

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 18th APRIL 2023

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Deputy Bailiff:**

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

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

### **1.2 Tribute to Mr. Hugh Raymond**

I would now like to pay tribute to two recently departed former Members of this Assembly. Hugh Raymond was born in Bristol. He had a varied career, having previously been a history teacher, an area manager for the Cheltenham and Gloucester Building Society. He served as a councillor on Cheltenham and was chair of the Cheltenham Chamber of Commerce. He was chair of both independent and state schools in England. He moved to Trinity in 1995. He was the chair of the Jersey Sports Council and on the committee of the Race Club. He was a longstanding member of the Honorary Police, a Trinity Centenier and president of the Honorary Police Association. He was elected as Deputy of Trinity in 2018 and appointed to a number of Ministerial positions, serving as Assistant Minister for Infrastructure and also for Health and Social Services, and particularly as Assistant Minister for Economic Development, Tourism, Sport and Culture. He was one of the first Members to join the Jersey Alliance Party and had to step back from the last election campaign owing to ill health. But he was in attendance as a special guest when the new skate park facility opened at Les Quennevais on 4th February this year, and he was one of the main driving forces behind this important new initiative for young people. Our thoughts are with his widow, Kay, and the rest of his family at this sad time.

### **1.3 Tribute to Mr. Derek Maltwood**

Derek Ryder Maltwood was born in Jersey in 1939. He was educated outside the Island and became a stockbroker before becoming elected senior partner in the stockbroking firm, Trevor Matthews and Carey. During that time he was president of the Institute of Directors and instrumental in creating the I.o.D. (Institute of Directors) work shadow scheme, which benefited many young people over the last 36 years, giving them an insight into the business world. He was first elected to the States in 1987 as Deputy of St. Mary and subsequently re-elected 4 times, twice unopposed. He was very active on a number of committees, including public services, post administration and was president of the House Committee and the Jersey Transport Authority. His main service was as vice-president of the Finance and Economics Committee, a role he performed for 12 years from 1990 until 2002. For some of that time he was also president of the Harbours and Airports Committee from 1998 to 2002, when he retired from the States. Since the announcement of his death has been received, those who worked alongside him have paid tribute in the media to his exceptional leadership skills and his calm and positive approach. He was a keen golfer and in retirement remained very busy and served the Island in a variety of capacities. As honorary treasurer for Durrell; as a board member of the J.E.C. (Jersey Electricity Company) for some 20 years, 10 as chairman; on the Jersey Heritage Trust board of trustees; as chair of Jersey Opera House Limited; and also as a Procureur Du Bien Publique for the Parish of St. Mary. He retained a strong interest in Island life and politics, making his feelings known about electoral reform when giving evidence to a Scrutiny hearing in 2017. He was predeceased by his wife, Maggie, in 2020 and our thoughts are with their children and grandchild at

this time. I invite Members to stand and observe a silence to reflect on these 2 Members. **[Silence]**  
May they rest in peace.

[9:45]

**Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:**

I sent an email I think yesterday to States Members asking whether they might wish me to make my statement earlier on in today's session so that they can focus on other matters in questions without notice or not, as is their preference. So I thought this might be a timely way to ask their question as to which approach States Members would like to take.

**The Deputy Bailiff:**

This is the statement you proposed to make currently under K, is that right? And the proposition you make, is it that we take that statement now or simply after oral questions but before questions without notice to Ministers? What is the proposition that you make?

**Deputy K.L. Moore:**

That we take this ahead of ... I think in the email it suggested ahead of oral questions but I am happy, really it is a matter for Members as to whether they would prefer that or ahead of questions without notice or not.

**The Deputy Bailiff:**

You must make a proposition so Members know what we are going to debate. Do you want to deal with it now?

**Deputy K.L. Moore:**

We can deal with it now if that is what Members wish.

**The Deputy Bailiff:**

Is that seconded. **[Seconded]**

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

I am not sure how the tradition of ordering the Order Paper in the way it is has grown up but clearly K normally comes after I in the Jersey and in the English alphabet anyway, and it seems to me that we are falling into a new tradition of moving Ministerial statements to the beginning of the Order Paper or nearer to the beginning. I am not sure for whose convenience and so while it is correct that the Assembly should arrange its business as it sees fit in a way that is convenient for the Assembly, if it is a matter of habit now that statements are wishing to be made before oral questions with notice, which I note that Members and Ministers will have prepared for coming into the Assembly expecting ... I know Members have to leave at certain points during the day to deal with perhaps matters that arise, et cetera, for a few minutes here and there, and I think it is fairly disruptive, generally speaking, to move the order without good reason. I would ask the Assembly to consider whether it is a matter of such urgency that we need to take the statement first. Of course if we do it today I would ask that the Privileges and Procedures Committees look in future to moving K to where I is now and moving I to where K is in future, so that we can deal with all Ministerial statements earlier rather than later. Of course the advantage there would mean that we could have a second bite of the cherry but asking

questions, perhaps questions without notice, based on statements. But I do not think that is the intention generally. So I just say that not as somebody who is instinctively conservative but I think we should not necessarily ... if we continue to tamper with the Order Paper on an ad hoc basis over and over again we should consider doing that more permanently so we all know where we stand in future.

**Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:**

I just wondered, following on from the previous speaker, that if I might make a counter proposition that we stick to the order as defined on the Order Paper.

**The Deputy Bailiff:**

You simply vote against the proposition, do you not, in that situation? You simply vote against the proposition.

**Deputy L.J. Farnham:**

Okay, Sir, if that is what you want.

**The Deputy Bailiff:**

If that is what you want to do.

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

I just wondered whether we were going to be sent the statement in advance because we have been previously sent the statements by email or some form, unless I have missed it. And if I have, I apologise.

**The Deputy Bailiff:**

I have not seen it, but the Greffier tells me that it is being circulated soon. How soon is "soon"? There it is. Does any Member wish to speak on this proposition by the Chief Minister. Accordingly I close the debate and invite the Chief Minister to reply.

**Deputy K.L. Moore:**

It really is a matter for Members as to their preference. I simply thought that I would propose this in order if Members felt that it was helpful. If they feel that it is not helpful that is absolutely their call. So I look forward to their decision.

**The Deputy Bailiff:**

Is the appel called for? Yes. The appel has been called for and the proposition is that the Chief Minister's personal statement currently listed to be made at K ... sorry, forgive me, not personal. It is a statement on a matter of official responsibility, namely the statement she has proposed to make on appointing an interim chief executive and the head of public service, be taken now and not when it was due to be taken on the Order Paper. I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes either in the Chamber or remotely, then I ask the Greffier to close the voting. The proposition has been adopted: 26 votes pour, 13 votes contre and 2 abstentions.

<b>POUR: 26</b>		<b>CONTRE: 13</b>		<b>ABSTAIN: 2</b>
Connétable of St. Peter		Connétable of St. Brelade		Deputy K.L. Moore
Connétable of St. Martin		Connétable of Trinity		Deputy M.E. Millar
Connétable of St. John		Connétable of Grouville		
Connétable of St. Clement		Connétable of St. Mary		
Connétable of St. Ouen		Connétable of St. Saviour		
Deputy C.F. Labey		Deputy M. Tadier		
Deputy S.G. Luce		Deputy M.R. Le Hegarat		
Deputy K.F. Morel		Deputy R.J. Ward		
Deputy S.M. Ahier		Deputy L.J. Farnham		
Deputy C.S. Alves		Deputy T.A. Coles		
Deputy I. Gardiner		Deputy M.R. Scott		
Deputy I.J. Gorst		Deputy A. Howell		
Deputy S.Y. Mézec		Deputy T.J.A. Binet		
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy H.L. Jeune				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Chief Minister, has your statement been circulated?

**Deputy K.L. Moore:**

I believe it has.

**The Deputy Bailiff:**

Yes, I think it has.

## **Deputy K.L. Moore:**

Apologies, we did send it a little earlier this morning.

### **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

## **2. The Chief Minister will make a statement regarding the arrangements for appointing an Interim Chief Executive and Head of the Public Service, and the ongoing work to define the future of the role**

### **2.1 Deputy K.L. Moore (The Chief Minister):**

I wish to make a statement as we embark on our search to recruit an interim chief executive. Before I do, I would like to place on record my thanks to Suzanne Wylie for her dedication to leading the public service. Many of us have seen first-hand the time commitment she has given to her work. She has been popular and a steady influence during the transition between Governments and to the public service following years of change. It now turns to us all to continue to focus on delivery for Islanders and to provide a smooth transition to new leadership for the public service. The role of chief executive has, without question, been subject to much discussion and it is quite usual with any senior level resignation, it is right to take time to pause and to think about whether the role needs redefining to meet present and emerging needs. I am considering this along with colleagues from the public sector, Ministers and non-Executive Members. The outgoing chief executive has also contributed to this process, offering her own helpful insight. The resignation of a C.E.O. (chief executive officer) impacts upon the dynamics of an organisation and naturally it is my priority and my responsibility to ensure that we provide stability to the public service as we go forward to recruit a replacement. I have huge respect for our colleagues across the civil service, and I appreciate that there may be concerns about any subsequent changes that may take place. The public service has recently endured significant change over a prolonged period of time and there is no intention to create such uncertainty again. It is also critical that, as a Government, we do not become distracted from the agenda that we have been elected to deliver for our community. Equally, it is important to think carefully and with objectivity about how the role can be delivered successfully in the future, with the right conditions to ensure the best outcomes for Islanders. The way forward therefore has 3 elements: firstly, the recruitment of an interim appointment; secondly, taking time to review whether any high-level changes are required to the office; and then the recruitment of a permanent successor. The process for the recruitment of an interim will begin immediately, with tenders going out to recruitment agencies this week, which will include local agencies. It is being overseen by the Jersey Appointments Commission. I am keen to see the membership of the selection panel for the role broadened, to include additional independents, and individuals with a more local perspective and involvement than has previously been the case. The role description is being worked on and will be in the public domain once the recruitment process starts. I want to be absolutely sure that it reflects what the priorities for the interim role are, which will include: supporting the Council of Ministers, by offering clear advice and ensuring our priorities for the Island are delivered; supporting the senior leadership in delivering improvement of our services and governance so that our fine public services can run smoothly and efficiently and concentrate on doing what they are trained to do, in terms of protecting and supporting the public; reviewing the number of direct reports to the chief executive and to make the leadership model more manageable; and preparing the organisation to move into the new Cyril Le Marquand House. This is an opportunity to further develop and modernise our culture and working practices, for example moving to a paper-free environment. I am pleased to say that there have been many expressions of interest in the role of interim from talented local people and I hope that others, who are considering how they can contribute to the public life of the Island, will put themselves forward for consideration whether they be from the public or private sectors. This process should be complete by the beginning of June, to enable some time for the interim to be in place in

order for a good handover before the current C.E.O. leaves to take up her role at the beginning of July. Turning to the recruitment of the substantive successor, this process will also be subject to the oversight of the Jersey Appointments Commission and many of the same considerations will apply. The aim is to commence the recruitment process soon and I hope that we can use much of the work undertaken for the interim role as a basis for this. At this stage, it is difficult to say much more about the process or timeline, however it is likely to take between 6 and 12 months before a permanent chief executive is in place. This allows for time, if required, for any candidate to serve any notice period in their current role. The other element related to the recruitment of the chief executive is the review of any high-level changes required within the organisation. The successful delivery of Government rests, of course, on the skills, motivation, energy and infrastructure of the whole of the organisation.

[10:00]

Now is the time to ensure that we put in place key corporate arrangements that provide the accountability that Islanders were calling for at the election. Equally, it is evident that a small, well-focused corporate management board is needed to support the C.E.O. Looking back at the words of the former interim chief executive, as he reflected on his time in Jersey, he told the Chamber of Commerce that there are “considerable opportunities for improved efficiency and value for money.” In my statement to the Assembly when seeking to become Chief Minister-designate, I set out that I would create a Cabinet Office and increase the accountability of departments to their Ministers. This followed recommendations that had been made by the former P.P.C.’s (Privileges and Procedures) Democratic Accountability Subcommittee which conducted a review and made a report. The Cabinet Office should be a direct support function to the Council of Ministers and not just another department of government. This will require leadership that is focused on a culture of service to Ministers, not distracted by heavy corporate or operational systems. With significant delivery departments such as health, education and children’s services as well, the role of the chief executive spends a considerable amount of time on operational matters. This can be detrimental to the time available for strategic thinking and policy research and development. In 1971, the late Colin Powell, a much-respected public servant for over 40 years, published his Economic Survey of Jersey. This was to be one of the most significant economic papers for the Island. This forensic, evidence-based, challenging and daring thought leadership is needed now, as it was then. The Island requires entrepreneurship in all sectors at a time of significant change and challenge. This thinking should be within the Cabinet Office, led by Ministers and informed by the best intellect from the Island and around the world. As Ministers, we are accountable for our policies, and it is only right that we are given the tools to implement them effectively and quickly. Members who have served in Scrutiny before will understand how they have become more effective through the additional investment in the States Greffe to provide support, research, communications, and secretariat functions. Improvements that I advocated for when I was president of the Scrutiny Liaison Committee. We are a relatively small organisation, but complex in how we work and what we deliver. This requires good governance, strong performance management and clear lines of accountability. It also requires focus. The C.E.O. should be able to focus on operational excellence. Ensuring that there are the right strategies, systems and processes in place to provide assurance around the outcomes and delivery that are critical to operating a well-oiled machine. I think we all have our own experiences when we meet our constituents that the machine needs repair, and T.L.C. (tender loving care) in some areas, and that they require a technician who knows what to do. Recent events create the right moment to shape this key role, to create the right conditions for serving the Government and, in turn, the whole of the Island. It is my ambition that by getting the next sequence of actions right, a successful structure will emerge that will be both effective and enduring for the Island. This statement has intentionally focused on the future. What is important now is how we take the Island forward and attract the best

candidate who can work with us and make a long-term commitment to Jersey and our mission of creating a community where everyone can thrive. [Approbation]

**The Deputy Bailiff:**

Thank you, Chief Minister. We now move to 15 minutes of questions, and the first question is from Deputy Farnham.

**2.1.1 Deputy L.J. Farnham:**

Does the Chief Minister consider that any aspect of her own conduct contributed to the resignation of the chief executive?

**Deputy K.L. Moore:**

No, I do not. The chief executive gave her reasons for her resignation in her letter, which has been shared publicly.

**2.1.2 Deputy L.J. Farnham:**

In which case, would she consider that any of the conduct of any of her fellow Ministers or Assistant Ministers might have contributed to the resignation of the chief executive?

**Deputy K.L. Moore:**

The answer would be exactly the same.

**2.1.3 Deputy M. Tadier:**

The Chief Minister has chosen to frame her statement very much in a way that looks at systemic problems in the role of the chief executive officer but these have only happened post that, so when the chief executive resigned and left it is only then that the Chief Minister said there is an issue with the role rather than a personality issue. Does she accept that, as has been said by one of her own senior Ministers, there were personality issues and that there were some Ministers in her Council of Ministers who found it difficult to work with the chief executive or rather who seemed to make her life difficult? Also, perhaps that there was an element of British xenophobia within some of her Council of Ministers. We have heard the word “local” used 3 times in a desire to recruit a local candidate with a local perspective. Is there a push within her Council of Ministers to perhaps pander to those in our community who are xenophobic towards the English and the British?

**Deputy K.L. Moore:**

Of English descent myself, I would entirely refute those final suggestions. That is completely news to me. Taking the first point of the Deputy's question. I think it is important to say that the Council of Ministers is a diverse group of people who have different views. I believe that the Minister for Infrastructure made his comments before seeing the letter of resignation from the chief executive and I think he is alone in the Council of Ministers in holding the view that he shared with the public.

**2.1.4 Deputy M. Tadier:**

The Chief Minister mentioned reasons given in a resignation letter. Does the Chief Minister acknowledge that in the real world what people put on public record for everybody to see is not necessarily always the delicate reasons that might be playing out in the background, which might cause somebody over a period of time to reconsider their position? We are after all dealing with somebody who is very high profile, very experienced, and I know that many of her current Ministers spoke very highly of her, who had to give up her home, come to a small island in the Channel, as we know, and no doubt make many sacrifices. Does she take into account that the real reasons may not be in the public domain for her resignation?

**Deputy K.L. Moore:**

The reasons given are those stated in the resignation letter and I have no reason to consider otherwise. I believe that this is an employment matter. We have a duty of care to an employee, whatever level within the organisation they may hold, and we all make sacrifices for public service. I think Members here all share and understand exactly what that means but I would ask Members to consider the duty of care that we have towards an employee when considering their reasons, whatever they may be, other than those stated in a letter of resignation.

**2.1.5 Deputy M.R. Scott of St. Brelade:**

The Chief Minister has mentioned in her statement the potential split in the role of C.E.O. to adviser to Ministers and a more executive role for the organisation. This was one of the recommendations in what is known as the Democratic Accountability and Governance report. Does the Chief Minister agree that these recommendations, not having been approved by the States Assembly, should be approved by the States Assembly before implementation and has she lined up potentially a replacement or a new Cabinet adviser among existing senior civil servants despite their associations with a poor culture that does not know what good is.

**Deputy K.L. Moore:**

I thank the Deputy for those many questions and I will endeavour to answer all of them. With regard to the Democratic Accountability report there are a series of recommendations, and I believe it is for everyone to consider those recommendations and take action as they see fit. Indeed the Corporate Services Scrutiny Panel have on occasions asked about some of those recommendations and I have given my answers as best I could in light of the situation. Of course this time now, as the chief executive identified in her letter, identifies an opportunity to redefine the role and take into account the recommendations of that Democratic Accountability report now that we have the opportunity to do so. That is what we are doing and it is right to take that moment to pause and reflect how those recommendations can be built into progressing the role and the organisation forwards. Unfortunately the second part of the Deputy's question, perhaps I could ask her if I have adequately answered.



**Deputy M.R. Scott:**

I am not sure the Chief Minister has adequately answered my first question which was whether the States Assembly should not be approving these recommendations in the D.A.G. (Democratic Accountability and Governance) report before they are implemented. But in terms of the second question, it was whether she is lining up a new separate adviser of the Minister among the current civil servants notwithstanding their association with a poor culture that does not know what good is.

**Deputy K.L. Moore:**

Thank you, Assembly, for giving me the time to listen again. I stand by my first answer in terms of recommendations and giving consideration to them, which is the proper process. In relation to lining anybody up for any particular role, of course we will go through ... if new roles are defined we will go through the appropriate recruitment processes and I would expect to see an open process dealt with through the Jersey Appointments Commission if that is the decision and the route that is taken.

**2.1.6 Deputy S.Y. Mézec of St. Helier South:**

Does the Chief Minister consider that the combined facts that we now have 3 C.E.O.s who have left in recent years in circumstances surrounding which there is a lot of conjecture, along with the facts that one of her senior Ministers has described her own explanation as to why the current C.E.O. has departed as disingenuous, which she would not allow to be used if it were used in this Assembly, will have an impact on the recruitment process for C.E.O. if it is not addressed and some form of independent investigation take place into the allegations that have been made so that we can have confidence that they have been dealt with properly rather than simply denied?

**Deputy K.L. Moore:**

I said earlier that the Minister is alone in the Council of Ministers in having that view, and I stand by that. I do not think there is any need for an independent investigation. It is simply a difference of opinion. Taking the wider context of the number of chief executives that we have had in recent years, I think sometimes there are people and circumstances that collide and do not work. Not all of our decisions in life in any respect work and so people sometimes take necessary changes to deal with those and each of those sets of circumstances have been individual to that particular time period and people. What I think is important is that we move forward and that we find the right fit for the right time, and offer the island an opportunity to deliver on the outcomes that we have promised to the electorate that we will deliver upon. That is what is important. That is why we asked people to go out to vote last June and I think we should all focus on doing that. Of course we need to make sure that the operational aspect of the organisation that supports us in doing so is working at its absolute optimum.

**2.1.7 Deputy S.Y. Mézec:**

Does the Chief Minister think that we will get the best candidates and ultimately the best person recruited for this role when there continues to be such conjecture, which the Chief Minister simply insists on brushing off rather than taking any tangible action to demonstrate that accusations, which have not just been made by a senior Minister but also by, we are told, senior people working in the civil service, that there are greater problems than the Chief Minister seems to be prepared to accept that there are.

[10:15]

**Deputy K.L. Moore:**

I would take any suggestion of a poor culture very seriously. In fact when I chaired the Corporate Services Scrutiny Panel we led a review into people and culture. It is part of my personal leadership and it is part of our Government's approach. We have adopted the values of the organisation and one of those is of course "I am respectful". I have also asked that we invite HR Lounge to return to the Island to conduct a follow-up on the work that they have done previously to take their own independent view of the culture and of the organisation. I think that that is the right way to approach it. In terms of the comments and the suggestion that there have been whistle-blowers, I think it has equally been suggested that perhaps those were not genuine but of course we have a process that is in place, it is well-known process and there is a Commissioner for Standards also. Anybody who has genuine concern is open to pursuing any of those avenues. The final part of the Deputy's question was about a recruitment and whether the role would attract any attention or interest whatsoever. I mentioned in my statement that we have already heard from people who are showing an interest in taking on the role of interim, and I think that that is really pleasing. These are really high-quality people who want to serve the Island and who care deeply about the Island and its future. I think that is a really exciting opportunity and I look forward to seeing who else may come forward through this process.

**2.1.8 Deputy R.J. Ward:**

I must say it is disappointing that we did not have the statement in advance when we knew it was going to happen. I noted down that the Chief Minister said this would make the leadership model more manageable. I would quote from the statement but scanning through it so quickly, having just seen it, is difficult. Can I ask the Chief Minister: more manageable by who?

**Deputy K.L. Moore:**

I think what I said in the statement was it is about the number of reports to the chief executive and that is something that has been fed back to us from the current incumbent, that there is a request that we look at the number of direct reports because anyone who has held a senior leadership role such as that, will consider that 13 is simply an unmanageable and difficult to manage number.

**2.1.9 Deputy R.J. Ward:**

Are we looking at the current lines of accountability going to a lower level of the structure or simply to Ministers and cutting those structures out completely?

**Deputy K.L. Moore:**

As I said, we have a complex organisation that delivers a variety of services to the public in the most part, and also to Ministers in the Executive part. That is what is under consideration now, is we consider how we best move forward. Of course, in the first instance, I think the Deputy is very familiar with the work of the Democratic Accountability Subcommittee. We look to that document for some guidance and insight. That certainly talked about a Cabinet secretary and Cabinet Office, I think, so that is why those considerations are taking place.

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

I would not have used the same words, but Deputy Tadier asked my question earlier.

**The Deputy Bailiff:**

The period of 15 minutes has expired but under Standing Order 68(3)(a): “A Member of the States may propose without notice the time allowed for questions be extended by 15 minutes.” Is that proposed?

**Deputy S.Y. Mézec:**

Yes, Sir, can I propose that?

**The Deputy Bailiff:**

Seconded? [**Seconded**] Any observations on that? In that case the time is extended.

**2.1.10 Deputy L.V. Feltham of St. Helier Central:**

Having met the C.E.O. a few times in my capacity as chair of Public Accounts Committee, my view is that it is unlikely that a decision to leave her role would have been taken lightly. She is obviously very well regarded by her colleagues and Ministers. In any normal work situation where you do have a good rapport with the people that you are working with, the idea of resigning may well be discussed before a resignation letter is handed in. Can the Chief Minister confirm whether any discussions were held with the C.E.O. prior to her handing in her resignation letter and what steps the Chief Minister took in order to try and avoid this situation and keep a person who appears to be a highly competent individual in the employment of the States of Jersey?

**Deputy K.L. Moore:**

The first I knew of the chief executive’s decision to resign was when she met with myself and the vice-chair of the States Employment Board and told us of her intention.

**2.1.11 Deputy L.V. Feltham:**

Can the Chief Minister confirm the date of that meeting?

**Deputy K.L. Moore:**

That was 14th March.

**2.1.12 Deputy S.G. Luce of Grouville and St. Martin:**

Deputy Feltham beat me to it because I was going to ask the same question but can I ask the Chief Minister, it was obviously then a surprise that she received the letter of resignation. Did she make any effort at all to work with the current C.E.O. to try to resolve the issues and to persuade her to stay?

**Deputy K.L. Moore:**

On this occasion, it was made quite clear that this was the decision and there was no moving from it.

**2.1.13 Deputy S.G. Luce:**

Is that a no then?

**Deputy K.L. Moore:**

There have been many conversations with the chief executive since that time and her view is clear.

**2.1.14 Deputy S.Y. Mézec:**

The Chief Minister has made multiple references to the P.P.C. Democratic Accountability Subcommittee and their recommendation that the Cabinet Office ought to be led by a Cabinet secretary rather than the C.E.O. Can I ask the Chief Minister why this was not done in the first place when the Cabinet Office was set up and what views, if any, the chief executive had given to the Chief Minister about the C.E.O.'s role in leading that part of the public service?

**Deputy K.L. Moore:**

The person that I have been working with is the chief executive and they were employed to be both the head of the public service and the lead person to advise the Council of Ministers. It is still the view that the chief executive could and may fulfil both of those duties and, of course, I have had a duty to the person in that role and I was very careful in expressing my answers to you in the Corporate Services Scrutiny Panel questions that you, yourself, have put to me in the past.

**The Deputy Bailiff:**

Through the Chair.

**Deputy K.L. Moore:**

Apologies, Sir. That the Deputy has put to me.

**2.1.15 Deputy S.Y. Mézec:**

I would remind the Chief Minister who is in charge of the Island. It is the elected Chief Minister, not the unelected chief executive and if the Chief Minister decided to abide by the recommendation of that P.P.C. subcommittee and establish a Cabinet secretary she is within her rights to do so. Did the Chief Minister make any attempts to reshape the role of C.E.O. earlier on in her term of office along the lines that all of a sudden now she cannot appear to want to talk about anything other than, when this has not been done in the months of her leadership so far.

**Deputy K.L. Moore:**

I think the Deputy will understand, he has a good grasp of the law, that a person is employed to fulfil duties and therefore any change to those duties would have to be handled in a certain way so as not to break that employment law and the duty that we have to people who have been employed to conduct the role that they have been employed to take on. We have of course discussed how the Cabinet Office can best function within those roles and responsibilities.

**2.1.16 Deputy M.R. Scott:**

In her answering, the Chief Minister has suggested 13 is not really a manageable number. I was just wondering if the chief executive had expressed any views regarding the numbers of people that might be managed in an organisation, bearing in mind that, like me, many people in the Island have been members of partnerships that have at least 20 people. That there are people who actually manage organisations of many thousands of people and whether she expressed a view in terms of her contract

of employment and its non-alignment with the suggested role of or change in role of the chief executive?

**Deputy K.L. Moore:**

These are conversations are still under way. I think what is really important, and what we must all focus on, and we are certainly committed to achieving, is delivering the best outcomes for the public and ensuring that the public service is running at its optimum. That, of course, ensures that the structure at the top is right and well-managed and easy to manage and that people are clear in what they are there to do. To deliver for the public, and we are focused on finding the best way forward.

**2.1.17 Deputy M.R. Scott:**

Could I just be clear, had the chief executive expressed a role about her ability to manage the role of chief executive as it is currently defined or not?

**Deputy K.L. Moore:**

This issue has come to light since the resignation letter was received. I think the contents of that letter identify the opportunity to redefine the role and therefore conversations have ensued since that.

**2.1.18 Deputy L.J. Farnham:**

Could the Chief Minister explain why she publicly stated she was only verbally informed of the resignation of the C.E.O. after a meeting on 14th March and further stated that the resignation was only confirmed in writing the following week? Then subsequently stated that she was informed verbally and in writing on the very same day, namely 14th March. Why did she give that wrong information?

**Deputy K.L. Moore:**

I already stated publicly that I became muddled and I was not clear about those very detailed aspects of the situation. You will appreciate that there were many events occurring at that time and as soon as I recognised that there had been a lack of clarity in my statements then I put it right and I did that at the earliest possible convenience.

**Deputy L.J. Farnham:**

I am not sure this relates as a supplementary. I will wait and then try and ask another one, if I may.

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

Given that we are now looking at chief executive incumbent number 6 going ahead, would the Chief Minister agree that it would be useful to bring in the former chief executives, probably 4 of them now, who held the role to gauge their views on how the new job might be shaped because clearly there is an issue going forward and I would support the reshaping of the role, but I also think it is important to use the expertise of those who have gone before. Would she confirm that?

**Deputy K.L. Moore:**

I thank the Constable for an excellent suggestion. We have received input from one former chief executive, formerly Sir John Mills - I think I can say that - and I would be happy to engage with any

others who wanted to share their views and experiences so that we can define the best way forward to best serve the public of the Island.

**2.1.20 The Connétable of St. Brelade:**

In addition to that, will she be consulting with the Appointments Commission who of course are responsible for the appointment through the S.E.B. (States Employment Board) I presume.

**Deputy K.L. Moore:**

The Appointments Commission are engaged in this process already and they are currently assisting us in that process as it gets started.

**2.1.21 Deputy M. Tadier:**

This may not be my view but I have heard it said outside the Assembly that when the Chief Minister missed the last Assembly because she had been invited to a dinner in London with, I believe, an ambassador, that it was good timing. Of course that led to a situation which meant that the Deputy Chief Minister, in the opinion of some in the Assembly, misled the Assembly when he said that he knew of no resignations when he of course did know a week before.

[10:30]

To clear up any suspicion, would the Chief Minister clarify when she received the invite to go to London for that dinner and will she circulate it?

**Deputy K.L. Moore:**

I would be happy to circulate the date of the invitation because I cannot recall what it is at the top of my head right now. It was some time in advance of this sitting. I think it is really important to say that generally questions without notice are completed before lunch at the moment and on that particular occasion it fell that there was an appointment to a panel and that threw the timing out. When I recognised that that timing was going to be an issue I asked the Assembly if they would kindly bring questions without notice forward, so I had every opportunity to conduct questions without notice myself ahead of having to travel for my pre-arranged meeting.

**2.1.22 Deputy M. Tadier:**

Yes, I recognise that and I look forward to the information. Following on from that, given the fact that the Deputy Chief Minister was, therefore, deputising for the Chief Minister, does she think it is credible that when he was asked by Deputy Farnham about whether he was aware of any future possible resignations that we could expect, he joked, first of all, that it might be his own resignation, even though he is not a member of the Health Department and he said that he was not aware of any. Is it credible that the response given on behalf of the Chief Minister's office was that he thought the question related to health officials when there was nothing in the question that indicated that that should be the case, bearing in mind his own joke?

**Deputy K.L. Moore:**

Deputy Farnham's question began with in regard to the Health Department and I think it was absolutely rational. Indeed, the Bailiff, I believe, has provided his own opinion but objectively the question was in relation to the Health Department.

**2.1.23 Deputy R.J. Ward:**

Is it not simply the fact that underlying this rather generic statement that has been made today is an admittance that the officers within the Government are too powerful and are driving the agenda, rather than the Ministers, due to a void in actual policy of elected Members?

**Deputy K.L. Moore:**

I think that Ministers are there to direct and to deliver policy and that is what we are accountable for, and that is what I said in my statement. I believe that we have a good number of policies from all of our collective manifestos and together we are quite capable of reaching a view and finding the best way forward. We are really pleased to be the public in the room on those occasions to debate and discuss the best way forward and to find what we collectively agree to be the best way forward to serve the Island.

**2.1.24 Deputy R.J. Ward:**

The Minister is saying in terms of the relationship of power and influence over the direction of policy. Can the Chief Minister state what proportion is coming from officers and what proportion are coming from individual Ministers in each individual Ministry?

**Deputy K.L. Moore:**

It is not something that I have any opportunity to calculate proportions, despite the Deputy's scientific bent of course. There is a structure, a structure within which we work and we do our best to deliver within that structure.

**The Deputy Bailiff:**

The last question within the allotted time will come from the Connétable of St. Clement.

**2.1.25 Connétable M. O'D. Troy of St. Clement:**

Would the Chief Minister agree that it is highly unusual to let a highly-regarded individual chief executive go without some form of a fight, i.e. "What can we do for you? What would you like? Would you like greater secretariat? What can we do?" But to just say "You have resigned, okay, thanks very much, bye."

**Deputy K.L. Moore:**

That is not a laughing matter and it is a reasonable question and I thank the Constable for it. Of course there is a huge amount of disappointment in this but the terms are such that it is a definitive decision. Yes, of course there have been discussions about what else could happen but we are where we are. The best thing now for the Island is to learn from this experience, to take the advice and good counsel of our outgoing chief executive and to work out how best we can move forward and deliver for Islanders.

**The Deputy Bailiff:**

Thank you, Chief Minister. That concludes the period of time allotted for questions in relation to the statement.

## QUESTIONS

### 3. Written Questions

#### 3.1 Deputy M.B Andrews of St. Helier North of the Chair for the States Employment Board regarding Government headcount (WQ.116/2023)

##### Question

Will the Chair provide the total headcount for each Government department for each year from 2018 to 2022?

##### Answer

Please find extracts from the Annual Report and Accounts which provide a breakdown of total headcount by Government Department for the years 2018 – 2021. Links are provided below to the original Annual Report and Account documents from which the presented information has been taken.

**Note:** Data for 2022 is currently under review and audit ahead of its publication as part of the 2022 Annual Report and Account and States Employment Board annual report.

[2021 Annual Report and Accounts](#) (Page 272)

[2020 Annual Report and Accounts](#) (Page 206)

[2019 Table: Annual Report and Accounts 2020](#) (Page 206)

[2018 Table: Annual Report and Accounts 2019](#) (Page 151)

2021		
Department	Headcount	FTE
Chief Operating Office	267	261
Children, Young People, Edu & Skills	2340	1946
Customer and Local Services	323	303
Department for the Economy	33	32
Health and Community Services	2475	2294
Infrastructure, Housing and Environment	592	573
Justice and Home Affairs	756	731
Non-executives and Legislature	217	201
Office of the Chief Executive	81	78
States Assembly	49	47
Strategic Policy, Performance & Population	113	97
Treasure and Exchequer	324	311
Subsidiaries	324	312
<b>TOTAL</b>	<b>7894</b>	<b>7186</b>



2020		
Department	Headcount	FTE
Chief Operating Office	203	196
Children, Young People, Edu & Skills	2268	1871
Customer and Local Services	287	268
Health and Community Services	2371	2194
Infrastructure, Housing and Environment	631	609
Justice and Home Affairs	744	721
Non-executives and Legislature	213	196
Office of the Chief Executive	102	99
States Assembly	44	42
Strategic Policy, Performance & Population	96	92
Treasure and Exchequer	270	259
Subsidiaries	415	372
<b>TOTAL</b>	<b>7644</b>	<b>6919</b>

2019		
Department	Headcount	FTE
Chief Operating Office	189	181
Children, Young People, Edu & Skills	2221	1831
Customer and Local Services	273	255
Health and Community Services	2306	2119
Infrastructure, Housing and Environment	566	549
Justice and Home Affairs	710	692
Non-executives and Legislature	227	210
Office of the Chief Executive	68	65
States Assembly	23	22
Strategic Policy, Performance & Population	83	80
Treasure and Exchequer	223	215
Subsidiaries	428	426
<b>TOTAL</b>	<b>7317</b>	<b>6645</b>

2018		
Department	Headcount	FTE
Chief Ministers Department	238	227
External Relations	13	13
Economic Development, Tourism, Sports Cult	115	97
Education	2206	1628
Department of the Environment	124	115
Health and Social Services	2564	2320
Community and Constitutional Affairs	682	651
Social Security	247	233
Department for Infrastructure	348	346
Treasury and Resources	197	191
States Assembly (excluding States Members)	28	26
Non-Ministerial	225	203
<b>TOTAL</b>	<b>6987</b>	<b>6050</b>

### **3.2 Deputy M.R Scott of St. Brelade of the Chair of the Privileges and Procedure Committee regarding the costs arising from the recent Vote of No Confidence (WQ.118/2023)**

#### **Question**

Will the Chair provide a breakdown of the cost to the public arising from the recent Vote of No Confidence in the Chair of the Health and Social Security Scrutiny Panel in respect of –

- (a) States Members' time; and
- (b) States Greffe Officer time?

#### **Answer**

The Committee does not hold information on the cost to the public in terms of Officer or Members' time. Votes of No Confidence, and indeed any matters relating to States Assembly business, are business as usual activity, not additional or discrete processes where costs can be identified.

### **3.3 Deputy R.J. Ward of St Helier Central of St. Helier Central of the Minister for Children and Education regarding staff in the education system (WQ.119/2023)**

#### **Question**

Will the Minister advise how many staff in all sectors of the education system are currently employed on 1-year contracts?

#### **Answer**

There are 13 staff in all sectors of the education system who are currently employed on 1-year contracts of employment.

### 3.4 Deputy T.A Coles of St. Helier South of the Minister for Children and Education regarding support staff roles (WQ.120/2023)

#### Question

Will the Minister provide, for any support staff role that is considered to provide counselling, emotional support or any kind of therapeutic support or supervision –

- (a) the job title;
- (b) any minimum qualifications required to perform the role;
- (c) any requirements there are for Continuing Professional Development (CPD); and
- (d) any requirements there are for professional supervision?"

#### Answer

(a) Job title	(b) Minimum qualifications	(c) CPD requirements	(d) Professional supervision
School counsellor	Level 4/5 Counselling Registered with BACP	Half-termly networking and CPD meeting (2 hour)	Clinical supervision Monthly (1:30)
ELSA	Teaching assistant within a school with 6 days ELSA training followed by one year portfolio completion to become registered ELSA.	Half termly CPD session and networking with other ELSA's (1 hour).	Half termly group supervision (1 hour)
CAMHS Nurse	Degree in Nursing	Registered with NMC PIN and to do this need to have completed 35 hours every 3 years.  Registered with the local Care Commission  Registered/insured with a union	Monthly clinical supervision
Family Partnership Worker (Children & Families Hub Service)	Level 4 Working with Children, Young People and Families	No mandated requirement. Staff are offered in-service and external CPD opportunities to develop skills and knowledge.	Monthly supervision by Senior Practitioner
Systemic Family Therapist (Children & Families Hub Service)	Bsc Honours Degree, Diploma Family Therapy	12 hours systemic CPD/year and 6 hours psychotherapy CPD/year	1½ hours/ month from a qualified Systemic Supervisor

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CAMHS Assistant Psychologist	Degree in Psychology (accredited with the BPS)	3.75 hours a week	1.5 hours clinical supervision a week.
CAMHS Systemic Family therapist	Bsc Honors Degree, Diploma Family Therapy and Masters In Systemic Psychotherapy	12 hours systemic CPD/year and 6 hours psychotherapy CPD/year	1½ hours/ month from a qualified Systemic Supervisor
CAMHS Clinical Psychologist including LAC Psychologist	Undergraduate degree and after clinical experience, a 3-year doctoral training programme  (Psychotherapy training takes between 4 and 6 years)	Adhere to standards set out by HCPC	Supervision varies for each professional, it is a combination of individual supervision from staff in house, specialist supervision from colleagues outside of the team and group supervision
CAMHS Art Psychotherapist	Master's degree in Art Psychotherapy	Affiliated to a professional body and CPD will be according to profession.	Monthly supervision from Clinical Psychologist
CAMHS Associate Specialist	Primary Medical Degree, Registered with the GMC with a licence to practice.  5 years experience	50 hours per year, at least 30 must be clinical	Fortnightly supervision by a consultant
Substantive Consultant psychiatrist	Primary Medical Degree, MRCPsych or equivalent  Registration with the GMC, on the specialist register and have a license to practise	50 hours per year, at least 30 must be clinical	No specific requirements but it is recommended so we meet weekly for peer supervision and every 2 months with Guernsey Psychiatrists
Locum Consultant Psychiatrist	Primary Medical Degree, Registration with the GMC, on the specialist register and have a license to practise	50 hours per year, at least 30 must be clinical	No specific requirements but it is recommended and if they do not have specific qualifications, they would be given increased levels of supervision

Social Worker	Undergraduate Degree in Social Work	Register with Social work England and must record 2 pieces of CPD each year with Social Work England  Register locally	Monthly supervision
CAMHS Behaviour Advisor	Masters of Education  Board Certified behaviour analyst certification	32 hours of CPD every 2 years	Monthly clinical supervision
CAMHS Mental Health Practitioner/Primary Mental Health Worker	Professional Degree (Currently includes psychology, counselling, nursing, social work, or OT)	Affiliated to a professional body and CPD will be according to profession.	Monthly supervision from Clinical Psychologist

**3.5 Deputy S.G Luce of Grouville and St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding risk assessments and tax income (WQ.121/2023)**

**Question**

Will the Minister advise –

- (a) whether his department (or any other Government department) undertakes risk assessments as to the medium to long term resilience of the Jersey economy to maintain a tax income to match Government expenditure, exploring the possible impact of hypothetical scenarios such as the taxable income of the finance industry stagnating or contracting;
- (b) if such risk assessments are carried out, to what frequency; what are the terms of reference and where can copies of the risk assessments be accessed;
- (c) if no such a risk assessment is undertaken, why not, and how does the Government of Jersey adequately plan for the economic development and wellbeing of the Island, and any future spending, without factoring in this information; and
- (d) whether, where there is no risk assessment as in (c) above, he will consider commissioning an assessment immediately, informing the Assembly of its terms of reference and maintaining and or updating such assessment on an annual basis; and, if not, why not?

**Answer**

A range of risk assessments are undertaken routinely across Government relating to Jersey's economy. These are largely carried out under the normal governance and risk management processes detailed in the Accountability Report (within the published Annual Report and Accounts) each year. For example, the 2022 report (to be published shortly) will reference economic risks at a high-level.

Under the Enterprise Risk Management framework, Departments are responsible for monitoring and mitigating risks and issues which may emerge whilst carrying out their mandates. In the Department for the Economy, the leadership team meets monthly to update the risk framework. This includes medium-long term risks to the economy as well as sector specific risks. Other departments also assess

related risks such as the Treasury and Exchequer monitoring the risk of economic changes on public finances. This process is not made public due to its sensitive nature.

In addition, the Fiscal Policy Panel (FPP) provides independent advice on: the strength of the economy, the sustainability of public finances in the medium and long term, and fiscal policy including the balance of tax and spend. The FPP factors in economic risks as part of their published Annual Report every November, the Economic Assumptions every March, and the Medium Term Report every four years.

The FPP's work also informs the income forecasting undertaken by the Income Forecasting Group (IFG), which under the current terms of reference produce a minimum of two income forecasts per year. In producing the income forecast the IFG consider a forecast range based on FPP assumptions, which considers both upside and downside risk to the central forecast scenario.

### **3.6 Deputy S.G Luce of Grouville and St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding economic sectors and industries in Jersey (WQ.122/2023)**

#### **Question**

Will the Minister advise –

- (a) what he considers to be the economic sectors/industries in Jersey;
- (b) what percentage of taxable income is produced by each sector/industry; and
- (c) what the key performance indicators are in relation to developing the various economic sectors/industries in Jersey?"

#### **Answer**

- a) Jersey has a vibrant economy. In 2021 the value of all goods and services produced in Jersey was approximately £5 billion ([source: Statistics Jersey: Measuring Jersey's economy](#)). This estimate is measured according to an internationally agreed framework. The same framework governs the definition and measurement of sectors. The economic sectors in Jersey are: Manufacturing; Agriculture; Financial Services; Public Administration; Construction; Wholesale and Retail; Hotels, restaurants and bars; Transport, storage and communication; hotels, restaurants and bars; rental income of private households; and other business activities.
- b) These estimates are not available because most businesses in Jersey are not taxed on profits. Government of Jersey does not produce these estimates. Some reports have estimated the taxable income produced by some sectors, but no set of estimates produced to a consistent methodology for all sectors exists.
- c) The Jersey Performance Framework gives a high-level summary of indicators across the economy and is broken down for certain sectors. In addition, published sector strategies include outputs and indicators that give a sector specific picture of economic growth. Later this year, the full Economic Strategy will be published as part of the Future Economy Programme which will include monitoring key performance indicators of Jersey's economy.

### **3.7 Deputy M.B Andrews of St. Helier North of the Minister for Children and Education regarding workforce capacity for pre-school needs (WQ.123/2023)**

#### **Question**

Will the Minister advise whether she is considering the creation of a taskforce to investigate workforce capacity for preschool needs; and, if not, why not?

#### **Answer**

Under the auspices of the Best Start Partnership a group focussing on workforce capacity was established in Q1 2022. This group includes representation from Government, charity and private sector nursery providers.

The group was originally constituted to focus on implementing the recommendation from the Early Years Policy Development Board - *to establish a graduate led workforce*. Following feedback from the sector this priority was deferred to enable a greater focus on increasing the capacity of Level 3 staff within the workforce.

This has led to a number of initiatives including:

- increased funding for training
- increased training capacity
- marketing of career opportunities
- development of trainee positions.

Work is joined up across Government with positive engagement from Highlands, Skills Jersey and the Back to Work team at Customer and Local Services amongst others.

The sector is also driving several initiatives directly including proposals to immigration and population and developments to flexible working, compensation structure and other attraction/retention activities.

As such, there is strong collaborative working across the wider sector.

Further work is planned on workforce development, and this will be shared as it develops.

### **3.8 Deputy M.B. Andrews of St Helier North of the Minister for Treasury and Resources regarding High Net Worth Individuals' personal Income Tax contributions (WQ.124/2023)**

#### **Question**

Can the Minister confirm the High Net Worth Individuals' personal Income Tax contribution as a percentage of overall personal Income Tax for 2022 and provide details as to how this compares to the previous 4 years?

#### **Answer**

The filing deadline for year of assessment 2022 is 31 July 2023 for online filers. As the filing deadline has not yet passed, data relating to this year of assessment is not available. Information has therefore been provided for year of assessment 2021 and the previous 4 years.

Data from relevant Tax Statistical Digests has been used to calculate income tax from HVRs as a percentage of total personal income tax. Provisional figures are provided for YOA 2021 as this data is still being finalised. Amounts may differ from previous answers due to adjustments.

Year of assessment	HVR income tax	Total income tax	Percentage of income tax from HVRs
2017	£13m	£422m	3.1%
2018	£17.1m	£430.5m	4.0%
2019	£21.5m	£455m	4.7%
2020	£20.9m	£460m	4.5%
2021	£24m	£505.5m	4.7%

### 3.9 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding the prioritisation of technical across the public sector (WQ.125/2023)

#### Question

Will the Chief Minister advise what work, if any, has been undertaken to ensure technical efficiencies are prioritised across this term of office; and, if none, whether any such work is planned?

#### Answer

As set out in the Government programme 2023-2026, the Council of Ministers (COM) has committed to improving Value for Money (VFM) across the Government during their term of office. The previous Government's Efficiency and Rebalancing plan had set a cashable savings target with a remaining value of £40 million over the 2-year period, 2023 and 2024. However, based on the information available to us at that time, we agreed a different approach was needed.

There are numerous definitions for "efficiencies". *Technical efficiency* in a governmental context is being able to spend less to achieve the same or greater outputs, or spend the same but achieve more. Examples include carrying out activities faster, with fewer resources, or to a higher standard without additional resources.

The COM expect all departments to drive improvements in VFM each year and to have some clear ambitions and targets in their plans. In order to provide departments with more feasible and manageable cashable savings targets for 2023, it was decided during the government plan process to "bank" a proportion of the central non-pay provision, some £7m, thus leaving £3m of the £10m target for departments to incorporate into their operational and budgetary planning.

Furthermore, it was decided that it was important to have a few selected priorities in 2023 to both drive forward and provide support to areas that we perceived were significant issues for the organisation and important to the Island. These areas of focus, described in the table below, are underway and in progress in 2023.

It is planned that the focus of the VFM reviews and support will change each year such that, over the period of our term of office, all Departments, and key areas of spend or income will be explored to ensure demonstrable improvements in VFM are achieved.



**Priority and Focus for 2023**

<b>Purpose</b>	<b>Theme/ focus</b>
<p><b>Grip &amp; control – driving tighter spend control, validation and spend restraint</b></p>	<p>Consultancy spend. Contingent labour (interims, agency, locums)</p> <p>Greater challenge through the SEB (States Employment Board) review process, and a more detailed check and challenge review to commence, led by central team.</p>
<p><b>Increase VFM – including price economy, output and impact through better planning, commissioning, and procurement</b></p>	<p><b>Priority Departments in 2023:</b></p> <p><b><u>HCS (Health and Community Services)</u></b></p> <p>Procurement plan has been developed with the support of T&amp;E (Treasury &amp; Exchequer) (Commercial Services) following detailed analysis of prior year expenditure which has enabled the team to identify opportunities under 3 categories of third-party expenditure: <i>Products &amp; Equipment, Commissioned Services, Contingent Labour</i></p> <p>The plan seeks to deliver opportunities to achieve improvements in one or a combination of price (unit cost) and/or cost-effectiveness (e.g., supply chain resilience or consistency) or increased benefit (better outcomes).</p> <p>Specific examples of work under development include:</p> <p>L&amp;D services framework, Mental Health provider Framework, Palliative care review, Anaesthesia equipment, Locum and agency contracts, Special Care Baby Unit, Free Period products, focus on mitigating supply chain fragilities.</p> <p>In addition, following the projected outturn position in 2022 and the additional budget agreed in-year to support the Department, the HCS Chief Officer was asked to put a financial recovery plan in place for 2023. The Change Team and T&amp;E are supporting the Executive team to establish and implement the plan. In addition to the non-pay review and plan described above, the FRP will consider the following savings opportunities:</p> <ul style="list-style-type: none"> <li>• Tactical – aimed at immediately bringing down the budget overspend.</li> </ul>

- Operational – Productivity and Efficiency improvement, and income protection or maximisation.
- Strategic – Clinical strategy, identification of any underlying structural deficit and drivers of the deficit

**Scope of opportunity non-pay spend (2019-2021):** £106m-£172m including projects.

**Supplier engagement:** Circa 2,000 suppliers

### **Infrastructure & Environment**

T&E (Commercial services) have been working with I&E to provide Category-spend analysis and insights to scope non-pay spend opportunities for the department. Development of Market analysis and intelligence to provide improved insights about providers on island. Development of benchmarking measures. Improving such data, analysis and insight will help the department to better plan their procurement activity over the short and medium terms, to optimise the ratio of spend to outputs and outcomes. This increasing important in an economic climate that is increasingly volatile.

**Scoping the opportunity (through non pay spend analysis):** £340m over a 3-year period (2019-2021):

- Capital and Infrastructure represent approx. 35% of overall influenceable spend.
- I&E are the highest spending department within the spend category (£177m), with a spend of approx. 6 times more than the next highest spending department (HCS £28m) within this category.
- Construction and Engineering is the highest spending subcategory by approx. £75m.
- FM and Maintenance has the highest volume of suppliers.
- Design Services has the highest volume of invoices.

**Categories:** Waste, plant and equipment, FM and Maintenance, Real estate, Material, construction, engineering, design services

**Number of Procurement events in 2022 in IHE: 305**

**Supplier engagement:** circa 3,700 and 40,000 invoices

	<p><b>Specific procurement opportunities</b> in development/ progress include: Bus Contract, Facilities Management and Grounds Maintenance, Air particulate control Residue (APCR) export, Estate condition Surveys, Solid waste control.</p> <p><b><u>M&amp;D (Modernisation &amp; Digital) (applications and Licences)</u></b></p> <p>Consolidation of digital teams from across Government into M&amp;D in 2021-22 has highlight not only the plethora of software applications, licences, and consequent whole life costs incurred. Under a decentralised model the number of known applications increased between 2019 and 2022 from 400-900. While some applications appear to be free, there is a lack of appreciation for the hidden costs of support, risk, as well as the incidence of duplication, over licensing and in some cases under-licensing, the latter of which can put the organisation at risk of litigation (thus cost and reputation implications).</p> <p>A centralised model will allow control in the future and over the next 3-4 years, licences and applications will be reviewed with a view to removing unnecessary cost and risk from the organisation. This will need to be conducted in a measured and phased way to ensure that operations and service delivery and not affected or put at risk.</p> <p><b>Spend analysis:</b> circa £13m spent on Licencing, telephony and applications in 2022 of which circa £6m on Licencing.</p> <p><b>No. of applications:</b> circa 900</p>
<p>Deliver major construction projects to time and on budget</p>	<ul style="list-style-type: none"> <li>• Embedding CPMO (Corporate Portfolio Management Office) framework and inclusion within Public Finance Manual</li> <li>• Training offers increased – e.g., New Financial Training for Project managers, Foundational Training for Project Managers and Programmes, Foundational training for SROs (Senior Responsible Officer), Prince 2, Agile training etc.</li> <li>• Improved Planning and decision making – e.g., additional gateways to access funding, such as “feasibility” as a defined gateway with separate funding before projects are approved and mobilised.</li> </ul>

	<ul style="list-style-type: none"> <li>• Improved visibility of Change portfolio – help to make decisions and changes.</li> <li>• Increased challenge in the reporting and monitoring process</li> <li>• Track/ confirm benefits and savings realisation – New Corporate Benefits Register is in pilot in 2023.</li> </ul>
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### **3.10 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding the files and records of patients (WQ.126/2023)**

#### **Question**

In relation to the files/records of patients, will the Minister provide details on the following –

- (a) when is a file considered missing;
- (b) when is a file considered lost;
- (c) what records are kept of missing or lost files;
- (d) how many records are currently considered missing;
- (e) how many records are currently considered lost; and
- (f) at what point is the patient notified that their records are missing or lost?

#### **Answer**

The following response has been provided by Health and Community Services. In light of the response, the Minister will investigate this matter further so that she can assure the Assembly that robust policies and procedures are in place.

- (a) If a record is not immediately available in the location it is scanned to within the Trakcare system it is considered unavailable. An immediate search is carried out with the last recorded users of the record to locate it. Following this, internal communications are sent out to highlight the record for retrieval. If it has not been located following this process, the record would be considered as missing and further searches take place to locate it. In this circumstance a temporary set of notes is produced to enable continued care delivery for the patient.
- (b) Files are not categorised as lost.
- (c) When a record is considered missing, it is annotated within the record on Trakcare as ‘Medical Record Missing’. This entry remains on the record history throughout its life.
- (d) 84 records are currently classified as missing on Trak.
- (e) Nil.
- (f) A patient may be notified that their records are considered missing during a session of care or after a specific request to view their records, where in either case the record is not immediately available or annotated on the last entry of the record history as ‘Medical Record Missing’.

**3.11 Deputy S.Y. Mézec of St. Helier South of the Chief Minister regarding the Chief Executive Officer's letter of resignation (WQ.127/2023)**

**Question**

Will the Chief Minister publish Suzanne Wylie's letter of resignation from her role as Chief Executive Officer of the Government of Jersey?

**Answer**

Yes. The CEO's letter of resignation, and my reply, were published on 28<sup>th</sup> March 2023.

**3.12 Deputy C.S. Alves of St. Helier Central of the Minister for Economic Development, Tourism, Sport and Culture regarding profit margins and the pricing of goods in supermarkets (WQ.128/2023)**

**Question**

Will the Minister provide details on what checks, if any, are currently being made by Trading Standards to ensure that the profit margins and pricing of goods in local supermarkets are audited and follow the appropriate pricing policies and guidelines?

**Answer**

Jersey operates a free market where suppliers set their own prices in respect of the goods they sell or the services they provide. Trading Standards has no regulatory remit in respect of profit margins.

They do have a role to ensure that in most cases prices are clear, unambiguous, and easily identifiable. In respect of price promotions, these must not be misleading or omit information which consumers need to make informed choices.

Trading Standards investigates consumer complaints and will work with businesses to bring them into compliance. They also engage with businesses through a range of pro-active inspections, education initiatives and provide detailed guidance.

Further information can be found here.

[Price marking requirements \(gov.je\)](https://www.gov.je/price-marking-requirements)

**3.13 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding WQ.129/2023**

**Question**

Further to the responses given to written questions [38/2023](#) and [93/2023](#) which both clearly state that the Employment Forum is due to complete its review of Zero Hours Contracts by the end of Q1 2023, will the Minister confirm whether the Employment Forum has now done so and when Members can expect to see any recommendations for legislative action from the review and if not, why not?

**Answer**

The Employment Forum has now completed its review. Its final report – including any recommendations for legislative action - will be published shortly. I will then consider the Forum's recommendations and what action to take during Quarter 2 2023, in line with the timetable outlined in my Delivery Plan.

### **3.14 Deputy R.S. Kovacs of St. Saviour regarding the constitution of the Jersey Homes Trust (WQ.130/2023)**

#### **Question**

Given that paragraph n (i), page 9, of the [Jersey Homes Trust Constitution](#) states it will “endeavour at all times to manage the affairs of the Trust in a manner consistent with the policies and requirements of the Minister for Housing of the States of Jersey in so far as these are consistent with the Objects of the Trust.” will H.M. Attorney General advise whether this means that the Minister for Housing and Communities could require the Trust to set property rents at a level he determines?

#### **Answer**

I do not consider that paragraph 6(n)(i) of the Trust’s constitution means that the Minister for Housing and Communities could require the Trust to set property rents at a level he determines for the following reasons.

The meaning of paragraph 6(n)(i) needs to be considered by construing the Trust’s constitution as a whole.

The most important part of the Trust’s constitution is its Objects. The Objects provide, *inter alia*, for the Trust to provide rented residential accommodation to persons in Jersey, in the Members’ “absolute discretion” (paragraphs 3(a)).

The Powers of the Trust enable Members to achieve the Trust’s Objects. The Powers provide, *inter alia*, for Members to “enter into and conduct leases, rental agreements, tenancies and licence agreements with such of those persons referred to in the Objects as the Members shall in their absolute discretion select and upon such terms and conditions as the Members shall in their absolute discretion think fit” (paragraph 4(e)). The Powers further provide for Members to “impose and collect rents... and any and all payments and charges payable by tenants and occupiers of the Trust Property under the terms of their lease, rental agreement, tenancy or licence agreement” (paragraph 4(i)).

Paragraph 6(n)(i) is contained in the “Management” section of the Trust’s constitution. That section concerns the management of the affairs of the Trust. This includes, for example, the appointment of the Chairman of the Trust, regulations governing the management and administration of the Trust, the recording of the Trusts proceedings and decisions, and the management of its accounts (paragraphs 6(a) to (m)).

The requirements specified in paragraph 6(n) is “subject always to the forgoing” and the requirement in paragraph 6(n)(i) is that Members of the Trust shall “endeavour” to manage the affairs of the Trust in a manner “consistent” with the policies and requirements of the Minister for Housing of the States of Jersey “in so far as these are consistent with the Objects of the Trust”.

Finally, the Members of the Trust owe a fiduciary duty to the beneficiaries of the Trust. This duty includes managing the Trust in such a way so as to ensure that its Objects can be achieved. In light of the Objects, this is likely to include, at the very least, maintaining the Trust’s assets. This may have a corresponding influence on the level of rent charged.

### **3.15 Deputy R.S. Kovacs of St. Saviour of the Minister for Housing and Communities regarding the activity of the Jersey Homes Trust (WQ.131/2023)**

#### **Question**

Regarding the Jersey Homes Trust (JHT), will the Minister confirm that –

- (a) further to [P.87/2000](#), Cannon Street - Lemprière Street Housing Development: Sale to JHT, £10 was paid for the freehold area of land;
- (b) further to [P.166/2000](#), Le Champ Des Fleurs, La Rue à Don, Grouville : Sale to JHT, a nominal sum of £10 was paid for the former La Motte Ford garage site;
- (c) further to [P.27/2004](#), Le Coin Flats, Ann Street: Sale to JHT, a nominal sum of £10 was paid for the site for the redevelopment of 7 one bedroom, 14 two bedroom, 2 three-bedroom flats, with parking and amenity space; and
- (d) JHT received over £8 million from the Housing Development Fund in 2005 for a development subsidy required for the development of the former Le Coie Hotel site?

### **Answer**

In respect of questions a to c, I can confirm that the propositions correctly outline the sums of money paid for the sites.

In respect of d, I have consulted with the Minister for Treasury and Resources, who has confirmed that there was an effective capital subsidy of £8.3m incurred by the Housing Development Fund in relation to the transfer of the Le Coie flats to Jersey Home Trust in 2006.

### **3.16 Deputy R.S Kovacs of St. Saviour regarding rent increases implemented by the Jersey Home Trust (WQ.132/2023)**

#### **Question**

Regarding Jersey Homes Trust (JHT), will the Minister advise –

- (a) what communication, if any, he has had with JHT in relation to the increase in rents by nearly 10% in 2023; and
- (b) whether JHT provided the Minister with any explanation for the rent increase being necessary given that at December 2021 they reported a balance of over £14 million, and if yes, what the justification was?

#### **Answer**

(a) On the 14 March 2023 the Private Secretary to the Minister for Housing and Communities (MHC) held a meeting with the Chairman of JHT on behalf of the Minister of Housing and Communities, who was in Poland on official business. The purpose of the meeting was to understand the circumstances of the application of the JHT rent increases and notice period given to tenants.

MHC wrote to the Chairman of JHT on 14 March 2023, to request a one-month delay in the increase of JHT rents. The letter is attached. On 15 March 2023 the Chairman of JHT confirmed there would be a one-month delay (to 1 May 2023) to the implementation of the rent increase in accordance with the Minister's request.

Subsequently, on 28 March, a representative of JHT contacted the Minister's office to advise that JHT had decided to delay the rent increases by a further two months (to 1 July), so that tenants had additional time to plan financially. JHT has produced a newsletter, which it had shared with its tenants, communicating the additional notice extension, and introducing a fixed date for rent increases on a once-per-annum basis. The newsletter is attached. The Minister welcomes these developments and the more transparent approach being adopted by JHT.

MHC attended the tenants' meeting on Monday 20 March, alongside members of the Housing Advice Service.

Government of Jersey officers, working on behalf of the Minister, have also been in contact with the Chairman of JHT to request information to help answer Written Question (WQ.107/2023), submitted by Deputy Ward of St. Helier Central on 13 March 2023. WQ.107/2023 specifically asked MHC to address the issue of rent increases for JHT tenants. The Minister tabled his answer on 20<sup>th</sup> March 2023.

(b) The Chairman of JHT offered the following points of explanation about the rent rise during his meeting with the Minister's Private Secretary on 14 March:

- The highest JHT rent increase applied was 9%, which was below the Jersey Retail Prices Index (RPI) figure of 12.7%.
- The rent increases applied were variable, with increase amounts pegged to level of existing rent paid. Tenants on the lowest rents (less than 70% of market rate) received the highest increase of 9%. Tenants on 70% received a 5% increase and those on rents closer to 80% of market did not receive a rent increase.
- JHT had held its rents stable over the past few years, applying a freeze on rent increases in 2020 because of Covid-19, which was extended into 2021. In 2022 the rent increase applied by JHT was 3.8%, in line with the RPI at the time.
- JHT relies on rental income to upgrade and maintain its stock and to support its development plans to build more social housing. There has been an increase in costs for improvement of its properties as well as an increase in interest rates on JHT's commercial loans for development projects. JHT had to consider these factors in its decision making around rent increases.

The balance sheet of Jersey Homes Trust balance was not discussed. JHT sets out its reasoning for the rents increases in the newsletter referenced above.

### **3.17 Deputy R.J. Ward of St. Helier Central of the Chief Minister regarding when persons were informed of the resignation of the Chief Executive Officer of the Government of Jersey (WQ.133/2023)**

#### **Question**

Will the Chief Minister confirm when the following persons were informed of the resignation of Suzanne Wylie as CEO of the Government of Jersey -

- (a) the Chair of the State's Employment Board ("SEB");
- (b) the Vice-Chair of the SEB;
- (c) the members of the SEB; and
- (d) the Deputy Chief Ministers?

#### **Answer**

- (a) I was informed by the Chief Executive on 14<sup>th</sup> March 2023 in strict confidence
- (b) The Vice-Chair of the SEB was informed by the Chief Executive on 14<sup>th</sup> March 2023, at the same time as me, in strict confidence
- (c) The members of the SEB were informed by the Chief Executive on 22<sup>nd</sup> March 2023 as part of the communications cascade



(d) The Deputy Chief Minister was informed by me on 14<sup>th</sup> March 2023, also in strict confidence as requested.

**3.18 Deputy R.J. Ward of St. Helier Central of the Minister for Infrastructure regarding the testing of diesel vehicles in Jersey (WQ.134/2023)**

**Question**

Will the Minister advise, in respect of the routine emission testing of diesel vehicles in Jersey, what –

- (a) will be the timeline for this process;
- (b) facility will be used; and
- (c) will be the estimated cost to vehicle owners?

**Answer**

Vehicle emission testing is currently undertaken by Driver and Vehicle Standards for all commercially operated goods vehicles exceeding 3500kg Gross Vehicle Weight and all Public Service Vehicles (buses and taxicabs) as part of their Annual Roadworthiness Inspection.

It is intended that emission testing will be extended to other categories of vehicles as part of the Periodic Technical Inspection (PTI) requirement introduced by P.109/2018 the extension to Jersey of the Vienna Convention on Road Traffic 1968.

Work on this has been delayed as a result of the Covid 19 Pandemic, which continues to impact upon the programme.

- (a) The timeline for the introduction of PTIs is dependent upon completion of the supporting activities including a review of the Island's vehicle registration data, finalising an operational model, the establishment of a suitable site and securing implementation budget through the Government Plan process. The programme for this work is under development. Once introduced, the PTI process will extend emissions testing to all relevant vehicles below 3500kg.
- (b) Work to identify potential testing sites is at an early stage and, as Minister, I am mindful that any investment in a testing centre must maximise efficiency and value for money. I therefore plan to take a wider approach that includes this facility in a consolidation of Infrastructure Department Operations and Transport estate over the longer term.
- (c) There will be no separate cost for emission testing. It will form part of the PTI inspection fee.

**3.19 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding employees of Children, Young Persons, Education and Skills (CYPES) and Disclosure and Barring Service checks (WQ.135/2023)**

**Question**

Will the Minister confirm what proportion of CYPES employees involved in overseeing schools as reviewers, advisors or staff trainers have undergone enhanced Disclosure and Barring Service checks?

**Answer**

All CYPES employees involved in overseeing schools as reviewers, advisors or staff trainers have undergone enhanced Disclosure and Barring Service checks.

**3.20 Deputy G.P. Southern of St. Helier Central for the Minister for Health and Social Services regarding the recommendations of the report by the Comptroller and Auditor General entitled ‘Deployment of Staff Resources in Health and Community Services’ (WQ.136/2023)**

**Question**

Following the Minister’s response to [OO.11/2023](#), in which the Minister promised a presentation of Officers’ informed responses to the recommendations of the C&AG report [Deployment of Staff Resources in Health and Community Services](#), will the Minister confirm when she will begin to take action on the 21 recommendations contained in the report and in particular Recommendation 5?

**Answer**

The executive’s response has been sent to the Public Accounts Committee. The recommendations have all been accepted by the Chief Executive and target dates have been set against the actions.

With regards to recommendation 5 (*Review and, where possible and appropriate, negotiate a harmonisation of the terms and conditions of staff working in HCS. In doing so, seek to ensure the availability of the right workforce on a 24-hour, 7-day basis to support the effective delivery of services by HCS*), a review will be undertaken to identify differences in T&Cs. The report produced in this review will inform the next steps, and support negotiations that are anticipated to start in Q3 2023 with staff groups, where applicable. Ultimately, terms and conditions are a matter for the States Employment Board as the employer, not the Minister for Health and Social Services.

**3.21 Deputy G.P. Southern of St. Helier Central of the Chief Minister regarding the alleviation of any hardship resulting from the Jersey Homes Trust’s increase in rents (WQ.137/2023)**

**Question**

Given her response to [WQ.83/2023](#) in which she states that a range of measures has been delivered to cope with the cost of living crisis and that “she remains ready to take further action if it becomes necessary”, what action, if any, will she take to alleviate any hardship resulting from the decision of the Jersey Homes Trust to increase rents by 9% at short notice?

**Answer**

Following the announcement from the Jersey Homes Trust to increase their rents from the beginning of April, the Minister for Housing and Communities took immediate action to address the situation. Following the Minister’s intervention, the Trust announced a delay of one month and the Trust has now confirmed that the rent rise will not take place until 1 July. As such tenants now have a full three months’ notice of the rent rises.

Any tenant who has concerns in respect of their rent, and may require support, can seek advice from Customer and Local Services. Teams within the Department are already taking steps to contact tenants who may be affected by the forthcoming rises.

### **3.22 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding the announcement of the resignation of the Government's Chief Executive Officer (WQ.138/2023)**

#### **Question**

Will the Chief Minister advise whether she chose to delay announcing the resignation of the Government Chief Executive to other members of the Council of Ministers, States Employment Board, States Assembly and the Public by a number of days on Government officer advice and, if so, from whom did she receive this advice?

#### **Answer**

As I have said before, the Chief Executive asked us to observe strictest confidentiality. This was mutually agreed and maintained until the announcement of her resignation.

I did ask for advice on how to proceed from the Chief People and Transformation Officer (formerly Group Director for People and Corporate Services) who provided his advice on return from leave on 21<sup>st</sup> March 2023, after I had attended the States sitting in the morning.

### **3.23 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding changes to reduce recourse to, and the engagement of, external consultants (WQ.139/2023)**

#### **Question**

Will the Chair detail what changes, if any, are being undertaken by Government to reduce recourse to, and engagement of, external consultants by Senior Managers, including –

- (a) the provision of training to Senior Managers and technicians in each Government department, specifying the nature of any training provided; and
- (b) any changes to the recruitment model for Senior Managers?

#### **Answer**

The States Employment Board are providing challenge to requests to use external consultants under the P59 proposition. This includes challenging the costs, the internal search for those with the right skills, and succession / learning opportunities.

We have in place strategic workforce planning which is being delivered across the organisation to identify future skills anticipated within the workforce. This informs succession planning, training and development and secondment opportunities.

Additionally, extra capacity has been created within the Cabinet Office to create a Delivery Unit, that provides centralised support and focus for key pieces of work. This is resourced through a small permanent team and secondments into the Cabinet Office to undertake the work in house. This has already proved a successful model for avoiding external consultancy costs.

The creation of the Corporate Programme Management Office (CPMO) has created a centre of excellence and standard for project and programme management, an area where there was a frequent use of consultants. The CPMO now trains and develops in house capabilities.

Finally, CONNECT (Release 4) concerns procurement of consultants and interims, the design of which is aimed at providing greater oversight and understanding of the regularity of consultant use and an analysis of frequent skills required.

### **3.24 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding the Goernment's procurement processes (WQ.140/2023)**

#### **Question**

Will the Chief Minister provide details on what changes, if any, to the Government's procurement processes are being considered to –

- (a) increase the participation of private local service providers in Government-led projects (including, without limitation, local planning projects); and
- (b) improve expenditure on IT projects while avoiding potential abuse of process?

#### **Answer**

- a) There are currently no changes planned to the procurement processes.

The Government currently promotes the accessibility of opportunities to support smaller, diverse, and on-Island organisations through the Social Value elements of its Procurement activity. Social Value must be considered alongside quality and price when evaluating procurement activities and must be included as part of the weighted evaluation for all procurements over £100,000.

During the procurement of frameworks, the Government undertakes extensive market engagement across our Jersey-based supply chain. Implementation of these corporate contracts brings enhanced adherence to the Public Finance Manual across our stakeholder community driving best practise and transparency.

- b) Expenditure on IT projects follows the standard procurement processes as set out by Commercial Services. To enable more efficient and compliant IT procurements a Change and IT Professional Services Framework was introduced by Commercial Services in Q4 2022.

### **3.25 Deputy S.Y. of St. Helier South of the Minister for Treasury and Resources regarding the rental income declared by taxpayers (WQ.141/2023)**

#### **Question**

Will the Minister –

- (a) produce a breakdown by year for how much rental income has been declared by taxpayers in each of the last 10 years;
- (b) advise whether his department estimates how much rental income is not declared, and if it does, what is the amount; and
- (c) explain what efforts are being made to ensure all rental income is declared, and how many incidents of taxpayers not declaring their full rental income have been uncovered in the last decade?

#### **Answer**

- a) Net rental income declared by year:

*Year of assessment	Net rental income
2011	£61m
2012	£68m
2013	£73m

2014	£87m
2015	£94m
2016	£98m
2017	£106m
2018	£112m
2019	£122m
2020	£123m

Year of assessment 2021 is still being finalised and is therefore unavailable.

To provide information for a full 10 years, it has been necessary to extract data from the legacy system (ITAX) which only identified rental income from local properties.

The data for 2018 onwards will include non-Jersey rental income. This dataset does not include income arising from casual letting (such as lodgers).

- b) Revenue Jersey does not currently attempt to quantify any specific revenue loss which might arise from under-declaration of rental income.
- c) Revenue Jersey's [Compliance Strategy](#) is built upon the 'promote, prevent, respond' model. An annual Compliance Programme is published outlining areas of focus for the year. Rental income is highlighted as an area for review in 2023. This review will cover all aspects of rental income.

It is not possible to stipulate how many incidents of taxpayers not declaring their full rental income have been uncovered in the last decade as data has not been maintained at that level of granularity.

Taxpayers who have not declared their full rental income can contact Revenue Jersey to make a voluntary disclosure through the [online portal](#) or by calling the voluntary disclosure line on 440004.

### **3.26 Deputy S.G. Luce of Grouville and St. Martin of the Minister for Treasury and Resources regarding an analysis of the population of taxpayers (WQ.117/2023)**

#### **Question**

Will the Minister advise the Assembly –

- (a) how many people in Jersey who are over the age of 16 are eligible to work;
- (b) how many of those eligible to work do so on a full-time basis;
- (c) how many such people work on a part-time basis;
- (d) of those individuals who work how many pay income tax;
- (e) of those individuals who pay income tax what percentage work within the finance industry; and
- (f) what the income tax take is from employees in the finance industry as a percentage of total tax take from all those who pay income tax?

#### **Answer**

- (a) For the purposes of this WQ, 'eligible to work' has been defined as an adult, between 16-64, who is not unable to work due to sickness or disability. The 2021 Census shows 66,030 individuals

who are eligible to work. Census Day in 2021 was 21 March. All data provided relates to the position as that point in time.

- (b) The 2021 Census showed 41,330 individuals were working full time for an employer. A further 6,430 individuals were self-employed; it is not known whether these individuals were working full-time or part-time.
- (c) The 2021 Census showed 7,150 individuals were working part-time for an employer.
- (d) In December 2022 there were approximately 46,000 individuals who had amounts deducted from their employment income through ITIS. (This may be expected to fluctuate throughout the year due to seasonal employment and ITIS effective rates being adjusted.) Not all working individuals will pay income tax through ITIS.
- (e) Approximately 20% of the individuals who had tax deducted through ITIS in December 2022 work within the finance industry.
- (f) Based on the full year 2022, employees in the finance industry account for approximately 27% of the deductions made through ITIS.

#### Notes

1. In order to respond to parts d and e the ITIS returns from employers were analysed for December 2022, with the full 12 months of ITIS returns being used for part f
2. The ITIS returns are received monthly from employers detailing the number of employees, the gross pay and the amount of tax deducted from the employee based on their Tax Effective rate.
3. December 2022 was selected being the most recent complete information available.
4. The count of employees is a count of individuals employed by businesses therefore where an individual works in more than one industry (Standard Industry Classification SIC) (full or part time), they may be counted more than once.
5. Deductions made through ITIS include amounts for income tax, LTC contributions and may include payments to cover previous years of assessment debt, or provide overpayments.
6. This only considers employees of employers who have a SIC code for 'Financial and Insurance Activities'. This will not include some entities in allied categories such as the legal profession, etc.
7. Whilst it would be possible to look at the tax paid by the individuals in the finance industry (based on ITIS employer SIC code) from their personal tax return, it becomes complicated for married couples, as the tax payable is derived from the total income of the couple. For example, where you have a married couple one of whom works in the finance industry and the other in the civil service, their total tax payable is based on both of their incomes. Until independent taxation is introduced, it is not possible to separate individual tax liabilities for married couples.
8. The SIC codes are based on the SIC code selected by the employer in their last tax return or, where this is not available, the information held in the static data.
9. Due to the responses for this question being drawn from different datasets, it may be expected that the responses to parts a to c will not completely align to those for parts d to f.

### **3.27 Deputy M.B. Andrews of St. Helier North of the Minister for Children and Education regarding the opportunity to study at universities outside the UK (WQ.143/2023)**

#### **Question**

Will the Minister advise what discussions, if any, have taken place since she took office with universities outside the UK to provide Jersey students with more studying opportunities?

## Answer

Highlands College and University College Jersey have a link with Université de Caen Normandie. The institutions are developing a Memorandum of Understanding to enable student and staff exchanges and shared teaching opportunities.

Highlands College, a co-founder of the pan-island Isle of Man and Guernsey Training Institute. Joint delivery of Degrees will be piloted academic year 2023 to 2024. Digital learning opportunities will enhance access to international experts.

In March 2023, in conjunction with Alliance Francaise, [Campus France](#) attended the Jersey Higher Education Fair in March. The representatives took the opportunity to meet with Jersey Higher Education Institutes to introduce Campus France (Higher Education in Universities and Schools in France in French and English) and aim to develop the links between Jersey and France.

Highlands College also has international links with Lycée Professionnel Montbareil and the Lycée Hôtelier de Dinard for Further Education students.

[Study Options | Study in Australia or New Zealand](#), were also present at the HE fair discussing their opportunities.

### **3.28 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding the level of personal income taxation compared with the OECD (WQ.144/2023)**

#### Question

Will the Minister state the revenue from personal income taxation as a percentage of government revenue between 2017 and 2022 and advise how it compares with the OECD (Organisation for Economic Cooperation and Development) average?

#### Answer

	2017	2018	2019	2020	2021
<b>Total personal income tax (£m)</b>	428	453	475	463	558
<b>Total government revenue (£m)</b>	1,189	1,244	1,305	1,290	1,435
<b>Personal income tax as % of government revenue</b>	36.0%	36.4%	36.4%	35.9%	38.9%

The OECD annually produce a mean average of personal income tax as a percentage of total tax revenue only. Comparative analysis is not therefore possible in the terms requested.

#### Notes

1. Total personal tax revenue has been taken from [Government of Jersey tax receipts](#) on Gov.je.
2. Government revenue has been interpreted to mean total income of the States in the Consolidated Accounts, before gains/losses on financial assets, as reported in the Annual Report and Accounts. This is consistent with the position taken in the response to the Deputy's previous Written Question 282/2022.

**3.29 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding the Cabinet Office (WQ.145/2023)**

**Question**

With regard to the [Cabinet Office](#), will the Chief Minister advise –

- (a) what objections, if any, were raised by the outgoing Chief Executive in respect of the proposals or structure of the Cabinet Office and its role;
- (b) the criteria required by the Chief Minister for appointment of Ministers and Assistant Ministers connected to the Cabinet Office;
- (c) what consideration, if any, has been given to a potential conflict of interest arising from the designation of the Treasurer of the States as Assistant Chief Executive in light of [Article 30 of the Public Finance \(Jersey\) Law 2019](#); and
- (d) what measures, if any, she has undertaken or intends to undertake to address any negative public perception with respect to the composition of the Cabinet Office?”

**Answer**

- (a) The Chief Executive made the proposals, consulted with senior officers and made a recommendation to the States Employment Board. Accordingly, no objections were raised by the Chief Executive.
- (b) Ministers were appointed by the States Assembly on 11<sup>th</sup> July 2022. The appointment process for Ministers is set out in Part 6 of the Standing Orders of the States of Jersey. Assistant Ministers are appointed in accordance with Article 25 of the States of Jersey Law 2005.
- (c) The Treasurer of the States remains able to fulfil his duties as set out in the Law, and this was considered as part of the Cabinet Office creation. Article 30 relates to the functions of the Minister. Article 34 relates to the independence of the Treasurer, and it is not considered that the designation of the Treasurer as an Assistant Chief Executive gives rise to any conflict in this respect.
- (d) The establishment of the Cabinet Office was a recommendation of the Democratic and Accountability Sub-Committee in 2022 (R.23/2022). In my nomination speech to the States Assembly for appointment to the role as Chief Minister-designate, the Cabinet Office was referenced as a priority for the first 100-days. The establishment of the Cabinet Office has been raised and discussed in public hearings with the Corporate Services Panel. There is not understood to be any great swell of public opinion, negative or otherwise, in relation to the Cabinet Office.

**3.30 Deputy C.S. Alves of St. Helier Central of the Chief Minister regarding the ‘Team Jersey’ culture change programme (WQ.146/2023)**

**Question**

Regarding the culture change programme ‘Team Jersey’, which was initially planned to run for 3 years and involved hiring UK consultants, will the Chief Minister advise –

- (a) how long the programme has been running for;
- (b) how much has been spent to date on the programme; and
- (c) what evidence, if any, exists of any change that has taken place as a result of the programme?



## Answer

- a) The programme timescale was from September 2018 to March 2021, a total of 31 months. In view of the Covid 19 pandemic impact, a programme extension of 12 months was agreed, with final closure in March 2022, prior to the General Election in June 2022 and the formation of a new Government in July 2022. Elements of the programme have been taken forward into business-as-usual activities.
- b) Final expenditure: £5.8m, which included the programme extension up to March 2022.
- c) Team Jersey’s Programme Director presented a closure report to the Programme Board.

As part of the legacy activity, the programme wider organisation supported and implemented a people and culture plan per department to continue work on developing internal teams and values.

As part of the evaluation, each workstream presented an evaluation and benefits statement as follows:

Workstream	Benefits & Evaluation
Leadership Programme	<ul style="list-style-type: none"> <li>• 90% of participants rate the programme as “Good” or “Very Good”.</li> <li>• 89% of participants would recommend the programme to a colleague.</li> <li>• 86% attendees have report that they are applying their Team Jersey learnings to their leadership practice.</li> </ul>
Colleague Programme	<ul style="list-style-type: none"> <li>• 85% of participants rate the programme as “Good” or “Very Good”.</li> <li>• 81% of participants would recommend the programme to a colleague.</li> <li>• 55% of attendees have reported that they applying their Team Jersey learnings (22% had not been on a previous session when surveyed)</li> <li>• Attendees report that they were more confident in their ability to create a positive workplace culture.</li> </ul>
Team Jersey Leads	<ul style="list-style-type: none"> <li>• 94% of participants rate the training as “Good” or “Very Good”.</li> <li>• 92% of participants would recommend the training to a colleague</li> </ul>
People & Culture Plan Support	<ul style="list-style-type: none"> <li>• We asked 16 people from departments who had worked with Team Jersey in the implementation of People &amp; Culture plans for their feedback on the consultancy support their department received. Responses were received from 11 of those individuals.</li> <li>• 100% of respondents “Agreed” or “Strongly Agreed” with the statements; <ul style="list-style-type: none"> <li>○ “Consultancy support received from Team Jersey was useful to help us identify priorities, create a People &amp; Culture plan and embed it.”</li> </ul> </li> </ul>

- |  |  |
|--|--|
|  | ○ “I would recommend the use of Team Jersey consultancy support” |
|--|--|

### 3.31 Deputy M. Tadier of St. Brelade of the Chief Minister regarding the unlawful search of premises (WQ.147/2023)

#### Question

Further to the Chief Minister’s statement on 11th November 2022, in which she indicated that “*she had requested an independent review*” into the circumstances surrounding the unlawful search of premises allegedly linked to Roman Abramovich, will the Chief Minister advise –

- (a) whether such a review has been completed, and if not, whether it has been started; and
- (b) who is leading the review and who will be able to see the findings of the review once it is completed?

#### Answer

Subsequent to the remarks by the Chief Minister of 11<sup>th</sup> November concerning an independent review, a Government Statement was issued on 24 January 2023 which explained developments obviating the need for an independent review focused on the events. The relevant parts of the statement are as follows:

*‘The Royal Court of Jersey has handed down a judgment concerning the judicial review proceedings in the case known as XY and A Limited v States of Jersey Police, which was the subject of media comment in November 2022. The case relates to a live investigation being carried out by the Economic Crime and Confiscation Unit (ECCU) within the Law Officers’ Department. The Court heard that the warrants issued as part of the investigation were unlawful as a result of an operational error, in that the application had been made under Article 15 of the Police Procedures and Criminal Evidence (Jersey) Law 2003, instead of Article 16 of the Law. The Court decided that costs should be on the standard basis and not on the indemnity basis, in that there had been no irregularity (beyond the operational error mentioned) justifying indemnity costs.*

*It is understood that the parties will now attempt to agree the amount of costs, and that if they fail to reach agreement then it will be decided by the Court through a specific process. These are matters for the Government’s insurers with any residual amount being paid from the Court and Case Costs budget as is normal. The States of Jersey Police will not be paying any of the costs or damages from their budget.*

*Having taken independent advice, the Government is satisfied that the Attorney General and the Chief of Police have reviewed the circumstances around how the operational error with the warrants arose and have agreed measures that have now been put in place to ensure that such an operational error concerning the application for warrants does not happen again.*

*Government officials, Law Officers and States of Jersey Police also intend to review the Memorandum of Understanding (MOU) which was agreed at the creation of the Economic Crime and Confiscation Unit (ECCU). This will be jointly commissioned in the near future.’*

It is understood that the amount of costs has since been agreed by insurers. The work continues to revise the MOU. No further comment will be made as this matter relates to current legal proceedings.”

**3.32 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding the provision of school meals (WQ.148/2023)**

**Question**

Will the Minister advise how much of the £1.6 million for school meals provision is projected to be spent in 2023, and if there is an underspend, what will happen to this money?

**Answer**

The project remains in the detailed policy, design and logistical planning phase. A preferred option for progression has been established and the department is in the process of documenting this in a final business case, that builds upon the initial business case submitted to the Government Plan 2023 process. This will then enable the £1.6 million, currently agreed in principle and held in reserves, to be drawn down and 'allocated' to the department to progress along the cost intensive execution phase of the delivery timetable.

This delivery timetable is set to commence from September, with the Autumn term effectively actioned as a pilot.

It is not possible to provide an estimated cost whilst the detailed policy, design and logistical planning work are still underway. Any in year underspends will be returned to central treasury reserves, whilst subsequent year's funding is expected to reach £1.6 million once the rollout has been completed.

**3.33 Deputy R.J. Ward of St. Helier Central of the Chair of the States Employment Board regarding States employees (WQ.149/2023)**

**Question**

Will the Chair state how many States employees are currently on reduced pay due to long-term illness?

**Answer**

As of 31 March, thirty-two individuals are on a period of sick absence and reduced pay due to long-term illness.

**3.34 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding the provisions for payment of child maintenance (WQ.150/2023)**

**Question**

Further to the response to [Oral Question 45/2023](#), in which the Minister stated that "our legal system lacks simple and effective provisions for the payment of child maintenance" but ruled out "income support legislation as an appropriate place to introduce such powers", will the Minister inform members where, in her assessment, is the appropriate place to position such powers in order to best protect single parents and their children?

**Answer**

The question asks for an assessment of the Jersey legal system to identify an appropriate place to position powers for the payment of child maintenance. It is not possible to provide such an assessment within the timescale provided to respond to a written question, nor does that question sit with Social Security.

In my response to oral question 45/2023, I made the statement that *“to the extent that our legal system lacks simple and effective provisions for the payment of child maintenance, I do not believe that the income support legislation is an appropriate place to introduce such powers.”* Income support legislation provides weekly benefits to low-income households who satisfy a number of eligibility conditions. My understanding of the nature of statutory provision or customary law basis for the payment or enforcement of child maintenance is that it would not be limited to low-income families and that the other eligibility conditions applied to Income Support households may not be relevant to child maintenance payments.

At present I am not aware that this subject is covered under any current ministerial plan. A proposal to include such activity in a future ministerial plan could be put forward for consideration subject to agreement as to the appropriate ministerial/judicial lead.

**3.35 Deputy M. Tadier of St. Brelade of St. Brelade of the Chief Minister regarding the resignation of the Chief Executive Officer (WQ.151/2023)**

**Question**

Will the Chief Minister state which Ministers were aware of the resignation of the Chief Executive prior to the public announcement, and when they were informed?

**Answer**

The Vice-Chair of the States Employment Board was present when the Chief Executive notified us of her resignation at the end of the working day on 14<sup>th</sup> March 2023.

The Deputy Chief Minister was informed by me, in strictest confidence, on 14<sup>th</sup> March 2023.

I informed all other Ministers on 22<sup>nd</sup> March 2023 shortly before the public announcement.

**3.36 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding the evaluation of existing benefit areas (WQ.152/2023)**

**Question**

Further to her response to Oral Question [30/2023](#) where the Minister stated that she was “not in a position to provide further details yet but expected to be able to do so in the very near future,” will the Minister –

- (a) confirm her plans for the high-level review of benefits;
- (b) given that her delivery plan states that action will be taken by 28th February, advise what actions, if any, she is taking; and
- (c) if no actions have been taken, explain why not?”

**Answer**

Following the publication of my ministerial delivery plan for 2023 I have answered previous questions on this subject (WQ.75/2023, OQ.30/2023 and QWON on 21/3/23).

The written response below draws on the information already provided in response to these questions.

(a) The high-level review is looking across the benefit landscape, in particular to identify areas where improvements could be made to address specific issues that currently cause concern. In response to

OQ 30/23 I said: “we are trying to look at our current benefits to look for gaps, to look for areas where we know there are shortfalls, to look at the areas where people perhaps just fall outside.”

My overall delivery plan sets out an ambitious review programme for 2023. The section relating to the high-level review is not designed to duplicate work that is already underway in other areas and its timing is designed to ensure that work is carefully co-ordinated to use resources effectively. Review work that will be co-ordinated with the high-level benefit review includes:

- The actuarial reviews of the 3 ring fenced funds are near completion and due for publication during quarter 2.
- A separate and detailed review of incapacity benefits is underway with actions planned for later this year.
- A range of aspects of the long-term care scheme are also under active review.
- A separate project is considering the replacement for the current Community Costs Bonus regulations which have expired.
- Finally, the IT systems that support all benefit payments are currently being completely overhauled.

The high-level review has been completed and I am now considering the outcomes to determine where changes should be made and to develop a work plan for those changes. Some of those changes will require detailed consideration and discussion with stakeholders.

(b) and (c) As a consequence of the review, we have identified the need for further detailed work in respect of:

- the impact of relevant quarter rules on local residents with short gaps in contribution record.
- the impact of relevant quarter rules on parents seeking to claim parental benefit for a second child.
- provision of death grant for still born babies.
- Home carers allowance rules for parent with more than one child with a long-term health condition.
- Income Support rules in respect of critical skills courses and part time work requirements, asset limits across all benefits.
- The level of special payments for funeral costs.

Further areas for detailed review may be added. Where it is possible to make changes quickly then I intend to do that and I hope to be able to update the Assembly on specific amendments very soon.

### **3.37 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding resignations and complaints (WQ.153/2023)**

#### **Question**

Will the Chair advise whether, prior to receipt of their notice of resignation, any complaints were made to anyone in Government about their working conditions by –

- (a) the Chief Executive of the Government of Jersey;
- (b) the Chief Officer for Health and Community Services; and
- (c) the Chief Nurse;

and, if so, what was nature of the complaints?

## Answer

None of the Government members of the States Employment Board are aware of any complaints being made by the three postholders to anyone in Government.

It should nevertheless be noted that, as a matter of respect for the duties of confidentiality and privacy that we owe to our employees, we would not comment on individual employment matters.

This approach is consistent with that adopted in other jurisdictions.

### **3.38 Deputy G.P. Southern of the Minister for Health and Social Services regarding the Comptroller and Auditor General's report entitled 'Deployment of Staff Resources in Health and Community Services' (WQ.154/2023)**

#### Question

Further to her answer to [Oral Question 12/2023](#) concerning the Comptroller and Auditor General's report '[Deployment of Staff Resources in Health and Community Services](#)' dated 24th January 2023, and recommendations 6 and 7 to "review the arrangements for the funding of clinical negligence insurance to ensure that they match the objectives of future clinical models and the future private patient strategy" and to "develop, publish and implement a Government of Jersey private patient strategy"; will the Minister advise –

- (a) if she accepts recommendation 6 and 7 of the report; and
- (b) why, in relation to certain of the recommendations in the report that refer back some 2 or 3 years, no actions have been taken?

#### Answer

a) The HCS Executive have accepted recommendations 6 & 7 in response to the Comptroller and Auditor General's report. The Minister too accepts the recommendations.

b) HCS advises that there have been many compounding factors over the past 2 years which have impeded the implementation of the recommendations, with the pandemic completely changing how all areas of HCS have had to operate.

Since the publication of the C&AGs report titled 'Deployment of Staff Resources in Health and Community Services', the older recommendations referred to in the report on pages 29-31 have been closed and superseded by the recommendations from this report. The development of a Private Patient policy is also a ministerial priority for 2023. In addition, the report into Governance Arrangements in Secondary Care also made recommendations in relation to this area with work currently underway to address these within 2023.

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<sup>1</sup> 'Deployment of Staff Resources in Health and Community Services: Executive Response' ([R.7/2023\(Res\)](#)), presented by the Public Accounts Committee. States Assembly.

<sup>1</sup> See 'MHSS P2.a.2.2', [Delivery Plan: Minister for Health and Social Services](#), Government of Jersey.

<sup>1</sup> 'Review of Health and Community Services (HCS) Clinical Governance Arrangements within Secondary Care' ([R.117/2022](#)), presented by the Minister for Health and Social Services, States Assembly

### **3.39 Deputy C.D. Curtis of the Minister for Children and Education regarding the University College Jersey (WQ.155/2023)**

#### **Question**

Will the Minister advise –

- (a) whether University College Jersey degree courses have been cancelled;
- (b) how many courses have been cancelled; and
- (c) what she plans to do to rectify this situation?

#### **Answer**

- (a) The top-up BA (Hons) Business and Management degree programme due to start in September 2023 has unfortunately been cancelled due to low student demand. Every year, student application numbers are reviewed, and some programmes are temporarily discontinued. If skills and market demand change, the offer is updated to meet those demands. This is standard practice in Higher and Further Education Institutions here and in the U.K.
- (b) BA (Hons) Business and Management Degree is the only cancelled offer.

BA Sports Coaching 1 year top-up will be fallowed for a year as there are zero applicants as at the end of March 2023.

The nine other degree level programmes are running.

- (c) Students on the Foundation degree were counselled from the start of the 2022/23 academic year about the risk of the top-up year not being able to run. They were advised that it would be contingent on application numbers. They were repeatedly advised to submit applications to the college for the top-up year, if they had any intention to complete a further year. Many students have chosen to take employment offers.

Each student has been offered a tutorial to discuss alternative pathways. They were also informed they could speak directly to their personal tutor who has been available to them all year, or to the Head of Higher Education, as well as being signposted to the college's Careers and Employability service.

The Degree has an agreed articulation route to final year studies on a parallel programme at the University of Plymouth and – should a student wish to follow this route – they do not need to apply through UCAS. The programme team will be happy to support any student with whatever onward pathway they choose.

University College Jersey are developing more part-time routes, including a Business Higher Level Apprenticeship, but these do take time to receive the necessary approval and accreditation. Part-time routes are becoming more viable due to the students' ability to earn while they learn and preferring to study part-time. The Finance industry offers paid professional accreditation to employees, so young people often chose this route direct to employment and gain qualifications whilst employed.

### **3.40 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding changes to the role of the Chief Executive (WQ.156/2023)**

#### **Question**

Will the Chief Minister explain to what extent, if any, changes to the role of the Chief Executive were discussed with the outgoing Chief Executive and, if they were discussed, what concerns, if any, were raised by the Chief Executive, and what is the Chief Minister's assessment of the contribution such discussions made to the Chief Executive's decision to resign from her position?

## **Answer**

The Chief Executive and I meet regularly to discuss issues relating to our roles and responsibilities. This included the role of the Chief Executive as part of the formation and refinement of the Cabinet Office structure. The proposals for the structure of the Cabinet Office were made by the Chief Executive and, accordingly, no concerns were raised by the Chief Executive. I therefore do not consider that these discussions were related to the Chief Executive's decision to resign.

The Chief Executive is also involved in informing the future requirements of the role. The discussions include the various demands on the post holder given the breadth and depth of knowledge and time required and the split between the role as a strategic adviser whilst leading a significantly operationally, service-based organisation.

The Chief Executive continues to provide advice on these matters as the successor role and requirements are developed.

## **4. Oral Questions**

### **4.1 Deputy L.J. Farnham of the Chief Minister regarding perfluoro octane sulfonate in St Ouen's Bay (OQ.65/2023)**

Can I thank the Chief Minister for taking this question? Perhaps it could have gone to the Minister for Health and Social Services. But will the Chief Minister provide the Assembly with an update on matters relating P.F.O.S. (perfluoro octane sulfonate) and the historic plume in the St. Ouen's Bay area and, in particular, the outcomes of the health testing that was instigated by the previous Government?

#### **Deputy K.L. Moore (The Chief Minister):**

I am pleased that this Government has started to make some real progress in supporting and getting answers for Islanders who have had their water polluted by P.F.O.S. A total of 88 people were tested and the results indicate that 30 per cent of the people in the plume area had higher values than 95 per cent of the people tested in a U.S. (United States) reference pollution for P.F.O.S. This increased by 70 per cent of people tested for another P.F.A.S. (perfluoroalkyl substances) compound. The implications of P.F.A.S. in blood on health is an emerging area of science and is highly specialised. In recognition of this Public Health are setting up a Scientific Advisory Panel who will provide advice and guidance to the Government about what interventions should be undertaken to reduce the blood levels of P.F.A.S., what the health harms might be and to advise on environmental matters also. A chair has been appointed and recruitment is underway for panel members. The panel will have their first meeting in May. In addition, environment studies are ongoing across 2 water catchment areas in St. Ouen's Bay and at Pont Marquet to assess P.F.A.S. migration, potential risks and to inform additional management or remediation options. I have left my glasses at home, Sir, I apologise. The study will work alongside and compliment current work by Ports of Jersey to investigate and remediate P.F.A.S. and airport perimeter and inform public water treatment and supply work.

#### **4.1.1 Deputy L.J. Farnham:**

I welcome the fact that some plans are being formulated to provide advice and guidance to those impacted and this might be a question for the Minister for Health and Social Services next time. What tangible support can the Government give to those people who have been infected and do have high levels in their blood?

#### **Deputy K.L. Moore:**

As I identified in the answer there, the health harms are as yet unknown, which is one of the reasons why we have created the Scientific Advisory Panel with an eminent chair but also, of course, the local people who have been engaging with Public Health I think will be able to testify that we have



a talented Public Health team led by Dr. Peter Bradley, and they have been very grateful for his wise input and any advice he has been able to give to date.

#### **4.2 Deputy M. Tadier of the Chief Minister regarding the cancellation of the independent review into an unlawful search of premises (OQ.69/2023)**

Will the Chief Minister advise what progress has been made in respect of the independent review into the unlawful search of premises allegedly linked to Roman Abramovich prior to the subsequent statement on 24th January 2023, when the decision to cancel this review was taken and why it was cancelled, given that she had advised it would not impact on ongoing legal proceedings?

##### **Deputy K.L. Moore (The Chief Minister):**

Apologies, I am struggling to find the right answer. But as the Deputy is aware, following my announcement I discovered that I had a conflict. I was not aware of that at the time of calling for an independent investigation, therefore I have had to recuse myself and I have had no further part in these discussions, which is why I offered to the Deputy that either the Deputy Chief Minister or Deputy Gorst might be better people to answer this question.

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

The Chief Minister is answering the question. There is nothing legally or under Standing Orders prevents her from doing so. While I will, hopefully, ask in due course about what that conflict of interest is, I do not want to use my supplementary question to do that. The supplementary question is: what is it in that conflict of interest that prevents the Chief Minister from explaining or indeed delegating the request that she made back in November for an independent review to another one of her Ministers? In other words, just because she believes she has a conflict of interest, which she thinks means that she can no longer take part in this, it was, nonetheless, her words and her decision to have an independent review and will she explain why that independent review has not happened?

##### **Deputy K.L. Moore:**

I can only repeat the elements from my first answer, when I called for an independent review I was not aware that I had a conflict of interest. Since that time and since learning of that conflict I have both declared it and recused myself of any further involvement. Therefore, I am not party to the discussions and nor can I answer the Deputy's question.

##### **The Deputy Bailiff:**

Chief Minister, under Standing Order 106 you are obliged to clearly state the nature of the conflict of interest. [Approbation]

##### **Deputy K.L. Moore:**

With pleasure, Sir. I believe it is a matter of ... it was stated in a judgment that has been published by the Court that my husband's firm acted for one of the parties in this case for a small number of days and, therefore, I consider that I have a conflict in this matter.

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

When was the conflict of interest identified, please; that would be helpful?

##### **Deputy K.L. Moore:**

I could not tell the Deputy of the exact date but that was raised with me at the earliest possible moment.

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

I do have a point of order, the Chief Minister has answered a written question on this and she has given the reasons why there was not an independent review in that written question, which was

answered; she made a statement on 24th January. But in between the last sitting I submitted a written question which has been answered on this very subject by the Chief Minister. The argument that she is using now that she cannot answer the question, which she has already answered in written form, is simply not viable, simply not tenable, Sir, and I would like you to rule on that, as to whether the conflict of interest, which she is declaring, prevents her from answering an oral question which she has already answered in written format.

**The Deputy Bailiff:**

Deputy, the Chief Minister has responded the way she has. She has identified the conflict of interest, which she says prevents her from answering further and I do not think I can make any further ruling in relation to that matter.

**Deputy M. Tadier:**

Sir, the ruling I would like you to make is does that conflict of interest prevent her from answering under Standing Orders? Because I have been advised by the Greffe, who I believe spoke to you, saying that there is nothing within the conflict of interest because it is not financial that prevents the Chief Minister from answering this question in an open and transparent way, as she would normally be required to do under the code of conduct.

**The Deputy Bailiff:**

Deputy, you are correct in the sense that Standing Order 106 only prevents persons from voting if they have a financial interest. Members are entitled to ask questions and respond to questions, notwithstanding the existence of conflicts, as long as they identify the nature of that conflict. The Chief Minister, if she wished and was able to answer the question, could answer the question but what she said is that owing to the conflict she is no longer involved in this particular issue and, therefore, cannot answer your question; that is my understanding of what she said. You must make of that answer what you will but the Chief Minister has identified the conflict and given an answer to this question, in my judgment.

**Deputy M. Tadier:**

Those are my 2 questions and I wonder if there are any other questions from Members.

**4.2.2 Deputy S.Y. Mézec:**

The Chief Minister has identified in part the nature of the conflict.

[10:45]

But could she further elaborate and say which party it was in this case that they were connected to?

**Deputy K.L. Moore:**

Sir, I think you will have some sympathy. But I do not know generally who my husband's clients are and, therefore, I am afraid I could not even recall which of the parties in this matter; it was the client at that time.

**Deputy S.Y. Mézec:**

A brief supplementary then, Sir. Is that on the public record that can be found?

**Deputy K.L. Moore:**

I believe it is, yes.

**4.2.3 Deputy L.V. Feltham:**

The Chief Minister in her answer said that she had acted on a matter before finding out that she had a conflict of interest. What steps has she subsequently taken to ensure that she identifies potential

conflicts of interest sooner so that she is not taking any actions on matters in which she has a conflict of interest?

**Deputy K.L. Moore:**

I do not believe that I could do anything in a more expedient manner than I did.

**4.2.4 Deputy M.B. Andrews of St. Helier North:**

What communications have taken place with the Assistant Chief Minister to take a lead on this because I am a bit concerned in terms of looking at the timeframe now? We are looking at a 6-month period where no action has been taken to make sure that some investigation is formally taken where there has been wrongdoing.

**Deputy K.L. Moore:**

The Deputy Chief Minister and the Minister for Treasury and Resources have both been dealing with this matter. I did offer Deputy Tadier the opportunity to ask the question of either of those Ministers and he declined. Therefore, I am unable to answer because I do not have that information.

**4.2.5 Deputy M. Tadier:**

First of all, we will get to the bottom of this sooner or later, whether or not it requires a proposition to this Assembly to in fact have the independent inquiry that the Chief Minister said she wanted back in November. But can the Chief Minister explain why she was able to answer a written question that I put on 12th April only a few days ago, which she has answered but she is not able to answer an oral question in this Assembly on that matter?

**Deputy K.L. Moore:**

My understanding would be that that written question was provided by another person and agreed by another person and not myself. Perhaps there was an error in defining that in the answer, for which of course I regret.

**4.3 Deputy R.J. Ward of the Minister for Children and Education regarding education staff pay rises (OQ.62/2023)**

Given that teachers and lecturers have rejected the current pay offer proposed to them, will the Minister confirm whether or not she supports them in asking for a minimum cost-of-living pay rise and, if not, why not?

**Deputy I. Gardiner of St. Helier North (The Minister for Children and Education):**

I thank the Deputy for his question. First of all, it is important for me to say that I recognise and appreciate the hard work and dedication of all our teachers and lecturers. **[Approbation]** I have really enjoyed seeing first-hand the excellent work they do when I have visited the school in Highlands College. I am supportive of all trade unions requesting the pay increase they feel their members require, considering all relevant factors. As the Deputy is aware, negotiations are carried out between unions and the States Employment Board and they are not something that I am a part of.

**4.3.1 Deputy R.J. Ward:**

I do not believe that answered the direct question that was put but I will try again. Does the Minister believe that the teaching and lecturing staff on this Island are worth and should be given at least a cost-of-living pay rise in her role as Minister for Children and Education?

**Deputy I. Gardiner:**

Thank you for the supplementary question. I think it is an important point that my role, as a Minister for Children and Education, is to bring policies for children and education. My role as a Minister for Children and Education, it is not to intercept negotiations between unions and the States Employment

Board. Saying this, I completely agree; teachers and lecturers have a unique role that really makes a difference in the outcomes of the children and adults. They use skills and experience in education, I completely recognise their role. As I have mentioned previously, the unions are entitled to ask for whatever rise they think is appropriate for their members. All unions do this and through the negotiation with the States Employment Board and others they ballot their members, they come to the agreement, and I am sure it might be the Deputy knows more details about this negotiation than myself, as a union member.

#### **4.3.2 Deputy S.Y. Mézec:**

Of course unions are entitled to make those claims and Ministers are entitled to come out and say: “I support those claims because I believe they would be helpful for me seeing my political ambitions through of having a sustainable workforce in education to serve the children of this Island.” Can the Minister for Children and Education say whether she supports the representatives of Jersey’s teachers who are asking to safeguard their profession by having cost-of-living pay increases and, if she does support them, what representations has she made around the Council of Ministers’ table to achieve that?

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

Thank you, Deputy, for the question. It is important to say that I am questioned here as the Minister for Children and Education and not as a private member and it is 2 different roles. It is important for me that my workforce will be valued and I value my workforce, the workforce who deliver the best education for the children will be recognised. What is also important to mention that it is not black and white because it is not just a number and we are talking about terms and conditions for the ongoing negotiations. There are extra days, there are different supplements, there are lots of details within the negotiation and it is not just a number. Because I am not a party and I am not aware about detailed negotiation, I urge both sides and I know they are having meetings. Following this we can next week come together and to find ... and I do make representation around the Council of Ministers’ table. It is important that our teachers, as any other workforce as well, because I am also aware for all workforces in the States will be recognised and valued.

#### **4.3.3 Deputy S.Y. Mézec:**

In 2019 the then Minister for Children proudly marched alongside Jersey’s teachers as they demonstrated for more pay. That Minister was joined at the time by the person who is currently Chief Minister and the person who is currently the Minister for Children and Education. Will the current Minister for Children and Education publicly come out in support of the representatives of the teachers who are fighting for their profession and say that she supports their argument for a cost-of-living pay rise?

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

As I previously mentioned, that I support the full rights of the teachers and their unions as their representatives to ask whatever they feel that it is right and there is a negotiation, and I will not interrupt in the middle of negotiations.

#### **4.3.4 Deputy L.V. Feltham:**

As the Minister suggested, pay negotiations are complex and I think she mentioned that things like supplementary allowances and there are all sorts of things that are part of that. Given that that type of negotiation could have an impact on the operations and functions of her department, does she think that Ministers should have more of an involvement in the negotiations that impact their areas?

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

Thank you, Deputy, for the question. I completely agree that the morale of the profession is affected by the pay negotiations; it is not an easy place to be. The teachers and all school staff are completely

committed employers that want the best outcome. This is the system, this is what we have in place. I am not a member of the States Employment Board. It is not in my remit, it is not the policy that I am developing. When it will be brought to the Council of Ministers, it will be brought eventually to the Council of Ministers, where we would have the conversation. As the Deputy rightly recognised, the offer, it is complex, it is not just one number, it is lots of things that come together and we need to see this as a package and not just a number.

#### **4.3.5 Deputy L.V. Feltham:**

Quite rightly it is particularly complex when it comes to teaching negotiations and I myself have been part of some negotiations around teaching assistants as well. Would the Minister and has the Minister made clear the impact to services that would happen if negotiations are prolonged or unsuccessful?

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

I really, really hope that the parties will come together and I urge both parties to come together around the table and to find a way forward for the benefit of our children.

#### **The Deputy Bailiff:**

Yes, final supplementary, Deputy Rob Ward.

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

Does the Minister accept that any pay rise that is below inflation means that teachers and lecturers face a real-term cut in their earnings?

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

As I said, I am not sure what is the package that is offered and it can be complex and it can be meeting their demands. I do not know the package. When I know the details it will be easier to us to discuss.

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

Can I just say it was a very specific question about the effects of a below-inflation pay rise on income?

#### **The Deputy Bailiff:**

Yes, do you want to ask it again?

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

Yes, could I? You have thrown me there, Sir. Can I ask the Minister whether she accepts that a below-inflation pay rise will mean a real-term drop in incomes for anybody facing those pay rises? Perhaps that is better wording.

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

As I answered previously, it is very complicated and I know there were several negotiations over several years and different packages were offered and as a combination we need to sort the combination over the years to say yes or no if it is a real cut.

#### **4.4 Deputy S.G. Luce of the Minister for Infrastructure regarding access to public sports facilities (OQ.73/2023)**

Given the imbalance in the provision of public sports facilities between the east and west of the Island, will the Minister explain when this will be addressed and whether it will be through the delivery of a sports and well-being hub at Le Rocquier or another suitable site so that Islanders in the east have better and fairer access to public sports facilities to maintain their physical and mental well-being?

**Deputy T. Binet of St. Saviour (The Minister for Infrastructure):**

If the Deputy will allow, I think that Deputy Stephenson would like to answer that, as the Assistant Minister for Infrastructure with special responsibility for sports facilities.

**Deputy S.G. Luce:**

Sorry, Sir, I have spoken to the Minister about it, I presumed it would be his Assistant Minister. I do not see that Deputy Stephenson has any delegated responsibility for Infrastructure.

**The Deputy Bailiff:**

Is that right, that you are not the Assistant Minister?

**Deputy L. Stephenson of St. Mary, St. Ouen and St. Peter**

I do have delegated responsibility.

**The Deputy Bailiff:**

All right. In that case you can answer the question.

**Deputy L. Stephenson:**

Thank you very much.

**Deputy T. Binet:**

Thank you.

**Deputy L. Stephenson (Assistant Minister for Infrastructure - rapporteur):**

Through the Inspiring Active Places project team and in partnership with C.Y.P.E.S. (Children, Young People, Education and Skills), we are continuing to develop a number of possible enhancements to sports facilities in the east of the Island. A phased approach to developing a sports and well-being hub at La Rocquier is now being considered to ensure the scale of the project can be managed within the capital resources of the Government. The focus will be to provide a new sports centre and synthetic pitch which meets the needs of the school but is also available outside of school times for community use. Enhancements are also being considered at FB Fields to make the site more accessible and appealing to the local community, while enhancing the sports facilities available.

**4.4.1 Deputy S.G. Luce:**

I thank the Assistant Minister for her answer and apologise again. Can I ask her, she did not mention swimming but it is a huge number of people on this Island struggling to access swimming in public baths, is there any provision going to be made at La Rocquier for public swimming facilities?

**Deputy L. Stephenson:**

I thank the Deputy for his question. The school itself does not require a pool and, therefore, it is unlikely to include one at this stage but there is the potential with a phased approach to perhaps consider the addition of a pool at the site in the future.

**4.4.2 Deputy R.J. Ward:**

May I ask the Assistant Minister with responsibility, looking at the plans that were just mentioned, can I ask what is different about those plans that already existed at La Rocquier because they seem very similar to me? Also, what is the timescale for delivery of those facilities?

[11:00]

**Deputy L. Stephenson:**

The difference in the proposed way forward currently is that it would be a staged approach, rather than one large community well-being hub with 2 very distinct sides; one that would serve the community, one that would serve the school. This would be primarily focused on the school and then outside of school hours for community access. It would be smaller in scale, which would also mean cheaper and, in my view, more realistic in the current climate and more deliverable. With the second part of the question the scoping work is currently underway and I would expect that we will have some more information as we build up to the Government Plan process on budgets and timescales in the coming months. I would say that it is a real priority that the school has a timescale that it can work to and we need to really focus on delivering for the needs of this school, which really does require attention.

**4.4.3 Deputy R.J. Ward:**

Can I confirm that the facility will be smaller but on the same sort of plan? What has happened to the previous plans on which money was spent? In terms of a timescale, I will ask again, so we can look for it in this year's Government Plan to fund but what is the timescale for delivery of the facility, given that it was already in place to be delivered within a timeframe in the last iteration of this plan?

**Deputy L. Stephenson:**

The previous plans that were in place were very high-level outlying plans that put a figure of something around about £71 million on the scale of the facility. When I say that they will be smaller, it will be smaller and more deliverable in that aspect, given that times have changed since those outlying numbers and plans were put together. With regard to timescale, I can only say that the work now trying to scope out exactly how that can happen and when it can be delivered will be put together, and I can come back to the Deputy as soon as we know more. But I would expect that we start to move forward as part of the Government Plan process and get some funding in place to start filling out those plans and providing more detail.

**Deputy R.J. Ward:**

Can I just confirm there is not an actual date available at the moment?

**The Deputy Bailiff:**

The Minister has given her answer, I think. Yes, any other questions?

**4.4.4 Connétable K. Shenton-Stone of St. Martin:**

Could I please ask the Assistant Minister to seriously look at the delivery of a pool and other facilities for the east of the Island and focus on the needs and well-being of those who live in the eastern Parishes and east of St. Helier? Because our needs are just as great as the needs of the west of the Island, where all the sporting facilities seem to be and we do not even have our eastern cycle track yet.

**Deputy L. Stephenson:**

I very much take on board the Constable's points that are well made there. It is recognised and conversations are constantly being had as these discussions continue about the need to provide facilities in the east of the Island. Just to pick up on the last point about cycle provision, I think a number of the projects we are currently looking at, including at FB Fields, will help to link together some of the cycle opportunities that there are. I am very attuned to the points made, as are officers and those working on the projects.

#### **4.4.5 Deputy L.V. Feltham:**

Given the comments made by the Assistant Minister today, could she confirm what direction, if any, she has given officers with regard to sports facilities on the east of the Island?

#### **Deputy L. Stephenson:**

As I say, officers are working with and colleagues in C.Y.P.E.S., specifically on the La Rocquier project. The Minister for Children and Education and I visited the school a few months ago and have worked together to bring a group of people together to provide some clarity and drive on this. The direction has been that the school and its sports facilities need to be a priority.

#### **4.4.6 Deputy L.V. Feltham:**

I do not believe that was a full answer. What specific actions has the Assistant Minister asked for, if any, from her officers regarding these facilities?

#### **Deputy L. Stephenson:**

I will repeat it again and say that we have asked for the delivery of a project to provide much needed sports facilities for La Rocquier School in the east of the Island that can be used for the community as well.

#### **4.4.7 Deputy S.G. Luce:**

I must say I am a bit disappointed because my question was specifically about public sports facilities in the east of the Island and it has been dominated by the provision of educational sports facilities at La Rocquier School. Could the Minister just confirm again for us she is now proposing for La Rocquier a facility which will not be open to the public during school hours?

#### **Deputy L. Stephenson:**

That is the immediate priority with this project, the Deputy is correct. There is then the possibility to phase and provide further facilities in due course.

### **4.5 Deputy M.B. Andrews of the Minister for International Development regarding the democracy of overseas jurisdictions (OQ.58/2023)**

What confidence does the Minister have that the countries she deals with are liberal democracies and is it policy that, where there is a change in the political leadership of a country through non-democratic means, no further overseas aid may be provided to that country?

#### **Deputy C.F. Labey of Grouville and St. Martin (The Minister for International Development):**

I thank the Deputy for his question. Almost none of the countries we operate in are liberal democracies by any objective standard. If we can find ourselves to working in countries that adhered only to our own standard of liberal democracy, in a lot of cases we would not be able to assist the millions of people who need help the most. Indeed, in many cases the destabilisation caused by a change in political leadership through non-democratic means can sometimes be a catalyst for a country needing humanitarian support. There is not, therefore, a policy where we would cease to provide aid to a country that is not, by our standard, a liberal democracy. It should be noted, however, that Jersey Overseas Aid, as a government donor, is quite unusual in that it does not provide bilateral assistance to other countries. We also take the Corruption Perceptions Index into account when choosing the countries to support, as well as the Humanitarian Development Index, therefore targeting countries with the greatest need where corruption is lowest. We keep the countries we assist under continual review.

#### **4.5.1 Deputy M.B. Andrews:**

Where there is political instability that comes to fruition, what process is in place that the Minister will follow and also her officers will follow that process too?



**Deputy C.F. Labey:**

We work with N.G.O.s (non-governmental organisations) and with our due diligence processes that we follow. Obviously they are different if we are dealing with humanitarian disaster and emergency to our sustainable long-terms projects. We have processes in place and I would welcome anyone and the Deputy to come and we can give you a detailed account of the process we go through with the N.G.O.s.

**4.5.2 Deputy R.J. Ward:**

It was partly answered, the question. Can I ask the Minister, is it not non-governmental organisations that are funded in the majority and at times with unrest, getting aid to people who are suffering due to their own Government's failures or unrest, is equally as important as what is happening politically in the country?

**Deputy C.F. Labey:**

Indeed, and as I have already stated, in many cases it is the destabilisation that causes a catalyst for a country needing emergency humanitarian support.

**The Deputy Bailiff:**

Yes, final supplementary. Thank you.

**4.6 Deputy L.V. Feltham of the Minister for Housing and Communities regarding arrangements with social housing providers (OQ.60/2023)**

Further to Oral Question 50/2023, in response to which the Minister confirmed his intention for there to be formal arrangements for all social housing providers, will the Minister provide an update on his current policy position regarding the establishment of these formal arrangements, as well as a timeframe for this action to be completed?

**Deputy D. Warr of St. Helier South (The Minister for Housing and Communities):**

I thank the Deputy for her question. Last week I published my paper entitled *Improving Residential Tenancies in Jersey*. The paper sets out my intention to offer tenants and landlords more rights and better protections through the introduction of a new and improved Residential Tenancy Law. One of the sections of the paper deals specifically with social housing provision, explaining why it should be placed on a statutory footing. It also sets out my proposals for areas within social housing that should be in the scope of the new law. I am committed to engagement with the public on all the areas of residential tenancy reform that I proposed, which includes an initial 8-week period of public consultation. I want to ensure that States Members, tenants, landlords and Islanders can all help shape this work. It would, therefore, be premature for me to be drawn into making specific commitment on formal arrangements for social housing at this early stage of the consultation process.

**4.6.1 Deputy L.V. Feltham:**

Obviously as a Minister, it is the Minister's role to lead on policy. What is the Minister's preferred policy at this point in time?

**Deputy D. Warr:**

I thank the Deputy for her further question. My preferred policy right now is to try and align ... at the moment is to get social housing provision back into the scope of our new law. What has become very apparent is that we need to get consistency across how we look after our social housing provision that is outside ... well, inclusive of Andium but, as has been highlighted in recent events, with the housing trusts. That is one of my big concerns, that we need this overarching law which encompasses both private and social sector housing. Obviously I welcome the Deputy's engagement and feedback in the White Paper debate and our in-committee debate on the 3rd or 4th May coming up.

#### **4.6.2 Deputy S.Y. Mézec:**

Could the Minister explain what his understanding of the problems are that lead him to suggest that there ought to be formal arrangements for all social housing providers? Could he explain what kinds of formal arrangements he would be considering?

#### **Deputy D. Warr:**

I thank the Deputy for his question. I think we have laid out a significant number of issues within the White Paper. I do not want to start prejudicing a debate, which is upcoming, with some views and opinions. I really want to wait for our 8-week period of consultation and then come out with some indications from the feedback that we get as to how we update that law. I think what the Deputy will know, and he stood next to me in the Parish Hall recently with the Jersey Homes Trust and their tenants and the issues which they were highlighting in recent times, those reflections are very much put into the new law that we are proposing.

#### **4.6.3 Deputy S.Y. Mézec:**

With respect, that was a non-answer. I did ask him if he could outline what the problems are that he is seeking to resolve. I am sure he can give us some and what measures he might anticipate could be used to resolve those problems. That does not prejudice anything because he can get feedback and alter those but you have put something out to consult on. Can he explain to us what the problems are and what might be part of the solution to that?

#### **Deputy D. Warr:**

I think one of the clear problems, as we recognised recently, was the 3-week notice period given to tenants with regard to putting their rents up. There was not very much that the Government or anybody could do about that. We obviously made representation to the housing trusts and they changed their minds and delayed the increase. Clearly, that demonstrated a gap in our laws which needs to be rectified. There is an example of issues as to what is happening in the social housing provision and which I am currently unhappy with, and I am hoping our new law will resolve.

#### **4.6.4 Deputy M.B. Andrews:**

As a Back-Bencher, I like to see a Minister who is setting out a directive in terms of policy. What are the aspirations of the Minister for Housing and Communities across this term of office in relation to social housing providers?

[11:15]

#### **Deputy D. Warr:**

I thank the Deputy for his question. My aspiration is to bring together all the various disparate laws, which have been in place since 1946, under one new fit-for-purpose law, and that is my great intention. We have never endeavoured before to bring both social housing and private housing under one overarching law. Many attempts have been made by this Assembly to do bits and pieces and there has been real concern and real failure in that area. I feel that my purpose right now is to both educate the Assembly about the gaps and the issues and also for this Assembly to create an opportunity for them for a once in 15-year moment in time to update a law and make it fit for purpose for the 21st century.

#### **4.6.5 Deputy M.B. Andrews:**

But the Minister touched on legislation, however I want to see policies in place. If he does have policies, what will those policies be?

**Deputy D. Warr:**

Thanks for the question, Deputy. Are we still in the social housing territory? Because I understand this oral question is to do with the social housing requirement. I think we are moving away from that territory, if you could have some views from the Chair, please.

**The Deputy Bailiff:**

I think the question is about social housing, that was the question that Deputy Andrews was asking you about and the supplementary is about social housing policy and not merely legislation. He wants to know about that.

**Deputy D. Warr:**

Social housing policies, I did not recognise that the Deputy had used the word social housing in his question. With regard to ...

**The Deputy Bailiff:**

He did in his first question, did you not? Yes.

**Deputy D. Warr:**

He did, okay. I apologise. With regard to social housing, I think it is to make sure that everybody is on a level footing. We obviously have good controls with regard to our own arm's length organisation in the form of Andium. We do not have such good controls with regard to the other housing trusts and so what I want is a consistent approach across the whole of the social housing provision.

**4.6.6 Deputy R.J. Ward:**

I remind the Minister that the question said on his current policy position, so let me give him some opportunities. Does the Minister believe that there should be a decoupling of social housing rents from the private rental market, given that he is such an advocate of the free market?

**Deputy D. Warr:**

I thank the Deputy for his question. Clearly, the current policy is around this 80 per cent policy to which the Deputy refers. I have gone on record as saying this is a really important policy because it is the basis to our social housing provision, as provided most prominently by Andium Homes. I am very hesitant to change that without there being some very, very good research as to why that model should be changed. There are obviously support mechanisms in place whereby that anybody who is struggling to pay their rent is topped up by the Social Security Department. I appreciate, seeing a shaking of head, that the Deputy does not particularly agree with that approach. However, I believe the approach we have is a very successful one. We are seeing Andium Homes deliver hundreds of new homes of a very high standard and I think we are in an extraordinary position as an Island on our social housing provision, when compared with many other jurisdictions.

**4.6.7 Deputy R.J. Ward:**

Given that the decoupling will not happen and the Minister is an advocate of the free market, which means that private rental will continue to rise, is he happy and is his policy position to allow social housing rents to continually rise at rates which do put people who are struggling and struggling beyond that whereby they get income support to pay their rent? Often it is only a proportion of their rent and they have to find the difference when their rents rise.

**Deputy D. Warr:**

I thank the Deputy for his question. My thoughts around that are, firstly, I have spoken an awful lot about supply and how we, through our actions, get more competition within the rental sector, which will mitigate increases. Clearly, in the White Paper which I have laid out, we are endeavouring to

surface a number of issues which have been brought to my attention with regard to keeping rental increases within inflationary levels, once-a-year increases, a housing tribunal and giving tenants protections in these areas and more security of tenure. There is an awful lot going in because if we are talking about an endeavour to control the private sector in some way, shape or form, these are mechanisms which we can use which can help to mitigate rental increases.

#### **4.6.8 Deputy L.V. Feltham:**

I am not sure how much comfort the tenants of the social housing providers will have taken from the Minister's answers so far, so I will give him another opportunity. When can they expect to see a formal arrangement between the Government and social housing providers so that they can be assured that their homes are going to be fit to live in and that they are not going to come across short notice, high rent increases that are going to put them under an increased amount of stress?

#### **Deputy D. Warr:**

I thank the Deputy for her question. There are already law-drafting proposals in place, which are currently going on in the background. We are going to have an in-committee debate in the first week of May. We have a consultation period for the next 8 weeks ongoing. After that my intention is to use that feedback to see what area is the law, have we got it right, have we missed something? Then bring back to the Assembly by the end of this year a revised new residential tenancy law. I would like to see and I would like to reassure Islanders out there that by the first quarter of next year we will have a new fit-for-purpose law which meets the very concerns that the Deputy has mentioned.

#### **4.7 Deputy S.Y. Mézec of the Chief Minister regarding workplace culture of Government offices (OQ.67/2023)**

Will the Chief Minister advise what concerns, if any, have been raised with her, either formally or informally, by either Ministers or civil servants about the culture and workplace environments in the Government offices during her time as Chief Minister?

#### **Deputy K.L. Moore (The Chief Minister):**

Both public servants and Ministerial colleagues have discussions with me about working environment. As I have confirmed in writing to Scrutiny, while there are no formal investigations at present there will be informal processes going on. One allegation has been made, which was found on initial review to be both speculative and not factually correct or substantiated. There is another complaint which remains at the stage of informal resolution through mediation. People have different perspectives and it is important to take time to understand one another and adapt as necessary. This is especially pertinent in working relationships. We are doing this. The States Employment Board recently undertook a workshop on values and culture within organisations. I think it would be beneficial for others to do so as well, including the Council of Ministers and senior civil servants and I have made a request to that effect. Culture is always evolving and I recognise the importance of developing the right working environment.

#### **4.7.1 Deputy S.Y. Mézec:**

Could the Chief Minister outline the nature of concerns that have been raised to her and what action she has, therefore, taken to address them if she has ever found them to be founded concerns? In what format would she say the greatest concerns that have been expressed to her have been expressed in what format?

#### **Deputy K.L. Moore:**

I am not the line manager of the officials working in and around me and, therefore, they will raise their concerns, I am sure, through their own channels and we will say a line manager. The concerns generally that come to me about the working environment tend to be about our responsiveness, about our use of paper and general working practices, nothing of any concerning nature.

**Deputy S.Y. Mézec:**

Sir, I did ask in my question as to what format those concerns are raised. I guess that can be verbally, in writing of an email, could she elaborate on that, please, as I did ask?

**The Deputy Bailiff:**

Yes.

**Deputy K.L. Moore:**

Apologies, I had missed that part of the question. Generally verbally, I try to have formal and informal catch-ups with as many of my colleagues as I can on a regular basis.

**Deputy S.Y. Mézec:**

Generally or exclusively?

**The Deputy Bailiff:**

I think the Minister has given ...

**Deputy K.L. Moore:**

I do not recall receiving a written email raising any concerns.

**4.7.2 Deputy R.J. Ward:**

Can the Chief Minister confirm if any civil servants have raised through any channels concerns about behaviour of Ministers towards them?

**Deputy K.L. Moore:**

No, I do not recall any concerns being raised with me directly.

**Deputy R.J. Ward:**

No follow-up.

**4.7.3 Deputy L.J. Farnham:**

I think the Chief Minister might have answered it but I just want to make sure. Has the Chief Minister received any communication from either fellow Ministers, colleagues or senior executives, communication by letter or email expressing concern about her conduct towards them or others?

**Deputy K.L. Moore:**

No, only from one particular person, who I have already identified, has a difference of opinion to myself.

**4.7.4 Deputy L.J. Farnham:**

I wonder that in the interests of transparency the Chief Minister might be prepared to make such correspondence public.

**Deputy K.L. Moore:**

If I were to do that I would also wish to share a note of a meeting that I have had with the same person, which I found to be totally unacceptable and a rather distressing experience.

**4.7.5 Deputy L.V. Feltham:**

I recall that when the Chief Minister was the chair of the Corporate Services Scrutiny Panel, one of the things that she seemed most concerned about was workplace culture within the Government of Jersey. Could she explain what steps she has taken to alleviate some of those concerns and what changes she has personally made to ensure that that culture is not pervading within her offices?

**Deputy K.L. Moore:**

I think I have already talked today about our values-based approach. One of the first things the States Employment Board did was to adopt the values of the organisation. As I have already outlined today, we have recently conducted a values workshop, exploring that and we found it to be a really useful process. I have asked for the Council of Ministers to have the same workshop and suggested that it would be valuable for the whole organisation to do the same. Values do help to focus us all and to help us think through our approach to our colleagues and our work. I think it is something that we would all benefit from and it is a useful process. I have already mentioned that I have asked if HR Lounge can come back and do a follow-up report. Their previous reports have been very useful and of course we are continuing with the roll out of the Be Heard survey later this year.

**4.7.6 Deputy L.V. Feltham:**

One of those core values is always respectful. Can the Chief Minister give her guarantee that her and all of her Ministers are always respectful to the senior staff and any other colleagues that they work with?

**Deputy K.L. Moore:**

We are a values-based organisation and we always endeavour to adopt those values.

**4.7.7 Deputy S.Y. Mézec:**

Could I ask the Chief Minister to confirm whether or not there are any cases right now of senior civil servants who have raised what may be defined either as a complaint or perhaps less than that, just a significant concern about the Chief Minister herself?

**Deputy K.L. Moore:**

Sorry, I am not aware of any concerns being raised about me.

**4.8 Deputy C.D. Curtis of St. Helier Central of the Minister for Infrastructure regarding sustainable transport (OQ.64/2023)**

Will the Minister provide an update on the progress of his Ministerial priority which reads: “Working on sustainable transport measures in line with the Sustainable Transport Plan and delivering a Sustainable Transport Roadmap.”?

**Deputy T. Binet (The Minister for Infrastructure):**

I would like to thank the Deputy for her question. The transport team have already delivered 12 minor projects to improve cycling and pedestrian infrastructure under the Strong Start Active Travel Plan that sits under the sustainable transport policy. In addition, the Government has launched behavioural change initiatives, such as the Jersey’s Love to Ride challenge, which has been a great success, achieving higher statistics than any region in the U.K. (United Kingdom). More action is needed, so officers have been collecting data, travel data, evidence and facts from a variety of sources, including desktop studies, parking and bus ticket information, which is being analysed and compiled into a report called the *Preferred Strategy*, which is due to be published towards the end of June this year.

[11:30]

This will need to be accompanied by a bid for funding in the next Government Plan. I do not want to give the Minister for Treasury and Resources a heart attack, but it is going to be between £10 million and £12 million over 3 years. But it is just to say that we really will be looking for more investment because when I refer to a team in the initial paragraph it is one plus 2 part-time assistants. So progress is not as quick as I would like and that is basically a funding-related issue.

#### **4.8.1 Deputy C.D. Curtis:**

So could the Minister give some more detail on any progress about walking and cycling routes through town?

#### **Deputy T. Binet:**

These are the issues that are being put into the plan that will be published in June, hopefully before the end of June but certainly by the end of June.

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

Can I ask the Minister: given that the bus contract is currently out for tender, is one of the integral parts of that negotiation how it fits into a sustainable transport measure and a sustainable transport plan?

#### **Deputy T. Binet:**

It certainly is and that will also include over time the electrification of the bus fleet, hopefully. To that end, I had a meeting with the J.E.C. yesterday evening at La Collette working on the provision of all the charging infrastructure that is going to be needed to be put in place for that to be achieved.

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

Does the Minister feel that increases in bus fares recently is congruent with a sustainable transport policy and encouraging people out of private cars and on to public transport? What is he going to do to try and make it a more affordable and the go-to means of transport for the majority of the Island?

#### **Deputy T. Binet:**

That is an acceptable concern, I think. The simple fact is that if you do not raise prices you have to subsidise it, and it is a very delicate balance that needs to be achieved. So I do understand the desire to keep prices down, but we do live in a real world where inflation at this point in time is particularly high.

#### **4.8.4 Deputy C.D. Curtis:**

Will the plans that the Minister has mentioned include a priority for the cycle track from the east of the Island into town?

#### **Deputy T. Binet:**

As to whether that can be a priority or not we could certainly take a look at that, but there are a number of priorities and there are other areas in the Island where cycling is particularly dangerous. I will confirm that we will try to put some prioritisation as a result of that comment.

#### **4.9 The Connétable of St. Martin of the Chief Minister regarding the Cabinet Office (OQ.70/2023)**

Further to Ministerial Decision MD-CM-2022-539 regarding the Cabinet Office, will the Chief Minister provide an update on the establishment of the office, including which departments have been incorporated into it and whether any others are still due to be transferred, how many Members with oversight for the office were chosen, and the number of staff seconded and recruited to work within the Cabinet Office, including temporary contracts and consultants?

#### **Deputy K.L. Moore (The Chief Minister):**

Apologies, Sir, I have once again lost my ... here we are. The Democratic Accountability P.P.C. Subcommittee reported to the Assembly in February 2022, having invited comments and researched the structure of and support available to Ministerial Government. The report recommended the establishment of a Cabinet Office and I have full confidence that P.P.C. undertook a full and proper piece of work. I made clear in the election campaign and when I was standing for the office of Chief

Minister that the establishment of the Cabinet Office would form part of my programme. I delivered this aim in the first 100 days of Government. There was no further external consultation and ... I believe I am probably answering the wrong question. I do apologise. Forgive me. So this is oral question 70, if I am ... yes.

**The Deputy Bailiff:**

Yes.

**Deputy K.L. Moore:**

Excuse me. I will start again. The Cabinet Office has been formed by bringing together 3 former departments which were led by the Chief Minister: the Office of Chief Executive, the Chief Operating Office and the Department for Strategic Policy, Planning and Performance. The Cabinet Office formally replaced those 3 departments from 1st January this year. As confirmed through the adoption of the Government Plan for 2023, the Government Plan annex details the number of staff who work within each of the service areas within the Cabinet Office. Ministers with political oversight for the administration of the Cabinet Office have responsibility by virtue of Ministerial offices they hold, which are, of course, confirmed by this Assembly. No separate Ministerial structure for the Cabinet Office has been established or is in place.

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

Would the Chief Minister be willing to publish a public-facing organogram, which is an organisation chart, or similar visual item to identify how the Cabinet Office works and where its senior officer sits across the Government of Jersey?

**Deputy K.L. Moore:**

I would be happy to identify an organogram. I think we often spend time writing organograms to think about where we are going, but they are useful documents and I shall find one and share it with the Constable.

**4.9.2 Deputy L.V. Feltham:**

As part of the reorganisation of the Cabinet Office, it is my understanding that the States Employment Board went through the organisational change process in relation to 3 senior positions. Earlier today in the Chief Minister's statements she mentioned that there is likely to be further organisational change, so why at that point in time at the formation of the Cabinet Office was the organisational change process followed but did not include some of those other more wholesale changes referred to by the Chief Minister earlier, and was the consultation process that happened a good use of time and money, given those larger organisational changes that it appears are planned?

**Deputy K.L. Moore:**

The initial work on the Cabinet Office was part of our 100-day plan. It was done at pace and, yes, I do think that that time was well spent. Of course, any organisation is constantly evolving, particularly one of the size that ours is, and now having had time to further reflect and consider and discuss with the chief executive how best we can operate to serve the public and deliver on our mandate and our agenda, I think that there is some further work to do. That is being done in the context now of the feedback from the chief executive and the group that we have talked about already, who are considering the best possible future for the organisation and its good working.

**4.9.3 Deputy L.V. Feltham:**

Earlier in the questions the Chief Minister referred to the C.E.O. having 13 direct reports and that number potentially needing to be reduced. Can she confirm that my understanding is correct that the recent organisational change within the Cabinet Office and the instigation of 2 assistant chief



executive officers did resolve that issue and did reduce already the number of direct reports to the chief executive officer?

**Deputy K.L. Moore:**

As the chair of the Public Accounts Committee I am sure that the Deputy will relish the opportunity to ask the chief executive about that directly. It is my understanding through feedback from the chief executive that the creation of the 2 assistant chief executives has not fully ameliorated the number of direct reports.

**4.9.4 Deputy M.R. Scott:**

With respect to the selection of the Members with oversight for the office, I note that the Chief Minister's statement referred to the need for a forensic evidence-based challenging and daring thought to leadership. Given the Chief Minister's expressed desire for collaboration with respect to the selection of the Members that have been advertised on the Government's website as being members of the Cabinet Office, could she please explain how she chose these particular Members with the qualities of forensic evidence-based challenging and daring thought leadership and comment on the coincidence that they all happen to be members of the Better Way coalition, except the Constable of St. John, who was involved as a campaign manager for one of her previous Senatorial election campaigns?

**Deputy K.L. Moore:**

I thank the Deputy for the question. The Deputy will perhaps recall that at the beginning of this term of office Ministers were selected and then Assistant Ministers were also appointed to their various roles. They were all chosen through discussion with Ministers and also an understanding of their particular priorities. For example, Deputy Stephenson sitting in front of me has a portfolio that includes communications. Of course, that is an area of particular professional expertise of hers and she is rightly a fitting person for that role and gives and contributes greatly to all of the aspects of her portfolio which crosses into Economic Development, where she is an Assistant Minister, and also now into Infrastructure, joining up some of the dots and helping to make greater coherence of the cross-cutting nature of policy that we see. I do believe and I understand that Members have drawn a conclusion with regard to the pictorial reference on the website of the Cabinet Office Ministers, but I just remind Members that these appointments were made prior to the Cabinet Office being formed. They are simply a consequence of those appointments that were made in the early days of this Government and it is something of a coincidence. There is also another member of the Better Way group, the Constable of St. Peter, and he does not figure in that picture because his expertise and interests lie within the Education and Children Department and also the Treasury, where he is a very effective Assistant Minister.

**4.9.5 Deputy M.R. Scott:**

Thank you to the Chief Minister for her response so far. So in order for me to understand this coincidence, could the Chief Minister please explain how exactly the particular Ministerial posts were identified that led to these particular Ministers and Assistant Ministers being members of the Cabinet Office and whether this was discussed and agreed within the Council of Ministers in advocating these particular Members' qualities of forensic evidence-based challenging and daring thought leadership above the other Ministers and Assistant Ministers in the Council of Ministers?

**Deputy K.L. Moore:**

I do think I have already elaborated quite sufficiently on the many qualities. I could, of course, direct the Deputy to the Deputy sitting to my right, who has a level of experience in I.T. (information technology) and a level of understanding of data that is far superior to mine and, therefore, he was selected for his understanding and interest. I think both he and the Constable of St. John are extremely effective in working with colleagues in that sphere of interest and I am really grateful to

them both for their hard and diligent work. We all do our best to match people with their expertise and their interests to the right roles and I believe we have been effective in doing that.

**Deputy M.R. Scott:**

Just a point of clarification, please, because my question about whether it had been discussed with the Council of Ministers ...

**The Deputy Bailiff:**

You need to stand up when you are addressing me.

[11:45]

**Deputy M.R. Scott:**

Sorry, Sir. My question whether this selection had been discussed with the Council of Ministers and whether it had been approved has not been answered.

**The Deputy Bailiff:**

Yes. Do you want to respond to that particular question about a part of the question you were asked, Chief Minister?

**Deputy K.L. Moore:**

There were many conversations had at the time, I would imagine, but it was more of a verbal and iterative process done at some pace.

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

I look forward to seeing a clear organisational chart of how the Cabinet Office works and where it sits and I wondered if the Chief Minister would have a timeframe for when that will be delivered.

**Deputy K.L. Moore:**

I do not currently have an exact timeframe, but I hope that we will be able to deliver an organogram in pretty short order to the chair of P.P.C. Of course, I say that with the caveat that this may be under further work as we progress forwards with the interim role and a review of how best the organisation can function.

#### **4.10 Deputy M.R. Scott of the Chair of the States Employment Board regarding the independence of the People and Corporate Services Group Director (OQ.72/2023)**

Further to paragraph 24 of the report of the Comptroller and Auditor General entitled *States Employment Board Follow-up September 2022* will the chair advise how the States Employment Board intends to address concerns regarding the lack of independence of the group director for People and Corporate Services as an adviser to the board?

**Deputy K.L. Moore (Chair, States Employment Board):**

The vice-chair is going to answer this question.

**Connétable A.N. Jehan of St. John (Vice-Chair, States Employment Board - rapporteur):**

Thank you for the question. As set out in the Government's legislative programme, which was published in October 2022, I expect to bring forward amendments to the Employment of States of Jersey Employees (Jersey) Law 2005 later this year. As part of this project, the law is being reviewed to ensure the constitution and role of the States Employment Board is underpinned by a modern legislative base. This includes consideration of the statutory role of officials and advisers who support the States Employment Board to carry out its functions. It should be noted that Article 6A of the law already allows S.E.B. to appoint up to 2 independent advisers to support our work.

**4.10.1 Deputy M.R. Scott:**

Could the vice-chair please outline the nature of these amendments and the extent to which consideration has been given to potential outsourcing of elements of management to the private sector in order to rapidly bring up the standard of the culture to professional standards outside the public sector?

**The Connétable of St. John:**

We already have one independent adviser to the States Employment Board and we have identified the criteria to appoint a second one as we are able to. The States Employment Board have a workshop on 4th May where we will be looking at the detail on what other requirements we need in terms of changes to the legislation.

**4.10.2 Deputy L.V. Feltham:**

In his answer, the vice-chair referred to having an independent adviser already in place. Could he give us some more information about the skills and also the tasks that have been given to that particular independent adviser?

**The Connétable of St. John:**

The independent adviser is a chartered director, is an H.R. (human resources) professional, is on a number of boards, including a large public health trust, and has provided very valuable independent advice to the States Employment Board both during its meetings and outside of its meetings when it has been requested.

**4.10.3 Deputy L.V. Feltham:**

Could the vice-chair let us know what kind of contract that independent adviser is on and what type of cost that might be coming at?

**The Connétable of St. John:**

I do not have that detail to hand but I am more than happy to provide the Deputy and Members that detail. The second post that we are looking at, we are looking for somebody locally based and with legal experience in H.R. matters.

**4.10.4 Deputy R.J. Ward:**

May I ask the Vice-Chair: do those advisers advise on pay awards?

**The Connétable of St. John:**

The adviser advises the States Employment Board as and when necessary when we are discussing different matters, and that may include pay. It includes a whole range of subjects.

**4.10.5 Deputy R.J. Ward:**

Can I ask the Assistant ... the Deputy of the S.E.B. - I am sorry, it is very confusing, all these titles - whether the adviser advised on the current pay awards?

**The Connétable of St. John:**

The current pay awards which we are going through at the moment are part of the Government Plan which was agreed by this Assembly, and we will be talking to the independent adviser as and when necessary on that matter.

**4.10.6 Deputy M. Tadier:**

Will there be a requirement for the eventual successful candidate to be personally sympathetic with the policies of the Better Way group?

**The Connétable of St. John:**

I am not sure which candidate the Deputy is referring to.

**The Deputy Bailiff:**

I am not sure this arises from the question.

**Deputy M. Tadier:**

I am talking about the person who ... unless I have misunderstood the thread of the question, the person who is eventually appointed to this new H.R. position.

**The Deputy Bailiff:**

Yes, that is the question that you are being asked.

**The Connétable of St. John:**

The requirements for the person will be down to their professional skills, not any political leanings.

**Deputy M. Tadier:**

Do I get a supplementary or have I had it?

**The Deputy Bailiff:**

Well, I am not sure so you can have one. [Laughter]

**4.10.7 Deputy M. Tadier:**

The reason I ask that is there is a requirement and level in the civil service which requires civil servants to be apolitical. So, for example, a member of a political party such as the Jersey Alliance, the Jersey Liberal Conservatives or Reform Jersey would not be able to be a member of those parties, but where we have a grouping of Ministers who are not an official party it is conceivable that an individual may well be completely aligned with that grouping with no requirement to declare an interest. What mechanisms are there in place at the Better Way Cabinet to make sure that they are not just recruiting from within their own ranks, effectively?

**The Connétable of St. John:**

I am not well placed to answer that question because I am not part of a Better Way group. Any employee over a certain level, as the Deputy has alluded to, has specific requirements when it comes down to political engagement. The adviser would not be an employee but would be a consultant.

**4.10.8 Deputy M.R. Scott:**

Could the vice-chair please confirm that the current independent adviser has been in place for a number of years, has a background in the public sector and was in place at the time of the departure of the former C.E.O. in circumstances that were unsatisfactory and cost the public a certain amount of money and, if so, whether there has been any consideration of replacing that independent adviser?

**The Connétable of St. John:**

The independent adviser has been an adviser for a number of years. Their background is in the railways, H.R. within the railways and, as I mentioned earlier, as well as health and other industries. I do not know what advice the independent adviser gave in relation to the former chief executive's departure. All I can say is that I am very, very impressed with our current independent adviser.

**4.11 Deputy R.J. Ward of the Chair of the States Employment Board regarding an additional pay offer to education staff (OQ.63/2023)**

Will the chair of the States Employment Board state when the board made an additional pay offer to teachers and lecturers following their rejection of the original offer?

**Deputy K.L. Moore (Chair, States Employment Board):**

This is again for the Vice-Chair.

**The Connétable of St. John (Vice-Chair, States Employment Board - rapporteur):**

The 2 teaching trade unions received a formal offer of 7.9 per cent fully consolidated pay increase by letter on 3rd April. We have not yet received notification of the ballot arrangements for the formal offer from either of the 2 unions, which we requested in our letter, so we do not know if they have rejected or not. Prior to the formal letter, there were several discussions between the negotiating team and representatives setting out each other's positions. This was followed up by a letter on 10th January but that was not a formal offer. The first formal offer made to the unions was on 3rd April.

**4.11.1 Deputy R.J. Ward:**

When is the vice-chair - got that right this time - expecting to enter direct negotiations with the unions and teachers' representatives in order that we might move forward this situation?

**The Connétable of St. John:**

The States Employment Board have met with all of the trade unions from all of the representative bodies of our employees and plan to do so on a regular basis. That does not include discussions around pay. We did, however, meet as a States Employment Board last week and we have requested that the negotiating team make contact again with the union officials and we expect an update on Friday.

**4.11.2 Deputy L.V. Feltham:**

In his answer to the previous question, the vice-chair made a reference to pay awards having been I think part of the Government Plan process, so can he confirm if indeed the negotiating team does have any flexibility to negotiate?

**The Connétable of St. John:**

The negotiating team does have flexibility to negotiate within the envelope of the monies that have been voted for in the Government Plan. So, therefore, they have the flexibility. They also have the flexibility to look at different things, which may include holidays, may include sick leave, et cetera. So there is flexibility for the team. We have to balance various competing pressures. We consider the 7.9 per cent increase to be a fair offer and note that it has been accepted by teaching assistants, meal-time assistants and other professions who work alongside teachers, and we maintain that it is a fair offer.

**4.11.3 Deputy L.V. Feltham:**

A few years ago some of the negotiations revolved around gainsharing. Can the vice-chair let us know whether gainsharing is going to be part of those negotiations or not?

**The Connétable of St. John:**

When we recently met the teachers unions, not to talk about pay but to talk about other things, we discovered that there had been agreement in 2019 to look at the terms and conditions. These date back to 2013 and the States Employment Board have committed that this work must start in this school term for that work to be done. That may or may not include gainsharing; I would need to check.

**4.11.4 Deputy R.J. Ward:**

Can I ask the vice-chair whether, given that the negotiators obviously cannot negotiate extra money without taking it out of budgets, is that genuinely an ability to negotiate pay with the teaching unions or is this just another smokescreen as has happened so many times in previous years with iterations such as gainsharing and that terrible phrase "within the pay envelope"?

### **The Connétable of St. John:**

I should have emphasised the words of the Minister for Children and Education earlier how we value our teachers and how in our meetings we have learnt about some of the pressures that they face. Within that envelope the negotiating team and the negotiators have the ability to award different levels to different members of the teams and, therefore, some staff could have received up to 12 per cent and others are receiving around 6 per cent. It is worth noting that it is about a whole package that our employees receive and teachers still benefit from a final salary pension scheme, which was removed from other professions and also removed from teaching in the U.K..

#### **4.12 Deputy L.V. Feltham of the Minister for Social Security regarding the Pension Plus Scheme (OQ.61/2023)**

Further to the comments of the Council of Ministers on the Pension Plus Scheme, P.90/2022, will the Minister provide an update on her current policy position regarding the extension of eligibility for the Pension Plus Scheme to more pensioners as well as a timeframe for the action to be completed?

#### **Deputy E. Millar of St. John, St. Lawrence and Trinity (The Minister for Social Security):**

I thank the Deputy for her question. The comments referred to in the question were published before the cost-of-living mini-Budget was approved by the Assembly last year. At the time, I made a commitment to include a review of pension benefits in my 2023 Ministerial Plan. That commitment has been upheld and I have completed my initial review of benefits to identify specific areas for further work.

[12:00]

These include a detailed review of the treatment of income and assets within Pension Plus and other pension benefit schemes, and this will be undertaken as soon as possible and it is a priority area for 2023. This work is likely to increase the number of pensioners who qualify for the Pension Plus benefit.

##### **4.12.1 Deputy L.V. Feltham:**

I do not think I actually heard a policy there, so could I ask for the Minister to confirm what her own policy position is, given that she is providing the political leadership in this area?

#### **Deputy E. Millar:**

I thought I possibly had done. I do want to increase the number of pensioners who can qualify for Pension Plus, and that is my policy. We need to work out how we do that and, critically, how we fund it, but my policy is to increase availability of this benefit to pensioners.

##### **4.12.2 Deputy M.R. Scott:**

I understood at the time that I withdrew the proposition that the proposed changes were likely to be ready around July 2023, if I am not mistaken and I am happy to be corrected. I just wondered if the Minister could confirm exactly when she expects to see changes to the Pension Plus policy should there be the funds to happen.

#### **Deputy E. Millar:**

I would certainly hope that July 2023 is achievable. I have a small team of policy officers. I have given them some quite tight timescales across the board and there are a number of areas that we do need to look at, but pensioner benefits is certainly a priority, particularly in light of the recent press on the poverty report in Jersey and the impact on low-income pensioners. So Pension Plus is certainly a priority and I would hope that whatever amendments we make will be in place by July at the very latest.

#### **4.12.3 Deputy L.V. Feltham:**

Can I get some clarity from the Minister about who exactly she wishes to extend Pension Plus to and what direction she has given to officers when they are undertaking their reviews?

#### **Deputy E. Millar:**

Well, there is a pensioner group and there is a group of low-income pensioners and those are the ones we are particularly focused on. Our initial stages will be to consider things like the asset disregards and the income levels, and the asset disregard I believe is £30,000. I think I got that wrong last time. But we are certainly looking at the asset disregard and income levels to make sure that pensioners who do not currently qualify will be brought into the net for Pension Plus.

#### **4.13 Deputy L.J. Farnham of the Chief Minister regarding the resignation of the civil service resignation (OQ.66/2023)**

Following the resignation of the chief executive officer, will the Chief Minister state whether any more senior civil service posts are currently in question or under consideration by the Chief Minister, the Council of Ministers or the States Employment Board and, if so, how many? Just for the avoidance of doubt, when I say following the resignation of the chief executive officer I am referring to all senior civil service staff, including health staff.

#### **Deputy K.L. Moore (The Chief Minister):**

The structure of the civil service and the roles within it are continually evolving and adapting to changing circumstances. I think it is important to reassure the public service that we are keen to maintain stability so no significant changes are planned and there will be no root and branch review covering the whole organisation. As Members know, work is ongoing at present to review the future structure of the chief executive's role to ensure it is properly defined and supported to enable the new post holder to succeed. This will undoubtedly lead to some changes within senior roles. Any changes will be announced carefully and after appropriate consultation with relevant colleagues.

#### **4.13.1 Deputy L.J. Farnham:**

I thank the Chief Minister for that and just ask that she would keep Members updated of any significant changes that may come her way.

#### **Deputy K.L. Moore:**

If I am required to respond, I thank the Deputy for his question. Of course, he will appreciate that employment matters are confidential and we have a duty of care to our employees.

#### **4.13.2 Deputy M.R. Scott:**

With respect to the duty of confidentiality and also with reference to the Chief Minister's response to my Written Question 138 in which she informed that after receiving the resignation of the chief executive officer she sought advice to proceed from the chief people and transformation officer, formerly group director for People and Corporate Services, who provided his advice on return from leave on 21st March 2023, could she please just confirm that she is not waiting for him to come back from another leave before announcing any other resignations?

#### **Deputy K.L. Moore:**

I saw the officer in question just this morning and so I can confirm that he is currently in the Island.

#### **4.13.3 Deputy M.R. Scott:**

Could she please advise whether there might be any alternative advisers in Government or as independent advisers to the S.E.B. who might substitute for this officer should he be away?

**Deputy K.L. Moore:**

Well, there will be a structure within that particular department but I am not quite sure what the Deputy is angling at.

**The Deputy Bailiff:**

Do you want to clarify your question?

**Deputy M.R. Scott:**

Yes. I am just exploring the possibility ... the support that the Chief Minister might have in terms of advisers when announcing resignations as an alternative to the group director.

**The Deputy Bailiff:**

Do you want to respond to that, Chief Minister?

**Deputy K.L. Moore:**

Despite popular belief, there is a relatively limited resource and, therefore, the advice was required from a particular person and that is simply all I can say, although I would like to say how pleased I am to work with other people working in that section of the organisation through the States Employment Board. We hold them in the highest regard.

#### **4.14 The Connétable of St. Martin of the Chief Minister regarding consultation of the Cabinet Office (OQ.71/2023)**

Will the Chief Minister explain what external consultation has been undertaken in relation to the development of the Cabinet Office, including any consultation with Islanders, and advise which other jurisdictions, if any, have been considered or contacted to understand their respective ways of working?

**Deputy K.L. Moore (The Chief Minister):**

Apologies for some repetition. I now understand that the Oral Questions do not run in numerical order in the Order Paper, which is why I have been somewhat confused at times today.

**The Deputy Bailiff:**

I think they do, but perhaps you have an older Order Paper.

**Deputy K.L. Moore:**

No, they do not. According to my record they are ... but anyway, I will give my answer. The Democratic Accountability Subcommittee of P.P.C. reported to the Assembly in February last year, having invited comments and researched the structure of and support available to Ministerial Government. The report recommended the establishment of a Cabinet Office and I have full confidence that P.P.C. undertook a full and proper piece of work. I made clear in the election campaign and when I was standing for the office of Chief Minister that the establishment of a Cabinet Office would form part of my programme. I delivered this aim in the first 100 days of Government. There was no further external consultation. I am not aware that there would be for such an administrative restructure and the proposals were then developed in line with the recommendations of the subcommittee, albeit with some modifications due to certain legislative constraints. As Ministers, we, of course, regularly engage with Islanders, including at Council of Ministers' meetings which we hold on a monthly basis now in the parishes.

**Deputy M.R. Scott:**

Sorry, I was intending to ask a supplementary to the question but I understand if the Constable has not I do not have the right to ask a supplemental.



**The Deputy Bailiff:**

No, you can ask a question.

**4.14.1 Deputy M.R. Scott:**

Oh, I can? Thank you very much. Could I please just ask the Chief Minister in terms of the structure of the Cabinet Office how the States Members who are members of it are accountable to the Council of Ministers themselves?

**Deputy K.L. Moore:**

I do agree with the Deputy that if a supplementary question is not put, then generally there is not a follow-up from other Members of the Assembly, but I would endeavour to answer the Deputy's question. So, I think it was a question about accountability to the whole Council of Ministers and that ... well, officials are accountable to myself as the Chief Minister. I think that would probably be the simplest way to understand it. They have a structure within themselves and then through the chief executive who is accountable to the Council of Ministers as a whole.

**4.14.2 Deputy M.R. Scott:**

If I could just clarify, I am talking about political accountability and the extent to which the Ministers and Assistant Ministers in the Cabinet Office are overseeing or account for their decisions in the Cabinet Office to the Council of Ministers as a larger body.

**Deputy K.L. Moore:**

Well, we are all here to hold each other to account, but generally Ministerial work is conducted through that particular Ministry and items are raised to the Council of Ministers when there are cross-cutting matters.

**4.15 Deputy S.Y. Mézec of the Chief Minister regarding the establishment of the Cabinet Officer (OQ.68/2023)**

Will the Chief Minister explain in what ways she considers the establishment of the new Cabinet Office to have been a success, whether she has any plans to change it in the future and, if so, what these plans are?

**Deputy K.L. Moore (The Chief Minister):**

We have achieved our objective of creating a Cabinet Office and we did it quickly within our first 100 days. This was an organisational change to improve accountability and co-ordination at the centre of government, which it has done. As announced last August, the Cabinet Office was formed through merging the former Chief Operating Office, Office of the Chief Executive and the Department for Strategic Policy, Planning and Performance. This practical step has achieved greater coherence and enabled us to put in place the new management structures quickly. We will now start to undertake the next stage, which is to look at how we can best focus the Cabinet Office on delivering improved departmental support and advice to the Council of Ministers in the most effective way. As part of this, we will ensure that Ministerial decision-making accords with the structures set out in the States of Jersey Law, namely through the Council of Ministers or through individual Ministers and their Assistants. We have not and will not be establishing any separate political decision-making structures grouped around the Cabinet Office.

**4.15.1 Deputy S.Y. Mézec:**

The Chief Minister has created a Cabinet Office but she has not created the Cabinet Office that was proposed in the P.P.C. subcommittee, in whose reports they say if a Cabinet Office is established the head of the Cabinet Office could be responsible for providing advice to the Council of Ministers and the chief executive to account to them for delivery policy initiatives. That sounds like 2 separate

roles fulfilling 2 separate functions, whereas the Cabinet Office she has created has one person still doing both of those. So can the Chief Minister confirm that we will imminently hear from her the intention to establish a proper head of Cabinet Office, a Cabinet secretary or whatever you want to call them, as envisaged in that report?

**Deputy K.L. Moore:**

I think we have already been over this ground once today and in my answer to the Deputy previously I talked about the potential for a Cabinet secretary and I referred to the fact that this is part of the review. But under the current structure we have been working within the structure that was existing, one that we, of course, inherited when we assumed office and all of those post-holders who were legally in the roles that they had been employed to do at the time.

[12:15]

**4.15.2 Deputy M. Tadier:**

Is there a model either somewhere around the Commonwealth on which the Chief Minister would hold up as an ideal to model the Jersey Cabinet Office on and, indeed, although it was not necessarily her conception as an idea, could she clarify what she thinks Jersey's current manifestation of the Cabinet Office is most closely aligned to in terms of other Executives around the world?

**Deputy K.L. Moore:**

I do think that our Cabinet Office, and I have made it quite clear, is a work in progress at the moment. We have made our best steps and first endeavours to meet the recommendations of the Democratic Accountability sub-group. When we look across the world, of course, we are not unique but we are a complex organisation, as I have already said today, and there are other models to look to. Of course, we often look to Westminster, but then we can equally look to other small island nations for our inspiration and we endeavour to do so. Along with colleagues we have been reaching out to others who may be able to assist us in that.

**4.15.3 Deputy M. Tadier:**

Is there a tension between having somebody, a non-politician officer, on the Cabinet Office who can either be completely apolitical but nonetheless needs to effectively do the bidding of Ministers versus a different model where that officer may be politically partisan towards and sympathetic towards what is going on in terms of the policy direction of Government? What are the options that are available and the tensions that the Minister sees?

**Deputy K.L. Moore:**

The British civil service tradition generally tends to be one that civil servants are not partisan and they do not change as the Government changes. However, of course, there are other structures where a full change can be seen, and we see that in the U.S. in particular, do we not? Therefore, as part of the British system I would imagine that that is the structure that we would first and foremost look to.

**4.15.4 The Connétable of St. Brelade:**

Given that the Cabinet Office is in a process of implementation as was indicated earlier, could the Chief Minister confirm who is responsible for what was the old M. and D. (Modernisation and Digital) Department and is she satisfied that security arrangements are properly in place?

**Deputy K.L. Moore:**

Thank you for the question, Constable. Modernisation and Digital is currently sitting in the responsibility of the Treasurer as an Assistant Chief Executive. I think, despite ... apologies, sorry. I am perhaps getting my acronyms incorrect and that is now I.T.S., the Integrated Technology

Systems project, that sits there. I am ably supported politically by both the Constable of St. John and Deputy Alex Curtis, who have taken a Ministerial role in that area.

**The Connétable of St. Brelade:**

I thank the Chief Minister for her answer.

**4.15.5 Deputy M.R. Scott:**

Could the Chief Minister explain her definition of success in terms of delivering the Cabinet Office, other than to say she has delivered it?

**Deputy K.L. Moore:**

Well, I talked earlier about delivering a functioning organisation that can meet political mandates and deliver on the agenda of the day for the public. Essentially, that is why we are all here, to respond to the public's requirements. The public at the elections talked about accountability. They also talked about efficiency, and through doing this process we hope to deliver a service that is best placed to meet those requirements that the public have demanded and that is what we are really focused upon doing.

**4.15.6 Deputy M.R. Scott:**

Could I please now ask: now that she has delivered the Cabinet Office, how has delivery of these things changed?

**Deputy K.L. Moore:**

I think through the course of this morning we have identified that this is a work in progress. We have made some movements and there is still work to be done.

**4.15.7 Deputy L.V. Feltham:**

From what we know of the Cabinet Office, it sounds increasingly similar to the old Department of the Chief Minister, or Chief Minister's Department I think as it was. Can the Chief Minister confirm whether this is just a rollback to the previous iteration or whether this is a carefully designed department that has been put together in such a way to resolve certain issues and, if so, what is being resolved?

**Deputy K.L. Moore:**

I think as structures evolve and change they can sometimes look like past structures because, of course, there is a limited amount of room for manoeuvre and people often come in with new ideas and those who perhaps have a longer corporate memory say: "Oh, yes, we saw that in the last decade or the one before that." So there will always be some element of that and some reflection upon what has been, but of course we are focused on looking forward, trying to find the best fit so that we can deliver the best possible services in the most efficient way that will benefit Islanders. Because ultimately that is why we are all here today and we hope that we will move forward and serve Islanders to the best of our ability.

**4.15.8 Deputy L.V. Feltham:**

Can the Chief Minister explain to us what is so efficient about this particular structure?

**Deputy K.L. Moore:**

Well, it has been simplified somewhat and bringing a number of delivery points into the same structure. That has been a process and, as I have already stated today, it is a process that will now continue following recent events.

#### **4.15.9 Deputy M.B. Andrews:**

It seems to me within a 100-day period if you are planning to implement a Cabinet Office there potentially could be some mistakes that could be made. Most often when there is a decision that will be taken, Governments will have more time to implement things and to review that process as they go along. So, does the Minister agree that potentially there could be some inefficiencies that later potentially could be addressed due to the timeframe of the 100-day plan of implementation?

#### **Deputy K.L. Moore:**

I think I have made it quite clear today that some change has been rolled out and delivered in short order. Other changes will take a longer time and further consideration, and that is the process that we are working to. We will endeavour at every point to make our most efficient and best decisions with what we are dealing with at the particular time. Progress and delivery of the best outcomes for Islanders is at the heart of that on every occasion.

#### **4.15.10 Deputy S.Y. Mézec:**

Can the Chief Minister explain exactly in what way accountability has been improved tangibly by this restructure, especially given that the functions of policymaking and delivery on policy are still held by the same office when the proposal originally made for a Cabinet Office was deliberately to split them so that accountability could be enhanced?

#### **Deputy K.L. Moore:**

When considering accountability, we generally think about the one Minister, one department structure that was agreed by the former Assembly. That is something that we are still working towards achieving and we have not forgotten about it. The question about policy and accountability for that is ultimately a political place because we as politicians are accountable to the public for delivering upon our policies. Of course, that moment is held at the ballot box with every member of the community who turns out to vote.

#### **4.16 Deputy M.B. Andrews of the Minister for Social Security regarding a cap of social security (OQ.59/2023)**

Will the Minister advise whether she is considering the abolition of the social security cap in order to meet increased social expenditure costs due to the Island's ageing population and, if not, why not?

#### **Deputy E. Millar (The Minister for Social Security):**

I thank the Deputy for his question. A full actuarial review of the Social Security Fund has been undertaken over the last few months. The final report will be published within the next few weeks. The report considers the forecast behaviour and requirements on the fund over the next 60 years. It takes full account of the impact of the ageing population on pension and other benefit costs. Once the report has been finalised and published, I will then be considering any advice provided by the actuaries and whether any structural changes are needed to the fund or the level of contributions. What I would say now is that I have seen some high-level findings from the actuarial report which indicates that the Social Security Fund is currently in a very strong position, but I do not want to say more until the final report is published and that information can be presented in its full context.

#### **4.16.1 Deputy M.B. Andrews:**

It seems to be very unfair when we are looking at personal incomes and seeing how regressive some of the measures are, especially on those who are higher earners. Really, it should be the case - and I hope the Minister is in agreement with me - that everybody should be paying a proportionate amount of social security contributions. Would she not agree?

**Deputy E. Millar:**

My understanding is that government should not raise more money than it needs and as far as the Social Security Fund is concerned, the Social Security Fund pays pensions and other contributory benefits and that fund has money to pay all those benefits at present. There is no need for the benefits to be increased. There are lots of academic arguments about contribution levels and taxes, but at the moment there is no need to increase the money going into this fund.

**4.16.2 Deputy S.Y. Mézec:**

Can the Minister attempt to put forward a moral case for why the richer you are in Jersey the lower effective rate of social security contributions will be paid in your name?

**Deputy E. Millar:**

Again, I believe this relates to how we view both our tax system and our contribution system. If we wish to tax the rich more, that is a matter for income tax and other taxes. Contribution is a different matter. I do not think it is unfair that no matter how much you put in ... the social security system works basically on the basis that everybody puts the same amount in and everybody gets the same amount back. If you are wealthy, paying more money in does not mean that you get any more out. Everybody gets the same pension and the same benefits and that is why it is a fair system across the board.

**4.16.3 Deputy S.Y. Mézec:**

Of course, what we have just been given is an inaccurate description because if you are a lower earner as an absolute amount you will pay a less amount but may still get the same amount more as somebody who earns more. It is a case of from each according to their ability to each according to their need, unless you are super rich. So I would ask the Minister if she would be prepared to acknowledge that that impact of the social security cap is regressive as a matter of definition?

**Deputy E. Millar:**

I do not think it is quite as straightforward as the Deputy suggests. There are greater contributions paid by higher earners. Self-employed people pay more. Self-employed earners pay more on their earnings. The employers of the wealthy pay additional contributions above the standard earnings limit. So the people who earn more do effectively contribute more. Those who earn less and do not, therefore, because of their low earnings have a full contribution record are supported through the States grants and other investments into that fund. The whole theory of the fund is to give everybody the same pension at the end, and I remain of the view that if you want to tax people and extract more money from the wealthy, the appropriate way to do it is through the tax system and not through social security contributions. Again, in any event, we have no need at present, I believe, to increase the amounts of contributions going into the fund.

[12:30]

**The Deputy Bailiff:**

That completes those questions. We now move to questions to Ministers without notice and the first period of questions are questions to the Minister for Children and Education. The first question is from Deputy Rob Ward.

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

**5.1 Deputy R.J. Ward:**

In 2016 the States Assembly agreed to cut the starting salary of teachers in public schools by £8,000. Does the Minister see any link between this and the failure to retain teachers long term in Jersey?

**Deputy I. Gardiner (The Minister for Children and Education):**

I thank the Deputy for his question. I am not sure what has happened in 2016 as I did not look into the data, but yesterday I have received the update about the teacher situation in Jersey. So the teacher situation is low with 36 teachers having left in the 12 months to the end of March 2023 and this is 4.2 per cent of teacher workforce of 855. Compared to general numbers in the States of Jersey employment it is 8.83, so if you are looking into the numbers, this is where we are standing. I do not know what happened in 2016.

**5.1.1 Deputy R.J. Ward:**

The issue is around the fact that by cutting starting salaries in 2016 the beneficial starting rate was lost and, therefore, teachers may arrive here in their early years, do a couple of years, and then leave the profession and go back to the U.K. where it is just as beneficial, even with their final salary pension, which is such an essential part of terms and conditions. Would the Minister agree that this is now having an effect because we are not retaining teachers long term and this transient workforce is not good for young people?

**Deputy I. Gardiner:**

I always like to look into the numbers. I did not have the numbers about how long we retain teachers. I need to look into this and to come back with answers which will be evidence-based.

**5.2 Deputy C.D. Curtis:**

Bearing in mind the final year of the degree course has just been cancelled by University College Jersey, how will the Minister address any concerns from students and potential students about the reliability of degree provision?

**Deputy I. Gardiner:**

I really thank the Deputy for her question because we are reviewing the higher education provision on the Island because we realise that market demand changed quickly. If we are talking about this specific course, it was a top-up B.A. (Bachelor of Arts) business and management degree that starts in September 2023 and it has been cancelled. It has been cancelled because most of the students from the first 2 years decided to accept employer offers that they can continue to do it perhaps through the employment. All the students were cancelled from the start of the academic year and they have been told about the risk of top-up year if they will not be signed in. In March 2023 we found only 2 people who would like to continue and each student has been offered tutorial discussion. They do not need to do new exams. The course is running with Plymouth University and if they agree they do not need to apply through U.C.A.S. (Universities and Colleges Admissions Service) again and they can do this top-up. It has unfortunately happened but, as the Deputy can understand, if only 2 people out of all the course would like to do the top-up one, it is something very difficult to arrange and it is an option.

**5.2.1 Deputy C.D. Curtis:**

Just for one or 2 people it is still a huge impact and devastating for them. I would have thought it possible for more to be done online perhaps. Where a course is cancelled partway through, can additional support be provided to help the student complete the qualification they set out to achieve, which may need to be on-Island?

**Deputy I. Gardiner:**

This is the conversation that we are having. This is what I found. What is important to say is that since I have been elected into the role we are developing and it is still under process of the business high-level entrepreneurship in which people can work and do the top-ups. We are also looking into

the hybrid courses with the universities, which is online, offline, couple of days, part-time goal to be out of this phase, but because it is taking a year, from what I have learned, to get full academic recognition and we are in intense conversations with several universities, this is my intention to offer the option of offline, online and part-time in the universities.

### **5.3 Deputy T.A. Coles of St. Helier South:**

Given that the minimum requirement for a school counsellor is a level 4 in therapeutic counselling and there is no requirement for a supplementary qualification in working with children and young people, does the Minister agree that a school counsellor should be working towards a qualification for working with children and young people?

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

It is a very good question and I thank the Deputy for his question. I believe that during the continuing professional development these types of courses are offered because nobody can work at school without having different courses being taken and being trained to work with children. But again I really thank you for the question and I will double check the convention.

#### **5.3.1 Deputy T.A. Coles:**

Does the Minister then support a compulsory requirement for all current employed school counsellors to undertake a C.P.D. (continuing professional development) module in working with children and young people?

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

I agree that for each employer there needs to be a route for the professional development because everyone, including us going to different courses to develop our skills, what it is important for me to do, as you imagine with 2,500 employees with C.Y.P.E.S., I do not know exactly each qualification and exactly each diploma that people need to do, there are so many things, that I would like to check this.

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

To return back to U.C.J. (University College Jersey) courses, is it not a fact that it is a very small number of students who are currently affected and the actual obstacle is purely funding for those few students? If additional funding was being made for a couple of students to complete in whatever way they can, then the longer-term problem can be dealt with later on? It is just the need for additional funding. So can I ask the Minister if that is the case?

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

I am not sure if it is additional funding because I did not go into details of that particular 2 people who would like to do the top-ups. I am not sure if it is because of the funding or because they cannot leave the Island or because we need to find a way to offer the Plymouth top-up degree forward. So I cannot say it is purely because of the funding and we need to see. I just came back from holiday. This has landed on my desk, and I will see what are the obstacles for them personally because I am sure there are personal circumstances, not necessarily down to the funding.

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

Perhaps I can help. The situation, without giving too much away I suppose, is the fact that the course cannot be provided with very small numbers, and that is somewhat understandable. Can I ask the Minister: given that we are a small Island and we sometimes have small numbers of people trying to complete and improve themselves who may well stay on Island and work, is it not worth that small additional investment in a few individuals so that they can stay on Island for whatever reason they want to and then move forward and use their services because it is a good investment if people stay on this Island and use their skills?

**Deputy I. Gardiner:**

I absolutely agree with the Deputy. I do believe small investment into people who would like to stay on the Island and will continue to contribute on the Island is important, and this is what I was doing and looking on individual cases. Several individual cases kept coming to my attention through this year. So I agree with this. On that particular course, it was a high demand at the beginning for the business courses and B.A.s, but what happened was the direct employment offering to gain qualification while people employed and this is what was the main reason for the drop in the numbers to sign in to top up. Students prefer to go to the employment, get experience and get the same qualification through the employment. We are looking now at what the offer needs to be on the Island as the market demand changes.

**5.5 Deputy L.V. Feltham:**

Further to the Minister's answer to my Written Question 102/2023, does the Minister have confidence that the necessary and required policies and guidance documents exist within the children's services section of her department and that they are adequately followed up and adhered to?

**Deputy I. Gardiner:**

I thank the Deputy for her question and I thank her for the written questions as we had a discussion that we have around 300 different policies. What I am doing now ... and also following the engagement with Scrutiny, which was very helpful, the public hearing that we looked into other policies, not necessarily children's services but within C.Y.P.E.S. So what we are doing, first of all, I think that all policies need to be consolidated in one place. I think we do not have it and this is one of the workstreams that is happening. Second, I am going part by part and asking: "What is the policy? Does the policy need to be updated? Do we need to have extra training on that policy and how are we measuring implementation?" So this is the big work that was prompted by the Deputy's question and Scrutiny questions around all policies within the department because, as you are aware, the department is new. Children, Young People, Education and Skills, which was a lot of things, came together and obviously we will find the gaps that we need to address.

**5.5.1 Deputy L.V. Feltham:**

I thank the Minister for her answer to that question. I am pleased that that piece of work is being undertaken. Could she give us an indicative timeline as to when that should be complete and when we can get some form of assurance that the policies are being accessed and followed by staff and that training is in place?

**Deputy I. Gardiner:**

I cannot give an indicative time for all 300-plus policies that I have within the department but the policies that ... there is a limitation that I will be able to do, but definitely by the next public hearing the policies that were raised by Scrutiny we will look at and the policies which were raised by the Deputy I hope within the next month we know where we are at and what needs to be done.

**The Deputy Bailiff:**

Thank you, Minister. If there are no further questions for this Minister, then we move on to the second period of questions for the Minister for Economic Development, Tourism, Sport and Culture. The first question is from Deputy Rob Ward.

**LUNCHEON ADJOURNMENT PROPOSED**

**Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter:**

Sir, I wonder if we should propose the adjournment as there is only 5 minutes.



**The Deputy Bailiff:**

Yes. I did not take a note of all those names. Do people want to press their buttons again briefly so I know who to call this afternoon? There were some other people as well.

**Deputy M.R. Scott:**

I was making the same proposal.

**The Deputy Bailiff:**

Were you? All right. The adjournment is proposed and seconded. Does anyone wish to speak on the proposition that we adjourn? No. The Assembly is adjourned until 2.15 p.m.

[12:43]

**LUNCHEON ADJOURNMENT**

[14:17]

**Male Speaker:**

Sir, before we start, can I raise the défaut on the Constable of St. Helier, please?

**The Deputy Bailiff:**

Yes, the défaut is raised. The second period of questions without notice are questions for the Minister for Economic Development, Tourism, Sport and Culture and the first question is from Deputy Rob Ward.

**6. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture**

**6.1 Deputy R.J. Ward:**

Can I ask the Minister, in his capacity as Minister for Economic Development, Tourism, Sport and Culture, is he happy with the provision for martial arts clubs that are proposed at Oakfield as they are moved out of the Fort Regent?

**Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Economic Development, Tourism, Sport and Culture):**

I thank the Deputy for his question. I would have to confess I do not have a view on the provision, whether it is adequate or not, but I am more than happy to find out. I will certainly liaise with Deputy Stephenson, the Minister for Sport, to understand if she has a view on that as well, but at this stage I do not have a view.

**6.1.1 Deputy R.J. Ward:**

I would urge the Minister and the Assistant Minister with responsibility to engage with particular clubs who are very concerned about the shared facilities, which simply do not work for their provision. May I also ask, are there any concerns over the proposed delays to the development of Oakfield Sports Centre and how will that affect plans for the decanting of Fort Regent? We see in the news today that due to the collapse of Camerons there is expected to be a quite significant delay in the development of Oakfield.

**Deputy K.F. Morel:**

Referring to the first part of the Deputy's question where he talked about shared facilities, I do appreciate that for martial arts clubs that sharing facilities can be difficult. It tends to be the case that a dojo is left out, not packed away at the end of each evening, because this takes time and when you

are moving the mats all the time I can understand why that would be difficult. So just in that comment that the Deputy made, I can understand why perhaps there may be concerns from that section of the sporting community. I have been concerned with regard to the speed of the development of Oakfield. It is the case that I was on the Planning Committee when the plans were passed and it has been of some concern to me that it has taken quite this time, because the whole idea of the plans were that it would be a relatively fast build. That was one of the reasons why the type of sports hall that is being built was chosen in the first place, because it is not a particularly complex building, so yes, I do share concerns in that respect and again will liaise with the department to understand where the blockages are.

## **6.2 Deputy A. Howell of St. John, St. Lawrence and Trinity:**

Please can the Minister give Islanders a date when the independent lifeboat will be operational again?

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

I thank the Deputy for her question. The issue of the Jersey Lifeboat Association and their vessel, the Sir Max Aitken, being back as an accredited search and rescue asset is one that has been playing out for some time. I would like to tell the Deputy that I recently held a meeting with both Ports of Jersey and the Jersey Lifeboat Association in which I made it quite clear that the aim of the meeting was to get the Jersey Lifeboat Association back into the water, so to speak, to use an idiom, and the last action of that meeting was for Ports of Jersey to contact the Maritime and Coastguard Agency in the U.K. to set a date for when the M.C.A. (Maritime and Coastguard Agency) representative could come to Jersey to oversee the trials - and again that is my word, not necessarily the correct technical word - the result of which would see the Sir Max Aitken back in the water. The meeting took place on a Wednesday, and I gave until the Friday to come up with that date. I was told afterwards that a date had been set and I believed it was 2nd May, so that is for the trials. I am not able to say how quickly after that date, and making the assumption that those trials go well, making the assumption that there is no problem with those trials, I am unable to give an exact date because I do not know how long the process would last, but those trials I believe are meant to be taking place on 2nd May.

### **6.2.1 Deputy A. Howell:**

So as Ports of Jersey are an arm's length government organisation, would the Minister not agree with me that the operations of the ports should be accountable to the States Assembly and to the Minister especially? I am just very anxious that we do get this lifeboat back into circulation. We have a boat, we have a crew, and it seems we have been in power for 10 months now and nothing has happened. I would just like to ask the Minister what he thinks.

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

The Deputy is absolutely correct that Ports of Jersey, for all of their operations from the airport through to the ports and the public service obligation are accountable to the Minister. I believe through particularly the work that I have had to undertake with regard to the Sir Max Aitken, it has shown to me some areas of concern where it is very difficult for the Minister to become involved. In that respect I will be seeking over the coming year or so to undertake a review particularly into the public service obligation of the Ports of Jersey.

## **6.3 Deputy R.S. Kovacs of St. Saviour:**

We just had the news release that Islanders wanting to access support towards the purchase of an e-bike can from today enter an application for the second round and enrol. At the same time when clearing my drawers the other day I found this *J.E.P. (Jersey Evening Post)* page, which I kept, and on the back of it was an article from 19th August 2019 where Deputy Morel has criticised the introduction of a States-funded e-bike scheme, describing it as being a subsidy for middle and high earners, saying the subsidy is being given for an expensive product, that you have to be wealthy to buy an e-bike, and it is failing to reduce income inequality and that it would be more effective to

subsidise regular bikes for families who cannot afford to buy one. At the end of the same article the then Senator Moore also mentioned this, believing the scheme is not the right move, referencing one of her, referencing one of her Twitter posts from then. My question to the Minister is what has changed since the article that now he is in support of such a scheme, and does he believe this inequality arising from this random draw supports sustainable economic development?

**Deputy K.F. Morel:**

I do not believe I have ever professed support for the scheme, but I am part of the Council of Ministers and I back, and I believe this is the Minister for the Environment, if not the Minister for Infrastructure, whichever Minister it is, and I apologise for it, but I back them in their decision-making. They have a different view to mine and that is absolutely fine. I have no problem with that and I back the Minister in their choice, so in that sense I have not changed my view but I am not the Minister responsible. I will support the Minister in their decision-making for their portfolio.

**6.3.1 Deputy R.S. Kovacs:**

Still on the scheme, I am reliably informed that after the first application period many regular bike owners have sold their bikes on a bike-selling page on social media, many mentioning the reason for selling being they now get a subsidy for an e-bike through the scheme. At the same time I am aware of a few cases where these e-bikes have been taken as a spare and moved to holiday homes in France, so not being used on the Island. Is the Minister aware of this use of the scheme, and again does this provide value for money in Jersey's economy? How does the Minister think this can be addressed?

**Deputy K.F. Morel:**

As I mentioned in my previous answer, this is not an area in relation to my own portfolio, so I do not know the details either way, but the comments that the Deputy just read out do highlight my concerns, and my concerns remain. But as I said, I support the Minister, the relevant Minister, entirely in their decision-making, because they have the technical details, they have the fuller understanding than I do, because this is in their portfolio and it is not in my portfolio.

**6.4 Deputy M.R. Scott:**

Could the Minister please explain the purpose of his recent trip to Normandy, and what economic benefits we might expect to see from it and what contributions to increased economic productivity?

**Deputy K.F. Morel:**

I would like to thank the Deputy for her question. I spent last week in Normandy, and it was a most eye-opening trip in many different ways. The key factor that was very clear to see was the way particularly in the Department La Manche they embraced the Channel Islands and they see the Channel Islands very much as a part of the region economically and obviously historically. So it was like knocking on an open door when it came to asking if we can increase our economic ties with the region. I met representatives from 3 different ports, 2 different airports and a wide variety of businesses and business leaders. From the ports I learned so much. Number one, Cherbourg is now a port that is entirely equipped to deal with the transport of wind turbines. The port itself has been reconfigured in a way so that wind turbines are able to be assembled there and then brought to sea where they are then installed. They are doing that for the Saint-Brieuc wind project as we speak. There is also a manufacturer of wind turbines at Cherbourg, so that was clearly very important to understand and to see, because we will not be able to have any wind turbines stationed in Jersey waiting to be put out to sea here because our port is far too small. I visited Caen Airport and I visited Cherbourg Airport and particularly in Cherbourg Airport it was very clear that within 1½ hours of Cherbourg Airport, which is a tiny airport in terms of the passenger facilities, there were 700,000 people who do not have easy access to onward flights either to London or to other parts of Europe. As Minister, I am very pleased that we now have connectivity to Amsterdam and we have excellent connectivity to the United Kingdom but my concern lies in the fact that we are merely 100,000 people

and so how do we try to ensure that we maintain this connectivity and indeed grow this connectivity? I saw the opportunity there to say: “Well, could people fly from Cherbourg to Jersey and then onwards to London, Edinburgh, Liverpool, Amsterdam, to potentially, if airlines provided us, Barcelona and to Lisbon?” The answer is a resounding yes. They are a 20-minute flight from Jersey, so the opportunity for Jersey to become an air hub for the whole region was one that hit me hard and made me realise this is how we maintain the connectivity from Jersey to other areas. I also spoke with ...

**Deputy M. Tadier:**

Sorry, is this a statement or a question?

**Deputy K.F. Morel:**

I am happy to stop there, Sir.

**The Deputy Bailiff:**

Yes. It is all very interesting, but it will give no chance for any more questions. A supplementary?

**6.4.1 Deputy M.R. Scott:**

Yes. With respect to the economic ties to which the Minister refers, could he please explain how he seeks to ensure that the balance of payments between France and Jersey works in favour of Jersey?

[14:30]

**Deputy K.F. Morel:**

Number one, there is a massive untapped tourism potential from both Normandy and from Brittany. I think we fail to capture the 16.5 million Americans who visit the D-Day landing beaches every year. I do not think we bring a single one of them to this Island. In that sense, that is an export. Tourism for Jersey is an export industry. Obviously when it comes to importing products I spoke to a quarry that could import sand and gravel to the Island, which are much needed commodities in this Island. That would put the balance of deficits in the other direction, but I think the important thing is that we have a resilient Island and we have an Island in which tourism flourishes and both of those items were things that I could very much see during my trip to Normandy.

**6.5 Deputy M. Tadier:**

Would the Minister state whether there are any plans at the moment to make entry to the Jersey Museum free and, if so, at what stages in discussion is he with Jersey Heritage on that front?

**Deputy K.F. Morel:**

That is a very good question, which I am afraid I must confess I am unable to answer at the moment. I have often thought about making heritage properties free, but obviously there would be a cost to government there, so I think we need to find a funding mechanism, and I have ideas for that myself. I do not believe I have directly engaged in conversations with Jersey Heritage about this, but I am more than happy to, because I am in no way against that. I think Jersey Museum would be the starting point for such a programme. It is also worth mentioning that Jersey Heritage now open all their sites all year round, which I think is a really important step forward.

**6.5.1 Deputy M. Tadier:**

Would the Minister therefore take this feedback back to Jersey Heritage to have a conversation in short order with them, to see if this idea for free entry to the museum is feasible and could be beneficial for everyone involved, including tourists, potentially American ones coming from France as well?

**Deputy K.F. Morel:**

I would be very pleased to.

**6.6 Connétable P.B. Le Sueur of Trinity:**

I would ask the Minister if he has concerns about the recent demise of the Garenne Group and, in particular, the construction company Camerons and the impact that that is going to have on the community and the economy generally, with the amount of money that is owed to numerous subcontractors, unsecured creditors and suppliers? It further concerns me, and I am sure it must concern others, that an arm's length government organisation in Andium Homes was clearly aware that this situation was on the cards, because they moved a contractor in the day after Camerons closed the gates. It does not really feel right to me and I wonder if the Minister has a view on any of that.

**Deputy K.F. Morel:**

I thank the Constable for his question. It is an incredibly pertinent and relevant question. I am very concerned about the failure of Garenne Group overall, which obviously began with the failure of Camerons. I am concerned about the events that led to it, in terms of other parties that may have led to the collapse of Camerons in the first place. I have been contacted by the Connétable and others, members of the public as well, about their concerns with regard to payment of invoices. Unfortunately this is an area where they have to go through the liquidation process and supply their bids ... that is the wrong word, but they are creditors and they need to make the administrators aware of that. Unfortunately, I cannot comment on Andium. I have the same knowledge of what went on there as the Connétable does, that which he says is potentially concerning, but I know that when we are talking about a failure of a key company in the Island I would question what could Andium have done? If they had information should they have shared that information? That would only have brought about the collapse sooner, so I do not know. I cannot comment on that, but I do share his concerns.

**The Deputy Bailiff:**

That brings the period for questions to this Minister to an end. We now move to the third period of questions and these are questions for the Chief Minister and the first question is from Deputy Howell.

**7. Questions to Ministers without notice - The Chief Minister**

**7.1 Deputy A. Howell:**

The Chief Minister has kindly informed us that the I.H.E. (Infrastructure, Housing and Environment) Department is to become the Infrastructure and Environment Department. Before rebranding, has any consideration been given to returning to a separate Infrastructure Department and a separate Environment Department?

**Deputy K.L. Moore (The Chief Minister):**

I thank the Deputy for the question. As we have made much mention already this morning, there is currently some consideration being given to the structure of government departments and how we can better work and better represent the public and deliver for Islanders on our agenda. It has been made very clear to me from feedback from Ministers that this is something that does need to be addressed and I intend to include this area as part of the ongoing work that is underway. We also of course as I mentioned earlier this morning are mindful of the direct lines of responsibility for one Minister, one department which was agreed by the former Assembly.

**7.1.1 Deputy A. Howell:**

Could the Chief Minister give us a timeframe when there will be one chief officer reporting to one Minister, please?

**Deputy K.L. Moore:**

We will make our best endeavours.

**7.2 Deputy S.G. Luce:**

Some months ago now the Council of Ministers was presented with a Draft Liquid Waste Strategy. Can the Chief Minister who lauds openness and transparency tell the Assembly why this report will not be released, despite my Scrutiny Panel's continued request for such a thing to happen?

**Deputy K.L. Moore:**

I am grateful to the Deputy for the question, and I have to say I do not recall that there is an issue around the release of this document. I will certainly find out about what those reasons might be, but at the moment I am afraid I do not recall.

**7.2.1 Deputy S.G. Luce:**

I am grateful for that response. My panel are absolutely ready to start a review of this document, which is very critical of the way our drains are working at the moment. It is an incredibly important document. We are now having to refuse applications to build houses because the drains cannot cope, and it is of utmost urgency that this draft strategy is put in the public domain and I would ask the Chief Minister to make sure that happens immediately.

**Deputy K.L. Moore:**

I would certainly agree with the Deputy that any blockage to us delivering housing, which is one of our areas of relentless focus, is something that should be dealt with in the quickest of timeframes, and I share his concerns.

**7.3 Deputy R.S. Kovacs:**

Following on the e-bike scheme question to Deputy Morel from before, the first draw of the scheme had over 1,800 applicants within the one-week application window. How does the Chief Minister explain the huge number of applicants during a very short time for this scheme, which addresses a wish and had a very low advertising budget, compared with the much lower turnout in applicants over a much longer period to the Community Costs Bonus, which is a need, and had a greater budget for advertising? In this case does she think that the Community Costs Bonus provides the economic effect and value for money desired from the scheme?

**Deputy K.L. Moore:**

That is a thoughtful question and I am grateful to the Deputy. I share some of the views of the Deputy Chief Minister in relation to the subsidy scheme, but the number of applicants indeed shows its popularity among Islanders. The Community Costs Bonus is a scheme that we have focused on advertising to encourage those Islanders who fit the remit of the scheme to take advantage of it. I am aware that the Minister for Social Security was pleased with the additional take-up, which I think is 4 times at least what it has been in previous years, is looking to making that scheme available to people in a different way, perhaps spread over the year rather than a once a year lump sum. I support her in her consideration.

**7.3.1 Deputy R.S. Kovacs:**

Deputy Millar as well said that she did not know why Islanders who may be in need had been slow to claim the Government's Community Costs Bonus. Does the Chief Minister think that the Government are not engaging in the right way with different communities and, if so, how is she planning to raise engagement on the part of the communities in need?

**Deputy K.L. Moore:**

Engagement is a really important part of Government and we have, I think, worked hard to engage with Islanders in a variety of ways by trying to use social media platforms, by setting up forums such as the Older Persons Living Forum, which has been I think very successful and also conducting a youth engagement programme, which is also proving quite successful. Engagement is not a one-size-fits-all matter. It is something that takes refinement, constant work, and innovation and we are really keen to ensure that, because we see it as an important part of our time in Government.

**7.4 Deputy M.R. Scott:**

Coming back to the decision to export housing from the Department for Infrastructure, Housing and Environment, could the Chief Minister please explain why housing is a priority in the case of the Cabinet Office, rather than infrastructure, which is so important to the economy, or the environment that is so important to Islanders and matters such as global warming too? Can she explain her thinking around the potential siloism that may occur as she aligns Ministerial portfolios and the tension with the joined-up thinking that she also is promoting and ensuring that she does not tie herself in knots?

**Deputy K.L. Moore:**

I would suggest that the work we are conducting is trying to break up silo thinking and find more effective ways of us encouraging departments to work together, to focus and deliver upon their various strategies. It could be said that environment, housing and other areas are more policy-focused areas, which would sit neatly together and when we think about the wider piece of work, which is about reducing the number of direct reports and simplifying our management processes and structures, delivery arms of government, such as health, education and infrastructure, would sit perhaps better together. So that is part of the consideration that is currently underway and it is all about breaking down siloes and encouraging greater cross-working and better delivery and response for Islanders, which is of course what they expect from us.

**7.4.1 Deputy M.R. Scott:**

Given that the Chief Minister regards housing as a main driver for change and improvement, could she please explain how she anticipates there to be changes in the housing model to support changes in the housing market?

**Deputy K.L. Moore:**

As a Government, we have some levers of course, and there is the much discussed and debated £10 million, which was allocated some years ago under a previous Minister for Housing and as yet nobody has agreed on the most efficient and effective way of using those funds. That is an area of policy that I know the Minister for Housing is intent on finding a way forward for, because it makes no sense when we have what is considered to be a housing crisis and we have the means to assist people not to be able to work out how best to use those funds to assist them. We are absolutely focused on delivering in housing. It is one of our 3 areas of relentless focus, and I am happy to share with the Assembly that Andium is doing fantastic work in delivering homes for Islanders. It currently has 1,800 units in delivery and that is against 800 people on the Housing Gateway waiting list at the moment. Delivery is on its way and that is absolutely something that we focus on.

**7.5 Deputy L.V. Feltham:**

The Chief Minister talks a lot about delivery and had her 100-day plan and now has the areas of relentless focus. However today from Ministers and Assistant Ministers we have heard words such as “consult”, “review” and “phased approach”. Does the Chief Minister agree that perhaps her Government that was focused on delivery have moved into a Government that is focused on doing things tomorrow?

**Deputy K.L. Moore:**

Well, I was tempted earlier today to say of course one cannot do right to do wrong in such a role as this, but of course this is perhaps an area where I can only answer in those terms to the Deputy. We are of course focused on delivery. We are of course focused on our areas of relentless focus, which we identified some time ago, but equally sometimes it is absolutely right to hold some consultation. I am sure that the Deputy, her colleagues and other States Members, would be very quick to point out if we were going ahead with certain actions and not undertaking adequate consultation that would be expected of us.

[14:45]

**7.5.1 Deputy L.V. Feltham:**

In earlier questions I was quite disappointed by the lack of policy intent that Ministers were able to articulate. Is it the case that because Ministers do not have clear policy directions and are not providing that policy leadership that we are delaying meaningful outcomes for Islanders?

**Deputy K.L. Moore:**

I can only answer in the contrary. I think that Ministers have identified in their Ministerial Plans a set of policy directions and that is what we are holding our departments to account for in delivering. The job of Government is about developing policies. Sometimes they are medium term policies and sometimes they are quicker and swifter to deliver. I think the Minister for Home Affairs in her intention to deliver the Domestic Abuse (Jersey) Law, which sat, it has to be said, for 4 years on the backburner under the last Government, is a case in point.

**7.6 Deputy S.Y. Mézec:**

Can the Chief Minister confirm whether or not she is in support of the proposal that is suggested in her Minister for Housing and Communities' White Paper on rental accommodation, that rent increases in the private sector ought to be capped at some level to do with affordability?

**Deputy K.L. Moore:**

This is a consultation paper and of course it is at face value an opportunity for people to ask questions and to gain insight into the views in the Island of different people. Of course we see housing affordability as an issue that we wish to overcome because housing is one of our areas of relentless focus and we recognise the high proportion of income that is being spent on housing. Of course it is absolutely justified to ask the question whether this would be the right policy going forward.

**7.6.1 Deputy S.Y. Mézec:**

I think Deputy Feltham might have been on to something before in her previous comments trying to get Ministers to admit what their policies are. The Government would not be consulting on this if it were not something they were at least prepared to do. Is this Chief Minister prepared to vote for something on the floor of this Chamber that says rent control in the private sector by capping rents, rent increases, at some kind of affordability metric is something that she would be prepared to do? If the answer to that is no then the consultation is a waste of time, because it may lead to proposals that fall on the floor of this Chamber? Nail your policy to the mast, Chief Minister.

**Deputy K.L. Moore:**

What I am prepared to do is to listen and that is the intention of a White Paper such as the one that has been published by the Minister.

**7.7 Deputy M. Tadier:**

In earlier parts of proceedings, the Chief Minister referred to one of her Ministers, and I think we can be open and frank because it is all in the public domain, the Minister for Infrastructure, and she



referred to his criticism of her Government and in particular in the handling of the chief executive's departure as being a sole voice. She did not say a sole voice in the wilderness, although I am sure he feels like that at times. Has she been listening to that sole voice of criticism in the Council of Ministers and does she agree that there is a risk if she does not listen to critical voices that she ends up in a position of just group think and yes men and women?

**Deputy K.L. Moore:**

Having stood on a platform of collaborative Government I most certainly am open to listening to voices of different views. We do that as a process. I think the Deputy Chief Minister in his answer to the Deputy's colleague to his right, the question about subsidised bicycle schemes, is a case in point. We do not always agree with each other about everything. What is important is that we listen and we continue to communicate. What I have pointed out to the Minister for Infrastructure is that it is better that we communicate person to person and in the usual forum because that is the right place for debate and it is not perhaps helpful always to do that through the media.

**7.7.1 Deputy M. Tadier:**

A supplementary. It is one thing to have a disagreement about a policy issue to do with electric bikes, but when the criticism from a fellow Minister is that there is a bullying culture at the heart of Government, at what point does the criticism become unsustainable and at what point does the Chief Minister seek to have a Council of Ministers around her that is in basic accord with her key values and key priorities before there are untenable fissures in that said Council of Ministers?

**Deputy K.L. Moore:**

I think what I tried to highlight earlier on today, and I do not want to go into the intricate ins and outs of this, but what I wanted to highlight was that there is a difference of views but it is an imbalanced difference of views. I would ask people to draw their own conclusions.

**7.8 Connétable K.C. Lewis of St. Saviour:**

On Sunday 23rd April at 3:00 p.m. the U.K. Government will be testing an emergency alert system on their iPhones and tablets on the 4G and 5G system. I know that Jersey is not participating in this, but does the Chief Minister believe that this could be a useful addition to the States of Jersey as we do have gorse fires in the summer and more recently in my own Parish of St. Saviour some really severe flash floods?

**Deputy K.L. Moore:**

I am aware that there is much discussion of course in terms of alerting members of the public to incidents such as flooding and there is work underway to improve early warning systems, which was a recommendation made some time ago.

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

During the recent very bad floods I was in the States Assembly when I had a text from my secretary at the Parish Hall, otherwise I would have been none the wiser. I think it could be a really useful asset to the Island. Does the Chief Minister not agree?

**Deputy K.L. Moore:**

I think my previous answer identified that I do agree with the Constable and, as I said, the early warning system was a recommendation made some years ago, and this Government are now intent on delivering upon that.

**The Deputy Bailiff:**

Thank you, Chief Minister. That concludes the time for those questions.

## **PUBLIC BUSINESS**

### **8. Draft Endangered Species (C.I.T.E.S.) (Amendment) (Jersey) Law 202- (P.8/2023)**

#### **The Deputy Bailiff:**

I move on to Public Business and the first item on the Order Paper is the Draft Endangered Species (Amendment) (Jersey) Law lodged by the Minister for the Environment. The main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel and I ask the Greffier to read the citation.

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

The Draft Endangered Species (C.I.T.E.S.) (Amendment) (Jersey) Law 202-. A law to amend further the Endangered Species (C.I.T.E.S.) (Jersey) Law 2012. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

#### **8.1 Deputy J. Renouf of St. Brelade (The Minister for the Environment):**

If I may begin at the beginning, the Convention on International Trade of Endangered Species, or C.I.T.E.S., is an international agreement between Governments relating to conservation. In fact, it is one of the oldest conservation treaties that we have. It entered into force in 1975 and Jersey is a signatory through the U.K. Government. The aim of the convention is to protect vulnerable species from exploitation which may contribute to their extinction. C.I.T.E.S. provides various levels of protection for species by listing them in one of 3 appendices, where appendix 1 contains those species most at risk of extinction and so on. Our own law, the Endangered Species (C.I.T.E.S.) (Jersey) Law 2012 was brought into force in 2012 with the goal of becoming fully compliant with C.I.T.E.S., but we have a small problem that is a consequence of the way the law was drafted. The problem is this. The law requires periodic updating so that we remain compliant with the convention. This is because the C.I.T.E.S. appendices in which species are listed are regularly updated as part of the C.I.T.E.S. process, whereas our law, in its current format, lists species in a table within the schedule of the law. In other words, we maintain our own list of species which needs to be updated in order to match the updating of the appendices in the C.I.T.E.S. agreement. We have looked at the need to update the tables in our 2012 law with the latest changes to the C.I.T.E.S. appendices by means of a Ministerial Order, which is allowed for in the law, but we have concluded there is a better way to proceed, hence this amendment. The purpose of this amendment is to delete the schedule in our own law, that is the list of species, and replace it with what is known as an ambulatory element, which refers to the C.I.T.E.S. appendices directly. This means that when the C.I.T.E.S. appendices are amended within the C.I.T.E.S. Convention text, those changes will be reflected automatically within our own legislation. There is a clear advantage to this amendment in that if it is passed our legislation will point directly to the C.I.T.E.S. Convention appendix listings, removing the potential for confusion on the part of the public or otherwise when interpreting our own list compared to the C.I.T.E.S. appendices. By making this change Jersey would avoid the risk that our legislation falls out of line with C.I.T.E.S., for example, because there are changes in the C.I.T.E.S. appendices which we have not yet incorporated into our own tables. This will have the added advantage of saving law drafting time when a change would have been required to the schedules to our law. I hope this explains what is a relatively minor revision to our law, which does little more than tidy up a piece of legislation to provide greater simplicity and clarity. I urge the Assembly to support it, and if anyone has any questions or issues, I am very happy to hear them and respond accordingly in summing up.

#### **The Deputy Bailiff:**

Thank you, Minister. Are the principles seconded? [**Seconded**]. Thank you. Does any Member wish to speak on the principles of this amendment?

### **8.1.1 Deputy S.G. Luce:**

I rise very briefly just to say to the Assembly that my panel received a briefing on this subject some time ago now. We are absolutely supportive and would encourage Members to vote positively. The Minister has explained just now why we need to update our own legislation and these proposed changes seem perfectly sensible to my panel.

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

Once again I endorse the comments of the chair of the panel, but there are just a couple of points I would like the Minister just to answer if he could. In terms of the changes that may come, and quite correctly, how does the Minister propose the public will be made aware of changes? I would not wish to see members of the public finding themselves in a position where they may be breaking the law inadvertently.

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

I do have a technical question. It is about when you open the document, the proposition that contains the changes, can I ask where the changes are? It seems to me that there are 1, 2, 3 and 4, which are contained in the space of a few lines. Do you need to click on Article 1? It is just to find out how the changes can be seen and also if the schedule is to be ambulatory does that mean that the changes will then happen automatically without the Minister needing to sign them off or indeed the Assembly needing to sign them off? Does it become, if you like, a completely dynamic document that can be updated and how do we know as and when it gets updated?

### **The Deputy Bailiff:**

Thank you, Deputy. Does any other Member wish to speak on the principles? I call upon the Minister to reply.

### **8.1.4 Deputy R.J. Renouf:**

The first comment from the Constable of St. Brelade, how will the public be made aware: in general this is legislation that we would not be alerting the public to every change. People who need to become aware will refer to the relevant legislation. It is not the case that most of us with our day-to-day existence will come across issues to do with trade in endangered animals, but the relevant point is that the law exists and that the people who will need to refer to it will know where to go. Where are the changes? I was going to deal with that under the Articles. The changes are very minor, which is why they are written out as they are there and appear very short. Those are the changes. They simply delete a few words and insert a few others. Are the changes automatic? Yes, they are. They are automatic by the mechanism of the change we are doing, which is that instead of having our own list we will no longer have our own list. We will simply point in the legislation to the C.I.T.E.S. Convention and say that if you want to know if your species is covered go to the C.I.T.E.S. Convention, because otherwise we are in this slightly odd position whereby at the moment it is possible that the C.I.T.E.S. appendices, which contain all that information, may be different to our own lists, because we will not necessarily have updated them and been aware of every single change that was going on at C.I.T.E.S.. So it seems to me that if you just say: "Look at C.I.T.E.S." you have covered the same point. It is intended to be fully automatic, so I would on that point finish and perhaps call for a vote.

[15:00]

### **The Deputy Bailiff:**

The appel, or a standing vote?

### **Deputy R.J. Renouf:**

I am happy for a standing vote if the Assembly wishes.

**The Deputy Bailiff:**

I am content to proceed with a standing vote. I invite those in favour of adopting the principles to kindly show. Thank you very much. The principles are adopted. Deputy Luce, I should formally ask you, does your panel wish to scrutinise this matter?

**Deputy S.G. Luce (Chair, Environment, Housing and Infrastructure Scrutiny Panel):**

No, thank you, Sir.

**The Deputy Bailiff:**

Thank you very much. In relation to the Second Reading, Minister, do you wish to propose the Articles *en bloc*? There is only really one Article in any event.

**Deputy R.J. Renouf:**

*En bloc*, please, Sir.

**The Deputy Bailiff:**

Yes. Are the Articles seconded? [**Seconded**]. Does any Member wish to speak on the Articles? In that case those Members in favour of adopting the Articles would you please kindly show? Thank you very much. The Articles are adopted. Minister, do you wish to propose the matter in Third Reading?

**Deputy R.J. Renouf:**

Yes, Sir.

**The Deputy Bailiff:**

Is the matter seconded in Third Reading? [**Seconded**]. Does any Member wish to speak on the Articles as adopted in Third Reading? Accordingly, those in favour please kindly show. The appel has been called for. Members are invited to return to their seats and I ask those present in the Chamber or present remotely on the link to cast their votes to the Greffier to open the voting. If all Members have had the opportunity to cast their votes then I ask the Greffier to close the voting. I can announce that the amendment has been adopted unanimously in Third Reading: 41 votes pour.

<b>POUR: 41</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				

Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

## **9. Channel Islands Lottery Distribution of Proceeds (P.10/2023)**

### **The Deputy Bailiff:**

The next item of Public Business is the Channel Islands Lottery Distribution of Proceeds, P.10, lodged by the Minister for Economic Development, Tourism, Sport and Culture. The main

respondent is the chair of the Economic and International Affairs Scrutiny Panel. 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 agree to agree, in accordance with the provisions of Regulation 4(5) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, to allocate £633,458 to the Jersey Community Foundation and the Association of Jersey Charities, divided equally between them, for onward distribution in support of the Island community; with the proceeds allocated to the Association of Jersey Charities to be distributed solely to registered charities, and with the allocation to the Jersey Community Foundation to be distributed on the following basis: 40 per cent of the allocation to arts, culture and heritage; 40 per cent of the allocation to sports and active lifestyle; and 20 per cent of the allocation to applied science or applied research in the fields of engineering, biology, ecology, physics, chemistry or mathematics, provided that the funds are either to be used locally or for the direct benefit of Jersey, including any education from which local residents may benefit.

**9.1 Deputy K.F. Morel (The Minister for Economic Development, Tourism, Sport and Culture):**

Members will be aware that this is an annual proposition because it is up to the States Assembly to approve the distribution of proceeds from the Channel Islands Lottery. I am always pleased to bring this proposition because obviously it is the States Assembly approving those proceeds for distribution to charities and good causes within the Island. This year, however, it has to be said that the sum being distributed is significantly less than it was in 2021. So just to clarify, the money that we are approving - or not approving as the case may be - is for the 2022 proceeds, so when I refer to the previous year I am referring to 2021. In 2021 £977,709 was distributed. From 2022 that had reduced to £633,458 which off the top of my head maths is approximately a 30 per cent reduction, approximately one-third. This is due to the fact that during the Christmas lottery in 2022 sales were down approximately 10 per cent. It is difficult for us to understand exactly why but we do know that following the L'Ecume and Haut de Mont tragedies in December that we did ask the lottery to pull back its marketing, et cetera, which was most likely the time when they do most sales. We asked them to pull back marketing which I believe was absolutely the right thing to do but is likely to contribute to the reduction in sales. Also a new game had been created, and this is a technical situation I guess. The Channel Islands Lottery Board pays the provider of the games when those games are created, and so if a new game is devised that is when we pay for a new game. When we talk about new games it is the different scratch card games, the different way you play those games. So new games had been ordered during 2022 and that cost had come off then. There may be no new games for a while now in which case we will not pay that cost. So there were greater costs as well during 2022. However, it is still £633,000 to be distributed to good causes in the Island. The way that we split those proceeds are that 50 per cent is passed on to the Association of Jersey Charities and 50 per cent is passed to the Jersey Community Foundation. The Jersey Community Foundation then goes on with the following allocation of the funds that it gets. So it will receive approximately £316,000, 40 per cent of that is to be allocated to arts, culture and heritage; 40 per cent is to be allocated to sport and active lifestyles; and 20 per cent is to be allocated to applied science or applied research in engineering, biology, ecology, physics, chemistry or mathematics. That allocation was decided following a States Assembly decision a couple of years ago; I could not give the exact date, I think it was probably 2021. So I am pleased to put this forward. All the funds must be used locally or for the direct benefit of the Island. I do ask that despite the decrease in sales that we do move this money forward so it can be distributed because those organisations cannot distribute these funds until we approve it for distribution. I would also like to say that I had recently a meeting in Guernsey with the relevant president and we came to an agreement that it would be very good to bring the Channel Islands lotteries much closer together because while at the moment it is the Channel Islands Lottery

it is 2 separate lotteries effectively operating under one umbrella. This does mean to some extent duplication of costs in terms of marketing and so on. I was very pleased that my suggestion was received warmly to bring the 2 lotteries much closer together and, thereby, reduce some of the costs involved in administering the lottery. It was my intention, and I have asked some Members of the Assembly to join, to reinvigorate or reform in fact, is probably the better word, the Channel Islands Lottery Board. This is a board that is required under the law in Jersey but has not been formed for a number of years. So I have asked Deputy Stephenson to chair that board and I have asked other Members of the Assembly to join her on that board, as well as representatives of the A.J.C. (Association of Jersey Charities), the J.C.F. (Jersey Community Foundation) and so on. That board will sit, once I have finalised discussions with Guernsey as to how we will move forward, with a more joined-up approach to the Channel Islands Lottery. I ask the Assembly to approve this. I hope that it will get its unanimous support because I believe that these organisations do want to pass on this money to relevant good causes in the Island.

### **The Deputy Bailiff:**

Thank you, Minister. Is the proposition seconded? [**Seconded**]

#### **9.1.1 Deputy R.S. Kovacs:**

Of course this is a proposition that has to be supported but I want to highlight a few related things for clarification. Checking the text of the proposition, as the Minister highlighted there is a reduction in profits going to the charities and Community Foundation of over £344,000 from the previous year. As we are all aware, local charities do some sterling work in our community by providing some life benefiting and saving services for some of those most vulnerable in our community. Throughout recent years, especially during the pandemic period, many charities have shown their true worth and value to our community with many organisations and their dedicated volunteers going the extra mile. We know of course that this continues because of the cost-of-living crisis that is affecting the day-to-day lives of many people, especially with the cost of housing and basic foodstuffs. I am sure Members will recall that the recent Swimathon raised money for the Salvation Army, Grace Trust and St. Vincent de Paul, recognising the increased need for their foodbanks. So, having said that, it must be very disappointing to say the least that due to no fault of their own there is going to be less money to share around these very vital and community-focused organisations. While we know that many charities are doing some sterling work in our community, on occasions one or 2 or even collectively may speak out publicly, not to blow their own trumpet but because they are short of funds or perhaps need a few more volunteers. I wish to refer to the article in the *J.E.P.* on 20th February of this year where charities called for additional support as costs push up demand, and their survey shows that 55 per cent of them said we need more support for the charitable sector from the Government. Also on the following day, 21st February, in another *J.E.P.* article, Deputy Morel said: "Ministers are committed to supporting charities which are coming under increasing pressure due to the cost-of-living crisis. Charities are vitally important in providing support to the vulnerable and the Council of Ministers is focusing on supporting the most vulnerable." Adding that: "The profits from the Channel Island Lottery of just over £977,000 are being distributed by the Association of Jersey Charities and the Jersey Community Foundation for onward distribution to charities as appropriate. In addition the Jersey Reclaim Fund will soon allocate the £1 million to Jersey Charities and Community Foundation." I have noted then on 1st March Deputy Morel signs the Ministerial Decision to proceed allocation of the Channel Islands Lottery funds as per the text of this proposition. In accordance with the regulation provision in Gambling Regulations 1975 to allocate £633,458 to be divided equally between Jersey Community Foundation and the Association of Jersey Charities. The question I would raise then from these 3 events is if the Minister knew a few days before when speaking with the *Jersey Evening Post* that the fund is much less than what he has promised. Also with this support being a statutory provision, and must less than promised, what further support does the Minister have in place to at least top up the difference to last year's figures as he declared the

Ministers are committed to supporting charities under cost-of-living pressures, and that he also wants to offer increased support to the elite sport also sharing into this lower funding from the lottery. It would be great if the Minister could address this in his final speech, thank you.

### **9.1.2 Connétable D. Johnson of St. Mary:**

First, may I congratulate the Minister on bringing this proposition earlier in the year than some of his predecessors did. There was a time when the equivalent of this proposition was brought at the very end of the following year which meant the money was sitting stagnant in an account. I am pleased that it will be of use to the charities sooner rather than later. The second point, and perhaps the Minister can clarify this, my own recollection of my time on the Scrutiny Panel is that alongside the distributions made were service level agreements with the 2 organisations under which they were entitled to charge administration expenses up to a certain level. Could the Minister advise whether those figures have been taken into account in his figures and whether those agreements are in place, and does he have an indication of the level to be charged this year?

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

Just following the Constable there; he made some very good points that I was thinking of raising myself in terms of administration spend of this money. The other question I would raise is the 40 per cent to support an active lifestyle.

[15:15]

We have an organisation, Jersey Sport, that is a Government-funded organisation directly, I just wonder whether they can draw on this money because I know there are a number of organisations who are not receiving that level of funding, small organisations, sporting organisations that do not get that sort of access at times. I am just wondering whether there is any, if you like, block on certain Government-funded areas from accessing this money because they do tend to have a lot of clout when it comes to those types of things. Just some reassurance really that smaller organisations will not be lost in this allocation, particularly of sport funding, because obviously there are always preferences and small groups can lose out on those. Also just a really simple thing about the science-based education research project; just the nature of those. I have always been intrigued when we talk about funding students, which I think is a very good idea for particular projects, but it has got to be extremely difficult to fund students in the world of science that only really relate to Jersey because it is a big world of science out there. I just wonder whether there are criteria for that allocation. I have no criticism of allocating money at all; it is just that detail because it clarifies everything for people.

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

Really endorsing the comments of the 2 last speakers; I noted when just looking through this proposition over the last couple of days that I think it was the Association of Jersey Charities were advertising for a C.E.O. at a salary commensurate with that position, which is something which rather worried me I have to say, and I just would like ... a previous speaker has asked the Minister to be sure that in the distribution that the funds are not getting sucked up in admin charges and fees.

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

I know that we are really only talking about the distribution of funds, so we are presented with effectively a fait accompli, which is there are £633,000 and a few extra quid to be distributed and this is how it will be distributed. But I think it is worth reminding ourselves as to how that money got there in the first place. I do not want to go down a moral or ethical rabbit hole but I think there are a few points that have always made me slightly uneasy when it comes to the Channel Island Lottery. First of all, I think if people are going to gamble it needs to be an informed choice, whatever they are doing. Something which I have continually asked for more transparency around when it comes to scratch cards or even the Christmas lottery is exactly what we would call the mathematical expectation or sometimes called expectancy, i.e. what is it that I am paying and what can I expect to



win on average. When a gambler goes into a casino, for example, they might be going there for multiple reasons; it might be primarily for enjoyment and distraction but it might also be to try and get lucky and to win a big prize. Invariably when people play a lottery they are doing it for multiple reasons. They might be doing it because they want to donate some money to charity, although there are much easier ways to donate to charity, and they might be doing it because they want the chance to win or they just love the thrill of scratching off that silver façade and finding out what numbers are underneath it, and maybe waiting for the Christmas numbers to be announced. In all of that, when you go into a casino and put money down on roulette you know exactly what the house edge is, so you know that the house has a 2.7 edge on you when you are betting so that for every £100 you are betting on average you will lose about £2.70. Similar stats may be even better margins for the punter in blackjack if you know how to play it. But when you go and buy a lottery ticket do you know exactly what the expectation is of you winning? I think in terms of a gambler's point of view it is a pretty poor proposition, and I think, first of all, it needs to be much clearer. I think from memory it is around about 60 or 70 per cent as to what you can expect to get back, so for every £1,000 that people are paying in lottery tickets probably some £30 or £40 is going into the pot. I think it is important that that is made more transparent as to what they are getting back. So I will leave that there and I will continue to ask the Minister first of all if he knows offhand what the expectation is in terms of a player and what they are likely to get back on average. It would be helpful I think in the longer term to know about some of the demographics of those who play the lottery in Jersey. I have always been concerned that there are lots of ways for working men and women to lose money if they want to in the Island - and win money of course, because it can work both ways - you can do it by buying lottery tickets or by going to your local bookies. Lots of people may have done that over the course of the Grand National. We will not talk about the Grand National because we have just been talking about endangered species, and perhaps animal cruelty might come into the mix in that. But there are very few ways, I would suggest, where rich people can go in the Island to also try and win and lose money, i.e. if there was a casino in Jersey - and I am not advocating it one way or the other - but we are here to distribute proceeds of the lottery and we are talking about £630,000. There could be millions of pounds that we could be distributing to good causes every year if we had our own casino in Jersey, which could be administered by the same people who do the lottery. It could either be done via a percentage profit share scheme or it could be done through the issuing of a licence which then we might find that we have got much more money to distribute from people who are much more able to afford to lose the money, and of course they get a much better proposition going into a casino because the expectation is so much higher than buying a lottery ticket, and it might amuse them while they are in Jersey for business or for tourism. The last point - and I think it is something which Deputy Kovacs may have touched on with her figures - is that there is a risk of course that we might see dwindling returns from the lottery. There is an interplay perhaps arguably between when the economy is struggling or rather when individuals within the economy are struggling they may have less disposable income to spend on a lottery. So at a time when charities need more money to fund the likes of foodbanks, et cetera, we actually find the pot going down also at a time when they are needing to have that money. I am sure the Minister is on this. I am also fully aware, as somebody who has been in the role of having to bring this proposition to the Assembly as well, that it is not necessarily straightforward and it is not a Ministerial area really; it is something which is simply overseen by the Minister in a slightly distant capacity. But I would ask that he consider all of those points that I have made in the round ... the last point I was going to make as well, one of the reasons cited in a recent survey in the last 3 years about why people play the national lottery in the U.K. is because of a big prize. I fundamentally believe, certainly anecdotally, that one of the reasons we are seeing dwindling participation in the Christmas lottery - the Christmas lottery is perhaps one which attracts people who only gamble at Christmas to buy a Christmas lottery ticket - is because the guaranteed prize is no longer £1 million. I do not know what it is about human psychology but when there is £1 million to be won, rather than maybe £850,000 or £962,000, there is something compelling about people wanting to maybe even be part of a syndicate and buy tickets,

but when it is not guaranteed then we see falling ticket sales, I would suggest. I simply make those points; the Minister can make of them what he wants, and I look forward to the summing up.

#### **9.1.6 Deputy M.R. Scott:**

As the main respondent to this proposition, I thank the Members who have made their contributions. The Economic and International Affairs Panel has not sought to amend the proposition insofar as it is a decision about how proceeds are distributed and there are so many ways in which you can cut the cake. But in response to Deputy Tadier's thoughts about gambling, I will just point out that the lottery, and in terms of people buying tickets around Christmas, that much of the driver is the thought that money will be going to charity and perhaps there is less of a focus in terms of returns. Some very good points have been raised which I will commit to ensuring that the panel discusses with the Minister going on.

#### **The Deputy Bailiff:**

Thank you, Deputy. If no other Member wishes to speak I call upon the Minister to reply.

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

I thank all Members who have spoken; it is really good to see interest in this. I will start at the top really with Deputy Kovacs. I do not believe it is the role of Government to step in to make up a difference in proceeds directly. I think Government does do that in many different ways and we have seen that through our Government Plan, the way we increased income support, the way we increased tax thresholds to decrease the tax burden on people, the way we increased the Community Cost Bonus; those are ways that Government helps support those people who find it more difficult during difficult times, rather than directly through the lottery. The Constable of St. Mary; the S.L.A.s (service level agreements) are still valid. I am sure the Constable will be pleased to know there are 2 separate S.L.A.s with the Jersey Community Foundation and the Association of Jersey Charities; admin costs are referred to in there to limit the administration costs. Off the top of my head I cannot remember, I think they have changed since the Deputy was chair of the Economic and International Affairs Panel. I think they have changed a little bit, possibly principally for the A.J.C., but I will have to go back and get the information to confirm exactly where they are. But the quantum of change is very slight; not large. But it has always been important to me that we limit the administration costs that are taken, especially when you are seeing effectively just £300,000 or so for each organisation. It is easy to eat into the whole sum. Deputy Ward, can Jersey Sport draw on this money; I believe they probably can. Jersey Sport is a charity, to my knowledge it has been set up as a charitable trust and so I believe it probably could. I think the Deputy raises a really good question about whether organisations such as Jersey Sport, which are also strongly funded by Government, can dip into this particular set of funding. I personally believe that an organisation such as Jersey Sport ... I remember Deputy Pallett, he was Senator Pallett at the time, who was Assistant Minister for Sport at the time saying that one of the reasons Jersey Sport had been set up as a charitable trust was to enable it to apply for grants from elsewhere. I fully support that. I think that Jersey Sport should be applying for such grants and I believe it does apply for such grants. But I think it is quite right to ask the question about whether such bodies which receive so much funding from Government - to the tune of approximately £2 million in this case - should they also then be applying for funding which is kind of via Government in terms of the lottery. I do not know; it is a very good question and one that I have not thought of but I am more than happy to consult with Deputy Ward. In fact I will delegate that to the Channel Islands Lotteries Board that I mentioned earlier because I think they are probably the appropriate place to discuss such a question, but it is a very valid question. The Constable of St. Brelade, I completely agree, is concerned to ensure that funds are not sucked up by administration costs. I do agree with him. I think we do put charities in a slightly difficult position because we expect charities to be professionally run and we expect them to adhere to certain levels of governance and regulation, which means that if you are the C.E.O. of a charity - and I must say

my wife is a C.E.O. of a charity but I am not talking with her in mind - you, therefore, perhaps do need a professional level of remuneration because you are running a risk, you are liable to prosecution if you get it wrong as I understand it, and so it is difficult to say to charities: "Be professional but do not pay a professional rate." I think that is a paradox which is difficult for us here to opine on. Deputy Tadier; one of the difficulties with the lottery is that it is gambling and gambling has downsides; there is no question. While scratch cards, et cetera, are perhaps not the main cause of gambling addiction, it has been noted that people can become addicted to scratch cards and that often these people are perhaps people who can least afford to pay so much for scratch cards. It is something that I personally wrestle with in terms of understanding the benefits of gambling versus the cost of gambling. It is something that I am very, very pleased that the Jersey Gambling Commission has picked up and said: "We are concerned as a regulator about gambling addiction in the Island and the lack of access to support services for people who recognise that they are gambling addicts."

[15:30]

I have mentioned this with the Minister for Health and Social Services as well and I know that the Gambling Commission is providing, through its own funding, support to Islanders who feel that they are caught in that awful addiction. He also mentioned the idea of - which is quite correct - as economic times are harder people perhaps are less likely to buy lottery tickets and, therefore, you will get less funding out of it but this is a time when the charities need the money the most. As he was speaking, it made me think perhaps there could be an element of the proceeds which are pulled precisely for such times, so £1 million let us say which is a pool which is for when there are lower receipts and this would then also address Deputy Kovacs' concern, could that then be dipped into. I think that again is a question for the Lotteries Board to deal with but it was a really interesting. I will be looking forward to the Lotteries Board to help find that way forward. I thank Deputy Scott for her support in this proposition, and it is also just to reiterate that the allocation of these proceeds has been defined by the States Assembly. It is not a Minister; it is not me or any other Minister who decides that 50 per cent goes to the A.J.C. and 50 per cent goes to the J.C.F. It is this Assembly that has defined that and it is this Assembly that defined the 40, 40, 20 breakdown as well, so any change to that would need to come before this Assembly. I have grown up with the Channel Islands Lottery as part of my life; I still see it as a part of this Island's and the Channel Islands' identity and, as I mentioned earlier, I was really pleased to be warmly received by my counterpart in Guernsey who really does want to bring our 2 lotteries much closer together, which I hope would also make them more effective. With that I would like the appel, if you do not mind, Sir.

**The Deputy Bailiff:**

The appel has been called for. I invite Members to return to their seats. I invite the Greffier to open the voting to those in the Chamber and those attending remotely. If all Members have now cast their votes I ask the Greffier to close the voting. I can announce the proposition has been adopted unanimously: 45 votes pour.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				

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

Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

**10. Land Transaction Under Standing Order 168(3) - Andium Homes Ltd Site, Kensington Place - Sale to the Public: Deferral of Approval (P.11/2023)**

**The Deputy Bailiff:**

The next item of Public Business is Land Transaction Under Standing Order 168(3) - Andium Homes Ltd Site, Kensington Place - Sale to the Public: Deferral of Approval, lodged by Deputy Farnham. The main respondent is the Minister for Infrastructure. I invite the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to request the Minister for Infrastructure to defer approval of the land transaction agreement, as proposed in R.33/2023 presented to the States on 1st March 2023, pending consideration by the Assembly of the details of the clinical outcomes and cost of the proposals for multi-site health care provision.

**10.1 Deputy L.J. Farnham:**

The Government Plan approved by this Assembly last year made provision for a further £51.5 million to be set aside for new healthcare facilities. To be clear, that is a further £51.5 million in addition to the £100 million plus already expended on the project while at the same time overruling decisions of the previous Assembly which approved all aspects of the Our Hospital project at Overdale following a series of democratic debates. To remind Members, the £51.5 million is broken down as follows. The Les Quennevais healthcare facility is going to require an additional £7 million and that is largely because under the previous scheme this facility was due to be used on a temporary basis for the transfer of the facilities used at Overdale during the Overdale build and then all those services being returned to the new single site hospital. At that stage the Quennevais site would be returned to the community or to the Parish or to a mixture of both for perhaps housing and other useful civic purposes. The strategic purchase of Kensington Place, £16 million - which I will address in a minute - and the development of a revised scheme, that is the development of the revised multisite scheme for £28.5 million, and that is for sort of redoing the design, planning and all the associated consultancy fees that will go along with that. But this proposition addresses the £16 million that had been set aside for the strategic purchase of land in Kensington Place to which Members will be interested to know was acquired less than 18 months ago in December 2021 by Andium Homes for a total of £7.8 million. I want to iterate at this stage that I absolutely make no criticism of Andium Homes whatsoever. I believe they have been put in a very difficult position and I believe they wanted nothing more than to get on and build the houses for which they were constituted to do the homes. The Minister's report, R.33/2023, which is appended to the report to this proposition, informing the States that the Minister had agreed to the purchase of the land contains little detail and provides no explanation as to the large premium or uplift in the value of £8.2 million demanded to acquire the land on behalf of the public. That of course - for those Members who do not have calculators - is the difference between £7.8 million and £16 million. I have communicated with Andium Homes and they have been as professional as always and provided a breakdown of those figures, but they have asked that the detail be kept confidential for commercially sensitive reasons. But I can give Members a broad overview. The bulk of the uplift is classified in their terms as main contract which is almost £7 million. Now, that will be to reimburse Andium who in turn will reimburse their developers for the demolition work and all of the preparation and all of the work that has already been carried out

on the site. I believe that sum also includes a multimillion-pound figure of compensation to the developer for loss of profits, which might not appear unreasonable, given the fact that they had a signed contract which was broken at the request of the Minister, but it is still probably a multimillion-pound sum that this Island can ill-afford and could have been much better spent elsewhere. The comments presented by the Minister make reference to finance fees, £57,000 a month which is being incurred by Andium Homes at the moment. That is because they borrowed to invest the £7.8 million. But that sum has already accumulated; the figures I got from Andium I think were up to December of 2022, stopping the build had already incurred £433,000 of finance costs at that stage and that is now continuing to accrue £57,000 a month. So it is clear that when the Andium Homes project was halted the Government had absolutely no idea of the associated costs and liabilities that would be incurred as a result and when they did find out after the fact, as it were, they have simply sought to push them over to the taxpayer by asking the taxpayer to pay £16 million for this site. You could argue that that £16 million would be better off sitting in the States bank account earning interest until such time as this Assembly has approved the way forward for the multisite healthcare scheme, as it is now called. In addition, and perhaps more importantly, this decision has not been subject to scrutiny or ratified by a decision of this Assembly, which would be proper given the size and nature of the transaction, and ahead of any details of any aspect of the clinical outcomes and costs, both capital and operational, for the proposal for a multisite healthcare provision promised by this Government, especially as so little progress appears to have been made to date. I have no doubt that the Minister will argue that the approval of the Government Plan was tacit to approval that he could proceed with this purchase. However, I would strongly contend otherwise and that firstly the approval of a budget in the Government Plan does not necessarily mean it can be fully utilised without proper and due scrutiny to the detail, and, secondly, a transaction of this size and importance ... and I would ask Members to remember that 106 units of absolutely essential housing are to be sacrificed for this new healthcare facility, the concept of which has yet to be produced or proven or put before the Assembly. The Minister will also claim that deferring the acquisition will cause further delay. It will not cause a further delay and that claim cannot be substantiated given the Government's anticipated milestones for 2023 set out in a report provided to States Members on 27th February of this year and appended to my report accompanying this position. I would point out to Members that we are expecting, due to that report, feasibility studies and the refreshed strategic outline case to be presented to Members in May. So what I am really suggesting is within the Ministerial timetable, it is a proposition to delay slightly the purchase of this land - which could turn out to be a good purchase - and that land is not going to go anywhere while this Assembly is considering and thinking about the best way to go. Delaying the purchase of this piece of land until such time as clinical and financial details of the new health facilities programme have been provided and the decision has been appropriately scrutinised by the Assembly I think is essential if we are to abide by our principles of good, democratic process. So accordingly I am simply asking Members today to request the Minister for Infrastructure to defer - not to cancel but to defer - approval of the land transaction agreement, pending consideration by the Assembly of the details of the clinical outcomes and detailed costs of their proposals for a multisite healthcare provision as promised.

**The Deputy Bailiff:**

Thank you, Deputy. Is the proposition seconded? **[Seconded]**

**10.1.1 Deputy T. Binet:**

It just proves that one is never too old to learn lessons, and I have learnt a lesson this afternoon and that is not to be quite as naïve as I appear to be. I was going to start by apologising to Deputy Farnham for the critical comments that I was about to make, and I am not going to do that now, and I wish I had not shortened my speech by about half in order to try and be as constructive as possible. Before I start reading the written part of my speech I want to pick the Deputy up on some of the comments he has made in relation to the funding. I am very happy to publish as many details as I am

commercially allowed to do in relation to what has happened, because there is nothing to hide. But I will just use one example. The Deputy has left everybody here thinking ... it certainly came over to me as if he was trying to tell people that Les Quennevais was going to cost a further £7 million. The £7 million that has been put in the budget is the same £7 million that would have been spent under the last regime, so I think we all need to be mindful of the fact that there is some very careful spinning going on here which I do not think we should appreciate.

[15:45]

I would also mention that I have had conversations with the Deputy over the weekend and explained to him the implications in as rational and as comprehensive way as I am capable, and asked him to withdraw the proposition, but sadly to no avail. Everyone in this Assembly is painfully aware of the decade long attempt to resolve our requirements for a new hospital or new healthcare facilities, whichever way you want to describe them, and of the very pressing need to come up with a solution that actually works. One that takes all parties along with it, so healthcare workers, patients, taxpayers and everyone else. All of this requires certain actions to be taken in a timely fashion. Unless I am mistaken, Deputy Farnham was present when the Government Plan was debated at the end of last year, and this Assembly voted by a comfortable majority to approve funding for the purchase of the Andium site in Kensington Place. He may have opposed it but the majority did not. The purchase of the Andium site at this stage provides the certainty required to start the basic design work for the site which includes the all-important relocation of the energy centre, because that sits right in the middle of the site and the work needs to progress as quickly as we can. Once the basics are established and the essential clinical and operational adjacencies have been agreed, the detailed design work needs to begin. As far as I can see, this proposition to delay the purchase of the site achieves absolutely nothing; nothing of a positive nature at all. What it does deliver is a great deal of uncertainty, not only for the excellent project team who are working to an exceptionally demanding timetable, but also to the public who at this stage of the proceedings have already had more than their fair share. The proposed delay, as the Deputy has already pointed out, is going to cost an ongoing £57,000 a month in interest payments. That £57,000 would cease to be a cost if those loans were repaid. The most upsetting part of this particular element is that this money should be being used on the provision of affordable homes. Instead it disappears without trace. Given that Deputy Farnham has considerable commercial experience one might perhaps have expected this to have features somewhere in his thinking, but instead we have all been treated to another round of political grandstanding - I hope I am allowed to say that - all of which comes at a considerable cost. With this in mind I should like to suggest as politely as I can that this practice comes to an end. Either a proposition is brought to the Assembly asking it to reverse the current direction of travel and instruct the Council of Ministers to proceed with the Our Hospital scheme, or the new scheme should be permitted to proceed to the next stage without further interference. If the former course of action were to be considered I hope the Assembly would be mindful of the fact that the Our Hospital project was designed around the now defunct Jersey Care Model and should we choose to build it we would not have sufficient in patient, stepdown or dementia beds, we would have no rehabilitation unit, no hydrotherapy pool and no outpatient physiotherapy unit. It also reintroduces all the risks associated with committing to a massive, one piece capital project in the climate of ever increasing uncertainty, and that is hardly an inspiring prospect. I think I have said everything that needs to be said. Before I finish I would like to ask every Member of this Assembly to consider the serious implications of this proposition and for the good of all Islanders, reject it wholeheartedly. Thank you.

#### **10.1.2 Deputy D. Warr:**

I would just like to wholeheartedly give my support to the Minister for Infrastructure on his commentary. I am aware of this concern of loss of homes, however, I was at an Andium meeting a day or so ago to be advised that a further 109 homes are being proposed on the Apollo site and the takeover of the Clare Street site as well, so those homes are going to be adequately replaced which

is great news. The cost to Andium I cannot be more ... this is crazy, £57,000 a month, as the Deputy has correctly pointed out, this is a cost to us, a cost to our society in homes. The idea also that the taxpayer somehow is losing out is also wrong. These monies are going into Andium Homes; Andium Homes is owned by the Government of Jersey. This is a transfer of those assets. It is a strategic purchase and I think that has to be commended as well. It is important we get our strategies right. The States in the past can be very critical of not making correct, timely strategic purchases. I think it is really important that we recognise that fact. So I support the Minister for Infrastructure and I would ask everybody in the Assembly to reject this proposition.

#### **10.1.3 Deputy S.Y. Mézec:**

I have been baited by the previous remarks there. I will just make this point; it is absolutely absurd to bring in the old Apollo Hotel site as if it is somehow compensation for this because had the plans for the hospital not changed that would have been in addition to the Kensington Place ones, so do not pretend that it is a replacement because it is not. If we are going to have a debate on these kind of things let us be straight about these things please. I can feel comfortable in voting in support of the proposition from Deputy Farnham. Firstly I can say that my own conscience is clean on this because I have not voted in support of the previous Government Plan and have not voted in support of throwing the previous hospital proposals in the bin just yet. One of the primary reasons why I have not voted to do so is because there frankly is not a clear plan for an alternative. We do not know exactly what the future for Kensington Place is going to be. I recently visited a restaurant in Kensington Place and had a conversation with some of the people working there worried about their futures because of comments that had been made about other sites on that road maybe will or maybe will not be supported for purchase for the hospital ... I say the hospital and we are not calling it that anymore, the new healthcare facilities programme. There is a great deal of uncertainty about what the plan is going to be and there is frankly - as history has sadly shown us already - no guarantee that this plan will get any further than previous ones because when the detail finally is presented before us we may yet decide we do not like it. We may yet decide that the maths does not stack up. We may yet decide that the model of care that will be delivered over multiple healthcare sites rather than one might not be the one we end up preferring, but of course maybe we will prefer it when it all comes, but it is not here yet. On that basis I am comfortable in supporting Deputy Farnham's proposition and will wait and hear what the case is for new healthcare facilities when we actually see detail for it, understanding what it looks like for Kensington Place because right now we do not even really have a hand-drawn sketch of what we might be thinking of for that site, and so to ask us to be mucking about with our property portfolio in this way on the basis of no detail is in my view not responsible.

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

My point really in standing is to express concern over the continued £57,000 per month, and no apparent end to it. How can we vote on something which has got no end to it? On that simple reason I do not feel I can support the Deputy's proposition.

#### **10.1.5 The Connétable of St. Clement:**

I do not know where to start. I am not as eloquent as Deputy Mézec, but this is an unholy mess. Since the new Government came into power we have been led by the nose with no facts and figures. That is the truth. They came into power and announced to the world that they were going to build a new health facility, multigroup hospital with no figures. We knew from the previous Government where we stood, whether or not it should be at Overdale, we knew the cost, we knew what it was going to bring, we knew where the finance was, we knew what the costs were and we could afford it. We had the money available. We are being asked at the moment to vote on little bits and pieces through the weeks piecemeal without the general picture. Not only do we not have the portrait but it is not signed by anybody. It is worth nothing. We cannot vote on building the new hospital multisite



unless we see and hear about the complete package. It is totally, totally irresponsible. You would not do that. Would you buy a house without knowing what it looks like? You say: “Well, we will build the garage first” that is your Kensington site, by the way: “Build the garage and we will see what comes up, see what money becomes available. It might be a good idea to build a kitchen because we need a kitchen.” With the multisite you are going to need 4 kitchens; you are going to be chucking stuff around the Island from lorries up at St. Peter to 4 different venues. The logistics are outrageous, the staffing is humungous and it is just not feasible. We should not even be considering this without the entire picture. We are being led by the nose. It is totally wrong, totally irresponsible, and I support Deputy Farnham.

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

I am pleased to follow my fellow Constable and I share the same views as him because given the uplift of £8.2 million, does the £8.2 million include compensation or payoff to a developer? If so, which developer and how much is the payoff? People are worried about the £57,000 per month payment, well so am I, but I have heard that the payoff is £3 million, which is a heck of a lot more than £57,000 per month so I am happily supporting Deputy Farnham because I really cannot vote on something that I do not know about. I have not seen any plans. As the Constable of St. Clement says, we are being led by the nose and I cannot vote on anything that I do not have any facts about. I would like to know about the hearsay of the £3 million payoff and if they can come back to the Assembly with more detail then maybe I will vote for it.

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

I really feel that this Government has overturned without debate in this Assembly and without the approval of this Assembly a legitimate, democratic decision that was made by a previous Assembly. They have overturned it and they have not given us sufficient evidence as to why they have made that decision. I think what I am doing is supporting what the Constable of St. Clement said a moment ago. I have been here long enough to have had pops at different Ministers over the years who have done exactly that; they have overturned decisions made by previous Assemblies by not enacting them, by completely ignoring them, by just letting them slide and expecting them to fade away. But this is the biggest decision made by an Assembly I would say within living memory because of the impact on our population health-wise and the impact on our economy and the cost to us. I look at our Chief Minister and I think how on earth can she sleep at night knowing that the public know nothing, we know nothing, the public know nothing I would argue about the ultimate intentions and aspirations of this Government to deliver a new hospital, other than it will be multisite. It will be a multisite project. So I feel that I do not have enough evidence from them for them to have made this momentous decision to not act upon a legitimate decision made by a previous Assembly. They have also, this Government, decided without debate or approval of this Assembly to overturn a decision to build 106 homes on the Kensington Place site, and they have the gall in their comments to tell us the delivery of housing is a priority, yet they are the ones who have stopped the delivery of 106-odd units. Then we have the Minister telling us in his logic that by using the Apollo site it does not matter that we have lost the units in Kensington Place because we are gaining them somewhere else. No, we are not gaining them. We are getting units at the Apollo site which we should be getting as well as the units in Kensington Place. So do not tell me that we are not losing out by foregoing the 106 units in Kensington Place. It does not make sense.

[16:00]

The comments by the Council of Ministers I think leave a lot to be desired. They say to us Andium need to know what they are doing; we should not leave them in limbo. Well it is not us leaving them in limbo, it is the Government, it is the Council of Ministers. Do not try and blame it on everyone else who sits in here. It is their decision. I think I have probably said enough. I am not happy with this. I am not happy with them. I do not get very cross very often but I am still waiting for them to

present me with evidence that I can be happy with and that I feel I can support. I am not a die-in-the-ditch supporter of the Overdale site but I do recognise that it was a democratic decision, it was based on the evidence that we had at the time, and I think that the longer we go without having anything provided to us by this Government the less faith I have in them. Suffice to say that I will be supporting Deputy Farnham this afternoon.

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

Follow that then; if you can exactly. I would just pick up on something that was said there by the Constable about not being a die-in-the-ditch supporter of Overdale, and I think that is a common approach here. There were issues; of course there were issues, there are all sorts of issues with that but we were offered ... well, I do not know what we are being offered and this is the issue now. It is very easy to stop things. It is very easy to say: "We are not going to do this; we are not going to do that." But what you have got to do is you have got to come up with some genuine alternatives that will work and you have got to respect this Assembly and its decision-making processes. Unfortunately, and I agree with the last speaker and the points that were made, and the Constable of St. Clement I think spoke very eloquently and I totally agree with him. But I think the issue that we have is we - and I will say this as delicately as I can - we have got a lot of single-issue politics going on that have been brought to this Assembly and we are being ... it was described as being led by the nose but we are being railroaded through this single-issue politics that came to this Assembly and supposedly offered - I was going to say "a better way" but we will come back to that - for these solutions but we do not have any solutions at the moment. We have gone from a plan that had flaws to a plan that is not a plan. It occurred to me "an area of relentless focus", we have heard that phrase a number of times, and I see the tactic that is being used here probably via the Communications Department; keep saying a phrase long enough and it gets into the psyche of people. An area of relentless focus, an area of relentless focus. Unfortunately it is becoming like the sequel to Jean-Paul Sartre's *Being and Nothingness* because there is nothing there. We do not know what the future holds and we are being asked to make a decision ... let us talk about populist politics, shall we, because the popular view that I have heard so many times ... and there are inaccuracies in this statement, I know there are inaccuracies in this statement, but if you are going to go with populist politics - which is what we are being asked to do - then let us look at the inaccuracies of that. Why are we buying a site that we sold to the Government-owned entity at an inflated price? That is the question I am being asked. Why are we doing it and what are we going to do with it; because we do not know what is happening with our future hospital site, place, thing. I do not know what it is called anymore. It is called something and it has got a new name. It has been rebranded; probably at the cost of who knows what. What are we being asked to do in this proposition is not to stop this multisite. It is to say: "Do not make this decision now until this Assembly has a lot more detail on what it is going to look like overall." If you come back with a plan that is masterful, wonderfully thought through, absolutely affordable, gives us a really clear picture of where healthcare will be, makes it usable, makes it accessible to all on a multisite, you solve the problems over staffing and you solve the problems over travel and you solve the problems over administration and you solve the problems building parts while people are still in hospital, then absolutely you will get support. But we are not seeing any of that. We are being asked to vote on air, on a railroad of populism that came from an election where there was unhappiness over what had gone previously. We have got to - to use a footballing term - put our foot on the ball here and stop that, and we have got to make some sensible decisions because if we carry on going along this line we will make poor decisions, equally as poor as some of the ones that we were concerned about Our Hospital - I have remembered what it is called now - equally as poor as that and perhaps even worse because of where we have been. None of us in this Assembly are hospital specialists. We are not. We do not know how to build a hospital. We are voting on information that we are given and in this situation we do not have any information on what we are voting on. So with this proposition that says just do not make this step now until we have the information. If you are confident as a Government and as somebody who is developing the

hospital then you can come back in that time and prove to this Assembly that you have a valid, reasonable, affordable, sensible, acceptable and more than adequate - because if you are going to spend millions and millions of pounds on just adequate I think that is a shame because it will not be future-proofed - then that is fine. Why are you concerned about this delay? As for the money on servicing the loan, well that decision was inevitable when you stopped the building on that site. That is a consequence of a Government decision and the Constable is absolutely correct; do not come and blame the Assembly now for this and do not do this gun-to-the-head politics that we had so often in the last Assembly when we were making decisions about so many things, because there is no difference in what we are seeing here with this. So I am happy to support this and I happy to speak to my constituents if they come and speak to me and say why I am supporting this proposition, because I think most of them when you sit down and have the conversation and say: "Well, what is the new hospital going to look like?" and you say: "Well, we have actually no plans." They will say to you: "But we have been sold do not do the Overdale site because it is ... how much is it going to cost?" "Well, we do not know how much it is going to cost. I am afraid we do not know how much it is going to cost either." "Will it be less expensive?" "Well, it might be but we cannot get a figure and there are suggestions that it might not be less expensive in the long term and it will take longer to build." That is a cracking deal, that one. So those are my concerns and I think they are the concerns that are, if you like, spreading a little through this Assembly and as people start to look at the detail in this. I go back to where I started before; it is very simple to say do not do that project, but it is very difficult to come up with the detail and convince a democratic Assembly that it is the right thing to do now. So I am quite happy to support this proposition and I hope people really think, regardless of what they stood on in the election regards that, now we are looking sensibly at the detail of where we need to go and the difficult decisions that need to be made; I hope they think carefully about what they are supporting. Thank you.

#### **10.1.9 Deputy A. Howell:**

If the former course of action were to be considered I hope that the Assembly would be mindful of the fact that the Our Hospital project was designed around a now defunct Jersey Care Model. It did not have what it was meant to have inside it and that is why this current Government have ceased that project. Also I think Senator Farnham's previous Government spent £34.5 million on purchases of properties at Overdale before planning permission was given. The Les Quennevais site has had to go ahead because the previous Government signed a contract which the current Government could not extricate themselves from, so we are landed in a situation when we are trying to provide decent, proper healthcare facilities for Islanders, and I think that we should put our faith in the Minister for Infrastructure and this current Government and vote against this proposition.

#### **10.1.10 Deputy M.R. Scott:**

I have been thinking about this because I have been thinking about the general feelings I heard about the plan for the hospital on Overdale, the support of clinicians, the concerns of support staff, there is all manner of discussions about what should or should not be on there. I am also thinking about the fact that Deputy Rob Ward has talked about an analogy of football, of which I do not know much but I was really interested about this expression, foot on the ball, because I am thinking: "Hang on, if you are playing football why would your foot be on a ball? Should it not be kicking it?" Now, my background is in finance, I was a finance lawyer and I would look at how you structure things so you could afford them, and what I know about football is that you often have to look at the cost of the player, do you not, when you are actually talking about leagues, and sometimes you can afford them, sometimes you cannot. You kind of look at the cost of the player and then maybe you will be thinking about the game plan, the formation. When it comes to buying this option back in terms of looking at quite what you can afford in terms of the player, in terms of game plan and that sort of thing: it results in an £8.2 million premium that goes to Andium, and we do need more houses so I do not quite resent the uplift, that premium that has been mentioned in this proposition. I do truly accept and understand

this kind of concern about the lack of vision that Constable Troy has mentioned. You do want to know the cost, you do want to know these things; we do not have any of this, but then what we had was a sort of aspiration to get Pelé when Pelé is dead. If you can forgive my absolute rubbish analogy about football I do hope that you can at least accept that I have got this background in terms of understanding some of the kind of financial considerations that we really do need to consider as an Island. We really do have to consider the way that our economy is shrinking, that the costs are going up, the costs of our public sector, and cutting our cloth or our kit to fit the game that we need to play now. So I will in fact be voting against this proposition.

#### **10.1.11 Deputy K.L. Moore:**

I would just like those who have spoken in support of this proposition to cast their minds back to last year. It has already been described and I think acknowledged by a previous speaker that there was concern about the previous hospital project at Overdale, widespread concern within our community, and it was an election issue. So what we promised to do at the election was to take a pause. We have paused; we have produced a report which helped to form our opinions and to validate our concerns about the costings and the issues in relation to delivering the one site Overdale project, which was large and overbearing and impossible to fund because it was already running way over budget. So we needed to come up with alternatives and we needed to find a new path forward, so we are in that process. Yes, perhaps the communications of that process have not been quite as compelling as perhaps they could and should be, and I have to take responsibility for that. But work is going on; there is a considerable amount of engagement going on quietly behind the scenes, a genuine engagement that is not causing the issues that the previous engagement programme did, particularly with clinicians. It is genuinely asking people to come, talk, share their views and be listened to as well on a department by department clinical basis. The feedback that we are getting from that is positive. People understand why we have taken this time to reconsider and to find a deliverable way forward for our healthcare facilities. But the further pause that Deputy Farnham is now requesting is placing additional pressure, as already has been well described, on Andium who have already faced over £400,000 worth of financing costs on this site.

[16:15]

So the question really for Members today is do we place that continuing pressure on Andium when that money, that public money, can be better placed in the plans that they are building and delivering elsewhere? Andium have at the moment in delivery 1,800 units of accommodation across the Island. Those are going to become homes for Islanders in the next months and that is something that we should be celebrating. They are doing a terrific job and they are delivering quality homes. Deputy Warr and I visited the Limes recently to see how M.M.C. (modern methods of construction) not only reduces the number of workers needed on a site - there were only 8 people working on that site as opposed to what would have been 50 on a conventional construction site. It is also being delivered much quicker, which is something also to be celebrated. Some comment has been made of course of the loss of the 106 units in Kensington Place, but let us not forget that those units were units of a style that was criticised by the planning inspectors when they considered the bridging Island Plan. Those - albeit were much needed units of accommodation - were not the optimum units of accommodation and Andium are working hard to deliver better units of accommodation. In fact we have agreed with them that they will deliver affordable homes on the St. Saviour's Hospital site, which is clearly a much better site for affordable homes. A site where people can enjoy being in a countryside environment rather than crammed into a narrow street with a single aspect unit. Because that is simply what was on the cards for Kensington Place. By choosing a different path we will be proud of the quality of life that we will afford to tenants and potential homeowners of the units that will be created as a result of these decisions. So please bear with us, Assembly, this is a democratic process. It was democratic at the elections. It was democratic in support of those Ministers who hold their positions here today and represent the public and deliver the agenda for Government. It has

been democratic in terms of the engagement that we have had, both with Scrutiny on this matter, who have encouraged us and agreed with us in terms of the path and the approach that is being taken, and also we have had not one but 2 votes in relation to this hospital project, one of them received 32 votes in favour and the other 33. So there is a democratic mandate. Views have been sought from this Assembly. We continue to brief the Assembly on a regular basis and engage with Members as their concerns arise. We will continue to do so. Modelling for the Future Hospital and the sharing division of clinical facilities on the sites is underway as a result of engagement. That will be coming back to Members shortly. But let us not forget, it is less than a year since the election and so progress is being made and it is something that we will be proud of delivering when we get there. The other final point I would like to make is about the facilities. As Deputy Binet highlighted in his excellent speech, the hospital healthcare facilities that will be delivered as a result of these decisions will include items that the public wanted to see: stepdown care; rehabilitation; and also a hydrotherapy pool. Those are all items that, no matter the size and scale of the previous project, they did not fit into that previous project. So all was not well with that project. We know that. We know that changing horses sometimes is a difficult thing to do. But that was the mandate we had and we are delivering it. So please do not vote for further delay, support us in continuing to make progress and delivering healthcare facilities of a quality and a price that will sit well with the Island and will be affordable into the future. Equally, quality of housing and accommodation that will fulfil the needs of Islanders and improve their quality of life.

#### **10.1.12 Deputy T.A. Coles:**

I would just like to follow on from some of the other comments made. I am not going to go down the football analogy. I was considering some of it but I realised something, and I know there are some Leeds United fans in here so it does not work so well. So the thing I would draw attention to is a line in the Minister's response to this proposition saying it is also difficult to argue with the agreed price for this site, it has been valued by 3 independent Royal Institute of Chartered Surveyors valuers. It is a cleared site with planning permission and has been achieved. So we are going to buy this site back off Andium, hold on to it until we figure out what is happening with the new healthcare facilities, which may or may not be built on there. The planning permission will exist on this site because it is stamped by the demolishing of the properties that were already on there, which means the units of accommodation, which the Chief Minister herself has said are inadequate and not the kind of homes that we want to provide, can still be built. So what happens if we decide that we are not going to build a new hospital facility on this site and it is going to be sold back to Andium in 3 or 4 years' time and they continue to build these units? How much are Andium then going to have to buy that site back off us because its value has therefore increased again? We talk about the offset with these other units. I am straying off topic slightly because I find it quite difficult that our Minister for Housing and Communities declared a triumph of the Ann Street Brewery site, a site made up of majority single-aspect units, which these ones on Kensington Place, which are unsuitable, are also single-aspect, which goes contrary to planning guidance, which says the single-aspect should be avoided wherever possible. Though we seem to be building those by our own social housing provider, and that is going off topic. So it is important that we are saying at the moment Deputy Farnham's proposition does not ask for the purchase to be halted and ... sorry, asks for it to be halted and not to be stopped outright. It is simply saying: "Do not spend more money ... sorry, do not buy this site back off Andium until you know exactly what you are going to do with it, until we know exactly what is going to be done with it, and once that is agreed then this purchase can take place." So I am fully supportive of the idea of your defender stopping the ball with his foot, having a look around before choosing his correct pass, so I am going to support Deputy Farnham and I did finish with a football analogy.

### 10.1.13 Deputy M. Tadier:

Why not continue with a footballing analogy, but rather than focus on the outfield players, let us think about the poor goalie who has to do her best to save the ball whenever it comes to her. Let us put this in the wider context because this is not just about, while obviously we are discussing the Kensington Place development today, but there is a pattern of behaviour here which goes beyond just this Government but into previous Governments. Let us consider Cyril Le Marquand House. There was a States-owned, which I thought was a lovely façade in terms of a building, which is being demolished. Certainly that could have been kept. We see that what has happened is that we demolish a building that the Government already owns, it is knocked down, it is acquired by Dandara, they then build office blocks there. So Dandara are building office blocks for the Government, even though the Government has a newly-named Jersey Development Company, which was formerly called the States of Jersey Development Company, as the Constable of St. Lawrence reminded us a few weeks ago. Still called that, even though if you go to their offices it just says Jersey Development Company on the door. Then we say we are not going to buy it back off you but we will lease it back off you, so you have that going on. At the same time, you have a housing development, which is stopped, apparently these houses were all going to be cramped anyway and not in a very good area. So the Chief Minister is pleased about that. We would not want any cramped accommodation in St. Helier after all, would we? Expensive, cramped accommodation with no outdoor space and no amenity space, because of course who would want to live there. But that is perhaps a debate for another day. So we have all these flats that were going to house Jersey families being stopped. At the same time we have to pay the opportunity cost, so we have to pay the developer for their loss of profits, and then we have to buy it back off a company, which we already own, the company is called Andium and it is 100 per cent owned by Government, and we are saying we need to buy this land back off the company that we already own so that they can free up money because this was a terrible site for housing in the first place. But it is okay because we can build housing for them or they can build their own housing at St. Saviour's Hospital, which incidentally is a listed building, which is a very interesting listed building made of mostly Guernsey granite I believe, no doubt bits of Jersey granite. Of course that is going to be straightforward, is it not, putting so many flats up in that area, housing in that area, with that historical façade. So that is the context which we find ourselves in, is this sheer mess. I notice the Chief Minister nodding along when I was talking about the reality of Cyril Le Marquand House. But she stopped nodding when I mentioned the madness that is ensuing on Kensington Place where we acquire properties to be bought in advance and they are not just any properties, they are hotels of course, so in one foul swoop we are saying to the tourism industry let us knock down long-established and perfectly good hotels, let us put some housing on there, but let us not put housing on there, and we do not even have a plan for where the hospital is going. I do not want to put anyone on the spot here. I have no doubt we are going to hear from the real powerhouse that is the Minister for Treasury and Resources, who always waits until the very end to speak to us, and we will be hanging on his every word. I secretly refer to him, which it will no longer be a secret of course after today, as the Michael Gove of the Council of Ministers. I know that he will take that as a badge of honour, which means that he is always there, you cannot get rid of him, he is always there. Not necessarily at the very centre of Government, making all the speeches and in front of the camera, but he is certainly there somewhere in the background controlling what is going on. So I look forward to his speech to tell us why Deputy Farnham is so wrong. But we need to hear from the Minister for Health and Social Services on this, do we not, even though it is not directly about a health issue, of course it is completely entangled in the big fiasco that has become the non-hospital project. The 4 sites for the non-hospital that will be built much more cheaply in the future with more things in it than were in the more-expensive hospital in the past that the big Government wanted to build. Now we are hearing people saying that it was far too expensive. Even though the loan rates now are much more expensive, they are going to spend less somehow but get more bang for their buck, I think is the expression that I do not necessarily like but I understand. So firework analogy,

so we have gone from football to fireworks. We are in a difficult position here. I understand that the democratic process, depending on which way you look at it, the Assembly has had its say. But I am very concerned about effectively acquiring a site, which could be used for housing in the future, and there is going to be a missed opportunity cost there if in fact we do reconsider the options for the hospital. So again I come down on the side of saying that I do not have a particular inclination one way or another to saying that Overdale is the best hospital site that we could have ever produced. But I am really concerned that we are going to be left, and I hear it from particularly the slightly older generation who have resigned themselves long ago to saying that: "The hospital will never be built in my lifetime." I am really concerned that, when we balance that with the other considerations about younger people perhaps saying: "I will never be able to afford to buy a house in Jersey in my lifetime" albeit it might be a small flat in town to start off with. We are hearing those 2 signals coming very clearly, which we heard in the election and we are still hearing now. So, for my part, I think it is right that you occasionally put your foot on the ball, you do not simply win a football game by kicking it aimlessly around a pitch. You sometimes put your foot on it, control it, like Maradona might have done, you dribble sometimes and you find where is it that we want to get the ball to. We all want to get it to the back of the net so that we can have a win-win for Jersey. At the moment, there is such a lack of clarity in terms of the tactics that are going on that we do need to take a pause in this matter.

[16:30]

#### **10.1.14 Deputy I.J. Gorst:**

If ever I wish I had spoken earlier it is during this debate. But I must say the Constables are certainly having a good day, robustly intervening throughout the course of this debate. We have also of course heard from, as is wont, quite a number of red herrings thrown into the debate, rabbit holes, and side tracks. But Deputy Farnham is quite clear, he does not want work to continue on the new proposals. He wishes for the Overdale project to continue. That of course is his absolute right. In doing so, he is seeking to delay the purchase of this piece of land on Kensington Place. It is sometimes important for us to think about the history because the Constable of St. Clement's robust intervention told us in his mind that we knew the cost of the hospital at Overdale and we knew the funding requirement of the hospital at Overdale. I am not certain that we did. We were certainly told of a cost envelope and this previous Assembly had voted for a cost envelope. They had also voted for a funding mechanism based on certain market conditions. But it was very clear, and I know that Deputy Farnham will confirm this in his summing-up, or perhaps he will be slightly lighter on it than I might be heavy on it, that the hospital at Overdale was not and is not deliverable within that cost ceiling, nor via the funding methodology because of the market conditions. So we did not know where we were and it really is important that we remind ourselves of that context in which the new Government took office and agreed to undertake that review. In order to allow that review to work and do its work, as the Chief Minister rightly said, amendments were brought to the Government Plan and Deputy Farnham focused on that amount of just over £50 million. The Minister for Infrastructure was right to remind the Deputy that the money allocated for Les Quennevais was simply the second phase, which would have been required anyway. The ongoing discussion and flexibility is around whether we just write all that cost off again, which would be another substantial cost, well over £10 million, getting on to probably £15 million to £20 million, but time will tell. So we could just write all that off or we could look to see what could be delivered on a more permanent basis there. That is more prudent. That is more sensible. It is particularly more prudent and more sensible and manages the risks better when we consider, as a number of speakers have, that, as we stand here, we do not fully know what will replace the care model. We do know that the hospital at Overdale was premised, although it was very infrequently said, on a change to the healthcare model. But that work is ongoing and so it is prudent to think about spending more money perhaps at Les Quennevais to deliver a facility that has a longer life. Another Constable sitting on the back row chastised my good friend, the Minister for Infrastructure, for saying he should not be coming to the Assembly and blaming the Assembly for delays around the purchase of Kensington Place or the effects upon Andium. Well, of course the

Minister was not coming to the Assembly, he was quite happy to take the political flak, make the decision, as the legislation allows, based on the fact that this Assembly voted in the Government Plan £16 million to purchase the Kensington Place site. It is rather Deputy Farnham who has brought this to the Assembly. So it is a little bit uncharitable, and it is not like the Constable sitting on the back row to be uncharitable, a little bit uncharitable to the Minister for Infrastructure to say that. He is quite happy to make the decisions and to move forward as was outlined in the Government Plan. As he has publicly stated before, and as he said to Members in presentations to Members, and he stands ready to give further presentations to Members as he moves forward and he has committed to, together with the Chief Minister. There has also been a little bit of confusion about Andium's funding model, and that seems to be a recurring theme in this Assembly as well. Andium borrows money to buy sites, to develop sites, and thereby provides social housing and assisted-purchase homes. They do a very good job at that as well and I do not think we thank them enough for the work that they do. So they purchased this site - we can argue about whether we think that they paid over the odds or not - they purchased the site at a market rate and they entered into a contract with a developer to develop the site for social housing. That site has a lot more value in it today than it did when they purchased it. So it is not an inflated price, as some have indicated, they understand the dynamics of the development industry, you purchase a site, some substantial costs can be and are incurred if there are already buildings on those sites and those substantial costs were incurred by Andium in getting to a demolished site. Now rather than saying there might be compensation to pay to the developer to exit a contract, it was the Government's view, and I fully support this view, that the best approach was to get independent valuations of the value of the site. That is exactly what was done: 3 valuations were got and a fair value based on those valuations, to my mind, is the £16 million that has been allocated. If Members say today they are going to support Deputy Farnham's rather appealing slight delay that will not have much cost implications until those further plans, what that will mean is that Andium are sitting without the £16 million and without that £16 million they cannot pay off the borrowing. That is why we end up with the £57,000 per month that they will be accruing a cost, which will ultimately be of course a cost to either Andium, but ultimately, as we know, they are wholly owned by Government, so it is a cost to taxpayers. So we have quite a straightforward decision, even though it is not being portrayed like that by a number of speakers, we have a straightforward decision. We have asked the Minister for Infrastructure to go away and do further work on Future Hospital facilities. That work will be coming back later in the year. A lot of the concerns that Members might have about saying: "This is the option or shall we just go on with the Overdale site?" They will be addressed in more detail. So are we going to say to Andium: "We will tell you what, just hold off from developing that site, Andium, you sit on the liability, it is going to cost another £57,000 per month", at the very time that everything that the Ministry is doing is trying to mitigate and minimise cost and risk as he works forward with the new hospital facilities. It does not make any sense. It is far more sensible for Andium to use that money to facilitate the other developments that they are needing to facilitate. So this is why the Minister for Housing and Communities talks about moving on and doing those other sites. Because Andium then have the cash and the borrowing in order to develop those other sites. He is not saying you are getting them in addition, he is simply saying that money returned to Andium allows them to get on and do those other developments. That is why, for me, it is quite straightforward. It is logical that at this stage of where we are with the Future Hospital facilities that we buy the site off Andium, the site is safeguarded for future so that this Assembly can make its decisions in due course without having that monthly liability upon Andium, which hinders their work and of course will ultimately be borne by taxpayers. So for me it really is straightforward. I ask Members not to support Deputy Farnham, for all of the reasons I said, as much as I like him as a colleague representative of St. Mary, St. Ouen, and St. Peter, and we enjoy a good banter and he will not thank me for this saying this, particularly as it is his birthday [**Approbation**], I am disappointed to have to speak in this way, but in this instance I do think that he is wrong. We are much better. We are managing risk. We are managing cost. If we support the actions that the Minister for Infrastructure wishes to take, rightly, wants to get on and take so that perhaps, with a



fair wind, and with goodwill, we can start to see hospital facilities built. Because, as others have said, some of the older generation are saying to me: “Ian, I am not sure we are going to see it in our lifetime.” I say: “No, keep the faith, hold on, I have faith in the Minister for Infrastructure. I think we are. I really think we are.” But it will still be open to Deputy Farnham, as it was at the Government Plan, as it has always been, to bring forward an amendment or a proposal that this Assembly decides, no, it is not going to carry on with the good work that the review said could be done when it was undertaken, but, no, we are going to just push on with the Our Hospital project at Overdale. But, if we decide that, we do not know what the cost would be. We see the market fluctuations around borrowing. We do not know what the cost would be. But quite fundamentally for me, as I stand here, I cannot be sure, and I could not assure, in the 2 minutes left to me, this Assembly that there would be enough beds and the right facilities in that proposal on the hill. That for me is why I think Members should support the Minister for Infrastructure and reject this amendment.

### **The Deputy Bailiff:**

Thank you, Deputy. Does any other Member wish to speak on this proposition? Accordingly, I call upon Deputy Farnham to reply.

### **10.1.15 Deputy L.J. Farnham:**

This day just keeps punching, does it not? I am going to start with Deputy Gove [**Laughter**], Gorst, sorry, Gorst. There have been an awful lot of red herrings today. Most of them from the Government benches I am afraid to say.

[16:45]

I just want to correct the Deputy. What I say now might surprise a few people but he has accused me of simply not wanting this multisite healthcare facility. It is not called a hospital because I am not sure which one of the 3, 4, 5 or 6 sites is going to be the hospital. Just simply trying to defer and stop and agitate so we get the Overdale single site, that is not true, because I will say now, on the record, in this Assembly, that if Deputy Binet, who I do have a great deal ... it is a shame we disagree on the hospital, I agree with a lot of almost everything else he does. It is a shame we disagree on this. But if he were to come back with a solution for a multisite provision that was proven to be clinically better and cheaper to build, cheaper to operate, and was in the best interests of health of Islanders, I would support it. I would support it if that were the case. That is what we want them to do. But they are not going to do that. As the Constable of St. Clement said, they want to lead us by the nose and just get us to blindly follow on the back of a bunch of promises that were made almost a year ago, we see no evidence of as yet. I am quite surprised that Deputy Gorst is keen to spend £16 million because usually Deputy Gorst can be found in the vaults at the Treasury counting the money and shouting humbug occasionally. Suddenly now he wants to write a cheque for £16 million that we do not really need to spend just now. Turning to the Constable of St. Brelade, who talked about the £57,000, and I think the Constable of St. Martin made a good point when she said that it is far better to pay £57,000 a month than £3 million compensation or pay £16 million now. Because that £57,000 a month exists whatever happens today. It existed before Deputy Binet stopped the project. It exists now because Andium borrowed that money to build 106 homes at Kensington Place. So that was their finance costs. The reason we have to buy this site back for £16 million is because they have accrued, and I have the figures here, over nearly £8.3 million, probably £8.4 million of costs because the project was stopped. So, by stopping the project, we have cost the taxpayer an extra £8.2 million. So whether Andium are paying that £57,000, and by the way I believe that, because we have stopped it, the Government or the taxpayer is now liable to pay their finance costs, we are going to have to pay that anyway. £433,000 has been paid up until December, so that is going to have to be reimbursed. Other aspects of the costs the Government will have incurred on behalf of the taxpayer, the liability to settle that on behalf of Andium. So I just wanted to try to persuade the Constable of

St. Brelade, try to persuade him, and judging by the look he is giving me I am not succeeding at the moment, but I am going to persevere, that £57,000 really should not be a decision to vote against this proposition because I would rather the Government or the taxpayer stand by that, back or support or repay Andium that financing cost and hold on to their £16 million until we get the facts and figures that have been promised. The Minister for Housing and Communities' points were adequately dealt with by Deputy Mézec and I thank him for that. Because of course those homes were going to be built anyway and, whichever way we look at it, if we lose Kensington Place and we put something else there, we lose 106 homes. That is a fact and I think the Minister for Housing and Communities will have to agree with that. Although we can build more homes, and I know he is working hard with the Government to do that, but that is a fact. We lost 106 urgently-needed homes. I thought that was the best speech ever from the Constable of St. Clement - thank you very much - far more eloquent than he credited myself and others for. But of course he, as usual, as most of the Constables do, they get straight to the nub. Going back to the Constable of St. Martin who asked what was the compensation, well I am not sure I can be specific on an exact amount. I am looking at the Minister for Infrastructure for guidance, but it will be a multimillion-pound figure. Part of the £8.2 million uplift will be paid out in compensation, probably quite rightly, because if we signed a contract with the developer and then we cancel it when they are in the middle of it, we are going to have to reimburse them. But what else could we use that money for? That would certainly be helpful for childcare support and such other things at the moment rather than paying it out in compensation because we have decided to stop a housing project. I suppose, and again I am going to just revert to the Constable of St. Lawrence's very good speech, I have not seen her quite as animated for some time, but it is a welcome sight and I wish she would do it more often, as long as she agrees with me when she does it. But the irony is that the delays that are caused by this are going to add significant cost to the project. The value, the money is becoming, with high inflation, I think £800 million by the time we get any idea of what this is going to look like or going to cost. Not to say get it built in 10 or 12 years' time. We will be looking back and saying £800 million was good value for money. We should have shaken the hand of it because we could have borrowed that at historic lows. The Minister for Treasury and Resources, and I am slightly disappointed with my good friend, because we stood shoulder to shoulder on this at the time. Well I thought we did. I thought we did stand shoulder to shoulder because he certainly supported it. The scheme we came up with for financing, which was borrowing £750 million, depositing that in our reserve, letting that work for us in our reserve, which incidentally, with the high interest rates, I think would have worked even better than we had calculated then, then drawn that down and repaid it over a period of time, is still the best model to have used. We should have followed that. It is frustrating because the Chief Minister and the Minister for Infrastructure and the Government has sold this idea to us and to the Island at the election, and I will come back to that in a minute, on the fact that it was going to be cheaper, it was going to cost less money. If it does cost less money, if we can get better clinical outcomes, better health facilities for Islanders, and we can do it for less money, then I am going to support it. I say that again on the record so there can be no doubt. The Chief Minister has said time and time again that this was a big election issue and that Islanders were so devastated that we were going to have a brand new hospital that she swept into power on the back of stopping it. Well in case the Chief Minister has forgotten, and on the grounds that I am standing here in this Assembly, and I campaigned, as she will know, on building the hospital at Overdale, on getting it done and delivering it as soon as possible. I still got elected. She did get almost twice the amount of votes that I did, but we will not talk about that just now, and I hope to reduce that difference at the next election. Anyway, so I do not know if disingenuous is still on it, that might be her opinion, but I firmly believe that, if we were to do an Island-wide poll and asked Islanders: "What do you want to do, get on and build the approved hospital at Overdale, or start again?" I firmly believe Islanders will say: "Get on and build it." But we are not. We are literally starting again. I am saving Deputy Binet until the end and I will deal with some of the comments he made then. I will not be as critical of him as he was of me, but I still have some valid points to make on that. The Chief Minister also spoke about engagement.

The last effort at engagement by the Government was not that successful, attracting 59 attendees out of some 2,500 staff. I understand from speaking to former colleagues that is because the staff have lost confidence in the project at large. They, generally speaking, have low confidence in the project. They do not feel listened to because they thought they had steered the Government in the right direction last time and of course we have gone back to square one. A number of Members also said, and Deputy Howell also stated this, and this is often stated in the media by campaign groups who have been against Overdale from the start. I believe the Chief Minister in his former role was against it from the start. I think she was against the old Government full stop in just about everything it did. She was certainly against the new hospital before we even had a site, and then we chose a site and she was against that. Then we chose the access, she was against that. Then against the funding and just about everything we did. So it is no surprise now that she is leading the new Government back to where we are today, and that is her prerogative I am sure as a Chief Minister, and she has clearly brought at least a majority of the Government with her on that. But all this has done is not made the hospital cheaper, it has put considerable costs on. But going back to the comments we hear all the time about Overdale was not going to be suitable, it was going to miss this, and it was going to miss that, okay, and we look at the functional brief. Yes, you can go back to the functional brief, which was produced some 3 years ago, and say that functional brief, which is not the final blueprint, that is a work in process, it is a functional brief, that is the vision at that time of what would go into the hospital. But the bottom line is we were building a hospital, a single-site hospital solution, which would have ended up as providing about 70,000 square metres of space against, the last time I heard on the new health facilities, something like 58,000 square metres, the last figures I saw. That might change, we do not know, that might grow. That 58,000 square metres of space against the 70,000 at Overdale miraculously is going to contain far, far more things. But it would have been up to the new Government, they could have changed the functional brief, we have planning permission, we could have been building the new hospital and the new Government could have completely revamped the functional brief. They could have added what they perceived to be missing. They could have put in, they could have made changes to the layout and, with the experience of Deputy Ward and Deputy Howell in the Assembly and other Members, that could have been quite useful. It was there. It was not set in stone that functional brief. It was a directional document that could be amended and improved. Another massive red herring is the hydrotherapy pool. Yes, there were no plans for a hydrotherapy pool at Overdale, although we did go to the officers and say: "Look, we want a hydrotherapy pool there" because it was going to be put ... it was deemed that facility could be placed somewhere else in the Island for rehabilitation. We had instructed that one of the wards be allocated for rehabilitation along the lines of Samarès. But of course all that could have been amended or included and the Deputies are shaking their heads at me, but I am not just making this up as I go along; those are the facts. We see letters in the paper and we see people coming out with this as if it was fact. To win today you need to be really good at complaining. Somebody said if you keep saying the same thing it gets taken as read. I have certainly learned that perhaps we should have pushed back much harder when we were getting these opinions put forward by politicians and members of the public, which mean that the Overdale project is something that was just not going to work.

[17:00]

But that was simply not true. If Members could take the trouble to look closely at what was planned there, 7 buildings, new parks, gardens, massive infrastructure improvements to roads and drains from the inner road along the People's Park, we were not going to lose thousands of trees, we were going to take some old trees out and replace them at a ratio of 10 or 20 to one, I cannot remember, and so forth. If people really were to look at that project I think they would probably agree it was not so bad after all, but it was 70,000, give or take a couple of thousand square metres of space, of hospital space located on one site. Just turning to Deputy Binet's comments. Les Quennevais was set up as part of the Overdale project to be a temporary facility for use for as long as it took to build Overdale and then we would transfer everything out and it would be returned to the States for the people of Jersey

or put back in public ownership for whatever it was decided it should be used for, whether that be civic space; I think the Deputies and the Constable of the Parish would have probably had a big say in that. The fact that, as I understand it, and I will give way if the Minister wants to correct me, his vision for that now, after seeing this is quite a good facility, we are not going to take it down after 5 years, we are going to keep it for much longer as part of the multisite proposals, 10, 20, 30 years, I do not know, but whichever way you look at it that is going to cost more than the money we are investing to have it there as a temporary facility.

**Deputy K.L. Moore:**

Perhaps the Deputy would like to give way on that point.

**Deputy L.J. Farnham:**

I think I will, yes.

**Deputy K.L. Moore:**

There have been many views expressed.

**The Deputy Bailiff:**

I would remind you that, under Standing Order 101, the purpose of giving way is in order for someone to explain a material part of their speech or to ask the Member to elucidate a matter raised in their speech, it is not to bring up new points.

**Deputy K.L. Moore:**

I would agree with that. The Deputy was inviting some additional information and clarification given as to the reasons for sticking with the former Les Quennevais School as an ongoing fixture. I simply wanted to assist him if that was what he wished. But I am happy to sit down.

**The Deputy Bailiff:**

Yes, I do not think that is appropriate. I do not think it is appropriate for you to ask for extra material at this stage.

**Deputy L.J. Farnham:**

Okay. So that was behind my understanding of the £7 million that have been asked for in the Government Plan to invest in Les Quennevais to make it fit for longer-term use. Our Hospital at Overdale was not built or planned around the last Care Model. I do not know how many times I have to say it. That hospital design was designed for a life expectancy of many, many decades and it would have been expected to see many different care models. That is an absolute fact. Now, having said that, of course the health staff and the hospital team were talking because, if they were going to utilise the care model that was being planned at the time, then it would make sense that they were in conversation with the hospital team then, because the Overdale single-site solution was being built to be a flexible space that could adapt to different health models. So they were in talks to work with the care model had it gone ahead, but of course it could be changed and flexed with future care models as modern medicine evolves. The Deputy has accused me of political grandstanding. I would answer that by saying that if wanting to build a hospital to provide the very best healthcare for Islanders, as the Constable of St. Lawrence said, probably the most important thing this Assembly will have to finally agree upon, if it is to do that, if it is to do it quickly, if it is to do it to produce the best facilities, if it is to save money being spent unnecessarily, if grandstanding is to ensure that we get the right product, the right health facilities for Islanders, because right now we live in a first-world country and we have a first-world health staff trying to work out of third-world facilities. So, if grandstanding is standing up against that to try to deliver the best health facilities, then I apologise to Members, but I am guilty of political grandstanding and I make no apology for it because we are trying to do the right thing. So, to sum up, finally in the name of good democratic process, good scrutiny, of good

financial sense, and good governance, to defer the purchase of Kensington Place until such time as we have all of the facts and figures that this Assembly would quite reasonably expect and deserve before approving a financial transaction of this size and importance. On those grounds, I commend the proposition to the Assembly. I urge Members to support it in the interests of prudence and I ask for the appel.

**The Deputy Bailiff:**

The appel has been called for. I invite Members to return to their seats. I ask the Greffier to open the voting. Greffier, have those absent and attending remotely had the chance to vote yet? Yes. If all Members have had the chance their cast their votes, then I ask the Greffier to close the voting. I can announce that the proposition has been rejected: 17 votes pour and 28 votes contre.

<b>POUR: 17</b>		<b>CONTRE: 28</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Lawrence		Connétable of Trinity		
Connétable of St. Martin		Connétable of St. Peter		
Connétable of St. Clement		Connétable of St. John		
Connétable of St. Ouen		Connétable of Grouville		
Connétable of St. Saviour		Connétable of St. Mary		
Deputy M. Tadier		Deputy C.F. Labey		
Deputy M.R. Le Hegarat		Deputy S.G. Luce		
Deputy R.J. Ward		Deputy K.F. Morel		
Deputy C.S. Alves		Deputy S.M. Ahier		
Deputy L.J. Farnham		Deputy I. Gardiner		
Deputy S.Y. Mézec		Deputy I.J. Gorst		
Deputy T.A. Coles		Deputy K.L. Moore		
Deputy B.B.de S.V.M. Porée		Deputy D.J. Warr		
Deputy C.D. Curtis		Deputy H.M. Miles		
Deputy L.V. Feltham		Deputy M.R. Scott		
Deputy R.S. Kovacs		Deputy J. Renouf		
		Deputy R.E. Binet		
		Deputy H.L. Jeune		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy A.F. Curtis		
		Deputy B. Ward		

		Deputy K.M. Wilson		
		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

**The Deputy Greffier of the States:**

Those Members voting pour: the Connétables of St. Helier, St. Lawrence, St. Martin, St. Clement, Deputies Tadier, Le Hegarat, Rob Ward, Farnham, Mézec, Coles, Porée, Catherine Curtis, Feltham, Kovacs, and the Connétable of St. Ouen, Deputy Alves, and the Connétable of St. Saviour. Those Members voting contre: the Connétables of St. Brelade, Trinity, St. Peter, St. John, Grouville, and St. Mary, Deputies Labey, Luce, Morel, Ahier, Gardiner, Gorst, Moore, Warr, Miles, Scott, Renouf, Millar, Howell, Tom Binet, Ferey, Alex Curtis, Barbara Ward, Wilson, Stephenson, and Andrews, and Deputies Jeune; and Rose Binet.

**11. Regulation of Estate Agents (P.13/2023) - as amended (P.13/2023 Amd.)**

**The Deputy Bailiff:**

The next item is Regulation of Estate Agents lodged by Deputy Andrews and the main responder is the Minister for Housing and Communities. Deputy Andrews, there is an amendment lodged by the Council of Ministers. Do you accept this amendment?

**Deputy M.B. Andrews:**

I do indeed.

**The Deputy Bailiff:**

Do you wish for the proposition to be read as amended?

**Deputy M.B. Andrews:**

Yes please.

**The Deputy Bailiff:**

Are Members content for the proposition to be read as amended? Thank you. I ask the Greffier to read the proposition as amended.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to request the Minister for Economic Development, Tourism, Sport and Culture to establish, following consultation with stakeholders and no later than December 2024 a statutory requirement for estate agents to obtain membership of an independent redress scheme approved by the Government of Jersey.

**11.1 Deputy M.B. Andrews:**

During the election campaign, when I was canvassing St. Helier North, I mentioned to my constituents that I was firmly of the belief that estate agents needed to see enhanced regulation. When we look for instance at the U.K., there are a number of Acts that cover regulation of estate agents. However, in Jersey, since the Consumer Protection (Jersey) Law 2018, I do believe there is additional coverage for estate agents that is needed. So looking at the Economic and International Affairs Panel and the review that they undertook last term, and that was under the panel chair, Connétable Johnson, Deputy Pallett, and also Deputy Luce. One of the recommendations that was highlighted was a need to introduce a redress scheme for consumers who were utilising estate agent services. Now the panel made sure that they engaged with the public and, firstly, they conducted a survey and there were about 65 respondents, 86 per cent of whom believe that estate agents required additional regulation

in the Island. But the panel went one step further. They engaged with Propertymark and they also engaged with the Property Ombudsman, which again is a U.K.-based redress scheme. Now, with Propertymark, members who are registered with Propertymark are required to undertake professional qualifications, which are recognised at a national level. But they also have to be members of a redress scheme, and that is also a mandatory requirement in the U.K. The benefit with estate agents being members of a redress scheme is to consumers. Consumers have the opportunity to report a problem that may arise when they are utilising an estate agent. Just looking at the 2 websites of redress schemes in the United Kingdom, of Property Ombudsman and the property redress scheme, they make it quite clear that they are there to help consumers. Because many people at times become very confused when they encounter an estate agent and there perhaps has been malpractice that has been going on. This is really to support the consumer, to protect the consumer, and to compensate the consumer when there has been wrongdoing. I was very fortunate to speak to several estate agents and some of whom believe that domestically there was a need for a statutory regulatory body that requires estate agents to undertake professional qualifications. That was originally what I was proposing. However, I believe there is that opportunity in the future to bring this forward. However, I think industry at large needs to be engaged with the Minister to provide constructive feedback to set a framework in place to also recognise the difference between potentially U.K. property law and Jersey property law as well. But some of the practices that I was informed about, I was quite shocked, I have to say, when I was consulting with several stakeholders.

[17:15]

For instance, there were agents who were telling me that there were people who were working within industry who had asymmetric information and therefore, when there was a buyer and a seller, for instance, when there was a transaction that was going to be executed, one party would not be properly informed because there would be some documentation, for instance, that would be withheld. Also, the estate agent, for instance, would not be part of a redress scheme. So there were plenty of experiences that were being shared with me. Also, one element that did surprise me was insider trading, in terms of information being shared when a transaction is about to be executed. When we look domestically in Jersey it is essentially when you are in the court, that is when the execution or the transaction is to take place, but there are last-minute decisions where parties are pulling out because information is being shared and some estate agents have been let down who themselves are properly qualified, they have been members of a redress scheme, they are adhering to a code of practice, they have indemnity insurance, for instance, and there are people who are coming into the industry who are taking advantage, who are making lots of money, and it is to the cost of the consumer. This is why we do need to see enhanced protections in place. Obviously we have had a massive churn of politicians leaving the Assembly since the election but it is very important that somebody on the Back Bench is there to be constructive and to bring a proposal forward to support the Executive. It is for the Executive to go away and to implement a redress scheme. Preferably, if there is an existing redress scheme in place, then that is probably the preferred method in terms of using that redress scheme. If you are going to newly incorporate a redress scheme domestically, there potentially could be quite a significant administrative cost to that. But I do thank the Council of Ministers because often Back-Benchers will bring forward propositions and there will not even be an amendment and you have to then debate it in here, and it is again probably the case that you are going to lose the debate. So for them to bring forward an amendment, I do commend them for that, and I am also looking very forward to Members sharing their opinions on this matter to introduce a redress scheme for estate agents.

**The Deputy Bailiff:**

Thank you, Deputy. Is the proposition seconded? **[Seconded]** Does any Member ...

**Deputy R.J. Ward:**

May I ask a question of the Solicitor General at the beginning of this?

**The Deputy Bailiff:**

Yes.

**Deputy R.J. Ward:**

The amendment or now as amended is a statutory requirement for estate agents to obtain membership of the independent redress scheme. I just want to know whether the laws that exist in Jersey and those independent schemes are the Property Ombudsman and the redress that comes from U.K. law, whether they are enforceable in Jersey Law. I understand that you can enforce being a member of a U.K. scheme but does that mean that they can enforce the rules that exist in the U.K.? For example, the powers of the Property Ombudsman that does exist in Jersey Law. If that question makes sense.

**Mr. M. Jowitt., H.M. Solicitor General:**

The only legal effect, if legislation is brought here on the back of this proposition, would be a legal requirement for Jersey estate agents to be members of a U.K. regulatory scheme. But that would not mean that the regulatory schemes in the U.K. have the force of law in Jersey; they would not. But any one estate agent who is required by Jersey Law to be a member of a U.K.-regulated scheme must comply with the regulatory requirements of that scheme, including submitting to decisions by an ombudsman or face the potential for some sort of remediation in Jersey, whether that would be because a failure of membership could be the subject of criminal sanction or whether there could be some additional sanction for local estate agents who are simply not, as it were, playing the game in terms of complying with the U.K. regulators that they are now required, or would be required to be members of. That is a slightly convoluted answer but in practical terms it has the regulatory effect in my view.

**11.1.1 Deputy K.F. Morel:**

I am standing as the respondent. I believe it was written down that it would be the Minister for Housing and Communities, but it will be me I am afraid. First of all I want to thank Deputy Andrews for bringing this. Effectively, as he said, pressing the fast-forward button on this. I would also like to thank the Connétable of St. Mary in his former role as Deputy of St. Mary and the chair of the Economic and International Affairs Scrutiny Panel for the review that they did into this work. Our amendment, which I am delighted that Deputy Andrews has accepted, reflects the work of the Scrutiny Panel and their recommendations. As Deputy Andrews has quite ably highlighted, there are many Islanders who, at the very least, question or have questions of some of the conduct of estate agents, some of the ways that they have felt a property transaction has fallen or affected them negatively. What I would say is that property transactions, it is not just the estate agent that is involved in a property transaction, lawyers are involved, surveyors are involved, and banks are involved as well. So just because a transaction fails or falls through, let us say, at the last minute, does not necessarily mean it is the estate agent that was responsible for that. In my own experience, I have seen that happen at the legal level rather than the estate agency level. But there is redress through the Law Society in Jersey where lawyers are involved. Surveyors, I would assume that the Royal Institute of Chartered Surveyors would be an area that you can go back to for redress. So I am completely comfortable with this idea that we bring in the redress scheme or require membership of a redress scheme. In the work that we will do on this, it would be worth looking at whether there is the potential to require a local redress scheme just following the Solicitor General's advice. If not, a U.K. scheme would be appropriate. But we would need to make sure that it is entirely enforceable in Jersey. When I discussed this matter with officers, there was confidence in officers that our Consumer Protection Laws do cover a lot of areas that estate agents would operate within and so they are existing laws. So I do believe that this is going to be a matter of bringing in the kind of light level



of regulation, which requires on the one hand membership of a redress scheme, and then on the other hand make sure that it is entirely enforceable within the Island. That will be the aim that we go for. En route I am sure we will explore the possibility for a local redress scheme, but the thing that made me breathe a sigh of relief when Deputy Andrews said 5 minutes ago that he would accept our amendment is because, as Deputy Andrews knows, having scrutinised me in my capacity as Minister for Economic Development, Tourism, Sport and Culture, I am concerned about excessive regulation in Jersey and the original proposition from my perspective leaned towards a heavier touch in regulation, whereas I believe this is a lighter touch. Those costs will often get passed on to consumers in any case, so they can be largely self-defeating. But I did understand, and this is why we brought the amendment, that Deputy Andrews was wanting to protect consumers in the right way, did not want to cause the economy any harm or anything like this, he wanted estate agents to be able to do their jobs and do it well, but to bring something forward which means that consumers, Islanders in Jersey, when they are doing the biggest transactions of their lives, can feel that they can have confidence in the parties that they are dealing with and estate agencies are a clearly important part of that. So I am really pleased that we are able to take this forward. I really hope the Assembly supports Deputy Andrews with the amendment that he has accepted. We will work on this. I will make sure it is in the Ministerial Plan. I am speaking as though I will be doing it. It may fall better for the Minister for the Environment from a regulatory perspective. I will make sure it is in the Minister for the Environment Ministerial Plan for next year. But, whichever way, it will be somewhere in somebody's Ministerial Plan for delivery by December 2024 as the proposition requires.

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

I will support this. However, I do have concerns. The concern starts with us making promises to people on the Island who have genuine concerns over estate agents and, yes, we always talk to people and we have those concerns. They are completely unregulated at the moment. That important word, "unregulated". We seem to have a strange mix here of saying we need regulation but not too much regulation because that too much regulation becomes over-regulated, but we do not want it to be unregulated, so there is this supposed middle ground. But there is a problem here and this is my concern, the original proposition talked about a statutory regulatory body for estate agents based in Jersey, I would assume, Jersey regulations. The amendment is now saying membership of a Government-approved independent redress scheme. When you look up those redress schemes, there is a cost to those redress schemes and the money will be going to the U.K. for those redress schemes, so the money will leave the Island, and there is no reason to say that money will not be passed on to consumers, as they are called, because it seems to be that any cost, no matter how small, even with huge transactions, it has to be passed on to the consumer. But there is no guarantee that it is a simple process to chase up that redress. My concern is that we could be promising people over estate agents and then when they have a problem it is a highly-convoluted process to get any redress. So what we have done to some extent is make the situation slightly worse by offering something that is not particularly real. That is my concern with this. Now I want to see a step forward in this but what I would like to see are some regulations that are based in Jersey that guarantee to be working and from the answer from the Solicitor General they may do, but we are not guaranteed in that. What we end up with is a supposed success of a piece of a proposition but with just some uncertainty. It is a real shame that we did not debate the regulation part of it here and see why it is that people do not want Jersey-based regulation for estate agents that is specific to our setup. When you buy and sell a home in Jersey it is very different from the U.K. It is certainly very different from Scotland who have a very good system in the way that they do it with a lot of protections built in. It is different from England and Wales because of the way we do our buy a house on a Friday thing, which is quaint, but quite scary when you miss it if you are trying to buy a home. So what I would like to see is just some guarantees coming forward that any redress scheme that is Government-approved has some clout in Jersey. I will say it, because I want that to go on to the record, on to Hansard in this Assembly, so that we know the way it is going to work. Because there will be a lot of people out there and the

headlines will say there is going to be a redress scheme for estate agents. But we need to be clear that will not be based here, it will be based elsewhere, that we are not certain that the regulations will fit as well, we are not certain that the Property Ombudsman will have any clout and power in Jersey, although I suppose our Public Service Ombudsperson, should it ever come into fruition, may perhaps be able to take that role, I do not know. It is just that certainty. The removal of the words “regulations”, which is a political move because we do not like regulation, we want a low-regulation society, even though in these circumstances I think people really do need clear regulations, to be quite frank, and it is not about cost because there is a cost involved in this anyway. There will be a cost involved in this and it is not a cost that is under Jersey’s control; it is a cost that is under the U.K. control. There is nothing to stop these regulatory bodies saying: “It is more administrative burden in Jersey because their laws are different so we are going to have to charge you 2 or 3 times as much.” We see it all the time when it comes to Jersey-based situations. So, yes, I can support this, but those provisos are there and they need to be raised in this Assembly. That is what this debate is about. We need to think very, very carefully about these as we go into the future.

[17:30]

### **11.1.3 The Connétable of St. Mary:**

I would like to respond both to Deputy Ward’s comments and the Minister’s beforehand. The Minister quite rightly said that this regulation, if it comes into being for estate agents, is not the cure for smooth conveyancing transactions. I note from the Minister’s own comment to the Scrutiny report that he says that he is mindful that estate agents play one role in the residential property transaction system alongside a number of other key parties that include the court, lawyers, and conveyancers, surveyors, banks, and government departments. So he there refers to a previous report entitled *Residential Property Transactions*, which incidentally was not carried out by the Scrutiny Panel, but by another review panel. That highlights various points, not least of which is the lack of commitment to a deal until it goes to the court, and that is one area I personally have always been concerned about. But I just flag the point, yes, there are other areas to be looked at as well. Going back to Deputy Ward’s comments, I do not share his concern on this. The report carried out by the panel was very much with a view to the fact that any legislation existing in the U.K. would effectively be, if I dare use the word, Jerseyfied to meet our requirements. There is a considerable period to negotiate with in the meantime. Estate agents, who are members of the local association, are members of Propertymark, have advantage of that, and it is a condition of being a member of Propertymark that they are also members of what is called the Property Ombudsman, and the role of that ombudsman is effectively to try to come to an arrangement to arbitrate before it ever gets to redress, and I think that very few cases come to the redress stage. There are provisions for mediation and the whole impetus of this proposition, as I understand it, is to introduce regulations, which include training, et cetera, which will put the estate agent profession in a professional light rather than perhaps it is not always seen at present. Two other points, if I may, the estate agents can have various meanings. It is not just the high street agents. The Scrutiny Panel’s recommendation 5 was that the requirement for estate agents in Jersey, as defined by schedule 2, part 8, Article 3, of the Proceeds of Crime (Jersey) Law 1999 must apply. So the definition of estate agents is thereby extended. My final point is that, in my own summing up, in the conclusion in my own report, I did say: “It should also be noted that, while this review is confined to the role of estate agents when conducting sales and purchases, many of the comments may apply equally to letting agents, and if legislation as to regulation of estate agents is to be introduced, the Minister may wish to take that aspect into consideration as well.” I would therefore advocate, if this proposition is passed, that in the consultation period, which is to take place, that the question of letting agents is brought into the equation. It is sensible and logical that they fall under the same umbrella. With that I conclude.

**The Deputy Bailiff:**

The adjournment is proposed. Is that proposition seconded? **[Seconded]** Does anyone wish to speak on that proposition? Those in favour kindly show. Thank you very much. The States stand adjourned until 9.30 a.m. tomorrow.

**ADJOURNMENT**

[17:34]