; I have said it in my speech, I think there are ways that we can

regulate use and make sure that any vehicles are up to reasonable standard. What I would ask the Deputy and I think other speakers as well, is if we do not try to find a solution to this where are we going with this, because this is not going to go away. We have over 1,000 campervans on the Island. That does not mean we are going to have 1,000 campervans in car parks around the coast, which was Deputy Morel's point, because I do not think everybody uses them. Some of them only use them to go away, some of them are quite happy to use them to just go away. But, nevertheless, they exist and they will want to carry on doing some of the things that they currently do. What I am asking is that we provide a scheme that we can give the police and we can give authorities some control over which sites are used, when they are used. Give the Constable of St. Peter some respite in terms of the numbers that are using Le Port, for example and that is where I am going with this. This is about putting some controls over this. This is not a complicated issue. You can complicate it as much as you want. You can throw every planning issue under the sun over this; it is a simple issue that I think a small working party can resolve with the help of some key stakeholders in a short ... I would not have done this if I did not think it could be resolved in a fairly short period of time. This is not about creating new campsites. I agree, my position has probably changed slightly since I first lodged this around what a designated site should be and for me it should be around *Aire* style and it should be around what is simply a glorified parking space, because that is all it is in essence; it is not a camping site. I am not asking for hot and cold running water, showers and toilet facilities to be part of every single *Aire* that we have around the Island and I am not talking about hundreds, I am talking about 20, 30 maybe spotted around the Island. Now, Deputy Morel is shaking his head, but at the end of the day you have got to start somewhere and I am not asking the Assembly, or those that are going away looking at this to provide 20 or 30 spaces in a Parish; this is not what this is about. This is taking some of the pressure off of what has been an immense problem in St. Peter and looking for some solutions wider afield within the Island. I thank the Constable of St. Peter for his support. He did remind me that to some degree I have increased the problem by saying, some years ago, that I was comfortable for campervans to stay a single night, purely because of the numbers that we had doing it and rather than move them on, or prosecute them, there clearly was not going to be a zero tolerance taken, because there was not a zero tolerance being taken ... probably St. Ouen is the only example where zero tolerance was being taken. But they were being permitted, to some degree, so my view was that as long as people were being respectful and were prepared to stay just the one night I was going to be happy with that. Again, Deputy Tadier, I thank him for his support. Deputy Gorst, sorry, Senator Gorst, he is a bit like me. If I was to use a campervan I do not think I would do it. I certainly would not be enthusiastic about it, but I think he made a very important point that the Parish that suffered most with this, or has got the most issues, is St. Peter and the Constable is open minded about this and this is what I am asking Members here today; is purely to be open minded. I like all States Members, so I am not going to start picking on people, it is not my style. Deputy Morel probably was not particularly supportive and do not get me wrong, I do understand some of his concerns, but I think he just goes over the top a little bit when he is suggesting that we are going to have people starting to live in motorhomes, or lots of people living in motorhomes. We have rules to stop that.

[16:00]

Now, you could say we have got rules to stop people staying in motorhomes now, but the fact is they are local people. They are not people that are coming to the Island to work. Those that are coming to the Island to work and stay in motorhomes as, again I do not mind the Constable of St. Peter telling me, he has had issues with that at Le Port. They deal with it. They move them on and they stop them doing it and I know the Deputy of St. Martin is the same; he has had issues in his own Parish around that. Deputy Young, I think we need to go into a room somewhere and have a chat. **[Laughter]**

Deputy J.H. Young:

Will the Senator give way?

Senator S.W. Pallett:

I will.

Deputy J.H. Young:

The Senator said he had been reading the book *Say yes*. He forgot to say the title of that book it said: “Say yes and learn and do not give in.” [Laughter]

Senator S.W. Pallett:

With that comes some negotiation of which, unfortunately, we do not seem to have. But again, he brings up some important points, but as much as I understand his concerns around the planning structure, for me allowing several sites around the Island for use as *Aires* should require planning permission, it does require some set policy and some guidelines. I am not asking the Minister for Infrastructure to go away and find a fee structure if he does not want to find a fee structure. If he wants to provide them free of charge, fine, I think everybody would love that and accept that, but if he wants to find a fee structure all I am asking is that he brings that back in what form that might be and what he is intending to charge. This happens around the U.K. and France, it is a very simple system and all we are doing here is complicating what is a very, very simple issue. As I said and I will finish here, myself and the Deputy of St. Martin will and always will be the best of buddies, but I do not agree with where he has gone today. I will finish on saying 2 things: one is, the issue is not going to go away. If you think it is going to go away by rejecting this proposition then I do not think that is being reasonable. I think it is better for us to act responsibly now and try to find a long-term solution for this. I am happy and I would be more than happy to be part of a working group to look at how we can get to a solution where we can have some control and regulation over not just Le Port, but other limited number of designated sites. I would like to see a trial scheme. I know people say when you trial something it tends to stay there for ever, but at least it would give us some information and some evidence on whether it worked, or did not work. I am not going to walk away from this issue whether I lose this proposition, or not, because I think there are, as I have said, a lot of people have found the decision taken to bring parking regulations into Le Port distressing. Senator Gorst made a good issue of why did I not bring up the health and well-being issue and why did I not bring up the tourism issue. For me, that was going to be muddying the waters to some degree and I wanted to keep just to the narrow issues that I think need to be addressed here. But he is right, it does give an opportunity for people to get out in the great outdoors and enjoy what is quite an incredible environment. I have said it before and I will say it again, I do not want to see the environment destroyed in any way. I spend a lot of my time out in the open, swimming in the sea; I know how beautiful this place is and I do not want to see that destroyed. All I would ask today is that we move forward, because not agreeing this is not moving forward, it is burying our heads in the sand and hoping it goes away and it is not going to go away. I will leave it there and I ask Members for their support.

The Deputy Bailiff:

All those in favour of adopting the ... the *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

Deputy J.M. Maçon:

Sir, just to clarify, is it both (b) and (c) together?

The Deputy Bailiff:

Yes, I should have asked. They are being taken together, yes, (b) and (c) together.

POUR: 20		CONTRE: 18		ABSTAIN: 0
Senator I.J. Gorst		Senator J.A.N. Le Fondré		
Senator L.J. Farnham		Connétable of St. Clement		

Senator S.W. Pallett		Connétable of St. Saviour		
Senator S.Y. Mézec		Connétable of Grouville		
Connétable of Trinity		Connétable of St. John		
Connétable of St. Peter		Connétable of St. Martin		
Connétable of St. Mary		Deputy K.C. Lewis (S)		
Connétable of St. Ouen		Deputy J.M. Maçon (S)		
Deputy G.P. Southern (H)		Deputy S.J. Pinel (C)		
Deputy M. Tadier (B)		Deputy of St. Martin		
Deputy M.R. Higgins (H)		Deputy of St. Mary		
Deputy of St. Ouen		Deputy J.H. Young (B)		
Deputy L.M.C. Doublet (S)		Deputy L.B.E. Ash (C)		
Deputy R. Labey (H)		Deputy K.F. Morel (L)		
Deputy of St. Peter		Deputy G.C.U. Guida (L)		
Deputy of St. John		Deputy of Trinity		
Deputy J.H. Perchard (S)		Deputy M.R. Le Hegarat (H)		
Deputy C.S. Alves (H)		Deputy S.M. Ahier (H)		
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

11. Proposed Merging of Liberation Square and the Weighbridge: cessation of project (P.34/2019)

The Deputy Bailiff:

The next item is the Proposed Merging of Liberation Square and Weighbridge: cessation of project lodged by Deputy Maçon. I ask the Greffier to read the proposition.

Deputy J.M. Maçon:

My intention is to withdraw my proposition today, but I wonder if I might just say a few words before I do that.

The Deputy Bailiff:

Very well. Yes, if you want to explain to Members why you are withdrawing the proposition that is perfectly reasonable.

11.1 Deputy J.M. Maçon:

I would just like to thank the Chief Minister and the Minister for Infrastructure, we have had lots of conversations behind the scenes about the proposed plans for Weighbridge Square and Liberation Square. Of course, I think we have all had quite a substantial amount of public feedback about the public's views on this particular matter. I know, since lodging my proposition, I have been inundated with Islanders from across the Island, who do not support this particular project. Since doing that and I think Members would have read the comments from the Chief Minister, which gives an undertaking that closing the road on a permanent basis will not proceed and that the departments are minded to look at, perhaps, other proposals, whatever form that might be in future, we will watch and see how that progresses. So, therefore, today I would just like to add that I would like to thank the members of the public who have contacted all their States Members engaged in the process, not simply being social media warriors, have taken the time to contact us and let us know their views. I thank the Chamber of Commerce, in particular, for, again, all their proactive efforts in expressing the views of the membership there. I think all of us look forward to working together in making sure that Liberation 75 is absolutely what it should be and how we can progress that matter going forward. But because I have managed to achieve in my proposition the main thing that I wanted to achieve, which was to keep the road open, because my concerns were mainly about the impact of traffic on

the travelling public and, of course, the impact it would have on the bus system. Therefore, just to explain to Members why I will not be proceeding with my proposition today. Thank you.

The Deputy Bailiff:

So, you have withdrawn that proposition.

Deputy K.G. Pamplin:

Can I raise a point of order?

The Deputy Bailiff:

Yes.

Deputy K.G. Pamplin:

Hello. Sorry, I waved for those listening on the radio. I just wanted to raise a point of order ...

The Deputy Bailiff:

Which is not a method known to the Assembly for attracting the attention of the Chair.

Deputy K.G. Pamplin:

Oh, right. OK. That is a new one and probably the last. I just wanted to raise a point of order on this, now the Deputy has pulled his proposal. A very important clarification, as the Chairman of the working party for Liberation 75, since appointed as a member of the Bailiff's Consultative Panel last December, the areas of concern also expressed with this whole thing was ...

The Deputy Bailiff:

I have to stop you, Deputy. You have stood up on a point of order; a point of order is a question posed to the Chair on which the Chair must make a ruling. If there is no ruling to be made, there is no point of order and there is no *locus* to speak.

Deputy K.G. Pamplin:

OK. I just wanted to raise that point of clarification. There was a problem that I do not feel has been addressed and I would have loved that debate to have been played out today, but I will raise it in another way going forward.

The Deputy Bailiff:

Thank you very much, Deputy, yes.

12. Draft Banking Business (Amendment of Law) (Jersey) Regulations 201- (P.36/2019)

The Deputy Bailiff:

The next item of Public Business is the Draft Banking Business (Amendment of Law) (Jersey) Regulations, lodged by the Minister for External Relations and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Banking Business (Amendment of Law) (Jersey) Regulations 201-. The States, in pursuance of Article 45A and 51 of the Banking Business (Jersey) Law 1991, have made the following Regulations.

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

I ask my Assistant Minister to act as rapporteur, please.

12.1 The Connétable of St. Ouen (Assistant Minister for External Relations - rapporteur):

These proposals are technical in nature and address information sharing gateways in the Banking Business (Jersey) Law 1991, which hereafter I will refer to as the Banking Business Law. The Banking Business Law allows the Jersey Financial Services Commission to share information with certain overseas agencies. Where the J.F.S.C. (Jersey Financial Services Commission) originally receive this information from an overseas regulator, the Banking Business Law does not require the J.F.S.C. to gain consent with the overseas regulator before sharing the information onwards. The legislation proposed here has been drafted alongside the J.F.S.C. and the European Banking Authority with a view to ensuring that the J.F.S.C. gets its consent from the overseas regulator before sharing such information onwards.

[16:15]

It is expected that, if passed, this legislation will be presented to the E.U. with a view to the J.F.S.C. being granted an E.U. equivalence determination. I will explain the proposal in more detail. Banking Business Law underpins the banking regulation regime here in Jersey. The banking supervisor, the Jersey Financial Services Commission, regularly receives requests for information about banks that it supervises. These may be from an overseas regulator, who has an interest in the banking group; they might be from an international law enforcement agency, who are investigating a financial crime. The Banking Business Law, therefore, allows, under certain circumstances, the J.F.S.C. to share information that it receives about a bank that it supervises to assist the overseas colleagues in their activities. The nature of the information that might be shared is broad. It could be financial information, or it could be information about misconduct by the bank's clients. Whether to share such information is and will always remain at the discretion of the J.F.S.C. As part of its supervisory activities, the J.F.S.C. participates in supervisory colleges. These are groups of financial regulators from different jurisdictions that have a common interest in the financial services group and so co-ordinate their supervisory efforts and share information. Supervisory colleges meet to discuss the risks that a financial services group faces and also share information and intelligence on an ongoing basis. Supervisory colleges have become increasingly common, since the recent financial services crisis and are a key component of international standards around the supervision of cross-border banking groups. It has been identified that where the J.F.S.C. receives information from an overseas regulator, through a supervisory college, the Banking Business Law might allow the J.F.S.C. to share this information onwards, without express permission of the overseas regulator, who originally provided the information to the J.F.S.C. This is out of step with the E.U. standard in the Capital Requirements Directive 4, which requires a regulator to gain consent before sharing. As an international finance centre, it is essential that Jersey maintains good relationships with overseas colleagues and that J.F.S.C. plays its part in ... I beg your pardon I will start again I seem to have juggled a couple of numbers.

The Deputy Bailiff:

I am not entirely sure you can start again.

The Connétable of St. Ouen:

No, I will start the sentence again.

The Deputy Bailiff:

The sentence, all right.

The Connétable of St. Ouen:

I do apologise. [Laughter] Sorry, it is visions of caravans.

The Deputy Bailiff:

I think a number of Members saw their lives moving in front of their eyes.

The Connétable of St. Ouen:

Yes. It is just the visions of caravans in St. Ouen that have done it. The information has been received from an overseas regulator through a supervisory college. The European Banking Authority is an E.U. agency that oversees banking regulation and supervises colleges. They have expressed concern that the current information sharing provisions of the Banking Business Law are out of step with this E.U. standard and if the law is not brought into line, the J.F.S.C. might be prevented from fully participating in E.U. supervisory colleges. This legislation, therefore, clarifies that the J.F.S.C. must gain consent of the overseas regulator, who provided the information about a banking group, before sharing that information onwards. There is an important exception, however, as I am sure Members will share my concern, that the J.F.S.C. should not be shackled when information that the J.F.S.C. holds is requested, with a view to the investigation of a suspected offence, or for the purposes of any criminal proceedings. There is, therefore, an exception to allow the J.F.S.C. to share such information, even where it has not received the permission of the overseas regulator, who provided the information. The European Banking Authority has confirmed that this exception would not preclude the J.F.S.C. being granted an equivalence determination. As an international finance centre, it is essential that Jersey maintains good relationships with colleagues overseas and that J.F.S.C. plays its part in the supervision of cross-border financial services groups that have a presence in Jersey. These proposals are part of a commitment and a further entrenchment of our co-operation and good standing with colleagues in the E.U. Should this Assembly adopt the proposal, the updated law would be presented to the European Banking Authority’s governing body, with a view to the J.F.S.C. being granted an equivalence determination. I should emphasise that these proposals simply confirm existing practice, by clarifying the Banking Business Law, that the J.F.S.C. must get consent when certain information received from overseas regulators is shared onwards. These changes will have negligible practical, or resource, impact on the J.F.S.C., but will further assure international colleagues that the J.F.S.C. is a responsible financial services regulator, with a view to being recognised by the E.U. I propose the principles.

The Deputy Bailiff:

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

12.1.1 Deputy M.R. Higgins:

I would just like to ask the question of whether the proposal is being brought, because we have exemptions in our law, or is it because we have shared information in the past we should not have done. Could the Assistant Minister just tell us the reasoning behind it; is it simply that we are out of touch from a legislation point of view, or is it the fact that we have inadvertently, let us say, shared information we should not have done?

The Deputy Bailiff:

Does any other Member wish to speak on the principles? Assistant Minister.

12.1.2 The Connétable of St. Ouen:

In response to Deputy Higgins’ question, it is simply that it has been pointed out that our regulations are out of step. We have not shared regulations inappropriately, but the law is deficient in that respect, which is why this has been brought. On that basis I ask for the *appel*.

The Deputy Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on the adoption of principles for these Regulations. I ask the Greffier to open the voting.

POUR: 32		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				

Senator S.C. Ferguson				
Senator S.W. Pallett				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy of St. Mary				
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 C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Bailiff:

Very well, how do you wish to deal with the matter in second reading, Assistant Minister?

The Connétable of St. Ouen:

Sorry, this is to ask for the Articles to be adopted, is that correct?

The Deputy Bailiff:

Yes. Second Reading is how you wish to deal with the Articles: individually, *en bloc*, in parts, how do you wish to deal with them?

12.2 The Connétable of St. Ouen:

I am grateful for that clarification, Sir, I am a bit confused again. I would like to deal with them *en bloc* if the Assembly is minded to do so.

The Deputy Bailiff:

Yes. So you propose them *en bloc*.

The Connétable of St. Ouen:

I do indeed, Sir.

The Deputy Bailiff:

Are they seconded? [**Seconded**] Does any Member wish to speak on any of the Articles? All those in favour of adopting the Articles, kindly show. Those against? The Articles are adopted. Do you propose the matter in Third Reading?

The Connétable of St. Ouen:

I do indeed, Sir. Thank you.

The Deputy Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in Third Reading, kindly show. Those against? The Regulations are adopted in Third Reading.

13. Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 7) (Jersey) Regulations 201-(P.41/2019)

The Deputy Bailiff:

We come to the Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 7) (Jersey) Regulations lodged by the Minister for the Environment. I ask the Greffier to read the citation.

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

Could the Assistant Minister, Deputy Guida deal with this one, please?

The Deputy Bailiff:

Yes, indeed.

The Greffier of the States:

Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 7) (Jersey) Regulations 201-. The States, in pursuance of Articles 2 and 6 of the Sea Fisheries (Jersey) Law 1994, have made the following Regulations.

13.1 Deputy G.C. Guida of St. Lawrence (Assistant Minister for the Environment - rapporteur):

I was hoping to entertain the Assembly with the fascinating reproductive cycle of the *Cancer pagurus*, but unfortunately this is a serious matter. The Sea Fisheries (Minimum Size Limits) (Jersey) Regulations 2001 control the minimum size by which fish and some shellfish may be landed, offered for sale, sold or retained by fishermen within Jersey's territorial seas. The use of minimum size restrictions is a tried and tested management measure employed in fisheries management across the world. The rationale is simple, in that the minimum size allows a species to reproduce at least once, but often multiple times. The practice works well, particularly with shellfish that are robust and have high survival levels after capture and release. This amendment to the Sea Fisheries Regulations proposes an increase of the minimum size for chancre crabs, also known as the brown, or edible crab, from 140 millimetre to 150 millimetre, as measured across the back of the carapace. This is a simple and sensible change that brings the recreational fishers into line with current commercial regulations. There are good reasons for increasing the minimum size restrictions for chancre crabs. Chancre crabs have been a mainstay of the potting fisheries in Jersey for decades. They are economically essential to the commercial fleet, popular with recreational fishers and are a charismatic species in our waters. Catches have declined throughout the English Channel over recent years, with local landings decreasing from their long-term average of approximately 450 tonnes annually to around 200 tonnes. The reasons for this decline are not yet clear, although they are likely to relate to fishing pressure outside of Jersey waters, changes to sea temperature, or a combination of these and other factors. Faced with this uncertainty, the Jersey commercial fishing fleet requested that a new restriction be

placed upon them, including an increase in the landing size of chancre crabs. These are brought in as a commercial fishing licence condition. Following discussions with Normandy and Brittany colleagues, through the Granville Bay Agreement, it has been decided to make changes to the minimum size for all crab fishing in Jersey waters. Similar changes are also being made in adjacent French waters. Biological evidence shows that most females are mature by the existing size of 140 millimetres, but that fertility increases as the crab grows. The proposed size increase will allow female crabs at least one, or 2, more reproductive cycles, each time producing an increasing number of eggs as they themselves grow. I hope Members will agree with me that this simple amendment is easy to support. The scientific evidence and rationale is clear and members of the industry fully support the change, as do our French colleagues. The change demonstrates our commitment to the long-term viability of the species in our waters and its importance as a fish. I ask Members to support this proposition.

The Deputy Bailiff:

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

13.1.1 Deputy M.R. Higgins:

I shall be supporting the proposition. I am just curious: the Assistant Minister mentioned a number of possible reasons why there has been a decline in the number of them. We know, with certain fish, that they migrate and we obviously do not control it within our own waters. The Assistant Minister mentioned throughout the Channel, I think he said, the numbers have been declining. What is known about the habits of these crabs; do they stay in local waters, or do they migrate? I am just wondering if the problem is partly ours, or partly elsewhere.

13.1.2 Deputy M. Tadier:

I think this is clearly the right direction to go in. My concern is that the stats are very worrying; it says that in 2012 the figures for the tonnage of landing was 507 and it is now down to 247, but we do not know the reasons for the decline. Presumably, it is not because it is being fished less, it is because there are less stocks out there and for such a drastic decline in the space of 7 years it is very worrying. We had a debate, only a few weeks ago, on climate change, but this is another very tangible example of the destruction we are doing to our planet; in this case with regard to one species. Even though it says that the exact reasons for the decline are not known it presumably relates to overfishing and the fact that the demand for crabs exceeds the amount that are out there and the stock cannot replenish themselves quickly enough. Even if it is not the fact that crabs are necessarily being overfished directly, it may well be that there are indirect consequences of other overfishing, meaning that the whole ecosystem of crabs is being disrupted. What this leads me to is the question of whether, or not, this is doing enough. It seems to me that there needs to be some drastic action, as may have taken place with almost, for example, where there is a total ban on fishing of these species for a particular period of time. Clearly, it would be preferable if this was done across the board and did not just apply to Jersey, but it seems to me that making these changes is unlikely to deal with the very urgent issues that are being faced. I also notice in the foreword that there is a quote saying that: "The Jersey fishing fleet is keen to preserve existing stocks and to ensure that only the best crab is landed." The problem is, of course, when the best crabs are landed that means the best crabs are no longer in the ocean and if we are taking the best crabs out of the ocean, genetically that is a problem, because the best crabs are no longer breeding. I have raised the issue before and I think it may have been by email to Members, that it is one thing to have a lower size limit on, in this case, crustaceans but it applies to all fish, as well. But what about the maximum sizes for fish and crabs that can be taken because, clearly, there is another argument to say that the best fish should be left in the ocean, so that the most viable animals should be left to carry on breeding. So, I do not think this is doing enough and I think we really need to ... it is not even in the interest of the industry to not be doing enough, because I suspect that we could be in a situation, in 5 years' time, where there are not any crabs to

speak of, something that has been a mainstay of our population. I think we are already getting to the point where the once common mackerel is becoming a more scarce creature in our waters and we have to look to the very real possibility that if we do not fundamentally change the way we act, the way we legislate, but also the expectations we have as consumers, that we face a future of a fishless ocean in the next 30 to 50 years.

[16:30]

13.1.3 The Connétable of St. Saviour:

Just a slight observation; when you go through the fish markets, either in St. Helier, or the one at the end of the pier, you will see that a lot of these crabs and lobsters have eggs. I cannot see the sense in landing a crustacean that is loaded with eggs when we are already short, or we think there is going to be a lack of these animals in the sea. Because they are caught in pots they are still alive, unlike sometimes fish that are caught in nets. Would it not be more beneficial for the fishermen, who are now moaning that there will not be any stocks to replace these, back into the water, so these eggs could - I do not know what they do - they hatch out, whatever happens. But, to me, it seems pointless to have all these wonderful fish in the markets and they are absolutely loaded with eggs. I know a lot of fishermen and they can all hang their heads, but a lot of fishermen do scrape them off, so that the fish is landed without the eggs. These fish that have the eggs, to my mind should be replaced, taken out of the pot and replaced back in the water for future dates.

13.1.4 The Deputy of St. Martin:

I just rise to echo the sentiments of the last 2 speakers, especially the words of Deputy Tadier. I too am increasingly concerned about the future of the fishing fleet. We know that all our species are in decline and we face a very difficult and challenging few years ahead where, on one hand, we have to work very hard to maintain the sustainability of the things we wish to catch, but at the same time we have to balance that against keeping a fishing fleet viable, so that, at the end of the day, they are still there taking the fish out of the sea for us to enjoy. It is going to be an extremely difficult balancing act over the next 10 years to try to achieve that. We face some serious threats with the declines in populations of our normal species: lobsters, crabs, things like that and it is going to be a real challenge. I am going to support this proposition but, like Deputy Tadier, I feel we do not go far enough, but I fully appreciate the challenges ahead for the viability of the fleet while we make those changes.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? I call on Deputy Guida to respond.

13.1.5 Deputy G.C. Guida:

First, I thank all the Members for their comments. There was a question about range. They are an extremely wide-ranging species; they take the whole of the North Atlantic from Ireland all the way to North Africa. They are also quite mobile, so you cannot really define a single area, for example, a breeding area. I would like also to note that there were comments from Scrutiny, which are extremely welcome, that concerned protection of breeding areas and some sort of restriction on dredging. Now, again, the crabs do not have specific breeding areas but after the planktonal stage the small crabs gather in inter-tidal areas and, of course, we would want to protect those as much as possible to allow them to grow. Of course, we are not terribly keen on dredging in any fashion and every time we will have the opportunity to restrict it we will. Whether it is enough, let us put it that way, first of all I would like to remind Members that this was brought to us by the fishermen themselves and I think that is quite important, the fact that they were the first one to notice the drop in catches and they were the first one to come to us and say that they must do something about it. An increase in size is a fairly significant tool, because we are talking about allowing probably 2, or 3, more breeding seasons to an animal that will carry from 250,000 to 3 million eggs and that is from

their first breeding season. So, instead of having one breeding season with the lowest number of eggs, you multiply it by 3, just by increasing the size by 1 centimetre, so it is a very efficient tool and of course it is not the only one. If we do not see numbers increase we will try other things. I cannot answer the question on egg-bearing crabs, but I have a feeling that they are already restricted in catch and I will check on that. Having said all that, I maintain the principles.

The Deputy Bailiff:

Very well. Those in favour of adopting the principles, kindly show.

Deputy M. Tadier:

Can we have the *appel*, please?

The Deputy Bailiff:

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

POUR: 33		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator S.W. Pallett				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
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 L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
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 M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Bailiff:

Is this matter to be referred to the Environment, Housing and Infrastructure Scrutiny Panel?

The Connétable of Grouville (Environment, Housing and Infrastructure Scrutiny Panel):

We have received a briefing and issued a comments paper. We are fully in favour of the recommendations, as endorsed by the fishermen both here and, as I understand it, in Normandy and Brittany.

The Deputy Bailiff:

Thank you very much, Connétable. How do you wish to deal with matters in Second Reading, Deputy?

Deputy G.C. Guida:

Yes, please. But of course the one Article *en bloc*.

The Deputy Bailiff:

All right. Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Article in Second Reading? Those in favour of adopting, kindly show. Those against? The Regulations are adopted in Second Reading. Do you move them in Third Reading, Deputy?

Deputy G.C. Guida:

Yes, please, I would like to move on Third Reading.

The Deputy Bailiff:

Are they seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting the Regulations in Third ... the *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 34		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator S.W. Pallett				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
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 L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
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 K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy M. Tadier:

Sir, can I raise a procedural question at the moment just for clarity?

The Deputy Bailiff:

Yes.

Deputy M. Tadier:

With the in-Committee debate on mental health, would it be cleaner to come back tomorrow morning and designate the whole of tomorrow morning for the in-Committee debate, so we do not have to start it tonight and then come back? It does not seem to me an issue that should be rushed, or even ...

The Deputy Bailiff:

Well, we have a number of matters still to deal with. It could be we will reach the end of the timing, in any event, but for the assistance of Members, I was proposing to allow 2 hours for the in-Committee debate, so clearly that will mean going over into the morning. Are you asking for the mood of the Assembly whether we finish what we can now, but, nonetheless, are clear that we will not start the in-Committee debate until tomorrow morning; is that what you are saying?

Deputy M. Tadier:

Yes, I think that is right, if the main protagonists are also of agreement. Also, could I ask that maybe if we are coming back tomorrow, we designate the whole of tomorrow morning up until 12.45 p.m. to have a good discussion about this important issue?

The Deputy Bailiff:

Well, those are 2 separate questions obviously and I will have to take them in sequence. Could I just test the mood of the Assembly? Do Members agree that we will not start the in-Committee debate until 9.30 a.m. tomorrow morning? Yes. So, I do not need to put that to the vote. Then, as I say, I was proposing to allow 2 hours, but are Members content to allow for the entirety of the morning session for that debate? Obviously, if no one wants to speak, then it will end sooner. Members are content we allow the whole morning in which case that is how we will proceed and we will do the rest of the business that we can now. Thank you very much, Deputy.

14. Commissioners of Appeal for Taxes: appointment (P.42/2019)

The Deputy Bailiff:

We now come to the Commissioners of Appeal for Taxes: appointment, lodged by the Minister for Treasury and Resources. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 10 of the Income Tax (Jersey) Law 1961, to approve the appointment as a Commissioner of Appeal for Taxes,

each for a period of 3 years from the date of their appointment, of Ms. Heather-Anne Hubbell and Ms. Gailina Liew.

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

The Assistant Minister will take this proposition.

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

I am seeking Members' approval for the appointment of 2 new Commissioners of Appeal for Taxes. They are Heather-Anne Hubbell and Gailina Liew. The Commissioners hear appeals against decisions of the Comptroller of Taxes, mainly to do with tax assessments. They are an independent and impartial body. Ideally, we maintain a bench of 12 Commissioners with 3 Commissioners sitting at any one session, supported by an advocate. We currently only have 4 serving Commissioners, so the addition of these 2 people greatly relieves the pressure on the bench and also - and I know Deputy Perchard will be pleased with this - with 2 women it restores a degree of gender balance; we now have 4 men and 2 women. The existing Commissioners' terms of office are due to terminate, or can be renewed in April 2021. Service as a Commissioner is unremunerated, except for a stipend of £100 paid to each Commissioner for each session in which they sit. The Commissioners usually sit between 6 times and a dozen times yearly. The vast majority of tax appeals are resolved informally between taxpayers and Revenue Jersey. The Commissioners serve as a relatively cost-free and independent route of appeal in the cases which do, ultimately, need independent adjudication. It is only fair to say that I expect the current arrangements for hearing tax appeals to change during the terms of offices of these appointees when the Government implements the recommendations of the Jersey Law Commission's October 2017 report, improving administrative redress in Jersey. Among other conclusions, the report recommended that existing tribunals, including the Commissioners of Appeal for Taxes, be amalgamated into a new judicial body, the Jersey Administrative Appeals Tribunal. I make the proposition.

The Deputy Bailiff:

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

14.1.1 Deputy J.H. Perchard:

I just felt the need to comment on the remarks made by the Assistant Minister. I am, of course, delighted at this step towards balance. Just to clarify my position, it is not about getting more women into stuff, it is about getting gender balance on these panels and committees. I am, of course, delighted and I do hope that the next opportunity to replace someone, when their tenure ends, that they will take the next step towards complete balance in terms of gender, but also ethnicity and age and experience as well. So, I just wanted to clarify that for the Assembly.

14.1.2 Senator S.W. Pallett:

Just very briefly, it is extremely heartening that we can attract Commissioners of this standard to take up these roles irrespective of gender balance, although that is extremely important. Clearly, they are important roles and looking at the C.V. (*curriculum vitae*) of both these individuals, they are of the highest possible standard, so I thank the Minister for Treasury and Resources and her Assistant for being able to attract this quality of candidate to these roles.

14.1.3 The Deputy of St. Mary:

The Assistant Minister has already referred to his footnote at the bottom of page 3 about the arrangements changing before these particular appointments expire. This comes within the more general topic of improving administrative redress in Jersey and I am delighted, therefore, that the Minister for Treasury and Resources believes that these arrangements will be implemented and, therefore, resources made available to implement them during that period. To take up Senator

Pallett's point, I would like to welcome the calibre of these new appointees, particularly as they may not have a full 3-year term to run.

The Deputy Bailiff:

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

14.1.4 Deputy L.B.E. Ash:

I thank the comments there. We will attempt, Deputy Perchard, to move towards a 3-all draw on the next lot. Senator Pallett and the Deputy of St. Mary, I would like to echo their comments on the quality of these 2 appointees, they really are top drawer and it shows that we still have people in the Island willing to do things on a voluntary basis and that is great. Once again, I make the proposition.

The Deputy Bailiff:

Very well. Those in favour of adopting the proposition, kindly show. **[Interruption]** The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 37	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator T.A. Vallois		
Senator S.W. Pallett		
Connétable of St. Clement		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy 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 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 K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

15. Draft Motor Vehicles (Removal from Private Land) (Jersey) Regulations 201- (P.43/2019)

The Deputy Bailiff:

The next item of Public Business is the Draft Vehicles (Removal from Private Land) (Jersey) Regulations lodged by the Minister for Home Affairs and I ask the Greffier to read the citation.

[16:45]

The Greffier of the States:

Draft Motor Vehicles (Removal from Private Land) (Jersey) Regulations 201-. The States, in pursuance of Articles 2, 3, 5 and 7 of the Motor Vehicles (Removal from Private Land) (Jersey) Law 2019, have made the following Regulations.

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

Members will probably recall, it was in November of last year that we approved the Motor Vehicles (Removal from Private Land) Law. That law provides for the introduction, by Regulations, the measures to enable private landowners to deal with motor vehicles that have parked on their land without permission and these are the Regulations which will give effect to that decision. Members will doubtless be aware that vehicles, that have been parked or abandoned on private land without permission, can cause a lot of frustration for private landowners. They cause inconvenience for people parking at their own homes, create costs for businesses and, at worst, hinder the emergency services when responding to incidents. Up until now, we have had an unsatisfactory situation where private landowners have had few legal remedies to deal with the problem. I mean they could take civil actions through the court, but that is both time consuming, expensive and not always effective. In some cases, in the past, private landowners turned to wheel clamping as a means to solve the problem. However, the legality of that practice is uncertain and there have been concerns about how wheel clamping was enforced by operatives. So, it was in 2009 that the States decided to outlaw wheel clamping, as some of us - a handful of us - will remember making that decision. These draft Regulations today will finally give that decision of 10 years ago legal effect. But the reason it has taken so long, or one of the reasons it has taken so long, is my predecessor, the Minister for Home Affairs of the day, while agreeing with the States that wheel clamping should be clearly made illegal, he felt that landowners should have some remedy to enable them to remove errant vehicles parked on their land. But these need to be effective and proportionate, making sure that there are appropriate safeguards to assist private vehicle owners. I hope Members will agree that these Regulations do achieve that. These Regulations, if adopted, will enable private landowners to firstly remove from private land, or move to a different position on private land vehicles, that are parked without permission and different processes will apply, depending on whether signage is displayed, or not, on the land. Secondly, they will be able to deal with vehicles that are causing a nuisance, security risk, danger or obstruction to other persons using private land. Thirdly, they will be able to dispose of abandoned vehicles, and fourthly, deal with instances where a vehicle is parked on private land without permission for short, but frequent periods of time. Now, private landowners will be able to make use of these measures only provided they follow the processes set out in the draft Regulations and satisfy the conditions for doing so. These conditions include a requirement for private landowners to make reasonable attempts to contact the owner of the vehicle that has been parked on the land, without permission, in order to determine whether that vehicle has been abandoned, or not. This will need to be conducted by the relevant Parish and I am grateful for the co-operation of colleague Constables in agreeing to do this, in order to make sure that there is a proper oversight of the process and private landowners do not act in a manner that might be considered disproportionate towards the vehicle's owner. A private landowner must also use a registered vehicle removal operator to make sure that the movement and removal of vehicles from private land is conducted in a safe and professional manner. Now, during the debate in November, I listened carefully to points raised by Members during the debate and I was conscious of a concern that the legislation could

incentivise private landowners to put up signage, in order to protect themselves from unlawful parking. There is unquestionably under these Regulations a benefit in a landowner displaying signage on their land, since it will enable them to seek the removal of a vehicle that is not authorised to be on that land with immediate effect. Conversely, if signage is not displayed, a vehicle must remain on the private land, until the landowner has made reasonable efforts to make contact with its registered keeper. This will not apply where a Parish authority determines that a vehicle is causing, or is likely to cause a danger, obstruction or security risk to others. It is important to make clear, however, that the outcome will be the same, regardless of whether signage is displayed, or not. A vehicle may not be disposed of and so a private landowner, or a Parish authority acting on their behalf, has made reasonable efforts to contact the vehicle's registered keeper, or a notice has appeared in the *Gazette* if he cannot be contacted in other ways. In any event, a vehicle may not be sold, or disposed of, until no less than 3 weeks after the notice requirements have been satisfied. While a display of signage is an important requirement, in order to make sure drivers are aware they are parking on private land, I do not, as most Members do not, wish to seek excessive signage appearing around the Island, especially in the countryside, so I have included a number of provisions in the draft Regulations to protect against this. Firstly, a private landowner will not need to display signage in order to remove a vehicle immediately from private land if that land does not include a solid foundation. So, if it is parked on a field in the countryside that will be regarded as having had signage, so it would be obvious that that is not a car park. Secondly, one of the Regulations in this class, if a private landowner wishes to display signage on their land, the signage must comply with the relevant planning legislation in force at the time in relation to and regarding the display of signage. The Planning and Building (Display of Advertisements) (Jersey) Order currently permits non-illuminated signage of up to 5 square metres to be displayed, without a requirement for planning permission. This Order is currently being reviewed and I am aware that the Minister for the Environment and his Assistant Minister have indicated they wish to amend the requirement in respect of the display of signage in light of these Regulations coming forward and I am grateful to them for that. This is currently being considered by officers and it may be that the Order is amended, to make sure that any signage displayed under these Regulations is subject to planning approval. These Regulations are intended to provide a private landowner in Jersey with measures to manage vehicles that have been parked, or abandoned, on their land without permission. At the same time, these Regulations will provide vehicle owners with appropriate legal safeguards that will protect them against landowners who take disproportionate action and ban practices such as wheel clamping. The draft Regulations have been developed in consultation with the Department for Growth, Housing and Environment - that I still refer to as Infrastructure - the Comité des Connétables and the Comité des Chefs de Police. The consultation has highlighted to me the difficulties that many private landowners experience in dealing with motor vehicles that have been parked, or abandoned, on private land without permission. I am grateful for the input into the draft Regulations and I am pleased to propose the principles.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**]

Deputy K.C. Lewis:

I beg your pardon, Sir, may I raise Standing Order 267?

The Deputy Bailiff:

If you are prepared to let me have a look at what that says. Yes, that is what I was about to say, Deputy, thank you very much indeed. In the previous discussion, where Deputy Tadier raised the point of starting on the in-Committee debate tomorrow I had an exchange which said that we would get through as much business as we can by close today and use all of the morning. I am afraid I had assumed that meant that Members were content to take this proposition, even though it is one day outside the lodging period. I apologise that I did not call upon the Minister to ask for the Assembly's

permission to take it at this stage. Could I test the mood of the Assembly whether the Assembly is content that it is now proposed and seconded and that it can be debated by the Assembly?

Deputy M. Tadier:

So long as he starts again, Sir. [Laughter]

The Deputy Bailiff:

I was rather hoping we were not going to get that point.

The Connétable of St. Clement:

Yes. Can I apologise to you, Sir, because I missed that point as well? I really did not expect to get this until tomorrow.

The Deputy Bailiff:

Very well. Well, then, I am working on the assumption that the Assembly is entirely content to take this although it is a day early. So, does any Member wish to speak on the principles?

15.1.1 Senator T.A. Vallois:

The only reason I speak on this is because, of course, in the previous term there were Regulations brought in with regards to Andium Homes and Ports of Jersey to cover the parking on their land, because they were no longer classed as public properties. My understanding is this Regulation will supersede that Regulation that was agreed last term and, therefore, Andium and Ports of Jersey would come under this Regulation. If that is the case, I just want to seek reassurance, because I have had people living in Andium Homes' properties where they feel they have been penalised through use of parking facilities and the use of the Regulations that were brought in last term, even though the Scrutiny Panel, that I was sitting on at the time, was reassured by Andium Homes that they would be serving warning notices, despite it not stating that in the legislation. So, I want to ensure that the notices, that are required under this Regulation, will give people the right to challenge the use of removal of vehicles from, particularly, Andium Homes' land, but possibly also the Ports of Jersey, to make sure that there are appropriate checks and balances in place and people are not wielding too much power.

15.1.2 Deputy M.R. Higgins:

Just following on the previous speaker, just looking at Regulation 9 it mentions the Harbourmaster, the airport, *et cetera*, there is no mention of Andium.

15.1.3 Deputy J.H. Young:

I am giving an apology to the Minister; I should have raised this before. I just wonder when he replies perhaps he could just give us assurances that the powers to deal with this problem obviously with, principally, landowners, whether that will help in any way the situations with private tenants. Because I am aware that virtually every, I think, share transfer flatted developments are subject to very substantial, often quite acrimonious, arguments over parking; whether or not the rights under this law are, as it were, available in any way to tenants through the companies that hold those interests in the land in those flatted developments. I appreciate it is a bit complicated. Maybe the Minister may wish to check that with the Attorney General. But I think, clearly, the law is excellent on owners; I would just like a bit of clarification on how it covers people, who own their property by way of share transfers and share in the right of access to car parking spaces.

15.1.4 Deputy R. Labey of St. Helier:

I just wanted to thank the Minister for taking seriously the points I raised the last time this matter was before the Assembly in terms of signage and that we will not have to see signage in the gateway to every farmer's field all over the Island. I am grateful to hear that and it is a pressure we must keep

up, especially in the public realm, the amount of unsightly and ugly signage that really should not ... if it does not absolutely have to be there we should try and remove it.

15.1.5 Deputy M. Tadier:

I also welcome this. I think I am one of the handful of Members that the Minister referred to and I remember one of the comments being made at the time was the paradox about putting a wheel clamp on somebody's car, who has parked somewhere where they should not be and when you want their car removed, is that they cannot then move the car if it has got a big yellow wheel clamp on it. What I am slightly concerned about is the fact that there still exists a practice in Jersey and it is appropriate now, it follows on from the comments made about signage, we are not going to see an eruption of signage, because there will be clearly a legal basis which presumes the rights of landowners and the contract, which is entered into, if somebody leaves, or abandons, their vehicle.

[17:00]

But we currently have a system in Jersey where it is still routine to see signs up saying that wheel clamps will be put on your car and that there will be a fee to release them. I would hope that those should now be removed; they probably have no legal basis to be there, anyway. But, there is also another grey area, which I seem to believe is unlawful, whereby there are these signs saying that if you park on private land you will be given a fine. I do remember coming across an individual, who had been given a fine like that and I simply told her, notwithstanding the fact that I did not condone parking in somebody else's property, I think it was church property and maybe she pays rates for that church, in particular, but that does not mean she had the right to park there. But I said: "Simply throw your ticket away, because it has no legal basis" and that there is no legal comeback and she did that and, of course, there was no legal comeback. I equate it to effectively being scammers, who are tolerated out there and my concern is that first of all the good thing about this law is that it does provide clarity, there is clarity about what rights are able to be done. But what this law does stop short of - and I would like to hear from the Minister - is whether there was any demand from landowners to be able to administer punitive fines for people, who routinely park on their properties, because what this does is allow for the removal of vehicles. So, you can either remove them to another part of your land, if you have enough land, or take them off the property and there is a period of 3 weeks. But was there a demand for being able to put penalties as a disincentive for people to park on the land, as is commonplace and is currently authorised in Guernsey where they have *terre à l'amende*; was that given as a consideration? Secondly, will he take action on these companies, which are acting, I think, outside the law, certainly without any legal basis issuing fines and threats to people for money to be given over, when they have no legal basis on which to do that? Also, it might be worth me just asking the Attorney General, at this point, if he wants to comment, but certainly the Minister could comment on it in summing up, whether there have been any legal precedents where one of these fines, issued by such a company, has been successfully pursued in the Petty Debts Court. But otherwise I think this is a good law; it sets out clarity and I commend the Minister for achieving what many Ministers before him have either failed, or been reluctant to do.

The Deputy Bailiff:

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

15.1.6 The Connétable of St. Clement:

I am grateful for the supportive messages and supportive speeches from Members. Regarding the Andium Homes situation: yes, Regulations were made 3 years ago, triennial Regulations, to enable the Ports and Andium Homes, who had effectively become private businesses, to remove vehicles, or have vehicles removed, if they were being parked unreasonably and disproportionately. I do understand that Andium have a policy of putting notices on vehicles, which they considered had been parked without permission on their land, taking up parking spaces of the tenants, being a nuisance

and it is only subsequent to that that they go to remove them. Under these Regulations, removal agents will be registered. I will have to approve removal agents and if any of them do act disproportionately, or inappropriately, the Minister will have the right to withdraw their registration and, therefore, remove them from that particular business. So, those safeguards are in place and, of course, these Regulations will replace those of the triennial regulations that we approved 3 years ago. These will apply to the Ports of Jersey and to Andium Homes and indeed every housing association, or private landlord, that is in Jersey. To Deputy Young, I would say the Regulations refer to the owner and the owner would undoubtedly - and I am sure the Attorney General will correct me if I am wrong - include an owner, whether it is owned by share transfer, by freehold, or by flying freehold; whatever the ownership ... or contract lease even, the owner would have the rights over his property. To Deputy Tadier and wheel-clamping signs, of course they should be removed. I do not think I have the authority to order them to be removed, but of course they should be removed, because once these Regulations come into effect, wheel clamping will definitely be illegal. It is probably illegal now, but it has never been tested, but it will definitely be illegal when these Regulations come into effect. When we passed the law, back in November last year, we did include a power, which would make provision for the introduction of civil penalties. They do not exist at the moment and I have not brought Regulations to introduce civil penalties, but it is there in the law, should it be decided by this Assembly, that it would be proportionate to allow some landowners to make civil penalties, rather than towing away vehicles. It might be - I am not saying it is - something like Andium Homes, who operate quite large estates, might be more proportionate to propose a civil penalty than tow away vehicles. But, at the moment, that is not included in the law. I think I have answered most of the questions there and if that is the case I maintain the principles.

The Deputy Bailiff:

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

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator S.W. Pallett				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy 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 S.M. Wickenden (H)				

Deputy of St. Mary				
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 C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Bailiff:

The Education and Home Affairs Scrutiny Panel, this is within their area.

The Deputy of St. Peter (Education and Home Affairs Scrutiny Panel):

The areas of concern were addressed by the Minister and he covered those in his address. The only one area was costs for the removal agents should be cost neutral. I do not think he mentioned that, but that was something that I think is included; otherwise we are perfectly happy.

The Deputy Bailiff:

Thank you very much indeed. How do you wish to propose the 12 Regulations, Minister?

15.2 The Connétable of St. Clement:

My intention was to propose them *en bloc* and then speak to each of the Regulations, but I think what this Regulation should achieve I have already described. I thank the Scrutiny Panel for their support and their very positive comments. So, what I would like to do, in that case, is to propose the Regulations *en bloc* and will attempt to answer any questions that Members might have.

The Deputy Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations in Second Reading?

15.2.1 Deputy M.R. Higgins:

I will just ask the Minister, just so it is clear in my own head, what is the position regarding Andium at the present time? They are not included in these Regulations so if he could just explain that I would appreciate that.

The Deputy Bailiff:

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

15.2.2 The Connétable of St. Clement:

Andium is technically, effectively, a private landlord, the same as Jersey Homes Trust and Christians Together Trust and, therefore, they are included in these Regulations as a private landlord the same as all of the other housing trusts. Currently, they have their own Regulations, together with the Ports of Jersey, which will expire, I think it is 21st June when these Regulations will come into effect if the States approve them. So, Andium will come under these Regulations and so will every other housing provider. I maintain the Regulations.

The Deputy Bailiff:

All those in favour of adopting, kindly show. Those against? The Regulations are adopted. Do you wish to propose in Third Reading, Minister?

The Connétable of St. Clement:

Yes, please, Sir.

The Deputy Bailiff:

Seconded in Third Reading? **[Seconded]** Does anyone wish to speak in Third Reading? All those in favour of adopting in Third Reading, kindly show. The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 41	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Clement		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy 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 S.M. Wickenden (H)		
Deputy of St. Mary		
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 C.S. Alves (H)		
Deputy K.G. Pamplin (S)		

Deputy I. Gardiner (H)			
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16. Greville Bathe Fund: appointment of Jurats (P.45/2019)

The Deputy Bailiff:

The last item of Public Business, until we resume tomorrow, is the Greville Bathe Fund: appointment of Jurats and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to approve the appointments of Jurat Jeremy John Ramsden and Jurat Elizabeth Anne Dulake for the purpose of administering the income of the Greville Bathe Fund.

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

I am seeking Members' approval for the appointments of Jurat Jeremy John Ramsden, Jurat Ramsden, and Jurat Elizabeth Anne Dulake, Jurat Dulake, to the panel of 4 Jurats, who administer the income of the Greville Bathe Fund, following the retirement of Jurats Nicolle and Crill. The Greville Bathe Fund was established under the will of the late Greville Inverness Bathe and provides relief to sick, needy and aged persons and to local charities on the Island of Jersey. I am seeking the appointments of Jurat Ramsden and Jurat Dulake with immediate effect. I can confirm that, on 21st March 2019, the Superior Number of the Royal Court recommended the appointment of Jurats Ramsden and Dulake. Jurats Ramsden and Dulake possess integrity, common sense and patience, which are essential qualities for this role and I am sure they will make a valuable contribution, based on sound judgment. I hope all Members will, therefore, support me by approving these appointments. I would like to take this opportunity to sincerely thank Jurat Nicolle and Jurat Crill for their time and service for the Greville Bathe Fund that was freely given. **[Approbation]** I move the proposition.

The Deputy Bailiff:

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

16.1.1 Deputy G.P. Southern:

As soon as the Minister stood to speak about this, immediately, there were questions coming into my mind. The first question is, why Jurats? How long has that been in place; has anybody considered not using Jurats, but using other people, who have equal amounts of common sense and patience, I have no doubt? Second question was: what is the charitable output? How much do they handle and where does it go? So, before I vote in favour of this, I think those 2 questions need answering and I would expect most people in the room want those answers too.

16.1.2 Deputy M.R. Higgins:

Again, following on from Deputy Southern, I think the Minister said that the court recommended people. Is it a role of the court to recommend people to this Fund, or is it for this Assembly to decide on who goes in it? I am just curious about the relationship between the 2 bodies.

16.1.3 Deputy J.H. Perchard:

I would like to make the point and it is probably more general than just for Treasury, but when these appointments are brought to the Assembly and I am constantly banging the drum about equality and balance, it would be really helpful to have an indication within the proposition itself of the proportion of balance of the group should the appointment be accepted by the Assembly because if that information was provided I would not have to consistently ask the same question.

The Deputy Bailiff:

Well, the identity of the other Jurats on the panel are set out in the proposition.

Deputy J.H. Perchard:

Apologies, I have not got that page but I will ...

The Deputy Bailiff:

Jurat Blampied and Jurat Thomas are the other 2; one is a gentleman, one is a lady.

Deputy J.H. Perchard:

Thank you. I will put this under a technological issue then. My apologies to the Treasury.

The Deputy Bailiff:

No, not at all.

16.1.4 Deputy K.F. Morel:

Just a little bit of history, I was just wondering who was Greville Inverness Bathe and why did he set up the fund?

16.1.5 Deputy M. Tadier:

It may be more hypothetical, than directly related, but it has certainly got some bearing on what Deputy Southern was talking about. There is a Standing Order, which says that the conduct of the Royal Family cannot be discussed, unless it directly relates to a proposition that is before the Assembly, but there is also the curious addition of the word 'Jurat' in there, so we also cannot discuss the conduct of a Jurat. It does not say about any other Bailiff, *et cetera*. So, that is just an interesting observation and, presumably, if one did want to talk about the conduct of a Jurat to say that they are great and they do a really good job, that would be in order, because, presumably, what is before the Assembly does touch on the conduct and the qualification of the Jurats. But I did just note the other day, while reading the Standing Orders, what seemed a particularly curious addition to Standing Orders and it would be good for P.P.C. (Privileges and Procedures Committee) to perhaps look at, why that was put in there in the first place and whether, or not, there are other people, who are perhaps less busy than the esteemed Jurats. Clearly, we know that they are capable individuals, that is probably why they have been given the roles and that they are used to dealing with things like that, but the wider question about appointment permissions is generally a good one to discuss at some point in the near future.

[17:15]

The Deputy Bailiff:

Thank you, Deputy. Two points: I think the inclusion of Jurats on the list of those that cannot be mentioned is because they are, of course, members of the Royal Court and, therefore, act in a judicial capacity as well. That may be the reason, but it is something, obviously, that can be further clarified and I am sure it is welcome news that you and, I am sure, all Members do read Standing Orders. Very well. Does any other Member wish to speak?

16.1.6 Deputy K.G. Pamplin:

I rise after the speaker, Deputy Southern, points. I can help him with some clarification and help the Minister, I guess, in some way. As a manager of the Jersey Brain Tumour Charity, we applied, at times, for funding to support a patient who needed financial support and we found the whole process very upfront, very straightforward. The one thing I would say from experience of securing funds for people who fit the criteria, that maybe this is an opportunity to explore how the process works and to explain too - it was clear from Deputy Southern's and maybe other people's knowledge outside for other people - how you can approach for these funds, how it is administrated and I think that process made more transparent to many other charities would be very helpful.

The Deputy Bailiff:

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

16.1.7 Deputy S.J. Pinel:

I will do my best to remember all the questions and thank you to those who asked them. The Superior Number of the Royal Court, in answer to Deputy Southern, sitting in Chambers, resolved to recommend the appointment of Jurats. They meet quarterly to discuss and there are 4 of them, as the Deputy Bailiff mentioned earlier, to oversee the Fund. The Fund itself, in answer to either your question, or somebody else's, Deputy, they support charities that are invited, as Deputy Pamplin said, to apply for grants for a specific use. In 2018 a total of £419,000 was awarded to 26 charities. At the moment, the value of the Fund stands at £20 million and the Jurats will shortly be holding a meeting to discuss the awards to local charities for 2019. The Greville Bathe Fund was in the will of the late Mr. Greville Inverness Bathe, bequeathed shares in Ann Street Brewery to the Treasurer of the States of Jersey for himself and his successors to be held in trust. The trust was to be known as the Greville Bathe Fund for and on behalf of the States, for purposes which I have just relayed. Deputy Pamplin wanted to know about administration. The trustee of the fund is the Treasurer of the States, on behalf of the States Treasury and Exchequer and administered by a delegation formed by 4 Jurats of the Royal Court and there is quite a long list of administration, which I can supply to the Deputy, if he wishes, later. I think that answers most of the questions and I maintain the proposition.

The Deputy Bailiff:

The *appel* is called for. I am sorry, do you have ...

Senator S.C. Ferguson:

I just have an addition to say that the accounts of the Greville Bathe Fund are, in fact, a matter of public record and can be accessed.

The Deputy Bailiff:

Thank you very much, Senator. Very well, the *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

POUR: 41	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Clement		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy 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 S.M. Wickenden (H)				
Deputy of St. Mary				
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 C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Senator I.J. Gorst:

May I then propose the adjournment?

The Deputy Bailiff:

Yes. In accordance with the decision already taken by the Assembly the adjournment is proposed. We will reconvene at 9.30 a.m. tomorrow morning for the purposes of the in-Committee debate.

ADJOURNMENT

[17:19]