

**THE STATES assembled on Tuesday,
17th February 2004 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,
was present**

All members were present with the exception of –

Senator Jean Amy Le Maistre– out of the Island
Kenneth Alan Le Brun, Connétable of St. Mary– ill
Celia Joyce Scott Warren, Deputy of St. Saviour– excused
John Benjamin Fox, Deputy of St. Helier– out of the Island
Michael Andrew Taylor, Deputy of St. Clement– out of the Island

Prayers

Environment and Public Services Committee – resignation of Committee

THE STATES accepted the resignation of Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, together with the members of the Committee.

Deputy Maurice François Dubras of St. Lawrence made a statement in the following terms–

“The States of Jersey in December 2002, entrusted me as President and appointed a transitional Committee, not entirely of my choosing, to take up the several organisational and policy challenges to enable two future departments to be readied for ministerial government as set out in P.70/2002.

We were aware that the scope of work represented by the combined portfolio of two previous committees was not only challenging but also demanded our total commitment together with considerable co-operation and support of the officers and staff as well as from States member colleagues.

Whilst experiencing a difficult first six months we believe we made considerable progress setting out the general policy direction and moving towards the future organisational framework. By the end of the summer we had signalled several key achievements, notably the resolution of the most contentious Mont Orgueil planning application.

However, it was also during that period that a number of surprise developments came to light which, frankly, were not of our making.

The Committee inherited the responsibility for the public bus services and we have relied upon and worked with the documents and information with which we were provided. There are clearly some major issues which still have to be resolved, particularly in relation to the Public Service Bus contract. To this end we are grateful to the Policy and Resources Committee for agreeing to implement our decision and to lodge this morning the Projet establishing a public Committee of Inquiry into the matter as soon as possible.

There has been some criticism of what was portrayed as my reluctance to admit errors and apologise to this Assembly. I have apologised to the Assembly and that apology was absolute in its sincerity. However, I wish to make it clear that I have never knowingly misled the Assembly and I am confident that the Committee of Inquiry will vindicate me in this. I am full of hope that any serious errors made

and/or any deliberate mis-information provided by whomsoever will be exposed by this process. The truth must out; the truth will out.

The Committee has not shirked its responsibilities and it has endeavoured to deal with each of the many issues before us diligently and methodically. However, I accept that of the several hundred decisions required of the Committee during its term of office it is bound to have made a few mistakes.

Since returning from the Christmas break, it has become very clear to the Committee that, in the shadow of recent events, it is impossible for the Committee to properly undertake the duties expected of us by you, our colleagues. Accordingly, I have given notice to the Bailiff, on behalf of the whole Committee, that it unanimously tenders its resignation.

We also believe, with so many pressing issues to be addressed by the Assembly, that it is in the best interest of good government that we should spare this Assembly the day or more of difficult and probably divisive debate that the proposed vote of no confidence would bring. It is my view that, in future, our time will be better spent together facing up to some of the critical challenges our Island presently must confront.

In conclusion, although the Committee has tendered its resignation because it believes it to be in the best interests of the States of Jersey, it does so in the firm belief that it has conducted itself in a proper, decent and honourable manner, always having and putting the interests of our Island community first, at heart and in mind.”

Environment and Public Services Committee – vacancy in Presidency

The Bailiff, in accordance with Article 28(3) of the States of Jersey Law 1966, as amended, gave notice that following the resignation of Deputy Maurice François Dubras of St. Lawrence, there was a vacancy in the office of President of the Environment and Public Services Committee.

Environment and Public Services Committee: vote of no confidence – P.14/2004 – withdrawn

THE STATES, in accordance with Standing Order 22(1), gave leave to Senator Edward Philip Vibert to withdraw his proposition regarding the Environment and Public Services Committee: vote of no confidence, (P.14/2004 lodged “au Greffe” on 3rd February 2004).

Privileges and Procedures Committee – appointment of President

THE STATES noted the following nomination for the appointment of President of the Privileges and Procedures Committee –

Deputy Roy George Le Hérissier of St. Saviour – proposed by Deputy Jennifer-Anne Bridge of St. Helier.

There being no further nominations, the Bailiff accordingly declared that Deputy Roy George Le Hérissier of St. Saviour had been elected as President of the Privileges and Procedures Committee.

Legislation Committee – resignation of President

THE STATES, in accordance with Standing Order 39(2) relating to the eligibility of a member to be President of only one Committee of the States, accepted the resignation of Deputy Roy George Le Hérissier of St. Saviour as President of the Legislation Committee.

Legislation Committee – vacancy in Presidency

The Bailiff, in accordance with Article 28(3) of the States of Jersey Law 1966, as amended, gave notice that following the resignation of Deputy Roy George Le Hérissier of St. Saviour there was a vacancy in the office

of President of the Legislation Committee.

Special Committee on the Composition and Election of the States Assembly – appointment of President

THE STATES noted the following nomination for the appointment of President of the Special Committee on the Composition and Election of the States Assembly –

Deputy Roy George Le Hérissier of St. Saviour– proposed by Deputy Jennifer-Anne Bridge of St. Helier.

There being no further nominations, the Bailiff accordingly declared that Deputy Roy George Le Hérissier of St. Saviour had been elected as President of the Privileges and Procedures Committee.

Employment and Social Security Committee – appointment of member

THE STATES appointed Deputy Alan Breckon of St. Saviour as a member of the Employment and Social Security Committee.

Matters presented

The following matters were presented to the States –

States Rental Waiting List. <i>Presented by the Housing Committee.</i>	R.C.5/2004.
Château La Chaire, Rozel, St. Martin: restoration of gardens (P.142/2003)– comments. <i>Presented by the Finance and Economics Committee.</i>	P.142/2003. Com.
Public and Private Sector Housing Rental Subsidy Schemes: income disregard – rescindment (P.5/2004) – comments. <i>Presented by the Housing Committee.</i>	P.5/2004. Com.
Public and Private Sector Housing Rental Subsidy Schemes: income disregard – rescindment (P.5/2004) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.5/2004 Com.(2).
Public and Private Sector Housing Rental Subsidy Schemes: income disregard – rescindment (P.5/2004) – comments. <i>Presented by the Employment and Social Security Committee.</i>	P.5/2004 Com.(3).
Fairtrade Island (P.20/2004): comments. <i>Presented by the Environment and Public Services Committee.</i>	P.20/2004. Com.

The following matters were presented on 10th February 2004 –

Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. <i>Presented by the Finance and Economics Committee.</i>	P.34/2003. Com.(4)
Draft Animal Welfare (Jersey) Law 200- (P.126/2003): comments. <i>Presented by the Finance and Economics Committee.</i>	P.126/2003. Com.
Social Security Fund: a new method of funding (P.137/2003) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.137/2003. Com.(2)
Le Squez and part of Le Marais Estate, St. Clement: redevelopment (P.19/2004) comments.	P.19/2004. Com.

THE STATES ordered that the said reports be printed and distributed.

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 30th January 2004, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Aidan James Smith of the property known as Miltonia, Old St. John's Road, St. Helier, for a period of three years from 15th December 2003, at a commencing annual rent of £17,581.56 with all other terms and conditions remaining as in the existing lease, with each party being responsible for its own legal fees in relation to this transaction;
- (b) as recommended by the Housing Committee, the acquisition from Mrs. Dorothea Maude Martin, né Cleworth, widow of John Aldershaw Martin; and Mr. Frederick Leonard Fairhead and Mrs. Josephine Marie Térésè Fairhead, née Mahieux, as current owners respectively of properties Nos. 101 and 102 St. Saviour's Road, St. Helier, their one-fifth ownership in the 'Plaisance' and all rights associated thereto and within the surrounding land owned by the public for the sum of £10,000 each, with the public to pay all reasonable legal costs in relation to the transaction (including the giving up of the boundary offset, in exchange for repair and maintenance rights being granted) upon completion thereof. The public or its successors in title were to agree to grant to the owners of Nos. 101 and 102 St. Saviour's Road perpetual use of two dedicated and nominated parking spaces for each of the above-named property owners, within the public's property to be known as Salisbury Crescent (or as it might be named from time to time) with the owner of the latter property to retain the right that should the site ever be redeveloped then those car parking spaces could be relocated with appropriate notice being given in writing to the users. The owners of Nos. 101 and 102 St. Saviour's Road were to be granted in perpetuity the necessary vehicular access and egress rights to those nominated car parking spaces to and from the public road; also to be granted in perpetuity were pedestrian rights to come and go from their properties to the public road and their nominated car parking spaces, through an appropriate route known as Salisbury Crescent. During the period of construction the public would provide free of charge the necessary car parking facilities for the owners of Nos. 101 and 102 St. Saviour's Road within the nearby housing facility Westley Court;
- (c) as recommended by the Housing Committee, the entering into with the Parish of St. Brelade of a Deed of Arrangement to cede the small semi-circular areas along the back edges of the pavements at Le Parc du Pont Marquet, St. Brelade for a consideration of £10, on the basis that each party would be responsible for its own legal fees arising from this transaction;
- (d) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Robert Gwyn Llewellyn and Miss Kelly Elizabeth Flack, owners of No. 6 Columbus Street St. Helier, in order to facilitate their procurement of the party gable and wall, adjacent to Le Clos du Val, on the basis that Mr. Llewellyn and Miss Flack would pay a consideration of £500 for this right and would be responsible for both parties' legal fees arising from the transaction. The exposed areas of the new wall towards Le Clos du Val would need to be finished in plain sand-cement render, painted on completion and at least once every five years thereafter, in a colour approved by the Housing Department. The Department would be permitted to affix signs to the said rendered wall and the contract would grant Mr. Llewellyn and Miss Flack access rights onto Le Clos du Val in order to build and maintain the new wall. The public would reserve the right to build against the new wall, but would be limited to the height of the new wall;
- (e) as recommended by the Environment and Public Services Committee, the assignment of the lease by Mrs. Sheila Fagan, née Needham, of the property Café Casino, Grève de Lecq, St. Ouen to Mr. Richard Ropert and Mrs. Harriet Ropert, née Fane, from a date to be agreed between the parties on the basis that each party would be responsible for its own legal costs arising from the transaction; and,

- (f) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. David Cullen and Mrs. Jane Cullen, née de la Haye, of the property known as the Gunsite Café Beaumont Seawall, St. Peter, for a period of nine years from 25th December 2003, at a commencing annual rent of £9,345 subject to review on the third and sixth anniversaries of the lease in line with the Jersey Retail Price Index, otherwise on the same terms and conditions as the existing agreement, with each party to be responsible for its own legal costs arising from the transaction.

Matters noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 30th January 2004, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Health and Social Services Committee had accepted the lowest tender for the fitting-out of the new dental clinic in Newgate Street, St. Helier (which had been procured through a joint venture with Dandar Holdings Limited), namely that submitted by J.P. Mauger Limited in a sum of £512,509 in a contract period of 20 weeks.

Matters lodged

The following matters were lodged “au Greffe” –

Draft Shipping (Tonnage) (Jersey) Regulations 200-. <i>Presented by the Harbours and Airport Committee.</i>	P.25/2004.
Channel Islands Welding, La Collette: permission for alterations to head lease. <i>Presented by the Environment and Public Services Committee.</i>	P.26/2004.
Le Coin Flats, Ann Street, St. Helier: sale to the Jersey Homes Trust. <i>Presented by the Housing Committee.</i>	P.27/2004.
Waterfront Enterprise Board: appointment of Chairman and director. <i>Presented by the Policy and Resources Committee.</i>	P.28/2004.
Draft Health Insurance (Medical Benefit) (Amendment No. 58) (Jersey) Regulations 200-. <i>Presented by the Employment and Social Security Committee.</i>	P.29/2004.
Manual Workers’ Joint Council: membership. <i>Presented by the Policy and Resources Committee.</i>	P.30/2004.
Bus Service tendering process: Committee of Inquiry. <i>Presented by the Policy and Resources Committee.</i>	P.31/2004.

The following matters were lodged on 10th February 2004 –

Data Protection Registrar: appointment. <i>Presented by the Finance and Economics Committee.</i>	P.23/2004.
Draft Postal Services (Jersey) Law 200-. <i>Presented by the Economic Development Committee.</i>	P.24/2004.

States Expenditure: reduction in cost of public sector workforce – P.90/2003 – withdrawn

THE STATES noted that in accordance with Standing Order 22(3), the Connétable of St. Helier had instructed the Greffier of the States to withdraw the proposition regarding States Expenditure: reduction in cost of public sector workforce, (P.90/2003 lodged “au Greffe” on 24th June 2003).

Arrangement of public business for the present meeting

THE STATES agreed to defer consideration of the following matter from the present meeting to the meeting to be held on 2nd March 2003 –

Benefits paid by the Housing and Employment and Social Security Committees: P.116/2003.
protection.
Lodged: 29th July 2003.
Deputy G.P. Southern of St. Helier.

THE STATES agreed to defer consideration of the following matters from the present meeting –

Draft The Law Society of Jersey Law 200-. P.154/2003.
Lodged: 11th November 2003.
Legislation Committee.

Draft Drainage (Jersey) Law 200-. P.193/2003.
Lodged: 16th December 2003.
Environment and Public Services Committee.

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the present meeting –

Draft Fire Service (Amendment No. 5) (Jersey) Law 2003 (Appointed Day) Act P.8/2004.
200-.
Lodged: 27th January 2004.
Home Affairs Committee.

Shadow Public Accounts Committee: appointment of Member. P.18/2004.
Lodged: 3rd February 2004.
Deputy S.C. Ferguson of St. Brelade.

Arrangement of public business for the next meeting on 2nd March 2004

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 2nd March 2004 –

Benefits paid by the Housing and Employment and Social Security Committees: P.116/2003.
protection.
Lodged: 29th July 2003.
Deputy G.P. Southern of St. Helier.

Benefits paid by the Housing and Employment and Social Security Committees: P.116/2003.
protection (P.116/2003) – comments. Com.
Presented: 23rd September 2003.
Employment and Social Security Committee.

Benefits paid by the Housing and Employment and Social Security Committees: P.116/2003.
protection (P.116/2003) – comments. Com.(2)
Presented: 23rd September 2003.
Housing Committee.

Benefits paid by the Housing and Employment and Social Security Committees: P.116/2003.
protection (P.116/2003) – comments. Com.(3)
Presented: 18th November 2003.
Finance and Economics Committee.

Château La Chaire, Rozel, St. Martin: restoration of gardens. P.142/2003.
Lodged: 14th October 2003, and referred to the Economic Development
Committee.

Connétable of St. Helier.

Château La Chaire, Rozel, St. Martin: restoration of gardens (P.142/2003)– comments. Presented: 17th February 2004. <i>Finance and Economics Committee.</i>	P.142/2003. Com.
Draft European Communities (Treaty of Athens) (Jersey) Regulations 200- Lodged: 27th January 2004. <i>Policy and Resources Committee.</i>	P.7/2004.
Le Squez and part of Le Marais Estate, St. Clement: redevelopment. Lodged: 3rd February 2004. <i>Housing Committee.</i>	P.19/2004.
Le Squez and part of Le Marais Estate, St. Clement: redevelopment (P.19/2004) comments. Lodged: 10th February 2004. <i>Finance and Economics Committee.</i>	P.19/2004. Com.
Fairtrade Island. Lodged: 3rd February 2004. <i>Senator J.A. Le Maistre.</i>	P.20/2004.
Fairtrade Island (P.20/2004): comments. Presented: 17th February 2004. <i>Environment and Public Services Committee.</i>	P.20/2004. Com.
Data Protection Registrar: appointment. Lodged: 10th February 2004. <i>Finance and Economics Committee.</i>	P.23/2004.
Le Coin Flats, Ann Street, St. Helier: sale to the Jersey Homes Trust. Lodged: 17th February 2004. <i>Housing Committee.</i>	P.27/2004.
Waterfront Enterprise Board: appointment of Chairman and director. Lodged: 17th February 2004. <i>Policy and Resources Committee.</i>	P.28/2004.
Manual Workers' Joint Council: membership. Lodged: 17th February 2004. <i>Policy and Resources Committee.</i>	P.30/2004.

Grant to the Jersey Heritage Trust – question and answer (Tape No. 894)

Deputy Gerard Clifford Baudains of St. Clement, asked Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee, the following question –

“Would the President inform members of the current balance from the £3 million grant to the Jersey Heritage Trust for work at Mont Orgueil Castle?”

The President of the Education, Sport and Culture Committee replied as follows –

“The balance of funds is £2,295,871.”

Benefit schemes for senior citizens – question and answer (Tape No. 894)

Deputy Terence John Le Main of St. Helier, asked Senator Paul Francis Routier, President of the Employer

and Social Security Committee, the following question –

- “(a) Would the President inform the Assembly of the budget relating to eye, foot and dental care expenditure for the over 65’s in 2001, 2002 and 2003 and will he inform members of the level of actual expenditure for these three years and the balance that remains ring-fenced for the elderly?
- (b) Would the President give a breakdown of the cost of the scheme, including the sum paid out to Westfield to administer the scheme?”

The President of the Employment and Social Security Committee replied as follows –

- “(a) A sum of £680,000 was inscribed in the 2001 budget to provide financial help for the Elderly. The Jersey 65+ Health Plan began as a two year pilot in September 2001, and for the four months remaining in 2001, actual expenditure was £52,865. In 2002 another sum of £680,000 was inscribed in the budget for the Jersey 65+ Plan and £164,782 was actually spent. In 2003 a figure of £500,000 was inscribed in the budget. The estimated actual cost for 2003 is approximately £443,000. Accounts are currently being finalised. For completeness the budget for 2004 is £479,700.

Members may recall that the Jersey 65+ Plan was started in September 2001 as a two-year pilot scheme with a lump sum of £680,000 for two years and as such the Finance and Economics Committee allowed funds to be carried over during the period of the pilot, which covered three financial years. The accumulated underspend on the scheme at the end of 2003 is likely to be £1,199,353.

In November 2003, the States approved a proposition of the Employment and Social Security Committee to continue the Jersey 65+ Plan following a review of the pilot scheme which included very positive endorsements of the scheme from individuals and agencies such as Age Concern, the Citizens Advice Bureau and the Parishes. This Act of the States put the scheme on a firm financial footing, replacing the ring fenced lump sum arrangement equivalent to a couple of years’ expenditure with a long term commitment to future funding through the normal budgeting and cash limit process. Therefore, and in accordance with the Finance (Jersey) Law 1967, as amended, and associated Codes of Direction, all unspent monies as at the end of 2003 will be returned to the Treasury.

- (b) The cost of the scheme consists of premiums paid on behalf of individuals and administration costs incurred. The amounts paid to Westfield for administration were £9,777.43 in 2001, £21,421.61 in 2002 and an estimated £55,414.51 in 2003. The total cost of the scheme has been given in part (a) of the question but for completeness was £55,769, £164,782 and £443,000 for the years 2001, 2002 and 2003 respectively.”

Tenancy of one of the Housing Committee’s rental units – questions and answers (Tape No. 894)

Deputy Geoffrey Peter Southern of St. Helier, asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following questions –

- “1. In response to a supplementary question from the Deputy of St Martin on 3rd February 2004, regarding the condition of a States’ rental property the President stated *‘the back garden had six inches to a foot of raw sewerage in it. It had been like that for months ...and complaints from the neighbours.’*
 - (a) Would the President explain why there is no record of any such complaints on the file of the tenant concerned?
 - (b) Will the President inform members who is responsible for maintenance of the drains and therefore for any sewage problems which might arise from a fault?
 - (c) Would the President explain why no action had been taken on this matter over the previous months?
- 2. Would the President inform members –

- (a) whether photographic records are retained on all vacated Committee properties, and, if so, the reasons for this? and,
- (b) whether he considered releasing the pictures in this case to the media?

The President of the Housing Committee replied as follows –

- “1. (a) Complaints from neighbours were received only shortly before the Department inspected the property. These related to the apparent abandonment of the property and the rubbish and other material in the garden. Given the state of the garden I assumed that it had been like that for several months.
- (b) The Department is responsible for carrying out repairs to drainage systems. In this case the tenant had made no contact with the Department to report a drainage problem which was subsequently identified as attributable to a fractured waste pipe.
- (c) A drainage fault is unlikely to be identified for repair unless the fault is reported to the Department.
- 2. (a) Photographic records of some vacated Committee properties are made and retained. The photographic record is generally made when there is evidence of damage or neglect of the property by the previous tenant.
- (b) In any situation, I consider all options, and try to choose the best one. It is a simple matter of record that the pictures were not released, so the question is irrelevant.

Funding of essential repairs to properties of the Housing Committee – question and answer (Tape No. 894)

Deputy Gerard Clifford Lemmens Baudains of St. Clement, asked Deputy Terence John Le Main of St. Helie President of the Housing Committee, the following question –

“Would the President inform members whether the Committee is considering incorporation as a means of enabling borrowing to be made to resolve the funding of essential repairs to its properties, such as Clos de Roncier, which cannot currently proceed due to lack of funds, and, if so, would he advise members when this is likely to happen?”

The President of the Housing Committee replied as follows –

“The Committee has had some informal discussions on the possible future incorporation of the Estates Division of the Housing Department but has yet to consider the matter in detail. In any event, incorporation would be a lengthy process, certainly with legislative implications and other means must be found in the short term to carry out essential repairs to some of the Committee’s properties. An example of one alternative approach is that set out in the Committee’s recently lodged proposition to redevelop Le Squez and Le Marais.”

2003 pay awards – question and answer (Tape No. 894)

Deputy Roy George Le Hérisser of St. Saviour, asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“Would the President confirm whether all States’ employees received a 5.1% increase in salary as a result of last year’s pay settlement, and, if not, would he identify the exceptions, the percentages in question and the reasons for deviating from the 5.1% settlement?”

The President of the Policy and Resources Committee replied as follows –

“I can confirm that the great majority of States’ employees received an increase in salary of 5.15% as a

result of the 2003 pay settlement, that is for the period running from 1st June 2003, to 31st May 2004.

A small number of pay groups received in excess of that amount, and these were as follows –

- (a) The four Crown Officers, together with a limited number of other senior legal appointments, including the Law Draftsman and Legal Advisers, received an average of 2% more than the pay norm of 5.15%, with individual increases above the pay norm ranging from 0% to 4.76%. The maximum increase therefore received under these arrangements, allowing for compounding, was 10.16%. These additional awards were made by the Policy and Resources Committee with due regard to the report and recommendations of the Pay Review Board, chaired by Mr. Colin Powell, O.B.E., in which it had been noted that the salaries of specific legal officers were considerably lower than those of comparable positions in the private sector.
- (b) Hospital Consultants, Associate Specialists, Staff Grades and Junior Doctors remain on U.K.-linked arrangements for pay determination purposes. In 2003 they received a basic award of 3.225%, in line with the recommendations of the Doctors and Dentists Review Body in the U.K. In addition, the following awards were made to specific Doctor Grades in order to maintain parity with U.K. levels of pay –

Associate Specialists were awarded an extra maximum increment of £2,175/annum (or +3.27% of basic pay) on their salary scale, in line with the U.K. award;

Staff Grades were awarded an extra maximum increment of £2,380/annum (or +4.71% of basic pay) on their salary scale, in line with the U.K. award.”

Inclusion of the Harbours Department in the recent Benchmarking Project – question and answer (Tape No. 894)

The Deputy of St. John, asked Senator Leonard Norman, President of the Harbours and Airport Committee, the following question –

“Would the President inform members of the Committee’s reasons for the late inclusion of the Harbours Department in the recent Benchmarking Project of the Policy and Resources Committee, the results of which were presented to members on 10th February 2004, rather than having included the Harbours Department at the outset of the project?”

The President of the Harbours and Airport Committee replied as follows –

“Jersey Harbours are most keen to be involved with the Benchmarking Project and regret that it was not possible for their information to be included in the initial report from KPMG.

A dialogue was maintained with KPMG throughout the exercise and all financial records and information were made available. Towards the end of the information gathering process KPMG advised that as the time frame was slipping, they were unable to include Jersey Harbours in their report without delaying the overall delivery of this important project.

Jersey Harbours look forward to the information relating to their activities being published in a subsequent report.”

Salary costs of certain grades of staff – question and answer (Tape No. 894)

Deputy Roy George Le Hérisssier of St. Saviour asked Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee, the following question –

“Would the President identify the number of employees at Grades 13, 14, 15 and above, and the overall salary costs for each group in the former Education and Sport, Leisure and Recreation Departments, and would he provide the same information in respect of the merged Education, Sport and Culture Department?”

The President of the Education, Sport and Culture Committee replied as follows –

“The former Education Department had two posts at grade 13; three at grade 14; six at grade 15 and a Chief Officer with a total cost including provision for pensions and social security of £959,632.

The former Sport, Leisure and Recreation Department had three posts at grade 14 and a Chief Officer with a total cost of £318,441.

The Department for Education, Sport and Culture has two posts at grade 13; three at grade 14; seven at grade 15; one ‘A’ grade post and a Chief Officer with a total cost of £1,135,708.

The savings accruing from the merger in respect of posts at these grades is £142,364. Additional savings have been achieved through the deletion of two grade 12; one grade 11; one grade 7; one grade 6 and two grade 5 posts with a total reduction in cost of £279,532. The total savings resulting from the merger amount to nine posts with a total saving of £421,896.”

Les Pas Holdings Limited – statement

Senator Frank Harrison Walker, President of the Policy and Resources Committee, made a statement in the following terms –

“I would like to inform members of the decision taken by the Policy and Resources Committee in relation to the proposal that a Committee of Inquiry should be established to investigate the circumstances leading to the States’ decision in September 2003 to reach an agreement with Les Pas Holdings.

Members will recall that on 24th September 2003, the States approved a report and proposition of the Policy and Resources Committee entitled ‘Fief de la Fosse: Proposed Agreement with Les Pas Holdings’, (P.117/2003). During the debate on the proposition, the Policy and Resources Committee said that it would draw up proposals for a Committee of Inquiry.

Following that debate, the Policy and Resources Committee prepared a draft report and proposition in which it was proposed that a Committee of Inquiry should be established in order to investigate the circumstances leading to the States approving the agreement with Les Pas Holdings, and that the Privileges and Procedures Committee should be requested to nominate a President and members of such a Committee of Inquiry.

The Privileges and Procedures Committee, having considered the draft report and proposition, decided to advise the Policy and Resources Committee that it did not support the proposals set out in the draft report and proposition, nor would it be willing to nominate a President and members of a Committee of Inquiry.

Before taking a decision on how to proceed, the Policy and Resources Committee decided to write to all States members to invite their comments on the matter. A total of seven replies were received from States members in response to this invitation, and the majority of these were not in favour of proceeding with a draft report and proposition.

Having considered these replies in detail, the Policy and Resources Committee shares the views expressed by the majority of respondents that a Committee of Inquiry would be extremely costly and of questionable benefit.

In considering this issue, the Committee was made aware of an ongoing public inquiry into the development of a site at Mount Murray in the Isle of Man. The actual costs of this inquiry have yet to be finalised, but the Committee is advised that the estimated costs, due to its detailed and far-reaching nature, may well be between £2 and £3 million. At this stage it is difficult to give a precise estimate of the cost that would be associated with a Committee of Inquiry on the circumstances leading up to the agreement with Les Pas Holdings, but it seems likely that they would be at least as significant as those incurred by the public inquiry in the Isle of Man. The subject matter that would need to be addressed by the Committee of Inquiry is complicated, and it spans a long period leading up to the conclusion of the agreement with Les Pas Holdings in 2003. In these circumstances, the States should expect that at least

£2 million or £3 million would need to be made available to fund a Committee of Inquiry.

The Committee also shares the concerns expressed by some members that the Committee of Inquiry would be of questionable benefit. The agreement with Les Pas Holdings has already been debated at considerable length by the States, and a wide range of information has now been made available to the public through the publication of a transcript and audio recording of the debate. In the view of the Policy and Resources Committee, the essential information relating to this matter has now been made public as a result of the publication of the transcript, and it is highly questionable as to whether a Committee of Inquiry would add any new material factor.

In conclusion, therefore, the Policy and Resources Committee does not believe that sufficient evidence has been given to demonstrate that such a Committee of Inquiry would be of benefit, and has therefore decided not to proceed with the proposal for the establishment of a Committee of Inquiry.

A background paper, which sets out the Committee's position on this matter in more detail, is being circulated today to all States members and the media for their information."

Housing Committee – vote of no confidence – P.21/2004

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier that they had no confidence in the Housing Committee, and rejected a proposition of Senator Stuart Syvret that Standing Order 46(1) regarding the withdrawal of strangers without notice and without amendment or debate be suspended in order to allow members to debate whether the proposition should be considered *in camera*.

THE STATES, in pursuant to Standing Order 46(1), rejected a proposition of Senator Stuart Syvret "that strangers do withdraw".

Members present voted as follows –

"Pour" (3)

Senators

Syvret.

Deputies

Breckon(S), Le Hérissier(S).

"Contre" (40)

Senators

Norman, Walker, Kinnard, Le Sueur, Le Claire, Routier, M. Vibert, Ozouf, E. Vibert.

Connétables

St. Martin, St. Ouen, St. Saviour, St. Brelade, St. Peter, St. Clement, St. Helier, Trinity, St. Lawn Grouville, St. John.

Deputies

Trinity, Duhamel(S), Huet(H), St. Martin, St. John, Le Main(H), Dubras(L), Baudains(C), Dorey(H), Troy(B), Farnham(S), Martin(H), Ferguson(B), St. Mary, St. Ouen, Ryan(H), Grouville, St. Peter Hilton(H), De Faye(H).

THE STATES resumed consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier that they had no confidence in the Housing Committee, and, after further discussion, Senator Paul Vincent Francis Le Claire sought leave to propose that the States move on to the next item on the Order Paper. The Bailiff ruled that, in accordance with Standing Order 27(1), it appeared to him that the proposition was an abuse of the procedure of the States and it was therefore disallowed.

THE STATES, after further consideration, rejected a proposition of Deputy Geoffrey Peter Southern of

St. Helier that they had no confidence in the Housing Committee.

Members present voted as follows –

“Pour” (9)

Senators

Syvret, Le Claire, E. Vibert.

Connétable

St. Helier.

Deputies

Breckon(S), St. Martin, Bridge(H), Martin(H), Southern(H).

“Contre” (36)

Senators

Norman, Walker, Kinnard, Le Sueur, Routier, M. Vibert, Ozouf.

Connétables

St. Martin, St. Ouen, St. Saviour, St. Brelade, St. Peter, St. Clement, Trinity, St. Lawrence, Grouv
St. John.

Deputies

Trinity, Huet(H), St. John, Le Main(H), Dubras(L), Baudains(C), Dorey(H), Troy(B), Voisin(L)
Farnham(S), Le Hérissier(S), Bernstein(B), Ferguson(B), St. Mary, St. Ouen, Ryan(H), Grouvill
St. Peter, Hilton(H).

Change in Presidency

The Bailiff retired from the Chair during consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier concerning a vote of no confidence in the Housing Committee, and the meeting continued under the Presidency of the Deputy Bailiff, Mr. Michael Cameron St. John Birt.

Draft Motor Vehicle Registration (Amendment No. 3) (Jersey) Law 200 P.195/2003

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Draft Motor Vehicle Registration (Amendment No. 3) (Jersey) Law 200.

Disability Benefit System: reform – P.178/2003

Comments – P.178/2003 Com.

THE STATES, adopting a proposition of the Employment and Social Security Committee –

referred to their Act dated 2nd May 2000, in which they charged the Employment and Social Security Committee to identify the likely effects of a new low income support scheme and to their Act dated 9th September 2003, in which they agreed that the scheme should be established by 2006, and –

- (i) re-affirmed their support for persons with disabilities and agreed that the new income support system should contain a ‘disability component’ for the extra cost of disability to replace all the existing non-contributory disability benefits, as set out in the report of the Employment and Social Security Committee dated 25th November 2003; and,
- (ii) charged the Employment and Social Security Committee to continue the consultation process

with all interested parties in developing the “disability component” and to report back to the States on the resource requirements as part of the income support system.

Draft Shipping (SOLAS) (Jersey) Regulations 200- P.3/2004

THE STATES, in pursuance of Articles 49(6)(a) and 50(2)(a) of the Shipping (Jersey) Law 2002, made Regulations entitled Shipping (SOLAS) (Jersey) Regulations 2004.

Draft Shipping (Load Line) (Jersey) Regulations 200- P.4/2004

THE STATES, in pursuance of Article 49(1)(a) and (b), (4) and (6) to (8) and Article 50(1) and (2) of the Shipping (Jersey) Law 2002, made Regulations entitled Shipping (Load Line) (Jersey) Regulations 2004.

Draft Fire Service (Amendment No. 5) (Jersey) Law 2003 (Appointed Day) Act 200 P.8/2004

THE STATES, in pursuance of Article 5(2) of the Fire Services (Amendment No. 5) (Jersey) Law 2003, made an Act entitled the Fire Service (Amendment No. 5) (Jersey) Law 2003 (Appointed Day) Act 2004.

Jersey Child Care Trust: appointment of Chairman – P.15/2004

THE STATES, adopting a proposition of the Education, Sport and Culture Committee approved the appointment of Mr. Geoffrey Colin Powell O.B.E. as Chairman of the Jersey Child Care Trust for a further term of three years with effect from 1st January 2004.

Shadow Public Accounts Committee: appointment of Member – P.18/2004

THE STATES, adopting a proposition of Deputy Sarah Craig Ferguson of St. Brelade, referred to their Act dated 27th January 2004, in which they agreed to establish a Shadow Public Accounts Committee and agreed that the Shadow Chairman should nominate for approval by the States a member to serve on the Committee, and appointed the Deputy of St. Ouen as a member of the Shadow Public Accounts Committee for the period ending 27th January 2005.

Public and Private Sector Housing Rental Subsidy Schemes: income disregard – rescindment – P.5/2004.

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier requesting them to refer to their Act of 16th July 2003, in which they approved amendments to the Public and Private Sector Housing Rental Subsidy Schemes with effect from 1st January 2004, and to rescind paragraph (e) of their Act in which they agreed that the income disregard allowance for Invalidity and Disability benefits should be removed over a period of 3 years by making a onethird reduction each year, and discussion continued until the adjournment.

Adjournment

THE STATES then adjourned, having adopted a proposition of Senator Paul Vincent Francis Le Claire that they continue consideration of the proposition of Deputy Geoffrey Peter Southern regarding Public and Private Sector Housing Rental Subsidy Schemes: income disregard – rescindment, the following day, Wednesday 18th February 2004.

Members present voted as follows –

“Pour” (22)

Senators

Norman, Kinnard, Le Claire, E. Vibert.

Connétables

St. Clement, Trinity, Grouville, St. John.

Deputies

Trinity, Breckon(S), Huet(H), St. John, Le Main(H), Baudains(C), Dorey(H), Troy(B), Bridge(H),
Martin(H), Bernstein(B), St. Ouen, St. Peter, Hilton(H).

“Contre” (20)

Senators

Syvret, Walker, Routier, M. Vibert, Ozouf.

Connétables

St. Saviour, St. Brelade, St. Peter, St. Helier, St. Lawrence.

Deputies

Duhamel(S), St. Martin, Dubras(L), Voisin(L), Le Hérissier(S), Southern(H), Ferguson(B), St. Mar
Ryan(H), De Faye(H).

THE STATES rose at 5.47 p.m.

A.H. HARRIS

Deputy Greffier of the States.