

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 26th APRIL 2022

PUBLIC BUSINESS - resumption	4
1. Empty Property Tax (P.48/2022)	4
1.1 Deputy M. Tadier:.....	4
1.1.1 Deputy S.J. Pinel of St. Clement:	6
1.1.2 Deputy R. Labey:	6
1.1.3 Connétable M.K. Jackson of St. Brelade:.....	7
1.1.4 Connétable D.W. Mezbourian of St. Lawrence:.....	8
1.1.5 Deputy K.F. Morel of St. Lawrence:	8
1.1.6 Deputy D. Johnson of St. Mary:	9
1.1.7 Deputy S.G. Luce of St. Martin:	9
1.1.8 Deputy R.E. Huelin of St. Peter:.....	9
1.1.9 Deputy G.C. Guida of St. Lawrence:.....	10
1.1.10 Deputy R.J. Ward of St. Helier:	12
1.1.11 Deputy M.R. Higgins of St. Helier:	13
1.1.12 Deputy L.B.E. Ash of St. Clement:.....	13
1.1.13 Connétable J. Le Bailly of St. Mary:.....	14
1.1.14 Deputy G.P. Southern of St. Helier:.....	15
1.1.15 Senator T.A. Vallois:.....	15
1.1.16 Connétable R. Vibert of St. Peter:.....	16
1.1.17 Senator S.Y. Mézec:.....	16
1.1.18 Connétable R.A. Buchanan of St. Ouen:.....	17
1.1.19 Deputy M. Tadier:.....	18
2. Hustings filming (P.49/2022)	23
2.1 Deputy J.M. Maçon of St. Saviour:	23
2.1.1 Deputy J.A. Martin of St. Helier:.....	26
2.1.2 The Deputy of St. Peter:	26
2.1.3 Deputy S.M. Ahier of St. Helier:	27
2.1.4 The Connétable of St. John:.....	27
2.1.5 Deputy R. Labey:	27
2.1.6 Senator S.W. Pallett:	28
2.1.7 The Connétable of St. Brelade:.....	28
2.1.8 Deputy I. Gardiner of St. Helier:	29
2.1.9 Senator J.A.N. Le Fondré:	29
2.1.10 Deputy M. Tadier:	30
2.1.11 Deputy J.H. Young:.....	31
2.1.12 Deputy C.S. Alves of St. Helier:	32
2.1.13 Deputy J.M. Maçon:.....	33

3. Revised code of practice for engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘The Executive’ (P.50/2022) - as amended (P.50/2022 Amd.)	34
3.1 Senator K.L. Moore (President, Scrutiny Liaison Committee):	35
3.1.1 Senator T.A. Vallois:	36
3.1.2 Deputy J.H. Young:	38
3.1.3 The Connétable of St. John:	38
3.1.4 Deputy J.A. Martin:	39
3.1.5 The Deputy of St. Martin:	39
3.1.6 Senator S.W. Pallett:	39
3.1.7 Deputy J.M. Maçon:	40
3.1.8 The Connétable of St. Brelade:	40
3.1.9 Deputy M. Tadier:	40
3.1.10 Deputy G.C. Guida:	41
LUNCHEON ADJOURNMENT PROPOSED	42
LUNCHEON ADJOURNMENT	42
3.1.11 Deputy I. Gardiner:	42
3.1.12 Deputy R.J. Ward:	43
3.1.13 Deputy K.G. Pamplin of St. Saviour:	45
3.1.14 The Connétable of St. Lawrence:	45
Mr. M.H. Temple Q.C., H.M. Attorney General:	47
3.1.15 Deputy M.R. Le Hegarat of St. Helier:	48
3.1.16 Deputy K.F. Morel:	49
3.1.17 Connétable K. Shenton-Stone of St. Martin:	51
3.1.18 Deputy R.J. Renouf of St. Ouen:	51
3.1.19 Senator K.L. Moore:	52
4. Ministerial Responsibilities (P.52/2022) - as amended (P.52/2022 Amd.)	54
4.1 Deputy J.H. Young:	55
4.1.1 Senator S.C. Ferguson:	59
4.1.2 Deputy H.C. Raymond of Trinity:	59
4.1.3 The Deputy of St. Mary:	60
4.1.4 Deputy J.A. Martin:	61
4.1.5 Deputy M. Tadier:	62
4.1.6 Senator T.A. Vallois:	63
4.1.7 Deputy J.H. Perchard of St. Saviour:	65
4.1.8 The Deputy of St. Peter:	66
4.1.9 Senator S.Y. Mézec:	66
4.1.10 The Connétable of St. John:	68
4.1.11 Deputy M.R. Higgins:	69
4.1.12 Deputy J.H. Young:	69
5. Draft Unlawful Public Entertainments (Jersey) Regulations 202- (P.55/2022)	72
5.1 Deputy G.C. Guida (The Minister for Home Affairs):	72
5.2 Deputy G.C. Guida:	74
5.2.1 Deputy R.J. Ward:	74
5.2.2 Deputy G.C. Guida:	74
6. Amendments to Standing Orders - Written Questions (P.57/2022)	75
6.1 Deputy C.S. Alves (Chair, Privileges and Procedures Committee):	76

7.	Amendments to Standing Orders - Land Transactions (P.58/2022).....	76
7.1	Deputy C.S. Alves (Chair, Privileges and Procedures Committee):.....	76
7.1.1	Deputy K.C. Lewis of St. Saviour:	77
7.1.2	Deputy C.S. Alves:	77
8.	Amendment to Standing Orders - Election Declaration Form (P.59/2022)	77
8.1	Deputy C.S. Alves (Chair, Privileges and Procedures Committee):.....	78
9.	Amendment to Standing Orders - Removal of References to Senator (P.60/2022).....	78
9.1	Deputy C.S. Alves (Chair, Privileges and Procedures Committee):.....	78
9.1.1	Senator S.C. Ferguson:	78
9.1.2	Deputy C.S. Alves:	79
ADJOURNMENT		81

[9:30]

The Roll was called and the Deputy Greffier of the States led the Assembly in Prayer.

PUBLIC BUSINESS - resumption

1. Empty Property Tax (P.48/2022)

The Greffier of the States (in the Chair):

The next item of business is proposition P.48, Empty Property Tax, lodged by Deputy Tadier. I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – (a) that an effective mechanism should be introduced to discourage domestic properties from being left vacant for long periods; and (b) to request the Minister for Housing and Communities to initiate the necessary arrangements for the preparation of an options paper identifying potential mechanisms with a view to publication before the end of September 2022.

Deputy J.H. Young of St. Brelade:

Sir, can I declare an interest and withdraw from the Chamber on this one?

The Greffier of the States (in the Chair):

Absolutely, if you wish to.

Deputy J.H. Young:

I own an empty property.

Deputy M. Tadier of St. Brelade:

Perhaps for good order it might be good for the public record if everyone who has an empty property declare it.

The Greffier of the States (in the Chair):

It is up to Members if they wish to declare an interest.

Connétable A. Jehan of St. John:

Can I raise the *défaut* on the Constable of St. Mary?

The Greffier of the States (in the Chair):

The *défaut* is raised on the Constable of St. Mary.

1.1 Deputy M. Tadier:

I am going to try and keep this brief and I hope I have the correct understanding that now that it has been accepted by the Minister for Housing and Communities, and notwithstanding that there might be some points of discussion that legitimately need to be raised and of course objections to the principle of what I am proposing here today, I emphasise the fact that it is in principle and therefore I will keep it briefer than if I were making an extended speech to try and convince perhaps 40-odd colleagues to try and support something on the understanding that they may already be minded to do it. It is perhaps fortuitous in a perverse kind of way that the Census figures were delayed or rather that also I delayed my proposition by a few weeks. I really did that so that I could partly speak to some other Members, including the Deputy of St. Peter, because we did receive a written communication from the Jersey Landlords Association and I thought they raised some interesting points. First of all, if I can thank Deputy Huelin for arranging a meeting. I spoke to them and I realised that although there are probably some key political differences between us ideologically,

shall we say, without putting too fine a point on it, that I think what we were both trying to achieve was not that far away. But the point is we do not want to see empty properties in the Island being left for years and years when we have what some call a housing crisis, what others call a housing issue or problem, and when we have just been through an Island Plan when we have been rezoning many green fields in the Island, which nobody particularly wanted to do, some did it perhaps as a last resort. Others resisted as much as possible. But yet the Senator's figures have shown that far from the problem resolving itself it has got even worse. So we started in a position from the Census figures in 2011, where there were just over 3,100 vacant properties that were identified. Then when the latest figures came out, 10 years later, we find that figure is now above 4,000. So it has gone up by roughly a quarter. That is with doing nothing. What I will qualify of course is that while we do not have the breakdown yet for those figures, we do not know exactly why those properties, those potential homes, are being left empty, but what we do know is that some of those homes, I would suspect, could be put back on to - let us call it - the market, for rental or they could be sold or they could be done up. There were lots of opportunities there for potential and exploring ways to do that. That is exactly what I am asking the future Minister for Housing or whoever it is, it might be a rejig of portfolios, to look at that and to come back with appropriate mechanisms for the discouragement of properties being left vacant. I will emphasise that point again, that for me it is not the reason that a property is left empty that is the issue. There are many legitimate reasons why a property might find itself empty, that could be because it is in between tenants, or it could be because there is work that needs to be done to it. Of course we should be applauding that. We all want to see good quality homes out there, whether it is home ownership or for rental. So when a landlord, for example, is doing up a property and it might take 3 months, it might take even a year or so in the current climate where it is difficult to find people to do the work, that is fully understood, and it is fully expected that there would be appropriate exemptions. This should not be at all a heavy-handed approach. Nor is it an approach that seeks to raise revenue. The ideal scenario is that this tax, if it does in fact become a tax, or it is a rate to supplementary rates that is paid, the ideal is that it does not raise any money at all because we have those conversations that the properties are identified, and no doubt this will require close working with the Parishes and I look forward to that happening as well. Because surely they will also be the ones who know to a certain extent where the empty properties in their Parishes are, and the conversations can then be had. But there has to be a point at which, after 5 years, after 7 years, and we all know those properties, we have seen them as we walk around and go and visit constituents, especially at the moment where we may be more than usual revisiting some of the back streets of our constituencies and Parishes, and we see that property: "Why is it still empty? I am not even sure if anybody lives there, there has been a car parked there for months that does not seem to move." That could be a home for a young local family, it could be a home for a pensioner who needs to be rehoused, *et cetera*. It all will have a knock-on effect. What I am asking the future Minister to do is to do the relevant piece of work so that an effective mechanism should be introduced to discourage these properties from being left vacant - here is the key part - for long periods and to request the Minister to initiate the necessary arrangements for the preparation of an options paper to identify those mechanisms by autumn this year. I live in the real world. If it needs to take some more time to put the meat on the bones, that is fine as well. But we will have a Minister or there will be a Minister in this Assembly reporting back to the future membership with his or her summary of what the problem is. It will mean gathering more information. It will probably mean a property register of some kind identifying exactly what the state of play is out there. I think it will have the added benefit of meaning that we gather much more valuable information about the wider issues in housing and in home provision in Jersey. Without wanting to labour the point anymore, I do make the proposition.

The Greffier of the States (in the Chair):

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

1.1.1 Deputy S.J. Pinel of St. Clement:

I support Deputy Tadier's proposition which seeks to investigate the reasons for the number of vacant properties in Jersey and identify options for reducing them. I am grateful to him for bringing this matter back to the attention of the Assembly. As the Deputy states in his report, this is a time of housing uncertainty for many Islanders and people across Jersey have expressed their concerns with regards to plans to rezone green fields for development. The proposition presents an opportunity for clear evidence-based policy development. Deputy Tadier cites data drawn from the 2011 Census. This is no criticism of him. At the time of lodging this was the most recent available data. The first tranche of data from the 2021 Census released on 13th April indicates that the vacancy rate has grown, however I would stress that Census data merely provides a snapshot from one day and, for the 2021 Census, a day during the period of the COVID pandemic.

[9:45]

It is important that due consideration is given to creating a complete and well-rounded picture of the true number of vacant properties in Jersey so that Jersey can be used to drive policy options. It may be that an empty property tax is not the right way to influence behaviour to bring housing stock back into the market. We should be mindful that C.S.S.P. (Corporate Services Scrutiny Panel) amendment 22 to the Government Plan seeks to introduce a higher rate of stamp duty on second homes. This is another policy agreed by Members aimed to reshape the supply and demand of the housing market. I am a little uneasy that we are adopting a piecemeal approach to housing policy and related tax instruments. The higher rate of stamp duty has not yet come into force yet already another policy with a potential tax lever suggested is under consideration. While the proposition is directed towards the Minister for Housing work will primarily be carried out by officers within the Strategic Housing Unit, it is clear that input will be needed from Treasury officers if tax levers are to be considered.

The Greffier of the States (in the Chair):

Deputy Labey, did I see your light or was that a flicker?

Deputy R. Labey of St. Helier:

Well it did flash so if you are calling me I will speak.

The Greffier of the States (in the Chair):

I saw your light flash so yes, I will call you.

1.1.2 Deputy R. Labey:

I think that is absolutely right in terms of what the Minister for Treasury and Resources was just saying. This is called an empty property tax proposition and Treasury will need to be consulted. It is a question of the carrot and the stick. We must thoroughly investigate and check all the consequences; intended and unintended. Deputy Tadier is absolutely right, we are short on the data here. We are short on information. Although we have a very good breakdown of the different categories of why properties are empty from their 2011 Census, and we will have later in the summer the same breakdown for the 2021 Census, even the industry of the enumerators, which is considerable, checking up and ringing round and going and visiting neighbours of empty properties and saying: "Do you need anything about this property and why it is empty? How long has it been empty?" Even that work captures only 50 per cent. So those figures that we see from the 2011 Census are percentages of 1,500 homes, not the 3,000 empty properties that are on the list. There would be instances ... I cannot remember when the Metropol Hotel, for example, when that development was completed but let us say it was nearly finished when the 2021 Census was being done. All those properties would count as empty properties because the next month they might have been full. So data and information is key, and we have to gather that. My team have already started talking to the Connétables because I am sure that we need to tap into their knowledge. It is true that

if I left my flat empty in W4 my council would put up my council tax. Some council tax increases for empty properties are really big, like 50 per cent more, then incrementally it rises year on year. That is a massive disincentive to leave your property empty. I covered a lot of this with Deputy Morel's questions yesterday so I am not going to go over all that, but we do know and we see them, there are the properties which are *bona vacantia* candidates in terms of the ownership transferring to Her Majesty's Receiver General. That does happen occasionally. But I think we have to get tough. Some of these properties are amazing as well. I think we need to do an audit Parish by Parish of how many of these vacant properties have been lying there for over 5 years or 10 years or 20 years, and get a system going where we can more regularly say it is worth this X, we will note that and if a relative does come along one day and can prove that they are the only living relative then perhaps they are entitled to something. But it is just shameful to see sometimes such lovely houses empty when we have an acute housing shortage. Other jurisdictions have tackled this. I touched on the no use empty schemes quite prevalent throughout the U.K. (United Kingdom). There is a scheme in Wales, which is also very successful. Living above a shop scheme and so trying to find those flats above shops which often lie empty or used as storage but could be good places for people to live. As far as a Jersey scheme of that kind, what we would be looking to capture with that scheme is people who own a flat or a place above a shop or a former granny flat or a former dower annex that is no longer being used and those owners maybe just do not have the wherewithal or the cash or the inclination to go through all the bother of bringing that back into a habitable state and renting it out. The idea I think for a Jersey scheme was to take the hassle away from the owner and for it to be like a taskforce. I am thinking not a government body but almost a charitable trust taskforce who would take this project on. A lot of the schemes in the U.K. are limited to like a £20,000 or £30,000 investment. So we are not talking grand barn conversions, that is out of this league; that has to be done by the owner themselves or the industry. I do not know whether the properties I am talking about do exist or the owners I am talking about do exist. But I think it is worth finding out and not a Government Big Brother heavy mob going round finding empty properties and giving the owner a hard time. But seeing if we can get people volunteering, if people have a property that fits that kind of bill, needs a bit of a tidy up and a refurb, and we would try to take that on with a capped investment, maybe up to £20,000 or £30,000 and see if we can flip the property and put it back in. It is worth a try. It is very embryonic. As I say, we have the models to look at in the U.K. and at the moment my team are developing that. Just also on the figures, one last point, for the 2021 Census figures, which the empty properties have gone up by 900, let us not forget that in March 2021 we were still in lockdown. We were still in restriction and that was lifted in April. So a lot of those properties will possibly be hospitality staff accommodation lying empty because the hospitality industry was not up and running in March 2021. So there will be reasons. We await the data from the Census and see how much they are able to uncover. My team will continue to work with all parties and consult and find out some options for the Assembly in the autumn.

1.1.3 Connétable M.K. Jackson of St. Brelade:

I think we have to take care that we do not try and reinvent the wheel. Within the Parishes we have rates assessors, rates returns are filled out on an annual basis and we know quite a bit about what is going on. I can tell you the Rates Law at present does not permit an increased rate on the basis of a property being empty but that is an area that I think possibly could be reviewed and whichever body is chosen to progress this could do that. I am sure the Comité des Connétables could play an important role in so doing. There are so many reasons why properties are empty, as has been mentioned and is demonstrated in the chart shown. Sometimes knowledge is very difficult to glean by virtue of G.D.P.R. (General Data Protection Regulation). In fact, one cannot just tell enquiring individuals, of which one gets many, as to whom might own a property. I have what appear to be empty properties in the Parish. People are regularly asking about their ownership. There is a desire to do them up, develop them or whatever and we will, as a matter of course, pass those enquiries on to the registered owner, whether they wish to progress that with the intended developer is entirely up

to them of course. Then there are the ones that you cannot discover and very often it is only by virtue of the fact that rates - Parish rates that is - are not paid that you find that there is a problem and further investigation can reveal all sorts of issues which indicates the reason why the property is empty. It does take quite a lot of effort; I have some which have taken a lot of effort, even through legal channels and have not quite got there. But the particular one I have in mind, it has been empty for 4 years, is a property of value, sad family circumstances but we are on the right road to dealing with that one. I am very surprised at the numbers quoted in the Census. I cannot believe that can be true and the Minister for Housing and Communities referred to the fact just now that there may be discrepancies as a result of the timing of the Census. To conclude I would suggest that the Parish rate system is probably the first way of dealing with this without creating a massive bureaucracy.

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

I do not think that Deputy Tadier will have any problem in having this proposition passed. It is enticing, it is straightforward and it is common sense really. All he is asking for today is for an effective mechanism to be introduced to discourage domestic properties from being left vacant for long periods; that sounds reasonable to me, to discourage domestic properties from being left vacant for long periods. It does not mean that we are going to tax people heavily. It means that we are going to look for reasonable ways of dealing with this. As we have just heard from the Constable of St. Brelade, and as I am sure Deputy Tadier knows, there are many reasons that we come across for vacant properties across the Island. What we cannot be is heavy-handed and dictatorial in this respect, no matter how urgently we need to find additional homes within the Island. Part (b) is straightforward as well, requesting the Minister to initiate the necessary arrangements for an options paper. Whether that would be available by September 2022, who knows? But I am going to support the Deputy on this. Clearly the bridging Island Plan debate recently showed our reluctance to build unnecessarily wherever those builds may have been but particularly on our valuable farming and agricultural land. With regard to the Parish rate system that we have just heard from the Constable of St. Brelade about, we have been approached by the Minister - I say "we" obviously the Comité - regarding any help that we can give in this respect. However, we are of course constrained by, effectively, the Rates (Jersey) Law because the information that is received by the Parishes under that law, it is difficult to share. We are looking at to see how we can overcome the problem and, clearly, all the Constables want to be involved in this and want to do their best to help, although I would say of course that even the Constable does not know every vacant property in their Parish and I think that shows the scale, potentially, of the problem. For instance, I am not sure how many vacant properties there are in my Parish; I know a total overall amount for the Island.

[10:00]

We are looking to resolve this and come up with an effective means by which we are able to pass the information on to the Minister for Housing and Communities. At the moment I am not sure whether that would require a law change but it clearly is something that he will be looking at or we will be looking at as he prepares his option paper.

1.1.5 Deputy K.F. Morel of St. Lawrence:

I am extremely heartened to hear both the Connétable of St. Lawrence and St. Brelade talk about the way the rate system can be used to help solve the issue of information gathering. Because they are absolutely right, that is the first port of call and if law changes are needed then law changes are needed and that is our job. The same with data protection, there is no question that data protection does not stand in the way of sharing that information but it needs to be done in conjunction with obviously the information commissioner, they will help guide the Parishes and the Housing Department to understand how best that information can be shared. But I just wanted to briefly point out really my take on this. Jersey is a wonderful place where all Islanders, if they have the means of course, are able to buy a property and that is a wonderful right for us all to have. But I think now we

are moving into a situation where that right comes with a clear responsibility and that responsibility is that if you own property in Jersey it is your responsibility to ensure that it is used properly in Jersey. In most cases with a residential property that means ensuring that it is used to house Islanders. Property in terms of land is one of our most precious resources and it is not just something there to make money, it is primarily there to house people. We are finally, I think, waking up to that fact that we have had a very free market in property for a long time but the latest Census statistics show us that that market is operating inefficiently. If it was efficient there would not be 4,000 empty properties. When there are inefficiencies in markets that is the absolutely appropriate time for legislature to step in and to try to correct those inefficiencies. Correcting inefficiencies in markets is something of an art as much as a science and it is easy to make mistakes and get things wrong. I am also heartened to hear the Minister for Housing and Communities talk about the fact that he is taking a very deliberative approach to this and is seeking to understand the problem as a whole, and that is quite right. Because it is easy to make mistakes, it is easy to jump in and say: “Well, we should do this, this and this, this will solve the problem” and then find that those solutions create other problems. I fully support this proposition. I am extremely pleased to hear both the Parishes and the Government working together to help this. I think and I hope States Members, regardless of their political views, would agree that we are moving into a sense now that property ownership carries responsibilities and that is to house people in this Island.

1.1.6 Deputy D. Johnson of St. Mary:

Firstly, I congratulate Deputy Tadier for bringing this proposition and I thank him also for the courtesy in checking with me before he did that he was able to quote from the Environment Panel’s findings in the last Assembly which highlighted this problem. The reason I wish to speak is that I too am grateful for the Constables of St. Lawrence and St. Brelade for highlighting the fact that the Parish Hall is obviously the first port of call to go for any further information, but I would not wish the Assembly to think that they are necessarily the remedy. When one lets a property the income from that is taxable and goes to the States Treasurer; it is not simply a parochial matter. I think that certainly the rates system may have a part to play in this but I think any adjustment to the rates for a rented property would be fairly minor, and I suggest that if we do go down this road that the greater remedy is to tax on a notional rent, which should not be too difficult to introduce I would have thought. It is something to bear in mind that I do not think this problem lies solely with the rating system or the Parish Halls, it is a central government issue and I think we can perhaps impose more leverage if we think in terms of a tax rather than just an increased rate.

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

Over the years I have been in the Assembly I have said a number of times, and I will say again today, that we should be using to best effect every building and every structure on this Island before we seek to build more. I always aim those comments primarily at sheds and farms, at traditional farm units. Why would we not want those buildings employed to their best effect? In the draft bridging Island Plan we made some progress on that and it is now easier to use those traditional farm units to convert into units. But why would we not want an effective mechanism be introduced to discourage domestic properties from being left vacant? Because those empty houses, those empty properties are also structures and buildings on this Island, and we need to make best use of those as well. I am very happy to support this proposition. I am a little bit concerned about part (b) when it identifies September 2022 as the time the publication must be made and I fear that may be a challenge but you do not know if you do not try. I think it is important that we make every effort to get to that timetable if we can. I am very happy to support this.

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

I thank Deputy Tadier for inviting me to meet with members of the J.L.A. (Jersey Landlords’ Association) and you will probably recall the J.L.A. when this was originally lodged and put in a

paper to everybody opposing as a result of this proposition. As a result of the meeting and a total understanding that Deputy Tadier's approach was very, very pragmatic and sensible and acknowledging that a large number of the properties out there are genuinely empty for reasons, the majority are genuinely empty for reasons, there is a change of heart; quite obviously there is a change of heart and I thank you for that. What I would like to see is - and I am doing a bit of repetition here - very much more the carrot than the stick. I think when the numbers come out - speculation is always dangerous - a very small percentage of them will be genuinely empty and a smaller percentage of those will be, shall we say, wilfully empty, intentionally kept off the market for whatever selfish reasons? We are going to have to take a view on that and I think probably more of a stick view on that. The Deputy of St. Martin raised a very good point that the Island Plan has been more liberal on the occupancy levels of properties within the green zone. I think that will possibly free up a large number of those properties that would previously have to be developed as a large unit and could now be broken down into multiple different units and create maybe small communities of cottages. I think these little things will help. I think an update on the property register, which, as Members know, the Chief Minister signed a Ministerial Order to commence work on that one. The project manager who has to bring the implementation plan together I believe has some wishes to take the task; we are going through the paperwork before they can start. The objective is to bring an implementation plan via the property register and will be delivered to the Council of Ministers or the new Council of Ministers in September. No, I will be obviously supporting this.

1.1.9 Deputy G.C. Guida of St. Lawrence:

I was hoping not to have to talk about this but I am really sorry, this just triggers me. There are not 4,000 empty properties in Jersey. It makes for a fantastic headline on the *J.E.P. (Jersey Evening Post)*. It makes for a very, very nice discussion in the manifestos of some parties. But there are not 4,000 empty properties in Jersey; it is physically impossible. For starters the Census found - and that is the Census - that there were 4,000 properties vacant on one day of the year, which is a very, very, very different thing from saying there are so many properties unused and just waiting for people to move in. It is very different that on that particular day, and remember the Census will only know when you fill in the form. There is somebody there that took the form from the post box and said: "Sorry, on that day I was visiting a friend, I was not home, I was in the U.K., I was not home." That property did not have somebody sleeping in it that night and that is what the Census does. It is really annoying. No, it is one of the myths and legends of Jersey there are thousands of properties. The reason why it is physically impossible is because keeping a property empty hurts. It is not something that you do on a whim and saying: "I have got 10 apartments and I will just leave them empty because who is going to bother? I will just pay the rates. When I receive the rates, most rates, I will just pay them. I will pay the heating because you cannot leave them unheated. I will pay the repairs because a property that is not lived in needs more maintenance than a property that is lived in. I will pay electricity and I will not get between £15,000 and £25,000 of rent. I will not get that money, it is peanuts, who cares about £25,000 of rent? No, no, no, no, I will keep those properties empty and just hurt for the sake of it because I am enjoying it." This is really not something that is very, very likely. It happens in some markets exceptionally that properties are left empty for commercial reasons. This is just not possible in Jersey. The circumstances in the last 10 years have not happened in Jersey. It is just too difficult to do and there is not enough reason to do it. I would be extremely surprised if the proportion of properties changed between 2011 and 2021. I agree that the figure may have changed, so 3,000-and-some there, it is 4,000 now; that is fine. But in 2011 we found that 29 per cent of those properties were between tenants. What can you do about that? Can we pay immediate tax? Oh, my God, your tenant went last week, now we are going to tax you £1,000 a month until you find another tenant. That is completely unnecessary. If you need a tenant today you get them in one hour. You just call any agent and you have got people lined up at your door the next day or the next hour if you make it like that. None of those 29 per cent were going to get on the market quicker than they are today. One that is a little bit disturbing is second and holiday home.

Second home, I suppose many people in Jersey will have a second home somewhere else, in France or in the U.K. for historical reasons. It is extremely unlikely that, say, a French person would have a holiday home in Jersey; they would never have the qualifications. Apart from people who had had the family home in Jersey and then moved away and keep it as a holiday home, this is unbelievably unlikely to be the case. Frankly, should we prevent somebody who was born in Jersey to keep their home in Jersey, making it more expensive to keep just because now they spend 9 months of the year in Brittany? Is that any way right or possible? It does not make any sense. Property being built or renovated, no amount of money is going to make it faster, we know that, so there is absolutely nothing to say. That is 18 per cent of the properties. For sale: we want properties for sale; 10 per cent. So 10 per cent of the empty properties - that is 400 this year - are for sale. I am sure they are not staying for sale very long and they are going to be filled in. Resident deceased, 6 per cent; again, you are not going to accelerate the probate, you are not going to accelerate the succession. No matter, you are going to tax the succession to ask the court to do it faster. It is not happening. Resident in care home, so you are going to tax them while they are in a care home and they cannot live at home, that is 5 per cent. Owner away long term but remember the qualifications we just talked about, so you have a job in the U.K. for 4 years and you get rid of your property and then you can never have one again. Then "other reason", that is a good one, 6 per cent. If we apply 6 per cent to the 4,000 homes of this year's Census, that is 240 homes. It is not the thousands that we need, it is 240 homes. It does not say "no reason", it says "other reason". Most of them are going to be very, very good, they are going to be excellent reasons for a number of these. At the absolute most we are looking at 240 properties that could be nudged towards having people in them.

[10:15]

By nature it is painful to keep them empty, it is already painful to keep them empty. How much can we tax people to pass that threshold and say now I cannot do it anymore, I will just get tenants? How much more money than £25,000 do we need to tax them? They will just say: "No, I just cannot, I will not keep it for my kids, I will not keep it for my grandmother, I will just rent it, I will just rent it now." Are we going to get the whole of the 240? Probably not and that is a very different aspect because I agree with that. A few of these will have had illegal tenants in them, they will have been declared as empty, nobody lives in it because your cousin has just moved in and is paying his rent under the table and does not have any qualifications. That is interesting, that is definitely something we should work on but it is definitely not an empty property. But certainly, for the Census it is going to be extremely unlikely that you are going to say: "Cousin Bob without qualifications is living in my flat." It is very unlikely but that is something we should look at because that is quite possible. Finally, we have another one which I really think we should do something about, is Airbnbs as property. Yes, they were vacant on that particular day, they would probably be declared vacant on any day but they are used as Airbnb, they are used all year round as Airbnb without any of the regulations that apply to hospitality and any of the taxes, and that is another thing that we should care for. As far as I can tell, just by looking at the website, there is between 300 and 400 of those, and that is just on one day looking at the website. If we look at the whole year we would probably find that there are a large number of properties that are left available for Airbnb and not rented or sold in the Island. All this to say that if you are counting on this - and, again, it seems to have been something very important to some of us - it is not going to happen, no amount of money is going to make a difference. There is not this magnificent pot at the end of the rainbow of properties that we just need to put our hand in and grab. The last thing talking about putting our hand in and grab: are we talking about nationalising or seizing properties? There is already a law on this; a property that is left empty for more than 10 years - more than 10 years - is the property of the Crown. We have a person in Jersey, the Receiver General, whose job it is, he gets about one a year, one or 2 a year. Because he is nice, when he finds an empty property, when the Parish says: "We have not seen anybody there for 10 years", he does research and very often finds that it belonged to people who do not know about them. There was an extraordinary example of a £1 million property being empty for 10 years and

when he did the appropriate research he found that their neighbour, who was on income support, owned the property but did not know about it. Shall we just seize it and give it to somebody else? When the Receiver General gets a property it becomes the property of the Crown, the Crown eventually does it up and then sells it, so it goes on the market but certainly we do not get it for free.

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

I want to focus on the proposition itself and not focus too much on what the last speaker was saying because it is addressing the proposition. There is a very important line in the proposition that says: "An effective mechanism should be introduced." That is a really important phrase and I think that is what is the most important part of this proposition; an effective mechanism. It is interesting to see that across the Assembly today there are so many people talking about those possible mechanisms, be it the rate system, be it the taxation system coming from very different viewpoints. That is the point, this needs to work for our Island because this Island has a particular issue, it is 9 by 5. It has a particular sized population and limitations to its housing stock. We either have the choice of building all over our green land, which I personally oppose, as has been seen in the bridging Island Plan consistently, or we do something with the resources that we have. An effective mechanism will do something with the resources we have. I need to say some words in support of those who performed the Census because of course - and the Minister for Housing and Communities has just popped out I can see - but when he mentioned that it was a snapshot and the last speaker said it was a snapshot at that time, yes, that is exactly what a Census is. If you can come up with a better mechanism, i.e. I do not know, tagging everybody so we know their movements and we know exactly where they are. I do not want to live in a dystopian society like that, that is fine, but that is what a Census does. The point is to say but it could have been not empty that day, correct. A week later though somewhere that had someone living in it could have been empty; that is the entire point of a Census. There are error rates. It strikes me that from a Minister and a Government and join into the line a political party that has denied so many things because it wants more data. When it gets data that has been paid for by us, that we use consistently, with a department that has been so stretched we are having to release this in tranches, all of sudden that data is not valuable. You cannot have your cake and eat it, I am afraid. You have to either give some faith in those people that we have paid to do the job or you do not and you cannot just say: "I do not quite like that data because it does not fit with what I want to do, so I am going to ignore it." I would like to say publicly thank you to the people that performed the Census, it is not an easy job to do. **[Approval]** I know because one of my student jobs many, many years ago was to go around knocking on doors giving out Census forms and it is an absolutely horrific job, if I am honest with you, but that is one of the things that you do and we need to use that data. Go back to the proposition because that is what we should be talking about: "To discourage domestic properties from being left vacant for long periods." The reality is that we have a small island with a limited resource and the most effective and efficient use of that resource means that we have to have an effective mechanism to discourage domestic properties from being left vacant for long periods. Because we do not have the land space, so, therefore, we have to make those difficult decisions of leadership; of leadership. As for £25,000, it is not peanuts to many, many people, it is their yearly income to be quite frank, working all the hours under the sun on a living wage I think, and just about hit it there on a minimum wage. Let us think about that split where we are, let us think about that, and it is convenient for some political parties to be in denial about that and be in denial about the needs that we have and just ignore the fact when they fancy it. Let us talk about that one as well, shall we? But let us move on, let us be more positive. The second part is to request the Minister for Housing and Communities to initiate the necessary arrangements by the end of 2022. What that does is something that I think is really important at this stage in the term, it gives the next Assembly the backing of the previous Assembly to say: "Please do something about this." We are leaving you with a legacy here to say let us do something about empty properties with a mechanism. Come up with some ideas, let us do it and let us give you a timescale to do it by. I think whatever Minister walks in to do that as Minister for Housing and Communities will be quite

grateful to say: “I have got something that was left to me in the last Assembly.” It gives it an opportunity in the election for us to all talk about that and say, what do you want to do? That is the place to talk about these mechanisms. Yes, there are people who will have difficulty because the home that they have, perhaps rather than properties we should call them potential homes that they have, need some help. Okay, fine, let us get those back there but let us do that before we build on all our green fields and destroy our natural environment because that is such an important thing to do, and that is the consistency about this. At the end of this effective mechanism then we have some really big decisions for the next Assembly. Can we house people effectively the way we want to or do we have to go down a different line? But once we have got this mechanism in place, once we know what we are doing and we have got all of these schemes tailor-made to Jersey, because we have to tailor them to our community and our Island, otherwise they simply will not work. You cannot just transpose ideas and people from the U.K. or somewhere else and say: “They know best, they have done it somewhere else, they have done it in the City of London or wherever, they come over and do it here and we will all be okay and we should be grateful because they are marvellous. That does not work, they need to know the local community and to know local people and they would need to be in among it to make the right decisions. I think this will go through and it goes through for the right reason. We are having a good debate in this Assembly on this because everyone has got an idea; that is exactly the point. Thank you, Deputy Tadier, for bringing this forward and I urge people to support it.

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

Okay, some very, very good points being made, I must say. I particularly enjoyed listening to Deputy Guida for a lot of the explanations he was coming up with, and that is the sort of information that we need to understand. One of the problems we have had throughout the years that I have been in the Assembly is we have no data, no real understanding of what has gone on. Deputy Tadier is putting forward a proposition that I fully support because it adds another piece to the puzzle that is dealing with the housing crisis we have. There are so many elements to it and we are aware of some. We know certainly the impact on Islanders but we do not understand all the ramifications and everything that is going on, whether it be in markets or elsewhere. I think the only point that I really want to add is we talked about this before and no doubt it will be talked about again but what we need to do is take effective action. I was pleased that Deputy Huelin spoke and mentioned the property register. If you remember I brought a proposition to the States, the Commercial and Residential Property Register. It was debated in the States in September 2020, it was agreed. It was felt that it was necessary and we agreed an implementation date; we wanted it to be in by December 2021. The Deputy of St. Peter has told us now they are working on an implementation plan, they are about to appoint someone and they are going to report to the Council of Ministers in September 2022, hopefully. Here we are 2 years from having passed a proposition that would have given us data as to who owns the properties in the Island and from that information we would then have been able to find out, for example, the empty properties, who owns them, because at the moment on the Parish rates system they will list companies or trusts, as well as individuals and you have to track it down to the ultimate beneficial owner. We could have had this in place already and be tackling the problems that we have in this Island but all too often these initiatives are either put on the backburner, forgotten or, for a variety of reasons, delayed. I think rather than keep on repeating these things what we need to do is start getting on with the actions and for the States to insist that these things are done on time. We are given the information so we can deal with the problems that Islanders expect us to deal with. I shall leave it at that because, as I say, I support it, I believe everyone else in the States supports it as well. Let us just vote on it and let us move on.

1.1.12 Deputy L.B.E. Ash of St. Clement:

Thank you to Deputy Tadier for bringing this and I shall certainly be supporting it. One of the main reasons I want to support it is - and I think Deputy Guida’s speech touched on it - we can get some

facts round these figures that we get. Deputy Ward said we have got this figure and we choose to ignore it. No, we do not choose to ignore it, and I think the official statistician said the same, that that particular figure needs to be dug down into to find out exactly what it means. If we pass this this will happen, we will find out what it means. We have so many discussions in here where the facts are put out there but not true. One of the things we had on the housing crisis is it is population, it has gone through the roof. The population here is more like 125,000 now. When we had the Census it just was not true, the population has not gone through the roof; it is not like Hong Kong. We had the facts. The housing situation was not caused by the population. Then we had these 4,000 empty properties, are they empty? Are they really empty? The Limes, for instance, that was X amount of properties that was just about to be demolished, so you probably would not have wanted to be living in there at the time that happened. When we look at all of them we have to really establish how many of these are bone fide empty.

[10:30]

If it is a lot, then happy days really because we can bring in a tax, we can release some of those properties to the market, otherwise we have to look at what is really going on. Why have we suddenly - and it is suddenly really - got this massive property bubble that has occurred? There are other reasons around it, one of the reasons - and I think Senator Mézec will agree with me - is we closed down over the last 20, 30 years slum conditions for many people, where we had 6 people living in one room with a washbasin sharing a toilet among other rooms in very, very antiquated lodging houses and we did away with those. When those are done away with people have to find other places to live, so they tend to hire a house, rent a house and use all 4 rooms, one person in each room; that is one of the reasons. The other reason over the last 30 years that we have seen that very few people have considered is the divorce and separation rate of couples has gone through the roof. Thus, in the old days when you had a family unit that stayed together for ever in one house, one place, you suddenly need 2 houses; one for the person who has been displaced and the other for the rest of the family. All these things need to be looked at and that is why with Deputy Tadier bringing that we can really perhaps start to look at what is happening, not mythological; yes, it is the population; yes, we have got thousands of empty properties. Let us really have a look at the facts and I believe this will help to dig down on the facts, some of which Deputy Guida was probably 100 per cent right. I have not looked at the breakdown but I know the statistician said that he wanted to dig down to see exactly what that figure constituted. If we pass that that will be a good step on the way to doing it.

1.1.13 Connétable J. Le Bailly of St. Mary:

This proposition means well, however, it is about as much use as a chocolate teapot. This will put lots of pressure on the Parishes and their Rates Committees in order to identify empty properties. Do we just identify dwellings or do we include empty outbuildings because storage is also in demand? There are reasons that properties are empty, it could be a family dispute, it could be that the owner cannot afford to bring it to a standard in order to let it out; there may be other personal reasons. This is an example of Government interfering unnecessarily in people's lives. Empty properties will not solve our housing crisis. It would be like emptying the sea with a teaspoon and tipping it into a bucket, then emptying the bucket back into the sea. If we are serious about addressing our housing crisis, both for a first-time buyer and rental, then we need to build to satisfy demand. We had that option a couple of weeks ago with the interim Island Plan. This Assembly chose not to rezone fields for housing, so we have still a housing crisis. This Assembly has to solve the housing crisis, it is difficult. We have a population problem, the world has a population problem. It is easy to solve if your name is Putin, you just eliminate people; we have to build. The world changes every day, this Island changes every day. We cannot dwell on the past. We cannot sit in a bubble; that was yesterday. N.I.M.B.Y.s (not in my backyard) are stopping us moving forward, an election coming up does not help either. We need to aspire to the majority requirement, not the N.I.M.B.Y.s. We

need to build, it is the only way to keep this Island viable, to pay our taxes, to pay our social security and to guarantee our future.

1.1.14 Deputy G.P. Southern of St. Helier:

I will speak briefly. What makes me rise to my feet is the speech of Deputy Guida because he made an excellent speech, giving coverage to some of the reasons why we might have a housing crisis. However, his speech was entirely mistimed because it was a speech that was appropriate in September, perhaps October when we see the report that says 4,000 homes empty at any one stage for the following reasons and what might be done about that. Information-gathering, absolutely essential to any decision we make, followed by on the basis of that information the action plan that needs to deliver some answer to this and, in particular, the housing crisis. There will be many people out there thinking the problem is solved and welcoming this proposition. It is a highly appropriate proposition because it says let us analyse the problem, let us find out what is wrong and let us see if we can find mechanisms, reasonable mechanisms of mending that. Entirely appropriate to a debate in September or October when we see the conclusions as to what information we have on our fingertips. Deputy Tadier must be lauded for that, entirely the right approach to this issue.

1.1.15 Senator T.A. Vallois:

I just want to applaud Deputy Tadier for doing his homework in terms of the report of the proposition. The reason why I say that is because it feels like déjà vu and I have not been here as long as some other Members in the States Assembly who have seen time and time again consultation, reports, reviews and nothing come of them. One thing that is not mentioned though in the report is of course the property tax review that was carried out in 2014, probably not the ideal time to carry out a property tax review just before an election. I am sure many of us will remember the former Minister for Treasury and Resources tearing that document up at a hustings in Trinity in the 2014 election then. There was a consultation done with that and one of my issues with consultations and reviews that we have with the States is we spend a lot of money on consultants and people coming in to tell us whether it is an economic perspective or how it will or will not fit Jersey. Sometimes it is not tangible or it is not right for that particular Minister at that particular time or then Council of Ministers. In the consultation that we did back in 2014 - and I have heard it mentioned in speeches today - was around what we discussed in the Island Plan and it stated in the summary of the responses of the consultation that there were references that: "Property taxes should support the priorities of the States Island Plan 2011, including efficient use of scarce resources and bringing into prompt use land zoned for development to provide adequate housing." That was a response back from the public in terms of the consultation. But then what happened with that consultation was we will do some things but there was not really any action plan or timelines that sat against that. Now we are here discussing property taxes, essentially, again. There is an argument, and it has been a long-running argument, in the States of Jersey around the need to diversify our tax base and that we are too reliant on one particular tax and that we should be looking at spreading that equally so that we are sustainable in the long term. When Deputy Tadier is asking us to request the Minister for Housing and Communities, or whoever that may be in the next term, I hope that whoever carries out this work will take into account the work that has already been carried out in terms of property tax as well, in conjunction with this, to look at the possibilities and modernising and improving particularly the areas around where it was mentioned our rates requirements. There has been some trepidation over what we do and how we do that over the years. But this was carried out 8 years ago and property values have substantially increased since then and we do not know the differentiation in terms of the vacant properties, although it has been identified from the 2001 Census, that breakup of what that may or may not look like. We know that other jurisdictions quite capably do this. I fear that when we request the Minister to carry out a piece of work that with the next Council of Ministers, whoever they may be, it may not be prioritised to the satisfaction of the Assembly. I think it is also important that if there is any consultation carried out, which predominantly is a requirement of tax, bringing in

new taxes, it is a requirement in our long-term tax policy, that that consultation is done in a clear and transparent way. There was an argument that that was not done last time. Also, that what comes out of that consultation is action, is timelines for bringing things in if there is an agreement to do so. I would recommend that any Members who are not members of the Council of Ministers to keep a very close eye on what falls out of this work, to make sure that it is joined up. Because the problem with bringing in one particular tax, it has a knock-on effect to other areas and economic effects. I am not saying I do not agree with this, I think it is one part of a solution of an issue we have got with regards to housing in Jersey and that is why I applaud Deputy Tadier, as he has been asking questions about this for a very, very long time in this Assembly. I wish whoever is in the Council of Ministers next term good luck with carrying out this work, especially with the timeline in terms of bringing this forward. I hope it is created as a priority and looked at in conjunction with work that has already been done before.

1.1.16 Connétable R. Vibert of St. Peter:

Very quickly, I would like to thank Deputy Tadier for bringing the proposition. I would just like to clarify with regard to the Parish rates. I have long thought that the Parish rates would be a good mechanism to deal with unoccupied properties. I only have to look at the situation I have with my student property in the U.K., for the one month it is not occupied the council charges me a fairly hefty amount for that single month when it is not occupied by the students. It would not be an onerous thing for those on the Rates Committee, the rates are calculated on a snapshot at 1st January every year and in fact the owner at that point remains responsible, even if the property changes ownership throughout the year. In the same way in fact when I considered this I thought we only needed 2 extra lines on the rates form, is the property occupied or not and, secondly, why is it unoccupied? From that the rates assessors could determine the rate for that property. If the property subsequently was occupied, the owner could contact the Parish or alternatively there is a right of appeal. There is nothing onerous in having a different rate for an unoccupied property. It simply requires a law change. I say “simply”, probably not that simple. I am sure that most of my colleagues, the Constables, would support such a move.

1.1.17 Senator S.Y. Mézec:

Of course I wholeheartedly support this proposition and what it is trying to do. The only point I wanted to make from it is to just examine the wording for what it is asking the Minister to do, which is to look for: “An effective mechanism to discourage domestic properties from being left vacant for long periods.” That is quite specific because that is focusing on a mechanism that would at least try to stop this from being a problem in the first place. It is not worded to say to the Minister find a mechanism for getting empty properties back on the market, those are kind of different things. One is focusing on before something becomes a problem and the other would be focusing on fixing something when it has become a problem, although it could be a by-product if you were to look for some sort of surcharge, then that of course would incentivise people who have empty properties to put them back on the market.

[10:45]

The reason I am pointing out that distinction is because the Minister has spoken about this no use empty schemes in the U.K. about providing financial support to people who have empty properties to renovate them or whatever to get them back on the market. I just point out that that type of scheme is not what this proposition appears to be asking to do. The Minister is obviously free to look at that if he wants to but I do not think that we should see that as the mechanism because it does have problems. It can have problems in that in some instances it might incentivise people to keep properties empty for longer so that they could get a more favourable loan to renovate it, rather than going to the private sector, which is what they ought to be doing in the first place. Depending on the detail of that kind of scheme you might reasonably argue that it is not good value for taxpayers’

money when if there is a pot of money available it might be better using that to support shared equity purchase for first-time buyers, and that would certainly be my preference than it would be to use that funding for people who own properties that, frankly, have not looked after them properly or have not disposed of them when they should have disposed of them and that kind of scheme might prolong their involvement in the market where they may just not be somebody who is suitable to be there. That is the only point I wanted to make, to make that clear distinction that that kind of scheme is clearly not what this proposition is asking him to look at. By all means go ahead and look at it but do not consider that to be a substitute for what the proposition is about, which is about mechanisms at the start of a home potentially being left empty for too long and there are better ways to deal with that.

The Greffier of the States (in the Chair):

Thank you. I am delighted to welcome His Excellency, the Polish Ambassador to the United Kingdom to the Chamber this morning. I hope Members can welcome him in the usual way. [Approval] Does any other Member wish to speak on the proposition?

1.1.18 Connétable R.A. Buchanan of St. Ouen:

I also stand to applaud Deputy Tadier with his proposition. We have a housing crisis in this Island and the figures tell us that there 4,000 empty properties. But I think we need to pay careful attention to what Deputy Guida said. I think if we put all our bets on this resolving a large chunk of our housing crisis, and given the breakdown of the figures he has given us, we are going to be bitterly disappointed because I think a lot of those properties will be empty for good reasons. That does not mean to say that we should not do something about it and I, for one, will be supporting this proposition because I think it is important that we take action. Those properties that are empty and could be filled by people, and that the owners could make an effort and put them back on the market, I think they should be persuaded to do so. But I think it will be a mistake to say that this could be a quick and easy bullet to shoot the housing crisis solution because I do not think it is. I think when we scratch under the surface we will find, as Deputy Guida has pointed out to us, there are some very good reasons why properties are empty at the time of the Census and those reasons will probably resolve themselves. If I think in St. Ouen's context, I can think of 4 empty properties, one of which is being rebuilt substantially, 2 of which are subject to a long and very lengthy legal debate over the ownership of the property, that has not been resolved in 10 years and, frankly, I think when they lower me 6 foot under it probably still will not be resolved and the houses will probably have fallen down by that stage. Whether having an empty property tax is going to resolve that I would not wish to speculate. The other property is in the process of being rebuilt and will come back on the market shortly. There are others in St. Ouen but we continue to do our research. One other point, I think it is important that Parishes can help with this. I think other Constables have made this point and we stand willing to do so, as and when this comes into legislation, and we will see what happens in September what support we will be required to give but we stand willing to help. We have the mechanisms to do it. Parishes more than anyone else know who lives where, which properties are rented out and which are owned by people, so we are very capable of helping with this. In short, and I will not prolong this debate for much longer because I think I have yet to hear anyone speak against it, so we must be close to getting a vote I would hope, I intend to support this and I congratulate the Deputy on bringing it forward.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the proposition? If no other Member wishes to speak I will call Deputy Tadier.

1.1.19 Deputy M. Tadier:

What I will do is I will start off with the comments of perhaps the only Member who I think at least partly spoke against or at least expressed some concerns, that is probably a logical place to start in some ways. I want to say that I think Deputy Guida is right in many ways, there are not 4,000 long-term empty properties in Jersey and that is not what I am saying either. But what the Census data has told us, and we have been told time and time again that the Census data, the Statistics Department is an independent body and that it provides information, the best possible quality information that it can at any one time, and it of course qualifies that. We all look forward to being able to read properly around the Census data and the full report when we are allowed to see it, which is no doubt sometime after the election but let us wait and see. But the point is on Census day there were 4,000 vacant properties that were identified and in 2011 there were only 3,100 empty properties that were identified. Even in 2011 the Scrutiny report that we did, and it is probably a good time to say in my attempt at brevity in my opening speech I forgot to acknowledge the membership of the panel, so it was the Deputy of St. Mary and it was Deputy Martin and the Constable of St. Helier, the current Constable, who were on that. It identified that the vacancy rate in Jersey was much higher, for example, than in the U.K. Exactly the same vacancy rate and there will be that whole spectrum of reasons why properties are left empty but it is still higher. There is this idea that Deputy Guida said, and this is probably where I start to part company, he says it does not make sense to leave a property empty. I completely agree with him, it does not make any sense to leave a property empty because it is not being put to a good use, there is a potential loss of income there; there is certainly a loss of income, especially if you are leaving it empty for a long period of time. It does not make sense morally I would say when you have got local families, you have got people across the whole of the market that are looking for somewhere to rent, to buy somewhere affordable, somewhere decent and they are just not getting that. Nonetheless, it still happens, even though it is painful, as the Deputy says. Because humans are not always rational. First of all, there are lots of things that people do that do not make sense. There are lots of people who still smoke, for example, and it is fine. If you want to smoke that is fine but you know that you will be much more likely to die younger and perhaps with a chronic illness if you smoke. If you drink to excess you will much more likely have problems than if you do not do that. Yet, being humans we sometimes overindulge and we do things that do not make sense because we are not always rational and we are not always reasonable or logical. If you add into the mix the fact that life is very complex and that there are competing pressures. You might inherit a house, for example, and find out that you do not need the rental income but, similarly, you do not have the time or resources to put into the property because you are doing 1,000 other things in your life. Properties potentially do sit there empty year after year and it is those properties that we need to identify. Although it would have been perhaps a clumsy analogy to make, the point is if we take smokers, for example, if you have a jurisdiction in a country which has a low amount of smokers you will get a correspondingly low amount of deaths due to smoking. If you have a country where there is a high amount of smokers, a high percentage, you will get a high amount of people who end up dying from smoking-related illnesses. It does not mean that all smokers will die. You can say: "I know some very healthy smokers, they run marathons", *et cetera*, but that is not generally how it works. The bigger the pool of vacant properties there are the more likely there are to be long-term vacant properties that can be put on to the market. When Senator Vallois just spoke and said this was a well-researched proposition, I thank her for those generous words. It is well-researched because it is based on the work of a well-researched Scrutiny Panel piece of work, and which I happen to be lucky to be part of. It is something that we all wanted to look at and it was part of a housing review, the supply of housing review. This was just one of those recommendations and I think it is one of those recommendations which should have been the low-hanging fruit, back in 2015 a clear recommendation which talked about a 7 per cent vacancy rate in Jersey. What does that 7 per cent mean? It means that out of all the properties that are available in terms of homes, not just for rental, 7 per cent of them on the Census were vacant. That has gone up now to beyond 8 per cent and our

advisers, we looked at all the evidence, and it says if you can just reduce that from 7 per cent to 5 per cent, then you are going to put 800 new homes on to the market. Now the way I look at it, yes, of those 4,000 properties it may well be that 3,000 of them are going to be back on the market within 2 months, within a year. They are being done up, they are being sold, whatever. Similarly, of course, there will be other properties that are being used which will not be being used which are not captured, so there are swings and roundabouts. But if we were to be fairly generous and say for a start there might be a quarter of those properties which could be put back, that is 1,000 homes in Jersey which could be put back into use which are not currently in use. That is 1,000 homes, they could be just units or they could be actual 3 bedrooms, we do not know, that could save us rezoning green fields and I think that is the key point here. You might even say 25 per cent is too much. Let us go even lower, if it is just 10 per cent of those 4,000 properties which we can effect change on, that is 400 new properties that can come back on to the market without any fields needing to be rezoned. That is what we are talking about today. So, yes, the Minister for Treasury and Resources says it is a snapshot, we do need a well-rounded picture, and that is what we are asking for. I would welcome an investigation into second homes. I do not think that what she is talking about or what any future Minister will be talking about is taxing a second home which you own in Jersey but your main residence is in France or in Portugal or in Poland, wherever that might be, because I think we are talking about Jersey properties and multiple ownership within the Island. I think there is a piece of work to do there especially when it comes to scarcity, and I think that is the point. Nobody I think in this Assembly wants excessive Government intervention. We all respect the fact that property is a human right and that there is a presumption against state intervention and meddling in your private property rights. But that is not an absolute right, it is one that has to be balanced against the fact that we do, I think, have a housing crisis. While we might not universally agree that we are in a period of housing crisis, when you are looking for a home and you have been served notice ... I had somebody call me, in fact, just yesterday, somebody in St. Saviour with difficult circumstances who is going to be looking for a home and it is not going to be easy for them to find it. We all realise that those people are very much in crisis when they get their eviction notice or their notice to quit. I do agree with my Constable of St. Brelade who talks about the surcharge. I do not think he mentioned the surcharge per se but within the Parish system there is already a mechanism, for example, if you put your rates in late, if you pay them late, there is a 10 per cent surcharge. The Connétable of St. Lawrence also talked about the fact that it might require a change in law, and it no doubt would, but that is certainly something which will be in the gift of the next Assembly. Deputy Morel talked about the privilege of owning property and certainly it can feel like that increasingly in Jersey. So many people I think now feel lucky, especially if they have bought in the last few years, when they look at the state of the market, the state of the lending from banks. You have got people who have got lots of money, in fact, they earn lots of income, and yet it is increasingly difficult to even get a loan to be able to pay the bank back over a long period of time for the privilege of living in and potentially owning your own property, so we all know that. I would take exception, in fact, it could be slightly pedantic, but it is not a privilege in Jersey that everybody has the right to buy. You have to live in Jersey for 10 years, so in the meantime there are people who are trying to aspire to home ownership in 10 years' time, yet they look at all these properties that are sitting empty.

[11:00]

They hear the statistics from the Census and they think: "What is this Government, what is the Assembly doing for me?" and today I think we can take that action. Interestingly, it just came to me while I was speaking, and I will beg Members' indulgence, I hope it is not the case, but this is of course potentially my last ever proposition in the Assembly, we cannot take anything for granted, and I do want to make sure I get all of the points on record. I hope that is not the case and I hope that I can be here to hold whichever Minister to account in the next Assembly but of course none of us know what the future holds. So, the point is the chair of that Scrutiny review also spoke, and I thank him for that. I have enjoyed working with him over the past few years and especially on that

particular review. I think that is the point, it was based on evidence and it is important that when we again interviewed the Minister for Housing and Communities in 2017, we were also given promises about action and here we find ourselves 5 years later. Now, there is this idea that somebody said to me: "Well, we could just resolve this by having a word with the owners. We can find the owners, find the family, go and speak to them and find out if there is an issue." I would again use an analogy that came up in the past, it is perhaps slightly clumsy, but that of feeding seagulls. Because it used to be the case that many of us would have constituents come to us and say: "There is this person behind me who is feeding the seagulls. It is an old lady and I do not want to tell her to stop feeding the seagulls." The idea was, well, let us maybe send someone around from the Parish to have a word with her. Then of course sometimes that works but other times you are just going to get the door slammed in your face because they will say: "Well what business is it of yours? So I am allowed to feed the seagulls, is it against the law?" "No." "Well sling your hook then, I am going to carry on feeding the seagulls." If you want to start having those conversations about why is this property empty, it is really important to have a legal and lawful backstop where you can say: "By the way, do you know that if this property is left empty for longer than 2 years, for example, for longer than 5 years, you will be facing a potential increase in your rates, a surcharge or potential tax?" "Oh, well I had better do something about it then." It becomes much more in focus. If you have got relatives who you are in the middle of a dispute with because you do not know what to do with that particular property, the fact that you might get a letter, you might get a tax on that particular property if you do not resolve it by the end of the year, that will also focus the mind to say: "We had better sell this property, we do not need this hassle of any administration problems coming up." We do need an effective mechanism, as my colleague Deputy Ward said. The other key 2 words in there are "long term". So this is to address not a problem that does not exist, this is very much to find an effective mechanism to address a problem that does exist that we need to know more about, about long-term empty properties. I do not want the Assembly to be here in 3 years, I do not want to be here in 3 years asking to approve and rezone green fields or even brownfield sites with greenhouses that could be put back into agriculture, that could be turned into community allotments saying: "We have a housing crisis where no action has been taken on this." I would say to the Constable of St. Mary, whom I very much enjoy listening to, I do not think we are a million miles apart in this, because if it comes back in the next Island Plan that we have still got a very large shortage of homes and we do need to rezone green fields, I will look at that very carefully. But if we have not taken action in this regard with all those empty properties that could be put back into the market - and there could be some in St. Mary, there could be some in St. John - that we threw out to the whole of the Island once we ... and is it not great to see that property which used to have those posters on? We all know the one, as you come from St. Peter to St. Mary through to St. John, and it used to have some politician's name on the front of the house saying: "Thanks to these people I have not been able to do my property up." Now that is being done up. I do not know the full story behind that, I do not know the reasons, but when I go past there I think: "Great, at last somebody is being allowed to redevelop that property and it will be a home hopefully for a family who can enjoy it." I think that is great and hopefully it will be done very soon. So, Government interference is what he also spoke about and rezoning green fields is Government interference. When we rezone a greenfield we are interfering in nature, we are interfering in the ecosystem, we are interfering in the longstanding rural tradition that the Island has enjoyed. It is also telling owners what they have to do with that particular field. We are saying that now: "It used to be a greenfield for agriculture, you have to build on it. We expect you to build on it." It could have been used for cows, for potatoes, for any kind of crops in the past. I am saying let us do that only when all of the other options have been exhausted. So I would say to the Constable of St. Mary, I would like his support in this, I agree with him that we do urgently need to build more homes for local families, and we should also be open to importing flatpacks and building them good quality homes cheap, also on States-owned land, on Parish-owned land, it is not mutually exclusive, I think we can do both of these points. I thank other Members who have spoken. The Constable of St. Peter, he sees very much the rate system as the potential. I do not want to be prescriptive in this

but certainly that seems to me also to be one of the obvious starting points. So let us say, for example, how this could work. A return comes into the Parish on 1st January or for 1st January 2025, you say: “Okay, that property is empty; all right, we will keep an eye on that.” 2026, 1st January it comes back, it is still empty and it has got the same reason on it: “Between tenants.” You immediately think: “Okay, between tenants for 2 returns so it has at least been empty for one whole year, potentially for 2 years and they are still in between tenants.” That cannot be right, that is a home for a local family that is not being used, and that is the point at which the mechanism could kick in. If there is a good reason for it being exempt, great. If there is not, then I am afraid there is a possibility of paying a surcharge or an additional tax on that. I thank Senator Mézec also for the work that he has done I think preparing this. So, the Minister for Housing and Communities spoke earlier on, this is work that is being undertaken, there is an initial date of September. So I think that brings me towards the closing of the proposition and I thought of a way to finish this appropriately. So I know that Deputy Ward likes musical quotes, I know that some unnamed officers in the Assembly also like musical references, and I thought what better than to think about a country and western song, this sitting of all, that one might quote from one. It is from 1954 and it was originally by Rosemary Clooney written by Hamblen, was the name of the writer. I do not have his first name here, and as is often the case, the writer is forgotten, but we probably know it more as a Shakin’ Stevens’ song from 1981 which is more of a pop version. I particularly remember it - and I have got mixed feelings about this song - because for those of us who were at Les Quennevais School, I do not know if you remember, in the old school there used to be a keyboard room, the music room was lined out with lots of keyboards around the outside. What passed for music tuition back then, and I am not saying there were not some good elements to it, it is a bit like P.E. (physical education), is it not, it is hit or miss. If you are good at P.E. you are probably going to do all right; if you are not good at P.E. then you have just got to grin and bear it until you can get to your French lesson or whatever it is. No doubt the same happened for music tuition. You were effectively put in a cubicle with a pair of headphones, a book which ...

The Greffier of the States (in the Chair):

I think, Deputy Tadier ...

Deputy M. Tadier:

I am getting to the point. [Laughter]

The Greffier of the States (in the Chair):

I think if you could speed up to the point. But you have strayed so far from the point that ...

Deputy M. Tadier:

If you like, I have strayed so far that the only way is back now so I am not going to stray any further.

The Greffier of the States (in the Chair):

As quickly as possible.

Deputy M. Tadier:

It is a bit like Just a Minute, is it not, it is digression and the [Interruption] ... yes, Just an Hour. I think - is it Melly? - she says: “Okay, we want to see where this is going, so I will allow it to stay with Deputy Tadier but we will award the Greffier ...”

The Greffier of the States (in the Chair):

I have not said that though.

Deputy M. Tadier:

“But we will award the Greffier the point nonetheless but the subject of affordable housing stays or as it is the song.” Okay, the song is called This Ole House. So I remember it there, and I had to struggle to play this, not because it was a difficult piece of music but just because of the speed, it was so fast, it was like 200 beats per minute. The only way to really do it is to record it and then speed it up and play it back. Okay, I digress. The words of that song, to quote the writer: “This ole house once knew my children, this ole house once knew my wife, this ole house was home and comfort as we fought the storms of life.” Fast forward to the chorus: “Ain’t going to need this house no longer, ain’t going to need this house no more.” I am not singing it, by the way: “Ain’t got time to fix the shingles, ain’t got time to fix the floor, ain’t got time to oil the hinges nor to mend the window pane.” Well in that case, sell it to somebody who has got the time. Sell it to somebody who has got the resources to be able to do that because we all sympathise. We know the fact that this house once had your children, you have got lots of good memories there. You grew up there with your wife or your husband, and we know that it was a comfort to you and we know that it might have been in your generation for a long time but the fact is, you ain’t got time to fix the shingles, or the floor, or the roof, or the windows, so let somebody who has got the time and the resources to do that. If the current Minister for Housing and Communities wants to set up an intricate scheme to help you pay for that, fine. I think just the simplest option is let them sell the house to somebody who has got the resources and the time to do it and let a new family move into that house. So I maintain the proposition and ask for the *appel*.

The Greffier of the States (in the Chair):

The *appel* is called for. I ask Members to return to their seats. I ask the Greffier to open the voting and Members online to vote using the chat. If all Members have had the opportunity to cast their votes, I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 41		CONTRE: 1		ABSTAIN: 0
Senator L.J. Farnham		Connétable of St. Mary		
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				

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

The Deputy Greffier of the States:

The Connétable of St. Mary voted contre.

The Greffier of the States (in the Chair):

Your song was not enough, Deputy Tadier.

2. Hustings filming (P.49/2022)

The Bailiff:

Very well, the next item of Public Business is Hustings filming, P.49. The main respondent is the chair of the Privileges and Procedures Committee and it is lodged by Deputy Maçon. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act of 6th November 2013, in which it was agreed, among other things, that conventional hustings meetings should be web streamed, and to request the Privileges and Procedures Committee to film hustings in Parish Halls at the next and subsequent general elections rather than only film proposed online hustings, as is currently suggested.

2.1 Deputy J.M. Maçon of St. Saviour:

I bring this proposition quite late in the day; as we know the nomination period is approaching very quickly. As we know, we have introduced a new Jersey Electoral Authority system and some time ago, if Members have been following my written questions, I started to probe just to make sure that things were in order and I started to ask about the hustings process. Now just to be clear, because I

think there have been some red herrings set and placed, not by me, but by others choosing to interpret all of this, so what is this proposition about? This proposition is about the centrally-allocated resource from the States Assembly, from P.P.C. (Privileges and Procedures Committee), from the Greffe regarding the resource that is allocated to the filming of hustings during an election period. So today we are talking about that allocation of resource, not whether hustings should be online or whether hustings should be in person, that is not what my proposition is about. I need to be very clear about that from the beginning. This is about the allocation of resource for the filming of hustings. Now, back in 2013, I, alongside Deputy Martin, Deputy Le Hérissier and some other Members, did a review of the Public Elections Law and the election process. One of our recommendations after that was that hustings should be filmed and put online.

[11:15]

The reason for that was to enable people who could not attend, whether they were working or were disabled or whatever reason were not able to go, to give them an opportunity to be able to view the hustings process in a time more convenient and practical for them. Technology has obviously moved on since then but at the moment that is where we are. We brought it to the States, the States approved that recommendation, and resource was duly allocated for the next elections. So, just to remind Members of course: what is the purpose of hustings? Why do we have hustings? I think it is firstly important to remind Members that hustings are of course the responsibility of the candidates. There are no official rules kind of governing how they work or how they are to be done. They have evolved in convention over the years to a format and locations but the purpose of hustings for many people are to see how candidates can perform. So, for example, can they deliver a speech in public, can they speak clearly, can they speak eloquently, are they able to make their point concisely? Of course, it is also an opportunity for candidates to raise their profiles. Of course, the other aspect of it is the ability to be able to answer questions where perhaps it is on a subject which a candidate is less familiar with or to understand how they can perform. So that is the process and it is important to remember all of that but it is the responsibility of the candidates themselves. There is extra resource which was allocated by the States for filming purposes. So I started asking some questions to P.P.C. to ask what was going to be happening in this election because there was not really anything on the vote.je website and that is simply because, as a candidate in the past, it has been my responsibility as senior Deputy in my district to arrange a hustings meeting. I sought out the venue, I sought out the permissions, I get the equipment, *et cetera, et cetera*, so I needed to know what was going on. Members will recall my question of 21st February where I asked the chair whether the Jersey Electoral Authority has decided how many hustings for each electoral district will be recorded and paid for centrally, in particular, how many will be provided for in St. Saviour in comparison with 3 hustings that were provided in the Parish previously. If no such decision has been taken, why not, and when will the decision be made, and whether the organisation of hustings remain the responsibility of the candidates. Now the answer from P.P.C. was that: “The plans for recording hustings are subject to final approval by the Jersey Electoral Authority. It is expected that one filmed hustings event” - I repeat that - “one filmed hustings event will be arranged for each of the 9 constituencies and also for each of the 12 Parish districts. Historically these have been filmed physical events, usually at a Parish Hall. This year, however, the intention is to use the States Chamber to host an online hustings for the 9 constituencies for Deputies and each of the 12 Parishes for Constable. It is anticipated that candidates might still be keen to hold in-person hustings at Parish Halls or other locations. If candidates in St. Saviour or indeed any other constituency or Parish wish to run additional events, they are very welcome to do so. The Jersey Electoral Authority will publish when they are taking place by vote.je but it will be a matter for candidates to plan and manage those events themselves to meet the cost between any sound equipment or filming which may be required. The decision has not yet been made as the Jersey Electoral Authority has only recently been formed” and she confirmed that the hustings are the responsibility of candidates and participation is optional. Now of course this was a new method being proposed and also this changing of the resources of

course had not come to the States Assembly. So I go back and I ask another question of P.P.C. on 7th March, I asked the committee: "Further to the written response, what was the rationale for changing the filming arrangements offered for hustings? What consultation, if any, was undertaken in reaching the decision of the filming arrangements, whether the change was identified as a cost-saving measure, whether the committee's assessment for not offering localised filming for hustings is seen as a reduction of service to the public and why the decision was not brought to the States Assembly for debate? It is quite a lengthy answer so I am not going to go through it but the nuts and bolts of it were P.P.C. wanted to try a different method which they thought was more cost-efficient and was COVID-proof after an experiment with the by-election for the Constable of St. Clement due to COVID reasons, which one can understand at the time. But they do also confirm that: "There was no direct consultation in relation to the filming arrangements apart from the Jersey Electoral Authority." So this change was just kind of produced with no explanation to the public or for candidates to know what was going on. Even when we refer to the comments of the P.P.C. which further come out, again, I understand that the Chamber may not now be an option to use in this but there has been no clarification or public statement from P.P.C. to explain what they propose, where is the venue and how is it going to work. If you look at the comments as well: "It could be this, and it could be that but we do not know exactly what it is." We are a couple of weeks away from the nomination process where people then have to start booking their slots for hustings meetings. It is all a bit confused, it is not very clear. All the guidelines really should have been on the vote.je website so candidates know what they would be signing up for; we still do not know. Then when we dig a little bit deeper into the comments from P.P.C., they then say: "Oh, well, okay, we are going to carry on with our programme anyway enough for what we are going to offer." But then if the States want to agree with my proposition and reinstate what the States Assembly had kind of already agreed to, then that is an option as well. So I have no problem if we have different options for candidates to choose what they think is the most appropriate but I do think that candidates should have the option of having the traditional method filmed and streamed. Now just to clarify for Members when they are looking at the wording of my proposition, while it does say "web streamed", I just want to be clear that basically, in my interpretation of that, means recorded and then put up online. That does not necessarily mean it is a live thing which is interactive, *et cetera, et cetera*; basically I am looking to reinstate the status quo for candidates. I pointed out that under the proposal of P.P.C. at the moment, the offering is just one filmed husting per district or constituency. In the comments of P.P.C. of course when I am asking about the hustings process and what is being proposed, what is not produced is of course the governance around the whole issue of these online hustings, how questions are going to be vetted. So, for example, if we are saying it is the responsibility of candidates and the candidates of course can then decide, well what are the rules, what are we going to do? So we are used to the conventional ones of: well we kind of expect them to be electors within the district to give them priority. Well how was that done and verified online when people do that type of thing? We hear from the comments of P.P.C.: "Well, it is just going to be on trust, it is a self-declaration." With a party process as a candidate, I would also want someone to declare whether they are a member of a political party because if we are going to go online where anyone can just fire in as many questions as they like, what is the process behind that? Because you could have one political party or another lobby group or the media just firing a load of questions in order to give an advantage to one particular candidate or another. That whole kind of vetting process ... now, I know the comments of P.P.C.: "Well, it is all self-declaration at the moment" but again when you are doing it in person it is easier - not foolproof - but it is easier to identify whether someone is a resident of the Parish or not. How do we do that online and are Members comfortable with that? So, just keeping this brief, what I am asking Members to do is to reinstate the resource which the States Assembly agreed at the time because there was not an alternative at the time so that candidates who have physical hustings, whatever location they choose to, that the resource for that to be filmed and put online is maintained in order so that members of the public have the opportunity to be able to view them later on in case

they could not attend those meetings. That is what my proposition is seeking to do. I have tried to be as concise as I can and I hope someone in the Assembly seconds it.

The Bailiff:

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

2.1.1 Deputy J.A. Martin of St. Helier:

First let me say, I am really sorry I am not there, I am in isolation. I am really trying to get in before the end of the week because who knows, as they say, who knows? Yes, coming back to the proposition in hand, I was very surprised, and I do think ... Deputy Maçon telephoned me and we went back in our memory and found where it was. We knew over the last few elections the rules, *et cetera*, and you being allowed to pick one hustings that has been filmed, as you say, it will then be web streamed and had been really, really well received by the public. I just think going completely online in virtual, as one who has done Ask the Ministers through - I am just thinking what it is called - Slido, where people just keep piling in, you do not know who they are. This has gone down on social media and it keeps going down. The public think we are now afraid to meet them eye-to-eye. Absolutely not. We want to meet them eye-to-eye, we want the facility to choose, and they might be in certain districts. As I say, St. Saviour is now a whole Parish and they will probably have more than one hustings. We always have 2 in District No. 1 St. Helier, which is now District South. But I just think this is just one step too far for the elector, about us, about the new candidates. This is one step too far for the elector for what they are used to. They know normally where to go, they want to see the candidate, they want to test the mettle of a candidate. Somebody said to me: "A hustings will never win you an election but it can by jolly lose you an election." It is about that interaction with your public, the people you are asking to test you for the next 4 years. I really, really do ask that we just keep this one, at least for this election, we get behind Deputy Maçon. It is not asking too much, it is keeping the status quo that has happened for at least the last 2 elections, it might have even been 3, and by-elections, Senatorials. Every Senatorial was filmed in every Parish and extras that were done at the R.J.A.&H.S. (Royal Jersey Agricultural and Horticultural Society), *et cetera*. So it can be done and I just really believe we do this for the public of the Island. Thank you very much.

2.1.2 The Deputy of St. Peter:

I am totally supporting of this; however, I would just like to ask Deputy Maçon, I think I heard him say there will be one recorded or videoed hustings per district. I would just like to draw attention to the fact that the Parishes, certainly where I have not yet formally declared but I will, in St. Peter, St. Mary and St. Ouen, I think they would like to have a husting in each individual district in each individual Parish. How we come to agree, which I believe will be the candidates would agree how the hustings are formed or whatever, which Parish Hall, for sake of argument, is chosen will be all but impossible and would let down the other 2 Parishes if we were only allowed to do it in one. So I just would like to ask - I do not know how I do this - but to ask Deputy Maçon to push forward to say that each Parish should have its own hustings.

Deputy J.M. Maçon:

Will the Member give way for a point of clarification?

The Bailiff:

Well, I am sorry, this is your proposition, is it not, Deputy? In which case you have a right to respond unless you are asking a question of the Deputy of St. Peter about his speech because you have a chance to respond.

Deputy J.M. Maçon:

Well indeed, it is a question on his speech which is when I mentioned that. Is the Deputy aware that I am talking about the comments of P.P.C.? It is them setting the one filming hustings, not me. Is the Deputy aware of that?

The Deputy of St. Peter:

Noted, thank you.

2.1.3 Deputy S.M. Ahier of St. Helier:

Yes, it is very important to read the proposition clearly and it states that “to request the Privileges and Procedures Committee to film hustings in Parish Halls” and I am a little disappointed that the Deputy has not included other areas of St. Helier.

[11:30]

For St. Helier North we do not have hustings in the Parish Hall and for St. Helier Central we do not have hustings in the Parish Hall, only for St. Helier South. Therefore, I will not be supporting this proposition.

2.1.4 The Connétable of St. John:

Unlike the previous speaker, I will be supporting the proposal but I do share his concerns about the mention of Parish Halls. We should be doing everything we can to increase voter turnout at this election. Our record on voter turnout is very, very poor. The best I have achieved managing a campaign is over 80 per cent in a by-election and I hope to return to levels similar to that in the future. By not filming the hustings and not enabling those people who are unable to attend either because of their diaries or the physical capacity at the venue is really a backward step. I am encouraged by some of the things that the new Jersey Electoral Authority has brought forward such as postal voting, making it easier for every member of the public who is registered to vote, but I do encourage them to accept this proposal because we have to, as I say, do everything we can to encourage more, not less, people to participate. I would encourage Members to support this whether it is at a Parish Hall, a community hall, a hotel, wherever the hustings take place. I would question the proposer in his assumption that it is his responsibility as a senior Deputy to organise hustings. It is up to the candidates as a whole to organise hustings, not an individual who nominates him or herself. It is up to the candidates in the district to organise their own hustings and none of us have favour over that.

2.1.5 Deputy R. Labey:

Well, just to answer the last speaker, the convention is for the senior Deputy to get pencilled in the Parish Hall, or the Town Hall in my case, months in advance so that those dates are blocked out for the hustings and that is why that convention ... because it is way before the nominations are out and we know all the candidates. That is why that convention, that tradition, has happened so that the Parish Halls or schools are not all full up and there is nowhere to have the hustings, so that is quite a good tradition. There are times in the theatre when you cannot even give tickets away, none of my productions of course but [Laughter] one or 2. But seriously if you are on the Edinburgh Fringe, giving tickets away is a thing to do. You are chasing a finite audience and there are thousands of shows, you are going to perform it anyway, so it is better to have a crowd in there who perhaps will go out and talk about your show, so you are giving out free tickets on the Royal Mile like confetti. Most of them will not be used by people, they will not turn up and take their seat even though it is free. If you are lucky, 20 per cent of the tickets, free tickets, you have given out, they might turn up and see your show and they generally are the worst audiences you will ever play to because they have not invested. They have not self-selected, made a choice, bought their ticket and invested in their evening at the theatre and want to go and have a good time and response and so it is rather depressing. I think we want to obviously increase our turnout, we want to make the elections as easy as possible

to participate in for the elector, of course we do, but there are some occasions when we rely on the voter to invest to make some effort. One is to turn up in person and vote or now fill out the postal forms and vote in that way, so that has made it a little bit easier. It is not much of an imposition but we do ask for a modicum of effort. That is why I probably think voting online may never happen in terms of just being able to log in and vote online. It may be that in the future that is secure and possible but is it desirable? Because is it too much to ask from the elector just to make one little bit of effort? A similar thing is with the hustings. The hustings in person at the school or the Parish Hall or the Town Hall are very valuable because everybody who is going to them has made the effort, chosen to do so, made the effort to do so, and is there to ask questions and hear the answers and is investing in the process. That is really good to hear and really good to see. It is good to be a participant in that, both on the floor and on the stage, and it is really important that we preserve that and we encourage that and we keep that going because it is absolutely vital. The online hustings will not replace that, they should not replace that and they will not replace that, because attending an online hustings of course, it requires less effort, does it not, and less investment. So I just think that what I am saying is that we should support this proposition and we should preserve this very, very important tradition, yes.

2.1.6 Senator S.W. Pallett:

I was not going to speak on this, I was just going to support it, but after the last speaker I just want to say a few words. I do not criticise P.P.C. in any way, I think they have done an incredible job over this term, and I think the chair has done an incredible job as well, but it is important that as many members of the public get to engage with the electoral process. It is one of the few times that the public get an opportunity to engage with their States Members, and I am not criticising States Members. States Members generally are accessible to the public and this is the one opportunity when they do get an opportunity to meet them and engage with them. In saying that, and the words that Deputy Labey used was “modicum of effort”, we have all got to make an effort in the election. We have got to make an effort to go and knock on doors, we have got to make an effort to make sure we have got our leaflets ready. Deputy Labey suggesting that the public should make a modicum of effort to turn up at a Parish Hall or Communicare or wherever it is, well, that is important, but I think what is more important is as many members of the public get to view and have an opportunity to engage with. Now engagement can be a lot of things. It is not just about turning up at the Parish Hall; we spent the last 2, 3 years working virtually and we have had to work in that environment. Not all of us are comfortable with it and it is not the best way to work but I much prefer people having an opportunity to see a hustings meeting livestreamed so that they can get an understanding of what the candidates stand for, watch them interact with each other without the necessity of going along to the Parish Hall or Communicare or wherever it is to be able to do that. So I support Deputy Maçon in what he is attempting to do here. I hope the funding is available. I am sure the chair of P.P.C. will ensure that it is but it is important that as many members of the public get to see the hustings, whether it is in person or whether it is livestreamed. It is not just about filming, it is about livestreaming it so people have the opportunity from sitting at home. There are some that will not be able to access the Parish Hall for all sorts of reasons. I am going to be talking about Carbon Neutral Roadmap soon. Why are we making people drive to a Parish Hall to watch something when they can just as easily watch it in their armchair at home, still participate with it? So the more opportunity the better, and I support Deputy Maçon’s proposition and I hope everybody here is going to do the same.

2.1.7 The Connétable of St. Brelade:

I rise to speak once again in support of the proposition and say I suppose we have got it easy in St. Brelade in that we are an autonomous Parish but we have got 2 effective districts in the old sense. I have taken it upon myself to try and put in place hustings meetings as before. There will be 2 in the Parish Hall, Deputy and Constable, there will be 2 in the northern part of the Parish, once again for Deputies and Constable. To date I can assure those standing that the one at the Parish Hall will be

on 8th June. We have to move. If it is left too late until after the nomination meetings, it really is difficult to get bookings, as alluded to by a previous speaker. I think as Constables generally we will be supportive of trying to facilitate these meetings in whichever way we can to encourage turnout, as has been mentioned. So, I would urge other Constables to try and get these dates in place as soon as possible so that those standing can get them in their diaries.

2.1.8 Deputy I. Gardiner of St. Helier:

Very swiftly, first of all, I personally believe in face-to-face engagement. This is the preferable for me, so I am in favour of Deputy Maçon's proposition because I would like to see hustings with physical presence and meet the electorate. Saying this, we all need to remember where we have been 2 years ago and we never thought the States will be online and we did it. So going forward we need to see - and this is the reason that I would not go just against the P.P.C. because they have done an amazing job - options to have hustings online. It is another option which is extremely important. To be honest, if people who would watch filmed hustings, they can also watch online hustings that is more or less the same media, so it is something to consider as we are going forward. I have 2 questions, and I am not sure if it is the chair of P.P.C. or the proposer who can address. We all stick with the wording of the proposition and, as Deputy Ahier mentioned, it is written at the Parish. The question, if we approve this proposition that said there will be filming, one filming, 2 filmings, 3 filmings, whatever the decision will be made, after approving this proposition can we ... and personally as a Deputy, if I approve this proposition, does it mean that we need to have hustings if we decide to have hustings only at the Parish Hall or the P.P.C. would consider flexibility and we will have the possibility to have it anywhere that candidates will decide? It is important to understand for me this, as per the proposition it is only in the Parish Hall and it is not other than that. Second question, and it is raised by the Deputy of St. Peter, some constituencies have 3 Parishes. In St. Helier North, then St. Helier Nos. 3 and 4, in St. Helier Nos. 3 and 4 we had 3 hustings. It was the biggest district. The district will be smaller this time than it was before. We had 3 different areas and we have 3 different hustings. So if it would be given a consideration to the constituencies that have 3 Parishes, would the same consideration be given for the big districts of St. Helier to have more than one hustings?

2.1.9 Senator J.A.N. Le Fondré:

Just briefly, I am absolutely going to be supporting this proposition. I just wanted to clarify one thing that Deputy Labey said. As far as I am aware the convention, certainly in St. Lawrence, was definitely not that the senior Deputy organised the hustings. I was never asked to when I was Deputy because the Parish very kindly looked ahead and had it in hand. That has always been my understanding and expectation. Expectation is the wrong expression but it was always very much appreciated. What I would say is the Parish Halls and the Connétables have always facilitated that as a provision. I think that is common sense. For me, it should definitely be for all hustings. Slightly disappointed we are having this debate because for me I thought it was a given. Frankly, the feedback I get from parishioners is that they - certainly members of the public I speak to - want to see the ability of candidates to stand up in front of 100 or 200 people and deliver a coherent speech. Can they do that? If one does it, for example, and I think there have been rulings, but if there had been in this Assembly virtually, yes, it is a different position, you are not getting that live audience. That is part of our job, is our ability - and I will not go into the merits or not of what our various capabilities are - but it is our ability to stand up in front of the public and deliver. Anyway, for me, the hustings from that perspective are very important. It is always a matter usually for the candidates but I hope to facilitate it in all constituencies.

[11:45]

So, for example, I would assume that where there are 3 Parishes or however it is broken down in the constituency, I would anticipate there will be 3 hustings. In fact, I am reminded of many years ago

when on Scrutiny we did a review into - I cannot remember what the matter was - but anyway it was probably around constituencies, thinking about it, and we had one meeting in each constituency. I think the one we went to was up in St. Ouen for St. Ouen, St. Peter and St. Brelade, and we had complaints that why we did not go to St. Brelade because it was so far away from St. Ouen. I am sure for me that demonstrated the sheer point that I suspect, particularly in the rural Parishes, I suspect in all Parishes, there will be an expectation that there is a hustings in each of the Parishes that form that constituency. I think we need to be facilitating that so I absolutely will be supporting this proposition.

2.1.10 Deputy M. Tadier:

I know the point has already been made by Deputy Ahier; I apologise, I was not here to hear it, but it was my initial reaction when reading the proposition was that not all hustings take place at the Parish Hall. It is really important to remind ourselves as well, because I know Deputy Maçon is talking about P.P.C. changing the provisions, but hustings - it might have been said already so sorry if I am repeating - but hustings are a matter for the candidates to organise. There is no obligation to have any hustings, there is no obligation to have a particular format for hustings, there is no obligation to have a particular venue for hustings and there is no obligation, I do not think, for a particular way of recording, streaming or disseminating a broadcast, whether it is live or pre-recorded. That does not mean of course that we should not do any of those things but I do remember quite distinctly my first experience of theory and reality at the 2018 Senatorial hustings where there is a room of 21 candidates at the Town Hall. Of course, you say: "Well what are we going to do about the hustings?" Understandably, with 21 potential politicians and some pre-existing ones, you are not going to get any consensus about what to do. The chair of the Comité des Connétables at the time, I will not mention any names but I remember him distinctly, would say: "It is obviously a matter for you. You do not have to have any hustings." There was a big debate of course about should we have 12 Parish hustings plus the other 3 that you do, the rural hustings and there may be a school hustings. So you are looking at 15 hustings back then in a space of a few weeks which is a good way of not leaving yourself any time to knock doors or go out and meet the public in reality, but that is an aside. Of course, the wily old Constable would produce a list of paper saying: "But if you did want to go with our plan, we have already booked the dates for you. So you can have St. Lawrence as your first one on 10th May." It would not have been May back then of course, it would probably have been September right down to whichever was the last one at the Town Hall. The Town Hall was, as the Irish would say, great craic. It was always the best one, it was raucous. I remember some of the candidates who started off in the Parishes and you could see - I will not mention any names - but one of them would say something which was a little bit: "Hmm, that is not going to do him much favours." There would be the occasional smirk because the country parishioners were always very much like polite and: "Okay, hmm, yes, we will be civil but we have made our mind up based on what you have said." What is the old adage: "You cannot win an election at the hustings but you can certainly lose one" is what the people who came to see knew. Back then of course there was no streaming, no broadcasts of that. By the time it got to the St. Helier hustings, of course, like every election, the establishment it is: "Oh, they are all rubbish. We have got to get rid of them. We are going to have proper change here." So when it came to St. Helier hustings, when the same line that had been trotted out over 11 plus the country hustings, was trotted out in St. Helier, they just completely roared out with laughter because it was so inappropriate and it showed that that person was so detached from reality and he did not do very well. That is a potential fate for all of us, of course, and I do not want to cast judgment on that. So the point is that there is a bit of a myth here and why has it taken such a long time for a proper process to be put in place? That is not any criticism of the current P.P.C. because they have very much grabbed the bull by the horns but we need to get to a point where there is a prescribed format. Also, it should not be the responsibility, I do not think, of any candidate to have to pay for the privilege of standing for election. They already have to do that indirectly by producing information, circulating manifestos, and then you pay for the privilege to get lots of stick

for the next 5 weeks and potentially for the next 4 years after that just for doing what is ultimately a job of public service, but the public are entitled to their opinions. So what is the solution here? I think it makes sense if a hustings in each constituency is broadcast. I am quite relaxed about how it is broadcast; I do not think it necessarily has to be livestreamed. I do not think livestreaming is necessarily the best way to do it because, as we know, when it comes to our entertainment - and I am not saying that hustings are necessarily the highest form of entertainment - but people like to watch things on demand. You might not be available to watch a livestreaming at 7.30 p.m. when it happens. It might be disproportionately expensive to livestream it just for a handful of people who might want to watch it live because they cannot get down to the Parish Halls. But you might want to watch it again which you can do by recording it. I suspect, if you are going to livestream it, you would automatically record it, but if you are going to record it, you do not need to livestream it and that is the difference, so you can watch something again. But why are we not looking at audio streaming? If I am out in the car or listening to my radio at home, I might want to listen to any questions on Radio 4 rather than necessarily watching Question Time because I do not need to see the faces and surely audio streaming is a good way to do that. So if it is not possible to broadcast all of the hustings, why are we not at least audio streaming them so that people can listen to them as podcasts when they want to, maybe when they are out walking on the coast with their dog, when they are driving along in the car listening safely to the radio if they are putting it through that, or just at home when they want to. This should not be beyond the wit of woman, so I will be very interested to hear what the chair of P.P.C. has got to say on this. I am disappointed with the prescription that this should only apply to Parish Halls because what if the Parish Hall is not the most obvious place to broadcast a hustings from? I am hoping that in St. Brelade, for example, we not only have the traditional hustings at the Parish Hall, that we also have one at the brand-new Les Quennevais School with an amazing hall which is probably set up for A.V. (audio visual). I am sure they record stuff there already and you have got a place where you can fix a camera and you have got the audio facilities to have an excellent broadcast, an excellent recording or an excellent audio recording if we go down that route rather than necessarily - and this is not any disparagement - to some of the old and listed buildings that we have got at Parish Halls and putting that responsibility perhaps even on some of the small Parishes which do not have the infrastructure to be able to do that. Many of course of the people associated with the Parish will be doing that voluntarily, so is that fair, is it proportionate? Personally, I want to support the principle of this. I think as much openness, as much broadcasting and dissemination of our politics as we can have is a good thing but ultimately engagement requires a will to do so. I go back to the point that when there is a hustings, you will see that people who want to be there, often the elderly, the people who want to be there will get down there even if it is difficult for them. Same as on election day, people come out because they want to vote traditionally. That does not mean we do not need to cater for other people who want different ways to vote and to engage in our process. So, I am looking forward to hearing more from the chair of P.P.C. to find out what is a sensible and measured approach in all of these things.

2.1.11 Deputy J.H. Young:

I was prompted to speak by Deputy Tadier because I too had the experience twice of the Senatorial roadshow and the experience carried on for a good number of years and how unsatisfactory it was. I remember one election where one candidate felt so cheated off with the ineffectiveness of the process they presented a cardboard cut-out of themselves at every one of the hustings which, obviously he did not get elected, but nonetheless I think making a point of trying to find better ways of communicating with people at election time is really, really critical. I think very much I am supportive of the intention behind Deputy Maçon's proposition but I would go further. Having had experiences of using online streaming, certainly in the last few years of COVID, I have made sure that planning enquiries and so on have had online streaming of those events. That has been expensive but I have to say it has been, I think, a massive, massive benefit to be able to communicate what goes on within Government. I would be going further, I think there are many parts of Jersey's Government

life where we could routinely do those things, for example if I was remaining as Minister, which I am not seeking to do, or to remain as a Member, I would be looking at Planning Committee meetings in future should be online streamed. There was an attempt to do this during COVID but nonetheless these things should be routine. I absolutely share Members' views that it should not just be in Parish Halls. So I would say online streaming wherever possible and certainly recording and filming, because, as Deputy Tadier says, if you do online streaming you automatically record it anyway, and, yes, the use of audio. It is expensive but this is an area where we should not economise at all. So I shall be supporting the intention but we should not spare any expense in this area to ensure that we assist every means possible that people can form informed opinions about their candidates who put themselves forward.

2.1.12 Deputy C.S. Alves of St. Helier:

I have listened intently to everybody's contributions and there have been various points that have been repeated along the way. I just want to make this first point very, very clear, it was never the intention of P.P.C. or the Greffier or vote.je to not have physical hustings. There have been numerous Members mention that throughout this debate and that was never ever going to happen. I just want to really make that clear because this proposition is not about bringing back physical hustings. Physical hustings were never going to go. This is about whether or not we film every single physical husting. That is what it is about. What vote.je and the Greffier had decided was that, instead of filming every single physical husting, they were going to offer an online option. That would be the one that would be filmed instead and that would be for each district and each Constable election. This boils down to how Members feel about the cost implications. I have just had a look at the YouTube videos that were posted up from the filming of the hustings in 2018, which anybody in this Chamber can do right now if they want to. On average, each Deputy's hustings has a viewing rate of about 400 views. That is 4 years on. P.P.C., either way, are not against this, we are not supportive, we have basically just been factual in our comments. I am just adding another thing for Members to consider, whether it would be cost-effective, considering that many debates in this Chamber take part where we often talk about how the Government wastes money, whether things are cost-effective or not. We never wanted to discourage voter turnout at all, in fact quite the opposite. I have concerns that, if people read the comments, which I understand our P.P.C. comments were delayed in their publication, but it does say quite clearly there that it will cost approximately £30,000 to film one hustings in each district. We will not be pedantic about the wording of Deputy Maçon's proposition. I just want to make that clear. Obviously he does say Parish Halls. But we are aware that some districts do not have a Parish Hall that they can use, so obviously we will not be pedantic about that.

[12:00]

What is in the comments paper, the comments paper is only 1,000 words and many Members could have read that in the space of a few minutes during this debate and answered a lot of their own queries. So we never wanted to discourage voter turnout but that is about £30,000 that could be used in other initiatives to increase voter turnout that will not be used that will be used to film hustings instead. Like I said, unfortunately we were delayed in publishing our comments, but I just want to make that clear that obviously P.P.C., we are not against it, we are not for it, we are just stating the facts in our comments. So, just to summarise, because I do not want this debate to go on much longer and I think I have made everything quite clear, the online offering was given as an alternative means of engagement and it was a way to look at maximising the use of the budget that we have for public engagement. So I would like to thank Deputy Maçon for raising this as an issue as it has raised the profile of the hustings process. I am sorry that so many Members have misunderstood but it was always P.P.C.'s intention to increase access to these events. But please think carefully, this will have a cost implication, but if the Assembly decides that this is what they wish to happen then we will make it so.

The Bailiff:

Thank you very much indeed. Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition then I close the debate and call upon Deputy Maçon to respond.

2.1.13 Deputy J.M. Maçon:

I thank all Members who have contributed and for the passion that many Members have spoken about the importance of the electorate having their chance to have an informed opinion regarding their choice of candidates. I thank the comments from the chairman of P.P.C. I just want to make clear that in any of my communications I have never spoken about the doing away with physical hustings. For me it has always been about the allocation of resources, which are provided centrally. I am also thankful for the contribution of the chairman of P.P.C. because of obviously the deadline of having to get my proposition in, the term “Parish Halls” was part of the proposition. Yes, it should have just been “venue” because obviously the candidates will choose. I am delighted that the chairman would seek to be, or the Greffier or vote.je team, would seek to be as practical to support candidates in their choice of venue for their hustings should this proposition be supported. What this proposition has done however is shown the importance of consultation with these types of things, simply because again to address confusion, but also there being some practical issues raised, the number of hustings, how many are we going to have per district, all these types of things, which are out of my hands. This proposition obviously does not deal with that. It is just about how the filming resource is allocated. I do know that there is a process, if Members are worried about the cost, that of course the Greffe can approach Treasury for extra funds in order to manage that process should that be necessary. I thank Members who have spoken. I agree with Deputy Tadier, I did in my opening comments talk about the hustings being the responsibility and choice of candidates. As many Members have said, including Senator Pallett, this is about trying to open up the election process to as many people as possible in order to allow that engagement process to happen. So given that we have a very heavy agenda, I will not go on any further, and I will ask for the *appel*.

The Bailiff:

Thank you very much, Deputy. The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting and Members participating remotely to vote in the chat in the usual way. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 34		CONTRE: 7		ABSTAIN: 0
Senator L.J. Farnham		Senator T.A. Vallois		
Senator S.C. Ferguson		Connétable of St. Mary		
Senator J.A.N. Le Fondré		Connétable of St. Martin		
Senator K.L. Moore		Deputy G.C.U. Guida (L)		
Senator S.W. Pallett		Deputy M.R. Le Hegarat (H)		
Senator S.Y. Mézec		Deputy S.M. Ahier (H)		
Connétable of St. Lawrence		Deputy J.H. Perchard (S)		
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. John				

Connétable of St. Clement				
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 L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy J.M. Maçon:

I thank Members for their support.

The Greffier of the States:

The 7 who voted contre were: Senator Vallois, the Constables of St. Mary and St. Martin, and Deputies Guida, Le Hegarat, Ahier, and Perchard.

3. Revised code of practice for engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘The Executive’ (P.50/2022) - as amended (P.50/2022 Amd.)

The Bailiff:

The next item of Public Business is the Revised code of practice for engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘The Executive’, P.50, lodged by the Scrutiny Liaison Committee and I ask the Greffier to read the proposition. Firstly there is an amendment lodged by Senator Vallois. President, are you accepting that amendment?

Senator K.L. Moore:

Yes, we are.

The Bailiff:

Very well. The president accepts the amendment. Do Members agree that the proposition can be read as amended? I ask the Greffier to read the proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion to approve the revised Code of Practice for Engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’ as set out in Appendix 1 to the report accompanying this proposition except that, in Appendix 1 (a) before paragraph 14, there should be inserted the following paragraph, with the subsequent paragraphs re-numbered accordingly - “14. Within the first 2 weeks of each calendar year, the Council of Ministers will provide the Scrutiny Liaison Committee with a schedule for that year of policy and legislative priorities, with timelines for their completion.”; (b) in paragraph 35, for the words “consider providing” there should be substituted the word “provide”; (c) in paragraph 47, after the words “States Greffe” insert the words “in advance of its provision”; (d) for paragraph 66, there should be substituted the following paragraph: “66. Ministers (chief officers/accounting officers in the case of P.A.C.) will provide updates to the Scrutiny Liaison Committee every quarter on progress in implementing accepted recommendations, including their status on any ‘tracker’ that is maintained and the reasons for any delay that may have been incurred in their implementation.”; and (e) for paragraph 73, there should be substituted the following paragraph - “73. Where the issue cannot be satisfactorily resolved, the Privileges and Procedures Committee will be notified of the impasse and will determine the appropriate action based on information provided by Ministers/accounting officers/the chief executive and the Scrutiny Liaison Committee in accordance with the requirements of this code of engagement.”

3.1 Senator K.L. Moore (President, Scrutiny Liaison Committee):

This proposition is lodged in accordance with the Scrutiny Liaison Committee’s roles and responsibilities. It has been lodged and proposes to update the current Code of Practice for Engagement between the Scrutiny Panels, Public Accounts Committee, and the Executive. The proposed updates result from a collaborative process with the Chief Minister and the Council of Ministers. It might be noted too that updates are also being made to the Scrutiny and Public Accounts Committee Proceedings, the Code of Practice, concurrently with this proposition. Although modifications to the proceedings code do not require Assembly approval, for transparency purposes they are attached as an appendix to our report and will come into effect upon formal presentation of that revised code to the States as a report, which we intend to action this week, subject to the successful adoption of this proposition by the Assembly. Members might have noted the proposition is largely a housekeeping exercise with various updates to outdated terminology, specifically the number of titles referred to in the current code, which are now redundant, which as the current title of the Chairmen’s Committee to the now Scrutiny Liaison Committee in line with P.72/2019, which this Assembly adopted amending Standing Orders to replace the term “chairmen” or “chairman” to “chair”. The administrative arrangements for Scrutiny’s access to the Council of Ministers supporting agenda papers, the current section is updated to better reflect the practical arrangements that have evolved between the Government and Scrutiny function to exchange information since the code’s introduction, which is accelerated by increased digitalisation and the adoption of the Teams platform. Beyond housekeeping matters, P.50 proposes that Ministerial Decisions are made available to Scrutiny simply on a more formal consistent and timely basis than at present. Furthermore, the committee is grateful for the engagement of Senator Vallois with us in her efforts to lodge an amendment to this proposition, which the committee is happy to accept and supports in full. We acknowledge, however, that the Council of Ministers has produced a comments paper detailing they are favourable of the amendment except the proposed amendment to paragraph 35 in respect to the provision of the minutes of the Council of Ministers to Scrutiny Panels. But, as this proposition has now been read as amended, I am sure the Chief Minister will speak to his points but I do hope the Assembly will adopt this proposition in full. So, in conclusion, the committee would like to thank the Chief Minister, the wider Council of Ministers and their officers, for their consideration and input into the updated code. While we are content to propose the proposition as amended, the position of the Council of Ministers may differ, as I have just said. While we appreciate the Council of Ministers’

desire to maintain their practice in keeping a private minute of their meetings, as Senator Vallois articulates, confidentiality is dealt with in the engagement code and therefore ought to be a reassurance to Ministers.

The Bailiff:

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

Senator J.A.N. Le Fondré:

It is not to speak, but can I just seek a clarification? Apologies if procedurally I have made an error. Are we able, on the amendments, the proposition being taken as amended? As the chair of the Scrutiny Liaison Committee has identified, there is one element the Council of Ministers do not support. I am presuming on the basis it has been taken as amended that we cannot identify that particular element to vote on separately if the chair of the S.L.C. (Scrutiny Liaison Committee) was so minded?

The Bailiff:

The answer is no. If this was a legislative provision the answer is yes, you could require any separate legislative provision to be taken separately. However, this is a proposition and it depends, to my mind, on whether the paragraphs of the proposition can be taken separately as a matter of construction and, secondly, whether the proposer would agree to do so, because that would be within the gift entirely of the proposer.

Senator K.L. Moore:

If I may, as I expressed in my speech, the proposition has been read as amended and I propose that it is.

The Bailiff:

Then you would not be prepared, even if it were possible, I have not yet considered that, you would wish it to be taken as a whole?

Senator K.L. Moore:

I would, thank you.

The Bailiff:

That is within the control of the proposer.

Senator J.A.N. Le Fondré:

On that basis I will not be making a speech. Procedurally I made a mistake. We obviously do not support the principle around the minutes but I am not going to vote down the Code of Engagement as a whole. So, on that basis, and I have an engagement to go to, I will let the debate proceed. Thank you.

3.1.1 Senator T.A. Vallois:

It is important that I speak on the basis of the amendment that was made to the Engagement Code. I was going to thank the Chief Minister and the Council of Ministers; I probably should not now. But as it is amended there are 2 significant things that I want to refer to in my amendment: (a) if you have not already read it as Members or any future Members of the States Assembly, is the work done by the Democratic Accountability and Governance Subcommittee R.23/2022. A significant piece of work. A lot to do there. There was not sufficient time to bring much of that work in due to deadlines for lodging propositions and much of it would have required legislative changes. So I took the opportunity to insert one of our recommendations in the Engagement Code. But I am hoping that there will be an amendment to legislation next term, whoever takes up the toll of doing the work on

Privileges and Procedures Committee. In respect of the Council of Ministers having to report to the Assembly and keeping updated a policy pipeline, we have had issues and it has been an ongoing issue and it is because Ministerial Government is still in its infancy. But ensuring that the Council of Ministers have some form of idea of what is going to be produced during each individual year enables Scrutiny to properly organise their working function to do the appropriate amount of scrutiny around those pieces of work. Ministerial Government only functions when you have effective scrutiny. If we did not have scrutiny, I would suggest we get rid of Ministerial Government. That is my own personal view and I hope it is many others' points of view, but when they work together they are extremely effective and can be very good for the public good, which is why we are here as States Members.

[12:15]

There are compromises that have to be made, whether it is in policy or in legislation. Hopefully that is based on fact and information. So what this particular amendment will do is ensure that there is a pipeline that is updated and that there is a priority relayed to that pipeline so that we ensure that there is good organisational structure preferably in the Council of Ministers that will then follow through in terms of how Scrutiny will function alongside that. So I am grateful that the Council of Ministers were supportive of that part and that the Scrutiny Liaison Committee have accepted the amendment. The other part, of course I am also a member of the Public Accounts Committee and we did a significant piece of work on performance management in the States. Just to say a thank you to the Executive team in the Government of Jersey with developing the Recommendations Tracker. Anyone that wants to understand what the Recommendations Tracker is, I have referred to the C. and A.G. (Comptroller and Auditor General) report R.190/2021 that provides further context to it. But what it will enable us to do is follow up on recommendations of the C. and A.G. and P.A.C. (Public Accounts Committee). But also P.A.C. recommended that Scrutiny recommendations should be considered as well. That will hopefully again better organisation, better follow up, better implementation, and better dialogue I believe between both the Executive and non-Executive. So those were the 2 main areas that I really wanted to make sure that were amended. The others were more of a clarity position. There were some things I read where I was not sure where it was going to go after a specific reading of a paragraph. I understand where the Chief Minister is coming from in terms of he is concerned, he has been on exactly the same line when it comes to minutes all the way through this term. But I have served on Scrutiny the majority of my time in the States Assembly and I have seen extremely effective Scrutiny when you understand the appropriate context around how a discussion has been made. Scrutiny has a confidentiality agreement in this Engagement Code with the Council of Ministers to ensure that those minutes are not released. I would hope nobody would release them. The same goes for the Executive, to be fair. Historically, we have seen where, whether it is policy development papers or minutes of meetings or confidential documents, being leaked. That is not right. That should not happen at all. So we are responsible for ourselves as Members, but to each other, to respect what confidentiality means. But we also have to respect the fact that we are representatives of the public. The Government of Jersey are the public sector. It should be used minimally to create this confidentiality around things. We need to be more open and understanding around having a context of what discussions were taken, whether it is at the Council of Ministers or whether it is on a policy development board, around how a policy was developed or the way that a decision was taken, can sometimes save a large amount of time around the scrutiny of certain pieces of work. Or it can take that scrutiny in a different direction. So I would ask the Assembly to please support the proposition as amended. Like I say, I am disappointed that the Chief Minister has taken the position that he has. He is well within his rights to do so. But I ask that the whole States Assembly recognise that we want to learn from what has happened and what has gone on before and how we can work more as a team rather than as Executive versus non-Executive. This will enable the future Assembly to take that on board and hopefully we will see a much more collaborative working between the 2.

3.1.2 Deputy J.H. Young:

I rise to support Senator Vallois. Senator Vallois and I have worked together on numerous occasions looking at what we can both do to improve our system of Government. Later on we are going to have a debate about my private proposition about changes that I want to make. But here we have a core proposal, which really addresses the issue of the importance of Scrutiny and Government working closer together. I do not share the views of the Chief Minister about the protection of information. I am for transparency and openness. By doing that it builds trust. It builds trust and eliminates unnecessary conflict. If people break the rules by publishing bits of information they should not do, which causes prejudice to Government, then they are accountable for that. So we should not be afraid of that. I will not be in Government. I will not be in the Assembly. But I absolutely believe and shortly I am going to be proposing why I believe there are other changes that we can make to Government. But I do not think that Ministerial Government is in its infancy. It is now in its teenage years. It is 16 years ago and it is time we learned the lessons of how we can change it. So we must not allow these personal tensions and issues to get in the way. I am not a detail person here, but there are a number of things I am very pleased to see in this. I have always thought that we are far too cheery about not disclosing Ministerial Decisions. I believe that all Ministerial Decisions, unless they are on legal matters, should be available openly and publicly and transparently. I am disappointed that I found as Minister that is not the case; that we still keep on being told: "We do not publish this because we have exemptions, exemptions, exemptions." Really pleased that we now have a disclosure of all of those. Hopefully I am not misunderstanding this document but I think that is what it means. How Scrutiny respond to those is for them. It is important as well that there is this kind of checking on progress because there are issues within Government that I will be addressing myself whereby how the Government itself, within the Ministers system, how that is working, which is outside. But there is no question, if we are to maintain Ministerial Government, Scrutiny was always the solution and it has become more and more important. It means that we get greater inclusivity of Members. That there is ownership and buy-in. We are not divided. I agree we have this issue of party politics, which is likely to get in the way, because the kind of vision that I have said focuses on what I might call independence and a consensual view. But that is for the future. But at the moment, where we are now, we should support this. It is a good move and I have no reservations about it at all.

3.1.3 The Connétable of St. John:

I would like to echo the comments of the previous 2 speakers. Senator Vallois talking about the need for Government and Scrutiny to work together. We are, after all, elected to represent the public of the Island, not one section, but the public. I have continuously pressed for S.T.A.C. (Scientific and Technical Advisory Cell) minutes to be published in a timely manner just like Deputy Pamplin has. The competent authority minutes have been delayed in circulation. We just heard the Chief Minister talking about he is reluctant to publish minutes of the Council of Ministers. There is a theme. There is a theme. We heard Deputy Young talk about trust. What we need is more trust. We need to get away from the them and us, we need to work together. At Easter, one of the books I read when I was on holiday was called *Conflicted* by Ian Leslie. I would highly recommend that book to everybody in this Assembly. It talks about why arguments are tearing us apart and how they can bring us together. If people do not have time to read the whole book, I would urge them to read the element, the paragraph around give face. Disagreements become toxic when they become status battles. The skilful disagreeer makes every effort to make their adversary feel good about themselves. Back to trust. I really do urge people to look at that. We need to make decisions for the Island and Islanders, not for them, not for us. I hope the next P.P.C. will look at training for Members because I feel there is a great lack in training for leadership, teamworking, and decision-making. I hope, together with this new code, those things will help the next Assembly be far more productive.

3.1.4 Deputy J.A. Martin:

I did not really intend to speak but because of the *faux pas* at the beginning, because I was going to speak up and say, no, we do not want this taken as amended because I know the Council, and especially I am one of them, who have concerns about the part that we were discussing. Now I say this because it does go both ways. Many years ago, and I have done Scrutiny much more than I have done Ministry, so do not think this is a one-size-fits-all, I said: “Why do Scrutiny not have all their meetings in open, not just public hearings, the hour or 2 we have preparing, *et cetera*, reading through the evidence, why do we not do that?” Oh, you would have thought I would have said I was dragging us out and doing something really terrible. But the absolute: “Never. We need to discuss and who is going to question who and why and what.” Absolutely then I got it, I thought, yes, you are probably right, you need a bit of privacy. So does the Council. I would just like to say I am speaking because I am telling you I am voting against the whole lot, because I am not allowed ... the Senator has decided we are going to have one vote. I need to tell you why. It is because we all have our hats on today, have we not? We all have this Council, this Government, this Scrutiny, this P.A.C., in very short months we will all be different. We do not know if we will be here. It was very interesting in an earlier debate when Deputy Tadier, and we do not always agree politically, but I admire the way he works, said: “I hope I am back so I can scrutinise and hold to account the next Government.” No, if the Deputy is back he should be in the next Government. This is keep your hats off and keep it how you really want to be. I cannot vote for this. You have to, whatever side you are on, and I am sorry we are all working together, but you make a policy, someone is scrutinising it. You do something under the accounts, P.A.C. are scrutinising it. The C. and A.G. scrutinises it. So it was called a critical friend in the beginning. I have friends who have criticised me over the years. They are ex-friends now. So it is a bit of give and take. Very sorry I cannot support it all because I am literally throwing the baby out with the bath water. But the Senator says she will not take that one part separately, so I am voting against it all.

3.1.5 The Deputy of St. Martin:

I will not be long but I read this amendment with disappointment. Disappointment because I found, after I had read it, that this is what should be happening anyway. We should not be needing to put it down in words. This is how Scrutiny and Government should operate. There is very little more to say. I have worked with the good Senator on Scrutiny in my early days in this Assembly and we always worked as critical friends. We took Government propositions and saw where we could make them better. We accepted propositions that we thought were good and could not be changed. We were not in opposition; we were just trying to do a better job for the Island. As I said at the outset, it is disappointing that it has come to this. If we have to put this down in words well so be it. But for me it is a shame it has come to this.

3.1.6 Senator S.W. Pallett:

Again, just following my party colleague just very briefly. I, like many people, want to see transparency, want to see openness and do not want to see secrecy. That is what the public are beginning to say to me more and more is they want to understand how decisions are made. What we are asking for here is ... we are not asking for the Council of Ministers meetings to be verbatim provided to the public. They are to be provided to the panel and P.A.C. chairs to understand how decisions were formulated. That is a reasonable way forward.

[12:30]

Deputy Martin talked about holding Scrutiny meetings in public. We do not have Council of Ministers meetings in public and again I do not think we should have Scrutiny meetings in public. But I have no reason whatsoever, or I do not believe that there should be any difference between what Scrutiny provides Government and what Government provides Scrutiny, so I think Scrutiny should provide more-detailed minutes to Council when requested. I have no issue with that. I have

really enjoyed the last 18 months on Scrutiny, it has been one of the most enjoyable periods I have had in the last 10 years. Because the Scrutiny process is far more advanced than it was 10 years ago. The quality of the officers within it are of high calibre and extremely supportive of us in terms of the work that we do. But we do need openness. That is what has caused so many problems during the last 4 years is the inability of the Executive and the non-Executive to talk to each other and be open with each other. This for me does not take it too far. Like Deputy Young, I think it sets the right tone. So I will be supporting this. I do hope Council of Ministers really think hard before they vote against this because, if I am fortunate enough to get elected again next time, and whether I am working in Scrutiny or in Government or wherever I am, I want to be seen to be open with the people I work with, be open with Scrutiny, or if in Government be open with my non-Executive colleagues. So please support this. This is not a step too far. It is absolutely setting the right tone.

3.1.7 Deputy J.M. Maçon:

It is an interesting debate. Forgive me if I have not quite grasped the detail of this amendment. But I was on Scrutiny for 9 years and it was my understanding that we could always request the part B minutes of a Council of Ministers meeting anyway. So I am not clear what is the argument about; what are we trying to change? Because it is my understanding, and we were always able to do it, that you could request the part B minutes from the Council of Ministers meetings anyway. Officers regularly flagged ones that we should see as things went along. On another point, just about openness and transparency, I remember in my first term, I think it was under Deputy Higgins when he was chair of the Economic Affairs Scrutiny Panel, we went as new keen Members embracing openness and transparency and that is what we wanted to do, so we started holding our planning sessions in public. We had a member of the public who attended before a Scrutiny hearing with a Minister. Before the hearing was held, all our tactics and everything was published online by that member of the public before we had even had the hearing, which could be argued scuppered everything that we wanted to achieve during that hearing. So there are times when, in order for States Members to carry out their functions properly, they need to be able to have meetings in private in order to achieve what the public need them to do. I know not everyone is going to be happy to hear that. But we can be undermined as well and I think Members need to bear that in mind. So I am seeking that point of clarification about what difference this change does.

3.1.8 The Connétable of St. Brelade:

In standing to support the amended proposition, I would just like to make a couple of observations on the Council of Ministers' comments. My experience is that minute-taking is quite an artform in itself. I am very grateful that we have very gifted officers in the Greffe that do that. What we must not do is put the onus on those officers to have to interpret what minutes or what the content of meetings might be. Sometimes if it is too complicated it becomes unreasonable. The level of minute that is produced by the Scrutiny Panels is perfectly adequate. So maybe that is an area that the Council of Ministers may wish to review, how much of it needs to go in a minute, it is only really the fundamental points. We have experience, and I am sure many Constables have experience at Parish level, as to how minutes might be taken. We certainly try to keep them simple. So I would ask the Council of Ministers just to consider how they might take minutes in the future. During the upcoming session they may look at it in a different light.

3.1.9 Deputy M. Tadier:

I am reading through the comments. It is quite interesting that a lot of the well-rehearsed arguments that I have also faced in the past when trying to get the Council of Ministers to be more open, and I remember; Deputy Truscott will also remember. We have both used the phrase, which I think we espouse, not just in words, but in practice about trust. Partly because there is some alliteration there and it helps with the posters. But also because we believe it. So I very much have always maintained that we should have trust, transparency and teamwork, in this Assembly, whether it is in our little

groups or whether it is in the collaborative way that we approach it. I very much welcome the recommendation for that book from the Constable of St. John. A lot of these are not new concepts but it is about how we take people along with us. If you read the comments there, I can understand some of the arguments, they were the same arguments that were used when we had Freedom of Information as a law come forward. The arguments were basically what this means is, if States emails and Ministers' correspondence is subject to Freedom of Information, we will just find other ways to get around it, and they will start using their own private emails and just have conversations in the corridors rather than having them open around the table. Is that really the starting point, the defensive mindset that we want our Ministers to have? Because, if that is the way that they are much more capable of finding ways around the underlying principle about how to be open and transparent, rather than starting off saying: "We want to be as open as possible with you, notwithstanding the fact that we do need to make decisions and speak openly and frankly." The bottom line is that the 2 points are not mutually exclusive. It is possible to have frank, robust, open conversations in groups, whether it is in a party, on Scrutiny, in the Council of Ministers, on Ministerial working groups, and yet still provide meaningful, good-quality information to those who are doing the Scrutiny work. That is exactly the point. Because politics is not like a science. It is not like mathematics where there is only a right answer and a wrong answer. There are lots of different ways to address different questions. In order to find out whether Government is doing the right thing, you need to look at the workings. You need to say: "Tell me what your thought processes were" whether it is on an A agenda, on a B agenda, in a public Scrutiny hearing around the table, so that you can look to see what points have been discussed. If it gets to the point where you say: "All of our decisions are really going to be made on the B agenda and the A agenda is just a piece of theatre" or take it one step back further: "We are not even going to make the real decisions on the B agenda because we know we will need to tell you about that. We are going to make them in the corridors of power rather than around the table at the Council of Ministers." Then that, I am afraid, is a cynical approach that none of us want to be part of. So it is saying we understand that you are going to have your right to frank discussions. We do not need you to jot down every little thought, every objection, every bit of blue-sky thinking, which might accidentally then find its way on to the front page of the paper and make you look ridiculous. It is not about that at all. This is about that collaborative approach that whoever the next Government is, whoever the next Scrutiny Panels are, can do their job properly and do it with the information they require in good faith. So I would finish on that point. This should be done in good faith and so long as all are coming to the table with clean hands and a good approach there should be no objection to supporting this.

3.1.10 Deputy G.C. Guida:

I have heard one word, which was the gist of this debate now, and it is trust. I agree totally. It is the one thing that we should strive to achieve in an Assembly that is supposed to work together. The one thing about trust is that it has to be reciprocal. It only works if it works both ways. So I would like to remind some Members of the Assembly here that Scrutiny has not just been Scrutiny this term. It has not just been the critical friend. At some points it has been a group that was bent on failing the States, the Government, whatever they were doing. It has happened. It has happened here. I am sorry about that. It is the one thing that I regret the most about this. I came into this Assembly thinking we are special, we are not like the French, we are not like the British, this is a collaborative Assembly. I was really disappointed to see it develop over the years. I know that COVID was a big part of the breach. But to see it develop into the Government and the opposition. Yes, Scrutiny has been the opposition at some times. Not always. Some panels have been very good. Some panels have been occasionally bad. But it has happened. It really has happened. This Government, I would like to remind this Assembly, is by structure a minority. You are elected to run the country, run the Island, as a minority. It is not very easy. If the majority tries really hard to oppose you, it is impossible. You are asked to do something that you cannot do, which is impossible. Now, trust, I would really like to have trust, but is there, in this document, in this P.50, a lot about Scrutiny making

their process open? I do not think so. It is all about: “We should know more about how the Government works. We really want to go inside your head. But we will not let you inside ours. We will not let you understand why we are really opposing this. Because are we really working for the good of the Island or we have just decided that whatever you come out with we are going to be against.” I am sorry to say that but this is the elephant in the room. We all know that this has happened time and time again here. It is sad and it is, I am afraid to say, probably the herald of things to come. We will have Government, we will have opposition, we will have parties, we will look like Westminster. I do not think that this will be for the advantage of Jersey. I am very, very sad ... it is interesting to be a part of history, but I am sad to have been a part of it. That is a great failure for Jersey. Anyway, it is a bit sad that we have a very good proposition where there is absolutely no problem with it except for one single word. We would all have voted for this, we would all have agreed for it, if it was not for that one single word. What that word says is: “We do not trust you. We want everything on the table but we will not reciprocate.”

Deputy K.F. Morel:

A point of clarification please of that speech?

The Bailiff:

A point of clarification. Will you give way for a point of clarification, Deputy? It is up to you.

Deputy G.C. Guida:

Yes, of course.

Deputy K.F. Morel:

I am just wondering if the Deputy would clarify, he said that Scrutiny had acted in opposition, I was just wondering if he could clarify with an example of that. Because I am scratching my head and cannot think of any.

Deputy G.C. Guida:

I would rather not. I could and we could do it but it might have to be in private.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. It is that customary time. **[Seconded]** It seems to me we must stand adjourned now until 2.15 p.m.

[12:44]

LUNCHEON ADJOURNMENT

[14:16]

The Bailiff:

The debate resumes on P.50. I have Deputy Gardiner next to speak.

3.1.11 Deputy I. Gardiner:

I pushed my light to speak. I feel very sad, as Deputy Guida said, and my sadness probably comes from a similar and, at the same time, a very different, place. Because we do have difficulties with trust. We do have difficulties with faith. People outside, they are struggling to trust, they are struggling to have faith in the elected Members and we have a disengagement. What can we do? We can continue as we are or we can make a change. As an elected chair of the P.A.C. in October 2020, not a long time ago, I worked with 3 chief executive officers within less than 3 years. I have to be honest that my work as the chair of Public Accounts Committee in engagement with chief executive

officers that I had was very, very different and I am the same person. I do agree that it comes from both ways. If there is a big difference for me between a transcript and minutes. I never requested, as the chair of P.A.C. on behalf of the Public Accounts Committee a transcript, to get word into word and to end to end. I requested minutes. I have to be grateful because, as the chair of P.A.C., we have been provided with all minutes that we requested. This should be the way. I have been on different Scrutiny Panels and engaged with different Scrutiny Panels and I understand there are different experiences unfortunately across Scrutiny Panels about requesting minutes. From experience of the Public Accounts Committee, we received very sensitive, very confidential minutes, which were extremely helpful for us to understand what has really happened and to speak with the right stakeholders, because it is always not one person, it is the team that work. I was very clear to the public and also very clear to the Executive, and unfortunately the Chief Minister is not here because we did have several conversations. For me to come out to the public and to say I have seen it in the Public Accounts Committee, this is the finding and this is the recommendations on basis of what we have seen, we cannot, because it is confidential, and we respect confidentiality. But to be completely 100 per cent stand behind findings and recommendations of the Public Accounts Committee I need to be sure that what I am saying, it is not just from the words, I have seen some evidence, even though I cannot reveal them. It has happened not once, and it has happened not twice. I am also very grateful for the last year and a half's engagement that we had as a Public Accounts Committee between Executives and Public Accounts Committee. Because we questioned director generals and we questioned chief executive officers and when they come to the public hearings they say: "We have been honest, this is what is happening and this is what it is and this we cannot tell you but we will provide notes." So I am very sad that we need even to discuss it, as the Deputy of St. Martin said, it is like the standard practice. I am not sure, I mean Deputy Young, I have to be honest, teenage stage caught me up and I thought about teenage behaviours and transformation to the adulthood, it stuck with me from Deputy Young's speech. For me, to go forward, to rebuild this trust that we have to do, we must do for the benefit of the public of Jersey, because we are here to serve the public, and we can serve the public only when we work together, respect differences of opinion, and find a way forward. Politics of the 21st century is different, and I think that we have seen during the pandemic the public understand things, the public reads things, the public requests things. Their access to the information is instant. If there is no information there we can see instant rumours going around the Island. So from both ways, for benefits for all, transparency, openness, and co-operation, these are the 3 words for the politics of the 21st century. I would encourage Members to vote for this Code of Engagement.

3.1.12 Deputy R.J. Ward:

I am glad we have had a lunch break because I think we have all stood back a little, because some things that were said were quite offensive to what has been happening in Scrutiny and the work that we have been putting in over the last 4 years. Some of us who have stepped into this Assembly for the first time have committed massively to our roles in Scrutiny and engaged with the Code of Conduct as our set of rules. That does not mean what you do is perfect, but what it means I think to have that integrity question, which I think is happening there, is fundamentally wrong. Not just fundamentally wrong, it fundamentally demonstrates why we need to accept this proposition as amended. Because there needs to be greater transparency between the sections of Government. The Executive has been set up; it has a duty to report to Scrutiny so that Scrutiny is fully informed. The part of the proposition, which I was just scrolling through, I thought someone else would speak because I was just trying to link 2 parts together, which are about 4 pages apart, so forgive me. Part 35: "The Council of Ministers will consider" is changed to "will provide". That is really important. But the next part of that: "With relevant items, part B minutes of Council of Ministers meetings upon request in accordance with the process and criteria established for part B reports." So already there is a set of guidance as to the way they will be used. This notion that what has happened is that Scrutiny has simply become opposition, without any evidence as a scrutiny process of that, is really

difficult to accept. We may not have liked the opinions expressed and sometimes they may not have been expressed perfectly. But if anyone in this Assembly can honestly say they have expressed themselves perfectly throughout their entire lives, then you are a better human being than virtually the entire planet, because that is not true. But what we need to understand and what we need to have is a way of us disagreeing as well as agreeing. It seems to me that some Members of the Executive seem to have an attitude, which is: "I know best about absolutely everything. Therefore, because I know best, I will tell you the way this will be and Scrutiny is just an inconvenience at times for us." We need to do something about that and we need to explain that Scrutiny is a really hard process. I want to explain to this Assembly, and I am sure that people know it, but let us say it publicly, the Scrutiny officers who work, work tirelessly. There is not an equality of arms in terms of the resourcing they have, the member of staff, the resourcing for us as Scrutiny Panels, the resourcing for us as Back-Benchers or non-Executive Members. I kept Deputy Morel happy there. As non-Executive Members, there is not an equality there. So you could say that what we have is a sort of value-added to the work that we are doing. It is a lovely educational term "value-added", you have moved on from where you should be. That is what Scrutiny has done, is added value to this Assembly. I am very proud to stand here and say that I have been part of that, because I have worked incredibly hard on that process. I have worked with a number of different Ministers, quite a lot of Ministers in this Assembly, for one reason or another, or another, or another. We have had to adapt. But we have tried to be a consistency through that process by using process. I say to Deputy Young, I just heard part of it, so I may have got this wrong, and if I do I apologise, you know I will do that. The part of his speech when he talked about political parties. They will work if the process is correct. Amendments like this and propositions like this put a process in place that say you cannot do that; you have to be open and transparent. It is probably unlikely that a party in the next election has won overall majority, they have that control, then this sort of proposition and amendment puts some checks and balances in and says: "You must be open with your minutes." So Deputy Gardiner is absolutely correct when she says there is a difference between a transcript and minutes. If there is something in the discussions that is so outrageous or whatever that they cannot be seen by the public, then there is something wrong with their governance, because those conversations should be professional, they should be open, and you can still be challenging, you can still bring new ideas that are controversial and be professional and be parliamentary, dare I say. You do not have to be colloquial or use language that is not acceptable in our society. You do not have to use misogyny; you do not have to do that. You can do things properly. So therefore we should not be defensive about our meetings. The other side of this is, if there is a mistake made, then you can say sorry. You can say: "I got that wrong." I would like to see more of that from our Government and from our leadership and from this Assembly. Because that is what the public want to see. But none of us know what the public want to see. There is a good comment about social media, it is immediate, so we have to be very careful about the way we do this. Sometimes criticisms of Scrutiny and this so-called opposition, what they do is they drag the process of what we are doing down. It is already difficult enough to convince people that this is a valid place to be and it is valid to stand and put yourself forward and to say to people about the amount of work that is involved. The workload is enormous when you do this job well, or you try to do it well. So it is really important that we say that at this point. I urge Members to support this. In particular, and the really positive things about it, the amendment talks about the tracking of propositions and what has happened with them. So that is a really important thing. I hold my hands up and say I do not think, as chair of my panel, that we have tracked the recommendations that we have put forward well enough. That is simply for capacity. I look back now and I have looked back at the work I have done over the last 4 years and I have thought: "I wish we would have picked that up again. There was an opportunity there to go forward and see where that was." That is where Government and Scrutiny need to work together, say to Government: "These are the things we have taken forward and these are where we have not." The policy pipeline, for example, an understanding of what means for us and our work is vital.

[14:30]

Having what is being brought forward early on, the first 2 weeks, which is I think absolutely important, means that Scrutiny can organise its time and we do not get to the stage where we are now where we have had to have criticisms. The word “criticism” can be positive as well as negative and it is just a word, it is not personal. A critique of the fact that we have not had time to do proper scrutiny. So I finish with that. If Scrutiny was just simply being used for opposition, why on earth would we be making comments about we have not had time to do proper scrutiny, because we would not have a process that we would be doing, *ipso facto* we would not be doing scrutiny. It would not exist. The Scrutiny Panels have worked incredibly hard. If there have been times of conflict or a difference of opinion then so be it. That is the tough world of politics and the tough world of leadership. It has to be taken on. But there is a responsibility on all sides for managing relationships. How we agree and how we disagree. This proposition helps us do that more effectively. It puts some checks and balances in place. We should not be fearful of anything we say being public. We are public figures, like it or not. That is what we stood up for. That is the responsibility we bring to this Assembly. So I urge Members to support this proposition.

3.1.13 Deputy K.G. Pamplin of St. Saviour:

Equally, like Deputy Ward, taking some time in the lunch break to absorb what was said by previous speakers, I have to stand, like Deputy Ward, and talk about our experience as a Scrutiny Panel, because there was no direct mention of specifically the issues of what some Members saw as opposition. So I can only obviously speak as myself for the last 4 years as well. But I want to give Members some examples, if they are wavering on this proposition, 2 that are very true, this is our final piece of work, is a 148-page follow-up review of mental health services. This could only succeed and only be good for the future of the Island in improving services if we had the buy-in and support of the Minister, his staff and the staff in H.C.S. (Health and Community Services), because that is what has produced this. It is a constructive, critical-friend approach to improving the lives of Islanders. It is not about anything else. It is about working together. That is why this is a success and we pay tribute to the Minister and his team. To caveat that, only yesterday during the Assembly I was concerned about the acute hepatitis cases in over 169 young people in the United Kingdom and in 12 countries and the warning signs from the World Health Organization and the concerns growing about the relationship to the previous pandemic. I emailed those concerns to Dr. Muscat and the director of Public Health and officers and the Minister and within 10 minutes Dr. Muscat emailed me a most comprehensive detailed response that queried my responses. He did not need to do that. But he did so because I believe in the question of trust he understood where my thought process was from, for the good of the Island, to help our Scrutiny process. I do not think, if the trust had not been there and the relationship I developed alongside my colleagues with the Minister’s team in scrutinising the Health Department in the last 4 years and the pandemic, I would not have had such a response, so constructive and thoughtful. That for me shows it does work. Because, at the beginning of the pandemic process, we were briefed, I was briefed confidentially on something very, very serious that I have never spoken publicly about and I believe that proves it does work. So I just wanted to share that with the Members who, if they were concerned that what they were hearing that across the board that there is no such thing, I would dispute that and I can prove that by speaking of what I have just said on my feet wholeheartedly. That is how it should work. I just wanted to share that, so it proves it does work, and pay tribute to those on both sides. That is very important for everybody, especially members of the public, to hear. Not what they were hearing earlier today.

3.1.14 The Connétable of St. Lawrence:

I just want to speak briefly to this. I joined the Assembly in 2005 when we changed from a committee system of government to the system that we have at the moment, Ministerial. I was not approached to consider being an Assistant Minister and immediately went over to the Scrutiny side of things and I absolutely loved it. I felt that I knew what was going on, I was engaged certainly with the panel

that I eventually chaired, and it was a really good training ground, as far as I was concerned, for being a Member of this Assembly. I like asking questions and absolutely enjoyed doing that. It stood me in good stead. I became chairman of the Scrutiny Panel, of which I was vice-chairman, because at that time the chairman leaked a document that had been given to us in confidence. Not many people will remember this, but there was an outcry at the time because he had chosen to do that. He knew what he was doing at the time and it proved to be his downfall in effect because we regarded it as being such a breach of trust that he stepped down as chairman and I understood at that time that the vice-chairman should stand as chair. Anyway, I ended up being elected as chairman by this Assembly. I absolutely made sure, as chairman of that Scrutiny Panel, that we did not fall into that way of doing things. As far as I am aware there have been few breaches of trust over the years since we have had this new system of government. I still refer to it as our new system, albeit it has been in place for some time now. But it is something that we must be cognisant of. Of course it is down to each of us as individuals how we treat the documents that are given to us, whether they be received by us as a member of Scrutiny or indeed as a member of any other body that is part of the States work that we do. We have all, I am sure, received information that is absolutely confidential and should not be shared with anyone. We accept this as our personal responsibility. So I am a little bit torn on this proposition as amended simply because, having viewed the Scrutiny process, I have also been involved as a Member of the Executive from being an Assistant Minister a couple of years ago. We are all working for the public good, as we have heard mentioned a few times over the past couple of days, it is public service that we are all about in here. How do we serve the public well? My view is that we serve them well by not sharing information that has been given to us in confidence because, to me, that is a complete breach of trust. Not only of the people or the Minister who may have given that document, it would be breaching the trust between me and them, but also I would feel that I was breaking the trust of the public who have confidence in me to not act irresponsibly. Having been a part of the Executive, albeit as an Assistant Minister, I am acutely aware that we do want to share as much information as we possibly can with colleagues across the Assembly. But I do feel that there are times when the discussions and the decisions, particularly when formulating policy, need to be held in a situation whereby everybody feels comfortable in airing and sharing their views and knowing that those views will not be shared with others, if I use the term “unnecessarily” or as a matter of course. It really is because you do need sometimes to sit down behind 4 walls and be able to have a full and frank discussion about something. As I say, particularly when you are considering and formulating policy that is likely to have an effect on the direction that this Island takes, and certainly on the lives of the inhabitants of this Island. I know when it comes to legal advice that is shared with us in our different roles across the Assembly, whether it be as a member of the Emergencies Council or the States Employment Board, that legal advice is given to us in absolute confidence. I am not sure, I cannot speak obviously for the law officers, but whether that advice would be constrained or restricted in any way because potentially the minutes of those meetings would be shared on a wider, broader basis than just the committee members. I do not know. But I do think it is something that Members should take into account before you vote on this. I get the feeling that this is going to be carried. I would say that Scrutiny has certainly changed since its inception in 2005. I do think there is a far better working relationship, or I sense there is a better working relationship now between Scrutiny and the Executive. When Senator Moore was the Minister for Home Affairs and I was her Assistant Minister, Scrutiny was our priority in everything that we considered. The reason for that was because we had both come up through the ranks of Scrutiny. As I say, to me it is an excellent training ground for all of us. We do still have some Members here who have gone straight into Executive positions without having served on Scrutiny. Certainly 2 senior Senators. To me I feel it is noticeable that perhaps Scrutiny is not always paramount in their minds. Someone mentioned earlier that it used to be a critical friend. That was the term that was used that it used to be. In my view, it must always be a critical friend. The term “friend” implies not that you have to share everything, you do not have to share your decision-making, but you do have to be as open and transparent as you can be. Members may decide that

openness and transparency is such that they are able to support this proposition as amended. Reading through it, it all makes good sense to me. My caveat is that I am a little bit concerned about the minutes. But on the other hand of course why do we not give it a go and try it. Because, if it does not work, we will know that it does not work and it will be up to Members of this Assembly to put that error made potentially by us today, to put that straight and correct it. So that may be a little bit contradictory, my message coming across, because I do feel that we should not be restricted in our thought processes by the fact that potentially they will be shared with others and potentially then shared again with the greater, the wider, public. But there was some uncertainty a few years ago when we were considering introducing broadcasting the States Assembly, particularly when we were considering it being livestreamed. That is what it is. It is being livestreamed. But we may have been a little bit apprehensive in the first place, but you get used to it and you just carry on as normal and we forget that potentially we are being watched, certainly we are being heard, through the auspices of the local radio, but potentially what we say when we stand up in here, we could be being viewed anywhere across the globe I imagine, if anybody wanted to give up their time and watch what is going on here.

[14:45]

But, as I say, we get used to it and it becomes part of the norm, part of what we are doing. Weighing this on balance, and maybe I can refer a question to the A.G. (Attorney General)?

The Bailiff:

You can at any stage, yes.

The Connétable of St. Lawrence:

For clarification, if the A.G. could just remind me whether my recollection is correct or not that legal advice given to potentially States Employment Board or Emergencies Council or Council of Ministers, is that able to be redacted? Is it given under confidentiality? Can it be redacted potentially in minutes that would be provided to Scrutiny in this case? I cannot remember, but I have a feeling that is able to be possible. If that is so that would give me more comfort about supporting this today. But maybe the A.G. could just advise please.

The Bailiff:

Mr. Attorney, are you in a position to assist?

Mr. M.H. Temple Q.C., H.M. Attorney General:

Yes. I am grateful to the Constable of St. Lawrence for the question, or the 2 questions. The answer to both questions is yes. So law officers' advice is given to Members in whatever capacity, whether it be as Ministers, Council of Ministers, or Back-Benchers, members of Scrutiny Panels, that advice is given in confidence. A fundamental part of our role in giving advice is confidence because it means that we can give full and frank advice without any fear of having that advice published all over the place. In terms of redaction, yes, again the answer to that is that the advice can be redacted and we have arrived at a process where, for example in relation to the Competent Authorities Ministers meetings, our advice has been redacted from those minutes. I am sure the same would happen in relation to Council of Ministers minutes. In terms of the amendment to deal with provision of Council of Ministers documents, I am assuming that any advice that goes to Ministers as part of those B agenda items would also not be passed on to the relevant Scrutiny Panel because, in the documents that are before the Assembly, in both Codes of Practice, identical provisions appear concerning the confidentiality of law officers' advice.

The Connétable of St. Lawrence:

I thank the A.G. So that has certainly been helpful to me. I hope it has to other Members. So, in summary, my view is that I will be supporting this as amended. For the next Assembly, they will

know if documents shared in confidence are leaked and, if that is the case, then it will be up to the Assembly to do something about it, to correct it, however that may be. We will just wait and see at the time. So let us give it a go, in my view, and treat everyone with respect and belief in the Assembly, belief in the elected Assembly of the States of Jersey. That when you are elected to it you behave responsibly.

3.1.15 Deputy M.R. Le Hegarat of St. Helier:

I am a little disappointed because I do feel that to class all of Scrutiny as being in the opposition is a bit negative. Because for the last nearly 4 years most of us have tried our best and tried our hardest to work together. Certainly, as the chair, at the very last minute I was approached to become the chair of the Health panel, and I took it on, not really knowing much about it, and with it comes an awful lot of responsibility, but also a lot of other panels as well, which I clearly did not know and some of my other colleagues did not either. But the thing is that I have never ever thought I was opposition; ever. Because I am not part of a political party for a start, I am an independent, and whatever happens if I stand for election again or not, I will still remain as an independent. I am an independent thinker and sometimes that does not always do me any favours, I have to say. But the thing is that I think for myself and I do what I think is right. What we need to remember is that when people talk about things being leaked, if they are leaked then usually we know who they have been leaked by. So challenge that person. Please do not challenge me because I have never leaked anything. I have spent all of my working life working in areas where I have had far more sensitive information than most people probably sitting in this room, maybe with the exception of you or the Attorney General. But the whole point is I do not leak information. I never have and I never will. I find it quite saddening that somebody would ever think that I might. So, if there is a problem and something is leaked, then make every effort to find out where that leak comes from and deal with that individual. There was one thing that used to annoy me and my colleagues, when your supervisor would call you into a big room, all of you, and tell you all off because one person had done something wrong. So we need to make sure that, if there are leaks, they are dealt with. That therefore means that we should be able to share information. We should be able to have the access to the necessary minutes of the meetings that we need. I have been briefed, as Deputy Pamplin said, in relation to some information, mostly to do with Health, probably less to do with Social Security, and we have been asked to keep the information and we have. I do not think the Minister would ever question that had not happened. We have an exceptionally good working relationship and where things have needed to be improved we have not been negative. In fact maybe some people will have seen the interviews yesterday for the release of that last review of mental health services. We were not negative because it does not help anybody to be negative about anything. We are in a small Island where we have resources and we have things that you only have one choice, take it or leave it, so you have to be positive and you have to work together. So Scrutiny and the Council of Ministers should be working together. We should not be in this position. We should have never been in this position where we do not get information. We should have always been able to have information. Instead, what we find is that there are about 25 files across the road because they will not provide it to us. We have to physically go into a room to read something. It is, to me, just not a good situation. And it is not good for the way we work, quite frankly. Let me just say, the last public hearing with Health, 2 very senior members of Health, and we have not always agreed, we have challenged along the way, they turned around to me and said: "Thank you so much for working with us. Thank you so much for being supportive of us. Thank you for not, when things are not always going so well, for not being negative, but always trying to be positive and always trying to move forward and making things better for Islanders." Because that is what we are all here to do. It does not matter whether I am the Scrutiny chair or if I was the Minister for Health and Social Services, or if I was the Scrutiny of Education or the Minister for Education, we should all have the same remit. All we should have is the fact that we want to do the best by Islanders. The only way Islanders will get the best out of this

Assembly is by everybody working together. That does not matter what we are doing and what roles we participate in. It is about working together and I think we need to learn it and fast.

3.1.16 Deputy K.F. Morel:

Deputy Le Hegarat is absolutely right. We are here to do the best for the Island and we need to work together. When I came into this role, I had high expectations of Government. As a Scrutiny member, as a Scrutiny chair, I believe I reflected that. Over time I learned perhaps to minimise my expectations of Government and perhaps expect slightly less. But while that may have changed, what has not changed is my belief that Government in Jersey, of all places, as I have said before, without a military, without our own nuclear facilities or things like this, Jersey should be a place of open Government and transparency. Certainly, when it comes to, if I am re-elected, if I am in a position where I am being asked to vote for a new Chief Minister, their commitment to transparency will be hugely important in swaying my vote as to which person I vote for as Chief Minister. Because transparency means an openness to scrutiny. In the 50 months that I have been in Government, I really hope I have shown that, not just to States Members, but also to the officers I work with. That being open to scrutiny is expected as a Member of Government. You are making decisions that affect the lives of Islanders as a Member of Government. Therefore, it is right that Islanders can ask you about those decisions that you are making; those laws you are making and the policies that you are implementing. Any Member of Government who thinks otherwise has no right to be a Member of Government. Because that for me is a real basic tenet of a truly democratic society. Now, I do notice that most of the criticism of Scrutiny comes from States Members who have never spent time, or very little time, in Scrutiny. That to me shows that they lack an understanding of the role and they lack an understanding of what it is. Now I am not saying Scrutiny gets it right every time. It does not. But I can promise you Government does not get it right every time as well. That is why we need each other. Unfortunately, when the decision, as the Connétable of St. Lawrence said, in 2005, when the decision was made to move away from a committee system, unfortunately what it did is that decision created a them and an us. As we all know, information is everything. We live in an information age. Information suddenly was restricted to only those Members of the Council of Ministers and their Assistant Ministers. People in Scrutiny were left, and I can attest to this as having been in Scrutiny, trying to, not just find the information they want, but trying to understand what information it is they want in the first place. Because I have seen with my own eyes how Government can play games with that and make life very difficult to access information. This is public information. This is the information of the people of Jersey. When you are elected as a Minister, you do not gain some aura, which makes you better than other people in this Island. When you become a Minister, you are given a responsibility by the people of the Island. It does not elevate you in any way. It does not elevate any Member in any way whatsoever. In fact it brings you even further down with other people because now you are trying to understand their problems and understand how best to solve those problems. So Deputy Guida earlier said that he had been triggered in a previous debate. I am certainly triggered when I hear criticism of Scrutiny, which places all the blame on Scrutiny and does not look inwardly at the Council of Ministers itself and look at perhaps some of the decisions. I know that we have heard about the S.T.A.C. minutes, competent authority minutes, I mean this is where the Government itself has let itself down. The S.T.A.C. minutes, their publication was voted for by this Assembly. I do not think it is inappropriate to say that games were played to try to delay and delay and delay the publication of those minutes. Those minutes were not just wanted by Scrutiny, they were wanted by the Island. There were thousands of Islanders who wanted to see those minutes. Yet the Government played games and that was so inappropriate. I have heard people today talking about leaks. I question why we talk about leaks because, in my time in Scrutiny, in the last 4 years, I do not believe a political member of Scrutiny has leaked anything at all. I know when I was chair of a Scrutiny Panel, and I believe the Deputy of St. Mary is the current chair of that same Scrutiny Panel, take an incredibly harsh look on any of our members leaking anything from our panel. It is just not acceptable. The Connétable of St. Lawrence really hit the nail

on the head when she gave that example from the panel that she was on in her first term where a leak did happen and the panel effectively rounded on the chair and said: “No, this cannot go ahead.”

[15:00]

I did not realise that until the Connétable spoke then, but I believe that set the tone from then on in. Scrutiny does not leak information. I am not sure the same can be said for the Council of Ministers, but Scrutiny does not leak information. I said I am not sure. So I do worry, this them-and-us situation was created in 2005. That extends to the level of States Members not being able to walk into government offices without having to sit and wait in reception and be allowed in. We are all States Members, we all have equal status, yet some of us are not allowed into the government offices. That is something the new Chief Minister, whoever they may be, should rectify immediately. States Members should have unfettered access to government offices. That does not mean unfettered access to government documents, it just means being able to walk into the office and not feel like you are an outsider. I want us to overcome this divide. It has become a hugely important part of my political thinking at the moment. That does mean that Scrutiny has to act in a proper manner, but it also means that Government has to act in a proper manner. Democracy is based on the idea that no one person has all the answers and no one party has all the answers. That there are very many voices in any one community and those voices need to be reflected in a democratic Assembly, which is this. I am so proud of us as 49 Members of the Assembly trying to represent the 100,000 Islanders outside. Any attempts to reduce those voices, any attempts to reduce scrutiny, and so create an unaccountable Government, need to be fought by every single Member in this Assembly. Because what has happened since 2005 is that those in Government have moved away and I believe, and having spent a year in Government I see it even more clearly now, they believe that that is all that matters, Government is all that matters. It is fundamentally untrue. Government is not all that matters. This Assembly, as far as our democratic process is concerned, is what matters. Government is an adjunct of this Assembly and every single person who serves in Government serves at the pleasure of this Assembly. They should know that they can be removed by this Assembly at any point and that is quite right. So, to reduce Scrutiny, to reduce the size of this Assembly, is fundamentally undemocratic. Anyone who says otherwise is an antidemocrat in my view. That is worrying. Coming to more prosaic matters, more directly this amended proposition before us, I do not understand what the problem is. I double-checked with the Deputy of St. Mary before standing to speak. Every time I asked for items as a chair, every time I asked for our panel to be provided with items from the part B of the Council of Ministers minutes, I was provided with them. I double-checked that practice was still continuing and the Deputy of St. Mary agreed that is still continuing. So, given that we are in a practical situation where every time part B minutes are requested by Scrutiny they are handed over, why are Members of the Government trying to oppose something, which just puts in writing exactly what is happening at the moment? There is no argument to be had here. This practice takes place today. This amended proposition just puts that practice into writing. That is the way it should be. The Government has nothing to hide. That is why they hand over part B minutes and they shall continue doing so. So I cannot fathom why there is such tension among certain Members of the Assembly, certain Members of the Government, who feel that this is some sort of dangerous proposition. It is not. Redactions can always be made. Deputy Gardiner said minutes are not transcripts. One of the issues I have with Government as it stands, and as I found it over the past year, is that not enough is minuted in Government. Not enough records are kept of meetings. Meetings take place in Government all the time with no record of even the parties who met, let alone what they talked about. Those are sorts of things that I believe a new Chief Minister needs to be committed to changing. I can go today and get the Prime Minister of the United Kingdom's agenda for the day. I can find out who he met and the basic content of what they discussed. I cannot do that in Jersey as a States Member. That needs to change. Every single Minister who has a meeting with an Islander; that should be noted. That needs to change with the new Government coming in. I will support Chief Ministers who choose to put that as an important

part of their focus over the next 4 years. So I will happily and comfortably vote for this proposition. It is happening in practice. Let us put it down in writing to make sure it continues to happen over the next 4 years.

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

What has become glaringly obvious during this debate is that some Members of this Assembly really do not understand the role of Scrutiny and what a vital role Scrutiny plays in democracy. Scrutiny in its pure form is a critical friend. Scrutiny looks at a Ministerial Government like an auditor would look at the accounts, there are checks and balances, which the Ministerial Government should adhere to. There is ignorance surrounding Scrutiny and an ignorant belief from a few that Ministerial Government are the prefects and Scrutiny is a class who need the prefects to tell them what to do. This is so ridiculous and very dangerous. I have been a proud member of Scrutiny and I would not dream of leaking information. I am a Connétable. I have been in all sorts of roles in my life and there are so many of us in here who it is abhorrent; that we would not leak any details at all. I do not see why the Ministerial Government who are trying to use this as something, there will be Members in there who may be more likely to leak something than we would. It goes across the board. I hope to be re-elected and, if so, I will proudly be a member of Scrutiny again. I see Scrutiny as it is, it is on a par with the Government. I would suggest something for new Members, and it is that all new Members at least have training in scrutiny, because some of them are so ignorant about what it is. They need to take the time to understand that scrutiny is vital to democracy, otherwise it is just a dictatorship.

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

I would like to rise to endorse much of what has been said by Deputy Le Hagarat and Deputy Pamplin, who are respectively the chair and vice-chair of the Scrutiny Panel that has scrutinised me in recent years. I thank them for the good working relationship that we have had and I endorse what they have said. They have put in plenty challenges, quite rightly, and they have made me and officers uncomfortable sometimes. But, as they have said, it has never been with the intention of being negative or trying to destroy anything we are trying to do. But to act as proper representatives of this Assembly and ensure that the public good is reached. We have had perhaps some difficult argy-bargy times when we have not always agreed immediately. But it has helped that I had previously served, in the previous term, as a Scrutiny Member and chair and, therefore, I understood what Scrutiny needed to do. That certainly does help, I feel. I understood Scrutiny's role and had respect for that. Should this change be made? I think let us do it, let us give it a try, though I do not have that absolute confidence as yet that confidentiality will always be observed by everybody in Scrutiny for ever and a day. Yes, most non-Executive Members will absolutely observe that confidence but not in this present term and not with the present Scrutiny Panel. But unfortunately with the Scrutiny Panel that I previously headed there were instances where documents received by us in confidence were used, were leaked. Why, because it suited a political agenda. I think Members must be realistic that that will probably happen and, therefore, Scrutiny needs to itself establish some robust means of ensuring ways of preserving the confidentiality, not just saying: "Yes, this is our code of conduct and we are all such good people we are going to act properly." Like the Council of Ministers we are all different, we have all got different motivations, and sometimes it will not work exactly that way. So whatever can be put in place to ensure that there is a rigour about maintaining confidentiality, not for the sake of the Ministers but for the sake of the people involved in the sort of decisions that come up to the Council of Ministers. So there might be commercial interests which need to be protected. It can just stymie and certainly not be in the public interest if suddenly confidential negotiations being conducted on a commercial basis are thrown open and everyone sees what is going on and knows how commercial providers are tendering and the like. That is just no good. You will not have them working with Government in the future, or they are going to be very cagey, so that must not happen. But there are also some very personal issues in health about treatments being given and the like which

I certainly hope the confidential details would not be released but it is quite possible that such things might happen because people would want to criticise a lack of treatment, for example. So I wish Scrutiny to work in a way that is that critical friend with Government, and I think we can proceed to release those minutes. I think perhaps now is the time in the relationship between Scrutiny and the Executive to try that. Let us not say it is for ever and a day because now and then the onus will move to the non-Executive Members to show that they will handle some of the sensitive material on a confidential basis, and where it does not then Scrutiny must have that rigorous process to deal with its Members who fail to observe it. I would simply like to say - because some remarks have been made about the C.A.M. (Competent Authorities Ministers) minutes - I would simply like to tell Members that not all C.A.M. Ministers were in favour of the process that has been adopted.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and I call upon Senator Moore to respond.

3.1.19 Senator K.L. Moore:

I thank all Members who have taken part in this debate. It was unexpected but it has been an important debate and a number of really interesting and important points have been made. I would like to start by thanking the Deputy of St. Ouen for sharing that final piece of information that he did, which is much appreciated, and I will move on to that in a little while. Senator Vallois when she spoke was absolutely correct; effective scrutiny makes Ministerial Government work and without it Ministerial Government would not function. The focus of this code of practice is about organisational structure, for example, the sharing of the policy pipeline which is absolutely vital, and I think will strengthen the process from both sides. One Member mentioned the Recommendation Tracker and having that as a shared and live document between both Government and Scrutiny in future will be I think a much better way of holding the Government to account and each party doing their respective work.

[15:15]

The sticking point of course has come on this issue of the minutes. It is regrettable that the Chief Minister has taken the stance that he has. It has been unfortunately a constant battle to receive information and particularly minutes which seems to be a big point of sensitivity. Senator Pallett and others have reminded us that the new Code of Practice stipulates that the minutes shall be shared with the relevant Scrutiny Panel confidentially. But the big point is not only will they be confidential - and it has to be said that not one Scrutiny member has during this term, as far as I am aware, has broken confidentiality when we have been bound by it - but also this is about making that sharing a matter of course, about easing the workload for all and not applying that sometimes awkward question: "What is it exactly you would like us to share?" Those are the ultimate weasel words: "Tell us what it is you want to see" knowing that the other party is not exactly aware of what it is they want to see. This is about stopping that game playing and having a proper, open and transparent process where everybody knows where they stand. As the Constable of St. Lawrence recalled in her speech, there are checks and balances in place and there are ways and means of managing those people who do breach confidence when it happens. These are usually very unusual circumstances. If I could assist Deputy Maçon, this is about consistency, as I have just said; ensuring that things happen as a matter of course. It has been difficult and frustrating during the past 4 years to the extent that in November last year this Assembly voted to support Scrutiny and ask the Government to share the competent authorities minutes confidentially with Scrutiny. This is where I am very grateful to the Deputy of St. Ouen's comments because as Members I think are probably aware we have now received those minutes, the majority of them anyway, but only in hard copy. We can go to a specific room and look at those minutes in their hard copy form under observation but (a) that is a very time-consuming process and (b) not at all helpful so we cannot conduct a word search, for example. But

that, I am afraid, is the level of behaviour that we have experienced and the treatment that we have had to confront at times, which is regrettable. Transparency is one of the Nolan principles because it should be a given in public life. The public have a right to expect it and they have a right to expect that the people they elect to represent them observe those very simple principles in public life. We saw this during the pandemic with, as others have mentioned, the calls from the public to have a greater understanding of the decision making that was going on behind closed doors. Eventually the S.T.A.C. minutes were published but it was a battle, and it was an unnecessary battle. This proposition simply calls for, among other things, the minutes to be shared in confidence and to be shared as a matter of course. I hope that this amended Code of Practice will assist in rebuilding that trust because it does need to be rebuilt, particularly with those who are about to hold us to account next month when they have their opportunity at the ballot box. Accountability is an important part of our work. It is essential that Government is held to account throughout its term of office, and that is the job of Scrutiny. But it can be done - as I think we have all done it - in a respectful and constructive manner. It was a shame that Deputy Guida suggested that there had been an opposition in effect during this term. Clearly from our perspective, and I think many Members have expressed their view of their experience in Scrutiny this term, that has not been the standpoint from Scrutiny. What in fact has proved very difficult has been the aggressive, snarling behaviours that we have experienced from some Members of the Executive. We have maintained our dignity and we have responded with all the respect and calm we could muster, however unpleasant and bruising that has sometimes been. It has been difficult. I have to admit, as we talk to people about whether they might consider a career in politics they say: "I am not strong enough; I am far too sensitive to do that." I have to admit that I am sensitive too and it has been a real struggle sometimes and there have been particular hearings where it has taken a bit of time to recover from the behaviours that we have experienced. That, I think, is a great shame. But I would like to publicly praise the work of all the panels, the Members and our officers, everyone who has taken part in Scrutiny has done so with the intention of both improving policy and legislation and assisting the Assembly by informing them, by sharing the information that they have gathered and considered, particularly when debates are complex and sometimes technical. Legacy reports are underway and they will be published shortly, and I think those legacy reports will show the extent of the work that has been completed and the value that has been added by Scrutiny. Just yesterday the Assistant Chief Minister kindly thanked Scrutiny for the amendments that they brought on the Official Analyst Law and how those 4 simple amendments had improved the law. That is exactly what and how the job should be done and I am grateful to him for his kind comments. I commend the updated version of the Code of Practice to the Assembly and I wish the future Council of Ministers and the Scrutiny Liaison Committee, whoever they may be, the very best for their future work. Thank you and I ask for the *appel*.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting, and of course those participating remotely to do so in the chat. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				

Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
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 of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Senator K.L. Moore:

Sir, I would like to thank everyone for their support.

4. Ministerial Responsibilities (P.52/2022) - as amended (P.52/2022 Amd.)

The Bailiff:

The next item of Public Business is Ministerial Responsibilities, lodged by Deputy Young, and I ask the Greffier to read the proposition. There is one amendment lodged by the Council of Ministers, Deputy; are you accepting that amendment?

Deputy J.H. Young:

Yes, I am accepting it.

The Bailiff:

Are Members then content that the proposition is read as amended by the amendment of the Council of Ministers? Very well, I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion that for each department of the States there should be one Minister who is ultimately accountable for all aspects of the work of that department, and to request the Council of Ministers in consultation with the States Employment Board to commission officers to draw up options for achieving this, for presentation to the new Council of Ministers in autumn 2022; (b) that the proposed establishment of a single legal entity for the Government of Jersey, in place of ministerial corporations sole, as set out in the Machinery of Government (Miscellaneous Amendments) (Jersey) Law 2018, should not be proceeded with and the part of that legislation dealing with this matter should be rescinded, and to request the Chief Minister to issue law drafting instructions to this effect, so a projet can be considered by the next States Assembly in autumn 2022; and (c) that the Chief Minister should be requested to review Ministerial portfolios within the 6 months following a general election, with a view to presenting a report, before 1st January 2023 and annually thereafter, in accordance with Article 30A of the States of Jersey Law 2005, to the States on the outcome of that review and bringing forward Standing Order changes to alter Ministerial portfolios or legislative or Standing Order changes to address any other matters relating to the selection of Ministers and Ministerial roles arising from the outcome of the review.

4.1 Deputy J.H. Young:

I bring this proposition as a private Member. It is entitled Ministerial Responsibilities. For me this is bringing forward a set of, I think, 3 key outcomes that I think can be and should be approved which I believe put into practice would enable the next Government, the next Council of Ministers, the next Assembly, to help improve the way our government machinery works. I think most Members will know that I do have a bit of a history around this place, originally as a civil servant under the committee system for many years, but I did have a role in the transition to the Ministerial system. Obviously working on the details and the way it is set up, and I do remember a lot of the debates and issues among Members of the day, and I think earlier in the previous debate Senator Vallois spoke about the Ministerial system being in its infancy. I think it does need to evolve and grow up in many ways through teenage years, 16 years on from December 2005 when the system kicked off. We have been through 4 Council of Ministers since then. Since that period there have been various attempts by back-bench Members, Members who were not in the Executive, to improve the system. The P.P.C. subcommittee report ... and I want to thank the P.P.C., I believe chaired by the vice-chair, Senator Vallois, for this report because I think this is a really helpful document. I have drawn upon what I think are 3 key themes that emerge from this report. I did that because I thought it important that the States has the opportunity to make those decisions which could be made and should be made in this Assembly in readiness for the new Government. I picked the 3 key things. I had expected some amendments to add to that but unfortunately none have come. Lots of Members have said to me: "I would like to do an amendment on this" which I will talk about in a minute, but they have not come. So there we are. Nonetheless, I stuck to the key facts that I think emerged from this report. If Members will recall, I did bring a proposal to the Assembly as a private Member again. It was debated on 22nd September 2020, so quite a while ago, and I set out some terms of reference for what I sought to do as a review. I think my recollection of that in summary was that States Members thought that my analysis of the problems that were inherent in the system that we needed to address was correct, but they did not like my remedy, i.e. going out and getting another body to go and check these things. The view was we ought to be able to do it ourselves. So thank you to the subcommittee

and P.P.C. for helping us get to this point. Personally I had hoped - and it is not a criticism, just an observation - that we would have had a kind of action plan, there would have been time to have had that action plan by now, but nonetheless the report exists and I think its inclusions are clear. I wanted to just highlight, and I think this is important, what I was seeking to do in trying to assess how well the government machinery is working. I referred back to my proposition then, and I think these things are absolutely still valid. Those principles are driving the proposals I brought today. It says to consider the role of the Council of Ministers, Ministers and Assistant Ministers and whether the current division of duties and responsibilities between these and officers are appropriate. That is one. Two, the government departmental structure and whether the current political oversight - and that word "oversight" is important - direction and control of government departments is effective and appropriate.

[15:30]

I do not mean whether Ministers run the show but I do mean that they exercise accountability and responsibility. Take responsibility for the actions and matters done by the Executive part of Government. So political oversight and direction, I think that is really key. Then it goes on and it talks about matters which are probably not really covered by my proposition but then I mention this, this is one where I had thought that there would be an amendment but there we are. It says: "Whether the current machinery of government enables all elected Members" - all elected Members - "to make an effective and meaningful contribution to policy development and its implementation and, if not, what changes would be appropriate to enable greater involvement of all elected Members in these matters." Interestingly enough, I think it has been very appropriate that this proposition follows the debate we just had about the role of Scrutiny. So my starting point in this, I am absolutely with Senator Vallois in this ... but I still I suppose because I spent a lot of time in the committee system I find lots of pluses in it. But we have a Ministerial system so the task is how do we make it work. I think the debate we had on Scrutiny just now will be a big step forward if Members buy into that with their hearts and minds and follow it. Anyway, there is nothing in what I did hope ... because the restriction on Government is obviously the Troy Rule. The difficulty I have always seen is that having Government Ministers who are carrying those responsibilities limited to a set number to ensure they are in a minority put real restrictions on the effectiveness of Government. It puts real restrictions on the ability to be able to shape Government responsibility, for example, for particular areas of business. For example, yesterday I was privileged to be able to bring the regulation of care work to this Assembly. I have done that, if you like, as a part-time add-on to an already huge role I have in environment and everything else. I have done my best to perform that but I know in my heart ... when I told Members about the work programme and how we were going to have regulations of hospital services, how we are going to go on to independent medical ... that is a huge piece of work. Just making sure that that regulation of care goes into practice I think there was a real case for a Minister for Social Care. How do we do this? At a moment, within the 21, we have to find somebody who can cope with it under their already big portfolio and squeeze it in. Turning to the actual 3 parts of my proposition. I mentioned in my report, under point (a) of the proposition, that for each department of the States there should be one Minister who is ultimately accountable for all aspects of work in that department. That word "accountable" is very important. One Minister of the work of that department and so I am asking here for the Council of Ministers and the States Employment Board to draw up options of how this could be done for presentation by ... I had better just check the amendment to see what has gone in. Anyway, whatever the amendment says basically that review needs to be done and therefore if there are changes those decisions could be made by the next Assembly or the next C.O.M. (Council of Ministers). I think that is important because the driving force for me there is that when the machinery of government was set up there was a panel called the Clothier panel, and this was a very expert panel - I think there were about 8 to 10 members I seem to remember, chaired by the late Sir Cecil Clothier, who was a top man in the House of Commons Executive, leading academics on public sector and key local citizens. They came up with this and

they decided - and it was in their proposition and I will just pull it up here now - that there would be this principle of one single Minister. I would like to read you the extract. It said: "We recommend that they [departments] should be reduced to a much smaller number of portfolios consisting of groups of executive function having some mutual relevance." That was because in committee days there were a vast number of departments. There were a real vast number. They said: "We recommend that there could be substituted a number of departments" as few as 7 they say. It could be, not would be, could be. "These would constitute the major departments of Government. We further recommend that the political direction of each department should be the responsibility of a Minister." So that got done but this is the bit that did not get done: "And one or 2 other Members." This is the idea that I think people have had for Ministerial boards over many years. I think we have had propositions that have failed in this Assembly by one or 2 votes many times that every Minister should have the opportunity to work, but we have not had that so therefore this emphasises the need to have that partnership with Scrutiny. The point is that there is this responsibility for a single Minister. It says: "These teams should work together to produce policies by departments which will be subject to the approval of the Council of Ministers, presided over by a chairman of the council who would be elected by the States to be the Chief Minister." So that was the key finding. So when they took that proposition to the States, it was approved on 28th September 2001, it says basically that the principle ... each headed by a Minister. Nor more than 10 departments of Government should be established, each headed by a Minister as I have said. Now, what has happened, and I am not really sure why because to me I do not recall, and I cannot recall, that that States decision has ever been changed. We have ended up with something called a target operating model of OneGov, which I think almost takes ... I see it like a Rubik's cube. You take the elements of government and it is all scrambled up because you then create 2 separate bodies, you have the Executive of the civil service and you have a Ministerial structure, which I pointed when elected there was a mismatch. I raised that and nobody argues that there is a mismatch. I was advised when I got elected ... I did argue about this and I was told: "Well, do not worry because the Council of Ministers can revise the Ministerial structures." That was the answer but, of course, has that happened? No, it has not. It has not happened. Then, of course, we got COVID and all this kind of thing that has probably got in the way of it, so we went through a very unsettling change. I think it is the minority of departments where we have ended up with multiple Ministers taking responsibility or having responsibility without that clarity of accountability. I.H.E. (Infrastructure, Housing and Environment) is one. The starting point was we had a thing called G.H.E. (Growth, Housing and Environment). Anyway, then what happened ... I think Senator Farnham as our Deputy Chief Minister had the authority to say: "I do not like this" and managed to get his part of that team taken out and established into his own department. That was very well done. Obviously when you are Deputy Chief Minister you have the weight of power to be able to do that, but when you are just one junior Minister tacked in with 4 other Ministers trying to run this thing or take part, it is difficult. Of course later on Senator Gorst did the similar thing but rather more structured by bringing an amendment to the Government Plan, which created a separate budget, which meant that it had to have a D.G. (director general) which effectively achieved the same thing. Now, those are the complexities of where we have got to. We have parts of our organisation where we do not have, I think, that clarity of accountability and reporting. Now, what are the consequences of this? I suppose one of the things is that from what I have seen, and I have struggled with this, as Members will know, the responsibility for the wise use of resource, for example ... with the key thing that no Minister can do anything unless you get access to resource. You need budgets. You need budgets. You need to be able to set priorities and say: "Look, this is more important than that so we want that done." That is very difficult to do if you do not know what the detailed budget decisions are being made. They are being made by the director generals, or they are in the case of I.H.E. So there is nothing personal in this, I am just ... because people are trying their best to make the system work, my criticism is about the system and I ask proposition (a) that I would like, please ... the States Employment Board, who I think were the body that adopted the target operating model, I think they were. I do not recall it was ever discussed at the Council of

Ministers, I think it was just agreed at S.E.B. (States Employment Board) and I would like S.E.B. and C.O.M. to work together to have a look to see how they can get us closer at least to the Clothier principle. I think it is important because I am absolutely sure ... and the report says so, weakened accountability, really weakened accountability. Now I feel confident as I am standing here that I do not believe anything has gone wrong because we all work hard and I get on extremely well and have been well supported by officers, but the system I think is not right. I think, for me, I have been able to do that because perhaps an ex-civil servant I probably have that understanding of how these systems work and I effectively put my finger on it. But I think for new Members coming in we should try and improve that system. Of course, what I am proposing under (a) basically says: "Please will you have a look at this and come forward with a view." I am going now to change to part (c). "The Chief Minister should be requested to review Ministerial portfolios within the 6 months following a general election with a view to presenting a report to the States on the outcome of that review and bringing forward Standing Order changes to alter Ministerial portfolios or legislative Standing Order changes to address any other matters relating to Ministerial roles." Now, when the machinery of government was set up my recollection is that the department, the Ministers, the Ministry portfolios were fixed. But then it moved into Standing Orders. So there is a States Standing Order that says that when the Council of Ministers is appointed there shall be these Ministers, blah, blah, blah. Now, those portfolios cannot be changed under the law, the law says 6 months. Cannot be changed for 6 months, but then there is the power for the Chief Minister to change them. My worry has been that unless we have a device where these structures can be reviewed of what Ministers we have and what portfolio they have, what will happen is the next group of Ministers will get elected and who is going to take on a role for 6 months knowing it might change? It is probably going to set the whole way forward for the next 4 years. I do not think that is a good thing because, for example, we are going to have a debate on carbon neutrality. I am strongly of the belief we need a Minister for Climate Change and Energy. Energy policy is huge; really huge. I have already spoken about social care. I personally think having one Minister responsible for the whole health portfolio is ludicrous. It is too big. Mental health on its own, massive. The whole issue of the Jersey Care Model, massive. So I think that a new Government really does need to look at Ministerial portfolios and see how can it use the numbers it has within the Troy Rule, 21 Members, to best effect and be able to adjust those portfolios in a structured manner. Thankfully the amendment I have, I think from the Council of Ministers, helps to do that because it talks about keeping it under review and annually and so on like this. That is what I am seeking for States Members to do.

[15:45]

I am not dictating what the answer is here, I want to set a process which will enable the next Government to improve a few of those things. If they think it is appropriate to make changes, that will be quite open and explicit that is going to happen. Point (b) is rather different. Point (b) is seeking to, to be frank, be reversed. A change that was made right at the end of the Council of Ministers before the current one to remove what is called a corporation sole and move to a single legal entity. What that effectively meant ... and that change was made in the law. Whereas at the moment each Minister carries responsibility in law for the functions that they have, a single legal entity would mean that those responsibilities become shared with all Ministers. So all Ministers could effectively take any decision across any portfolio. Now that was not implemented because there are a massive lot of regulatory conflicts and all that kind of thing and it required regulations, regulations that wisely have not been produced and an Appointed Day Act that wisely has not come forward. What I am seeking to do is that this should be rescinded. We should work within the corporation sole. Other places have looked at it, the Isle of Man that has had Ministerial Government for much longer than us looked at this and rejected it for the same reasons, I think. My suggestion is that that should be reviewed. Again, it comes out of the subcommittee report, very clear. With that, I make the proposition and I will try my best to answer Members' questions.

The Bailiff:

Thank you very much. Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

4.1.1 Senator S.C. Ferguson:

I thought you had missed me. Yes, I agree entirely with the Deputy. I would take it a bit further down in the list of the operations of the set up because I think that we need an essential and efficient operation of Ministerial offices. Each office is operating quite separately, which is quite ridiculous. We need things like Ministerial boxes to separate out the important and less important issues so that if the Ministers need to take papers home to read they take the important ones and the less important ones can stay in the office. Each paper should consist of a 2-page summary and appendices with any of the detailed points to be discussed. You cannot expect Ministers to keep reading 117-page papers on every topic. We need to curb the enthusiasm of civil servants for excessively long papers. I have had to return papers to chief officers for more targeted responses; a 117-page report commenting on a report by my committee is absolutely useless. All it does is tie down Ministers and Scrutiny Panels and keep them from stopping civil servants getting on with running the country. I am sorry, the civil servants should do what the Ministers and the States want them to do. They should not be forcing Ministers to do what they want the Ministers to do. I do know of instances where Ministers do not know what is going on in their departments and all they do is repeat what the officers tell them, which is not necessarily the truth about what is going on. We need a whole proper revision of how the top end of the States works, as I say, to curb the enthusiasm of civil servants to run the place and ignore what their Ministers are telling them to do. I am all in favour of the Deputy's amendment and I shall be supporting it.

4.1.2 Deputy H.C. Raymond of Trinity:

It gives me a great opportunity to follow on from the Deputy and from the Senator. Either they saw me coming or I was the biggest mug on the earth, dare I say. I ended up with 4 portfolios. I can look at people and say: "Well, thank you very much" but the biggest problem with the 4 portfolios was that we did not see COVID-19 coming, we did not see Fort Regent coming, and we did not see the hospital coming the way it did. They were added to the portfolios. Everything you have said, Deputy, I could not agree with you more. I have tried to assist my 3 senior Ministers, who have been in the Chamber probably longer than anybody else, and I will not look at them, but it is Health, Infrastructure, and Economic Development. The biggest problem, if you took those 3 departments and then look at the work that overlaps each one, they do not to some degree communicate. I have to say, and this is a huge criticism, I was going to some meetings where I knew more than the Minister, because of the overlap from the previous meeting. I really do think this has to be looked at: "You say I.H.E. Tell me, Infrastructure runs what?" I then end up with the lifeguards down on the beach. The lifeguards are also at the Lido. However, we, as a sports body, run the Lido. I am not quite sure how on earth the Lido ended up in the sporting bag at the Lido. So you end up getting so much information. Talking about what you can say and what you cannot say, to be perfectly frank I took the view that you say nothing. That is why I have been quiet for 3½ years. I have to say it has to be sorted. There has to be a look, in a very professional way, at this. I will look at a couple of people, you could argue ... do not get me wrong, we have to make sure that we look at what you very importantly are doing, but there is the other side of something like Sport now. I am going to push this and I hope I am protected by it, but the trouble is Sport has a lot of effect on a lot of people, but it has never been noticed before. Then suddenly you get: "Oh, just a minute, we have Jersey Sport, who we give money to, but we do not have any influence over the money that we give them." "Oh, hang on a minute, we have Ports and Harbour. They get all the money and yet we do not have too much influence." I am concerned about the limited companies that were formed as well. They are still dependent upon the security of Government. The money that is put behind, whether it is a grant or whether we put the name behind a loan, is government money, people's money. I really do think

this has to go through and it has to be looked at. The Ministers would accept the fact as well that sometimes wonder what they are doing. This now drives me down the route of Senator Ferguson. I sit on quite a few boards. If I told you that the smallest board I sit on, on a monthly basis, was 43 pages of minutes and the biggest board I sit on is over 100. I might be reasonably intelligent, but it is nigh impossible to take in what is being said in those board minutes. That has to be looked at again. Dare I say it with the Senator, agreeing with her, is that the repeat that you see in the board meetings that take place every month, dare I say it, are exactly the same. You change the date, but the difference is very little. That has to be looked at as well, whether one stands, whether I am standing or whatever, but you cannot do 4 developments like that. The other thing which I will go back to, graver than me, but there is a certain Deputy behind me that does do it, it is very difficult to talk against your Minister. Virtually everything that has come up this morning, lunchtime, this afternoon, has dealt with Health, Infrastructure, and Economic Development. Now, I am not going to stand up and say I disagree with them, because that is the role, because I am his Assistant Minister. Again, there has to be some ... it is all about getting together. It is all about providing information for the general public, which they want to hear, again, which is essential. I would just ask one question, Sir, if I may, of the Attorney General.

The Bailiff:

Yes.

The Deputy of Trinity:

The Emergency Board was one of the few boards where there were no minutes given out originally. I sat on the Emergency Board as head of the Honorary Police and I sign the document, but the minutes did not go out. I am not quite sure, but there was one board that we were not allowed to send certain minutes out on, I am sure, and I think it was the Emergency Board, to be perfectly frank. I will leave that with you. It is just a comment. Can I just say, which takes me back, it has been so positive today, for the first time for a long time? It is realisation that you have Scrutiny that just checks us. I have had Scrutiny management at me and, yes, to some degree you have to turn it into a fun meeting, because it is the time that you get together and you find out we are all going down the same route. The one thing that I learned from politics in the U.K., you must respect the person who is talking to you, you might have differences. As long as they respect you and you respect them, you are going to go a long way. This Island could go a long way. It has so much to offer. However, it does mean we are going to have to work together and, dare I say it, we are going to have to sort out I.H.E. and who is doing what: "You are in charge of the swimming pool. I am not in charge of that swimming pool, but he is." That is what is going on. I have to say that. There is a motion, which has been accepted by the Constable of St. Helier, about the Lido, which, quite frankly, has been a farce. Am I allowed to say it? Today I have decided I am going to say it. It is the way it works and the way the system works and we really do have to change it and look at it to make sure we are all together.

[16:00]

4.1.3 The Deputy of St. Mary:

My comments follow those of the Deputy of Trinity. I appreciate the thrust of what Deputy Young is proposing, which is one Minister per department. However, I do invite him to consider the increasing situation where projects are the subject of more than one Minister. He, himself, has had experience of one particular situation. My panel, the Economic and International Affairs Panel, has to my immediate recollection, issued 2 reports in the recent year where there were 3 or 4 Ministers who were required to give evidence. Certainly during the course of one of them, a Ministerial policy group was formed. I simply invite him to comment as to whether that is something which should be done at the outset of any particular project, so that the Ministers are appointed, involved and there is, from day one, some accountability between them. The other follow-on point is a simple one that if we are going to be changing Ministerial responsibilities within 6 months of election, it does follow

that the Scrutiny Panels themselves will have to be reassessed and that will need to be taken into account by Members when accepting appointment or seeking appointment to those panels.

4.1.4 Deputy J.A. Martin:

It is a pleasure to follow the last speaker. I can change my mind. I changed my mind in the last debate. It was listening to the Constable of St. Lawrence and listening to where we were. However, on this one today is definitely not the day we change anything about Ministerial Government. Deputy Young or somebody said earlier today: "It is not young any more this Government lark. We are more like teenagers." No, no, no, this Government lark has changed every 3 years. It is not a collective responsibility. There is a Minister for this. There is not a Minister for that. There is this. With 21 people, it might be 22, whatever the cut off is, because you have to have less, less, less. We all have different understandings. To me, Ministers make policies. They take them to the Assembly, they get them through. They bring the law and regulations to implement those policies. Then, I have very good officers that run departments. I have a massive department, because they think I am the Minister for Customer and Local Services. No, I am not. The Customer and Local Services run the front-facing of the library and now, the crematorium. They are taking on school grants, *et cetera, et cetera*. Customer-facing, the officers who are paid, dare I say it, 2 or 3 times more than me, do it as a full-time job. They know the laws backwards and forwards and they are doing it, because that is what they are employed to do. I am there. I have made the policy. It is weird how we all look at different things. Senator Ferguson, I have worked with her lots of times, but in the review body that Senator Vallois was running, she said that I should be in every department, because, as I say, customer-facing is what my officers do, but I should be standing behind my officers kicking their chairs and making sure they are doing their work. No. No, no, no. I hear very, very quickly from the unsatisfied public or I hear very, very quickly from the satisfied public, who are obviously quite satisfied. We moved everything to La Motte Street and oh, thank you very much, we did. We moved staff behind the scenes, staff working from home, we have had COVID-19. But, Deputy Young, he either wants a Minister for everything, which was OneGov, we were going to go to have no Assistant Ministers, we are going to have a Minister for everything and you could just about do it with 21. You would all be the same ... the responsibility was there, the responsibility was there, but then people were like: "Oh, how do you get 21 Members around the Council of Ministers and still have meaningful discussions?" Can be done. However, my real concern about this today is our last Assembly, we are tying the hands of ... and the point made about Scrutiny as well, the next Government that comes in will not worry about a Strategic Plan, worry about a Government Plan, the first thing they have to do is sort out who sits in what chair and what do you call yourself. No, this is for the next Assembly. Get your priorities done. Get the Government of the day. Sort out what the public want. Then start looking at each other. We have had collective responsibility, no; now we are not collective. Some Assistant Ministers support, some do not. It will be what it will be. Or are we all going to be Ministers? You cannot do it with 10 Ministries. You cannot go back to Clothier and say: "I want to now make Clothier work," because Clothier had no Constables. It had all of us called Members of the States of Jersey and there was only going to be 44 of us. It was all going to work lovely. We know that it does not work. I am sorry, Deputy Young. I know there has been an amendment and you think it is just a review. When is the review going to take place? The minute everyone is elected? When, over here you should be getting on with the really, really important work of setting that new 4-year Strategic Plan, setting the first 4-year Government Plan, putting in really, really good policies. No, you are going to start moving the deckchairs again. This is not a teenage Government. We still have the spots and they are still breaking out every 3 years and now the Deputy wants to do it again, another change. I really do not know. No wonder we have some unsatisfied staff employed by Government, because they are today listening and thinking: "Where are we going to be next time? What is going to happen?" The uncertainty for them is ... this is the most - sorry - wrongly-timed debate we have ever had in this Assembly. I please urge Members do not support it. Sorry, Senator Vallois sees the writing on the wall. She said it herself, it was too near the elections to do it, so

Deputy Young picked up the ball and ran for it. He should have kept on running, because he should not get this one over the line.

4.1.5 Deputy M. Tadier:

There is merit in this. I do not know if I sympathise with what the Deputy of Trinity said, but it certainly was a revelation to a certain extent, to hear his internal thoughts being vocalised after 4 years of experience. I certainly know from my experience on the Ministerial side for the first 2 years of this term that you go into a job as an Assistant Minister or a Minister and there are certain things you want to get done, either you are the main driver for them or they are things you want to support. In order to get those things done, and I can give tangible examples, I went in quite early saying that I want to get proper funding for the arts sector, so show me who it is that I need to speak to to get that done. I took these from a particular consultancy report that had been done by the department. The first thing I said is: "Why is that report not being published? Publish that report, please. Who do I need to ask to do that?" I went to the Minister. We agreed that. That is fine. The Minister was supportive and supported a lot of what I tried to do. We had a good working relationship, even when there were times he could not support everything. You find out who is responsible. The buck has to stop with the Minister. That is the point here. Otherwise we end up sleepwalking from Government to Government and you get things that just do not get done in this term or the last term; begins with an H and ends with an L and it has an O-S-P-I-T-A in the middle of it. The good thing is that at least we will not need to rename La Rue De L'Hôpital any time soon, because it looks like there is going to be a hospital down there for quite a while. This is just one thing we are trying to get our head around. Fort Regent is another. The Deputy of Trinity said he did not see that one coming. Most of us knew that Fort Regent was not going anywhere any time soon. It has been there about 1812 and it is still there today. It has a white dome on the top of it. Some of us think it is a novelty. Others think it is a bit quaint and should be got rid of. The point is that nothing has been done at Fort Regent either. Is it partly because there is no political accountability? What is the politically-correct expression: there are lots of managers and not enough Ministers or chiefs who are responsible for those managers. I had to go around and say: "Look, why has this not been done?" One other example, which I am really proud of, has now been reinstated. We used to have a great cultural officer in the States, a cultural officer who worked for that particular department. He is a great guy, in stature as well as in what he did. One of the recommendations was to reinstate the cultural officer. I saw that was absolutely key if the vision that I and other people had for that sector was to be achieved. You needed to reinstate the funding, reinstate the one individual and the post that went with it to get things done to be the liaison between Government and the cultural sector. I had to ask several times, and this was with the support of my Minister, my Assistant Minister colleague: "Why has this not be done yet? When is it going to be done?" I had to find the right person: "Is it the new director general? Is it my cultural officer who works below the general officer? Who is it that I need to speak to to make this decision, which has already been agreed, it is a Ministerial Decision that we have agreed several times? How does it get done?" It should be the other way round. It should be the Minister saying to the person who delivers it: "Get this done" but, of course, they can hide, often, behind the fact that they are not answerable to one particular Minister. When it comes to those portfolios, who knows where there is a corporate parent, for example. We know that that is going to be quite complicated. We know when it comes to corporate parents you might have Education, Social Security, Health, and Home Affairs involved. Ultimately on any particular decision there has to be some Minister who takes the responsibility for whatever the decision it is that needs to be made. He or she says: "This is what I am going to do in this term of office," and if it is not done by the end of that term of office without a really good reason, that person then carries the can for it and has to answer to the public and, of course, has to answer to all of us before that as to why it has not been done. The vision here is not simply about making sure that there is one Minister in charge of every department that is fixed and it is back silo mentality, because that is certainly not what any Member here would want. I am sure the Deputy will address that in summing up. What we do want to make sure of is that, yes, there

is joined-up thinking, there is collaboration among Ministers, but ultimately when a Minister asks for something it gets done and when it does not get done there is accountability. That is what we expect from Government. It is what Islanders expect from Government. This is why we can support the spirit of what the Deputy is asking for. It works. If there are any issues that Members think the Deputy needs to address, I am sure he will do that in summing up.

4.1.6 Senator T.A. Vallois:

I stand to speak, not only to answer Deputy Young's points in his opening speech and thank him for bringing this proposition, but particularly in response to Deputy Martin's speech. That is important, because every term we have to learn and understand what we are working with in terms of governance and what that governance looks like. It does not necessarily mean overhaul. Personally, I do not think this is a secret, I think we should have a committee system. I do not think Ministerial Government works for Jersey. That is my own personal view. I have done 3 reviews of this now. I have come to the conclusion, unless you have full-on party politics, Ministerial Government is never going to be at that optimal point, I believe, that the public expects and needs. That is why I believe, because I am not particularly au fait with the party politics side of things, I do not think it is necessary for a small Island, but we will see. It is all starting to happen now. We have seen dribs and drabs of it over the years. Effectively, the Code of Practice for Ministers, in spirit, requires the Council of Ministers to have some form of collective responsibility. The reason why that was removed was because it was never really supposed to be in legislation. Predominantly the work ... Deputy Young's proposition back in September 2020 and the frustration of many of the public and the frustration of many Members that we have seen over this term, many people would blame what we refer to as P.1/2018, which was Changes to the Machinery of Government, which created the principle accountable officer, which created the single legal entity, which Deputy Young is now asking us to seek to remove, which I fully endorse and believe is the right thing to do. It is also recommended in our report. If anyone has not had the time, especially those people who are looking to stand for election, you will want to read it. R.23/2022, the Democratic Accountability and Governance Sub-Committee of P.P.C. The reason why I say that is because there was extensive work carried out with former Members and current Members. There were workshops. We managed to meet with members of the Executive team, whether that be director generals. We met 2 of the 3 chief executives, might just have been one. Off the top of my head it was 2 we met with. We got feedback about how it does or does not work. If anyone believes that what we have seen over the last term has contributed to less of a silo system, I suggest they think again. I would also suggest that having ... Deputy Martin referred to having 21 Ministers around the Council of Ministers table.

[16:15]

If she had read the report, what we suggest is if you are going to continue with this form of Ministerial Government style to have a form of Cabinet office. That Cabinet office is where you would have, ultimately, 8 Ministers responsible for each of the departments and they currently sit. One of the issues that came across to us was: "We do not want to be having to change the whole structure of each department every single term." Well, you would not expect that. You do not want to pay the money to have to do that and also the legal implications that it has as well around all the law changes and all the requirements of certain people within those departments having to rejig themselves every 4 years. We do not have, like I say, the same type of system elsewhere that has Ministerial Government. What you would see is a form of cabinet style, where you would have the 8 ultimate responsible Ministers, but instead of having a form of Assistant Minister, you would have a Minister for Mental Health, a Minister for Social Care, a Minister for Diversity, whatever the Chief Minister determines in terms of their priorities for that term, you could ensure there was an allocation for that Minister to carry out those functions and to be delegated those functions on a ministerial responsibility. We have the ability to do that under our laws at present. There are things within our report that will not need legislative changes. Training is abysmal; becoming a Minister, especially if

you have not been in the States before and worked closely with Ministers. I have had the benefit of learning a great deal from many Ministers over the years, which prepared me to stand as a Minister this term. Unfortunately, experiencing similar things to what Deputy Tadier has referred to; obfuscation is the best way to describe it. The problem I had was there were 2 Ministers in charge of one department. One director general responsible, but if there were issues around accountability in terms of policy, there was no clear delineation about how that may or may not work and who was accountable for performance. One Minister may have got on extremely well with how the implementation of their work was going. The other Minister may not. We saw a number of issues. Maybe because there were teething issues when we came in, but when I came in to the Assembly at the beginning of this term, I was Minister for Education, Deputy Chief Minister, and chair of S.E.B. I had no policy officer and I had no secretarial support. I did not get that secretarial support for over 4 months. If you are wanting to come into the States and hit the ground running, the really important thing is you make sure that everybody on that Council of Ministers' team have your back, because that is sometimes part of the issue. When there is accountability and when there is an argument about performance, making sure that getting things implemented, not only do you have the power in terms of the Minister and a direction of policy and a direction of the way that that legislation may be taken forward, but you want to be able to work together to support each other. Like the Deputy of Trinity referred to, there are so many areas that overlap. It is not about having that silo mentality where it is just you as an individual and a blame game as you as an individual, but we have a responsibility to make sure that when we are developing policy or when we are creating legislation, we understand the impact that it has on the other areas. Deputy Tadier referred to corporate parents. Yes, we have had different iterations of those corporate parents over the years. Deputy of Trinity quite rightly refers to what we said in our report when we referred to the OneGov reforms and we refer to what was expected to happen. Things were supposed to be slimmed down and things were supposed to be looking so much better and easier to do, less processes and more getting things done. I would argue the opposite technically has happened, from my own experience of what I have seen over my time as a States Member. I do not believe the silo mentality has been broken down. There has been more of a them and us. We mentioned that in a previous debate, so I will not take that any further. There was a constant theme that was raised by stakeholders in our report that the introduction of the OneGov reforms had a negative effect on governance. Some reflected on the old departments, which were each accountable to a specific Minister. They have now been replaced, as I have referred to. They refer to the accountability as being blurred since the implementation of P.1. I would argue it was not the implementation of P.1 necessarily, it was the agreement of the target operating model while all Members were on the election trail, by the States Employment Board, on 8th May 2018. I would argue that that is what started the ball rolling, in terms of how that structure changed and why that structure changed. I would say that any new incoming Government need to be aware of any of those agreements that may have been made by S.E.B. or by a Minister during that period. Deputy Young did bring a proposition, although it was voted down, recognising the expectation that a lot of significant decisions will be made during that period up to an election, because they do have significant consequences. We have seen it this term. The reference to the smaller departments that have been created ... this is the interesting part, what Deputy Young is asking us to do is what was agreed by this Assembly for Ministerial Government in the first place. We expect to have a Minister in charge of each department already. However, there is a presumption that the Chief Minister is the head of S.P.P.P. (Strategic Policy, Performance and Population), Chief Operating Office and the Office of the Chief Executive Officer. There is a presumption, it used to be called the Chief Minister's Department. Those things used to sit in there. We never had S.P.P.P., because you had policy officers in each department. Well, some did, some did not. There is a presumption, and Deputy Martin referred to it, Customer and Local Services. We elected Deputy Martin in this Assembly as Minister for Social Security, not Minister for Customer and Local Services, quite rightly. However, under the remit of Customer and Local Services, if you want to discuss customer complaints feedback, you have to go to the Chief Minister's Department. Oh, there is not a Chief

Minister's Department, you have to go to the Officer of the Chief Executive. If you want to discuss an issue with regards to the library or hold the accountability of the implementation of whatever happening in the library, you have to go to the Minister for Education. If I had not been here for so long and done my homework and done all these reports that I have referred to and experienced the changes that we have seen during this term, with regards to OneGov or target operating models or P.1, whichever one we want to blame, I am not going to blame anyone in particular or anything in particular, but there has not been ... the vision has not been led by the political masters. The people who were elected on behalf of the public to run the public sector as they see fit on the basis of policy, on the basis of manifestos that they have been elected by. There is an argument there is an imbalance of power between the chief executives, civil service and the States of Jersey. We stated that in our report. Although Deputy Martin may not be supporting this proposition, I hope that she will be supporting my proposition later that asks to set up a subcommittee of P.P.C. permanently to implement the work that has been done of this particular report. Also to keep a watching eye on how things work over the next term. We need to learn and improve. The best way to do it is from our own experiences and to feed that back into what we expect. There are different expectations by people of what Ministers should or should not do and where and how that accountability lies. I have had conversations, particularly with Deputy Morel, when we were doing the work on this report, and he had a very high expectation when he came in the States ... I think they have probably lowered a little bit, unfortunately. The situation is that we all have different expectations. This Assembly has stated that we elect the Council of Ministers. The Council of Ministers are there to be accountable to this States Assembly and, therefore, the public. There was an expectation by Deputy Morel, and I remember when I was Minister having this conversation with him as well, was that I should not be overseeing what my officers were doing and making sure that my vision and what I expected to happen as Minister for Education to be carried out. One person, huge education portfolio, my group director had 48 lines of management. That is why working with Scrutiny is so important, is to have those political, fact-checking discussions to make sure that you are not losing yourself within the mountain of paperwork that gets thrown at you and the mountain of arguments that get thrown in other directions. That is why it is important to work together on behalf of the public. Accountability is very important. That is why, particularly rejigging and making sure there is a Minister in charge of each department, whatever that department looks like ... and that is why that work needs to be done, because if you do not create a Cabinet office, it is harder to do. You will end up with 21 Ministers sitting around a room and you do not want that. It is hard enough with the current Council of Ministers, with all of them around the table. I would suggest that that work does need to be done. It could be done by the Council of Ministers or it could be done if this Assembly approve the proposition I have brought forward around the subcommittee of P.P.C. I hope that gives some Members some context as to why I am supporting Deputy Young's proposition. I hope that Members will take time, if they have not already, to read our report. It is extensive. It gives plenty of findings and recommendations. I hope that helps Members with their decision on their vote.

The Greffier of the States (in the Chair):

Well timed, Senator. Does any other Member wish to speak on the proposition?

4.1.7 Deputy J.H. Perchard of St. Saviour:

It is to ask the proposer in his summing up to answer a couple of questions I have about the proposition. I understand the proposal around having Ministerial Government be a single legal entity versus being corporation sole. I understand the legal implications of that, in terms of their powers and responsibilities. My question is, probably simpler than in that area: what does that look like from an officer point of view? In the report accompanying the proposition, the Deputy refers to the problem of having a director general serving several Ministers, which I fully appreciate and understand. My question is what does it therefore look like? What is the Deputy's vision from an officer perspective, from an organisational structural perspective? How would that new or different

structure be able to avoid the previous criticism the Government has faced of being managed in silos and not having cross-communication or working in the way that has been aspired to, but as the Senator before me said, has not been successfully achieved. That is still a legitimate concern and a legitimate problem to avoid, if we were to go back to something that we had before. Those are my main questions, which I will be listening to the answer for in the summing up.

4.1.8 The Deputy of St. Peter:

This is basically a management consulting exercise that I have been wrapping around in my head since I read this proposition. What we are suggesting is we have a Chief Minister and then we have 10 linear departments. I can understand the simplicity of this. I can understand the accountability of it. I can understand, in business terms, it will be the pay in rations and the management of the people that work within that silo. It makes a lot of sense. However, and I am going to follow on from Deputy Perchard and the Deputy of Trinity, what I need to understand is how we get the accountability at the end of that.

[16:30]

I am going to try and explain my previous world for the lot of you, when I was selling software for some of the bigger software companies in the world; namely Oracle, Semantic and IBM. They had all of those pipes as well, those silos. H.R. (Human Resources), Resource and Development, Finance, Accounting, Legal, Sales, Post-Sales, Consulting, Training, you name it, they were all there. My job was responsible for selling the software and I needed the resource from all of those silos to bring that together to present the proposition. The proposition to the customer hopefully becomes successful, which becomes revenue, which makes the company successful. That is the outcome we were working for. I did not have any accountability or responsibility for many of the people. I had to virtually go out and coerce, beg, steal and borrow the resource to help me put these bids together and manage these customers. That was quite a fluid ... it was the wild west out there, as far as process is concerned, but it worked in that area. I cannot see it working here when we have far more accountability, transparency, that we have to demonstrate and quite rightly so. We have been debating that all day. What I need to understand from the proposer, and it is following on from Deputy Perchard, is how can we assure that we are going to get deliverables that come out? We have mentioned the beginning in H and ending in L word, quite rightly so, but how can we be assured that we can make fast, efficient, well-scrutinised ... and I say that, I did not speak before, having been on Scrutiny and in the Executive without a vote, if you want to call it that, how we can have fast, efficient, well-scrutinised decisions that we can be proud of and the Island is proud of. That has got to be our ultimate goal. I do not see that here and I really want some help. In principle I am going to support this, because it is a way forward, but we have to be focused on the end result. We have to be outcome-based in our deliberations and decisions within this Assembly.

4.1.9 Senator S.Y. Mézec:

Just briefly, of course, I will be wholly in support of this proposition. I particularly enjoyed listening to the Deputy of Trinity and Deputy Tadier as well, who gave examples of some of the issues that they have run into while serving as Assistant Ministers. It was interesting to listen to that, because of similar experiences I had as a Minister as well, where, as Minister for Housing, I was allegedly connected to I.H.E., because the H in it stood for Housing, although I had virtually no interactions with officers in there. In fact, the chief officer at one point used to joke with me about how little we saw each other. Sometimes we would not see each other in between Scrutiny hearings, where we would go to answer questions. Such was the strangeness of that portfolio being connected to that department. I also had the experience of being Minister for Children, where I shared a department with Senator Vallois, who was Minister for Education at the time. We were lucky in that we agreed on quite a lot, but it would have been extremely difficult if we were not in that position. I have come to the view from that experience that the experiment, which was the brain child of the previous

Government C.E.O. (chief executive officer) has failed. There was logic to it, in that attempting to bring together teams in the civil service so that they could work more collaboratively together, but the actual result is that it drastically reduced accountability. It meant that in many instances there was simply no line from particular officers to somebody political at the top of that line who would ultimately be responsible for what was going on there. That has made it harder for those who take up political office who have an agenda which they wish to deliver on, and it is an agenda that has a democratic mandate behind it, and instead ideas can be killed off in some room somewhere by people who are not accountable to the public in any way. There are policies that Ministers may want to pursue but cannot because it is not clear who it is they go to, or even in the instances where it is clear who they would go to, to see that policy implemented, that officer is often accountable to somebody else as well. I can think of one instance, for me in particular, where I had an extremely clear policy ambition that I repeated and repeated and repeated to an officer who I shared with another Minister, and that was the end of that, my policy did not get accepted because that officer was able to just manoeuvre themselves and avoid having to do what the democratically elected person was saying ought to be the accepted policy and position. So that experiment simply has not worked. It is right to go to a situation ... I almost said to go back to what used to be the case of having government departments aligned with Ministerial portfolios but I do not think it should be going back to that because that system had problems as well. Instead it should be a new system that has flexibility built into it where you do have government departments which are aligned with Ministerial portfolios but there should be flexibility in the construction of those departments and those Ministerial portfolios. Those portfolios should be built around whatever the Government of the day's political priorities are. If they have a particularly ambitious set of proposals for a policy agenda item that might require particular departments working together in some way or particular Ministerial portfolios being created to spearhead that, then they should have the right to do that. I am looking at the Minister for the Environment here because climate change and our response to that will be I hope a big part of the next Government's agenda, and I will want to know that they are able to create those portfolios and give the initiative to particular Ministers to be able to go on and deliver that. That will require a degree of flexibility. From my conversations with officers in Government about whether this is possible and whether you would risk causing disruption every time you wanted to reshuffle those portfolios or move departments around. I am assured that there are plenty of examples in other places where that is not an issue and they are able to just get on with it. So I wholeheartedly support the proposition that Deputy Young has brought forward. It does align with much of what we spoke about on the P.P.C. subcommittee which I served on, and the chair of that committee, Senator Vallois, mentioned before about the prospect of creating some sort of Cabinet office. That is something that I know there are mixed views on. Some people who I have spoken to in Government do not like the idea; some that we have spoken to are very enthusiastic about the idea. I have become convinced that it will improve accountability for Government and enable Ministers to see through their policy agendas, and this situation now where we have a department like, S.P.P.P., which is extremely powerful in its ability to determine what policies receive what level of priority, is a department which is not really responsible to any Minister, and that is clearly wrong and undemocratic. It is something I found held me back significantly. In fact I remember examples where one day I would stand up in this Assembly having been asked whether a particular issue was a priority for me, and I would say: "Yes, that is a top priority for me" and then the next week I would go and look at the policy pipeline prepared by these S.P.P.P. officers and find the item that I had said in the Assembly was a top priority was down for them as a low priority, which is clearly undemocratic and unacceptable, and I wondered whether these people were even listening sometimes. So with a Cabinet office empowered properly to support Ministers to make sure that policy officers are being instructed by Ministers and not by some other unaccountable person, will improve how we do Government in the Island. This proposition strikes me as being an important step towards achieving that and that is why I hope Members will back it.

4.1.10 The Connétable of St. John:

I enjoyed the end-of-term report of the Deputy of Trinity making some interesting points both about the number of boards and the volume of work, as well as the continued duplication. Deputy Martin is absolutely right about not going around kicking chairs and the need to focus on policy matters while ensuring the area is delivering against its targets. I disagree with her, however, about priorities. It is essential to get the foundations right. Accountability, responsibility for setting direction, and policies. We need to be bigger on our vision and values. Deputy Morel earlier today gave a good example of a quick win speaking about access to Government buildings. This is about setting the right culture; a good way of building trust in a new team. Some Ministers work closely with their Assistants and others do not. In the past I have spoken to Assistant Ministers about Ministerial Decisions that the Assistant for the area was not aware of. Process is key and for good process you need to know the rules, the guidelines, who is doing what, who is responsible. The proposal is a start and I think it is key that S.E.B. are involved in this piece of work because we have to take the staff with us. Politicians set the policy; the staff implement. Unusually I disagree with Senator Vallois' view that we should go back to committees, but I would support a move to a hybrid board system. In the past in a previous life I have attended committee meetings where the politicians of the day spent more time debating the direction of a sleigh over Mont Orgueil Castle for a stamp than they did on the following year's business plan. I would not wish us or anyone to go back there. I do agree with Senator Vallois about training. Do people know their responsibilities and are they given the tools to carry out those responsibilities. One Member who chairs a board told me that they slept well at night as they were only the chair. I nearly fell out of mine. A clear lack of understanding of the role of a chair. Anybody watching the H.C.S. board meetings would be shocked that a director general does not present a written report prior to the meeting but gives a verbal update. Process. Anyone with experience of boards and governance would say that is not acceptable, just as the Comptroller and Auditor General said in her report. Is it their fault? Is it the system's fault? We have to do better. At P.A.C. we had 2 director generals who did a good rendition of the Chuckle brothers, with neither wanting to acknowledge that they had the responsibility for a service. You had to be there to see it to believe it. To me, to you. I asked a question of a senior manager about a post and was told it was a different department, so I dutifully wrote a written question to the other department. Imagine my surprise when that department told me I was in the right place the first time. Governance is key, performance management is key, and we heard about the Tracker system earlier. We have got a great opportunity; we have got a new chief executive who seems very capable to myself and many others who have spoken to her. Let us support this proposal, make this better and build on solid foundations.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the proposition? If not I call on Deputy Young to reply.

Deputy M.R. Higgins:

Can I speak please?

The Greffier of the States (in the Chair):

Out of the ether I hear a voice. Who was that?

Deputy M.R. Higgins:

It is Deputy Higgins. I am sorry; I was fiddling with different things. I wish to speak very briefly on this, if I may.

The Greffier of the States (in the Chair):

You have started, so you had better finish, Deputy.

4.1.11 Deputy M.R. Higgins:

All right, thank you, Sir. It has been very illuminating listening to a number of Ministers, Assistant Ministers and others who have got experience of the States. But I am not going to say much because I am asking people to note what is being said by these people and refer to it when it comes to proposition P.71, which will be coming up either tomorrow or the day after. P.71 is trying to address many of the, again, problems we have. I fully support what Deputy Young is trying to put forward here but I think we need to go further. I am putting out an advertisement for P.71 which will be coming up and in the report you will see lots of examples.

[16:45]

I am hoping that many of the Members who talk behind the scenes will give lots of other examples. With that I will just say I shall be fully supporting this proposition.

The Greffier of the States (in the Chair):

Thank you. Does any other Member wish to speak on the proposition? If no other Member wishes to speak, I will call Deputy Young.

4.1.12 Deputy J.H. Young:

I thank all the 11 Members that spoke. I took notes throughout because I thought that was a very illuminating debate where we got down to brass tacks. It is kind of almost like an end-of-term report perhaps. I am absolutely convinced that it is right that I ask the States to have this debate because I think we can learn lessons or at least appoint those Members that are going for re-election, those Members that are seeking Ministerial office and those outside of this Assembly who have aspirations to come in here. They always say when there is a problem the first step is to recognise what the problems are, that is your first step; solving them comes after. I think there is sometimes, I think, I perhaps witnessed a reaction to say we do not want to look at this, the kind of reaction of denial. This debate, I think, has moved us off of denial; there is an issue and it is allowed. I will try and pick up on a couple of points, I think for me why I have brought this is because I am interested in outcomes. I think everything has been said about performance and delivery and achieving results for the public and changes and making the connection between when people stand for election and stand in this Assembly and put forward their portfolios for Ministerial office of what their aspirations are and they are trying to do, that we have systems and ways of working in Government that gives them a good chance that there is going to be outcomes, there is going to be delivery. COVID has messed things up badly this term but I think we can pick up the lesson. Some of those issues are very operational. For me, I am very much more keen on strategy and policy. Perhaps other Members are more interested in perhaps operational detail. I picked up I think the one Member that I do disagree with. I am sorry, Deputy Martin, you and I do have different views of things, we perhaps have. I have always focused on the high level, the high-level policy and I personally do not see this is about checking up on what people at Customer Services are doing or what they are doing in the library or anything of that nature; that is why we employ our staff and officers, that is what they do but it is about setting the priorities. I am sorry to be critical, Deputy Martin, but one passion I had was that we would have a pension policy, we would have a secondary pension scheme, schemes that have been produced in other places. I do remember the former Minister for Social Security putting that up there. It is not about Customer Services and the library. I am sorry, I need to get that out. That is important for me and what I have been able to do, I think in my time, I have been able to achieve some of those things and I want new Members and other Members to be able to achieve more. Senator Ferguson; I mean thank you, Senator, for her support. I think there are lots of operational issues and 117-page reports are absolutely not an exception, they are regular. I have seen in the last few years Government by PowerPoint, PowerPoint presentations rule. I have got real confidence in our new chief executive officer. I think that sort of issue about what processes go on within the kind of nuts and bolts of Government, I very much see as executive work that I believe that our new chief

executive officer has got the understanding and the empathy to do that and I think she has got the skills to do it, providing Members give her the supports and she is given the backing to do those changes. We can move away from and that is one ingredient there. I do feel for the Deputy of Trinity and I thank him for telling us his experiences because overload, absolutely right, what can I say but thank him? Have I got the solutions? No. My proposal sets in train a process to try and arrive at those solutions; that is what I am seeking to do. I think the Deputy of St. Mary, again, echoed that. Policy boards, the Deputy of St. Mary raised that issue. Policy boards, we form these as kind of an experiment this time and I think we have had a separate debate on that. They really need greater formality, they have kind of grown up in an ad hoc sort of way. I think that was one of the subjects I wanted addressed in the terms of reference that I brought that the States did not accept as a review. Because I think policy boards do have the opportunity to take us close to what the Constable of St. John spoke about, about Ministerial boards. I think that also plays to Senator Mézec's point about flexibility as well. Our Ministerial structures need to adapt to what the political priorities are in the election. If the priorities are we have issues like population under management, we have proper political accountability for that. If the issues are after the elections climate change and energy, we have that. If they are social care, we have that. We need to be able to flex and adjust in the way that other Governments do all of the time. I think Senator Mézec is absolutely right there. Perhaps I have been rather harsh on Deputy Martin and I am sorry but where she is, right, is that I am absolutely not about controlling, sitting behind officers on chairs checking what they are doing; it is not what it is about. It is about what goals and directions you set and when things do not happen, as Members have said, when you have expectations that something is going to happen it does not happen, you can sort that out. I can see her point that it could be unsettling to staff, this process of a review but, again, I really have faith and trust in our new chief executive officer. I think, I have to be honest, the previous version was not right for Jersey. I think his plan was born in the idea of breaking the silos and we have broken the silos but, unfortunately, we have created a lot of fragmented silos and I think that is kind of the way I see it. But I think our new chief executive officer understands that. I think there has been a sea change in the last year or so when there has been a change at the top; that has much more settled staff. I believe our staff understand exactly the debate we are having and so I do not think it is a question that they will be surprised, they will be surprised and pleased that there is an agenda to address it and they have to be involved, they have to be part of that. Deputy Tadier exactly a similar thing. We spoke about Assistant Ministers, I think this is where Senator Vallois, I think, did help us out a lot with this because of this idea about the Cabinet Office. This is something which I think I did not pick up on. This is something which has come from Senator Vallois and P.P.C.'s work and I am grateful for that idea. The idea that you have a core, a smaller number of Ministers but you have Ministerials and they would not be Assistant Ministers, they would be other Ministers responsible for different portfolios. The question I would put, is that perhaps a way of using your 21 Ministerial positions that you have got rather more effectively than rather having this hierarchal structure of Ministers and Assistants and all that kind of thing? That would be much clearer. Some Ministers have got Assistant Ministers and others do not, it is a ragbag really of approaches, if I can say that and not unparliamentary. Absolutely right, I think Senator Vallois really gave us a masterclass really from her report and I am so grateful. There was so much there which probably goes beyond what I put in my report but those are all things that need to be picked up in the piece of work that I am asking to be done. Of course the amendment from the Council of Ministers, obviously I was not party to that, I withdrew but I think they have come up with a good plan, that the Council of Ministers and S.E.B. will look at that and this idea of annualised reviews. I think that probably deals with the question of why - perhaps a point that Deputy Martin makes - this has got to be done straightaway as a priority with the new Government. I do not see that. We have got that amendment that the Council of Ministers have brought, that it talks about an annual process and they are reporting back on that, so I think that does overcome. Of course overall there is an imbalance of power at the moment between the Executive and others, and I think if we got this right that will be shifted. In response to Deputy Perchard and the Deputy of St. Peter, I wish I could give them an answer. I could

give you my personal views, I can give Deputy Perchard my personal view but the Deputy of St. Peter puts to me this is a management consulting exercise and he is probably right. That is why we have got a chief executive; that is why we have got D.G.s (director generals) paid £250,000 apiece. I have not got the answers, I do not think any of us do, but my proposition is not giving the answers, it is setting a process to try and arrive at the answers, the how we can do that, how we can square that circle of the various constraints that we have got. Deputy Perchard asked: is there a danger in doing this review? We might go back to the old bad ways of silo committees and so on. I think it inevitably means that our chief executive officer will need to look at what the role of a D.G. is, I think. That should not be threatening, it should be about redefining their roles. Because there is a role; there is a difference between strategy. We need officers that are looking at the high-level picture and joining up the dots across Government, setting strategies. Because Ministers, I think, are going to find that really difficult, if not impossible, to do. They can take political accountability for their policy areas. But I think we need those officers to do that. But that does not mean to say they need to be so integrated into the current structure than the way they are now. I think there are options there in a review and that is my personal view. But please, Members, that is not part of my proposition, that is me responding to Deputy Perchard and the Deputy of St. Peter. Thank you, Senator Mézec, for your experiences and I think you probably have changed your mind a bit, I think earlier on I do not think you were as perhaps as keen in some of the thoughts but thank you for sharing your experiences. I think they are really valuable to help us. But you are right, if there is a new outcome of this, which I hope there is, we need this flexibility, that you spoke of the need for that flexibility in that structure so we can respond around political agendas that come from the electorate. I think I am quite attracted, like you, to the Cabinet office idea but I will leave that for others. I think I have spoken about the Constable of St. John, thank you for that and, Deputy Higgins, I am sorry to say I need to get my head around P.71 and I promise I will do so before we have that debate. I make the proposition and I ask for the *appel*, please.

The Greffier of the States (in the Chair):

The *appel* has been called for. I ask Members to return to their seats. The vote is on P.52 as amended. I ask the Greffier to open the voting, Members online to vote using the chat. If all Members have had the opportunity to cast their votes, I ask the Greffier to close the voting.

[17:00]

The proposition has been adopted.

POUR: 41		CONTRE: 1		ABSTAIN: 0
Senator L.J. Farnham		Deputy J.A. Martin (H)		
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				

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

The Deputy Greffier of the States:

Deputy Martin voted contre.

5. Draft Unlawful Public Entertainments (Jersey) Regulations 202- (P.55/2022)

The Greffier of the States (in the Chair):

We now move on to P.55, Draft Unlawful Public Entertainments (Jersey) Regulations 202-, lodged by the Minister for Home Affairs. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Unlawful Public Entertainments (Jersey) Regulations 202-. The States make these regulations under the Order in Council dated 14th April 1884.

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

These regulations are intended to replace the current triennial regulations, which expire on 20th July this year, without making any material changes. As this expiry date falls in the pre-election period, it has been necessary to bring these regulations before the conclusion of this Government now to ensure that they can be considered in time. These regulations were first introduced in 1992 to address

the issue of illegal raves, and in the absence of relevant primary legislation they were introduced in the triennial form. Members will be well-aware that the Minister or previously a committee president has stood in this Assembly every 3 years since 1995 and asked for these regulations to be renewed. At least since Hansard began in the early 2000s this request has been accompanied with apologies for the matter not having been resolved and promises that things will be sorted out if only 3 more years are allowed. These regulations are now on their 10th renewal. Clearly, this is not satisfactory and Members will understand that it is particularly difficult for me today as this is the first time that 2 requests for renewals have fallen into the same Ministerial term, with the former Minister, Connétable Norman, having brought the earlier triennials in 2019. He was adamant on that day that it would be the very last time this would be brought to this Chamber. Then, of course, COVID happened. Members may be aware that while it is my responsibility to bring these regulations to the Assembly, the matter of administering public entertainment is a cross-government issue which is fundamentally connected to the systems in place for controlling the use of public spaces in the Island. The management of public spaces is a complicated subject and any scheme to achieve fair use needs to balance the needs of residents, the minimisation of disruption and the maintenance of public safety with the commercial interests of entrepreneurs and the wider Island economy. The current systems of space management are also complex, as are the expectations for an improved system. These unlawful public entertainment regulations overlapped to a limited degree with part of the roadworks and events law and both sit alongside special arrangements for public places in the licensing laws and in the various regulations for the policing of beaches, parks and roads. In addition, the Assembly has in the past agreed to delegate authority to the Parish of St. Helier for the licensing of small-scale events within the Parish, as well as to make effective provision for the use of outdoor space for weddings. Consolidating and improving these historic arrangements is a demanding task that will require significant effort across Government. Work began following the last set of triennials with a series of meetings between officers of the then E.D.T.S.C. (Economic Development, Tourism, Sport and Culture) and stakeholders and businesses. However, that work relied heavily on operational staff who were retasked in 2019 to the pandemic response, primarily in the initial stages to tracking and tracing functions. Staff resources have now been returned to the area, but the disruption of normal activity in the events and entertainment area is still ongoing and so work on new systems for event management has been significantly disrupted. Against the backdrop of an unprecedented global pandemic, I believe that my explanation for failing to resolve this issue in this 3-year period is rather more compelling than those given in the past. However, the Council of Ministers and I are not content to simply bring these regulations back to the Assembly and ask for just another renewal without having a clear timed and actionable plan in place to resolve this difficult and longstanding issue. That is why the Minister for Economic Development, Tourism, Sport and Culture has included as part of the Tourism Strategy 2022-2030 the development of new legislation to establish an effective and accessible licensing regime for public events and public entertainment to be delivered prior to the expiry of these new triennial regulations in July 2024. To reflect the expected delivery of this legislation, I have sought to extend these triennial regulations for no longer than necessary. Thus they will expire in July 2024 rather than after the full 3-year period, which would be July 2025. This is a commitment that action on the matter will be undertaken in line with the Tourism Strategy. I maintain the principles.

The Greffier of the States (in the Chair):

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, those in favour kindly show. Those against? The principles have been adopted. Deputy Ward, does your panel wish to call these in?

Deputy R.J. Ward (Chair, Children, Education and Home Affairs):

No, Sir.

The Greffier of the States (in the Chair):

Minister, how do you wish to deal with the regulations?

5.2 Deputy G.C. Guida:

En bloc, please.

The Greffier of the States (in the Chair):

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

5.2.1 Deputy R.J. Ward:

I should just mention from the panel that we have produced a comments paper that says - it is quite nice to finish with some unity between a Minister and Scrutiny - exactly the same thing, that we recognise this has come back to the Assembly on a number of occasions. Without giving away the exciting end to our legacy report, we do mention in the legacy report from the panel that this really does need to be looked at. I think now is the time to do that and I think what has happened is it has gone to the bottom of the priority list I do not know how many times now, a significant number of times. With that said, I think it does need to be looked at in the future.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the regulations? If no other Member wishes to speak,

5.2.2 Deputy G.C. Guida:

Of course, I would like to thank the Scrutiny Panel for their welcome comments on this and if ... no, this will not be the last opportunity, I will have one more during this sitting, but to thank them for their work in general in the 4 years of this term. I think Home Affairs was lucky to have a very efficient and helpful panel. Even though, of course, they were not always fun, it was always important and essential to our work. After that, I maintain the Articles.

The Greffier of the States (in the Chair):

Those Members in favour of the regulations kindly show. Those against? The regulations have been adopted in Second Reading. Minister, do you wish to proceed in Third Reading?

Deputy G.C. Guida:

Yes, Sir.

The Greffier of the States (in the Chair):

Are the regulations seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, those Members in favour kindly show. **[Aside]** The *appel* has been called for. I ask Members to return to their seats. The vote is on P.55, Third Reading. I ask the Greffier to open the voting. Members online are to vote in the chat. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

POUR: 31		CONTRE: 0		ABSTAIN: 0
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				

Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

6. Amendments to Standing Orders - Written Questions (P.57/2022)

The Greffier of the States (in the Chair):

The next proposition is P.57, Amendments to Standing Orders - Written Questions, lodged by the Privileges and Procedures Committee, and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey, with immediate effect. 1. Standing Order 11 [Submission of question to be answered in writing]. After paragraph (4), insert – “(4A) Despite paragraph (3), in a year in which an ordinary election is held, no written questions may be submitted during the period starting with the first week during which, in accordance with Standing Order 7, the States shall not meet and ending with the week during which the selection of Ministers takes place.” 2. Standing Order 12 [Written reply to question]. For paragraph (4), substitute – “(4) If the questioner believes that the reply contravenes paragraph (2A) and wishes to take the opinion of the Bailiff on the matter – (a) the questioner must refer the matter to the Bailiff before 12.45 p.m. on the meeting day of the meeting for which the Order Paper lists the question in accordance with Standing Order 39(2)(a); (b) the Bailiff must give his or her opinion no later than 9.30 a.m. on the working day after the day on which the matter was so referred; and (c) if the Bailiff is of the opinion that the answer contravenes paragraph (2A), the Bailiff must inform the member of the States who gave the reply and direct that

member to submit an answer to the question that does not contravene paragraph (2A) no later than 9.30 a.m. on the working day after the day in sub-paragraph (b).”

6.1 Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

The Committee has proposed 2 changes to Standing Orders in relation to written questions. The first change would stop written questions during the election period. At the moment, written questions are submitted on a weekly basis while the States are in session. When the current system was introduced with the move to a 3-week cycle, it was on a trial basis and consideration was not given at the time as to how the system would work during an election year. Standing Orders do not, therefore, currently prevent the submission of written questions during the election period, unlike the restrictions that apply during this period to meetings of the Assembly and to lodging of propositions. The committee is proposing this amendment which would prevent written questions from being submitted during the election period. Practically speaking, this would mean that this week is the last week in which written questions can be submitted, with responses to be provided by next Tuesday, 3rd May. The first week of the new Assembly in which written questions could be submitted would be the week following the meetings in which Ministers have been selected, the week of 18th July. This would allow for one week of written questions before the summer recess. The second amendment relates to challenging the relevance of a response to a written question. The committee undertook a survey last year and there was a clear majority of Members who wished an extension to the deadline. The current position is that a challenge must be made by 12.45 on the day after the response is received, but with the weekly cycle of questions Members let us know that it can be difficult to keep track of when the deadline for a particular written question falls. This amendment would allow for challenges to be made until 12.45 on the first meeting day after the response has been received and published. The Order Paper must include a list of questions to which a written reply has been tabled since the previous meeting. As the Consolidated Order Paper is circulated on a Monday afternoon, before the start of a Tuesday meeting, this would provide Members with a practical prompt that a challenge could be made to any written question listed on the Order Paper by 12.45 p.m. on the Tuesday meeting day. I am happy to answer questions about these amendments at the end of the debate and I am also prepared to take separate votes on each amendment if Members wish. I make the proposition.

The Greffier of the States (in the Chair):

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, all those in favour kindly show. Those against? The proposition is adopted.

7. Amendments to Standing Orders - Land Transactions (P.58/2022)

The Greffier of the States (in the Chair):

We now move on to P.58, another amendment to Standing Orders, lodged by the Privileges and Procedures Committee and I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendment to the Standing Orders of the States of Jersey, with immediate effect, after paragraph (3) insert - “(3A) If the action described in paragraph (1)(1)(a) to which the document relates is not pursued after a document is presented as required by paragraph (3), the Minister for Infrastructure must notify the Greffier who must inform the Members of the States.”

7.1 Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

The committee is proposing an amendment to Standing Order 168 which governs land transactions. Standing Order 168 requires the Minister for Infrastructure to present a report to the States if,

following a recommendation from Jersey Property Holdings, the Minister has approved the acquisition, disposal, letting or rental of land on behalf of the public.

[17:15]

States approval of this transaction is then assumed once 15 working days have passed and if there has been no objection from Members the contract may then be finalised. The committee noted that there is currently no provision within Standing Order 168 to cover circumstances where a relevant transaction does not proceed. Members will recall that this happened in 2021 when a report was presented to the Assembly outlining the intention to enter into a lease on buildings in Broad Street and Commercial Street for the purpose of office accommodation projects but this transaction did not proceed. Although the story of what happened with this transaction could be found by researching media reports, the committee found that there would potentially be a gap in the public record before the Assembly, therefore the committee is proposing the amendment in order to address this issue. Having consulted with the Minister for Infrastructure, the amendment does not place any obligation on the Minister to provide reasoning but simply to inform the Greffier that the proposed action has not taken place. Once informed by the Minister it would be the responsibility of the Greffier to notify Members that the transaction in question had not proceeded. If Members wanted to know more about the transaction then they could submit questions for the Minister to answer. Thank you and I make the proposition.

The Greffier of the States (in the Chair):

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

7.1.1 Deputy K.C. Lewis of St. Saviour:

The Privileges and Procedures Committee is correct. There is currently no provision within Standing Order 168 to notify the Assembly that a land transaction has not been completed. While it is very rare for a land transaction presented to the Assembly not to proceed, I accept that this is a scenario the public record is left inconclusive. I support the proposed solution, which requires the Minister for Infrastructure to notify the Greffier that a land transaction has not completed. The Greffier can then ensure all Members are advised accordingly and that the public record of the transaction is conclusive. I will conclude by thanking the chair for consulting with me prior to lodging the proposition and I ask Members to support the proposition.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition, I call Deputy Alves.

7.1.2 Deputy C.S. Alves:

I would just like to thank the Minister for his words of support and I would like to maintain the proposition.

The Greffier of the States (in the Chair):

All those in favour of the proposition kindly show. Those against? The proposition is adopted.

8. Amendment to Standing Orders - Election Declaration Form (P.59/2022)

The Greffier of the States (in the Chair):

I come to a third amendment of Standing Orders - Election Declaration Form, P.59, lodged by the Privileges and Procedures Committee and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey, with immediate effect. 1. Standing Order 162 [Form and

content of declaration by candidate for election], delete the words “Senator or”. 2. Schedule 4, delete the words “Senator or”.

8.1 Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

The committee has proposed this amendment as part of the final changes required to fully implement the historic reforms which the Assembly had adopted to its composition and the election process. The amendment removes all references to Senator on the declaration form, which must be signed by election candidates. My apologies, as this should have been included in the earlier raft of Standing Order changes and its omission was an unfortunate oversight on our part. I want to reassure Members that the Jersey Electoral Authority has revised the nomination form and associated documents for use in the forthcoming elections, so the reference to Senators in that process has already been removed. Thank you and I make the proposition.

The Greffier of the States (in the Chair):

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, all those in favour kindly show. Those against? The proposition has been adopted.

9. Amendment to Standing Orders - Removal of References to Senator (P.60/2022)

The Greffier of the States (in the Chair):

The final change to Standing Orders lodged by the Privileges and Procedures Committee, P.60, I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey, with effect from 27th June 2022 - 1. Standing Order 2 [Roll of elected Members]. Delete subparagraph (1)(a) and re-designate the remaining subparagraphs accordingly and delete paragraphs (2) and (3) and renumber the remaining paragraphs accordingly. 2. Standing Order 105 [Modes of reference to other Members of the States]. (a) Delete paragraphs (a) and (c) and re-designate the remaining paragraphs accordingly; and (b) in existing paragraph (d), for the words “not the sole Deputy of a parish” substitute “a representative of a constituency”. 3. Standing Order 115 [Chief Minister: nominations] delete the word “Senator” each time it appears in paragraph (3).

9.1 Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

Again, the committee has proposed this amendment as part of the final changes required to fully implement the reforms which the Assembly has adopted to its composition and the election process. This amendment addresses the practicalities in applying those changes, such as the order Members will be called for the roll call and how Members will be addressed within the Chamber. Specifically the changes remove the word Senator from those Standing Orders where it was necessary to maintain reference to that position until the end of the existing term of office. Thank you, I make the proposition.

The Greffier of the States (in the Chair):

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

9.1.1 Senator S.C. Ferguson:

I hope everyone will keep a close record of these so that when public opinion, which is growing, demands an all-Island vote to come back, they are easily replaceable in the Standing Orders. There is quite a strong feeling in the Island about an all-Island vote and being able to vote for the Chief Minister or somebody they think might be a good Chief Minister. I think that all these separate

constituency changes are a retrograde step and just copying the U.K., which is not very successful anyway. Please, make sure you remember that when Islanders really get their act together that the all-Island vote will return.

The Greffier of the States (in the Chair):

Thank you. Does any other Member wish to speak on the proposition? If no other Member wishes to speak I will call Deputy Alves.

9.1.2 Deputy C.S. Alves:

I would like to thank Senator Ferguson for her contribution there. Obviously I am sure, as Members are aware, this has been quite a big piece of work that has been undertaken here and I am sure that if anything is to change in the future that we have learnt from this experience. I would like to maintain the proposition.

The Greffier of the States (in the Chair):

All those Members in favour of the proposition ... the *appel* has been called for and I ask Members to return to their seats. The vote is on the latest Standing Order change, P.60, and I ask the Greffier to open the voting. Those online to vote using the chat. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 40		CONTRE: 1		ABSTAIN: 0
Senator T.A. Vallois		Senator S.C. Ferguson		
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				

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

The Deputy Greffier of the States:

Senator Ferguson voted contre.

The Greffier of the States (in the Chair):

In answer to the chat from Deputy Higgins, it is never too early to propose the adjournment. **[Laughter]** It might be an opportune moment, given ... the adjournment has been proposed. Is it seconded? **[Seconded]**

Deputy C.S. Alves:

Before we consider the adjournment whether it is worth Members having a think about what we want to do going forward. I know that yesterday we went through quite a number of items but today we have slowed down a little bit and there is still quite a lot on the agenda. I think Members should maybe think about whether we should be sitting late. I know we have already got things arranged for tomorrow after the sitting but maybe Thursday finally and maybe looking at reducing lunches. I just thought I would plant that in Members' minds.

The Greffier of the States (in the Chair):

Thank you, Deputy. Would that be for further consideration perhaps before lunch tomorrow?

Deputy C.S. Alves:

Yes, I think so, Sir.

The Greffier of the States (in the Chair):

The adjournment has been proposed.

The Connétable of St. Brelade:

Sir, before we adjourn I would like to attend a funeral tomorrow morning, which means that wishful thinking demonstrates we could run into P.73. Could I ask that be deferred until the last item, please?

The Greffier of the States (in the Chair):

If you are not present or whatever the outcome.

The Connétable of St. Brelade:

Only if I am not present, Sir.

The Greffier of the States (in the Chair):

Fine, okay. We will make sure that happens. The Assembly, therefore, stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:25]