

**THE STATES assembled on Tuesday,
9th November 2004 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

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

All members were present with the exception of –

Senator Richard Joseph Shenton – out of the Island
John Baudains Germain, Connétable of St. Martin– ill
Thomas John du Feu, Connétable of St. Peter– ill
Celia Joyce Scott Warren, Deputy of St. Saviour– out of the Island.

Prayers

Subordinate legislation tabled

The following enactment was laid before the States, namely –

Post Office (General Provisions) (Amendment No. 56) (Jersey) Order 2004. R&O 131/2004.
Committee for Postal Administration.

Overseas Aid Committee – appointment of member

THE STATES appointed Deputy Alan Breckon of St. Saviour as a member of the Overseas Aid Committee.

Special Committee on the Composition and Election of the States Assembly – resignation of member

THE STATES noted the resignation of Senator Paul Vincent Francis Le Claire from the Special Committee of the Composition and Election of the States Assembly.

Matters presented

The following matters were presented to the States –

Draft States of Jersey Law 200- (P.124/2004): amendments (P.124/2004 Amd.)– P.124/2004.
comments. Amd.Com.
Presented by the Privileges and Procedures Committee.

Draft States of Jersey Law 200- (P.124/2004): second amendments P.124/2004.
(P.124/2004 Amd.(2))– comments. Amd.(2)Com.
Presented by the Privileges and Procedures Committee.

Draft States of Jersey Law 200- (P.124/2004): second amendments P.124/2004.
(P.124/2004 Amd.(2))– comments. Amd.(2)
Presented by the Policy and Resources Committee. Com.(2)

Draft States of Jersey Law 200- (P.124/2004): third amendments P.124/2004.
(P.124/2004 Amd.(3))– comments. Amd.(3)Com.

Presented by the Privileges and Procedures Committee.

Draft States of Jersey Law 200- (P.124/2004): third amendments (P.124/2004 Amd.(3))– comments. P.124/2004.
Amd.(3)
Presented by the Policy and Resources Committee. Com.(2).

Child Care Scheme for low income families: amendments (P.173/2004) – comments. P.173/2004.
Com.
Presented by the Education, Sport and Culture Committee.

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

Matters lodged

The following matters were lodged “au Greffe” –

Budget 2005.
Presented by the Finance and Economics Committee.

Speed Limits: revised policy (P.1/2004) – amendment. P.1/2004.
Presented by the Connétable of St. Helier, and referred to the Environment and Public Services and Home Affairs Committees, and the Comité des Connétables. Amd.

Sports Facility at Hautlieu School, St. Saviour: approval of drawings. P.191/2004.
Presented by the Education, Sport and Culture Committee.

Draft Public Employees (Retirement) (Validation and Amendment) (Jersey) Law 200-. P.192/2004.
Presented by the Policy and Resources Committee.

Draft Honorary Police (Jersey) Regulations 200-. P.193/2004
Presented by the Legislation Committee.

Compensation of victims of untraced drivers of motor vehicles: Agreement between the Home Affairs Committee and the Motor Insurers’ Bureau. P.194/2004
Presented by the Home Affairs Committee.

Machinery of Government Reform: election of Senators. P.195/2004.
Presented by Deputy S.C. Ferguson of St. Brelade.

Draft Regulation of Investigatory Powers (Jersey) Law 200-. P.196/2004.
Presented by Home Affairs Committee.

Shadow Public Accounts Committee: appointment of member. P.197/2004.
Presented by Deputy S.C. Ferguson of St. Brelade.

Special Committee on the Composition and Election of the States Assembly: vote of no confidence. P.198/2004.
Presented by Senator P.V.F. Le Claire.

Meetings of the States in 2005 (P.181/2004) – withdrawal of paragraph (b)

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Privileges and Procedures Committee had instructed the Greffier of the States to withdraw paragraph (b) of the proposition regarding the Meetings of the States, (P.181/2004 lodged “au Greffe” on 26th October 2004), and set down for consideration at the present meeting.

Arrangement of public business for the next meeting on 23rd November 2004

THE STATES adopted a proposition of Deputy Sarah Craig Ferguson of St. Brelade that the proposition concerning the Machinery of Government Reform: election of Senators, (P.195/2004 lodged “au Greffe” on 9th November 2004), be considered at the next meeting on 23rd November 2004.

Members present voted as follows –

POUR: 32

Senator L. Norman
Senator F.H. Walker
Senator P.F. Routier
Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy J.L Dorey (H)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 12

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator E.P. Vibert
Connétable of St. Ouen
Connétable of St. Brelade
Deputy A. Breckon (S)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)

ABSTAIN: 1

Deputy G.P. Southern (H)

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 23rd November 2004, in the following order –

Special Committee on the Composition and Election of the States Assembly: vote of no confidence. Lodged: 9th November 2004. <i>Senator P.V.F. Le Claire.</i>	P.198/2004.
Machinery of Government Reform: composition and election of the States Assembly. Lodged: 14th September 2004. <i>Special Committee on the Composition and Election of the States Assembly.</i>	P.151/2004.
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – comments.	P.151/2004. Com.

Presented: 26th October 2004. <i>Policy and Resources Committee.</i>	<i>(re-issue)</i>
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – amendments. Lodged: 28th September 2004. <i>Deputy of St. Martin.</i>	P.151/2004. Amd.
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – amendments (P.151/2004 Amd.)– amendments. Lodged: 12th October 2004. <i>Deputy M.F. Dubras of St. Lawrence.</i>	P.151/2004. Amd.Amd.
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – second amendments. Lodged: 12th October 2004. <i>Deputy M.F. Dubras of St. Lawrence.</i>	P.151/2004. Amd.(2)
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – third amendments. Lodged: 26th October 2004 <i>Deputy of St. Ouen.</i>	P.151/2004. Amd.(3)
St. Clement: pedestrian improvements. Lodged: 14th September 2004, <i>and referred to the Environment and Public Services Committee.</i> <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.158/2004.
Child Care Scheme for low income families: amendments. Lodged: 12th October 2004, <i>and referred to the Policy and Resources, Finance and Economics, Employment and Social Security, and Health and Social Services Committees.</i> <i>Deputy G.P. Southern of St. Helier.</i>	P.173/2004.
Child Care Scheme for low income families: amendments (P.173/2004) – comments. Presented: 9th November 2004. <i>Education, Sport and Culture Committee.</i>	P.173/2004. Com.
Jersey Airport: Fireground Remediation – Deed of Settlement. Lodged: 19th October 2004. <i>Harbours and Airport Committee.</i>	P.176/2004.
Draft Restriction on Smoking (Sales of Cigarettes to Children) (Amendment) (Jersey) Regulations 200-. Lodged: 19th October 2004. <i>Health and Social Services Committee.</i>	P.177/2004.
Sports Facility at Hautlieu School, St. Saviour: approval of drawings. Lodged: 9th November 2004. <i>Education, Sport and Culture Committee.</i>	P.191/2004.
Draft Public Employees (Retirement) (Validation and Amendment) (Jersey) Law 200-. Lodged: 9th November 2004. <i>Policy and Resources Committee.</i>	P.192/2004.
Machinery of Government Reform: election of Senators. Lodged: 9th November 2004. <i>Deputy S.C. Ferguson of St. Brelade.</i>	P.195/2004.

Tanker berth forward gangway – question and answer (Tape No. 965)

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senator Leonard Norman, President of the Harbours and Airport Committee –

- “(a) With regard to the tanker berth forward gangway, would the President confirm whether –
- (i) around February 1998 the tank supporting the gangway reached the end of its life;
 - (ii) the Harbours Department declined the offer of 2 replacement tanks costing approximately £10,000;
 - (iii) the gas supply ships required 2 escape routes, one forward and one aft, but considered a boat alongside adequate;
 - (iv) in 1999 the Harbours Department replaced the old system with a facility consisting of 6 landing stages (originally 3) which tanker operators refused to use because of its design requiring up to 64 changes of gangway per day on a 40ft. tide; and,
 - (v) the 6-tier device costing approximately £180,000 required the supply of a safety boat on approximately 450 occasions at a cost of £125 each time due to its failure.
- (b) In light of the above, will the President explain to what extent tanker operators were consulted with regard to the 6-tier structure and, given that the original gangway forms part of the latest structure, why over half a million pounds has been expended providing an access route that could have been achieved by purchasing another tank complete with a saving of £10,000?
- (c) Would the President further confirm the existence of a loose lid, unmarked petrol storage vessel nearby and will he confirm whether the ship discharge hoses are in a leaky condition, and, if so, whether this is deemed unsafe?”

The President of the Harbours and Airport Committee tabled the following written answer –

- “(a) (i) I can confirm that the tank and some of the ancillary steelwork supporting the bridge came to the end of its life at this time.
- (ii) I am not aware and cannot find a record that Jersey Harbours declined the offer of 2 replacement tanks at £10,000 and neither are the staff currently in post. If this were the case, it would not include the cost of the ancillary steelwork nor the cost of installation.
 - (iii) All fuel vessels require 2 means of escape from the ship and a boat alongside is only considered acceptable where 'no safer means of access is reasonably practicable.
 - (iv) In 1998, Jersey Harbours replaced the original floating bridge system with a 6 level landing stage (originally one level). This was to accommodate the current type of tankers operating, which were somewhat larger than those operating when the original system was designed in the 1970s. Certain tanker operators may have chosen not to use it and a boat was placed alongside their vessel as a short-term measure, as a means of escape. It is estimated that there might need to be 36 gangway changes over a 24-hour period on a 40-foot tide, but the frequency of 40-foot tides and tankers discharging at that time is small and they do not normally stay in port for more than 12 hours.
 - (v) The 6-tier landing platform did not cost £180,000, but cost in the region of £70,000 to £80,000. There are no readily obtainable records of the frequency and cost of the safety boat at that time,

although it is recognised that costs were significant and had a part to play in considering the purchase of the current facility.

- (b) I am not sure of the extent which tanker operators were consulted, since staff concerned are not currently in post, but wish to point out the following. The 6-level platform is similar to the existing 3-level platform, which is still in use at the aft end of the tanker berth, which requires frequent changes of gangway. The original arrangement at the forward end was not satisfactory and caused damage to the structure of the jetty and required significant maintenance. In view of my previous answers, I cannot agree with the costs and savings quoted in the question.
- (c) This area is operated by the Fuel Consortium. They have placed a thermal expansion chamber at the jetty which is not a storage vessel, but has an unlocked steel lid which can be removed easily. It is unmarked, as those who operate the equipment are trained in its purpose and use, and only authorised personnel are allowed in the area. The discharge hoses do not leak on a regular basis, if there are occasional leaks from flanges these are repaired.”

Waiting times – question and answer (Tape No. 965)

The Deputy of St. John tabled the following written question of Senator Stuart Syvret, President of the Health and Social Services Committee –

“Would the President advise members –

- (a) if delays are occurring for the scheduling of mammograms, the average length of delay and what action has been taken to notify the patients?
- (b) of the waiting time in other areas of medicine, i.e. orthopaedic etc. and would he advise members how patients are kept informed about the waiting times?
- (c) what plans the Department has to improve waiting times?

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

“(a) Patients present for mammography in 3 main ways –

Routine screening – women between the ages of 50 and 65 who have no symptoms of breast disease either refer themselves or are referred by their General Practitioner (GP) for routine screening. Thereafter, they are called back every 2 years to check that they remain healthy.

Suspected cancer – GPs suspecting breast cancer refer patients to the Breast Unit who offer a mammogram as part of a specialist consultation.

Benign conditions – GPs suspecting a benign breast condition requiring investigation by mammogram refer directly to the Radiology Department.

At present, waiting times are as follows –

Routine screening – Around 600 women each year reach the age of 50 and become eligible for the screening programme. The U.K. standard is that they should have their first screening mammogram within the year. This standard in Jersey is always met and most patients receive their first appointment within a month of referral, but this can vary depending on whether referrals arrive in batches or are more evenly spread throughout the year. These women have no symptoms; thus there is no ‘delay’ for the initial referral to the routine screening service.

When patients are recalled after 2 years, their appointment time will not be exactly 2 years late but will vary up to 2 months from the anniversary of the initial date. This is not a ‘delay’ in scheduling but part of the cyclical management of the process to ensure a smooth workflow. The appointments being made last week (week commencing 1st November) are within 3 weeks of the 2nd anniversary of the original dates.

Suspected cancer – urgent referrals to the Breast Unit are often offered a mammogram the same day, the majority have their mammogram and first appointment with the consultant within one week, and none wait longer than 2 weeks either for a mammogram or to see the consultant. This standard is better than that which operates in the U.K.

Benign conditions – The current wait for mammography in the Radiology Department is one week.

Because there are no delays in any of the 3 elements of this service, it follows that no especial action is taken to communicate the “waiting time” to clients/patients.

(b) Please find attached –

Appendix 1 – waiting times for routine outpatient appointments by doctor.

Appendix 2 – waiting times for routine surgery by specialty.

These are the categories that are the focus of attention in the U.K. and are the usual subject of articles in the media.

Patients whose clinical condition has been assessed as ‘urgent’ or ‘soon’ will be seen and treated very much more quickly and in line with best practice for the particular problem.

The hospital sends out an advice of waiting times for routine outpatient appointments to GPs on a monthly basis, who advise patients accordingly.

Hospital doctors or nurses tell patients how long they are likely to wait for their operation directly at the time the decision is taken to list them for surgery.

Hospital waiting times are detailed below and key indicators are now published annually in the States of Jersey Benchmarking report, for example as shown in Appendix 2 below.

(c) The President will be making an announcement about waiting lists within 3 weeks when negotiations – currently underway with senior clinicians – are brought to a conclusion by the Chief Executive and his senior colleagues.

APPENDIX 1

Out-patient Waiting Times in Weeks

CONSULTANT	CLINIC	SPECIALTY	
			01/11/2004
Mr. Allardice	JTA/40	Breast	2
	JTA/80	Surgical	12
	JTA/MOP	Surgical Minor Ops	1
Mr. El Gazzar	OEG/00	Surgical	8
	OEG/MOP	Surgical Minor Ops	4
Mr. Ingram	NI/31	Surgical	11
	NI/11	Urology	18
	NI/VVS	Surgical Minor Ops VVs	13
	NI/LB	Surgical Minor Ops	12
Mr. Twiston Davies	CTD/12	Orthopaedic	13
	CTD/61	Children Orthopaedic	6
Mr. Clifford	RPC/NEW	Orthopaedic New	18

Dr. Clinton	CC/09	Sports Injury	20
Mr. Siodlak	MS/AM-PM	E.N.T. AOA	16
	MS/AM-PM	E.N.T.	16
Mr. Shah	NS/0	E.N.T. AOA	28
	NS/0	E.N.T.	28
	NS/CH	Children	8
	NS/CH	Children AOA	11
Mr. Downes	RD/RD	Ophthalmic	8
		Paediatric	10
		Oculoplastics	15
Mr. McNeela	BJM/BJM	Ophthalmic	7
	BJM/RET	Retinal	4
Dr. Purcell-Jones	GPJ/PJ	Pain	17
Dr. C. Taylor	CRT/CRT	Pain	21
Dr. Bates	PB/11	Diabetic	15
	PB/21	Diabetic Medical	17
	PB/90	Endocrine	10
Dr. A. Kumar	AK/REN	Renal	11
	AK/MED	Medical	11
Dr. Ng	DNG/DNG	Medical	22
Dr. Muscat	IVM/ID	Infectious Disease	8
Dr. Gibson	HG/00	Neurology Medical	22
	HG/EP	Epilepsy Nurse Led	13
Dr. Hima	SH/00	Oncology	1
Dr. Hearn	KCH/11	Cardio-Thoracic Medical	16
Dr. Luksza	ARL/RES	Respiratory	5
Dr. Muhlemann	MFM/02	Dermatology	26
	MFM/3L	Leg-Ulcer	4
Dr. Richardson	MRR/31	Medical	2
Dr. Mattock	CM/00	Haematology	12
Dr. Spratt	HCS/21	Paediatric	4
Dr. Malpas	TM/00	Paediatric	9
Dr. Thiagarajan	PRA/00	Paediatric	5
Mr. Day	JD/71/03	Gynaecology	6

	JD/01	Gyn/Colp/Oncol	2
	JD/95/94	Colposcopy	3
Mr. Maclachlan	NM/18/19	Infertility	18
	NM/01/22	Gynaecology	6
	NM/08,11	Gynaecology Colposcopy	2
Dr. Nelson	FRN/00/03	Gynaecology	11
	FRN/99	Gynaecology (TOP)	1
Mrs. Le Gresley	CLG/19	Dietetics	10
Ms. Gough	JAZJF1/00	Dietetics	10
Mrs. Brown	JEZMB1/00	Chiropody New	33
Sister Le Lievre	SLL/69	Urodynamics	6
Mr. Belligoi	BEL/	Oral Surgery	14
Mr. Skinner	BS/	Orthodontics	8

APPENDIX 2

Waiting Times for Routine Surgery by Specialty as at 29th October 2004

Specialty	0-2 months	3-5 months	6-8 months	Over 9 months	Total
Urology	52	5	1	1	59
Gynaecology	97	40	10	10	157
General Surgery	118	68	34	64	284
Ophthalmology	104	52	62	120	338
ENT	104	39	6	9	158
Orthopaedics-Total	290	173	66	104	633
Orthopaedics – Hips and Knees	34	23	19	39	115
Orthopaedics – Other conditions	256	150	47	65	518
Oral (Dental Surgery)	102	39	36	111	288
Pain Management	41	6	0	0	47
Plastic Surgery	5	10	0	39	54
Grand Total	913	432	215	458	2018
% waiting	45.2%	21.4%	10.7%	22.7%	
% waiting over 6 months					33.3%

The Cavern and town drainage – question and answer (Tape 965)

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 advise members –

- (a) how many occasions in 2004 to date has the Cavern not been able to cope with heavy rainfall and has overflowed into the sea?

- (b) when the town drainage scheme will be completed and whether plans are still in place to separate rainwater from the sewerage system?"

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

- “(a) Since 1st January this year to date, there have been 3 occasions when the Cavern has been unable to contain all of the excess flow during times of heavy rainfall, and there has been a resultant discharge to sea.

These spills occurred on 7th/8th July, 19th August and 11th/12th October. In all cases, the flows in the sewerage system were very high following prolonged periods of extremely heavy rainfall. The main pumping station at First Tower was working at the design capacity transferring flow to Bellozanne for treatment, with the excess flow spilled to the Cavern, but the duration and intensity of the rainfall on these occasions was such that the ability of the Cavern to store all of the excess flow was exceeded and flow spilled to sea. The storage capacity of the Cavern is 25,000 cubic metres or 5.5 million gallons.

July 2004 was the fourth wettest July on record, and on 7th/8th July, some 51 millimetres of rainfall was recorded, which was the second wettest July day recorded at Maison St Louis in 110 years.

On 19th August, the east of the Island experienced a localised and extremely intense rainfall event, centred on St. Helier, with some 24 millimetres of rain falling in a very short period of time. The intensity of the rainfall was such that the flow entering the Cavern backed up in the feeder system, triggering the emergency level sensor at the Weighbridge. Although the Cavern continued to receive the majority of the excess flow, this sensor allowed some flow to spill out to sea for approximately 45 minutes during the peak of the storm before closing again. The system contained the remaining high flows until the storm abated.

October 2004 was the wettest October on record since records began some 110 years ago and on 11th/12th October, some 60 millimetres of rainfall was recorded, again making this one of the wettest days on record.

Although the rainfall events on these 3 occasions exceeded the ability of the Cavern to store all of the excess flow, it is important to note that excess flows were successfully contained in the Cavern during rainfall events on 63 other occasions since 1st January 2004, thus preventing spillage to sea on all of these occasions.

- (b) The replacement, reconstruction and upgrading of the sewerage system in St. Helier, such as the recently completed scheme in Gloucester Street, is an ongoing process which will continue for many years to come.

Work on the construction of an overflow chamber, link sewers and a shaft in Phillips Street is programmed to commence in spring 2005. These works will complete the project to divert excess flows from the foul combined sewers into the Cavern during times of heavy rainfall, thus significantly reducing the risk of flooding in the central area of St. Helier. The sewage will be held in the Cavern until the storm has passed and will then be returned to the main foul sewerage system for treatment at Bellozanne.

The Committee is continuing the process of separating surface water from the foul combined sewerage system where this is practically and economically feasible. The scheme which is nearing completion in the Union Street area and the works undertaken in Wellington Road this summer, are examples of this type of project.

Further water separation schemes are included in the current 5-year sewers capital programme but the extent of the work that can be undertaken each year is severely limited due to the significant reductions in the proposed capital funding allocations for the sewers programme to be made available to the Committee during this 5-year period.

At some stage the issue of funding for the sewerage network needs to be resolved. I intend to discuss options for funding with the Presidents as part of the 2006 budget allocation.”

Manpower and financial savings – question and answer (Tape No. 965)

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

“As the Committee has now encompassed the former Planning and Environment Committee and part of the Agriculture and Fisheries and Public Services Committees over the passed 21 months, would the President advise members –

- (a) of manpower savings that have been achieved by the rationalisation of these Committees?
- (b) the financial savings that have been achieved, in figures, across the entire area?
- (c) of the progress of the proposal to separate the planning function from the remaining functions of the department, and when this is likely to occur?”

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

“When the States approved P.70/2002, the decision to amalgamate the Public Services Committee and Planning and Environment Committee was taken on the basis that there were functions within the 2 Committees that needed to be reviewed and, where necessary, moved in order to provide clarity and clear distinction between regulation, policy and operations. The amalgamation was not made with a specific aim to reduce staff but, clearly with any initiative such as this, it is always the intention to seek out efficiencies and make savings where appropriate. One of the first tasks was to move the Water Resource section from Public Services to the Environment Section of the Committee in order to provide a clear distinction between the operations section and regulator.

In specific answer to the question raised, I can advise as follows –

- (a) since the beginning of 2003 to date, 3 posts have been saved within the combined Environment and Public Services Committee and the former Agriculture and Fisheries Committee. These are Chief Officer, Planning and Environment, Environmental Advisor to the States and a Finance Manager from Agriculture and Fisheries.

Members will be aware that early in 2004 the change programme was launched and the Fundamental Spending Review for 2005 commenced. These programmes identified a number of savings required for 2005 and in some cases, savings over a 3 and 5-year period have been identified for certain areas within the Committee. As a result of this programme, in 2005 there will be 32.80 posts saved, some of which have already been achieved as staff vacancies have occurred.

In the case of the ex Agriculture and Fisheries sections that have transferred to Environment and Public Services, the savings will be achieved over a 3-year period commencing in 2005. In the Parks and Gardens section, a 5-year change programme has been agreed commencing in 2005; however, as staff vacancies have occurred, these savings have already been taken.

In the Meteorological service, a saving of 6 posts has been identified for implementation by 2006;

- (b) the financial savings achieved from the 3 staff savings are £286,922. The budget cuts imposed throughout the combined departments in 2003/4 have resulted in savings in the order of £1.5 million being achieved although obviously the Committee received some growth in key service areas to be set against this. Throughout 2004, the Committee has been preparing for the implementation of the 2005 Fundamental Spending review that requires further savings to be achieved in the order of £1.85 million;
- (c) the proposal to split the planning function was highlighted in P.203/2002 – Strategy for the Future Resourcing of Planning and Building Core Services. The proposition indicated that the Committee would investigate the feasibility of setting up a separate planning and building agency. Previous Committees have considered this option and decided to keep the service in-house as to separate the

planning and building control process from planning policy would result in the loss of co-ordination between these 2 key elements of the planning process.

When the previous Chief Officer of the Planning and Environment Department retired, a single Chief Officer for the combined Environmental and Public Services Committee was appointed in September 2004. One of the key objectives for this post is to identify and implement the remaining changes that are required in the Department to ensure the organisational changes required for Ministerial Government are in place by December 2005. In the first 2 months a number of significant changes in the administration areas have been made to streamline the organisation and plans are being developed for further organisational changes that will be implemented in the first half of 2005. It is only through this appointment of a single Chief Officer having total control that it has been possible to thoroughly review all areas and produce plans that will deliver the effective services to the public in the future.

I do not anticipate any separation of the existing Committee structure until the end of 2005.”

Farm plastic – question and answer (Tape No. 965)

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

“Waste Management (Farm Plastics) Regulations 1997 (No. 315 of 1997) came into operation on 1st August 1997 in the European Union, imposing an obligation on importers and manufacturers of farm plastic to arrange for their collection and recovery. Companies or persons placing farm plastic on the market have a choice of how to discharge the obligation imposed; they can do so individually or by directly undertaking the requirements of the Regulation or collectively by joining a body approved on the basis that it will pursue agreed waste recovery objectives.

Would the President advise members –

- (a) how farm potato plastic is recovered in Jersey including bale wrap and bale bags for silage?
- (b) what percentage is recovered annually?
- (c) in Jersey, does the onus fall on the importers or manufacturers to arrange for collection and recovery, as in the E.U., and if so, how do they discharge this obligation? If not, is this undertaken by the Committee and do the importers or manufacturers reimburse the Committee for this work?”

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

“(a) Waste polythene crop cover is currently rolled onto plastic cores by growers and delivered to Bellozanne. The material is then shredded, baled and loaded onto trailers for export to British Polythene Industries’ (BPI) reprocessing factory in Dumfries.

The BPI plant specialises in dealing with heavily soiled plastic waste and recycling it into granules which are sold as raw materials for the plastics manufacturing industry.

Other types of waste farm plastic such as bale wrap, bags and heavy duty plastic sheeting used for poly tunnels are incompatible for recycling with the crop cover. This material is also received at Bellozanne where it is received in relatively small quantities and is shredded and blended with other waste before being incinerated with energy recovery.

- (b) The Committee does not have access to actual figures for all types of farm plastics imported but estimates that between 600 and 800 tonnes of crop cover plastic is imported annually. In a typical year between 500 and 600 tonnes are received at Bellozanne processed and exported for recycling.

Exports for recycling in recent years	
2002	534 T
2003	142 T (price increase led to reduced deliveries)
2004 (to date)	454 T

On this basis an estimated 80% of crop cover is recycled through the Public Services scheme. It is assumed that growers manage the remainder themselves.

Specific records are not kept for the quantity of other types of agricultural plastics delivered to Bellozanne although technically 100% of this waste is 'recovered' through the energy from waste plant.

- (c) In Jersey there is currently no obligation for importers or manufacturers of plastics used in agriculture to recover or contribute financially to the costs of managing this waste. Following a decision by the then Public Services Committee in October 2002, a gate fee was introduced at Bellozanne for the disposal of agricultural crop cover of £188 per tonne. The fee was subsequently reduced to £158 per tonne in August 2003, following successful negotiations with the reprocessor. On this basis, growers currently cover the costs of recycling this material.

The Waste Management (Farm Plastics) Regulations came into force in Ireland in 1997. The legislation was introduced by the Irish Government to promote the recycling of agricultural plastics. There is no specific E.U. Directive requiring this legislation to be introduced by Member States. No such obligation on producers or importers exists in the U.K. and waste agricultural plastics are not covered by the *Producer Responsibility Obligations (Packaging Waste) Regulations 1997*, as most agricultural plastics such as crop cover do not fall under the definition of packaging.

The principle of introducing a levy on polythene crop cover imported into the Island thereby placing a financial responsibility on importers, and subsequently their customers, to cover the costs of recycling this material, was proposed in 2002 by the then Public Services Committee but rejected by the Finance and Economics Committee of the time due to concerns over high administrative costs for collecting such a levy."

Court and Case costs – questions and answers (Tape No. 965)

The Deputy of St. John tabled the following written questions of Senator Terence Augustine Le Sueu: President of the Finance and Economics Committee –

- “1. In the Court and Case Cost Final Report dated December 2003 the deficit against budget totalled £3.97 million with a total expenditure of £6.9 million for 2002. Will the President explain what measures exist so as to approve a realistically set budget within this area, and if none exists, give reasons why?”
2. A working party/steering group has been established relating to expenditure incurred by the States of Jersey on Court and Case costs. Would the President advise members whether any of the members who make up this group are party in any way to law firms or accountancy practices which have carried out works for the Courts over this period. If so, could members be told who these members are, which practice they represent and how much the particular practice received?”

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

- “1. The Court and Case Costs base budget has already been supplemented by an additional £2 million following the outcome of the 2004 Fundamental Spending Review process, which recognised that this area had historically suffered from under funding. The Deputy will be aware from reading the Report arising from the ‘Review of the Financial Framework for Court and Case Costs’ that setting a realistic budget is extremely difficult due to the unpredictable nature of a small number of high cost cases. Despite this, expenditure to date indicates that costs in 2004 will remain within the increased budget.

Clearly there will be years when unexpected costs will cause this budget to be exceeded; the Committee continues to seek alternative sources of funding to meet the exceptional expenditure incurred in such years and has already identified the Criminal Offences Confiscation Fund as one such option.

In addition, the other recommendations contained in the Report continue to be implemented and the Committee is confident that this will provide a framework for accurate budgeting and financial control.

2. The steering group no longer exists, having been disbanded on publication of the report in December 2003. The function of the steering group was to give a sense of direction and assistance to the Audit and Risk Management Division, which undertook the review. Only 2 members of the steering group were not public servants: Jurat Peter Blampied OBE, retired Jurat of the Royal Court, who was invited to assist the group as a consequence of earlier reports he had produced on related topics; and Advocate Alan Binnington (of Mourants), who was invited to join the group acting in his capacity as President of the Law Society. As already notified, Mourants received fees of £1.5 million for advising the States on the Les Pas Holdings issue. That firm has been separately re-engaged, (not Advocate Binnington specifically), by the Viscount in an ongoing financial services-related *désastre*, (following an earlier, related appointment of that firm by the Financial Services Commission). It is premature to estimate the overall fees payable to Mourants out of Court and Case Costs in this latter regard, since complicated legal processes are ongoing. Other payments to Mourants relating to general legal aid cases amounted to £35,750 in 2002 and £37,900 in 2003. In addition, payments have been made to Mourants, acting on behalf of the Crown in prosecution matters which totalled £270,382 in 2002 and £34,467 in 2003.”

Creation of a proposed vodka distillery – questions and answers (Tape No. 965)

Deputy Terence John Le Main of St. Helier tabled the following written questions of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

- “1. Would the President confirm that £105,000 has been spent by the States supporting a proposal by the Jersey Potato Export Marketing Board to create a Vodka Distillery on a preferred site, namely a 9 vergée field in the middle of the countryside in St. Lawrence, and can he confirm that this proposal could include bars, restaurant and visitor facilities?
2. If the answer is in the affirmative, would the President also confirm that this preferred site is currently precluded from non agricultural development under the following Island Plan Policies –
 - C1 Sustainability and Stewardship of the Countryside
 - C2 Countryside character
 - C3 Biodiversity
 - C6 Countryside Zone
 - IC9 Proposals for New Industrial Buildings
 - IC12 New Industrial developments in the Countryside?
3. Will the President therefore confirm that although the proponents of this factory will or could receive unsold and unsuitable potatoes for no more than 6 weeks in any one year, this could not be considered as an exception to the above policies and classed as an Agricultural undertaking?
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?
5. Will the President confirm that there are officers of his department visiting and contacting cattle farmers, riding schools and horse owners to see if there is a local market for by-products of this proposed Vodka Distillery, if so how many officer hours have been spent and what is the financial cost?
6. Will the President confirm that in their business plan, the proponents of this Distillery will need to use –
 - 10,200 tonnes of imported wheat per year
 - potatoes for only 80 days a year
 - 51,428 bottles to be imported daily

900 cubic metres of water per day
13,200 litres of oil per day
70 trucks/lorries a day moving goods to and from the site and the harbour.

7. In view of the extreme concern of Islanders, and particularly residents of St. Lawrence and St. John will the President give an assurance that no decisions or otherwise will be made if an application is forthcoming either on this preferred site or any other site in Jersey until that public meetings can be held to seek Islanders' views?

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

- “1. The Committee received an application for this proposal on 25th October 2004, which has been published in the normal manner in the Jersey Evening Post and the Department's website.

Financial support for investigating the feasibility of this proposal is a matter for the President of the Economic Development Committee.

I can confirm that the proposal includes a restaurant, shop and visitor facilities, but there are no bars shown on the drawings.

2. I can confirm that the application will be considered against the above policies. None of the policies preclude development as such, but there are clear presumptions against development in the countryside, particularly in policies C6, IC9 and IC12. The tests to override those presumptions are high.

The Committee will need to consider what, if any, public interest or other material considerations might exist in the proposal, which could give it cause to make a significant exception to the presumptions against development. However, until the Committee has assessed all the relevant planning factors it would be inappropriate to comment further.

3. I cannot comment on matters relating to a current application which the Committee has yet to consider.
4. The Committee 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 one 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.
5. The dairy and livestock advisor spent about 8 hours, (at a cost of £220), including farm visits, with consultants who were looking at the market for 'distillers grains.' Distillers Grains are a by-product of spirit manufacture and are used widely as a protein and energy source in rations fed to cattle and other animals in the U.K. and other countries. The involvement of the dairy and livestock advisor is reasonable in that it was worth exploring the possible benefits to the Island of an alternative protein feed that could replace expensive imported feed.
6. The initial impact assessment summary supplied by the Jersey Potato Export Marketing Board suggested –

10,200 tonnes of imported wheat per year	yes, but indicated could be grown on the Island
potatoes for only 80 days a year	stated early May to mid July so around 80 days
51,428 bottles to be imported daily	yes, at maximum production
900 cubic metres of water per day	yes, at maximum production
13,200 litres of oil per day	yes, at maximum production
70 trucks/lorries a day moving goods to and from the site and the harbour	yes.

Movements suggested in summary document are –

from harbour	8 trips per day for imported grain if imported grain is used
	6 trips per day for bringing empty bottles
to harbour	6 trips per day for full bottles
during potato season	25 tractor loads per day
removing by-products from site	2 tractor loads per day.

7. Consideration of an application of this scale will take some time. The Committee will consider all representations made on the proposal, including those that might arise from any public meetings arranged in the parishes affected. Representatives of the Committee and Department are prepared to attend those meetings to hear at first hand what the local residents have to say. All I would ask is that any such meetings are arranged as soon as possible, as the Committee has a duty to consider applications in a reasonably timely manner.”

Certain allowances – questions and answers (Tape No. 965)

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

- “1. Would the President –
- (a) confirm that a new (married) applicant for short-term incapacity (sickness) allowance will henceforth receive only the single allowance of £145.53 a week in place of the previous allowance for couples of £241.57 a week?
 - (b) provide an estimate of how many couples this will affect over the coming year?
 - (c) inform members what advice will be available from within the Department to couples adversely affected by this policy on short-term benefits?
2. Would the President –
- (a) explain why the Committee has reduced the benefit payable to a couple on long-term incapacity to £145.53, which is below the “minimum essential budget standard” for couples without children, set at £196.03 a week by the Committee’s advisers in the Centre for Research in Social Policy (Loughborough University)(“CRSP”) Report in 2000?
 - (b) explain how the “minimum essential budget standard” is calculated, and whether it has changed in the years since 2000?
 - (c) give an estimate of how many couples the reduction affect?
 - (d) inform members what advice will be available from within the Department to couples adversely affected by this policy and who will have to cope on this reduced sum over a long period?
3. Would the President –
- (a) confirm that, under the rules adopted by the Committee on 1st October 2004, in the transfer from short-term to long-term incapacity allowance, a reduction in the benefit payable from the full benefit to a lower figure (say, 60% of the full amount) can occur?
 - (b) explain the reasoning behind the application of this percentile rule to illness, as well as injury?
 - (c) give an estimate of how many applicants will be affected by this ruling over the coming year, and by how much does the Committee expect the overall bill for those who were formerly invalidity claimants to be reduced?
 - (d) confirm whether the Committee has considered the possibility that the effect of the changes will be either –

- (i) to transfer the cost of incapacity allowance from the Committee to the Parish where applicants seek welfare in cases of hardship? Or
 - (ii) to force some sick people to return to work due to hardship?
4. Would the President advise on the steps taken to explain the impact of this measure to the general public and to States members; if so, when did the Committee do this; if not, will he do so now?
5. Has the Committee considered whether –
- (a) limiting Home Responsibility Protection to a maximum of 10 years for the care of underfives will effectively bring an end to either parent choosing to be the home-maker for school-age children, and may damage traditional family life, and
 - (b) female pensioner poverty may continue under his scheme as significant numbers of women will continue to stay at home beyond the prescribed period,
- and if so, what measures will the Committee put in place to prevent this?”

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

- “1. (a) I cannot confirm that a new applicant to short-term incapacity allowance will henceforth receive a single allowance instead of a couples allowance for 2 reasons. Firstly, until October 2004 there has only ever been a single rate of benefit with an addition that married men could claim for a dependant *wife* and never a benefit for all couples regardless of the gender of the claimant. Secondly, a married (or indeed non-married) applicant after October 2004 can still receive an addition for a dependant spouse/partner whilst claiming short-term incapacity allowance if the dependant is not working and remaining at home to look after children under the age of 5.
- (b) It is impossible to give an exact estimate but the number is likely to be quite small in relative terms. Taking a snapshot, of the 2,578 short-term incapacity claims made in October 2004, since the reforms were introduced, 170 received an additional dependent component. These would all be in respect of women not working in receipt of Home Responsibility Protection (HRP). In the month preceding the change there were 2,090 sickness benefit claims of which 377 claimed a dependency increase. However, it should be noted that, often under the old system, the dependent wife was also working and in receipt of wages. Also, it is important to point out that, on average, between 80% to 90% of all medical certificates received are for a week or less and in many circumstances, the claimant’s employers will provide a top up sick pay, often to the full salary level.
- (c) The nature of the advice given to any benefit claimants will depend upon their individual circumstances. This might include advice on claiming a long-term incapacity benefit, on job support and returning to work, advice on other benefits which may be claimed through Employment and Social Security or other States Departments or about other agencies which may be of help.
2. (a) I have already explained that there was no benefit rate for ‘couples’ and there is, therefore, no reduction in rate. The CRSP figures quoted in the question relate to the work being undertaken on the proposed new Income Support system which is looking at family budgets and is essentially a ‘top-up’ benefit for those unable to earn enough or who are unable to work for good reason. The minimum essential budget standard was not set by CRSP but, as was published in the methodology, was a budget devised by different groups of Jersey residents on a ‘modest but adequate’ basis. It varies for different groups and different couples. As the standard relates to the proposed new Income Support system, which looks at all household income, it was important to get an idea of household expenditure as well. These standards are not the basis by which Social Security benefits are measured. As I have already indicated to members, benefit rates have been increased not cut. Any change in payment is due to the removal of dependency increases for those whose partners are working or could work. I should point out that, if, as the question suggests, figures in the CRSP research set the level of the contributory benefits, this would mean substantial reductions in benefits to single beneficiaries and indeed couples with dependency

increases.

- (b) The budgets proposed by the CRSP research were calculated using a consensual methodology by discussion with men and women in their respective household groups. The Groups compiled an essential basket of goods and services from which the budgets were derived and then challenged by a second group before formulation and pricing. Work is still ongoing to refine these budgets and update in line with current prices for the Income Support proposals.
 - (c) Nobody who has remained on an old benefit has suffered a reduction in benefit. I can confirm that it is estimated that about 15 claims a month will move from short-term benefits to long-term benefits but the majority of these have been, and will be, for single rate benefits. In fact, of a potential 32 claimants whom *may* move from short-term to long-term incapacity next month, only 5 are claiming a dependency increase which would not be applicable if they applied for a long-term benefit. Of those 5, 2 have wives who are working and the other 3 have wives under the age of 50 who have no young children and do not work.
 - (d) As explained in the previous question, the nature of the advice given to any benefit claimants will depend upon their individual circumstances. However, long-term incapacity claimants can make use of our Employment Services to help them retrain or find suitable work *without* losing benefit entitlement. And, in the unfortunate event of a permanent incapacity to work, they may move to incapacity pension and receive contribution credits until age 65 which will ensure a pension is paid in older age.
3. (a) I cannot confirm the Deputy's statement as reductions have occurred in this way since 1952 and not just since 1st October 2004. A person suffering an accident could have received injury benefit for a year and then, on assessment for loss of faculty, receive a much smaller percentage benefit rate. The new benefits, however, do not draw any distinction between illness and accident.

The Short-term Incapacity Allowance is a replacement of earnings for a period of incapacity where, typically through a self-limiting illness, an individual is unable to do any work and, where appropriate contributions have been paid, is paid at the full rate of benefit. Where someone has a permanent loss of faculty, they can apply for a long-term incapacity benefit. The amount of compensation that they will receive is dependent on the degree of that loss of faculty. So where there is a lesser incapacity, it is compensated for accordingly. It is expected that many people will take advantage of being able to move to LTIA before a year has elapsed to enable them to return to work on a gradual or part-time basis. Indeed, during the last major public consultation there was considerable pressure to reform the system to enable people to do so.

- (b) The new system is fairer as it treats everyone the same. The old system treated people with the same incapacity differently depending on whether it had resulted from an illness or an injury. If through injury, a person could return to work and continue to receive benefit as a compensation for a continuing loss of faculty. If the incapacity resulted through illness, then the claimant would lose all benefits when returning to work. This acted as a disincentive for people to return to employment and also meant that people were paid a full rate of benefit for lesser degrees of incapacity where they might reasonably be expected to return to the workplace and, with some compensation for their loss of faculty, support themselves. In essence, the cause rather than the effect of the condition drove the benefit.
- (c) Again estimates are difficult. Previously, between 15-20 people each month moved to Invalidity Benefit. It is not possible to tell how many of those who will claim a long-term allowance will have a reduction of benefit due to their loss of faculty assessment. However, with the new system, many will be advantaged by being able to return to work on a gradual or part-time basis while still receiving benefit.

Claimants receiving Invalidity Benefit on 1st October 2004, have retained rights and will continue to receive the same rate of benefit therefore there will be no reduction in the overall bill for these claimants.

- (d) (i) The parishes and their Welfare Officers were advised of the changes and I have welcomed a

letter from the Chairman of the Comité acknowledging the possible effect and the promotion of the Home Responsibility Protection system (HRP).

- (ii) The Committee totally refutes the suggestion that these changes will force people back to work because of hardship. People who are genuinely sick, either short or long-term, have nothing to fear from the changes. For those on long-term benefit, hardship should be lessened as claimants are helped back into work with a combination of earnings and benefit.
4. This change, part of a series of reforms which arose from a major public and political consultation exercise in the mid 1990s, was approved by the States in 1996 (P.132/1996 'Social Security Scheme : Continuity and Change'). The Draft Social Security (Amendment No. 14) (Jersey) Law 200 (P.137/2000) was subsequently the subject of another States debate.

More specifically, prior to the implementation of the changes to incapacity benefits, the Committee wrote, explaining relevant changes to over 4000 employers and key stakeholders and Departmental Officers have held countless presentations to States Departments, charitable organisations and other interested bodies. A leaflet and some Frequently Asked Question are available on the Employment and Social Security website as a result of questions asked during that period. The Department has also been advising customers of changes to the system for some considerable time. In addition a Press Conference was held in the lead up to the change, attended by all media groups.

Most importantly, however, beneficiaries who would not be affected by the changes because of retained rights were also contacted individually to reassure them that they would *not* be adversely affected by the changes.

5. (a) The debate at the time centred round family life, choice as to which parent stayed at home and career aspirations of parents but notably women. The feedback that the Committee received and the evidence of the high participation rate of women in the workplace pointed to the fact that the traditional 'male head of household' family unit had already changed before Home Responsibility Protection was introduced. Indeed, many women were working at the time of the debate and continue to do so. So, rather than deterring a parent to stay at home, HRP was introduced to give support to parents to stay at home during the child's early years, knowing that their pension is protected. A maximum of 10 years was felt reasonable (and affordable without increasing contributions further) as it generally covered the period of a 3-child family until the youngest child reached the age of 5.
- (b) I do not believe it will increase female pensioner poverty, rather it should help to ensure women can receive a decent pension in their own right. It had been realised by the States many years ago that women were being affected where they relied solely on the husband's contribution record, particularly where matters became complicated by other factors such as divorce – hence the removal of the married women's option which previously enabled this group to opt out of paying contributions if they so chose. In order to help women build up a full contribution record, additional support has been built into the system, for example, by way of the home responsibility credit arrangements (which also apply equally to men who opt to stay at home to care for young children). How much anyone earns by way of benefits and pensions depends on the contributions made. Women and men are now treated on an equal basis."

Parish Civil Emergency Liaison Officers – question and answer (Tape No. 965)

The Deputy of St. John tabled the following question of Senator Frank Harrison Walker, VicePresident of the Emergencies Council –

"I note in response to written questions put to the Vice-President of the Emergencies Council on 26th October 2004, his reply to (a)(ii) does not appear to fully answer the question "what alternative arrangements have been put in place to cover this role (Parish Civil Emergency Liaison Officer, P.C.E.L.O.)" as his reply stated that "the Comité des Connétables is currently giving consideration as to who should have responsibility for this function in the future".

Given that the P.C.E.L.O.s have been disbanded, would the Vice-President advise members which persons,

if any, currently undertake this work in an emergency and what training they have already received, the date of training and where it has taken place?”

The Vice-President of the Emergencies Council tabled the following written answer –

“In my answer to the written questions from the Deputy of St. John on 26th October 2004, I confirmed that alternative arrangements have been put into place to cover the rôle of the Parish Civil Emergency Liaison Officer (PCELO), and I stated that the Comité des Connétables had agreed that this rôle should henceforth be undertaken by the Honorary Police.

In this new question, Deputy Rondel notes that ‘the Comité des Connétables is currently giving consideration as to who should have responsibility for this function in the future’, but I should point out that the ‘function’ referred to in my answer of 26th October was the responsibility of the P.C.E.L.O.s for the monitoring of radiation levels in the event of a radiological incident. I can advise the Deputy of St. John that the Comité has now considered this matter and has decided that it is not the responsibility of the Connétables to provide persons to carry out radiological testing, but that this should be carried out by a central agency on behalf of the Island. The Chairman of the Comité wrote to the Emergency Planning Officer (EPO) on 2nd November to inform him of this decision, and the EPO is currently consulting with the Environmental Health Department to ascertain which authority should have responsibility for this service.

On a more general note, I wish to make it clear that the Island is subject to continuous monitoring for the presence of radiation, and there are 3 permanent fixed air monitoring devices in place in different locations around the Island. In addition, marine environmental samples are analysed on a regular basis by the U.K. Centre for Environment, Fisheries and Aquaculture Science. In an emergency this monitoring would be augmented initially by the volunteers of the Jersey Warning and Monitoring Organisation (JWMO) and within 24 hours by experts from various agencies in the U.K. The members of the JWMO receive regular training on a weekly basis during the winter months in the civil defence bunker, whilst some of the Scientific Advisor members of the JWMO received their initial training at the U.K. Civil Defence College in Easingwold.

I am unable to comment about the training given to members of the honorary police as this is a Parish matter, but I understand that training is given to members of the honorary police in dealing with emergencies. Should the Deputy require further information in this respect, then I would suggest that he contact the Chairman of the Comité des Connétables.”

Parish Civil Emergency Liaison Officers – question and answer (Tape No. 965)

The Deputy of St. John tabled the following question of John Baudains Germain, Connétable of St. Martin Chairman of the Comité des Connétables –

- “(a) In response to my written questions on 26th October 2004, the Chairman stated that the decision had been taken in May 2004, to disband the P.C.E.L.O.s and that all Parishes had now disbanded the rôle. Would the Chairman advise members when the various Parishes notified their P.C.E.L.O.s that they were disbanded and give the date this was done?”
- (b) As the Parish of St. Helier retains a P.C.E.L.O. group, would the President inform members who will replace the P.C.E.L.O.s in other Parishes?
- (c) Would the Chairman confirm that it has been proposed by the Comité des Connétables that the Territorial Army stationed in Jersey would be well placed to undertake the monitoring work formerly carried out by the P.C.E.L.O.s? Would he also advise whether discussions with the Home Affairs Committee have taken place on this matter and when and what was that Committee’s response? If the answer is in the negative, will the Chairman explain who is currently carrying out any monitoring work in the event of an accident or emergency?”

The Chairman of the Comité des Connétables tabled the following written answer –

- “(a) The decision to disband the P.C.E.L.O.s was taken by the Comité des Connétables at its meeting in

May 2004, following receipt of correspondence from the Emergency Planning Officer (E.P.O.) that he and the Deputy of St John had reached agreement that the post should be disbanded as the Parish emergency procedures were based upon the Honorary Police. I am advised that the P.C.E.L.O.s were notified on various dates between May and October 2004.

- (b) The Parish of St. Helier does not retain a P.C.E.L.O. group. As stated in the reply on 26th October 2004, the Parish of St. Helier retains a group of volunteers who form the Parish of St. Helier Support Team. This team has been in existence for a number of years and operates under the leadership of the officer who was formerly the St. Helier Parish Civil Emergency Liaison Officer and who is also a member of the St. Helier Honorary Police. The St. Helier Support Team provides backup support for various activities and events within the Parish including events such as closure of roads, first aid for public functions, dealing with casualties, etc.
- (c) The role of the P.C.E.L.O.s was reviewed as part of a review of the Parish Outline Responsibilities in the Emergency Measures Plan. It was apparent to the Connétables and to the E.P.O. that the responsibilities listed were, in practice, carried out by the Honorary Police through the emergency procedures and therefore the decision was taken to disband the post. However the E.P.O. stated that it would be useful in the event of a radiological incident to have expertise within the Parish capable of taking measurements and suggested either training members of the Honorary Police or using the Jersey Warning and Monitoring Team; although the latter option was later withdrawn as there are currently no members living in some parishes.

In reply, the Comité des Connétables suggested that the Territorial Army stationed in Jersey would be well placed to undertake the work. No discussions were held with the Home Affairs Committee but the Comité has recently been informed by the E.P.O. that the Field Squadron is unable to assist with this role.

The Comité has decided that it is not the responsibility of the Connétables to provide persons to carry out radiological testing but that this should be carried out by a central agency on behalf of the Island. The Comité understands that the staff at Public Health Services is already involved with monitoring radiation levels in food and the environment and would consider any decision on health implications of the monitoring of radioactivity levels in the event of a radiological incident as being a matter for the Medical Officer of Health. I, therefore, wrote to the Emergency Planning Officer on 2nd November to inform him of the Comité's decision and to suggest he contact officers at that department to discuss arrangements for radiological testing.

Should the Deputy require further information in this respect then he is most welcome to contact me direct outside of the States Sitting."

Lease of The Quarry, Gorey Pier – question and answer (Tape No. 965)

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

- “(a) In the Notification of Standing Order Decisions for 14th October 2004, it was stated that an assignment of a lease for a 99-year period was entered into with Premier Services Marine Engineering Limited for The Quarry, Gorey Pier, Gorey Pier Road. Would the President advise members of the chronology of events and correspondence between the years 2001 to October 2004, between the Property Services Department and Premier Services Marine Engineering Limited, giving reasons for the delays in corresponding with the Company, if any? and,
- (b) Would the President advise members of the annual rental, in actual figures, proposed for the site and how the figures have been arrived at?”

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

“For ease, the answer to parts (a) and (b) can be stated as follows –

In October 1999, following the demise of Gorey Boat Builders and Indy Marine, the buildings at the

Quarry site were left in poor condition, which caused difficulties in finding a new tenant to take-up occupation. The property therefore remained vacant.

Because the lease to Gorey Boat Builders and Indy Marine had been a full repairing lease, the administering department did not have a specific budget for repair and maintenance, nor was capital funding available to invest in the property in order to achieve a financial return.

The Planning and Environment Committee of the day, with encouragement from the Harbours and Airport Committee, decided that it would wish, if at all possible, to see a marine engineering facility continue at the property in Gorey. It instructed Property Services to advertise for expressions of interest in re-developing the site.

The premises were advertised in the Jersey Evening Post in June 2000, and as a result there were 6 tenders received. Only one was a marine related business, this being from Premier Service Marine Engineering. The Committee instructed Property Services to negotiate a redevelopment/lease package with that company.

Negotiations began in August 2000 with the company, but much consideration had to be given to what could be built on the site bearing in mind its sensitive location and the fact that any lease agreement would be subject to the lessee obtaining the relevant planning approvals. Planning Officers were included in discussions at an early stage. There were also concerns in respect of rock stabilisation to the rear of the site which delayed progress.

Premier Service Marine Engineering approached the Committee to seek approval for demolition of the existing buildings to enable a detailed survey to be undertaken. The Committee did not agree to demolition, preferring that it should wait until a development scheme had received approval. This led to protracted negotiations. The Planning Office called for a model of the scheme, as plans alone could not demonstrate the size and dimensional constraints of the site.

In addition, the Planning Office recommended that any building on the site should be of high quality (i.e. granite walls, slate roof, wooden windows, etc.), which meant that substantial investment would be required by any developer to provide a building that would be acceptable to the Planning and Environment Committee. Therefore, Premier Services Marine Engineering would need substantial security of tenure with the degree of investment that would be required.

For that reason, it became necessary to then devise a rental formula within the lease without benefit of plans or an approved development scheme and which would give some security for Premier Marine to obtain funding for the development of the site.

To assist Premier Services Marine Engineering, on 8th November 2001, following further consideration of a request for the site to be cleared at public expense, the Planning and Environment Committee decided that if Premier Services Marine Engineering would meet the demolition costs at approximately £10,000 at its own expense, in the event that planning permission was not forthcoming within 12 months, the Committee would underwrite those costs.

After more negotiations, agreement was eventually reached on a long lease of 99 years and a formula for rental which in the absence of an approved scheme provided for 4% of the estimated rental value of the completed development rising to 6% after 15 years. The rental was proposed as being reviewed every 5 years. That lease agreement now awaits States approval having been already approved by the Environment and Public Services Committee and the Finance and Economics Committee. (Property Services is working on the basis that the likely rental value is £8 per square foot for the workshop and £11,000 p.a. for each of the flats, dependant on what is actually given planning approval by the Committee).

Since 2000 when the tender was awarded to Premier Service Marine Engineering a number of the unsuccessful applicants have continued to show an interest in the property. The Gorey Improvement Group believes that this asset should be used in the best interests of the community.

The Environment and Public Services Committee reaffirmed in July of this year that it is of the opinion that as a public asset the land should be used to obtain best value for the public and not just the local

community.

If planning approval by the Environment and Public Services Committee is forthcoming and the development of the site remains viable to the Premier Service Marine Engineering, the lease agreement will then be completed.

It was necessary for the Environment and Public Services Committee to be involved with the decision making process throughout the whole negotiation because of the sensitive nature of the site, its potential uses, and the number of interested parties. This in turn added additional time to the negotiating process.

In summary, the constraints put on the site by the Planning Office meant that the original concept put forward by Premier Service Marine Engineering had to be modified, namely a smaller building at a higher cost, thereby leaving the company little funding for the rental of the site. However, it would achieve the planning requirements in a very prominent site without the need for public funding, but with the public retaining the reversionary interest therein. These were considered important factors due to the site proximity to Gorey Castle.

There were 6 sets of written correspondence between the Property Services and Premier Service Marine Engineering between 2001 and October 2004, together with correspondence with other parties. Numerous verbal communications also took place during that period between Premier Services Marine Engineering, their architects, planning officers and Property Services officers.”

Funding of a proposed vodka distillery – question and answer (Tape No. 965)

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

“Would the President inform members of the full breakdown of money given to the Jersey Potato Export Marketing Board by way of subsidies/grants to move forward on any Vodka Distillery, and provide full details of how this money was spent, including wages paid to any staff and visits abroad to vodka distilleries?”

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

“The Vodka project was awarded a grant of £105,000 in December 2002 from the Marketing Support Scheme. Invoices were submitted for payment and the grant was paid out as follows –

Travel, subsistence and hotel accommodation	£	£
M. Anderson	120.75	
M. Cotillard	4,142.68	
A. Currie	266.20	4,529.63
Consultancy Fees including expenses paid		
Hartingtons. Food and Drink Industry Consultants	35,939.36	
D.H. Ward Ltd. Distillery Consultancy Services	11,767.79	
Little Consultancy. Market Research	18,702.98	
Direct Input Association. Market Research	4,787.28	7,1197.41
Financial Services		
Alex Picot	18,000.00	18,000.00
Legal expenses		
Viberts. Advice on prospectus	2,428.00	24,28.00
Miscellaneous expenses		
Treasurer of the States. Planning application fee	6,860.00	
Jersey Evening Post Advertisement	160.95	

J Kemp. Design Fee	870.00	
Expenses re presentation. Room and equipment hire	170.00	
M Drean Ltd. Agricultural contractor. Harvesting trial grain crop	320.00	
Treasurer of the States. Laboratory Fees	298.00	
Foreshaw Ltd. Internet name	40.00	
Office expenses. Postage, stationery etc.	126.01	8,844.96
TOTAL		105,000.00

In addition to the grant from the Marketing Support Scheme, the Jersey Potato Export Marketing Board has provided administrative support to the project, estimated at £15,000.”

Port Control cover – question and answer (Tape No. 965)

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senator Leonard Norman, President of the Harbours and Airport Committee –

- “(a) Following the closure of the Corbière radio station and proposal to reduce Port Control cover so that between 10 p.m. and 6 a.m. only one operator will be on station, will the President inform members how these changes meet MCA guidelines, which require a minimum of 3 persons manning a coastguard station at all times?
- (b) Would the President confirm that the sole operator will
- (i) have virtually no visual contact with operations;
 - (ii) at times have to handle VHF and telephone calls simultaneously;
 - (iii) not be available when getting a snack or going to the toilet; and,
 - (iv) be unable to call out the lifeboat in an emergency, but have to telephone the Duty Officer to do so?
- (c) How do the changes equate to the ‘significant increased levels of safety’ and follow ‘U.K. guidelines as best practise’, as the President recently described in answers to my previous question?”

The President of the Harbours and Airport Committee tabled the following written answer –

- “(a) The closure of Corbière was in the sense of location only. The operation of the station has moved location into the Marine Rescue Sub-Centre (MRSC) at Maritime House. This centre is run under the requirements of the International Convention on Maritime Search and Rescue 1979, as amended, from which MCA guidelines are based.

The precise objectives of any coastguard or Vessel Traffic Service station flows from the Formal Risk Assessment that was described in my answer to the recent previous question. The guidelines indicate that such assessment depends on the particular circumstances in the sea area concerned and the volume and character of maritime traffic. They also indicate the need to take into account the capability of expertise and technology available.

U.K. Coastguard guidelines define the minimum staffing level being defined as the level that is ‘capable of supporting the normal level of incident activity within the margin of safety’. Supporting our analysis that single manning is adequate during night-time hours, the International Maritime Organisation (IMO) Search and Rescue (SAR) Manual states that stations such as Jersey, as a Rescue sub-centre ‘typically have fewer responsibilities and capabilities than their associated Rescue Co-Ordination Centres, and that their requirements in personnel, equipment and accommodations are usually smaller;. The local Health and Safety Inspectorate has also assessed our proposals as being satisfactory in regard to these concerns (for shift patterns, lone working etc).

In fact, there is no change from the single manning that always existed at Corbière. However, in

bringing operators closer to the hub of operations at St. Helier, we have removed some of the risks that had been previously assessed.

(b) *Between 2200 hrs and 0600 hrs.*

- (i) I cannot confirm this since, it is not correct. The view extends at least from Les Minquiers to Noirmont, with both stations having an adequate view of the harbour and its approaches.

In addition, we have augmented the ability to monitor operational security and safety visually by increasing our internal suite of CCTV cameras to a total of 22 around the harbour, offering these operators as detailed a view as required into most areas.

It must be pointed out, however, that the coastguard function is not required to maintain a visual watch. It is potentially compromising the safe operation of the radio and other communications systems should a visual watch be required.

- (ii) Yes, and this has always been the situation. However, whilst simultaneous VHF and telephone calls are possible, they are statistically unlikely in these hours. An upgrade in the communications systems has also been made to ensure that this is as simple as possible, with priority being to calls given as necessary.
- (iii) The kitchen and toilet are now adjacent to the Operations room in the MRSC, a distinct improvement from the previous arrangement which involved a flight of stairs. Both have been fitted with extension loudspeakers to ensure appropriate availability at all times.
- (iv) The MRSC has full control of the RNLI pager system. The Duty Harbour Master is both the RNLI Deputy Launching Authority and the SAR Mission Co-ordinator. Under Royal National Lifeboat Institution procedures, the only persons able to launch the Lifeboat are the 'Lifeboat Operations Manager' or the 'Deputy Launching Authorities'.

I can confirm therefore that it is essential that the Duty Harbour Master is contacted in order to launch the Lifeboat. This remains an unchanged procedure.

(c) I am pleased to inform the States the following significant improvements to safety as examples, which all follow U.K. guidelines. These guidelines are not prescriptive, but rather offer best practice through a risk based approach.

1. The Coastguard Radio Operator and the Duty Harbour Master now work in the same room, enabling close working during SAR missions and normal harbour operations. This removes the need for telephone communications between Officer and Mission Co-ordinator, and achieves a time saving in the order of 80% on each message. The overall increase in safety, with the team working together cannot be underestimated, with reduced chances of mixed messages, contributory team decision making, common systems and Standard Operating Procedures (SOPs), enhancing the previous arrangements.
2. Each Officer will be trained to International or National levels of competency for these functional areas. This not only sets a standard of competency for recruitment and meets the U.K. guidelines, but also allows the department and officers to be confident in meeting the standards expected. This is a significant increase in safety from a previously unregulated role.
3. Increased training and competencies also increases safety awareness in all respects, and the presence of the Marine Officers in the MRSC contribute to safety in all Port operations, where they were before limited to one area of operation.
4. Lone working issues have been minimised even further through the location of officers in a central location, with other 24-hour harbour services (e.g. security) being able to monitor the safety of marine officers with significantly greater effect.
5. Working arrangements are now meeting local Health and Safety Inspectorate assessed levels, especially in regard to shift working.

6. With the reduction in demand on the 2 original services of Jersey Radio and Port Control over the last 5 years, sustained periods of inactivity were being experienced during the nighttime hours. Combining the 2 functions will allow a greater focus on a combined role within assessed levels of work, increasing safe operations in all respects.
7. Local shipping and mariners will all be operating within the infrastructure of these increased safety standards, and professionalism. All vessels, as well as the local community, rely on the service for the coastguard function to enable an appropriate response to maritime incidents and emergencies, and the Vessel Navigational Information Service to ensure that essential information becomes available in time for on-board navigational decision making. This fosters a greater likelihood of preventing incidents and increased levels of professional response to incidents when they do occur.

The services contribute to safety of life at sea, safety and efficiency of navigation and protection of the marine environment, adjacent shore areas and worksites from possible adverse effects of maritime traffic. This enables us to meet our duty more effectively to ensure the safe and efficient use of the harbour by those who have the right to use its facilities and navigate our waters.

Exercise of this function depends on communication with users and is typically located where port communications from vessels are handled. Thus, the increase in effective communications which we have achieved increases the quality of service offered in all respects.

In summary, I am pleased to offer these significant improvements in safety, which happily contribute towards the States' objectives of increased efficiencies at the same time."

Certain roads and footpaths – questions and answers (Tape No. 965)

The Deputy of St. Martin tabled the following questions of Deputy Terence John Le Main of St. Helie President of the Housing Committee –

- “1. On 29th July 1980, the States approved the Housing Committee’s proposition ‘Maufant Village, St. Martin/St. Saviour: transfer of ownership of roads and footpaths (P.97/1980) in order to transfer the ownership of certain roads and footpaths in Maufant Village to the Parishes of St. Martin and St. Saviour.

Would the President –

- (a) explain why the transfer did not take effect?
 - (b) explain who was responsible for the failure?
 - (c) advise members whether he will be issuing an apology to the Maufant residents?
2. Given that the Housing Committee still has ownership of the roads and footpaths but the residents remain responsible for the cost of any maintenance carried out, would the President –
 - (a) inform members whether the Housing Committee has ever established a system to collect an annual sum of money from each of the 151 Village households to pay for any repairs that may need to be carried out?
 - (b) give an explanation for the failure if a system was not established;
 - (c) explain why the Housing Committee has failed to maintain the roads and footpaths in good condition?
 3. The Housing Committee has recently put the reinstatement of the roads and footpaths out to tender. Would the President advise members –
 - (a) of the number of tenders received?

- (b) the details of the work to be carried for which the residents are responsible?
- (c) the details of the highest tender and details of the lowest tender?
- (d) when the work will commence?
- (e) if the Committee will be seeking payment from the many residents who have occupied property and contributed to the wear and tear of the roads and footpaths in the Village since 1980 but no longer live there?"

The President of the Housing Committee tabled the following written answers –

- “1. (a) The Housing Committee is unable to ascertain why the transfer of administration of the roads and pavements to the respective Parishes did not take place some 24 years ago. However, the current proposal for the transfer of the roads and pavements is very different from the proposal of 24 years ago. That proposal would merely have changed the ownership of some of the area in question but would still have left residents responsible for a financial contribution towards the upkeep.
 - (b) As it is not known why the transfer did not take place no person or body can be held responsible.
 - (c) No. This Housing Committee has nothing to apologise for. It continues to act in the best interests of the public of this Island, which includes the residents of Maufant Village.
2. (a) There is no need for a system. The contract of sale sets out the owner's responsibility and the Committee has the right to collect the expenditure on maintenance if it is incurred.
 - (b) This does not apply.
 - (c) The roads and footpaths are generally in good condition given their age. The Housing Committee has expended monies on Maufant Village over a 25-year period.
3. (a) Two tenders have been received for road and footpath resurfacing. Only the Jersey Electricity Company Limited (JEC) can carry out refurbishment to street lighting. As yet, no tender has been requested for proposed drainage works.
 - (b) Resurfacing of roads and pavements, repairs to drains and replacement of street lighting.
 - (c) The highest tender for the road and footpath work was £233,780.00 and the lowest £219,612.77. The JEC quote was £27,028.82.
 - (d) The work will not commence until agreement has been reached over funding. It is the Committee's intention that any necessary works be funded from the windfall payment due should access rights to Field 690A be granted across roads in Maufant estate. The Parish Connétables have expressed support in principle for this proposal and for the transfer of ownership of roads, footpaths and communal landscaped areas to the parishes on completion of works. If this is achieved the obligation of Maufant residents to pay for repairs and maintenance of communal areas will be lifted and any future costs will be borne by the parishes.
 - (e) There is no reason why past owners of properties at Maufant would be recharged. On each occasion on which a property has been transferred the obligation to meet the cost of repair runs with the contract. It is up to each purchaser to weigh up the liability in terms of potential cost of any repairs at the time of purchase.”

The Quarry, Gorey Pier – question and answer (Tape No. 965)

The Deputy of St. John tabled the following written question of Senator Terence Augustine Le Sueur, President

of the Finance and Economics Committee –

“In the Notification of Standing Order Decisions for 14th October 2004, it was stated that an assignment of a lease for a 99-year period was entered into with Premier Services Marine Engineering Limited for The Quarry, Gorey Pier, Gorey Pier Road. Would the President advise members of the basis of the Finance and Economics Committee’s support of the proposed lease if no figures were shown?”

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

“The Finance and Economics Committee’s support for the lease was made exercising powers delegated to the Committee through Standing Orders Relating to Certain Transactions in Land; under which the Committee’s powers have been delegated to the Treasurer of the States.

The Treasurer of the States supported the proposed transaction on the basis of professional advice and information from the Department of Property Services. That advice was as follows –

the commencing rental will not exceed the current Standing Orders approved limits; and

the rental which the States is entitled to receive will obtain best value for the Public given that there are a number of limitations to the site, including: parking and turning circle restrictions, limited access, the site layout, restrictions on massing, density and construction materials used in the redevelopment.

The Department of Property Services determined that the most appropriate means by which to calculate a rental value for the site was a formula-based approach linked to the market value of the rentals received by the lessee over the term of the lease. It is for that reason the Standing Order Notification contains no specific figure in respect of the annual rental payable to the States. I can however advise that it will commence at 4% of the estimated annual rental value of the completed development, and subsequently rise to 6%, subject to quinquennial review.”

Oral questions

1. **Senator E.P. Vibert to the President of the Finance and Economics Committee:**

“Will the President confirm that the Committee has agreed, in principle, that in order to comply with human rights legislation, the Committee intends to extend tax relief on post-1997 agreements in respect of maintenance payments for children to parents who have not married, and state when he intends to bring such a measure to the Assembly?”

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

“Not only has my Committee agreed this in principle, but the States, last December, agreed when passing the Income Tax (Amendment No. 23) Law that this should be brought into effect. So it is now in place and it was agreed last December.”

2. **The Deputy of St. John to the President of the Finance and Economics Committee:**

- “(a) Would the President confirm whether cheque No. 169387 to the value of £6,860 was issued by the Treasurer of the States to pay for Planning Application No. PP2004/2180 for a vodka distillery?
- (b) Is the Committee satisfied that following the establishment of a private limited company, sufficient safeguards are in place to ensure that any public funds given to the proposed Distillery will not benefit private shareholders of the company?”

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

“I can confirm that cheque No. 169387 was issued in respect of a planning application for a vodka distillery. The provision of grants by any States Committee is guided by the Treasury Code of Direction No. 26 (Obtaining Value for Money from Grants). This Code sets out the best practice in evaluating, monitoring and accepting grant applications. It also stipulates that grants of over £100,000 that were made outside of a States’ approved scheme shall require the prior approval of the Finance and Economics Committee. The Committee is satisfied that there are adequate safeguards in place to ensure that grant funding should provide value for money to the States at the discretion of the awarding

Committee. It is for the relevant Committee to decide on the suitability of such grant aid, and it would not be appropriate to prevent grant funding from benefiting the directly related party of any given scheme as, by their nature, grants are often awarded for this purpose. It would only benefit the private shareholders in the sense that they do not have to use the company's funds for such purposes, but that is the nature of a grant.

The Finance and Economics Committee leaves to the judgment of the awarding Committee whether the granting of public funds to a commercial scheme represents the best possible value for those public funds."

2(a) Deputy J.J. Huet:

"Could I ask, Sir, how much have these vodka factory people put into this so far, or is it, like the Le Chaire Gardens, that only the States puts in?"

Senator T.A. Le Sueur:

"I have no idea how much has been subscribed by those shareholders."

2(b) The Deputy of St. John:

"In evaluating the scheme, was the President aware that a private limited company would be set up and, therefore, what benefits will there be, given that at a public meeting last week, at which States Members and invited guests attended at Fort Regent, a private company has been set up and Members and the public were told that in fact not necessarily will the agricultural industry themselves be shareholders of this scheme? Is that the right way of granting money to an industry and in fact the money is going outside of the industry?"

Senator T.A. Le Sueur:

"It is not my Committee which evaluates any scheme or any use of grant aid. It is for the Committee administering it to evaluate for themselves whether this is an appropriate use. My Committee's obligation is to make sure that any such grants comply with Treasury Code of Direction No. 26. I am sure that in this case there was substantial information to ensure that it did comply with that code."

2(c) Senator P.V.F. Le Claire:

"Can the President tell us of any other cheques which have been written by the Treasury in respect of planning applications within Jersey in the past? Can he also inform the Assembly whether or not, for example, if I wanted to set up a crisp manufacturing company, I would be able to apply for such a grant and receive a cheque from the Treasury?"

Senator T.A. Le Sueur:

"I am not aware without prior notice of any other cheques which may have been issued, but it would not be surprising if some had over the course of time. Should the Deputy or any other person wish to apply for a grant for such purposes, they should apply to the appropriate Committee."

Senator P.V.F. Le Claire:

"I am sorry, Sir. I did not understand the answer. Did the President say that he has not got any knowledge of any prior cheques being issued in respect of planning applications?"

Senator T.A. Le Sueur:

"Yes; and I would require notice of that question. It may be, but I do not see that it is relevant."

2(d) Deputy F.G. Voisin:

"Is the President aware that this grant was made in compliance with the Marketing Support Scheme of the Agricultural and Fisheries Committee? That scheme was part of the policy report approved by this Assembly in 2002? Is the President aware of that?"

Senator T.A. Le Sueur:

"I am, indeed, Sir. For that reason, I am satisfied that this payment did comply with the Code of Directions."

2(e) Connétable G.W. Fisher of St. Lawrence:

"Could the President elaborate as to the reason given for the grant? In other words, what was it to be used for?"

Senator T.A. Le Sueur:

“I do not know if the Connétable is referring to the cheque itself or to the total grant.”

Connétable G.W. Fisher of St. Lawrence:

“For clarification, Sir, I am talking about the total grant.”

Senator T.A. Le Sueur:

“The total grant, Sir, was used at the discretion of the administering Committee in the pursuance of the marketing objectives of the potato side of the agricultural industry.”

2(f) The Deputy of St. John:

“Will the President confirm that over and above the £105,000 grant, additional public money has been spent in relation to the administration and support of the project, and that is estimated at £15,000 plus? Also, will he confirm that an Environmental Impact Study (EIA) study has been undertaken by Planning and Environment, and who has paid for that EIA study?”

Senator T.A. Le Sueur:

“These are matters which are not directly the responsibility of my Committee. Whilst I am quite prepared to believe the Deputy of St. John, I have no evidence one way or the other?”

3. Deputy G.P. Southern to the President of the Housing Committee:

“Following the introduction of Long-Term Incapacity Allowance (LTIA) to replace both Disability and Invalidity benefits, the Social Security Committee has made it clear that the allowance is ‘compensation for loss of faculty’ and not income replacement. Will the President outline how his Committee will treat LTIA under the changes to income disregard for rental subsidy introduced in P.74/2003 ‘Public and Private Sector Housing Rental Subsidy Schemes’?”

Deputy T.J. Le Main (President of the Housing Committee):

“Can I ask that the Vice-President attends to those questions?”

The Deputy of Trinity (Vice-President of the Housing Committee – rapporteur):

“The Housing Committee will treat Long-Term Incapacity Allowance in the same way as Invalidity and Disability Benefit. This means that, in accordance with the changes agreed by the States in P.74, at present one-third of the income is regarded for rent subsidy assessment purposes. From April 2005 this will be increased to two-thirds and from April 2006 the full amount will be taken into account.

Short-Term Incapacity Allowance replaces both Sickness and Injury benefits with one common benefit. At the end of 52 weeks a claimant on short-term benefit will be assessed by a doctor to determine whether the Long-Term Incapacity Allowance is to be paid and to what degree. If the assessment is less than 100%, the applicant may work with the Long-Term Incapacity Allowance topping up his income. The Housing Committee’s approach is consistent in regarding both Short-Term and Long-Term Incapacity Allowance in the same way.

Deputy Southern quotes the Employment and Social Security leaflet which describes Long-Term Incapacity Allowance as: ‘Compensation for loss of faculty’, but this does not mean that it is not income. There is no good reason why it should not be considered as contributing towards meeting housing costs.”

3(a) Deputy G.P. Southern:

“Does the Rapporteur not accept his words and argument, when he was proposing P.74, in particular, and I quote him: ‘These particular benefits’ – Invalidity and Disability – ‘are income replacement benefits in the same way as Sickness Benefit and Pensions.’ Later on he says: ‘These 2 benefits are definitely income replacement because they cannot work.’ Does he recognise that under Long-Term Incapacity Benefit recipients are encouraged to return to work and can work and, therefore, this is not income replacement but loss of faculty?”

The Deputy of Trinity:

“No, I do not follow that argument. The information given when this was debated was technically correct. That was the position as it was regarded. We see, however, that there is no difference with this. If an individual cannot work or can only work part-time, then the allowance he gets is, in effect, to compensate for that. The Social Security Committee itself cannot pay what some might call unemployment allowance. They have no provision for that. So they are giving this allowance in this

respect. I think that it is clear and that is the Housing Committee's view."

3(b) Deputy G.P. Southern:

"Does the Rapporteur not accept that his Committee's interpretation of 'Long-Term Incapacity Benefit' and Social Security's interpretation of 'Long-Term Incapacity Benefit' are fundamentally opposite to each other? When is his Committee going to meet with the Social Security Committee and decide what the actual case is?"

The Deputy of Trinity:

"No, Sir. I do not think I do. I think one follows the other. I think this will all come out in the wash when the Income Support Scheme, which Social Security is working on, comes into effect, which will bring in the housing benefits at the same time. I think that is the only proper way to deal with this. Therefore, you will have an overall picture. It is the only way forward, Sir."

4. Senator E.P. Vibert to the President of the Finance and Economics Committee:

"Would the President explain to members why he believes that a trio of Committees joining forces will be successful in finding a solution to Jersey's high inflation rate and why, if such a course of action is now being embarked on, it was not done several years ago, when inflation was then described as Jersey's public enemy number one?"

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

"The 3 Committees have joined together because the public expects the States to act in a coordinated and united way in addressing inflation. This is the continuation of a process which commenced in 1999 when the Finance and Economics Committee of that day commissioned a report on inflation by the economist, Mr. Mike Parr. That report contained a number of recommendations which were discussed and agreed not just by the 3 Committees but by the States as a whole. These have since been implemented, including setting an explicit target for Retail Price Index excluding mortgage interest payments and interest on States loans (RPI-X), improving our collection of statistical data, setting-up the Jersey Competition Regulatory Authority and implementing a competition Law and reducing the growth in States spending.

However, as Mr. Parr said in his report and as I have been saying consistently for the past 2 years, there are no quick fixes on inflation. Even once tough policy decisions have been made, it takes time for those inflationary pressures to subside. It is the underlying rate of inflation which is so important. There are clearly signs that this, indeed, is now reducing with RPI-X moving downwards for the sixth consecutive quarter."

4(a) Senator E.P. Vibert:

"I am not alone amongst my colleagues at the back, here. I am at a loss to recall which Committees are involved in this. Maybe the President in his answer to my question could let us know.

Bearing in mind the high cost of housing is one of the most impacting costs on the Island, will the 3 Committees be looking at this area with a view to introducing such things as rent controls so that the ever-spiralling upwards costs of renting property can be checked and eventually the States can get out of the subsidy scheme that we are constantly providing money to landlords through their tenants?"

Senator T.A. Le Sueur:

"The 3 Committees involved are the Policy and Resources Committee, the Finance and Economics Committee and the Economic Development Committee.

Regarding the high cost of housing, that is being addressed, I think very successfully already, by an increase in the number of properties coming onto the market and the greater co-ordination between supply and demand of property. I accept that housing costs form a part of the Retail Price Index (RPI) and, indeed, one of the reasons why the current RPI is so high is because housing costs have risen as a result of mortgage interest. The actual rent component of the Index over the past 12 months has remained relatively stable. Perhaps that is a reflection of the fact that there are now increased properties available to rent."

4(b) Senator E.P. Vibert:

"Could the President confirm that most Jersey prices in the RPI-X are rising faster or falling slower than in the United Kingdom? For example, food increased by 3.4% in Jersey but decreased by 0.7% in the U.K. Motoring increased by 7.8% in Jersey and only 0.5% in the U.K. Tobacco increased by 13.4% in Jersey and only 3.7% in the U.K. Leisure goods decreased by 0.6% in Jersey but fell by 3.9% in the

U.K.”

Bailiff:

“The Member is asking a supplementary. Such questions must be concise, too, Senator.”

Senator E.P. Vibert:

“Yes Sir. What policy does the Committee have for dealing with this and has the Committee considered legislation to prosecute companies who add Value Added Tax (VAT) to their prices?”

Senator T.A. Le Sueur:

“My Committee and I are well aware that the figures that the Senator quotes are indeed a correct reflection of the statistics. In response to what we are doing about it, the Committees have agreed a number of measures, primarily to involve, to a greater extent, the Jersey Consumer Council investigating these matters and finding the reasons why prices are, indeed, rising faster in Jersey or falling more slowly in Jersey than elsewhere.

As far as legislation is concerned, we shall, shortly, have the Competition Law in place which may help to some extent. I think it is, perhaps, a misnomer to say that the shops in Jersey are charging VAT. They are charging prices which reflect an additional sum which may be attributed by them to VAT, but it is certainly not any tax which my Committee has introduced. They are, in fact, charging prices higher than might otherwise be charged. I do not see that it is the duty of Government to legislate against any business setting particular prices. It is up to the consumer to ensure that they are not hoodwinked and that they do get value for money. Therefore, it is for the Consumer Council to take an interest in this. I am sure that working with them and with them and with the Economic Development Committee, the P&R Committee and my own Committee, we can achieve that.”

4(c) Deputy R.G. Le Hérisssier:

“Does the President not think it is Jesuitical to always suggest that property has nothing to do this, when he well knows, particularly in the commercial sector, that rents are stubbornly high, that this factor of high rents is constantly feeding into prices and that until he can come up with some innovative solutions in this area, we are dancing on the deck of the Titanic?”

Senator T.A. Le Sueur:

“I thought I made it clear in an earlier answer that I did accept that property had something to do with it, both in mortgage interest terms and in rental income interest terms. The Retail Price Index measures increases or decreases in prices on a quarterly or annual basis. Although rents are high or relatively high, they have been high or relatively high for some considerable time. It is the increase this year over last year which is the factor which goes into the Index. As far as that is concerned, Sir, the statistics which we have are that the actual rents, though high, have not increased significantly over the past 12 months.”

4(d) Deputy J.J. Huet:

“Would the President not think that it is quite remarkable and a fantastic coincidence that prices in Jersey shops and the prices in English shops are identical, yet the 17.5%, we keep getting told, is not VAT? We know that it is not carriage, because it does not cost that much. It seems remarkable that they can use exactly the same prices in both places and not be called VAT. It is a hidden form of VAT and I wish the President would actually acknowledge this and not pretend that it is just what will be charged. It is hidden and they can get away with it. Is it not about time that something was done about it?”

Senator T.A. Le Sueur:

“I repeat, Sir. Shops are entitled to charge whatever the customer is prepared to pay. Whether they label it VAT or anything else is entirely up to them. It is not VAT. It is simply an increased price which they charge and it is not for my Committee or for this House to legislate in order to overcome that. It is up to us to expose those prices and ensure that, if they are charging an undue price, there are reasons for it. I think one of the things we have to do before passing judgment is to ascertain how and why any shop can justify a certain price.”

5. Deputy S.C. Ferguson to the President of the Economic Development Committee:

“Given that Warren Farm and Noirmont Headland were bought, partly by the States and partly from funds raised by public subscription, to serve as a war memorial to those who died in the Second World War, will the President explain why there has been no maintenance on Warren Farm since the last tenants left?”

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

“The previous lease expired in December 2003. It was not renewed because the farm was in a serious state of disrepair then. So poor in fact was the condition that the Committee believed that they would be failing in their duty of care to the tenants if the lease was renewed.

The current condition of the property is not due to neglect between the present day and when the lease expired.

5(a) Deputy G.C.L. Baudains:

“Could I ask why the Committee has allowed it to get into that condition in the first place?”

Deputy F.G. Voisin:

“I cannot speak for the previous Committees that were responsible for this property but I rather gather that the property was not in a good state of repair in 1985 when the previous tenants were allowed to occupy the property on a peppercorn rate because they had been evicted from their previous accommodation. I think it is really a question of funds that could possibly have been spent repairing the property were diverted to other causes.”

5(b) Senator P.F.C. Ozouf:

“My standard question to all Presidents when asking questions on property is would the President agree that his answer is clear and more evidence than ever we would need of the need for a unified property agency? Will he be giving his personal support for the Environment, Public Services and Policy Resources’ plans to set up a unified and properly organised property department for the States of Jersey?”

Deputy F.G. Voisin:

“When I see the details, I am sure I will consider it.”

5(c) Deputy T.J. Le Main:

“Is the President aware that there have been many people interested in leasing this property, spending the money and paying a fair rent? Has this been considered by his department?”

Deputy F.G. Voisin:

“Yes, we have. We have certainly considered that. I think that States members should be aware that when the property became vacant a survey of the buildings was done and the report that we received said that the property required between £360,000-£420,000 spent on it.”

Deputy T.J. Le Main:

“That is States prices. That is Government prices. The ordinary man would do it for a quarter of that.”

Deputy F.G. Voisin:

“I think that is a view that a prospective occupier can make on their own, but certainly that is the information that the Committee has received and that is the information upon which the Committee is making decisions.”

5(d) Senator P.V.F. Le Claire:

“Given that the States recently did not allow the Seymour Group to pull out of renovating or keeping its property because of the high cost incurred, it was saying, in renovating this, are we not remiss in not looking after this property? Will the President outline – using one of Senator Walker’s quotes, ‘We are where we are’ – where we go from here? What is going to happen to that property? When is it going to be fixed up, or is it going to be allowed to be left where it is in a dilapidated state getting worse by the day? Is the Committee going to address this matter and is it going to safeguard that property for future generations of the Island?”

Deputy F.G. Voisin:

“Yes. The States have been remiss. The Committee is currently working on a report – in fact I had hoped to lodge it today – on the future of Warren Farm. The main thrust is going to be sell the property so that somebody can spend their own money to create a home for themselves which will, in fact, preserve the property for the future.”

5(e) The Deputy of St. John:

“Is the President aware that a young farmer – maybe not quite so young – is interested in taking on the property and, in fact, he would be prepared to carry out work to make it liveable at his own cost if the States were minded, or your Committee were minded, to let him have it at a reasonable rent? Has your Committee investigated this, given that land is involved?”

Deputy F.G. Voisin:

“We have spent, and I personally have spent, a considerable amount of time certainly with one particular farmer who wanted to explore this avenue. I think there are 2 issues here. First of all, the Committee has been advised that this particular farm on its own is not viable because it is actually too small to be viable. The other thing is that we have got to get over the problem that the farm building, the accommodation alone, requires a considerable investment. I think it was one of the previous questioners who queried the figures that I quoted, and said it could be done for half. Well, say you could repair the property for just £200,000. You still need to find somebody who can afford to invest that £200,000 to rectify the problems of the accommodation alone. Then that person needs to invest further capital to establish the farm. Then there is the problem, as we are being told, that the farm is not actually viable. So what are the States actually doing? Are we encouraging a farmer to get involved in a business that we have been informed is not viable? That is totally wrong. It is really quite wrong to encourage somebody to get themselves into that amount of debt where they will set themselves onto a road to rack and ruin, and I am not going to be part of that.”

5(f) Deputy S.C. Ferguson:

“Actually, the farm used to run sheep, I understand from a previous owner. Given that the property is just round the corner from Janvrin Farm, if the President proposes to sell it, how will he stop it falling into the hands of rapacious developers who seem intend on turning Jersey into Watford-by-the-Sea?”

Deputy F.G. Voisin:

“One of the reasons why the proposition has been delayed, Sir, is because we want to check to make sure that we understand fully what sort of covenants are going to remain on the property and whether, indeed, the Committee should be asking for its own covenants to be placed on the sale of the property.”

5(g) Senator P.F.C. Ozouf:

“Would the President agree with me that it is a bit rich for the President of the Housing Committee to stand up and say that properties within the ownership of the Economic Development Committee (EDC) should be maintained and rented out at fair rents when he is bringing propositions for the Housing Committee to be sold off? Would he agree with that? Would he confirm what his Committee actually intends to do with the proceeds of any sale if the Assembly was to agree a sale?”

Deputy F.G. Voisin:

“Firstly, I do agree with the comments concerning the Housing President. I think one of the things which we have not mentioned here is that the Economic Development Committee just does not have the £200,000-£400,000 to repair this property.” *[aside]*

Deputy F.G. Voisin:

“That was not a decision of this Committee, Sir. Thank you for that aside. I think it is important to note that the Economic Development Committee does not have the funds. I am afraid that I have forgotten the second part of the Senator’s question.”

Deputy S.C. Ferguson:

“What are you going to do with it?”

Senator P.F.C. Ozouf:

“Would you confirm what your Committee are going to do with the money?”

Deputy F.G. Voisin:

“Of course, there is an impending problem concerning how farmers deal with their cattle waste. This is slurry, basically. What is happening is that there is a grave danger, because dairy farmers do not have sufficient storage for slurry during the winter months especially, of them polluting our waterways and falling foul of our Water Resources Law. Therefore, the idea is to use this farm to give an incentive for dairy farmers to renew, improve and expand their slurry storage facilities.”

6 Deputy T.J. Le Main to the President of the Environment and Public Services Committee:

“Would the President inform members whether the draft High Hedges Law has been completed and, if so, when will it be lodged ‘au Greffe’ for consideration by the Assembly?”

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

“The draft High Hedges (Jersey) Law has been prepared and it was presented to States members at a meeting earlier this year at which 15 members were present. There remain some minor amendments to be made to the draft legislation. However, before any new draft legislation is lodged, the Committee needs to ensure that members are as fully informed as possible about the need for, the purpose, the application and the associated implications of any such legislation. In this respect, it is determined that the content and the purpose of the draft legislation and the guidelines should be the subject of full and proper consultation between States members and the public before it is lodged ‘au Greffe.’

Also, in view of the current constraints on resources within the Island, it also should include a proper examination of the financial implications of administering the Law. Dare I say it, also the Committee needs to have regard to the further proposition by the Policy and Resources Committee on regulatory reform and a proper assessment needs to be made about whether or not the Law is actually needed.

The Committee is keen to expedite this discussion but it has other priorities. I need to tell the Assembly that the officer concerned in dealing with this matter was taken off this project to be put on the more important Transport Initiative and is now fully dedicated to that. However, it remains the objective of the Committee to bring this matter to conclusion before the term of office at the end of next year.”

6(a) Deputy R.G. Le Hérisier:

“Before the Committee branches out into other root and branch reform, would the President tell us, as a percentage, how far advanced is this project? I thought it was almost completed.”

Senator P.F.C. Ozouf:

“The draft Law is drafted but, of course, there is a whole series of further work that needs to be carried out about exactly how it would be administered, such as the penalty charges. Clearly, there was a feeling amongst States members of whether or not we did need a completely new Law to deal with the problems of the important isolated cases of high hedges. Indeed, one of the lines of questioning that I have put to the department is whether the existing provisions, which are largely unknown about in the Code of 1771, which provides some protection for high trees, etc. on a northern boundary, could actually be used in some of the difficult cases?”

6(b) Deputy G.P. Southern:

“Does the President consider that this matter might have been more quickly advanced had he had a full Committee, and when is he going to bring nominations for a full Committee?”

Senator P.F.C. Ozouf:

“I do not think it makes any difference as to whether or not there are 3, 4, 5, 6 or 7 members of the Committee. I will be asking my Committee for one member to take responsibility for this individual matter. Clearly, the ups and downs of the Environment and Public Services Committee over the past few months have caused difficulties. It is one of the delays. My Committee needs to be given some time to get on with its important business, but I need to say to members that, having had endless propositions before the Assembly instructing us to do a Bus Strategy and in order to do a Transport Strategy, we have to prioritise. Frankly, I have to say that the High Hedges Law, important as it is, is less of a priority than dealing with the important issues of the Transport Initiative. I stand by the decision of taking the officer off-line and putting him dedicatedly behind the issues of transport as opposed to high hedges.”

6(c) Deputy T.J. Le Main:

“Is the President aware that during the Presidency of Deputy Dubras this draft legislation was deemed to have been seen and completed and, in fact, Deputy Dubras asked me to be the rapporteur of the Committee at this Assembly? What has gone wrong since then?”

Senator P.F.C. Ozouf:

“It is quite clear from experience of the past few weeks of the Environment and Public Services that when the Committee does bring forward matters, it needs to be properly and fully informed with all the arguments laid out. I have to say that the Committee has received a heck of a hard time in this Assembly in trying to get matters through, and I am not prepared to sanction the arrival in this Assembly of an

important piece of legislation without all the belt and braces answers to all of the arguments. We need to be properly prepared. Frankly, if the Deputy would have taken the Bill in the form that it is – frankly, I doubt whether this Assembly should have approved it because there is a great deal more work that needs to be done, and quite rightly so.”

7. Deputy G.C.L. Baudains to the President of the Environment and Public Services Committee:

“*[aside]* Following comments in the recent States debate on the Bellozanne scrap yard lease, would the President confirm that the Committee’s position remains that ‘all options are open’ regarding replacement of the Bellozanne incinerator and give a brief outline of the alternatives the Committee is investigating and confirm that the full Committee is regularly briefed on them?”

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

“Perhaps I should have mentioned in the previous answer the importance of yet another strategy, the Waste Management Strategy, to the Committee. I can confirm that the Committee is considering various options for the replacement of the Bellozanne incinerator. The purpose of the consultation which ended last week on the Draft Solid Waste Strategy was to get feedback on the views of the Committee, its options and also we are going to be factoring in the findings, I hope, of the Shadow Scrutiny Panel. The feedback that we have received has been excellent. It has been widespread. I can confirm that the Committee is carrying out further investigations into a number of aspects.

The Committee put in place previously a process that was designed to secure different types of technology. Members are aware of that. We are now also working with our Guernsey counterparts to see whether a Channel Islands solution for waste management could be looked into. That matter is down for discussion in the meeting next week between the Committee of Presidents and the Council of Ministers of Guernsey. We are also vigorously looking into the issues of the export of waste to France.”

7(a) Senator P.V.F. Le Claire:

“It strikes me as a bit strange that the President has answered this question by saying that he has completed his waste consultation last week and he has got more consultation on waste management with Guernsey next week, yet in 2 minutes’ time he is going to be asking a question as to when the Scrutiny Committee is finishing their job. Does he not believe that the scrutiny of this item will not be possible until the Scrutiny Committee has been apprised of all of the Committee’s investigations?”

Senator P.F.C. Ozouf:

“I previously explained that it is difficult and curious to some people that we are consulting on a strategy and a Scrutiny Panel is scrutinising something which is a draft strategy. It is a draft strategy. We are consulting on the views on that. We have now taken the feedback from the various public meetings and the considerable amount of responses that we have had. We are looking into the options and alternatives that people have raised in that. It has been an enormously useful experiment.

I need to remind the Assembly that, of course, the important issue is that a solution needs to be found for Bellozanne by 2008, and that is what is driving the programme.”

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

“I did ask for a brief outline of the alternatives. Would the President confirm my understanding as being correct that we are looking at, possibly, a replacement incinerator, shipping to France and working with Guernsey? Those are the alternatives.”

Senator P.F.C. Ozouf:

“I can confirm that the first one, of course, also includes all different types of technology. The tender process that was put by the previous Committee is open to: ‘Yes, it is a replacement for Bellozanne but it is not prescriptive in terms of being an energy from waste plant.’ Different types of technology are within that series of considerations.”

7(c) Deputy J.B. Fox:

“I am delighted to hear that things are progressing. On behalf of the residents, will the Committee be consulting with the residents again in the light of this new information? When are the residents likely to be invited to the Committee as per agreement?”

Senator P.F.C. Ozouf:

“I am happy to give a further undertaking to Deputy Fox and his fellow constituency representatives in No. 3 District. We will be keeping the residents informed. We will be publishing this week an initial

response to the feedback on the consultation which we have and I will be setting out the timetable of exactly how this matter will be progressed both in discussions with residents and through the Assembly over the next 2 or 3 months. I maintain the view that this Assembly has to decide a way forward in January of next year in order to meet the deadline for a replacement for Bellozanne in 2008.”

7(d) Senator S. Syvret:

“I am a member of the Waste Management Steering Group. I recently discovered that the consultants advising on this, Babbie Fichtner, also stand in line to be the consultants on the engineering aspects of the construction of the incinerator. I was profoundly shocked to discover this, which I consider to be an absolutely and profoundly unacceptable conflict of interest. Would the President say whether he shares my view that it is quite unacceptable for Babbie Fichtner to be advisers on the strategy and potential engineering advisers on the incinerator project?”

Senator P.F.C. Ozouf:

“I do not know. I do not know. I would need to think about that further. This is the first time that Senator Syvret has raised that. He is an important member of the Waste Strategy Steering Group. I am happy to convene immediately a meeting of the Waste Strategy Steering Group to have that matter discussed. On the face of it, it does look as though that is a conflict of interest and I will happily discuss that with him in order that we resolve the issue so that we do have independent and proper advice in dealing with the progression of the important matters that we need to deal with.”

7(e) Deputy of St. John:

“The question was asked whether or not the President remains of the opinion that all options are open. Given that several members of his Committee voted last week, or at the previous sitting, to have the scrap yard lease signed, does this not compromise his Committee in any way forward when he makes the comment that ‘all options are still open’?”

Senator P.F.C. Ozouf:

“I was not in the Assembly last week, but I have had a full report from Committee members about that. I understand it was a difficult debate. The Committee’s position is quite clear. No, the signing of that lease does not compromise options open. On the issues of waste management, the Committee is open to different forms of dealing with the substance of the proposals and I cannot really add anything further than I have already given.”

7(f) Senator J.A. Le Maistre:

“I was really wanting to follow on from the question from Senator Syvret. Perhaps the President would confirm that when that same question was put to the President on the occasion of the scrutiny hearing, the President emphatically denied that there was any conflict of interest. That has been recorded. We can go back to the transcripts if necessary. Is the President now saying that he is having second thoughts?”

Senator P.F.C. Ozouf:

“I am not aware, and if my memory is failing me I apologise, that there was detailed examination when I was standing before the Scrutiny Committee on the issue of the engineering aspects of that. That may be one aspect that was dealing with in the in camera matter, but I do not recall I having particularly answered questions about that. I have given the undertaking. Senator Syvret is an important member of the Waste Steering Group who approved the strategy and I am happy, of course, to listen to his concerns and resolve them expeditiously.”

8. Deputy G.P. Southern to the President of the Employment and Social Security Committee:

“Does the Committee accept that there remain many unanswered questions on the future income support system despite the assertion in R.C.48/2004 that all ‘fundamental principles’ are outlined, and, if so, how can he say whether this will lead to a fully informed States debate early in 2005?

Furthermore, will the President –

- (a) reveal the “early assumptions” given to Oxford Economic Research Associates (OXERA);
- (b) allow members access to the OXERA, Nottingham and Loughborough studies referred to as soon as possible?”

Senator P.F. Routier (President of the Employment and Social Security Committee):

“As Members know, I have held several meetings with members since June of this year to raise the debate on all of these issues. The purpose of R.C.48/2004 and R.C.49/2004 was to inform where we

were up to and the thinking to date, and also to stimulate debate.

The fundamental principles which the Deputy asked about are highlighted on page 4 of R.C.48. Amongst those principles there are categories and qualifying criteria. There are, obviously, still choices to be made. I agree that the question still needs to be answered. I would encourage all States Members to give us their views on the way they feel is appropriate. We want to come forward with something which is appropriate for Jersey.

With regard to the information available in sub-section (a), OXERA have access to the Income Distribution Survey and other information through their work for the States. They have also been given details of the Basic Living Budgets produced by the Centre for Research on Social Policy, Loughborough University (CRSP). We will be provided with other key summary data as is required.

Obviously, assumptions will have to be made where proposals include a change to current policy; for example, when we move to the new Disability Benefits System, which has already been approved by the States with the 3-tier disability – moderate, severe and very severe disabilities. So some assumptions will need to be made at that stage.

8(a) Deputy G.P. Southern:

“Will the President give me a written outline of the assumptions that have gone to OXERA, and will he allow members access to the OXERA, Nottingham and Loughborough studies as soon as possible?”

Senator P.F. Routier:

“As I was saying, the information which has gone to OXERA is publicly available. It is the Income Distribution Survey and all of the information is available now. So it is for you to pick from that.

With regard to the information, the Loughborough study has already been published. That is available. The CRSP survey was published some time ago and if members wished it to be re-published, I am quite happy to do that. The Nottingham information will be available at the end of the year and we will, of course, be distributing that as a matter of course. The OXERA work, which has been done on a computer model, will form the basis of the proposed system. We will do the costing for that. Again, as a matter of course the methodology and assumptions will be made available.

I add a note of caution, but as assumptions is not an exact science, we will have to work on those principles.”

8(b) Deputy G.P. Southern:

“Is the President aware that there are serious concerns amongst the general practitioners on the Island about what will happen to the Health Insurance Exception (HIE) system under his proposals?”

Senator P.F. Routier:

“I was not aware of that. The HIE system is obviously part of the Income Support Review. We want to ensure that the HIE system is appropriate for meeting people’s medical needs. If the Deputy has anything in particular that he has suggestions as to the way that HIE could be – for the health needs of people on low income – met in the future, we would be very pleased to have that.”

9. Deputy G.C.L. Baudains of St. Clement to the President of the Harbours and Airport Committee:

“The Shipping (Fees) (Amendment) (Jersey) Order 2004 (R&O 128/2004) raises the registration fees for recreational craft (first introduced in June of this year) by 4.8% from 1st January 2005, equating to an 8.22% per annum increase. Would the President justify this rise?”

Senator L. Norman (President of the Harbours and Airport Committee):

“Based on the information provided by the Deputy, I could not possibly justify the sort of rise that he illustrates. That, Sir, for the second Question Time running, the information provided by the Deputy is false. The small ships registration system to which he refers did not commence in June of this year, as he states in his question, but rather in 1983, some 21 years ago.

As to the costs, Sir, the fee for this particular service was £19 in January of this year. It was £19 in June of this year and it is £19 today. I am baffled or confused, Sir. I cannot understand the Deputy’s motivation in continually peddling false information. I wonder if it is an attempt to illustrate that Jersey boat owners, such as the Deputy, are being treated unfairly, because if it is nothing could be further from the truth? Boat owners in Jersey get an exceptionally good deal. The Small Ships Register, which we are talking about, is renewable every 5 years.”

9(a) Deputy G.C.L. Baudains:

[aside] The information which he mocks me for was supplied by him or his department. It clearly says in the R&O: 'The fees were first introduced in June 2004.' That is where I got my information from. Could he tell me if this was a fabrication, or is his Committee wrong and not me?"

Senator L. Norman:

"The Small Ships Register was introduced as a service to local boat owners in 1983, Sir."

Deputy G.C.L. Baudains:

"So, in fact, the information we had on our previous order paper was incorrect as supplied by the Harbours and Airport Committee?"

Senator L. Norman:

"The Small Ships Register was introduced in 1983. Currently it costs £19 a year and it has done for the past 12 months. It is renewable every 5 years. Therefore, the cost is something like under£4 a year. I do not think there should be any complaints about those charges."

Deputy G.C.L. Baudains:

"The Senator is missing the point. I am asking why the paper issued to States members clearly states that the fees were first introduced in June 2004."

Senator L. Norman:

"I have a feeling as to where the Deputy has got himself confused. The new Shipping Law came into effect on 1st June 2004 which replaced the old 19th Century maritime legislation. A new Order, encompassing all of the fees made under the old maritime Law, was duplicated in June 2004 to replace the old Order which was repealed by the old Law falling. But all that was a repeat of the Order made under the previous legislation, Sir."

Deputy G.C.L. Baudains:

"I thank the Senator for confusing me more than I already was. The information is clearly incorrect."

10. Senator P.F.C. Ozouf to Senator E.P. Vibert, one of the Chairmen of the Shadow Scrutiny Panels:

"Would the Chairman inform the Assembly when the Shadow Scrutiny Panel's report on waste management will be completed?"

Senator E.P. Vibert (Chairman of one of the Shadow Scrutiny Panels):

"The House will be aware that the Scrutiny Panel, which I chair, is holding inquiries on 4 major topics. We have completed our public hearing on the Agri-Environment Scheme and the Water Law. The reports will be made available to the States in the early part of December.

We have almost completed the public hearing on the Trust Port Status for Harbours. With respect to Waste Management, our target date for completion of our public hearings and inquiries should be completed by mid-January with a report available for the States by mid-February.

In addition, the problem we have had is that the department has found it difficult to meet its deadlines for information that we require and a considerable amount of that information is still outstanding. We are aware of the need to complete the review as quickly as possible. We are also aware of the fact that we need to ensure that we meet the terms of reference that we have set up as quickly as we can.

The subject does involve a major public expense that could run to £85 million, but in view of the urgency of replacing the incinerator my Scrutiny Panel will work through the Christmas recess to achieve the timetable of completing our report by mid-January/February."

10(a) Senator S. Syvret:

"Would the Chairman of the Panel agree with me that, certainly in the light of the Babtie Fichtner revelation, there may now be significant doubts as to whether the Public Services Department (PSD) has properly examined themselves all of the alternative options and that, therefore, part of the work of his Panel is now actually doing this work themselves, work which should have been done truly independently by the department a long time ago?"

Senator E.P. Vibert:

"That is actually precisely the position. I would not be giving any secrets away when I say that the Panel is seriously disturbed by the fact that so little work has been done on possible alternative strategies, and very little effort appears to have been made to have a serious commitment to recycling before

eliminating as much waste as possible to be incinerated. That has certainly taken up most of our time and will continue to do so.”

10(b) The Deputy of St. John:

“As the Chairman of the Waste Management Scrutiny Panel, will the Chairman of the Shadow Scrutiny Panel agree that after what we have heard in this Chamber this morning our timescale may have to be altered, because we have just heard, in response to a question from Senator Vibert to the President of the Environment and Public Services Committee (E&PSC), that additional information is required by Senator Syvret on the Fichtner situation? Also that E&PSC are currently in talks with Guernsey and looking at other areas and, therefore, it may be necessary to call back the President to cover these particular points. Will the President agree?”

Senator E.P. Vibert:

“That is precisely the position. This matter is so important that I would expect the President to be called many times before the Panel.”

10(c) Senator P.F.C. Ozouf:

“Would the Chairman accept that the difficulty which the Environment and Public Services Committee has is that the Bellozanne plant has to be shut down in 2008? Would he accept that if a decision is made for a new plant to be constructed in Jersey, then that decision needs to be made within the first 3 months of next year?”

Senator E.P. Vibert:

“The Panel is entirely aware of that situation and has been for some time. I think the House should know that we advertised for submissions late in May of this year but it was not until 3 months later that we actually received the draft strategy from the department. This was not because they had not prepared it, but it was because they were finding it impossible to fix a date for the Waste Strategy Steering Group to meet and approve it. Even when we received it 3 months late, it had still not been approved by the Waste Strategy Steering Group. As an example, we met the officers and consultants in an ‘in camera’ session on 22nd October to discuss the cost of running the Bellozanne incinerator. At this meeting we asked for certain financial information which we expected to get in a few days. It is now nearly 3 weeks later and we still have not received that information, and it is crucial to our enquiries. Our Panel is working as hard as it can. I am afraid it is not being matched by the performance of the Committee.”

10(d) Senator P.F.C. Ozouf:

“Would the Chairman of the Panel agree that in fact Scrutiny is supposed to be a critical friend? Would he understand that the department welcomes the intervention of scrutiny panels in reviewing its performance? In fact, 75% of the work of this Panel is on the Environment and Public Services Committee and that does have implications to the work and the ability of the Committee to respond.

Would the Chairman accept that if we are to resolve the important issues of waste management and if we are to avoid a situation where the Island is embarrassed with a plant operating in 2008, whatever happens, these matters must be brought to a conclusion in January and February of next year, and that means that his Scrutiny Panel cannot leave the issue of their report until mid-February as it will be too late? Does he accept that?”

Senator E.P. Vibert:

“There is one thing that I am sure this House is aware of. The Scrutiny Panel will not be dictated to by a Committee as to when it will complete its job. If that is what is going to happen, you may as well scrap scrutiny. The Scrutiny Panel is working on this proposal. It is working as hard as it can possibly do and it will not be compromised.”

10(e) Deputy P.N. Troy:

“Can the Chairman of the Scrutiny Panel advise from his current investigations that have taken place, does he agree with the statement of the President of the Environment and Public Services Committee that the incinerator must be de-commissioned in 2008? Is that a conclusion that the Scrutiny Panel is in agreement with?”

Senator E.P. Vibert:

“We have not looked at that as an issue. We have just taken that as read.”

10(f) Senator P.F.C. Ozouf:

“If the Chairman of the Panel is taking it as read, will he accept that my Committee has a difficulty in needing to bring this matter to a conclusion in January and February of next year? I wish no aggression on this issue. I wish not to be difficult with the Scrutiny Panel, but my Committee has a difficulty. If he accepts that the plant has got to be shut down in 2008, does he understand that a decision for its replacement must be taken in January and February? That means that the Scrutiny Panel’s Report will be too late to introduce matters for a final conclusion. It is just too late.”

Senator E.P. Vibert:

“I suggest, Sir, that the President gets his officers to get on with it, get the job done and give us the information, and we will do the best that we can.”

11. The Deputy of St. Martin to the President of the Environment and Public Services Committee:

“Will the President give a summary of the findings of the Environmental Impact Study and the Traffic Survey in relation to Field 690A in St. Martin and also the dates when they were conducted before the decision was taken to include the field in the 2002 Island Plan?”

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

“The site referred to was re-zoned by the States in the 2002 Island Plan for Category A housing, with an anticipated yield of approximately 38 homes. In the latter part of 2001, the Planning Department investigated the potential and carried out an Environmental Impact Assessment and also consulted with Public Services on the traffic issues. In respect of the Environmental Impact Assessment, the countryside appraisal study confirmed that this development should be generally limited to the existing village settlement. The Environmental Services Unit confirmed that the site did not encroach into the existing habitat. The then Agricultural and Fisheries Department opposed the loss of agricultural land. Environmental Health confirmed that this area was prone to agricultural smells. Education advised that the existing primary school was at capacity but capacity existed in Trinity and Grainville and the services companies, which are also part of the Environmental Impact Study questions, all confirm that services were available.

The traffic impact study from Public Services traffic engineers stated that there was an anticipated traffic impact from the proposed site which could result in the volume of vehicles using Bagatelle Road and St. Saviour’s Hill increasing by between 30 and 40 vehicles per hour during the peak morning period. In respect of the local traffic impact, Field 690A was considered to be a logical extension to the village and communication was had with both the parishes of St. Saviour and St. Martin.

11(a) The Deputy of St. Martin:

“Is the President aware of the comments of Professor Patrick McLaughlin, who was indeed planning his own independent review, who was particularly critical of the narrowness of the roads around the site? Will the President inform the House whether the Professor’s concerns were taken on board and, if so, when?”

Senator P.F.C. Ozouf:

“I think it is quite clear that Professor McLaughlin’s report of September 2001 was absolutely factored-in to the Planning and Environment Committee’s consideration of which sites to bring forward. Indeed, this Assembly considered each one of those re-zoned sites and having careful regard to the Committee of the day’s use and Professor McLaughlin’s report. I think it is absolutely clear that, yes, his views were taken into account and I have a full transcript of his comments before me this morning.”

Bailiff:

“Thank you, President. That concludes Question Time.”

**Draft States of Jersey Law 200- P.124/2004 (re-issue)
Comments and Amendments**

THE STATES commenced consideration of the draft States of Jersey Law 200-, and adopted the preamble.

Change in Presidency

The Bailiff retired from the Chair following consideration of the preamble to the draft States of Jersey Law 200-, (P.124/2004 (*re-issue*)) lodged “au Greffe” on 29th June 2004), as the initial amendment to be considered concerned the position of the Bailiff, and the meeting continued under the Presidency of Mr. Michael Nelsor de la Haye, Greffier of the States.

Draft States of Jersey Law 200- P.124/2004 (*re-issue*)
Comments and Amendments

THE STATES resumed consideration of the draft States of Jersey Law 200-, and, having agreed to leave over consideration of Article 1 until the end of the debate, commenced consideration of Article 2 and an amendment of Senator Edward Philip Vibert that Article 2 be substituted by the following Article–

“2 Constitution of the States

(1) The States of Jersey are constituted as follows –

12 Senators, elected as provided by this Law;

the Connétables of the 12 Parishes of Jersey, who are members of the States by virtue of their office;

29 Deputies, elected as provided by this Law.

(2) All members of the States shall have the right to speak and vote in the Assembly.”.

THE STATES, after consideration, adopted a proposition of the Connétable of St. Lawrence that, in accordance with Standing Order 26A(1), the question be now put.

Members present voted as follows –

POUR: 23

Senator L. Norman
Senator T.A. Le Sueur
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.A. Bernstein (B)
Deputy of St. Mary
Deputy P.J.D. Ryan (H)
Deputy of St. Peter
Deputy J.A. Hilton

CONTRE: 18

Senator S. Syvret
Senator F.H. Walker
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Clement
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy G.W.J. de Faye (H)

ABSTAIN: 1

Senator E.P. Vibert

THE STATES rejected an amendment by Senator Edward Philip Vibert that Article 2 be substituted by the following Article –

“2 Constitution of the States

(1) The States of Jersey are constituted as follows –

12 Senators, elected as provided by this Law;

the Connétables of the 12 Parishes of Jersey, who are members of the States by virtue of their office;

29 Deputies, elected as provided by this Law.

(2) All members of the States shall have the right to speak and vote in the Assembly.”.

Members present voted as follows –

POUR: 5

Senator S. Syvret
Senator P.V.F. Le Claire
Senator E.P. Vibert
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

CONTRE: 41

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
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 of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (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 J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

ABSTAIN: 1

Deputy R.C. Duhamel (S)

THE STATES noted that, consequential to rejecting the amendment to Article 2 by Senator Edwar

Philip Vibert, all subsequent proposed amendments to the draft States of Jersey Law 200 of Senator Edward Philip Vibert were deemed to have been withdrawn.

THE STATES rejected an amendment of Senator Stuart Syvret, that in paragraph (2) of Article 2 after the word “Assembly” there be inserted the following words –

“except that those members who are not elected members shall speak only on such subjects or occasions, or in such circumstances, as shall be prescribed”

Members present voted as follows –

POUR: 6

Senator S. Syvret
Senator E.P. Vibert
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

CONTRE: 40

Senator J.A. Le Maistre
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (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 Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

THE STATES rejected an amendment of Senator Stuart Syvret, that after paragraph (2) of Article 2, there be inserted the following paragraphs and the remaining paragraph be renumbered accordingly –

“(3) The duration of, or the number of members of the States who speak in, a debate on a proposition, or an amendment to a proposition, may only be limited, by standing orders or otherwise, where the proposition or amendment concerns the regulation of the proceedings and business of the

States.

- (4) The reference in paragraph (3) to a proposition or amendment concerning the regulation of the proceedings and business of the States shall not include any proposition for the making of standing orders.”

Members present voted as follows –

POUR: 18

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator E.P. Vibert
Connétable of St. Helier
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. John
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 Grouville
Deputy G.W.J. de Faye (H)

CONTRE: 31

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
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. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)

ABSTAIN: 0

THE STATES commenced consideration of an amendment of Senator Stuart Syvret, that after paragraph (2) of Article 2, there be inserted the following paragraph and the remaining paragraph be renumbered accordingly–

“() Nothing in standing orders or any procedure otherwise adopted shall prevent an elected member lodging any proposition.”

THE STATES, following discussion, granted leave to Senator Stuart Syvret to withdraw the amendment.

THE STATES adopted Article 2.

Articles 3 to 6 and Schedule 1 were adopted.

THE STATES commenced consideration of Article 7 and of an amendment of Senator Stuart Syvret that paragraph (2) be deleted and the remaining paragraph be renumbered accordingly.

Members present voted as follows –

POUR: 24

CONTRE: 24

ABSTAIN: 1

Senator J.A. Le Maistre
Senator S. Syvret
Senator P.V.F. Le Claire
Senator E.P. Vibert
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)

Deputy P.N. Troy (B)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Clement
Connétable of Grouville
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

Senator W. Kinnard

There being an equality of votes, the President informed the Assembly that, as an officer, and in accordance with the provisions of Article 21(3) of the States of Jersey Law 1966, as amended, he had neither an original nor a casting vote, and the question was, therefore, determined in the negative, and the amendment was rejected.

Adjournment

THE STATES then adjourned, having agreed to reconvene on Wednesday 10th November 2004, in order to continue consideration of the draft States of Jersey Law 200-, (P.124/2004 (*re-issue*)) lodged "au Greffe" on 29th June 2004), and amendments, together with the outstanding items of public business.

THE STATES rose at 6.12 p.m.

M.N. DE LA HAYE

Greffier of the States.