

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 14th SEPTEMBER 2021**

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[9:32]

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

**The Bailiff:**

You wish to raise the défaut on Deputy Southern, Deputy Ward?

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

Yes, Sir, if I may.

**The Bailiff:**

Do Members agree to raise the défaut? Yes.

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

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

On behalf of Members I welcome His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]** It is enormous pleasure after such time to hear a real foot-stamp other than as a virtual silent foot-stamp that we have had in recent times.

### **1.2 Welcome to Connétable M. Troy of St. Clement**

I would also like to extend a very warm welcome indeed to the Connétable of St. Clement, Mr. Troy. **[Approbation]** We very much look forward to your contribution, Connétable, and wish you very well indeed in your term of office.

## **PUBLIC BUSINESS**

**The Bailiff:**

Members will have heard overnight that I have permitted the filing of a very late lodging of a proposition brought by Deputy Young of St. Brelade. Hopefully Members have had the opportunity of reading it. It only arrived on your emails about 11.00 p.m. last night and it may therefore not have been possible for Members to read it. The essential nature of it, if the Deputy will forgive me for characterising it, and why I have allowed it to be dealt with immediately, is that if it is adopted by the Assembly we will immediately move to a hybrid sitting. Therefore we will be dealing with everything over computers and anyone who feels that they wish to leave the Assembly and deal remotely will be in a position to do so. That is the thrust of your proposition. The Deputy first needs to get the agreement of the Assembly to lodge it today and for it to be debated immediately before the substance of the proposition would be considered by the Assembly if those other applications are acceded to. I have agreed that it will be done immediately because it deals with the way the Assembly will continue its business for the rest of the sitting this week. It seemed that it was appropriate therefore that it be dealt with as a matter of urgency and straightaway. Deputy Young, do you wish to make that application?

## **2. States Meetings - Continuation of Remote Participation (P.87/2021) - reduction of lodging period for immediate debate**

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

Yes, Sir, if I may. If I may thank you, Sir, for allowing my urgent emergency proposition to come before the Assembly to allow Members to make a considered choice on the way in which we proceed in this Assembly while the duration of things, as the COVID infection continues. I want to start by saying in no way, in asking for this today, am I detracting for the importance of this occasion. It is obviously very welcome indeed that Members are together. That is an important issue and it is our public duty. I am not detracting from that. But Members may be puzzled why I am not standing in



my seat, and it is kind of a measure of how things have changed. When I last sat in my seat over there in March 2020, I come back this morning and it is broken. There is no seat to sit on so for me that shows the extent that time has gone by. The first decision is to ask Members whether they are prepared to waive the lodging period. One slight variation, I think, I do not want to make the proposition in full, but the proposition says yes to have the hybrid but the decision of whether or not Members choose to attend or otherwise is, in the words of the proposition, in the decision of the particular Member on their own circumstances. Not, as it were, relating back to the way it has artificially run for the last 12 months. I do not think I need to say anymore. I put it to the Assembly please to waive the lodging period to start. Can I do it together and also that we do it immediately or is it lodging period first?

**The Bailiff:**

I think what we will do, if you make the proposition not only to waive the lodging period but to have it debated immediately we will make that a single proposition.

**Deputy J.H. Young:**

If I may make that because that seems to be the most efficient way, not to take up time of the Assembly too much. I make that proposition.

**The Bailiff:**

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

**Deputy J.M. Maçon of St. Saviour:**

Can I raise the défaut on the Constable of St. Saviour please?

**The Bailiff:**

Yes, the défaut is raised on the Connétable of St. Saviour. Does any Member wish to speak on the proposition? The proposition is to allow it to be taken ...

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

If I may, I am at a disadvantage. I have not seen the proposition and I cannot access my emails.

**The Bailiff:**

Deputy, would you mind if I explain the nature of the proposition?

**Deputy J.H. Young:**

No, Sir, I would be delighted. I have the same problem, my computer would not work this morning either so I do not have the proposition. But I have it in my head so I am sure other Members ... but it is quite simple.

**The Bailiff:**

The proposition reads as follows, and I will explain it after I have read it because it makes reference to specific Standing Orders. The States are asked to decide whether they are of opinion – that, notwithstanding Standing Order 55A(1), Members who do not wish to attend in the States Chamber may continue to take part in States meetings using Microsoft Teams until the States has considered and voted upon a proposition to reapply Standing Order 55A(1) or to repeal or vary the terms of the Standing Order. That is the wording of the proposition. The meaning of the proposition is this: Standing Order 55A is the emergency Standing Order that was brought into effect to permit the Assembly to sit remotely and to vote remotely. It is under the authority of that Standing Order that all of the virtual and hybrid sittings have taken place over the last 18 months or so. Article 55A can only apply if the tests met in Article 55A(1), which this proposition is concerned with, are met. The first test is that we are in a state of emergency, as defined under the Emergency Powers Law and

clearly we are not in a state of emergency. The second test is whether or not the Bailiff takes the view that it would be impossible to hold a quorate meeting of the States if it was not done virtually.

[9:45]

In the light of Government guidance and in the light of the figures as we now know them, and in the light of the fact that everybody is sitting in here in the Chamber this morning, it is clearly entirely possible to hold a quorate meeting of the States without it. The Deputy is proposing to remove the effect of the threshold so that the hybrid sittings can continue even though the tests, which normally require them to, have not been met. Hopefully that explains to Members where we are. I do not think I can explain it any more clearly than that. But the effect of the Deputy's proposition will be to remove the gate, as it were, that stops Article 55A being applied and lets Article 55A be applied even if those tests have not been met. That is the nature of the proposition. Does any Member wish to speak on the proposition to have the matter lodged for today and debated today?

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

I will not speak on the merits of doing what the Deputy wishes to do because clearly that is to come, possibly today, but what it does set is a very clear precedent. I am not saying it is wrong either because ultimately any Parliament and the Assembly has to be responsible for the management of its business. So of course it is highly unusual to allow something to be debated at short notice like this. It is also highly unusual to take an item before the beginning of Public Business, which would normally happen after Question Time. Clearly the nature of the proposition is to allow those who feel that they wish to participate from a location other than the States Assembly to be able to take part in that Question Time safely, but it does set the precedent. That means that in the future any proposition that comes to the Assembly, which meets a certain urgency test, can be brought before Question Time and it can be dealt with with just an email going to the Greffe and the Bailiff overnight, with the majority of Members probably not having even read that proposition. It could deal with any subject in future. It could deal with, for example, changing all sorts of things. It could say that today we want to reduce the quorum to 20 because there is a big event which everybody needs to go to, whatever. It could deal with any Standing Orders and change them at very short notice. I think we need to be aware of what we are doing here today. Of course, it does also mean that if the proposition were adopted that would apply to anybody who felt that they were safer working from home, and it does bring into question ... I think I am getting to the main proposition now so I will probably stop there. But I think in terms of procedure only, we have to be aware of what we are doing here today. I do not make that as a for or against not allowing the proposition to be taken but it is something which is highly unusual.

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

I support the taking of this proposition early. I will try not to verge into the actual arguments around the main purpose of the proposition. However, the very thrust of the proposition is about giving Members who might have underlying health conditions the ability to distance themselves from things when we are still in COVID, even though the numbers are down. The point about that is that that includes participating in Question Time, and therefore I think it is right that we are taking it before, at this juncture, of the Assembly. I do think, given it is a fairly narrow proposition, it does not significantly change what we used to be doing, if that makes sense, and I think on that basis it is appropriate that we do at least debate it at this point in time because then at least Members will know where they are going forward for questions in what is a fairly fully ventilated Chamber.

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

It will not surprise Members I take a contrary view. I think Deputy Tadier has laid out exactly the position legally that we find ourselves in this morning. If one applies a modicum of common sense to that, there has been ample time with which to bring this proposition. I think to place the Assembly

in this situation this morning is wholly inappropriate. I will not rehearse the arguments brought by Deputy Tadier but he did so very clearly and I would support that. The only area perhaps that I can see that might cause Members to think that this is correct at the very last minute is perhaps the inadequate ventilation that is apparent here this morning, and that I am afraid would be the only matter for me that would determine supporting this proposition.

**The Bailiff:**

Does any other Member wish to speak on this particular proposition which, as I say, is the ability to table and debate the matter today?

**2.1.4 Deputy J.A. Martin of St. Helier:**

I just want to counter what Senator Moore has just said. Yes, I know Deputy Young has left this at the last minute but I do know behind the scenes there has been lots of discussion between the Bailiff's office and P.P.C. (Privileges and Procedures Committee) and is this right because we know there are certain Members in here, who probably will not want to advertise it, but they have underlying health issues. So when the proposition came late, and it came overnight, I thought it was highly sensible. I think going forward we are going to need this so we do it today. I would not let the debate go ahead and if we do not want to have the hybrid and choice, because it will not be the hybrid as we had it before, it would be down to personal choice if you think you are in more danger being in here or if you can work better from home. So I really urge Members to let the debate go ahead. As I say, it is short notice but we have found ourselves where we are with a lot of talking going on behind the scenes.

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

I think that we do need to let this debate go ahead. I have already raised the matter that I had not seen the proposition. When I arrived this morning I had a quick chat with Deputy Young downstairs and he mentioned the proposition that he had lodged. I had no idea what he was talking about so if I looked vague when he was speaking to me it was because I was vague. I had not had the opportunity to check my emails this morning. So I am prepared to vote in favour of this debate going forward however I am cognisant of the words of Deputy Tadier. I think they were very wise and we do have to be careful about doing this in future. If such propositions were lodged we have to be very careful about taking them at such short notice and would have to think very carefully about the reason that they were lodged at such short notice. But in this instance I think it is fair and reasonable to discuss it and to debate it now.

**The Bailiff:**

Does any other Member wish to speak on this proposition? No other Member wishes to speak, I close the debate and call upon Deputy Young to respond.

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

Thank you for explaining it. It is a complex matter. I am not going to detract at all in any way from what Deputy Tadier said. I think he did remind us of the importance of this decision and the risk of precedent. Personally I do not think there is that risk but nonetheless I respect very much his views and it is important, if we do go with this, we make that choice on that. I also want to thank Deputy Martin for her comments because obviously Senator Moore pointed out that it is late; it is very late. I think in my defence I certainly have been making efforts via emails through P.P.C., raising it with the Greffier, raising it with the Council of Ministers. There have been a number of discussions. I have to admit that I did not until yesterday understand the exact complexities of the position you were in, Sir, vis-à-vis Standing Orders. That having been explained to me was the only way of doing it. It is a choice for the Assembly. In no way am I going to detract from comments of Members and I hope you will allow the debate to happen.

**The Bailiff:**

I ask the Greffier to open the voting. The debate is on whether P.87 can be taken now and I ask Members to vote. Members have had the opportunity of casting their votes and I am assuming you are a vote pour at this case, Deputy Young, because we cannot record your vote on that system because you are in the wrong seat. In which case, I ask the Greffier to close the voting. The proposition to take the proposition now has been adopted:

<b>POUR: 40</b>	<b>CONTRE: 5</b>	<b>ABSTAIN:</b>
Senator L.J. Farnham	Senator K.L. Moore	
Senator S.C. Ferguson	Connétable of St. Clement	
Senator J.A.N. Le Fondré	Deputy of Grouville	
Senator T.A. Vallois	Deputy M.R. Le Hegarat (H)	
Senator S.W. Pallett	Deputy S.M. Ahier (H)	
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		

Deputy of St. Mary			
Deputy G.J. Truscott (B)			
Deputy J.H. Young (B)			
Deputy L.B.E. Ash (C)			
Deputy K.F. Morel (L)			
Deputy G.C.U. Guida (L)			
Deputy of St. Peter			
Deputy of St. John			
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

### **3. States Meetings - Continuation of Remote Participation (P.87/2021)**

#### **The Bailiff:**

Then the Assembly has agreed to take the proposition now. I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion – that, notwithstanding Standing Order 55A(1), Members who do not wish to attend in the States Chamber may continue to take part in States meetings using Microsoft Teams until the States has considered and voted upon a proposition to reapply Standing Order 55A(1) or to repeal or vary the terms of the Standing Order.

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

I am not going to speak for too long, Members will be pleased to know. The reason for why I think we need to discuss this and make a decision today is because we are emerging from the acute phase of a global pandemic where we have had to restrict so many changes in our lives, which have affected all and all our families in different ways, but obviously democracy has to go on. We are not through the situation yet. I know that there are views abroad from part of our community that it is all over, there is no problem anymore. I personally, and I think there are quite a lot of other people, that do not share that view. There is uncertainty ahead and I heard the Vaccines Minister of the U.K. (United Kingdom) this morning, Mr. Zahawi, tell it quite clearly that it is not over yet. That is what he says. It is what Chris Whitty says. Therefore we have to be sensible. But we are moving, we have moved already, from a period of Government control and direction into those measures, to control the spread of this vicious, nasty disease to one of personal individual responsibility. That involves us all to make our own choices of where we go, who we meet, when and where and in what situation. I think as a community that is an important principle, which I think Governments should recognise. After all, our health people have issued guidance. Guidance coming up in the lift I see it says only one person in the lift. Everywhere I go I see signs up. I go into offices in town and I see they are working. Many businesses in the Island, in offices, have worked for a situation where they have a phased return whereby people can make choices on the needs of their work and their individual health conditions. For me, I have to be quite upfront, I am 75 years of age. My vaccine is 6 months old. All the medical evidence indicates that it does start to wane after that. I had the AstraZeneca, which is said the immunological benefits are slightly less than the other one. I am looking forward very much to

getting my third booster jab and I shall feel ... in fact I cancelled a holiday because I was expecting to get a booster jab in September but it never came. So that is me personally. But this is not about me. The reason why I would like us to go with this today, because it gives Members the option of making that choice. The choice based on their own personal risk circumstances. As Deputy Martin said, people do not want to hang out in public all of their personal issues and their family situations. Many of us have got them. So I think that is an important area where we should have an arrangement albeit it is an interim one. It is just a change to the response before we get through. Hopefully we will get through to a better place where this thing is not hanging around. It is a transition because the report says that this will be ... it has asked P.P.C. as well, this is not in the proposition but it asks P.P.C. to look again and look at the complicated Standing Order that you, Sir, kindly explained to us. Because it is very complicated. I think we can have some simplification and hopefully, at some point, we will get back to there is no risk. But we are not in that place now. For me the risk management things, these lateral flow tests - these are what you get in Guernsey - I have used those all the time. These are what you get in the U.K. Simply a matter that these help us manage your own risk, you can test yourself before you go to a situation. These are the ways I think we do it and you make personal choices. Do I want to go to a nightclub? Personally, no, I do not although I see that U.K. Ministers, they love clubbing and all that kind of thing, well, sorry that is not for me. But that is a personal choice.

[10:00]

I think it is wrong because if you vote this down what you will be saying to Members who do have great vulnerabilities: "Sorry you are going to have to make a choice between performing your democratic duties", and mine are pretty onerous for me, but it is not about me: "Or allowing what is a sensible practical arrangement." I do not want to go back. I am not arguing for where we had the rota and so on. That false artificial arrangement. I do not think that worked. I am talking about allowing Members individual choice on their circumstances, and I do believe trust their conscience. I think that is an important aspect. I make the proposition.

**The Bailiff:**

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

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

I was one of the Members who was not aware of this but I have read it and I thank the Deputy for bringing it. I just wanted to touch on a fear that some Members might have about criticism that we might receive because we are not instructing workplaces to operate in such a way. But the Deputy made the point that workplaces are able to do this. I am aware of many workplaces that are operating with some of their staff in the building and some working from home. I think that is pretty common at the moment. Of course some cannot do that but those that can are doing that. We would expect employers to have that duty of care to their employees but of course, as States Members, we do not have an employer. As a parliamentary body we are collectively responsible for each other's well-being and, of course, this is the spirit of the Diversity Forum and indeed P.P.C. So I would ask Members to think along those lines today. In terms of equality and equal access to the democratic process, if we do operate an in-person Parliament only while we are still in a pandemic, and there are still those issues that we are facing in terms of health effects, we do risk disenfranchising those Members who are higher risk than others. This will disproportionately affect older Members, those with disabilities, including hidden disabilities that none of us might be aware of. Also those with caring responsibilities. I ask Members to think about our collective responsibility for each other's well-being when they make the decision today please.

**3.1.2 Deputy S.G. Luce of St. Martin:**

Could I say to start with, I was a little bit sceptical when I read the very short email that came through late last night but open-minded as to why Deputy Young might have brought this. But having read the short proposition this morning I feel a little bit more inclined now to vote with him. The reason for that primarily is about the ability of States Members to represent their constituents and take part in States sittings. Yesterday I had to travel to the U.K. for the day, returning last night. I took my P.C.R. (polymerase chain reaction) test on return and due to the efficiency of our wonderful testing team at the airport I had my result just after midnight, which obviously, seeing as I am here, was negative. But however, for some reason if I had not received my result or the result had been different I would have been a lot less comfortable about standing here today. There will be other circumstances where any of us might question how healthy we are or how healthy other States Members are when we attend in this Assembly. It may well be that any of us feel perfectly fine and more than capable of participating in doing our work normally but do not want to, for whatever reason, attend in person in this Chamber where we are very close, and I have to say today the ventilation does not seem to be working well. The choice that Deputy Young offers us is, to my mind, a good way for us all to continue to participate and to fulfil our responsibilities. So I will vote with him.

### **3.1.3 Deputy R.E. Huelin of St. Peter:**

I am totally supportive of everybody being able to determine their own risk and make their own assessment of how comfortable they are to be in this Assembly, both for themselves and those around them. That choice is evidenced today where some Members have chosen to wear a mask, which is again the right thing to do if you are comfortable with doing that. I think we just have to realise that COVID is here to stay. We really have to learn to live with it. I am going to support this but what I would like to do is to ensure, if technically possible, that we can have an Assembly for those who attend, who can stand and speak, and have that vote. Was it not great having a vote on the P.? I think we are going to lose it again if we go back to the hybrid. Deputy Martin calls it playing chicken about when you are going to speak or not instead of looking at the speakers coming up on Teams. I think that is a fundamental part of the way we operate as an Assembly. What I am asking is to say: can we please find a way of allowing those who attend to act as normal, the normal function of the Assembly, but still allow those who choose not to because of their own assessment of risk and other reasons, to dial in and not change the fundamental makeup? Otherwise I will be totally supporting that. Whether it is technically possible I do not know but please can we try and make it that way?

### **3.1.4 Deputy M.R. Higgins of St. Helier:**

I will be very brief. I do not believe we should labour this. I think it is a sensible proposition for those who feel vulnerable and rather than waste time, each one of us getting up and speaking, let us just vote on it and support it. I would also ask firms out in the community to think of their vulnerable people and act in the same way I hope we will this morning.

### **3.1.5 Deputy R.J. Renouf of St. Ouen:**

To me also this appears to be a sensible and appropriate proposition. We have seen how quite validly throughout the pandemic period people have exercised different risk appetites and we have come to understand how this virus affects different people, their families, and I think it would be invidious to compel people who have a particular risk appetite to act in a way which makes them extremely uncomfortable. We have needed during the pandemic to pay attention to people's vulnerabilities, and we must still do so without requiring them to answer for those vulnerabilities. Because this Assembly unfortunately is not an optimal place in which we can say all public health guidance measures have been met. We understand the Assembly means we have to sit close together, there is not the modern ventilation that one would expect in a modern office. There are those risks, which some people might fear. I simply close by having looked up guidance for employers on our public health guidance, and we ask employers to support remote working where appropriate. It seems to me that what we are being asked to do today is entirely appropriate and I will support it.

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

The Deputy of St. Ouen and Deputy Doublet are absolutely right, that we ought to show respect for each other, and I completely concur with their conclusions there. However, the Deputy of St. Ouen referred to public health guidance. I do believe that the majority of that public health guidance was removed on 26th August, when the Government declared that we were having our Freedom Day. That has left very minimal guidance for schools. I believe there are some contingency plans and some rules in place for schools. But just this morning, I received a message from a parent at a local school where 20 pupils were sent home yesterday and the parents simply do not feel that there is a clear plan to protect their children in these circumstances with winter coming. I am sure many will have watched all of the Sunday TV programmes looking at politics in other places and there, there were Government Ministers clearing defining what their plan was and what their view was for the autumn. But we do not have that. I go back to the previous debate and the obvious discussions that have been conducted, quite rightly, with P.P.C. and the Council of Ministers yet none of that was communicated to us, the Members. We simply received a message reminding us that we should perhaps have lateral flow tests, take part in workforce testing, which absolutely we should, but that was the plan. That was the conclusion of those discussions that the majority of us were not participating in. So perhaps it is a lesson for us all to learn that we ought to reach out and gauge the views of Members with regard this very important level of risk that we all have to take and, as Members have pointed out, that differs from person to person. If we are going to employ that, fine. But let us also remind Ministers that they have a duty, particularly the children of this Island, to set out some rules and to set out some guidance to parents who today do not know whether to send their children to school or not. I would prefer that Ministers focus their efforts on that. But I am willing to listen to the very sensible views that have been aired this morning by my colleagues and respect their request.

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

I would start by saying that throughout this pandemic one of the bases to many of our votes has to been to not put any of our community at any risk that we do not need to, and that is one of the key factors that we must remember as we move through this debate. For me, any Member of this Assembly who has a genuine risk should have the option to attend in a hybrid Parliament, simply because I would not want to put anybody at risk who is in that situation. I think that is a very basic and simple fundamental point that we probably, for once, all agree on, which is a very pleasant thing to have. But there are some provisos that I would like to mention. I am going to raise them regardless of the reaction to this. I do not want to see this as an excuse for anybody to be able to not attend the Assembly because it is more convenient to sit, and I will say it openly, for Ministers to sit in Broad Street with their officers next to them giving them advice. I think we have to look very carefully at how we manage that situation because there is nothing in this proposition really to stop that happening. There is something in the report about illness but not in the proposition itself. I think we have to be very careful. To be quite frank, it puts you in a very difficult situation making those decisions. I do not think they should be there so we need some reassurances on those issues. We cannot misuse this. I know there are concerns that if we move down this pathway we may not come back. It would change the very nature of what we are doing and we need to ask the question as to whether we want to do that. I much prefer to be in the Assembly and see the whites of people's eyes as they are having a go at me. But at least we know where we are. We have to think very carefully about the message that we send to the public. There are workplaces which are putting pressure on to the staff to go back to work when they do not feel happy to go back. We do not have the control over that in this Assembly that we believe we have. I think this principle that some people seem to want to adhere to but have not I think thought through carefully is each individual's choice to make up their own mind. Actually it is not at times. People are at the pay of the employer very frequently and may not have that choice that is perceived in this Assembly, and we need to be very aware of that because we are lucky, we will have that choice if we pass this. We are determiners of our own



work environment, which is very different for many people on this Island. I would like to see a full risk assessment of this Chamber. It is boiling in this Chamber. It is not ventilated. The 2 minimal fans are not working. The air conditioning is broken. This is not a suitable workplace for anybody to be in, in this packed environment. I would say that to anybody's environment if I was to visit them in their workplace. Perhaps as States Members when we see that we should be approaching employers and saying: "Excuse me, I was in your shop and I do not think it is an adequate place for your employers to work in." You may never be served again but at least you have made the point to them. We are not compliant as a States Chamber, in my view, so what are we doing here and what message are we sending? I think what we reflect is an inconsistency in messages. So I do not want this to be seen as criticism. Yes, I do but criticism in its truest sense, in terms of please, let us look very carefully about the information we are giving out to work places, to people, and where we are with the pandemic. I would like to see somebody from Government stand up today and give us a true and honest view of where future cases are going in the next 2 weeks, next month, next 2 months, so that we have a baseline as to where we will be in the next few months. If we know that, we can make decisions. If we hide information from this Assembly we will make poor decisions and they will not be appropriate in the long term. I am minded to support this simply because I would want to support anybody in this Assembly who is vulnerable, and I do not want to see them at risk by any of the actions that I take. I am likely to support this.

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

I do not have any fundamental disagreement with the proposition or anything that the previous speaker has just said.

[10:15]

But again I do think it is really important that we, as an Assembly, are not naïve about this issue and that we do understand that at the moment, yes, we may be debating it in the context of COVID and a pandemic, but it has implications for the way we work more permanently, not just for this Assembly but for the next Assembly as well. I will give a little anecdote and then people will wonder where I am going with it and I will come back to the point, which is ... all of it is relevant of course. Is that during COVID we were lucky enough to get a dog and we started off so well and we are really pleased that we have it and we are very much richer for having him with us. We started off with a strict rule that he should not jump on the sofa and that he should not sleep on our bed. Then we thought, okay, just the once, and now I do not need to tell you where his preferred seat or his preferred sleeping area is. Because we are insistent that he just do it just the once but of course it became a fact of habit. Similarly, I remember a time in this Assembly where you could not bring a laptop into the Assembly and it may surprise you, because I have been called wise today, and that clearly marks the zenith of my political career and I might have to retire now on a high. But there was a time when I got chastised by the Chair at the time - it was not you, of course - for using my laptop. I was just doing exactly the same thing that the Ministers were doing with their iPads because they all seemed to have been either acquired or issued with iPads and they were using it to access the Order Paper and they were using it to read their questions off, as was I, but I was told: "You are not allowed to do that on your laptop" and I only had a laptop. I did not have an iPad back then. They were the new-fangled thing. I had an old clunky States issued one, probably from 2008 even though this was a bit later. Of course, after some wrangling, because I felt really hard done by, other Members thought: "Why should we not be able to use our laptops?" There was a trial period for using laptops in the Assembly and of course that trial it was said: "Oh, this is just a trial, it will not be permanent, we will come back and measure it" but of course now we cannot imagine working in the Assembly without our laptops. The point I make is that the actual physical assembly that we are stood in today, opened in 1887 of course for the Golden Jubilee of Queen Victoria, so over 130 years old now. It is not a modern building, it does have some issues with ventilation. I am sure there are worse places to work as well. But the world does move on but it has never always been the case that the States Assembly

needed to meet in this building. There are many records, we only need to think back a few years to meeting in Fort Regent at the beginning of this pandemic but there have been times when we met at the Town Hall when there were technical errors here. There were times in the 17th and 18th century where they met in Elizabeth Castle. Not because it was more practical, because they did not have speedboats then or the puddle ducks, but just because it was safer because they could hide from the population that they were not serving at the time. If one of the reasons we are doing it today is due to the franchise, because we do not want any of our Members being disenfranchised, for them being able to not use their vote or presumably not speak in the Assembly, that argument presumably has to be valid *per se*, does it not? In a non-COVID context when you are ill for other reasons, because you are receiving treatment either in Jersey or abroad but you have got lots of time on your hands and you can dial in, it would be ludicrous for us to say that when you are receiving your chemotherapy, radiotherapy, perhaps in Southampton, and you have got a week to yourself sitting in your room with a wi-fi connection that you should not be able to dial in and represent your constituents. That is necessarily true, I would have thought. If you have a funeral to attend which is in Scotland and you have to stay for a week there but you have got lots of free time, and it is a legitimate reason, you should also be able to dial in from Scotland. If you are away on States business, as a Minister, and you are in Westminster and you have to be there for a week but you have got quite a lot of free time before you are meeting with your fellow Ministers, you should be able to dial in directly and participate and represent your constituents because we do not want to disenfranchise anybody, like Deputy Doublet said. It brings into question the whole fundamentals of do we need this Assembly at all. Do we need to come in here for ceremonial purposes? All of those questions are being catalysed by this proposition which has not even been lodged for the proper length of period. It is not a criticism. The proposition is what it is and it needs to be voted on its own merits but the corollary of what we are passing today, when you get the next Assembly, they will be saying: "None of this really makes sense. We do not physically need to be here if we are having to set up a virtual meeting for those who choose to be at home." Incidentally I think you get into that very grey area about what is a legitimate reason to work from home because if it is to do with your own personal choice and safety it must necessarily be safer to work from home. So I certainly will be choosing to work from home because it is much safer, the risk of me catching COVID or passing COVID on to anybody else in here, including the vulnerable ones and including my wife who is on the vulnerable list, it has to be the right thing for me to do. Environmentally of course it is also entirely logical to do that because the emissions will go down. So today the argument might be from a pandemic point of view but in the next couple of years you can guarantee that a Member, it might cross their mind that they would say: "Look, let us just agree that we can meet from home anyway because it saves having those emissions, that we are all signed up to climate change and reducing our carbon emissions." Absolutely, yes, let us support this debate. Absolutely, yes, let us support future changes with urgency as they come forward otherwise we are not really being logical.

### **3.1.9 Senator S.Y. Mézec:**

I think it is pretty clear that the writing is on the wall for this proposition and it is almost certainly going to get adopted. I just want to apologise for putting a downer on this debate but I think the process of getting to this point has been wholly unsatisfactory and because of that unsatisfactory process this is going to make the optics of this look very bad. It is not a good thing that it has taken a Back-bencher's proposition to physically come to the Assembly to make this decision when we have known for weeks what the public guidance was and could have dealt with it beforehand. At the start of this we passed those changes to Standing Orders to set those tests that you explained so clearly at the start of this. If it is the case that we need new tests in future or new flexibility in future to enable Members to take part so they are not disenfranchised, which may be in a situation where we are moving towards the end of a pandemic or another unforeseeable situation in future, then it ought to be looked at properly and in a considered way. I just want to place on record that I really do not think it was a good thing that this had to be decided at the very, very last minute with a proposition

that some Members had not seen before coming to this Assembly, and to physically get us all in the room to make that decision, when perhaps those with concerns could have been clearer beforehand to avoid the situation.

**3.1.10 Senator J.A.N. Le Fondré:**

Just as a correction for Senator Mézec, it is the Minister for the Environment has brought it, not a Back-bencher.

**Senator S.Y. Mézec:**

He has brought it as a Back-bencher.

**Senator J.A.N. Le Fondré:**

He has brought it as a Back-bencher but I am just making the point is he is not a Back-bencher, and I just make the point that it does demonstrate that it is not just a Back-bencher issue. It is us all as an Assembly debating that. What I was going to say is that this Assembly, in fact standing back, as an Island we have done really well. It has been tough. We have not got everything right all the time but at this point we have done really well. One of the first things we held out was that this Assembly was the first Assembly in the Commonwealth to meet fully virtually. Did not make Ministers' jobs much easier but this Assembly met, was able to question, debate, everything online. I have to say that therefore when we were first exploring ... for me it was literally probably sometime last week that there was no provision because of the way Standing Orders had been put together that for Members who might have underlying health conditions or people associated with them to continue in some shape or form, even just to vote. Obviously there have been some discussions going on and, as Deputy Young has said, I believe there has been interactions with P.P.C. as well, and certainly with yourself, Sir. So I cannot comment on why and how we got to this point. I am not appraised of that because, funnily enough, Government is not responsible for the Assembly despite one or 2 people suggesting it might be. But I just make the point, I think Deputy Young, when we finally realised the rigidity of the Standing Orders, I commend him for at least finding a solution, presenting it to the Assembly; it is about doing things. Yes, it is urgent but it is about doing things on a timely basis. I do not think one should be critical in there. To answer Deputy Ward's question, last week I put out a small video blog which was basically saying we expect numbers to fluctuate over winter, i.e. they are going to go up and they will come down again. That may happen several times over winter. The balance of risk is of course with the majority of people by far being double vaccinated and also just wanting to seek clarity, which I think we are now starting to get, as to where boosters and, more importantly, vaccinations of other age groups that then means that the competent authorities and S.T.A.C. (Scientific and Technical Advisory Cell) obviously can then, with the revised advice, come together, put an opinion together and then as quickly as possible we will get that to Members and to the public. In relation to Senator Moore's comment about schools, I am sure Deputy Wickenden and myself will be delighted to receive the correspondence she has received and we can see if there is anything there. We are all focused on making sure that schools remain open as far as is humanly possible and with the minimum disruption it can be achieved. Certainly, I have challenged on the advice that came through and the advice received at the time that the measures that were in place were designed to do that but we remain keeping them under a watching brief. We are always very concerned to make sure if improvements need to be made we will do that. But it is around personal responsibility. That is the area we are moving into but, as many people have said, for example in here we cannot space out and we have already talked about the ventilation. Therefore I do fundamentally agree with Deputy Young and other Members who have said that, particularly if one has underlying health conditions, irrespective of whether the Assembly is aware of it or not, one should be, in my view, in the present situation - we are not back to normal yet - be able to at the very least vote and ideally participate in the same way we have been doing for so many months. That for me is a fundamental. I think Deputy Young is right to bring it. I also commend the comments from

Deputy Doublet and the Deputy of St. Martin, and I think I agree entirely with everything they said. On that note, I am supporting the proposition.

### **3.1.11 Deputy K.F. Morel of St. Lawrence:**

Just very quickly. This is the trouble with an emergency proposition lodged at 11.00 p.m. or distributed at 11.00 p.m. the night before is States Members do not get an opportunity to bring amendments because they have not really thought it through fully. Certainly on the face of it, it looks like a wonderful proposition and an eminently sensible one. To be honest, I, for the most part, have been agreeing with every speaker who has gone before. But it is a flawed proposition as well. It does not mean that you should not vote for it. But it does mean that we probably need to bring another proposition in short order. Not an emergency one and not lodged late. And that is that there is no end date. There is no clear and obvious way or reason, I should say, for ending the situation with Standing Order 55A, or whatever it was. Sorry, Sir. That to me is a weakness in the proposition and it is one that should have been amended, and had this been lodged in good order with decent time I am sure that one of us would have thought about it and brought an amendment, as such. So while I probably, almost certainly, will be supporting this for all the reasons that have gone before, I do think we need another proposition to essentially put a sunset clause in there to say this needs to be revisited in 3 months or so-and-so because otherwise the danger is that this does drift and this does become the norm. As we said, there is no way of pleasing somebody and saying: "Excuse me, you really should be in the Assembly, not hiding in your shed", as Deputy Ward so proudly would do now if he could. Therefore I think we do need to be aware that there is a major weakness and a structural weakness, so to speak, in this proposition. I bear it in mind because I will certainly speak to Deputy Young and the Greffier, I think, about bringing a proposition to make sure that we revisit this regularly and it does not just become left on the books, so to speak.

### **3.1.12 Deputy I. Gardiner of St. Helier:**

I am pleased to follow the previous speaker because I am sitting here and struggling, really struggling, how I am going to vote on this one. I agree that we need to be inclusive and take care of each other and ensure that the Members are not disenfranchised and can participate.

[10:30]

At the same time, I am reading the proposition and it is written: "Members who do not wish to attend", and this is where Deputy Morel raised that we had to have some clarity in place. I understand why Deputy Young brought this proposition forward, and I wish this proposition would be brought 2 weeks before so we would have the possibility to lodge amendments. We are asking people to go back to work and I agree that our conditions here are not suitable but there are several solutions to address the concerns. What does it mean "who do not wish"? If our constituency will have: "If you do not wish do not go to your workplace", everybody needs to have some structure in place how it will work and I will listen to the Deputy on summing up but I am struggling because I do not want it, if it will be coming on. We need to understand procedurally how it will work and what does it mean "do not wish".

### **3.1.13 Connétable A. Jehan of St. John:**

When I read this at 5.30 a.m. this morning I was minded to vote against. My first written question on 26th April was about what was being done to get Members back to physical meetings. We have had as few as 4 people sitting in this Assembly at one time. This is my first sitting in the full Assembly, as it is with Constable Troy, and it is noticeable that the temperature is far warmer and the conditions are not suitable, and I am reluctant to say that, but they are not suitable. I would pay tribute to the staff of the Greffe who have made hybrid sittings possible since March. **[Approbation]** I fully accept that there are some people among us who may be in the clinically vulnerable category and we have to protect those Members and they should not be barred from contributing to the

Assembly. An amendment to this proposition to allow for these Members to take part remotely, in my opinion, would have been fully acceptable. We are, like other organisations, able to take precautions, limiting numbers in the coffee rooms, wearing masks when walking around the building, et cetera. We can and have worn masks all day sat here in the Assembly. I would echo Deputy Ward's concerns that Members who are physically able to attend must attend. I would once again urge P.P.C. to look at alternative venues for us to meet as a whole group. I have been saying for over 12 months, probably since last March, that the Opera House should have been considered, where there is a lot more space and where we could all get in. The full return of the States Assembly should be seen as a supreme symbol of a return to normality and the sooner that this can happen safely the better but I do not believe that today it is safe.

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

I only rise to say, as I do not think it has been mentioned, but of course it is not just us Members here, it is the Greffier staff, it is the supportive staff around us as well, the officers, et cetera, and yourself, Sir, who does not have his plastic screening around him; there are risks to those people. Of course, the way this virus works, it is not just to us individually but it is to the people that we go back home to. Some of us live with vulnerable members at home, the elderly, some of us have children with autoimmune diseases. It is that collective responsibility, so I do not think it has been mentioned. It is the well-being of the people who support us to be able to stand here today. Equally, there was another point I want to raise, which I think Deputy Ward touched on, whereas there are some people who work in modern buildings in the Island and business and finance who have this wonderful ability not to be pressured to come to work or they have modern ventilation. But I know that some people do not have that choice where they work. Some people have come to me in various cases and they feel like they are being pressured to work; they have no choice, they have to go to work. I just wanted to put that mindful, that not everybody has the ability, unfortunately, as much as we would want them to, all have that choice. That has just got to be in the thoughts of this vote, I think, for those people who are still making difficult decisions on this Island; that is all I wanted to add.

#### **The Bailiff:**

Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and call upon Deputy Young to respond.

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

I would like to thank all 14 Members who have spoken and I think we have demonstrated that ... I thought the debate would be a lot narrower, focused in, but what I just listened to has been a wide-ranging broad debate on the issue of risk management as we move out of COVID into a different place, moving from pandemic to endemic. I think there are so many issues, I am not going to pick up and start trying to challenge those arguments, but they are extremely good points that have come out, that sets, I think, the agenda for the coming months. I have to say, and I begin by an apology, I did wonder about the word "wish to", as Deputy Gardiner says. In hindsight, I should have said, no, that needs to be narrower, needs to be more focused. There are ways of dealing with that because I do agree. I put my hands up, had we been able to put that proposition earlier then it would have been the opportunities for amendments. I think if I had been seeing that proposition coming to me I would probably have amended it. But there are still ways we can deal with this. First of all, I never saw this as a permanent arrangement, although the proposition does not include it, the report makes it plain that there is work to do to try and find a way of revisiting that Standing Order and to revise the arrangements. My expectation would be is that we have a committee, it is called P.P.C., I am not a member of it, I would be happy to work with that committee, if members of that committee want me to, to try and help to do that. The Greffier has done fantastic work for us so far and I think they are letting ... but we can come back. I think we have got the option to be able to refine it. But I am quite convinced that this kind of limbo land situation because Members have said: what is the forecast

about COVID for the next few months? We are going to see it rise, it is going to rise and fall. I think when one listens to all the experts that is clear. Of course I have had the experience, and Members probably know that I do spend a fair amount of time, fortunately, in Alderney and I learnt yesterday, sadly, 2 people died in the Island over the weekend. I am afraid these events happen and we are not through it yet but we are going to a better place and so the rules will need to change. In the meantime I think, yes, we are exposed to Members' consciences about whether they exercise that or not if this is approved. It is of course possible to have a code of conduct, vary the code of conduct, which makes it plain what that option will mean; it is possible to do that, there are ways. It is not an ideal proposition, I absolutely accept that and I am sorry, but I think it is really important that at the start of this late session that we bring ... yes, there are lots of issues in schools. My 12 year-old grandson, he got hit by COVID, it is these issues. I am hoping that this great lateral flow testing regime and so on in schools will do the job. I would like to see all employers be given that. There are ways of dealing with that. Yes, there are inconsistencies in messages; have been. I am not a member of C.A.M. (Competent Authorities Ministers). I cannot recall the last time I was able to have a broader debate - that is a separate subject - I personally would have liked to have had. What I think this debate here in person has shown to me, I absolutely agree, meeting in person is hugely different and beneficial. We have got used to working virtually but somehow the chemistry is not there. It is not there. You cannot look at people and watch people's reaction and sense the atmosphere. As a Minister, making decisions in isolation on the end of visual lines without the clues to help you do it, and today this is the first for me and, Constable of St. John, thank you for what you said there; it is the first view. It is the first for me for 18 months and this debate so far has just brought back to me. But, nonetheless, all the things that Members said, sadly this building - and the purists will not like this - it is not suitable, it is not. What about disabled access? What about people with disabilities? **[Approbation]** We really do need to have a thought about that in the future. In fact I think Members have come out with some fantastic arguments. Freedom Day, and I know that Senator Moore spoke of Freedom Day, personally that is not a thing I would have signed up to. Where did it come from? It came from the U.K., a certain Prime Minister. What do you say? We seem to have caught that one. Sorry, Sir, I am going to ask for the appel, thank you and I make the proposition.

**The Bailiff:**

The appel is called for. I ask the Greffier to open the voting. The vote is on P.87 and I ask Members to cast their votes in the traditional way.

**Deputy J.H. Young:**

Can I vote pour, Sir?

**The Bailiff:**

Deputy Young, I see you are voting pour on this one, yes.

**Deputy J.H. Young:**

Yes, please, Sir.

**The Bailiff:**

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

<b>POUR: 40</b>	<b>CONTRE: 4</b>	<b>ABSTAIN: 1</b>
Senator L.J. Farnham	Connétable of St. Brelade	Deputy I. Gardiner (H)
Senator S.C. Ferguson	Connétable of Trinity	
Senator J.A.N. Le Fondré	Deputy M.R. Le Hegarat (H)	

Senator T.A. Vallois	Deputy S.M. Ahier (H)		
Senator K.L. Moore			
Senator S.W. Pallett			
Senator S.Y. Mézec			
Connétable of St. Helier			
Connétable of St. Clement			
Connétable of St. Lawrence			
Connétable of St. Saviour			
Connétable of Grouville			
Connétable of St. John			
Connétable of St. Mary			
Connétable of St. Ouen			
Connétable of St. Martin			
Deputy J.A. Martin (H)			
Deputy G.P. Southern (H)			
Deputy of Grouville			
Deputy K.C. Lewis (S)			
Deputy M. Tadier (B)			
Deputy M.R. Higgins (H)			
Deputy J.M. Maçon (S)			
Deputy S.J. Pinel (C)			
Deputy of St. Martin			
Deputy of St. Ouen			
Deputy L.M.C. Doublet (S)			
Deputy R. Labey (H)			
Deputy S.M. Wickenden (H)			
Deputy of St. Mary			
Deputy G.J. Truscott (B)			
Deputy J.H. Young (B)			
Deputy L.B.E. Ash (C)			
Deputy K.F. Morel (L)			
Deputy G.C.U. Guida (L)			
Deputy of St. Peter			
Deputy of St. John			

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

**The Bailiff:**

The effect, as indicted in the email, although some Members may not have read it, is that we now move to a hybrid Assembly. That means that it will take about 45 minutes to set up and the Assembly will need, therefore, to be adjourned for that period. Any Member who wishes to remain in the Assembly will only be able to participate in the way that we have done up to this point by use of their laptop and electronically. Therefore, anyone that wishes to remain or who does not have it with them will have to rush home I am afraid and get it and bring it in or use it here. Otherwise other Members will be entitled to operate as hitherto from home using their laptop. The Greffe will send out any messages in the usual way, either via Teams or electronically by email, should there be any updates. But at the moment we must stand adjourned until the appropriate arrangements can be put in place. Accordingly, the Assembly stands adjourned for 45 minutes.

[10:42]

ADJOURNMENT

[11:32]

**The Bailiff:**

We are now functioning as a hybrid Assembly and, therefore, the rules that applied up until the last time we sat still apply. Members can only vote or indicate an intention to speak or ask a question ... for speaking and asking a question they will need to do so in the chat. If they wish to vote, then there will be a voting link put up in the normal way and Members will vote using the link that will be put in the chat. If Members are speaking and they are in the Assembly they will need to switch on their Assembly microphones. But aside from that, the voting, as I say, and the indication of a desire to speak should be done in the chat. Putting on your light in the hope that I will call upon you, that simply cannot work because I will be concentrating on the chat for that purpose. I appear to be echoing, maybe not. All right.

**COMMUNICATIONS BY THE PRESIDING OFFICER - resumption**

**The Bailiff:**

**4.1 Corn Riots Anniversary**

I had not finished entirely all the announcements under Part A before we dealt with the urgent proposition. The last part to mention is to draw Members' attention to the fact that the 250th anniversary of Corn Riots will be commemorated with a special Bank Holiday on Monday, 27th September.

**4.2 Jersey's Democracy Week**

The date also marks the start of Jersey's Democracy Week and the States Greffe arranged a number of events during the week to encourage greater public engagement with the work of the Assembly, including tours of the Chamber.

**4.3 Jersey Youth Parliament**

The Jersey Youth Parliament will be holding a meeting in the Chamber on the Tuesday afternoon and I hope Members will feel able to support that. Very well, that concludes announcements under A.



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

### **5. Nomination of the Connétable of St. John as a member of the Public Accounts Committee**

#### **The Bailiff:**

There are the 2 items under F, Appointment of Ministers, Committees and Panels. There is a nomination of an elected member for the Public Accounts Committee and I call upon the chair to make that nomination.

#### **5.1 Deputy I. Gardiner (Chair, Public Accounts Committee):**

I would like to nominate the Constable of St. John as a member of the Public Accounts Committee.

#### **The Bailiff:**

Is that nomination seconded? [**Seconded**] Are there any other nominations? If there are no other nominations, then I declare the Connétable of St. John has been appointed as a member of the Public Accounts Committee. [**Approbation**]

### **6 Nomination of Deputy J.M. Maçon of St. Saviour as a member of the Planning Committee**

#### **The Bailiff:**

The next is a nomination of a member of the Planning Committee and I call upon that nomination to be proposed.

#### **6.1 Connétable P.B. Le Sueur of Trinity (Chair, Planning Committee):**

I have great pleasure in nominating Deputy Jeremy Maçon of St. Saviour to re-join the Planning Committee.

#### **The Bailiff:**

Is that nomination seconded? [**Seconded**] Are there any other nominations? If there are no other nominations, then I declare that Deputy Maçon has been appointed as a member of the Planning Committee. [**Approbation**]

#### **Deputy S.J. Pinel of St. Clement:**

Excuse me, Sir, may I raise the défaut on the Deputy of Trinity, please?

#### **The Bailiff:**

Yes, in fact on reflection I think the Deputy of Trinity was excused, so there is no need but thank you very much, in any event. If I could just remind you that switching on your light will not have any effect, I cannot see that, it comes through the chat.

## **QUESTIONS**

### **7. Written Questions**

#### **7.1 Deputy R.J. Ward of St. Helier of the Minister for Health and Social Services regarding the impact of Covid-19 on children (WQ.352/2021)**

#### **Question**

Will the Minister advise what data or research are currently being used to determine the impact of Covid-19 on children, in terms of –

- (a) mortality rates, including whether these are calculated as a percentage of infected cases or the total population of children;
- (b) the long-term effects on children arising from different variants of Covid-19;
- (c) the long-term effects on children based on the severity of symptoms; and

(d) the different effects of Covid-19 on primary, secondary and tertiary-education aged children?

## Answer

(a) mortality rates, including whether these are calculated as a percentage of infected cases or the total population of children;

The evidence is clear that COVID-19 in children is associated with a considerably lower burden of morbidity and mortality compared to that seen in the elderly<sup>1</sup>. Deaths in children and young people (CYP) (i.e. people < 18 years of age) following COVID-19 infection are rare<sup>2,3,4</sup>. Recently published data using a high quality unique national mortality dataset linked to national hospital and SARS-CoV-2 Public Health England testing data, in-conjunction with clinical review, identified 25 CYP who died of SARS-CoV-2 infection during the first pandemic year (March 2020 to February 2021). This corresponds to 2 deaths per million across the CYP population in England<sup>5</sup>. There have been no recorded COVID deaths in CYP in Jersey to date.

(b) the long-term effects on children arising from different variants of Covid-19;

A small study conducted at King's College London considered the effect of the then new SARS-CoV-2 variant B.1.1.7 (Alpha variant) on children and young people (CYP). They found no evidence of more severe disease having occurred in CYP during the second wave, suggesting that infection with the alpha variant did not result in an appreciably different clinical course to the original strain. These findings are in keeping with early national data. Severe acute respiratory COVID-19 remains an uncommon occurrence in children and young people<sup>6</sup>.

The long-term health implications for some children who have been infected with COVID-19 remains uncertain. Evidence on the long-term effects from different variants and particularly of newer variants such as Delta will take longer to emerge.

(c) the long-term effects on children based on the severity of symptoms;

Most children are asymptomatic or will exhibit mild symptoms from COVID-19 infection. However, a small number (5/10,000) have been identified who develop a significant systemic inflammatory response, paediatric inflammatory multisystem syndrome temporally associated with COVID-19 (PIMS-TS or PIMS)<sup>7</sup>. Although not specifically looking at children, studies to date have not shown a correlation between the severity of initial symptoms and the development of long-term symptoms<sup>8</sup>. There is preliminary evidence that long COVID can affect children<sup>9,10</sup>. The Office for National Statistics estimates that approximately 8% of those aged 2 – 16 years will go on to experience long COVID (i.e. 1 in 12)<sup>11</sup>.

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<sup>1</sup> [COVID-19 - research evidence summaries | RCPCH](#)

<sup>2</sup> [Risk factors for intensive care admission and death amongst children and young people admitted to hospital with COVID-19 and PIMS-TS in England during the first pandemic year | medRxiv](#)

<sup>3</sup> [Deaths from COVID 'incredibly rare' among children \(nature.com\)](#)

<sup>4</sup> [Latest evidence on impacts of COVID-19 in children: March 2021 - POST \(parliament.uk\)](#)

<sup>5</sup> [Deaths in Children and Young People in England following SARS-CoV-2 infection during the first pandemic year: a national study using linked mandatory child death reporting data | Research Square](#)

<sup>6</sup> [Effect of the new SARS-CoV-2 variant B.1.1.7 on children and young people - The Lancet Child & Adolescent Health](#)

<sup>7</sup> [Paediatric multisystem inflammatory syndrome temporally associated with COVID-19 \(PIMS\) - guidance for clinicians | RCPCH](#)

<sup>8</sup> [Post-COVID syndrome in non-hospitalised patients with COVID-19: a longitudinal prospective cohort study - The Lancet Regional Health – Europe](#)

<sup>9</sup> [Preliminary evidence on long COVID in children - Buonsenso - 2021 - Acta Paediatrica - Wiley Online Library](#)

<sup>10</sup> [Long COVID and kids: scientists race to find answers \(nature.com\)](#)

<sup>11</sup> [Prevalence of ongoing symptoms following coronavirus \(COVID-19\) infection in the UK - Office for National Statistics \(ons.gov.uk\)](#)

(d) the different effects of Covid-19 on primary, secondary and tertiary-education aged children?

Childhood is a delicate and fundamental period of life, critical for acquisition of social, behavioural and educational development. The impacts across these varying developmental stages will therefore vary greatly. Consideration to the different age cohorts has been reflected in the Public Health Guidance, Safer Travel Policy and testing regimes afforded to different age cohorts (e.g. under 11s exempt from border testing; lateral flow testing for students in Years 11 and above).

A pre-print study by Harwood et al described pre-existing factors associated with severe disease, primarily as reflected by admission to critical care, and death secondary to SARS-CoV-2 infection in children and young people (CYP) in hospital. They found that infants (ie children aged up to 1 year old) had an increased odds of admission to critical care and death compared with CYP aged 1-4 years. Odds of death was also increased amongst CYP over 10 years and >14 years<sup>12</sup>. Overall risk remained low.

Children are at lowest risk of death from covid-19, however concerning signals remain about the overall effect of the pandemic on their well-being and mental health, which are unevenly experienced across different age groups and socioeconomic circumstances<sup>13</sup>. COVID-19 may result in heightened feelings of anxiety and worry and could exacerbate low-mood and other mental health conditions<sup>14</sup>. Restrictions on freedoms from lockdowns and isolation will be felt more greatly in the older age cohorts as this coincides with the developmental stage of gaining independence from family members. The overall effect on interrupted schooling in both the short and long term as well as the effect on safeguarding must also be considered.

## 7.2 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding dividends received from the States of Jersey Development Company (WQ.353/2021)

### Question

Will the Minister provide members with –

- (a) an annual breakdown of the dividends received from the States of Jersey Development Company (S.O.J.D.C.) over the last 5 years;
- (b) a breakdown of projects or areas on which this return has been spent;
- (c) any existing projections for anticipated annual dividends from S.O.J.D.C. in coming years?

### Answer

The dividends received from SoJDC are disclosed within their annual financial statements. The Government of Jersey has benefited from SoJDC's activities as follows:

Year	Cash Dividend £,000s	Asset Transfers to GoJ £,000s	Public Infrastructure Investment £,000s	Funds committed for Public Infrastructure £,000s	Total £,000s
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<sup>12</sup> [Which children and young people are at higher risk of severe disease and death after SARS-CoV-2 infection: a systematic review and individual patient meta-analysis | medRxiv](#)

<sup>13</sup> [Mental health of children and young people during pandemic | The BMJ](#)

<sup>14</sup> [the-impact-of-covid-19-on-children-and-young-people-briefing.pdf \(childrenssociety.org.uk\)](#)

2020	326 (for Public Infrastructure)	-	-	4,674	5,000
2019	2,000	2,993	-	-	4,993
2018	-	497	2,177	-	2,674
2017	-	-	-	-	-
2016	-	-	1,000	-	1,000
<b>Total</b>	<b>2,326</b>	<b>3,490</b>	<b>3,177</b>	<b>4,674</b>	<b>13,667</b>

Cash dividends received by Government from all States-owned entities are regarded as general revenue and incorporated within the income and expenditure budgets within an approved Government Plan.

Of the £5 million of funds committed for Public Infrastructure these monies are treated as retained profits held by SoJDC for investment in regeneration projects as guided by the Regeneration Steering Group. Of these monies £326,000 was spent in 2020. A further c.£705,000 is being spent on Midvale Road improvements, c.£425,000 on the Skateboard parks and the balance will be allocated by the Regeneration Steering Group.

In terms of how future dividends are allocated, Article 50 of SoJDC's Articles of Association provides that "*Subject to the provisions of the Law, the Directors may pay interim dividends if it appears to them that they are justified. Profits will typically be expended wholly and exclusively to improve and extend public infrastructure and works for the good of the Public of the Island of Jersey.*"

The Regeneration Steering Group will continue to provide ongoing direction to SoJDC as to how retained profits are utilised. However, SoJDC's current forecasts indicate that they will need to retain future profits to fund their significant regeneration plans within future projects, in accordance with the Articles.

### **7.3 Connétable of St. John of the Minister for Infrastructure regarding connecting properties to mains drains (WQ.354/2021)**

#### **Question**

In relation to mains drains will the Minister advise –

- (a) whether there is a plan in place to connect to mains drains the remaining 8% of Island properties that are not currently connected; and, if so, what the expected timescale is to reduce this proportion to 5% and then to 3%;
- (b) whether, if there is no plan in place, he will undertake to put a detailed plan in place and, if so, by when; and, if not, why not; and
- (c) what alternative solutions, if any, has the Department considered to enable more homes to be connected to the mains drains?

#### **Answer**

- (a) The Liquid Waste Strategy review which is underway will determine what portion of properties can practicably be connected to the foul sewer network. The previous strategy

which was approved by the States of Jersey in 2013 listed the percentage of properties connected to the network as 87% with the aspiration to achieve an additional 3% connections. Eight years on the percentage of properties connected to the network has increased to 92% achieving and exceeding the aspiration set in 2013. This is principally due to new developments which can more easily connect to the existing foul sewer network. Unfortunately to connect all the remaining 8% of properties to the foul sewer network simply isn't practicable. The Liquid Waste Strategy review will be complete by the end of 2022 and will provide an estimate of what additional properties can be connected.

- (b) The foul sewer extension list is currently being reviewed from a design basis to determine what schemes are feasible. The Liquid Waste Strategy will determine what number of properties can be connected. The schemes will be prioritised according to cost benefit and environmental gains. The Operations and Transport Directorate will also need the funding to carry out these schemes which officers will be submitting capital bids for.
- (c) The Liquid waste Strategy will determine what alternative solutions are available. One potential outcome could be one or more satellite sewage treatment works. Another alternative is that properties install their own private pumping station systems.

#### **7.4 Deputy L.M.C. Doublet of St. Saviour of the Minister for Children and Education regarding the minutes of the Corporate Parenting Board (WQ.355/2021)**

##### **Question**

Will the Minister provide the dates and Minutes of the last 3 meetings of the Corporate Parenting Board and also provide details of any meetings which were cancelled, and the reasons for these cancellations?

##### **Answer**

The dates and minutes of Corporate Parenting Board meetings are published here:

<https://www.gov.je/Caring/Children/SocialCareService/ChildrensServicesImprovementPlan/Pages/CorporateParentingBoard.aspx>

Minutes of the last meeting held on 11th September 2020 will be published on the same page when they have been approved by the Board at its next meeting.

Meetings scheduled for the end of 2020 and earlier in 2021 have been cancelled due to multiple changes in Ministerial Leadership

#### **8. Oral Questions**

##### **8.1 Deputy R.J. Ward of the Minister for Home Affairs regarding settled status (OQ.187/2021)**

Will the Minister advise whether there have been any issues at the borders relating to the immigration status of people with settled status returning to the Island; and if so, will the Minister explain the cause and what is being done to prevent any further potential issues?

##### **Deputy G.C. Guida of St. Lawrence (The Minister for Home Affairs):**

There have been no local incidents but Jersey Customs and Immigration are aware of a small number of incidents at the U.K. border involving returning Jersey residents with E.U. (European Union) settled status. These have been resolved after a short delay. Jersey Customs and Immigration Service have been working with the U.K. authorities on a project that will integrate data in real time. It is anticipated that this project will go live in the next month and will address these issues going forward.

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

There was a news report, which I have searched for and cannot find. There was an issue, as the Minister suggested, at the U.K. border. Is there a digital link to settled status compatible with U.K. Customs that feeds into our passport system? Because I think that is where the issue arose and is that the project that he is talking about being instigated? This is purely to help those people who may be travelling, so that they know what they will need to take with them; if they will need to take paper proof.

**Deputy G.C. Guida:**

Yes, sorry, I will try to answer those questions. As far as I know, there was one case where somebody was slightly delayed entering the U.K. and they were sent on their way but asked to prove that they had settled status. The plan from the beginning was for this to be completely electronic and indeed linked to their passport, so that Immigration in the U.K. would know the status of somebody. This is slightly late, however we have provided people with settled status with a piece of paper, which was my idea originally. Also, there is a Government of Jersey website where their status is recorded and to which they have, of course, the only access but they can use it to prove to the British authorities their status.

**8.1.2 Deputy I. Gardiner:**

We were aware about a backlog dealing with applications to settled status. How many outstanding applications are there currently?

**Deputy G.C. Guida:**

I apologise, I do not have that figure for today but, as I understand it, we do not have such a large waiting list as we had a couple of months ago, they are almost sorted.

**8.1.3 Deputy I. Gardiner:**

Would the Minister please advise what the timescale to dealing with the applications to allow these people to be able to travel because they currently cannot travel without approved application abroad?

**Deputy G.C. Guida:**

Yes, again, I apologise, I am not able to give figures today but I will check that this is being done.

**Deputy I. Gardiner:**

No, the question was about the timeline, within a month or 2 months the backlog will be addressed, what is the approximate timescale to dealing with the applications?

**Deputy G.C. Guida:**

I will give the Deputy that answer when I have it.

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

Some individuals have been issued with physical letters for their settled status and others have been given P.D.F. (portable document format) versions via email. Can the Minister confirm that they are both valid, whether they are in P.D.F. form or physical form and if those who only have a physical form would be able to be issued one via email in the P.D.F. form as well?

**Deputy G.C. Guida:**

As I understand it, the actual proof is in the database, so if the U.K. borders are looking for an absolute proof they need to find that person in their database or call or somebody in Immigration will then confirm that this is the case. While the databases are not linked and this is not guaranteed to work, the piece of paper is a good indication that the person may be allowed to pass. It is not an absolute guarantee but it would certainly help somebody get through before the databases are completely synchronised.

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

Can the Minister confirm whether those who only have the piece of paper but would like for security to have a P.D.F. version in case they misplace that piece of paper, whether they are able to request that or not?

### **Deputy G.C. Guida:**

I apologise to the Deputy but I am not sure that they can request a P.D.F. version. However, as I said, they do have access to their data on the government website and this is actual proof of their status, so they can use that at the borders.

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

I would like to ask the Minister what advice he would give to people who require settled status in terms of what action they should be taking if they are travelling off-Island? Is the advice that they should take a paper copy, that they take a link to a website in some way that is linked to their right? What is the actual physical advice to assure them that they will have smooth travel back to the Island, which is most important, and back to the Island with children who may be with them as well?

[11:45]

### **Deputy G.C. Guida:**

In practice, we have had quite a few movements in and out of the Island in the last few months and there is only one occurrence of a short delay having been applied to somebody. I do not think it is a very, very important issue. However, if I were travelling I would look at the government website and ensure that my name is on it and that it shows settled status.

## **8.2 Connétable K. Shenton-Stone of St. Martin of the Minister for Treasury and Resources regarding the Fiscal Stimulus Fund (OQ.185/2021)**

Will the Minister advise what consideration, if any, has been given to the development of new funding models and strategies for the preservation and restoration of key cultural and historical buildings and landmarks in Jersey, particularly in light of bids for fiscal stimulus funding and related concerns expressed about the funding of arts, heritage and culture?

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

In 2019 the Assembly adopted Deputy Tadier's proposition to allocate funding to the value of 1 per cent of government net revenue expenditure to the culture, arts and heritage sector within the Government Plan. This funding can be allocated to ongoing maintenance and repair for historic buildings. The Government Plan process also identifies projects and allows them to be considered in respect of their individual and relative merits in relation to total funding available, which includes cultural and historic merits as valid consideration. In the current plan we are committing significant amounts for capital works and redevelopment at Elizabeth Castle to the tune of £750,000. To best determine how this funding should be allocated across the sector going forward, the Minister for Economic Development, Tourism, Sport and Culture commissioned 2 new strategies for heritage and the arts, which will be published later this year. Furthermore, as Minister for Treasury and Resources, through the Fiscal Stimulus Fund, I have supported 6 culture, arts and heritage projects, 5 of which are related to construction with a total value of almost £9 million of Government investment. No further funding models have been considered to date. Changes to this approach are for the next Government to consider in their Common Strategic Policy and subsequent Government Plan.

### **8.2.1 The Connétable of St. Martin:**

Thank you, that is good to hear. We have got 12 iconic ancient buildings which are our Parish churches, which are so important to our heritage, surely these buildings should be given due

recognition and it should be in all our interests to keep these magnificent buildings wind and watertight and in good order. Does the Minister for Treasury and Resources agree?

**Deputy S.J. Pinel:**

Yes, of course I agree with heritage buildings being preserved and advanced and maintained. The Connétable refers to churches, these are largely dealt with by the Parishes but, as I say, any new funding applications will be for the next Government Plan.

**8.2.2 Deputy M. Tadier:**

I was concerned to hear the Minister say that the 1 per cent arts funding, which the Assembly agreed upon, can be used for capital expenditure. The proposition was quite clear, that the increase to 1 per cent of the Government's budget should be for revenue expenditure. Can she confirm whether this is now being used for capital expenditure?

**Deputy S.J. Pinel:**

Yes, I said in my answer that it is revenue expenditure and it can be allocated to ongoing maintenance and repair for historic buildings.

**8.2.3 Deputy M. Tadier:**

Yes, I do have a query there; the last part of the Minister's answer very much worries me. Does she not agree that ongoing building work and maintenance should not be coming out of revenue expenditure, which is designed for exactly that, and even more so organisations should not have to be applying for exceptional funding for maintaining assets which are, ultimately, owned by the public of Jersey?

**Deputy S.J. Pinel:**

As with the Fiscal Stimulus Fund, all applications have to be made, it cannot just be the 1 per cent of Government revenue expenditure, it cannot be just dispensed without a business case and a valid reason for the maintenance and repair of historic buildings.

**8.2.4 The Connétable of St. Martin:**

I was worried about the Deputy's allusion to the churches being looked after by the various Parishes. These are historic buildings which are owned by the whole Island and are really important. I did put in a bid for the Fiscal Stimulus Fund, which was targeted, timely and it would have given a lot of work to different trades. I was told that we could probably use ratepayers' money to deal with this. I would have had to put the rates up exponentially to do this and I do not think I would have had anyone left living in St. Martin, if we could have managed to do this, so ...

**The Bailiff:**

I am sorry, Connétable, that was a speech, that was not a question.

**The Connétable of St. Martin:**

I am sorry, so I just ...

**The Bailiff:**

It was a final supplementary question and it does have to be. Thank you.

**The Connétable of St. Martin:**

Yes, sorry. Sorry, Sir.

**The Bailiff:**

What is your final supplementary question?



**The Connétable of St. Martin:**

That I think that maybe Treasury should look at a different way of funding for the Parish churches, as they are iconic to the Island.

**Deputy S.J. Pinel:**

Yes, and I note the Connétable's question. The bid was made by St. Martin to the Fiscal Stimulus Fund and I was not part of the Fiscal Stimulus Oversight Group, I just acted on their recommendations and everybody had to produce a very solid business case in order to acquire funding from that.

**8.3 Deputy L.M.C. Doublet of the Minister for Social Security regarding menopause support in the workplace (OQ.190/2021)**

What steps is the Minister taking, or planning on taking, to ensure that those experiencing menopause symptoms are treated fairly in the workplace?

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

I thank the Deputy for her question on what is a very important subject. I know that October has been designated International Menopause month. Female employees in Jersey have a range of protections under employment and discrimination laws. These include the right not to suffer any detriment by an employer, the right to ask for their terms and conditions of employment to be varied should they need to have a different working pattern, the right not to be harassed and have their dignity violated and the right for reasonable adjustments to be made to their working environment. I have no plans to further change specifically in relation to menopause but encourage all employers to treat the issue with fairness and sensitivity.

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

I thank the Minister for outlining some of those relevant laws. I just wonder whether those who are experiencing symptoms related to the menopause, does the anti-discrimination law protect those people from accruing performance-related sickness factors or is that separate for many kind of sickness absence management policies? Does that make sense?

**Deputy J.A. Martin:**

I think I know where the Deputy is coming from. If you are severe with lots of women's illness, if you have a severe pregnancy sickness that would be an illness. Again, if you have severe - and some people do - symptoms on different days of the month or maybe for months and months, sometimes years and years, it depends because if it makes you that ill you cannot attend work, it would be treated as a sickness.

**8.3.2 Deputy R.J. Ward:**

Can I ask the Minister whether she believes enough is being done to increase awareness of the situation, the menopause and the effects it has on women in the workplace, or does she feel that much more needs to be done because our view of it is outdated, as are so many views that we encounter in the workplace?

**Deputy J.A. Martin:**

No, and I thank the Deputy. I think there is much more to be done. I think it is not a taboo subject now. It should be talked about openly, it is one of them. I have read yesterday one in 8 women over 50 are going through the menopause and as you are working older it is going to go down to one in 6 women. It needs to be talked about, you need to talk to your boss, you need to talk to your line manager and you need to say: "I need a bit of extra time or somewhere it is a bit cold, or I just need 5 minutes", they will make it up. Absolutely, the Deputy is right, we need to talk about this; it is not a taboo subject. Every woman will go through it.

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

Just to follow up with the previous Minister's response, does it mean that the G.P. (general practitioner) will give a sick note and they are putting menopause symptoms as the reason for the sickness notice to the employer? Just to understand if it is already recognised as a ...

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

Again, I think it depends on the severity of the symptoms on certain days, that there may be and it will lead to other things. We all know what the main symptoms are but then that could lead to anxiety, you are very hot, some days you get muddled a bit more than you would other days. Yes, I mean I do not know whether the doctor - because I am not a doctor - would put menopause on the certificate but I do not think there is anything wrong if they did put menopause on it. It is recognised; if the doctor thinks you are ill enough with your menopause you are ill enough to be on a medical certificate.

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

I thank the Minister for her answers. I wonder if she is aware that around one in 10 menopausal women in fact leave the workplace due to their symptoms and does she agree that all employers in Jersey should have a menopause policy, including the States of Jersey? Would she agree to work with me in the first instance to see that the States of Jersey could put this in place?

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

Absolutely, and that was going to be my final supplementary to the Deputy. I would love to work with her and absolutely right, if we have not got one, and we need to encourage everyone to have one. Some people have the menopause between 45 and still going up to 65 and we cannot lose these people in the workplace. Absolutely, I would work with the Deputy.

### **The Bailiff:**

Could I just remind Members that they should be switching off their microphones and indeed I think if you are in the Assembly your speakers as well to prevent echo and feedback?

### **8.4 Deputy D. Johnson of St. Mary of the Minister for Infrastructure regarding Foul Sewer Extensions (OQ.189/2021)**

Following the Ministerial Decision of 3rd September 2021 to transfer up to £750,000 from Foul Sewer Extensions to the Replacement Assets capital head of expenditure, will the Minister advise the extent of the consultation with him prior to that decision and its effect on extending the foul sewer network?

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

My officers formally briefed me as part of the Ministerial Decision process and I have also received periodic updates on the progress of items within the department's capital programme. COVID and staff shortages in the Drainage Design Department have delayed some foul sewer extension projects delivery in 2021. However, we will deliver one scheme this year, currently serving 15 properties, with the potential for a further 20 to be connected later. Funding originally requested for replacement assets in 2021 was £4.3 million, however, only £3.5 million was allocated in the capital programme in the Government Plan. £1 million unspent last year, due largely to delays in manufacturing in the U.K., was requested to be carried forward from 2020 to cover the contractual liability. As this request was not supported, funding has had to come from the 2021 allocation. Our projects supporting the existing pumping stations, including odour control networks, replacement pumps and tunnels and hydraulic improvements, are key to enabling foul sewer extensions to be successfully undertaken in future years and from the bulk of this request. Any foul sewer extension funds not transferred to

replacement assets at the year-end will be requested to be carried forward to 2022 to support the delivery of foul sewer extensions next year, which are currently in design.

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

I thank the Minister for his reply. I note that in the report accompanying the transfer decision, reference was made that an average allocation to the capital expenditure account would in one year be £4.5 million, whereas in 2021 it was only £3.5 million. In the circumstances, would it not have been appropriate and more open to have allocated that full £4.5 million at the time, rather than perhaps give rise to hopes that an additional sum would be available in the year for foul sewer extension?

#### **Deputy K.C. Lewis:**

We are working very hard as we can on the foul sewer extensions. We have the new sewerage treatment works coming online in 2023, which will obviously increase capacity.

[12:00]

But we are doing an awful lot of work at the moment. With the weather we have had we are doing stormwater separations and we are doing everything we can to alleviate the problems. But, as I say, at the moment 92 per cent of the Island homes are on foul sewer extensions and it is my desire to increase that as much as we can. There will always be a few areas which cannot be connected for various reasons, in which case we make other contingencies, such as tankering and small package plant.

#### **8.4.2 The Connétable of St. John:**

In answer to Written Question 289 the Minister stated that we need to replace ageing infrastructure. With the need identified and funds available, why has the money been returned?

#### **Deputy K.C. Lewis:**

I am afraid those funds are not necessarily available. We have to prioritise. It is a very expensive network to build and indeed maintain. If we so much as lose one pumping station that could be £25,000 for a new pump; it is very, very expensive. Of course, we have had to do our share in Infrastructure in supporting the COVID regime.

#### **8.4.3 The Connétable of St. John:**

What discussion has the Minister had, if any, with the Minister for the Environment, who, as he knows, was keen to get fiscal stimulus funding for extension of main drains prior to moving these funds?

#### **Deputy K.C. Lewis:**

Indeed, we are both very keen to extend the main sewerage, it was not supported is the bottom line.

#### **8.4.4 The Connétable of Trinity:**

Will the Minister agree with me that it is very disappointing when funds are taken from the foul sewer extension budget to prop up the existing infrastructure? I say this on behalf of the circa 320 households in the Parish of Trinity who have no option and live with third-world private drainage systems. While the Minister may think that the extension of the system is less critical than replacement of assets, I doubt most of these householders and, may I add, taxpayers, would agree. My question to the Minister is: at a time when we are all trying to reduce our carbon footprint, is it environmentally acceptable that this wealthy Island continues to rely on a fleet of tankers for the collection of sewerage and waste water?

#### **Deputy K.C. Lewis:**

As I have said many times, it is my desire to increase the foul sewer network to the whole Island wherever possible. Trinity is up to 74 per cent now and I would like to increase that even more. But all of the rural Parishes are obviously much trickier. There are quite a few hamlets that need to be connected to main sewers, which will mean going over private land; there are lots of negotiations going on there. But basically it is one of capacity at the moment that we have to upgrade the network. We are doing a huge amount of work with the stormwater separation to prevent any flooding of any kind from the sewer network. But it is ongoing work and we are doing our best.

#### **8.4.5 The Connétable of Trinity:**

Is the Minister also aware that several potential housing sites put forward in my Parish in the recent call for sites as part of the draft Island Plan were rejected, purely due to drainage issues? By that I mean the existing system, I am advised, is already overloaded.

#### **Deputy K.C. Lewis:**

The Constable is correct, the system is overloaded and the team at Drainage are doing an absolutely fantastic job maintaining what we have. We are trying to increase it as much as we can. We do have a new estate coming online very shortly, which is in St. Lawrence, and that will be a new estate coming online. That is a relatively easy win in a sense that gravity will take care of that one, we do not need huge pumping stations to assist in that. But we are doing our very best with what we have.

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

Can I ask the Minister whether he believes it is irresponsible to put a bid into the Government Plan that is below that which is required to keep key equipment operating and the legal responsibilities that go with the requirement to do so?

#### **Deputy K.C. Lewis:**

Everything is maintained to the correct standard. We have to move things around to do it. But, as I have said, we have had to do our bit. We have not had as much money as we would have liked for the sewerage network. But everything is maintained to a high standard and the team are doing an excellent job. We are doing our best to maintain the system.

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

Could the Minister advise then what exactly is the delay to the foul sewer extensions now with the £750,000 being transferred? Where was that set out in the plan, as per the requirements of Article 18 of the Public Finances Law?

#### **Deputy K.C. Lewis:**

As I say, we have a capacity problem. We need to finish off the sewerage treatment works, which will be in 2023. But we have had obviously pressures on our budget and we have had to adjust them accordingly. But I think 92 per cent of the Island are now on mains drains. It is my desire to increase that to possibly 96 per cent, 97 per cent in the not-too-distant future but these things take time. As I have said, we have also got a shortage in our Design Department, which is being remedied.

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

I thank the Minister for his various replies and note that there has been an increase in the percentage of properties on mains drainage but will he not confirm that that is due largely to the fact that this is represented by major developments which are able to tune into the existing foul sewer network? As demonstrated by the Constable of Trinity, certain developments are in fact prevented from taking place due to the lack of foul sewer network and, in that context, will he please advise what money is he bidding for in the next Government Plan to extend the network? Thank you.

#### **Deputy K.C. Lewis:**

Well I think eventually we are trying to rollover as much funds as we can because, as I said, I am very keen to get as many people on mains drains as much as we can. Some people are quite happy to stay as they are but most people obviously would like to be on mains drains. There will always be families, et cetera, that live so far away from the main sewer system it would not be economically viable to have them on mains drains, but the main part of the Island I would like to be on mains drains as quickly as possible and we will be putting in money to that effect.

### **8.5 Deputy G.P. Southern of St. Helier of the Chief Minister regarding households in relative low income (OQ.192/2021)**

Further to the response to Written Question 145/2021, will the Chief Minister agree to publish such data as is available through Statistics Jersey on households living in relative low income based on the 500 household responses received prior to the COVID-19 pandemic, by the end of quarter one 2022; and if not, why not?

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

Before giving my answer, I remind the Deputy of the final paragraph in my answer to Written Question 145/2021. I am equally keen as he is to receive the data; let us be really clear there. However, I cannot answer his question with a firm yes, the reason being, as has previously been explained in that written question: “Statistics Jersey is an apolitical body formally constituted under the Statistics and Census (Jersey) Law 2018. Under Article 7(2) of this law the Chief Minister must not influence any decision of the chief statistician in the exercise of his or her responsibilities under Article 3(1). Article 3(1) of the law includes (g) the form, timing and methods of dissemination of statistics compiled by Statistics Jersey.” I am therefore unable to commit to Statistics Jersey publishing such data to the deadline requested because that is solely the decision of the chief statistician. However, having consulted with the chief statistician, I can confirm that Statistics Jersey are using their best endeavours to ensure that the data is finally analysed and published during quarter one 2022. But, as I say, unfortunately I cannot commit because it is not in my gift but we are very, very keen it does happen.

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

It is quite worrying because I believe the timescale for publishing the new Government Plan is going to be far tighter than end of quarter one 2022. How is the Chief Minister going to assess whether he has been successful in reducing income inequality unless he uses some other forms than the information and data that will be available by the end of quarter one 2022? What will he base his first drafts of the Government Plan on?

#### **Senator J.A.N. Le Fondré:**

I do apologise, I did not get the very last sentence: on what basis would I ...?

#### **The Bailiff:**

On what basis would you base any plan on presumably because you would need data in order to do so, is that a fair characterisation, Deputy?

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

Yes, indeed. He is supposed to be producing a Government Plan sometime this year, not by the end of March 2022, so what is he going to base his assessment of his policy so far on?

#### **Senator J.A.N. Le Fondré:**

I think you will find that the Government Plan is due to be published in the next very few weeks and obviously debated towards the end of the year. To be honest, I have a degree of sympathy for the Deputy, i.e., we would all like to see the data for the survey produced so that we can have a better analysis. As I said, he and I share exactly the same objective there. What it will mean is that

alternatively we will have to revert to the, if you like, existing data that is there which lies in various reports and publications that are produced, including the information that comes out of Social Security.

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

Just to follow up on those questions. If there is not the data to assess where we have come, how is the Chief Minister, can I ask, going to address future plans in this Government Plan to address the Common Strategic Policy of reducing income inequality if there is no data to tell the Minister what it is? How is that planning process happening? Or is reducing income inequality no longer a Common Strategic Policy?

#### **Senator J.A.N. Le Fondré:**

The policy firstly remains unchanged; that was approved obviously by this Assembly. In terms of looking ahead for future plans and for the next C.S.P. (Common Strategic Policy) that the next Government of whatever nature will put together, I am absolutely assured by the chief statistician that far better data will be available on time for the then Council of Ministers to be putting that data together, bearing in mind, as I said, I really emphasise my frustration as well because this was commenced in 2019 and it has been hugely impacted by a combination of events, but not least COVID. But all that means is we are then with the, as I said earlier, other existing data that we have within, if you like, the government systems, which is obviously information that will come out of Social Security and other areas which we can then give some indication as to where we are and how well we have achieved or not on addressing income inequality. I do make the point, and I have addressed that in previous answers, that measures have been taken at a variety of times during the course of the last few years to assist Islanders. As I said, one was the access to G.P.s, which was announced by the Minister for Social Security and implemented just before Christmas, and has assisted around 10,000 Islanders.

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

Can I ask the Chief Minister what actions he sees will be pertinent in the Government Plan, given the lack of data, to see where we are and whether we have addressed income inequality that he would like to see? I thank him for pointing to Deputy Southern's proposition on reducing G.P. fees; I am glad that it was supported. But what actions would the Minister like to see in the Government Plan to address income inequality even with a lack of data?

#### **Senator J.A.N. Le Fondré:**

On the basis of the Government Plan that is going to be published in the next few weeks, I shall allow the Deputy to find out at the same time as everybody else.

#### **8.5.4 Senator S.Y. Mézec:**

What advice, if any, has the Chief Minister and his Government received in the absence of Statistics Jersey being able to present this information now about the numbers of people in Jersey living in relative low income? Has he received advice to tell him that the numbers are going down or going up or any advice at all?

#### **Senator J.A.N. Le Fondré:**

Specifically myself I have not received direct advice in the nature of the question that the Senator has asked. I make the point, as I said previously, we have been addressing a number of actions which are designed to assist Islanders, particularly those at the lower end, not least, the minimum wage has gone up 3 times by great inflation since April 2019, excluding the recent proposition that has been lodged. There are various other measures, as we know, that have been put in place, particularly during COVID. I do make the point there has been a lot of assistance put in. We cannot demonstrate

what the impact has been in terms of the survey that we are all very keen to see but that does mean that the measures we have put in will be having some effect.

[12:15]

#### **8.5.5 Senator S.Y. Mézec:**

Will the Chief Minister therefore agree that it will be a key measure of his success in this term of office whether that information, when it is published, reveals whether or not income inequality has increased or decreased in his term of office? When the statistics are made available to determine whether income inequality has got better or worse, will he ensure that those statistics are publicised far and wide so that we can measure his success against those?

#### **Senator J.A.N. Le Fondré:**

The difficulty with that comment is we have, and continue to live through, a pandemic, and therefore would not want to essentially prejudice or predicate my responses on something, which has been one of the most extraordinary events on this Island since the Second World War. But, as I said, we should be in no doubt that this Government has sought to assist all Islanders, but particularly those in the low-income areas, and I would hope that will be shown. If it is not, then it is not through lack of will, it means there is still further work to do but let us see what the data says as and when it arrives.

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

In answering that last part of the question, the Chief Minister paints himself into a corner. Let us have a look at what happened in 2019 pre-COVID to those living in low income. Surely he has to at least use this data on the 500 households compared to the normal 1,250 they usually do. It is not the best information but it certainly would paint a picture of what the trend was in 2019 pre-COVID. Can the Chief Minister assure the Assembly that he will return with this data and indicate in a broad-brush sense how things were developing up to 2019 pre-COVID and will he publish this?

#### **Senator J.A.N. Le Fondré:**

There are 2 corrections I need to make to the Deputy. Number one is, and I accept the frustration by the way, I do not have the power to instruct the chief statistician. I would hope this Assembly would not want me to have that ability, because it is about the independence of that body, but I do not have the power, as identified in the law, to instruct or direct for statistics to be brought out by a particular time; that is very clear. So, this is not of my making in any shape or form and, as I said, I have been equally as keen to get the data as early as we could precisely so if there are extra actions that need to be taken, we could have sight of that. The other point, it is my understanding, is the data started being collected in 2019 and does or did go into 2020. The difficulty at that point when COVID started really having an impact and lockdown came in was the impact on that data then. The issue they are now trying to establish is making sure of the data they have been able to collect and whether it is of an appropriate quality to be able to make appropriate publications for then decisions or judgments to be made. So I think the problem is that I do not know if the end of 2019 will be a sufficient representative period to make the comparisons that the Deputy is stating. As I have said previously, if he would like to have a meeting with the chief statistician I am very happy to arrange it or, alternatively, I am sure the chief statistician would be delighted to directly hear from the Deputy.

#### **8.6 Deputy M. Tadier of the Minister for Social Security regarding short-term incapacity allowance for seasonal workers (OQ.194/2021)**

Given that eligibility to claim short-term incapacity allowance requires 2 quarters of contributions, what action, if any, is the Minister taking to address the fact that seasonal workers who are only allowed to stay in Jersey for up to 9 months a year are unable to claim this benefit during their first 6 months of work, despite having paid the social security contributions?

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

The same eligibility rules apply to everyone whether they are permanent residents or seasonal workers but Ministers are committed to review all government funding services for migrant workers, including social security contributions and benefits eligible towards the end of 2022 or early 2023.

**8.6.1 Deputy M. Tadier:**

It is difficult to know how the Minister can commit to doing something after her term of office, so I am more interested in finding out what this Minister and her ministerial colleagues are doing now and will do before the end of this term of office. Can she clarify that she understands this is an issue for seasonal workers who are not allowed to stay longer and therefore will always be in this cycle of not having contributions or getting them perhaps at the last 3 months of their stay, only to come back to the Island potentially next year and find out that they do not have the contributions from the previous 2 quarters because they were not allowed to be in the Island? Can she acknowledge that she recognises that specific issue for a group of workers in Jersey and that it is something that needs to be thought about now and not left to a future set of Ministers who may be different?

**Deputy J.A. Martin:**

Yes, I do exactly understand, and this was all brought up when I was on the Population Policy Board. People, if they are working 9 months, January to September, and leave, then when they come back they are entitled straight away to 6 months of S.T.I.A. (short-term incapacity allowance). But that is not good enough, we know that, and the work will follow on from the work that we are doing on the migration project, that this will establish a stronger framework for migrant workers. But it is important we do that work first so any benefits are aligned with the migration control that we have changed.

**8.6.2 Deputy I. Gardiner:**

I would like to ask the Minister to clarify who is currently responsible that the seasonal workers during their first 6 months have their health cover and short-term incapacity allowance?

**Deputy J.A. Martin:**

Well that is the confusion. So health, there is a slightly different way to get into the health service; again, you have to pay your first 2 quarters before you are allowed to have S.T.I.A., which is your short-term sickness benefit. Education, again, is different; you can go straight into education if you bring children. They all need to align as soon as we have got a proper population policy and we know people are going to be maybe 9 months occasionally or 2 or 3 years and that was all reported in the big, big report on the population policy going forward.

**8.6.3 Deputy I. Gardiner:**

Apologies, the question was our situation currently who is responsible; if it is the employer or employee responsible to ensure that these seasonal workers have health cover for the first 6 months. I understand it is not us, not the States who will have the reviews, but currently who is responsible: employer or employee?

**Deputy J.A. Martin:**

If they are employed, which I imagine every single immigrant is working here, especially with the new rules coming through the migration, through Home Affairs, they will have an employer who will pay their part social security and the employee will pay their part social security. Then they will be paid out after it has been paid for 2 quarters.

**8.6.4 Deputy R.J. Ward:**

Part of my question has been asked but I suppose I would just ask the Minister whether she believes that the current situation is adequate to protect seasonal workers and whether she believes that there



does need to be some form of insurance provided for seasonal workers in those first 6 months, particularly if they are manual jobs which may be at risk of injury?

**Deputy J.A. Martin:**

I can only repeat, this was all discussed on the policy board looking at immigration, population policy. I do not agree that if people are only coming here for a short time and they are going to have an accident in the first few weeks, we need to really readdress this and make sure there could be a type of insurance policy, et cetera, et cetera. But until we change the population policy we know what we are dealing with and then we need to start talking to employers and say: "If you are going to bring these people in, we need to make sure they are insured, they get healthcare straightaway if they have an accident early on" and then they would do away with the S.T.I.A. if it is not. If they are only going to come for one year, it is not really much help for them.

**8.6.5 Deputy R.J. Ward:**

Does the Minister feel that the current situation being inadequate puts us at risk and is one of the reasons why it is very difficult to attract workers to work in some industries here? It is one of the problems that we have and the industry faces as well.

**Deputy J.A. Martin:**

I would not say this is the main one that is having difficulty attracting workers here. We have got Brexit, we have got COVID, a lot of people have decided to stay at home, and we have got different rules going through getting a visa which normally these people that are coming through visas now would have just been able to walk back into Jersey. So there are lots of things I would imagine put people off but for us we should make sure that if we are bringing people here they are covered by our Employment Law, they are covered by health. As I say, it will not be done today, we need to do the population policy first, we decide how long people can come for, and then we make sure, when they are here, all the right safeguards are in place.

**8.6.6 Senator S.Y. Mézec:**

Can the Minister confirm, based on what she said up until this point, that the direction of travel she would like to see us go down is one where at the end, through at least one mechanism or another, seasonal workers in Jersey have protection in some form for instances where they may become incapacitated while they are on-Island irrespective of how long they have been on the Island, how many times they have been on the Island but that in their moment of need they will not be denied help in some shape or form?

**Deputy J.A. Martin:**

When I was on the Population Policy Board, yes, this is what was discussed and that would be my preference. I think that was around the table, the majority, I would say, preference. Bring people in, you do not know, especially manual work, you could have a broken leg in the first week, they are our responsibility.

**8.6.7 Deputy G.P. Southern:**

Does the Minister accept that it is not just this group of workers who are failed by our system but that those people who work zero hours, and might only have 15 or 20 hours for significant periods of time, may well be unable to claim sickness benefit because they have fallen out of the safety net that is set up there for them to apply?

**Deputy J.A. Martin:**

That may affect some workers, yes, but I was asked about migrant workers. But there are workers, I will call them, in the social security system - we are discussing one later today about the 8-hour rule - people who are not paying in because they only work 8 hours a week. I am running out of time. If

the Deputy wants us to have like a complete review again of all the benefits, it will be the next Minister.

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

Could the Minister address this issue and state what she might be prepared to do about this in the short term?

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

I said, Deputy, I am running out of time. I am not going to reinvent the whole of the short-term and long-term incapacity. There is a piece of work that is ongoing that may be lodged before Christmas but it is in principle and there are lots and lots and lots of laws. I think the Deputy may remember this when he was my Assistant Minister. So I am not saying that it is not being done; it is being done slowly and it needs to be done but I cannot see it being done within the next 6 months.

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

First of all, can I thank the Minister that she has addressed the question and that she understands it is an issue. Could I ask her to confirm that there is a seriousness around this problem now? We have got seasonal workers who report working very long hours, 70 to 80 hours a week sometimes, in an agricultural setting on the minimum wage, paying their social security contributions, yet being unable to claim any of the benefits that go with that social security contribution and never being able to accrue the time to be able to claim that in the future.

[12:30]

Does the Minister agree with me that this cannot wait for the population policy to be sorted but that there are simple things that can be done now such as conversations with employers in the agricultural sector to establish codes of conduct and an expectation about insurance cover being provided for those workers, perhaps in exchange for a waiver of social security contributions from her department? Is that something she can undertake to do now while she is still in office rather than leaving it to any future iteration of Government who may not share her concerns?

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

I think the Deputy is wrong. The Minister or the Assistant Chief Minister who is dealing with population does completely share my concerns and wants to do this very quickly. In the answer to the next question, the Deputy is asking about breaks in employment laws, I think we need to educate the employers who are bringing people in and make sure they know their rights and absolutely the workers know their rights. If it could go to an insurance base very early, that is going to still have to be a discussion. As I say, Health works differently to Social Security. I think as long as you are on the Island for 6 months you automatically will get a doctor and be seen at the hospital. Social Security only helps you come back next year, then you are covered straight away for 6 months. So, it is not good but we need to do more and I am prepared to work with all the Ministers just to even get out there what the rights are of these workers. Something went very wrong this summer, I have been told.

### **8.7 Senator K.L. Moore of the Minister for Home Affairs regarding the Jersey Police Complaints Authority (OQ.181/2021)**

Further to Oral Question 125/2021, in response to which it was indicated that new legislation would allow the Jersey Police Complaints Authority to operate more independently, will the Minister advise what progress has been made in implementing those changes to the operation of the authority?

#### **Deputy G.C. Guida (The Minister for Home Affairs):**

Work on the modernisation of the management of police complaints was paused during the initial response to the coronavirus pandemic and began again earlier this year. Consultation with key

stakeholders has yielded several proposals for amendments to process for managing complaints which together would have the effect of moving the process of decision-making around complex finalisation further towards the Jersey Police Complaints Authority. Officers are currently working with the Legislative Drafting Office to develop those proposals into law. I expect that the final legislation which will consist of amendments to both regulations and primary law will be lodged before the end of 2021.

**8.7.1 Senator K.L. Moore:**

I thank the Minister for his answer and ask if he could perhaps just enlighten the Assembly as to what stakeholders have been engaged in this process and what direction he thinks - because he must know at this point if the legislation will come before us later this year - that legislation will take.

**Deputy G.C. Guida:**

The aim of the legislation of course is to make the authority more independent in making decisions and, if possible, in leading its investigations. So right now the authority depends on the Professional Standards Division of the police for investigations, so basically any enquiry will end up with the Professional Standards Division which is a part of the States of Jersey Police. They will conduct the investigation and as a provision of the authority. This of course does not give them much independence and we hope that the new regulations will improve that.

**8.7.2 Senator S.C. Ferguson:**

Given the demonstrable examples of incompetence being shown by the police recently, when will the genuinely independent Complaints Authority be operational?

**Deputy G.C. Guida:**

I apologise, I know of no examples of incompetence of the States of Jersey Police.

**8.7.3 Senator S.C. Ferguson:**

I believe if you go next door to the Royal Court there is a case already going on this morning. Perhaps after we finish the questions he might like to go and just find out what is going on. Will he not do that?

**The Greffier of the States (in the Chair):**

I am not sure that was a question but the original question was not answered which was: when would the authority be operational, so perhaps that would be your supplementary as you have got to it.

**Deputy G.C. Guida:**

Absolutely, so we do expect to launch by the end of the year and with luck we will have something before the next Government.

**8.7.4 Deputy M.R. Higgins:**

I would like to go back over what the Minister said. Can he just clarify how he foresees the authority acting in future? Will it be involved with the Professional Standards Department or will they conduct their own investigations and not rely on the police to do so?

**Deputy G.C. Guida:**

That is an interesting question. Yes, of course, I think the aim is to make the authority as independent as possible. Now investigative hours and the investigative capabilities are both things that are very, very difficult to give and to pay for, so it would be quite difficult to create a new authority with all these hours and all this manpower available to do it, so I think they are condemned to work with each other for quite a while. However, there are things that can be done to help the authority ensure that things are done independently. The easiest one, and one that I really hope to see in that law, is

basically to allow them to ask questions. It is not something that is normally done in the way justice is conducted in Jersey or in the U.K. but it is something that is done in France where a jury could ask a question of the investigators and say: “Why did we not look at this? Could we look at that?” I hope this is one of the freedoms that will be given the authority to just say: “Well, the complainant is saying this. Could we investigate this part of the matter or see whether this is true or false?” I think this would help a lot.

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

I would like to thank the Minister for that answer because it is going in the right direction. We know from past investigations by this authority, it is a toothless tiger and they tend to rubberstamp what has been brought by Professional Standards. Could I ask, will he go so far enough as to have independent investigators from the police, maybe policemen drawn from the U.K., to look at some of these things, because at the present there is a lack of confidence in the whole process?

#### **Deputy G.C. Guida:**

The Deputy is of course well aware that where needed this is already done and that we have had several investigations in Jersey conducted by British Police in the last year, including one that we hope to have the result of at the end of the year. So, when there is any risk to independence, we do call on to other forces to help.

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

A quick scan of the Children, Education and Home Affairs work programme has next to the Police Complaints Regulations “to be confirmed”. Can the Minister confirm when the panel will be seeing this and will these regulations and laws be in place before the next election or does he see other problems with that?

#### **Deputy G.C. Guida:**

Again, this is something that I consider quite important. I have been promised that we would be able to lodge something by the end of the year. After that, it is really down to the Crown whether they will allow us to put this into legislation in time for the end of this term.

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

When the previous Minister was asked a similar question last year, one of his answers was that he mentioned, as the Minister has just done, how sometimes external forces can be brought in. Will the Minister assure the Assembly that the proposals that he is going to bring to us will involve an absolute opportunity at every request to receive independent investigation of complaints made rather than the occasional ones?

#### **Deputy G.C. Guida:**

This is a difficult question. In terms of justice, I think it would be fantastic if we could indeed ask for an independent inquiry as often as possible. In terms of budget, we are talking about extremely, extremely expensive occurrences, so probably not something that we want to ... but it is hard because, yes, in terms of justice we would want to encourage that but we need to be able to pay for it. In any case, if it is not something that is presented to me in the draft law, it is probably something that I would introduce because I think it is a very good idea.

#### **8.8 Deputy I. Gardiner of the Minister for Treasury and Resources regarding the sale by JT of Internet of Things (OQ.183/2021)**

Will the Minister state in relation to the sale by J.T. (Jersey Telecom) of Internet of Things, the proceeds of the sale and what percentage of the proceeds will be distributed to the States of Jersey as shareholder?

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

The Assistant Minister for Treasury and Resources will answer the question.

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

For commercial confidentiality reasons, I am not able to confirm the exact gross proceeds of the sale. Members may recall from briefings at the time of the sale that J.T. are continuing to hold a percentage investment in the I.O.T. (Internet of Things) business, which we hope will generate further shareholder returns. Following deductions of that investment and the transaction costs, which are a fairly complicated business, that leaves the net proceeds, so the net proceeds that were paid to Jersey Telecom, excluding those factors of reinvesting in the new business. So, of the net proceeds, the amount that will return to the Government will be 28 per cent. We will be continuing discussions with the board as to the application of the balance of proceeds as the deal finally moves to a conclusion, including potential future returns to the shareholder. Obviously a lot of the money that will remain with Jersey Telecom will be invested into the Island's infrastructure.

**8.8.1 Deputy I. Gardiner:**

Would the Assistant Minister explain to the Assembly how the 28 per cent return to the States of Jersey shareholder was determined?

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

It was a discussion that we had with Jersey Telecom. As to the amount that ... you cannot hear me?

**The Greffier of the States (in the Chair):**

Sorry, Assistant Minister, Deputy Morel is flicking his microphone on but it needs to go through the chat, I cannot cover both. It was an attempt to communicate discreetly, which has obviously failed completely. Deputy Ash, do you want to continue with your answer?

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

Yes, not a problem. Yes, we had various discussions with Jersey Telecom. It is obviously up to their board of directors ultimately as to the dividend that we receive; it is a special dividend. They have plans for funds within the business. We obviously wish them to pay us a special dividend and this, after negotiations, was agreed to be a satisfactory initial payment to us. As I say, in effect, the Island benefits considerably more than we are getting back due to the fact that they are doing such things as de-risking the network, which will cost tens of millions of pounds, and of course we will be looking at 5G.

**The Greffier of the States (in the Chair):**

We have on this question Senator Mézec, Deputy Southern, Senator Ferguson, Senator Moore, the Constable of St. John, Deputy Ward and Deputy Morel. The Bailiff likes to keep things to within about 8 minutes, that is quite a challenge, so I would hope for quick answers and quick questions but it is obviously an important subject. We are close to a lunch break, so maybe I will take one Member and then invite the adjournment if Members wish to adjourn. So the first would be Senator Mézec.

**8.8.2 Senator S.Y. Mézec:**

Can I ask the Assistant Minister exactly when it was that the I.O.T. was separated from the rest of J.T. into its own entity and when exactly it was that discussions about selling the I.O.T. began and was there an overlap between those 2 events?

[12:45]

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

I do not have the exact date that the I.O.T. business was set up by Jersey Telecom. There was a definite period between it being set up as a separate standalone business and the decision that it should be sold.

**8.8.3 Senator S.Y. Mézec:**

Can the Assistant Minister therefore confirm that at the point at which the I.O.T. was incorporated into its own separate entity to J.T. that there was definitively no intention at that point to go on and privatise it?

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

I do not sit on the board of Jersey Telecom so I will not know their exact reasons for that decision. I do not think they, at that time, had any decision to sell it, they merely saw it as a standalone business that was not part of their core services, so they decided to run it as a separate entity.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Greffier of the States (in the Chair):**

Thank you, we have passed 12.45 p.m. Does any Member wish to propose the adjournment? The adjournment is proposed. Is it seconded? **[Seconded]** I detect a general desire to adjourn, so therefore I adjourn until 2.15 p.m.

[12:46]

**LUNCHEON ADJOURNMENT**

[14:20]

**The Bailiff:**

We continue with question 8 that Deputy Gardiner had asked the Minister for Treasury and Resources. I have listed to speak Deputy Southern, Senator Ferguson, Senator Moore, the Constable of St. John, Deputy Ward and Deputy Morel. That will be all that can ask at this particular point because we have spent a long time on this question.

**8.8.4 Deputy G.P. Southern:**

The point is surely not what percentage was distributed but what sum was distributed. We normally get a tax return off J.T.; how much is the tax return now? Has it been maintained or is it more or less than what we have done historically in the past?

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

Obviously we will be still getting a return from Jersey Telecom as a dividend. If he is asking what the total sum is that we are going to initially get from this project, which I find slightly ironic coming from the questioner who absolutely asked how could we cancel this deal and now appears like ...

**Deputy G.P. Southern:**

Please do not do personal.

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

You asked how we could cancel this deal.

**The Bailiff:**

No, if you please, would both the questioner and the answerer not engage in direct communication, address everything through the Chair? If there is a problem with the way people are being spoken about it is for the Chair to correct. I did not hear anything but let us continue with the answer, please.

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

I will direct it to yourself, that it was suggested by the questioner that we should look to cancel this deal and now is back asking how much money we are going to receive. I can put a figure to that sum which may well assist him; the 28 per cent would equate to around £40 million that will be returned to the Government by Jersey Telecom.

**The Bailiff:**

A supplementary question, Deputy Southern?

**Deputy G.P. Southern:**

No, that is quite a significant sum we are having, I would have thought.

**The Bailiff:**

Sorry, is that a question?

**Deputy G.P. Southern:**

No, it is not, Sir.

**8.8.5 Senator S.C. Ferguson:**

I find the Internet of Things is the whole future of the telecommunications industry, so will the Assistant Minister like to check that the board was not planning a sale before the split?

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

I would imagine that it was always on the board's minds that there could come a time when this particular company, they either reinvested and expanded it within the Jersey Telecom empire or they looked to sell it. The problem with anything in the technology industry, and I am sure you are aware, one thing is the future at one time and then is not. It is not long ago - well it is not long ago if you are of my age - that all the phone boxes were pretty much replaced with phone cards and it was going to be the future: phone cards, we do not have to put coins in there any longer. Well, you do not find phone cards anymore and you do not find phone boxes anymore. So, what the board of Jersey Telecom had to decide was: were they going to expand this section of their business or were they going to seek a buyer as an ideal time? They decided that this was the ideal time to dispose of this business. If it does go from strength to strength - we have no idea whether it will - they have retained 16 per cent within it.

**8.8.6 Senator S.C. Ferguson:**

The taxpayer owns this company and therefore there should be more transparency. If the board was not considering planning a sale before the split, would the Minister not consider that the board was incapable of strategic planning and ask the board to reconsider their position?

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

I believe that it was in their overall plan in 2017 that it may become possible that they would have to look to dispose of this part in the future or certainly address it. As I said, you get to a stage where you either purchase new or buy into new businesses and expand it to stay globally competitive or you find the right time to sell it to somebody who would. They decided it was the right time to sell it. As a Government we employed someone to look into whether that decision was the correct one and they came back stating that it was definitely the correct time to do it and that it was a great price at which we were going to deal.

**8.8.7 Senator K.L. Moore:**

Could the Assistant Minister describe to Members, please, the intentions of Jersey Telecom as a publicly-owned company with regard the use of the proceeds of the sale that they hold, what they intend to do with it? Also, what infrastructure projects the Assistant Minister might intend to do with

this £40 million that the public purse is now holding? Would that include a contribution towards the hospital costs, for example?

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

There are a fair few questions there. I will come to the last one first about the hospital. The sales proceeds were received by Jersey Telecom and therefore the proceeds cannot arbitrarily be taken for the Our Hospital project. The funding solution for the Our Hospital project is laid out in detail in P.80/2021, which the Assembly will debate next month. As for the individual dividend that has been paid, the allocation of these monies will be set out in the forthcoming Government Plan which is due to be published next week and you will see where this £40 million, the Government can see it being spent. Coming back to Jersey Telecom and the money they are retaining, as I have stated, there will be money that has to be put into the de-risking of their network which will run into tens of millions of pounds. They will also be looking at 5G. They will also be looking, if you like, at the next I.O.T. offering that they can find. Not an I.O.T. offering but the next business opportunity that they can look to invest in that will hopefully give similar returns to the Government that this has.

**8.8.8 The Connétable of St. John:**

Before lunch the Assistant Minister told us a 28 per cent return had been negotiated. Does the Assistant Minister feel it acceptable to dispose of such a valuable asset without knowing the full benefit to the shareholder beforehand?

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

It is a good question. We did have obviously an idea of where Jersey Telecom were looking to sell this business for. We did not at that time discuss what was in it for us, if that is what you are asking me. What we did discuss was whether it was the right thing at that time to do for Jersey Telecom. We consulted with, among ourselves obviously, and also with external agencies that decided it was exactly the right thing for Jersey Telecom to do. If I could also say, this Assembly has often doubted why we have non-executive directors on the salaries thereon. Well, when you are having people like the chair of Jersey Telecom who was formerly the chief executive, I believe, or the C.E.O. (chief executive officer) of Cable and Wireless, who was obviously a major helper in driving this through, in securing this deal for the Jersey Telecom and securing this money for the States of Jersey, I think we can see why we need good quality non-executive directors within our companies.

**8.8.9 The Connétable of St. John:**

My question was not about the timing of the deal or the rationale for the deal, it was about whether we knew how much we were going to get as a shareholder. My supplementary is: what percentage of J.T.'s proceeds that they have retained are available to them for acquisitions compared to infrastructure investment?

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

I would not be able to give you an exact amount but I would suggest it is going to be around 20 to 25 per cent that they will retain a similar amount, slightly less than we have, for looking at future investment opportunities for the group.

[14:30]

**The Bailiff:**

Deputy of St. Martin, you have indicated a desire to ask a question. I am afraid I have already called the final list for questions on this and I am not taking anymore.

**8.8.10 Deputy R.J. Ward:**



Some of the questions I was going to ask have been asked, if not answered. Can I ask the Minister, given that the Internet of Things is being seen as the future of technology but at the same time we are being told this is the right time for Jersey Telecom to sell its interests in the future of technology, what risk assessment was undertaken that we may be missing out on future assets for the States-owned company? The price we have got now may look good on paper but it may be way more in the future. How is that going to be judged by the Minister in the short time that you have left in the Assembly?

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

There was considerable advice obviously taken, not only by ourselves, which we did, but by Jersey Telecom as a company, and the board, as I say, are immensely experienced in this sort of business. It is probably that if they had not expanded, the I.O.T. side of Jersey Telecom would have just withered and died, so they had 2 choices. One was to expand it or one was to leave it alone and just sit with it because they would not have had the place on the global stage. As far as if the I.O.T. business continues to flourish, continues to go from strength to strength, we still have the I.O.T. side of things based in Jersey, that new business is based in Jersey, and we still have a reasonable shareholding within that. So if it does we will not miss out on the financial rewards in the future and that is why it was such a great deal, not only for Jersey Telecom, but for the Island.

**8.8.11 Deputy R.J. Ward:**

Does the Minister know if there are any other plans for other areas of Jersey Telecom to be hived off in this way with the same principle lying behind them, that there is perhaps some jam tomorrow, if not all of it, for States-owned assets?

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

That is the easiest question so far: no, I do not.

**Deputy K.F. Morel:**

My questions had been asked, and while I have been wracking my brains for new questions, the extent of interrogation means I have run out of any new questions, so I have to withdraw.

**8.8.12 Deputy I. Gardiner:**

At the Public Accounts Committee we asked not just once about memorandum of understanding and the communication and relationship between the Government of States of Jersey and Jersey Telecom. The Assistant Minister's answer when mentioned that the board of directors decided: "We wish to negotiate" and following the Connétable of St. John's question, the answer that we received, I am still not clear if we, the States, as a shareholder must have clarity in distribution between the company and the States in advance.

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

In answer to your question on the M.O.U. (memorandum of understanding), the M.O.U.s have now been fully reviewed for every company and will now become available for people to see. Obviously all the companies are very individual in their nature, which is why it takes a while to get something that is generic but something that is also company specific. In answer to whether or not we would look at how much we gain when a company looks to do a transaction of this sort, that would not be in the M.O.U. because we asked these companies and their boards to act in the best interests of the companies. We would not then go down to: "Well if you do this, how much is in it for us?" It just would not be in an M.O.U. It would be: "Is this in the best interests of the company that the board are acting in this way?" I think undoubtedly it was and undoubtedly it is.

**8.9 Senator S.Y. Mézec of the Minister for Housing and Communities regarding calculating social housing rents (OQ.196/2021)**

Will the Minister advise what progress, if any, has been made on bringing forward a new system for calculating social housing rents?

**Deputy R. Labey of St. Helier (The Minister for Housing and Communities):**

Well the *Creating Better Homes: An Action Plan* reaffirms the commitment in the 2021 Government Plan to review social housing rents policy. That is underway. I can assure the Senator it is being taken very seriously. The discussions are involved and exhaustive and I commend the board of management at Andium and government officers who were involved with those discussions. Also, it is pretty high level with both the C.E.O. of the States of Jersey, Paul Martin, and the chairman of Andium, Richard McCarthy, taking an active interest, and I am grateful to them for that. So, we have said we will finish that review by the end of the year with an option or options presented to the Council of Ministers and take it from there, and that is a timetable I intend to stick to.

**8.9.1 Senator S.Y. Mézec:**

He refers to his housing report which refers to the 2021 Government Plan commitment which says, and I quote: "Further proposals will be brought forward in 2021 to review the social housing rents policy which will be accounted for in the next Government Plan." Well we are due to see the next Government Plan next week, I believe, in a briefing, so can he confirm that we will see action on social housing rents in that Government Plan as his own housing action plan confirmed there would be?

**Deputy R. Labey:**

Yes, I can. There will be something in the Government Plan.

**8.10 Deputy S.M. Ahier of St. Helier of the Chair of the States Employment Board regarding pay negotiations with the Civil Service Unions (OQ.191/2021)**

Will the chair update the Assembly on the progress of pay negotiations with the civil service unions for the 2022 pay offer?

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

The S.E.B. (States Employment Board) considers the rate of inflation in September of each year before commencing pay negotiations. I believe that is due out on 22nd October roughly, and that is to ensure the affordability of any pay offer is considered before any pay negotiations commence.

**8.10.1 Deputy S.M. Ahier:**

Will the chair ensure that there is not a delay to such negotiations to avoid any pay dispute extending beyond the 2022 election?

**Senator J.A.N. Le Fondré:**

I will do my absolute best. We are anticipating negotiations commencing very shortly after the announcements on the cost of living and, with luck and a fair wind, we will attempt to conclude before Christmas. I would make the point that in terms of where we are at this stage, obviously in 2018 when we all first started, there were, I will say, between 2 and 3 years' backlog of pay and, as of now, there is no backlog whatsoever. So, hopefully, we have demonstrated that we have made progress in those areas and obviously we would like to keep that progress going forward.

**8.10.2 Deputy R.J. Ward:**

May I ask the chair of S.E.B., would he be considering imposing a pay offer as has been done in the past which can be damaging to relations if the outcomes are not gained within the timescale mentioned by the original question?

**Senator J.A.N. Le Fondré:**

We have always attempted to negotiate as much as we can. Indeed this year, with the exception of one pay group, all the pay was settled through negotiation. Even that particular pay group, 2 of the 3 unions accepted and one was very marginally rejected. So, it is always our intention if we can to avoid circumstances that the Deputy is alluding to.

**8.10.3 Deputy M. Tadier:**

I think the chair of S.E.B. referred in his answer to finding out what the rate of inflation was first. Does he agree as a principle that the starting point should always be to make sure that employees are at least given the rate of inflation as the baseline for pay negotiations?

**Senator J.A.N. Le Fondré:**

That does depend on the circumstances at the time and also depends on looking back at possibly the previous years. By way of example, on the table I have in front of me, over the last 5 years certain pay groups have already had above-inflation increases. Because one of the things we have been addressing, rather successfully, is that there have been times in different pay groups where someone doing a similar job is paid a different amount of money just because they are in one pay group compared to another. That has fundamentally been unfair and one of the objectives which we have now achieved is we have, broadly speaking, eliminated that differential. So what I am trying to say, there are sometimes different circumstances that we will need to take into account and particularly also what is happening in the rest of the world. So, what I am saying, that is not disparaging what the Deputy is saying, it is just saying that sometimes it is more complicated than he suggests.

**8.10.4 Deputy M. Tadier:**

Given the fact that the public sector workforce has in many ways gone over and above in the various departments because of the pandemic or the extra pressures, not to mention working within this Government's bullying culture. Should they be given an additional pay increase above inflation to acknowledge that extra hard work they have been dealing with and doing?

**Senator J.A.N. Le Fondré:**

I am sure it will influence negotiations going forward, and bear in mind there is one pay group that has already agreed for 2022. I am sure that will influence things as we go through. I will just take issue with the comment around the Government's bullying culture. I would hope that the Deputy recognises we have tried to make great strides in addressing the culture of bullying. It does not mean we have arrived there yet but it is very clear we have made improvements in our time in the roles we presently hold. We are not there yet but we have made progress and I do not think we should call it the Government's bullying culture.

**8.10.5 Senator S.Y. Mézec:**

Does the Chief Minister recognise the evidence of the continued freeze in real terms earnings, as demonstrated in the most recent average earnings index that also points out the very wide disparity in the increase in average earnings between the private sector and the public sector? If he does recognise those, going back to the point Deputy Tadier made, would he accept that there is an opportunity now to help improve the standard of living for those public sector workers in these pay negotiations by approaching them positively with an aim to improve conditions?

**Senator J.A.N. Le Fondré:**

A great political soundbite but one has to be slightly careful when analysing the data. As I understand matters, and I am always happy to be corrected, the statistical Treasury report is based on average wage and therefore, and I am being very simplistic, it is potentially total payroll divided by the number of employees. It does not necessarily reflect the mix so if one has an increase at the lower end of pay grades and not as many in the higher end, that will affect the average that is reported. All public sector workers received at least the rate of inflation this year on top of inflation rises last year.

In terms of the public sector versus private sector, since 2018 average increase in salary, bearing in mind what was said about averages, has seen the public sector rise by 2.7 per cent each year compared to the private sector of 2.3 per cent. The final bit one needs to take account of, that the private sector does not generally get, is about 40 per cent of the payroll of the workforce get increments that are not affected by inflation. It will be over and above any pay award, so it is a slightly more complicated picture than the Senator is suggesting.

**8.10.6 Senator S.Y. Mézec:**

I was trying to give the Chief Minister an opportunity to make a positive affirmation that the public sector pay negotiations would go more positively than in recent years where there has been strike action and disputes because of the lack of support for cost of living increases for our hardworking public servants. Perhaps I can give him a second opportunity to do that rather than dismiss it as a political soundbite when I am trying to ask him if we will attempt to end the real-terms earnings freeze that has plagued this Island for the last 20 years by doing what we can in the public sector to end that.

**Senator J.A.N. Le Fondré:**

I hope I was not being dismissive at all. I was saying it was a more complicated picture than was being suggested and I also point, while we had disputes in 2019 those did resolve the pay negotiations for a number of previous years, and for 2020 and 2021 was a cost-of-living increase. I hope, and it is the intention going forward, the relationships that have improved over the last few years will continue to contribute constructively to those pay negotiations and that is where we go. The relations with the unions, certainly around COVID-19 and other issues, as I understand are very constructive and productive and hopefully that can continue.

[14:45]

**8.10.7 Deputy S.M. Ahier:**

Does the chair intend to have any face-to-face meetings with the civil service unions' representatives in regard to the 2022 pay round?

**Senator J.A.N. Le Fondré:**

That is a very easy question. Any pay negotiations are always conducted by officials and not by politicians so on that basis the answer is in the negative.

**8.11 The Connétable of St. Martin of the Minister for Treasury and Resources regarding the full independent taxation pilot (OQ.186/2021)**

With reference to P 78/2021, will the Minister advise whether individuals from the small pilot study group will be subject to full independent taxation from 2022, will pay less tax or fewer long-term care contributions in 2022 than other taxpayers with identical circumstances who did not elect to join the pilot group?

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

The couples invited to join the pilot group will have a range of different financial circumstances and the financial impact on these couples of adopting independent taxation has not been identified. I am therefore unable to comment on the extent to which the pilot group will pay less income tax or long-term care contributions. However, it is known from work done by Revenue Jersey that there are specific circumstances where taxpayers will financially benefit from adopting independent taxation and approximately 16 per cent of couples were found to be in this position. For the 2022 assessment year it is therefore likely a number of couples in the pilot group will pay less income tax and long-term care contributions. It is true there will be higher income couples who do not have immediate access to independent taxation. It is not manageable to include every couple in the pilot. The

legislation as drafted will allow Revenue Jersey to work with a definable, manageable pilot group for 2022.

### **8.11.1 The Connétable of St. Martin:**

Does the Minister believe this could therefore create a potential tax incentive and what actions are being taken to minimise its impact?

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

I was not quite clear what the Connétable meant by tax incentive.

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

I could change it round. Why do some married people pay more than people of identical incomes who are not married? It seems that now it incentivises people not to be married because you will pay more tax if you are married.

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

We have looked at all of this very intensely so that nobody at all would be disadvantaged. That is one of the reasons for having the 600 couples who have already elected for the separate assessment to be the pilot group in this because Revenue Jersey would not simply be able to do the whole switch in one year. The pilot group will identify where the concerns are, if there are any, and then the full changeover to independent taxation will be achieved by 2024 but in phases because of that very reason.

### **8.12 Deputy M. Tadier of the Minister for Social Security regarding family-friendly work time policies (OQ.195/2021)**

Given the Minister's commitment to family-friendly policies, will she advise what consideration, if any, is being given to maximum work time regulations, including minimum break times?

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

Currently in Jersey there is no right to a break during the working day and I will lodge regulations later this week that, if the Assembly agrees, will increase the amount of statutory annual leave from 2 weeks to 3 weeks and introduce for the first time a minimum 15-minute daily rest break. The Employment Law already contains the rights of an employee to a rest day in a 7 and 14-day working period. Article 10 gives a right in respect of a weekly or fortnightly rest break and Article 11 gives a right in respect of the entitlement to annual leave, at the moment 2 weeks, soon to be hopefully, if the Assembly agrees, 3 weeks.

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

The Minister may be aware that a few weeks ago I met with 2 Russian farm workers who were working for a potato company over here. Not only were they working very long hours, I saw their timesheets and on one occasion they worked 78.5 paid hours a week. That does not take into account their half-hour free lunch, and they were working on occasion 16 days in a row before they got one day off and, in another case, 13 days in a row at very long hours. It is not just that industry. There are others, perhaps even permanent workers on the Island who work long hours. Will the Minister consider bringing forward maximum work-time regulations as well as the break times she is proposing and if not, why not?

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

The maximum work time is an E.U. (European Union) directive and I am not sure if it would help. I have heard of this case when I came back and I am committed to talk to the committee and the Minister for Home Affairs. Everyone coming on this Island is under this Employment Law. The employee needs to know it, written clearly, and the employer needs to know it, written clearly, in the

language people can understand. This is not good. This is people who have come here on a visa and we get that courtesy of the U.K. as well. If we do it wrong, we could lose out on having any people on visas, so we need to educate the employer and I am sorry to hear about that case.

### **8.13 Deputy G.P. Southern of the Minister for Health and Social Services regarding theatre staffing problems (OQ.193/2021)**

Further to his response to Oral Question 169/2021, will the Minister inform Members what progress, if any, he has made in relation to staffing problems with theatre staff, which he noted was a factor in the increase in waiting times for routine operations at the time? Will he further advise whether or not he has succeeded in reducing waiting lists and times to below 2019 figures and if not, why not?

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

The changes to theatre scheduling in the summer were the result of particular pressures around specialist theatre staff. Since then, we have seen the improvement with staffing that was expected and we have been able to resume routine theatre activity from 31st August as we had planned. As of Monday, 13th September, there remain 11 full-time staff vacancies within the operating theatre department. This represents a 13.4 per cent vacancy rate. Many of those vacancies are currently filled by agency staff on a temporary basis. To assist in the recruitment of appropriately qualified theatre personnel there is currently a bespoke recruitment campaign running across the U.K. as well as all these vacancies being advertised on the N.H.S. (National Health Service) jobs website. As to the final part of the question, the reduction of waiting lists, the snapshot view at 31st August of the inpatient surgical waiting list for all categories of patients is 39 per cent lower than the 2019 year-end position.

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

The Minister quotes the average figure across all categories of operation. Could he give a new breakdown of where the waiting lists are per category?

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

The figure I gave related to the in-patient surgical waiting list but it was for all categories of patients, that is, the 3 categories they are triaged into; urgent, soon and routine. I do not have that breakdown into how many urgents, soons and routines were waiting on each of those 2 dates. As I said, it is 39 per cent lower than the 2019 year-end position.

#### **8.13.2 The Connétable of St. Lawrence:**

39 per cent means nothing unless we know what the number is. How many people are on waiting lists to have operations at the hospital? I am aware the hospital is sending out letters to patients at the moment to tell them they are on a list to go on a list to be operated on and I think that needs to be resolved. When you are in pain and waiting for a hip replacement, say, and you get a letter from the hospital to say you are on a list to go on a list to be seen by a consultant, we need to up our game and getting that sorted out, and I would like the Minister to respond. How many people are on waiting lists now?

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

I agree with the Connétable's comments. I do not want that to happen, to be told you are on a list to go on a list, and that is what we are working to achieve. I hope those letters being sent are still very rare now, although I have seen them in recent months. We are drawing together all our data. There is tremendous work being carried out on the data retrieval that is needed within the healthcare service because we are rapidly moving, at last, to an electronic record. I am interested to speak with the Connétable to find out which specialty is still sending out those letters because we are now much clearer about our waiting lists. I do not have specific numbers for this surgical waiting list but all our

numbers and information relating to our waiting lists is now online on [gov.je/health/waitinglists](http://gov.je/health/waitinglists), where all the information can be found on lists in the various specialties.

### 8.13.3 The Connétable of St. Lawrence:

When the Member asks the question, to be referred to the website is reasonable but I would prefer the Minister answered the question and I would like to ask the Minister to come back and answer the question via email to all Members. Let us talk about how many orthopaedic patients are waiting for operations.

### The Deputy of St. Ouen:

I will come back on the orthopaedic waiting list, what it currently is and the figures asked by Deputy Southern, who was asking about the in-patient surgical waiting list.<sup>15</sup>

### 8.13.4 Senator S.C. Ferguson:

What percentage of the records are now electronic? Does the Minister not understand that everyone on a waiting list tends to be old and therefore probably does not have a computer and cannot look at waiting lists on the States website? What provision is being made for that?

### The Deputy of St. Ouen:

We have converted some G.P. records that are now accessible across the whole health service. It is not the full level of information that is available but some essential records are now held

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<sup>15</sup> The following information was accordingly submitted by the Minister for Health and Social Services by email on 16/09/21.

The number of **adults** waiting for surgery:

As of	Number of patients waiting
31 December 2019	443
31 August 2021	380
Difference	-63

The number of **children** waiting for surgery:

As of	Number of patients waiting
31 December 2019	1
31 August 2021	9
Difference	8

Further detail on the above figures is shown below to show how long patients on the waiting list have been waiting for surgery.

#### Adults

Date	0-30	31-60	61-90	91-120	121-180	180+	Total
31/12/2019	68	77	97	57	72	72	443
31/08/2021	52	58	61	62	73	74	380

#### Children

Date	0-30	31-60	61-90	91-120	121-180	180+	Total
31/12/2019	1	0	0	0	0	0	1
31/08/2021	2	1	3	1	0	2	9

NB: these figures do not include emergency cases as these are treated immediately and not put on a waiting list. Further information on waiting lists is available at <https://www.gov.je/health/waitinglists/Pages/index.aspx>

electronically so that if we were to be admitted to the Emergency Department it is possible for the Emergency Department to know what interactions have gone on in primary care. As a basic primary care record, that is available to Emergency Department practitioners, which is so important, rather than trying to treat somebody unknown to them without needing to draw information from them, which is sometimes difficult. Now there is that access to primary care records but we still need to do more and more is being done. There is substantial investment being made into the electronic patient record.

[15:00]

As to people without access online, they will be referred into a specialty and the person referring them will give them information about waiting times and anything else they wish. That might be their G.P. or the consultant or specialist in the hospital.

**8.13.5 Senator S.C. Ferguson:**

I would like a bit more information on getting the records put on electronic process because as I go into the hospital fairly regularly now, I see lots of trolleys pushing great big woggles of files around. I wonder about data protection on that but that is another story. How far are we getting with the electronic side?

**The Deputy of St. Ouen:**

That is a whole subject in itself and I would be very happy to arrange a briefing for the Senator.

**Senator S.C. Ferguson:**

I do not want a briefing. I just would like the Minister to be able to demonstrate that he knows what is going on in his department.

**The Bailiff:**

Senator, the Minister now understands that you do not particularly want to have a briefing so perhaps he can see how he can deal with the answer to the question.

**The Deputy of St. Ouen:**

I have explained what I understand has happened so far. We have made good progress with the access to a certain level of records in the Emergency Department and others can access that high-level record but there are further details. Imagine if you have had interaction with our hospital services over years, decades perhaps, and you will have a substantial file. Not all of that is yet available electronically but that work is planned and being undertaken. I understand it is working to time and we want to enter a newly-built hospital with a fully electronic record and not have those trolleys being wheeled around with files on and we are working to that end.

**8.13.6 The Connétable of St. John:**

Can the Minister tell us what the additional cost of employing agency staff is to substantive staff?

**The Deputy of St. Ouen:**

In general, it depends on who is being employed and the speciality.

**The Connétable of St. John:**

In the theatre, please.

**The Deputy of St. Ouen:**

I understand that in the theatre it can be up to 35 per cent of the cost of employing somebody substantively. There was a written question answered to this effect earlier in the summer.

**8.13.7 The Connétable of St. John:**



When does the Minister expect to have covered all the vacancies in the theatre?

**The Deputy of St. Ouen:**

The Theatre Department operates at just over 80 staff. The staff will come and go. Agency staff may need to be brought in at different times. We have now reduced agency staffing and therefore the cost of it substantially from previous years, by improved substantive recruitment. But I do not think there will ever come a time when the hospital does not need agency staff. It is a feature of all health services in the western world that to cover services, agencies exist to provide temporary staff.

**8.13.8 Deputy G.P. Southern:**

Is the Minister aware that any vacancy rate over 5 per cent causes intense nervousness in the workforce and makes it very hard to recruit? His figure of 13 per cent vacancies makes it very difficult to recruit to that department. Does he not agree?

**The Deputy of St. Ouen:**

I am not sure I recognise the figure of 5 per cent given by the Deputy, although the ideal and the aim is always to recruit substantive staff wherever possible.

**8.14 Deputy I. Gardiner of the Chief Minister regarding seeking legal advice (OQ.184/2021)**

Will the Chief Minister advise why he has stated in his public communications that he has received and followed legal advice when section G of the Code of Engagement between Scrutiny Panels and the P.A.C. (Public Accounts Committee) and the executive forbids Ministers, the Council of Ministers, Scrutiny and P.A.C. from disclosing they have even sought legal advice?

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

In reference to the departure of the former C.E.O., I can confirm I first sought the consent of the Attorney General before referring to the fact that I sought legal advice. The Attorney General took the view that the fact that advice had been sought and could be referred to in this instance, given the exceptional nature of the case, and because the matter could not be fully understood by P.A.C. unless there was reference to the fact that legal advice had been sought. To the best of my recollection and belief on other occasions when I may have referred to the fact that I received legal advice, it has either been because States Members have already been made aware by law officers that advice had been given, or when the topic of questioning has been around a legal interpretation or it has been in hearings with a law officer present, drawing an obvious conclusion to the fact that we have received legal advice.

**8.14.1 Deputy I. Gardiner:**

Thank you to the Chief Minister for using the example of mentioning legal advice for the exit of the former chief executive. Would the Minister agree it should be a balance because P.A.C. was not allowed to indicate whether it has received legal advice of any kind?

**Senator J.A.N. Le Fondré:**

I cannot directly comment on that because that is the relationship between P.A.C. and the law officers rather than between the Government and the law officers. That is a matter for P.A.C. and the law officers, if I have understood the question correctly.

**Deputy I. Gardiner:**

Can I clarify my question? Would the Chief Minister agree that it should be balanced if one side, the executive side, is allowed to use legal advice or it is mentioned that they had legal advice, on the balance on the same matters the scrutiny of P.A.C. should be allowed to mention that they might have legal advice? It is about the balance between executive and Scrutiny.

**The Bailiff:**

I will allow that as a clarification of the earlier question.

**Senator J.A.N. Le Fondré:**

I am not sure I can add much more. The point is it is not my decision. It is the decision of the law officers so I do not know the circumstances that relate to that relationship. In terms of equity, it does not seem illogical what the Deputy is saying but I am sure it depends on the exact specifics. I do not think I can comment.

**8.15 Senator K.L. Moore of the Minister for Home Affairs regarding the Norfolk Police investigation:**

Will the Minister state when he anticipates the Norfolk Police investigation into the planning department will be completed and will he advise Members whether the report will be made publicly available?

**Deputy G.C. Guida (The Minister for Home Affairs):**

Norfolk Police have indicated that the States of Jersey Police should receive a final update on the outcome of the investigation by the end of 2021. Should the final report recommend consideration of charges, any report will be sub judice until court proceedings are concluded. Should no criminal charges be recommended, consideration will be given to publishing a redacted version of any report in line with the requirements of the Data Protection (Jersey) Law 2018.

**8.15.1 Senator K.L. Moore:**

Given that deadline and target, would the Minister accept that there is still a considerable amount of work to do for the investigating Police Authority and have they expressed any concerns to him, given that some individuals have submitted to the report over 2½ years ago and have yet to receive acknowledgement or even an interview?

**Deputy G.C. Guida:**

I am sure the Senator is quite familiar with the lack of powers of the Minister over investigations, especially ongoing investigations. In this particular case I am just as impatient as she is to receive any result from this. As far as I understand, the investigation itself was finished quite a few months ago and it is all about writing the report and finalising it and we are very close to that.

**The Bailiff:**

I have Deputy Morel next. Then, Deputy Higgins, you appear to have some technical difficulties but you nonetheless wish to ask a question.

**Deputy M.R. Higgins:**

Yes, sir, that is the case.

**The Bailiff:**

I will call you after Deputy Morel in that case.

**Deputy M.R. Higgins:**

Thank you.

**8.15.2 Deputy K.F. Morel:**

In many ways, it is a question of clarification. The Minister said in his answer to the first of Senator Moore's questions he is expecting an update or a final update at the end of the year. Could he confirm whether that is a final update which sounds, in my mind, to be quite a minor thing as opposed to a final report, which I would expect to be a root and branch final version of the investigation and its results? Could he confirm what he is expecting to see at the end of this year?

**Deputy G.C. Guida:**

This is a good question. It is an important point of detail. My understanding is that the final report, the conclusion of the investigation, will be given to the States of Jersey Police before the end of 2021.

**8.15.3 Deputy K.F. Morel:**

As a result of that, would the Minister expect to see it himself?

**Deputy G.C. Guida:**

Sorry, Sir, I did not hear that.

**The Bailiff:**

As a result of that, would you expect to see it yourself, Minister?

**Deputy G.C. Guida:**

Again, the Minister has very, very little involvement in ongoing investigations. I think there are many safeguards in place to make sure that there is no intervention in the day-to-day work of the police. So, no, I will not see the result of this investigation, especially if there are court proceedings resulting from it.

**Deputy M.R. Higgins:**

Sir, I might be able to assist Members as well on this briefly before I ask my question, if I may.

**The Bailiff:**

Well, I am afraid, no, it does have to be a question. That is the nature of Question Time.

**8.15.4 Deputy M.R. Higgins:**

Will the Minister tell me whether the report will be going to the chief of police and, from him, to the Attorney General if charges are to be levied and that, therefore, the first we will know whether the Attorney General decides to prosecute or not?

**Deputy G.C. Guida:**

I am unsure of the normal process. It is the first investigation of that class that I have seen as a Minister. I believe that this is exactly how it will happen in the sense that we will know when charges are levied because those of course will be direct.

**8.15.5 Deputy M.R. Higgins:**

Can the Minister tell us whether it is his understanding that all interviews that have now have been conducted in Jersey under caution and that the papers were being prepared for submission to the Island?

**Deputy G.C. Guida:**

I have no idea. Again, I have no input or any link to the process.

**The Bailiff:**

A final supplementary, Senator Moore?

**Senator K.L. Moore:**

No, thank you, Sir.

**8.16 Deputy R.J. Ward of the Minister for Infrastructure regarding biodiesel fuel (OQ.188/2021)**

Will the Minister inform Members of what percentage of the States of Jersey transport fleet and bus service has transitioned to using biodiesel fuel and, if this is not 100 per cent, explain why the use of such fuel has not yet been adopted by the whole fleet?

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

Although we have run trials in recent times, currently there is no use of second generation renewable diesel, S.G.R.D., in any of the Government of Jersey's vehicle fleet. However, we are in the final stages of discussion with procurement for an exception to the current liquid fuel contract. This will enable further use of second generation renewable diesel to the Government for our own fleet while a re-tender of the supply of liquid fuels is completed. The re-tender will include a requirement for a supplier or suppliers to be able to provide an ongoing supply of second generation renewable diesel within the procurement framework. The bus fleet is operated under contract to the Government by CT Plus Jersey Limited. The diesel fuel used by the entire CT Plus Jersey bus fleet is U.K. specification fuel, which incorporates a proportion of renewable diesel blended in. Although at 7 per cent of the volume, this represents a small percentage, this fuel is greener than the diesel imported for general road vehicle use in Jersey while avoiding being problematic for any bus engines whose manufacturers are unable to confirm as being compliant with S.G.R.D.

[15:15]

We are finalising the funding business case for approval to enable the use of S.G.R.D. to be supported within the bigger fleet of LibertyBus until 2024. We expect this funding from the Climate Emergency Fund to be approved by October 2020.

**8.16.1 Deputy R.J. Ward:**

I ask the Minister: would he trial, as a matter of urgency, the use of H.V.O. (hydrotreated vegetable oil) fuel in particular in school buses in order that the air that is emitted from those buses is much cleaner around school environments?

**Deputy K.C. Lewis:**

Also, I will just mention the buses have their own supply and that is 7 per cent renewable fuel mixed in with the fuel itself. I think I have mentioned previously that the bus company needs authorisation for their newer buses from the manufacturers to say that they are quite content for the new buses to run on second generation renewable diesel because they are enviro 5 engines. So they must have that authentication and I believe the bus company is waiting for that.

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

The Deputy's question was quite specific and asked for a percentage of the States of Jersey transport fleet and bus service and the Minister's long rambling excuse did not mention a number at all. Could he tell us what the percentages are please?

**Deputy K.C. Lewis:**

I just did. If the Deputy was listening, we do not currently. Although we have run trials, we are currently not using second generation renewable fuel in our fleet, that is the Jersey Fleet Management, but we are renegotiating, shall we say, the contract to enable that to be supplied. So we have run tests and the tests have come back as very positive. We have run it from small vans right the way up to the big tankers and the staff have reported back no loss of power, absolutely spot on and an excellent product, so we are more than happy to use that in our fleet but we have to renegotiate the contract. So, as I stated previously, it is zero in the fleet and the bus fleet itself, in their fuels, they have 7 per cent in all of the buses.

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

Can I just ask the Minister why he has not been able to move faster at moving the States of Jersey transport group over to this fuel?

**Deputy K.C. Lewis:**

We have contracts in place which must be amended and it is that amendment that we are working on at present until such time as the new contracts are out to tender.

**8.16.4 The Connétable of St. John:**

The Minister referred to the newer buses in the bus fleet needing permission to use the newer fuel. Will he not recognise that the school bus runs are performed by older buses in their fleet?

**Deputy K.C. Lewis:**

Yes, I am aware that the older buses are used in the bus fleet but, as I say, the fuel itself for the bus fleet does have 7 per cent renewable fuel so when all the buses are running on it, no doubt they will transition to the new fuel too.

**8.16.5 The Connétable of St. John:**

Would the Minister agree with me that having to pay 6 pence per litre on biofuel for environmental duty is not conducive to encouraging people to use the fuel? Having to pay £6 every time I fill up my car in environmental duty, I resent that fact but I still continue to do it. Will he work with his colleagues in Government to reduce that levy?

**Deputy K.C. Lewis:**

Absolutely, and congratulations to the Constable for using second generation biofuel in his vehicle and, yes, I have already mentioned this at the Council of Ministers and we have also had talks with Treasury regarding it.

**8.16.6 Deputy R.J. Ward:**

Is the Minister aware that, given that the diesel used in school buses in particular contains aromatic hydrocarbons, benzene, ethyl benzene and toluene compounds which, when burnt, produce by-products which are harmful to children's respiratory system? Indeed, there is evidence that it can pass between the spaces in D.N.A. (deoxyribonucleic acid) causing all sorts of cell dysfunction and, as a matter of urgency, we should be removing this fuel from our school buses and from around schools in as much urgency as we did lead from petrol. That is another lever to move towards renewable diesel so that we not only have cleaner air but our emissions reduce, or is the Minister happy to continue that level of pollution round our schools?

**Deputy K.C. Lewis:**

As I have previously stated, we will get everything on second generation renewable biodiesel as soon as possible. There are contracts in place. There are contracts that need amending. LibertyBus is an independent company. They have their own contracts. They are very open to suggestions of electric vehicles and second generation renewable diesel and they will be progressing as soon as they can. They are an independent company but we are talking to them on a regular basis and they are very keen to transition.

**8.17 Senator S.Y. Mézec of the Minister for Social Security regarding Philip Le Feuvre House (OQ.197/2021)**

When will Philip Le Feuvre House be open for face-to-face walk-in appointments for their services?

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

Philip Le Feuvre House is open for appointments and has been for over a year. Customers can book an appointment over the phone. I am responsible for a range of benefits which are delivered from

the C.L.S. (Customer and Local Services) Department at Philip Le Feuvre House. Other Ministers are responsible for other services which are available from the same building.

**8.17.1 Senator S.Y. Mézec:**

Will the Minister clarify that she was talking about appointments that are prearranged as opposed to walk-in appointments, as has been the case in the past where people have been able to drop-in to the department at a time that is convenient to them to avail themselves of the services there? I guess the ones I am most interested in are to do with those that fall within her remit, such as income support. Does she not accept that it is an extremely important way of being able to access those services and for claimants to present themselves at the department in that manner and not just through prearranged appointments?

**Deputy J.A. Martin:**

I absolutely disagree. Those departments have come on leaps and bounds through COVID and it is doing exactly what I have been begging it to do for years. If anyone has been down there with a constituent and you are sitting there with 50 people and you are trying to discuss your most intimate details about your change of circumstances, it has never been great. 88 per cent of customers are absolutely over the moon with the new service and it looks like this is the way forward and not sitting in there for hours with your children crying and the elderly sometimes with a disability not being able to find a toilet.

**8.17.2 Deputy G.P. Southern:**

There seems to be a direct opposition between what Senator Mézec and Deputy Martin have said here. Deputy Martin has praised her new system. Could you describe this new system and say how it is improved and also how easy it is to pop in and get a proper explanation from somebody about extremely difficult matters that are sometimes involved in social security?

**Deputy J.A. Martin:**

Sorry if the Deputy was not listening to my first explanation. It is 444444 for a telephone appointment. They are answered within about 20 seconds. The Deputy knows him and myself have been trying for years to get people to have a private appointment when discussing their most intimate details, especially when you find yourself on hard times. As I say, 88 per cent of people are happy. We are still in COVID by the way. It is my concern that I have to protect my staff. I have a duty of care to them and the public. The main thing is we have paid out millions and millions and millions of pounds and that is what keeps the Islanders happy. Pensions are paid out, sick money is paid out and co-funded payroll. Everything is paid out from that department and I just praise my staff for keeping it going or they would have been anarchy. [Approbation]

**8.17.3 Deputy G.P. Southern:**

Yes, my experience of the Social Security Department and them seeking to explain things to me has been very frustrating. Often I get a reply which says the expert who is involved is not on duty, they will phone you back and rarely does, or I am sitting on the phone and it is ringing and ringing and ringing for up to an hour. I do not find the service is that much improved at all. Will the Minister make significant and measurable improvements to what is going in her department?

**Deputy J.A. Martin:**

Well, I do not know where the Deputy is ringing. Maybe it has been a different number.

**Deputy G.P. Southern:**

It is 444444.

**Deputy J.A. Martin:**

I test that number regularly and I thought at one point I might have a red tag so I try it on different people's phones. That number is picked up in seconds and, if you pay, you have people ringing it back. There is also, if you are waiting too long, you can put complaints in. I think it is a much, much improved system but if the Deputy needs to speak to one of my excellent advisers or somebody about something, if he is having problems, please let me know. I will make sure they phone him and he can have that conversation but the service is brilliant, people are getting their money and that is what we are hearing. No complaints.

**8.17.4 Senator S.Y. Mézec:**

As with Deputy Southern, the Minister's explanation does not reflect the reality as I have seen. I recently attempted to help a constituent get a face-to-face meeting and found officers doing everything they could to avoid getting people in a room to try to resolve that constituent's issue. So can I just get the Minister to confirm that it is her intention to cease providing a walk-in appointment system entirely as used to be the case? I certainly agree that it was not always ideal and, in many cases, not the preferred way of engaging with the department, but those who it would be a convenient option, can she confirm that that will no longer be an option?

**Deputy J.A. Martin:**

There is nothing permanent yet, as I have said. We can see by today, some people are here and some people are not. We are still in COVID and I have to protect the staff and the customers. Nothing is set in stone but, at the moment, in COVID, it is working fantastically.

**The Bailiff:**

Very well. That concludes questions with notice. We now move to questions to Ministers without notice. The first question period is directed to the Minister for Children and Education.

**9. Questions to Ministers without notice - The Minister for Children and Education**

**9.1 Deputy K.F. Morel:**

I was wondering would the Minister be able to confirm whether or not Highlands College is offering training courses in a wide range of areas but particularly in this case in project management free of charge to Islanders but supplied by a U.K. company?

**Deputy S.M. Wickenden of St. Helier (The Minister for Children and Education):**

I thank the Deputy for his question. I have received a message from the Deputy regarding this matter and I have been asking my officers to get back to him with the information. I do not have that yet but as soon as I do have that information, I will make the Deputy aware and have a conversation with him around it.

**9.2 Senator S.Y. Mézec:**

Could I ask the Minister if he is able to provide the Assembly with an update as far as is possible since students have returned to school how attendance figures are at the moment, how they compare to before the summer break and what he and his officers are keeping an eye out for in those attendance figures to account for any contingencies they may need in place with children coming into contact with COVID?

**Deputy S.M. Wickenden:**

I thank the Senator for his question. I have the figures right now for attendance since we started the school term which, on the Tuesday, primary schools, 96.5 per cent of students were in school. Secondary school was 96.1 per cent. On the Wednesday, 95.9 per cent of primary school students were in school and 94.3 per cent of secondary school students. Obviously, due to our wonderful air display, the Thursday was closed and on Friday it dipped slightly where the attendance was 90.8 per

cent attendance from primary schools and 88.2 per cent attendance from secondary schools. These numbers are significantly up from before the summer term ended. What we are doing at the moment with the lateral flow tests with the small restrictions we have in place is making sure we are keeping an eye on the students and making sure that they are not going into school with COVID and spreading it around. That is where the lateral flow tests have really helped us to identify early so we can keep as many children in school in education as we possibly can.

[15:30]

### **9.2.1 Senator S.Y. Mézec:**

I obviously appreciate that it is still only early days but the figures he just gave did seem to show attendance going down as each day went by. So can I ask the Minister if he is projecting that that trend will continue as many children may be arriving having been elsewhere and come into contact with COVID? If he is projecting attendance going down over the coming weeks, what is being done to ensure that those children who cannot attend are still able to access education from their homes?

### **Deputy S.M. Wickenden:**

Yes, so we have currently around 53 students that are off due to COVID and 3 members of staff. The attendance was not just about COVID. There were other absences that happened through school after certainly something like an air display so we are only seeing kind of around about 10 a week in numbers on COVID figures at the moment, which is quite low. We have not seen the spikes that they saw in Scotland when they opened the schools up so we are keeping an eye on it this week. If the figures start going up too high and too rapidly, we have other measures in place like we put in place last year with schools so we can do home learning if we needed to go down that route. We can strengthen the restrictions if need be but we can also relax them if we see that they are no longer required and we can give more freedom to the students. So we are keeping an eye on it and, by the end of this week, we will do a full review when 2 weeks of school will have happened. That will give us the best knowledge on how COVID has affected schools since they have opened.

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

On the same subject, will the Minister advise how many students have tested positive with a lateral flow test since the schools have recommenced?

### **Deputy S.M. Wickenden:**

I thank the Deputy for the question. I do not have the full figures in. I know last week by Friday, there were 9 positive lateral flow tests which turned into 9 positive P.C.R. tests so that proves that the lateral flow tests are having a strong impact in early detection before children go to school and mix with other children, so there were 9 last week. I do not have an up-to-date figure but we will be starting to put them out with the weekly updates on the website about lateral flows and positives as well, so that is information we will be sharing shortly. We just wanted to get an entire week of school in place before we gave the information because 24 of the positives out of the 53 had not attended school but they are marked as children with COVID. So we had to make sure it was to do with school and not to do with the summer holidays.

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

As a percentage, how many pupils are participating in the lateral flow tests chart as well?

### **Deputy S.M. Wickenden:**

I am sorry, I do not have the percentage of the lateral flow tests in a percentage. I will just check. I think I have the figures. No, I will get the figures out but there is a large percentage. There are over 5,000 students that have taken up the lateral flow tests at the moment.

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



May I ask the Minister what is the current standing of the free school meals trial and what are the plans for the coming terms and years?

**Deputy S.M. Wickenden:**

So with the free school meals, I have spent a lot of time at the moment with Caring Cooks talking to them. We are looking right now to get better serveries within the schools. There are some challenges in some schools and we are trying to get around them, such as Springfield does not have the space to be able to create a servery but we are thinking about putting a van in instead. It is a kitchen van. One of the ones that you would normally see out who do street food. In the new Les Landes School, we are putting in a servery as part of the planning application for putting the nursery in and Caring Cooks I believe are getting a larger kitchen put in that will help expand their service to be able to put it into more schools. Once we have both those aligned between the charity and ourselves, we can start pushing out to more schools, that will give us much better data, but I am keen to make sure that happens as soon as possible. It is definitely on one of my priority lists, which is why I keep in strong contact with Caring Cooks about what they are doing and where their challenges are.

**9.4.1 Deputy R.J. Ward:**

May I ask the Minister, with his plan to extend those free school meals, does he now see the value of free school meals for children and will that be a feature of the Government Plan coming forward?

**Deputy S.M. Wickenden:**

I have always seen the value of free school meals. It is not just now. Yes, I am absolutely looking to extend it, as I say, and I am looking to extend it as soon as we possibly can to all primary schools with educational programmes about nutritional eating as well. It is not just about free meals. It is about the educational side of it too, so I am very keen to get that going and there is money for that in the Government Plan.

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

In 2019, the U.K. Government introduced education on menopause to the P.S.H.E. (Personal, Social, Health Education) curriculum for all teenage girls and boys and to aid understanding across the population. Would the Minister agree to look into this in Jersey and ensure that it is in our Jersey curriculum? Also, could the Minister please outline what he will do to ensure that schools are safe and there are places where teachers who are experiencing menopause symptoms can manage this with their day-to-day workload?

**Deputy S.M. Wickenden:**

I thank the Deputy for the question. Personally, I am not quite sure if the P.S.H.E. curriculum does do education about menopause but I will find out for the Deputy through my officers and of course I will speak to my officers that deal with the running of the schools and their buildings to find out if there are safe places for teachers, or even visiting parents as such, and I will get back to the Deputy.

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

If the Minister discovers that it is not on the P.S.H.E. curriculum, would he commit to ensuring that it is in the future please?

**Deputy S.M. Wickenden:**

I will absolutely bring that forward to the officers, yes. There is a body that does the P.S.H.E. curriculum and I will go and speak to them.

**9.6 Deputy G.P. Southern:**

What progress has the Minister made in introducing a replacement Community and Schools Dental Service, as he promised in his speech when he was a candidate for this position?

**Deputy S.M. Wickenden:**

An excellent question from the Deputy. I did a lot of work to pull together the dental scheme so that we have something that we can put together. We have it set up and the funding agreed for 2022. I am not happy with it and I have gone to speak to our C.E.O. and we are going to start having conversations with Treasury because we need to find the money to start it now because the problem cannot wait until 2022. It has kind of got stuck in who pays for it and where does it come from at the moment. That is a battle I am taking on right now, I regret to inform the Deputy, and it is something I am very passionate about getting done.

**9.6.1 Deputy G.P. Southern:**

My understanding was that there was the money already set aside from the COVID fund for issues that have been neglected during the time of COVID in order to get things kick-started again. Has that not happened?

**Deputy S.M. Wickenden:**

So the money that has been put forward for 2022 is from COVID for next year and it is about picking up on some of those things so that is where the COVID money for 2022 came from. I will just look at the Minister for Treasury and Recourses and say that we need to get the money to start this as soon as possible.

**9.7 Senator K.L. Moore:**

Could the Minister describe the rationale which leads to the situation that, at the moment, an unvaccinated person can go to a nightclub even if they have been contact-traced and yet a child who has been contact-traced cannot attend school?

**Deputy S.M. Wickenden:**

I am absolutely quite happy to answer that question. I get lots of emails around this. Nobody is legally required to go to a nightclub, a restaurant or a function or event. Children are legally required to be in school but we need to make sure that is safe. If I can expand please, the area that concerns me on why there are restrictions in schools is I do not have an abundance of teachers that I can just pull out. If a teacher gets contact-traced, the teacher then cannot be in school for 10 days and if I lose too many teachers I lose year groups, which means even more children, and not just the ones that are contact-traced, until they have a negative will have to be at home. So that is even more children without a proper education, and if I lose even more teachers I will have to close down a school which would mean that there are more children out of school, more parents who cannot go to work because they are having to look after their parental responsibilities, to take care of their child. These restrictions, though they seem unfair between nightclubbers and adults versus children, has a rationale regarding making sure that all children are safe, that teachers are safe, and that the educational outcomes for children are put first.

**9.7.1 Senator K.L. Moore:**

Could the Minister explain why those children who have been contact-traced are not being given lateral flow tests?

**Deputy S.M. Wickenden:**

I cannot answer why these particular children that I do not know about, but if the Senator contacts me regarding it, I can find out. But they should be able to get lateral flow tests because the rules say that, if somebody is primary school, contract-traced, they get lateral flow tests so that they can test for 10 days. They are the rules we put in place, suggestions, and secondary school students have lateral flow tests if they sign up to the thing. So I do not know why in this particular instance there

seems to be a failure in this area. But, if the Senator will talk to me and the Minister for Health and Social Services, I am sure we can work out what has been going on and remedy it.

**Senator K.L. Moore:**

Could I just point out that this is the forum for Ministers to answer questions before the public as well as Members, therefore I would appreciate it if they could provide their responses to both the public and Members openly please?

**The Bailiff:**

That is a request made of the Minister. The Minister will or will not accede to it as the case may be. Very well, that brings question time for this Minister to a close. The next Minister is the Minister for Social Security.

**10. Questions to Ministers without notice - The Minister for Social Security**

**10.1 Senator S.Y. Mézec:**

The Minister will recall that in the first Government Plan it was originally proposed that the long-term care tax would be raised by 1 per cent. But an amendment from a Scrutiny Panel succeeded in reducing that proposed increase. Can I ask the Minister what consideration, if any, she has given to achieving that further 0.5 per cent increase that she had initially tried for and when we can expect to hear about plans to do so?

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

I went for the 1 per cent and I was happy with the 0.5 per cent and I am told the fund is okay for at least another 8 or 9 years before I have to come back and look for that other 0.5 per cent.

**10.1.1 Senator S.Y. Mézec:**

Just to confirm then that in the rest of this Government Plan there will be no plans to achieve that full increase that she had initially aspired to at the start of this term and we can rest assured that will not be imposed any time soon?

**Deputy J.A. Martin:**

There is nothing, Senator, in this Government Plan and, as I say, it would have been lovely to make sure the fund was good for 20 years, but it is probably good for 10, and I have no plans, as long as I am Minister, to bring that back.

**10.2 Deputy R.J. Ward:**

Just on the long-term care contributions, I would like to ask the Minister whether she feels that the first thing to do, should there need to be an increase, would be to raise the cap on long-term contributions rather than introduce the percentage itself, so as to not pass the burden on to low and middle-income earners, but those who are more able to take on that cost?

**Deputy J.A. Martin:**

The 0.5 per cent was raised, from memory, to employers or very high earners. I absolutely take what the Deputy is saying. We could look at raising the cap on that before I try to raise anything else. But, as I am not trying to raise anything, I have no intention of trying to raise anything because I do not need it. That will be for the next Minister to look at and probably for a few years down the line. You do not collect money unless you need it and the fund is doing quite well.

[15:45]

**10.3 Senator S.C. Ferguson:**

Given the inclination for H.C.S. (Health and Community Services) to treat the H.I.F. (Health Insurance Fund) as a magic money tree, will the Minister for Social Security be extremely robust in defending the H.I.F. against the depredations of H.C.S., particularly given the fact that the doctor subsidy for visits to the G.P. has not been changed for 12 years and the dentist subsidy has not been revised for 28 years. So can we have a rather more robust defence of a fund, which was founded to support the public, not the H.C.S.?

**Deputy J.A. Martin:**

It has been absolutely well-documented that it has been frozen for quite a few years. But the doctors are paid in all different ways. We pay them to do lots of things free and it was the first Ministerial Decision myself and the Minister for Health and Social Services signed when we were both elected. That was for free smear tests for all women in doctor's surgeries, not just at the women's clinic, so anyone can go. There are other things. But I do understand. I assure the Senator my officers are in constant talks now with the doctors because we thought the healthcare model and funding was a bit further forward than it is. It is just where we are. We are hoping to come to a solution. But there is money there and I am defending it, Senator.

**10.3.1 Senator S.C. Ferguson:**

Will the Minister remember that the public have paid that money in and it is not for the H.C.S. to decide how the public's money should be spent? It is for the public to support the public so that they have access to the doctors and that there is availability of pharmaceutical benefits. Thank you. Does the Minister not agree that this is what it is all intended for? It is not intended to supplement the wishes of the H.C.S.

**Deputy J.A. Martin:**

The Health Insurance Fund is very old funding. It is 2 per cent of the overall amount that is paid in. Exactly right from the taxpayer, the Senator is absolutely right. But we are trying to change things. We need a fund where everyone knows that this is for your health. This will be our main cost going forward is health. Who pays it, where it comes from, but knowing that it is covered. We already have the health access scheme for the lower income and I would like to see going forward, once it is costed, we could maybe start using it for other people. Then the Senator says pharmacy, we have had free prescriptions for many, many years. So it is swings and roundabouts. Doctors are free in the U.K. but I think it is £13 an item on a prescription, so it does not take long before it adds up.

**10.4 Deputy J.M. Maçon:**

When I was Assistant Minister for the Minister I looked after the back-to-work team. I understand that they have been allocated through fiscal stimulus about £1.2 million. Is the Minister able to update us about how that money has been used and whether it has been effective?

**Deputy J.A. Martin:**

Yes. The Deputy did used to look after all those figures for me and I am balancing all that myself. Yes, from memory, I was updated on Friday on this, and the scheme works with back-to-work people and people who have been unemployed for long term and pays the wages for 6 months. We were targeting 75 people and on Friday we had 69. We need to fill those other 6 places because it is a 6-month scheme and then we just go into 3 months of next year. But we can do that as long as we fill the other 6 places. So if anyone is out there, and I know they are short-staffed, please talk to my department and if we can match you with somebody it will not cost you anything, we will pay you and we will pay their social security for 6 months while you train them in a very good job.

**10.4.1 Deputy J.M. Maçon:**

I wonder if the Minister could inform the Assembly about how this particular scheme is being advertised and promoted on both sides, for employers and for potential clients?

**Deputy J.A. Martin:**

Officers went out initially. It was a slow burn and I was surprised to hear, we have spoken to Chamber, we had 20 to 30 and then I did not hear anything for a few weeks. But, as I say, updated, it was either last Friday or the Friday before, 69 out of 75, I was really pleased. But we do push it on the slow news, through the summer, we contacted people, especially when they are saying they are short of staff. It is meeting that, it is a full-time contract, we want employers to give a full-time contract. Some employers are not so wanting to do that. But you have to train someone for 6 months, so I think a full-time contract is not too much to ask.

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

Has the Minister given any consideration to the principle of a universal basic income? If not, would she agree to discuss this perhaps with her officers and with other Ministers to look into whether it is something that could work in Jersey?

**Deputy J.A. Martin:**

I have over the years discussed it with the officers. It sounds a really good scheme. I think Finland is the last place to do it and roll it out. It is supposed to get people into work without people on your back, you get a certain income. Again, it is where do you start here when an average rent that I am paying for somebody in a 3-bedroom is £1,300 a month. So I am not against the principle, but I just do not know how it would work here. It has been discussed, I can honestly assure the Deputy, it has been discussed a few times. Deputy Higgins has asked me about it and possibly Deputy Southern as well over the last 2 or 3 years.

**10.6 Deputy G.P. Southern:**

A very straightforward question: could the Minister inform Members what the numbers of staff are employed in her department and at what grades and in what sectors are they operating and compare that with the numbers employed similarly in 2019?

**Deputy J.A. Martin:**

I misheard the Deputy, is the Deputy asking me employed in my department or people actively seeking work through my department?

**Deputy G.P. Southern:**

Employed in your department, yes.

**Deputy J.A. Martin:**

No, I do not have the comparison figures. Nobody has reported to me that we are short of staff. As I say, staff have been working well and across many benefits during lockdown and everything else. But I can find out that figure, Deputy, and definitely I will forward it to you and the rest of the Assembly.

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

Could the Minister give an indication of how many businesses and individuals are in arrears with their social security contributions?

**Deputy J.A. Martin:**

Again that is in arrears or are they making up, because when we deferred three-quarters at different times, myself on contributions and the Minister for Treasury and Resources on G.S.T. (goods and services tax), has given up to 2 years to pay back. That is different I know to an arrears but these are still owed to the department. But again it is a figure I do not have on the top of my head, Deputy, but I will definitely get the officers to find that out for you and let you and the Assembly know.

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

Can I ask the Minister what work, if any, that her department is doing with the Economy Department with regard to assisting in the lack of staff for the hospitality industry? What does the Minister believe could be done, whether that is through Employment Law, social security, income support, to improve the position that they find themselves in?

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

The scheme I was describing to Senator Maçon, I was updated on the scheme because we are now going to go back to the 12-week scheme where again we pay, it will be at this minimum wage, or whatever the minimum wage will be set at in the future, and we pay the social security for 12 weeks. Again, it might more be part-time. This time last year, we had just gone under 1,000 people actively seeking work and then we have gone back to school and we picked up 159 people that we call school returners, they will not be wanting full-time work because they might have younger children, doing 15 hours a week, or secondary school children doing 25 hours a week. It is hard. I have spoken to Chamber. I do not think anybody understood the real hit of Brexit with COVID on top, because returners, people who come, have not come. But we are all working together and this scheme that I am promoting, that is going to be launched in the next few weeks, again hopefully will give confidence for people to take people on. It is hard if they are not trained in the area but really you have to give them a chance.

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

I thank the Minister for the answer. I understand it is a difficult situation. But in terms of the consideration around the training, particularly for certain areas of hospitality, whether there be consideration for short bursts of that offering of training working with the hospitality association to try to drive through, whether it is 15 hours or 25 hours, people that can come in and support that industry, whether it is on a temporary or a long-term basis.

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

I absolutely agree with the Senator. If there is anything we can do, we do in-house training in other things, in childcare and other care, and if hospitality want to put something on and we can help, the problem being when I say school returners, some of these may be single parents and the hours that are needed, especially if it is evening or weekend, if you do not have a second partner to cover that, you will probably be paying more in childcare than you would be and it is unsociable hours. But we really have to get on top of this. We know the industry is not opening at its capacity, everyone wants to come and they could really be booked all the way through to the end of October/November. So we need to help everyone who can work, who wants to work, into work.

### **The Bailiff:**

That brings question time for this Minister to an end. The next question period is directed to the Chief Minister.

## **11. Questions to Ministers without notice - The Chief Minister**

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

The Chief Minister was requested to produce the statistics regards relative poverty, et cetera, this morning. Will he undertake to also obtain estimates of fuel poverty throughout the population, given the pressures that have been raised by the zero-carbon policies?

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

Firstly, can I just say I was very delighted to see the Senator this morning, not having seen her for quite a long time. But with the caveat that I gave Deputy Southern this morning, i.e. I cannot direct the Statistics Department to produce them, I will absolutely undertake to have that conversation with

the chief statistician and try to ensure that it gets incorporated into their work. If there is a different source of information, which may be data but would not necessarily be produced by an independent body, and I will also see if that can be explored. I can do that in conjunction with both the Minister for Treasury and Resources and the Minister for Social Security.

### **11.2 Senator S.Y. Mézec:**

Can I ask the Chief Minister if he agrees with the statement that was made by the Minister for Home Affairs that the Alliance Party's manifesto is the Government Plan? Can I further ask him if, in compiling the upcoming part of the Government Plan, what the Chief Minister himself did to make sure that there were effective separations between what is considered party business and what is considered government business facilitated by publicly-paid civil servants?

### **Senator J.A.N. Le Fondré:**

My understanding, and I am not entirely sure it is the appropriate venue to ask the question, is that Deputy Guida's comments were taken somewhat out of context. I believe the way it was phrased was not what was meant to be said. The point being that the point he was trying to make is that, as a number of Members of the Council of Ministers have come together in the group that the Senator has referred to, it would therefore be logical that any future policies would likely be based around whatever the Government Plan was likely to be, because why would one come out with something different that a Government had put through?

[16:00]

But I would absolutely make the point, and I have made it previously, in all the work we do at present we are acting independently and objectively. We are not acting in any shape or form as a grouping, albeit we do share very similar views.

#### **11.2.1 Senator S.Y. Mézec:**

In regards to the quote being taken out of context, I have the Alliance Party's website up in front of me and it says that Deputy Guida said at their launch: "Our manifesto is the Government Plan." That is the full sentence. That is the context there. So can I ask the Chief Minister if, in engaging with the civil servants who helped facilitate the putting together of the Government Plan, any advice was sought or any guidance sought, perhaps from the C.P.A. (Commonwealth Parliamentary Association) or an equivalent organisation in making sure that with these new developments in Jersey politics that appropriate demarcations are made behind the scenes so that the line is not crossed between what is party business and what is official government business? Can he confirm whether any advice for that threat has been sought?

### **Senator J.A.N. Le Fondré:**

I am just going to make the point again; we are not acting as a collective group on this side of the elections. That is what it made very clear, because we were not elected, we were all elected as independents and we maintain that position.

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

Pension refinancing is expected to cost £460 million in extra borrowing. Does the Chief Minister believe that there is any likelihood that this cost may rise even further during the next 20 years?

### **Senator J.A.N. Le Fondré:**

This is addressed in the Government Plan. It is obviously identified in the debt strategy and borrowing strategy as well. We will give far greater briefing to Members as the Government Plan is released. The short answer is that the pension liability will increase and therefore, by doing a refinancing, which has been addressed, there are significant savings that can be produced as a result, is the simple answer.

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

How much will taxpayers be paying each year in interest payments for this borrowing?

#### **Senator J.A.N. Le Fondré:**

At present, if we were able to refinance the existing liability, which in essence attracts an interest cost already, the expectation is we will be able to refinance that at significantly lower rates and pay it back a lot earlier than if we do nothing. That is the basis for achieving a very significant saving for taxpayers. I hope, when we give the details, that Members will welcome that. It is a long-term change and again it is something that should have been addressed for a long time.

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

In the Budget 2014 Corporate Services report, the Chief Minister in his foreword criticised the budget envelope, which was at the time £392 million. Could the Chief Minister explain how he feels about the current budget envelope of £804 million in that context please?

#### **Senator J.A.N. Le Fondré:**

The budget envelope for the Government Plan is significantly higher than the number she cited and it would have been significantly higher back in 2014.

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

It was not. Could he please answer the question?

#### **Senator J.A.N. Le Fondré:**

The Senator referred to the budget envelope, by which I assume she means the M.T.F.P. (Medium Term Financial Plan) or the Budget. Could she clarify the question?

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

I do not think I could be any clearer. For the Budget 2014 the envelope for the hospital expenditure was £392 million, which was criticised by ...

#### **The Bailiff:**

I am not sure the Chief Minister appreciated it referred to the hospital as opposed to the overall budget envelope.

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

I do apologise, right.

#### **Senator J.A.N. Le Fondré:**

Yes, that is why I was a bit puzzled. I do apologise, I am not being awkward, could the Senator just repeat the question?

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

Apologies, 2014 Budget, the then Corporate Services chair wrote in his foreword criticising the budget envelope of £392 million, which he considered was unaffordable. Could he explain how he feels about the current budget envelope of £804 million in that context?

#### **Senator J.A.N. Le Fondré:**

There are 2 or 3 points that come out of that. Number one is we are 7 years on. Number 2 is at the time there were alternatives that were being suggested around how one might fund that quantum. Indeed, somewhere in one of the Corporate Services Scrutiny reports, and I cannot remember the response from the Ministers of the day, was a recommendation to use the C.Y.B. (current year basis)/ P.Y.B. (prior year basis) methodology to reduce the amount of borrowing one might have to do. It



is very clear that we have achieved that, it was achievable, it has raised or will raise around £320 million. Indeed, taking account of the present projection of COVID debt, that will still make a contribution to the present hospital funding or at least to overall debt or reserves to offset that debt. So the point is we are in completely different circumstances and we are also dealing with a completely different building, which, for example, now includes mental health.

**11.5 Deputy M. Tadier:**

In terms of the Chief Minister's interests, can he state whether or not he is the leader of the Alliance Party and, if not, what position does he hold in the Alliance Party, if any?

**The Bailiff:**

Chief Minister, I am going to rule that question out of order, it is not a question directed to the responsibilities the Chief Minister has as Chief Minister, for which he is answerable to the Assembly. It is to do with other political arrangements, which may or may not exist. I am not sure that, given ...

**Deputy M. Tadier:**

He cannot answer it anyway.

**The Bailiff:**

The tradition in the Assembly is, when the Presiding Officer is speaking other Members are not. It seemed to me the purpose of the question is either to ask for a course of action or elicit information and that is information obviously for which the Chief Minister would be accountable to the Assembly.

**Deputy M. Tadier:**

Sorry, could I ask, it is just a direction, it would have been apparent from my supplementary that the question is relevant to the Chief Minister's duties, so if I could perhaps put it as one question?

**The Bailiff:**

I will give you the opportunity, Deputy Tadier, of asking a single question. There may not be time for a supplementary, to allow other people their proper opportunities.

**Deputy M. Tadier:**

Thank you. The question is: given the fact that the Chief Minister is a member of the Alliance Party and as the senior Member of this Assembly he may well also be a senior member of that party, what steps has he taken to make sure that there are no conflicts of interest, given the fact that he is also Chief Minister and has access to a multitude of civil servants who can effectively be doing lots of work for him in that latter role?

**Senator J.A.N. Le Fondré:**

I am not a leader of the group that the Deputy is referring to in any shape or form. I am a member. I have already answered the question in my response to Senator Mézec. We were all elected as independents and we retain that position until the elections.

**11.6 Deputy R.J. Ward:**

The demarcation that the Chief Minister has talked about in terms of the Alliance Party or, as we may refer to them, as Schrodinger's party, they seem to exist only when they exist and there has to be proof that they exist; I really do not get it to be quite frank. But my question is: in development with the Council of Ministers and the Government Plan, has there been a discussion regards that relationship so that everybody is clear as to their position, whether they are future members of Schrodinger's party or not?

**The Bailiff:**

Without the need to answer the Schrodinger's party ...

**Deputy R.J. Ward:**

We can leave that reference if you want, I thought it might be understood.

**Senator J.A.N. Le Fondré:**

I was tempted to go "meow" in relation to Schrodinger's cat. I keep going to the point, we are not acting in any shape or form as a party at this stage. We are acting as independents and that position remains. I am afraid the Deputy will have to take that at my word. That is the position.

**11.6.1 Deputy R.J. Ward:**

The question really was a reassurance that, given the structure of the Council of Ministers that has Members that will not be future Members there, is there a clarity in the current relationship within the Council of Ministers and no conflict in developing policy? It is a reassurance for the Assembly and a reassurance for the people of Jersey that this is working.

**Senator J.A.N. Le Fondré:**

I do not think I can add anything else. We are not acting as a collective, as a party, in any shape or form and we have made that very clear. As and when that starts it will be after the elections. Therefore, we were elected as independents, and we continue as independents. As I said, many of us are of similar views anyway around the Council of Ministers, although obviously the whole point is we do have others with different views around the table.

**11.7 Senator S.Y. Mézec:**

I do not think the Chief Minister attempted to answer the last question I put to him, and I made clear that this is not political point scoring because I am supportive of the development of party politics that the Chief Minister is choosing to be a part of and I commend him for it. With that development though comes the need to ensure that there are appropriate safeguards in our laws and processes, particularly when it comes to maintaining the impartiality of the civil service. Given the statements that his party colleagues have made that have been very confusing, could the Chief Minister just confirm with a yes or no whether he, as Chief Minister, has sought advice in some shape or form, perhaps from the C.P.A. or another equivalent organisation, on whether Jersey's processes with Government need to be looked at or amended to take into account the fact that there is now some sort of party-political structure of the leadership of our Government? If he has not done any sort of research or asked for advice, would he endeavour to do so in the future?

**Senator J.A.N. Le Fondré:**

I am sounding like a broken record at this stage. We are not acting as a group, as a party, around the Council of Ministers table. That will not happen until after the elections. That is it.

**Senator S.Y. Mézec:**

That was not an answer.

**The Bailiff:**

That does in fact bring the time permissible for questions to the Chief Minister to an end.

**PERSONAL STATEMENTS**

**12. Personal Statement by Deputy J.M. Maçon of St. Saviour regarding arrest on 14th March 2021**

**The Bailiff:**

Therefore we move on now to the matters under J. I have had notice of a personal statement from Deputy Maçon and accordingly I would invite the Deputy to make his personal statement. I would remind Members there are no questions after a personal statement.

**Deputy J.M. Maçon:**

Do I stand or remain seated?

**The Bailiff:**

I would remain seated in the usual way because that appears to be the manner in which one can communicate over the system, Deputy.

**Deputy J.M. Maçon:**

Has the Greffe been able to distribute my statement via Teams?

**The Bailiff:**

The Greffe has not seen it.

**Deputy J.M. Maçon:**

I believe the Assistant Greffier has it. Should I carry on?

**The Bailiff:**

Yes. The norm is to distribute it. In a sense, perhaps it is better if Members have it. I am sure Members would not mind taking it out of order at some point tomorrow, for example, if you wanted to make it then. I am told that in fact the Greffe does have it and it is just about to go in. In which case it is as you were and please feel free to make your statement.

**12.1 Deputy J.M. Maçon:**

The community will be aware that in March 2021 I was arrested by the States of Jersey Police. After a prolonged, protracted and thorough police investigation I remain innocent. I believe that I have been the victim of an extremely malicious and politically-motivated attack designed to smear my character, damage my reputation and hurt me personally. I have continued to work and serve my constituents throughout this ordeal. I have been subject to all manner of vile speculation based on prejudice and bigotry. I have been put on trial by some sections of the media, together with many on social media, who have taken advantage of a time when I could not defend myself or comment publicly on the situation for legal reasons while the investigation was underway. In my opinion, this speculation abandoned the principle of innocent until proven otherwise.

[16:15]

This was together with a total disregard for any fair or due process that everyone should be afforded. After 13 years of loyal service to this Island, I am appalled by how some have treated me. Despite this awful behaviour, there have been many shining lights who have supported me. I would like to take this opportunity to publicly thank my family, friends, colleagues, and those within the community who have stood by me during an extremely distressing period. I am happy to know that their support has now been vindicated. I am tremendously indebted for the support that I have received, some from unexpected people, and these people will know who they are. I would specifically like to thank the Constable of St. Saviour. She has unfairly suffered various attacks for supporting me publicly and I hope that she will now receive apologies. **[Approbation]** It meant so much to me and my family to have the head of our Parish visit personally and give her full support the day after my arrest while some of the media were hounding and intimidating us at my family home. I was in shock, vulnerable and my family were also extremely distressed. It meant absolutely everything not to feel abandoned and I cannot express my gratitude enough. Thank you for everything, Sadie. I would also like to thank Deputy Scott Wickenden, firstly in a personal capacity

for his loyalty, compassion and complete concern for my welfare. He went out of his way to look after me throughout this period by providing much practical support, which I will never forget. Secondly, in a professional capacity for Deputy Wickenden, he was new to the Education portfolio but he stood up to the challenge and carried out the function of Minister. He worked incredibly hard, working early mornings and late nights, in order to get up to speed with the issues facing the department. He threw himself into the work of a large and demanding remit and has done extremely well. I feel completely vindicated in choosing him as an Assistant Minister and I had no hesitation in supporting Deputy Wickenden to replace me as Minister. The public should also be aware of Deputy Wickenden's outstanding work ethic, dedication and love for this Island and its people. **[Approbation]** Similarly, I would like to express my deep gratitude to the Deputy of Grouville, Deputy Judy Martin and Deputy Russell Labey, who also took a strong role regarding my well-being. Being under the spotlight in a very small community, leaving your home and facing the world can be terrifying. Thankfully, I have not been alone. This is a testament to the virtues and compassion of these States Members. I would also like to thank the chairman of the Privileges and Procedures Committee, Deputy Carina Alves, for her pastoral care and practical support. Finally, I am grateful for the care that has been shown to me by the Deputy Greffier. She too was one of the first to contact me and has continued to provide me with practical support and concern for my well-being. If that does not deserve a stamp I do not know what will. **[Approbation]** It was an extremely difficult decision to resign as Minister. However, given that the way that my situation was being used inside and outside of the Assembly, publicly and behind the scenes, to attack my Government colleagues, which is completely reprehensible, I took what I believed to be the honourable decision to resign. I made it quite clear at the time that the decision to resign was in no way an acceptance of guilt, nor that it should be interpreted as such, and I stand by that decision. While I understand the police have a job to do when an accusation is made, it nevertheless has been a distressing situation for myself and those close to me. Regarding the police, all that I will say is I found the custody officers very professional. I remain deeply concerned that members of the media appeared to be aware of my arrest in advance and question how they would have this knowledge. I feel that several matters of process could be greatly improved. While I will need to focus for the time being on my mental health and well-being, I will continue to serve Islanders. I will not be intimidated out of politics by individuals, institutions, or the media. Should anyone wish to change their political representative, then the correct way to do so is at the ballot box during an election. **[Approbation]** It is regrettable the trend in politics is towards nastier and more malicious behaviour. At a time when we are trying to encourage more people to stand, especially those from more diverse backgrounds, I believe that we all need to be very careful not to follow this path. Like every citizen in this Island, I am innocent until proven otherwise. A fact that some members of this community have chosen to ignore in recent months. I now know on whom I can rely, which gives me strength, as I move on and put this matter behind me as a free and innocent man. Thank you. **[Approbation]** Can I thank Members for that, thank you.

**The Bailiff:**

Thank you very much, Deputy.

**PUBLIC BUSINESS**

**The Bailiff:**

That brings us on to Public Business. I would remind Members that we are adhering now to time limits for speeches, which the Assembly approved on 7th October 2020. There are timers on display in the Assembly. The Assistant Greffier will ring a bell to signal when time is up.

**13. Vote of Censure: Council of Ministers (P.72/2021)**

**The Bailiff:**

The first item of Public Business is Vote of Censure: Council of Ministers, P.72, lodged by Senator Mézec. The main respondent for this debate will be the Chief Minister who therefore has the right to speak for a second time before the summing-up. 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 censure the Council of Ministers for their failure to respect and implement the decision made by the States Assembly on 10th February 2021 in adopting Residential Properties in the Waterfront Development P.165/2020, as amended.

### **13.1 Senator S.Y. Mézec:**

Members will be pleased to know that I do not intend on giving a particularly lengthy opening speech for this proposition because it can be considered a non-controversial and fairly straightforward matter, which can be dealt with quickly. We can make a quick resolution to admonish the Council of Ministers for not abiding by a clear States decision and to make it clear that this behaviour must not become a pattern in future and that we will be expecting better. To start, here are the facts: on 10th February this year the States Assembly, almost unanimously, approved a Back-Bench proposition with a Government amendment, P.165, to require the Council of Ministers to publish guidance on providing affordable housing in the proposed waterfront development by 30th April. That did not happen. Following that deadline passing, the Council of Ministers did not then show the courtesy to the Assembly of proactively providing an explanation for why this had not happened. It was when, and only when, I had lodged a written question to follow up on this did they provide a new deadline, which they set for the end of May. But that deadline was also missed. Again, there was no proactive approach to the Assembly to explain why the second commitment had been broken. I then sought to follow it up via email and I did not receive any acknowledgements of that email. A few days after that email, coincidentally I am sure, an interim report was published. But this interim report was not the report that the Assembly had resolved in its original decision that the Council of Ministers was to produce. It is notable that in that interim report it made no apology for missing the deadline that the States had set. It did not contain a clear new deadline. I will say that the comments paper to this motion of censure argued that the interim report did set a new deadline because it said that the guidance would come out before S.o.J.D.C. (States of Jersey Development Company) planning application was made in September. However, I would contend that is not a clear deadline and can only be described as vague, especially when the previous deadlines were definite. But the evidence of this deadline not really meaning anything can be found in the fine print on the footnote on page 3 of the comments paper, which you can miss if you are not paying close attention to, which says: "The latest assessment is that this will now take place towards the end of October." So that is another so-called deadline that has been scrapped. It is an indisputable fact that the Council of Ministers has not abided by a decision of the States Assembly and has shown a lacklustre effort in accounting for this failure. Therefore, to censure them for that is a simple matter, which we can deal with, we can send that message to the Council of Ministers that they really must do better in future. The Council of Ministers can use this experience to learn and we will all be better off for it at the end. Now, I expect to hear arguments put later in this debate that debating this proposition is not a good use of our time. I want to say that I entirely agree with that. It would be better for this sort of thing to not be necessary and for us to focus on other issues instead, while the Council of Ministers gets on with implementing the decision of the States Assembly in a satisfactory manner. But there is a real serious point of principle here, which is that the States Assembly is the sovereign decision-making body of the Island, not the Council of Ministers. The decisions that we make, according to Jersey's established constitutional framework, must be respected. If they are not respected the Council of Ministers should not get an unlimited number of free passes. Because, if they do, what is the point of this Assembly making decisions? There comes a point where we have to have a mechanism for exerting the States Assembly's vision and this motion of censure is it. Obviously, the ultimate mechanism would be for a vote of no confidence. But even I would have to admit that would

be an unreasonable approach in this instance. But that is what a motion of censure exists for, to be an alternative to that, which does not impose harsh penalties on the Government, but rather sends a strong message. This motion of censure is very specifically about the failure to implement P.165/2020, or certainly part (b) of it. It is not directly about any other propositions, which have not been implemented according to the terms that the Assembly has specified. Let us be frank, there are other examples. There is Deputy Ward's proposition on presenting financial information according to international best practice that has not been implemented yet. Deputy Higgins' proposition on establishing a digital register of property ownership. We can use an even older example of the Deputy of Grouville's proposition on extending freedom of information to the States-owned companies, which still has not been implemented. This debate is not about censuring the Government for those other instances and the parameters of this debate do not allow for broad point-scoring on those. But it does provide an opportunity for Members who are dissatisfied more generally with States decisions not being followed to use this particular instance to get that point across in the hope that the Government will accept it and do better in those other instances too. There are other ways that the Government can do better in future and I make clear this is why I felt the need to bring a motion of censure on this. Because the Government really could have still got what it wanted but just behaved differently and would have avoided this situation. We will, I suspect, in this debate hear a list of excuses as to why it was reasonable for the Council of Ministers not to abide by this particular States decision and the deadlines that they themselves proposed. Some of the excuses may have some validity underpinning them. But there would have been a better way to legitimately handle this situation and the Council of Ministers has not handled it properly. They have sought to simply put their fingers in their ears and not proactively approach the Assembly to explain why they have failed to implement part (b) of P.165 in the terms that this Assembly backed.

[16:30]

There are ways to get around that. There will be times, and they may well argue that this was one of those times, where the States Assembly can adopt a proposition and once it is adopted the Council of Ministers subsequently discovers that the instructions it has received from the States Assembly were impractical for whatever reason. Perhaps that could be entirely innocent, it was just an oversight that Members may have innocently made. But, in those instances, the Government should come back to the Assembly to account for it. There were ways that they can do that. They can do that either by bringing a proposition to the Assembly to rescind a previous decision and to supersede it with what can be deemed a more practical approach to what the Assembly was trying to get at. Or at the very least, and this is what the Government really should have done and they would have avoided this situation, the relevant Minister can make a statement to the Assembly and take questions afterwards. Give us as Members an opportunity to hold a Minister to account for the fact that a Government has not done what the States Assembly has told them to do. If that Minister's justification is reasonable, what is the Assembly going to do apart from say: "Okay, fair enough, we will just have to have another look at this." But by burying your head in the sand and not being upfront, and consistently missing deadlines and not proactively coming back to us to account for your failure to implement a States decision, we do not get to do that and has left me in a position where I feel like, because I lodged a proposition that has not been implemented, the only thing I can do at this point is to ask the Assembly to censure the Government in the hope that they will learn their lesson from it and come back and do better. They did not need to be dragged kicking and screaming through this process to end up in this situation where a vote of censure is the only way to resolve that. It is noteworthy that in the comments to this vote of censure the word "apologise" is featured a couple of times. You may say, okay, it is good to be humble, it is good to apologise when you get something wrong and own up to it. But on every occasion that the word "apologise" is used in that document it is followed by the word "but": "We apologise but ..." and then includes some sort of get-out clause after it, which I do not think makes it a proper apology. It is also worth pointing out, and this really is beautiful irony, that on a proposition to censure the Government for missing deadlines, the very end of the

comments that they made to that say that those comments missed their own deadline for being published on time. It appears that the Government has a problem with deadlines that it needs to get to grips with and needs to show the respect to the Assembly that it deserves. That when we give instructions to the Government as the sovereign decision-making body of this Island that those decisions are treated seriously, they are implemented to the best of the Government's ability, and when there are reasons why it cannot be implemented they return to the Assembly to account for it in some shape or form. So I ask Members to accept this motion of censure against the Council of Ministers in order to make that point. I would say to Members that with a case like this, which is so clear-cut, where we told the Government to do something, the Government accepted us telling them to do it and they even proposed their own deadline. It was not my deadline; it was their deadline that they said: "We reckon we can meet this." I dropped some of my demands in the original proposition in order to accommodate their deadline, because I wanted this to be a good collaborative piece of work rather than point-scoring for anything. It is so clear cut that they have just failed to do that. If we decide in such a clear-cut case to do nothing and vote against this proposition, what message does it send out and how can it be interpreted in any other way other than saying to a Government that, when we have made a decision, we will not have any interest in following it up, so you may as well just do whatever you want and you will not be held accountable for it. I would suggest that would be bad for democracy and it would set a dangerous political precedent. We really cannot let this become the automatic expectations. The Council of Ministers have failed to abide by a clear decision of the States Assembly. I apologise and I do so in the report to this proposition to the majority of Ministers and Assistant Ministers for whom the responsibility of implementing this P.165 did not fall within their portfolios. But the proposition has to be aimed at the Council of Ministers as a whole because that is what the original proposition was aimed at. But I apologise to those Ministers and Assistant Ministers because this is not a reflection on their ability and their commitment to respecting the sovereignty of the States Assembly. But there has been a failure to respect that States Assembly decision, which is deserving of a censure. So, rather than pretending that it is okay for the Assembly to be disregarded by the Government, we can support this motion of censure, get on with it, exert ourselves as the sovereign decision-making body of the Island, remind the Council of Ministers that they serve at our discretion and they must up their game and respect our decisions in future. I do not think making that point is unreasonable. It is not a distraction. To be honest, it is something that the Council of Ministers probably should have just owned up to sooner and we would have all been in a much more positive position. If they had been more proactive in providing an explanation as to why they have not delivered on their commitments, and been more open about that failure, then I certainly would not have had any grounds to seek a vote of censure. But it is because they have not been forthcoming with that that I feel like I have no choice. So, on the basis that the States Assembly made a clear decision and the Council of Ministers has not abided by that decision, or proactively sought to allow us to hold them to account for that failure, that is deserving of a vote of censure to send a message that we will expect better from them in future. On that basis I make the proposition.

#### **The Bailiff:**

Is the proposition seconded? **[Seconded]** I open the debate.

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

Just before I get to my main part of the speech, I would just like to pick up on 2 points that the Senator referred to. We all hoped it would have been a collaborative piece of work. All I will just say is, irrespective of the outcome of this debate, we will always try to continue to work with Back-benchers going forward. If I put a plea in for things like the Government Plan debate we have got coming forward, it is as even in days gone by, looking at Deputy Wickenden, for example, come and speak to us and we will work as well as we can to try to get to a compromise if we can. This is not meant to be a too-flippant remark, but I was fractionally with a smile reading the apology that Senator Mézec referred to in his report and just in the light of his comments about the 2 apologies in our

comments ending in a “but”, I will just read his sentence exactly: “I apologise to those Ministers who will therefore be caught up in this motion of censure, but trust it does not reflect ...” and carries on. So all of us are guilty slightly in qualifying apologies. I would hope, certainly from our point of view, that we were not caveating that apology in a way that suggests that, and I am sure Senator Mézec was not caveating his apology either. I would like to begin by acknowledging the frustration of the implementation of P.165/2020 and particularly to apologise again on behalf of the Council of Ministers for the delay in delivering some aspects of that proposition. The word “some” here is quite important and I will return to that shortly. However, I want to talk about housing briefly first, and I am sure other Members will address that further. I know that all Members in this Assembly are deeply concerned by the rising cost of housing and the impact that this will have on future generations and is having on Islanders right now. For many years, Jersey has simply not delivered enough new homes, despite the high net migration we have seen. This is one of the most important challenges Islanders currently face and it is one that the Government are taking extremely seriously. Reducing the cost of housing is not something that can be done overnight, we know that. It is not a problem with an easy solution. We have made good progress in tackling this challenge head on, not least by the Housing Action Plan, which was published within 100 days of the new Minister for Housing and Communities assuming office. The Minister for Treasury and Resources is providing support for States-owned companies to deliver some 4,500 extra homes by 2033. The Minister for the Environment has produced the bridging Island Plan and we are planning for an 80 per cent increase in housing starts by 2025. The Assistant Chief Minister, the Deputy of St. Peter, is strengthening our migration controls and working to deliver a new population policy for approval by this Assembly. Those are all quite significant steps relative to this debate. Taken together, these are just some of the concrete steps this Government is taking to manage demand and increase the supply of housing in our Island. But I would just like to return to my remark about “some”. If we look at the proposition, the proposition that we are debating is to sanction the Council of Ministers for their failure to respect and implement the decision made by the States Assembly on 10th February 2021 in adopting residential properties in the waterfront development P.165/2020 as amended. That is all of P.165. If one looks at the back of the proposition P.72 of the censure motion, very helpfully the proposition is included. Members will note there are 3 parts to that proposition. Senator Mézec has concentrated solely on part (b) but, as I will go through it, there were other aspects to that proposition, which have been addressed. In respect of the specific actions outlined in P.165/2020, the Government has banned overseas buy-to-let investors on S.o.J.D.C. developments, not only as requested by part (a) of the original proposition, but it was very easy to do so because we did that back in 2019. In other words, the proposition itself was superfluous, the instructions had already previously been given at the instigation of both myself and other Ministers. That was a significant step, which we are working to implement in a wider context as well. Now, I do accept that part (b) of P.165/2020 has not been fully implemented and the Council of Ministers has apologised for this delay. As has been explained, delays in the submission of the planning application, the revisions necessitated following the public consultation, and the development’s financial complexity, meant that the April 2021 deadline, which the Council of Ministers had initially believed to be achievable, was in the end simply not practicable. Awaiting the outcome of the public consultation did undoubtedly delay the implementation of part (b) of the proposition, however it has proven to be the right decision as the public consultation on the site has resulted in several major revisions including the total number of housing units. That in turn has altered the financial projection of the scheme and this affects the scheme’s viability and how much affordable housing can be delivered. This could reduce the overall returns to the public on this development over the next 15 years, which, for example, would result in less funds for the regeneration of St. Helier. So it is complicated. As Members will appreciate, it is important for the Government to deliver a framework for the site, which takes such issues into consideration and uses the latest financial information, and this has led to the unavoidable delay. These issues were clearly set out alongside a revised timetable as part of the interim report published in early-June. The Council of Ministers does remain committed to delivering the framework before the end of this month. So



while I accept the point that this is referred to in a footnote to our comments to this proposition, it was obviously laid out clearly as part of the main report that was issued on that date in June. A vote of censure is an important decision and I believe it is simply not proportionate to censure the Council of Ministers over a proposition, which we have already partly implemented, and which has been delayed by matters beyond our control. We have apologised to Members for these delays and I would like to place on record my personal apologies for any shortcomings in our communication on this proposition. I accept that more information could have been provided to Members sooner and I regret the frustration this has caused. But the delay to the publishing of the framework, I am trying to avoid the word “but” there, but the delay to the publishing of the framework has not slowed the delivery of any housing whatsoever and indeed our work on housing policy has accelerated in 2021, as I noted earlier. Earlier this summer, we issued a framework for South Hill in line with the decisions of the Assembly, which will ringfence £13 million for affordable housing with the delivery of 15 per cent of shared equity on the site. We have also implemented the ban on overseas buy-to-let on external buy-to-let investors on S.o.J.D.C. developments in line with P.165 and the framework for affordable housing is nearing completion and will be issued by the end of this month.

[16:45]

In summary, if one looks at page 5 of the censure motion, which lays out in the appendix the proposition for which we are being censured, part (a) and part (c) have been done. Part (b) has been delayed for what I would suggest were valid reasons. That delay was clearly laid out in the report at the beginning of June. So, with all these things in mind, with the progress in hand, I do not believe it is at all proportionate for the Assembly to formally censure the Council of Ministers. Doing so would send a message perhaps that politicians are more interested in political point-scoring perhaps than in supporting the delivery of homes for Islanders. I therefore ask Members to reject this proposition and to let Ministers get on with delivering the framework later this month and to therefore realise what I hope would be all of our ambitions, reducing ultimately the cost of housing in Jersey.

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

I have a very simple thing, a number of Back-benchers or non-Executive Members, call us what you will, have brought propositions to this Assembly and faced real frustration in seeing them implemented. Because we do not have access to the corridors of power in Broad Street. We do not have access to Government Ministers as much as we used to and those who implement the things that we bring forward. But what we do have is a faith in the primacy of the Assembly. That is why we stood for election. That is why we turn up. That is why we do the work. That is why we put in the propositions. That is why we make the arguments. That is why we take the losses. That is why we take the hits. That is why we take the criticism. That is why we stand up and come back for some more. Because, whether you agree with me or not, and whether I agree with you or not, I respect those who bring forward propositions in that way because they are doing their job. They are doing what the people elected them for and representation. What I would have liked to have seen here is the Council of Ministers just simply accept this and say: “Yes, we really should have acted more appropriately.” The fact that the comments paper was submitted late, it stuns me to be quite frank, of the disregard really that this reflects in the primacy of this Assembly. In the most delicate way, I would ask Members to really reflect on that and really think as to what we are doing here. To talk about political point-scoring in this situation, to me it is not anything to do with a party, an independent or whatever. It is simply somebody brought forward a proposition that was adopted by the vast majority of this Assembly. It was not acted upon. It was chased and not acted upon. So the only way forward there is to bring a motion of censure or a vote of no confidence, and this was not a vote of no confidence, and a point to be made. So what we are left with is to say to the Council of Ministers and Government: “You did not perform in the way that this Assembly wanted you to.” So you have a simple choice, you either vote for a motion of censure today, which says to the Council of Ministers: “You did not do what you were asked, you should learn from this, and let us do better

in the future please.” Or you say: “Do you know what, it is okay, you carry on ignoring what we are doing. If you get 2 small parts out of the 3 that you can then come to the Assembly with the work of officers and convince the Assembly that you did some of it. That is okay because we are not really serious about the propositions we have brought forward. We are not really serious about the role that we have taken on to represent our constituents and we are not really serious about the primacy of this Assembly.” So I urge Members, this may seem a simple thing, but it is a very important thing. It is not going to bring down a Government. It is not going to bring down this Assembly. But the principle underlying it is absolutely vital for the future of this Assembly and the future of the primacy of the States Assembly above Council of Ministers, above C.E.O.s, above all of these people. Otherwise I do not know what we are left with as the next election comes forward and I do not know why we are all standing.

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

They have said that there is nothing new under the sun. This is a bigger problem than the Senator appears to understand. I have been in the States a bit of time and there have been quite a few examples of States decisions, which might have sunk without trace. I had a couple of my own where I brought a proposition insisting that charities should publish reports and accounts because otherwise people did not know how their money was being used. Another one where there was to be publication of more detail on the total number of grants made to organisations within the Island. Up until then we did not know that there was about £35 million worth of grants paid to all sorts of organisations. We have heard today mention of the Deputy of Grouville’s requirement for freedom of information requests to apply to States-owned subsidiaries. There have been others where officers were aware of the decision but, whether through ignorance or intentionally, I do not know which - I will give them the benefit of the doubt - allowed them to disappear into the void. I am always a bit concerned that the valuation process, a property transferred to S.o.J.D.C. may be one of these. The problem with the wholly-owned subsidiaries is that the moves were too slack and the companies were not properly controlled. They are subsidiaries of the States, we own them, they should not be allowed to run riot. But that is another story. But the process of keeping track of the decisions does not appear to be clear, does not ever appear to have been clear, and we need to perhaps look at the way we do that. But if we are having such a barrage of legislation thrown at us from all directions, it is difficult for the States to keep primacy. It is difficult for the Government, the Council of Ministers, to keep track of what is going on. We need just to tighten that process. As I say, I cannot support this because it is something, to be fair, I have been fighting with for some years. The only way I found to do it is to come back with a proposition and push it through. Anyway, I cannot support it, I am sorry, but perhaps it is something for P.P.C. to have a look at to see if the mechanisms for making sure these things are kept to has some structure to it. That is for them.

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

I find myself in some difficulty on this one. While accepting that the omission to take action is not the most heinous of crimes in this context, it is the case that nothing has been done for 4 months, more than that, beyond the date the Assembly so requested it. I would have been comforted if, before that date, the Council of Ministers or the Minister had issued some form of report advising why not. That has been missing and that is what Members regard as something of a discourtesy. It is that area, which again many Back-benchers feel is creeping in somewhat. If I do vote for it, it will be for that reason. I will be interested to know, as a matter of procedure, what steps are in place for any proposition approved by the States to be monitored so that this situation does not happen again. I assume there is in place some form of diary note by which these deadlines are given and which would enable the Minister concerned to come back to the Assembly with something. As I say, if that had happened, I for one would not have even been thinking of adopting this censure motion. So I would appreciate it if the Chief Minister would, in his reply, come back with some confirmation as to what process, if any, there is to avoid this sort of thing happening, but for the moment I have to say I am

tempted to vote in favour of the proposition simply to remind the Council of Ministers that when the Assembly comes to a decision it expects it to be observed.

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

I absolutely see the point that Senator Mézec is making, that the States are primacy and that is the whole yardstick by which we are measured. But I think what this situation reveals - and I will be frank, it has taken me by surprise - is the dysfunction of our government structure. I have voiced this publicly loud and long, both before I was a Minister and now as a Minister, and my experiences have reinforced those views, and I have voiced those views at length to the P.P.C. sub-committee and I am very much looking forward to their report and analysis, which we are promised later this year. I think it will help us with some of the ingredients of what goes wrong in a matter like this. For example, what we have here is a proposition that was debated in February 2021, it was lodged in 2020 by Senator Mézec, and it was supported. I think it was a vote of 40 in favour of it. There was an amendment from the Council of Ministers, which I had read as a technical amendment because my recollection is there was general support for the principle behind the proposition that we wanted to do something about this sale of buy-to-let properties going out of the Island, and we wanted as much affordable homes as we could within the waterfront area which is, after all, our land - albeit we have handed it over S.o.J.D.C. but it is still public land - but it is possible. But we recognised - and I do remember voicing this view - that as well as housing we needed to have other amenities and public realm improvements within that area which would allow a proper, joined-up community with all assorted facilities. When one is doing values planning one has to start with a top down approach and test it out with issues of viability the further down the track you get. Whether one likes it or not, the development process anywhere is a long and complex process. The reason the Scrutiny Panel brought this out and said: "Why are we not getting affordable housing? What has gone wrong here?" and I made the submission that Government has got 3 different roles in achieving what the proposition sought to do here, both as a regulator ... and I think that is very much the planning process that is the regulator, the policy setter, and obviously part of the planning process sets the policies, or at least the Minister just proposes them and the States set the policies in the Island Plan, and also the doing. The doing and the procurement of the development sits at the moment ... we have made decisions to hand over those doing functions to the S.o.J.D.C., arm's length body, and Andium. Of course I think it is known what my views are, that Andium has handled that role much closer to Government than the S.o.J.D.C. have had; I think very much an independent vision. Of course all things need to join up. It is hampered by the fact that under our one government structure we have got now a mismatch between the structure of our executive civil service and the Ministers responsible. So we have got at least 3 Ministers responsible in this role, probably 4, and frankly I have constantly said that the Council of Ministers organisation, the way we have structured things, is not well-gearred up to achieve what I call this joining-up. I very much want to see that and I have worked hard for it. In the past things were done a lot more simply. I think Senator Ferguson was right in what she just said now; we have just made things so complicated. When things were simpler we could achieve things.

[17:00]

So I think it is absolutely right that the States say what they want and they pass a proposition, and then translating it into action is really difficult under our structure and obviously things have gone wrong. Now, what went wrong? What was the detail in this case? Well, I have looked back at the amendment. Senator Mézec makes a fair point that this was an amendment that was brought by the Council of Ministers themselves, and what they said is: "Well we are going to do a report, we are going to tell you how we might do this, and we are going to do this in a certain time and particularly the viability." Now, frankly, I did not have a hand in drafting that, it was obviously drafted by the officers. I cannot even remember whether we had a discussion on it. It was taken as a standing vote. Frankly, was that realistic? I am sure it was never because, look, there was to be here ... S.o.J.D.C. have embarked upon a development framework in response to the supplementary planning guidance

for the south-west of St. Helier. I have already said - and I have said it in public - when that planning application comes in it will go to a public inquiry. There is no secret about that; I said it months ago because there are major issues in that waterfront. So any notion that one could produce the final detail of how the developments would work when they procure them within that timescale was frankly illusory. I am sorry but that is the case. Now, he is right that we should never have passed that amendment, and I did not have a hand in drafting it so I put my hands up, you know, here we are, loads of stuff flows across the Council of Ministers, you are given something to go along with and I think: "Well, okay, the spirit of the thing is right" and like often frankly you just have to go with it. If it is fundamentally wrong I blow the whistle, but if it is genuinely right - and it was - but it is wrong in detail in terms of the targets or the dates and achievements set. So I think I absolutely am not going to dismiss what Senator Mézec has to say. We have to move towards a position where there is a greater primacy in the way the States make decisions and how they are implemented, and of course that is one of the reasons why we have party politics surfacing, because of the failures I have described. I believe part of the root is the fact that we have separate, independent agendas, there is no cohesion of policy, there is no policy platform, and we try and manage through under the lower common denominator of consensus. That is the way we try to do things. Obviously in a different world when we go to party politics in the future then we will have that parallelity right from the start, and I would expect there will be a much closer alignment of both the vision for what the States wants and how we can achieve it and deliver that expectation which frankly the States in all sorts of ways ... I think we could all point to dozens of areas where there has been this problem. So Senator Mézec is right to allow ourselves to debate. My solution is that in the P.P.C. report on government restructuring ... and this will come out in the other matter we have got in our agenda later on. We either adjust our one government structure to give us that co-ordination in line with a ministerial structure, or a future Government changes the ministerial structure so it matters. So a lot of this, as I say, requires the full works of implementation by all Ministers. The Island Plan; I am grateful to the Chief Minister for highlighting that. There are some policies in there about the affordable homes, what those policies will be, and the policies will be the Housing Gateway, the policies will be the rules on Housing Gateway will be set by the Minister for Housing and Communities, we have formed a group and the Minister for Housing and Communities is full on with this and working really well, new resources going into it to achieve this joining up that I expect because the rules about who, what, when, what price and all those conditions are all within that group. So, look, I do not want to be seen to be voting against the principle that Senator Mézec does, but I think if this debate serves for anything it is to help us learn the lessons where we can do better in our organisation, and the challenge I set to our chief executive - whoever they are - I think what we need to do is to enable the Ministers who get appointed to produce that degree of joining-up and clarity of organisation which somehow has escaped us. In the last 3 years we have got obsessed with a different type of agenda, which I think in hindsight was a total mistake, and I think that I see lots of helpful signs that now we have learnt that lesson and we have moved away from it. So there we are. I am sorry, as always I try and make ... when we are asked to focus on one minutiae thing I try and paint the bigger picture, which for me is important and the basis of which I would judge this ... if I am required to put my hands up and say sorry, I will. Sorry. Sorry that the Island Plan could not fulfil the expectations of it. Sorry that that amendment went through and I did not check that what was being said in there was unrealistic for the timescale. But, nonetheless, the intention is right and the procedure is right so there we are. Thank you for giving me a chance to speak. I am hoping that we can wrap this up and then get on with the rest of the business.

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

I would first like to reiterate the Council of Ministers' sentiments around sharing the concerns of Members around the cost of housing. I believe, however, that the comments of the Council of Ministers demonstrate that this Government is working towards addressing the issue of housing affordability. At the same time Members should be under no illusion as to the scale and complexity

of this task. The proposition before us seeks to censure the Council of Ministers for failing to respect the sovereignty of the States Assembly. However, I would draw Members attention to P.69/2021 and the request to produce similar guidance to States of Jersey Development Company on the South Hill development. That proposition required the guidance within a period of just 6 weeks by the end of August. That was a very complex piece of work, required to be delivered over a period of time when many Ministers and officers were on annual leave and yet that guidance was ultimately delivered. That commitment to delivering on P.69 in such a short window demonstrates the respect this Government has for the sovereignty of this Assembly. The Senator continues in his proposition that the Council has failed to abide by the terms of P.165/2020, while at the same time acknowledging the publication in point 2 of R.100/2021. The Senator contends that R.100/2021 does not provide an estimate for a new deadline on which States Members could hold them to account. However, allow me to emphasise the quote from that report: “The Council of Ministers remains committed to the publication of the guidance in the form of a report to the States Assembly in advance of S.o.J.D.C.” submission of their outline planning permission application, which is projected to be the end of this month. R.100 explains that the delay in the issue of the guidance was in part to allow the public consultation on the waterfront plans to take place. That consultation has been invaluable and is informing the shape of the development in line with public expectations and wishes. But the Senator, I am afraid, greatly underestimates the complexity of issuing guidance on what is ultimately a £1.3 billion development. It is not as straightforward as arbitrarily throwing a percentage in for affordable homes. P.165 as adopted talks about maximising the affordability provision and a mix of housing tenures while preserving the overall viability of the development. That is no easy task when there have been so many moveable parts, as the Council of Ministers’ comments make clear. The development is faced with a perfect storm of increasing construction costs that have significantly increased the cost of the planned public realm and infrastructure improvements as well as pressure on the number of units that will finally be able to be delivered due to the potential height restrictions. Notwithstanding those issues, the delivery of the framework guidance for the waterfront by the end of this month remains the objective. This censure motion is, therefore, not helpful. The report is ill-conceived and it diverts Ministers and officers away from continuing the vital work on the issue of housing affordability. For the reasons I have outlined, I would urge Members to reject it. In conclusion I would draw Members’ attention again to the Council of Ministers’ comments; specifically to the very different business models and current funding of Andium Homes and S.o.J.D.C. However, in the debate on P.69 some Members sought to draw conclusions from a comparison of both entities and their respective government returns. May I respectfully suggest that Members should take time to understand the differing funding of each entity and refrain from comparing apples with pears?

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

I just wanted to make the Assembly aware that the issue of States decisions as a whole not being implemented by Government has been talked about in P.P.C. meetings, and that we did write to the Chief Minister, who replied to us at the end of July regarding setting up a log of States decisions. This would allow clarity for States Members, and government officers as well, on the progress of those decisions, and it would also offer transparency to the public. This was something that the Chief Minister was supportive of. So there is work currently underway to put this log into place by the States Greffe, and it will be maintained by the States Greffe as well. Although this work is currently being progressed, I think as mentioned by many other Members today, this is just one example of many decisions that have been made in this Assembly that have not been implemented and that the Government have not always been upfront and transparent with the reasons why the decisions have not been implemented. So although I am glad and I am happy that the Chief Minister is supportive of this States log, on this proposition that we have before us I will be supporting it because I think it is important that the Government is held to account right now because this is not the first time. So I

just thought I would make Members aware of what has been going on behind the scenes with regards to States decisions not being implemented and that there is work underway.

### **13.1.8 The Connétable of St. John:**

We are being asked to support a vote of censure in the Council of Ministers. Not a Minister or Ministers who is or are responsible for the implementation of P.165. I am not sure that I can support it. I would seriously consider supporting a vote of no confidence or a vote of censure for at least 2 ministerial departments given the Ministers' failure to be on top of their brief. I have written to the Chief Minister and Minister for Children and Education twice in the last 10 weeks about the Corporate Parenting Board but neither has acknowledged my correspondence, let alone afforded me a response. Senator Mézec is right that this Assembly is our sovereign place and we have the tools to keep Government to account. In my brief time here I have already spoken about the need to work together. I would like the proposer in his summing up to tell us what he has done or what he did to chase up the Government on P.165. Who did he speak to from Government about this? Who did he meet with to try and get a resolution? I have also said in my short time that the Assembly spends far too much time talking about itself rather than making decisions; decisions for the Island. I was encouraged that the Chief Minister spoke about collaboration and I really look forward to seeing this in action. He also spoke about political point-scoring that stopped short at opportunism. I hope that the Council of Ministers will take away the serious points raised and that they do not take a vote against this as an opportunity to ride roughshod over the Assembly. Not only do I speak to my parishioners, I also listen. In addition to a weekly surgery and a monthly one with my Deputy, I also hold a question-and-answer session with my Deputy after each Parish Assembly and I would encourage my colleagues on the Connétable bench to do similar. I can assure Members that parishioners and Islanders are far more interested in the big debate at the next sitting than this debate. They are worried about homes, cost of living and generally worried about the level of debt that this Government wants the Island to take on. I would encourage the Council of Ministers to work on their communication. It is not a case of them and us; we are all here to represent Islanders and we are all here to do what is best for the Island, not us as individuals.

[17:15]

Deputy Alves' suggestion of a log is a good one. It really is basic project management and I am shocked that it does not exist, but that is not the first time I have been shocked since April. A quick win would be to publish the Ministerial Decisions weekly, and that is something I spoke to the Greffe about during my induction. I look forward to the summing up of both parties with interest.

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

I too want to go back to some basic principles here, and the questions that need to be asked are who is sovereign in this building? Who is it that is sovereign? Who controls what happens in this building? I believe that is individual Members in this body that have that responsibility. What we have seen in the last 3 years is that we are governed increasingly by briefing. Briefing for this, briefing for that, sometimes it gets cancelled, sometimes it gets moved and we are running around like certain coloured flies in order to keep up with all these briefings. What that is about is control by being busy. We are kept so busy we have not got the time to properly account - and certainly on Scrutiny we are struggling to keep things going because of these masses of briefings. We are struggling to control the Executive. The Executive is doing exactly what it wants and whenever it wants it decides it does not have to listen to us. We take the vote; what does that mean? Is this meaningless? Does this panel of Ministers do what they want anyway? The answer is yes, sometimes, and if we want to have that control we must assert ourselves. Two examples spring to mind immediately. More than 2 years ago, 2½ years ago I think, I brought an ethical charter for home care which contained lots of good ideas about how to structure what was then a new body of people delivering care. It was designed knowing that recruitment for home care was going to get

very, very difficult and so the terms and conditions which were contained in the ethical charter was important to attract people to this work. We are seeing the results of us not applying the ethical charter because the Minister for Health and Social Services - still the same Minister for Health and Social Services - said: "I cannot do this. I accept what you have done, you have won unanimously in the States that this should be put into place, but I cannot do it and I am not doing it." Whenever I have gone back to him and said: "Come on, let us get this off the ground, we obviously need it, come on, let us do it" it has not happened, time and time again. More recently the other thing that has happened is the Minister for Social Security was asked to talk to the Employment Forum about (a) how and (b) in what timescale we could move from the minimum wage to the living wage as the standard wage in Jersey. Has she done it? No, she has not yet. She might say: "I have not had time yet" or she might say, like many do: "COVID got in the way" but nonetheless, not been done yet. Unless we assert ourselves then there is little point in being here. The public out there when they vote wants us to use our votes for the good of the community and unless we assert ourselves we will be absolutely toothless. We will sit there and say: "We have asked you to do that but, never mind, you have not done it." That is no way to behave. That is no way to conduct ourselves. We could conduct ourselves on a much higher plane if the Council of Ministers did what they are supposed to do and listened to us and followed what we decide we want. That is the way forward and we must stick to that principle; anything else is chaos.

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

I just wish to share sympathy with the Senator in bringing this proposition. From a personal point of view, if I cast Members' memories back to last year - I know we have all been through a great deal - but on 17th July the Assembly unanimously voted for my proposition, P.88, the COVID Exit Strategy Communication. The one that drew the most attention of that proposition was the release of the S.T.A.C. minutes, and part of my proposition was to have things I asked to be in place on 1st August of last year. On 1st of August, while camping in a tent in St. John, I noted that I had not had any communication and the parts of the proposition were not seemingly going to be met. I emailed all Ministers involved and publicly announced this to the public. I received an email from the Deputy Chief Minister at the time who took on and apologised and subsequently, and very slowly, things started to come online. But it became a dominant part of last year; there are still parts of that proposition not in place, delays continued with the releasing of S.T.A.C. minutes. My take away from that experience as a new States Member is what could I learn from that experience? Did I do enough? Was my date unrealistic? But then I thought obviously the Assembly had voted, it was clear, and so for me my stepping back from that was maybe I could have brought that proposition earlier but it came down to communication. There was no communication that the deadline was not going to be reached so that makes you feel very deflated and something else was going on, and of course then the public start to pick up that vibe, and then for a few months that became a distraction when quite frankly when those S.T.A.C. minutes were released they brought along reassurance and transparency. So there is clearly still a problem that others have mentioned today about communication, the Ministerial and Back-benchers and the process between. But I understand why the Senator has brought this today because it has been coming, and I know others have mentioned that before, and I think we could just do better. I do not want to get into the nitty-gritty, I think others have spoken about that, but if we do not do something ... whatever the reason, just own it and come forward and explain it because as long as this continues ... especially when we have had such an unprecedented time, we still have these 3 weeks in between sittings, we do not know if that is going to continue, it has been a lot of change and a lot of uncertainty and the lack of communication and respecting an Assembly decision just simply does not look good, whatever the reason. So I just wanted to share that to bring some context of why I believe the Senator has brought this today, and that is all I have to say.

#### **13.1.11 Deputy G.C. Guida:**

A few points I would like to add to this. I was very surprised to hear Deputy Southern complain about too many briefings. It almost feels like we are asked to apologise for working too hard and communicating too much, which is not something I can understand easily. That is one thing and I will come back to that. The other one is that until next year this Assembly is indeed considered by the population as the Government. We are, all 49 of us here, considered as the people running Jersey. Very, very few people make a difference between us and very few understand who is running what and who is doing what. Whatever is voted in here is the law of Jersey and we must own it as an Assembly, all of us. That is quite important and we must remember that to the end of May next year, this is the case. Next year it might be different, we might have labels, we might say: "These guys are the opposition, do not worry about them, the majority are the people running things." That is understood in other countries; this is not understood in Jersey. In Jersey the Assembly is indeed the people making the decisions and of course we should respect those. That is very, very important. In the case of P.165, on 4th May 2021, there was a written question where the Minister for Treasury and Resources explained that there would be a delay and why there would be. That happened. That happened here in his Assembly. It was not something that happened in the corridors of Broad Street, it happened in this Assembly. On 7th June a report was published explaining the revised deadline. Again, that was not hidden in a cupboard in Broad Street, it was provided to all 49 of us. Now, this number is quite important, R.100, 7th June, 100 reports from 1st January to 7th June. That is one report per working day. Our civil servants provided this Assembly with one report every working day. Now, I would love this Assembly to raise their hand and tell me who reads one report a day? Who reads one report every 2 days? Who reads one report a week? One hundred reports. The date today, if you had to look at your email, we are on R.148. That is still one report for every working day. So this notion that a part of the Government is not communicating with the other part of the Government is very, very difficult to accept. Yes, we are doing so many things that there might be problems of communication, you might not get your email answered in a few days, because we have taken on everything that needed working on and as an Assembly we are trying to bring all these on until May 2022. We want to show the people that this Assembly, those 49 people, have done the job and we are trying very, very hard. Frankly that is our civil servants spending half of their time reporting, time that they are not spending actually doing things. So please a little bit of compassion in this case; we are working flat out. Thank you very much.

**The Bailiff:**

We have reached that stage in the proceedings where it is normal for me to ask whether or not we continue or whether the Assembly wishes to adjourn. I have no one listed to speak. If there is no one else intending to speak then the Chief Minister speaks and then Senator Mézec finishes. Perhaps if Members can indicate if they would like to speak so we can get a sense ... so Deputy Tadier is one, Deputy Higgins, Deputy Labey. The adjournment is proposed. **[Seconded]** Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:29]