

**THE STATES assembled on Tuesday,
9th December 2003 at 8.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esquire.**

**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 Paul Vincent Le Claire– out of the Island
John Baudains Germain, Connétable of St. Martin– ill
Alan Breckon, Deputy of St. Saviour– ill
Jennifer-Anne Bridge, Deputy of St. Helier– ill
Jacqueline Ann Hilton, Deputy of St. Helier– ill

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Road Traffic (Saint Lawrence) (Amendment No. 16) (Jersey) Order 2003. R&O 147/2003.
Environment and Public Services Committee.

Employment and Social Security Committee – appointment of member

THE STATES appointed the Connétable of St. Lawrence as a member of the Employment and Social Security Committee.

Matters presented

The following matters were presented to the States –

H.M. Prison, La Moye: report on the temporary release of prisoners. R.C.52/2003.
Presented by the Home Affairs Committee.

Annual Report on Public Bus Transport: the school bus service and the first year R.C.53/2003.
of the Connex bus service.
Presented by the Environment and Public Services Committee.

Draft Amendment (No. 28) to the Tariff of Harbour and Light Dues (P.171/2003): P.171/2003.
comments. Com.
Presented by the Finance and Economics Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 25) (Jersey) Regulations P.177/2003.
200- (P.177/2003): comments. Com.
Presented by the Finance and Economics Committee.

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

Matters lodged

The following matters were lodged “au Greffe” –

Draft Police Force (Amendment No. 10) (Jersey) Law 200. Lodged: 9th December 2003, and referred to the Home Affairs Committee. <i>Deputy of St. Martin</i>	P.150/2003. Amd.
Shadow Scrutiny: arrangements and approval of Chairman and Members. <i>Presented by the Privileges and Procedures Committee.</i>	P.186/2003.
Bus Strategy: implementation. <i>Presented by Deputy R.G. Le Hérissier of St. Saviour, and referred to the Finance and Economics and the Environment and Public Services Committees.</i>	P.187/2003.

Draft Health Insurance (Medical Benefit) (Amendment No. 58) (Jersey) Regulations 200 P.168/2003 – withdrawn

THE STATES noted that in accordance with Standing Order 22(3), the President of the Employment and Social Security Committee had instructed the Greffier of the States to withdraw the draft Health Insurance (Medical Benefit) (Amendment No. 58) (Jersey) Regulations 200, (P.168/2003 lodged “au Greffe” on 2nd December 2003), which was set down for consideration at the present meeting.

Arrangement of public business for the present meeting

THE STATES adopted a proposition of the Connétable of St. Helier to defer consideration of the proposition of the Policy and Resources Committee concerning the membership of the Manual Workers’ Joint Council, (P.174/2003 lodged “au Greffe” on 25th November 2003), from the present meeting to a later date.

Members present voted as follows –

“Pour” (27)

Senators

Syvret, Kinnard, Lakeman, Routier, E. Vibert.

Connétables

St. Brelade, St. Mary, St. Peter, St. Clement, St. Helier, Grouville, St. John.

Deputies

Duhamel(S), St. John, Baudains(C), Dorey(H), Scott Warren(S), Fox(H), Martin(H), Southern(H), Bernstein(B), Ferguson(B), St. Ouen, Taylor(C), Grouville, St. Peter, De Faye(H).

“Contre” (19)

Senators

Le Maistre, Norman, Walker, Le Sueur, M. Vibert, Ozouf.

Connétables

St. Ouen, St. Saviour, Trinity, St. Lawrence.

Deputies

Huet(H), St. Martin, Le Main(H), Dubras(L), Troy(B), Voisin(L), Le Hérissier(S), St. Mary, Ryan(H)

Arrangement of public business for the next meeting on 20th January 2004

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 20th January 2004 –

Official Report of the States Assembly and its Committees ('Hansard'): Introduction. Lodged: 17th June 2003. <i>Privileges and Procedures Committee.</i>	P.81/2003.
Official Report of the States Assembly and its Committees ('Hansard'): Introduction (81/2003) – comments. Presented: 18th November 2003. <i>Finance and Economics Committee.</i>	P.81/2003. Com.
Jersey Community Relations Trust. Lodged: 12th August 2003. <i>Policy and Resources Committee.</i>	P.120/2003
Jersey Community Relations Trust (P.120/2003): addendum to report. Presented: 2nd December 2003. <i>Policy and Resources Committee.</i>	P.120/2003. Add.
Jersey Community Relations Trust (P.120/2003): comments. Presented: 7th October 2003. <i>Finance and Economics Committee.</i>	P.120/2003. Com.
Jersey Community Relations Trust (P.120/2003): amendments. Lodged: 7th October 2003. <i>Connétable of St. Helier.</i>	P.120/2003. Amd.
Dental Department: relocation. Lodged: 18th November 2003. <i>Health and Social Services Committee.</i>	P.162/2003.
Code of Practice on Public to Official Information: measures to improve implementation. Presented: 18th November 2003. <i>Privileges and Procedures Committee.</i>	P.164/2003.
Greville Bathe Fund: appointment of trustee. Lodged: 2nd December 2003. <i>Finance and Economics Committee.</i>	P.181/2003.
La Pouquelaye School redevelopment: approval of drawings. Lodged: 2nd December 2003. <i>Education, Sport and Culture Committee.</i>	P.182/2003.
Jersey Police Complaints Authority: appointment of Chairman and members. Lodged: 2nd December 2003. <i>Home Affairs Committee.</i>	P.183/2003.
La Carrière, Bellozanne Valley, St. Helier: transfer of administration. Lodged: 2nd December 2003. <i>Environment and Public Services Committee.</i>	P.184/2003.
Jersey Financial Services Commission: appointment of Commissioner. Lodged: 2nd December 2003. <i>Economic Development Committee.</i>	P.185/2003.
Shadow Scrutiny: arrangements and approval of Chairman and Members. Lodged: 9th December 2003. <i>Privileges and Procedures Committee.</i>	P.186/2003

Draft Finance (Jersey) Law 200-, (*third reading*).
Lodged in second reading: 5th December 2003.
Finance and Economics Committee.

P.191/2003.

Draft Income Tax (Amendment No.23) (Jersey) Law 200-, (*third reading*).
Lodged in second reading: 5th December 2003.
Finance and Economics Committee.

P.192/2003.

Circulation of information relating to the agreement with Les Pas Holdings Limited – question and answer (Tape No. 883)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“During the States debate of P.117/2003 regarding the proposed agreement with Les Pas Holdings Limited, the President stated that he would circulate a list of the misleading information he claimed had been made on the issue. Would the President advise when this list will be published?”

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

“I can confirm that in preparation for the States debate on ‘Fief de la Fosse: Proposed Agreement with Les Pas Holdings’, (P.117/2003), I compiled details of a large number of claims relating to the proposed agreement which I considered to be inaccurate or misleading.

The States have now taken a decision on this matter, and I do not now believe that publishing this information would serve any useful purpose.”

Working relationship between the States of Jersey Police and the Honorary Police – question and answer (Tape No. 883)

The Deputy of St. Martin asked Senator Wendy Kinnard, President of the Home Affairs Committee, the following question –

“With reference to answers given by the President on 2nd December 2003, regarding the working relationship between the States of Jersey Police and the Honorary Police, would the President inform members –

- (a) whether much of the uncertainty and misunderstanding would be alleviated if the Jersey Police Authority was functioning in line with that which was approved by the States in May 1998?
- (b) why the Jersey Police Authority is not functioning and what steps have been taken to appoint a chairman and full membership?
- (c) whether the Committee is minded to re-establish the Jersey Police Authority, and, if not, whether it is intended that the proposed Memorandum of Understanding will replace it? If the Memorandum of Understanding is not intended to replace the Police Authority would the President inform members of what plans are in hand to ensure that there is a framework of accountability which is not only acceptable to members of both the States and Honorary Police officers but also to the members of the public? and,
- (d) whether the proposed Memorandum of Understanding will allow for the appointment of an Honorary Police Chief to represent the interests of the Honorary Police?”

The President of the Home Affairs Committee replied as follows –

“(a) As the preamble to the question implies, the question posed on the 2nd December 2003, concerned working relationships. It is doubtful, therefore, whether a policy-making body, be that a police

authority or any other, by itself would alleviate uncertainty or misunderstanding in working relationships if these concerns existed.

- (b) When I answered a similar question from the Deputy of St. Martin in March 2003, I informed members that the Committee would be bringing a report to the States outlining proposals for the way forward. On the 22nd July 2003, the Committee presented R.C.35/2003 entitled 'Jersey Police Authority: Review', with an invitation to members to comment on the options outlined in that paper. The Committee received one or two informal comments on that occasion. As this coincided with the summer break, I sent a personal letter to all members on 26th August 2003, requesting comments on the options given. The Deputy of St. Martin sent me a brief email response on 1st September 2003, but, other than one other supportive e-mail, I have not had substantive replies from other members. Clearly, steps were not taken to appoint a chairman and full membership while this consultation took place.
- (c) There is no intention to replace the Jersey Police Authority with a memorandum of understanding. When the Home Affairs Committee met with the Comité des Connétables on the 1st December 2003, their views were sought on the options outlined in R.C. 35/2003. The Committee will also be seeking the views of H.M. Attorney General, the Centeniers' Association and the Vingteniers' and Constables Officers' Association. Following this, the Committee will bring a report and proposition to the States which will take account of the views expressed by both the Honorary Police and the States of Jersey Police.
- (d) As there is no intention to replace the Jersey Police Authority with a Memorandum of understanding, this question falls away. However, the Home Affairs Committee would agree with a single person as the conduit for all communication on Honorary Police matters, but this is a matter for the Connétables and not the Home Affairs Committee."

Connex bus service – questions and answers (Tape No. 883)

Senator Edward Philip Vibert asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following questions –

- “1. Would the President inform members –
 - (a) how the recently announced cuts to the Connex bus schedules fit into the Bus Strategy approved by the States in 2001, which was intended to improve the quality of service provided to all bus users?
 - (b) whether he would agree that as the Committee, due to staff shortages, has not been able to monitor the much-vaunted Service Level Agreement with Connex together with that company's performance, and, given the service cuts announced recently, that the Bus Strategy has been a total and expensive failure?
- 2. Would the President confirm that a bus service, that only two years ago was costing the taxpayer £140,000, is now costing nearly £1.9 million, and would he inform members of the likely cost of the service for the next year?”

The President of the Environment and Public Services Committee replied as follows –

- “1. (a) No cuts have been considered and individual service proposals have neither been refused nor approved, as no decisions have yet been made. The proposals submitted by the operator are currently out to consultation and will be considered by the Committee on 17th December 2003, along with any representations that have been submitted in writing on the proposals by the end of the consultation period on 11th December 2003.
- (b) I do not agree.
- 2. I would respectfully refer the Senator to R.C.53/2003, the Annual Report, presented to the States today. Figure 3 in this report gives factual and comparative information. The States of Jersey paid

Jerseybus £140,000 to continue to operate services 2c, 4, 8 and 19 between October 2001 and September 2002, as well as £460,000 to carry pensioners and HIE cardholders, free of charge. Many other services were axed by Jerseybus whereas the current operator's contract restored all of these axed routes. The Senator is not comparing the same level of bus service when stating these figures.

Subject to any modifications to services approved by the Committee, which may result from the current or any future proposals from the operator, the likely cost of the service in 2003/2004 will be approximately the same as the cost in 2002/2003, uplifted by the indexing formula in the contract."

Connex bus service – questions and answers (Tape No. 883)

Deputy Geoffrey Peter Southern of St. Helier asked Deputy Maurice François Dubras of St. Lawrence President of the Environment and Public Services Committee, the following question –

- “(a) Would the President agree that the proposed reductions in service levels in the bus service will lead to a reduction in fare revenue and would he advise members –
- (i) what fare revenue is estimated for the next 12 months? and,
 - (ii) what this level of fare revenue will mean for the level of subsidy payable to Connex during this period?
- (b) Will the President explain the rationale behind the decision to remove additional ‘K’ services from the ‘shoulder’ months in spring and autumn?
- (c) Would the President agree that the proposals fail to meet the commitment contained in the Bus Strategy, approved by the States in 2001, to support the Island's tourism industry, and that the latest proposals will force tourists to use alternative methods of transport throughout the year, and, in particular, explain why there will be no bus service at all to the Living Legend, as one of Jersey's major tourist attractions? and,
- (d) Would the President explain the Committee's reasoning for supporting the proposed reduction from the current 20 minute frequency to a half-hourly frequency on the No. 15 service between the hours of 3.00 and 6.00 p.m., and, whether the Committee is satisfied that the reduced frequency will be adequate?”

The President of the Environment and Public Services Committee replied as follows –

- “(a) The proposals submitted by the operator are currently out to consultation and will be considered by the Committee on 17th December 2003, along with any representations that have been submitted on the proposals by the end of the consultation period, on 11th December 2003.
- (i) Until the Committee accepts or rejects the proposals and decides on the nature and level of services to be provided and the resulting estimates of fare income can be made, I am not able to provide such estimates.
 - (ii) No subsidy is paid to Connex; the company receives a contractual payment for providing bus services to an agreed specification of service. Any shortfall between the payment due under the contract and the amount of fare revenue collected is the principal amount that the States provides as subsidy for the benefit of users of the bus service.
- (b) No decision has been made. The proposals that have been published would provide a basic all year round network which can be supplemented depending on the season. Obviously, such supplements to the year round timetable would be subject to the licensing and consultation requirements of the Motor Traffic Law. I would note that the proposals submitted have incorporated certain so called “K” services into the all year round service. The term “K services” is no longer likely to be used.
- (c) As explained in answer to part (b) of the question, the proposals are for the all year round basic

service. The operator has indicated that further proposals will be submitted to meet the requirements of the seasonal fluctuations. My Statement on 18th November 2003, made this absolutely clear.

- (d) The Committee has not offered support to the proposals. It is bound to consider the proposals in due course, just as it is bound to consider any representations on the proposals before making its decision. Therefore, the question of adequacy has not been considered.”

Connex bus service – questions and answers (Tape No. 883)

The Deputy of St. John asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following question –

“Recently the Committee placed an advertisement in the Jersey Evening Post showing the proposals for the all-year Connex Bus service.

Will the President advise members–

- (a) whether the Committee has a Transport Strategy to cover all areas of the Island, and, if not, will he explain the reasons why?
- (b) whether the Committee intends to give consideration to ensuring that people on, for example, the No. 5 route to St. John, and other outlying areas of the Island, are not left without a winter bus service?
- (c) whether the Committee, when reviewing the winter bus timetable, will ensure that the timing of buses are such to allow people to use the service to get to and from work?
- (d) of the proposed times for the Route 22 extension, as these were not publicised in the recent advertisement on 26th November 2003, seeking public comment?”

The President of the Environment and Public Services Committee replied as follows –

- “(a) The Committee is following the Sustainable Island Transport Policy approved by the States in June 1999, which has been considered to be the Island’s Transport Strategy and from which the Bus Strategy was approved as a consequence. As I mentioned during the Budget debate, the Committee has started looking at the current policy and strategy set. Plans are in hand to publish a consultation paper by Easter 2004, following which the Committee, jointly with the Finance and Economics Committee, has in mind a debate in the States, at the earliest, in May 2004, on the long term funding requirements linked with the outcomes of the Fiscal Strategy and the Fundamental Spending Review.
- (b) Under the Motor Traffic Law 1935, as amended, the Committee has a duty to consider such matters. The Committee will consider carefully representations made during the current public consultation exercise.
- (c) Where it is reasonably practical to do so, the Committee will expect that people can get to and from work by bus. Given the range of times that businesses open for trade, the number of employees and the locations of certain businesses, it may not always be practical or economical.
- (d) The advertisement referred to was placed by Connex and did include the ‘extension’ times of departure. Timetable details have been available at Connex offices and Parish Halls since the 24th November 2003, as indicated by the Committee on the 18th November 2003.”

‘2020.je Report’ – question and answer (Tape No. 883)

Deputy Geoffrey Peter Southern of St. Helier asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following question –

“In a recent radio interview the President stated that the ‘2020.je Report’ was being considered in policy discussions within various States departments. Will the President advise members whether this is the case given the criticism of the Report, its methodology and conclusions.”

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

“Although the interview to which the Deputy refers related primarily to the Budget, in response to this particular question I was replying more in my capacity as Vice-President of the Policy and Resources Committee. I do not recall the precise words used in my answer. I hope that Deputy Southern is also aware that previously the President of the Policy and Resources Committee had been asked by a radio interviewer whether the 2020.je Report would be reviewed as part of the strategic planning process and he indicated that it would be taken into account alongside other reports.

At the Policy and Resources Committee meeting held in November 2003, the latest draft of the strategic plan was considered, as was the output from ‘Imagine Jersey’, a meeting which many States members also attended. The latter meeting produced a wealth of very sensible suggestions, many of which will be reflected in the strategic plan. However, it was clear that there were some fundamental issues to be resolved as we consider the Island’s future. The public rightly aspire to a prosperous future with jobs, opportunities and houses for our young people; full employment; reducing States expenditure whilst maintaining key services; all with sustainable population levels and a vibrant, green, rural economy. Whilst we would all agree with these aspirations we also know that there are major challenges ahead which we must overcome, various conflicting issues to consider, and some trade-offs to be made in order to secure our future.

It was agreed that there was a need to identify what really matters and then consider how different issues interact with each other. It was further agreed that the best way to bring all of these issues together was to identify a small number of realistic possible scenarios. We were aware that 2020.je had produced three alternative scenarios for Jersey in the future, so these were reviewed to see if they could be used for this purpose. The Committee’s conclusion was that, whilst interesting, they would not, by themselves, be sufficient for our needs. At this stage, the Policy and Resources Committee members and officers are reviewing and extending the range of possible and realistic alternative scenarios which would demonstrate the linkages between the key issues. Other States Departments have not yet been actively involved, although some Chief Officers may be asked from time to time for information relevant to their Department. These scenarios, when produced, will then be used in ongoing consultation with States Members and the public.

I hope that this answer, though long, helps inform Members of the progress being made. It is the Committee’s intention that by the end of March 2004, there will be a practical and achievable vision for Jersey which can be used to prioritize the numerous matters which people have identified as needing to be included in the strategic plan. It will then be for us as States members to decide on the final outcome.”

Role and attendance of States members at meetings of other Commonwealth Ministers – question and answer (Tape No. 883)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“The minutes of the Committee meeting held on 23rd October 2003, state that Senator M.E. Viber would not be attending the ‘Commonwealth Education Ministers’ meeting in Edinburgh because *“there are several matters on the agenda with which he disagreed, yet he would be required to show allegiance with the United Kingdom’s view”*. Will the President explain the rôle of Jersey representatives attending such meetings and whether they are required to show allegiance to the U.K.’s view?”

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

“Jersey is not a member of the Commonwealth in its own right and, in accordance with our constitutional relationship with the United Kingdom, is represented in Commonwealth Ministers’

meetings by the U.K. delegation.

At the request of the Jersey authorities, the U.K. government has agreed with the Commonwealth Secretariat that our representatives may form part of the U.K. delegation and we, therefore, receive an invitation to all relevant Commonwealth meetings.

The protocol is that all views are expressed by the head of the U.K. delegation and there is no opportunity for dissent within the delegation to be registered at the meeting. So, if there were an item on which the U.K. position was likely to be at odds with Jersey's position it would be appropriate not to attend.

The Committee recently concluded that attendance at these meetings is a valuable opportunity to get the Island's voice heard unofficially in an important international arena. Jersey members of the U.K. delegation can listen to a debate and request the leader of the delegation to represent their views. Sometimes we may be successful, but if our views do not get heard in the meeting there are many other opportunities to raise issues with the U.K. and other countries' delegates during informal conversations, over dinner and in fringe meetings.

It is also important for Jersey to be seen to be present with the U.K. at these meetings; to demonstrate our support for the Commonwealth in tackling major international humanitarian, social and political issues.

The Committee is continuing to press for Jersey's own seat at the Commonwealth table, but to be recognised on the international scene Jersey needs to continue to assert its presence whenever possible. The Committee generally recommends that the relevant Committee President should attend Commonwealth Ministers' meetings. However, it remains a matter for the individual President to decide whether to attend and, if he or she is uncomfortable with the agenda, the President is free to decline the invitation without detracting from the overall policy of engagement with the Commonwealth."

Guernsey Fishing Licensing Scheme – question and answer (Tape No. 883)

The Deputy of St. John, with the leave of the Bailiff in accordance with Standing Order 12(2), asked Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee, the following question without notice –

"Would the President advise members whether a joint meeting involving the Bailiffs of both Jersey and Guernsey will be arranged to resolve issues relating to the Guernsey Fishing Licensing Scheme, and, if so, when?"

The President of the Economic Development Committee replied as follows –

"On 24th November 2003, the Department for Constitutional Affairs wrote to the Island authorities of Jersey and Guernsey. The letter requests that consideration is given to inviting the Bailiffs of Jersey and Guernsey to bring the two parties responsible for fisheries matters together to mediate a solution acceptable to both Bailiwicks.

I have responded by indicating that I would be pleased to participate in such mediation and am now awaiting a response through the official channels."

H.M. Prison, La Moye: report on the temporary release of prisoners – statement

Senator Wendy Kinnard, President of the Home Affairs Committee, made a statement in the following terms –

"On 3rd October 2003, the Home Affairs Committee held a special meeting to discuss several well publicised cases of prisoners not abiding by the conditions of their temporary release. As a result of that meeting, the Committee agreed to commission an independent report to investigate the issues leading up to these incidents and to review the procedures applicable to temporary release. The

Committee also decided to suspend all unescorted home leaves and to curtail the outside work scheme pending the outcome of the report. For that reason, the Committee decided that the report should be completed within a month of the review commencing.

The Committee was fortunate in being able to appoint Dr. Debbie King, formerly the Islands Chief Probation Officer, to carry out the report. She commenced work on 16th October 2003, and produced her first draft report on 7th November 2003, well within the remit of one month. The Committee has had to have time to consider the report and recommendations and draft the revised procedures for temporary release which flow from the reports' recommendations. Ideally, I would have preferred that Members had had the opportunity to consider the report and the revised procedures prior to our going out to consultation on the revised temporary release scheme. However, time was against us if we were to have a new scheme in place before the Christmas period. Therefore, the Committee is in the process of consulting the judiciary, those who were interviewed by Dr. King and other professionals involved in temporary release with the aim of having the new temporary release scheme in place later this month.

Before turning to the report itself and the new procedures, I should like to pay tribute to the quality of the report produced for the Committee by Dr. King. After three weeks of starting her review, Dr. King produced for the Committee a professional, thorough and balanced report which has enabled the Committee to move quickly towards producing revised procedures.

I appreciate that some members may not have had a chance to digest the detail of the report, but I would like to comment briefly on its findings and recommendations. Members will recall that the previous Committee sanctioned the first ever H.M.I. Inspection findings in July 2001 and authorised the implementation of all 147 recommendations. The present Prison Governor, who was recruited shortly after, was charged with implementing these recommendations and, remarkably, has achieved 114 of the 147 during his period in post. In addition, working closely with the Probation Service, he was instrumental in introducing the electronic monitoring scheme in April this year. Indeed, the current ethos of the Prison is one of incentive and rehabilitation which has been tremendously motivational to staff and prisoners alike.

The temporary release system itself underwent internal review at the Prison in July 2002 and a new set of criteria regarding eligibility was introduced. Unfortunately, the then Home Affairs Committee's endorsement for these changes was not sought at the time and, consequently, wider consultation on the criteria did not take place. The key effect of the new criteria was that some prisoners could become eligible for temporary release having served only half of their custody time, or in effect a third of their sentence. Other developments included some prisoners being granted temporary release to other jurisdictions and some prisoners spending longer periods of time at liberty due to the effect of combining outside work and weekend home leave even though these schemes were developed as separate entities. Dr. King questions whether the new criteria and the practices that were adopted constituted a policy change which would have normally required endorsement by the Committee. She concludes that it would probably have been wiser to have had the Committee's approval to all such developments. She also remarks that, unlike the new electronic monitoring scheme, which went through comprehensive scrutiny and policy formulation with the Committee, the present Home Affairs Committee inherited temporary release which had been a long standing practice at the Prison. In any case, there was no indication for some time that there should have been any concern about the running of temporary release and, in fact, it enjoys a very good success rate overall in terms of compliance. The criteria that were in operation first came to light in May 2003 when, at the first sign of a potential problem, I requested a full briefing of the risk assessment procedures. At that meeting, the Committee noted the conditions under which a prisoner might be eligible for either outside work or home leave. As Dr. King concludes, at this point the criteria became Committee policy and should have been followed. In other words, the eligibility criteria should not have been viewed as guidelines inferring a measure of discretion or interpretation.

Dr. King's study of those prisoners on the outside work scheme showed that five of the fifteen prisoners who had been released before their eligibility dates had been released for compassionate reasons but had actually started work after their eligibility date for temporary release. In the remaining ten cases, prisoners started work before their eligibility date. Dr. King expands on the reasons for these releases in Chapter 9 of the report. In concluding, Dr. King records that temporary release is seen as a great motivator, an incentive to behave well in prison, to become drug free and to try to address offending

behaviour. However, temporary release has to be earned and is not seen by prisoners as an easy option. The scheme had lifted spirits and created a better atmosphere in the prison where prisoners derived greater self esteem from the benefits of being able to hold down a job and the pride they could take in supporting their families. However, the main criticism of the scheme from those interviewed for the report were the criteria that were being followed and, in paraphrasing several interviewees, the developments were felt to be too much, too quickly, too soon for Jersey. Dr. King goes on to conclude that temporary release has wide support in principle and has on the whole been a very successful scheme. She concludes that, following a consultation exercise, the policy on the eligibility criteria, the scope and the limits of temporary release should be agreed and new procedures put in place that would have the mandate of the criminal justice system.

In addition to Dr. King's report, I have sent to Members separately a personal copy of the new policy and practice relating to temporary release for home leave and outside work. These new procedures are entirely in line with the recommendations contained in Chapter 11 of Dr. King's report. They cover the principles, eligibility criteria, the process to be followed and the scope and limitations of temporary release. The main features of the new temporary release procedure are as follows –

- (a) only sentenced prisoners are eligible;
- (b) they must have been in custody for at least half of the sentence passed by the Court and will not be considered for temporary release earlier than twelve months before their earliest date of release;
- (c) prisoners breaching conditions of their temporary release licence will be removed from the scheme and reported to the Home Affairs Committee;
- (d) there will be no absolute exclusion from the scheme for prisoners who have committed serious offences; however, the reason and need for temporary release would need to outweigh the seriousness of the offence and there would need to be a favourable risk assessment;
- (e) applications will be assessed by a panel which will consist of the Prison Governor, the Prison Probation Officer, the Prison Psychologist and, in the new year, an independent member appointed by the Home Affairs Committee, although temporary release applications will still be authorised by the Prison Governor in accordance with his delegated powers;
- (f) the Assessment Panel will procure reports as necessary from the Police, Probation Service and Children's Service and, where appropriate, will consult with the sentencing court, persons to be visited, prospective employers and any victims identified as a result of the original crime. Child protection issues will be paramount;
- (g) prisoners will not be considered or granted temporary release prior to their eligibility date unless there are compelling compassionate grounds for so doing; and,
- (h) for those prisoners not involved in the Electronic Monitoring Scheme, overnight temporary release will only be considered during the last four months of sentence at the rate of no more than one night per month.

The procedures I have summarised will result in much tighter management of the temporary release scheme in which, ordinarily, temporary release is restricted to the last twelve months of a prisoner's sentence, thorough risk assessments are carried out for all forms of release and adjudicated on by an Assessment Panel of professionals, and prior consultation is carried out with other professionals in the criminal justice system and those who will be most affected by temporary release authorisations. It must be said though that, despite all the precautions we have put in place, there is still an element of trust placed in the prisoner. It is inevitable, therefore, that from time to time a temporary release licence will be breached. The alternative is a custodial regime in which rehabilitation is given a low priority and prisoners are not afforded the opportunity to prepare for their eventual release. I trust, therefore, that members will embrace the temporary release scheme and the principles upon which it is based.

Finally, I am sure that Dr. King's report will raise questions in members' minds as to accountability for the short-comings of the temporary release scheme highlighted in her report. The report is critical of

some of the management practices in relation to temporary release, the instances of eligibility criteria not being adhered to and some of the decisions to grant temporary release which were subsequently taken. These decisions were taken in accordance with the delegated authority given to the Prison Governor. The Home Affairs Committee will pursue these matters in accordance with the appropriate procedures. There is then the question of my own position and that of the Home Affairs Committee. The report does not level any specific criticism at the present Home Affairs Committee. Indeed, the Committee acted decisively once it was clear that the temporary release scheme was not operating as it should. It did this by removing those prisoners from the outside work scheme who did not appear to fit the eligibility criteria, suspending the temporary release scheme for new applicants, and commissioning an independent report to review the circumstances that had given rise to breaches of licence and to make recommendations about the operation of a future scheme. In so doing, the Committee was prepared to be accountable for the outcome and has been entirely open about the findings and recommendations. The Home Affairs Committee intends, therefore, to get on with the business of instituting a more robust and transparent temporary release scheme and, in so doing, I trust that it will have the support of this Assembly.”

Health Services Disciplinary Tribunal: appointment of members – P.173/2003

THE STATES, adopting a proposition of the Employment and Social Security Committee, and in pursuance of Articles 1 and 36 of the Health Insurance (Jersey) Law 1967, as amended, appointed the following as members of the Health Services Disciplinary Tribunal, for a period of 3 years commencing on 1st January 2004–

Advocate David Eldon Le Cornu– Chairman
Mr. Conrad Edwin Coutanche – Deputy Chairman
Mrs. Ruth Janet Syvret
Mr. Philip Ralph Daubeney
Mr. Colin Henry Letto.

Draft Family Allowances (Jersey) Regulations 200- P.167/2003 Comments – P.167/2003 Com.

THE STATES, in pursuance of Article 7 of the Family Allowances (Jersey) Law 1972, made Regulations entitled the Family Allowances (Jersey) Regulations 2003.

Draft Parish Rate (Administration) (Amendment) (Jersey) Regulations 200- P.169/2003

THE STATES, in pursuance of Article 46 of the Parish Rate (Administration) (Jersey) Law 2003, made Regulations entitled the Parish Rate (Administration) (Amendment) (Jersey) Regulations 2003.

Draft Amendment (No. 28) to the Tariff of Harbour and Light Dues– P.171/2003 Comments – P.171/2003 Com.

THE STATES, adopting a proposition of the Harbours and Airport Committee, in accordance with Article 6 of the Harbour and Light Dues (Jersey) Law 1947, as amended, approved the draft Amendment (No. 28) to the Tariff of Harbour and Light Dues as set out in the Appendix to the Report of the Harbours and Airport Committee dated 20th November 2003.

Draft Harbours (Amendment No. 36) (Jersey) Regulations 200 P.175/2003

THE STATES, in pursuance of Article 4 of the Harbours (Administration) (Jersey) Law 1961, made Regulations entitled the Harbours (Amendment No. 36) (Jersey) Regulations 2003.

Draft Boats and Surf-Riding (Control) (Amendment No. 25) (Jersey) Regulations 200 P.177/2003 Comments – P.199/2003 Com.; Addendum – P.177/2003 Add.

THE STATES, in pursuance of Article 4 of the Harbours (Administration) (Jersey) Law 1961, made Regulations entitled the Boats and Surf-Riding (Control) (Amendment No. 25) (Jersey) Regulations 2003.

**Draft Road Traffic (No. 56) (Jersey) Regulations 200 P.179/2003
Comments – P.179/2003 Com.**

THE STATES, in pursuance of the Order in Council of 26th December 1851 and Article 49 of the Road Traffic (Jersey) Law 1956, made Regulations entitled the Road Traffic (No. 56) (Jersey) Regulations 2003.

Cattle Street Car Park, St. Helier: transfer of administration of a part of land– P.180/2003

THE STATES, adopting a proposition of the Telecommunications Board –

- (a) authorised the transfer of administration of the land and granite wall known as part of Cattle Street Car Park, St. Helier, as shown on Drawing No.359/03/52B, from the Telecommunications Board to the Environment and Public Services Committee;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States; and,
- (c) agreed that in the event of the Public no longer having a reason to retain the land, including the granite wall, JTG (St. Helier) Limited, or its successors in title, would be granted the option to purchase the land on which the wall was constructed between points B and C as shown on Drawing No. 359/03/52B for a nominal sum, with both parties being responsible for their own legal costs associated with the transaction.

Fish Market, North Corridor to the east of Telephone House, Minden Place, St. Helier: Transfer of Administration of room, and Comments

THE STATES, adopting a proposition of the Telecommunications Board –

- (a) authorised the transfer of administration of a certain first floor room above the north corridor of the “Fish Market” premises to the east of Telephone House, Minden Place, St. Helier as shown on Drawing No. 359/03/53 from the Telecommunications Board to the Environment and Public Services Committee and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) authorised the lease of the said room by the Public to JTG (St. Helier) Limited for a term of twenty-five years from the date of the transfer of administration at an annual rental of £9,654, subject to five yearly rent reviews; and,
- (c) authorised the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the States and authorised the Treasurer of the States to receive the rent as it became due.

Draft Transfer of Functions (Economic Development Committee) (No. 2) (Jersey) Act 200

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966, made an Act entitled the Transfer of Functions (Economic Development Committee) (No. 2) (Jersey) Act 2003.

Draft Amendment (No. 25) of the Standing Orders of the States of Jersey

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966, made amendments of the Standing Orders of the States of Jersey entitled Amendment (No. 25) of the Standing Orders of the States of Jersey.

Draft Housing (General Provisions) (Amendment No. 20) (Jersey) Regulations 200 P.156/2003

Comments – P.156/2003 Com.

THE STATES commenced consideration of the Draft Housing (General Provisions) (Amendment No. 20 (Jersey) Regulations 200-, and adopted the preamble.

Members present voted as follows –

“Pour” (43)

Senators

Le Maistre, Syvret, Norman, Kinnard, Le Sueur, Lakeman, Routier, M. Vibert, Ozouf.

Connétables

St. Ouen, St. Saviour, St. Brelade, St. Mary, St. Peter, St. Clement, Trinity, St. Lawrence, Groux, St. John.

Deputies

Trinity, Duhamel(S), Huet(H), St. Martin, St. John, Le Main(H), Dubras(L), Dorey(H), Troy(E), Voisin(L), Scott Warren(S), Le Hérisier(S), Fox(H), Martin(H), Southern(H), Bernstein(B), Ferguson(B), St. Mary, St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter, De Faye(H).

“Contre” (1)

Deputy

Baudains(C).

Regulations 1 and 2 were adopted.

THE STATES, in pursuance of Articles 10 and 15 of the Housing (Jersey) Law 1949, made Regulations entitled the Housing (General Provisions) (Amendment No. 20) (Jersey) Regulations 2003.

Change in Presidency

The Deputy Bailiff retired from the Chair during consideration of the draft Housing (General Provisions) (Amendment No. 20) (Jersey) Regulations 2003, (P.156/2003 lodged “au Greffe” on 11th November 2003), and the meeting continued under the Presidency of the Bailiff, Sir Philip Bailhache.

Bas du Mont Flats, Pier Road, St. Helier: sale to the Christians Together in Jersey (CTJ) Housing Trust – P.176/2003 (re-issue)

THE STATES, adopting a proposition of the Housing Committee –

- (a) approved the sale of the property known as Bas du Mont Flats, Pier Road, St. Helier, to the Christians Together in Jersey Housing Trust for the initial nominal sum of £10.00, and otherwise on such terms and conditions as may be agreed by the Finance and Economics Committee with the approval of the Housing Committee, for the refurbishment of this site, to provide one x one-bedroomed, 6 x two-bedroomed and 9 x three-bedroomed flats for social rented accommodation, with associated amenity space;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public of the Island; and,
- (c) authorised the Treasurer of the States to receive the agreed sum when it became due.

Members present voted as follows –

“Pour” (37)

Senators

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

Connétables

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

Deputies

Trinity, Huet(H), St. John, Le Main(H), Dubras(L), Dorey(H), Troy(B), Voisin(L), Fox(H), Bernstein(B), Ferguson(B), St. Mary, St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter.

“Contre” (10)**Senators**

Syvret, E. Vibert.

Deputies

Duhamel(S), St. Martin, Baudains(C), Scott Warren(S), Le Hérissier(S), Martin(H), Southern(H), De Faye(H).

Le Coie Hotel site, Janvrin Road/Springfield Road, St. Helier: approval of drawings and sale of units-P.161/2003

THE STATES commenced consideration of a proposition of the Housing Committee concerning the approval of drawings and sale of units at the Le Coie Hotel site, Janvrin Road/Springfield Road, St. Helier, and, after discussion, rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that the matter be referred back to the Committee.

Members present voted as follows –

“Pour” (19)**Senators**

Le Maistre, Syvret, Kinnard, E. Vibert.

Connétables

St. Ouen, St. Mary, St. Peter, St. Helier.

Deputies

Duhamel(S), St. Martin, St. John, Baudains(C), Troy(B), Scott Warren(S), Martin(H), Southern(H), Grouville, St. Peter, De Faye(H).

“Contre” (26)**Senators**

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

Connétables

St. Saviour, St. Brelade, St. Clement, Trinity, St. Lawrence, Grouville, St. John.

Deputies

Trinity, Huet(H), Le Main(H), Dubras(L), Dorey(H), Voisin(L), Le Hérissier(S), Fox(H), Bernstein(B), Ferguson(B), St. Mary, Ryan(H), Taylor(C).

THE STATES, adopting a proposition of the Housing Committee –

- (a) approved drawings Nos. 1607/252A, 254-275, 280B-317B and 350-359 showing the redevelopment of the Le Coie Hotel site, Janvrin Road/Springfield Road, St. Helier, to construct 49 one-bedroomed and 46 two-bedroomed flats, together with a group home, a community centre and a child care facility;
- (b) requested the Greffier of the States to sign the said drawings on behalf of the States;
- (c) approved the sale by the Public to the Jersey Homes Trust of the completed development, for such price, and otherwise on such terms and conditions, as shall be agreed by the Housing Committee and the Finance and Economics Committee; and,
- (d) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the States.

Members present voted as follows –

“Pour” (29)

Senators

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

Connétables

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

Deputies

Trinity, Huet(H), Le Main(H), Dubras(L), Dorey(H), Voisin(L), Scott Warren(S), Le Hérissier(S), Fc(H), Bernstein(B), Ferguson(B), St. Mary, Ryan(H), Taylor(C).

“Contre” (14)

Senators

Le Maistre, Syvret, E. Vibert.

Connétable

St. Peter.

Deputies

Duhamel(S), St. Martin, St. John, Baudains(C), Troy(B), Farnham(S), Martin(H), Southern(H), Grouville, De Faye(H).

Waterfront Leisure Complex: sale of Head Lease – P.172/2003

THE STATES, adopting a proposition of the Finance and Economics Committee –

- (a) agreed that they did not wish to exercise their right under the terms of the Overage Agreement with CTP (Jersey) Limited to negotiate with the Company with a view to agreeing terms for the purchase of the Company’s leasehold interest in the St. Helier Waterfront Leisure Complex development; and,
- (b) requested the Greffier of the States to inform the Company of the decision.

Deputy Patrick John Dennis Ryan of St. Helier declared an interest and withdrew from the Chamber prior to the consideration of this matter.

Compliments of the season

The Bailiff extended to all members of the States and their families the compliments of the season and wished them a merry Christmas and peaceful new year.

Senator Jean Amy Le Maistre, on behalf of the Senators, the Connétable of St. Ouen, (in the absence of th senior Connétable, the Connétable of St. Martin), on behalf of the Connétables, and the Deputy of Trinity, or behalf of the Deputies, wished the Bailiff and Lady Bailhache, the Law Officers and the Officers of the States, the compliments of the season.

THE STATES rose at 5.40 p.m.

M.N. DE LA HAYE

Greffier of the States.