

**THE STATES assembled on Tuesday,
23rd November 2004 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of –

Senator Frank Harrison Walker – out of the Island.

Prayers

Right Reverend Paul Butler, Bishop of Southampton – welcome

The Bailiff, on behalf of all members, welcomed the Right Reverend Paul Butler, Bishop of Southampton, to the States.

Environment and Public Services Committee – membership

THE STATES, in accordance with Article 28(2)(b) of the States of Jersey Law 1966, as amended, adopted a proposition of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee, and determined that the Environment and Public Services Committee should, henceforth, consist of the President and 5 other elected members of the States.

Members present voted as follows –

POUR: 33

Senator L. Norman
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Clement

Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)

CONTRE: 15

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator E.P. Vibert
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Peter

ABSTAIN: 1

Connétable of St. Peter

Deputy L.J. Farnham (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge
Deputy J.A. Bernstein (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Subordinate legislation tabled

The following enactment was laid before the States, namely –

Road Traffic (Saint Helier) (Amendment No. 17) (Jersey) Order 2004. R&O 135/2004.
Environment and Public Services Committee.

Matters presented

The following matters were presented to the States –

The Jersey Child Care Trust: Report and Financial Statements at 31st December 2003. R.C.53/2004.
Presented by the Education, Sport and Culture Committee.

Speed limits: revised policy (P.1/2004) – amendment (P.1/2004 Amd.)– P.1/2004.
comments. Amd.Com.
Presented by the Environment and Public Services Committee.

States Members’ parking: withdrawal of provision (P.152/2004) – comments. P.152/2004.
Presented by the Environment and Public Services Committee. Com.(3)

St. Clement: pedestrian improvements (P.158/2004)– comments. P.158/2004.
Presented by the Environment and Public Services Committee. Com.

St. Clement: pedestrian improvements (P.158/2004)– comments. P.158/2004.
Presented by the Finance and Economics Committee. Com.(2)

Sites of Special Interest and Buildings of Local Interest: financial implications (P.166/2004) – comments. P.166/2004.
Presented by the Environment and Public Services Committee. Com.

Child Care Scheme for low income families: amendments (P.173/2004) – P.173/2004.
comments. Com.(2)
Presented by the Employment and Social Security Committee.

Child Care Scheme for low income families: amendments (P.173/2004) – P.173/2004.
comments. Com.(3)
Presented by the Finance and Economics Committee.

Child Care Scheme for low income families: amendments (P.173/2004) – P.173/2004.
comments. Com.(4)

Presented by the Policy and Resources Committee.

Planning applications: requirement to publicize (P.175/2004) – comments. P.175/2004.
Presented by the Environment and Public Services Committee. Com.

Jersey Airport: Fireground Remediation – Deed of Settlement (P.176/2004) – P.176/2004.
comments. Com.
Presented by the Environment and Public Services Committee.

Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed P.186/2004.
Day) (No. 2) Act 200 (P.186/2004): comments. Com.
Presented by the Finance and Economics Committee.

Machinery of Government Reform: election of Senators (P.195/2004) – comments. P.195/2004.
Presented by the Policy and Resources Committee. Com.

States Members’ parking (P.199/2004): amendment (P.199/2004 Amd.)– P.199/2004.
comments. Amd.Com.
Presented by the Environment and Public Services 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 11th November 2004, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Environment and Public Services Committee, the sale to the Waterfront Enterprise Board Limited (WEB) of an area on the St. Helier Waterfront, (as outlined on drawing 1386/04/76 and previously referred to as “Parish Road” in Drawing No. 1 accompanying P.45/2002– “St. Helier Waterfront: lease and sale of land to Waterfront Enterprise Board Limited” – adopted by the States on 23rd April 2002), for a consideration of £10, on the basis that WEB would be responsible for both parties’ legal fees arising from the transaction; and,
- (b) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mrs. Drusilla Mary Burdon, née Herbert, of White Lodge, Le Chemin des Moulins St. Helier, in respect of the purchase of a strip of land, (measuring 4,166 square feet shown on drawing No. 982003D), required for the establishment in perpetuity of a road stabilisation structure and a new hoggin public footpath to improve pedestrian safety along the eastern side of Le Chemins des Moulins (Waterworks Valley), St. Helier, (as shown on drawing No. 982003), for a sum of £5,200, on the basis of terms set out in a report dated 26th February 2004 of the Director of Property Services, and with the Committee being responsible for both parties’ legal costs arising from the transaction. (The Committee accordingly rescinded sub-sub-paragraph (ii) of its Act No. A2(i) of 15th March 2004).

Matters lodged

The following matters were lodged “au Greffe” –

Maison St. Louis Observatory, Highlands Lane, St. Saviour and La Moye Weather P.204/2004.
Radar Station, La Fosse Voerin, St. Brelade: transfer of administration.
Presented by the Harbours and Airport Committee.

Draft Income Tax (Amendment No. 24) (Jersey) Law 200. P.205/2004.
Presented by the Finance and Economics Committee.

Draft Income Tax (Prescribed Limit and Rate) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.206/2004.
Housing Rent Subsidy Scheme: disregard to long-term incapacity benefit. <i>Presented by Deputy G.P. Southern of St. Helier, and referred to the Finance and Economics, the Employment and Social Security, and the Housing Committees.</i>	P.207/2004.
Budget 2005: second amendments. <i>Presented by Deputy G.P. Southern of St. Helier.</i>	P.208/2004.
Draft Finance (Jersey) Law 200-. <i>Presented by the Finance and Economics Committee.</i>	P.209/2004.
Draft Planning and Building (Amendment) (Jersey) Law 200-. <i>Presented by the Environment and Public Services Committee.</i>	P.210/2004.
Share transfer property: stamp duty. <i>Presented by the Deputy of St. Martin, and referred to the Finance and Economics Committee.</i>	P.211/2004.
Budget 2005: third amendments. <i>Presented by Connétable of St. Helier.</i>	P.212/2004.

Draft Boats and Surf-Riding (Control) (Amendment No. 27) (Jersey) Regulations 200, P.182/2004 – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Harbours and Airport Committee had instructed the Greffier of the States to withdraw the following item –

Draft Boats and Surf-Riding (Control) (Amendment No. 27) (Jersey) Regulations 200-. Lodged: 26th October 2004. <i>Harbours and Airport Committee.</i>	P.182/2004.
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Arrangement of public business for the present meeting

THE STATES granted leave to the President of the Harbours and Airport Committee to defer consideration of the following matter set down for consideration at the present meeting to a later date –

Jersey Airport: Fireground Remediation – Deed of Settlement. Lodged: 19th October 2004. <i>Harbours and Airport Committee.</i>	P.176/2004.
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The States agreed that the following matter, set down for consideration at the present meeting, should be considered as the third item of public business –

Machinery of Government Reform: election of Senators. Lodged: 9th November 2004. <i>Deputy S.C. Ferguson of St. Brelade.</i>	P.195/2004.
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Arrangement of public business for the next meeting on 7th and 8th December 2004

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

on 7th and 8th December 2004 –

Budget 2005. Lodged: 9th November 2004. <i>Finance and Economics Committee.</i>	
Budget 2005: amendments. Lodged: 16th November 2004. <i>Senator M.E. Vibert.</i>	P.203/2004.
Budget 2005: second amendments. Lodged: 23rd November 2004. <i>Deputy G.P. Southern of St. Helier.</i>	P.208/2004.
Budget 2005: third amendments. Lodged: 23rd November 2004. <i>Connétable of St. Helier.</i>	P.212/2004.
Draft Income Tax (Amendment No. 24) (Jersey) Law 200. Lodged: 23rd November 2004. <i>Finance and Economics Committee.</i>	P.205/2004.
Draft Income Tax (Prescribed Limit and Rate) (Jersey) Regulations 200-. Lodged: 23rd November 2004. <i>Finance and Economics Committee.</i>	P.206/2004.
Draft Finance (Jersey) Law 200-. Lodged: 23rd November 2004. <i>Finance and Economics Committee.</i>	P.209/2004.
Draft Harbours (Amendment No. 38) (Jersey) Regulations 200. Lodged: 26th October 2004. <i>Harbours and Airport Committee.</i>	P.183/2004.
Draft Amendment (No. 29) to the Tariff of Harbour and Light Dues. Lodged: 26th October 2004. <i>Harbours and Airport Committee.</i>	P.185/2004.
Draft Family Allowances (Jersey) Regulations 200-. Lodged: 2nd November 2004. <i>Employment and Social Security Committee.</i>	P.188/2004.
States Members' parking. Lodged: 11th November 2004. <i>Environment and Public Services Committee.</i>	P.199/2004.
States Members' parking (P.199/2004): amendment. Lodged: 16th November 2004. <i>Senator J.A. Le Maistre.</i>	P.199/2004. Amd.
States Members' parking (P.199/2004): amendment (P.199/2004 Amd.)– comments. Presented: 23rd November 2004. <i>Environment and Public Services Committee.</i>	P.199/2004. Amd.Com.

Projet withdrawn under Standing Order 17(6)

THE STATES noted that, in pursuance of Standing Order 17(6), the following matter lodged “au Greffe” had been withdrawn –

Belle Vue Residential Nursing Home and Day Care Centre, St. Brelade: business case. P.163/2003.
Lodged: 18th November 2003.
Connétable of St. Helier.

Rehabilitation of Offenders (Jersey) Law 200- – question and answer (Tape No. 975)

Deputy Terence John Le Main of St. Helier tabled the following written question of Senator Wendy Kinnarc President of the Home Affairs Committee –

“Will the President inform the Assembly why, despite the coming into force of the ‘Rehabilitation of Offenders (Jersey) Law 200-’ on 1st December 2002, it is not possible to have one’s minor convictions erased or spent, and when this will be possible?”

The President of the Home Affairs Committee tabled the following written answer –

“In December 2003, the Legislation Committee ‘invited’ the Home Affairs Committee to take responsibility for the Rehabilitation of Offenders (Jersey) Law 2001, and the draft Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 200-. The Committee accepted this responsibility and, with the permission of the Probation Board, has agreed that the Chief Probation Officer would undertake the necessary work in respect of the draft Regulations, subject to core business taking priority.

Access to criminal records usually takes place during vetting for certain areas of employment, or where a person applies for subject access in respect of their own convictions. In the first category, it is the case under the Law that the Health and Social Services Committee, for example, will need to vet those applying for occupations involving work with children or vulnerable people where the complete record must be known and which is catered for in the Law. In the case of the second category, i.e. where there is no automatic right to have access to the complete record for vetting purposes, the individual makes an application for the information held about previous convictions under the subject access procedure. That information is personal to the individual and spent convictions need not be disclosed, where the law identifies they need not be disclosed. Employers with no right to vet the full record should not require an employee to provide this information and individuals need not disclose it. There is no lawful right for the employer in this category to have sight of this complete subject access material. Information about unspent convictions should be given in the context of an application form, which is filled in by the applicant, and which carries a clear warning about the consequences of providing false information.

The Chief Probation Officer has identified a couple of areas where there are difficulties –

The first concerns the Rules in respect of exemptions. The finance industry and Financial Services Commission want further categories to be exempted from legislative protection, and the Legislation Committee, which had previous responsibility for this Law, received a degree of lobbying on behalf of the finance industry to allow them access to the complete records of all levels of staff, not just principals and senior staff. So far this encroachment on the original purpose of the Law has been resisted by both Legislation and Home Affairs Committees.

The second concerns the ability of the Police to issue records amended in line with the Law. Criminal records in Jersey come from 2 sources. The first is a local database relating to minor convictions. These typically include minor drunkenness, breach of the peace, some traffic offences, and some findings of Parish Hall Enquiries. The main source of Criminal Records is the Police National Computer database for England and Wales. The database contains records of offences classed as ‘recordable’ under English

guidelines. These typically include offences such as theft, burglary, assault and more serious crimes. This database is controlled by authorities in the U.K. and managed in accordance with U.K. Law. The States Police are able to gain direct access to this database subject to conditions and performance criteria set by the U.K. authorities. One caveat is that the information gained from the Police National Computer cannot be tampered with or amended in any way. To require the States of Jersey Police to issue records amended in line with the provisions of the Rehabilitation of Offenders (Jersey) Law 2001, would be both difficult and costly. It would involve the re-inputting of data from the Police National Computer into a separate database, assuming that the clearance from the U.K. authorities to do so could be obtained, which is doubtful. Furthermore, amendment of that data to show only unspent convictions would have to be constantly updated, and constantly checked against the information held elsewhere to ensure it was a true record in real time. This process would be both costly and labour intensive, even if it could be done.

The Committee is looking at possible ways to overcome these difficulties, which it is determined not to leave unaddressed, and it hopes to receive a paper on this subject at its meeting in December.”

Proposed new income support system – question and answer (Tape No. 975)

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

“With regard to R.C.48/2004, entitled ‘Income Support System’, would the President –

- (a) give details of the calculation which results in a rise of 2.4% in the single adult’s budget standard, from table 2 (summary consensual budget standards 2001) of page 5 of the Centre for Research in Social Policy (CRSP) report 2001 of £125.05 to the figure of basic adult budget for 2002 of £128.03, given on page 7 of the report?
- (b) what funding mechanism is envisaged for the ‘citizens fund’, shown on page 3 of the report, given that the ‘exceptional costs’ on page 8 of the report are currently met through ‘one-off’ grants from welfare; what thought has been given to funding the furniture and equipment costs for various types of families, with and without disability, outlined in the CRSP report?
- (c) give details of who has been consulted and what comments have contributed so far to what is described as ‘a mixed response’ from consultation on HIE and health issues outlined in section 6 of the report of the report, and explain to members what the Committee regards as the way forward from the alternatives presented, and, in particular, advise whether any concerns have been expressed by representatives of general practitioners on the Island?
- (d) explain why there is no mention in the entire report of the level at which the minimum wage is to be set, despite the intrinsic interaction between it and low income support in terms of means-testing and ‘poverty traps’, outlined on page 6 of the report, and ‘requirement to work’ mentioned on page 13?
- (e) state at what income levels the Committee envisages the introduction of a ‘very strict application of a means test with pound-for-pound regression’, outlined on page 6 of the report, and give a worked example of how such a means test will operate for a single person in the income range between current benefit levels (£7,568 annual income) and the income tax threshold?
- (f) explain how this means test will interact with the ‘assets test’ also proposed on page 6 of the report. Will this parallel the Housing Committee’s rent rebate rules on incomes and savings over £50,000, which is currently awaiting a ruling on its legitimacy from the Attorney General?
- (g) clarify the Committee’s stance on changes to child care components to income support, outlined on page 11 of the report?

- (h) give further guidance on the question of 'incentives for carers', outlined on page 12 of the report especially in terms of the effect on carers of the inclusion of '2 individual components rather than a couple' in income support? and,
- (i) confirm that he has, or will, consult the Data Protection Registrar over any privacy issues raised by the proposed database to be shared by his department and the parishes, outlined on page 14 of the report.?'

The President of the Employment and Social Security Committee tabled the following written answer –

“(a) The budget standards were re-priced in 2002 to match the Income Distribution Survey data and not directly indexed from the 2001 figure. Therefore, the figures of £125.05 and £128.03 are not directly comparable. The budget figures will need to be re-priced yet again before the design of the system is complete.

(b) I would draw the Deputy's attention to the last paragraph of section one of R.C.48/2004, which states –

'This report outlines the progress made and thinking to date so that States members and the public generally can comment before the final proposals are put to the States in February 2005.'

The purpose of R.C.48/2004 is to engage both States members and the public at large in a wide ranging consultation on both the principles and practice of Income Support over the next 2 months. To that end 7 specific meetings have been set up so far with a range of stakeholders and States Members. Information is regularly appearing in the local media and the Department is collating responses from the general public. Further meetings are planned for the New Year.

Whilst such consultation is under way, the Committee will be responsive to all the comments and suggestions that are made to it. When the consultation finishes, the Committee will assess all the proposals at that time and produce a final document which will be presented to the States early next year.

The proposed Citizens Fund will be funded by the States, as it forms part of the Income Support system which will be funded from the revenue budget. As stated in section 5 of R.C.48/2004 it is envisaged that this would cover the kind of exceptional costs that might be covered by the U.K. 'Social Fund', Guernsey's Medical Emergencies Fund or, in Jersey, through a one off grant covered by the Welfare Grants System. The Committee has also recently heard from the Jersey Community Savings and Credit Ltd. group, which has an interest in this area. Final proposals for such a Fund will be developed following this consultation round.

- (c) R.C.48/2004, and, indeed the related R.C.49/2004 outline the Committee's 'thinking to date' and also reflect some of the ideas of the Integrated Health Care group involved in the Health Strategic Review to date. The Integrated Health Care Group was originally set up with representatives of all the health care professions. In addition, the Department meets regularly with the Jersey Medical Association's representatives and some of the ideas contained in R.C.48/2004 and R.C.49/2004 also reflect discussions over the years. At the present time, there are a number of views and options being considered as part of the Health Strategic Review. The Committee will give further consideration to health subsidies in the light of the results of the Health Strategic Review and the current consultation exercise. This will, of course, include the views of the local medical community.
- (d) The level of the minimum wage has been set and will be introduced on 1st April 2005. R.C.48/2004 does not make specific reference to this as there are a very complex set of interactions, not least those relating to wages in the Island (not just the minimum wage) and the size of the family unit, not to mention particular needs such as disability, childcare and health. The prime purpose of R.C.48/2004 was to set out the key policies and methodology of the Income Support system itself.
- (e) As set out in section 13 of R.C.48/2004, the Committee has commissioned OXERA to model the overall cost of the Income Support scheme. This work is progressing well and will continue in parallel with the

public consultation. Work is also continuing to refine the income figures and income levels will be included in the Report and Proposition to be presented to the States in early 2005. The report and proposition will include worked examples for a range of household situations. The principle of Income Top-Up as set out in R.C.48/2004 is that, as the income of a household rises, benefit levels will decrease. It should help many benefit recipients as some of the current means tested benefits, such as welfare grants and HIE, apply a strict cut-off rather than a graduated one.

- (f) It is proposed that realisable assets will be included as part of the means test, and realisable assets will be assumed to produce an income. It is also reasonable to expect that there will be some upper value of liquid assets owned by a household, which will debar it from receiving Income Support. This is not an unusual approach to means tested, welfare, Income Support systems which are meant to target the less well off in society. Final details will be put forward to the States in the context of the whole system.
- (g) The Committee is aware that the Education, Sport and Culture Committee is developing a strategy for early years education and care; final details to changes in child care components will be dependent on any proposals that may arise from the new strategy. If a childcare component is to be included in the final Income Support scheme, this will be set out in the Report and Proposition to be presented to the States early next year. At the present time, the Committee is of the view that support should continue to be targeted to those in work with more specific alleviations to cover periods of sickness, unemployment and essential training, which might currently be covered by the Parish Welfare System. Any component, though, must ultimately support a new early years/childcare strategy approved by the States following the review of the Education, Sport and Culture Committee.
- (h) The Committee is aware of the valuable work undertaken by carers within the community and that the carer is often faced with considerable loss of income through having to give up work. One suggestion is that if one partner cares for the other, within a household, then the household would receive 2 single adult components, thus providing extra financial support (as the component for a couple is less than that for 2 single adults). Other suggestions may arise from the consultation exercise.
- (i) The nature of the administration has yet to be decided. In addition, the proposed database will be administered under a law that has not yet been drafted. At the appropriate time, consultation with the Data Protection Registrar will take place.”

Benefits – question and answer (Tape No. 975)

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

“Further to oral questions asked on 9th November 2004, would the President inform members –

- (a) what policy changes are currently envisaged for the welfare delivery mechanisms detailed below and which are to remain unaffected?
- (b) what assumptions have been, or will be, given to OXERA in order that they may properly model the costs of benefits, for example, of the approved 3 tier disability system?
- (c) whether the Committee accepts that the total spent on income support currently is accurately portrayed by the figures in the table below?
- (d) will the President give an assurance that the total income support although differently delivered in 2006, will match the total below with appropriate uprating and indicate how he proposes this uprating can be achieved?

Native Welfare

<i>Item</i>	<i>Cost £,000</i>	<i>Source</i>
Parish welfare	7,002 (2002)	Report on Rel. between Parish & Exec – 2
Welfare administration	801 (2000)	“ ”

Contributory benefits

<i>Item</i>	<i>Cost £,000</i>	<i>Source</i>
Old Age Pension	71,572	E&SS Report & Accounts 2003
Survivor's Pension	16,358	
Invalidity Benefit	16,260	
Sickness Benefit	10,869	
Survivor's Benefit	3,881	
Disablement & Injury Benefit	5,295	
Maternity Allowance	1,561	
Maternity Grants	418	
Death Grants	341	
Social Assistance Pensions	7	
Total	126,562	

Community Benefits and States contribution

<i>Item</i>	<i>Cost £,000</i>	<i>Source</i>
HIE	1,072	E&SS Report & Accounts 2003
Family Allowances	4,944	
Dental Benefit	106	
Non-Contributory Death	18	
Milk	380	
Attendance Allowance	3,290	
Invalid Care and Disability	2,296	
Non-native Welfare	3,240	
Christmas Bonus	1,256	
Childcare Allowance	689	
DTA	5,988	
Social Fund	198	
65+ Health Plan	371	
Total	24,248	

Housing Benefits

<i>Item</i>	<i>Cost £,000</i>	<i>Source</i>
Rent Abatement	16,205	Budget 2004 (Estimate 2003)
Rent Rebate	7,374	
Total	23,579	

Miscellany

<i>Item</i>	<i>Cost £,000</i>	<i>Source</i>
GST Compensation	9,000 – 13,500	OXERA, 2002 estimate based on contribution rate 0.35% in RC49/2004
Unemployment Benefit	3,024	

Total possible sum involved in all forms of income support above = £198,716,000”

The President of the Employment and Social Security Committee tabled the following written answer –

- “(a) R.C.48/2004 sets out an outline of the proposed Income Support system, planned for introduction in October 2006. As stated in section one of the report, the proposed new Income Support system will replace existing means tested benefits which include welfare grants, housing and various non-contributory benefits.

R.C.49/2004 sets out some possible longer term policy directions for the Social Security contributory insurance system which at present covers incapacity, maternity, widow(er)hood and retirement.

The welfare delivery mechanisms listed by the Deputy include these contributory benefits, which are unaffected by the Income Support proposals. Only the means-tested benefits will be replaced by an Income Support system.

The Committee is undertaking consultation at present on both the contributory and means tested systems. It is important to identify policies which cut across the main Social Security and underpinning Income Support systems in order to ensure they join up as a whole. As stated in Section 2 of R.C.49/2004–

‘By ensuring the Social Security system maintains wide coverage on an equitable and fair basis, the new Income Support system can be targeted to those, who through no fault of their own, need additional help. The Committee is also mindful of the need to target additional support as fairly as possible whilst maintaining and strengthening work incentives’

- (b) OXERA have been given access to the income distribution survey, budget standards, the 2001 census data and current information on the number of benefit claimants, including disability benefits. The Initial Assumptions given to OXERA include a component-based system and an income top-up that includes a pound for pound regression. Discussions with OXERA will continue to refine the model as the consultation process further refines the proposals, for example on the proposed 3-tier approach to the disability system.
- (c) The figures in the table do not accurately portray the total spent on Income Support (Welfare) benefits at present.

The section headed contributory benefits does not form part of the proposed new Income Support system as these are benefits paid from the Social Security insurance scheme to contributors.

The miscellany section refers to costs that do not exist at present. There is no GST payable in Jersey and there is no contributory unemployment benefit as yet. Support for the unemployed is currently only available through the Parish Welfare Grant System, included in other sections of the Deputy’s table.

There is also an omission in the figures, as the Deputy has not included the cost of educational grants made to children over 16, still at school in Jersey.

- (d) I would suggest that the Deputy refers to R.C.49/2004 ‘Policy Review of the Social Insurance System in Jersey’, Interim Report. Section 6.2 gives details of expenditure on Means Tested Benefit and Welfare Grants in 2003, that is, the current ‘Income Support’ system. I doubt that it will be any less but until the Committee completes its consultation, OXERA cost proposals, and the proposed new system is approved by the States, I cannot give such an assurance. Also, as explained in (c) above, the total given by the Deputy does not accurately reflect the budget for Income Support. Ultimately, the new system will be approved by the States and target support where it is most needed and expenditure will be dependent on the level of claims.”

Tendering processes – question and answer (Tape No. 975)

The Deputy of St. John tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Would the President inform members –

- (a) whether the Committee applies the States’ tender process, and how frequently, for sites for crushing aggregates and the hire of heavy plant and machinery on an hourly basis for such operations as beach work, sea defence work and emergency work?
- (b) who have been the successful applicants in the last 7 years?
- (c) how many companies have applied to tender during this period, how many actually tendered, and the figures tendered in each area?
- (d) when is this process likely to be repeated and how will it be advertised?
- (e) of the quantity of re-cycled aggregate used by the Committee annually and the cost of purchasing recycled aggregate? and,
- (f) whether the Committee has been offered free of charge for collection re-cycled aggregates from re-cycling contractors, and, if so, from which companies, and whether the Committee has taken advantage of this offer; if the answer is in the negative, would the President state the reasons why?”

The President of the Environment and Public Services Committee tabled the following written answer –

“(a) The States currently employs one contractor, D.B. Cummins Limited, which operates on the La Collette land reclamation site. The role of the contractor is to recycle aggregate and glass entering the La Collette reclamation site on behalf of the Environment and Public Services Committee. The provision of these services was tendered in line with the States tendering process in the spring of 2000 and the contract period was for 5 years. The Committee is currently developing new contract documents in line with the draft Solid Waste Strategy and tenders will be sought in 2005 to provide the revised services. Once again, this new tender will be undertaken in accordance with the States tender process.

In relation to the hire of heavy plant and machinery, the department owns the majority of specialised machinery for waste handling through the Vehicle and Garage Plant Trading Account. If there is a specific short-term need for heavy plant and machinery, the department reviews what is available on the Island and negotiates with the Island based contractors for the use of the equipment. The terms for this will vary depending on the application, urgency and market forces. For sea defence work, the contractor must be able to demonstrate they can work safely in view of tidal conditions. In selecting a contractor a number of considerations need to be taken into account, equipment must be safe, reliable and operated in a professional and competent manner. Decisions on the selection of contractors are made on a case by case basis, which is not necessarily the cheapest price, but always designed to ensure best value.

(b) The successful applicants in the last 7 years for each area are as follows –

The companies that have been involved in beach cleaning and sea defence work are –

ESP
D.B. Cummins Ltd.
Brian Blandin Ltd.

The companies that have undertaken Aggregate and Glass recycling are –

R.G. Romeril Ltd. (Albert reclamation site)
D. B. Cummins (La Collette Reclamation site)

The hirers of Heavy Plant and Machinery Hire are –

Brian Blandin Ltd.
D.B. Cummins (Jersey) Ltd.
R.G. Romeril Ltd.
Sutton Commercial
Jersey Demolition Contractors.

In addition to these contractors who provide specialised plant, the majority of the Island's haulage industry is used to provide non-specialised equipment.

- (c) When the Committee used to undertake significant amounts of contract work using its own direct labour, the provision of plant and machinery was subject to annual review of prices and equipment available. At that time, new companies could be added. The equipment would then be selected from that list based on price, availability, and suitability for the particular application.
- (d) With the significant decline in internal contracting work, the department no longer hires large quantities of plant with the exception of the sea defence programme which is covered below. Any short-term hire is now negotiated with local contractors on a case by case basis.

With respect to heavy plant requirements on the sea defence works, in March 2004, the States Internal Audit Department carried out a review of the sea defence programme. I was pleased to note that there were very few recommendations of any significance. One of the issues addressed was the procurement of the plant hire. The Committee had obtained quotations for the hire of specific plant at the beginning of the year. Internal Audit reviewed the 3 quotations and recommended that the Committee may benefit by negotiating longer term agreements with particular Plant Hire Contractors for the duration of the project. By this process, the contractors would be guaranteed work for a given period subject to meeting specified conditions and performance levels, therefore providing them with further opportunities to provide the most competitive prices. The department is in the process of preparing the necessary documents for such a contract for these works.

- (e) The Committee has used approximately 5,000 tonnes of recycled aggregates in 2004 at a cost of £25,000, some of which have been as part of contract work such as lining of the rock armouring at La Collette Reclamation site or for roadway and haul road strengthening and reinstatement. At present, the quality of recycled aggregate varies due to the method of processing and the nature of the incoming material. Part of the new tender process for the recycling contract at La Collette will require the successful contractor to apply a far more rigorous quality assurance programme to ensure that recycled aggregates reach the required certification standards and can be used for the majority of States contracts.
- (f) I cannot confirm that the Committee has been offered stone free of charge for collection. The Committee pays the market prices for recycled stone. The price will vary depending on the type and quantity of stone being purchased, such as hardcore, hogging, fine screened (certified), shale and gravel.”

Criminal Offences Confiscation Fund – question and answer (Tape No. 975)

The Deputy of St. John tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee –

“Would the President undertake to liaise with H.M. Attorney General regarding the use of the accumulated funds amounting to £10.7 million retained in the Criminal Offences Confiscation Fund (C.O.C.F.) in view of the number of competing areas of demand for financial resources which provide support in dealing with the consequences of criminal conduct, such as the operation of H.M. Prison, La Moye, and its facilities, and, if not, state the reasons why.”

The President of the Finance and Economics Committee tabled the following written answer –

“Yes, I will undertake to liaise with H.M. Attorney General regarding the use of the accumulated funds in the Criminal Offences Confiscation Fund. In doing so, I will be mindful of the irregular and uncertain income into the Fund, the need to ensure that the first call on the Fund is the cost of meeting the Island’s international commitments in relation to mutual legal assistance as required by bodies such as the International Monetary Fund and the Financial Action Task Force, and the sustainability of using one off seizures to fund significant recurring expenditure, such as the operation of H.M. Prison, La Moye.”

2005 Budget allocation for the Emergency Planning Office – question and answer (Tape No. 975)

The Deputy of St. John tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee –

“Would the President provide a breakdown of the allocated one per cent budget in respect of the Emergency Planning Office (EPO) as indicated on the chart on page 14 of the 2005 Budget book, together with a comparison for the previous 5 years of budget and expenditure both in percentage and monetary values for the EPO?”

The President of the Finance and Economics Committee tabled the following written answer –

“The Deputy will note from the attached analysis, which provides a breakdown of the Emergency Planning Office actual expenditure in 2001, 2002 and 2003 and budgeted expenditure in 2004 and 2005 both in percentage and monetary values, that the one percent budget reduction is due to a decrease in manpower costs and an increase in premises and maintenance costs.

Following a review of staff costs, the department was able to reduce the budget set aside for this purpose by £3,500.

The increase in the premises and maintenance budget, amounting to £2,300, is required to meet the increased costs of building maintenance in 2005.”

Emergency Planning Expenditure & Budget Comparison 2001 – 2005										
Description	2001 Actual Expenditure		2002 Actual Expenditure		2003 Actual Expenditure		2004 Original Budget		2005 Estimate Budget	
Manpower Costs	72,512	73.0%	77,035	71.7%	76,243	75.0%	87,000	73.7%	83,500	71.5%
Supplies & Services	660	0.7%	217	0.2%	2,478	2.4%	2,300	1.9%	2,300	2.0%
Administrative Costs	8,287	8.3%	13,798	12.8%	12,911	12.7%	9,900	8.4%	9,900	8.5%
Premises & Maintenance	17,937	18.0%	16,382	15.2%	10,005	9.8%	18,800	15.9%	21,100	18.1%
Total	99,396		107,432		101,637		118,000		116,800	

Matters relating to gambling – question and answer (Tape No. 975)

The Deputy of St. John tabled the following written question of Deputy Francis Gerald Voisin of St. Lawrence President of the Economic Development Committee –

“Would the President advise members –

- (a) whether gaming machines are registered, and, if so, how many currently exist in Jersey and where they are located?
- (b) of those located in betting shops how many there are in each shop?
- (c) whether the Committee has dedicated staff with responsibility for gambling matters, and, if so, how many; if not, would the President state the reasons why?
- (d) how the supervision of gaming machines is policed?
- (e) whether there are gaming premises in the Island where croupiers are employed, and if so, where are these located; if not, would the President advise whether there have been any gaming premises where card games have been played but have ceased to operate in the last 10 years? and,
- (f) whether the Committee is considering increasing gaming machines in betting shops?”

The President of the Economic Development Committee tabled the following written answer –

- “(a) Gaming Machines are licensed and registered under Part Two of the Gambling (Gaming and Lotteries) Regulations and through the Gambling (Gaming and Lotteries) (Gaming Machines) (Jersey) Order 2003. The Regulations specify the maximum stake and payout, as well as the minimum percentage payout. Machines that do not comply with these provisions may not be licensed under these Regulations and the Gambling (Jersey) Law (1964) as amended, does not make provision for any other types of machine to be used.

There are currently 28 licensed gaming machines in Jersey, down from 43 in 2003. There has, however, been a slow increase in the use of illegal machines. These were first notified to the Law Officers’ Department in 2000 when one bookmaker introduced them and have been steadily growing to the extent that nearly all the different bookmakers are currently operating them. This year some 75 illegal machines have been identified.

- (b) The premises operating both licensed gaming machines and illegal machines are listed below –

GAMING MACHINES IN LICENSED BETTING OFFICES
(Illegal Machines are in italics)

	2003	2004	2004
Vaudin & Gallichan Ltd., 43 La Colomberie, St. Helier	0	0	2
C. G. Taylor (T.A.) Ltd., 79A Great Union Road, St. Helier	1	0	2
Ladbroke (Channel Islands) Limited, Trinity House, Bath Street, St. Helier	2	2	7
Ladbroke (Channel Islands) Limited, Beaumont, St. Peter (Now Closed)	0	1	0
Ladbroke (Channel Islands) Limited, Units 1-2 Quennevais Parade, St. Brelade. (New Premises)	0	1	6
Ladbroke (Channel Islands) Limited, 23 Colomberie, St. Helier	2	2	3
Ladbroke (Channel Islands) Limited, 35/40 The Parade, St. Helier	2	2	3

Ladbroke (Channel Islands) Limited, 8 Seaton Place, St. Helier	2	1	2
Ladbroke (Channel Islands) Limited, Westleigh, First Tower, St. Helier	2	0	1
Ladbroke (Channel Islands) Limited, 13/15 Don Street, St. Helier	2	2	7
Ladbroke (Channel Islands) Limited, 11a La Motte Street, St. Helier	2	2	3
B.J. O'Connor Ltd. (Stanleybet), 74 Bath Street, St. Helier	2	2	6
B.J. O'Connor Ltd. 31 Burrard Street, St. Helier	2	1	4
B.J. O'Connor Ltd., 11 Charing Cross, St. Helier	2	1	3
B.J. O'Connor Ltd., 14 Conway Street, St. Helier	2	2	6
B.J. O'Connor Ltd., Crown Stores, Princess Tower Road, Five Oaks, St. Saviour	2	1	4
B.J. O'Connor Ltd., 71 New Street, St. Helier	2	1	2
B.J. O'Connor Ltd., Bank Place, Charing Cross, St. Aubin	2	0	3
B.J. O'Connor Ltd., 4 Centre Point, St. Brelade	2	1	3
B.J. O'Connor Ltd., 36 Poonah Road, St. Helier	0	0	1
Joe Jennings (Jersey) Ltd., 27 Kensington Place, St. Helier. (now closed)	2	0	0
Joe Jennings (Jersey) Ltd., 49 Halkett Place, St. Helier (new premises)		1	4
Joe Jennings (Jersey) Ltd., 1 Dicq Corner, Havre des Pas, St. Helier	2	1	2
Joe Jennings (Jersey) Ltd., 5 Gloucester Street, St. Helier	2	1	2
Joe Jennings (Jersey) Ltd., 14 Cheapside, St. Helier.	2	1	2
E. Coomes (Jersey) Ltd., 9 Esplanade, St. Helier	1	1	0
E. Coomes (Jersey) Ltd., 35 Trinity Road, St. Helier	1	1	0
E. Coomes (Jersey) Ltd., 1 Bagot Road, St. Saviour	1	1	0
TOTAL	43 in 2003	28 in 2004	75 in 2004

- (c) The Committee has 1½ full-time equivalents currently directly responsible for gambling matters.
- (d) The machines are policed in a variety of ways. The department has access to an on-line tracking system to monitor the licensed machines. They also receive printed movement schedules indicating where individual machines are operating and when they are to be moved. These are backed up by a series of random on-site inspections. It was during these inspections that the operation of illegal machines was detected and the advice of the Attorney-General was requested to confirm their status. This advice was

received in October of this year and as a result the Committee has written to all licensed bookmakers informing them that if any illegal machines are still on their premises after 31st December 2004, they will face prosecution.

- (e) There are no gaming premises in the Island that the Committee is aware of that employ croupiers, or other staff involved in the playing of casino style games directly with the public. There are no premises that the Committee is aware of where card games have been played in the last 10 years.
- (f) The Committee has no intention of increasing gaming machines in betting shops and has acted to remove machines that are operating illegally. The Committee's strategy for modernising the Island's Gambling Law is to ensure that there is no increase in ambient machine gambling, which it recognises as being particularly significant as a cause of problem gambling. For that reason, the Committee would only sanction the licensing of new machines within a properly regulated casino and not on the high street in bookmakers shops. This is because the decision to go to a casino would be properly thought out, which significantly reduces the risk of a person gambling to excess. High value machines in bookmakers, however, would be a significant risk because there would be no need to make a conscious decision to go and play; they could in effect, be 'happened upon' by chance during the course of the ordinary working day. The Committee considers this risk to be too great and thus rejects any increase in machine gambling within licensed bookmakers."

Proposed Vodka Distillery – question and answer (Tape No. 975)

The Deputy of St. John tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Would the President inform members –

- (a) of the costs of the Environment Impact Study carried out in respect of the Vodka Distillery site Application No.PP2004/2180?
- (b) whether this sum of money is to be recovered from the Jersey Potato Export Marketing Board (JPEMB), and, if not, the reasons why? and,
- (c) whether the Committee will give details to members and the public regarding the outcomes of the Environment Impact Study prior to the Committee making a decision on the planning application for the Vodka Distillery?”

The President of the Environment and Public Services Committee tabled the following written answer –

“(a) I refer back to the response to Question 4, reproduced below, of the written questions submitted by Deputy T.J. Le Main of St. Helier to which the answers were tabled on Tuesday 9th November 2004–

Question 4

Will the President confirm that his departmental officers are currently undertaking an Environmental Impact Assessment of this proposal, and advise how many man hours have so far been spent carrying out this assessment and the financial cost?

Answer

The Department does not carry out EIAs. EIAs are the responsibility of the proposer who would bear the cost should the application be progressed, the Department just co-ordinates the process and evaluates the Assessment once it is completed. To date the Department has spent in the order of 1 day (at a cost of£205) covering pre-application discussion about the project and the creation of a scoping document which sets out those issues that we would expect the Environmental Impact

Assessment to address.

To further clarify, as far as I am aware, an Environmental Impact Assessment (EIA) has not yet been carried out by the developer for the Vodka Distillery. The report submitted with application No. PP/2004/2180 was a Scoping Report. At the scoping stage, the developer provides the Environment Department with a written proposal, which should include a brief description of the project including suitable drawings of the proposed site and development. Sufficient copies are provided by the developer (i.e. at their own expense) for circulation to consultees, who are asked for comments on what environmental issues they would expect to see covered in the assessment. The Environment Department compiles the comments into a standard report format and issues it to the developer. As stated above, an officer has spent approximately one day on this process to date.

- (b) No costs, except the one day of staff time mentioned above, have been incurred. The administration of the EIA process is an integral part of the role of the Environment Department.
- (c) EIA requires effective consultation with key stakeholders throughout the process so that potentially contentious issues can be drawn out and addressed. The finished report will be made available to the public for consideration.”

Proposed Vodka Distillery – questions and answers (Tape No. 975)

The Deputy of St. John tabled the following written questions of Deputy Francis Gerald Voisin of St. Lawrence President of the Economic Development Committee –

- “1. Following answers to questions on 9th November 2004, regarding the £105,000 grant to the Jersey Potato Export Marketing Board (JPEMB) in respect of the Vodka Distillery, would the President provide members with a further breakdown and explanation of the following –
 - (a) expenditure in the sum of £4,529.63 for travel/accommodation, including, if any, flight booking details relating to method of booking and class of travel, and any sum spent on entertainment? and,
 - (b) expenditure in the sum of £20,428 for financial and legal fees?
- 2. Would the President inform members whether the grant expenditure has been audited, and, if not, will it be?”

The President of the Economic Development Committee tabled the following written answers –

- “1. Expenditure on travel/accommodation in the sum of £4,529.63 is made up of the following –

air and sea travel fares	£1,490.43
train and taxi fares	£ 633.86
accommodation	£ 893.55
meals/entertainment	£1,328.40
miscellaneous (telephone calls, photocopying etc.)	£ 183.39
Total	£4,529.63.

All air and sea travel was booked either on the Internet or through Gray Dawes Travel.
All tickets were for Economy Class.

£18,000 was paid to Alex Picot for accountancy services. (£10,000 on Stage 1 of the project and £8,000 on Stage 2.) All financial data that appears in both Stage reports was produced by Alex Picot.

£2,428 was paid to Viberts (Lawyers) for legal advice on the preparation of the prospectus for the project.

2. An internal audit of the Marketing Support Scheme, (under which sums of money were granted to the Vodka Project), was carried out in July 2003. This audit was carried out in order to provide the Economic Development Committee with assurance that adequate financial controls were operating within the Department to minimise any potential financial risk in respect of Marketing Support provided. The outcome of the audit was an evaluation of 4 out of a possible 5, being excellent. Jersey Agriculture is to undergo a further audit on all financial aid schemes, in accordance with normal practice.”

Civil Servants’ outside financial interests – question and answer (Tape No. 975)

The Deputy of St. John tabled the following written question of Senator Frank Harrison Walker, President of the Policy and Resources Committee –

“Would the President inform members –

- (a) whether any civil servants have been dismissed from the Civil Service for having outside financial interests, and, if so, whether these involved trade with other States departments: if the answer is in the affirmative, could the President give details of the numbers of personnel over the last 5 years dismissed from their posts? and,
- (b) whether the Committee will review putting in place a register of civil servants outside financial interests, and, if not, the reasons why?”

The President of the Policy and Resources Committee tabled the following written answer –

“(a) No civil servants have been dismissed as a result of having outside financial interests.

- (b) Under the Civil Service Administration Rules and a Code of Conduct that applies to all public sector employees, it is incumbent upon a civil servant to declare any business interest which conflicts with his/her role as a public sector employee. This matter must be reported to his/her senior manager and would subsequently be recorded in the employee's personal file. Any failure to make such a declaration would be regarded as a serious breach of those rules and would lead to disciplinary action, which could result in possible dismissal. For this reason, it is not considered necessary to introduce a register of civil servants' outside financial interests.”

Proposed 2005 Budget – question and answer (Tape No. 975)

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

“Would the President provide members with further details and an explanation of the following matters relating to income tax proposals referred to on page xvii of the 2005 Budget book –

- (a) profits from property development;
- (b) enhanced anti-avoidance measures under Art. 134A; and,
- (c) new information and enforcement powers?”

The President of the Finance and Economics Committee tabled the following written answer –

“(a) The reference to taxation of profits from property development contained on page xvii is in respect of non-residents seeking to use the terms of a Double Taxation Agreement to avoid Income Tax legitimately and morally payable in Jersey. This will be dealt with by Part 4 of the Draft Income Tax (Amendment No. 24) (Jersey) Law 200, lodged by the Committee today.

(b) and (c)

Enhanced anti-avoidance measures, which are likely to include an enhanced Article 134A and new information and enforcement powers, will be required as taxpayers find more and more esoteric ways of seeking to avoid their obligations and also for ensuring that Jersey complies with its international obligations under OECD Tax Information Exchange Agreements. In particular, we will need these powers in respect of ‘look through’ provisions when they are introduced following the move to 0/10 corporate tax arrangements. It is envisaged that the relevant legislation will be brought forward at the time of the 2006 Budget.”

Field 40, St. Clement– questions and answers (Tape No. 975)

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written questions of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“1. With regard to Field 40, St. Clement, would the President confirm that–

- (a) this rezoned field was earmarked for 100% social rented housing as part of an agreement involving a field in St. Ouen, in order to achieve the 45/55% split with firsttime buyer homes as required in the Island Plan?
 - (b) the lack of a legally enforceable agreement has delayed development of both sites?
 - (c) it is now proposed that the field be developed to provide first time buyer homes?
2. Would the President advise when the Committee first became aware of the change of nature of development of this site from social rented to first time buyer and further advise whether this knowledge was passed to the Parish authorities and, if so, when?
3. Will the President advise what measures the Committee is putting in place, or will require, to ensure minimum inconvenience to the residents of Clos de La Mare both during, and after, development of Field 40?”

The President of the Environment and Public Services Committee tabled the following written answers –

- “1. (a) Policy H1 of the Island Plan, which was approved by Deputy Baudains and other members of the Assembly unanimously on 11th July 2002, states that the developers of those sites designated under Policy H2 of the Island Plan, of which Field 40 is one, will be required to provide firsttime buyer homes and social rented homes in the respective proportions of 55% and 45%. Policy H5 of the Plan goes on further to state that developers will be required to enter into planning obligations to ensure that homes are provided in accord with these stated objectives.

The site, therefore, remains to be developed for housing with a split of 45/55 between social rented and first-time buyer tenures.

It is, however, possible that this site may be developed in conjunction with another rezoned site where the respective proportions of social rent and first time buyer homes are apportioned between the 2 sites, provided at least 45% social rented provision is secured. Whilst the Committee President of Housing was of the view that there may be some potential for Field 40 in this respect, the committee is not aware of any such developments in this respect and, indeed, would only entertain such a proposal were it to be capable of being secured through a legally

binding planning obligation as required by the Island Plan policies which have been approved by the States.

(b) No, this is not the case.

In respect of Field 40, the developer's agent has prepared a design scheme for the development of the site, based on an interpretation of the Committee's draft development brief. This was the subject of public consultation during August and September of this year. The Planning and Building Services Department, in consultation with others, is investigating the issues raised by the public during the consultation process. The Committee will consider the outcome of this and make any necessary amendment to the development brief for the site before inviting a formal development application for the provision of homes here. The development brief does and will identify those areas which are likely to be the subject of planning obligation agreements.

It is not clear which particular field in St. Ouen the Deputy had in mind; however, I am able to advise the Assembly that the development of land rezoned for housing in St. Ouen under Policy H2 of the Island Plan 2002, (Fields 786 and 787, La Rue des Cosnets), does have development permission and work has started on site. In this particular case, the attainment of a planning obligation relating to the provision of 45% social rented and 55% first-time buyer accommodation is the subject of a planning condition. The developer of the land is presently in discussion with the departments of Planning and Building Services and Housing in order to meet the requirements of the condition.

(c) No, this is not the case: see the answer given to question 1(a) above.

2. See the answer given to question 1(a) above.

3. The impact of the development of Field 40 to provide new housing upon residents in the locality is an integral element of the planning process and will be considered during the normal development application process.

Any adverse implications of constructing new homes on the site, in terms of unreasonable noise, disturbance and the impact of construction traffic, will fall to be dealt with by the Health Protection Department and the Committee, as highway authority, respectively."

Works at Mont Orgueil Castle – questions and answers (Tape No. 975)

The Deputy of St. Martin tabled the following written questions of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee –

"1. In relation to the work being carried out at Mont Orgueil Castle, will the President inform members of the estimated cost of –

(a) re-roofing the Tudor Hall, Long Passage and D-shaped space?

(b) maintaining and monitoring the effects of re-roofing the structure and running the new building?

(c) the planned new gardens including the Scottish granite sculptures in the new outer ward garden?

(d) the 18 feet high wooden statue planned for installation at the Fourth Gate? and,

(e) the conservation and repair of the North East Outworks?

2. In relation to the work on the North East Outworks –

(a) does it include the reconstruction of the German coastal artillery command post built during the

occupation but demolished in 2000? and,

- (b) will the work be completed in time for the celebrations planned for the 60th anniversary of our Liberation next year?
- 3. In addition to the granite sculptures and wooden statue, what other art works are planned for the Castle, if any, and at what cost?
- 4. (a) Why is it necessary to build a new room, now to be called the Tudor Hall, apparently to display the Royal Hologram, when other rooms already exist in the Castle where this could be done?
- (b) What consideration has been given to displaying the Royal Hologram in the proposed new art gallery planned for the Island Site in view of its central and more accessible location for displaying modern pieces of art?"

The President of the Education, Sport and Culture Committee tabled the following written answers –

- “1. (a) The estimated cost of re-roofing the Tudor Hall, Long Passage and D-Shaped Space is £92,400, against a total project cost of £3 million.

The total cost of enclosure is estimated at £195,880 which is 6.5% of the total project grant.

- (b) The cost of running the new building will be absorbed within the Jersey Heritage Trust’s (JHT) existing budgets for Mont Orgueil, as there will be no change to staffing levels. Maintenance costs are expected to be low, as the roofs are to be constructed of traditionally low-maintenance materials, i.e. lead on timber, which would be expected to last 30 years before minor repairs, and more than 100 years before major repairs, are necessary. Cyclical maintenance, such as clearing gutters and hoppers and inspections will be carried out by existing JHT staff in the normal way.

The cost of monitoring environmental changes in the Keep will be the same whether the space is roofed or left open. The eventual cost of investigative and monitoring work, which has commenced in the week of 22nd November 2004, will depend on preliminary findings and the proportion of work which can be undertaken by JHT employees. The likely outturn costs will be between £5,000 and £7,000.

- (c) The Outer Ward Garden has already been built and is providing visitors with a new route into the Castle. It has made accessible a previously closed area and also provides a new pedestrian route from Gorey Pier to Castle Green. The garden has cost £88,156 including the cost of the granite sculptures, constituting approximately 2.9% of the total project cost.

- (d) The cost of the figure is £50,000.

- (e) The budget for the conservation and repair of the North East Outworks is £107,500 which includes the cost of archaeological excavation and recording related to the work. This latter element is estimated at approximately £20,000.

2. (a) The artillery command post was not demolished in 2000, but made safe to enable future conservation. The Channel Islands Occupation Society (CIOS) was consulted about the German installations at the time. In November 2003, the JHT confirmed to the CIOS its intention to conserve the German work in the NE Outworks as part of the conservation of the Outworks as a whole.
- (b) The work is programmed to take place between May and October 2005, and will not be completed for the 60th Anniversary of Liberation. However, the North East Outworks will be open to the public by the 61st Anniversary of Liberation.

3. The planned cost of exhibition and interpretation works at Mont Orgueil is £744,930. This includes a range of interpretative signs, audio-visual displays, cases for historic objects, guidebooks, replicas and figures and displays. The ambition for new displays was set out as part of the original grant application and this is an important investment in the potential for learning and enjoyment and the castle. These works will update the arrangements for tableaux and museum displays at the site and are vital in ensuring that visitor income continues to support the maintenance of the castle.
4. (a) It is not necessary to build a new room to house the Royal Hologram and there are, of course, other rooms in the castle where the Hologram could be displayed. The Keep is to be re-roofed for reasons of conservation of the fabric by affording protection from the elements to parts of the castle that were once roofed and to enable access, both physical and intellectual, for members of the public who cannot now understand or properly appreciate the Keep at Mont Orgueil.

(b) If such a gallery is built it might well be a suitable venue for the Royal Hologram although the development of the gallery is, as yet, not confirmed.”

Outstanding matters raised by a complainant – question and answer (Tape No. 975)

Deputy Roy George Le Hérissier of St. Saviour tabled the following written question of Senator Stuart Syvret, President of the Health and Social Services Committee –

“Can the President give an assurance that all matters arising from a complaint by the father in a case involving child custody, have been dealt with, and further indicate that all appropriate actions have been taken?”

The President of the Health and Social Services Committee tabled the following written answer –

“Firstly, the Deputy will be aware of the imminent introduction of the Children (Jersey) Law, 2002; its proposed implementation date is 1st March 2005. It confirms the primacy of the child’s welfare in family law and gives the court additional powers to protect children’s rights where there is conflict between parents.

Secondly, the Deputy is incorrect in asserting that action is still awaited. He should be aware that the father’s concerns have been comprehensively addressed through a range of improvements to the Court Welfare process. These have been put in place by officers of the Health and Social Services Department working closely with the Probation and After Care Service, and the Registrar (Family Division). Some of the changes have been directly informed by the case to which the Deputy refers. The Health and Social Services Department has written confirmation from the father that he is satisfied with the Department’s investigation of his complaint.”

Oral questions

1(a). The Deputy of St. John to the Chairman of the Comité des Connétables

“Would the Chairman inform members whether there is, in general, a lack of candidates coming forward for the office of Parish Centenier and, if so, advise what procedures exist, if any, should one or more Parishes not be able to attract any Centeniers?”

Connétable J.B. Germain of St. Martin (Chairman of the Comité des Connétables):

“The answer is no, Sir. In general, Sir, there is not a lack of candidates to fill the rôle of Parish Centenier. What I might add at this time is that in *temps passé* many elected officers were from the self-employed farming community, but today most officers are employees. The Connétables recognise the time and commitment given by all those who serve the parishes in an honorary capacity, particularly members of the honorary police, and we are most appreciative and grateful to those employers who do allow their staff to serve as Centeniers and also as Vingteniers and Constables Officers.”

1(a) The Deputy of St. John:

“If I heard correctly, the Chairman said there is not a lack of Centeniers, but can he explain how come there are some parishes who are short, or have not been able to fill vacancies for Centeniers, including my own parish? We have a vacancy still outstanding. Can he explain his comments, please?”

Connétable J.B. Germain:

“The answer I have today here, Sir – the secretary has phoned around to all the parishes – and my answer here is that there are 56 Centeniers in 12 parishes: 10 in St. Helier, 6 in St. Saviour and 4 in each of the other parishes, with 3-year terms of office expiring on various dates. The parishes are under a legal obligation to elect numbers of Centeniers. I do not know the answer to that one, because the answers I have got here is that we have full capacity at the moment. Sir, through the Chair, are you saying that St. John’s are lacking one Centenier?”

The Bailiff:

“You cannot answer the question with a question. *[aside].*”

1(b) The Deputy of St. John:

“Given that in a recent parish election St. John’s were one Centenier short, it prompted me to raise the question. Hence I put the question to the Attorney General because I am concerned that court procedure and the like could be disrupted and people could get themselves detained or whatever by the States Police and we may have to put other things in its place. We may have to train an inspector or somebody or... I need to know from the Connétable what is in place in the event of a parish not being able to fill the vacancies for Centeniers.”

Connétable J.B. Germain:

“All parishes, I thought, had 4 Centeniers, but you say there is one missing. The Connétables’ policing powers have yet to be formally removed. So the Connétables could present a case to the Royal Court or Police Court and other issues. It is, therefore, very unlikely that a parish would not have someone able to fulfil the duties required.”

2. Senator E.P. Vibert to the President of the Environment and Public Services Committee:

“Will the President inform members (a) of the amount paid by Jersey Bus to the Committee in respect of the Easy-Link service and (b) of the difference in revenue collected by Connex for the Island Bus Service and the amount paid (subsidy) to Connex for providing that service for the 12 month period ending November 2004?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“The amount paid to the States by Jersey Bus in respect of the Easy-Link service for 2004 was £28,553. In respect of the second question, the amount of revenue collected by Connex on behalf of the States for 2004 – that is the period up until the end of September 2004 – was £2,125,589. The amount of public subsidy for the same year is £2,473,733.”

2(a) Deputy R.G. Le Hérisier:

“Could the President tell the House what steps are in place to encourage Connex to ensure that the subsidy to them keeps reducing?”

Senator P.F.C. Ozouf:

“The Committee has inherited a contract which it is, as the Deputy alludes to, responsible for. We pay for the Connex service and the States collects the revenue. There is some form of incentive for the second and subsequent years on revenue and the Committee is in active discussions at the moment with Connex in order to ensure that the maximum amount of revenue is actually raised and certainly there will be some issues coming forward in the next few weeks in order to encourage more people to actually use the bus service.”

2(b) Senator E.P. Vibert:

“Could the President advise the House of any estimates that have been made, the amount of revenue that has been lost on the service by not having inspectors on the buses regularly?”

Senator P.F.C. Ozouf:

“As Senator Vibert will be aware, the Committee has in place controls to ensure that the accurate amount of revenue is raised. In fact, a recent internal audit report was carried out in respect of this matter and it is something which the department keeps under regular review. It would not be appropriate, I think, for me in this Assembly to declare publicly exactly what control mechanisms the Committee does have in respect to ensure that revenue is being collected, but can I assure the Assembly that the Committee most certainly does have those controls in place.”

2(c) Deputy L.J. Farnham:

“In light of what appears to be the current satisfactory performance of Easy-Link, including a positive financial contribution, can the President confirm, again also because of its importance to the tourism industry, that the Easy-Link service is likely to continue under further notice?”

Senator P.F.C. Ozouf:

“I am not in a position to confirm that. The decision made to licence or to make an exemption to the Easy-Link service was made in 2004. I think that was the right decision to make, but what my Committee needs to do is to ensure that the States cost of providing a bus service is minimised wherever possible; and certainly I will be discussing with the different players and with the Committee and the department options to perhaps find ways of serving tourist destinations in alternative and different ways. So that matter will be something which will be discussed over the forthcoming weeks and, where possible, where there are savings to the public but nevertheless a service providing tourism destinations, we shall endeavour to do that. But if the Deputy wants an assurance that we will make sure that tourist destinations are served, then absolutely yes. Will it be Easy-Link? I am not in a position to say.”

2(d) Deputy G.C.L. Baudains:

“In other spheres, Sir, the President is anxious to ensure the user pays. I wonder if he could tell us when he hopes that the bus service will break even and what measures he is taking to ensure that that does happen.”

Senator P.F.C. Ozouf:

“I can inform the Assembly that I do not know anywhere in the world where a bus service actually operates on a user pays basis. In Guernsey, for example, figures from 2003 estimate that the public subsidy per journey was £1.33 per passenger journey. In Jersey last year – that is until the period at the end of September 2003 – we were under a pound. This year, the passenger subsidy is a pound. If the Deputy is able to cite any place in the world which provides a user pays without public bus service, then please let him tell me. I know that the bus subsidy per passenger, whilst it is a greater figure in total than perhaps members were expecting 2 or 3 years ago, it is certainly at a pound a relatively small subsidy compared to other places.”

2(e) Senator E.P. Vibert:

“Could the President confirm whether the internal audit report would be available for members to peruse?”

Senator P.F.C. Ozouf:

“Internal audit reports are designed... internal audit is a department designed to assist departments in their own controls. The Presidents of the Committees where there is a failing internal audit report always get copies. As a matter of interest, I get copies of internal audit reports because I am a member of the Finance and Economics Committee that has had close involvement and supervision of the Internal Audit Department. I am not in a position this morning to confirm or otherwise whether or internal audit reports are for general publication. That is a matter that I would need to discuss with the Chairman of the Public Accounts Committee, who also has an involvement with the Internal Audit Department.”

2(f) Deputy G.W.J. de Faye:

“Does the President of Environment and Public Services agree with me that the public bus service would

be significantly enhanced if States members gave up their free public parking spots and caught the bus to States meetings?”

Senator Ozouf:

“The President will confirm happily with Deputy de Faye on that matter. In fact, the President will also confirm that he wishes that not only would States members support him in the issue of States parking but in some of the other mechanisms that the Committee has been trying to put in place. Whilst I realise it is unpopular, the recent decision that was overturned by this Assembly in respect of pensioners’ off peak fares would have reduced that subsidy down to 92p. Now, clearly that decision which has been made in the Assembly, clearly Deputy Baudains wants the subsidy to go down. Well, the Assembly was given an opportunity to reduce the subsidy and the States threw it out. The fact is that this Committee is going to put transport high up on its agenda and it plans to aggressively deal with transport issues and bring forward real options for States members, including changes to the bus strategy, and I look forward to Deputy de Faye’s continuing close involvement in that regard.”

2(g) Senator E.P. Vibert:

“I would like an answer to the question about the internal audit report because the President seems to believe that I was asking him ‘do we put it in the public domain?’ The question I put was, ‘is it available to States members?’ ”

Senator P.F.C. Ozouf:

“I am not in a position to confirm or otherwise. That is a matter which I would properly have to, first of all, consult with the President of the Finance and Economics Committee and, importantly, the Chairman – the Shadow Chairman – of the Public Accounts Committee.”

Deputy S.C. Ferguson:

“For clarification, Sir, as I have explained before, internal audit reports are a management tool which are internal to the organisation. There would need to be considerable consultation before they could possibly be released to the public.”

Senator E.P. Vibert:

“I am not asking for release into the public. I am asking the question whether it be released to members.”

The Bailiff:

“You have made that clear and I think we are going to move on.”

3. Deputy Baudains to the President of the Finance and Economics Committee:

“It sort of follows on because I am sure buses have to pay VRD as well: Would the President confirm that commercial vehicles generally are likely to attract the highest Vehicle Registration Duty (VRD) and, if so, will he explain why the recent report on the effects of VRD does not include those vehicles? Will he further agree to issue a revised report containing the missing information, including any economic effects?”

Senator T.A. Le Sueur (President of the Finance and Economics Committee):

“The term ‘commercial vehicles’ covers a wide variety of vehicles ranging from small delivery vans to heavy lorries and industrial plant. I suspect that the question is primarily directed towards the latter and, in particular, the importation of these vehicles second hand. The recent report into the impact of VRD was primarily addressed to the general impact on the motor trade, including sales and on new vehicles. Commercial vehicles were neither specifically included nor excluded from such a review. The review was carried out principally as a result of feedback from the motor trade on the impact of the current policy on VRD. Equally, over the period of the review, the majority of responses and submissions have been from the motor trade itself. The consultation was widely publicised, but I accept that not all parties concerned have responded.

The current review looked at the market as a whole and came to the conclusion that there might well be better ways of achieving our objectives. I have already indicated that if and when a goods and services tax was introduced, it would be logical to apply such a tax in place of VRD as it is a tax based on the value of

the vehicle being acquired. The report was based on the best information available to us both from internal records and from the views expressed of those who contributed to the review. In conclusion, I hope that the Deputy can take comfort from the fact that my Committee has taken on board that review and will bear in mind that vehicle taxation is not for commercial vehicles only but for all motor vehicles.”

3(a) The Deputy of St. John:

“Is the President happy that States departments are employing contractors in competitive tendering who have not paid VRD and these companies are having an unfair advantage over other legally run companies who have paid their VRD on contracts? Given that some of these vehicles are working on either the public highway or on beaches, how does his Committee feel and what action will he take to make sure that VRD is paid by all?”

Senator T.A. Le Sueur:

“I am not sure I understand the Deputy’s question fully, Sir, but any vehicle which is imported into the Island will be liable to VRD, whoever they are purchased by and whoever they are used by.”

3(b) Deputy G.C.L. Baudains:

“I am not able to understand how this vehicle registration review was actually undertaken at the request of the Finance and Economics Committee. The question I raised concerned commercial vehicles. The President rightly said this includes some small vans up to large probably earth moving vehicles. But, of course, even medium sized vans will attract massive amounts of VRD because they have diesel engines and diesel engines produce less power than petrol engines and, therefore, need to be larger. Does he not admit that the conclusions reached in this review are, therefore, not of the quality they might be because a large proportion of the information is simply missing?”

Senator T.A. Le Sueur:

“The review, Sir, was based on the best information provided to us by the motor trade themselves. If that information is inadequate or insufficient, that has not been something I can do much about. The interest was shown by the motor trade and I believe that the review correctly reflects their concerns and I believe that our conclusions correctly addressed those concerns.”

4. Deputy J.J. Huet to the President of the Committee for Postal Administration:

“Would the President advise members whether the recently appointed new first Chairman of Jersey Post is now no longer the Chief Executive of Wealth Management at the Royal Bank of Scotland and confirm that he has not held any full-time position with that bank for at least the last 2 years?”

Deputy P.J.D. Ryan (President of the Committee for Postal Administration):

“Firstly, I have to say to Deputy Huet and members that really this question should more accurately be asked of the Finance and Economics Committee rather than Postal. It is the case that neither my Committee nor I have been involved in the process of appointing a prospective Chairman for Jersey Post and neither have we been consulted as this is clearly not our remit and it would not be right. However, in a spirit of co-operation and in the interests of transparency, I attempted yesterday to obtain the information from F&E that Deputy Huet has requested of me, but unfortunately without success due primarily to the lack of time available. I was, therefore, left with no alternative other than to contact the person concerned directly himself for the answers even though he was currently and still is out of the Island on business. Although limited, the information I have obtained is as follows –

The prospective first Chairman of Jersey Post was employed by the Royal Bank of Scotland International as the Chief Executive of Wealth Management until approximately August 2002, whereupon he stood down from this rôle to take up a new rôle with the bank locally as its Director of Projects and Planning. He still holds this post to date. The extent to which this post is full or part-time was not something I felt able to ask. I am quite sure that this kind of information is confidential to the bank and its employee and would, I suspect, in any case possibly be subject to data protection, although I have not checked that. As already stated, I am not privy to any of the details regarding this appointment and, because of that, it will be very difficult, Sir, for me to answer supplementary questions, and I hope that members will also be able to accept that that is the case.

Finally though, I would like to express my complete support for this appointment. This has to be a personal view though rather than a Committee view, for the same reasons as I have already stated. The appointment..."

The Bailiff:

"Mr. President, I think you are time-expired now. Thank you very much."

4(a) Deputy J.J. Huet:

"I do have some supplementary questions, Sir, but I would just like to say that I used to be a very sonsie person, but now I am a very cynical person and I actually get very suspicious when the President phones me up the day before to tell me that 'you have got it all wrong' and that 'why don't I put off the question'. Now, I would say, Sir, I know I am right and I know there is a time limit on this question and that is why I intend to carry on asking it. My question is, it was very clever by him saying that he was not sure of the hours, so I am going to say to him is the President aware that this person has not been continuously employed by the Royal Bank of Scotland for the last 2 years? So, in that case, he is in contravention of our Housing Regulations by occupying a "(j)" category house, the licence being held by the Royal Bank of Scotland, a property and he will now not be able to purchase a property."

The Bailiff:

"Deputy, may I call you to order, please?" I think that these questions... the President of the Committee for Postal Administration has told the Assembly that he is not really in a position to answer these questions and I accept responsibility for having allowed it, probably wrongly, because it should have been directed, I think, to the President of the Finance and Economics Committee. I think it would be unfair on the President of the Finance Committee simply to assign the supplementary questions to him without any notice at all. I think, therefore, it would be preferable if you were to reconsider the matter and press these points at the next meeting."

Deputy Huet:

"But, Sir, I am sorry to interrupt, but we are on a time limit here. The time limit for the 10 years is 1st December, so unless these questions are asked before 1st December, the person will gain residential qualifications."

The Bailiff:

"I do not think the Assembly can really consider these questions on the hoof in this way, Deputy. I think it would be preferable, in the interests of all parties, for the matter to be considered at a later stage by the President of the Finance and Economics Committee. I do not think the questions on the floor of this Assembly are going to affect the legal position one way or the other. These questions, I think, must be disallowed at this stage and they can be put at the next meeting to the President of the Finance and Economics Committee."

Deputy Huet:

"Thank you, Sir, but I needed to bring it out in the House and I am sorry to have put you in an embarrassing position by maybe it being wrong as to who it should be answered to, but I feel that it must be brought to the House because there is no other place in this Island that you can bring it out."

Deputy T.J. Le Main:

"Can I defend the allegations made by the Deputy? It is just to say that the Housing Committee are totally confident, and made a decision, that all the Housing Regulations have been completely adhered to and it is all legal and above board and the gentleman concerned has full housing rights in this Island."

5. The Deputy of St. John to the President of the Economic Development Committee:

"Would the President inform members how many betting shops there are in the Island?"

Deputy F.G. Voisin (President of the Economic Development Committee):

"There are 29 licensed betting offices in the Island."

The Deputy of St. John:

“In a written response in fact the President told me there were 28, so he has just obviously corrected that.”

Deputy F.G. Voisin:

“A Point of Order, Sir. The question that the Deputy of St. John is referring to is the question on gaming machines and we provided – my department provided – him with a list of all of those betting offices that had gaming machines. There is of course one betting office that does have no machines, which is why the list only contains 28 and not 29.”

5(a) The Deputy of St. John:

“I do stand to be corrected, Sir. But the purpose of the question in the first instance, Sir, is I would like to know from the President (and I have it in writing that there are something like 78 gaming machines in the betting offices) – will the President give the House the information that since the year 2000, something like 78 gaming machines are in place. Will the President please tell us how many gaming machines are actually permitted in the Island and why, since 2000, he has allowed in excess of the permitted amount to be in the Island and how will this actually fare if they are to be policing a future casino law if they cannot police this particular law?”

Deputy F.G. Voisin:

“I can confirm the information that is contained in the written questions and the written answers, which is that there are currently 28 licensed machines in the Island and 75 machines which we regard as illegal and we have recently written to the licensed betting offices to inform those businesses that these machines must be removed by the end of the year and, if they are still on the premises and operating, then action will be brought against them. The reason that there has been a delay over bringing this action is purely because the machines in question are regarded as illegal. Unfortunately, the people who are operating those machines regard them as legal, so there has been a difference of opinion and we have sought Law Officer advice on that, and the advice only recently came through which, of course, helped us to decide how to proceed.

As far as the Deputy of St. John's suggestion that the Committee are unable to regulate the gambling in the Island, I think this comes back to the point, the very point, the Committee wishes to address by modernising our gambling legislation precisely so that we can make it clearer, more understandable and easier therefore to police.”

5(b) Senator E.P. Vibert:

“In view of the fact that the machines that have been declared in Jersey are actually considered legal in the United Kingdom, does the President accept the fact that there will be strong legal challenges to that opinion?”

Deputy F.G. Voisin:

“There may be a legal challenge, but what is certain, I understand, is that these machines have not been found to be legal in the United Kingdom. Indeed, no case has been brought to decide whether they are legal or not. Our view is that they are illegal in Jersey under Jersey law and that is why we have asked them to be removed. I think it is also worth noting that we believe these machines are particularly harmful, which is why, even under our modernised legislation, they would still not be permitted in the Island.”

5(c) Senator J.A. Le Maistre:

“Going back to the original question, where the President answered that there were 29 betting shops, could he inform members how many have been opened in the last 2 years? In other words, the impression has been gained that there are shops being opened on a regular basis. So what is the number now in comparison to one or 2 years ago?”

Deputy F.G. Voisin:

“I understand that there have been 29 betting shops in the Island for many, many years. I think what has happened is that companies have been bought and taken over by other companies and also we have seen betting offices moving location, but there have been, I understand, 29 probably from since as far back as

1983.”

5(d) The Deputy of St. John:

“A final question. Will the President confirm that he has notified the Constables of the various parishes concerned of these infractions so that they can notify the Royal Court and the licensing bench?”

Deputy F.G. Voisin:

“I will endeavour to make sure that that has been done.”

6. Senator E.P. Vibert to the President of the Environment and Public Services Committee:

“Would the President advise members whether the Committee paid a fee of £200,000 to Babtie Fichtner to act as consultants to formulate the Committee’s waste strategy at the same time as being chosen as the engineers for the replacement incinerator project at a fee of £1.5 million, and whether this involves any conflict of interest?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“The first thing to say, Sir, is that Babtie Fichtner have not been appointed as the Committee’s engineers for any project. Perhaps I could go back and explain to the Assembly that it was in October of 2000 when the Crowcroft Committee approved the Solid Waste Management Strategy in principle but requested further work on recycling and the development on the recommendation that the existing energy from waste plant should either be refurbished or replaced. The Committee at the time, in October 2000, requested that additional work by independent consultants review the strategy. The terms of reference for these new consultants was made by the Waste Strategy Steering Group. Advertisements were placed in the U.K. professional journals, expressions of interest were received and a decision to appoint Babtie Fichtner was made in March 2001.

Babtie Fichtner have been employed as the Committee’s consultants for their waste strategy since that time. The terminology seems to suggest that an agreed lump figure has been made. This is not the case. Babtie Fichtner are paid on a time basis and have been involved not only in just the replacement for the energy from waste plant but also in a number of other streams of work including the review of the waste collection service, reviewing composting operations and recommending options and continuing to review alternative technologies. In fact, the total amount of payment to Babtie Fichtner has been approximately £220,000.”

The Bailiff:

“I am afraid you are time-expired now. Supplementaries?”

6(a) Senator E.P. Vibert:

“I am sure I heard the President say that Babtie Fichtner are not chosen as the engineers. I wonder if the President could explain to the House why the Chief Executive of his Committee actually told the Scrutiny Panel that this matter was not going out to tender and Babtie Fichtner were going to be the engineers?”

Senator P.F.C. Ozouf:

“I have already discussed this matter numerous times in this Assembly, or this is not the first time. Let me say to the Assembly that the President’s decision and the President’s statement at the Scrutiny Panel and in this Assembly is final, and that is that, whatever happened in a fast two-way process on a Scrutiny Panel which the Chairman of the Scrutiny Panel seeks to take out of context. I am saying to the Assembly that Babtie Fichtner have not been appointed as the engineering contractors for any energy from waste plant or any other replacement. That decision will be taken at a later date and if we are going to export waste to France or to Guernsey, then clearly an engineer for the type of energy from waste plant alternative will not be required. The matter, I repeat, is that they have not been appointed, there is no contract for them to be the engineer for any contract.”

6(b) Senator S. Syvret:

“Then will the President confirm that it always has been an understanding, certainly within the Public Services Department, that Babtie Fichtner were in the frame to become the engineering consultants and there was an understanding to that effect by the officers?”

Senator P.F.C. Ozouf:

“What matters is the Committee’s view. Now the Committee of Public Services has changed numerous times – I think 6 or 7 times. I am not responsible for actually having appointed Babtie Fichtner, and I am saying that I will not take to my Committee an appointment of a consultant on the basis that they have previously been involved in it. That matter will be taken in time. I cannot speak for the members of my department, but it is political decisions that matter and I am saying that I will not appoint Babtie Fichtner... well, it is up to the Committee of course, but I would not appoint Babtie Fichtner definitely. That matter is a matter which will have to be taken at a later date when we know actually what we will be building, if anything.”

6(c) Senator S. Syvret:

“Is the President saying that he definitely would not support the appointment of Babtie Fichtner?”

Senator P.F.C. Ozouf:

“The President is not saying he will definitely not be appointing. They are clearly in the running, but an assessment will be made at the time. And can I inform the Assembly that with the joint review, which I welcome, with Guernsey, there will be other consultants looking at an option for an energy from waste plant in the Channel Islands and, therefore, we will have further independence in respect of that. I cannot rule Babtie Fichtner in or out at this stage.”

6(d) Deputy J-A. Bridge:

“Is the President saying that the officer made a mistake and has the officer written to the Scrutiny Panel to correct that error?”

Senator P.F.C. Ozouf:

“The officer did not make a mistake, and I would actually point out that there is a danger in the Scrutiny Panel actually receiving evidence from officers as opposed to politicians. It is the Public Accounts Committee that brings forward accountable officers to take matters forward. Senator Syvret may remonstrate, but the fact is that it is the politicians who stand before the Scrutiny Panels answering questions of policy, and the policy of the Committee is that the engineers Babtie Fichtner will not definitely be appointed as engineering contractors. That should be the final point of it.”

6(e) Senator E.P. Vibert:

“I wonder if I can ask the President if he can justify this position, because before the Scrutiny Panel he himself was questioned on this issue and he actually declared the questions to be absolutely outrageous and a slur on Babtie Fichtner and he did not in fact give the kind of evidence to the Committee that he gave to this House this morning? It is also on the transcripts.”

Senator P.F.C. Ozouf:

“I have the transcripts before me and I can circulate members with them. I have exactly what the words are. I absolutely consider that it is not appropriate to make an attempt to slur the reputations of trusted and well regarded engineering consultants to the Committee’s strategy. I have to say that I am entirely satisfied with the work of Babtie Fichtner. I actually think it was a good decision of Constable Crowcroft and the Committee at the time to appoint them, which I would point out to Members included Deputy Duhamel, the Deputy of St. John and Deputy Baudains being on the other side of the Scrutiny Panel. I actually think they made a good decision. They did not make a good decision to tell us that we should go to France and go to an energy from waste plant costing €32 gate fee when I found out it cost 120. I wish they would get their facts right.”

Deputy P.N. Troy:

“For clarification, Sir, the scrutiny process does allow the Scrutiny Committees to bring forward any person with relevant information to the subject matter to the Committee for interview, and the Senator is absolutely incorrect in his statement, Sir.”

The Bailiff:

“I thought what the President was saying in his reply was that on policy matters politicians gave the answers. I did not think he was saying anything else.”

Senator P.F.C. Ozouf:

“By way of clarification, that is exactly the point. When a politician... and in fact it is custom and practice in the U.K. that of course officers give evidence, but on a matter of policy, when a Minister or a President says something in terms of policy, that takes precedence, and I am saying to the Assembly that it is Babbie Fichtner, they are the consultants to the Committee and...”

The Bailiff:

“Mr President, I think we have explored this matter sufficiently.”

7. Deputy J-A. Bridge to the President of the Finance and Economics Committee:

“The 2005 Budget book states that the Finance and Economics Committee ‘will be bringing forward further proposals to the States in February 2005 relating to ... further research into ... environmental taxes ...’ Would the President inform members – (a) on what occasions the Committee has discussed environmental taxes and what research has already been undertaken or commissioned externally, and (b) whether the membership of its review groups, if any, have included environmental officers?”

Senator T.A. Le Sueur (President of the Finance and Economics Committee):

“The Finance and Economics Committee has discussed environmental taxes on numerous occasions, including the findings of the Fiscal Review Working Group set up in January 1998, which published 2 official reports, and in our consultation exercise leading up to the drafting of Projet 106. Following the approval of Projet 106 by the Assembly in July of this year, the Finance and Economics Committee...”

Deputy J-A. Bridge:

“Sir, can I stop the Senator? I cannot actually hear because there are so many people talking behind me. I am sorry.”

The Bailiff:

“President, your one and a half minutes has been extended a little bit.”

Senator T.A. Le Sueur:

“Following the approval of Projet 106 by the Assembly in July of this year, the Finance and Economics Committee was charged with undertaking further research into the introduction of taxes which may be appropriate for Jersey. That research includes the possible introduction of environmental taxes. Since July, my Committee have held informal meetings on several occasions to discuss various possible tax measures, including environmental taxes. As part of these, we have involved the Director of Environment, Mr. Chris Newton, who has been working closely with Oxera, our advisers. This further research work continues to be developed and should be completed by the end of this year, following which my Committee will assess which environmental taxes should be recommended for introduction to Jersey. These recommendations will be put before the Assembly by February of 2005.”

7(a) Deputy J-A. Bridge:

“Would the President agree to make minutes of these various meetings available, because when I asked the Greffe to do a search, using key words such as ‘environment’, nothing at all came up on F and E minutes whatsoever? So I was left with the conclusion that the one line in the Budget book, being a bit cynical, was somewhat of a sop to the greens and the environmentalists.”

Senator T.A. Le Sueur:

“I accept that, in terms of Committee minutes, there may not be very many recommendations because much of the work we do in these tax measures is done on the basis of informal meetings prior to my Committee formulating its policy. In the same way that meetings, for example, of the Fundamental Spending Review are informal meetings and lead to policies being formulated, so too these meetings at this stage are informal. When we come to making formal decisions, then those meetings will be clearly minuted and those minutes will be available to all States members.”

7(b) Deputy G.P. Southern:

“Can the President inform members whether in his discussions or research groups any further work has been done on capital gains taxes?”

Senator T.A. Le Sueur:

“Although not directly relevant, Sir, yes, I can confirm that my Committee is looking at several aspects of taxes, including capital gains tax, and that will form part of my proposition, or report on proposition, next February.”

7(c) Deputy J-A. Bridge:

“Whilst the one line in the Budget book is very welcome as a start, would the President nevertheless accept that when a States member themselves cannot find any evidence of any paper trail whatsoever as regards environmental taxes, it does appear that this issue seems to have come out of the blue?”

Senator T.A. Le Sueur:

“All I can do, Sir, is to repeat what I said in the debate in July, that my Committee will be looking at environmental taxes. I have confirmed that, and, indeed, we are working closely with the environmental adviser to ensure that these form part of a balanced package which we bring forward.”

8. Deputy J.L. Dorey to the President of the Finance and Economics Committee:

“Was the recent appointment of Communications Unit personnel, which was undertaken without open advertising or competition, compliant with Treasury Code of Directions No. 27 regarding the ‘Engagement and Use of Consultants’?”

Senator T.A. Le Sueur (President of the Finance and Economics Committee):

“Wearing my other hat, Sir, I can confirm that the recent appointment of Communications Unit personnel was indeed compliant with the Finance and Economics Committee’s Code of Directions No. 27. Although there would normally be a requirement for 2 written quotations, that requirement can be dispensed with in certain circumstances. In this case, a tender process had already been carried out at the time of an earlier appointment, and the person recently appointed had previously participated in that tender process and been well judged. On the basis of the previous tender process and the 3 currently sought, the department was able to justify making the present appointment on a cost-effective comparison. A third part-time consultant works when called upon at an hourly rate, which is again consistent with Code of Directions No. 27. Finally, I am happy to advise members that the current budgeted costs of the Communications Unit show a significant saving over those previously incurred under a long running contractual agreement.”

8(a) Deputy J.L. Dorey:

“Does the President consider that effectively restricting any submissions in competition for a job to submissions which had previously been made, does he consider that that really complies with best practice and how can he convince himself, or the Committee convince themselves, that this is a process which will have produced the best person for the job?”

Senator T.A. Le Sueur:

“In cases where there are a number of applicants for the position, I might well agree with the Deputy. In this particular case, the number of candidates available locally is relatively small and the process undertaken in the previous tender exercise identified only a very small number. I have no indication that the market has since increased, and we would be fishing once again in the same small pool. On that basis, the department decided to maintain the principles adopted in the previous tender process.”

8(b) Senator S. Syvret:

“Does the President recognise the fact that actually – and I have discovered this through research of my own – that Jersey has probably the highest count of spin doctors per head of population anywhere in the world, so his assertion that it is a ‘small pool’ takes some grasping? Will he inform the Assembly what the total cost for this Communications Unit is and point out to members where precisely in the Fundamental

Spending Review decision conferencing process this figure was described as a Communications Unit for the Policy and Resources Department?”

Senator T.A. Le Sueur:

“The total cost of the Communications Unit is in the region of £100,000. It was funded from existing resources within budget and, as I say, we had previously budgeted for a larger sum and the consultants previously employed are no longer employed. On that basis, the States have actually made a saving, and that saving, although not physically identified in the FSR process, confirms that the present financial arrangements are still within our existing budget.”

8(c) Senator E.P. Vibert:

“Would the President confirm that the firm that was previously doing it, from which the President says we have made savings by getting rid of them, was in fact a London-based company who were dealing with the U.K.-end of public relations on behalf of the Committee and in fact they were going to get rid of them anyway and this really is just an excuse to be able to say ‘We have got rid of these consultants and we are saving money’, when they were going to get rid of them anyway?”

Senator T.A. Le Sueur:

“No, Sir, I disagree.”

8(d) Senator S. Syvret:

“The President admitted that this sum was not specifically included in the Fundamental Spending Review Process. I regard this as an extremely serious matter. We worked extremely hard over a long period of time, making a range of very difficult and contentious decisions about which areas we were going to spend upon and which areas we were going to cut, and the fact that this amount of money for a group of spin doctors was not specifically identified in that process, whereas matters like education, health and home affairs spending were, is frankly absolutely outrageous.”

Senator T.A. Le Sueur:

“Ignoring references to ‘spin doctors’, I can just repeat that the budget for consultancy and communications has been in existence for many years and did not need to come specifically to the FSR process.”

Senator S. Syvret:

“That is not true, Sir. It could have done as a potential saving, given that we were looking at savings, at cutting health and social care provisions.”

Senator T.A. Le Sueur:

“I accept that it was a potential saving, but it was not a saving which might have been identified within their list of suitable savings.”

8(f) Senator S. Syvret:

“I do not accept his assertion that there were only a limited number of candidates for this post. It is entirely disingenuous. How many candidates would he expect to put themselves forward for a post which was not advertised?”

Senator T.A. Le Sueur:

“I would expect that the department has a good knowledge, as I do, of the number of people engaged in this work throughout the Island, and those people were all consulted to see if they were interested in tendering. On that basis, I believe that, although no advertising process as such was carried out, we actually saved money by identifying the people in advance and asking them to tender.”

8(g) Senator S. Syvret:

“Just to clarify that, Sir, the Vice-President is in that case saying, is he not, that this appointment was made on the basis of prejudice and preconceived ideas rather than on the basis of any evidence.”

Senator T.A. Le Sueur:

“No, Sir. Any communications consultant within the Island was quite capable of tendering for that appointment.”

9. Deputy G.P. Southern to the President of the Finance and Economics Committee:

“Would the President explain to members why the treatment of income tax childcare relief differs between married and cohabiting couples, and advise whether this different treatment is fully Human Rights compliant?”

Senator T.A. Le Sueur (President of the Finance and Economics Committee):

“Childcare tax relief was introduced as a modest incentive to enable and encourage wives or single persons with a child to go out to work. In the case of a married couple where the wife works, the relief goes to the husband in his tax assessments. In the case of a cohabiting couple, the relief does not go to the male cohabitee, but it does go to the female cohabitee in her tax assessment, provided she is working. It is not believed that there are any Human Rights issues arising here because a legally married husband and wife are not in a situation analogous to persons living together and it is thought permissible for a government to have different tax provisions applying to married persons to reflect the fact that they have mutual rights and obligations towards each other.”

9(a) Deputy G.P. Southern:

“If I may, just one supplementary. For income tax purposes, for a couple, whether married or not, the mother may transfer the child allowance, i.e., equality between married and unmarried couples, but not in the case of childcare tax allowance. Surely this is not equivalent treatment?”

Senator T.A. Le Sueur:

“It may not be identical treatment, Sir, but it is treatment which is not inconsistent with the difference in relationship between a married couple and that of 2 people living together.”

9(b) Deputy G.P. Southern:

“Finally, may I ask when the Income Tax Law was reviewed for Human Rights compliance purposes and will he consider reassessing this particular aspect?”

Senator T.A. Le Sueur:

“I have indeed considered reassessing it. There has been already a case in the U.K., a similar case in 1992, and at the time it was decided, and I repeat, that the Special Commissioners in the U.K. decided that persons living together as husband and wife were not in a situation analogous to married persons and it was permissible for Parliament to legislate so that different tax provisions applied to married persons to reflect the fact that married persons had mutual rights and obligations relating to their maintenance during their lives and after their deaths. Although Jersey is not necessarily bound by U.K. legislation, we do tend to look at precedents, Sir, and that precedent is one that we have used.”

9(c) Senator J.J. Huet:

“Is the President aware that if there was a couple living together and they have a baby and the lady does not work, the gentleman is not allowed to claim tax relief for her but she is not allowed to claim children’s benefit, which seems to me extremely unfair?”

Senator T.A. Le Sueur:

“I repeat, Sir, that the purpose of the childcare tax relief was an incentive for women to return to work. If she is not working, then clearly the incentive does not apply.”

10. Deputy G.C.L. Baudains to the President of the Education, Sport and Culture Committee:

“With regard to the proposed roofing of the area known as the ‘Tudor Hall’ at Mont Orgueil Castle, would the President advise members whether the planning rebuilding of the wall beside the long passage exactly replicates that which existed previously and, if so, from where the evidence was obtained?”

Deputy M.E. Vibert (President of the Education, Sport and Culture Committee):

“I take this question to refer to the East Wall of the Hall. The planned rebuilding of this wall does not attempt to replicate what existed previously. For a fuller answer to his question, I would refer the Deputy to the Planning and Environment Committee’s officer report on this planning application, which has been circulated to those who have made submissions. This makes it quite clear that the Heritage Trust were asked to submit a design that did not replicate that which existed previously. The Heritage Trust were guided to produce something that, in the words of the President of Planning at the time, ‘demonstrates contemporary craftsmanship in largely traditional materials’. This is what the Heritage Trust have produced and the proposal has been endorsed. It is consistent with the Committee’s guidance by the Mont Orgueil Conservation Plan Scrutiny Committee which members represent La Société Jersiaise, the archaeology section of La Société Jersiaise and the National Trust for Jersey. The application also has the support of the planning officers, Planning’s external adviser and Planning’s external assessor.”

10(a) Deputy C.J. Scott Warren:

“Can the President explain how, despite using modern materials, future generations of visitors to Mont Orgueil Castle will know that the Tudor Hall will not have been built in full and certain knowledge of and therefore be an accurate representation of the former structure?”

Senator M.E. Vibert:

“I will try to find the relevant information, and part of it is that, for example, it is proposed to construct the wall in brickwork, which will be lime rendered inside and out. The historic granite window jambs would remain visible where the new brickwork cuts slightly short, and the junction between the new brick wall and the historic stone walls in-filled with broken brick in lime mortar. By these means, the new and old work will be readily distinguished, conforming with recommended practice. It is proposed that the mullions and transoms would be plain and the windows without moulded detail and the leaded lights will be replaced with clear glazing, again, to make it readily distinguishable. In addition, it is proposed that all new work, beams etc. will be date marked. Paul Drury, Planning’s external adviser, reports that ‘What is now proposed does, I believe, accord with the guidance given by the then Committee last year and the work can be brought to a conclusion’. Peter White, who has been in touch with the evolving plans, has been asked to comment and he has no objection to the proposal either. It is in-keeping with best practice.”

10(b) Deputy C.J. Scott Warren:

“With all due respect, this was not what I actually asked. I realise that you can see the difference, that you would see the difference between the new structure and the old. What I am asking is how will new generations of visitors know that that is not what was there in centuries gone by if it is not an exact replica of what was there?”

Senator M.E. Vibert:

“Future generations: one does not know how long this will last, but future generations will know because it will be clearly marked. Part of it will be date stamped, so that will be very clear, and it is going to be clearly set out that this is a wall that has been put in to protect the fabric of the building.”

10(c) The Deputy of St. John:

“Over many generations and centuries, a lot of portraits, oil and drawings, have been made of the fort. Did your Committee look at all this historical data? Given that, on my time on the Heritage Trust, that was an area that I raised with the Committee of the day, have your Committee been looking, prior to going down the road of this building, these renovations, did they take all that information into account?”

Senator M.E. Vibert:

“No, Sir. My Committee have had nothing to do with these renovations. We took on the rôle of culture approximately 2 years ago, which was long after the States had made the decision to grant the money to the Jersey Heritage Trust to carry out work at Mont Orgueil Castle and, by the time my Committee got involved, it was well into the planning stage and applications for planning, and I cannot confirm that we have looked at every picture of Mont Orgueil Castle, sorry.”

10(d) Deputy G.C.L. Baudains:

“I do apologise for bringing these questions to the President. I had actually intended them to go to Environment and Public Services. Does the President not believe there is a danger here that what is being planned will, as Deputy Scott Warren said, lead people to believe that that is the shape, albeit it in modern materials, that is the shape and form of what existed previously, which could therefore be misleading? If, on the other hand, the Committee is suggesting, as I believe the President just has, that this is not to do that at all, it is merely to protect the structure, then what is the point of building something like this which actually attempts to portray what was there before? Why not build a simple structure to keep the damp out, if that is what they want to do, although I believe that even keeping the damp out could actually be a danger to the fabric?”

Senator M.E. Vibert:

“It is not an attempt to portray what was there before, it is what the Planning and Environment Committee asked for.”

11. Deputy J-A. Bridge to the President of the Finance and Economics Committee:

“The 2005 budget states that the previously published budget proposal to phase out tax allowances ‘would not work satisfactorily in all cases’. Would the President advise members whether the new proposals outlined on page xx of the Budget book might still adversely affect some sectors such as retired people and will the Committee undertake to publish, prior to the budget, a table of the effects of these changes in order that individual taxpayers may have the opportunity to assess the impact?”

Senator T.A. Le Sueur (President Finance and Economics Committee):

“It is the very nature of taxes that some people will feel that they are adversely affected. The revised ‘20% means 20%’ proposals have been carefully designed to achieve the objective of increasing the tax contribution of those on higher incomes, taking into account their different personal circumstances such as the number of dependents and the size of their mortgage. Accordingly, I can confirm that the proposals will adversely affect those from all sectors on higher incomes who can afford to contribute more in taxes, in accordance with the undertaking I have given that the package of fiscal statutory proposals will be progressive. It may well be that some retired people will be amongst those adversely affected, but it will be those retired persons with relatively high incomes best able to meet the extra liability which, I repeat, will never exceed 20% of their income. We did strive, but we found it impossible, to produce a simple table of the effects of 20% means 20% because the proposals have been designed to take into account each individual’s particular circumstances. People have varying numbers of children, different levels of mortgages or other factors which would make the number of tables required virtually infinite. The Budget book, however, does contain certain examples of the implications for certain household types and, furthermore, the Income Tax Department will provide an indication to the effect of 20 means 20 for any individuals who contact them. I am also happy, as is the Comptroller of Income Tax, to give a prompt response to any member who wants to put any particular configuration in front of us.”

11(a) Deputy J-A. Bridge:

“Would the President not accept that this is a very complicated area for lay people, including people such as myself, to understand, and the confusion seems to be around marginal tax relief, which people such as myself really do struggle to comprehend? I am very concerned that not enough is being done to explain this and it is going to slip through unnoticed and then the consequences are really going to hit the people. So, again, I would like to ask him would he undertake to publish something such as a ready reckoner designed to assist people? The public really need to know. I am really concerned this is going to slip through because we are so busy at the moment and the public are just not going to pick up on this.”

Senator T.A. Le Sueur:

“I understand and I share the Deputy’s concerns that this is quite a complicated system to understand. I tried creating, as I say, some tables which might be simple to understand and failed. I can undertake to publish some tables, but I cannot guarantee that they will be particularly user friendly or simple to understand. That is why I have made the offer that any person with a particular situation, recognising that each one is different, is welcome to contact me or the Comptroller of Income Tax for an explanation. But I will certainly undertake to produce some tables, but I cannot guarantee that they will either be comprehensive or understandable.”

12. Deputy G.P. Southern to the President of the Finance and Economics Committee:

“Would the President inform members whether there are procedures in place to ensure probity and value for money in respect of contracts valued in excess of £200,000 entered into by a States Committee where a negotiated contract has taken preference over an open tender process and, if so, what are they?”

Senator T.A. Le Sueur (President Finance and Economics Committee):

“The Committee is required to follow the specific procedures contained in the Public Finances Administration (Jersey) Law of 1967, the Public Finances (General) (Jersey) Rules 1967 and subordinate Codes of Direction issued by the Finance and Economics Committee when entering into revenue or capital contracts by means of negotiated tender. In adherence to the above Regulations, the authorisation of the Finance and Economics Committee may be required to enter into a contract by negotiation. When that is sought, such consent will only be granted if it can be demonstrated that the negotiated tender route is appropriate and represents value for money.”

The Bailiff:

“That, I am afraid, concludes question time.”

Icho Tower and Seymour Tower- Statement

Deputy Guy William John de Faye, member of the Environment and Public Services Committee made a statement in the following terms –

“Just over 3 months ago, a Working Group was formed, under the chairmanship of the Assistant Director Design and Conservation, to review all of the coastal historic fortifications, towers, defensive structures, guardhouses and other pre-Second World War structures which are in the public ownership, with the objective of making an assessment of their present condition, the estimated cost of remedial/refurbishment works, their value to the Island and their future use. Special emphasis is being placed on their value to the tourism industry, either directly as structures suitable for holiday lets or event venues, or, indirectly as heritage sites with an historic significance which brings value to the Island generally.

The Group has representatives from Tourism, Public Services, Planning, Historic Buildings, Property Services and Jersey Heritage who are each assessing these buildings and structures from their own departmental perspective. It is estimated that the initial work of this Group will take another 6 months to complete before informed recommendations can be made for their future use.

Icho Tower has been leased to members of the same families for about 80 years. Seymour Tower has been leased to members of a separate family for over 40 years. The most recent leases were for 9 years terminating on 28th September 2004, and included the lessees having responsibility for keeping the premises in good tidy order and for the maintenance and repair of the interior including the exterior roofs and inside faces of the top parapet.

Whilst Seymour Tower has been repaired in recent years, Icho Tower is in poor condition with an estimated £60,000 plus needed for repair works. There are currently only very limited funds available within the Public Services Department for the maintenance of all the coastal historic buildings in its administration and part of the Review Group’s task will be to identify ways of ensuring, either through public or private means how these structures can be maintained in reasonable condition for future generations. This may involve sponsorship, sale or giving longer lease agreements to enable lessees some security for major capital investment in significant renovation work.

With this in mind, the Director of Property Services made the decision, under powers delegated to him by the Committee for the approval of certain land and property transactions, to extend the existing leases for one year at the existing rent pending the recommendations of the Working Group, which will report to the Committee some time next year. They were also approved by the Treasurer of the States under delegated powers granted by the Finance and Economics Committee.

These decisions, along with other delegated approvals, are reported to the Committee on a regular monthly basis, but because of the recent change in the Environment and Public Services Committee and the subsequent backlog of items, these were only included in the Committee agenda for 4th November. Consequently, they had not been noted either by myself or by other members of the Committee prior to the States meeting last Tuesday. In the meantime, they had been approved by the Treasurer of the States, noted by the Finance and Economics Committee, and included in Supplementary Papers last Tuesday as land transactions approved under Standing Orders. I can only apologise that the President was not in a position to be able to respond to Members' questions in respect of these properties at the time and the President has asked the department officers to agree a procedure with the Greffier of the States to ensure that in future the Committee has noted such decisions before they are included in States Papers."

Special Committee on the Composition and Election of the States Assembly: vote of no confidence – P.198/2004

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

Senator Jean Amy Le Maistre sought leave to propose that the question be now put. The Bailiff ruled, in accordance with Standing Order 26A(1), that it appeared to him that the proposition was an abuse of the procedure of the States and it was, therefore, disallowed.

THE STATES, following further discussion, rejected a further proposition of Senator Jean Amy Le Maistre that in accordance with Standing Order 26A(1), the question be now put.

Members present voted as follows –

POUR: 18

Senator J.A. Le Maistre
 Senator E.P. Vibert
 Senator R.J. Shenton
 Connétable of St. Martin
 Connétable of St. Ouen
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of St. Mary
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of Grouville
 Deputy R.C. Duhamel (S)
 Deputy of St. John
 Deputy T.J. Le Main (H)
 Deputy J.L. Dorey (H)
 Deputy P.J.D. Ryan (H)
 Deputy M.A. Taylor (C)
 Deputy J.A. Hilton (H)

CONTRE: 32

Senator S. Syvret
 Senator L. Norman
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Connétable of St. Peter
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. John
 Deputy of Trinity
 Deputy A. Breckon (S)
 Deputy J.J. Huet (H)
 Deputy of St. Martin
 Deputy M.F. Dubras (L)
 Deputy G.C.L. Baudains (C)
 Deputy P.N. Troy (B)
 Deputy F.G. Voisin (L)
 Deputy C.J. Scott Warren (S)
 Deputy L.J. Farnham (S)
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)

ABSTAIN: 0

Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy G.W.J. de Faye (H)

THE STATES, following further consideration of the proposition of Senator Paul Vincent Francis Le Claire that they had no confidence in the Special Committee on the Composition and Election of the States Assembly, adopted a proposition of Deputy Jeremy Laurence Dorey of St. Helier that, in accordance with Standing Order 26A(1), the question be now put.

Members present voted as follows –

POUR: 27

Senator J.A. Le Maistre
Senator L. Norman
Senator T.A. Le Sueur
Senator E.P. Vibert
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity

Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérissier (S)
Deputy J-A. Bridge (H)
Deputy J.A. Bernstein (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)

CONTRE: 18

Senator W. Kinnard
Senator M.E. Vibert
Senator R.J. Shenton
Connétable of St. Peter
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

THE STATES rejected a proposition of Senator Paul Vincent Francis Le Claire that they had no confidence in the Special Committee on the Composition and Election of the States Assembly.

Members present voted as follows –

POUR: 24

CONTRE: 26

ABSTAIN: 1

Senator J.A. Le Maistre

Senator S. Syvret

Senator P.V.F. Le Claire

Senator P.F. Routier

Senator M.E. Vibert

Senator E.P. Vibert

Connétable of St. Martin

Connétable of St. Ouen

Connétable of St. Saviour

Connétable of St. Brelade

Connétable of St. Mary

Connétable of St. Peter

Connétable of Trinity

Connétable of St. Lawrence

Connétable of Grouville

Connétable of St. John

Deputy of Trinity

Deputy A. Breckon (S)

Deputy of St. John

Deputy J.L. Dorey

Deputy J.A. Martin (H)

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

Senator L. Norman

Senator W. Kinnard

Senator T.A. Le Sueur

Deputy P.F.C. Ozouf

Senator R.J. Shenton

Connétable of St. Clement

Connétable of St. Helier

Deputy R.C. Duhamel (S)

Deputy J.J. Huet (H)

Deputy of St. Martin

Deputy T.J. Le Main (H)

Deputy M.F. Dubras (L)

Deputy P.N. Troy (B)

Deputy F.G. Voisin (L)

Deputy C.J. Scott Warren (S)

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy J-A. Bridge (H)

Deputy G.P. Southern (H)

Deputy J.A. Bernstein (B)

Deputy S.C. Ferguson (B)

Deputy of St. Mary

Deputy of St. Ouen

Deputy P.J.D. Ryan (H)

Deputy M.A. Taylor (C)

Deputy of St. Peter

Deputy G.C.L. Baudains

(C)

Change in Presidency

The Bailiff retired from the Chair prior to the consideration of the proposition of Deputy Jeremy Laurence Dorey of St. Helier that the question be now put, made during consideration of the proposition of Senator Paul Vincent Francis Le Claire that they had no confidence in the Special Committee on the Composition and Election of the States Assembly, (P.198/2004 lodged "au Greffe" on 9th November 2004), and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Machinery of Government Reform: composition and election of the States Assembly – P.151/2004 Comments and Amendments

THE STATES, having adopted a proposition of Deputy Roy George Le Hérissier of St. Saviour, that Standing Order 44(1), relating to members' declaration of financial interest be suspended, commenced consideration of a proposition of the Special Committee on the Composition and Election of the States Assembly concerning the Machinery of Government Reform: composition and election of the States Assembly, and of an amendment of the Deputy of St. Ouen that paragraph (a)(iii) be deleted, and in paragraph (a)(iv), there be deleted all the words after the words "a new category of States member" and substituted by the words "with 35 such members being elected in the 12 Parishes in the following numbers, thereby making a total of 47 States members including the Parish Connétables –

St. Helier	12
St Lawrence	2
St Peter	2
St Brelade	4

St Ouen	1
St Mary	1
St John	1
Trinity	1
St Martin	1
Grouville	2
St Saviour	5
St Clement	3”,

and, after paragraph (a), there be inserted the following new paragraph, and renumbered accordingly –

- “(b) to agree that no elections for Senator should take place in October 2005, and that the membership of the States should be reduced to 47 with effect from December 2005, when the term of office of 6 Senators expires.”.

Adjournment

THE STATES then adjourned, having agreed to reconvene on Wednesday 24th November 2004, in order to continue consideration of the proposition of the Special Committee on the Composition and Election of the States Assembly, (P.151/2004 lodged “au Greffe” on 14th September 2004), and amendments, together with the outstanding items of public business.

THE STATES rose at 6.00 p.m.

M.N. DE LA HAYE

Greffier of the States.