

**THE STATES assembled on Tuesday,  
7th June 2005 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 Leonard Norman – out of the Island  
Senator Richard Joseph Shenton – absent  
John Germain Baudains, Connétable of St. Martin– ill  
Alan Breckon, Deputy of St. Saviour– ill  
Geoffrey John Grime, Deputy of St. Mary– out of the Island  
Michael Andrew Taylor, Deputy of St. Clement– out of the Island

Prayers read by the Greffier of the States

**Visit by the Secretary General of the Commonwealth**

The Bailiff informed members of the forthcoming visit of His Excellency the Rt. Hon. Mr Donald McKinnon, Secretary General of the Commonwealth to the Island and extended the opportunity to all members to meet the Secretary General at a buffet luncheon at the Town Hall on 21st July 2005.

**Subordinate legislation tabled**

The following enactments was laid before the States, namely –

Shipping (Fees) (Jersey) Order 2005. R&O 53/2005.  
*Harbours and Airport Committee.*

**Matters presented**

The following matters were presented to the States –

Jersey Financial Services Commission: 2004 Annual Report.  
*Presented by the Economic Development Committee.*

Migration: monitoring and regulation (P.25/2005) - Shadow Scrutiny Panel Report. S.R.5/2005.  
*Presented by Deputy G.P. Southern of St. Helier.*

Draft States of Jersey (Amendment) Law 200- (P.83/2005): amendment P.83/2005.  
(P.83/2005 Amd.)– comments. Amd.Com.  
*Presented by the Policy and Resources Committee.*

States of Jersey Property Holdings: establishment (P.93/2005) – comments. P.93/2005. Com.  
*Presented by the Finance and Economics Committee.*

States of Jersey Property Holdings: establishment (P.93/2005) – comments. P.93/2005. Com.  
*Presented by the Environment and Public Services Committee.* (2)

The following matter was presented on 31st May 2005 –

Draft Waste Management Strategy (S.R.4/2005): response of the Environment and Public Services Committee. S.R.4/2005. Res.

*Presented by the Environment and Public Services Committee.*

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

### **Matters noted - land transactions**

THE STATES noted an Act of the Finance and Economics Committee dated 1st June 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Home Affairs Committee, the renewal of the lease from Dubras Holdings Limited of office space (measuring 385 square feet) and one car parking space utilised by the Police Complaints Authority at Nos. 57 Great Union Road, St. Helier, for a period of three years deemed to have commenced on 22nd October 2004, at an annual rent of £9,500 (which sum reflected a reduction from the pre-existing annual rent of £9,734) which was inclusive of utility costs incurred in occupying the premises. A tenant's break option had been agreed with the landlord to be effective upon the anniversary of the commencement date upon the service of three months prior notice, in the event that this facility were to re-locate to an alternative site. Each party was to be responsible for its own legal and professional costs arising from the transaction;
- (b) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of Electricity Substation No. 79 situated at Le Clos Gosset, St. Saviour (as indicated on Plan 11/919/ for a period of 99 years from 1st June 2005, at an annual rent of £10 payable in full upon completion of contract, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Harbours and Airport Committee, the renewal of the lease to Mr. David Nei Cowburn of accommodation (designated STC5) at St. Catherin's Tunnels, St. Martin, for a period of five years from 1st January 2005, at an annual rent of £3,400.54 to be reviewed annually in line with the Jersey Retail Price Index;
- (d) as recommended by the Harbours and Airport Committee, the lease to Mr. Robert Vezier of accommodation (designated V26A) at Victoria Pier, St. Helier Harbour, for a period of three years from 1st January 2005, at an annual rent of £596.20 to be reviewed annually in line with the Jersey Retail Price Index;
- (e) as recommended by the Harbours and Airport Committee, the lease to the Jersey Canoe Club of the accommodation (designated STC14) at St. Catherin's, St. Martin, for a period of three years from 1st September 2004, at an annual fixed rent of £1,000;
- (f) as recommended by the Health and Social Services Committee, the lease to Mr. Darren Paul Paton and Mrs. Tracy Ann Paton, née Bochat, of Flat No. 2 Claremont, Bagatelle Road, St. Saviour, for a period of three years deemed to have commenced on 1st January 2005, at an annual rent of £8,636.04 to be increased annually in line with the Jersey Retail Price Index, on the basis that the lessee would be responsible for the internal repairing of the property and all occupier costs, with each party to be responsible for its own legal costs arising from the transaction;
- (g) as recommended by the Economic Development Committee, the addendum to the lease from Le Masuriers (Oxford Road) Limited of 'Lock-Up Storage Unit No. 3, Le Masuriers, Oxford Road St. Helier so as to incorporate 'Lock-Up Storage Unit No. 2 (measuring approximately 438 square feet), for use by the Trading Standards Department for storage of a specialist equipment trailer, for a period of four years and seven months from 1st February 2005, at a fixed annual rent of £2,628 (representing a rate of £6 a square foot) payable quarterly in advance, on the basis of the same terms and conditions as the existing lease;

- (h) as recommended by the Housing and Environment and Public Services Committees, the entering into of a Deed of Arrangement with “2 Le Geyt Terrace Association” in order to transfer to the public the western half of the old Town Brook or douet in consideration of the grant by the public to the Association of a pedestrian right of way over the footpath to come to and from the existing gate giving access onto the rear garden of the Association’s property, with the Association being required to contribute its just proportion of the costs of maintenance and upkeep of the footpath. In addition, the public would ratify the existing boundary line to the north of garages forming part of the Association’s property; and would also ratify the right of way exercised at present by the Association over a roadway from Springfield Road to the garages to the rear of the Association’s property, with the Association being required to contribute its just proportion of the costs of maintenance and upkeep, repair and replacement of the same. The public and the Association would agree reciprocal drainage and service rights to cover for the eventuality of any service pipes and cables and drainage which might lie under the respective properties. Each party would be responsible for its own legal costs arising from the transaction;
- (i) as recommended by the Housing Committee, the entering into a Deed of Arrangement with Mr. Michael Richard Talbot and Mrs. Wendy Elizabeth Talbot, née Michel, so as to agree a boundary line between the dwelling known as “Cherissy”, Le Clos de la Mare, St. Clement and Le Mara Housing Estate, St. Clement; and also to permit the owners of Cherissy to connect a temporary land drain to an existing surface water drain at Le Marais and, when in the future Le Marais was redeveloped, to make a permanent connection to the new surface water system, on the basis of a report dated 2nd December 2004, prepared by the Director of Property Services, on the basis of no charge for the granting of the abovementioned right, but with each party to be responsible for its own legal costs arising from the transaction;
- (j) as recommended by the Education, Sport and Culture Committee, the renewal of the lease from The Reverend John Patrick Harkin, Rector of St. Ouen, and Messrs. Guy Michael Gary Hamilton and Douglas Albert Jenkins - Churchwardens of St. George’s Church in St. Ouen, Trustees for and in the name of the Members of the Congregation of the Church, of Field No. 789, St. Ouen (adjoining Le Landes School) for use by Les Landes School for a period of nine years from 29th October 2002, at an annual rent of £300 payable a year in advance, with rent reviews on the third and sixth anniversaries of the lease, on the basis of a report dated 24th January 2005, prepared by the Director of Property Services;
- (k) as recommended by the Environment and Public Services Committee, the sale to Mr. Stephane Michael Fosse, owner of Neville Holt Cottage, adjoining the south-western corner of La Rue de la Croix au Maître, St. Martin, of part of a grass verge (measuring nine square metres) and associated roadside wall lying on the south-west side of the road and adjoining the north-east roadside wall of Neville Holt Cottage, for a consideration of £90 (representing a rate of £1 a square foot), in order to clarify the boundary between Neville Holt Cottage and La Rue de la Croix au Maître following certain road improvement works in close proximity of the junction of La Rue de la Croix au Maître and Le Rond Collas and bordering Neville Holt Cottage, and to grant Mr. Fosse access rights on the pavement for the purposes of building, maintaining or renewing the roadside wall, subject to reasonable notice being given. The Committee would be responsible for both parties’ reasonable legal fees arising from this transaction. (The Committee accordingly rescinded sub-paragraph (j) of its Act No. A2 of 14th April 2005);
- (l) as recommended by the Environment and Public Services Committee, the lease to the Jersey Motor Cycle and Light Car Club of an area of land within Field No. 30, Sorel Point, St. John (as indicated on Plan No. 15/1679/1), for use as an offroad motorcycle course during daylight hours on previously agreed training and competition days, for a period of nine years from 1st January 2007, at an annual rent of £250 to be reviewed every three years and increased in line with the Jersey Retail Price Index, subject to terms and conditions set out in a report dated 7th January 2005, prepared by the Director of Property Services, with each party to be responsible for its own legal costs arising from the transaction;
- (m) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Rex (Jersey) Limited for the undermentioned land exchange and counter-exchange in respect of the Rex Hotel site, Pleasant Street, St. Helier—

- (i) the acquisition by the public of a strip of land (measuring approximately 70.66 square metres- as shown on drawing No. PHT 678 01) along the length of the site and bordering Pleasant Street order to facilitate the creation by the company at its cost of a two metre-wide pavement to the satisfaction of the Public Services Department, including making good the carriageway surface as required adjacent to the new pavement (whilst maintaining a four metre-wide carriageway), for a consideration of £10;
- (ii) the acquisition by the company of a parcel of land to the rear of No. 35 St. Saviour's Road (adjoining Pleasant Street - measuring approximately 28.78 square metres, as shown on drawing No. PHT 678 01), for a consideration of £10,

Rex (Jersey) Limited would be responsible for both parties' legal costs arising from the transaction. (The Committee accordingly rescinded sub-paragraph (e) of its Act No. A2 of 25th November 2004);

- (n) as recommended by the Housing Committee, the release of Classic Carpets (St. Helier) Limited from the existing lease of No. 76 Colomberie, St. Helier (which lease had been granted for a period of nine years from 1st November 2001), with effect from 1st March 2005, on the basis of the company's under-performance and the ill health of the owner, Mr. R. Roche;
- (o) as recommended by the Housing Committee, the entering into a Deed of Transaction with Mr. Pau Andrew Cowieson and Mrs. Dawn Cowieson, née Reeves (owners of the property known as "Peel Glen", La Rue de la Moye, St. Brelade), and Mr. William McIntosh and Mrs. Elizabeth Rosemary Carmen McIntosh, née Pearce (owners of the property known as "Tuesday Cottage", La Rue de la Moye, St. Brelade), so as to establish that the existing drainage right to connect the foul drain from a dwelling on the site, previously known as "Ker Maria", to the Le Clos Orange public sewer would be effectively extended to the second house now on that site. Mr. and Mrs. Cowieson and Mr. and Mrs. McIntosh were to be responsible for the payment to the public of £2,000 for the granting of the enhanced drainage right, and also for both parties' legal costs arising from the transaction;
- (p) as recommended by the Environment and Public Services Committee, the sale to Old Station House Limited of a plot of land (measuring 6,867 square feet) adjacent to the south-western boundary of the Old Station House, Corbière, St. Brelade, for a consideration of £15,000, on the basis that the future use of the land would be restricted with no buildings being permitted, perimeter fencing to be no more than one metre in height, and a driveway for access purposes allowed (subject to the necessary planning permission). Each party would be responsible for its own professional costs arising from the transaction;
- (q) as recommended by the Housing Committee, the sale to Jersey Telecom Limited of an area of land (measuring approximately 360 square feet) at the site of Hodge Nurseries Phase II, required for the construction of a telecommunication service distribution room, for a consideration of £6,000 inclusive of any cable wayleaves or encroachments, with all costs associated with the scheme to be met by the company, together with both parties' legal and surveyors fees arising from the transaction;
- (r) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Edward Gordon Weekes of the three-bedroom (j) category property known as 16 Magnolia gardens, La Route de St. Aubin, St. Lawrence, required to accommodate locum consultants and their families, for a period of one year from 1st February 2005, at an annual rent of £20,000, on the same terms and conditions as contained in the existing lease, and with the Committee to be responsible for both parties' legal fees arising from the transaction; and,
- (s) as recommended by the Education, Sport and Culture Committee, the entering into of a Deed of Arrangement with Mr. Michael Paul Simon Greenwood and Mrs. Judith Louise Greenwood, née Le Sueur, owners of the property known as Les Favieres, La Grande Route de Mont à l'Abbé, St. Helier, in order to formalise the grant of perpetual drainage rights to Les Favieres to drain its foul water into a drain flowing from the house/school boundary to the drainage system of Haute Vallée School (drawing No. 1236(D1) and the Public Services Department's drainage plan refer), on the basis that Mr. and Mrs. Greenwood would be responsible for both parties' legal fees arising from the transaction.

## Matters lodged

The following matters were lodged “au Greffe” –

|  |                         |
|--|-------------------------|
| Migration: monitoring and regulation (P.25/2005) – amendment.<br><i>Presented by Deputy G.P. Southern of St. Helier.</i>   | P.25/2005. Amd.         |
| Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – fourth amendment.<br><i>Presented by the Environment and Public Services Committee.</i>  | P.77/2005. Amd.<br>(4). |
| Solid Waste Strategy (P.95/2005): amendment.<br><i>Presented by Deputy M.F. Dubras of St. Lawrence.</i>  | P.95/2005. Amd.         |
| Jersey Employment Tribunal: appointment of members (P.97/2005) – amendment.<br><i>Presented by the Employment and Social Security Committee.</i>   | P.97/2005. Amd.         |
| Public Employees Contributory Retirement Scheme Committee of Management: appointment of Chairman.<br><i>Presented by the Finance and Economics Committee.</i>  | P.102/2005.             |
| Draft Taxation (Agreements with European Union Member States) (Jersey) Regulations 200-.<br><i>Presented by the Policy and Resources Committee.</i>  | P.103/2005.             |
| Units 1 and 2, L’Avenue Le Bas, La Rue des Pres Trading Estate: reassignment of leases.<br><i>Presented by the Committee for Postal Administration, and referred to the Policy and Resources, and the Economic Development Committees.</i> | P.104/2005.             |
| Draft Child Abduction and Custody (Jersey) Law 200-.<br><i>Presented by the Legislation Committee.</i>   | P.105/2005.             |
| Draft Criminal Law (Child Abduction) (Jersey) Law 200-.<br><i>Presented by the Legislation Committee.</i>  | P.106/2005.             |
| Draft Child Custody (Jurisdiction) (Jersey) Law 200-.<br><i>Presented by the Legislation Committee.</i>  | P.107/2005.             |
| Draft Shops (Sunday Trading) (Trial Arrangements) (Jersey) Regulations 200-.<br><i>Presented by the Legislation Committee.</i>   | P.108/2005.             |
| Jersey Law Commission: appointment of Commissioners.<br><i>Presented by the Legislation Committee.</i>   | P.109/2005.             |

The following matters were lodged “au Greffe” on 31st May 2005 –

|   |             |
|---|-------------|
| Public Employees Contributory Retirement Scheme Committee of Management: membership.<br><i>Presented by the Policy and Resources Committee.</i> | P.100/2005. |
| States Members’ Remuneration Review Body: amended terms of reference.<br><i>Presented by the Privileges and Procedures Committee.</i>           | P.101/2005. |

## Arrangement of States business for the remainder of 2005 – statement

The President of the Privileges and Procedures Committee made a statement in the following terms –

“Yesterday Committee Presidents met to discuss the arrangement of States business for the remainder of

2005.

It is clear that there are a very significant number of major items to consider in the coming months.

A list of the items that the Presidents were aware of yesterday is appended to this statement showing the proposed dates for debate and the order in which it is recommended that the items be listed for consideration on each day.

Presidents were also aware that adequate time must be allowed for private members' propositions to be debated even though none are shown on the attached list.

It was agreed yesterday that the following matters should be drawn to members' attention today –

there is a considerable volume of business set down for 21st June 2005 as shown on the list. It may therefore be necessary for members to agree to meet on Thursday 23rd June, in addition to the first continuation day on Wednesday 22nd, if the States are in the middle of a debate on one of the major items listed;

it is likely that members will need to set aside at least two days a week throughout late June, July and all of September and early October to complete the business. Although the States have agreed to have two continuation days set aside for each meeting (normally Wednesday and the following Tuesday) it is likely that the 2nd Wednesday may also be needed on occasions;

all Committees need to be aware that, if the States are to complete the remaining business in an orderly fashion, all matters for debate before December should be lodged no later than the end of July. Members have agreed that the States should not meet in the run up to both the Senatorial and Deputies elections and there are, therefore, very few meeting days between the beginning of October and the Budget which is set down for 29th November, just before members are sworn in after the elections. It is not realistic to expect major items that are not lodged before the end of July (with the obvious exception of the Budget) to be debated this year.

## **STATES BUSINESS 2005**

### **Major items for debate for the remainder of 2005**

|  | <b>Committee</b> | <b>Proposed date for debate</b> |
|--|------------------|---------------------------------|
| Income Support Scheme  | ESSC             | 21st June                       |
| Migration Policy   | P&R              | 21st June                       |
| Island Plan 2002 amendments  | EPSC             | 21st June                       |
| Freedom of Information   | PPC              | 21st June                       |
| Solid Waste Strategy   | EPSC             | 5th July                        |
| Employment of States of Jersey<br>Employees Law                      | P&R              | 5th July                        |
| MoGR – future structure of EPSC<br>functions                         | P&R              | 5th July                        |
| Future structure of planning process<br>under ministerial government | EPSC             | 5th July                        |
| Public Finances Law – amendments                                     | F&E              | 5th July                        |
| Child abduction matters (x3)   | Legislation      | 5th July                        |

|   |             |           |
|---|-------------|-----------|
| Rural Economy Strategy                  | EDC         | 19th July |
| Companies and Bankruptcy Law amendments | EDC         | 19th July |
| Water Resources Law                     | EPSC        | 19th July |
| Sunday Trading relaxation               | Legislation | 19th July |

## Second Session

|  |              |                |
|--|--------------|----------------|
| States Business Plan ('Resource Plan')                             | P&R          | 13th September |
| Cultural Strategy  | ESC          | 13th September |
| Standing Orders  | PPC          | 13th September |
| Transport strategy   | EPSC         | 13th September |
| Criminal justice policy  | Home Affairs | 27th September |
| PECRS Regulations– past service liability                          | P&R          | September      |
| Planning and Building Law (Appointed Day Act)                      | EPSC         | September      |
| New Rates Law  | P&R          | September      |
| Sunday Trading Law   | Legislation  | September      |
| Jersey Post incorporation – final steps                            | F&E/EDC?     | September      |
| Restrictions on smoking  | HSSC         | ? September    |
| High Hedges Law  | EPSC         | (Autumn)       |
| Post custodial supervision   | Home Affairs | (Autumn)       |
| Air and Sea Transport policy                                       | EDC          | (Autumn)       |
| Copyright (etc) legislation  | EDC          | (Autumn)       |
| Island Plan amendments (sheltered housing etc.                     | EPSC         | (Autumn)       |
| Commercial/Domestic Rates apportionment (if new Rates Law adopted) | P&R          | (Late autumn)  |
| Budget 2006  | F&E          | 29th November  |

## Arrangement of public business for the next meeting on 21st June 2005

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that the following matte:

be not considered at the next meeting on 21st June 2005 –

Migration: monitoring and regulation.  
Lodged: 8th February 2005.  
*Policy and Resources Committee.*

P.25/2005.

Migration: monitoring and regulation (P.25/2005) – comments.  
Presented: 5th April 2005.  
*Finance and Economics Committee.*

P.25/2005. Com.

Migration: monitoring and regulation (P.25/2005) – amendment.  
Lodged: 7th June 2005.  
*Deputy G.P. Southern of St. Helier.*

P.25/2005. Amd.

Members present voted as follows –

**POUR: 22**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator W. Kinnard  
Senator P.V.F. Le Claire  
Senator E.P. Vibert  
Connétable of St. Mary  
Connétable of St. Peter  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy C.J. Scott Warren (S)  
Deputy J-A. Bridge (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

**CONTRE: 23**

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. Brelade  
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 T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisserie (S)  
Deputy P.J.D. Ryan (H)

**ABSTAIN: 0**

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that the following matter be not considered at the next meeting on 21st June 2005 –

Income Support System.  
Lodged: 26th April 2005.  
*Employment and Social Security Committee.*

P.86/2005.

Members present voted as follows –

**POUR: 14**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator P.V.F. Le Claire  
Senator E.P. Vibert  
Connétable of St. Ouen  
Connétable of St. Mary

**CONTRE: 30**

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

**ABSTAIN: 0**



Connétable of St. Peter  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisseier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of St. Peter

Connétable of St. Saviour  
Connétable of St. Brelade  
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 R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy L.J. Farnham (S)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 21st June 2005, in the following order –

- |   |                         |
|---|-------------------------|
| Income Support System.<br>Lodged: 26th April 2005.<br><i>Employment and Social Security Committee.</i>  | P.86/2005.              |
| Migration: monitoring and regulation.<br>Lodged: 8th February 2005.<br><i>Policy and Resources Committee.</i>   | P.25/2005.              |
| Migration: monitoring and regulation (P.25/2005) – comments.<br>Presented: 5th April 2005.<br><i>Finance and Economics Committee.</i>                   | P.25/2005. Com.         |
| Migration: monitoring and regulation (P.25/2005) – amendment.<br>Lodged: 7th June 2005.<br><i>Deputy G.P. Southern of St. Helier.</i>                   | P.25/2005. Amd.         |
| Island Plan 2002: changes to Built-up Area boundary.<br>Lodged: 19th April 2005.<br><i>Environment and Public Services Committee.</i>                   | P.77/2005.              |
| Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – amendments.<br>Lodged: 3rd May 2005.<br><i>Deputy G.C.L. Baudains of St. Clement.</i> | P.77/2005. Amd.         |
| Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – second amendments.<br>Lodged: 3rd May 2005.<br><i>Senator L. Norman.</i>              | P.77/2005. Amd.<br>(2). |
| Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – third amendments.<br>Lodged: 10th May 2005.   | P.77/2005. Amd.<br>(3). |

*Deputy J.A. Hilton of St. Helier.*

|  |                         |
|--|-------------------------|
| Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – fourth amendment.<br>Lodged: 7th June 2005.<br><i>Environment and Public Services Committee.</i>     | P.77/2005. Amd.<br>(4). |
| Freedom of Information: proposed legislation.<br>Lodged: 19th April 2005.<br><i>Privileges and Procedures Committee.</i>   | P.72/2005.              |
| Jersey Employment Tribunal: appointment of members.<br>Lodged: 24th May 2005.<br><i>Employment and Social Security Committee.</i>                                      | P.97/2005.              |
| Jersey Employment Tribunal: appointment of members (P.97/2005) – amendment.<br>Lodged: 7th June 2005.<br><i>Employment and Social Security Committee.</i>              | P.97/2005. Amd.         |
| Draft States of Jersey (Amendment No. 2) Law 200.<br>Lodged: 24th May 2005.<br><i>Privileges and Procedures Committee.</i>   | P.98/2005.              |
| Public Employees Contributory Retirement Scheme Committee of Management: membership.<br>Lodged: 31st May 2005.<br><i>Policy and Resources Committee.</i>               | P.100/2005.             |
| States Members’ Remuneration Review Body: amended terms of reference.<br>Lodged: 31st May 2005.<br><i>Privileges and Procedures Committee.</i>                         | P.101/2005.             |
| Public Employees Contributory Retirement Scheme Committee of Management: appointment of Chairman.<br>Lodged: 7th June 2005.<br><i>Finance and Economics Committee.</i> | P.102/2005.             |
| Draft Taxation (Agreements with European Union Member States) (Jersey) Regulations 200-.<br>Lodged: 7th June 2005.<br><i>Policy and Resources Committee.</i>           | P.103/2005.             |
| Units 1 and 2, L’Avenue Le Bas, La Rue des Pres Trading Estate: reassignment of leases.<br>Lodged: 7th June 2005.<br><i>Committee for Postal Administration.</i>       | P.104/2005.             |

#### **‘The Quarry’, Gorey Pier – question and answer**

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

“Would the President inform members of the current position regarding the proposed assignment of the lease for the site known as ‘The Quarry’, Gorey Pier, details of which were presented to the States on 19th October 2004 in the list of Standing Order Transactions?”

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

“At the States sitting on 19th October 2004, certain members raised concerns over the terms of the

proposed lease of the site known as 'The Quarry' at Gorey, and I agreed that the Committee would not proceed with the signing of that lease until the concerns of members had been addressed. The Deputy and Connétable of St. Martin met subsequently with an officer of the Environment and Public Service Committee to discuss the lease proposal in more detail.

During the course of those discussions and in subsequent correspondence various other alternatives for the future use of the site were put forward which warranted fuller investigation. Those alternatives are still being evaluated, together with a more recently proposed option for development of the site which includes the incorporation of an adjacent property, also in the public ownership, the lease of which terminates in 2006.

I can inform members that a report on the alternative options for the future of this property, including the original lease proposal to Premier Service Marine Engineering Limited, will be considered by the Environment and Public Services Committee in the very near future."

### **States' employees contracts of employment – question and answer**

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

"Would the President advise members whether all States employees have contracts of employment, and, if not, would he give the reasons why and explain what action the Committee is taking, if any, to provide all States employees with employment contracts?"

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

"In accordance with current States policy and in line with the Terms of Employment (Jersey) Regulations 1998, all States employees should have contracts of employment and I am currently unaware of any States employee who has not been provided with such.

I should add that the Employment Law, which comes into force on 1st July 2005, has prescribed that certain additional terms and conditions should be included in contracts of employment and, as a consequence, all contracts are now being reviewed and updated, where necessary, to comply with the requirements of the new Law."

### **Planning matters in the Parish of St. Clement– questions and answers**

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

1. Would the President explain, in relation to the following issues affecting the Parish of St. Clement–
  - (a) when the Committee intends meeting with Parish residents to discuss the 'Westhill-type' road alterations that have been sanctioned for Rue de Jambart?
  - (b) whether he will withdraw the answer he gave in response to an oral question about those alterations; and
  - (c) why a query by Senator L. Norman two months ago relating to the abovementioned answer being incompatible with the Parish's position has not yet been answered?
2. Why, following a request by the Parish for plans of the application to redevelop St. Luke's shops at the corner of Green Road so that the Parish could make comment if necessary, the plans did not arrive until 26th April 2005, coinciding with the same day the Committee approved the development?
3. Whether, recent Committee decisions not to send a Committee member or departmental officer to attend Parish meetings called especially to discuss particular developments is now policy, and, if so, would he further explain how parishioners are expected to be fully informed of all issues pertaining to

planned developments if this continues in view of the existing acrimonious feelings among some parishioners regarding planning issues?"

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

- “1. (a) I am meeting with the Connétable and a member of the Parish Roads Committee this lunchtime, (Tuesday 7th June 2005), to discuss this matter further.
1. (b) For the benefit of members, I believe the Deputy is referring to part (a) of his question of 5th April 2005, which asked –

*‘Whether the Committee intended to meet with the Parish of St. Clement to discuss its plan for Rue de Jambart’*

My response was –

*The proposals for La Rue de Jambart, a States main road, have been discussed and developed with the Parish of St Clement. When the detailed proposals are drawn up, further discussions will take place with the Parish.*

This remains the case.

The Committee has already adopted the modifications suggested by the Parish Roads Committee to create a one-way system.

It is still the Committee’s view that Rue de Jambart needs to be made safer for pedestrians and I intend to agree with the Connétable and the Parish Roads Committee an appropriate form of traffic calming.

Notes:

1. Deputy Baudains attended the Planning Sub-Committee on 22nd October 2003, as a member of a delegation lead by the Connétable. They tabled modifications to the new road system showing a one-way system.
  2. A meeting took place on 17th November 2003, between the Parish Roads Committee, the Planning Officer and Highway Engineer to discuss the proposed modifications. At the meeting, the idea of traffic calming Rue de Jambart was also discussed, similar to that of West Hill, but without the speed humps.
  3. The Committee subsequently adopted the one way system for the new road. The principle of traffic calming Rue de Jambart was also agreed by Committee and details have now to be worked up with the Parish.
1. (c) In response to Senator Norman’s particular query I apologise to the Senator for not responding to his e-mail and have made arrangements for him to have the necessary correspondence. I had assumed he may have been kept up-to-date from the Parish Hall.

The traffic calming will not begin until a satisfactory scheme has been drawn up and as I mentioned earlier, I am meeting with the Connétable this lunchtime on this very matter.

2. The most recent application for St. Luke’s Parade was approved by the Environment and Public Services Committee on 4th May 2005, (and not 26th April as stated by the Deputy). The access for this proposed development is on to Green Road, St. Clement, a road which falls under the jurisdiction of the Public Services Department, rather than the Parish of St. Clement. Notwithstanding this, the Parish was consulted on 10th December 2004. The Parish’s reply, received on 24th December 2004, stated *‘No comments to make’*.

During discussions with the applicant, it was decided to revise the design of the proposed development. No changes were made to the highway arrangements. The Parish was again consulted,

(although it is conceded that this may not have been necessary), on 25th April 2005. The Committee approved the development, without receiving a further response from the Parish, on 4th May 2005.

3. It is the policy of the Environment and Public Services Committee to send a representative of the Committee and the Department to public meetings, whenever possible. This is not always possible to achieve when these events are arranged at short notice or clash with other prior engagements. However, the Committee maintains an open position in relation to development proposals and is proactive in its dealings with the public, to the extent that States members and parishioners are frequently invited to address the Committee during the decision-making process. If invited, I would be happy to attend another public meeting.”

### **Long Term Incapacity Allowance – question and answer**

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

“Would the President inform members –

- (a) whether the eligibility criteria for Long Term Incapacity Allowance (LTIA) has been amended in any way to eliminate ‘disguised retirement and unemployment’ referred to in his answer to my question on 24th May 2005, and if not, would he explain his statement that ‘the assumption that existing and future LTIA recipients would all have been eligible for Invalidity Benefit is erroneous’?
- (b) whether the Committee is to change the eligibility criteria for LTIA so as to reduce the number in receipt of this benefit in the future, and if so how does he propose to do this? and
- (c) with regards to the figures presented in my question of 24th May 2005, what proportion, if any, of current recipients of LTIA would have been eligible for Invalidity Benefit under the previous system and whether, in the majority of cases, their payments have been reduced in comparison with the previous system, thus reducing the level of overall payments?”

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

- “(a) The criteria for Long Term Incapacity Allowance remain unchanged and can only be changed by amendments in legislation approved by the States. The eligibility criteria for LTIA and the old Invalidity Benefit are totally different. To qualify for Invalidity Benefit a claimant had to be totally incapable of any work whereas LTIA does not contain any test of incapacity for work but assesses a person’s loss of physical or mental faculty. People who may have been ineligible for Invalidity Benefit could be eligible for LTIA.
- (b) The Committee has no plans to change any criteria and certainly has not considered reducing the scope or coverage of LTIA. The Deputy has been advised on many occasions that a full evaluation of the incapacity benefit changes is to take place after the first year. If any changes are needed as a result, these will be considered by the Committee and action taken accordingly.
- (c) This question is impossible to answer. As described in the answer in part (a) there can be no direct comparison between the two benefits as the eligibility criteria are different.”

### **Access to decisions – question and answer**

Deputy Jennifer-Anne Bridge of St. Helier tabled the following written question of H.M. Attorney General–

“On 2nd June 1987, the then Attorney General gave an opinion to the States that ‘a member has a clear right of access to Committee minutes and papers in the custody of the Greffier’. As a result all members are currently able to view all Part A and Part B Minutes at the States Greffe.

On 10th May 2005, the President of the Policy and Resources Committee, in answer to a question from Deputy J.L. Dorey, explained that, in the ministerial system, the record of a ministerial decision ‘will be

*prepared by individual States departments for signature by the Minister who is legally responsible for such decisions and will then be forwarded on to the States Greffe’.*

Would the Attorney General advise members whether the same legal considerations on members’ access to papers in the custody of the Greffier that currently apply to Committee minutes will apply to the minutes of the Council of Ministers and records of ministerial decisions at the States Greffe? If not, would the Attorney General advise whether members could be prevented from accessing these records held by the Greffier and, if that is the case, would he confirm that the States are competent to adopt a proposition to ensure that members have access to these records even if some are exempt from public access?”

H.M. Attorney General tabled the following written answer –

“Members are of course required to act consistently with the Data Protection (Jersey) Law 1987, and similarly will be subject to the Data Protection (Jersey) Law 2005, when that comes into force. On occasion there may also be implications arising out of the Article 8 rights to respect for private and family life as set out in the European Convention on Human Rights. It is accordingly unnecessary in this answer to address these issues which will continue to require the same attention under the ministerial system of government as at present.

The question put to me does not fully summarise the Attorney General’s opinion of 2nd June 1987, because the extract is incomplete. What the Attorney General said was as follows –

*‘ .. A member has a clear right of access to Committee minutes and papers in the custody of the Greffier and a right of access to other information in the possession of a Committee unless there are good grounds for denying access.’*

The reasoning set out in that opinion points to this being the established position because Committees were originally the delegates of the States. That of course is not always the position, and was not so in 1987. Some Committees act by legislation passed by the States which makes the Committee and not the States the decision taker. Examples of this are the consents given by the Housing Committee under the Housing (Jersey) Law 1949, and Regulations made thereunder; or consents given by the Environment and Public Services Committee under the Island Planning (Jersey) Law 1964.

The Attorney General went on to say that the right of access would not be enforced by a court of law.

In my view this qualification is fundamental to the question now put to me. In jurisprudential terms, a right, measured against the law which is to be applied to it, is something which a court of law will, in an appropriate case, enforce. If the court will not in any circumstances enforce what is claimed to be the right, it follows that one must be careful in distinguishing what the ‘right’ really means.

The opinion expressed by the Attorney General in 1987 has generally been accepted and applied by members, despite his making it clear that the matter was a political and not a legal one. No doubt there have been occasions when it has not been applied to the satisfaction of a particular member in relation to papers held in the possession of a particular Committee; but essentially, the States and its Committees have given political authority to the 1987 opinion by the Greffier and Committees acting consistently with it, despite the absence of any legal sanctions if the Greffier or Committees decided to ignore it. It would be expected that the Greffier would act in this type of matter in accordance with the view expressed to the States by the Attorney General unless he were directed to do otherwise by the States.

It is of course true that the rationale of the 1987 opinion is not consistent with the divisions between executive and legislative competence made by the States of Jersey Law 2005, but as compliance with the 1987 opinion was always a matter of political agreement rather than one of justiciable right, it does not seem to me that different considerations will apply when the States of Jersey Law 2005, has been brought into force than hitherto. Access to records held by the Greffier as an officer of the States, whatever records those may be, is a matter which ultimately falls within the competence of the States to determine.”

### **Show flats – question and answer**

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senato:

Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Is the President aware of allegations that show flats built by certain developers have specially made furniture to create an impression of more space than there actually is and, if so, will the Committee agree to undertake an urgent review of minimum sizes for such accommodation?”

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

“The Environment and Public Services Committee is aware of these allegations. However, the States may be assured that this has no bearing on the actual size of the flats which are permitted by the Committee. All new built residential units are carefully checked by the Planning Department to ensure that they comply with the minimum standards set out in Planning Policy Note No. 6 – ‘A Minimum Specification for New Housing Developments’. A review of this document is already underway and it is anticipated that the minimum standards will rise as a result of this review.”

### **The ‘Priory Inn’ – question and answer**

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

“Would the President inform members whether the listed property being renovated as part of the Priory Inn redevelopment has been altered in any way that might contravene the original listing, and, for purposes of clarification, would he outline the details of preservation that apply to that building?”

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

“The Priory Inn is an historic building which dates from the 19th century and is included in the Committee’s Register of Historic Buildings as a Building of Local Interest. Under Policy G13 of the Island Plan the Committee seeks to ensure that development affecting such buildings does not harm their architectural or historic character and integrity.

Following careful negotiation with the developers, planning permission was granted by the Planning Sub-Committee in June 2004 for the conversion and adaptation of the building to form three residential units, on the basis that the objective of the above Policy had been satisfactorily achieved. This conversion forms part of a larger development of five new houses.

The work to the historic building has been carried out in accordance with the terms of the permission and is being monitored in the usual way by officers. The Planning Sub-Committee also made an impromptu visit to the site in April 2005.”

### **Oral questions**

#### **1. Senator W. Kinnard of the President of the Legislation Committee:**

“In July 2002, the States agreed that in the ministerial system the functions of the Legislation Committee should be undertaken by the Chief Minister’s Department and in the interim any outstanding matters should be referred to the Policy and Resources and Home Affairs Committees. Will the President outline those matters still being progressed by the Committee and say when each is expected to be brought before the States for debate?”

#### **Connétable D.F. Gray of St. Clement (President of the Legislation Committee):**

“I am aware that the answer should be concise. Therefore, I have taken this opportunity to prepare a list of all outstanding items that are currently with my Committee, and this list was placed on members’ desks this morning. As members are also aware, the Chief Minister will take over the responsibility for Legislation Committee matters. We are continuing to progress matters that will be handed over, and that is with the agreement of the Policy and Resources Committee. Members should be aware of a printing error in relation to the new Sunday trading arrangements, which is the second item. The Regulations are proposed to be debated on 19th July and the new Enabling Law in September. So that is a slight error to that. All suggested dates are naturally subject to the agreement of this Assembly.

Thank you, Sir.”

**1(a) Senator W. Kinnard:**

“If I could just ask a short supplementary, in relation to item 1, could the President say how soon the draft child abduction legislation could go before the Privy Council, given the urgency of this matter, as there is currently a case of children from Jersey being abducted to a foreign jurisdiction?”

**Connétable D.F. Gray of St. Clement:**

“I understand, Sir, that it will take the normal time. I don’t think we can progress it any quicker than that. That is the advice I have from the Attorney-General, who might like to comment on it.”

**The Bailiff:**

“Attorney-General?”

**The Attorney-General:**

“I think it is likely that it will take the normal amount of time, if I can put it that way. It is linked to ratification of conventions, which I think will lead to some quite anxious perusal by Her Majesty’s Government (H.M.G.) and the Foreign Office in particular. So I suspect it may take longer than the questioner may want it to, but we will certainly do all we can to expedite it.”

**1(b) Deputy G.P. Southern of St. Helier:**

“Could I ask the President, in response to the last item; discrimination legislation, as recently passed to the Policy and Resources Committee - who are more appropriately equipped to deal with it? Could I ask him to explain why it is more appropriate and why they are better equipped?”

**Connétable D.F. Gray of St. Clement:**

“Very simply, Sir, the answer to that question is that the Legislation Committee has no officers. I cannot think of the name of the officer, but we have no operating officer. We only have a clerk, and the Policy and Resources Committee are well equipped with staff. Legislation has nobody. I hope that answers the question.”

**1(c) Senator P.F.C. Ozouf:**

“Could I press the President? Is he actually of the view that Policy and Resources care about this matter and actually want to progress, given their huge resources?”

**Connétable D.F. Gray of St. Clement:**

“Yes, I do think they are concerned with the matter and will progress it.”

**Senator W. Kinnard:**

“Can I thank the President for his answers?”

**1(d) Senator S. Syvret:**

“Looking at the last one, discrimination legislation, has the President and his Committee given any thought to the prospect of developing ‘hate crime’ legislation for Jersey?”

**Connétable D.F. Gray of St. Clement:**

“We have definitely given a thought to it, but we have now passed this over to a more appropriate body.”

**2. Deputy R.G. Le Hérissier of St. Saviour of the President of the Health and Social Service Committee:**

“Would the President identify the proportion of efficiency savings in the current initiative that have come from senior management cutbacks? What positions, if any, have been removed?”

**Senator S. Syvret (President of the Health and Social Services Committee):**

“The efficiency programme within Health and Social Services includes some significant cuts in respect of overheads in management posts. The following 8 senior management posts have been cut from the Health and Social Services’ budget: Director of General and Acute Services (a saving of £92,000); Director of Community and Social Services (a saving of £92,000); Director of Human Resources (a saving of £58,000); Manager of Services for Older People (a saving of £77,000); Private Patients



Manager (a saving of £64,000); Continuing Care Manager (a saving of £65,000); Operational Manager (a saving of £77,000); and Manager of Services for Women and Children (a saving of £65,000). The total savings, therefore, are £590,000. The management posts savings as a proportion of the efficiency programme are, therefore, 28 per cent.”

**2(a) Deputy R.G. Le Hérisier of St. Saviour:**

“The other side of that, of course, is the number of posts created. Would the President admit that there is currently an advertisement running in a U.K. journal for a Head of Clinical Activity Access and Activity Planning at £48,000 to £55,000? How many similar advertisements have appeared with the phrase ‘The organisation has recently restructured and this post has been created from efficiencies to support an improved patient access’? How many new positions have been created under the guise of efficiency savings elsewhere?”

**Senator S. Syvret:**

“I don’t know the precise figure, but the post in question has been advertised. It is crucial in order to smooth the operation of the flow of patients through entry into the organisation, their treatment within different parts of the organisation and their efficient discharge from the organisation. But the overall point is that the efficiency saving and the amount of cash saved is there and it represents 28 per cent of the total volume of the efficiency savings of the organisation. When you are restructuring an organisation there may well be some new posts created, but certainly the overall number of management posts in total is clearly going down and savings are being made.”

**2(b) Senator P.F.C. Ozouf:**

“It is great to hear that the President is, I think, saying that there are efficiency savings. Could he tell me, please, how he reconciles these statements of efficiency savings with the statements that I have heard him make on previous occasions when I have asked him questions, that there was ‘absolutely no fat on the bone’?”

**Senator S. Syvret:**

“On those occasions, Sir, we were arguing about the overall budget of Health and Social Services. Jersey has made unfortunate history this year, in that we have become the first jurisdiction in the western world in post-war years to actually cut spending on its equivalent of its national health provision. I don’t agree with that. We have accepted it reluctantly because of the fiscal mess that the Island is in. But the fact is that we need to be in fact putting at least three per cent real growth per year into the Island’s Health Service. That is not our view; that was the finding of the independent review into healthcare funding in Jersey. So the arguments the Senator refers to were about the overall funding needed for Health and Social Services and that funding is needed because there is a raft of additional frontline services that need to be developed in pace with improving and developing clinical technology that we should be in a position to offer to the people of Jersey, and that is quite aside from considering the developments and the investments needed to improve Social Services.”

**2(c) Deputy R.G. Le Hérisier of St. Saviour:**

“Could the President inform us, given that there has always been a so-called ‘bed management function’ in the hospital, how many people are now involved in the whole issue, under however grand the titles are now becoming? How many people are now becoming involved in the whole issue of so-called ‘bed management planning’? Secondly, Sir, the position of Director of the General Hospital was removed as the person moved to another Civil Service function. Has that person returned to the hospital administration and, if so, in what capacity?”

**Senator S. Syvret:**

“To take the last part of the question first, yes, the person has returned to the General Hospital after a period of secondment to the Policy and Resources Department. Contractually there would be no grounds not to take the person in question back into Health and Social Services. It is not in the same post; it is in a different post, tied into the programme of new directions in healthcare in Jersey, which is part of the programme of remodelling the entire structure of Health and Social Services in the Island. The number of overall staff involved in bed management, I don’t know the precise figure at the moment - I can certainly find it for the Deputy later today - but the fact is that improving the flow of patients through the organisation, as I have already alluded to, is something that is a significant part of the development work of the organisation, for 2 very good reasons: (a) it greatly improves the patient’s quality of experience, and (b) it is more cost effective. We are not alone in this. All modern health

organisations are developing their work in this field.”

**2(d) Deputy F.G. Voisin of St. Lawrence:**

“Could the President confirm the number of management posts cut and also express that as a percentage of the total management posts within the Department?”

**Senator S. Syvret:**

“The list of management posts cut, which I have already read out, are eight. I don’t know the precise number at the moment of the total number of people involved in management, although I can say that the last figures that I have for the percentage, the overall percentage, of people involved in management within Health and Social Services was 4.78 per cent of the total manpower, which is actually entirely in-keeping with the ballpark arrangement that you would find in a National Health Service Trust in the United Kingdom; although the situation is actually considerably better than that because we are not merely running a district general hospital-style service and primary care trust, we are also providing, in essence, the Government Health Policy function and we are providing the Island’s Social Services function. So we can actually say with some confidence, given those functions we have to carry out, that the overall percentage of managers within the organisation is good.”

**2(e) Senator P.F.C. Ozouf:**

“Would the President not find it within his heart to actually agree that he was wrong, that when he answered questions from me some two or three years ago, he did say that there was ‘absolutely no fat on the bone’ anywhere in his Department? And would he agree with me that the new Chief Officer is actually going through the organisation with some zeal and finding efficiency services, rightly so? Would he also agree with me that when he talks of a three per cent increase in requirements for health spending, that was based on the University of Birmingham report, which it now appears was incorrect in so far as it compared total health spending in the U.K. per capita, including capital, and in Jersey it did not include capital? Therefore, it was an apples and pears comparison and it should be done again.”

**Senator S. Syvret:**

“I would have no difficulty at all with the whole question of healthcare funding in the Island being looked at again, but I certainly don’t accept the Senator’s assertion that the report was wrong. Certainly the view that he has just expressed has never been formally or officially communicated to Health and Social Services by the Finance and Economics Committee, of which he is Vice-President, and certainly I don’t accept that it is wrong. The fact is that the Senator is a rabid neo-free market fundamentalist, who is actually part of a Committee, the Finance and Economics Committee, that is leading Jersey down a path which no other western jurisdiction is contemplating, and that is actually cutting spending on its National Health provision. When I say that there is ‘no fat on the bone’ in the Island’s Health and Social Services, of course you can move around the components within the overall area of responsibility, but the fact is that, if you are able to make efficiencies, those efficiencies should be going back into frontline health and social care services, not taxed by the ideological whims of Senator Ozouf.”

**2(f) Deputy R.G. Le Hérissier of St. Saviour:**

“Would the President confirm that the views that the Senator has expressed on the rôle of Senator Ozouf and the neo-fundamentalist tendencies of the Finance and Economics Committee are fully supported by his Committee and, secondly, Sir, could the President promise to give me a list of positions created since the so-called efficiency drive started - a list of the positions created in management?”

**Senator S. Syvret:**

“Certainly, Sir, I am more than happy to provide the Deputy with that information. When I have the opportunity some time today, I will ask the Department to make it available to him and certainly, as far as I am aware, my Committee is in fact totally behind the views I have expressed. Certainly none of them have ever expressed contrary views to me.”

**The Bailiff:**

“We come now to the next question, and the Greffier has asked me to assure members that, despite the convenient juxtaposition of some of these questions, they were all pulled out of the hat in the entirely appropriate way.”

**3. Deputy R.G. Le Hérissier of St. Saviour of the President of the Education, Sport and Culture Committee:**

“Would the President identify the proportion of efficiency savings in the current initiative that have come from senior management cutbacks? What positions, if any, have been removed?”

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

“As is normal practice, the Education, Sport and Culture Committee keeps its managerial structure under constant review, but I assume that the current initiative to which the Deputy refers is the States Change Programme that is being led by the Chief Executive of Policy and Resources. This work is as yet incomplete and has not resulted at this stage in any proposed senior management cutbacks within my Department. However, the Deputy will recall the significant savings which were achieved through a restructuring exercise completed as part of a merger of the former Departments of Education and Sport, Leisure and Recreation (SLR) less than two years ago. These savings were reported by me in a reply to a question which the Deputy asked in February 2004. Should significant changes ensue from the current initiative requiring a further review of the Department’s structure, this will be undertaken later this year. Clearly any such review will include the composition, rôles and responsibilities of my Department’s small senior management team, which currently comprises a Chief Officer and five Senior Officers who are responsible for a complex, extensive and diverse service and a revenue budget in excess of £90 million.”

**3(a) Deputy R.G. Le Hérissier of St. Saviour:**

“Would the President identify if there have been any areas where there has been a growth in management positions vis-à-vis the growth in frontline positions, e.g. the Youth Service?”

**Senator M.E. Vibert:**

“The Deputy mentions the Youth Service. We have recently appointed a new Head of Youth Service because unfortunately the previous postholder died in post. We are restructuring the Youth Service. We issued a paper to the States (an R.C.) about the restructuring the Youth Service, which involves area youth workers, but they are frontline staff and they are very heavily involved in training Youth Service staff and volunteers, so I don’t regard it as a growth in management at all.”

**3(b) Deputy R.G. Le Hérissier of St. Saviour:**

“So would the President identify the proportion of management to frontline staff in the Youth Service?”

**Senator M.E. Vibert:**

“I will get that information to the Deputy. It is detailed information and we will have to consider what we regard as frontline staff and management, and certainly the area youth workers are regarded as frontline staff.”

**3(c) Deputy G.P. Southern of St. Helier:**

“Can the President, please, outline what progress has been made to sharing the costs of additional youth workers in the provision of services in the Youth Service with the Parishes and how many places are envisaged coming up in the near future?”

**Senator M.E. Vibert:**

“Yes, we have had a very good response from the Connétables and I have met the Connétables’ Committee with my Vice-President and others on a number of occasions. St. Ouen has already entered into an arrangement with Education, Sport and Culture, a partnership, where we have in post a new worker for St. Ouen where they did not have a worker before. We are also in discussion with a number of other Parishes about various initiatives where we can work together to improve the provision of the Youth Service. This isn’t a cost-cutting exercise on behalf of the Education, Sport and Culture Committee. We are reprioritising our resources to put money into the Youth Service, but we see working with the Constables as a way of further increasing this valuable area.”

**3(d) Deputy G.P. Southern:**

“Does the President agree that the vital element that is required is extra bodies, extra youth workers, on the ground and, in particular, does he have any idea of whether any further bodies on the ground will be produced?”

**Senator M.E. Vibert:**

“We very much hope, Sir, that further workers will be produced. We are in discussion, as I say, with a number of the Parishes and we are also looking to see where we can find posts to redirect ourselves. That is our intention, as outlined in the policy document that we issued as an R.C. to increase investment in the Youth Service and, where possible, ensure that we have an increase not only in full-time youth workers in partnerships with the Parishes and other areas, but also in volunteers and part-time workers.”

**3(e) Deputy R.G. Le Hérissier of St. Saviour:**

“Would the President confirm that the common functions across his recently merged Departments have indeed been totally merged and all the management savings that could have come from that particular merger have now materialised?”

**Senator M.E. Vibert:**

“We are constantly looking and we would never be arrogant enough to say that there could not be further savings made, but we believe that the current senior management team, which comprises of a Director of Education, Sport and Culture, an Assistant Director of Schools and Colleges, an Assistant Director of Sports and Leisure, an Assistant Director of Culture and Lifelong Learning, an Assistant Director of Resources and an Assistant Director of Policy and Planning for such a diverse area as we cover - Education, Sport and Culture - and the size of the revenue budget and our complex of buildings, is not excessive, but, of course, we will always be looking to see where further savings and efficiencies can be made.”

**4. Senator E.P. Vibert of the President of the Policy and Resources Committee:**

“Would the President inform the Assembly whether the Committee has consulted the Finance and Economics and Economic Development Committees on the likely impact on immigration and inflation of three major building projects on the Waterfront commencing at approximately the same time?”

**Senator F.H. Walker (President of the Policy and Resources Committee):**

“I can confirm that consultation has taken place between the Policy and Resources, Finance and Economics and Economic Development Committees on the plans for the St. Helier Waterfront including the building questions referred to in the question. In terms of the question - the potential impact on the wider economy - members will recall that the Economic Development Committee recently published its quarterly report on public and private sector construction workflow projections, which was R.C.23. These projections, which include the 3 building projects referred to in the question, indicate that the total level of construction activity is set to fall by about 10 per cent by the end of this year. This clearly suggests that capacity is actually being freed-up in the building sector rather than pushing against the capacity constraints of the industry that would add to inflation.”

**4(a) Senator P.V.F. Le Claire:**

“Given that, is the President able to tell us whether or not the Waterfront Enterprise Board will be employing some of the 400 people that it has been allowed to have for the construction of these properties? We have had in the past an agreement in principle in the States that there would be 400 positions made available. Does this information now available tell us that those positions are no longer needed?”

**Senator F.H. Walker:**

“The Waterfront Enterprise Board doesn’t employ building workers.”

**4(b) Senator P.V.F. Le Claire:**

“On a point of clarification, the development of the Waterfront did include an in-principle decision by the States that we would grant them up to 400 licences for the development of a Waterfront hotel. So, in relation to that, can the President be a bit more generous in his answer?”

**Senator F.H. Walker:**

“The granting of licences will depend on the specific requirements of each project and, of course, the total and will, as all such issues are, be subject to scrutiny by the Economic Development Committee when they decide whether or not to issue Regulation of Undertakings licences.”

**4(c) Deputy G.P. Southern of St. Helier:**

“Is the President aware of how ineffective those licences are when, for example, a catering company

can agree to start with 30 per cent local employees and build over three years to 75 per cent local employees and yet end up after three years with only 12 per cent? Does he not consider that the same sort of situation is likely to happen on the Waterfront with building companies?"

**Senator F.H. Walker:**

"That is a matter for the Economic Development Committee, but I would point out to the Deputy that, despite the points he makes, the Island has experienced net outward migration in recent years and that, surely, is the point and the figure that actually we should be concentrating on."

**4(d) Senator E.P. Vibert:**

"Would the President not confirm that in fact this net outward migration has been due to the fact that there has been an economic downturn and the whole proposal of the States is that we have an economic upturn?"

**Senator F.H. Walker:**

"Yes, Sir, and I think that is probably why we agreed that we needed an economic upturn."

**5. Senator E.P. Vibert of the President of the Economic Development Committee:**

"Would the President inform the Assembly whether the Committee was aware of discussions being held between the Harbours and Airport Committee and a major development company regarding the development of land administered by that Committee at Jersey Airport and, if so, why details of this plan were not included in the Economic Growth Plan proposals approved by the States on 20th April 2005?"

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

"The Economic Development Committee was made aware of a proposal put to the Harbours and Airport Committee regarding a possible development of land at and around Jersey Airport in January 2004. It was not included in the Economic Growth Plan because the Plan is a framework within which to build policies relating to specific industry sectors. Any proposal to develop land at the Airport is not relevant to the important issues that were contained in the Economic Growth Plan that cut across the whole Island's economy, such as skills, efficiency, enterprise, competition and macro-economic stability. Furthermore, any potential development at the Airport still has significant planning and political obstacles to overcome and, as such, there remains a certain amount of uncertainty over its future."

**5(a) Senator P.V.F. Le Claire:**

"That is an interesting answer. I wonder if the President could tell the Assembly as to what degree he personally and his Committee have been involved in these negotiations up until this point, and how aware he is of the potential for development of the Airport?"

**Deputy F.G. Voisin of St. Lawrence:**

"For myself, Sir, I was involved in one early meeting, and when I learnt that a part of the proposal contained retail development, I expressed a potential conflict and I withdrew from the meeting and I haven't been involved in any other meeting since, but I am aware that obviously other members of the Committee are involved because, of course, I have two members of the Harbours and Airport Committee that are also on my Committee."

**5(b) Senator E.P. Vibert:**

"Would the President not agree that part of the Economic Growth Plan in fact did involve around the tourist industry and that the Airport was a key function in this during the debate? Would the President also accept the fact that I actually raised this question of rezoning land around the Airport during the speech that I made on the Economic Plan and rezoning it for commercial purposes and, in his answer in reply, he didn't deal with it at all? Would he not accept that, in view of the fact that he had knowledge of this plan, he was misleading the Assembly by not actually dealing with the matter?"

**Deputy F.G. Voisin of St. Lawrence:**

"I reject any notion that I misled this Assembly. I have always tried to be totally honest and upfront with the Assembly. It is not within the remit of the Economic Development Committee to rezone land around the Airport. That is clearly a matter for the Planning Department within the Environment and Public Services Committee. It is, of course, true that the Economic Growth Plan will affect all aspects

of the Island's economy, including Tourism, and that the Airport is an important part of that. But, certainly, whether a development goes ahead at the Airport or not remains, as I understand it, really very uncertain at this stage; and I think it is quite wrong to start basing a plan for economic growth on something that may well not go ahead at all. I think that would actually be rather foolish."

**6. Deputy G.P. Southern of St. Helier of the President of the Harbours and Airport Committee:**

"Following his recent public statement, would the Vice-President, on behalf of the President, inform members whether attempts by the Committee to pursue 'major ideas' for the undeveloped land around Jersey Airport have been frustrated and, if so, inform members whether it has been a Committee of the States that has been unreceptive to the ideas and, if that is the case, which Committee?"

**Deputy L.J. Farnham of St. Saviour (VicePresident of the Harbours and Airport Committee-rapporteur):**

"No, Sir, we do not believe that the Harbours and Airport Committee has been frustrated or has experienced another States' Committee being unreceptive to these very early proposals."

**6(a) Deputy G.P. Southern of St. Helier:**

"Could the Vice-President inform members when he became aware of these major ideas?"

**Deputy L.J. Farnham of St. Saviour:**

"I would stress, Sir, that I have not been as close to this matter as the President, who has led on it. The Committee was presented with the ideas in 2004. They weren't greatly detailed, they were mere proposals and, to this stage, no deal whatsoever has been completed. Perhaps I could just explain the process that would take place? If these proposals were to proceed and an agreement in principle is reached, then the following procedure would occur. A formal planning application would have to take place, together with public consultation and, of course, a final decision would be subject to States' approval, but I would stress that no deal has been done."

**6(b) Senator E.P. Vibert:**

"Could the Vice-President refer back to his answer that his Committee has not been frustrated in any way by this, because this runs totally counter to public statements made by the President, who actually made the point that he was being frustrated and wished to try and get this matter pursued as quickly as possible?"

**Deputy L.J. Farnham of St. Saviour:**

"Yes, I did actually confer with the President and it was the President who gave me the answer on his behalf, and that answer is that he does not believe that we have been experiencing any difficulties with other Committees."

**6(c) Senator P.V.F. Le Claire:**

"It may be my lack of personal knowledge on the item, but the rapporteur has answered in his previous question if these proposals were agreed and then set out the actual process. Given that his answer was if these proposals were agreed, could he please explain to the Assembly what he meant by 'these proposals'?"

**Deputy L.J. Farnham of St. Saviour:**

"The proposals that were presented to the Committee are of a commercially confidential nature, so I am not prepared to give out, or I am not able to give out, any details on the exact proposals."

**6(d) Deputy P.N. Troy of St. Brelade:**

"Can the rapporteur explain why there has not been any consultation at all with the Deputies of St. Brelade to date, who represent a large number of people who reside near to the Airport? Not one of the 3 Deputies of St. Brelade has been consulted at all at present. Can the rapporteur explain why and also why there has been no actual public consultation to date? Also, as this is commercially sensitive, presumably, and reports in the *Jersey Evening Post* have suggested that a preferred developer already exists, can the rapporteur explain the process that was used to find this preferred developer, if this developer exists; whether any expressions of interest were received from companies established in Airport redevelopment in the U.K.; and, if this developer does exist that discussions have been continuing with, can we have a short profile of that company, including its identity?"

**Deputy L.J. Farnham of St. Saviour:**

“As explained earlier, the proposals are in a very early stage and, if they were to proceed, then I would very much hope, as I am sure the President would, that the consultation would take place, if they were to proceed, and I would think very much the Deputies of the Parish would be among the first to be consulted and be invited to participate. In relation to the information asked for on the developer and how the Committee came across the developer, the Committee was simply approached by a developer who had an idea for development on the land at the Airport, so the Committee was responding to that approach. In relation to the secrecy that I think the Deputy might also be alluding to, I think it is quite appropriate for any Committee to exercise, if necessary, absolute and complete discretion when dealing with matters of a confidential nature, whether it be in relation to health or to education or, as in this case, to a commercially sensitive matter.”

**6(e) Senator P.F.C. Ozouf:**

“Would the Vice-President confirm that the Connétable of St. Brelade is on the Harbours and Airport Committee and, therefore, there has been consultation with elected representatives of St. Brelade and it is not a matter, surely, for Harbours and Airport to ensure that there is good communication in the Parish of St. Brelade? I offer no negative comments of the Connétable whatsoever, at all, but would he also agree with the President of the Economic Development Committee when he said that in fact it is the Planning Committee that should be pre-eminent in devising and explaining exactly what is possible on the Airport, and would he confirm that there are very serious issues to test in relation to retail and traffic issues if the Airport land was to be developed? Thirdly, would he agree that in fact Harbours and Airport isn't the right Committee in order to deal with a large scale property development and that in fact that should be passed to the proper expert body within the States to ensure that there is a fair approach in dealing with getting into bed with developers and all the rest of it?”

**Deputy L.J. Farnham of St. Saviour:**

“Yes, Sir, I agree with all of those points, and if these proposals, which are not detailed as such, if the negotiations in relation to these proposals were to proceed, then the Harbours and Airport Committee would pass it on to the Senator's Department.”

**6(f) Deputy S.C. Ferguson of St. Brelade:**

“Would the Vice-President confirm that the Committee's mind is not closed to alternative proposals which would boost tourism and perhaps be better for the Island?”

**Deputy L.J. Farnham of St. Saviour:**

“Yes, I can absolutely confirm that, Sir.”

**6(g) The Deputy of St. John:**

“Will the President confirm that the last 3 Harbours and Airport Committees have been aware that there was development potential at the Airport and there has been no secret to that fact and there is no secrecy currently going on with your Committee because members, if they have got their ear to the ground, should know what is going on? I am surprised to have read the remarks by the Deputy of St. Brelade and listened to them again today, given that his own Connétable is on the Committee.”

**Deputy L.J. Farnham of St. Saviour:**

“Yes, Sir, I can at least confirm that the previous Committee, of which I was a member, have always had it in mind to make maximum use of the commercial potential of its land.”

**6(h) Senator E.P. Vibert:**

“I wonder if I could ask the President whether he would agree that the correct procedure, following on Senator Ozouf's intervention, is in fact that, if land has to be rezoned as commercial around the Airport, it has to be done, first of all, by the Planning Department and they have to come to the States to do it, and then the question really gets opened and anybody who wants to make a proposition as to how that land should be used should be in a position to do so? Is that not the correct position rather than having press and public statements being made and deals being done about the Airport going into these kind of situations? That is what has led to this actual Question Time, which has been statements made about developments taking place in secret.”

**Deputy L.J. Farnham of St. Saviour:**

“Yes, Sir, I would agree that, as I have stated previously and in response to the questions of Senator

Ozouf, the planning and the rezoning process is absolutely crucial to any proposals going into a second stage, and I would think that, if the Planning Committee and ultimately the States saw fit to rezone that particular land, then a new process would take place to select the appropriate developer.”

**6(i) Deputy P.N. Troy of St. Brelade:**

“Earlier the Vice-President suggested that this was commercially sensitive, and I would ask, on the basis that the Connétable of St. Brelade has not spoken to any of his Deputies, has the Connétable of St. Brelade and other Committee members been gagged, been prevented from speaking about this, and are we in the dark here, Sir, because of a policy by the Harbours and Airport Committee of total secrecy?”

**Deputy L.J. Farnham of St. Saviour:**

“No, Sir. I can confirm that, even if we had wanted to gag the Connétable of St. Brelade, it would be nigh on impossible and I would just confirm, Sir, that we are dealing with this, as many other Committees do, as a confidential matter.”

**6(j) Deputy G.P. Southern of St. Helier:**

“Does the Vice-President explain his lack of knowledge of further progress on this concept due to his being conflicted, or is it because the Committee has not been consulted fully on any development, and does he not admit that this is no more than the germ of an idea that has been floating around for a long time?”

**Deputy L.J. Farnham of St. Saviour:**

“Yes, Sir. First of all, I would confirm that this is an idea in its early stages. It is not exactly detailed. From the point of view in relation to conflict, as it is not totally detailed, I don’t believe I would have a conflict. If, of course, as the plans became more detailed and there was a potential conflict, I would immediately declare it.”

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

“Would the President advise the Assembly whether the Committee is satisfied that the ‘Jambart Estate’ development is proceeding in accordance with the approved planning permit and the conditions associated with that permit?”

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

“Yes, we are satisfied that the development is proceeding in accordance with the approved planning permit. I am aware that concern has recently been raised by residents in Jambart Lane about trees felled along the east side and whether this complies with the permit. These trees, most of which were unfortunately diseased Elm trees, have been cleared to make way for the construction of the new road. The other boundary trees have been inspected by the States’ tree specialist - I cannot say the full title because I cannot say it properly - and, because of their dangerous or diseased condition, a few have been felled, but these will be replaced with appropriate species.”

**7(a) Deputy R.G. Le Hérisier of St. Saviour:**

“Would the President acknowledge, Sir, with hindsight and having inherited the problem, that it is indeed an unmitigated planning disaster, where the Committee is pretending to develop a rural lane by inserting a total urban development upon that lane?”

**Senator P.F.C. Ozouf:**

“The President rightly uses the word ‘inheritance’, but, of course, this Assembly itself inherited a States’ decision to rezone Jambart Lane in the 2002 Island Plan; and that was a proposition that was brought by a previous Committee. I have to take the wishes of the States and progress matters, as we have done so, because of the important delivery requirements of homes. Now, there are lessons to be learnt with the previous way of the 2002 rezoning propositions. Those lessons have been learnt and I believe that the Committee will not make mistakes again, if mistakes have been made.”

**7(b) Deputy G.C.L. Baudains of St. Clement:**

“Could the President advise whether traffic issues were part of the planning permit, because, whilst the President is satisfied, my parishioners certainly have a different view? Also, Sir, the fact that the foul sewer provision has not yet been resolved, leading to certain of my parishioners coming under pressure



from the developer, could the President advise whether or not the drainage was resolved during the planning process and, if not, why not? Lastly, Sir, the mains water supply only has enough capacity for an extra 55 houses and yet there are over 70 being built. Has that been resolved as well?"

**Senator P.F.C. Ozouf:**

"I remain confident with the statement I made, that we are satisfied that the development is proceeding according to the approved permit. Taking the 4 issues which he deals with; water supply - that is a condition of the planning permit and must be met and will be met. Similarly, the foul sewer arrangements; there are important pumping stations which are being installed in order to serve the development, which will be of benefit to also other properties, I am told. So that is proceeding, work is underway and at any point, if there is any difficulty, we will be alert and there will obviously be resolution, as required as part of the permit. The issue to do with traffic is something that is the subject of a written question today and, indeed, also we are having a meeting. I regret it has taken a while to meet, but we are finally meeting with the parochial authority to deal with the issues to do with traffic. I will continue to work to find consensus with the Parish on dealing with the difficult traffic matters. In relation to the trees, it is certainly regrettable that we receive a planning application that presents trees to be remaining and then we find out that they are diseased and have to be replaced. But, notwithstanding that, the Committee will work to ensure that the appropriate landscaping is available in order to offset the clear downsides of the development. But we will work very hard to achieve something that is workable."

**7(c) Senator E.P. Vibert:**

"Would the President confirm that the original approval for Jambart Lane actually included the necessity to provide a footpath from the houses down to the main road and that in fact that has not been done, and could the President explain how the developer was able to get around that part of the approval to the permit without this matter either coming to the Assembly or actually being dealt with by the Committee?"

**Senator P.F.C. Ozouf:**

"Senator Vibert believes, I think, that most decisions that any Committee makes should actually ... I have sometimes said in the past that I don't think there should be a Planning Committee because every decision should be made by this Assembly. The Committee is given delegated responsibility in order to discharge the detailed decisions under the planning process. In respect of the footpath, clearly there are lessons to be learnt. The previous Committee set out in the development brief, which was consulted upon by the parochial authority and put in the public domain, put in a requirement for a footpath that would be either created through the immediate greenhouse or on the parish lane. It was an either/or. If the Committee at the time would have stated that they wanted road improvements and a footpath, then we would have been in a position to be able to hold that line and achieve it. Unfortunately, the footpath in the adjacent lane was not possible, I regret, and we had to make a decision to stick with the footpath arrangements, but, frankly, that is not a decision that is the fault of my own Committee; it is a decision of the previous Committee, and all the people involved did not actually say 'We want a footpath whatever happens'."

**7(d) Deputy G.C.L. Baudains of St. Clement:**

"I wonder if the President could clarify? When I asked about the water capacity, I am not quite sure whether he was in fact referring to the surface water attenuation problem or the actual supply. I was referring to the mains water supply, which, surely, is not within the remit of the developer? If the mains water can only supply 55 homes, how are the other homes going to be supplied?"

**Senator P.F.C. Ozouf:**

"This is clearly a big development and I am not briefed, unfortunately, on the issues to do with the water supply. I do know that conditions have been put which require the developer to ensure that there is appropriate water, and I will research the matter and share with the Deputy any concerning issues that I find out in respect of water, but I doubt that there are any and, if there were any, then the development would not be able to proceed because it would be part of the development permit. May I say one final thing, Sir? This has been a longstanding issue, and I understand that there are strongly held views about the whole Jambart Lane development which have been tested with this Assembly. Could I ask the Deputy, with respect, and the parochial authority, to help us now, given the decisions of this Assembly and given that the development is going ahead, to make the best possible circumstances in terms of landscaping, roads and all the rest of it? Let us try and work together rather

than these constant attacks that we get, which, frankly, do not get us anywhere? I am keen to work together and I will do my best, but these sorts of questions, which constantly undermine and which have got nothing to do with me, don't take us forward."

**8. Deputy G.C.L. Baudains of St. Clement of the President of the Environment and Public Services Committee:**

"Does the Bellozanne outfall in St. Aubin's Bay comply with minimum pollution standards and, if not, what does the Committee intend to do to rectify the situation?"

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

"The outfall into St. Aubin's Bay at First Tower discharges surface water from the stream that runs through Bellozanne Valley from the north of the Island together with the treated water from the Bellozanne Sewerage Treatment Works. The quality of the effluent from the Bellozanne Treatment Works has to comply with standards laid down in the discharge consent, which is issued by the regulator under the Water Pollution (Jersey) Law. The standards in the discharge consent are consistent with the standards normally applied in the U.K. and also includes a requirement for ultra violet disinfection, which further enhances the quality of effluent discharges, creating a safe environment for recreational water users. Members will be aware of the high quality of our waters around Jersey, unlike Guernsey. The Bellozanne Sewerage Treatment Works consistently achieves an effluent quality which is well within the requirements of the discharge consent, ensuring that the quality of the effluent discharged not only complies with accepted standards, but which is generally of a much higher quality than often required in the United Kingdom."

**8(a) Deputy G.C.L. Baudains of St. Clement:**

"Could the President explain why a previous Committee minute states - Public Services, that is - that when the new Water Pollution (Jersey) Law is in force, any new discharge will be required to be below the low water mark, and this is some considerable distance from the low water mark? Was that information given to Committee incorrect at that time or what else has changed in the meantime?"

**Senator P.F.C. Ozouf:**

"The Deputy is correct when he states that there was a discussion concerning the discharge into the low water mark. If we were to achieve this, the existing outfall would need to be extended by some one and a half to 2 miles, and the cost of doing this would be of the order of £8 million to £10 million. This scheme is being prepared for inclusion in a future capital programme, but we remain of the view that it is unlikely that that bid would actually succeed until something like 2012. But we are aware of it and that is certainly correct in terms of the eventual outturn of the outfall pipe. What we are trying to do is to ensure that whatever comes out of that pipe is of the highest possible standard, which we are doing."

**8(b) Senator P.V.F. Le Claire:**

"Given that in the past it has failed to meet the required standards, how can the President say that it consistently achieves the high standards that have been set by the U.K. and would he outline how many times in the past 12 months the standards have failed to be met and whether or not his Committee is willing to undertake a tidal survey in relation to the fact that the development on the Waterfront has significantly altered the flow of tidal movement that keeps that stagnant water well within the Bay for many hours during the course of the day? I appreciate that the discharge times, etc., have an impact, but, given that we have got an extremely expensive piece of capital expenditure to consider, is it not appropriate that we are identifying the times and the occasions that these standards are being failed to be met, and what is being done to monitor the situation?"

**Senator P.F.C. Ozouf:**

"The Committee has an extremely... and indeed this Island has an extremely proud record of the standard of the effluent, because of the foresight of decisions that were made a number of years ago by this Assembly to invest in technology which is way ahead of that of many other jurisdictions and, indeed, way ahead of similar jurisdictions in the vicinity of the Channel Islands. The issue of discharge consents is an important one. The consents - and I am not briefed with all of the detailed issues - but there is absolute monitoring going on with this and, if there has been a falling of the standards, it is due to mainly, as I am told, the issue of nitrates, where there are very high levels of nitrates which are actually included in the effluent. Work is being done by a large capital programme concerning that issue; and, indeed, the work that the Environment Department with Economic Development is doing in terms of reducing nitrate pollution on land, etc., is actually improving the whole issue of nitrates in the

water. It is too early to say, but certainly the green seaweed issue is certainly linked in some people's minds to the issue of high nitrates in the water. Jersey has a very proud record of this. We continue to want to raise standards even more, and I refute completely any suggestion whatsoever that anybody listening to this could suggest that there is a problem in this area. We have got high standards and we want to raise them even further."

**8(c) The Deputy of St. John:**

"Over the years a number of breaches have taken place. Even when I was on the Committee, we weren't perfect and things did happen and machinery broke down. But could the President tell us, over the last three years - I know he has only been in office for the last 2 and a half, but the records must show - how many actual breaches of the bathing water quality have actually taken place?"

**Senator P.F.C. Ozouf:**

"I have actually been in office for 14 months. I wish it was two and a half years in some ways, but the Deputy is quite right. There is a consistent issue over the water quality, which is linked to the nitrates, but where there is, for example, a large deluge of water and the Bellozanne Treatment Works is unable to deal with the volume of sewerage, then it is - and I don't want to give any indication that it is an ongoing problem - but we are aware that I think in the last year there has been perhaps one discharge of untreated effluent into the Bay. Dare I use the word 'Cavern' as the solution to this? It is the Cavern - despite all of the public reaction to the over-running of the cost of the Cavern - the Cavern is in fact the saviour for Jersey in saving up this water to a large extent so that it can then be properly processed and then be discharged after being treated through the Bellozanne Plant. The Cavern Project is not completed, because there is still some pipework that is necessary within the Phillips Street shaft, but the Committee is considering all of these issues in its further capital programmes and we would like a situation where we never have a problem, despite the fact that we have an intemperate climate and there are downpours, etc."

**8(d) Deputy J.B. Fox of St. Helier:**

"Being in my district, one receives regular complaints from residents and visitors in the First Tower area about the quality and smell and, of course, the residents don't know specifically where it comes from. But it is a point that has been raised today, and I would be grateful if the President would confirm that he would ensure that up to date information is relayed to the people of First Tower so that they can have some reassurance as a result of the questions of today. I suspect there will be a lot more questions coming up on Wednesday at the Bellozanne meeting and specifically about solid waste, but it might be an idea to have some reassurance at that meeting as to what the current situation is and what improvements to the beach area Public Services will be considering or dealing with."

**Senator P.F.C. Ozouf:**

"I am happy to get myself briefed-up for the residents' meeting in respect of this issue. He is absolutely right, it is not always clear where the smells emanating from Bellozanne come from, whether or not it is from the Waste Facility Plants or whether it is not from the Water Treatment Plants. I would say one thing in conclusion. The Committee has a big job to do in terms of putting appropriate funding in place for the treatment of water in Jersey. We not only have to have extensions of sewers across the Island, particularly in the areas of St. John, but we also have to ensure that the existing plant is maintained and we have got higher standards of effluent discharge and all the rest. I think and I hope I certainly explained that we are on top of the matter."

**8(e) Senator P.V.F. Le Claire:**

"Given the fact that the President has a dual responsibility, and a difficult dual responsibility, in administering the treatment and also the environment under his Committee - and I appreciate he has only been there for 14 months - will the President consider discussing with his Committee on the environmental side the possibility of an environmental impact assessment ongoing in this area of Jersey in this bay. We are very, and quite rightly, proud of our high standards, but, given the development of our Waterfront and given the residential concerns and the environmental concerns, will the President agree to take to his Committee a consideration of an ongoing environmental impact assessment in relation to water quality and tidal movements and silt build-up?"

**Senator P.F.C. Ozouf:**

"No, Sir, because it has been done. The independence within the Committee, having separated the operational matters to do with the treatment of waste water and putting in place the appropriate

regulations, we now have a separate regulator, and this Assembly will shortly consider the splitting - an appropriate and better splitting - of the Environment and Public Services Department after we have put them together and they are brought back together. So there is going to be ongoing independence and the regulator, of course, monitors all of the outfall and all of the rest of it. Not only that, there is independent verification by other people such as coming and checking our seawater and all the rest of it, and the results are good, as everybody knows. In respect of the ongoing environmental impact assessment and reclamation, well, the Waste Strategy has in it a back-end requirement of finding a new reclamation site at some point, because we will need it notwithstanding our high recycling targets. I would suggest to the Senator that that is the time for an appropriate environmental impact assessment of any further reclamations which could affect tidal flows. I cannot undo the reclamation site that is there.”

**9. The Deputy of St. Martin of the President of the Environment and Public Services Committee:**

“Would the President advise members of the total maintenance cost, since its purchase, of the former St. James Church and Vicarage and what plans the Committee has to continue keeping the premises in the good order which this historic building requires?”

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

“This is quite a long answer, I am afraid, Sir, but the purchase of St. James School was completed in 1992 at a cost of £100,000. In 1994, £70,000 was provided to refurbish the toilets and repair the roof. In 1994, changes were made with responsibility, which went to the Arts Trust, etc., who engaged in a lease for a single payment of £99. Between 1997 and 1998, a programme of £93,000 was used to deal with re-pointing, drainage and windows repair. The first major refurbishment of St. James was then carried out in 2001, at a cost of £1.53 million, and that included a contribution of £150,000 from Planning and Environment towards dry rot. In 2003, the Committee received minor capital votes of £75,000. Approximately 50 per cent of that sum remains to be spent. There has been £450,000, in other words, spent on maintenance, just maintenance, since 1993. There is a planned maintenance survey, which was carried out in 2004. There has been recently also a budget for ongoing maintenance for the building. I hope that helps members. Perhaps I can give a detailed assessment in written form, rather than boring members with just reading out a load of figures.”

**9(a) The Deputy of St. Martin:**

“Yes, Sir. I think most of us got a little bit lost by the costs, because I did ask for the total maintenance cost. No doubt we will be able to work all that out by the end. Could I ask the President, given the total maintenance cost, could he inform members who are the premises actually let to, is there a written lease and how much annual income have we been getting since that time, or what is the total income from rent over that period?”

**Senator P.F.C. Ozouf:**

“I think the situation is that there was promised to be a lease; and this is a common problem both within the Opera House and the other buildings that were purchased by the States and handed over for the responsibility of the Arts Trust, etc. So I think the situation is that there was the promise of a lease, but it has never been signed because there has never been final agreement on who is actually responsible for the maintenance of them. He asks how much revenue is taken from St. James to the Committee responsible - i.e. mine. Well, nothing. Actually we get, I think, a single payment of £99 per annum, and the difficulty is that the Committee has not inscribed in its budget to the full extent, to 100 per cent, the costs of ongoing maintenance at either the Opera House or St. James. This is a very difficult issue and we are going to be commenting on the Education, Sport and Culture Committee’s Cultural Strategy, because, effectively, they have tried a bit of a fast one. I say that because they have tried - and I don’t blame them for it, but they have actually tried - to hand the responsibility for maintenance over to us and we haven’t got the money.”

**9(b) The Deputy of St. Martin:**

“I am rather astonished. I thought we were looking at a business and we haven’t even got a written lease and we are letting someone have all this property for such a small amount of money. Can I just ask, is his Committee going to give really serious consideration either to selling this property or letting it out to someone who will give us a commercial rent for it?”

**Senator P.F.C. Ozouf:**

“I have to say that I obviously have some sympathy with what the Deputy is saying, but we are in the

position that we are not responsible for the Arts Trust and clearly there are some very difficult issues going on in relation to arts funding across the Island. The Committee is resting reasonably silent at the moment on the issues of the leases, both for St. James and the Opera House, but we have said some stiff words to the Education, Sport and Culture Committee and the Arts Trust that this matter must be resolved, but it will only be resolved when the Arts Trust and the Education Department - and no criticism at all because they are doing it - can actually resolve the ongoing funding issues. Clearly we will take instructions from the Education, Sport and Culture Committee. If we are told to sell St. James, we will do it.”

THE STATES, having reached the expiration of the one hour limit applicable to the asking of questions and the giving of oral answers in accordance with Standing Order 14B(1), commenced consideration of a proposition of Deputy Celia Joyce Scott Warren of St. Saviour that Standing Order 14B(1), relating to the time limit for giving oral answers, be suspended in order to allow her oral question to be put, and adopted an amendment of the Deputy of St. John that Standing Order 14B(1) be suspended, to allow all remaining oral questions to be asked.

Members present voted as follows –

**POUR: 30**

Senator S. Syvret  
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  
Senator E.P. Vibert  
Connétable of St. Mary  
Connétable of St. Clement  
Deputy of Trinity  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy G.C.L. Baudains (C)  
Deputy J.L. Dorey (H)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott Warren (S)  
Deputy L.J. Farnham (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

**CONTRE: 6**

Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Deputy T.J. le Main (H)  
Deputy R.G. Le Hérisier (S)

**ABSTAIN: 0**

THE STATES subsequently adopted the proposition, as amended, of Deputy Celia Joyce Scott Warren of St. Saviour.

Members present voted as follows –

**POUR: 23**

Senator S. Syvret  
Senator W. Kinnard

**CONTRE: 13**

Senator F.H. Walker  
Senator T.A. Le Sueur

**ABSTAIN: 0**

|                              |                              |
|------------------------------|------------------------------|
| Senator P.V.F. Le Claire     | Connétable of St. Clement    |
| Senator P.F. Routier         | Connétable of Trinity        |
| Senator M.E. Vibert          | Connétable of St. Lawrence   |
| Senator P.F.C. Ozouf         | Connétable of Grouville      |
| Senator E.P. Vibert          | Connétable of St. John       |
| Connétable of St. Mary       | Deputy T.J. Le Main (H)      |
| Deputy of Trinity            | Deputy J.L. Dorey (H)        |
| Deputy R.C. Duhamel (S)      | Deputy L.J. Farnham (S)      |
| Deputy J.J. Huet (H)         | Deputy R.G. Le Hérissier (S) |
| Deputy of St. Martin         | Deputy of St. Ouen           |
| Deputy of St. John           | Deputy of St. Peter          |
| Deputy G.C.L. Baudains (C)   |                              |
| Deputy F.G. Voisin (L)       |                              |
| Deputy C.J. Scott Warren (S) |                              |
| Deputy J.B. Fox (H)          |                              |
| Deputy J-A. Bridge (H)       |                              |
| Deputy G.P. Southern (H)     |                              |
| Deputy J.A. Bernstein (B)    |                              |
| Deputy S.C. Ferguson (B)     |                              |
| Deputy J.A. Hilton (H)       |                              |
| Deputy G.W.J. de Faye (H)    |                              |

- 10. Deputy Scott Warren of St. Saviour of the President of the Economic Development Committee:**  
 “Is the President aware of the concern felt by many people in the community, especially by the senior citizens, regarding the proposed cessation of the home milk delivery service from the end of June and will he give members an assurance that the Committee will look at all possible options to retain this service?”

**Deputy F.G. Voisin of St. Lawrence (President of the Economic Development Committee):**  
 “The issue is one for the Jersey Milk Marketing Board, Sir, and I have consulted, because they were calls for the Economic Development Committee to be involved in the sale of the current dairy. I consulted the Law Officers about the powers of the Committee to direct the Jersey Milk Marketing Board, and of course we have none. Certainly we have no areas of direction in this particular area. The Jersey Milk Marketing Board is a legal entity in its own right. It has legal personality and it is answerable to its members, the producers, to deliver the maximum return possible to them. They have been under pressure to reduce their costs and increase the return to producers, and one of the ways that they have seen to do this is to save costs by discontinuing the delivery service. So, whilst we can certainly as a Committee ask the Milk Marketing Board to reconsider this matter, we will have no powers to actually direct the Board to do so.”

- 10(a) Deputy C.J. Scott Warren of St. Saviour:**  
 “Does the President not accept that this is a political issue, in view of the present monopoly of milk, which leaves the high cost for consumers regarding milk, and when the 30 pence per day was decided to be added on last year as a delivery charge, this, on top of the high cost, led many customers to decide to buy their milk from the local supermarket instead. As I say, I ask again, will the President accept that there is a responsibility from Government or States’ policy here as to why this cessation of the delivery service has come about?”

**Deputy F.G. Voisin of St. Lawrence:**  
 “I almost feel that the Deputy has answered her own question, because she says that the cost of milk is high. Indeed, I think the Milk Marketing Board would recognise that, which is precisely why they are doing their utmost to cut their costs so that they can either reduce the price of milk or, at the very least, not increase it as perhaps it would need to be increased to cover additional costs. So, in trying to cut costs within the dairy, they have decided to increase ... or, before they discontinue the delivery service, they increased the daily charge for delivery to 30 pence per day, and I understand that this is normal practice in the U.K. The big problem is that, in the past, there was no price difference between having milk delivered to your doorstep and actually buying it from a supermarket. When the differential was introduced, customers decided to choose and they chose to buy their milk from supermarkets. As far as the monopoly status is concerned, then this is perhaps a matter that we can refer to the Jersey Competition Regulatory Authority when this part of the law is enforced on 1st November.”

**10(b) Deputy G.P. Southern of St. Helier:**

“The President suggested that he ‘might’ write to the Milk Marketing Board and ask them to reconsider their decision. Will he in fact do that?”

**Deputy F.G. Voisin of St. Lawrence:**

“Yes, I think I was a bit firmer and said we would ask them to reconsider, but I say that whilst accepting that we have no power of direction.”

**10(c) Deputy S.C. Ferguson of St. Brelade:**

“Is the President aware that employees are given significant amounts of free milk as a perquisite of the job? Does he not consider that removal of this would make a significant contribution to the cost of delivery?”

**Deputy F.G. Voisin of St. Lawrence:**

“This is a matter that I can certainly pass on to the Chief Executive of the dairy.”

**10(d) The Deputy of Trinity:**

“Would the President agree that perhaps another reason for the dairy wishing to reduce costs is in fact to improve to some extent the returns to the producers, about which there has been many complaints over a long period that the returns are not adequate, and would he agree that there is this third reason?”

**Deputy F.G. Voisin of St. Lawrence:**

“Yes, the drive to reduce costs is to move the dairy to a profitable footing and reduce, help to reduce, the price of milk to the consumer and improve the returns to the producer.”

**10(e) Deputy J.J. Huet of St. Helier:**

“The President said that he has no control or can give advice to the Milk Marketing Board. Would he think that, if they feel that they owe nothing to us, basically we owe nothing to them when they should start asking for favours?”

**Deputy F.G. Voisin of St. Lawrence:**

“I think it is a question of the dairy and the industry working in partnership with Government. Government have already said that the dairy should take every step to become more efficient so that greater returns could be returned to the producers, so that the States wouldn’t have to pick up the tab for that, the tab through increased direct support to dairy farmers. We have also said to the dairy that they have got to improve their efficiency because the cost of milk is too high and they have got to bring the cost of milk down. To me, I think it is a little difficult because they are striving to achieve both of these aims and now it seems that some members are saying that they should actually re-incur these expenses, these costs, so that they can provide something to the consumer that the consumer in the end wasn’t actually prepared to pay for.”

**10(f) Deputy G.P. Southern of St. Helier:**

“Does the President not agree that his emphasis on the bottom line, on the economics above all in any particular decision, reflects his particular priorities, which are in turn reflected in decisions made by the Economic Development Committee over granting of licences for non-locally qualified workers?”

**Deputy F.G. Voisin of St. Lawrence:**

“I think the Committee’s work in working with the dairy industry to help the industry survive and become profitable is quite different to the responsibilities that we have under the management of the Regulation of Undertakings and Development Law.”

**10(g) The Deputy of St. Peter:**

“Sir, can I just make a point about the way the question has been answered. I understand the difficulty for the Dairy but I don’t understand the difficulty the President had. We all appear to have had the question sent to us and he just appears not to have had it. So ‘he did not ever consult the Dairy’ is his response, and that does concern me. I think it should be looked into.”

**Deputy F.G. Voisin of St. Lawrence:**

“I would like to respond to that by saying, first of all, I have met the dairy on a number of occasions. I

know exactly where they stand on this. I know the extensive research and thought that went in to removing this service and the resulting analysis of what actually was going to happen with customers' purchasing patterns. Indeed, I met with members of the Milk Marketing Board at our Committee meeting just on Thursday of last week, so I really do not think that anything that I have said today will be contrary to their views. As far as the issue about not seeing the question is concerned, quite simply I didn't turn the paper and read the questions on the other side of the paper, and I apologise for that sincerely."

**11. Senator P.F. Routier of the President of the Privileges and Procedures Committee:**

"Has the Committee considered the matter of the use of the members' facilities in the States Building, including the communication and IT facilities, for election campaigns and party political purposes and, if not, would the Committee undertake to consider this matter and issue guidelines for members?"

**Deputy R.G. Le Hérisier of St. Saviour (President of the Privileges and Procedures Committee):**

"The Committee has recently received a comment from a few members in relation to unsponsored people moving around this building, and this was raised in a preliminary sense at the last meeting. We will certainly look at this particular issue, Sir, and I will recommend very strongly that guidelines be issued. I would like to make the point, Sir, though that, in terms of the use of this building, a balance has to be struck between ensuring that proper security and proper utilisation of the facilities occurs, while at the same time allowing the proper and free access of members to these facilities at all appropriate times."

**11(a) Deputy T.J. Le Main of St. Helier:**

"Only recently I was working in the Members Room with someone there I had never met before and I had to make a phone call and this impeded me greatly. I am very concerned. Is the President very concerned that we have people in there and we don't know who they are, where they are from and what they are doing, and that members come in occasionally or members are using those facilities and are unable to conclude or do their work properly because of these unknown persons?"

**The Bailiff:**

"Deputy, the question, please? Does the President share your concerns?"

**Deputy T.J. Le Main of St. Helier:**

"Yes, Sir."

**Deputy R.G. Le Hérisier of St. Saviour:**

"Absolutely, Sir."

**11(b) Senator S. Syvret:**

"Will the President give an undertaking that his Committee will also urgently look at the question of the sponsorship of candidates in the forthcoming elections by commercial interests? It is, for example, widely rumoured that a corporation in the form of Dandara offered their cranes and building sites for a poster of a candidate during the last election campaign. Will the President undertake to introduce a clear rule that will require all candidates and, certainly in the short-term, all members who are elected to clearly publicly declare all such financial and other material assistance they receive from corporate backers?"

**Deputy R.G. Le Hérisier of St. Saviour:**

"Thank you, Sir. This relates to two issues of Standing Orders, and members will be relieved (or perhaps not relieved) to know that these will be sent round in draft to them within the next couple of weeks. That issue, Sir, of sponsorship is dealt with, as is the whole very vexed issue of conflict of interest. What I would also say, Sir, is obviously some of that falls under Electoral Law Reform, and obviously, as the Committee only took that over last week, we haven't quite worked out a position, but it is certainly a serious one. Thank you, Sir."

**11(c) Senator P.F.C. Ozouf:**

"Would the President confirm that, whilst Rectors of the Island did previously sit in this Assembly, they are no longer members of the Assembly and, therefore, they don't have the same rights as us in the Assembly? Secondly, would he agree that actually there is an urgent issue to deal with security matters and would he agree forthwith to make a requirement that anybody in the perimeters and the precincts of the States is required to pass the same security arrangements that exist either at Morier House or at



the porter's desk in this building so that we are not in a position, as I have been also, in actually having people sitting in the computer room on a Friday afternoon or, worse than that, actually having to take telephone calls for another member to find out exactly where they were? It is a totally outrageous situation."

**Deputy R.G. Le Hérisier of St. Saviour:**

"Yes, Sir, we will look very urgently into that. I should add, Sir, that the building is security vetted and we have had advice, it has to be said, from people like Deputy Fox, who have been very useful from their own perspective on these matters; and I totally agree with the Senator's view, Sir, that we cannot have unsponsored people in this building."

**11(d) Deputy J.B. Fox of St. Helier:**

"Yes, Sir. The advice has been given and various actions have been taken, but I also note weaknesses that I regularly pass on, and this is one that does need a review in practice. On the question of commercial sponsorship, etc., etc., the last General Election or the last ..."

**The Bailiff**

"This is a supplementary question, is it?"

**Deputy J.B. Fox of St. Helier:**

"Yes, Sir. I was going to ask could they also include posters and banners for safety reasons - health and safety reasons. There was a prolific amount getting fairly lower and lower as the elections went on and people did get injured by these banners. Indeed, at the weekend I was in France, where there was 'Yes or No', and they have a very good system. The authorities put up the boards and the candidates can put up their banners on the boards, but they conform to all safety and they are in a proper safe way that people can read them without driving along and crashing into things because of them being in inappropriate places or blocking safety views, etc. Could the Privileges and Procedures Committee look at this at the same time? Thank you, Sir."

**Deputy R.G. Le Hérisier of St. Saviour:**

"I thank the Deputy. Obviously, this will be looked at as part of the general review. There is a frustration, which has been reflected on our Committee, that we are not moving fast enough on the whole electoral issue. We are in fact holding a lunchtime meeting on electoral registration and the Committee will be looking at this on Thursday to see if we can make some very quick decisions. That is a broader issue that the Deputy has raised, Sir, which will be looked at in the context of broader reform."

**11(e) Deputy T.J. Le Main of St. Helier:**

"On the point of security, can the President confirm that recently the door was found open in the late hours of the morning - the front door, jammed with a telephone book which had been left there by a member - allowing someone to come in unauthorised?"

**Deputy R.G. Le Hérisier of St. Saviour:**

"Yes, Sir, I can confirm that."

**11(f) Senator P.F.C. Ozouf:**

"Would the President confirm at what time of the morning the telephone book was actually found? Would he also agree to consult on the other matters concerning the fixing of banners? Would he agree to consult with all Committees of the States in order that there are rules concerning the use of public property and banners? That is not to say that they shouldn't happen. They should happen, but there must be rules consistently applied, whether or not it be Public Services or Education. Would he finally agree with me, would he actually understand why there is frustration about the electoral registration issue? Having calculated that there should be 63,000 people on the Electoral Register and having found out that there are currently 42,000, which is 7,000 lower than at the previous time three years ago, would he actually agree that both his Committee and Legislation and anybody else involved has been dilatory in not dealing with the issue of electoral registration and we have a crisis coming?"

**Deputy R.G. Le Hérisier of St. Saviour:**

"I totally agree with the Senator. There will have to be appropriate consultation, including, I should add, the Parish of St. Helier, about the positioning of non-decapitation banners. With reference to

registration, I understand, Sir, the problem could go both ways, that there are vast numbers of people on the list who may no longer be with us, so to speak, or be on the Island. In other words, there is overall reform needed. Clearly there is great scepticism about the figures and I entirely take his points.”

**Senator Ozouf:**

“And the time of the telephone directory?”

**Deputy R.G. Le Hérisier of St. Saviour:**

“I don’t know the precise time, Sir, but I understand it was early morning, approximately 3 to 4 o’clock in the early morning.”

**11(g) Senator P.V.F. Le Claire:**

“May I ask the President a two-part question, the first part being would he agree with me that discussing weaknesses in our security is not in our best interests in a public forum? Secondly, would he also agree that the approach that has recently been made by the Communications Department to the Finance and Economics Committee for money to promote registration is a good move?”

**Deputy R.G. Le Hérisier of St. Saviour:**

“I certainly would agree with the Senator that discussing in detail security, but I am sure the public would want to be reassured that there is proper security in place, without making the place into a prison, without making this into a prison. Secondly, Sir, yes, I do agree with the Senator entirely that an approach should be made to the ever-generous Finance and Economics Committee for money for electoral registration purposes.”

**11(h) Senator P.F. Routier:**

“Is the President aware that a letter was sent by a member of this House to form a Tourism Panel to prepare a manifesto for the tourism industry to take these proposals into the elections in this coming October/November time? The letter also included: ‘I would like to invite the Panel to meet on Monday 6th June at 7 p.m. at the States Building. The door you enter is at the statue end of the Royal Square and is the last one past the post box. The door will be left open’? Do you agree that that is an appropriate letter to be sent out and, secondly, will the President ensure that the guidelines he has said will be issued will do 2 things: one to address the availability of facilities to non-States’ members, if he will deal with that as an issue; and, secondly, members’ own use of the facilities for election campaigns and party political purposes?”

**Deputy L.J. Farnham of St. Saviour:**

“Point of clarification, Sir. Could the Senator just say who sent that letter?”

**Senator P.F. Routier:**

“Yes, it was sent by Senator Edward Vibert.”

**Deputy R.G. Le Hérisier of St. Saviour:**

“Thank you, Sir. Yes, the letter, in terms of the security advice, is inappropriate, and, secondly, Sir, yes, we will embrace those issues.”

**Senator P.F. Routier:**

“I would like to thank the President for his replies.”

**12. Deputy G.P. Southern of St. Helier of the President of the Finance and Economics Committee:**

“Under the ‘20 means 20’ proposals, what additional tax in absolute and percentage terms will be paid by (a) a single MPG teacher with no additional allowances on the mid-point salary of £33,183, and (b) a married teaching couple with 2 children of school age, a mortgage of £200,000 and no additional allowances, with the male at the top of Salary Allowance 3 (SA3), salary £42,162 and the female at the mid-point of that salary range of £35,167?”

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

“The tax payable for a single person on a salary of £33,183 would rise from £5,039 to £5,447, an increase of £408, a percentage increase of 8.1 per cent compared to his previous tax bill. The percentage of his income paid in tax would be 16.4 per cent, which is less than the 20 per cent standard rate of tax. As to (b), the tax payable for the married couple on joint earnings of £77,329 would rise

from £8,798 to £9,426, the increase being £627.70, a percentage increase of 7.13 per cent compared to their previous tax bill. The percentage of their income paid in tax would be 12.2 per cent, again much less than the 20 per cent standard rate.”

**12(a) Deputy G.P. Southern of St. Helier:**

“Does the President consider that, in his attempt to get the wealthy in this Island to pay more tax, he is actually hitting the wrong group of people when he is raising taxes, especially if it is 8 per cent and 6.6 per cent on middle earners doing middle earning professional jobs?”

**Senator T.A. Le Sueur:**

“No, Sir. I believe that the principle of raising additional tax from those better able to pay it is in the interests of having a more progressive tax system, which is one of our objectives, and the final detail of that ‘20 means 20’ proposal will no doubt be debated and either accepted or rejected by this House in due course.”

**12(b) Deputy G.P. Southern of St. Helier:**

“Does the President not accept that actually rises at the top end for head teachers will actually be far less than rises at the bottom end for a teaching couple?”

**Senator T.A. Le Sueur:**

“Our tax proposals were not designed specifically for or against teachers. They were designed to deal with people on higher or lower incomes. We have tried to be consistent within any particular category of person, but those on a higher disposable income should be requested to pay more in contribution.”

**12(c) Deputy G.P. Southern of St. Helier:**

“Does he not accept that, by removing allowances, his answer was incorrect? It is not about disposable income. If you remove allowances, you don’t cater for children, you don’t cater for the mortgage. It is not about disposable allowances, it is about total income.”

**Senator T.J. Le Sueur:**

“I think, Sir, members will have different views about how one can best achieve the objective of making sure that those better able to pay should pay more. If the Deputy has a better solution for doing that, then he is welcome to bring an amendment at the appropriate time.”

**The Bailiff:**

“That concludes Question Time.”

## **Shadow Scrutiny – statement**

The President of the Privileges and Procedures Committee made a statement in the following terms –

“The purpose of this statement is to update the Assembly on the progress of Shadow Scrutiny and on discussions which have been held between the Scrutiny Chairmen, the Shadow Public Accounts Committee Shadow Chairman and the Presidents of the Policy and Resources and Finance and Economics Committees, and myself, as President of the Privileges and Procedures Committee.

The rôle of Shadow Scrutiny has been to provide a learning environment during which processes and procedures are developed and members are trained in readiness for the introduction of a Scrutiny system with appropriate powers on the commencement of Ministerial Government at the end of 2005. In developing an open process of evaluation and assessment, there has been the need for significant culture change, and this has been particularly evident when deciding on timetables for Scrutiny and debate.

The joint meeting agreed that there was a need for joint planning, programming and scheduling of reviews. It was important for all stake holders to be aware of the forward programme so that they would be able to plan their own contributions. This in no way rules out the possibility of ad hoc reviews being conducted by Scrutiny Panels nor detracts from their selection of topics. What it does do is to ensure sufficient communication of the overarching programme which will enable Committees or Ministers to be aware of the bigger picture of reviews due to take place, the timing of those reviews and the opportunity adequately to prepare for full participation.

The meeting recognised that there is a need for Scrutiny to be involved in the development of policy at an earlier stage. This is recognised by all parties and it was noted that the Policy and Resources Committee is proposing a form of written consultation based on the U.K. Code of Practice on Written Consultations, to be implemented prior to lodging, along the lines of green and white papers, and that Committee anticipates that Scrutiny will become involved at the 'green paper' stage.

The second area explored by the joint meeting was the number of members involved in Scrutiny and the need to continue with a training programme so that those members who will be involved in Scrutiny in the future will have the necessary training. The meeting expressed dismay at the relatively small number of members involved in Scrutiny currently and made it clear that considerably more members will be required for the future in order to both increase the size of the Panel membership and to provide sufficient members for two additional Panels from December 2005. A number of very successful training events for members have been held during the Shadow Scrutiny period, and all of these events have been open to all States members regardless of whether they are involved in Scrutiny or not. The Committee believes that training should continue to be provided in Scrutiny skills and expert witness skills for all States members until the Scrutiny system has established itself, and thereafter as necessary.

The third matter that the meeting considered was the need for rules for Scrutiny Panels and the Committee would like to advise members that it has been considering this issue within the framework of the draft Standing Orders which will be lodged 'au Greffe' in the near future. In those draft Standing Orders it is proposed that the Chairmen's Committee have, as one of its terms of reference –

'to prepare, keep under review and lodge for approval by the States, a Code of Practice for the proceedings of the PAC and Scrutiny Panels...'

The Code of Practice will include such matters as the manner in which the PAC or Scrutiny Panel shall prepare and make public the terms of reference and timetable for any review it proposes to conduct; the manner in which a hearing by the PAC or a Scrutiny Panel must be organised and conducted, the time when any assessment of scrutiny of a policy of the Council of Ministers should be undertaken etc.

The Code of Practice will emphasise the right of scrutiny to select its own topics and, if necessary, to scrutinise at short notice. Also, a number of members seem unaware of the proposed power of 'subpoena' to require the attendance of witnesses which has already been approved by the States. Regulations to enable this power are currently under preparation and will be brought forward for approval in time for the start of the new system.

The Chairmen's Committee has already embarked on an in-depth review of the Shadow Scrutiny period and that report will be presented to the States early in the autumn of this year. Once that review has been completed, the Chairmen's Committee will commence work on the draft Code of Practice which will be lodged at the end of the session in 2005 for approval at the beginning of the first session 2006 and upon which full scrutiny will be based.

The Committee is mindful that the Shadow Scrutiny period has provided a learning environment both for those engaged in Scrutiny and for those fulfilling the Executive function and that there are lessons to be learned on all sides during this process. Once the report on Shadow Scrutiny has been presented and the Chairmen's Committee has prepared a draft Code of Practice then the Assembly as a whole will be able to agree how Scrutiny will be conducted in the future. The proposals for matters to be covered by the Code of Practice will become clear in the draft Standing Orders which are to be lodged as soon as they have been approved by the Committee.

The meeting was very useful in that there was agreement on several administrative proposals which should strengthen co-ordination between the executive and scrutiny. However, it must be recognised that it is in the nature of scrutiny that on occasions it will lead to divergences of view and, as such, requires an openness of thinking from both sides. Ultimately, good scrutiny can only lead to more robust and better informed debate."

THE STATES commenced consideration of the draft States of Jersey (Amendment) Law 200-, and adopted the Preamble.

THE STATES adopted Article 1.

THE STATES commenced consideration of Article 2, and adopted an amendment of Senator Stuart Syvret that in Article 2, for paragraphs (4) and (7) of the substituted text there be substituted the following paragraphs –

“(4) An elected member –

- (a) may, within the prescribed period and in accordance with the prescribed procedures, nominate one or more elected members for appointment as Ministers; and
  - (b) shall, when making such a nomination, propose the Ministerial office to which the nominee would be assigned.
- (5) The States shall then, in accordance with the prescribed procedures, select, for each Ministerial office, from the persons nominated and proposed for assignment to that office, an elected member for appointment as a Minister and assignment to that office.
- (6) The Chief Minister designate may, at any time before his or her appointment to office under paragraph (7), inform the States of his or her wish to step down and, upon doing so, shall cease to be Chief Minister designate.
- (7) Upon the States making the last selection under paragraph (5) required to complete the constitution of the Council of Ministers, the Chief Minister designate and the persons selected are appointed to office.”

Members present voted as follows –

**POUR: 26**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator W. Kinnard  
Senator P.V.F. Le Claire  
Senator E.P. Vibert  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Lawrence  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy J.L. Dorey (H)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisssier (S)  
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 of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

**CONTRE: 20**

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. Brelade  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of Grouville  
Deputy of Trinity  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy L.J. Farnham (S)  
Deputy J.B. Fox (H)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)

**ABSTAIN: 0**

THE STATES, following further consideration, adopted Article 2, as amended.

Members present voted as follows –

**POUR: 34**

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. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy J.L. Dorey (H)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

**CONTRE: 12**

Senator F.H. Walker  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Connétable of St. Ouen  
Connétable of Grouville  
Deputy of Trinity  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy L.J. Farnham (S)  
Deputy P.J.D. Ryan (H)

**ABSTAIN: 0**

THE STATES adopted Article 3.

THE STATES commenced consideration of Article 4 and adopted an amendment of Senator Stuart Syvret that for Article 4, there be substituted the following Articles –

**“4 Article 22 amended**

For paragraph (3) of Article 22 of the principal Law there shall be substituted the following paragraphs –

- “(3) Where a nomination has been made under paragraph (1), an elected member may, within the prescribed period, nominate an elected member for appointment as Minister for assignment to the Ministerial office proposed under paragraph (1).
- (4) The States shall then, in accordance with the prescribed procedures, select, from the persons nominated, an elected member for appointment as a Minister and assignment to the Ministerial office proposed and, upon the selection being made, the person selected is appointed to office.”.

## **5 Citation and commencement**

- (1) This Law may be cited as the States of Jersey (Amendment) Law 200-.
- (2) Article 1 and this Article shall come into force 7 days after it is registered.
- (3) Articles 2 and 3 shall come into force on the same day as Article 19 of the States of Jersey Law 2005.
- (4) Article 4 shall come into force on the same day as Article 22 of the States of Jersey Law 2005.

THE STATES subsequently adopted Article 4, as amended.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the States of Jersey (Amendment) Law 200-, as amended.

### **Change in Presidency**

The Bailiff retired from the Chair during consideration of the amendment of Senator Stuart Syvret to Article 2 of the draft States of Jersey (Amendment) Law 200-, (P.83/2005 Amd. lodged "au Greffe" on 10th May 2005), and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

### **Draft Employers' Liability (Compulsory Insurance) (Exemption) (Amendment No. 2) (Jersey) Regulations 200- P.84/2005**

THE STATES, in pursuance of Article 3 of the Employers' Liability (Compulsory Insurance) (Jersey) Law 1973, made Regulations entitled the Employers' Liability (Compulsory Insurance) (Exemption) (Amendment No. 2) (Jersey) Regulations 2005.

### **Draft Employers' Liability (Compulsory Insurance) (General) (Amendment No. 2) (Jersey) Regulations 200- P.85/2005**

THE STATES, in pursuance of Article 2 of the Employers' Liability (Compulsory Insurance) (Jersey) Law 1973, made Regulations entitled the Employers' Liability (Compulsory Insurance) (General) (Amendment No. 2) (Jersey) Regulations 2005.

### **States of Jersey Property Holdings: establishment – P.93/2005**

THE STATES commenced consideration of a proposition of the Policy and Resources Committee, and, following consideration, adopted a proposition of the Deputy of St. Peter that, in accordance with Standing Order 26A(1), the question be now put.

THE STATES, adopting a proposition of the Policy and Resources Committee, referred to their Act dated 24th July 2002, regarding the Machinery of Government proposed departmental structure and transitional arrangements and –

- (a) approved the following principles for the future management and administration of States property –
  - (i) the creation of a new department to be known as 'States of Jersey Property Holdings' under the Finance and Economics Committee and its successor Ministry, in order to develop a modern, innovative approach to the management of property and deliver the aims as set out in section 3 of the report;
  - (ii) the transfer of administration of all States property assets, with the exception of those assets under the administration of Trading Committees and Social Housing currently administered by the Housing Committee, to States of Jersey Property Holdings;

- (iii) the transfer of existing staff with property responsibility to States of Jersey Property Holdings;
  - (iv) the development of a States Property Plan, which would include all States property, to be agreed by the States as part of the States Strategic Plan;
  - (v) the development of a States of Jersey Property Holdings Business Plan in accordance with the agreed States Property Plan and approved by the States as part of the Annual States Business Plan, which would authorise the department to develop, sell, buy, re-allocate or otherwise manage the property or interests in property as identified within the plan;
  - (vi) the development of a fully integrated landlord and tenant system of property provision and maintenance between States of Jersey Property Holdings and States Departments, regulated through Service Level Agreements;
  - (vii) the introduction of a charging mechanism for all property assets to reflect the true cost of occupation;
- (b) charged the Policy and Resources Committee, in conjunction with the Finance and Economics and Environment and Public Services Committees, to facilitate the organisational changes necessary to implement the proposals for the future administration and management of States property;
  - (c) charged the Finance and Economics Committee to restructure relevant budget allocations and develop the necessary financial asset management arrangements to achieve (a)(i) to (vii) above; and
  - (d) charged all Committees of the States to co-operate with the Policy and Resources, Finance and Economics and Environment and Public Services Committees in the development of the proposals.

Members present voted as follows –

**POUR: 41**

**CONTRE: 0**

**ABSTAIN: 0**

Senator J.A. Le Maistre  
 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  
 Senator E.P. Vibert  
 Connétable of St. Ouen  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of St. Mary  
 Connétable of St. Peter  
 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 J.J. Huet (H)  
 Deputy of St. Martin  
 Deputy of St. John  
 Deputy T.J. Le Main (H)  
 Deputy M.F. Dubras (L)  
 Deputy J.L. Dorey (H)  
 Deputy P.N. Troy (B)



Deputy F.G. Voisin (L)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

### **Change in Presidency**

The Bailiff returned to the Chamber during consideration of the proposition of the Policy and Resources Committee regarding the establishment of States of Jersey Property Holdings, (P.93/2005 lodged “au Greffe” on 3rd May 2005), and the meeting continued under his Presidency.

THE STATES rose at 6.00 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*