

**THE STATES assembled on Tuesday,
5th November 2002 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 Pierre François Horsfall, O.B.E. - out of the Island
Senator Christopher Gerard Pellow Lakeman - out of the Island
Derek Ryder Maltwood, Deputy of St. Mary- out of the Island
Shirley Margaret Baudains, Deputy of St. Helier- out of the Island
Alan Breckon, Deputy of St. Saviour- ill
Kenneth William Syvret, M.B.E., Deputy of St. Ouen- out of the Island

Prayers

Welcome to Connétable of Trinity

The Bailiff on behalf of members, welcomed the newly-elected Connétable of Trinity, Mr. John Le Sueur Gallichan.

Greffier of the States - oath of office

The President administered the oath of office to the newly appointed Greffier of the States, Michael Nelson de la Haye, Esquire.

Deputy Greffier of the States - oath of office

The President administered the oath of office to the newly appointed Deputy Greffier of the States, Mrs. Anne Helen Harris, née Moore.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Civil Service Administration (Salaries) (Amendment No. 22) (Jersey) Order 2002. R & O 127/2002.

Motor Vehicle Registration (General Provisions) (Amendment No. 10) (Jersey) Order 2002. R & O 128/2002.

Motor Traffic (Cabs - Fares and Charges) (No. 2) (Jersey) Order 2002. R & O 129/2002.

Home Affairs Committee - resignation of member

THE STATES noted the resignation of Deputy Alan Breckon of St. Saviour from the Home Affairs Committee.

Matters presented

The following matters were presented to the States -

Telecommunications (Jersey) Law 2002 - social and environmental policies - R.C.43/2002.
Presented by the Industries Committee.

Manpower report for the period 1st January 2002 to 30th June 2002 - R.C.44/2002.
Presented by the Industries Committee.

Constitution and membership of the States: referendum (P.183/2002) - comments - P.183/2002 Com.
Presented by the Special Committee on the Composition and Election of the States Assembly.

Constitution and membership of the States: referendum (P.183/2002) - comments - P.183/2002. Com.(2).
Presented by the Policy and Resources Committee.

Draft Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 200 (P.189/2002): comments - P.189/2002. Com.
Presented by the Finance and Economics Committee.

Draft Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 200 (P.189/2002): amendments (P.189/2002 Amd.): comments- P.189/2002. Amd.Com.
Presented by the Finance and Economics Committee.

Draft Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 200 (P.189/2002 Amd.): Amendments (P.189/2002 Amd.): Report - P.189/2002 Amd.Rpt.
Presented by the Housing Committee.

La Collette Phase II: bus garage and workshop- proposed lease to Connex Transport Jersey Ltd. (P.190/2002): comments - P.190/2002. Com.
Presented by the Finance and Economics Committee.

The following matters were presented on 29th October 2002 -

States of Jersey Law 1966, as amended: delegation of functions - Fire Precautions (Jersey) Law 1977, as amended - R.C.42/2002.
Presented by the Home Affairs Committee.

Tax Information Exchange Agreement with the United States of America (P.172/2002) - advice of H.M. Attorney General - P.172/2002. Rpt.
Presented by the Policy and Resources Committee.

Machinery of Government: structure of the Executive (P.191/2002) - comments - P.191/2002. Com.
Presented by the Human Resources Committee.

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 October 2002 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders

relating to certain transactions in land -

- (a) as recommended by the Public Services Committee, the lease to the Jersey Longboard Riders Association of the use of Lewis Tower, La Grande Route des Mielles, St. Ouen, for a period of three years from 1st December 2002 at an annual rent of £250, subject to annual rent reviews in line with the Jersey Retail Price Index, and subject to the prospective tenant agreeing to contribute a sum of £1,250 towards works undertaken at the Tower by the Committee, on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Harbours and Airport Committee, the lease to Hallmark Cars Limited of the site adjacent to the Freight Building, Jersey Airport, at an annual rent of £20,000 to be reviewed annually in line with the Jersey Retail Price Index, conditional upon the Company's continued operation of the car hire concession, the lease to run concurrently with the existing car hire concession period to terminate on 31st December 2020, with an option to renew the lease for a further period of 21 years. It had been agreed that, subject to planning approval, the first floor accommodation could be sub-let to a third party, providing the Committee received 20 per cent of the rental. It had also been agreed that an addendum would be made to the concession agreement specifying that there would only be two car rental concessionaires at the Airport until the termination of the Spellbound/Hertz contract on 31st December 2017;
- (c) as recommended by the Public Services Committee, the purchase from Feature Limited of a strip of land (measuring 336 square feet) situated at the front of No. 13 Union Street, St. Helier (required for road widening purposes), for the sum of £336 (representing a rate of £1 a square foot), together with a compensation payment of £1,500 in respect of recently undertaken improvement works, with the Committee to be responsible for both parties' legal costs arising from this transaction;
- (d) as recommended by the Harbours and Airport Committee, the lease to Mr. Christopher Alan Melville of La Folie Inn, St. Helier (Letting No. LF3) for a period of three years deemed to have commenced on 1st June 2002, at an annual rent based on 12 per cent of gross takings (approximately £19,800);
- (e) as recommended by the Harbours and Airport Committee, the lease to GT Marine 2002 of an area of land adjacent to La Collette Boat Maintenance area (Letting No. LB1AA) for a period of three years deemed to have commenced on 1st August 2002, at an annual rent of £860 (representing a rate of £2 a square foot), subject to annual review in line with the Jersey Retail Price Index, under terms and conditions identical to those which applied to the company's existing contract lease site (Letting No. LB1A);
- (f) as recommended by the Agriculture and Fisheries Committee, the acquisition from Mrs. Laura Maud Le Ruez, née Bailhache, Mrs. Ellen may Vibert, née Amy, and Mr. Arthur Stanley Le Ruez of an area of land within Field No. 121, St. Mary (measuring 0.12.18 vergée) for the sum of £1,600, with the public to be responsible for the payment of the vendor's legal fees in lieu of rent relating to the use of the land by the Committee in recent years.

Matters lodged

The following matters were lodged "au Greffe" -

Budget 2003.

Presented by the Finance and Economics Committee.

Draft Employment (Jersey) Law 200- (P.187/2002): amendments - P.187/2002 Amd.

Presented by the Employment and Social Security Committee.

Draft Telecommunications (Jersey) Law 2002 (Appointed Day) (No. 2) Act 200 P.196/2002.

Presented by the Industries Committee.

Training and Employment Partnership: transfer of responsibility from the Employment and Social Security Committee to the Economic Development Committee - P.197/2002.

Presented by the Employment and Social Security Committee.

Jersey Airport: future funding - P.198/2002.

Presented by the Harbours and Airport Committee.

Draft Parish Rate (Administration) (Jersey) Law 200- P.199/2002.

Presented by the Legislation Committee.

Le Talus, La Rue du Nord, St. John, sale of land, and at Fremont Headland, St. John, acquisition of land- P.200/2002.

Presented by the Public Services Committee.

Draft Royal Bank of Canada (Jersey) Law 2000 (Appointed Day) (No. 2) Act 200 P.201/2002.

Presented by the Finance and Economics Committee.

Magistrate's Court, Union Street, St. Helier: approval of drawings- P.202/2002.

Presented by the Finance and Economics Committee.

Planning and Building Core Service: strategy for future funding - P.203/2002.

Presented by the Planning and Environment Committee.

Draft Telecommunications (Transfer) (Jersey) Regulations 200- P.204/2002.

Presented by the Finance and Economics Committee.

Population Policy - P.205/2002.

Presented by the Policy and Resources Committee.

Planning and Building (Jersey) Law 2002 - removal of third party appeals - P.206/2002.

Presented by the Planning and Environment Committee.

Five Oaks Roundabout, St. Saviour: transfer of administration of land- P.207/2002.

Presented by the Housing Committee.

States Abattoir, La Collette, St. Helier: transfer of administration- P.208/2002.

Presented by the Agriculture and Fisheries Committee.

Draft Island Planning (Exempt Operations) (Jersey) Regulations 200- P.209/2002.

Presented by the Planning and Environment Committee.

The following matters were lodged on 29th October 2002 -

Machinery of Government: departmental structure - allocation and monitoring of public sector manpower numbers - P.192/2002.

Presented by the Policy and Resources Committee.

Draft Subordinate Legislation (Amendment No. 3) (Jersey) Law 200 P.193/2002.

Presented by the Legislation Committee.

Draft Interpretation (Amendment) (Jersey) Law 200- P.194/2002.

Presented by the Legislation Committee.

Draft Transfer of Functions (Home Affairs Committee) (Jersey) Act 200- P.195/2002.

Presented by the Home Affairs Committee.

Draft Parish Rate (Administration) (Jersey) Law 200- P.206/2001

THE STATES noted that in accordance with Standing Order 22(3) the President of the Legislation Committee had instructed the Greffier of the States to withdraw the proposition regarding Draft Parish Rate (Administration) (Jersey) Law 200- (P.206/2001 lodged "au Greffe" on 18th December 2001), the Committee having lodged "au Greffe" a revised proposition (P.199/2002) at the present meeting.

Planning and Building Core Services: strategy for future funding - P.143/2002

THE STATES noted that in accordance with Standing Order 22(3) the President of the Planning and Environment Committee had instructed the Greffier of the States to withdraw the proposition regarding Planning and Building Core Service: strategy for future funding (P.143/2002 lodged "au Greffe" on 27th August 2002), the Committee having lodged "au Greffe" a revised proposition (P.203/2002) at the present meeting.

Arrangement of public business for the next meeting on 12th November 2002

THE STATES rejected a proposition of Deputy Philip Francis Cyril Ozouf of St. Helier that the proposition of the Special Committee on the Composition and Election of the States Assembly regarding Machinery of Government: composition and election of the States Assembly (P.186/2002 lodged "au Greffe" on 8th October 2002) be deferred from the next meeting to a later date.

Members present voted as follows -

"Pour" (19)

Senators

Stein, Qu  r  e, Le Claire.

Conn  tables

Grouville, St. Ouen, St. Saviour, St. Mary, St. John, St. Clement, St. Helier.

Deputies

Grouville, St. Martin, G. Baudains(C), Troy(B), Le H  rissier(S), Ozouf(H), Bridge(H), Martin(H) Southern(H).

"Contre" (26)

Senators

Le Maistre, Bailhache, Norman, Kinnard, Le Sueur.

Conn  tables

St. Martin, St. Brelade, St. Lawrence, St. Peter, Trinity.

Deputies

H. Baudains(C), Trinity, Duhamel(S), Routier(H), Layzell(B), Huet(H), St. John, Le Main(H), Vibert(B) St. Peter, Dubras(L), Dorey(H), Voisin(L), Scott Warren(S), Farnham(S), Fox(H).

Additional meeting

THE STATES agreed to hold an additional meeting on 12th November 2002 in order to consider certain public business proposed to be set down for the current session.

Deputy of St. Ouen- attendance

The Deputy of St. Ouen, having returned to the Island, arrived in the Chamber during consideration of the arrangement of public business for the next meeting on 12th November 2002, and was present for the remainder of the sitting.

Arrangement of public business for the next meeting on 12th November 2002

THE STATES adopted a proposition of Senator Terence Augustine Le Sueur that the proposition regarding Machinery of Government: composition and election of the States Assembly (P.186/2002 lodged "au Greffe" on 8th October 2002) be considered as the last item of business at the next meeting to be held on 12th November 2002.

Members present voted as follows -

"Pour" (29)

Senators

Quérée, Bailhache, Norman, Walker, Kinnard, Le Sueur.

Connétables

Grouville, St. Ouen, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter.

Deputies

H. Baudains(C), Duhamel(S), Routier(H), Layzell(B), Huet(H), Le Main(H), Vibert(B), St. Pete St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Fox(H).

"Contre" (18)

Senators

Le Maistre, Stein, Syvret, Le Claire.

Connétables

St. Martin, St. Clement, St. Helier, Trinity.

Deputies

Grouville, St. Martin, St. John, Dubras(L), Farnham(S), Le Hérisier(S), Ozouf(H), Bridge(H), Mart (H), Southern(H).

THE STATES agreed that the following matters lodged "au Greffe" would be considered at the next meeting on 12th November 2002 -

Constitution and membership of the States: referendum - P.183/2002.

Lodged: 8th October 2002.

Senator P.V.F. Le Claire.

Constitution and membership of the States: referendum (P.183/2002): comments - P.183/2002. Com.
Presented: 5th November 2002.
Special Committee on the Composition and Election of the States Assembly.

Constitution and membership of the States: referendum (P.183/2002): comments - P.183/2002. Com.(2)
Presented: 5th November 2002.
Policy and Resources Committee.

Draft Motor Traffic (No. 9) (Jersey) Regulations 200 P.155/2002.
Lodged: 10th September 2002.
Home Affairs Committee.

Draft Official Publications (Amendment) (Jersey) Law 200- P.188/2002.
Lodged: 15th October 2002.
Legislation Committee.

Draft Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 200 P.189/2002.
Lodged: 15th October 2002.
Housing Committee.

Draft Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 200 (P.189/2002):
comments - P.189/2002. Com.
Presented: 5th November 2002.
Finance and Economics Committee.

Draft Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 200 (P.189/2002):
amendments - P.189/2002. Amd.
Lodged: 22nd October 2002.
Senator P.V.F. Le Claire.

Draft Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 200 (P.189/2002):
amendments (P.189/2002 Amd.): comments - P.189/2002. Amd.Com.
Presented: 5th November 2002.
Finance and Economics Committee.

Draft Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 200 (P.189/2002):
Amendments (P.189/2002 Amd.): report - P.189/2002. Amd.Rpt.
Presented: 5th November 2002.
Housing Committee.

Machinery of Government: departmental structure - allocation and monitoring of public sector manpower
numbers - P.192/2002.
Lodged: 29th October 2002.
Policy and Resources Committee.

Draft Subordinate Legislation (Amendment No. 3) (Jersey) Law 200 P.193/2002.
Lodged: 29th October 2002.
Legislation Committee.

Draft Interpretation (Amendment) (Jersey) Law 200-P.194/2002.
Lodged: 29th October 2002.
Legislation Committee.

Draft Transfer of Functions (Home Affairs Committee) (Jersey) Act 200- P.195/2002.
Lodged: 29th October 2002.
Home Affairs Committee.

Machinery of Government: composition and election of the States Assembly - P.186/2002.
Lodged: 8th October 2002.
Special Committee on the Composition and Election of the States Assembly.

Purchase of properties - questions and answers (Tape No. 786)

The Deputy of St. John asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee the following questions -

“1. In the Royal Court recently the public purchased the following properties -

14 Le Jardin de la Hauteur, St. Helier for the sum of £270,000; and

Rozel House, Trinity for £455,000.

Will the President give the reasons for the purchase of these properties and explain why these transactions have not yet been reported to the States on the Order Paper?

2. Will the President inform members how many similar transactions have taken place over the last five years and give the total value of the properties purchased?”

The President of the Housing Committee replied as follows -

“1. The two properties to which the question refers were purchased by the public of the Island on behalf of full-time permanent approved 1(1)(j) category employees of the States in accordance with the terms of the Assisted House Purchase Scheme.

When the States originally approved the scheme in 1977, and again in 1985, the approval gave blanket authority to the Committee to purchase properties for a particular purpose, and the Attorney General and the Greffier of the States were authorised accordingly. These properties are not purchased under Standing Orders, they are purchased by virtue of Acts of the States.

2. Since January 1998 there have been 39 individual acquisitions under the Scheme of properties which have a total valuation of £14,541,000. I should point out that the purpose of the Scheme is to enable the States, when recruiting for senior posts which cannot be filled by local applicants, to compete on an even footing with the private sector. The Scheme protects the integrity of the requirements of the Housing (Jersey) Law 1949, as amended, and Loans granted are all charged at commercial lending rates - there is no interest subsidy.”

Spending cuts - question and answer (Tape No. 786)

Deputy Geoffrey Peter Southern of St. Helier asked Senator Leonard Norman, President of the Education Committee, the following question -

“The President of the Education Committee, in response to my question of 1st October 2002 about the Education Committee’s 2003 spending cuts totalling £839,000, kindly agreed to give me a detailed breakdown of the cuts, which I received on 22nd October.

- (a) Can the President confirm to members that the total of £839,000 was made up of £349,000 required to meet the projected shortfall on the accepted Cash Limit for 2003 of £75,174,900 and £490,000 directed to the ‘priority areas of Estates Management, Lifelong Learning initiatives and ICT replacement’?
- (b) Will the President inform members exactly what these priority areas consist of, and how much has been allocated to each?

- (c) Would the President tell members why these priority areas are deemed to be so important that they justify the redirection of funds away from the classroom by increasing 16+ pupil teacher ratio (PTR), which will inevitably lead to increases in class size.
- (d) The figures he has given me show that the savings achieved by the increase in PTR amount to £260,000, of which £103,503 has been cut from the budget of Hautlieu School. Would the President -
 - (i) advise members of the sums cut from the budgets of Highlands College, the fee-paying colleges and the grants to private schools, and
 - (ii) indicate what discussions have taken place over which Highlands College courses may not run in 2003 as a result of these cuts?
- (e) The figures also show that funding of peripatetic language assistants will no longer be centrally funded. Will the President confirm that this places an additional burden of £51,500 on the schools concerned, effectively increasing the schools' budget cut from £260,000 to £310,500?"

The President of the Education Committee replied as follows -

“(a) Yes.

- (b) **Estate Management**
The management and maintenance of the Committee's estate (currently valued for insurance purposes at around £350 million. £100,000
- Lifelong Learning initiatives** £50,000
The development of initiatives to support the Committee's lifelong learning strategy.
- ICT replacement** £340,000
The replacement of ICT hardware and software.

- (c) I will detail each priority area separately -

Estate Management

Due to changes in curriculum delivery and an increasing estate it is essential that all education premises are properly maintained in order that they are available for future generations. It is vital that they are not neglected as they were in the late 1970s and early 1980s which undoubtedly contributed to the need for significant redevelopment of many schools over recent years.

Lifelong Learning Initiatives

The Education Committee is committed to the development of lifelong learning in order to provide access to learning opportunities for all members of the community and has recently published its Strategy '*Lifelong Learning for a world class island - Formula for the future*'. Our commitment relies on the development of partnerships and the allocation of funds in 2003 will allow priorities to be set for the future to develop a framework in which personal hopes and ambitions can be realised.

To give some indication of the type of initiative that will be supported - in 2002 the Education Committee opened an Open Learning Centre at the Central Library which has already attracted over 3,000 user sessions per month.

ICT Replacement

The States have invested £9.1 million from the IT Development Fund in the Committee's Information Systems Strategy - *'Putting Jersey's Future First'* which has had a major impact in providing the infrastructure to support learning and the development of skills. However, despite several attempts, the Committee has been unsuccessful in securing funding for the associated replacement costs through the revenue resource allocation process. The Committee therefore, quite rightly, has made funds available from within its own revenue budget.

As I have stated in my previous response the change to the post 16 PTR is only possible because of the significant growth in post-16 participation which will enable certain economies of scale and the commitment of all our post-16 providers to high levels of co-operation to protect minority subjects.

- (d) (i) The figure given for Hautlieu School is indicative only, as I have said in my previous answers. Similarly with regard to the details regarding the other institutions with sixth forms, as I intimated in my response to the Deputy on 1st October 2002 the schools' budgets for 2003 have not yet been confirmed as they will depend not only on post-16 numbers but also the number of Key Stage 3 and Key Stage 4 pupils on roll, general increases in salaries and the effect of teachers' performance related pay.
- (ii) The Governing Body of Highlands College has discussed the impact of the Committee's budget allocation policies for 2003 but to date no information regarding the impact on courses has been passed to my Committee.
- (e) All seven secondary schools under the administration of the Education Committee currently have access to peripatetic language assistants and it will be a matter for those schools to determine the amount of language assistant time that they will take up in 2003. Thus the impact of this reduction will not have a significant effect on the budget of any individual school.

I would refer Deputy Southern to the 2003 Budget (which has been lodged today) which shows that over £1 million will be added to all school budgets in 2003 to meet demographic growth bringing the total direct funding of secondary schools under the administration of the Education Committee to over £15.5 million."

Accident statistics arising from cargo operations on the New North Quay - question and answer (Tape No. 786)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Terence Augustine Le Sueur, President of the Employment and Social Security Committee, the following question -

"On 8th October 2002, I asked the President of the Harbours and Airport Committee if he would supply details (with regard to the New North Quay) 'of the number of recorded accidents to members of the public in the last five years resulting from cargo operations'. He replied that he did not have accurate statistics.

On 22nd October, the President, in response to a question on the same matter by Senator Le Claire, stated that 'adequate information on accidents at work, through the social security system, and from other sources, is already available'.

Would the President therefore -

- (a) identify those other sources, and
- (b) provide accident figures to answer the question I put previously to the President of the Harbours and Airport Committee?"

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

"In answering this question I should first remind members that the answer which I gave to Senator Le Claire

at the last sitting of this Assembly related to the Reporting of Incidents, Diseases and Dangerous Occurrence Regulations and their possible implementation in Jersey. Those Regulations, as they apply in the United Kingdom, cover requirements for reporting serious incidents such as deaths, major injuries - including fractures, amputations, dislocations etc., injuries where employees are off work for more than three days, and reportable diseases, which include poisonings, certain skin diseases, lung diseases etc. Accidents to members of the public are required to be reported where they are killed or taken to hospital. The regulations do not apply to accidents of a relatively minor nature. The Deputy's current question is therefore not on the same matter, but appears to relate to accidents of any nature, and so the answers may not be directly comparable.

- (a) In elaboration of my replies to Senator P.V.F. Le Claire, I can therefore inform the Assembly that those other sources (in addition to Social Security information) would include the police, the emergency services, the relevant organisation (including the Harbour Authority), the individuals themselves and members of the public.

Staff from the Health and Safety Inspectorate are routinely called in by the States of Jersey Police or other relevant authorities in the event of any accident where there are working activities involved.

- (b) In response to the second part of the Deputy's question, I can only repeat the reply which I gave at the last sitting, which is that there have been no accidents to members of the public in the operational area of the New North Quay reported to the Department in the last five years.

However, I would add that the commercial area of the Port of St. Helier is a potentially dangerous area demonstrated by the accidents which have occurred to employees working in these areas, several which have resulted in serious injury. For example, an employee was left paralysed following an accident which occurred earlier this year, in the commercial area of the Elizabeth Terminal, when he was struck by a crate which fell off a trailer. Whilst this accident occurred to an employee, it could easily have happened to a member of the public if they had been walking through the area.

I would also acknowledge the commitment to health and safety in the port area by Harbours and Airport Committee in taking a proactive approach to the management of health and safety in the Port of St. Helier. In 1999 the Employment and Social Security Committee approved a code of practice under the Health and Safety at Work (Jersey) Law 1989 which had been prepared on behalf of Jersey Harbours which set out requirements for health and safety in the port of St. Helier. This approved code of practice was developed in consultation with port users and had the support of the Health and Safety Inspectorate.

Section 8 of this document refers to the public and identifies that members of the public should be forbidden to enter areas of the commercial port where there area cargo operational areas and where cargo handling is taking place. It is therefore probable that the lack of reported accidents to members of the public result, to a large extent, from the steps that have already been taken by Jersey Harbours in developing this approved code of practice."

Administration of the Dwelling Houses Loan Fund accounts - question and answer (Tape No. 786)

The Deputy of St. John asked Senator Frank Harrison Walker, President of the Finance and Economic Committee, the following question -

“Will the President advise members -

- (a) when it was agreed that Dwelling Houses Loan Fund accounts would be administered by Loans and Mortgages Administration Centre of Dunstable, Bedfordshire?
- (b) of the cost of moving the administration of the service off the Island?
- (c) whether it will be the householders with States loans or the States who will meet the costs of this change?

- (d) whether persons with States loans were consulted on the changes prior to the changeover and, if not, why not?"

The President of the Finance and Economics Committee replied as follows -

- "(a) The Finance and Economics Committee approved the proposal at its meeting of 7th November 2001. The proposal was supported by the Housing Committee.
- (b) There is no 'cost' associated with the relocation of the scheme as the new arrangements will deliver an annual saving in excess of £40,000 when compared with the way the scheme was previously delivered. In addition, there is a manpower saving of one full-time equivalent post within the Treasury. The outcome is an excellent example of Committees working together to deliver cost effective solutions, with reduced on-Island manpower requirements, which is entirely in accord with States' policy.
- (c) There are no costs to be met - see answer to (b) above.
- (d) The decision was taken not to consult with borrowers as the terms of their loans and the method and amounts of their payments remain unchanged."

Bus service - question and answer (Tape No. 786)

Deputy Roy George Le Hérisser of St. Saviour, asked the Deputy of St. Peter, President of the Public Service Committee, the following question -

- "(a) Would the President identify the five bus routes which have been least used (and express this as a percentage of capacity available) since the commencement of the Connex-operated service?
- (b) Would the President identify the subsidy that will be paid, for the last month, in respect of each of these five routes?
- (c) What steps are being contemplated to deal with the issue of low usage?"

The President of the Public Services Committee replied as follows -

- "(a) I am pleased to be able to answer the Deputy's questions, since this level of detailed information has never been available in the past. Under the new partnership arrangements, Connex Transport Jersey Ltd. is required to provide the information on a regular basis.

The first set of data to be provided by Connex covers the first three weeks of operation from Sunday, 30th September to Monday, 21st October inclusive. The five routes with the lowest ridership so far are as follows -

- | | |
|-----------------|---|
| Route 3b | Weighbridge to the Zoo via St. Saviour's Road,
Ridership 354 passengers. |
| Route 6 | Weighbridge to First Tower,
Ridership 261 passengers. |
| Route 20 | Weighbridge to St. Catherine via La Hougue Bie,
Ridership 176 passengers.
<i>(N.B. this service has now terminated for the winter.)</i> |
| Route 21 | Weighbridge to Victoria Village,
Ridership 332 passengers. |

Route 22 Snow Hill to Rue des Pres.
Ridership 83 passengers.

Because of the greatly differing seating capacities of vehicles used during the period, it is not possible to give this ridership as a percentage of seating capacity available.

It is not considered that the new service has been operating long enough for fully reliable and meaningful information to have been obtained. However, the Operator and Public Services Department staff are monitoring the ridership levels on a monthly basis.

- (b) The current bus service does not receive a subsidy on a route by route basis. All the routes form part of the total agreed and contracted annual operating cost. The overall level of payment to be made to Connex in any year is the difference between the contracted operating cost and the total revenue from the entire service (i.e. from all the routes).
- (c) During the winter the current routes and schedules will be assessed and revised where required, in order to introduce an enhanced bus service more suited to the Island's needs, and to address any routes that are clearly not meeting the needs of the travelling public.

As this is the first time that any meaningful information has been made available to the Department, members will appreciate that it is necessary to establish accurate base data before any revision to the service can be undertaken.”

Tax avoidance and evasion - questions and answers (Tape No. 786)

Deputy Geoffrey Peter Southern of St. Helier, asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

- “1. In the debate so far about States' taxation and spending policies, very little attention has been given to measures that would bear down on tax avoidance and evasion.
 - (a) Can the President confirm to members that he has sought and obtained support from the Human Resources Committee for the creation of a 1.00 FTE two-year contract post to examine potential cases of tax abuse by 'controlling directors'?
 - (b) Will the President explain to members how such controlling directors may be operating to abuse the tax system?
 - (c) Can the President give members an estimate of how much additional revenue might accrue by the closure of this mechanism of abuse?
- 2. On 18th October 2002 in the Royal Court, no fewer than 27 persons were cited for income tax arrears. Some obviously had substantial incomes, with one person owing £8,137 for a single year. The total amount of arrears came to £102,296.
 - (a) Will the President reveal to members what the totals of income tax arrears were in the years 1998, 1999, and 2000?
 - (b) Can the President state what proportion of these sums has been recovered to date?
 - (c) Would the President indicate whether the introduction of PAYE could reduce or eliminate such tax evasion?”

The President of the Finance and Economics Committee replied as follows -

- “1. (a) Yes.
- (b) The potential abuse of the tax system by controlling directors is explained in detail at Appendix 3 of the Fiscal Review Working Group: Second Report (R.C.37/99) which was presented to the States on 28th September 1999, so I would refer the Deputy to that Appendix.
- (c) The Comptroller of Income Tax estimates that additional tax revenues of anything up to £300,000 per annum might be collected, perhaps even more, if all challenges made by him in all cases of potential abuse were successful.
2. (a) The totals of income tax arrears are published annually in the Financial Report and Accounts produced by the States Treasury. The totals published for the years in question were -

1998	£20.8 million
1999	£13.8 million
2000	£19.3 million.

- (b) The totals of income tax arrears still outstanding as at 30th September, 2002 for the years in question are -

1998	£2.5 million
1999	£3.7 million
2000	£6.9 million.

The proportion of sums recovered to date varies depending on the age of the tax debt, but, as these figures demonstrate, some 88% of the tax debts outstanding in 1998 have now been collected, some 73 per cent of the tax debts outstanding in 1999 have now been collected and some 64 per cent of the tax debts outstanding in 2000 have now been collected.

The actual tax collected by the end of each tax year is some 94 per cent of the total tax assessed. This is a remarkably high collection rate which has improved in the last few years due to the introduction of the 10 per cent late payment surcharge which is now levied on tax remaining unpaid by the first week in December.

- (c) Yes. The introduction of PAYE would have a noticeable effect on evasion although it is extremely unlikely that a PAYE system would eliminate all tax evasion.”

Lapsed firearms certificates - questions and answers (Tape No. 786)

Deputy Roy George Le Hérissier of St. Saviour asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, the following question -

- “(a) With regard to firearms certificates which have lapsed, would the President identify how many covered collections -
- (i) in excess of 100 firearms?
- (ii) 50 to 100 firearms?
- (iii) 20 to 50 firearms?
- (iv) 10 to 20 firearms?
- (b) When will the follow-up work be completed in respect of lapsed firearm certificates?

(c) What procedures will be put in place to avoid a similar recurrence?"

The President of the Home Affairs Committee replied as follows -

“(a) The figures requested in respect of lapsed firearm certificates are as follows -

- (i) none of the lapsed certificates relate to more than 100 firearms;
- (ii) none of them relate to 50 to 100 weapons;
- (iii) three relate to 20 to 50 weapons;
- (iv) ten relate to 10 to 20 weapons.

The rest all relate to between one and nine weapons.

- (b) The Connétables have agreed a programme of letters and approaches to residents whose certificates appear to have expired. This has already commenced and is targeted to finish by the end of November. In early December a further meeting is planned between the Connétables and the States Police when it is anticipated that the Parishes will identify cases which need to be followed up by States officers. Meanwhile, direct liaison arrangements have been established between the States Police and the parishes and it has been agreed that any cases of special concern will be given a States Police response as soon as they are identified.
- (c) The Comité des Connétables has agreed that when the present backlog has been addressed it will meet the States Police and undertake a joint review of the administrative arrangements which underpin the Law.”

Definition of ‘polling station’ - question and answer (Tape No. 786)

Deputy Gerard Clifford Lemmens Baudains of St. Clement, asked H.M. Solicitor General the following question-

“During consideration of Articles 2 - 4 of the draft Public Elections (Jersey) Law 200- (P. 132/2001) on 9th October 2001, I asked whether a “polling station” constituted the whole building. The Rapporteur stated that a polling station is ‘that part of the building where the polling takes place’. In view of the impending Deputies’ elections, would the Attorney General confirm this definition and explain whether it includes any other area of the building in which a poll is held?”

H.M. Solicitor General replied as follows -

“‘Polling station’ is not defined in the Public Elections (Jersey) Law, 2002. Article 26 of that Law provides so far as it is relevant, that for the conduct of a poll the Connétable of the parish where the poll is held shall provide one or more polling stations in such a way that the Autorisé is satisfied that all persons have reasonable facilities for the exercise of their right to vote.

It follows from the foregoing that the polling station is what has been provided to the Autorisé to his satisfaction under Article 26. This is the room, or part of a room if the room has been divided, in which the voting takes place. However, the Autorisé has a power to give such reasonable directions, and take such reasonable measures, as are necessary to ensure the complete secrecy and regularity of the vote at the polling station and to ensure that the requirements of the Law are met, not only within the room which constitutes the polling station but also in the immediate vicinity.”

Dental treatment - question and answer (Tape No. 786)

The Deputy of St. John asked Senator Terence Augustine Le Sueur, President of the Employment and Social Security Committee, the following question -

- “(a) Would the President confirm that when any person in receipt of benefit or on a low income attends the dentist that the person has to pay for treatment at the time and then claim back the sum from Employment and Social Security through its agent Westfield? If this is correct, is it the intention of the Committee to change the method of payment and if so, would he explain how and when this is to happen?
- (b) In the fee guide of the Jersey Dental Association it states that clinical time per hour is £190.00. Would the President explain the options available to low income earners who may not be able to afford visiting a dentist when the hourly rate is so high?
- (c) As some dental bills run into many hundreds of pounds, others can be in thousands of pounds, would the President look at increasing the current sum refundable to a person receiving benefit?
- (d) When the Jersey Dental Association sets its fees, is the Committee consulted as to these charges?”

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

- “(a) Every person attending the dentist (whether in receipt of benefit, on a low income or in any other situation) is required to pay for treatment at the time, unless they have made other arrangements with the dentist. For example, payment may be made by the Parish Authorities through the Welfare Grant System.

The Jersey 65+ Health Plan was set up as a two-year pilot scheme in October 2001 for people with at least five years' residence whose incomes are above the level of HIE but not paying tax, and who have less than £15,000 assets (£30,000 for a couple). It was expected that members could have a small amount of savings but could require assistance with the ongoing and increasing costs of health care experienced with age.

The Deputy will recall from P.131/2002, which was debated on 24th September this year, that the Committee initially exercised caution on the levels of benefit, as little information was available on the numbers eligible, but in view of the relatively low take up, proposed an extension to the range and level of subsidies available under the scheme.

An amendment to the proposition was lodged by the Connétable of Grouville and agreed by the States to include in this scheme HIE recipients over the age of 65. So, it is only now that people with a defined low income have been fully included in the arrangements.

Currently, all scheme members have to pay for their treatment and then claim the subsidy on provision of a receipt. However, as members were advised at the time of the debate on 24th September, Westfield are piloting a direct settlement scheme which I hope could be available in the future. The Committee will be bringing a full report on the pilot scheme to the States in 2003. If the Health Plan continues as a permanent arrangement then we would pursue a direct settlement scheme with Westfield (subject to the success of their pilot).

- (b) Although the published rate may be £190.00, dentists are free to charge each patient at whatever rate they agree, which may be lower in individual cases. Some dentists may be willing to receive staged payments. People can also take out prepayment health schemes (similar to the Jersey 65+ Health Plan), for reasonably small amounts, for themselves or their family, which may help to offset costs.

Additionally, the Community Dental Service run by Health and Social Services offers dental treatment to children up to the age of 11 years, and the Jersey Dental Fitness Scheme (JDFS) is then available for children up to the age of 18 (or 21 if in full-time education) where the family income is currently below

£33,180.

At present the only other option for those on very low incomes is to approach the Parish for assistance, providing they have been resident for five years or more; such assistance may be provided by grants, or loans, or a combination of both.

- (c) As approved by the States only recently, the subsidies for dental treatment from the Jersey 65+ Health Plan were increased from £150 to £250 a year effective from 1st September 2002. The Committee wishes to assess the effect of this increase (and the other changes implemented, which included cover for chiropody costs and increased cover for optical costs) before making further amendments.

The sum of £690,000 per year made available to the Committee for dental, optical and chiropody costs is cash limited and we have to be cautious in finding the right balance between costs and benefits during this pilot phase. As I have already said, where hardship exists, there is still help available under the Welfare Grant system.

- (d) No, nor is the Committee directly informed of what these charges are. As with doctors, and other professions, dentists are private practitioners and free to set their charges at whatever level they consider appropriate.”

States Rental Housing Scheme - question and answer (Tape No. 786)

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

“In the report accompanying States Housing Rental Scheme: Revision (P.29/2002), presented to the States on 5th March 2002, the President illustrated the effect of the Committee’s proposed rent rises in paragraph 5(a) on page 4. This showed that a single person earning £200 a week in 2001 would see a rent rise of £2.25 if their weekly earnings rose by £10 in 2002.

Can the President offer some explanation to members as to why a pensioner, whose income is £210 and whose only change in circumstance between August 2001 and this year has been a rise in her pension of £3.73 per week, has had a rent increase in April this year from £97 to £133, a rise of 37 per cent?”

The President of the Housing Committee replied as follows -

“Any tenant is entitled to submit a claim for rent abatement. A pensioner with a gross income of £210 per week would, from April 2002, be paying a weekly abated rent of £38.39 and not £97. An increase in income of £3.73 per week would result in an increase in the rent to £39.24 and not £133.

Without more precise information about this case I can say little more. Had Deputy Southern telephoned the Department or myself rather than lodge this question it is more than likely that if an error has occurred it would have been rectified by now. I wish to be constructive and I sincerely ask that he considers contacting my Chief Officer who will attend to this matter immediately.”

Thistlegrave Sewer Extension, St. Lawrence/St. John statement

The President of the Public Services Committee made a statement in the following terms -

“On 1st October 2002, the States, adopting a proposition of the Deputy of St. John, requested the Public Services Committee to reconsider its decision to phase the extension of the main drain scheme at Thistlegrave, St. Lawrence and St. John, and to incorporate an additional 15 units of accommodation on or near to La Rue de la Mare Ballam, St. John, as shown on drawing No. PJR/1/02, situated within 350 metres

of the proposed termination of the scheme currently under construction in St. John.

The Public Services Committee has carefully reviewed all aspects of this request. It noted in particular that the decision to split the scheme into two phases was made in the year 2000, as a consequence of the reduction in capital funds granted for the foul sewer extension programme. The Public Services Committee at that time, with the Deputy of St. John as Vice-President, approved the prioritisation list of foul sewer extensions recommended by the Sewer Working Party, which did not include Phase 2 of the Thistlegrove scheme. In fact, the same Committee had given priority to a sewer extension for La Rue du Vieux Ménage, St. Saviour which for lack of funds has still not been done and remains a priority over Thistlegrove Phase 2.

The Public Services Committee, over which I preside, has reviewed the procedure for the prioritisation of foul sewer extensions, and has confirmed its complete confidence in the recommendations of the independent Sewer Working Party. In the view of the Committee, it is absolutely imperative that priorities are set on the basis of the greatest need, as determined through analysis of the ground and water dispersal situation and the state of existing sewage disposal systems in the area. The Committee remains convinced that it is not appropriate for this rational system for determining priorities to be displaced by one which can be influenced by political pressures. The Committee believes that if it starts down that road, decision-making will lose all credibility.

The Public Services Committee, with the greatest of respect and in all sincerity, therefore, asks the States to accept its decision not to vary its well-established priorities for sewer extension schemes.”

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- P.89/2002, Comments, Comments (2), Amendment (2)

THE STATES commenced consideration of the draft Police Procedures and Criminal Evidence (Jersey) Law 200- as amended by the Home Affairs Committee and adopted the preamble.

Members present voted as follows -

“Pour” (44)

Senators

Le Maistre, Stein, Bailhache, Syvret, Norman, Kinnard, Le Sueur, Le Claire.

Connétables

Grouville, St. Martin, St. Ouen, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. F St. Clement, St. Helier, Trinity.

Deputies

H. Baudains(C), Trinity, Duhamel(S), Routier(H), Layzell(B), Grouville, Huet(H), St. Martin, Le Mai (H), Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L Scott Warren(S), Farnham(S), Le Hérisssier(S), Fox(H), Bridge(H), Martin(H), Southern(H).

“Contre” (1)

Deputy

St. John.

Articles 1 to 12 and Schedule 1 were adopted.

Articles 13 to 14 were adopted.

Members present voted as follows -

“Pour” (33)

Senators

Stein, Quérée, Bailhache, Kinnard, Le Sueur.

Connétables

St. Martin, St. Ouen, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Clement, Trinity.

Deputies

H. Baudains(C), Trinity, Duhamel(S), Routier(H), Layzell(B), Huet(H), St. Martin, Le Main(H), Vibe (B), St. Peter, St. Ouen, G. Baudains(C), Dorey(H), Voisin(L), Scott Warren(S), Le Hérissier(S), Fox(Bridge(H), Martin(H).

“Contre” (2)

Deputies

St. John, Troy(B).

Articles 15 to 25 and Schedule 2 and 3 were adopted.

Articles 26 to 29 were adopted.

Members present voted as follows -

“Pour” (34)

Senators

Quérée, Syvret, Kinnard, Le Sueur, Le Claire.

Connétables

Grouville, St. Martin, St. Ouen, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. F St. Clement, St. Helier, Trinity.

Deputies

H. Baudains(C), Duhamel(S), Layzell(B), St. Martin, Le Main(H), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Le Hérissier(S), Fox(H), Martin(H), Southern(H).

“Contre” (1)

Deputy

St. John.

Articles 30 to 114 and Schedules 4 to 6 were adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Police Procedures and Criminal Evidence (Jersey) Law 2002.

Mrs. Aline May Moyses, née Gosney: acceptance of bequest - P.180/2002

THE STATES, adopting a proposition of the Health and Social Services Committee -

- (a) accepted the bequest of the late Mrs. Aline May Moyse, née Gosney, widow of Alan Cyril Moyse, to the public of an equal share with Jersey Hospice Care of the whole of her real property, which consisted of the property Banksia, La Chasse Brunet, in the parish of St. Saviour, on condition that the proceeds of sale of the property be used by the Public of the Island for the benefit of the Oncology Department at the General Hospital and by Jersey Hospice Care for the benefit of Clarkson House, the whole in memory of the late Alan Cyril Moyse;
- (b) agreed that the public should pay one half of the costs of registration of the will, and of the fees and disbursements incurred with registration.

The Haven, La Grande Route de St. Martin, St. Saviour; purchase of land P.185/2002

THE STATES, adopting a proposition of the Health and Social Services Committee -

- (a) approved the purchase from Mr. Ian Michael Denzil Kingham of the property known as The Haven, La Grande Route de St. Martin, St. Saviour, shown on Drawing No. 1913/02/47 for the sum of £550,000, with each party being responsible for the payment of its own legal fees, and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public; and
- (c) authorised the Treasurer of the States to make the appropriate payments in connexion with the purchase of the said property out of the Planning and Environment Committee vote of credit 'Acquisition of Land - Major Reserve' (Vote C0904).

Draft Dogs (Amendment No. 2) (Jersey) Law 200 P.184/2002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Dogs (Amendment No. 2) (Jersey) Law 2002.

Draft Jersey Advisory and Conciliation (Jersey) Law 200- P.134/2002; Amendments

THE STATES commenced consideration of the Draft Jersey Advisory and Conciliation (Jersey) Law 200- and adopted the preamble.

Articles 1 to 13 and the Schedule were adopted the States having adopted amendments presented by Deputy Maurice François Dubras of St. Lawrence that for the words "industrial relations" there be substituted the words "employment relations" in the long title and in -

Article 3 - heading and paragraph (a)
Article 7 - paragraphs (1) and (3)
Article 9 - paragraph (1)
Article 14 - paragraphs (1) and (2)(a)
Schedule - paragraph (3)(3)

The Bailiff in accordance with Standing Order 35(3) allowed a single discussion to cover this series of interdependent amendments.

The Bailiff, in accordance with the proviso to Article 24(5) of the States of Jersey Law 1966, as amended, ruled that as the above amendments did not involve any change in the substance of the draft Law, the third reading of the Law might proceed immediately.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Jersey Advisory and Conciliation (Jersey) Law 2002.

Channel Islands Lottery: allocation of profits - P.174/2002

THE STATES, adopting a proposition of the Gambling Control Committee, agreed that the Jersey portion of the profits of the Channel Islands Lottery during 2002 should be paid to the Association of Jersey Charities for the benefit of the community and the charitable needs of the Island.

Ruxley, Longueville Road, St. Saviour- purchase - P.178/2002

THE STATES, adopting a proposition of the Home Affairs Committee -

- (a) authorised the purchase from Mr. Andrew Alistair Colquhoun and Mrs. Margaret Kennedy Colquhour née Guild, of the property known as Ruxley, Longueville Road, St. Saviour (shown on Drawing No. 1916/02/48) for the sum of £315,000, with each party being responsible for its own legal fees, and authorised the Greffier of the States to sign the said drawing on their behalf;
- (b) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contracts which it might be found necessary to pass in connection with the said property and any interest therein; and
- (c) authorised the payment or discharge of expenses to be incurred in connection with the acquisition of the said property and any interest therein from the Planning and Environment Committee's vote of credit "Acquisition of Land - Major Reserve" (Vote C0904).

Draft Highways (Road Humps) (Jersey) Regulations 200- P.182/2000

THE STATES, in pursuance of Article 3 of the Highways (Jersey) Law 1956, as amended, made Regulations entitled the Highways (Road Humps) (Jersey) Regulations 2002.

La Collette Phase II: bus garage and workshop - proposed lease to Connex Transport Jersey Ltd. - P.190/2002

Comments

THE STATES, adopting a proposition of the Planning and Environment Committee -

- (a) approved the leasing by the public to Connex Transport Jersey Limited of an area of land measuring approximately 11,886 square metres with buildings thereon situated at La Collette Reclamation Site, St. Helier, to accommodate the omnibus service provider for an initial period of seven years, at an annual rental on commencement of £180,000, with the rental to be reviewed in line with Jersey Retail Price Index on the third and fifth anniversaries, and with each party being responsible for its own legal fees in connection with the transaction;
- (b) authorised the Attorney General and the Greffier of the States to sign the lease; and
- (c) authorised the Treasurer of the States to receive the rent as it becomes due.

Change in Presidency

The Bailiff retired from the Chair prior to the consideration of the proposition of Senator Paul Vincent Francis Le

Claire on the Constitution and membership of the States: referendum (P.183/2002 lodged “au Greffe” on 8th October 2002) as the proposition concerned the position of the Bailiff and the meeting continued under the Presidency of Michael Nelson de la Haye Esquire, Greffier of the States.

Arrangement of Public Business

THE STATES decided to defer consideration of the proposition of Senator Paul Vincent Francis Le Claire concerning Constitution and membership of the States: referendum (P.183/2002 lodged “au Greffe” on 8th October 2002) until the next meeting on 12th November 2002, and agreed that it should be considered as the first item of public business.

THE STATES rose at 5.15 p.m.

M.N. DE LA HAYE

Greffier of the States.