

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 23rd MAY 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 Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

Members, I am sure, would wish to join me in welcoming His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

QUESTIONS

2. Written Questions

2.1 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding Stamp Duty (WQ. 175/2023)

Question

Will the Minister advise how much Stamp Duty has been raised during the first quarter of 2023 within each applicable area?

Answer

In Q1 2023, the following amounts of Stamp Duty were collected:

Applicable area	Amount collected
Stamp Duty on Immoveable Property	£6.1m
Wills	£0.3m
Probate	£0.9m
Stamp Duty - Other	£0.6m
Land Transaction Tax	£2.4m
Enveloped Property Transaction Tax	£0.2m

Stamp Duty - Other is predominately Acknowledgements but may also include:

- Proprietary Rights - Gift / Transfer
- Proprietary Rights - Sale
- Rights - Sale
- Sale/Transfer of Fief
- Transaction
- Transaction and Boundary Agreement
- Under - Lease - Gift / Transfer
- Under - Lease - Realty
- Undivided Share - Gift / Transfer

- Undivided Share - Sale
- Lease-Realty Rights

2.2 Deputy M.B. Andrews of St. Helier North of The Minister for Health and Social Services regarding agency staff (WQ. 176/2023)

Question

Will the Minister advise how much of her departmental expenditure has been spent on agency staff during the first quarter of 2023?

Answer

I have been advised by Health and Community Services that the total spend on agency staffing during the first quarter of 2023 is £5,357,277.

2.3 Deputy M.B. Andrews of St. Helier North of the Minister for Housing and Communities regarding a Digital Property Register (WQ.177/2023)

Question

Given his response to [Oral Question 113/2022](#) which confirmed the completion of the commissioned report in relation to a Digital Property Register, will the Minister advise what work, if any, has been undertaken to implement a digital register for beneficial ownership, and how soon the register will be fully implemented?

Answer

The report commissioned by the last Government has been provided to the Scrutiny Panel and published in the reports section of gov.je.

The report indicated significant practical challenges with maintaining a digital register of the ultimate beneficial ownership of residential and commercial properties, especially for properties held by companies, where a transfer of shares can take place without transacting in the court. The report indicated that this would involve very significant cost. As such, it may be that there are better ways to analyse housing ownership composition and trends rather than creating (and crucially, maintaining) a register of the ultimate beneficial ownership of *all* properties.

Separately, the Chief Minister has committed to a review of extant decisions of the Assembly, so they can be included in the 2024 Government Programme and progressed accordingly, or otherwise brought to the Assembly for rescindment.

This will include determining how to proceed on a digital register of property ownership. Generally, the tracker being developed by the Privileges and Procedures Committee will assist in this regard.

In the meantime, no further specific work has been done, and we do not have an estimate for implementation. Instead, the focus of the government is clearly outlined in the 2023 Ministerial Plans and the legislative programme.

2.4 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding the Our Hospital Political Oversight Group (WQ.178/2023)

Question

With reference to the [Chief Minister's letter to the Corporate Services Scrutiny Panel dated 20th April 2023](#), will the Chief Minister provide the following information –

- (a) who were the members of Our Hospital Political Oversight Group ('OHPOG') on 28th September 2022 and which of these were present at the OHPOG meeting on that date (the 'OHPOG Meeting'), other than the Chief Minister, the Constable of St. John and the Infrastructure Minister;
- (b) what was her disagreement with the Infrastructure Minister on policy matters related to the OHPOG meeting to which the Chief Minister's letter to the Infrastructure Minister dated 7th October referred;
- (c) a copy of the minutes of the OHPOG meeting and all other meetings of the OPHOG as reconstituted during her term of office;
- (d) whether the Council of Ministers meeting on 28th September 2022, took place after the OHPOG Meeting and included discussion of any events that took place at the OHPOG;
- (e) what was the nature of the disagreement regarding the way in which the Chief Executive's departure had been handled; and
- (f) what steps, if any, does the Chief Minister propose to take to address the concerns expressed by the Infrastructure Minister?

Answer

- (a) The members of the OHPOG as of 28 September 2022 were the Chief Minister, the Minister for Health and Community Services, the Minister for Infrastructure and the Minister for Treasury and Resources. All were present at the meeting, although the Minister for Treasury and Resources was not in attendance for the first 50 minutes of the meeting.
- (b) I do not recall a specific policy disagreement in the OHPOG on 28 September, nor is one referred to in the minutes. My letter to the Minister for Infrastructure refers to the generality of policy disagreements from time-to-time being natural and understandable, and indeed, often healthy as Ministers are not always expected to be of the same mind on all subjects. Good policy is aided by good quality debate.
- (c) All records, including minutes, are available to the relevant Scrutiny Panels.
- (d) There was not a Council of Ministers meeting on the 28 September. There was a meeting that week on 27 September, which did not consider the hospital or health care facilities.
- (e) The position of the Minister for Infrastructure is well documented and outlined in the published correspondence.
- (f) I am committed to continuing the development of the Council of Ministers as a team, which includes focused time exploring how we work, and any improvements we can make, supporting a high performance, mutually supportive, and appropriately challenging environment at the most senior levels of government. I am committed to continual learning and improvement. This will include a programme of work facilitated by a local specialist.

2.5 M.R. Scott of St. Brelade of the Chief Minister regarding the Cabinet Office (WQ.179/2023)

Question

In relation to the Cabinet Office, will the Chief Minister –

- (a) confirm that she did not consult with the Council of Ministers or seek its prior approval of her selection of the Ministers and Assistant Ministers as members of her Cabinet Office as identified on the gov.je website;
- (b) advise the date and the way she informed all members of the Council of Members of their identity; and
- (c) advise what specific criteria, if any, she used to identify the individuals selected as leaders in ‘forensic, evidence-based, challenging and daring thought leadership’ above any other members of the Council of Ministers?

Answer

- (a) Ministers are appointed by the States Assembly to specific portfolios. Assistant Ministers are appointed in accordance with Article 25 of the States of Jersey Law 2005. The Cabinet Office was created through operational change. No Ministerial appointments to it have been made.
- (b) Ministers were appointed by the States Assembly on 11th July 2022. The Chief Minister’s consent for the appointment of Assistant Ministers was confirmed by Ministerial Decision on 22nd July 2022. In respect of the Chief Minister, Deputy Stephenson was subsequently appointed as an Assistant Chief Minister on 24th August 2022 and Deputies Gorst and Millar were appointed as Assistant Chief Ministers on 7th February 2023.
- (c) I have sought to utilise the strengths of those who I have appointed as Assistant Chief Ministers, as well as seeking to develop the skills and experience of my ministerial team.

I am aware of concerns among States Members as to the formation of the Cabinet Office. I wish to re-emphasise that no separate ministerial structure for the Cabinet Office has been established or is in place.

2.6 Deputy M.R. Scott of St. Brelade of the Minister for Treasury and Resources tabled regarding the Fiscal Policy Panel (WQ.180/2023)

Question

Will the Minister –

- (a) advise what evidence, and what form of modelling, Jersey’s Fiscal Policy Panel used to support its forecast of inflation and interest rates for Jersey over the last three years;
- (b) provide a comparison of the Panel’s inflation and interest rates rise forecasts for Jersey for the last three years with the actual increases that took place in Jersey; and
- (c) advise whether the evidence supports a conclusion that the Panel has given inadequate consideration to US central bank rates as a potential driver of the worldwide rates and inflation?

Answer

- a) Jersey's Fiscal Policy Panel uses all available and relevant evidence to inform its forecast of inflation. This includes statistics released by Statistics Jersey, statistics released by the Office for National Statistics (the UK's statistics agency) and reports and forecasts produced by HM Treasury and the Bank of England. Other available evidence - such as IMF and OECD forecasts – are also used.

Further, linear regression modelling is used with a number of indicators, most of which are mentioned previously, as well layering knowledge over the top. The FPP does not forecast interest rates: it uses data published by the Bank of England on the markets expectations for interest rates.

- b) The table below summarises the FPP forecasts for inflation (averaged for each year) made at different points in time. The shaded cells show actual inflation. A working example is given below the table. As the table show, during stable periods the projections are highly accurate. The recent instability in the world economy has led to these projections decreasing in accuracy.

It should also be noted that the forecasting is done in both RPIX and RPI.

RPI	2020	2021	2022
Mar-23	1.3	2.7	9.3
Nov-22	1.3	2.7	9.1
Jul-22	1.3	2.7	7.7
Mar-22	1.3	2.7	5.8
Aug-21	1.3	3.0	3.6
Apr-21	1.3	2.1	2.6
Oct-20	1.3	1.5	2.4
Aug-20	1.3	1.5	2.4
Mar-20	1.2	2.2	2.5
Sep-19	2.4	2.6	2.7
Mar-19	2.6	2.5	2.6

So, in March 2019 the FPP forecast 2020 RPI of 2.6%; in September 2019 they revised this forecast to 2.4%; in March 2020 they revised this forecast to 1.3%; and in October 2020 (when they would have had 2020 Q1 and Q2 RPI data) they left their 2020 forecast unchanged at 1.3%. RPI inflation for 2020 was 1.3%.

The FPP does not forecast interest rates.

- c) The US Central Bank (The Federal Reserve Bank) targets an US inflation rate of 2% and uses monetary policy, including interest rates to deliver this. In the UK, the UK Government has set an inflation target of 2% and has charged the Bank of England to use monetary policy (including interest rates) to achieve the Government's target. Other central banks – including the European Central Bank - also have inflation targets. These central banks all set interest

rates independently to bring inflation down (or up) to target in their country and in setting their interest rates will take into account a range of economic and monetary data. In setting their interest rates, central banks will make an assessment of the global threats to inflation. However, there is no direct link between interest rates set by one, or more, Central Bank, and the interest rate set by another.

2.7 Deputy S.G. Luce of Grouville and St. Martin of the Minister for the Environment regarding planning applications (WQ.181/2023)

Question

Will the Minister confirm the average length of time for the following processes over the last 12-month period –

- (a) validation of planning applications;
- (b) determination of minor planning applications following validation; and
- (c) determination of major planning applications following validation?

Answer

- (a) The average time for the end-to-end process for the validation of all minor and major planning applications for this rolling year since 1st of April 2022 to 28th April 2023, was 7 weeks.

Note: This data sample includes 1,251 planning applications, ranging from validation within 3 working days to 29 weeks. In accordance with the policy (as per the website) [Planning application process \(gov.je\)](#) the Department registered all applications, following receipt of the correct information and fee, within 3 working days.

- (b) It is not possible to extract true and accurate data to provide the average time for determination of a minor planning application for the last 12 months.
- (c) It is not possible to extract true and accurate data to provide the average time for determination of a major planning application for the last 12 months.

Whilst it is not possible to extract true and accurate data from the current systems to produce an average, the Department does measure how many applications are determined within the target timeframe of 13 weeks for major and 8 weeks for minor applications (as per the website) [Planning application process \(gov.je\)](#)

Of the 1,478 applications determined this rolling year since 1st of April 2022 to 28th April 2023, 265 have been refused, 1,107 have been approved. The remainder have been withdrawn or are awaiting planning obligation agreements to be signed, etc.

For major applications, 42% have been determined within target timeframe of 13 weeks.

For minor applications, 63% have been determined within target timeframe of 8 weeks.

Looking forward, the Regulatory Improvement of Digital Assets Project will provide live reporting of the performance of Regulatory functions such as the planning applications process.

2.8 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding the Zero Hours Contracts review by the Employment Forum (WQ.182/2023)

Question

Following the Minister's response to [Written Question 129/2023](#), in which she confirmed that the Employment Forum had completed its review of Zero Hours Contracts and that the final report would be published shortly, will the Minister commit to publishing the report, in full, by 2nd May 2023 or, failing that, release it to the Health and Social Security Scrutiny Panel for its consideration?

Answer

The Employment Forum's report has been published today (2nd May 2023).

2.9 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding teachers leaving the profession (WQ.183/2023)

Question

On 18th April 2023 the Minister confirmed that "36 teachers left in the 12 months to the end of March 2023, and this is 4.2 per cent of teacher workforce of 855.", contrasting with the response to a [Freedom of Information request published 8th March 2023](#), which showed that 445 teachers have left the profession over the period 2019 to 2022, an average of 111.25 of teachers per year; further to these reported figures, will the Minister advise –

- whether it is expected that a similar number of teachers will leave the profession in 2023;
- whether the average leaving rate between 2019 and 2022 was 12.54%, which is above the average leaving rate for general States of Jersey employees and significantly above the 4.2% stated for the 12 months to March 2023; and
- any disparities identified between the figure provided in the Assembly and the Freedom of Information response?

Answer

- It is too early to give an accurate prediction for the total amount of teachers who may leave their roles in Government provided schools this year as the final resignation deadline for this academic year is 31 May.
- The average leaving rate for teachers between 2019 and 2022 is detailed below:

TEACHERS ONLY			
Period	Average Headcount	Leavers	Attrition %
1 st January to 31 st December 2019	767	29	3.8%
1 st January to 31 st December 2020	775	71	9.2%
1 st January to 31 st December 1 st 2021	804	50	6.2%
1 st January to 31 st December 2022	830	48	5.8%

For completeness the twelve months to March 2023, as quoted above, is also included.

1 st April 2022 to 31 st March 2023	855	36	4.2%
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- (c) My above quoted response to the Assembly, and the response to the FOI, are not comparable. The question and response in the Assembly were specifically related to teachers only. The FOI references a significantly larger workforce group that, in addition to teachers, also includes Heads and deputy heads, lecturers at Highlands College and teaching assistants.

Consequently, there is no disparity nor discrepancy between the responses.

2.10 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding female teaching staff leaving the profession (WQ.184/2023)

Question

With reference to Table 5 of a [Freedom of Information request](#), published 8th March 2023, which shows a pattern of female teaching staff leaving the profession in higher numbers compared to their male counterparts, particularly in the 40 to 59 age group, will the Minister advise –

- (a) what reasons she gives for this pattern;
- (b) what research or dialogue has been, or is due to be, undertaken to understand the loss of female teaching staff; and
- (c) whether those replacing these staff members will reflect the age and demographic lost and, if not, whether she can provide information on the demographics of the replacement staff?

Answer

[Table 5](#) which the Deputy has referred to represents leavers in the 30 – 39 age group in 2019 and provides a breakdown by gender and pay scale of the second highest group of leavers in that year. Due to reporting restrictions in the Freedom of Information response it is not possible, with any certainty, to deduce that female teaching staff are leaving in greater numbers than male teaching staff within this specific age group however this is accurate across all age groups for 2019 where female leavers account for 75% of all leavers. It is also important to note that table 5 includes leavers from both teaching assistant and teacher roles.

- (a) The workforce referred to in table 5 of the FOI response is comprised of 73% female and 27% male staff. This is aligned with the gender mix of the teacher and teaching assistant workforce and so is proportionate. With circa 3 times as many female employees compared to male it would be expected to see a higher number of leavers who are female.
- (b) Senior officers meet regularly with all the Unions representing staff in CYPES and continue to respond to the workforce with positive changes such as flexible working, enhanced parental leave and training and development. Research on flexible working is due to be commissioned shortly and this will help schools develop and implement more flexible approaches to working, recognising the challenge due to the nature of the roles.

The Minister is concerned about the recruitment and retention of all staff and her officers continue to work to enhance recruitment activities and respond to concerns of the workforce that can impact on

retention. Considerable effort has been invested into strengthening recruitment capabilities through joint work between the Education directorate and the Delivery Unit within the Cabinet Office. Developing new candidate attraction approaches, focussing on enhanced candidate management, and streamlining recruitment processes are all having positive impacts. Investment enabled through Government Plan funding is being deployed to grow the workforce. Schools and CYPES continue to focus on provide new learning and development opportunities for staff to aid retention. These include funding of development to support leadership, oracy, multi-lingual learners, SENDCos, graduate teacher training and early career teachers amongst others.

- (c) It is uncommon in any industry for new recruits to mirror the demographic of leavers. For example, retirement is a common reason for leaving and those that retire are normally in the upper age brackets, it would not be expected to replace retirees with new recruits of similar demographic.

Staff are employed on the basis of competitive recruitment where we seek to recruit the best person for each role based on their skills and experience. Neither age nor gender form any basis of decision making when recruiting.

2.11 Deputy R.J. Ward of St. Helier Central of the Minister for Infrastructure regarding Jersey Reds rugby club facility (WQ.185/2023)

Question

Will the Minister describe what plans, if any, are in place to provide a larger facility should Jersey Reds rugby club gain promotion to the Rugby League premiership, given the need for significantly larger capacity for games to take place in Jersey?

Answer

The ground in St. Peter used by the Jersey Reds is privately owned by Jersey Rugby Football Club and leased by the Reds for training and rugby union matches. There are no plans for the Government to provide a larger facility for Jersey Reds.

A national stadium was considered by the previous Government but to be economically viable it would require Reds and Bulls to share the ground. However, the Bulls wanted to remain at Springfield, which has recently received £1.2m in Government investment.

Jersey Reds won the Championship (the league in which they currently compete) on Saturday 29th April but we are advised that there is currently no opportunity for promotion to the Gallagher Premiership because this league has suspended promotion and relegation as part of its Covid recovery strategy.

The Premiership minimum standards criteria would require Jersey Reds to have a 10,001-seater stadium in order to qualify for promotion.

Jersey Reds' biggest crowd this season was approximately 3,000 for the match against Ealing Trailfinders. The average size of the home crowd is 1,000 to 1,500 and the current capacity of the stadium is 4,000.

2.12 Deputy A. Howell of St. John, St. Lawrence and Trinity of the Minister for Infrastructure regarding the closure of La Motte Street (WQ.186/2023)

Question

Further to the closure of La Motte Street to vehicular traffic whilst public realm works are undertaken, will the Minister advise –

- (a) what consideration, if any, was given to the access to Customer and Local Services (CLS) at Philip Le Feuvre House for vulnerable Islanders, such as the elderly or those with disabilities and/or mobility issues, during this period;
- (b) whether any exceptions and/or arrangements have been put in place for those Islanders who would ordinarily either be dropped outside the CLS offices or arrive by bus;
- (c) what confidence he has that the timing of the closure will not have a detrimental effect on the completion of paper tax forms, coinciding as it does with the deadline for submission of these forms and the potential need by some Islanders for assistance with their completion; and
- (d) whether there is any possibility that the closure could be deferred until next year when CLS is relocated at the new Cyril Le Marquand House?

Answer

The Infrastructure Department is sensitive to the effects of disruption when work is carried out on the highway network and has, to the greatest extent possible, put measures in place to alleviate any access difficulties while the La Motte Street work takes place. Such changes cause inconvenience by their nature, so as much as possible has been put in place to ensure for vulnerable Islanders, such as the elderly or those with disabilities and/or mobility issues can continue to get to Customer and Local Services (CLS) at Philip Le Feuvre House. We apologise for any inconvenience caused and will closely monitor the project and deal with any issues that islanders report.

Once in place, the street improvements and crossings being installed will make access safer and easier for pedestrians using La Motte Street in future, particularly those with a disability or mobility issues, as well as providing an onward link from the Hill Street contraflow cycle route.

In the past, ad-hoc parking and drop off in La Motte Street has caused problems for buses, obstructs footpaths and creates risks to pedestrians trying to cross the road between vehicles stopped in undesignated areas. The current street paving consists of concrete slabs which are not up to modern standards and problematic to maintain.

- a) For the seven weeks of phase 1 of the works the following mitigations will be in place to help people access:
 - Public access by foot will always remain available.
 - Disabled parking facilities on Hilary Street will be increased from 2 spaces to 4 spaces for the duration. This is situated approximately 30 metres from the CLS front door and drop off letter box.
 - Snow Hill and Minden Place short stay parking are both approximately 4-5 minutes' walk from CLS (300m and 400m). Green Street is slightly further being 6 minutes' walk (500m).
 - Vehicular access remains available to within 30 metres of CLS, via La Motte Street West and Hillary Street diversion.

- Temporary traffic management effectively means La Motte Street stops being a main feeder link to the ring road and becomes a local access route, meaning that traffic levels are likely to reduce as drivers become familiar with the diversion.
 - As normal, updates will be provided to the public through radio ads, social media, the Government website, media bulletins and letter drops.
 - CLS and I&E will monitor impacts and issue additional communications as required to manage issues such as the tax return deadline.
- b) There is no provision for unstructured parking and drop off now. The Department will monitor the traffic throughout the period of the works and adapt traffic management measures as required, being sensitive to circumstances. The number of disabled parking spaces available on Hilary Street has also been doubled.

For bus users travelling into town there are no changes. Bus users travelling out of town on the 4, 13, 21 and 23 will need to use the preceding or following stop. Advance notice has been provided at the La Motte Street stop. There are no changes for the Island's other 21 services.

- c) I am confident that the submission of paper tax forms can continue. Public access by foot will always remain available, disruption to Island bus routes is minor, disabled parking remains available and in the immediate vicinity has been increased. As drivers become familiar with the diversion, traffic flows on La Motte Street are anticipated to reduce, potentially improving access in some instances. Traffic management measures will be coordinated with CLS to ensure disruption to clients is minimised, including during the deadline for tax submissions. Islanders who have concerns about their tax forms should contact the CLS department.
- d) La Motte Street will be the first part of town to see improvements as part of the Government's Public Realm Movement Strategy to make town a better place for walking, cycling, and spending time in. Delaying the project until CLS relocated would mean that St Helier's public realm programme could not be started until 2024, and the summer and Christmas restrictions La Motte would likely be postponed until spring 2025.

In respect of La Motte Street, the Department is confident that access requirements can be managed. The works have been broken down into a series of phases that will run from now to later in the year, to reduce the impact of the works and ensure access to CLS, businesses and properties are maintained. These arrangements are set out the gov.je website in the road closures and delays section.

2.13 Deputy S.Y. Mézec of St. Helier South of the Chief Minister regarding conflicts of interest in Council of Ministers meetings (WQ.187/2023)

Question

Further to the response to [Written Question 54/2023](#), will the Chief Minister –

- (a) detail each occasion when a Minister has declared a conflict of interest in Council of Ministers meetings, including what the conflict was and what agenda item it applied to; and
- (b) explain whether any declarations of conflicts of interests were made by any members who took part in the review of the 2(1)(e) scheme?

Answer

The Council of Minister's agenda include a standing item at the start of the meeting to declare any interests concerning the matters under discussion. These declarations are recorded in the B minutes. I have asked these to be transferred to the A minutes and re-published to provide a transparent record. I will also provide this to Members. This will detail the occasions, nature and the subject matter of each declaration. In the meantime, I can confirm that no declarations of interest were made in relation to the 2(1)(e) review.

2.14 Deputy S.Y. Mézec of St. Helier South of the Minister for Housing and Communities regarding instructions on the inclusion of rent control in the rental white paper (WQ.188/2023)

Question

Given the Minister's stance on rent control presented in his election campaign, will the Minister provide details on any instructions or guidance on the inclusion of rent control that he provided to the officers who developed the rental white paper?

Answer

I work on policy with my officers in an open and iterative way. I have not *instructed* officers on the inclusion of rent control matters in the Improving Residential Tenancies in Jersey white paper. Officers have provided their professional advice on the matter, and I have listened to that advice and provided a political steer on what has ultimately been included in the white paper.

2.15 Deputy S.Y. Mézec of St. Helier South of the Minister for Treasury and Resources regarding the Upper Earnings Cap (WQ.189/2023)

Question

Will the Minister provide an updated figure for the estimated extra revenue that would be raised by removing the Upper Earnings Cap from both Social Security Contributions and Long-Term Care Contributions?

Answer

Officers have modelled the revenue impact using the latest available tax data. This is for the 2021 Year of Assessment.

A key assumption made is that there would be no change in employer or taxpayer behaviour as a result of the rate rise.

If the UEL for Social Security Contributions was abolished, it is estimated additional social security revenue would total £9.0 million.

If the cap on the Long-Term Care Contributions was abolished, it is estimated additional long-term care revenue would total £8.5 million.

Revenue raised in this way would be paid into the relevant fund and would not be available for general government spending. Unless equivalent changes were made to the grant to the social security fund or the long-term care fund there would be no benefit to the balance of general revenues and expenditure.

2.16 Deputy L.V. Feltham of St. Helier Central of the Minister for Housing and Communities regarding the Lodging Houses (Registration) (Jersey) Law 1962 and the Lodging Houses (General Provisions) (Jersey) Order 1962 (WQ.190/2023)

Question

Will the Minister provide details of the processes in place to ensure that all accommodations that should be registered as a lodging house under the Lodging houses (Registration) (Jersey) law 1962 are correctly registered, and that they are also regulated in accordance with the Lodging Houses (General Provisions) (Jersey) Order 1962; and will the Minister further advise whether he is confident that all relevant accommodation is registered, and if not, why not?

Answer

All properties registered under the Lodging Houses (Registration) (Jersey) Law 1962 are subject to an annual re-registration process. Every application for renewal of registration must be made in the month of December.

The collation, registration and determination of what accommodation should be on the registration is a matter for the Population Office.

The register data is shared with the Housing and Nuisance team within Regulation who undertake property inspections to regulate on minimum standards.

Compliance action will be taken if a residential property is found to be operating as a lodging house outside of the legislation.

2.17 Deputy T.A. Coles of St. Helier South of the Minister for Home Affairs regarding States of Jersey Police Licensing Unit (WQ.191/2023)

Question

In relation to the States of Jersey Police Licensing Unit, will the Minister provide the following for 2022 and from January to date for 2023 –

- (a) the number of complaints received about licenced premises;
- (b) the number of enforcements brought against licenced premises; and
- (c) the number of arrests made on licenced premises?

Answer

Due to other operational and staffing pressures, the dedicated States of Jersey Police licensing unit was disbanded in 2019 and the responsibility was then carried by all operational shifts and the Community Team. SOJP have recently reintroduced a dedicated resource within the Community Team.

We are unable to specifically provide the information requested in a) and c). The number of ‘complaints’ against licenced premises is not a figure that is recordable on the police system, only crimes recorded against licensed premises. This data would require a manual trawl of all incident logs. A manual trawl of all arrest logs would also be required to determine if it were affected on a licenced premise.

We do however have the following data, which is the count of all recorded crime related to conduct on licenced premises since January 2022.

Disorderly on licensed premises - Art 82 Licensing Law 1974	61
Refuse to quit licenced premises - Art 16 (3) Licensing Law 1974	8
Breach of exclusion order - Art 3 (1) Licenced Premises (Exclusion of certain persons) Law 1998	2
Refuses to quit registered premises - Article 12(4) - Places of refreshment (Jersey) Law 1967	1

b) Enforcements brought against licenced premises:

Fail to conform to conditions of a licence - Art 79 Licensing Law 1974	3
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2.18 Deputy T.A. Coles of St. Helier South of the Minister for Home Affairs regarding alcohol related arrests (WQ.192/2023)

Question

Will the Minister provide the number of alcohol related arrests from 2019 to date, broken down by month?

Answer

The number of 'alcohol related arrests' here is defined by: an arresting officer and/or custody officer identifying a crime for which an individual was arrested for was alcohol related.

2019	409		2020	399
January	33		January	39
February	24		February	28
March	18		March	38
April	36		April	16
May	40		May	40
June	24		June	42
July	26		July	50
August	49		August	35
September	40		September	29
October	43		October	32
November	32		November	36
December	44		December	14

2021	260		2022	254
January	21		January	23
February	15		February	13
March	8		March	18
April	21		April	20
May	34		May	32
June	30		June	15
July	21		July	39
August	22		August	18
September	29		September	22
October	17		October	28
November	17		November	12
December	25		December	14
2023	65			
January	11			
February	17			
March	17			

2.19 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding incidents against staff due to alcohol consumption (WQ.193/2023)

Question

Will the Minister provide details of incidents against staff that have been the result of alcohol consumption since 2019, broken down by month?

Answer

Health and Community Services does not collect data on incidents to staff which were considered a result of alcohol consumption. Within the Jersey General Hospital and the Emergency Department specifically, visitors are not routinely tested for their alcohol levels unless there is a significant clinical indication to do so. Furthermore, staff are trained not to assume that a patient's behaviour is because of alcohol consumption as there are many underlying medical conditions that could cause confusion and agitation. We therefore would not encourage staff to assume and report an incident being due to alcohol intoxication.

However, a search of patient safety incidents using the keyword 'alcohol' in the incident description did return four incidents that related to alcohol since 2019. All four of these incidents were within Adult Mental Health Services (one in each year from 2019-2022 inclusive) and related to incidents

where the patient was visibly seen drinking/ holding alcohol or had been breathalysed; no staff came to harm as a result of these.

2.20 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding the length of service of Government employees (WQ.194/2023)

Question

Will the Chair advise what data, if any, is available regarding the length of service of Government employees and, if no such data is available, is any consideration being given to the collection and reporting of this data to enable the monitoring of staff retention?

Answer

We collect the start date of our employees, for the purposes of monitoring continuous service and benefits. The information is also used in our strategic planning toolkit to identify succession planning opportunities and plan for turnover. All departments are using this data for workforce planning, allowing the Government to move to a more proactive market-management position for anticipated vacancies that should reduce the cost of hiring, stabilise services prone to turnover and support the market in developing training courses on-Island for professional groups.

2.21 Deputy L.J. Farnham of St. Ouen, St. Mary and St. Peter of the Minister for Treasury and Resources regarding the IT, financial and manpower implications of allowing combined, as well as independent, tax returns (WQ.195/2023)

Question

Will the Minister –

- (a) advise whether the IT system intended to process independent tax returns is also able to process combined tax returns and, if not, what adjustments, if any, would be required to enable this; and
- (b) provide details of the financial and manpower implications of allowing combined, as well as independent, returns?

Answer

- (a) The Revenue Management System (RMS) is a commercial “off-the shelf” system, which is designed to operate primarily with Independent Taxation, which is the tax regime in force in most jurisdictions. With investment, RMS has been customised for use in Jersey to accommodate Married Couples’ Taxation (and other Jersey-specific matters).

RMS is currently configured to process tax returns from single individuals (including those who are already within the Independent Taxation regime – married or single), as well as tax returns from married couples and civil partners. Therefore, the IT system would be able process ‘combined tax returns’, effectively continuing the current dual system, with relatively little up-front system development work. Further details on costs are provided in the response to part (b).

One major advantage of mandatory Independent Taxation is that it would remove the complexity and frictional costs that comes with having two separate regimes. All tax returns would be processed in the same way, regardless of an individual’s marital status. Any move to maintain married taxation, either for all couples or for specific groups, would naturally create complexity and higher ongoing

financial and staffing costs, potentially for an indefinite period (the youngest married couples in the tax system are in their early to mid-20s).

- (b) Although costs would be minimal in the short-term, the real costs of running two systems in parallel would come further down the line:
- Two IT systems would need to be maintained. Every system update (approx. four per year) would require twice the amount of resource in the testing team, and at least double the supplier development costs.
 - Revenue Jersey officers would need to be trained on two separate forms of taxation for the foreseeable future.
 - All communications issued by Revenue Jersey would need two versions, or each communication would need to be caveated to explain that some rules are different for certain groups of taxpayers. Revenue Jersey has recent experience of how unclear messaging increases call volumes and footfall, diverting officers from core assessing and compliance work.
 - Maintaining a Jersey-specific add-on element to the more usually adopted (worldwide) personal taxation rules would significantly limit the options, and increase costs, when the existing tax system needs to be replaced in future years.
 - It may also cause unnecessary complexity as we seek to move to more digital Government, with each person having their own digital identity for the purpose of accessing Government services. On the other hand, the move to mandatory Independent Taxation would help ensure that the forthcoming online tax accounts can adhere to data protection rules.

Quantifying these future costs and complexity is difficult. Allowing couples married before 2022 to remain in the Married Couples' Taxation regime indefinitely is likely to increase the costs of Revenue Jersey by at least £500,000 yearly, and deprive the Government of opportunities to make efficiencies through greater simplification of the tax system. Further work on costing could only be done were the Assembly to agree a different approach from that long-proposed by Government.

Recent experience with the transition from the previous year basis (PYB) of payment to the current year basis (CYB) of payment provides a recent example of the complexities of introducing a policy through a system of grandfathering. Ministers are determined to learn from the past.

There are already married couples and civil partners who have been mandatorily included within Independent Taxation since the first stage of the legislation came into force on 1 January 2022. That cohort of newly married couples and new arrivals join those who have volunteered into Independent Taxation. If Independent Taxation is not made mandatory, careful consideration will need to be given to those couples, including whether to offer a return to married taxation and how the compensatory allowance would work (the draft legislation would currently only permit the compensatory allowance to couples in the married couples' tax system before 1 January 2022).

Many of those couples who have volunteered into Independent Taxation would have made that decision based on what they have understood from government communications. Namely, that Independent Taxation would become mandatory, at which point the compensatory allowance would be made available for those who need it.

Crucially, grandfathering of Married Couples' Taxation would defeat the principle of Independent Taxation, which is to remove sex and age discrimination from Jersey's tax system. The propositions to-date were approved overwhelmingly by the States Assembly following extensive public engagement.

Nevertheless, there is a valid issue about the unsettling effect these changes may have on a minority of couples. The same concerns have been raised at the Personal Tax Community Helpdesk events, which have taken place in Parish Halls and other locations across the Island since September 2022.

If the draft law is approved by the Assembly, it is likely that many pensioners could be removed from the need to file a tax return, meaning additional customer support can be targeted to those who need it most. Revenue Jersey has regular experience in handling inexperienced filers, in the unfortunate circumstance of the death of a spouse, for example.

2.22 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding training materials in relation to ethical conduct (WQ.196/2023)

Question

Will the Chair provide copies of all training materials provided over the last 5 years to public service workers in relation to ethical conduct, as well as any draft of such material intended for future delivery, and copies of the recently developed training material to which paragraph (c) of the response to [Written Question 63/2023](#) referred?

Answer

The following corporate mandatory and statutory training is provided to all government employees which includes training material related to:

Dignity and Respect at Work

This course explores the importance of having a culture where dignity and respect are central to everyday interactions with customers and colleagues. It sets out what kinds of behaviours we encourage and highlights those that should be avoided. There is an introduction to our Dignity and Respect at Work policy, if you feel you or someone else is not treated with respect.

Diversity, Equity and Inclusion

This course provides an overview of what diversity, equity and inclusion means for the Government of Jersey and how it benefits the overall culture. This also links to the Common Strategy Priorities and the People Strategy.

The training material referred to in WQ 63/2023 is in development for the new Connect People platform and will be shared shortly.

However, the new codes of practice, which include the standards in public service (and specifically refers to ethics), form part of “MyWelcome” (the induction programme), which all new employees are required to complete. Any existing or new employees who receive a new contract of employment are provided with the link to the Codes of Practice at offer stage, and are provided with a link to the codes of practice with their contract of employment.

The training materials are available at the following link: LINK TO FOLLOW

2.23 Deputy S.Y. Mézec of St. Helier South of the Minister for Economic Development, Tourism, Sport and Culture regarding costs of the recently commissioned review of sport in Jersey (WQ.197/2023)

Question

Will the Minister provide a breakdown of the anticipated costs of the recently commissioned review of sport in Jersey to be undertaken by Simon Cooper?

Answer

As outlined in the EDTSC Ministerial Delivery Plan for 2023, I committed to undertake a strategic review of the sports delivery landscape and the key bodies responsible for the delivery of sport in the Island, to ensure we provide a coordinated and enhanced sport offering for Islanders and are able to deliver on our strategic priorities. It has now been 5 years since the establishment of Jersey Sport and moving the delivery of sport to an arms-length arrangement. It is good practice to undertake reviews of public policy making and delivery to ensure that existing arrangements are effective, efficient and delivering good value for public money.

Simon Cooper, Sorensen Consulting Ltd has therefore been commissioned to:

- Review how the Government’s sport and physical activity policies are formulated and implemented.
- Review if the existing arms-length partner’s structure, organisation, management and delivery remains appropriate, relevant and fit for purpose to meet the Council of Minister’s Common Strategic Policy and ministerial priorities of the Minister for Economic Development, Tourism, Sport and Culture.
- Produce a report on the review findings, including recommendations on next steps to improve effectiveness and efficiency.

Extensive document review and analysis, a series of key stakeholder discussions with representatives from across the sports landscape in the Island, as well as a written consultation process, will be undertaken as part of the review. The cost of the commissioned work is £12,000, plus any costs associated with the two planned visits to the Island to conduct face-to-face consultation.

2.24 Deputy G.P. Southern of St. Helier Central of the Minister for Treasury and Resources regarding the ‘greening’ of the States of Jersey investment portfolio (WQ.198/2023)

Question

Will the Minister provide an update on the ‘greening’ of the States of Jersey investment portfolio, and will he advise whether he is satisfied with the progress being made in this area?

Answer

As Minister for Treasury and Resources I have a duty as a long-term steward of capital to invest responsibly - the consideration and integration of environmental, social and corporate governance (‘ESG’) issues are paramount to this objective.

I believe I have laid out this objective clearly and in some detail in the Investment Strategy document published most recently in September 2022 [r.131-2022.pdf \(gov.je\)](#).

The strategy seeks to ensure that our investment managers fully integrate ESG considerations into their investment process. This ensures risks that are not reflected in traditional financial analysis can be identified and managed. For example, a company's environmental practices may impact its long-term profitability, and social issues like labour practices and community relations may affect the company's brand and reputation. Proper assessment of these factors is expected to both improve performance over time and ensure our portfolio avoids companies who are failing to align themselves with modern standards and the transition to a cleaner economy.

Financial and environmental concerns are closely interlinked and active engagement with companies to improve corporate governance allows the States of Jersey to align the best financial interests of its portfolio with improved management of ESG factors and through active engagement, positively influence the environmental footprint of the companies in which we invest.

The independent Treasury Advisory Panel reviews several criteria by which we monitor our managers, including stewardship activities such as voting and company engagements, disclosure and reporting levels and the ongoing assessment by our investment advisor, Aon, to the level of integration of ESG criteria in each manager's underlying strategy. We hold our investment managers to exacting standards and the Panel will continue to hold them accountable for the foreseeable future.

I should highlight that our approach to responsible investment will need to continually evolve, both due to the changing landscape with respect to ESG issues as well as broader industry developments. I am committed to ensuring we continually review best practice demonstrated by other similar institutional investors to ensure our policies and approach remain appropriate and aligned with the States' investment objectives.

2.25 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding stamp duty (WQ.199/2023)

Question

Will the Minister advise how much stamp duty has been generated on property transactions over £5,000,000, per annum, since 2018?

Answer

The table below shows the stamp duty generated on property transactions over £5,000,000 in the years 2018 to 2022 inclusive. The total includes transactions relating to both residential and commercial properties.

	Total
2018	£2,946,054
2019	£2,981,722
2020	£2,444,339
2021	£10,915,811
2022	£8,143,285

Note: The higher stamp duty bands increased in January 2019 and again in January 2021.

2.26 Deputy M.B. Andrews of St. Helier North of the Minister for Infrastructure regarding disabled parking spaces (WQ.200/2023)

Question

Will the Minister advise the total number of disabled parking spaces available Islandwide and what plans, if any, he has in relation to disabled parking spaces during his term of office?

Answer

The Minister for Infrastructure is responsible for public parking that is under the administration of the Government of Jersey. Officers within Infrastructure and Environment's Transport Section administer the following disabled persons parking spaces:

- 86 on street within St Helier (on parish and main roads)
- 70 within public car parks within St Helier
- 53 in public car parks outside St Helier

Disabled badge holders are entitled to use any other public car parking space for free, subject to time limits.

Beyond this, Parish authorities also provide disabled persons parking spaces to serve parochial amenities. There are also disabled persons parking spaces within commercial and residential settings.

For parking that is administered by the Infrastructure Department, officers are currently undertaking a periodic review of the disabled parking provision in St Helier with the intention of ensuring that current provision and amenity levels remain fit for purpose both in terms of location and availability.

2.27 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding Our Hospital and Healthcare Facilities project expenditure (WQ.201/2023)

Question

Will the Chief Minister provide details of the amount that the Government has expended on the Our Hospital and Healthcare Facilities projects since the commencement of their term of office?

Answer

Our Hospital Project (July to December 2022):

The expenditure between July to December 2022, agreed by the previous administration, was £13.5m and includes:

Our Hospital Project Expenditure	Actuals July to Dec 2022 (£m)
Project Team	0.3
Professional and Specialist Fees	1.2
Contingency	0.2
Design Delivery Partner PCSA	3.9
Site Acquisition & Stamp Duty	0.2
Decant Costs FLQS	7.7

Grand Total	13.5
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The Head of Expenditure for the Our Hospital Project was closed on 31 Dec 2022, in line with the amendment to the government plan and approval by States Assembly of Amendment 20 to the approved Government Plan [p.97-2022 amd.\(20\).pdf \(gov.je\)](#): Hospital Funding.

New Healthcare Facilities (NHF) Programme (Jan 2023):

The Head of Expenditure for NHF commenced from 01 January 2023. As of 31 March 2023, £5.1m has been spent on the NHF programme, which includes the redevelopment of the former Les Quennevais School:

New Healthcare Facilities Expenditure	Actuals Jan to Mar 2023 (£m)
Project Team	0.2
Professional and Specialist Fees	0.7
Decant Costs FLQS	4.2
Grand Total	5.1

2.28 Deputy M.R. Scott of St. Brelade of the Chair of the Privileges and Procedures Committee regarding voter identification in elections (WQ.202/2023)

Question

Will the Chair advise to what extent, if any, consideration is being given to the introduction of voter identification in elections, including the practice of enabling States Members standing in the relevant election to identify constituents who do not possess a formal identification document when voting, and, if voter identification is not being considered, will she undertake to ensure that it is included in all and any discussions taking place regarding electoral reform?

Answer

The [Elections \(Jersey\) Law 2002](#) does not prescribe how voters need to prove their identity to register, either online, by post or in person. On Election Day, checking the identity of a voter is left to the “satisfaction of the Autorisé”.

The [CPA BIMR Election Observation Mission \(EOM\) report](#) found that voters were almost always asked to show a proof of identification such as a passport or driving licence, and in some polling stations posters were displayed highlighting the need for photo identification. Polling officials were instructed to request a (photo) ID in cases where the identity of the voter was not known to a polling official or to other voters who might be voting at the same time. The EOM identified that voters who may not have such documents are at risk of being prevented from voting by an administrative practice, as there is no system in place for these voters to obtain a specific voter ID document that includes a photo. In that regard, the EOM made the following recommendation:

Recommendation 10: As the requirement for voters to use photo ID to prove their identity is not established in law and restricts suffrage, consideration should be given to whether the use of photo ID as evidence of voter eligibility should be maintained or whether other alternative methods of proving identity are suitable.

PPC is currently considering the recommendations made by the EOM in conjunction with the report by the Jersey Electoral Authority. In relation to recommendation 10 specifically, the Committee has not yet considered whether the use of photo ID should be maintained or whether other alternative methods of proving identity are suitable. It is anticipated that the Committee will look at best practice elsewhere which could include whether States Members standing in the relevant election could identify constituents who do not possess a formal identification document when voting.

2.29 Deputy M.R. Scott of St. Brelade of the Chair of the Privileges and Procedures Committee regarding a referral by PPC to the Commissioner for Standards (WQ.203/2023)

Question

Will the Chair advise how many (i) States Members, and (ii) members of the public, contacted the Privileges and Procedures Committee with respect to the statement made by the Deputy Chief Minister regarding his lack of knowledge of resignations in the public sector, that was subsequently referred to the Commissioner for Standards?

Answer

Whilst no 'count' as such was taken when the matter was considered by PPC, the 5 non Executive members had each been contacted by a number of States Members and constituents in confidence regarding the communications relating to the unexpected resignation of the Chief Executive. The Committee, whilst making no allegations about the matter, felt that it could not simply ignore the concerns and questions raised and that a referral to the Commissioner for Standards was the right thing to do in this situation, given the level of disquiet expressed.

2.30 Deputy M.B. Andrews of St. Helier North of the Minister for Health and Social Services regarding surgical procedures (WQ.204/2023)

Question

Will the Minister advise how many individuals are awaiting surgical procedures; and of those individuals how many have been awaiting surgical procedures for over six months?

Answer

As of 16/05/23 there are 2418 patients on the Patient Waiting List.

Out of those, 795 have been waiting longer than 180 days. A detailed breakdown against specialty is shown below.

PTL (Patient Tracking List) Specialty	Total > 180 days	Total on PTL
General Surgery	259	609
Trauma & Orthopaedics	264	586

Ophthalmology	90	342
ENT	120	329
Gynaecology	34	179
Urology	13	115
MaxilloFacial Surgery	6	87
Dermatology	9	85
Pain Management	0	47
Community Health Services Dental	0	15
General Medicine	0	8
Cardiology	0	7
Nephrology	0	4
Paediatric Trauma & Orthopaedics	0	2
Medical Oncology	0	1
Respiratory Medicine	0	1
Vascular Surgery	0	1
Total	795	2418

2.31 Deputy M.B. Andrews of St. Helier North of the Minister for the Environment regarding rejected planning applications in the last five years (WQ.205/2023)

Question

Will the Minister confirm both the number of planning applications that have been rejected in the last five years together with the number of housing units that each would have provided had they not been rejected and the number of planning applications that have been approved together with the number of housing units that they have provided?

Answer

Of the 7,028 major and minor planning applications between 1st January 2018 and 31st December 2022, a total of 762 were refused planning permission. Of the 7,028 planning applications referred to above, 5,841 received planning permission.

It is not possible to extract true and accurate data from the current systems for the number of housing units that would or would not have been provided.

The Place and Spatial Planning Team was able to confirm that during the life of the Bridging Island Plan 25th March 2022 to 15th May 2023, permissions were granted for 349 new dwellings. During the same period, a total of 788 proposed new dwellings were refused planning permission.

A recommendation from the [Review of Planning Services \(2023\)](#) identified the need for “an integrated set of data to monitor the performance of the planning service”. Project RIDA is an investment in new technology to support a stable, effective and efficient platform for improvements to the planning service. This new system will be designed to report on service performance statistics as well as key information about housing units and land use. In response to this recommendation, I

have committed to "publish a list of Key Performance Indicators that will be monitored by the end of Q3, although monitoring these KPI's will only become fully possible with the deployment of RIDA in Q1 2024".

2.32 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding the connection of homes to mains water by Jersey Water (WQ.206/2023)

Question

In relation to the connection of homes to mains water by Jersey Water, will the Minister, as Shareholder representative, advise –

- (a) the number of homes that have been connected in the last three years together with the cost; and
- (b) the proposed number of homes to be connected between 2023 and 2026?

Answer

- (a) In the three financial years from 2020-2022*, a total of 1,239 new connections were installed on the Island's mains water network. Jersey Water customers meet the costs of individual connections, which vary depending on the work involved.

During the same three-year period, Jersey Water laid a total of 5.6km of new water mains, principally funded by developers wishing to connect new properties. 1.7km of the extensions was funded directly by Jersey Water at a cost of £382k, adding 45 new connections to date.

- (b) So far in 2023, Jersey Water has invested a further £112k to extend the mains network by 0.3km, leading to 12 new connections. Plans for 2024 are currently being considered.

It is important to note that a single water connection can service multiple households, for example a block of flats in a development.

Jersey Water is committed to reaching more homes. The company reviews and prioritises its capital investment for extending the mains network on an annual basis, taking multiple factors into account including cost, water quality issues and customer demand.

The number of new water mains will vary from year to year depending on competing operational and financial factors, such as addressing the Island's water resources deficit, maintaining water quality, reducing leakage and sustaining the existing water supply infrastructure.

2.33 Deputy P.M. Bailhache of St. Clement of the Chief Minister regarding improving Jersey's resilience (WQ.207/2023)

Question

Given the uncertain political situation globally, due principally to the Russian invasion of Ukraine, will the Chief Minister state what consideration has been given by the Government to improving Jersey's resilience, and in particular advise –

- (a) whether the Government has imposed any requirements on food wholesalers to maintain stocks of food in the Island;

- (b) what is the current level of food supplies stored in Jersey compared with that of January 2022;
- (c) how many days' supply of fuel are held in the Island, both for general consumption and for the emergency generation of electricity, both currently and compared with January 2022;
- (d) whether the Government requires the holding of a certain number of days' supply of other essential supplies, for example medical supplies for the security of public health and, if it does, whether any such requirement has been enhanced since January 2022; and
- (e) whether, given the steps taken by Guernsey and the Isle of Man to invest in ships to improve the resilience of their supply chains, the Government is planning any similar investment to improve Jersey's resilience?

Answer

Given the importance of resilience to Jersey as a small Island community, the Chief Minister has commissioned an internal workstream to consider the linked issues of resilience, the development of new Civil Contingencies legislation, risk management and supply chain.

- (a) The Government has not imposed any requirements on food wholesalers to maintain stocks of food in the Island. Like other jurisdictions, the Island relies on private sector companies to satisfy normal demand for fuel and food through the existing supply chain, which has been shown to be resilient, having remained functional during Brexit, Covid and latterly the war in Ukraine. However, the supply chain continues to be regularly monitored by the relevant departments (Economy, Health & Community Services, and Justice & Home Affairs). Under the Emergency Powers and Planning (Jersey) Law 1990, specific Ministers are designated as competent authorities having the responsibility and power to secure certain essentials of life for the community as and when required.
- (b) Food retailers have confirmed storage for fresh food of 1-3 days, 2-3 days for frozen food, and ambient food ranges from 3-7 days' supply. Food wholesalers have confirmed they hold 1-4 weeks of chilled product, 4-6 weeks of ambient product and 2-4 weeks of frozen product. Subject to sell-by dates, these frozen products can have a shelf life of up to 6 months. These supplies have proven to be adequate and as such have not changed since January 2022.
- (c) Following the learning from Brexit and Covid, supply chains for fuel have been diversified to allow for even stronger supply chain resilience. La Collette Terminal typically maintain a one month's supply of fuel, this is in addition to the supply from ATF, who operate a different supply model, using ISO containers shipped on conventional ferries. This represents no additional increase in capacity since January 2022, and fuel supply remains resilient and has done throughout the Russian conflict with Ukraine. Following the Russian invasion of Ukraine, it is worthy of note that supply chain risks (and other identified risks) have been carefully monitored throughout the period, and an emergency response structure remains in place in readiness to respond to any associated crisis that emerges or begins to emerge.

Jersey Electricity imports most of its power from Europe but has on island generation which is maintained in a state of readiness in the extremely unlikely event that supplies from Europe are disrupted. Jersey Electricity (JE) does not routinely generate power on Island except to test generation which is performed monthly. In terms of fuel storage, JE currently hold 13 days capacity at La Collette with a maximum possible capacity of 25 days. JE have contracts in place to refuel by sea which means that deliveries can be scheduled and received at short notice. By contrast, in January 2022, fuel stocks equivalent to 9 days of capacity were held. Fuel stock was increased taking account of the anticipated tight generation margins in Europe during winter 2022/23 however, the situation was much less severe than predicted with very minimal local generation occurring. JE has robust winter plans where the status of our readiness is reviewed annually and monitored on a weekly basis.

JE also maintains regular contact with Fuel suppliers to ensure that resupply can take place within the endurance window.

- (d) Health & Community Services (HCS) maintains a 4-6 week on Island stock of fast-moving medical supplies. In addition, a 30-day pandemic stock is maintained for public health purposes. HCS pharmacy maintain a 4-8 week on island stock of medicines and pharmaceutical supplies. The medical supply chain is constantly monitored, and adjustments made as required to assure HCS business continuity, with lessons learned during Brexit and Covid. There has been no requirement to increase these on island stocks as a result of the war in Ukraine.
- (e) The current Operating Agreement with the Channel Islands' principal ferry operator expires in March 2025. Options for Jersey's long-term sea connectivity remain under evaluation. This evaluation is commercially sensitive. Within that evaluation, Government is prioritising Jersey's supply chain resilience, as well as the high expectations that island businesses and residents have for reliable and resilient sea connectivity.

2.34 Deputy Sir P.M. Bailhache of St. Clement of the Minister for Health and Social Services regarding the Memorandum of Understanding in relation to the cultivation of cannabis (WQ.208/2023)

Question

Will the Minister explain, given the Government's expressed commitment to openness and transparency, why she is unwilling to release to Members, and to the public at large, a copy of the current Memorandum of Understanding between the Home Office and the Minister for Health and Social Services in relation to the cultivation of cannabis?

Answer

Having received a request for a copy of the Memorandum of Understanding (MoU) from Deputy Bailhache, the Minister considered presenting a copy either to the States Assembly or publishing a copy to the Government's website. However, pursuant to the terms of the MoU, this information cannot be disclosed without the consent of both parties – it is not standard procedure for this information to be made public in the UK. Further to Deputy Bailhache's request, a copy has been provided.

2.35 Deputy C.D. Curtis of St. Helier Central of the Chair of the States Employment Board regarding the Jersey Appointment Commission's Guidelines for recruitment (WQ.209/2023)

Question

Will the Chair state how many senior civil servants and appointees, if any, have been appointed within the last year without going through the precise process outlined in the Jersey Appointment Commission's Guidelines for the recruitment of Senior States Employees, appointees and members of independent bodies; and, if the process was not followed, will the Chair explain why it was not followed and whether this is considered to be acceptable practice?

Answer

The SEB have confirmed that one position, that of Chief Officer for Health and Community Service, was appointed as a matter of urgency outside of the usual processes set out by Jersey Appointments Commission.

The matter was considered by the SEB who made a conscious decision to appoint. Subsequently both the Chief Executive and Chief People and Transformation Officer set out the reasons to the Chair of the JAC and apologised for the need to appoint outside of the usual process. It was noted that this was a temporary appointment, and the full process will be followed for the permanent recruitment.

The circumstances were exceptional, and on this occasion, the appointment was considered necessary. The SEB expect all appointments to follow the JAC guidance.

2.36 Deputy T.A. Coles of St. Helier South of the Minister for Infrastructure regarding the Town Link Bus (Route 20) (WQ.210/2023)

Question

In relation to the Town Link Bus (Route 20), will the Minister advise –

- (a) why the route stopped servicing the South Hill/Bingham Court area;
- (b) what notice, if any, was given to the public regarding the loss of the bus service to this area; and
- (c) whether any consideration is being given to reinstating the service to this area?

Answer

- (a) The Town Link bus service no longer operates to Pier Road, Fort Regent and South Hill because of low passenger numbers.

This area was not originally included in the Town Bus service but LibertyBus decided to add Pier Road on a trial basis to assess demand for a service primarily serving Haut Du Mont flats. Subsequently, the route was modified slightly to call at the Vaccination Centre at Fort Regent, a replacement for the dedicated minibus shuttle service which had been operating for a time.

After the Haut Du Mont major incident in December 2022, road closures meant that buses could no longer turn left downhill as they exited Fort Regent. Instead, they were diverted temporarily past Bingham Court. This was never intended to be a long-term arrangement and is not a viable route, so it has not been included in the LibertyBus Spring-Summer timetable for 2023.

- (b) The revised route was communicated to the public in the published timetable booklet.
- (c) LibertyBus keeps timetables under continuous review and there are opportunities in advance of seasonal changes in service levels to consider alterations. Bingham Court is a short distance away from bus stops on Green Street where a very comprehensive timetable on bus service number 1 is provided, several times per hour from early in the morning to late in the evening, seven days a week.

2.37 Deputy T.A. Coles of St. Helier South of the Minister for Housing and Communities regarding the maximum occupancy per unit of Andium Homes accommodation (WQ.211/2023)

Question

Does Andium maintain a list of maximum occupancy per unit of accommodation they provide and are they aware of any of their properties that are currently over occupied?

Answer

Andium Homes does not maintain a list of the maximum occupancy of its social rented homes. Andium lets its vacant homes to applicants from the Affordable Housing Gateway.

The Gateway presents applicants based on their accommodation needs. Thereafter it is incumbent on the tenant to keep Andium informed of any changes to the number of people in their household. Where the number of people in a household changes, and this would result in either over occupancy (too few bedrooms) or underoccupancy (too many bedrooms), tenants need to apply to the Gateway for a transfer to a new home which meets their current household needs.

The Gateway holds data for tenants who have applied for a transfer due to over occupancy. As of Friday 19 May 2023, there were 72 applicants actively seeking larger accommodation due to over occupancy. Like Andium, the Gateway rely on tenants providing information on any changes to their living situations.

2.38 Deputy A. Howell of St. John, St. Lawrence and Trinity of the Minister for Health and Social Services regarding qualifications and occupational competence of locum and agency staff (WQ.212/2023)

Question

Given that Health Care Professionals working in Jersey are required to be registered with UK professional registration bodies, will the Minister explain –

- (a) how the qualifications of personnel are checked, and at what point in the recruitment process;
- (b) how the occupational competence of all Locum and Agency Staff is assessed when they are first appointed in Jersey;
- (c) how she ensures that all such recruitment meets her responsibilities in respect of patient safety and quality of care; and
- (d) whether any temporary staff have been granted permission to be in the Island without the proper qualifications, and if so, why?

Answer

- a) For Permanent Staff, once PeopleHub receive the interview feedback form and as soon as an offer is made to the candidate, the Jersey Care Commission (JCC) registration form is sent to the candidate, together with offer of employment and provisional contract. This is conducted for all roles as per JCC guidance notes.

Once this has been completed and returned, PeopleHub will upload the relevant certificate(s) to TalentLink and verify the candidate's status on the health and social care professionals register¹.

Note: a confirmed start date and formal contract cannot be issued, and as such employment cannot start, without the above being satisfactorily completed.

In addition to the above, the following checks are also completed:

- DBS carried out by our third-party provider Procius;
- A minimum of 2 most recent employment references;
- Infection Control clearance; and
- AXA Occupational Health Assessment.

For Locum Doctors, all doctors are met face to face for an ID check and other pre-employment checks in line with NHS Employers Check Standards² by the Holt agency team as part of the contract with Holt. Holt verify the following original documents needed for compliance:

- Photographic ID;
- Birth certificate;
- Proof of address (x2);
- Professional Registration and Qualifications certificates;
- Other / higher qualifications, such as MRCP/FRCP/ALS/Masters degrees etc; and
- Eligibility for Home Office Right to work check.

For Agency Nurses and Allied Health Professionals (AHPs), CVs are received and sent to the relevant managers; HCS have re-introduced telephone interviews where managers can discuss with the Agency Nurses/AHPs their knowledge and experience before confirming appointment to the temporary role.

A checklist is used by the HCS Bank Staffing Team which confirms managers have seen the documents required to ensure compliance regarding Agency clearances/proof of qualifications. This checklist includes

- DBS check
- JCC registration
- UK registration
- Professional references

This is checked separately by members of the booking Team (team member and Team leader) to ensure that everything is covered before the Agency Nurse/AHP comes to the Island.

For Agency Nurses, to assist their ability to start work immediately before arriving they are sent out a link for Virtual College and asked to complete EPMA, Trak, and other training. On their first day, they meet with the Team face to face and complete training with the ICT trainers.

- b) For Locum Doctors, occupational competence assessment on the job is conducted by the supervising Consultants they are working for (as they might be deemed suitable for a role only to be cancelled at a later date if not to the level expected). Occupational suitability for

¹ '[Jersey health and social care professionals register](#)', Government of Jersey. Accessed May 2023.

² '[Employment standards and regulation](#)', NHS Employers. Accessed May 2023.

a job would be based on the supporting CV and references provided at the point of proposal (and phone interview for consultants).

For Agency Nurses and AHPs, occupational competence is assessed on the job by the Team Lead for the area they are working in. The Induction Checklist will be completed by the Lead and returned to the relevant team within 48 hours.

All recruitment checks are in line with best practice operated in other jurisdictions and form a central part of the processes operated by PeopleHub for permanent employees and are in the contracts with the agencies providing the temporary colleagues.

If ever there are concerns expressed about the competency of a locum or agency worker, then it is within our contract to terminate the assignment.

- c) There are no Agency Nurses, AHPs or Doctors within HCS without the correct qualifications.

This process has evolved over a period of time and is regularly reviewed, it is believed this is a robust process to that we only employ people with the right qualifications to undertake the roles we require.

2.39 Deputy R.J. Ward of St. Helier Central of the Minister for Social Security regarding carpets and carpet suppliers (WQ.213/2023)

Question

Will the Minister advise –

- (a) which suppliers are used to supply and fit carpet for rental tenants receiving Government loans for this purpose.
- (b) whether tenants can use any company to access the best deal possible or are they limited to the named suppliers; and
- (c) whether tenants have open choice for colour and type of carpet?

Answer

- (a) Carpets For You are the supplier for all carpets for Income Support customers accessing a special payment.
- (b) Only the named supplier, as above, can be used when purchasing a carpet through a special payment.
- (c) The main carpet supplied is ‘Gallant’, which is a synthetic, bleach cleanable carpet and is available in 5 different neutral colours (stone, steel, smoke, cloud, and chocolate). There are also other carpet variants available, but ‘Gallant’ is the preferred option by customers.

Carpets For You can also supply vinyl when required if approved by Customer and Local Services and the housing provider. This option has been preferred for people with certain disabilities.

Payments are made directly to the supplier, which makes administration more efficient for all involved.

2.40 Deputy R.J. Ward of St. Helier Central of the Chair of the States Employment Board regarding States employees' long-term absence (WQ.214/2023)

Question

Will the Chair advise how many States employees are currently receiving half pay as a consequence of long-term absence due to illness?

Answer

There were 17 States Employees receiving half pay during April 2023 as a consequence of long-term absence due to illness.

2.41 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding research into flexible working (WQ.215/2023)

Question

Further to her response to [Written Question 184/2023](#), in which the Minister stated that research on flexible working was due to be commissioned shortly, will she advise –

- (a) the commencement and completion date of this research;
- (b) how it will be undertaken and when its outcomes will be implemented; and
- (c) how many staff have been refused requests for flexible working options, such as part time or job shares, over the last 3 years?

Answer

The Government of Jersey intends to launch a revised flexible-working policy in June 2023. The department will be required to comply with the revised policy. To develop and support the most appropriate implementation of the revised policy in schools it is intended to commission support from an external partner.

- (a) The work with a partner is due to commence in the summer term 2023 and is expected to be completed by the end of the autumn term 2023.

- (b) A partner with experience in assisting organisations to enable increased flexible working in the education sector will be used. We are at the later stages of confirming the brief, so the following is indicative rather than contractual. The overarching objective is to establish a *proactive, whole-school approach to flexible working*. This will include establishing what flexibility means and how it could operate within educational settings, the requirement for integrated workforce planning to enable flexible working and how this can be offered to different elements of the school workforce at different career stages.

The intention is to have a mix of desktop review and workshops with primary and secondary head teachers (or representatives) to ensure relevance with our local context. Final outputs will include headteacher guidance on the approach to flexible working in schools and it will be the responsibility of the Education directorate to communicate and implement this in 2023.

I have made head teachers aware of these plans and welcome further input from Deputy Ward as this process unfolds.

- (c) There is an established process for considering flexible working requests today and the department actively receives these and engages in this process. No central statistics are held

currently; the revised policy and toolkits for managers provides an electronic form so we may be able to provide this data at some point in the future.

2.42 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding zero-hour contracts in Jersey (WQ.216/2023)

Question

Further to the report from the Employment Forum entitled [‘The Operation And Regulation Of Zero Hour Contracts In Jersey, Together With A Review Of Specific Employment Protections’](#), will the Minister –

- (a) explain what actions, if any, are under consideration to provide statutory protection for continued breaches of the Employment (Jersey) Law 2003 by employers who fail to provide a statement of the terms and conditions of employment to employees, particularly those on zero-hour contracts who are not being provided with accurate statements of terms and conditions that reflect the working relationship between the parties;
- (b) commit to amending the law to enable employees to have the right to demand, rather than request, that any statement of terms and conditions accurately reflects "regular hours worked"; and
- (c) advise whether she supports the right to compensation for shift cancellation or curtailment, and if not, why not?

Answer

I am grateful to the Employment Forum for their careful consideration of issues surrounding the use and operation of zero-hour contracts in Jersey and for their comprehensive report. I am currently considering the Forum’s recommendations and will publish a full response soon.

2.43 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding a 48-hour per week working limit for zero-hour contracts (WQ.217/2023)

Question

The recent Employment Forum report [‘The Operation And Regulation Of Zero Hour Contracts In Jersey, Together With A Review Of Specific Employment Protections’](#) refers to guidance on a 48-hour per week working limit to protect the wellbeing and health of employees; what consideration has the Minister given to the potential impact of the post-Brexit removal of EU protections in the UK on such local good practice, and what further protections, if any, is she considering to ensure the maintenance of best practise?

Answer

The operation of legislation in the United Kingdom to provide for limits on working time is a matter for the UK Government. The 48 hour per week working limit has never been adopted into Jersey’s law. As the Minister responsible in Jersey for employment protection legislation, I am committed to ensuring that good employment practices – including relating to the health and well-being of employees – are shared as widely as possible. As part of my Ministerial work programme for 2023 I am actively considering the recommendations of the Employment Forum in their recent report on the operation of zero-hour contracts.

The Forum's report also contains detailed recommendations relating to the need to ensure the widest possible promotion of the existing rights covered by employment legislation in Jersey and as part of my consideration of the report, I will decide what further actions may be needed to achieve that.

2.44 Deputy L.V. Feltham of St. Helier Central of the Minister for Housing and Communities regarding the public consultation '[Improving Residential Tenancies in Jersey – Residential Tenancy Law Reform proposals](#)' (WQ.218/2023)

Question

Concerning the public consultation: [Improving Residential Tenancies in Jersey - Residential Tenancy Law Reform proposals](#), will the Minister –

- (a) outline the Terms of Reference and provide details of the project scope, methodology, and anticipated outputs, including what qualitative and quantitative data that will be collected and how this will be analysed;
- (b) identify which representative groups, organisations, and individuals were consulted to inform the planning of the consultation;
- (c) outline the target audiences/stakeholder groups that the consultation aims to engage; and
- (d) outline how the consultation has been planned to ensure that it is inclusive and accessible to all the relevant stakeholder groups?

Answer

(a) It is not standard practice for the Government of Jersey to set Terms of Reference or produce methodologies and scope for a public consultation of this nature. The policy context for the proposed changes to the Residential Tenancy (Jersey) Law 2011 (RTL) is well established, including through the work of the [Housing Policy Development Board](#), [Creating Better Homes Action Plan](#), and the [Minister for Housing and Communities' Delivery Plan](#), which sets the agenda for improvements to residential tenancy legislation in Jersey.

The Minister for Housing and Communities has published proposals for residential tenancy reform ([Improving Residential Tenancies in Jersey](#)), which highlight the Minister's intended direction of travel. A period of public consultation on the proposals is consistent with the Minister's commitment to open and transparent engagement, where everyone in the community has an opportunity to contribute their views.

The consultation is not intended to be treated on a statistical basis. Rather it will seek to capture opinions from Islanders so that the qualitative aspects of people's unique experience and perspectives on residential tenancy matters can be understood. The feedback will be reviewed and categorised according to general theme and specific issues raised by respondents to the consultation. It will help shape policy and legislation to meet the needs of tenants and landlords in Jersey, whilst helping to ensure that the resulting draft law is supported and implemented without delay.

(b) This question presupposes that The Minister should have embarked on a consultation about having a consultation. The Minister must also be mindful that he has a duty to deliver substantive and appropriate residential tenancy reforms in a timely manner for the people of Jersey.

(c) The audience for the public consultation in broad terms can be described as any Islander who has a stake in residential tenancy matters, irrespective of what community they are from. The Minister's proposals and the public consultation will have particular relevance to tenants and landlords in the residential rental sector. The Minister and Government officers have considered who needs to be engaged in the public consultation and how to engage them. Government officers are working to a bespoke engagement action plan (that will also record the output of engagement) as well as a bespoke

communications plan. Some of the important actions that have taken place or are in train are as follows:

- Engagement of States Members (the political representatives of Islanders). There has been a States Members briefing (24 April); a briefing to of the Environment, Housing, and Infrastructure Scrutiny Panel (25 April); and a 4 hour In-Committee debate in the States Assembly (2-3 May), which covered key areas of the Minister's proposals and offered States Members the opportunity to express their views.
- The Minister is taking part in a series of in-person meetings on his proposals with tenants-facing specialist organisations, which include the Older Persons' Living Forum, representatives from mental health charities, groups representing adults with learning needs, and the Citizens Advice Bureau.
- Officers have hosted a series of individual meetings (w/c 15 May) with social housing providers, receiving feedback on the Minister's proposals for social housing provision. During these discussions the social providers have agreed to help publicise the details of the consultation with their tenants.
- Tenants' stakeholders (e.g., charitable organisations, minority community representatives, the Homelessness Cluster, Children's Commissioner etc.) have been contacted with the details of the public consultation and have been encouraged to publicise it.
- The Minister and Government officers have met with representatives of the Jersey Landlords Association (JLA), to receive their feedback and to discuss the Minister's proposals.
- Three major in-person events are planned for June. They will take place in St Helier Town Hall and will be attended by The Minister, supported by Government officers. The Minister will introduce his proposals and host a question-and-answer session. The events will take place on the following dates:
 1. Monday 5th June 2023, 6 pm - 8 pm (landlord focused event)
 2. Wednesday 7th June 2023, 6 pm - 8 pm (tenants focused event)
 3. Tuesday 13th June, 6 pm - 8 pm (all Islanders interested in residential tenancy matters)
- Government Officers will also be visible in St Helier town centre (Charing Cross) on 30th and 31st May and 1st June between 12-2 pm. They will be on hand to publicise the consultation and facilitate Islanders offering their views on residential tenancy matters.

The period of public consultation has been extended by two weeks and will now end on Friday 23 June 2023.

(d) The launch of the Minister's paper was publicised in a [press release](#) on 14 April, which contained links to the paper and to the public consultation page, which are freely available to any Islander with access to an electronic device that is connected to the Internet.

The [consultation page](#) enables Islanders to offer their feedback to the Minister's plans in three main ways:

- by survey: [online survey](#)
- by email: housingmatters@gov.je

- by post: **Residential Tenancy Law consultation, Strategic Housing and Regeneration Team, 19-12 Broad Street, St Helier, JE2 3RR**

The Minister has acted on feedback that the residential tenancy matters dealt with in his paper are complicated and therefore not readily accessible to a wide cross section of Islanders. To address this, four simple open-ended questions have been devised to make participation in the consultation easier. The questions deal with those residential tenancy matters in paper considered to be of most relevance to tenants and landlords. The questions are as follows:

- **What is your opinion about limiting the amount and frequency by which rents can be increased by a landlord?**
- **Do you think it's better for tenancies to have a fixed end-date, or no specified end-date, and why?**
- **Do you think a landlord should be able to give notice to end a tenancy without giving a reason?**
- **Is there anything else about renting properties in Jersey that you think should be addressed as a priority?**

The four questions, and simplified versions of the online feedback survey, have been translated into Portuguese, Polish and Romanian and made available to organisations working with the minority communities to ensure they can contribute their views.

The questions have been printed on postcards that will be distributed within the community (with a freepost address for responses), including translations from English into Portuguese, Polish and Romanian. This will assist those members of the community who do not have access to the Internet.

Additionally, if anyone wishes to access a printed copy of the survey, in English or any of the three aforementioned languages spoken by the minority communities, they will be able to do so by approaching the information points at Charing Cross (see answer to question c) as well as during the in-person events in St Helier Town Hall.

The Housing Advice Service, based at CLS in La Motte Street, is also available. Islanders can pop in during working hours to speak to a housing adviser.

All opportunities for in-person engagement will be covered in social media and the local press. It is anticipated that the use of social media will reach wider population of Jersey residents and give them the opportunity to contribute their views even if they cannot attend the in-person events.

2.45 Deputy L.V. Feltham of St. Helier Central of the Assistant Chief Minister regarding the inclusivity and accessibility of Government communications (WQ.219/2023)

Question

Will the Assistant Chief Minister with responsibility for Government communications outline –

- (a) what work has been undertaken to ensure that Government communications and consultations are inclusive and accessible to all relevant stakeholder groups;
- (b) what advice she or her officers provided to the Minister for Housing and Communities or his officers about the public consultation ‘Improving Residential Tenancies in Jersey - Residential Tenancy Law Reform proposals’ and related communications; and
- (c) the Government policy concerning provision of translations and other accessible formats?

Answer

- a) The Communications Directorate has liaised with the Government’s accessibility champion to better understand requirements for audiences with differing accessibility needs. This includes a presentation on accessibility requirements to the Communications Directorate. All communication strategies include consideration of accessibility. For example, this includes the use of subtitles on all videos, better use of visual data (infographics) rather than text in reports, less reliance on PDFs and a focus on easily scrollable information on gov.je, and communications being produced in more languages (where appropriate).

The Government’s Engagement and Information Review is specifically addressing inclusivity and accessibility of Government communications and consultations, particularly where the Government website is concerned.

- b) Officers in the Communications team supported the Minister for Housing and Communities, and his officers, by developing and implementing a communications handling plan for this consultation. A news release, widely picked up by the local media, was produced to coincide with the launch. Officers in the communications team and officers in the Minister’s team have been working closely together on the second phase of the consultation, which is focusing on more direct engagement, in particular with communities which do not have English as their first language. Communications colleagues have also guided the Housing team on how best to promote upcoming tenant-focused and landlord-focused meetings. This includes posters, translated into a number of languages, social media “events” and a Ministerial video to clearly explain the key points from the proposals, and how Islanders can have their say. The teams have also worked closely to develop feedback postcards, again in multiple languages, to encourage those who do not have the time or the desire to read the full consultation document to provide succinct feedback on the key points of the consultation paper.
- c) All communication strategies include consideration of language needs.

2.46 Deputy L.V. Feltham of St. Helier Central of the Minister for Housing and Communities regarding improving Government communications for the Island’s communities (WQ.220/2023)

Question

Will the Minister provide details of any discussions he has had with the Assistant Chief Minister with responsibility for Communications about how Government communications can be improved for the Island’s communities?

Answer

Officers in the Communications’ Directorate supported the Minister for Housing and Communities, and his officers, by developing and implementing a communications handling plan for this consultation. A news release, widely picked up by the local media, was produced to coincide with the launch. Officers in the communications team and officers in the Minister’s team have been working closely together on the second phase of the consultation, which is focusing on more direct engagement, in particular with communities which do not have English as their first language. Communications colleagues have also guided the Housing team on how best to promote upcoming

tenant-focused and landlord-focused meetings. This includes posters, translated into a number of languages, social media ‘events’ and a Ministerial video to explain the key points from the proposals, and how Islanders can have their say. The teams have also worked closely to develop feedback postcards, again in multiple languages, to encourage those who do not have the time or the desire to read the full consultation document to provide succinct feedback on the key points of the consultation paper.

2.47 Deputy R.S. Kovacs of St. Saviour of the Minister for Treasury and Resources regarding Income Tax forecasts (WQ.221/2023)

Question

On page 13 of [P.80/2022](#) it is stated: “Based on the latest assumptions of the Fiscal Policy Panel (FPP) and work of the Income Forecasting Group (IFG), income is forecast to exceed the forecasts in the current Government Plan 2022-25 by more than the costs of these measures.”, will the Minister outline –

- (a) what the latest forecasts are from the IFG or any other reliable sources, regarding income tax measures that were proposed in the 2022-2025 Government Plan; and
- (b) by how much income from tax will exceed the earlier estimates, as per these forecasts, broken down by year across the period 2022-2025?

Answer

- a) The [Government Plan 2022-2025](#), was based on the addendum to the IFG forecast for Spring 2021 produced by the IFG and presented to the States on 21st September 2021 [r.151-2021](#). The IFG produced two further forecasts in Spring and Summer 2022, presented to the States on 4th October 2022 [r.134-2022](#). The Summer 2022 IFG forecast was used as the basis for Government Plan 2023-2026.

I assume that the Deputy is referring specifically to updated forecast costs of the specific income tax measures that were agreed in the Government Plan 2022-202, as detailed in table 30 on page 151 (duplicated below - excluding Climate Emergency Fund budget measures). These estimates remain unchanged.

Budget Measure	£m
Personal income tax thresholds	(0.8)
Alcohol duty	(0.1)
Tobacco duty	0.2
Road fuel duty	0.6
Increase in vehicle excise duty	0.4
Total	0.3

- b) The variance between the Summer 2022 IFG forecast and addendum to the Spring 2021 forecast is detailed below. The increase in income forecast was included and factored into the financial envelope for Government Plan 2023-2026. An updated Spring 2023 IFG forecast has been published on 19th May as [r.89/2023](#). The Spring 2023 IFG forecast is the latest income forecast produced, based on FPP economic assumptions published in March 2023. This forecast incorporates tax measures included in Government Plan 2022-2025 and Government Plan 2023-2026. The tables below detail the total States income forecast published for Spring 2021 (addendum), Summer 2022 and Spring 2023 over the time period 2022-2025.

The updated forecasts demonstrate the strong overall economic recovery from Covid.

£'000	2022	2023	2024	2025
Addendum to Spring 2021 forecast	919,753	974,924	1,022,524	1,066,916
Summer 2022 forecast	969,948	1,057,371	1,139,257	1,188,953
Variance to Spring 2021 addendum	50,195	82,447	116,733	122,037

£'000	2022	2023	2024	2025
Spring 2023 forecast	1,006,754	1,080,360	1,147,922	1,160,678
Variance to Summer 2022	37,006	22,989	8,665	(28,275)

2.48 Deputy R.S. Kovacs of St. Saviour of the Minister for Treasury and Resources regarding the increase in mortgage rates (WQ.222/2023)

Question

Further to assurances provided in late 2022 that he would meet with the officers to work on a plan to help homeowners pressured by the increase in mortgage rates, will the Minister explain –

- (a) what actions have been taken since then for affected homeowners and what support is currently available for those impacted by this situation; and
- (b) given the further recent rise in the Bank of England rate, what actions does the Minister intend to take to support homeowners at risk of losing their homes, if they are unable to keep up with the increased mortgage payments?

Answer

Earlier this month, the Bank of England increased Base Rate to 4.5%. Base Rate rises typically feed through to the mortgage rates charged to mortgage holders paying non-fixed rates of interest (eg those paying standard variable rate or on tracker rates). As I said in evidence to the Corporate Services Scrutiny Panel meeting ([link](#)) the majority of Jersey mortgage-holders hold long-term (5 year) fixed rate mortgages and are unaffected by changes in the Base Rate. Officials continue to discuss with mortgage lenders and have been reassured to hear that mortgage lenders will work with any homeowners affected by Base Rate changes and that there are no known homeowners at risk of losing their home. Officials continue to actively monitor this, and our current understanding is that there are very few homeowners' mortgages in arrears.

As I have subsequently confirmed during my Government Plan 2023-2026 review hearing with the Corporate Services Scrutiny Panel (on the 11th of November 2022) and my letter to the panel (dated the 30th of November 2022), it is not right to provide relief which would by its nature only be targeted towards homeowners.

The Government has supported Islanders with the higher costs of living with a package of measures announced in the mini-Budget. This included measures that benefited Islanders in 2022 (a doubling of the community costs bonus, increases in cold weather payments and monthly cash payments to low income households (COLTS), temporary reduction in social security contributions) and also in

2023 (additional increase in income support components from January 2023, significant increase in tax thresholds). Government will continue to monitor and will take further action as necessary.

2.49 Deputy R.S. Kovacs of St. Saviour of the Minister for Economic Development, Tourism, Sport and Culture regarding the Tourism Development Fund (WQ.223/2023)

Question

Regarding the Tourism Development Fund, will the Minister confirm –

- (a) whether this fund is still active, and if it is, what the current balance is, and what plans are in place for the next three years to utilise the funds; and
- (b) how much has been paid in and out of the fund each year since its establishment and to whom?

Answer

- a) The Fund is inactive with a remaining balance of £17,233.06.
- b) Grants paid into the fund are listed in Table i below whilst payments from the fund are broken down by recipient in Table ii.

Table i

Year	Grant received ³
2001	-
2002	-
2003	£19,700,000
2004	-
2005	-
2006	£1,000,000
2007	-
2008	-
2009	-
2010	-
2011	£650,000
2012	-
2013	£500,000
2014	£500,000
2015	£500,000
2016	-
2017	-
2018	-

³ Excludes interest

Table ii is available at the following link: [WQ.223/2023](#)

2.50 Deputy G.P. Southern of St. Helier Central of the Minister for Home Affairs regarding updating the Matrimonial Causes (Jersey) Law 1949 (WQ.224/2023)

Question

Will the Minister advise of any ongoing or intended work in relation to updating the Matrimonial Causes (Jersey) Law 1949; and if such workstream exists, what proposed changes are included within it?

Answer

As set out in my Ministerial Plan for 2023, progressing reforms to Jersey's divorce processes, as set out in the Matrimonial Causes (Jersey) Law 1949, is one of my key priorities. Work is progressing to bring the required legislative and other amendments forward, post 2023, with changes proposed in the following areas:

- Removal of the requirement for three years of marriage before divorce proceedings can commence;
- The introduction of "no fault" divorce. The proposed amendments will remove the existing fault-based reasons for divorce from Jersey's legislation;
- Amendments which allow "joint filing" for divorce;
- The introduction of "no contest" divorce;
- Increasing the time frame between the granting of a decree nisi and decree absolute;
- Introducing Regulation making powers to enable matters such as pension sharing to be considered at a future time.

The focus of these proposals is on diffusing potential conflict, building in time for reflection and reconciliation and removing those barriers that hinder couples who decide to try and reconcile their differences, for example introducing an extended minimum timeframe between decree nisi and decree absolute and allowing spouses to continue to live together during that period.

Similar amendments will be brought forward to the Civil Partnership (Jersey) Law 2012 so that there is alignment for married couples who seek a divorce and those in a civil partnership who seek a dissolution of that partnership.

2.51 Deputy C.D. Curtis of St. Helier Central of the Chair of the States Employment Board regarding the consideration given to Standard 3 of the Jersey Appointment Commission's guidelines (WQ.225/2023)

Question

Given that Standard 3 of the Jersey Appointment Commission's guidelines sets out that "*Each role will be advertised in such a way to encourage applicants from all sectors and groups, especially those who are under-represented at senior levels within public service*"; will the Chair explain what consideration, if any, was given to this standard when the recruitment for the Director General of the Children, Young People, Education and Skills department took place?

Answer

Consideration was given to all aspects of the SEB's obligations in respect of recruitment to this position.

2.52 Deputy C.D. Curtis of St. Helier Central of the Chair of the States Employment Board regarding the Jersey Appointment Commission's guidelines for the recruitment of the Director General for Children, Young People, Education and Skills (WQ.226/2023)

Question

Further to information provided within a [Freedom of Information request published on 21st April 2023](#), will the Chair explain why the Jersey Appointment Commission's guidelines were not followed in relation to the recruitment of the Director General for Children, Young People, Education and Skills?

Answer

The Jersey Appointments Commission were consulted and involved in both the process for appointment for the interim and permanent role for the Director General / Chief Officer position. This followed the guidance of the JAC for a competitive process.

A member of the JAC was part of the Panel.

Other employment factors were a consideration in modifying the procedures of the JAC, which were done with the agreement of JAC.

3. Oral Questions

3.1 Deputy R.J. Ward of St. Helier Central of the Minister for Infrastructure regarding contingency planning for increased traffic flows arising from the movement of gym facilities to Springfield Stadium (OQ.97/2023)

Will the Minister explain what contingency plans are in place for the increased traffic flow around Springfield Stadium generated by the closure of Fort Regent and the subsequent movement of facilities to Springfield; and, further to this, what communication, if any, has been undertaken with other Ministers or the Connétable of St. Helier regarding this issue?

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

The closure of Fort Regent involved a comprehensive assessment of traffic around the Springfield Stadium as part of a planning application for the recent refurbishment works. Measures to manage the increased traffic included upgrading the main site access, extending car park capacity to 61 spaces, that is inclusive of disabled and electric vehicle spaces, and promoting sustainable travel with additional cycle parking and pedestrian pathways. The transport assessment suggested that the potential impact on traffic during peak hours would be low and could be managed. The Parish of St. Helier were aware of the plans and I note they submitted a formal consultee response as part of the planning process.

3.1.1 Deputy R.J. Ward:

I have been contacted by a number of residents who have said at times it has been gridlocked around that area, particularly when there are school clubs. Was the Minister aware that this might happen in any of the contingency plans or the planning for traffic that were made before the move from Fort Regent?

Deputy T. Binet:

I think there are always going to be concerns in that regard and to that end I took a visit to the gym myself yesterday evening, and I spoke to a number of people in the gym about a number of things. I think we need to wait a little while longer and see how things pan out.

3.1.2 Connétable A.S. Crowcroft of St. Helier:

Is the Minister aware of an agreement made some years ago by the then Minister responsible for Fort Regent, former Deputy Pat Ryan, that no loss of green space should be suffered at Springfield as a result of increasing car parking? While we know that more parking is needed, I am slightly concerned to be reassured that there has not been any loss in children's play space or green amenity space as a result of the increase in parking.

Deputy T. Binet:

As I understand it, the Parish put in an objection to the plans to relocate the children's car park and, as such, the green space has been preserved. I can confirm that there are no plans at the moment to change that, so hopefully that is reassuring.

3.1.3 The Connétable of St. Helier:

On a recent visit to Springfield it was pointed out to me that the front area, in front of the entrance, has been largely given over to cycle parking. While of course that is a good thing, there were concerns raised to me by members involved in the running of Springfield that this space in front of Springfield could be put to better use than parking of any vehicles and, furthermore, that there were issues about the potential for young people to run out of Springfield Stadium into a very busy road. I wonder whether the Minister would be willing to meet with me, and perhaps Deputy Ward, to discuss how this part of Springfield could be enhanced and made secure.

Deputy T. Binet:

I am very happy to do that.

3.1.4 Deputy S.Y. Mézec of St. Helier South:

Does the Minister recognise the validity of the concerns that have been raised by residents in the area about the level of traffic that they have experienced in the recent days since the opening of the facilities at Springfield and, if he does recognise the validity of those concerns, what options does he believe he has to try to alleviate that?

Deputy T. Binet:

I most certainly recognise the validity of those concerned; it would be stupid not to. As I have said, these are early days. I think there are a lot of people that attended in the first couple of days just to see what the facility looked like. I do think we need to wait a little while longer to see how things pan out and we are and will be continuing to monitor the situation. I am very happy, as I said before, to turn up onsite and to invite those concerned to meet with the Traffic Department as well.

3.1.5 Deputy G.P. Southern of St. Helier Central:

Does the Minister recognise the words of one of his colleagues who said that users of Springfield will get used to the absence of parking? What way would they get used to the absence of parking apart from by not turning up?

Deputy T. Binet:

I am in danger of repeating myself. We are going to monitor the situation and see what we can do going forward. It has to be said it is not an ideal situation because at Fort Regent the gym was enormous and there were a multitude of carparking spaces. But, as the Deputy will know, Fort Regent

is in a mess, it is full of asbestos and it is all inappropriate. We had to do something and this is what has been done.

3.1.6 Deputy L.V. Feltham of St. Helier Central:

Could the Minister confirm that part of monitoring the situation will include the monitoring of air quality around the area?

Deputy T. Binet:

It has not been suggested by anybody. I am not really sure how valid that is in relation to the attendance of the gym. I think we have 10 gyms, some of them of a similar size in town, and I am not sure that that is really a profitable exercise.

3.1.7 Deputy L.V. Feltham:

The Minister mentioned that he had visited the gym, could he confirm if he spoke to just gym goers or did he speak to my constituents in St. Helier Central?

Deputy T. Binet:

I went to the gym to speak to the managers of the gym and the people attending at the gym. I did not have a great deal of time, it was on my way home later yesterday afternoon. So the answer to that question as far as residents are occurred is no.

3.1.8 Deputy R.J. Ward:

It is a shame the Minister did not drop into our drop-in session that we run every Monday at Springfield Café. He is always welcome. Today I intend to lodge a proposition, if it has not already been lodged, to enable Active card users to use the hopper bus - I am trying to remember the word - for free for a set time to try and alleviate some of the traffic issues and try and encourage some out of their cars. Will the Minister be supporting that proposition?

Deputy T. Binet:

I will tackle the first thing first. I have requested a visit to Reform on a Monday afternoon, and I am not sure but I think there is a slot for me later in the summer. We have discussed it so it is not something that has escaped me.

[9:45]

Now I have forgotten the second part of the question. Hopper bus: yes, very happy to consider that.

3.2 Deputy C.S. Alves of St. Helier Central of the Minister for Infrastructure regarding the planning and assessments undertaken ahead of the closure of the gym at Fort Regent and the relocation of facilities to Springfield Stadium (OQ.105/2023)

Will the Minister advise what planning and assessments were undertaken and what data were collected prior to the closing and relocation of the sports clubs who used Fort Regent, and the gym there, to ensure there was sufficient space and the same quantity, quality, and variety of equipment at Springfield Stadium (or other facilities) and that the same number of users could be accommodated?

Deputy T. Binet (The Minister for Infrastructure):

I am sorry, I thought the questions had ended and I am having a conversation.

The Bailiff:

This is the next question, this is question 2. It is also addressed to you, Minister.

The Minister for Infrastructure:

If I could ask the Assistant Minister for Infrastructure, Deputy Stephenson, to take it up because she is specialising in ... apologies for not paying attention.

Deputy L. Stephenson of St. Mary, St. Ouen and St. Peter (Assistant Minister for Infrastructure - rapporteur):

The decant of sports clubs from Fort Regent has been an ongoing project for more than 18 months. The previous Government made a commitment to find alternative venues for all those at Fort Regent and conversations and dialogue have been continuous throughout the process with all those involved. The most significant piece of work underpinning that decision was the 2018 sports facilities delivery strategy undertaken by K.K.P. (Knight Kavanagh & Page). This then led to further work, which developed into the inspiring active places strategy. Both of those documents are publicly available and I would be only too happy to circulate them to Members. Studies undertaken prior to the design and build of the new Springfield gym determine that the Fort Regent gym operated with a high level of overcapacity. This new facility at Springfield was designed to cater for existing members and to provide further capacity. The variety of equipment at the new Springfield gym facility has been chosen to cater for a variety of needs. It is some of the best equipment available on the market. An amount of cardiovascular equipment has been moved from Fort Regent to Springfield, as it was relatively new and in good condition.

3.2.1 Deputy C.S. Alves:

I am sure the Assistant Minister was aware that there has been quite a lot of feedback regarding the restriction of space within the gym, and a lot of this has been quite negative. Can the Minister advise whether she will be taking on board the comments that are currently being published in various places, including Facebook? If so, how can people reach out directly to the department to ensure that this feedback is taken on board?

Deputy L. Stephenson:

Yes, absolutely. The sports facilities team and I are continuing to monitor, absorb and reflect on all the feedback being received, and I am very actively monitoring that personally as part of that process. I would encourage anybody who does have questions or concerns to reach out to the staff onsite. They are also very welcome to contact me directly. My details are online.

3.2.2 Deputy R.J. Ward:

Some of the specific concerns that have been raised with myself is particularly the space for those who use free weights. They are saying there is simply not enough space to exercise appropriately. The concern is that these people may well leave the Active card system and go elsewhere. Is the Minister concerned about people leaving and not using the Active card facilities themselves?

Deputy L. Stephenson:

I think the reality here is that the gym has moved from a very, very large space at Fort Regent, and the K.K.P. report that I referenced earlier concluded that it was significantly over capacity. I appreciate that that change is always going to be difficult moving into a smaller right-sized environment for the market we are looking at here. Once again, we do monitor and take on board that feedback. Naturally, with any kind of move like this, there is always going to be a need to make small adjustments along the way. There will be some snagging as well that is needed. Very much aware of concerns and would encourage people to raise those and keep communicating well on how they are being affected.

3.2.3 Deputy R.J. Ward:

The Minister mentioned the word “market”. Is there not a concern that effectively other gyms, private gyms, will provide a better facility and therefore because of this market that seems to have been set up with an inadequate facility for some, they will simply move to private gyms and we could be seeing the end of a very successful system of Active card, et cetera.

Deputy L. Stephenson:

It is absolutely not the intention here to see the end of the Active offering whatsoever. This is about providing the right kind of sports and active facilities that can be sustainable and fit for the future in the correct kind of environment. The evidence has been very clear that Fort Regent was not providing that environment. I appreciate that there are questions about if some people may choose to leave their membership. Obviously they are private decisions. There has been a huge increase in the number of private gyms in Jersey in recent years and also the price points on some of those gyms have started to reduce. But currently Active offers a very good price point for Islanders and I do not see that going anywhere at all.

The Bailiff:

Deputy Binet, you would not normally be in a position to intervene at this stage having allowed the ...

Deputy T. Binet:

Sorry, I had something to say that may have helped.

The Bailiff:

I am afraid there is only one person that can answer the question at a time.

3.2.4 Deputy C.D. Curtis of St. Helier Central:

Would the Deputy consider moving some of the activities such as for the heavy weight trainers to another facility? This would leave more space at Springfield for exercise referral users and general fitness trainers.

Deputy L. Stephenson:

I would be interested if the Deputy has any suggestions about where those weights should go to. I would also recognise that some people choose to use cardiovascular equipment and weights as well in the same workout. So I am not sure and I have seen no evidence to suggest that that would be the right way forward. What I will say is that there are ongoing discussions about how we may be able to open up other Active facilities in future, perhaps out on smaller scales that maybe already exist out in the community, and now that the move from Fort Regent has happened it may enable us to start looking at how we bring online those facilities for the public as well.

3.2.5 Deputy M. Tadier of St. Brelade:

Would the Assistant Minister confirm that there are no plans and whether there have been any discussions about privatising the Active card offering? Would she also state what her stance is on the privatisation of the currently publicly-owned Active scheme?

Deputy L. Stephenson:

I have had no discussions about the privatisation of the Active scheme. I have no real views on it currently. As I say, Active offers a very good offering to Islanders at a very good price point and I believe they are doing a very good job with that.

3.2.6 Deputy L.V. Feltham:

Given the Assistant Minister's answers to previous questions, is she admitting that there are groups of people that are less well-served by the new facilities and, if so, who are those groups of people?

Deputy L. Stephenson:

I am not quite sure what the Deputy means there in reference to my previous questions. The only thing I can think is that the suggestion that some people may choose not to go to Springfield now that it has moved. But I think, as the Minister said earlier, we are very much in the early days of this gym. I think it has been open for 8 days now. Let us give it some time, see where we get to. The Minister and I will be paying close attention to how things settle down and bed in and we can move on from there.

3.2.7 Deputy L.V. Feltham:

Is the Assistant Minister aware of any cancellations to Active card members due to the change in facilities?

Deputy L. Stephenson:

I have asked for an update on usage figures and exactly that question, and in the next couple of weeks I will be supplied with them, once again, once we have had a chance for the situation to bed in and settle down.

3.2.8 Deputy C.S. Alves:

The Minister mentioned in one of her answers that there had been consultations over 18 months regarding the clubs that were being moved and alternative venues had been looked at. We recently had a couple of those club owners come into our constituency drop-in session and they had concerns regarding the space that they were being given, which I believe was meant to be at Oakfield, and the terms of the contract that they currently have in place being cancelled. Can the Minister give some reassurance that these clubs will be given like-for-like contracts or, at the very least, the exact same facilities and space that they were given up at Fort Regent to enable them to carry on operating in the way that they have done for so many years?

Deputy L. Stephenson:

I thank the Deputy for her question. The project at Springfield has been going on for 18 months. The engagement with those clubs and organisations has been going on significantly longer. The previous Government made decisions on that basis. I have also personally met with the clubs that remain at Fort Regent, which I believe the Deputy is referring to, more than once and continue to engage with them. Officers have as well. Their needs and requirement for space and timetabling have very much been taken into account.

3.3 Deputy A. Howell of St. John, St. Lawrence and Trinity of the Minister for the Environment regarding the prospect of reinstating a dedicated Planning Office. (OQ.93/2023)

Will the Minister advise whether he has given any consideration to reinstating dedicated Planning Department offices, with all personnel working together in one place; and if not, why not?

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

I thank the Deputy for her question. In fact, for the last 3 years all planning officers have worked together in one place; the officers at 28-30 The Parade. The problem with that building being that it has no front of office, there is no reception, no ability for the public to engage with officers. As a result of the Mackinnon Review, which Members will know was published a couple of weeks ago, I undertook to reinstate a public facing planning officer function at C.L.S. (Customer and Local

Services) in La Motte Street and that should be happening very soon, within a matter of a week or 2. So there will be that front-of-office function, which I think is what the public have missed. Of course when the Government moves into the new building in the summer of next year, at least that is when it is scheduled, all planning officers will be in one place and there will be in that one building also the ability to meet with the public.

3.3.1 Deputy A. Howell:

I appreciate the fact that La Motte Street is going to have someone there. It was just I was going to ask the Minister if he feels that the service to Islanders is not as good as we used to have when everyone was together at South Hill, when we could ask ... it was not just a support officer at La Motte Street, it was all of the officers together.

Deputy J. Renouf:

There are really 2 parts to that. I would reiterate all planning officers are together. The problem is that they cannot be accessed easily in that building. When we reinstate the officer function at La Motte Street it will be with planning officers. It will not be with junior staff. The quality of advice will be good. I am told that in the past at La Motte Street planning officers were subject to questions such as: "Where is the nearest public toilet?" So there were reasons why it was considered to be not an efficient use of officer time. But I do recognise that inability to meet with planning officers is a significant issue and that is why we have taken action on it. I think that that is a key part of the delivery going forward. The Mackinnon report recognised that customer service in general in Planning has not been good enough over the last few years and my action plan, and indeed the detailed implementation plan which I developed, will be intending to address that very thoroughly.

3.3.2 Deputy M.B. Andrews of St. Helier North:

Can the Minister confirm how many planning officers are working overseas and what impact does this have on the delivery of services?

Deputy J. Renouf:

I do not have that figure to hand but I think it has been the subject of written questions in the past. It is, in any case, a figure that fluctuates. It is not a high number. There is a tension here, is there not? We want to clear backlogs in the planning system and we are unable to recruit into all the posts that we need in the short term so we use officers from the U.K. (United Kingdom).

[10:00]

I think from memory it is 2 at the moment. It is not a large number - one or 2 - to help clear those backlogs. I think that is an appropriate and proportionate response to the problems we have. But the long-term solution is unquestionably to fill the posts that we have and that programme of recruitment, I am pleased to say, is going pretty well. We are beginning to fill key posts that have been empty for quite a while.

3.3.3 Deputy M.B. Andrews:

Can the Minister confirm how many of the agencies there are currently in the Planning Department?

Deputy J. Renouf:

Once again, no, I cannot confirm that exact figure off the top of my head. Again, I think it has been the subject of written questions. I am very happy to contact the Deputy and indeed circulate to Members the current figure. It is a moving target and, as I say, the most important thing from my point of view is that it is coming down. We are filling into key vacancies. Just for example, a person will take up a role in June ahead of the regulation and validation part of the planning function, which was identified in particular by the Mackinnon report as the area of most concern. We are beginning to address it with a very determined plan of recruitment and also, by the way, running a scheme where

we take junior planners on from school and from college and nurture them through the system to become trained planners in Jersey.

3.3.4 Deputy L.V. Feltham:

Given the current closure of La Motte Street and the lack of parking around Philip Le Feuvre House, does the Minister consider that that is the best place to have open public access to planning officers?

Deputy J. Renouf:

I think the reality is it is the best place because it is the place that is available. There are very rarely perfect answers but it is well-known to the public that that is the public-facing part of the government and I think certainly the feedback we had was: "Why can we not have La Motte Street back?" I think it is the best that we have but it is also worth remembering it is a temporary solution. We are aware that it is not ideal and in just over a year's time hopefully we will be in a shiny new office where the officers will have the ability to meet with the public without having to go to a separate building.

3.3.5 Deputy L.V. Feltham:

Will the Minister undertake to take feedback from visitors to the Planning Department at La Motte Street and seek to improve access, if indeed that is required?

Deputy J. Renouf:

One of the recommendations in the Mackinnon report was to have a system of feedback, not just for people coming to meet planners but more generally from all stakeholders. That is something I committed to in the action plan and we will work out the best way of achieving that. But customer feedback is a fundamental part of improving service and one of the things I would say is that one of the encouraging things that came out of the Mackinnon report was the determination on the part of staff to improve the service. Staff are aware that they are not the service that Islanders deserve. I think one of the good things we have now is a road map to how to improve things and a commitment within the team to do that, and feedback is most definitely a part of that.

3.3.6 Deputy M.R. Scott of St. Brelade:

Would the Minister agree that the availability of planning officers is quite crucial to the service to the public. On this note, will the list of phone numbers for planning officers that used to be available on the government website be reinstated so that the public can contact them by telephone?

Deputy J. Renouf:

I agree that the ability to talk to planning officers is crucial. It was certainly one of the key things that the Mackinnon report highlighted, that the ability to ... particularly in advance of applications going in, so the preapplication advice can be provided and it is very important. I have committed to improve that. I will look at the question of whether or not phone numbers can be provided and report back to the Deputy on that.

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

If, as the Minister says, it will be a year before the public are able to access the planning officers themselves within the new government building, my view is that it is absolutely crucial that particularly for major developments it is the planning officer themselves who should be able to answer the public's questions and I do not believe that the people based at C.L.S. will be able to answer any in-depth questions. Does the Minister agree and if so, how will he mitigate this? Will the public be able to be referred to the officer who is dealing directly with the application, as used to happen at South Hill when there was a reception there?

Deputy J. Renouf:

The intention is that a planning officer, not a member of C.L.S. staff, will be based at La Motte Street. Therefore I believe that that will help mitigate the issue. But what will have to happen is if that planning officer is not directly responsible for the issue which the member of the public or the developer brings to the table, so to speak, then they will need to be referred to make an appointment with the relevant officer because that is the only way that they will be able to deal with that level of detail in the advice.

3.3.8 The Connétable of St. Lawrence:

I would like to go back to Deputy Scott's question because in days gone by it was far easier to contact the planning officers because we had direct numbers for them. I do believe that the Minister should not be taking time to think whether that should be available again. It should be available. So will he please answer now whether he agrees that planning officers should be immediately accessible to the public by giving their contact details? Far too many departments now we are not able to contact the officers dealing with matters that we need to speak to them about, and that includes States Members as well as the public.

Deputy J. Renouf:

My only reservation around that is that I do not know the reasons why that practice was stopped. I do not know whether it is the case that every planning officer has a unique phone number in the office and whether there were specific reasons why that practice was stopped. As I said, I am very happy to look into it and, assuming there is no fundamental reason why that should not be the case, since the whole commitment and my commitment in response to the Mackinnon report was to improve customer service, I will do everything I can to make sure that that happens.

3.3.9 Deputy A. Howell:

I thank the Minister for looking into all these issues but I just would like him to reiterate that he wishes the public to be able to contact officers within the Planning Department and receive advice in a timely fashion.

Deputy J. Renouf:

Very happy to reiterate that point, which I think I have made in multiple forms during the course of the answers to these questions.

3.4 Deputy M.B. Andrews of the Minister for Treasury and Resources regarding the Income Tax contribution of High Value Residents (OQ.90/2023)

Will the Minister advise how much high-value residents contributed in personal income tax in 2022 through the 1 per cent rate applied above the income threshold, and how this figure compares with the four previous years?

Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for Treasury and Resources):

Data is not yet available for the 2022 year of assessment as the deadline for making tax returns for that year has not yet passed.

3.4.1 Deputy M.B. Andrews:

Can the Minister provide quantitative data to ensure there is a breakdown of the amount of high-net-worth individuals who have paid above the income threshold at a later date?

Deputy I.J. Gorst:

I have answered written questions in regard to previous years, and I give a commitment to once that data is available to putting it into the public domain, as the Deputy has requested.

3.4.2 Deputy M. Tadier:

Would the Minister either now or by circulating the information also state how the tax yield from the 2(1)(e)s compares with what one might call locally-grown millionaires and multimillionaires?

Deputy I.J. Gorst:

There comes a point where if the Deputy wishes to constrain his request so that it is answerable then I am more than happy to provide that information. But simply saying millionaires and multimillionaires in relation to tax liability is not something which I could answer in the way that I think the Deputy wishes.

3.4.3 Deputy M. Tadier:

If I could elucidate in that case for the Minister. He may accept that there is a fundamental unfairness at the heart of the 2(1)(e) scheme in the sense it gives a preferential rate of tax to a certain group of super wealthy, that locally grown super wealthy people do not get, they are taxed at 20 per cent as the Minister for Treasury and Resources knows. It will be useful to have a, as far as possible, like-for-like comparison between those 2 groups. Would he seek to provide information which he thinks is comparable and helpful to the Assembly so that we can examine the scheme in further detail?

Deputy I.J. Gorst:

We are making progress on a question which might be answerable. I will go away and communicate directly with the Deputy because simply saying someone is a millionaire or a multimillionaire, that can be in assets or income and therefore I think what the Deputy is asking, but I will need to just confirm with him in writing, is around income rather than assets. But I think rather than having this continual getting to a point to a question that can be answered that might be more useful.

The Bailiff:

There has already been a supplementary from the Deputy so we are not going any further with this particular point, unless Deputy Southern ...

3.4.4 Deputy G.P. Southern:

Does the Minister have an estimate of the figure required or asked for by Deputy Andrews? Does he have a current estimate of what that figure is?

Deputy I.J. Gorst:

No, I do not. As the Deputy will know, markets during 2022 were volatile. He will know from reading previous written responses that that element of tax from 2(1)(e)s is also notoriously volatile because it is related to market conditions.

3.4.5 Deputy G.P. Southern:

Does the Minister accept that operating without an effective estimate of this figure is doing things blind?

Deputy I.J. Gorst:

No, I do not accept that at all because it is connected with how profitable those individuals on their worldwide income might have been in any given year.

Deputy E. Millar of St. John, St. Lawrence and Trinity:

May I raise the *défaut* on Deputy Farnham please?

The Bailiff:

Yes, the défaut is raised on Deputy Farnham.

3.4.6 Connétable D. Johnson of St. Mary:

My recollection is that I raised a similar question of the Minister for Treasury and Resources in the last Assembly and a reply was to the effect that the 1 per cent take was in fact relatively small. If current figures confirm that situation at the present time, would the Minister consider abolishing this particular strand on the basis it appears to be no inducement to 1(1)(e)s and on the basis that the current situation does create an element of divisiveness in the community?

Deputy I.J. Gorst:

As the Connétable knows, the Chief Minister and what we call H.A.W.A.G. (House and Work Advisory Group) have just undertaken a review. I have lodged the result of that review in regard to legislation that needs changing. At this time that does not propose removing the 1 per cent rate. It is important when we come to discuss those regulations in due course that in light of those changes, should the Assembly accept them, that we give certainty to that particular cohort of either individuals or introducers, which is important as well, and I therefore would not be proposing to make further changes with what I have lodged before the Assembly currently.

3.4.7 Deputy S.Y. Mézec:

Is the Minister able to confirm - I guess not for last year but for the previous 4 years - how many or what proportion of 2(1)(e) residents in fact paid nothing that fell into the 1 per cent rate?

[10:15]

The Bailiff:

Are you able to answer that; it is stretching a little bit outside the time range posited by the question?

Deputy I.J. Gorst:

It is slightly misunderstanding because if they fell into the 1 per cent rate then they would have paid something. I think the Deputy is asking me a different question, which is how many 2(1)(e)s did not pay anything over the rate. I do not have that number in front of me but it is available to the department and I can provide it to the Deputy.

3.4.8 Deputy S.Y. Mézec:

Thank you, I would look forward to seeing that number. You would hope that it would be zero but I guess it is probably not. Following on from the aspect of the question by the Constable of St. Mary, who referred to the divisiveness of this scheme, does the Minister consider that it sends out a good message to the people of Jersey that for a part of our community it seems that painful rates of tax is optional?

The Bailiff:

Deputy, the original question was targeted precisely at specific contributions made for a year, which the Minister said he did not have the information available. I have allowed a fair amount of flexibility but I think that kind of policy statement or political statement is outwith the ambit of the question, in my view.

Deputy M. Tadier:

Could I suggest, I do not mean to challenge this ruling and seek to change it, but I think there is clearly a spirit behind this question from the questioner, which is seeking to get facts to establish a policy principle, which is probably to do with the unfairness and what the rate of tax should be if it is not the current one? I think it is probably a reasonable concluding supplementary.

The Bailiff:

Thank you, and I note you have not sought to challenge. In my view, we are just beginning to stretch too far off the back of the question. It is always open for Members to ask further questions and, of course, there are questions without notice, although not to this Minister, but to other Ministers who can consider the matter, if appropriate.

3.5 Deputy G.P. Southern of the Minister for Social Security regarding the operation and regulation of zero-hour contracts (OQ.103/2023)

Taking into account the evidence provided in annex A of the Employment Forum's report, *The Operation and Regulation of Zero-Hour Contracts in Jersey*, of poor practice, abuse, and absence of employee protections, will the Minister commit to act on the 7 issues regarding zero-hour contracts contained in the proposition, P.32/2021, that was adopted unanimously by the Assembly?

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

I refer the Deputy to the answer to Written Question 216/2023, which covers the same topic. The Employment Forum made a careful and detailed examination of each of the elements set out in proposition P.32/2021, for which I am grateful. I am considering the report and recommendations and will provide my full response shortly.

3.5.1 Deputy G.P. Southern:

By way of example and the simplest form, employers continue to be in breach of the provisions of the Employment Law by failing to provide a statement of terms and conditions and payslips to employees. This is the evidence in annex A. It does not say "some", it says, by way of example: "employers continue to use these practices", which are not fair. Will the Minister say whether she supports engagement and action on this particular front?

Deputy E. Millar:

As I have said, I will be producing a response shortly. The particular issue that the Deputy refers to is not isolated, I believe, to zero hours contracts and it is something that will be caught up in our response to both the zero-hour report and various other issues that have been brought to my attention recently.

3.5.2 Deputy R.J. Ward:

One of the recommendations from the Employment Forum is that an amendment should be made to the Employment (Jersey) Law 2003 to give employees the right to request and updated written statement of their terms of employment, where their existing statement does not reflect the reality of their working pattern. Will the Minister be bringing forward this amendment?

Deputy E. Millar:

Yes, I expect so.

3.5.3 Deputy R.J. Ward:

Is that a "yes"? Also, what would be the timeframe for that?

Deputy E. Millar:

I do not have a timeframe as yet. There may be other amendments we wish to bring forward at the same time, which will require consideration.

3.5.4 Deputy L.V. Feltham:

The question states that P.32/2021 was adopted unanimously by the Assembly. Can the Minister give her assurance that the spirit of that proposition will be followed through by her Government?

Deputy E. Millar:

The content of the report, the Employment Forum have given very clear recommendations and those will drive a response to the report.

3.5.5 Deputy L.V. Feltham:

Is it then the Minister's intention to rescind any of the actions previously agreed by the Assembly?

Deputy E. Millar:

I do not think I said I was going to rescind anything. I said I would be reviewing the report and considering ... I believe P.23 asked for certain things to be considered. The Employment Forum has considered it and we will respond to that report in due course.

3.5.6 Deputy G.P. Southern:

Will the Minister be equally positive around item 6 of the annex, which says there should be a right to compensation for shift cancellation or curtailment without reasonable notice? Would she support that particular action?

Deputy E. Millar:

The forum did not recommend a statutory right, but we will consider what should be done regarding that. As I say, I have to consider the report in detail with my team and we will produce a full response shortly.

3.6 Deputy L.V. Feltham of the Minister for Social Security regarding the Community Cost Bonus (OQ.99/2023)

Will the Minister update the Assembly as to what steps, if any, have been taken to ensure that eligible people are encouraged to apply for the community costs bonus before the application deadline?

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

I thank the Deputy for her question. As Members will recall, a significant advertising campaign to encourage take up of the community costs bonus was initiated as part of the Council of Ministers mini-Budget last year. I am very pleased to confirm that over 3,800 claims have been approved for the 2022 payments, which was 4 times more than the previous year. An update to the media was issued at the beginning of March, highlighting the mini-budget measures and, again, telling people how they could apply. The most recent communications were issued earlier this month to remind individuals that the 2022 scheme remains open until the end of June 2023. This included social media coverage, a press notice and an article on our Government to ask them to highlight to government employees and encourage them to spread the word to people they knew who may not have claimed. However, the number of new valid claims being received is now very low, with a significant number of duplicate claims being received made by households who have already received the 2022 payment.

3.6.1 Deputy L.V. Feltham:

As the Minister will recall, I did bring forward a successful amendment, which did expand the numbers of people that were eligible for the community costs bonus that would not have been eligible before. Those people are likely to be the least likely people to understand that they could claim. Has the Government undertaken to take any direct contact with the people who may indeed be eligible?

Deputy E. Millar:

I have already shared some of the extensive work that we did. It is difficult to identify sometimes people who may be liable and we need to expect people to come forward. As I say, we have had 4 times as many people claiming this bonus than have done previously. We have asked all States Members as well to remind their constituents that there is ... beyond routine and normal channels, I really think there is little more that Government can do to spread the message about this.

3.6.2 Deputy R.S. Kovacs of St. Saviour:

As Deputy Feltham mentioned, her amendment doubled households eligible now to apply for this bonus. What does the Minister think is the reason behind the continued low application, despite the increased need due to the cost-of-living crisis?

Deputy E. Millar:

I do not know. I really do not know. We have promoted this heavily. It is a very simple application process. As I say, we have worked with Deputy Kovacs, Deputy Porée and Deputy Alves to try and spread the word as much as we can within these communities. I would hope that Reform Jersey, who tell us that they speak to the most disadvantaged people all the time, are sharing the information. We have done very much all that we can and I simply do not know why people have not come forward. We have done everything we can to spread the word. As I say, 4 times more than previous years, we make big estimates about people who may qualify. Those estimates are over-ambitious. “Over-ambitious” is the wrong word. We need to be cautious in making estimates to ensure that we have funds there to meet claims. I cannot explain why if we have a cost-of-living crisis and if people need this money they have not come forward for it.

3.6.3 Deputy G.P. Southern:

Does the Minister have evidence of her success or otherwise in attempting to reach what are called hard-to-reach groups, i.e. those perhaps with English as a second language?

Deputy E. Millar:

I believe all the material is published in different language versions. We have gone through numerous stakeholders, schools, headteachers, Parish magazines, and charity stakeholders. We have asked the forum to help us in circulating that message around. I can only say, again, we have 4 times more applications this year. That in itself is an expression of the success of our efforts. There is very little more I can say.

3.6.4 Deputy L.V. Feltham:

Sorry, I am just getting my head together after hearing the Minister for Social Security say “if there is a cost-of-living crisis”. Given that, as the Minister has said, the take up has been lower than expected, will the Minister commit to collaborating with other Ministers and with colleagues within the Income Tax Department to see if there is a way that households that may indeed be eligible, based on their tax payments in previous years, can be contacted directly to be told that they could indeed apply for this particular bonus.

Deputy E. Millar:

I apologise for my slip of my tongue. I was simply trying to emphasise that the Council of Ministers has done a great deal to try to improve and make funds available, through numerous measures, for people who are struggling with the acknowledged cost-of-living crisis. Nobody has any doubt of that. It is difficult to draw information from tax systems. The Comptroller of Tax receives information for the purposes of assessing tax and it is difficult, I believe, for other parts of Government to access that information for purposes other than the purpose for which it is gathered. That is a consequence of our data protection and privacy laws. I can only emphasise, we have done everything we can to reach people who are entitled to this money. It is not a difficult process. They can apply online. They can apply in writing. They can drop into La Motte Street. They can phone. We have numerous channels for people to claim this benefit. We have done everything we can to extend awareness of it.

3.7 Deputy S.Y. Mézec of the Minister for Treasury and Resources regarding the planning application submitted by the States of Jersey Development Company for South Hill (OQ.101/2023)

Further to the announcement that the States of Jersey Development Company will appeal the decision of the Planning Committee to reject the application for a housing development on South Hill due to the proposed size of the apartments, will the Minister instruct the company to abandon the appeal and, instead, to focus on a new application which meets the requirements of the committee?

Deputy I.J. Gorst (The Minister for Treasury and Resources):

Following the sitting of the Assembly in March this year, I gave instruction to the S.o.J.D.C. (States of Jersey Development Company) that planning applications should not be made that included any units that are under the minimum-sized standards. It has been confirmed that any such future application, including this application for South Hill when resubmitted, would include all units meeting the minimum-sized standards. I therefore do not intend to ask for the appeal to be withdrawn.

[10:30]

3.7.1 Deputy S.Y. Mézec:

If such an application will come forward in the future that satisfies those requirements on minimum sizing, which was one of the key reasons the Planning Committee rejected the previous application, what sense is there in continuing with an appeal when the company already knows what the grounds are upon which its previous application failed and presumably already has the information which it needs to put forward a successful appeal. Is it not a waste of time and resources that a body, which is meant to be accountable to elected States Members is appealing against the legitimate decision of a committee populated by elected States Members?

Deputy I.J. Gorst:

No, I do not think it is. As often happens in planning, the departmental expert, as we might call them, has a view based on the Island Plan or planning legislation. Rightly the planning panel takes a nuanced or slightly different view. All perfectly legitimate, but it is absolutely right and appropriate that developers, any developer, can challenge either side of those decisions. A decision can be appealed because the developer thinks the expert is wrong. There are a number of grounds upon which the refusal was based. I am absolutely clear that S.o.J.D.C. have fully understood that they will not be bringing either this or any other application under-sized. They are clear on that. There are other elements which it is right for an independent expert to opine upon.

3.7.2 Deputy A. Curtis of St. Clement:

I will follow on from Deputy Mézec's point. The S.o.J.D.C. say in their annual report that they are to report to and are accountable to the States Assembly, who are accountable to the public of the Island. Island Plan policy is nuanced. Does the Minister not think, to Deputy Mézec's point, that a more nuanced point taken by democratically-elected Members, who spend a lot of time looking at plans and reading the documentation, is more worthwhile to take on account than an inspector's view?

Deputy I.J. Gorst:

While that may be a point of view, we would be entering extremely dangerous territory if we sought in any way to undermine the processes that we have in place. First of all, we have this Assembly that produces the legislation. We have this Assembly that produces the Island Plan. Then we have the experts' interpretation of what this Assembly was trying to achieve through the legislation and the Island Plan. Then, rightly, as following the U.K. model, we have the Members of this Assembly sitting on the planning panel, which gives a direct democratic overlay to ultimately those decisions.

On top of that, any decision of any body of this Assembly, be it a Ministerial creature or be it the planning panel, rightly can appeal either to an independent planning inspector or to the Royal Court. It would be of fundamental detriment to checks and balances if we accepted the view that the Deputy perhaps espoused.

3.7.3 Deputy A. Curtis:

I completely appreciate the option and process to appeal. Does that mean the Minister thinks that the ability for the States Assembly to direct the S.o.J.D.C. is broken and we need a new mechanism to ensure that whatever the S.o.J.D.C. do bring is in line with the will of the States Assembly?

Deputy I.J. Gorst:

The States Assembly has made its decisions in the legislation and the Island Plan. Any developer, any applicant, be it a private individual or a developer, has a right to expect that the decisions emanating from the department and also emanating from the planning panel are in line with the legislation and the Island Plan. However, it is right that there can be debate, there can be disagreements and when there are those debates and disagreements there should be appropriate appeals mechanisms, whether that is to an independent inspector, whether it is in some cases to the Minister or in other cases it is to the Royal Court.

3.7.4 Deputy M. Tadier:

I cannot help feeling that Deputy Gorst is the master of evasion. We are not asking a question about whether an appeals process should be in place. Of course, there should be appeals processes, but only when an applicant disagrees with the results they are being told by the civil servants or the Planning Applications Panel. Is the question not: should the S.o.J.D.C. be pursuing this, given the comments of the Deputy in the meantime, which said he did not want the S.o.J.D.C. to pursue, to submit, applications which were below minimum sizes? Does it not fly in the face of his political assurance that he gave to this Assembly only a few weeks ago?

Deputy I.J. Gorst:

No, I do not believe it does, because that assurance holds good: there will be no application, whether it be this one or any other, which is below minimum standard. However, there were other grounds that the panel gave for rejecting the application, which were at odds with the expert opinion of the planning officer; nothing wrong with that. However, when that happens, we can expect appeals.

3.7.5 Deputy M. Tadier:

How can we be assured that the S.o.J.D.C. will not continue to submit applications that are below size if they do not agree with the definitions that are given about minimum standards by the department, which has been proven in this case? The question I would like to ask as a supplementary, the main question, is: does it not follow that if the Minister does not want them to submit applications that are below size that they similarly should not pursue appeals for applications which are below size?

Deputy I.J. Gorst:

I generally like to answer them all, but time will not permit. We remind ourselves that it was made clear to the S.o.J.D.C. in advance of the Planning Applications Panel hearing that it was not acceptable, despite what the planning officer might have indicated that there should be any below-sized units in that development. The S.o.J.D.C. were, on that day, prepared to amend and resubmit their application with only in-size units. For all sorts of technical reasons that was not permitted. I make no comment about that and that is why it is right for them now to undertake this appeal. I am absolutely clear and have been clear with them, and I can be clear with this Assembly, they have given me their assurance and we discussed this appeal in advance of them making it, particularly around the minimum standards, that they will not resubmit this application or any further application

that does not meet the minimum standards as agreed by the Planning Department. I can give no other assurance than that.

3.7.6 The Connétable of St. Helier:

Would the Minister agree with me that there is a risk that this site could become a little like a site not a million miles distant, La Folie, which has been in the States' ownership for some years and which the States has done absolutely nothing with. We could see South Hill left emptied of planning officers and other departments while the States of Jersey argue about what is the best future for the site.

Deputy I.J. Gorst:

Sadly, the Connétable is absolutely right. We have done that on myriad occasions in the past and it really ought to shame us. We should let them do the appeal. They will resubmit an application where units are appropriately sized, within the minimum standards, that the department proposes and we can get on and start building some units of accommodation.

3.7.7 The Connétable of St. Helier:

Would the Minister go further and state that he shares my confidence that the S.o.J.D.C. can take a site that the States of Jersey has prevaricated about, such as the former Jersey College for Girls, which was derelict for most of my career in the States, and turn it into the really successful development of accommodation, College Gardens? Does he share my confidence?

Deputy I.J. Gorst:

I am going to upset colleagues now. I drive past that development every morning - I know some will say I should cycle - on the way to school and I am more often than not reminded of what a great job was done in that development. It looks good, they have respected the old building, they have built new units and they can do so again.

3.7.8 Deputy S.G. Luce of Grouville and St. Martin:

It is usual when senior civil servants disagree with their Minister that they would write to that Minister and say: "I know what you are telling me and I do not agree, but I will do what I am told." Given this circumstance, would the Minister agree with me, given that the Planning Committee is appointed by the Assembly and the development company are in some ways a de facto Ministry, that regardless of the reason for the appeal, they should never appeal any decision of the Planning Committee?

Deputy I.J. Gorst:

In effect I have answered that question. I beg to disagree with the Deputy.

3.7.9 Deputy S.G. Luce:

While I respect the Minister's answer, I do not agree with it. Surely this Assembly is the decision-making authority. We agree the Island Plan, we then appoint a Planning Committee to administer that on our behalf and on behalf of the public. If the S.o.J.D.C. are owned by us, I would hope the Minister would agree with me in reflection that they should not be challenging decisions of the Committee.

The Bailiff:

That was a speech, not a question, Deputy Luce.

Deputy S.G. Luce:

I was hoping the Minister would agree with me, Sir.

The Bailiff:

The inchoate question, yes.

Deputy I.J. Gorst:

I certainly enjoyed his speech. Thank you.

3.7.10 Deputy S.Y. Mézec:

The Minister has made repeated reference to the process that any developer is able to follow. However, we are not talking about any developer, we are talking about our developer, which is meant to be accountable to this Assembly and seems to think that it is above the decisions that have been made by a committee, which has been appointed by this Assembly. Would the Minister, seeing as he is clearly not willing to ask the S.o.J.D.C. to abide by decisions of the Planning Committee, quite disgracefully in my view, will he instead inform this Assembly of how much money, which ultimately belongs to the taxpayer because we own that company, is being wasted by pursuing an appeal against a legitimate decision of the Planning Committee rather than putting a proper application in place that meets our aspirations, so that we can at some point see a decent development on there that is not plagued by all of the difficulties that the Planning Committee have already told them about?

Deputy I.J. Gorst:

We heard there, encapsulated, the point that the Constable of St. Helier was trying to make. We can choose to say to the S.o.J.D.C., despite the fact that the expert said things about the application that it was in line with the law and the Island Plan, the Planning Panel had a different view - and that is perfectly legitimate, as I said earlier - we can either deal with those technical planning issues in the appropriate way, following the appropriate process or we can say to S.o.J.D.C.: "Go back to the drawing board and submit a brand new application." The cost of which will be many of hundreds of thousands of pounds, if not millions of pounds, while leaving a site idle. The opportunity costs for Islanders needing accommodation is far greater than we can quantify in monetary value. I do not accept the question.

3.8 Deputy M. Tadier of the Chief Minister regarding the advice received to support the decision not to proceed with an independent review of the circumstances surrounding the unlawful search of premises (OQ.95/2023)

Further to the response to Written Question 147/2023, does the Chief Minister agree that taking independent advice is not the same as commissioning a full independent inquiry into the circumstances surrounding the unlawful search of premises; will she publish the independent advice received and if not, why not?

Deputy I.J. Gorst:

Sir, I am answering this question, as discussed with your Chambers.

The Bailiff:

Thank you very much, yes.

Deputy I.J. Gorst (The Minister for Treasury and Resources - rapporteur):

The statement made by the Chief Minister on 22nd November 2022 when this issue came to light, referred to an independent review, not an inquiry.

[10:45]

As stated last month in respect of the question regarding the investigation led by Jersey's Economic Crime and Confiscation Unit, which sits within the Law Officers' Department, after taking independent advice, the Government is satisfied that the Attorney General and the Chief of Police have reviewed the circumstances around how the operation error with the warrants are raised and

have agreed measures that have now been put in place to ensure that such an operational error concerning the application of warrants does not happen again. Therefore, it is the case that independent advice was taken and that a process took place to assess how the error happened, followed by the implementation of measures to ensure it cannot happen again. As the Deputy will also note from the statement made in January 2023, there is ongoing work being undertaken by all parties on the memorandum of understanding which was developed when the Economic Crime and Confiscation Unit was established. While there is an ongoing investigation we should and cannot say any more on this issue at this time. This also means that it would not be appropriate to share the independent legal advice.

3.8.1 Deputy M. Tadier:

Let us be precise. In fact, it was not legal advice that the Minister promised and she did not use the word “inquiry”, to be fair, but she did say: “I have therefore requested an independent review that is undertaken following recent media reports, so that we can have confidence in our system, essentially.” Does the Minister accept that the written answer acknowledges that the legal advice sought is not the same as having an independent review, because it says in that written answer that the advice obviates the need for a review? It does not say because it is a review. In fact, there is a presumption that an independent review should be reviewed by somebody who is independent, not by Government. Can the Minister confirm those 2 things are not the same and that what this constitutes is a U-turn at the very top level of Government?

Deputy I.J. Gorst:

While I am happy to say that independent advice is not a review - of course I am - they are 2 different things, I do not accept the statement the Deputy has just made. It was appropriate, in my view, for the Chief Minister to have made her initial statement. Appropriate actions were then taken, delegated to others, because of the circumstances that this Assembly heard about at the last sitting. Those actions, based on the independent advice, are appropriate as well.

3.8.2 Deputy R.J. Ward:

Can I ask the Minister who gave the independent legal advice?

Deputy I.J. Gorst:

Independent lawyers.

3.8.3 Deputy R.J. Ward:

Can the Minister confirm that advice can be published with the consent of lawyers or the consent of the client?

Deputy I.J. Gorst:

No, I cannot advise that. As the Deputy knows, it is an ongoing case and I would not wish to do anything which might prejudice that ongoing case.

Deputy R.J. Ward:

Sorry, that was not the question. The question was: is the Minister aware that advice can be published with the consent of lawyers and the client themselves? It was not to do with whether it is an active case now. That was, I believe, a diversionary answer.

The Bailiff:

It was an answer that addressed what I thought was the thrust of the question, but are you able to answer the specific question: do you know whether as a matter of law if the giver of the advice and the receiver of the advice both agree the advice can be published?

Deputy I.J. Gorst:

My understanding is that under normal circumstances that would be the case, but it would require some quite difficult decisions on behalf of the client around legal privilege and in consultation with lawyers. My answer to the question was I am not proposing that for the reasons I outlined.

3.8.4 Deputy M. Tadier:

The Chief Minister in November said, and this is a direct quote, that she did not think the matter would impact on ongoing legal proceedings. We have been promised a review by this “A Better Way” Government in response to the media, is what the Chief Minister said, but she wanted an independent review. We find ourselves a few months later having not had an independent review, the Government has been given legal advice which we have not seen, which we do not know even who did it, we do not know how much it cost and we do not know what it said. Does the acting Assistant Chief Minister acknowledge the fact that it is not simply enough for reassurance to be given that Government is satisfied with the system that this will not happen again, but that the public need to be reassured that if their officers or their homes are raided it will be done legally and if it is done illegally that they can get the same recourse to an apology from the Chief of Police personally and to some compensation if ever that happens again?

Deputy I.J. Gorst:

Sir, I fully understand the look on your face in listening to that question. The Deputy well knows that Ministers are appointed by this Assembly to take decisions. Sometimes those decisions can be difficult, as I said at the start. The Chief Minister is absolutely right in my view to make the statement that she did. Actions were taken arising out of that statement. They may not have been to the liking of the Deputy. In relation to his final point, I take reassurance that processes have been put in place that the errors do not happen again. Of course, it would be open to any member of the public in any given situation to challenge the processes that they had been subjected to and they would be rightly considered by appropriate processes. I cannot comment on those without having further detail or it having happened.

3.9 Deputy S.G. Luce of the Chief Minister regarding the strengthening of Jersey’s resilience to unforeseen events (OQ.92/103)

Will the Chief Minister advise whether any consideration has been given by Government to requiring Ministers and senior civil servants to consider their responsibilities in relation to resilience with a view to strengthening Jersey’s resilience to unforeseen events, especially in light of the U.K. Government’s resilience framework published in December 2022?

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter (The Chief Minister):

Ministers are aware of their responsibilities in respect to resilience and take these responsibilities extremely seriously. To that end, the Government is undertaking work to strengthen the Island’s resilience in a changing global context. The focus of the U.K. framework is to enhance and empower local resilience forums. The Jersey Resilience Forum is constituted of an executive group and a delivery group and is supported by various working groups focusing on areas of risk, identified through the community risk register or emerging issues that may pose a threat to Jersey, which if materialised may lead to a crisis, major incident or emergency. As Ministers and legislators, we also recognise that the Emergency Powers and Planning Law is outdated. Our emergency planning team is working to develop new civil contingencies legislation based on the themes in the U.K. Government’s resilience framework building on whole of society resilience and prevention of chronic issues or risks becoming acute.

3.9.1 Deputy S.G. Luce:

I am grateful to the Chief Minister. I made a very quick list of things that I was beginning to think about: floods, droughts, technical and I.T. (information technology) hacking, connectivity and our food security, energy security, health and disease, global pandemics, global downturn of financial services, prolonged recessions and then security risks to Ukraine and further afield in Taiwan. Can the Chief Minister assure the Assembly that she is being proactive and not reactive to all these threats?

Deputy K.L. Moore:

The Deputy is quite right, there are indeed many risks in the global context and the Island context at the moment. The Council of Ministers, as part of its duties, has surpassed itself with our risk register. It is something that we consider is an important thing, to maintain an overview and an eye on that and ensure that it is properly updated. There are many different work streams. I do not think I can respond to each of the risks that the Deputy outlined. However, for example, the Rural Support Scheme that the Minister for Economic Development, Tourism, Sport and Culture has found funding for and pursued with great energy is starting to deliver on our aspiration of having greater local food supplies. Indeed, as a result of that scheme, we are expecting to see a further 20 farms created annually in the next few years.

3.9.2 Deputy M.R. Scott:

Given that the civil contingency also should be looking at supply chain and in view of the fact that the Comptroller and Auditor General has already highlighted Government's failure to address right-sizing in terms of the size of this Island's population, will the Chief Minister and the committee be considering the extent to which the supply chains have the capacity for competition that seems to be contemplated by the Jersey Competition Authority?

Deputy K.L. Moore:

I thank the Deputy for the question. As I sat down, trying to keep my previous answer relatively brief and concise, I was immediately going to go to supply chain and supply lines. As Members will be quite aware, I am sure, the Minister for Economic Development, Tourism, Sport and Culture is also fully focused on developing new supply routes. That is something that is an active aim of Government at the moment and we look forward to delivering upon it.

3.9.3 Deputy M.R. Scott:

Will that include regarding the extent to which the Jersey Competition Authority has been adequately briefed to consider the actual extent to which this Island can sustain competition in order to maintain secure supply chains?

Deputy K.L. Moore:

I have to say, I am not cited on whether that discussion has or has not taken place. I am sure that regular discussion with the competition authority would be a matter of course. Naturally, we all have to maintain some sort of balance in terms of recognising our size and the scale of our Island economy versus the need to maintain competition and enable, particularly in these times, that prices are the best prices available to Islanders.

3.9.4 Deputy S.G. Luce:

I am grateful to the Chief Minister. I am sure, like me, she has looked at the U.K. Government's framework which talks about the ability to anticipate, assess, prevent, mitigate and respond to known and direct risks. However, I would like an assurance from her, if she can, to say that she is also thinking about unknown and indirect risks into the future?

Deputy K.L. Moore:

I thank the Deputy for the question. It is very difficult to commit to being aware of all of the unknown unknowns, so I guess I need to temper my answer relatively carefully. However, as I think I outlined in the initial answer, we are engaging with experts in this field who are assisting us in updating our legislation. I look forward to seeing the next phase of that and bringing it to the Assembly.

3.10 Deputy S.Y. Mézec of the Minister for Housing and Communities regarding the provision of support to first-time buyers (OQ.102/2023)

Will the Minister advise what plans, if any, he has to utilise the £10 million set aside in successive Government Plans to support first-time buyers in such a way to maximise the number of Islanders who will benefit from this but without causing inflationary pressures which would push homeownership further out of reach for those not able to benefit from the scheme?

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

I thank the Deputy for his question. I am grateful for such a timely question. I am also grateful for the Deputy to recognise how challenging this is, that when we are deploying this kind of money we need to be considering inflationary effects that the options could have on the market. That is a really important point to make. I am fully committed to utilising the £10 million in the Government Plan to invest in assisted home ownership schemes. I can confirm that I intend to bring forward my preferred policy options in the summer with a view to launching a scheme as soon as possible after that. It is one of my priorities to assist Islanders in realising their aspirations of home ownership. As the Deputy himself notes, however, we must ensure that such a scheme addresses the affordability challenges that Islanders are facing.

[11:00]

We must also ensure it is targeted towards those who need assistance and it does not have an inflationary impact, as I already stated, on property prices. This is why we must explore a broad range of options before committing to the specific type and features of an assisted home ownership scheme. I will keep Members up to date as we progress this work.

3.10.1 Deputy S.Y. Mézec:

In a recent interview, I heard the Minister refer to the potential use of this fund for loans and that slightly concerns me because there are iterations of a loan scheme that could risk having an inflationary impact in the housing market. Could I ask the Minister to inform the Assembly whether he has ruled out any kind of loan option that would risk inflationary pressures and whether he is instead exploring shared equity options, which may stand a better chance of mitigating against that?

Deputy D. Warr:

Nothing is ruled out at this moment in time. We are considering shared equity schemes; deposit loan schemes, where a Government contributes to the deposit that a homebuyer cannot find themselves; potentially shared ownership schemes; supply-side schemes, for instance, where Government provides funding towards increasing the supply of assisted ownership homes for purchasing land or refurbishing vacant homes, as an example; and then there is obviously also better use of the Island's existing housing stock by such ideas as subdividing larger properties and assisting in doing that.

3.10.2 Deputy M. Tadier:

Would the Minister ensure that mistakes from the past are learned from, for example, any schemes that do exist are set up in perpetuity so that they remain affordable in perpetuity and so that people cannot take advantage, intentionally or otherwise, of using government subsidies for their own profit, which then end up of no help to affordable housing in the longer term?

Deputy D. Warr:

I thank the Deputy for his question. Absolutely that is our intention. The objective here, and we already have this with first-time purchasers, whereby someone who has bought a first-time purchaser home has to sell to a first-time purchaser, so that that value is kept down and there are not unanticipated gains made in this field.

3.10.3 Deputy M. Tadier:

Does the Minister believe that some of the terms need to be redefined? Being a first-time purchaser is not necessary equivalent to somebody who has an affordability issue. It just means they have not necessarily owned yet or they have not owned in that particular way. Does he think that it is more important that the schemes remain intact so that if you buy a property, either shared equity or other form of subsidy, you sell it back to the scheme and then it goes to the next person on the waiting list, rather than simply relying on the blunt tool of first-time buyer definition?

Deputy D. Warr:

Yes, I absolutely agree with that sentiment. I would suggest that that is our intent in our policy development.

3.10.4 Deputy L.V. Feltham:

Could the Minister confirm whether he has any defined policy position when it comes to the provision of affordable first-time buyers homes?

Deputy D. Warr:

I thank the Deputy for her question. Do we have any policies? We obviously have existing policies in place. I am hoping we are referring to how we utilise the £10 million scheme, so that is where I am trying to put my focus. In terms of what is the best option and how we use that and how we deploy that, no, I do not have any particular preferences at this moment in time and are awaiting my policy officers to develop those schemes and bring them forward.

3.10.5 Deputy L.V. Feltham:

I heard the Minister admit that he is letting officers lead on policy. Does he agree that the public are getting fed up with the lack of policy leadership being shown by the Minister for Housing and Communities and that this lack of leadership is to blame for the lack of action currently being taken by his Government?

Deputy D. Warr:

I thank the Deputy for her question or challenge. That is grossly unfair, to be honest with you. We are doing a huge amount in this sphere. It is quite interesting that this £10 million to which I am referring, again we are getting dragged away from the original oral question here, and that is we are trying to spend a sum of money which has been recognised for the last 3 years and has been failed to be delivered in any shape or form by any previous Minister for Housing and Communities. I would suggest the fact that if I get this scheme through, which I totally intend to do this summer, will be a huge amount of progress, given all the failed efforts of previous Ministers for Housing and Communities. I would also add that we are seeing consultation in terms of legislation, which is currently ongoing. We are also seeing announcements in connection with homelessness. There is a huge amount of work being done in our department and I really object to saying that we are doing nothing.

3.10.6 Connétable K.C. Lewis of St. Saviour:

I am sure the Minister is doing his very best to alleviate the situation. Being old school, can I ask the Minister whether a good old-fashioned States loan scheme, well-funded by the States, would be one of the solutions to help young people get on the housing ladder?

Deputy D. Warr:

I thank the Deputy for his question. Absolutely, it is certainly not ruled out as one of the considerations.

3.10.7 Deputy S.Y. Mézec:

Nothing is ruled out, but it sounds like nothing is ruled in either. In answer to an earlier question, he gave such a wide list of considerations of what may be featured in this scheme that we can have no confidence whatsoever that they are at the point of delivering a scheme. The suggestion that has been made by the Constable of St. Saviour would risk being inflationary, because it increases demand without increasing supply. Would, in the attempt to show at least some leadership today, he be willing to rule out such a scheme because of the negative impact that would have and the way that it may push more people further away from home ownership than towards it?

Deputy D. Warr:

I thank the Deputy for his question. The most important thing about all of this is it is about deliverability. Can we deliver and employ and put out this fund in an effective and timely way? That is the most important issue. In terms of ruling things out and ruling things in, as a previous Minister for Housing and Communities, I am sure Deputy Mézec considered an awful lot of this and never delivered any of it. My job now is to go out there and deliver some of this. We will, for sure, deliver for the benefit of the people of this Island.

3.11 Deputy A. Howell of the Minister for Economic Development, Tourism, Sport and Culture regarding the operation of the Jersey Lifeboat Association's vessel (OQ.94/2023)

Further to the responses given during questions without notice in January and April this year, is the Minister able to confirm when the Jersey Lifeboat Association's vessel will be operational again; and if not, why not?

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

I would like to see the J.L.A.'s (Jersey Lifeboat Association) vessel back in the water as soon as possible, but the reality is the timing of that depends entirely on the J.L.A. itself. Under the Jersey Coastguards declared facility agreement management framework, the J.L.A. were engaged in a redeclaration process with Ports of Jersey. The aim is for the J.L.A. reacquiring its declared search and rescue asset status. Following that process, which took place, both an audit on 30th January and then a station visit on 2nd May, as I discussed in the previous answer to the question. Following that process it was clear that there were 5 items outstanding that the J.L.A. had to undertake to get back on to the water. Of those 5 items, since that process took place on 2nd May, 2 are now left outstanding. Those 2 are the provision of a valid insurance certificate and also the completion of the Bridge Management Framework. The Bridge Management Framework is now nearly complete, but needs to be finessed, so to speak, to be completed. Once those 2 items are delivered by the J.L.A., they will be certified to go back on the water. They then have another 60 days in which to complete several other items which are outstanding. The answer is it is nothing to do with me. It is entirely up to the J.L.A. to get themselves back on the water.

3.11.1 Deputy A. Howell:

I wondered if there is anything we can do to help the J.L.A. to get operational again.

Deputy K.F. Morel:

I suggest they phone their insurance brokers.

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

Would the Minister agree that any organisation purporting to offer maritime safety services should be fully compliant with current maritime regulations, given that all existing operational agencies are obliged to do so?

Deputy K.F. Morel:

I thank the Connétable for his question. Yes, I entirely agree. It is one reason why people have erroneously suggested that I can order the J.L.A. boat be put back in the water. Number one, I do not have that power. Number 2, even if I did have that power, to exercise such a power without knowing whether all of the requirements that the Connétable refers to have been undertaken would be grossly negligent on the part of any Minister. Importantly, I do not have that power. However, I do expect the Harbours Authority to make sure that every organisation, whether it is the J.L.A., the R.N.L.I. (Royal National Lifeboat Institution) or any other meet those requirements.

The Connétable of St. Brelade:

I thank the Minister for his answer.

3.11.3 Deputy P.M. Bailhache of St. Clement:

Bearing in mind that the previous Government but one in the shape of the Chief Minister at the day and other Ministers were supportive of the establishment of the Jersey Lifeboat Association, that many hundreds of Jersey people have supported this organisation and that the crew trains regularly in order to get itself into a suitable state to form part of the lifesaving community. Is the Minister satisfied that Ports of Jersey Limited is doing everything that it can to get this lifeboat back into service?

Deputy K.F. Morel:

I maintain, again, in response to the question, the same as I did to the very original question, it is up to the J.L.A. to get themselves back on the water. The provision of a valid insurance certificate is, in my view, a fairly fundamental document that would be required of any organisation that wants to be a search and rescue asset in these waters. I have sat in meetings with both the J.L.A. and Ports of Jersey. I have made it very clear to both parties that they are to play this all with a straight bat. I expect no prejudice on any part. I have made that clear. Ports of Jersey know that. They have undertaken a process, the declared facility framework that I have mentioned, which was overseen by the Maritime and Coastguard Agency ... both parties, the J.L.A. and Ports of Jersey, agreed to that oversight by the Maritime and Coastguard Agency from the U.K., who very kindly donated their time to us to do that. I have no question in my mind that the process was fair and that Ports of Jersey are doing everything they can. However, what none of us can do is provide a valid insurance certificate on behalf of the J.L.A.; only they can do that themselves.

3.11.4 Deputy P.M. Bailhache:

I would be grateful if the Minister could answer the question: is he satisfied that Ports of Jersey Limited is supportive of the wish of the J.L.A. to get back into active service?

Deputy K.F. Morel:

I am satisfied Ports of Jersey is doing everything it can to make sure the J.L.A. get back into service, but they are not reaching their requirements of maritime standards in order to make that happen.

3.12 Deputy C.S. Alves of the Minister for Health and Social Services regarding the long-term plan for the old Les Quennevais School site in delivering hospital facilities (OQ.106/2023)

In light of the Minister for Infrastructure's recent comments that the hospital facilities created at the old Les Quennevais School site could be kept for 20 to 25 years, will the Minister clarify what her long-term plan is for the services due to be delivered from this site, given that it was meant to be a temporary 5-year measure?

Deputy K. Wilson of St. Clement (The Minister for Health and Social Services):

At this moment in time, it is too early to identify or determine what the long-term plan for the services that will remain as Enid Quenault Health and Wellbeing Centre looks like. We are waiting for the feasibility review on the new healthcare facility programme and once we have a clear understanding of what that tells us, I will be happy to share more information.

3.12.1 Deputy C.S. Alves:

Was the Minister aware of this 20 to 25-year plan for the site before the Minister for Infrastructure made those comments?

Deputy K. Wilson:

I was not aware of the timescale, but we are talking about 2 different things here. We are talking about the lifespan of the building and we are talking about the way in which services can be provided over a 25-year period.

[11:15]

As we all know, services do change and the requirements will change. In essence, that does not stop the function of Enid Quenault Health and Wellbeing Centre being supported to provide services in the local community over a 25-year period, if indeed that is the duration of the fabric of the building.

3.12.2 Deputy M. Tadier:

The Minister may be aware of the political slogan "Nothing About Us Without Us". That is the idea that representatives should not make any decisions without the full consultation and engagement of those directly affected. In thinking about that, I am thinking immediately about those in the vicinity of Le Clos des Sables and Les Quennevais Park. I cannot help feeling that there has not been any meaningful consultation with these residents in particular, who are now being told that they might be left with what was supposed to be a temporary hospital facility on their doorstep for about 5 years, potentially being there for the next 25 years. Can she comment about what consultation has taken place, either with her department or with D.f.I. (Department for Infrastructure)?

Deputy K. Wilson:

I would like to reiterate that the reason why we are at the Enid Quenault Health and Wellbeing Centre is to support the decanting of the Overdale facility to make way for new healthcare facilities on that site. Clearly there has been some opportunity identified to build and consolidate the provision of services in the location, but any long-term planning will certainly involve a much broader consultation with the local public as well as with the representatives who represent the parishioners' interests.

3.12.3 Deputy M. Tadier:

I cannot help feeling we are putting the cart before the horse here. It sounds like decisions are either being made at the moment by stealth. I cannot help feeling that we are sleepwalking into a situation where we do not really know where the hospital is going and that because of that we are making consequential decisions. In my constituency, and in the heart of the most populated area of my constituency, there was high hopes, I think, when the old school was ceased to be used, that it could

be used for some longer-term community use, which was not simply - if you will excuse the rather clumsy expression - the plonking of a healthcare facility because there was nowhere else for it to go. Will she speak to the direct representatives of that area, including the 2 non-Ministerial members to make sure that the residents of the area are engaged with in short order through a meeting that is convenient for all parties?

Deputy K. Wilson:

Yes, I would be happy to do that.

3.12.4 The Connétable of St. Brelade:

Would the Minister agree that given the level of investment to date on the site that extending its life can only provide better value for the people of Jersey?

The Bailiff:

Minister? The question is directed to you, Minister.

Deputy K. Wilson:

My apologies, sorry. Could I ask the Deputy to repeat, please?

The Bailiff:

All right. Would you mind repeating the question, Connétable?

The Connétable of St. Brelade:

Of course, Sir. Given the level of investment in the site so far, would the Minister agree that extending its life can only provide better value for the people of Jersey?

Deputy K. Wilson:

As I have said before, it is too early to say. I think we will get really good value out of it for the duration that was originally identified. Clearly, this decision was taken before I came into office. But I think the facility that is available in the location will serve the community well, irrespective of what it provides.

3.12.5 The Connétable of St. Brelade:

Would the Minister agree that her team in developing the proposals have been engaging well with the Parish authority in terms of the Roads Committee and the arrangements needed to enable the hospital to open with bus access and so on? Would she agree with that process, that it has worked well?

Deputy K. Wilson:

I will review it. I have had some representation as to some concerns raised by constituents and if I feel that the process to determine access is an issue, then I will certainly address that.

3.12.6 Deputy R.J. Ward:

In any consultation about long term use of a facility, will the Minister take on board the effects of putting such a facility into an area where lots of people live in terms of the transport issues that do arise when these things happen?

Deputy K. Wilson:

Yes, access is an issue, not only transport wise but also in terms of the volume of activity that goes on there, and we will keep this under review. What I can actually advise Assembly Members is that we do have a range of services that are going to be provided and we have no sense at the moment as to whether or not people will choose to go and take these services at Les Quennevais or whether they

will choose different options. One of the things that we do know is that there are clinicians who are very interested to provide those services at Les Quennevais but, as I said, there is an issue of band access.

3.12.7 Deputy R.J. Ward:

In terms of transport, will the facility have staff that are solely based in that health facility or will there be a movement of staff around the number of different health facilities, which could also increase the movement around that area?

Deputy K. Wilson:

At the moment we are planning to have sort of static services that will have identified staff groups, and I am happy to provide Assembly Members with the list of the services that will be planned for over the 5-year period. Clearly, as service arrangements and such requirements change, this may well fluctuate and we will keep this under review.

3.12.8 Deputy L.V. Feltham:

As this was originally planned as temporary accommodation for services while Overdale was planned for those 5 years, my understanding was that a number of those services being moved were in community services that were happy on a temporary basis but, potentially, it is less convenient to be not centrally-based. What conversations has the Minister had with those services about this being a more longer-term option and whether indeed this is the best place for these services to be situated on the Island?

Deputy K. Wilson:

Sorry, Sir, just before I answer that, I am having problems with my microphone button here; it keeps sticking, so if I cannot turn it off ...

The Bailiff:

It is on at the moment I think, so I think you are fine.

Deputy K. Wilson:

Is that okay? It is all right, okay.

The Bailiff:

Yes.

Deputy K. Wilson:

In answer to the Deputy's question, there have been a number of staff groups and specialisms that have talked to me about the concerns that they have got, particularly in relation to access to services. One of the things that I think is important to remember is that we have planned for this on a 5-year basis and, clearly, that needs to be an arrangement in place until we are in a position to be able to provide the alternative hospital facilities where these services could or may be permanently located. But for this moment in time we are listening, we are talking to staff, we are trying to understand some of the concerns. Again, until we move and see how the service is working, I am not in a position to address some of those issues until we know whether the service is working for patients.

3.12.9 Deputy L.V. Feltham:

Given the uncertainty that the Minister has just expressed, does she consider the additional expenditure on making this facility suitable for a 25-year term to be good value for money?

Deputy K. Wilson:

I think that will be determined over time. I think the investment that has gone into the service arrangements at this moment in time represents good value for money in the sense that it is providing much more suitable accommodation for the majority of the services that will be relocated there. It will be a modern refurbished environment. Some of the facilities are not offering that currently. That said, there will be no real change for some of the services that currently enjoy decent facilities. But faced with the strategic choices that we have got, you have to make an investment in the transition and the development of services so that we can start to build new healthcare facilities across the Island. Our investment in these facilities have been, in my view, well used because if you go round to the centre itself you will see the specification, it is a really good building for people to work in.

3.12.10 Deputy C.S. Alves:

We have heard from the Minister that obviously these things take time and it is fairly flexible at the moment. Can the Minister give us an idea of when she will have a plan and an idea of how exactly things will look on the site?

Deputy K. Wilson:

I think on the outcome of the feasibility review we will then start to develop the service strategy. The feasibility review has been undertaken to assess whether or not it is possible to move from a one-site option to a 2-site option. What we now need to do is the next stage of that is to understand how and in what way we will strategically organise services for the longer term. I will put a caveat in with that, which is that we do need to take account of the fast-moving changes that impact upon the way services are provided, particularly the developments of technology. This is not a fixed point but there are some basic foundations that we need to put in place that will be revealed through a service strategy going forward.

3.13 Deputy M.B. Andrews of the Minister for Treasury and Resources regarding the introduction of profit-sharing legislation. (OQ.91/2023)

Will the Minister advise what consideration, if any, has either been given or it is intended to give to the introduction of profit-sharing legislation?

Deputy I.J. Gorst (The Minister for Treasury and Resources):

The Government is of course aware of a wide range of approaches adopted by differing businesses operating in Jersey to providing their employees with opportunities to share in any profits of the business. These range from simple performance bonuses to grants of shares, share options and complex long-term incentive plans, including putting assets into trust for employees. The Government has not been made aware of any issues of Jersey law which limit businesses' ability to offer these types of incentives in Jersey, that current approach for the purposes of income tax and social security is based on longstanding principles of law, commonly accepted by most jurisdictions. This is seen to be the most effective approach, as the majority of businesses offering these plans are based in and across multiple other jurisdictions. Any bespoke Jersey legislation could, therefore, increase administrative burden and even frustrate the intentions of employer and employee without bringing any identifiable benefits.

3.13.1 Deputy M.B. Andrews:

Profit-sharing in a form of, say, cash distributions, this is something that, potentially, could reduce income inequality. Would the Minister, potentially, support a proposal that I would maybe bring before the Assembly or would it be outright denied?

Deputy I.J. Gorst:

It is difficult to ascertain what exactly the Deputy was seeking information on in the question. I am more than happy to sit down with him with my officials and consider any proposal in a constructive a way as possible.

3.14 Deputy G.P. Southern of the Minister for Social Security regarding the number of single parents on Income Support (OQ.104/2023)

This is a short one. Will the Minister state how many individuals are registered to single parents on income support and of these how many are in receipt of maintenance income, either for themselves or for their children?

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

At present there are 1,099 single parents receiving income support, of those 962, which is 87.5 per cent, have maintenance income included in their claim.

Deputy G.P. Southern:

I thank the Minister for her answer, nice to hear a short, sharp answer.

3.15 Deputy L.V. Feltham of the Assistant Chief Minister regarding her policy position in relation to population and migration (OQ.100/2023)

Will the Assistant Chief Minister outline what her policy position is in relation to population and migration?

Deputy L. Stephenson (Assistant Chief Minister):

I thank the Deputy for her question. I was very pleased to accept the request of the Chief Minister to support her in this important policy area. I took on this responsibility around 5 weeks ago and am, therefore, still doing some catching up in terms of the work already completed by the Population and Skills Ministerial Group, of which I am now a member. What I can say is that I fully support the overall direction of that group in its desire to create policies that support the population as a whole and equally value every individual within that population. My policy position has not changed since I wrote my manifesto.

[11:30]

I support an improved skills agenda to grow and develop local talent, balanced with a need for some inward migration to ensure we have a skilled workforce fit for the future and remain a vibrant place to live, work and do business. We need improved data, which is being worked on, and a flexible system which can respond to emerging challenges. I am currently working with a subgroup of the Population and Skills Ministerial Group to complete our annual report on population policy issues and this is due to be published before the end of June.

3.15.1 Deputy L.V. Feltham:

As the Assistant Chief Minister does have delegated responsibility, how does she intend to provide leadership in this area?

Deputy L. Stephenson:

I thank the Deputy for her question. I very much see my role in this as working collaboratively with the Chief Minister. I am not taking the responsibility of population away from the Chief Minister entirely. I would also point the Deputy to that Population and Skills Ministerial Group, which is providing collaborative leadership as a group of Ministers working together to set policy direction and discuss all matters related to population. Population is about more than just the number of people on our Island. I believe all Ministers related to that important area will be showing leadership on it.

3.15.2 Deputy R.J. Ward:

Does this mean that the Minister does not support a zero population policy growth?

Deputy L. Stephenson:

That would be correct.

3.15.3 Deputy R.J. Ward:

Can I ask whether the Minister agrees with the Assistant Chief Minister who recently spoke at a conference about being able to produce significant increase in our growth and our economy up to 5 times the growth to where we are now without any increase in our population?

Deputy L. Stephenson:

I am aware and I know that the Chief Minister is aware because she said it at Scrutiny only last week that some Ministers did stand on platforms of net inward migration. I would point the Deputy to the future economy programme, which is working towards growing the economy with as little pressure on population growth as possible. We have heard very publicly some very stark warnings about where our population could stand in a couple of decades if we continue to want to push growth, as we have been doing previously. It is quite clear we need to take some action which does not continue down that path. I think there have been some clear indications that all those Ministers I talked about before, working together as part of that group, are working collectively towards that aim.

3.15.4 Deputy L.V. Feltham:

Could the Assistant Chief Minister inform the Assembly if she intends to take any work to identify what a sustainable population may be for the Island, given our size?

Deputy L. Stephenson:

The Deputy may well be aware that the States Assembly in 2021 required the Council of Ministers to discuss and agree their common policy on population on a regular basis and at least annually. Ministers are currently in that process and a report on that position will be lodged with the Assembly in the coming weeks in June.

Deputy L.V. Feltham:

Sir, I do not think that was an answer to the question. My question specifically related to what work would be undertaken to identify what a sustainable population was.

Deputy L. Stephenson:

In a few weeks in June I am sure the Deputy will be able to read that report and have some more answers to that. It is very much a part of that.

The Bailiff:

Very well. Then we now come to question 16 that Deputy Tadier will ask of the Minister for Housing and Communities.

Deputy M. Tadier:

There is someone to ask I presume.

The Bailiff:

The Chief Minister will be answering that question.

3.16 Deputy M. Tadier of the Minister for Housing and Communities regarding the creation of a Digital Property Register of beneficial ownership (OQ.96/2023)

The Chief Minister, thank you. Further to his answer to Written Question 177/2023, will the Minister confirm whether it is the Government's intention to create a digital property register of beneficial ownership for all residential properties and, if not, why not?

Deputy K.L. Moore (The Chief Minister- rapporteur):

Apologies from Deputy Warr that he has had to leave the Assembly, as he is giving a keynote speech at the Vacant Homes Conference in Birmingham today and he could not stay in the Assembly any longer, which is he is meeting his policy commitments, I think, and receiving great interest in other places for it. To answer this question, the Government is very interested in how we can get a better understanding of the housing market. It is vital to have high quality information so that we can make the right policy decisions. But a digital register of beneficial ownership for both residential and commercial properties is perhaps not the best way to do this. We recognise the need to improve information sharing, which is why officers are working on a housing data intelligence project, which is identifying trends, resolving housing supply data barriers and developing housing market analysis capability in partnership with Statistics Jersey and the Economics Unit. I have committed to a review of the States Assembly decisions; whether or not to create a digital register property ownership will form part of that. In the meantime, no further work will be done. The focus of the Government is clearly outlined in the 2023 Ministerial Plan and the legislative programme.

3.16.1 Deputy M. Tadier:

I know this Government could be criticised for inaction but certainly when it comes to making new nomenclature they are right up there with the best. The current policy position of the previous Assembly - and it has not been changed, it has not been rescinded - is that there should be a digital property register; it is what the Assembly had voted for. If this is no longer the case and Government no longer wishes to pursue a digital property register, will they be coming back with a rescindment to that proposition?

Deputy K.L. Moore:

As I think I outlined in the original response; that is something that is under consideration. Of course if that decision is taken then we will return to this Assembly to seek the approval of Members, as is of course the right thing to do. But what we have to consider is the information that we already have in place. There is of course a great deal of information available to the public and to the authorities with regards property ownership. In these times we are taking a great amount of time to consider how best we are spending money and how best we are employing officials as well to work on behalf of the public. We have to ensure value for money and that means ensuring that we are not duplicating work and effort simply to be able to tick a box. We are taking time to ensure and reassure ourselves of what information is available publicly and what will be the most expedient and cost-efficient way to deliver the information.

3.16.2 Deputy R.J. Ward:

Can I just ask the Chief Minister now what the timescale for some outcome from I think it was referred to as the Housing Intelligence Unit, sounds interesting; perhaps it is a smart home. Apologies, I could not resist. What is the timescale for an outcome from that?

Deputy K.L. Moore:

I am afraid I do not have that to hand. But, as I mentioned in the earlier answer, this piece of work is outlined in the Ministerial Plan of this year.

3.16.3 Deputy R.J. Ward:

Can I ask for an assurance as well, and it is a wider assurance which I think does fit into this question, about the use of rescindments? Because if an action agreed on by this Assembly is not going to be acted on, can I ask the Minister to assure, particularly with this one and any other, that a rescindment is brought to this Assembly so that we do not have empty propositions just being left with the disregard from the current Government?

The Bailiff:

I think if we limit the question to this particular area, then that is within the ...

Deputy K.L. Moore:

That is very helpful, Sir. Because my mind immediately went to some random pieces of legislation that I have become aware of recently, that have not been enacted. It is certainly not a novel experience for the Assembly and previous Governments to fail to progress on matters that were agreed by the previous Assembly. But what I do reassure Members is that we take value for money extremely seriously and we want to ensure that we deliver the best possible services for the best value and that is an important thing to focus on in this term of Government.

The Bailiff:

Final supplementary, Deputy Tadier.

Deputy M. Tadier:

Sir, I do not have a further question. Thank you.

3.17 Deputy R.J. Ward of the Minister for the Environment regarding the replacement of oil-fired boilers (OQ.98/2023)

Following the announcement of payments of up to £10,000 per household to replace oil-fired boilers, will the Minister advise what consideration, if any, has been given to adapting current boilers to biofuel, given the less expensive measure than replacement, in conjunction with the announced project in order to allow for a transition phase as the longer-term work is carried out?

Deputy J. Renouf (The Minister for the Environment):

I thank the Deputy for the question, which is a good one. The scheme that my colleague, Deputy Jeune, announced a week or 2 ago does not include a conversion for fuel oil. But it is under very active consideration and in fact we have asked officers to create a pilot scheme to explore how we might do that kind of a conversion. The key point being that we need to make sure that if a conversion from conventional fossil fuel boilers to a boiler burning H.V.O. (hydrotreated vegetable oil) fuel does take place that it is not converted back at some future point to fossil fuel. It is a conversion of technology. It does involve changing the boiler but of course it could be changed back. We just need to work on that to make sure that we do not end up in a situation where we funded a piece of technology that does not end up being used in the way we would hope.

3.17.1 Deputy R.J. Ward:

Given that the project announced, which is probably the right thing to do, will take a long time - a significant amount of time - and given that we are already showing that we are going above 1.5 degrees regularly and urgency is really now needed, can I ask the Minister whether he can look to really promote that area because home emissions are one of the largest emissions of CO2 on the Island?

Deputy J. Renouf:

It is for that reason that we have asked for a trial to be put in place and seeing the results of that trial will enable us to decide whether or not to go further with that. I do hope though that the scheme that

we have announced will help us on that urgent quest to decarbonise. It is certainly a big challenge. We have something of the order of 20,000 fossil fuel boilers, I think, in the Island. Simple maths will tell you that to do those conversions before 2050 is going to be tough. We have set a target of 1,000 within the end of this scheme, which is the end of 2025 I think. That is of the order of one a day, to give some context for this; one a day. That is a fairly stiff target to meet but we are keen to do it. We have got the funds in place to do it and we have created a scheme to train people up so that they are able to do that scheme in a way which offers quality assurance to the public. We look forward very much to seeing how good the uptake of that is.

3.17.2 Deputy M. Tadier:

Does the Minister acknowledge that not only is there an absence of subsidy for those wishing to make the right green choices in this particular example but there are examples of course about wishing to go with an electric bike, a bike, an electric car and that in those cases, on top of the lack of subsidy, that Government slaps 5 per cent of G.S.T. (goods and services tax) on to those bills? With that in mind, does he think that it is justifiable that G.S.T. is still being charged on behavioural changes that we would otherwise like to see in terms of some significant expenditure?

Deputy J. Renouf:

There is quite a lot in that question but I will deal with that last point first. Yes, I do and the reason is because this is more a question about G.S.T. I think than it is about carbon incentives. We have a low, broad and simple principle with our taxation, and G.S.T. fits into that. We tax G.S.T. in that way in order to keep the level low. If we take it off things we have to raise the money elsewhere. My focus is on creating the incentives elsewhere through other means that will achieve the policy objectives. That is why we have these subsidy schemes, which are worth far, far more than would be achieved by a very small effective reduction in prices that would come through reducing G.S.T.

[11:45]

We are putting in place targeted measures to achieve a specific policy objective, that is, I think, the best way to deliver that huge change that we need to achieve.

3.17.3 Deputy M. Tadier:

That answer would be correct if it was not for the fact that Government already has significant exemptions. Notably we do not charge G.S.T. on marine fuel, so people with superyachts do not pay G.S.T. or even duty on their marine fuel and school tuition fees are exempt from that, and that is presumably because it is for a political outcome; they want to incentivise a particular type of behaviour. Does he recognise that because we already incentivise behaviour through a removal of G.S.T. and set an example, is that it is a perfectly valid thing to apply to green initiatives and green purchases? At least that those who spend perhaps £10,000 replacing an oil burner for an electric one are not saddled with an extra £500 of Government tax on top of that.

Deputy J. Renouf:

I will keep my answer, if I may, to the question of fossil fuel, which is where the original question came from. I think the question of marine diesel is an interesting one and I am certainly prepared to look at that one. But in terms of the general point regarding the benefits of targeted delivery of funds to the people who are about to make a transition of the type that we want, I think that is a far, far better use of government funds. I think 5 per cent G.S.T. would not be a £500 charge on a £5,000 grant.

Deputy M. Tadier:

I did not say that, I said £10,000.

The Bailiff:

I am not sure makes a difference, thank you.

3.17.4 Deputy L.V. Feltham:

What consideration, if any, when designing and implementing the scheme has the Minister and officers given to the learnings from other jurisdictions? I am aware that other similar schemes in other jurisdictions have led to price hikes from suppliers, which have indeed negated the impact of the subsidies and in some instances made conversion - I am thinking about solar power in Australia - more unaffordable. What measures within the scheme have been put in place to mitigate against the risk of potential price hikes by suppliers that might then negate the purpose of the scheme?

Deputy J. Renouf:

Members will be aware that we piloted this scheme for a period, precisely to try and avoid some of the errors that have befallen other attempts, other jurisdictions when they have attempted to do these incentive schemes. A key part of that piloting was in order to train people who would be delivering the scheme in a way that would enable them to deliver advice that we felt and knew would be appropriate to their circumstances. That training programme has been gone through by a certain number of contractors. We are very hopeful that more will go through it. There is a sense, I suppose, in which the delivery of a new service, increasing demand in an economy that may have bottlenecks in it, may lead to increasing prices. I do not think, however, it will be a consequence of the design of the scheme. We have designed a scheme that has taken advantage of the experience that has been done elsewhere in the U.K. where 2 schemes have failed, essentially, with reports to Parliament which have been very, very critical of them. We have avoided those pitfalls with a scheme that has quality assurance and standards built into it.

3.17.5 Deputy L.V. Feltham:

Earlier in his answer the Minister suggested that the scheme was aimed at people that were on the point ready to convert their current boilers. Was he admitting perhaps that the scheme is helping people that could already afford to replace their boilers and were indeed already intending to make the conversion? How will he measure the success of the scheme in encouraging more people to adopt more sustainable ways of heating their home?

Deputy J. Renouf:

I think what I am trying to say is that we are trying to encourage people who want to do the right thing but may not be able to afford it. The purpose of the incentive scheme is to encourage them past that tipping point, if you like. We would like to do the right thing but we do not quite have the money. We have 2 schemes in place for that, £5,000 for people who have the ability to match funds and £10,000 for people who do not, who are on low incomes and, therefore, would not be expected to meet the full cost. That includes money that might be used for home insulation, which is an important point in this. To return to the original question, one of the reasons why H.V.O. is a problematic fuel at the moment is it is so much more expensive than conventional fuel, therefore, anybody making that conversion would expect to pay more for their fuel going forward and, therefore, the risk is that they would convert back. Therefore, we need them to put in place insulation measures which would help mitigate the cost of the most expensive fuel. I have slightly wandered from the Deputy's point but I hope that at least answers a part of the question.

3.17.6 Deputy R.J. Ward:

Because the conversion is a very simple one, has the Minister thought that one of the ways it could be used is to, if you like, put people in a queue for later on because it will take a long time, as you said, only one boiler per day, in order to, firstly, make a transitional move to lower our carbon emissions and, secondly, to get people encouraged to look further ahead to make that change to

electric heating in the long term? It is just an ingredient that could be added to, if you like, speed up a transition.

Deputy J. Renouf:

We will be keeping very much under review the volume of enquiries that come. I think a mechanism by which we can provide some guarantees that if there is not a contractor available immediately, there might be one soon would be a good idea. It is very early days and we do retain one of the advantages of being a small jurisdiction and having a team of exceptionally committed officers working in this space is that we can tweak and adapt the scheme as we see problems or issues that arise. I know that Deputy Jeune and officers will certainly be keeping an eye on it and I look forward to reporting back to the Assembly as the scheme progresses, and indeed as we bring forward further schemes to encourage the journey to decarbonisation in line with the Carbon Neutral Roadmap.

The Bailiff:

Thank you very much, Minister. That concludes questions to Ministers with notice.

4. Questions to Ministers without notice - The Minister for Health and Social Services

The Bailiff:

We now move to questions to Ministers without notice. The first question period is for the Minister for Health and Social Services and Deputy Southern asks the first question.

4.1 Deputy G.P. Southern:

Some time back we were informed that there was to be an in-depth survey, very detailed, by a set of health economists over how we fund and what costs we face in terms of delivering a decent health service. When asked about this survey the answer from the Minister was that this was to be scaled back and it was much smaller than what was originally proposed. We have now got a third version, I think, that has turned up. Are we on plan A, plan B or plan C in terms of deciding how much we need to spend and how we are going to afford health service in the future?

Deputy K. Wilson (The Minister for Health and Social Services):

I only have one plan, which is the plan that I am pursuing with the team, which is to undertake a review of the total expenditure that the Island makes on healthcare. In order to do this work we have employed a team of health economists to assist us with this with a view to providing the information as to how we might address some of the challenges associated with funding future healthcare going forward. We are on track and the outcome of that review will be presented to the Council of Ministers and thereafter to the Assembly.

4.1.1 Deputy G.P. Southern:

The question is always: and when are you prepared to do this?

Deputy K. Wilson:

I would be happy to outline a timetable in writing to Assembly Members as to when we will complete. But I am anticipating the outcome of that review will be completed by the end of the summer.

4.2 Deputy A. Howell:

Can the Minister confirm what services are to be relocated to the Enid Quenault facility at Les Quennevais, the date of any relocation and, more importantly, when will staff, clinicians, patients and Islanders be consulted about what is happening and their opinions sought?

Deputy K. Wilson:

Some consultants have requested a move to Les Quennevais and we are still going through the consideration of that. But the areas that we have established as feasible to support the provision of services that will be transferring include the pain management service, the Assisted Reproductive Unit, pre-assessment services, rheumatology, neurology and urology, diabetes and endocrinology, podiatry, retinal screening, the Hearing Resource Centre, the Child Development Centre, the memory service, psychology services, the wheelchair workshop and the fit-for-life physiotherapy. I do not have the detail of every single date of the moves but obviously if there is a schedule I can provide the detail to the Deputy on that basis.

4.2.1 Deputy A. Howell:

Does the Minister, as the client, not agree that until such time as we have a proper plan and know what services will be at Kensington Place and which at Overdale, and a proper consultation has taken place with staff, patients and Islanders, that any relocation would seem premature, inappropriate and not the way to treat the public?

Deputy K. Wilson:

There has been an enormous amount of work done to try and develop a plan to create the conditions that are necessary to develop hospital facilities, both at Kensington Place, the existing hospital site and also at Overdale. The consultation on those arrangements in terms of the location of the 2-site option is well-articulated and has been communicated previously, and I do not wish to revisit that. But I think the Deputy refers to the issue about who agrees as to what goes where. There are a number of groups that are set up, clinical reference groups that are set up as part of the project development to discuss and agree with clinicians about the moves and the transfers that need to take place. I can say to Assembly Members this is still work in progress and we are waiting for the outcome of the feasibility review before we can provide any firm plans as to when, how and who goes where.

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

Is the Minister fully aligned with the process and direction of travel? Is she fully aligned with the Minister for Infrastructure on that process and direction of travel of the new health facilities?

Deputy K. Wilson:

As a Council of Ministers, we have agreed our plans to develop alternatives to the decision that was taken by the Assembly, which is to provide healthcare facilities that meet the needs of the population within an affordability envelope. The work that has been done to date, which has involved the Minister for Infrastructure and myself and has been overseen by the political oversight group, has given us some idea of the way in which we would like to see services provided. Clearly, the work that was done on the 100-day review, which has already been provided to the Assembly Members, gave us a steer on that. We will await the outcome of the feasibility reviews to understand the content of what the next stage of that review process will tell us. Then what we do need to do is to align the service strategy with the building development of those healthcare facilities so that we can make sure that we have got a proper transition and a proper development programme in place.

Deputy L.J. Farnham:

Before I use my supplementary up, Sir, I just want a point of clarification. I asked if the Minister for Health and Social Services was aligned with the Minister for Infrastructure on the current process.

[12:00]

I think she said yes in a roundabout way but could she just confirm that before I ask my supplementary, please?

The Bailiff:

I think it is that there was a common policy with the Council of Ministers I thought was the answer given by the Minister, which must mean that it is common for all of the Ministers. I do not think I can allow a supplemental to supplemental. Please ask your supplementary question.

4.3.1 Deputy L.J. Farnham:

Okay, thank you, Sir. Are the health staff and the health professionals and the health experts aligned with the process?

Deputy K. Wilson:

I am pleased that the engagement and the involvement of staff has stepped up over the last couple of months. There will always be differences of opinion as to how and in what way we provide health services in the Island; everybody has got a view. But at some point we have to reach a consensus and we have got to come to a point where the driving force behind this is how best we can deliver services that meet the needs of the population in a safe and an equitable way. All I can say in response to the Deputy's question again is that we have a plan, we are waiting for the outcome of the review process and then we will determine what the next stage of that is. But it will always attract a difference of opinion and I think we just have to navigate and charter a course that eventually sees facilities being provided for people in ways that meet their health needs.

4.4 Deputy B. Ward of St. Clement:

Can the Minister explain who authorised the advert posted on the Jobs in Jersey website and elsewhere on 3rd May with a closing day of 30th May for the non-executive directors to sit on the proposed health board? Can the Minister explain why was the advert posted some weeks before the States Assembly has had an opportunity to debate the proposition?

Deputy K. Wilson:

The process of the non-executive director recruitment is organised through the Cabinet Office and then through the Appointments Commission, is my understanding. I have no personal involvement in the recruitment of non-executive directors. I cannot recall the second part of the Deputy's question.

The Bailiff:

Why was it placed before the States had had the opportunity of debating it was the second part?

Deputy K. Wilson:

I am sorry, I cannot fathom that; I do not know.

4.4.1 Deputy B. Ward:

Can the Minister explain why there has been a change from a health board to an interim health board and explain its associated funding, as the figures demonstrated in the advert and stated in the deferred P.19 proposition appear very confusing and misleading?

Deputy K. Wilson:

The reason I have withdrawn the proposition was that some of these anomalies have come to my attention. What I can assure the Deputy about is that those anomalies and differences that she has just highlighted will be corrected in the forthcoming proposition that will be debated on 13th June at the next Assembly hearing.

4.5 Deputy M.R. Scott:

What is the situation with the Health budget and does the Minister anticipate any overspend?

Deputy K. Wilson:

The position with the Health budget is it is under immense pressure, it is under immense strain but we are working with Treasury colleagues to try to secure the maximum amount of investments to address the service improvements that are needed. Members will know that we have inherited a legacy position, which we are trying to turn around. As you will know, I have brought in a turnaround team, change team, to help us establish a programme of work that will drive some of the efficiency and the productivity through the system. There is a clear difference as to what is invested in the system, how it is being used and also what we will need, not now but in the future. Most of the costs of the budgets of the healthcare system are driven through the need to employ bank and agency and locum costs, which take up a large proportion of the healthcare budgets. The colleagues in the S.E.B. (States Employment Board) and in the service are trying their best to reduce the expenditure on locum and agency costs and the reason for this is imperative so that we get value for money in terms of our workforce supply. We have stepped up our recruitment processes. We are reviewing some of the ways that we deliver care so that we can attract new roles and new responsibilities. But I have to say to Assembly Members I cannot underestimate the cost of what it takes to run a health system using locum and agency staff, which are as valuable as mainstream staff but cost a high proportion than usual employees. For us that is the main concern ...

The Bailiff:

If you could bring your answer to a close, please, Minister, because you have gone significantly over the time normally permitted.

Deputy K. Wilson:

Sorry. That is the main concern about the pressure on the budget, which is the workforce.

4.5.1 Deputy M.R. Scott:

Would the information I have be correct that there was a £6.4 million overspend in the first quarter for 2023 and that £13 million is not accounted for from 2022? What is the total forecast overspend for this accounting year?

Deputy K. Wilson:

Based on current assumptions, we are forecasting a £19 million to £20 million overspend but, as I have said, we are working with Treasury colleagues to address that position, and that is all I can say at this moment in time.

The Bailiff:

Maybe time for a very quick question.

4.6 Deputy B.B. de S.DV.M. Porée of St. Helier South:

This question is for the Minister for Health and Social Services. Minister, are you aware that the majority of permit workers in Jersey do not know how the healthcare system works or how to access it and for that reason are less likely to use it? Due to it they are also more likely to work when they are unwell, which in turn leads to further health complications.

Deputy K. Wilson:

I would like to thank the Deputy for her question and, yes, I am very much aware of the health inequality that may well present for some people in this particular situation. What we have done is we have produced some information for permit workers, which we hope will assist them in their understanding as to what they can access and what they will need to provide their own cover for. I would also offer an extended invitation to the Deputy that if there are any concerns about access

outside of the guidance that we have issued, if she would be happy to let me know I will take that up with the service.

The Bailiff:

I am afraid that brings the period of time allocated to questions to this Minister to an end.

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

5.1 Deputy A. Howell:

I wonder if I could please ask the Minister what he is going to say in regard to the facilities at Springfield gym.

Deputy T. Binet (The Minister for Infrastructure):

I am grateful to the Deputy for giving me the chance to answer that question. Just to say to maybe put people's minds at rest that when I visited the Springfield gym yesterday evening the manager put a suggestion to me that there is a covered balcony area of about 1,250 square foot and it makes perfect sense for that to be covered in and made use of for a gym extension. I think Deputy Ward was concerned about which areas of the gym were not properly catered for and the only one that came out last night was the free weights area, which I think the Deputy mentioned, and that would be the area of extension. I think if that can be done - it will probably take a number of months - but if that can be done it will be a significant expansion of the free weights area, which I think should put everybody's minds at rest.

5.2 Deputy T.A. Coles of St. Helier South:

Does the Minister think that a 4-month period is adequate to collect enough data on the efficiency of a bus route?

Deputy T. Binet:

If I am not wrong, and perhaps the Deputy can confirm, I think we are talking about the number 20 bus that very temporarily went round Mount Bingham. This only occurred as a result of the desperately unfortunate events at Haut du Mont and so the bus was rerouted for a period of 4 months. But I think there was very often nobody using the service on that whole loop and sometimes just one. I think a 4-month period under those circumstances was sufficient because it was never really intended to be a bus route in the first instance.

5.2.1 Deputy T.A. Coles:

The Minister may recall we had an email exchange regarding this particular route, as this is a constituency area and a number of my constituents were very happy and praised that this bus route came into circulation. It was stopped with no public notice, other than inside the timetable produced by LibertyBus. Would the Minister be open to reviewing this route and maybe giving it more of a trial of maybe 6 months, rather than 4 months, especially during the summer months where people are tending to go out more, rather than in the winter?

Deputy T. Binet:

The evidence from LibertyBus does not suggest that it is a serious problem. I think it would be disingenuous for me to decide that we would look at it, because there is a danger if you put on a complete loop on a bus service to pick up either one person or nobody, there will be calls from all round the Island to have a personal bus service for everybody. I think in the interests of practicality that is probably unlikely.

5.3 Deputy L.J. Farnham:

Can the Minister please remind the Assembly when we are going to get some meaningful information, some details about costings and the design of the new health facilities? I know a timetable was sent out to States Members some time ago but could he please just provide an update?

Deputy T. Binet:

There would be some further information on finance in the Strategic Outline Case but that is not the case that really sets out the finances; that will be the Outline Business Case which should be available in the autumn.

5.3.1 Deputy L.J. Farnham:

I was to understand that the Outline Business Case will be due by the end of May - something was due by the end of May - or am I mistaken or has the timetable changed?

Deputy T. Binet:

I thought I had mentioned that it was the Strategic Outline Case, it will be completed by the end of May. It will not be publicly available at the end of May because it has to go through Council of Ministers and through Scrutiny but it will be completed by the end of May, as we originally predicted.

5.4 The Connétable of St. Brelade:

We heard earlier on from the Minister for the Environment the difficulties his department had with regard to staff. I am aware that the Infrastructure Department had similar issues with regard to road engineers. Would the Minister tell Members what the status of his staffing in that department is now?

Deputy T. Binet:

I think earlier this year we had an 18 per cent shortfall, which is too much, given the workload that we have got. There has been a recruitment campaign. We have solved some of the problems but we still do have a deficit. The sad thing is that, strangely enough, the Transport Department requires people who are particularly trained in various areas and there is a shortage of those on the Island, so it is a very difficult process indeed.

5.4.1 The Connétable of St. Brelade:

Will the department be advertising more vigorously and perhaps reviewing the parameters of the role that is being demanded?

Deputy T. Binet:

Yes, we would be very happy to do that. We are making every effort we can.

5.5 Deputy S.Y. Mézec:

The Minister will be aware of some of the concerns that residents of Green Street have with the bus route that goes down there, which is a 2-way bus route on what is otherwise a one-way street. He may be aware of when routes have had to change necessarily because of roadworks going on, including Mount Bingham, which Deputy Coles raised before, that there are other options for how routes can work in that area.

[12:15]

Would the Minister consider the issues that are being raised by residents of Mount Bingham and Green Street about those bus routes and consider whether it would be worth meeting with LibertyBus to discuss a route system around that area that is more responsive and can help people get about, given that there are a number of elderly people who live at the top of Mount Bingham, for whom getting up that hill once being dropped off of a bus causes them great difficulty?

Deputy T. Binet:

I think the issue of buses in Green Street has already been raised and gets raised at the monthly Havre des Pas meeting. Since we last had that conversation I have asked the department to take a much closer look at it. Yes, I do not see any reason why we would not include Mount Bingham in those discussions.

5.6 Connétable R. Honeycombe of St. Ouen:

Is the Minister able to confirm that the £34 million required to begin the upgrade of the foul sewer network be made available? Because without this, rezoned fields by the Assembly in St. Peter and St. Ouen will not be able to be developed, losing 120-plus much needed homes.

Deputy T. Binet:

I am pleased to be able to say that in recent discussions with the Treasury we had been promised sufficient money to get the programme well underway and we are in further discussion as to how we might generate further funds to complete the process. But we have been promised money to commence as soon as possible; that is likely to be at the end of the year when the current team that are working on the sewerage disposal plant at Bellozanne become available to start the works. The answer is a firm yes.

5.7 Deputy S.G. Luce:

The residents in St. Martin at the moment are subjected to a substantial disruption due to roadworks in the area of Gorey Castle and the Castle Green. Could the Minister explain to the Assembly the justification for what appears to be almost a new road appearing in what was 2 quite productive cotés until quite recently?

Deputy T. Binet:

I am afraid the answer to that is no, I cannot explain it, but I am certainly happy to find out and let him know as soon as I know.

5.8 Deputy L.V. Feltham:

In one of his previous answers, the Minister referred to the town hoppa bus as regularly going around being empty. What measures has he and his department taken to ensure that the town hoppa bus is well publicised and that people know that service is available to them?

Deputy T. Binet:

It would surprise me if people in the town who see the bus going around frequently, as I do when I go into town, do not know about it. But I have to confess that I do not know what measures have been taken to advertise it. But as a result of the question I will certainly make sure that we look into it.

5.8.1 Deputy L.V. Feltham:

I would encourage the Minister to undertake that promotional work. To alleviate traffic pressures within St. Helier, would the Minister consider both making the hoppa bus free for all passengers as well as potentially instigating a free transit area within St. Helier?

Deputy T. Binet:

These things are fine in principle but to the best of my knowledge the hoppa service costs us I think about £18,000 a month. It caters for 57 people a day at present and if my maths is right that works out at something in the order of £10 or £11, I probably have that terribly wrong, but we just do need to be a little bit careful about the feasibility of it. But it is under review and there will be a report at the end of the period of review. There will be a report issued on its performance.

5.9 The Connétable of St. Lawrence:

There are a lot of roadworks being undertaken at the moment in St. Lawrence on the Grande Route de St. Laurent, which are having an adverse impact on small local businesses there. I would like to know the policy of the department in how they manage such roadworks and the small businesses and whether compensation is available to those businesses who lose out when there is not enough signage to indicate that they remain open and accessible despite the roadworks that are being undertaken?

Deputy T. Binet:

The business of roadworks seems to irritate everybody every time they appear. It is a thankless task and I do not think we will solve it anytime soon. As to whether there is funding available, I would say that there probably is not. Because once again we do not have an endless pot of money. But I would ask the Constable, and anybody else in any other Parish where, if there is insufficient signage, that gets pointed out to the department on day one, and I can assure you that I will make certain that they respond immediately.

5.9.1 The Connétable of St. Lawrence:

Yes, that is all very well and good, we can do that, we can advise the department that there is insufficient signage or inadequate signage. However, I have asked the Minister what his department's policy is on ensuring that these small local businesses are not affected by the roadworks that close the roads around them. There should surely be some policy and I would like to know what it is so that I can suggest improvements if necessary.

Deputy T. Binet:

Unfortunately, I do not carry a copy of the policy with me, but I am happy to invite the Constable again to meet the department and we can go through the policy with her in great detail. The sad fact of the matter is, as I have suggested, it is a very difficult business doing roadworks and you are going to upset whoever, whichever area that you are working in at any given point in time and that is, I am afraid, just a sad fact of life.

The Connétable of St. Lawrence:

Thank you. I accept the Minister's offer. Please arrange the meeting.

5.10 Deputy M. Tadier:

Would the Minister be happy to liaise with LibertyBus to make sure that the AvanchiCard, which offers discounted fares relative to cash fares, and also the free transfers that are available for commuters, are advertised, including to tourists who come to the Island?

Deputy T. Binet:

It is going to be a very busy few weeks for me. The answer to that is yes, very happy to do that.

5.10.1 Deputy M. Tadier:

The supplementary is: will he do that? I suppose just to get a precise answer.

Deputy T. Binet:

I am not sure how precise I have to be. Yes, absolutely yes.

6. Questions to Ministers without notice - The Chief Minister

6.1 The Connétable of St. Saviour:

Following news that the dedicated Jersey mail plane may be discontinued, will the Chief Minister be holding talks with the U.K. postal authorities and indeed Jersey Post regarding the continuation of this essential service?

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

I thank the Constable for raising this matter. I spoke with the Minister for Economic Development, Tourism, Sport and Culture just this morning and I believe that he will be engaging with the relevant bodies.

6.1.1 The Connétable of St. Saviour:

Because it has been suggested that the post can be handled by the sea freight service but, the best will in the world, sometimes the Island is disrupted by inclement weather, fog, and whatever, and as we are a finance centre it would be absolutely disastrous to lose this service. Does the Chief Minister not agree?

Deputy K.L. Moore:

I would agree that it is important, absolutely vital, for an island community to have a good postal service and one that meets modern expectations. I am aware that consultation is now taking place with relevant bodies, and particularly the online retail sector I believe had a meeting last night and they are discussing their views. I believe that they were pleasantly content with the position that they arrived to.

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

Following the report in the *J.E.P. (Jersey Evening Post)*, would the Chief Minister be able to provide the Assembly with a clear view on the Government's approach to online safety, including the development of relevant legislation for Jersey, given that the U.K.'s Online Safety Bill will not be extended to Jersey. The Online Safety Bill is however being extended to Guernsey and the Isle of Man through a permissive extent clause.

Deputy K.L. Moore:

The Constable will be aware that this Online Safety Bill is a matter for the Minister for Home Affairs and so she would have the most up-to-date information. I am aware that we are not keen to have permissive extent clauses extended to Jersey and we always seek to create our own legislation.

6.2.1 The Connétable of St. Martin:

I am not sure whether the Chief Minister will be able to answer this, or maybe it was Home Affairs, but in light of the announced taskforce, what engagement has Jersey had so far with the U.K. Government on the cyber-flashing offence?

Deputy K.L. Moore:

Again, I do not sit on that particular taskforce. I know it is in good hands and it is a very serious and important issue that I am sure the relevant Ministers and taskforce are pursuing.

6.3 Deputy L.V. Feltham:

Following correspondence between myself as chair of the Public Accounts Committee and the Chief Minister as chair of the States Employment Board, could she confirm whether or not managers and senior managers working within C.Y.P.E.S. (Children, Young People, Education and Skills) are subject to enhanced D.B.S. (Disclosure and Barring Service) checks?

Deputy K.L. Moore:

As I laid out in that correspondence, those people in the public service who have direct contact with children and young people would have enhanced D.B.S. checks.

6.3.1 Deputy L.V. Feltham:

Is the Chief Minister confident that, due to the responsibility of senior managers within C.Y.P.E.S., about regulation and the management of children's services and education services, that the relevant checks are being carried out to give the Assembly assurance that the children in our Island are being kept safe?

Deputy K.L. Moore:

Members will have gained from the question, and particularly that it comes from the Public Accounts Committee, that the specific question is rather operational in its nature. Of course, as policymakers and parliamentarians, it is part of our role to seek assurances and that is what has been expressed in my correspondence with the Deputy.

6.4 Deputy R.J. Ward:

Given the postponement of P.19 following the Council of Ministers meeting, can I ask the Chief Minister whether she supports P.19?

Deputy K.L. Moore:

Since we came into office, we have of course received the Hugo Mascie-Taylor report into clinical governance, which identified that this is a live issue and one that affects patient safety. A board is something that is very commonplace in other health authorities in other places around the world. It is something that is absolutely necessary for us as an Island to be able to provide assurance to politicians, but also, most importantly, to the public and to patients that good clinical governance and oversight is in place.

6.4.1 Deputy R.J. Ward:

So I assume that is a yes. Can I ask, in a Government that has set its store in transparency, what were the reasons for the delay and is it because there are some influential voices within the Council of Ministers who do not want to see this board?

Deputy K.L. Moore:

We are preparing to reissue that report because discussions are being had about some potential inaccuracies in the report and proposition, which is of course regretted, and we wanted to ensure that all was correct before debating in the Assembly.

6.5 Deputy M.R. Scott:

With respect to the proposed changes to the rules for 2(1)(e)s, could the Chief Minister please explain the process by which the threshold is being raised or is being proposed to be raised? In particular, the extent to which the potential competition with places like Guernsey, which have a lower threshold, has been considered in terms of diversion of income, and anything else that she might be doing to ensure that residents who do come over under such scheme are able to contribute the specialist knowledge that they have to Island life, rather than have it repelled perhaps by civil servants who are not keen to work in this way.

[12:30]

Deputy K.L. Moore:

I thank the Deputy for her question. The population skills group have considered and consulted with a number of people and bodies when considering this change. We have looked at data and

comparisons across various jurisdictions. We acknowledge that where we are setting the limit for this policy change is higher than other jurisdictions, particularly our neighbouring sister Island of Guernsey, may require for schemes that are in place in other places. However, we believe that Jersey offers a fantastic package to those people, who we welcome to the Island, who take up such an offer as the 2(1)(e) scheme delivers for people. We offer a safe and a beautiful environment in which to live, an excellent geographic position, communication routes, and many other things. Those people who choose to come to the Island and are successful in their applications are often very generous with their time and of course with their philanthropic giving when they arrive on our shores.

6.5.1 Deputy M.R. Scott:

I do not believe the Chief Minister had quite addressed the last part of my question, which I do accept was quite long. In terms of what I may have in terms of anecdotal evidence in terms of Government perhaps not working too well with the voluntary contributions of specialised knowledge of high-net-worth residents here, has she any plans to improve the liaison between Government and private individuals in this way?

Deputy K.L. Moore:

Forgive me for missing that part of the question. The Deputy raises an interesting point but there are many members of our community who have interesting perspectives and knowledge to share with political members and it is something that is under consideration, wider consideration, that we might look to create an advisory council to bring some of those people with relevant experience and a genuine desire to support the Island on a number of issues, to engage with political members.

6.6 Deputy B. Ward:

It is a follow-on from the question that I had raised with the Minister earlier on, but I would like to now direct that to the Chief Minister, if I may. I am concerned about the response from the Minister for Health and Social Services who alluded to the fact that it was the Cabinet Office who authorised the advert for the N.E.D.s (non-executive directors) and that the Minister for Health and Social Services was not aware that the advert had gone out. So my question is to the Chief Minister: can the Chief Minister look into the actions of the Cabinet Office in its publication of the advert, especially when we have not had this debate in this Assembly about a health board, but they are putting out adverts for the N.E.D.s. The question really is: is the Cabinet Office running things?

The Bailiff:

You have asked 2 questions there. Would the Chief Minister look into a particular thing or is the Cabinet Office running things? I suspect the answer to the second one is going to be quite short. But which answer do you want?

Deputy B. Ward:

The actions in relation to the advert.

Deputy K.L. Moore:

I would be happy to do so.

6.6.1 Deputy B. Ward:

Is the Cabinet Office running things?

Deputy K.L. Moore:

Of course officials do run departments, but of course Ministers decide and take policy decisions and provide direction and guidance. That is the way political offices operate and I would always make sure that each party is pursuing their own proper roles.

6.7 Deputy T.A. Coles:

I would first like to thank Deputy Rob Ward for stealing my original question, so I have had to edit it slightly. Could the Chief Minister please provide details around the conversations that led to the deferment of P.19/2023?

Deputy K.L. Moore:

There have been a number of conversations with both officials and politicians. I would not be able to run into this precise detail.

6.7.1 Deputy T.A. Coles:

Would the Chief Minister not agree that it would be more prudent that these kind of conversations happen before the propositions are lodged rather than then being deferred later, and would this not be a function that the Cabinet Office may consider taking?

Deputy K.L. Moore:

Of course it would always be preferable that everything is absolutely correct and all the ducks are aligned before anything happens. But we are operating as best we can under tight timeframes and, as I have pointed out, there have been some points that needed to be refined prior to debate.

6.8 Deputy M. Tadier:

It goes back to the question of a property register and whether her Government knows and can know who the beneficial owners of property are. If so, how Government can know that.

Deputy K.L. Moore:

At the moment the Constables in their Parishes are the ones who know who own property as they receive rates from both occupiers and the ratepayers.

6.8.1 Deputy M. Tadier:

There is a problem with that of course because the rates information may contain the name of a company or a trust, but it does not contain the information necessarily of who the ultimate beneficial owner is. Nor does it explain how that information, even if it did exist, would get to the Government. So can the Minister clarify again, because she said that a digital register is not the preferred option, how on earth can Government know who the beneficial owners of property are in order to implement the policy of not allowing people who should not be owning property in Jersey to be able to acquire that property?

Deputy K.L. Moore:

I am sure the Deputy will be well aware that we have a registry where directors of companies are registered and ultimately, if there are, particularly for financial crime purposes, requirements to identify the owners of those, then we have agreements in place where that information is shared. But we have a well-regulated register.

The Bailiff:

That brings the period of time allocated for questions to the Chief Minister to an end and concludes the question period. We would now move on to public business. In the light of the time that is approximately 6 minutes before I would normally ask Members whether they wish to adjourn, do we wish to move to public business? Can I raise that question? Or do we wish to start after the adjournment?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, the Assembly stands adjourned then until 2.15 p.m.

[12:38]

LUNCHEON ADJOURNMENT

[14:15]

PUBLIC BUSINESS

7. Draft Commissioner for Children and Young People (Amendment of Law) (Jersey) Regulations 202- (P.12/2023)

The Bailiff:

We now continue with public business and the first item is the Draft Commissioner for Children and Young People (Amendment of Law) (Jersey) Regulations lodged by the Chief Minister. The main responder is the chair of the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Commissioner for Children and Young People (Amendment of Law) (Jersey) Regulations 202-. The States make these Regulations under Articles 3(3) and 30 of the Commissioner for Children and Young People (Jersey) Law 2019.

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

The Commissioner for Children and Young People Law contains regulation-making powers, which allow the Chief Minister and the president of the Scrutiny Liaison Committee to agree and propose amendments to the existing appointment process for the commissioner. Accordingly, the president of the Scrutiny Liaison Committee and I have worked together on 2 proposed amendments to the 2019 law, which are set out in these draft regulations. These proposed amendments are quite rightly being put before the Assembly for consideration, and we hope approval, prior to the commencement of the recruitment of the next Children's Commissioner. One of the proposed amendments is to reduce the term of office for the commissioner from 8 to 6 years. This would align with the recommendation made in the 2019 report of the Independent Jersey Care Inquiry Panel. This was the panel's 2-year follow-up review, which told us that a change was necessary to ensure that the commissioner is able to sustain both their independence and, importantly, the public perception of that independence. The panel's view in 2019 was that the longer length of tenure made it difficult to sustain this independence both in practice and perception. This proposed reduction in tenure from 8 to 6 years would also make the length of tenure for Jersey's commissioner consistent with those of the commissioners in the U.K. The other proposed amendment in these draft regulations is to remove the prohibition on the appointment of certain persons to the office of commissioner. These persons are the acting commissioner for Children and Young People, any former acting commissioner, and a member of the commissioner's staff. As the law currently stands, the acting commissioner and any other staff working for the commissioner will be disqualified on the basis that they are employed by the States Employment Board. The original rationale for a wide scope of exclusions was to deliver added trust and confidence in the office, given the remit of the commissioner's functions. The extent of existing disqualifications means that recruitment to the post from within the Island is unlikely. However, not allowing the acting commissioner or any serving member of commission staff to even be considered for the role seems overly strict and excessive. Indeed, we consider this to be a largely unintended consequence of the initial legislation that was not considered at that time. The proposed amendment therefore puts forward a more proportionate set of arrangements that is sensitive to the

important public perception of independence while also offering those working in the Children's Commissioner's office an opportunity to be included and complete in the existing rigorous and independent appointments process. I move the principles.

The Bailiff:

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

7.1.1 Deputy S.Y. Mézec:

Can I speak in support of this proposition and provide perhaps a little bit more background on top of what the Chief Minister has already provided in an attempt to be helpful? I was consulted on this in my role as president of the Scrutiny Liaison Committee because the Children's Commissioner Law does state in it that the appointment of a Commissioner for Children would be made by a joint proposition between the Chief Minister and the president of the Scrutiny Liaison Committee. I was Minister for Children and Education and brought the original legislation forward and I had no idea that would one day include me, and at the time I was referring to the president of the Scrutiny Liaison Committee, who now is the other side of that. But that safeguard was deliberately put in that law to make sure that this does not become a politically partisan appointment and that there are safeguards in place to make sure that there can be a perception of independence for whoever ends up in that role. When we brought that law forward, it was the first time that we had passed legislation to formally create a Children's Commissioner and their office in law and so when we put those safeguards in to ensure that the person who would become Children's Commissioner was somebody we could have trust in, would be independent, and crucially would not be somebody who there would be worrying perceptions of being tied too close to the events that were spoken of in the Independent Jersey Care Inquiry, and more broadly what they spoke about in their recommendation 7 on the Jersey Way, that it would be far enough removed from that so that we would have trust in the office of the Children's Commissioner to be able to do their job of promoting and defending children's rights and, importantly, being able to speak truth to power and be, from time to time, shining a light on things that some people in our community may find very inconvenient, but for which there is clearly a public interest and the interests of children to do so. It was not foreseen at that time that because of a technicality that would include prohibiting people who worked in the office of the Children's Commissioner from applying to become commissioner. The prohibition of people working for the States of Jersey from applying was right at the time, and it is still right to this day, but it was made at a time where this office had not yet been formally established in this way. So to have considered it now it strikes me as appropriate in principle to allow people who work in that office, who I would say already have the independence by the fact that they work in that office, rather than properly, directly for Government, to at least have the opportunity to be able to apply for that role. Knowing that all of the other safeguards exist in that process still unchanged from this. Of course, it was during my time as Minister for Children and Education when the Care Inquiry came back for its 2-year review where it was able to look at the foundation of this office at that point and they made their recommendation that the term limit should be decreased slightly for all the reasons that the Chief Minister has just given. So it would seem an apposite time to implement that change as well. So I am very comfortable with this law change and will be supporting it.

7.1.2 Deputy C.D. Curtis:

The Children, Education and Home Affairs Scrutiny Panel supports this proposition. I refer Members to our comments paper. As can be seen on the last page of our comments paper, we did ask the Chief Minister to respond to 2 points of concern, firstly to explore more fully the possibility of a pan-Island commissioner for future times and, secondly, that consideration be given to the residency rules so that applicants from outside the Island are not put off from applying. So could the Chief Minister advise the extent to which these points were considered and whether they will be considered further in the future. But the panel does support the proposition.

7.1.3 Deputy R.J. Ward:

I am not entirely sure that I agree with the principle that has been put forward here. I will try to explain why. I am not entirely sure whether to support this. The reason is that I do support the reduction in term. That was a recommendation made and that is not a problem at all. But there is a level of independence from having somebody who has no connection at all with Government that is specifically useful for this role. This is an extremely important role and it is still, I would say, a new role. It is the next iteration of the Children's Commissioner and it was a very difficult time during COVID. There was an enormous amount going on and we were very grateful for some of the input, some of which was very difficult for us to listen to about our actions in this Island. I say "our actions" because we are all part of this Island, and so we take collective responsibility for this Island. There is just something in the back of my mind and it is nice as a genuine, open debate to hear about, and we talked about this, and I speak for that reason. But the unintended consequence that was mentioned before may have a significant use. Because, if you are going to, as somebody said, tell truth to power, you need to have the confidence that there is no way in which you can be linked previously or have - I do not know what the words are for once - but there is an issue here that I cannot vocalise entirely. I think it is because that word "independence" means something. It means away from an organisation to talk about that organisation with total impunity. Any organisation that you have been part of is very difficult to move away from and have that independence. If Members are sat there thinking ... I am thinking out loud, yes, absolutely I am. Because there is something I cannot quite get right in my mind about this. So I am unsure and I think we need to think very, very, very carefully before we accept this and make this change. I did chair the panel and we did an enormous amount of work on the Care Inquiry, some really difficult work as well, and I am grateful to all the Members who were part of that panel. I recognise the challenge that Care Inquiry leaves us and continues to leave us. There are still unsolved problems. There is still an issue over legacy issues that have not been addressed successfully, I firmly believe. The Children's Commissioner will have to take those issues on or will see the fallout from those issues. So therefore a level of independence perhaps beyond others is going to be quite important. So those are my concerns. Other Members may be able to vocalise things better than me. For once, I am genuinely unsure and I will be honest about it.

7.1.4 Deputy M.R. Scott:

What I had to say is somewhat along the lines of what Deputy Rob Ward was saying, and I can see some reasons and some good points that are being addressed in terms of these proposed regulations. But I remain somewhat uncomfortable about this concept of independence while you have members of these independent bodies who are being essentially employed by the States Employment Board. In particular, and perhaps the Chief Minister could answer this question for me, the question I have is who is really, within Government, responsible for the budget in terms of giving the grants and how that plays out in terms of independence. It is something that I have raised in connection with the chief statistician and the budget that is part of the S.P.P.P. (Strategic Policy, Performance and Population) Department, whatever that acronym really stands for, which I constantly get confused about. But I would be appreciative of some more information there.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, then I close the debate and call upon the Chief Minister to respond.

7.1.5 Deputy K.L. Moore:

I thank those Members who have contributed to this debate. If I may just begin with Deputy Scott, who raises an interesting point about budgets and independence. My first thought was to think of the non-Ministerial bodies in fact and how we demonstrate independence through accountable officers, whose budgets are set and obviously are provided for in the Government Plan, but who retain an element of independence through their accountable officers in administering and apportioning the

funds that they receive from government. So I hope that does assist and, as the Deputy pointed out, there are many other examples in and around government of similar structures. Deputy Rob Ward mentioned his concern about building confidence and any potential concerns that people may have about a lack of independence. I would simply ask the Deputy in this case to reflect upon the work of the whole Office of the Children’s Commissioner through this time.

[14:30]

Every member of the office has demonstrated quite clearly their ability to champion children’s rights, to work collaboratively, yes, but also without fear or favour and to raise concerns when they have been necessary. The president of the Scrutiny Liaison Committee and myself, when we met first to discuss this matter, were able to reflect on that. This proposition shows that some time has now passed and we have got to a good place where we feel it is appropriate to attempt to ask the Assembly for this further commitment and minor amendment. I thank the chair of the Children’s Scrutiny Committee for their consideration and their very full and helpful comments paper. The Deputy is quite right to remind me to refer to the 2 points that they raised in their conclusions, and forgive me for not doing so earlier. We are currently always keen to look at pan-Island solutions where we can support each other with our sister isle in delivering such bodies and that is absolutely correct, and I am grateful to the panel for the suggestion and we shall seek a first opportunity to do so. In relation to the residency term, we are obviously somewhat in the bounds here of the Control of Housing and Work Law and the 10 years’ residency requirement. So the panel are correct in identifying that perhaps might be a barrier to a potential future commissioner. But equally it may be something that is welcomed by that person as they would see their role as coming in to do a specific role for a specific and known amount of time and then to exit stage left or right, as of course has the previous Children’s Commissioner. Therefore, I am afraid that I cannot at this point see a workaround that would assist in that, other than of course them seeking other employment that would extend their time in the Island under the confines of our current law. I hope that answers the questions of Members and I hope that Members will join with myself and the president of the Scrutiny Liaison Committee in adopting these 2 amendments to this piece of legislation.

The Bailiff:

I invite Members to return to their seats. The appel is called for. The vote is on the principles of the regulations. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted: 41 votes pour, 2 votes contre, one abstention.

POUR: 41	CONTRE: 2	ABSTAIN: 1
Connétable of St. Lawrence	Deputy M. Tadier	Deputy M.R. Scott
Connétable of St. Brelade	Deputy R.J. Ward	
Connétable of Trinity		
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 G.P. Southern		

Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy H.M. Miles				
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 L.K.F. Stephenson				
Deputy M.B. Andrews				

The Greffier of the States:

Those voting contre are: Deputies Tadier and Ward, and Deputy Scott abstained.

The Bailiff:

Deputy Catherine Curtis, do I take it your panel does not wish to call this matter in? Very well. How do you wish to propose the regulations in Second Reading, Chief Minister?

7.2 Deputy K.L. Moore:

I propose the Regulations *en bloc*. Shall I continue with my speech?

The Bailiff:

You can either answer questions on them or you can introduce them before proposing them *en bloc*, whichever you prefer, Chief Minister.

Deputy K.L. Moore:

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

The Bailiff:

Are they seconded *en bloc*? [**Seconded**] Does any Member wish to speak on the Regulations or any of them?

7.2.1 Deputy M. Tadier:

If it is possible first of all to ask for these to be taken separately. I am not sure if it is, because there is a paragraph 1 and 2, but there are subparagraphs in terms of the alphabetisation and although I did not speak in the principles I think it is appropriate to speak in the Articles to explain why I voted against and the misgivings I have about the changes here. So the changes first of all do not relate to the length of term for the commissioner, that is probably going in the right direction, 8 years is very long. Arguably, 6 is still quite long, but these are not political terms of office we are talking about. My concern is that the changes that we are making, the substantial changes to broaden the scope of who can apply for the ultimate position of commissioner when that becomes available, identifies a problem but it does not find the correct solution. The problem is, or rather the starting point is quite rightly, and should always remain, that whoever the Commissioner for Children is, is independent in fact and in appearance. The very fact that somebody in the commissioner's office is effectively employed by the States Employment Board is highly problematic. That is the problem that needs to be resolved first before we are seeking to amend this today. Because, irrespective of what one might say about safeguards present or future, that does not sit right with an independent office. You cannot have an independent office, which is appointed by the States Employment Board. What is the States Employment Board? Certainly in its current format it is 3 members of the Executive and 2 members of the non-Executive. So effectively in that sense the States Employment Board is a majoritarian Ministerial entity. It might be called the States Employment Board but it could be interpreted as the Government Employment Board. Now I know that Deputy Mézec stood up earlier and said that there is a current safeguard in the sense that in order for this particular appointment to happen it needs to be agreed by the Chief Minister of the day and the head of the Scrutiny Liaison Committee of the day. But of course we do not know who those 2 people will be at any one time and it is entirely possible that in a future iteration you will have a member of the Scrutiny Liaison Committee who is a party member of Government, a member of the governing party, or a member in coalition with the Minister, with the ruling party, but not in Government him or herself. So you effectively have a system where the commissioner is employed by the States Employment Board, as are the current members working in the office, and you could have a situation where you have somebody who is not independent and is in a political appointment to that position. We owe our children in future better than that. I do not buy into this suggestion that enough time has now passed, that these changes were put in as safeguards initially, but there is enough water under the bridge since the Committee of Inquiry reported back. It is only in 2018 more or less that it reported back and the previous Assembly debated those changes and we all stood up and said never again. We are frankly being too complacent here. I am not going to propose it, but we should be doing this in a completely different way. This strikes me as being unfortunately, I do not like to say it, a Jersey fudge. We have identified a problem but not the real solution to it and that is why I did not vote for it in the principles. I cannot support the relevant Article and I will not be voting for it in the Third Reading either.

The Bailiff:

Before I proceed, Deputy, you made a reference to being able to vote separately. I am afraid there are only 2 regulations. We cannot subdivide the regulations. You must either vote for the regulation or not as the case may be.

7.2.2 Deputy M.R. Scott:

I am just voicing my continuing discomfort because the Chief Minister did not answer my question about who is responsible for the budget and for the grants to the Minister for Children and Education. Could it be the Minister for Children and Education who is responsible for children herself? I just need to understand this a bit more because, like Deputy Tadier, I do have problems in terms of this potential conflict situation where you have employees of what are supposedly independent organisations that nevertheless are being employed by the States Employment Board. I understand that there is an administrative convenience here, but it does seem to me that in terms of the potential for some sort of interference or overdue influence in these areas, needs to be addressed in terms of the way these things are set up.

The Bailiff:

Does any other Member wish to speak on any of the Regulations or the Regulations generally? If no other Member wishes to speak, then I close the debate and call upon the Chief Minister to respond.

7.2.3 Deputy K.L. Moore:

I thank the contributors. It is important in this Assembly that we can all share our views without fear or favour and to express a contrary opinion, and of course that is what has happened and I respect those differing views. In answer to the question from Deputy Scott, apologies for not addressing that specific point previously. I believe the Children’s Commissioner budget would come under the Chief Minister’s and I can assure her that the monitoring of that budget would be seen as an arm’s-length operation and the Children’s Commissioner and their office being accountable for their own management thereof. With that, I ask for the appel as I assume that some Members may wish to register their discontent with this item, but I hope that the majority of Members will remain as they were on the principles.

The Bailiff:

The vote is on Regulations 1 and 2, the entirety of the regulations, and I ask the Greffier to open the voting. Members have had the opportunity to cast their votes and I ask the Greffier to close the voting. I can announce that the regulations have been adopted in Second Reading: 42 votes pour, 2 votes contre, no abstentions.

POUR: 42		CONTRE: 2		ABSTAIN: 0
Connétable of St. Lawrence		Deputy M. Tadier		
Connétable of St. Brelade		Deputy R.J. Ward		
Connétable of Trinity				
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 G.P. Southern				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
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 L.K.F. Stephenson				
Deputy M.B. Andrews				

Do you wish to deal with the matter in Third Reading, Chief Minister?

7.3 Deputy K.L. Moore:

Thank you, I do. Before I move the draft regulations in Third Reading, I would like to thank the president of the Scrutiny Liaison Committee for his input and co-operation in progressing these regulations. I would also like to pay tribute to the former Children’s Commissioner. **[Approbation]** The former Children’s Commissioner set a very high standard for the role and embedded children’s rights successfully across the Island and particularly in many schools. She raised many issues in a fearless fashion and it was really quite a breath of fresh air to observe and to witness. I am sure the next role-holder will endeavour to continue as she did. This now allows the appointment process to progress and I look forward to returning to the Assembly with the Deputy to propose the next Children’s Commissioner once the appointments process has been completed.

The Bailiff:

Are these seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? No Member wishes to speak in Third Reading, then I close the debate. The appel is called for. I invite Members to return to their seats. The vote is on Third Reading and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. I can announce that the regulations are adopted in Third Reading: 42 votes pour, 2 votes contre, no abstentions.

POUR: 42	CONTRE: 2	ABSTAIN: 0
Connétable of St. Lawrence	Deputy M. Tadier	
Connétable of St. Brelade	Deputy R.J. Ward	
Connétable of Trinity		
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 G.P. Southern		
Deputy C.F. Labey		
Deputy S.G. Luce		
Deputy L.M.C. Doublet		
Deputy K.F. Morel		
Deputy M.R. Le Hégarat		
Deputy S.M. Ahier		
Deputy C.S. Alves		
Deputy I. Gardiner		
Deputy I.J. Gorst		
Deputy L.J. Farnham		
Deputy K.L. Moore		

Deputy S.Y. Mézec			
Deputy Sir P.M. Bailhache			
Deputy T.A. Coles			
Deputy B.B.de S.V.M. Porée			
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 L.K.F. Stephenson			
Deputy M.B. Andrews			

8. Draft Probate (Amendment) (Jersey) Law 202- (P.16/2023)

The Bailiff:

We now come on to the next item of public business, which is the Draft Probate (Amendment) (Jersey) Law lodged by the Chief Minister. The main respondent is the chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Probate (Amendment) (Jersey) Law 202-. A law to amend the Probate (Jersey) Law 1998. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

[14:45]

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

The draft amendment law before the Assembly today would, if adopted, provide new arrangements relating to the management of movable estate in Jersey in certain limited circumstances. The proposed amendments update the existing small estate exemption in the Probate (Jersey) Law 1998, bringing it more in line with the arrangements already in place in England, Scotland, Guernsey and the Isle of Man. The amendments would allow people who, through banks and care providers, for example, are holding the movable estate of deceased people, and to release it to others, for example family members, in certain limited circumstances. Movable estate is personal property that can be moved, such as cash, jewellery, and furniture, as distinct from property that cannot be moved, such

as a house. The movable estate can be a single item or multiple items. For ease, I will use the term “personal property” as opposed to “movable estate”. As matters currently stand under the law, a grant of probate or grant of letters of administration are required in respect of all deceased person’s estates regardless of the size or complexity, except for where the deceased person was domiciled outside of Jersey and the value of their personal property was no more than £10,000. A grant of probate is required when a person dies with a valid will in place. A grant of letters of administration are required when they die intestate. Both cost money and take time and can be viewed as overly onerous in the case of low-value estates where there is little complexity or risk, hence the numbers of small estates that are never claimed. The law currently makes it an offence for a person to administer the personal property of a deceased person before a grant is in place, which effectively means that a hospital nurse who gives a deceased patient’s possessions to a grieving relative is potentially inadvertently committing an offence. Our care providers are in the difficult position of either holding on to the personal property of a deceased person, thus denying family and friends access to items of sentimental value, or acting in a supportive manner, which is potentially unlawful. This is not a desirable position. This amendment therefore proposes that the law is amended to provide for limited circumstances in which a person may give a deceased person’s property to another without or before a grant of probate or administration. For the purposes of clarity, the proposed amendments to the law would not remove the general requirement for the person managing the estate of a deceased person to apply for and receive a grant of probate or administration in order to establish their right to recover or receive the deceased person’s estate. The amendments will simply provide for exceptions by setting out specific circumstances in which the person holding the personal property, the holder, may give it to another person where there is no grant in place. A grant is still required other than in accordance with 5 limited circumstances. The first exception relates to small estates. A person holding a deceased person’s personal property may give it to another person without that person having a grant if the deceased person did not live in Jersey and the gross value of their personal property in Jersey as held by the holder does not exceed £30,000, or the deceased person lived in Jersey and the gross value of their personal property held by the holder does not exceed £30,000 and the gross value of the deceased person’s worldwide personal property does not exceed the same value, £30,000. This would, for example, allow a bank to release a deceased person’s monies to a family member. One practical example, which is sometimes the case in Jersey, would be for the family to access a co-op dividend account, for example. The new exception is similar to the exception that currently exists in law where the deceased person did not live in Jersey except that it increases the threshold from £10,000 to £30,000. The new exception also applies to deceased people who are domiciled in Jersey as opposed to just in another country and it sets the threshold at £30,000, a threshold that is currently £50,000 in England, £36,000 in Scotland, and unlimited in the Isle of Man and Guernsey. £30,000 represents a risk-averse approach as we move to new arrangements. The Minister may however increase or decrease the amount by order in the future as appropriate. The amendment law would introduce safeguards to protect against an applicant acquiring property they are not entitled to and to protect a holder if they unknowingly give property to someone who is not entitled. These safeguards include the applicant acknowledging in writing that the holder is not liable if another person or family member claims the property was rightly theirs and the applicant declaring in writing that they are entitled to the property under the terms of the deceased person’s will or laws relating to intestate succession. Furthermore, the law proposes that the exceptions cannot be relied on if there is a caveat in force preventing anyone from disturbing the deceased person’s property. Details of all caveats are listed on the government website or on the physical notice posted outside the Royal Court building, so may be readily checked by any person. An amendment is also proposed to protect the holder from any potential action brought by the deceased person’s estate, providing the holder acts in good faith. It is important to note that the holder may choose to use the exceptions introduced in the law, but they are not compelled to. If they have any concerns about releasing the personal property of a deceased person, for example if they know there is a dispute within a family, they may refuse to release unless the applicant provides them

a copy of a grant. The second exception has the same effect as the small estate exception but is brought forward to provide ease and certainty to care providers who often find themselves holding the possessions of deceased people. This will include care home managers and delegates of the chief nurse to be set out in an order. Under this exception, the holder may release the property to a family member, friend, or another relevant person, on receipt of a completed application form. Forms which will be readily available online. As with the small estates exception, a £30,000 limit applies, so the applicant will need to declare the value of the possessions and the holder will need to make a judgment as to whether the declared value appears correct. Furthermore, the applicant is required to declare that the gross value of the worldwide estate of the deceased's personal property does not exceed £30,000. In most cases, common sense will help the holder to determine if the items are worth more than £30,000 but they can look at similar items online or seek a valuation if they deem it necessary. The third exception provides for funeral directors to authorise, without a grant of probate or administration, that a deceased person may be buried or cremated with personal items up to £1,000 in value such as a wedding ring. Furthermore, a funeral director may authorise items up to the value of £10,000 to be buried or cremated with the deceased on receipt of an application form completed by the applicant, which, as before, will be readily available online. In both cases, the property must have been worn by the deceased or be with them at the time of their death. A fourth exception allows the Viscount, when appointed as delegate for the deceased person, under the Capacity and Self-Determination Law, to release that property without a grant where the Viscount is satisfied that the gross value of the worldwide estate is not more than £30,000 and where it is for the purpose of legitimate expenses such as a funeral bill, care home fees, or reimbursement of pension or benefits overpayments. Under common law, the Receiver-General may receive, on behalf of the Crown, *bona vacantia* or ownerless property. Under the fifth exemption there would be introduced by these amendments, the holder may release and the Receiver-General may receive, without the production of a grant, if the holder, despite reasonable effort, cannot identify a person to whom the movable estate should be released. For the purposes of clarity, customary law is not affected by these amendments. *Légitime*, the protection from disinheritance provided in law, remains as is. Any person who believes that the terms of another person's will deprives them of estate to which they are entitled may still bring action under law. The draft provisions before the Assembly also amend the offences, which are currently set out in law, in order to recognise the new exceptions and to introduce a new offence in the event of a person knowingly providing false information when requesting the release of personal property. The existing offence of intermeddling remains unchanged except that the drafting language is updated as Article 13 of the Interpretation Law, which provides that where more than one penalty is specified the word "and" means from the penalties may be imposed alternatively or cumulatively. The draft law also proposes introducing an enhanced regulation-making power allowing this Assembly to further amend the law by regulations in the event if it deems necessary to do so without recourse to the Privy Council. These amendments were originally developed with support and guidance from the Legislation Advisory Panel and I would like to thank them for their work. They have been the subject of a public consultation process, which ran from October to December 2021, with comments received from the Jersey Bankers Association and the Law Society, both of whom welcomed the proposals in principle. Both raised queries and we worked to address through refinement of the draft provisions. Most notably by ensuring that the provisions adequately protect the holder against any action taken by a third person who believes they are entitled to the personal property and by ensuring that the holder need only be satisfied that the value of the property they hold is no more than the £30,000 threshold, i.e. we are not asking the holder to account for things that they cannot know. We also directly contacted all care homes and funeral directors to ask them for initial comments and more recently they were sent guidance on how to proceed, and further guidance meetings have been scheduled with them in the event that the Assembly chooses to adopt this proposition. I believe that the amendments before the Assembly today represent a proportionate and a sensible way for people to proceed when dealing with low-value estates. They avoid the expense and time associated with obtaining a grant of probate or letters of administration

where the risk of wrongdoing is low. Plus they provide more assurance to our care providers and funeral directors that they can act with compassion without potentially committing a criminal offence. I recommend the amendment law to the Assembly and I move the principles of the proposition.

The Bailiff:

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

8.1.1 Deputy S.Y. Mézec:

The Corporate Services Scrutiny Panel has not conducted a full review of this law and the reason for that being that one was unnecessary because the previous Corporate Services Panel did just that and produced comments when a previous iteration of this law was brought at the end of the last term of office. That led to that iteration being withdrawn so that the comments of that iteration of the Corporate Services Scrutiny Panel could be taken on board by the new Chief Minister, who coincidentally happened to be the chair of that panel that made those recommendations. So that has been taken into account and since then my panel did have a comprehensive briefing on this new version with the changes in it that have been made and we are satisfied that it has been drafted in an appropriate way and that those comments were taken into account. We are satisfied to say that we can support this iteration of this as a step forward that will probably make things easier for some people when they are unfortunately going through difficult times, so we are happy to support it on that basis.

8.1.2 The Connétable of St. Mary:

As the Chief Minister said, the Legislation Advisory Panel of the previous Assembly did originally bring this legislation forward in much the same form. While it was delayed, the panel of the day were much in favour of it and certainly I have no problem approving it. I rise simply to perhaps make a particular distinction on the exception for small estates. As the Chief Minister said, there is a distinction between the situation where the deceased died domiciled in Jersey and where the deceased died domiciled outside Jersey. Where the deceased died domiciled in Jersey, the small estates exemption applies to a limit of £30,000 total. If the deceased died domiciled outside Jersey, the deceased could have multitude accounts I think, the deceased could have accounts in more than one place, where in each the limit was £30,000. So in that case someone dying outside Jersey, someone domiciled outside Jersey, could die leaving assets in the Island of more than £30,000. Because of my previous involvement the department did run this past me and I queried why the distinction.

[15:00]

The answer was to the effect that it would be difficult for any one institution in Jersey to take a view as to whether the deceased had other accounts when they were not domiciled here and that seemed reasonable to me. I simply flag the point so that Members are aware of it and, as I say, I am very happy to approve the proposition as drawn.

8.1.3 Deputy G.P. Southern:

Only one point to make, or question to ask, but it is a very general one because I heard the words “by order”: “The Minister may change these terms by order.” As soon as I hear “by order” I think what is the justification by order? It is very convenient for the Minister to be able to do that and often that is justification enough but I would seek some argument, some justification, as to why it should be by order and not by regulation. Remember, regulations come to this House, we get a say. If the Minister of the time in some future date wants to make this £30,000, I do not know, £3 million, then that might cause an issue but bring it to the States and we can decide what the right level is rather than the Minister off their own bat saying it is by order. By regulation: “Get your nose out of it.” So some sort of explanation as to why by order instead of by regulation, please.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, I call on the Chief Minister to respond.

8.1.4 Deputy K.L. Moore:

I am grateful to those who have spoken. I think if anybody ever doubts the value of Scrutiny and the process, then this is a good example of Scrutiny in action, having been very familiar with this proposition from the other side. Of course, I am grateful to the current chair for acknowledging the work of a former panel and the changes that have been brought in this proposition today. We are also grateful to the Legislation Advisory Panel and the work of the Constable of St. Mary. To answer Deputy Southern's question with regards the justification for simply being able to make changes by order, I think it would be a very brave Minister who made a radical change to this proposition by order. I am sure that legal beagles and others would identify such a change and take issue and that would be pursued through the Assembly in forms of questioning and they would be able to therefore seek a change. But also I think if we reflect in the rather lengthy speech I gave in opening the principles, we can see that if we look at Guernsey and the Isle of Man where there is no limit to the amounts, then that shows that there are differing views and approaches taken in various places and so I do not think it would be an outrageous suggestion. I commend the principles to the Assembly and ask for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on the principles. I will ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted: 44 votes pour; one vote contre; no abstentions.

POUR: 44	CONTRE: 1	ABSTAIN: 0
Connétable of St. Lawrence	Deputy G.P. Southern	
Connétable of St. Brelade		
Connétable of Trinity		
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 L.M.C. Doublet		
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 Sir P.M. Bailhache			
Deputy T.A. Coles			
Deputy B.B.de S.V.M. Porée			
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			

The Greffier of the States:

Deputy Southern voted contre.

The Bailiff:

Deputy Mézec, does your panel wish to call the matter in?

Deputy S.Y. Mézec (Chair, Corporate Services Scrutiny Panel):

No, Sir.

The Bailiff:

How do you wish to propose the Articles in Second Reading, Chief Minister?

Deputy K.L. Moore:

En bloc, please.

The Bailiff:

Are they seconded *en bloc*? [**Seconded**] Does any Member wish to speak on any of the Articles? If no Member wishes to speak, those in favour of adopting the Articles in Second Reading, kindly show. Those against. The Articles are adopted in Second Reading. Do you move in Third Reading, Chief Minister?

8.2 Deputy K.L. Moore:

I would simply like to express my appreciation to the policy officers, the law officers and Scrutiny officers and panel members who have contributed to this work and those who have contributed also to the public consultation, along with the members of the current and the previous Legislation Advisory Panel. They have all contributed to the progress of this proposition and their support and assistance in informing and developing these proposals has been most helpful. I move the Third Reading.

The Bailiff:

Is the law seconded for Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, I close the debate. All those in favour of adopting the law in Third Reading, kindly show. Those against. The law is adopted in Third Reading.

9. Draft Control of Housing and Work (Residential and Employment Status) (Amendment No. 2) (Jersey) Regulations 202- (P.20/2023)

The Bailiff:

The next item of public business is the Draft Control of Housing and Work (Residential and Employment Status) (Amendment No. 2) (Jersey) Regulations lodged by the Chief Minister and the main respondent is the chair of the Corporate Services Scrutiny Panel and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Control of Housing and Work (Residential and Employment Status) (Amendment No. 2) (Jersey) Regulations 202-. The States make these Regulations under Articles 2 and 44 of the Control of Housing and Work (Jersey) Law 2012.

Deputy A. Curtis:

Can I declare an interest here? I have a personal interest that the matters within this would be a qualifying feature for myself and my partner, so I will declare that as an interest.

Deputy K.L. Moore:

The rapporteur for this proposition is the Assistant Chief Minister, Deputy Stephenson.

9.1 Deputy L. Stephenson (Assistant Chief Minister - rapporteur):

I am very pleased to be proposing this small but significant change to our current controls on the employment of migrants. The Council of Ministers is committed to addressing the labour shortages that many employers are currently facing and these regulations will remove a barrier which stops an unmarried partner of a migrant worker or local resident from accessing the local employment market. It is a simple fact that the proportion of adults who are married has declined over the last several decades and this proposed change therefore provides a more effective use of the skills and experience of unmarried partners who move to the Island or are in a relationship with a partner already here with entitled, licensed or entitled for work only status. A typical example is that of a teacher who comes to Jersey with a licensed permission. Her unmarried partner is an experienced graphic artist. At present the partner is limited to registered jobs. With the new regulations in place the graphic artist

would be able to use their skills to support any local business. Another example is that of an entitled Jersey resident who has left the Island to take up employment elsewhere. At present should that entitled person return to the Island with their unmarried partner, the unmarried partner is limited to registered jobs. With the new regulations they would also be able to use their skills to support any local business. The 2-year period for evidence of the relationship is aligned with the existing requirement under immigration rules. Any partner coming from outside the Common Travel Area will already need to satisfy this condition to enter Jersey. As well as those moving to the Island this proposed change aims to deliver an improved use of those persons already on the Island as partners of current workers which will assist the supply of workers in areas across the economy and help to reduce labour shortages. Looking very briefly at the legal framework, the Control of Housing and Work (Jersey) Law 2012 provides controls on who can live and work in Jersey. The Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 sets out the conditions for residential and employment status under that law. Spouses and civil partners of those with entitled status, licensed status or entitled for work only status under the Control of Housing and Work Law already receive entitled for work only status under the regulations. Entitled for work only status provides open access to the local labour market. It allows an individual to take up any local job and does not require an employer to have any permission to employ that person. Unmarried partners currently do not acquire any Control of Housing and Work status from their partner and this means that these individuals are restricted to registered jobs on arrival in Jersey and for the first 5 years of their residence. In short, these proposed amendments to the 2013 regulations will give unmarried partners the same employment rights as partners who are married or in a civil partnership. They will allow an unmarried partner who has been in a continuous relationship akin to a marriage or civil partnership of 2 years or more with a person who holds an entitled, licensed or entitled for work only status to benefit from entitled for work only status. The intention is that this change would take place 7 days after approval by the States Assembly. I would be glad to answer any questions that Members may have and I propose the principles.

The Bailiff:

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

9.1.1 Deputy S.Y. Mézec:

Members will see that the Corporate Services Scrutiny Panel have lodged comments to this and we received a briefing from the Assistant Minister and an officer before putting these comments together. It struck us that the change that is proposed by this is absolutely right, it will eliminate an inequality that exists in the current system and align the rules for unmarried couples now to what already exists in other parts of the immigration system anyway. It struck as a simple way of eliminating that inequality without having to introduce new systems or new bureaucracies to try to deliver on that, so on that basis we were absolutely content to support this. It will be interesting to see whether the impact it has on our labour market is positive as we of course hope that it will be. Speaking now, I guess, more on a personal note than rather with Scrutiny, it does still have to be said that our migration system, having a Control of Housing and Work Law and the system that we have now and qualifying periods for those rights, is fraught with all sorts of difficulties. It creates difficult situations for families which come in all shapes and sizes with all sorts of different arrangements between them inside and outside of marriage or different arrangements with children, et cetera. There are some great problems with that, in particular how things can impact on children when there is a relationship breakdown and the impact that that can have on the parent who may become the primary carer for those children who may suddenly find that they are having to move out of a home that they had on the basis of their previous relationship and worries that there may be about what impacts that might have on their employment status too. So I raise that simply to say on record, while this is most certainly a positive step, when wider work is done on our population policy and how we accord people working and housing rights in Jersey that the consideration we have to those people's human

rights must be a greater consideration than it appeared to be when the Control of Housing and Work Law was originally put together.

9.1.2 Deputy M.R. Scott:

I just would like to add my voice to applaud the Chief Minister and Assistant Chief Minister for bringing in these regulations. We do have a severe labour shortage in Jersey and it is good to see this happen. I just remain totally bemused that it has not happened earlier seeing that in 2013 this rule was changed for some key workers but not for all workers. I just hope that there may be some sort of learning here because to me it illustrates 2 patterns I have seen in government, particularly in terms of valuing existing skills: one is looking at gift horses in the mouth and the other is closing the stable door after it has bolted.

[15:15]

There have been people in the Island who have not been able to work who could have been valuable resources and I am just sorry this did not come earlier.

9.1.3 Deputy L.M.C. Doublet of St. Saviour:

I too thank the Chief Minister for bringing this forward and I recall the conversations very early on in the Minister for Children and Education's term of office. I am so pleased that there has been swift action on this; I think it will have a really positive impact. I wanted to echo what Deputy Mézec raised, and he put that in the context of population policy. As I was reading this proposition, and I am in agreement with it - and very much in agreement with it - to the extent that one of the concepts within this proposition of the enduring relationship, there is a definition within the wording of the proposition of the enduring relationship being a cohabiting partner, I think it is 2 years, is it not, a duration of 2 years without any breakdown. I do wonder why we do not have that definition extended to other areas of law. Because one of the, I think, kind of unheard issues of our population is that misconception that we have something called common law marriage, which in other jurisdictions that concept is established in law, but we do not have it in Jersey. People often only realise this - again, Deputy Mézec mentioned this - when a relationship breaks down and especially when the couple have children. They can find that one or other of the couple does not have the rights that they thought they did and is not entitled to things that they thought they might have been entitled to. There can be real hardship caused as a result of that misconception. So, I am not sure which Minister would be responsible for looking at this; I think it is probably the Chief Minister because it is quite a broad and wide-ranging thing. But I just think, seeing as we have made this step, and seeing as it is something I recall Advocate Rose Colley raising and campaigning on this, and other people have raised it in the media in recent years, that I do think it is something we should look at. This proposition shows that it is possible to make a definition and to utilise it within a law so that we should perhaps look at this in a wider sense to make sure that people are not deprived of rights which they thought they already had.

9.1.4 Deputy A. Curtis:

I will not take long to speak on this one. I am in support of the proposition, especially from an economic development standpoint. I think when we look at the productivity we require from our workforce, we best make use of the people who are here and we must welcome the people who are here. A couple of points I would note, in the proposition it does mention that the burden of proof is on the applicant for this. I have to agree, and I think we have to always be clear, sometimes there is an expectation that a government should never be able to invade or to understand. It is not about invasion but I think for a system like this to work we have to have a fair expectation between applicant and department in administering this, that sometimes personal details are shared, photos. There is a mention about you can do this through obviously showing residence, financial ties and through basically a bona fide relationship with things that make up a relationship. There will be an

expectation on sharing that, so I think we need to be clear that that is the case. Likewise, though, the second part I was going to say is there has to be an expectation that the officers administering this system and this set of tests do so with compassion and empathy. It is a continual gripe of many of our constituents that the way they feel treated by Customer and Local Services and by many officers sometimes is brilliant but sometimes, often for those dealing with immigration and workplace and workforce requirements, is less than ideal in the way they feel welcomed. We need to take the benefit of the doubt and the way our officers take a language to people while still having a rigorous and robust process. Finally, the last one I was going to add was, I think this is a good chance for us to remember that the Assembly has to be able to revisit the decisions it makes. This may not be the right component for controls on housing and work, or in this case work, for time eternal. We may have to revisit this and we can do so as long as we are (a) not retrospective on individuals impacting their lives and (b) we also provide enough runway to make sure the change accommodates individuals and the way they have planned. So, those are the comments I would make around this, obviously being in support of the principles.

9.1.5 Deputy M.B. Andrews:

I am very pleased to see this being brought forward. As Members are aware, at the moment we are dealing with a tight labour market. It is making it very difficult for Ministers at the moment who, for instance, are trying to move the Island forward, and also for non-Executive Members as well, because we are seeing the Island currently go through a period of double-digit inflation. We have also seen the Bank of England continually increase the base rate and we also must bear in mind as well that Jersey is a very costly jurisdiction. So in order to try and attract the right people here and also the right skillsets, it is proving to be very difficult as it is but I think this provides us with more flexibility. I am also aware in response to one question that I asked about the number of vacancies in the public sector, I think there are a total of 671 vacancies, so we need to try and get those jobs filled and especially when we are looking at our healthcare service as well. I think we desperately need people and I think this is going to provide us with the right opportunity and resources to get the right people into our Island. I think there potentially could be maybe some sections of our society that maybe do not like to see people coming into the Island. They maybe do not like talk of inward migration but it is absolutely crucial that we do see people coming to the Island. I think it is also important to realise that Jersey is better being a cosmopolitan Island compared to one that is based on Unitarianism. We have to modernise and I think it is going to allow us to be a better Island by having different nationalities in our labour force. I think that is really key and we just need to look at other jurisdictions who have really excelled by embracing a cosmopolitan society. I think that is something that I certainly stand for as a politician, and I hope my colleagues do as well. I think this is a good opportunity for people who choose Jersey as their new home. It might be that, say, one individual is looking to return with their partner and I think we should really give them the opportunity to take up job opportunities that, for instance, certain individuals are trained in instead of being constrained to registered work only. So I am in support of this and I must thank the Chief Minister and the Assistant Chief Minister for bringing forward the regulations before the Assembly.

9.1.6 Deputy I. Gardiner of St. Helier North:

I will be brief. For me it is the first and very important step of the Population and Skills Ministerial Group. Thank you to the Chief Minister and Assistant Chief Minister that are members. We have listened to what the public would like us to do and acted quickly, the response the people were expecting, that we will start to make changes in adopting our legislation as quickly as possible. I know it could be quicker but it is still legislation. I remember my first meeting with all headteachers when I was elected and there were several points raised and one of the points was very clear: why eligible unmarried partners are discriminated compared to the married and civil partners. It was a very clear message and it took some time and I am very pleased that we are here today and doing our first step and we are responding to what the public would expect us to do, at the same time addressing our recruitment challenges because this would help in a small way and step way. It will not completely sort out our recruitment challenges but it is like a jigsaw puzzle that we need to continue to move forward. So thank you to all officers and the Ministers that worked on this together.

The Bailiff:

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

9.1.7 Deputy L. Stephenson:

I am really very grateful to all the Members who have contributed to this debate. I am really very pleased with the general mood of where these comments have gone, not just because they may be in support of it, but around the welcome to Jersey and the opportunities for migrants and the language that people are using about the part that people have to play in our community. I think that is really very encouraging and we should all recognise that as well. Turning just to some of the questions and the points made, I am also grateful to Deputy Mézec and the Corporate Services Scrutiny Panel for their helpful comments ahead of the debate today and the conversations, how it aligns with immigration rules. I will take on board the comments that he made in the second part of his speech. Of course, we recognise that families have very individual circumstances along the way and it is not always easy or simple to reflect that in legislation. I think flexibility and being able to flex for those scenarios and really recognise and value people as individuals and their circumstances is really very important. So I note those concerns and reassure you that we will take those back as we continue this work as well. Deputy Scott, I am obviously grateful for her support on this matter. I would just seek to reassure her that we are working to take action on the important issues that she raises. I think, as Deputy Gardiner has just said towards the end there, this is one small step but is part of a much more broader piece of work by lots of different Ministers and working groups all feeding into this aim of really taking action on the issues that Deputy Scott raises there. Deputy Doublet raises a very interesting point around common law marriage there as well. I think perhaps that is something we can consider and maybe we take a moment to review where there are mentions within the laws and see if references could be made to enduring relationships rather than common law marriage or where that does not exist at all perhaps. That is something that we can take away from this, so I appreciate her contribution there as well. Deputy Alex Curtis, again, grateful for the support. I think again some real compassion and empathy points made there which then were reflected in the speeches of lots of other Members. Again, I think it just talks to the general point I made at the beginning that it is really very encouraging to hear those kind of comments in this Assembly and feel a sense of agreement from everybody on those. I absolutely agree about the welcome to Jersey and how we treat migrants as part of our community and as Islanders. My view is if somebody lives here they are an Islander, and so I absolutely agree on that point as well. Deputy Andrews talked about the tight labour market. I think we really, as again Deputy Gardiner said, this piece of work came out of really hearing that kind of feedback and where there may be opportunities to make some quick, within reason when it comes to legislation and regulations, changes on that. So, again, it is important to note that that is what we are working towards, that is the common aim here. I also believe that it will

benefit from a recruitment and retention point of view hopefully, as well as attracting people to the Island, also attracting people back to the Island and then hopefully retaining them once they are there as well. I think I have touched on Deputy Gardiner's points but she perhaps read the small notes that I had made about my concluding speech, but it was just to recognise that this small but significant step follows discussions by that Population and Skills Ministerial Group which was set up by the Chief Minister during her first 100 days to co-ordinate policy in this area. In my view, this proposal is an example of how that forum is working proactively together to identify positive opportunities for action which help to deliver the strategic priorities adopted by this Assembly, specifically those relating to the economy, the ageing population, and the community. With that I maintain the principles and ask for the appel.

The Bailiff:

The appel is called for. I ask Members to return to their seats. The vote is on the principles. I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted: 46 votes pour; no votes contre; no abstentions. **[Approbation]**

POUR: 46		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
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 G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
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 Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
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				

[15:30]

Can I assume that the Scrutiny Panel does not wish to call this one in, Deputy?

Deputy S.Y. Mézec (Chair, Corporate Services Scrutiny Panel):

That is right, Sir.

The Bailiff:

How do you wish to deal with the matters in Second Reading?

Deputy L. Stephenson:

En bloc, please.

The Bailiff:

Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak on any of the regulations? If no Member wishes to speak on any of the regulations, then I close the debate. All those in favour of adopting the regulations, kindly show. Those against. The regulations are adopted in Second Reading. Do you move in Third Reading?

Deputy L. Stephenson:

Yes, I commend the regulations in the Third Reading, please.

The Bailiff:

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting the regulations in Third Reading, kindly show. Those against. The regulations are adopted in Third Reading.

10. Amendment to Standing Orders - remote participation in States meetings (P.21/2023)

The Bailiff:

Very well, the final item is Amendment to Standing Orders - remote participation in States meetings lodged by the Privileges and Procedures Committee. The main respondent is the chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to rescind their Act dated 14th September 2021, in which they adopted the proposition entitled *States Meetings: Continuation of Remote Participation* (P.87/2021), and to make the following amendments to the Standing Orders of the States of Jersey, with immediate effect. 1. Standing Order 55A [Members present and able to vote by means of electronic communication in exceptional circumstances] For paragraphs (1) and (2) substitute the following paragraphs: “(1) This standing order applies only in the following instances: (a) during the period of a state of emergency, as defined by the Emergency Powers and Planning (Jersey) Law 1990, when it is not possible to convene or maintain a quorate meeting of the States in person; (b) at any other time, outside of a period of a state of emergency, if the Bailiff considers that it might not be possible to convene or maintain a quorate meeting of the States in person in view of substantial risk to the health of Members of the States or any other person; and (c) to any Member who is absent at the start of a meeting day or continuation day for a reason related either to the Member’s health or to the health of a family member or household member of that Member, and who has requested to participate remotely in the meeting. (2) Where this Standing Order applies, the Greffier must make arrangements to enable the Members affected to participate in the meeting by means of electronic communication, provided that, in any instance arising from paragraph (1)(c), to do so would not be detrimental to the health of the Member concerned. The arrangements may include the meeting being conducted entirely by means of electronic communication. (2A) The Bailiff, following consultation with the Privileges and Procedures Committee, must issue guidance on the interpretation of paragraph (1)(c).” 2. Standing Order 55A [Members present and able to vote by means of electronic communication in exceptional circumstances] After paragraph (2A) insert the following paragraphs: “(2B) Notwithstanding paragraph (1), where, due to unforeseen circumstances, an elected Member is unable to be in Jersey on a day on which the States is meeting, the Member may participate in the meeting that day by means of electronic communication from outside Jersey. (2C) The Bailiff, following consultation with the Privileges and Procedures Committee, must issue guidance on the interpretation of ‘unforeseen circumstances’ in paragraph (2B).”

10.1 The Connétable of St. Martin (Chair, Privileges and Procedures Committee):

P.P.C. (Privileges and Procedures Committee) has lodged this amendment to Standing Order 55A in order to address 2 States Assembly decisions, namely P.87/2021 lodged by former Deputy John Young, which enabled remote or hybrid sittings in any circumstances. The second addresses the first part of P.63/2022 lodged by Deputy Gardiner which related to remote participation when outside Jersey in the event of unforeseen circumstances. Just to remind Members that Standing Order 55A is the provision which enables remote or hybrid meetings of the Assembly. It was introduced in response to the COVID-19 pandemic and the impact it had on the Assembly's ability to meet in person. If adopted the amendment requires guidance to be issued by the Bailiff in consultation with P.P.C. The Bailiff has already drafted the guidance which we have appended to the proposition. I hope this will be helpful to Members in considering the amendment and assisting with the interpretation and application of these proposed changes. Therefore, I will now briefly run through the amendment and the 2 changes it would make. The first part of the amendment would, if adopted, enable Members to participate remotely in States Assembly meetings when they are unable to attend in person for health-related reasons provided that it would not be detrimental to their own health. This amendment would also enable Members to participate remotely when the reasons relating to health relate either to a family member or to a household member. This would mean that remote participation is always available depending on the Member's individual circumstances rather than merely during set periods of emergency or public health crisis. I just want to make it clear at this point that the introduction of this facility is not intended to place undue pressure on Members to participate when they are ill. The adoption of this amendment does not remove the ability for a Member to be marked as malade, nor does it remove the ability for a Member to be marked as absent due to parental responsibilities. Members will see that this has been reflected in the drafting of the amendment and is mentioned in the Bailiff's guidance. I think it is also important to note that if this part of the amendment is adopted it will still remain possible for the Bailiff to convene the Assembly remotely in times of emergency or where the Bailiff feels it would not be possible to convene or maintain a quorate meeting for public health reasons. I come on to the second part of the amendment which would, if adopted, enable a Member to participate in meetings remotely when they are unable to be present in Jersey, and therefore the Chamber, due to unforeseen circumstances. These circumstances are determined in the Bailiff's guidance following consultation with P.P.C. and state that unforeseen circumstances include weather conditions which have impacted on travel arrangements and delaying the Member from returning to Jersey on the day they had planned. The Bailiff has also included matters in relation to public health guidance or health-related reasons which prevent the Member concerned from travelling back to the Island when initially planned. The provision cannot be used by any Member for remote participation on any day when they are outside the Island on States business, including days on which it had been planned for them to travel. This is stated clearly in the Bailiff's guidance. Before going to the debate, I just want to reiterate the last part of the Bailiff's guidance which concerns both parts of the amendment. Members are required to judge for themselves whether to request remote participation in a States meeting on the basis of the criteria set out in the guidance. The States Greffe will not police or ask for information about either the health reasons that may apply or the unforeseen circumstances that have arisen if a Member is out of the Island. Members must therefore be aware that if they are found to have requested and used remote participation inappropriately this would be a breach of Standing Orders and the Code of Conduct for Elected Members. The P.P.C. will reserve the right to monitor the application of the guidance, including the ability to ask for the reasons why remote participation has been requested and to propose that such a request be refused in instances where the guidance has been misused. I hope this offers some reassurance to Members that P.P.C. will be monitoring closely the use of these provisions. We expect that the guidance may well need to change over time if it appears the process is not working, there are gaps within the process, or indeed if it is being misused. I make the proposition.

The Bailiff:

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

10.1.1 Deputy S.M. Ahier of St. Helier North:

I am sure that all Members are familiar with the States of Jersey Law, schedule 2, part 1 where the oaths to be taken by Deputies are included. This states, as I am sure Members will recall: “That you will uphold and maintain the laws, privileges, liberties and franchises of Jersey, opposing whomsoever may wish to infringe the same; that you will attend the meetings of the States whenever you are called upon to do so.” I believe that this is crystal clear and that if we accept this proposition today we will be accepting that the oath can be dispensed with. It is also mentioned in Standing Orders under schedule 3, Code of Conduct for Elected Members. Here it states under part 2, heading “Public Duty” that: “Elected Members must give due priority to attendance at meetings of the States in accordance with the terms of their oath of office and should be present in the Chamber when the States are meeting unless they have very compelling reasons not to do so.” Being on a beach in the Canary Islands is not a compelling reason for absenteeism. Once again I believe that this is very clear guidance and that should not be amended in any way. Most Members will recall the case of Senator Syvret who lost his seat in the Assembly due to deliberately flouting Article 8(ii) of the States of Jersey Law 2005. It asserts that: “A person who is an elected Deputy ceases to hold office upon the expiry of a period of 6 months during which the person has not been resident in Jersey.” It seems to me that this law would also be very difficult to implement if P.21 is adopted today. Trying to determine whether a Member was out of the Island would become extremely difficult if they joined an occasional States Assembly online. We may also find that we create a new type of States Member, a backwoodsman, or if I may use the term, a “backwoodswoman”. This is quite common in the House of Lords. Since 2015 there have been 58 peers who have never attended the Palace of Westminster. It will be a sorry situation indeed if we created a similar scenario in our Chamber. We must also consider how this will be perceived by the voting public and how this proposal will be perceived by the whole of our community. How are we supposed to encourage the electorate to engage in the political process if they perceive that doing so would result in their Deputy never having to physically attend the States Chamber during their term of office? Is this the message we wish to send? I would like to ask the chair of P.P.C. if she would be willing to take part 1 and part 2 separately and, if so, I would advise all Members to vote against part 2 of this proposition.

10.1.2 Deputy M.R. Scott:

I just found Deputy Ahier’s speech somewhat perplexing. I feel that paragraph 2 is relevant to paragraph 1 but more than that it was the description that perhaps by approving this amendment that we would end up with potential backwoodsmen and backwoodswomen. I am really wondering who is backward here because we are in the 21st century and we are the beneficiaries of technology that do enable us to do things which our predecessors could not and in circumstances where we might otherwise have been unable to do them. So I personally do not see a problem with regarding States Members who happen to be online due to unforeseen circumstances as something that means that they are not present for a meeting. They are present and they are attending by electronic means that are now available in this century. So, I am supportive of this amendment and welcome Deputy Ahier to the 21st century too.

The Bailiff:

Just to say Standing Order 77 means that an elected Member may request that any Standing Order is voted upon separately, so you have a right to ask for separate votes, Deputy Ahier. Does any other Member wish to speak?

10.1.3 Deputy R.J. Ward:

I share concerns of Deputy Ahier and I do not think this is about the mode of employ in which we engage in this Assembly, it is about the nature of this Assembly. We in the last Assembly went through a very difficult time with COVID and this Assembly and the Greffier and their staff enabled an Assembly to happen in other areas it was not happening.

[15:45]

That was a remarkable feat and we functioned and we passed laws and legislation when that happened but it was an extremely unpleasant experience to be sat at home constantly, and I do not think it was the right thing for us to do in normal times. So what I would say is we have not had a period of normal time to see the effect of that part of the history of this Assembly and the online attendance before we make changes that allow that to be extended. There was a phrase used by Deputy Ahier where he said “due priority” and I absolutely agree. There has to be a due priority for us to stand in this Assembly and debate, there has to be a due priority to bring propositions, a due priority to bring questions. Some Members may find them inconvenient because it takes their time. This is your due priority, standing in this Assembly now, being here and being part of our democratic process. Recently when we had guests from the British-Irish Parliament we brought them to this Assembly because we were very proud of this Assembly, to show them the way that we do that and it was a really good visit. There was a lot of very positive feedback about what was happening because of that because it was unique. We must not lose the unique nature of our democracy and part of that is being here. Now my concerns are, part 1 I could probably accept; however, I will say - and I did not know whether to say this but I think I will because I think it is important - it is very difficult when you talk about your health and whether you should attend. I do not want to see people unduly pressured to attend if they are in ill health. I do not want to see people feel that they have to participate, and that word “participate” could be one of many things. It could be just sat and pressing a button to vote or it can be speaking and considering, and if you are ill you should not. As you know, and I am going to try not to catch your eye or the Greffier’s eye when I say this, some time ago I had to undergo a bit of surgery and I was insistent that I was going to attend this Assembly online. I was advised not to because it was a couple of weeks after but, no, for some reason, I do not know where I get it from, but there was a stubbornness where: “I will attend and I will do that online.” If I am honest, it was the wrong decision on my part. It was entirely the wrong decision because I was not putting my health first and it was a silly thing to do. What we are doing is we are enabling decisions like that because we are all committed to what we do - I am very privileged to be elected to this Assembly - so we need some checks and balances in place, I am afraid. The other side of this coin is that there is no issue for me if people have families and they have to look after their children. The most important thing is family and I absolutely say that. So if we can enable people to be off with families that is absolutely fine but when you are off with your family, you have to look after your family. There is another issue that comes from any profession, anything that you are massively committed to, that you make do at that time when they need you most, and I do not want to pressure anybody into the position. I find it very difficult, therefore, to vote for something that may even try to do that, which is why I do feel very opposed to this. Then there is the nature of unforeseen circumstances and so there will be asked to be made judgments on that and that is going to be very difficult. What is an unforeseen circumstance? If a Minister is in the London office and then is asked to another meeting and there is an Assembly on, is that an unforeseen circumstance, and then you can participate? It is okay to say that we can come back to it and we can change this, and if there are mistakes. But let us put it this way, this Assembly can make decisions on legislation that can be won by one vote or lost by one vote. If at that point there was an inappropriate use of this rule, I doubt very much, and legally I do not even think we can go back to that ruling and say: “Well they really should not have been attending. It was a bit of a bad decision and they have misused that situation but that law has been passed.” That says nothing to the electorate on this Island and that is one of the problems that we have with this, so I agree with Deputy Ahier, I do not think it sends out the right

message. If you work in any occupation, if you are ill you provide a sick note, you have a certain time off. After a certain time you go down to half pay, but we will go into that another time, regardless of what your illness is and you will not have that access that we will be given. I think it is really important that we do not separate ourselves in that way. So I think that one of the requirements for this if you are ill would be some sort of sickness note in the same way that everybody else on this Island has to do when they go into their workplace because I am sure that not a single Member of this Assembly would want to do that. However, Members of this Assembly will not be the same all of the time, there will be new Members of this Assembly, so therefore we cannot be guaranteeing that this situation will not be misused. That is the key to this, we must stand up at some point and say we have gone far enough. So what I would suggest is that this is withdrawn for now and we have a period of normality for perhaps a year to see the effects of that and then come back again and see whether this is needed significantly for this Assembly for it to function. We need to look at whether this Assembly - and I am going to say this; I think I was doing so well but let us just say this anyway - I am concerned that we are not giving the priority to this Assembly that we should. I understand that government is difficult, of course it is, and there are many demands made of us but we cannot be in other areas at times of this Assembly. We only sit every 3 weeks now and we are sitting for a day at a time, a day and a bit at a time; therefore, we should be prioritising being here. Now if there is long-term illness, as I have said, then that can be dealt with. I absolutely agree with that, that people need to be looked after, and we need to be supportive of people at that time to make sensible decisions. He says. I hope my wife is not listening because she is going to be shouting: "Hypocrite" at the radio. I am sure that is not the case. But you have to make sensible decisions about your health, and so I do not believe ... and this is no criticism of P.P.C. because this an almost impossible judgment to be made anyway, it is a really difficult job this one, I recognise that. But I genuinely think that we should hold fire on this and we should step back from it, take some time of normality and then come back to this when we have all seen that for a while. Because I think there are Members from the old Assembly that are fatigued by the online process and seen the way that has happened and, looking forward, I do not want to extend that anymore. There was one more point that was made, the notion of unforeseen circumstance. Some people may be off-Island more than others, they may have perhaps more holidays or family and so on and so forth, so there may be more occurrences of that. I think that is going to be an almost impossible decision to be made by whoever is making that decision as to whether that is an unforeseen circumstance; therefore, I do not think we should put anybody in that position as well. So I urge Members to reject all of this and I would ask perhaps, I have thought about a reference back to come back with a bit more details as well in terms of the way this would work, a much more detailed drafting of the guidance, but I am not so sure so I am afraid I cannot support this at the moment. Thank you.

10.1.4 Deputy M. Tadier:

I am happy to carry on from my Reform colleague. This is not a party matter, I think this is an interesting matter that has come before us because we are in a position which we did not arrive at out of choice, and I would like to remind us of that fact. So the reason that we were allowed remote access in the first place was not out of some loftier ideal of fairness, enfranchisements, or pragmatism, it was because of COVID and the restrictions that were imposed specifically because of COVID here, and we were not the only place to do that. It is not because we wanted to make it easier to attend, it was because we were forbidden from attending this place, and the only way that we could attend and have sittings, every 2 weeks back then and every 3 weeks subsequently, was so that we had a virtual way of doing that. Similarly, as things progressed, if you had COVID or if you had been in contact with somebody who had COVID, you were forbidden, we were forbidden from coming into this place. As we know, as things got slightly more normal but still very bizarre, I think it was at the beginning in fact, we were sitting at Fort Regent, spaced out. So these were very unusual times and it was not because somebody sat down and said: "You know what? Is it not really unfair if somebody is ill, especially if they have got a protracted illness and they are away, and they could dial in, that

they could speak and vote on propositions?” Of course, that does not mean that the debate on whether we should do that is not valid but the point is we know that we can do that, so it is a question now about whether we should be doing that. Incidentally, I understood very clearly what Deputy Ahier was talking about when he referred to a “backwoodsman”, wood for the trees in its spelling, because it is not the American definition. In Britain we refer to a peer in the House of Lords who attends very rarely as a “backwoodsman”, for example. So I think he is saying: “Are we going to get to a point where through convenience or through whatever, pragmatism, that we are going to go through a period of 4 years in any Assembly and we do not see certain people for whatever reason?” It is entirely possible, for example, and this is what we need to grapple with, that you might be caring for an elderly relative. I am thankful that I have never had to care directly for an elderly relative but I know how onerous that can be and I know that there are periods of illness which are protracted, so it may not even be a Member’s illness directly, and it may well be that you have those caring responsibilities in perpetuity. Of course, other members of the public, of the civil service, in the private sector might also potentially have those family situations but they do not have the ability - and I would say the luxury or the option because it is not always a luxury to be able to look after a sick relative or a sick child - they have to find other means to do that. Depending on their work situation they might be able to do that. So, I think Deputy Ward is correct, is that I see this very much as a curate’s egg: parts of it are very good; other parts of it are not very good but one thing is for sure, I would not want to eat a curate’s egg even if some parts of it are very good. I see parts A and B are completely, I think, sensible, uncontroversial, they need to be the direction we are moving in. It is right that in an emergency situation, if there was a pandemic or a civic situation which prevented either the entirety or the majority of an Assembly being able to sit or even part of that Assembly, then it is right that we have the facility in emergency situations to do it virtually. I am not saying never because I have made previous speeches saying it does need to be looked into. My concern is here - and I have been on P.P.C. in the past, I was on it for my first 2 terms in this Assembly - but I know that you can easily get stuck in a kind of bubble. So you get down a rabbit hole and it becomes consequential or we know we can do this: “If we are going to do it for this, would it not be nice to do it in these situations?” The problem is the exceptions often become the norm, so while I might have talked in the past about somebody sitting in a hotel room receiving treatment in Southampton who has got a lot of downtime who could participate remotely, first of all, that is quite right, I think we probably do need to get to that point. We could also have a situation where in a long sitting on a Thursday afternoon during a business plan, during a planning debate on the Island Plan, after one day in the Assembly you may well get a headache, you may well get a bad back and you say: “You know what? I can do this from home. I am not going to be much fun sitting in this Assembly looking grumpy. I might as well just stay at home in my comfy armchair and I can speak and I can vote if I want to.” Now there is a very strange part of this report because it is saying on the one hand the information and the fine detail will follow. So: “We will liaise as a committee with the Bailiff and the presiding officers to find out what the rules should be and then we will come back to you”, so we do not have that detail but then they try and explain in the report about what the detail would look like. Well of course you cannot explain what it is going to look like until you have had that conversation. So we are very much being asked to vote for an unknown, for a “suck it and see”. There is a very strange comment in the paper, just one of them, which I will use as an example. I think I know what it is trying to say. It says: “Nor should they”, so nor should a Member: “Nor should Members join remotely in order simply to vote if they would otherwise be unable to speak or contribute if entitled to do so.”

[16:00]

Well why not? We can attend the Assembly physically and only to vote if we want to. So we can come here at 9.00 a.m. in the morning. We can decide that we have nothing really to say. I do not need to elaborate on that, the majority do that. The majority might at any one point ... I am not criticising it, it is maybe something we could all do a little bit more. The one thing we are paid for

and expected to do under our oath is we owe the public our vote. Usually it is a pour or a contre, but sometimes it is an abstention. If we want to, we owe the public our intellect and our hard work. Sometimes that will mean making speeches on different propositions. If the Member wants to stay at home only to vote, I would say that is a lot better than staying at home and not voting; is it not? Is that not the whole point of allowing Members to participate? We are not going to expect people to have a minimum quota of words that they have to say or that they have to check in every so often. This is what gets back to the really tough decision we have in front of us, because the virtual experience worked really well. We have to pay tribute to the Greffe's staff and to the presiding officers, because we showed very early on, as a Parliament, that we can do this. We did it, as I said, in a particular set of circumstances where it was necessary. There was also a lot of pragmatism applied. I know when I was at home you, Sir, and the other officers presiding gave a great deal of discretion, which you may not have done in the Assembly. There was a great deal of goodwill. I know that often, ironically, staying at home and listening to a debate online you can pick up a lot more than you might in the Assembly, because there are ironically some distractions that happen in the Assembly. That is part of the quid pro quo. The point I would say is not to try and bash potential Members over the head who might avail themselves of this facility in the future, is to say we miss people when they are not in the Assembly. We miss being able to look across the rows at our opposition Members or at our friends, and often at any one time those can be interchangeable, because it is good to look at people in the eye. It is good to look at the faces and see the expression about whether your comments are connecting. You simply cannot do that when it is online. Deputy Ward is correct. When I hear P.P.C. saying they are going to monitor this for a year to see if it works, you do not need to monitor it for a period of time. We know it works. We know exactly how it works. What we do not know and what we are starting to forget is how normality works. We are forgetting how it works for all of us to be in the Assembly at one time, apart from those who are excusé or *absent de l'île* or ill. We have had many sittings in the last 20 years, 15 years that I can remember, where we have a completely full Assembly and on some occasions you get a 49:0 vote. We know that there is lots of consensus when we need in this Assembly. My concern is today that would be a thing of the past and that we will not have any more sittings that are not hybrid. I would implore Members to vote for parts A and B. I am still considering whether there are grounds for a reference back. I think there are. I think there are because we do not have the fine detail about how part C will be applied. However, I would strongly encourage the chair of P.P.C. , who may have her own doubts about this, what she is putting forward on behalf of the committee, and I would like to hear from other committee members, because we are sleepwalking into a situation where we are going to be in perpetual virtual sittings. At this point in time, after what we have been through in the last 4 years, that is not the healthiest position to be in. Finally, if it is about getting us into the 21st century, and I will not point out the fact that my Deputy colleague from St. Brelade is not in the Assembly, but she did make the point that she wants to drag us into the 21st century. I look forward to her making that point in future constitutional debates, but I will see how that works.

10.1.5 Deputy J. Renouf:

It does seem that we are making quite heavy weather here of something that to me feels of less dramatic import than some people have been trying to draw out. It is a pleasure to agree with my St. Brelade colleague, Deputy Scott, on this. I am very sorry to disagree with my other Deputy from St. Brelade, Deputy Tadier, Deputy Ward and Deputy Ahier. There is a real danger of confusing issues here. Of course it is our priority to be in the Assembly. Of course it is our priority to be accountable to the electorate. Of course we take that seriously. Looking around this Assembly I do not see any sign of anyone who does not. We share that seriousness of purpose. This is about the means to deliver that end. Our oath says, as Deputy Ahier reminds us, you will attend the meetings of the States whenever you are called upon to do so. The question is how you attend. This is the 21st century and it is possible to attend a meeting remotely. We all do it pretty regularly, I would suggest. The other point I would make is that no one is being pressured to use these arrangements. They are

in place as an enabling option. Deputy Ward referred to the unpleasant circumstances of sitting at home and so on. As I say, that is not something that is compulsory under these rules, these changes. It is an option that is extended in fairly clear situations. The fact that an option exists does not mean that it must be used. Personally, I trust the intelligence of Members in this Assembly to make that distinction, to understand if they are likely to be harming their health by doing so. It is not something that people are likely to do on a regular basis. The other point I would make is that there is some fairly clear guidance around this, particularly with regard to the unforeseen circumstances clause, which is the one that seems to be attracting the most opposition. The guidance, which is here in the report, appendix 1: “Unforeseen circumstances include the following scenarios: weather conditions impact upon travel arrangements and returning to the Island, public health guidance prevents the Member concerned from travelling back to the Island when initially planned.” These are fairly clearly described limitations. It is not, as I think there has been a tendency to suggest, that the floodgates are going to be opened and suddenly there will be loads of different circumstances under which people will find an excuse not to be in the Assembly. These are guidance written by the Bailiff and I am sure that the Bailiff will have reason to judge on them should that be necessary, to make a judgment about whether or not the circumstances have been reached. To me, this feels like a measured proportionate response to the fact that technologically we are now able to do things that we were not able to do in the past, that that is an opportunity that we should take advantage of, but only in the limited circumstances which have been set out by P.P.C. It is an enabling option, not a compulsory option. Therefore, I have no problem in support it.

10.1.6 Deputy M.R. Ferey of St. Saviour:

As States Members we are not employees, but if we were employees we would have the right to ask for flexible working. That right was introduced a number of years ago and initially applied to anyone who had caring responsibilities, but was later extended to include anyone. Any employee in Jersey has the right to ask for flexible working. Of course, the employer has the right to refuse but has to give good reason. While we are not employees, this is a workplace. It is entirely reasonable that anyone who has caring responsibilities, either for a child or for an elderly person or somebody with a disability, that they have that right to be able to continue to attend the workplace, which is here, and carry out their duties at home. How do we attract a more diverse Member to the States? In the last election we have seen better diversity in this Assembly than ever before. How do we continue along that path? We make sure that people can attend and can still live the life that they have. We remove obstacles by allowing this to continue. In relation to remote participation for health reasons, I would certainly be supporting that. Most people if they have any thoughts against this proposition are more concerned about the remote participation while outside of Jersey. If that is the case, let us not throw the baby out with the bathwater and let us go ahead with parts A, B and C, allow this Assembly to continue to be inclusive. If Members think that participation outside Jersey is a step too far then that is fine, we will see how that vote goes, but if it is split into 2 votes, I urge Members to support the first part. That is the way we are going to continue on the right path in this Assembly.

10.1.7 Deputy L.V. Feltham:

It is important to keep in mind that P.P.C. brought this proposition in answer to 2 propositions that were passed by the previous States Assembly. It is within that spirit that P.P.C. has brought this particular proposition forward. Talking individually, I do have difficulties with certain parts of this proposition. Part (1)(a) and (b) does seem to be very sensible and gives the Bailiff the tools that he would need in certain circumstances. Part (c) of that, I have to admit, currently, and it is not very often, I am sat on the fence with that. The reason being that I do value that we have a diverse Assembly, however when I think back to my working career in the civil service and as a union representative, I am aware that the majority of our employees within the public sector cannot work from home in most circumstances. What concerns me is how those people may feel when we are giving ourselves flexibility that they themselves do not have, particularly given their very restrained

periods of annual leave. I do not think, in all honesty, with all good intention, I could vote in favour of a position for myself which is very much favourable to all of those public sector workers ... compared to those public sector workers. Part B, I have to say I do struggle with. Thinking through the risks of it, in the past, probably presently and in the future, there have been and will be Members that do have second homes, for example, and spend an awful lot of time outside of the Island. Currently, with the current Standing Orders they may be less tempted to spend so much time out of the Island on the basis that they have to ensure that they are back in the Chamber for a sitting. However, should it be passed today, they may be more inclined to spend more time out of the Island, come back on the last possible flight, just before a sitting, and if they happen to be fogged out of the Island, that is okay, they can attend remotely. I do think that it is a real risk that we could be inviting the type of States Member that does not reside on Island and spends as little time as possible on Island, when I am of firm belief that all of our Members should be primarily resident on the Island. Those are my concerns with this proposition. I am a member of P.P.C. and I know that we all do have differing views on these matters, but I do thank the chair of P.P.C. for bringing this proposition forward, because it is what we needed to do in response to those previous propositions.

10.1.8 Deputy A. Curtis:

I do not have too much to add to what other speakers have said, particularly those being Deputy Rob Ward and Deputy Tadier. I am concerned that I am being told I am living in the 21st century, given that at that point in time I would not be old enough to stand for this position of office. However, attending the States in person was a commitment I knew when I stood up for the office. Deputy Ferey, who has gone unfortunately, says we are not employees, but employees would get a right to flexible working.

[16:15]

We are officeholders and we sign up to responsibilities. A director of a company commits to attending few board meetings, but commits sincerely. They do not take flexible working into account that they have 12 meetings a year potentially. We meet once every 3 weeks and our commitment towards this Assembly may be different to the commitment we hold to regular meetings with officers. Deputy Renouf does say that we join meetings remotely often and, as I say, that is true. In important matters it is still, where possible, important that we meet people face to face. I do have remote meetings with regular officers who I work with. Even when it is a meeting with an officer or member of the public that I do not know, it is really important that I show up as myself and I am present for them. The States Assembly sits at the highest of those regards. What else can I say on this really? I am not comfortable with the ambiguity around this, the fact that we have a whole set of circumstances around unforeseen and what we consider a medical reason that would be agreed by P.P.C. and the Bailiff. I would like to see that as a schedule or something far clearer. A reference back was mentioned, but I would agree with Deputy Rob Ward on this, let us give ourselves 12 months. Many of us have been excused roll call for medical appointments, myself included, which may be connected with being unwell, but as of today, we attend that medical appointment and if we are fit to return to this Assembly, we return to this Assembly, if we are not fit to we do not. Really to Deputy Rob Ward's comments again, he makes the point really well, if you are sufficiently unwell or you are sufficiently committed to the health and well-being of your family members then your attention should be on them. This is not a place where we are owing to that idea that we are here for the appel and take votes. We do need to face our focus on being in the States Assembly first and foremost. We would not want to get to the point where the course of inebriation the night before would be sufficiently unwell for you to work from home, shall I say. I do not say that lightly. It is a slippery slope on what we consider our responsibility to be in this Assembly as. First it becomes: it works quite well when you are not here. We really need to make sure that we are committed to testing and trying our obligations to being here, being in person and being present. I am really glad that Deputy Scott has joined in on the 21st century comment. Deputy Tadier made a call on constitutional reform.

I will make a call that I hope soon we will debate what I think will be the 21st century, which is my last employers had the slogan: "Come as you are, do what you love." I am not in the clothes that I love and I am not coming as I am right now, so I look forward to support likewise in any changes to Standing Orders about dress code.

The Bailiff:

Before I call upon the next speaker, I should perhaps clarify that in terms of the way the regulations were put, Regulation 1 and Regulation 2 can be voted on separately, but not the subparagraphs within the regulations.

Deputy M. Tadier:

Sir, can I seek clarification? That means, effectively, what we are having the contentious debate about, about Members being able to dial in ordinarily for a non-state emergency, is contained in paragraph 1, so we cannot disentangle that; is that correct?

The Bailiff:

The way it is drafted, it cannot be disentangled. I have considered it and discussed it with the Greffier.

Deputy M. Tadier:

With that in mind, is it in order for me then to ask for a reference back? It would be to seek more information.

The Bailiff:

Before you do that, yes, the answer is: a Member may, whether they have spoken or not, at any time, seek a reference back. A reference back is to provide further information or seek further information. You would need to specify what the information is and the debate would continue on whether or not there would be a reference back. The Connétable of St. Martin has an intervention.

The Connétable of St. Martin:

I would like to clarify to the Assembly, if I may, before a reference back is given or asked for. Getting rid of this amendment will not get rid of remote participation. The status quo will be maintained where there is a scheme with no parameters and people would be able to request the link for whatever reason they like. This is P.P.C. trying to ...

The Bailiff:

Yes, I understand. Perhaps what you are explaining, if I am correct, Connétable, is that at the moment the Assembly is not in a position where there is no remote participation. It is in a position where there is remote participation and this is changing the parameters slightly of that remote participation. Deputy Tadier, as I indicated, you are entitled to ask for a reference back. You do not have to do it now, you can do it in a moment.

10.1.9 Deputy L.M.C. Doublet:

Some of the points I was going to make were made by my St. Saviour colleague to the right here and I thank him for that. Before I get to the main part of my speech, I wanted to refer to the previous speaker. I really do take issue with some of the points made. Quite often those of us who do have caring responsibilities, those caring responsibilities are conflated with a lack of commitment. I find that quite offensive. I do not think that is something we should be furthering in this Assembly. Often, those with caring responsibilities are working very hard and juggling multiple responsibilities and also bring a perspective of those members of the public who also have caring responsibilities and we represent those views and those interests and do the very best that we can. That conflation of lack of commitment needs to be put to rest. Also, to challenge the fact that you can make a commitment. Any one of us at any point could suffer an accident and be subsequently disabled with a physical

disability that might mean that we are completely able to participate mentally, but physically not able to reach the Chamber, which we know is very old and not built for those with physical disabilities. This remote participation would enable those of us who had committed to this role to carry on to the fullest extent possible and see that commitment through. Equally any one of us, perhaps, of child-bearing age or who are partnered with those of child-bearing age, could become parents and need to attend to those responsibilities. What I wanted to remind Members of are some basic principles. The Minister for the Environment said that we are at risk of making heavy weather of this. He is right. Also, we are at risk of forgetting some of those fundamental principles that I believe as an Assembly that we are more united on than any Assembly ever has been in the past. That is the importance of the diversity of this Assembly. Looking around the Assembly, we are the most diverse Assembly that we have ever had. Diversity, while it is very important, is not the only important principle. There are groups of people in society who are marginalised and, therefore, do not commonly hold positions of power and have to work extra hard to gain those positions of power. Once they have them, if they are not fully included, if we do not have inclusion, then that diversity does not mean anything. It is our duty as a diverse Assembly to make sure that our practices, as a group, are inclusive of everybody. The chair of P.P.C., she just gave an important clarification: we already have remote participation and we have had it since the start of COVID-19. I do not feel that we have been in an emergency situation for several months, yet we have been able to use it. I do not see that it has been widely abused by Members. It has been largely self-policing. We could argue that we do not need any guidance because we police each other and we hold each other accountable. The Constable of St. Martin has gone one step further with her committee, with P.P.C., and has put a reasonable framework around it. It does make sense. I did have to pause for some of it and that was the unforeseen circumstances, which is the final part of it. I am not going to speak to that just yet. I want to focus on those first 3, part (1)(a), (b) and (c). We have just been told that we have to vote on that together. I cannot stress enough how important it is that we do vote this through today. Not because it does not make the situation any worse, it adds some safeguards, but also we do have a duty to make accommodations to enable the full democratic participation. It is not just about diversity and inclusion. It is about democracy. If somebody is elected to this Assembly, we have a responsibility to help enable their full democratic participation in the work of this Assembly. That includes people with serious and chronic health issues and disabilities, those going through normal biological processes, like pregnancy, breastfeeding, and those who for a period of time have to care for an infant or otherwise who are dependent on them. It is not that difficult. I hope that we can agree on this today. I am somebody who has been in a position where I was about to have caring responsibilities for an infant and there was nothing. There were no guidelines and there was nothing in Standing Orders. I was only the second woman ever to give birth while in office. P.P.C. at the time were tasked with bringing forward a change to Standing Orders that would instruct me on how I should proceed because the baby was coming whether I liked it or not. That was not put in place in time for me to give birth to my child. The reason for that was that there was too much debate about the best way to do it, who do we include and should we include adoptive parents and should it be a secret or not a secret and should we declare it. There was so much debate about it and worry about it not being a perfect solution that it was not ready in time. We have to stop striving for perfection and approve this today. There is a very reasonable mechanism within there, which are the guidelines. I have looked at the guidance. A lot of the things we are discussing have already been considered by P.P.C. and the answers are in there. It looks reasonable to me. I do not see any reason why for that first part, (a), (b) and (c), that we should not approve that today. Please do not let us go back and make things work in terms of inclusion. Let us move forward. If there are issues and Members feel strongly that something should be in the guidance then I am sure they can make representations to P.P.C. and to the Bailiff. We know, Sir, that you are very good at keeping us in order and making sure that we stick to the rules. That is part of your job. Also, the other thing I wanted to mention, in terms of infection control, what have we learned from COVID-19? Just because it is not an emergency, do we want somebody who, say, perhaps has a stomach bug and might still be infectious or has flu, sat

next to us in this Assembly because they are desperate to vote on something that is important to them or should they be at home - I can see the Assistant Minister for Health and Social Services nodding at me - participating remotely and not making us all ill, so we then are not able to serve our constituents? That is a small add-on to my speech. Please, I urge Members to vote for the first part of this. I am not going to speak on the other part, because there are other people that might have more to add than myself.

Deputy M. Tadier:

Could I raise the matter of Standing Order 83 and propose a reference back. I am happy to elucidate the grounds for that.

10.2 Amendment to Standing Orders - remote participation in States meetings (P.21/2023) - reference back

The Bailiff:

Yes. You are proposing a reference back. Firstly, you have to identify, Deputy, what information you are seeking or what ambiguity you are seeking to address. Secondly, I have to ask whether or not it is seconded, before you make the proposal. Then the debate can only be on the merits or otherwise of a reference back until the Assembly has decided there is to be a reference back. We cannot move into the other general ... **[Seconded]** Very well, it is seconded. What is the information you are seeking, Deputy?

10.2.1 Deputy M. Tadier:

I am seeking specifically what is referred to in part (2A) and the second part, (2B), which says that following consultation with yourself that P.P.C. must issue guidance on the interpretation of paragraph (1)(c). It says something similar for part (2B). What I would like to know before we debate on this and when it is brought back that we have that piece of work done first, so that we can see what the guidance is that goes hand in hand, so we know what we are voting for. That is what I would ask that the information is. We clearly do not have that information yet, because it can only be produced in consultation with P.P.C. and yourself. While there might be some notes and suggestions of what that would entail in the report, that is the specific information.

The Bailiff:

I will give you the chance to recast that slightly, Deputy, because the guidance that is in the proposition is guidance that I have already considered and discussed with P.P.C. It is the draft guidance. Nothing more can be forthcoming than is there at the moment. It is a question of is there further information that you are seeking?

[16:30]

Deputy M. Tadier:

We want to know exactly how this will be implemented. Following this debate, if it were to be passed today, we do not have that information categorically about how it would be, because it says it needs to be done in consultation. If I can add, and of course this is not information, but what it would also allow is for P.P.C. to take into consideration all the comments that have been made in this and something that is quite fundamentally would be a positive by-product of this reference back, although not the basis for it, is that P.P.C. would then be able to reconstitute the paragraphs of the proposition to allow Members to vote for and against the emergency parts and differently on the subsequent paragraphs if they so wished to do, which they cannot today. But that is simply a by-product.

The Bailiff:

But the information you are seeking is further information on how this would in effect be implemented. Very well, so do you wish to go any further than that in the proposition at this point? Deputy Luce, you have indicated you are prepared to second that?

Deputy S.G. Luce:

I am.

The Bailiff:

Very well. Then does any Member wish to speak on the question of the reference back?

10.2.2 Deputy J. Renouf:

It seems to me that this reference back is based on a simple misunderstanding, which is the appendix very clearly does answer the questions that have been raised. The guidance is already there. It is in existence. We are being asked for something that you have already made very clear has been done and nothing further can be added. So it feels to me like an attempt to refer back something with which certain Members are not happy, but the Standing Order test feels to me to have been very close to not being met.

10.2.3 Deputy S.G. Luce:

I was not expecting to speak in a reference back but what I would say to Members is, in this instance, I think we need more clarity around the member of a household and what exactly that means and whether that would allow me, if somebody who lived in my household was ill on holiday, to remain with them even if they sprained an ankle or what have you. There is a lot of opportunity here. The phrase I was going to use, if I had spoken in the main debate, was thin end of the wedge. I am hugely concerned that parts (a), (b), and (c) of (1) need really to be split up because I am absolutely content with (a), I am a little bit less content with (b), but not happy about (c). I was hoping the reference back may well have including the separation of those, but I will certainly support Deputy Ward, Deputy Ahier, Deputy Tadier, I think need to think a little bit more carefully about this. I know Members will say P.P.C. have thought carefully. But for me it is a great concern.

10.2.4 Deputy M.R. Scott:

I just was again unclear about exactly what the reference back was looking for in addition to appendix 1. So it is still unclear to me so I do not really feel I can support this. I will just mention though is that in terms of things like the possibility that somebody might be abusing, and I think this whole kind of debate as we are having is about the extent to which States Members may abuse a power, we were getting to the point of detail where I might say why do we not extend this to the amount of times that people leave the Chamber while they are debating, sitting in the common room, talking, not listening to the debate. Maybe that is not acceptable. Or when they nip over the road and ...

The Bailiff:

Deputy, I think you are straying off the value or otherwise of a reference back, which I have to limit you to in accordance with Standing Orders.

Deputy M.R. Scott:

Thank you.

10.2.5 Deputy T.A. Coles:

Yes, I am just going to be quick for this. There is the point about what the list entails and there is the comment that it is not possible to list exhaustively all health-related issues. But there are only 3 items that are mentioned within the appendix when it comes to health, which includes quarantine for self-isolation, preparations for surgical or medical procedures, and where someone in the Member's

family or household is ill. So I think there could be more added to that of what either is appropriate and what is inappropriate as well. As Deputy Curtis referenced to, if someone had a little bit over-intoxication one evening, maybe from a sampling, that maybe somebody would deem that was a reason to participate online. So I do believe a reference back should be brought and a slightly more extensive list. Obviously I appreciate the list cannot be exhausted but I think more than 3 points should be brought towards us to agree or disagree upon.

10.2.6 Deputy R.J. Ward:

Deputy Mézec will have to sit in a Dean's chair, he might get to like it. The point that troubles me most, and I think we have missed some points in the debate, but anyway the point is the remote participation while outside Jersey and the information there. Because it does talk about in unforeseen circumstances and then it says: "Unforeseen circumstances include the following." It does not say what it does not include. We could be listing things that are not included. So, for example, if Members go off on States business and plan to come back at 7.00 a.m. in the morning on the day of the States Assembly or they go on holiday, I think that is not good planning for them, and so that could happen again and again. But to better explain my concern, and this ... so that is part of the issue. There are concerns here that it is very difficult to explain because it is quite difficult to understand what this will mean in practice. That is the clue as to why we need a reference back and a bit more detail. I understand guidance, there is this guidance but that is a very open guidance. In unforeseen circumstances. Public health, I get that, but if we allow a generic term like "unforeseen circumstances" to go ahead without some very tight parameters within which we are working, they can be stretched and stretched and stretched. We have seen examples in this Assembly in the past where people are off-Island, and what are they off-Island for? Well it is family. Is it urgent family? Oh, yes, it is. Now, okay, but sometimes it does not help our image with the public to be excusing people in that way without some detail in what we are doing. The unforeseen circumstances phrase in this will allow, I believe, and this is my concern and why I want this to come back to us with a lot more detail in terms of what that means, it will allow Ministers to be in the U.K. between 2 what would be considered as important meetings and attend online. There is nothing in here that says that will not happen. I believe, and I believe many Members of this Assembly would say that is not the right way for us to proceed. Because you need to be here. We are not running this Assembly remotely off of this Island. The thin end of the wedge argument is a very strong one and this is where we will end up if we are not careful. That is why we need a lot more detail in the guidance, some scenarios, for example. The scenarios mentioned there by Deputy Luce was an important one. What does it mean in terms of who is off sick in a family. There is also a very important point earlier on that says, and it is something I mentioned, and it is very difficult to see this because again it is prose rather than points, about the Members participating remotely. Sorry, just give me one moment. About their well-being, it says something about taking into account their well-being as well. I cannot find the phrase now. I was not ready to speak on a reference back. It was probably quite obvious. But there is something about Members' well-being. And I think we need to be much more precise in that. Nobody is stopping ... I do not want to stop inclusion in this Assembly, but the other end of that scale is it could stop us making this Assembly more inclusive if we do not have some parameters. So, for example, where there is a scenario that this guidance does not cover, if somebody is elected with a physical disability and cannot access the Assembly, does that mean they are constantly assessing attending offline because we have a facility for them to do that and so therefore we do not have to change anything else. That is the sort of guidance that we have to see. In any workplace you have to make reasonable adjustments to your workplace so that people can be involved fully. This could be a recipe for us not doing that. Within this guidance it does not address those issues. I just think we need a lot more guidance before I could vote on this. Otherwise I think we cannot vote on this.

10.2.7 Deputy K.F. Morel:

I would like to speak in favour of the reference back because I think we have already heard enough, to be honest, to tell you about the confusion that there exists around this proposition to warrant a reference back. I personally have my own lack of understanding around it in that we have been told that this is to put parameters around the situation whereby basically the Greffier is required to pass on links for remote participation to anyone who requests it. Yet when I read Standing Order 55(a) it starts with number one saying: "This Standing Order applies during the period of a state of emergency as defined by the Emergency Powers and Planning Law 1990 and at any other time when the Bailiff considers that it might not be possible to convene or maintain a quorate meeting in the States in view of substantial risk to the health of Members of the States or any other person." So there are parameters in my view already around that. I do not understand where this idea that there is just freedom for the Greffier to just hand out links on request comes from. I am absolutely always more than happy to be corrected. The point I am trying to make is that we have not had, and I have just confirmed, there has been no consultation or briefing to States Members on this proposition in advance. I think that would be really, really helpful so that we could ask the questions that we would all like to ask. Because I am basically against part 2. But I could be won over if I really understood the need and understood how strong those parameters are. I think Deputy Ward has just outlined why even the guidance that is there in the report for this proposition has its own ambiguities straight away. I can see, oh well, it was not weather, it was mechanical problems with the plane. Well I can promise you that is the first thing that is going to be thrown at you or whoever is the presiding officer when these unexpected or unforeseen circumstances are brought forth. So I think a reference back is really necessary. I think P.P.C. need to speak to States Members, not just bring propositions without speaking to States Members first. Help us understand the problem that is trying to be solved and then we would all probably be much more willing to press pour and move on. Because, as again, the irony has not passed me by that while we have voted on probate, which is about people's estates after they pass, their last will and testament, those sorts of things, and we have voted on the Children's Commission, we have voted on various other really important matters today, the one we talk about is ourselves as usual, and I think we could avoid talking about ourselves if we had that consultation, that briefing first.

10.2.8 The Connétable of St. Martin:

This point about the reference back is that Members are worried about not having parameters or the correct parameters at the moment. But at the moment we have no parameters and this amendment gives the parameters. We cannot list every medical condition and every scenario, or I suppose we could, we could attach a medical dictionary. I am being a bit flippant here but we could attach every medical condition because nobody knows what anybody in here will end up with. We cannot list every scenario. I was hoping that common sense would prevail. Then we keep hearing about unforeseen circumstances and I would just like to say that, by definition, unforeseen circumstances can be very hard to predict.

10.2.9 The Connétable of St. Mary:

Had I spoken earlier, I would have followed the Minister for the Environment's comment that we are making a meal of it and in fact my own case, I have been in situations post-COVID where I was able to participate in a debate when I was at home because I was mentally okay but not physically able to travel here. By not having that facility, it does encourage Members to come in when they are ill and pass on their disease to everyone else. But I am now in favour of a reference back, if only to enable us to consider one point, which is at the moment this Assembly is in charge as to whether we allow a Member to participate or is excused, and back to people planning holidays and coming in at the 11th hour.

[16:45]

There have been some grudging acceptances of that in the past and Ministers I think have learned the lesson and planned more wisely in the future. I simply wonder whether a reference back would enable us to put some control on the part of States Members to sanction such a thing, so for that reason I will support a reference back.

10.2.10 Deputy A. Curtis:

I will be really quick because we are making a meal of this. I would urge Members who want to support or vote against at the moment to support a reference back. I like to think I am a pragmatic man. I have a set of principles about how the States should sit, but I am more than willing to listen to exceptional circumstances and how we find a pragmatic way forward. I do not find confidence in the current draft and the annex, so I would say a reference back would be a way for those who do want to see a level of change to enable that.

The Bailiff:

Does any other Member wish to speak on the reference back? I close the debate and, Deputy Tadier.

10.2.11 Deputy M. Tadier:

I think we heard from a good cross-section of Members there and I think we have heard enough to assure ourselves that the guidance first of all has not been written. We are asking for guidance to come forward following this debate, whether it happens now or not, and what I am asking for, and I think what many Members are asking for also, is that we do have more clarity about what the guidance should be. So this is a call to put more meat on the bones. Not so much to talk about the medical dictionary of different conditions, but to talk about how unforeseen circumstances might be defined. I very much think of Deputy Luce’s comment about the thin of the wedge, rather to think about what the unintended consequences might be if we pass this today. We might pass it in haste but repent at our leisure. I would simply say there is not in fact going to be a void or vacuum here. We already have a scenario where people who are ill can join virtually, so if you do have the aforementioned tummy bug or if you have a heavy cold and you do not want to spread your germs, then Members can already attend and they will be able to do that in the interim. But what it does allow P.P.C. to do, and I would emphasise that I think P.P.C. is probably a microcosm of this Assembly because they have I think split in different views that we may not have been party to all of those deliberations. I think we can come back with a better proposition, slightly with more information about the guidance, and maybe in a different format, which could see a much, if not a completely unanimous vote, certainly one with much more consensus, which is more befitting to I think what we are trying to do today.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether or not this matter should be referred back for further information as to how it will be implemented if adopted. I ask the Greffier to open the voting. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The reference back has been adopted” 26 votes pour, 16 votes contre, 2 abstentions.

POUR: 26		CONTRE: 16		ABSTAIN: 2
Connétable of St. Helier		Connétable of St. Clement		Connétable of St. Martin
Connétable of St. Brelade		Connétable of Grouville		Deputy R.S. Kovacs
Connétable of Trinity		Connétable of St. Ouen		
Connétable of St. John		Deputy L.M.C. Doublet		
Connétable of St. Mary		Deputy I.J. Gorst		

Connétable of St. Saviour		Deputy L.J. Farnham		
Deputy G.P. Southern		Deputy K.L. Moore		
Deputy C.F. Labey		Deputy H.M. Miles		
Deputy M. Tadier		Deputy M.R. Scott		
Deputy S.G. Luce		Deputy J. Renouf		
Deputy K.F. Morel		Deputy R.E. Binet		
Deputy M.R. Le Hegarat		Deputy H.L. Jeune		
Deputy S.M. Ahier		Deputy A. Howell		
Deputy R.J. Ward		Deputy T.J.A. Binet		
Deputy C.S. Alves		Deputy M.R. Ferey		
Deputy I. Gardiner		Deputy L.K.F. Stephenson		
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.E. Millar				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

The Greffier of the States:

Those voting contre are: the Connétables of St. Clement, Grouville, and St. Ouen, Deputies Doublet, Gorst, Farnham, Moore, Miles, Scott, Renouf, Rose Binet, Jeune, Howell, Tom Binet, Ferey and Stephenson. Those abstaining were the Connétable of St. Martin and Deputy Kovacs.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

That concludes public business and I move on to arrangements. I ask the chair of P.P.C. to propose the arrangement of public business.

11. The Connétable of St. Martin (Chair, Privileges and Procedures Committee):

The arrangements for public business for 13th June 2023, presently we have 8 items listed for the States sitting on 13th June. Please keep aside Tuesday, 13th, and Wednesday, 14th June, and be aware as usual that the States may run on to 3 or 4 days, although at the moment I do not anticipate this.

The Bailiff:

Before adjourning, could I ask Members if they would return at 5.15 p.m. in the Chamber? Watching everyone has been Jennifer Long, who is the States Remuneration Reviewer, and she is going to I believe make a presentation at 5.15 p.m. and will take questions from Members. It is not anticipated that it would take longer than an hour for the entirety of it but if Members could come back. It was originally scheduled for 6.00 p.m. but as we finished rather early it might be more appropriate if Members could be in the Chamber at 5.15 p.m. for that purpose. Very well, the business of the Assembly is concluded and the States stands adjourned.

ADJOURNMENT

[16:49]