

STATES OF JERSEY ORDER PAPER

Tuesday, 20th June 2000

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Road Traffic (Saint Brelade) (Amendment No. 10) (Jersey) Order 2000. R & O 49/2000.

Public Rank Taxis (Fares and Charges) (Jersey) Order 2000. R & O 50/2000.

Cycle Tracks (Jersey) Order 2000. R & O 51/2000.

Road Traffic (Grouville) (Amendment No. 16) (Jersey) Order 2000. R & O 52/2000

Public Services Committee.

Road Racing (Hill Climbs) (Jersey) Order 2000. R & O 53/2000.

Home Affairs Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

Matters presented under Standing Order 6A(1)(a)

Manpower Report for the period 1st July 1999 to 31st December 1999. R.C.23/2000
Human Resources Committee.

Jersey Financial Services Commission: annual report and accounts for 1999.
Finance and Economics Committee.

Data Protection: report for 1999.
Finance and Economics Committee.

Matters presented under Standing Order 6A(1)(b)

(b) Notification of Standing Order decisions

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

Le Coie Hotel site: demolition.
Housing Committee.

(d) Papers to be lodged "au Greffe" under Standing Order 17A(1)(a)

Draft Misuse of Drugs (Amendment No. 2) (Jersey) Law 2000 .P.94/2000
Health and Social Services Committee.

Grainville School, St. Saviour: redevelopment Phase I - Science Block: approval of drawings. P.95/2000
Education Committee.

La Collette Reclamation Site Phase II - development framework. P.96/2000
Planning and Environment Committee.

Compensation of Victims of Uninsured Drivers of Motor Vehicles: Agreement between the Home Affairs Committee and the Motor Insurers' Bureau. P.97/2000

Home Affairs Committee.

(e) Notification of Papers lodged “au Greffe” under Standing Order 17A(1)(b)

Lodged on 13th June 2000

Draft Merchant Shipping (Deck Officers) (Jersey) Regulations 200 . P.91/2000
Harbours and Airport Committee.

Draft Merchant Shipping (Marine Engineer Officers and Marine Engineer Operators)
(Jersey) Regulations 200 .
P.92/2000
Harbours and Airport Committee.

St. Helier Waterfront leisure complex: revised terms of lease. P.93/2000
Finance and Economics Committee.

(f) Papers for consideration by the States in Committee under Standing Order 38A

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

THE STATES are asked to agree that the following matters lodged “au Greffe” will be considered at the next meeting on 4th July 2000 -

Draft Merchant Shipping (Deck Officers) (Jersey) Regulations 200 . P.91/2000
Lodged: 13th June 2000.
Harbours and Airport Committee.

Draft Merchant Shipping (Marine Engineer Officers and Marine Engineer Operators)
(Jersey) Regulations 200 .
P.92/2000
Lodged: 13th June 2000.
Harbours and Airport Committee.

St. Helier Waterfront leisure complex: revised terms of lease. P.93/2000
Lodged: 13th June 2000.
Finance and Economics Committee.

Grainville School, St. Saviour: redevelopment Phase I - Science Block: approval of drawings. P.95/2000
Lodged: 20th June 2000.
Education Committee.

La Collette Reclamation Site Phase II - development framework. P.96/2000
Lodged: 20th June 2000.
Planning and Environment Committee.

Compensation of Victims of Uninsured Drivers of Motor Vehicles: Agreement between the Home Affairs Committee and the Motor Insurers' Bureau. P.97/2000
Lodged: 20th June 2000.
Home Affairs Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. Peter will ask a question of the President of the Harbours and Airport Committee about recommendations made in a 1996 Civil Aviation Authority report.

Deputy R.G. Le Hérisssier of St. Saviour will ask a question of the President of the Human Resources Committee about ill-health retirement procedures for public employees.

The Deputy of St. John will ask a question of the President of the Finance and Economics Committee about costs awarded against the Bâtonnier in a recent case.

The Deputy of St. John will ask questions of the President of the Education Committee about the teachers' superannuation fund.

Deputy J.A. Martin of St. Helier will ask questions of the President of the Housing Committee about measures to control rents.

Deputy P.N. Troy of St. Brelade will ask questions of the President of the Housing Committee about the grant of consents by the Committee.

Deputy P.N. Troy of St. Brelade will ask questions of the President of the Planning and Environment Committee about the demolition of Janvrin's Farm.

Senator L. Norman will ask a question of the President of the Public Services Committee about the Don Road/Mont Millais junction.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Finance and Economics Committee will make a statement about the membership of the Audit Commission.

K. PUBLIC BUSINESS

Housing development sites: first-time buyers.
Planning and Environment Committee.

Draft Friendly Societies (Immovable Property) (Jersey) Law 2000 .P.71/2000
Lodged: 16th May 2000.
Legislation Committee.

Draft Amendment (No. 20) of the Standing Orders of the States of Jersey. P.76/2000
Lodged: 16th May 2000.
House Committee.

Draft Amendment (No. 20) of the Standing Orders of the States of Jersey (P.76/2000):
amendment. P.79/2000
Lodged: 23rd May 2000.
Deputy J.L. Dorey of St. Helier.

Maritime boundary between France and Jersey and Agreement concerning fishing in the Bay of
Granville. P.81/2000
Lodged: 30th May 2000.
Policy and Resources Committee.

Les Ormes Farm, Field 773, La Route de la Blanche Pierre, St. Lawrence: development in the
Green Zone. P.82/2000
Lodged: 6th June 2000.
Planning and Environment Committee.

Attendance Allowance Board: appointment of members. P.83/2000
Lodged: 6th June 2000.
Employment and Social Security Committee.

H.M. Prison La Moye: construction of Control Room - approval of drawings. P.85/2000
Lodged: 6th June 2000. (re-issue)
Home Affairs Committee.

Oak Tree Gardens, St. Helier (Old Elysée Estate): Phase III - approval of drawings. P.86/2000
Lodged: 6th June 2000.
Housing Committee.

Cannon Street and Lemprière Street housing development: sale to Jersey Homes Trust.
P.87/2000
Lodged: 6th June 2000.
Housing Committee.

Le Rocquier School: Field Nos. 131 and 131A, La Rue du Pontlietaut, St. Clement- proposed
change of use. P.88/2000
Lodged: 6th June 2000.
Planning and Environment Committee.

G.H.C. COPPOCK

Greffier of the States

15th June 2000

NOTE

Members are reminded that the report accompanying P.81/2000 (Maritime boundary between France and Jersey and Agreement concerning fishing in the Bay of Granville) was published as an A4 booklet entitled "Proposed Establishment of a Maritime Boundary between France and Jersey and Proposed Agreement concerning Fishing in the Bay of Granville".

**Explanatory Note regarding subordinate legislation
tabled at this Meeting**

(See Item B)

R & O 49/2000

The purpose of this Order is to prohibit waiting on La Route de L'Isle in St. Brelade.

The Order was made on 12th June 2000 and comes into force on 3rd July 2000.

R & O 50/2000

This Order increases the fares for hiring public rank taxis. The last increase took effect on 17th May 1999 and the increases made by this Order are as follows -

- (1) Any time or day other than that specified in (2) or (3) below -
 - (a) £1.70 for the first 228 yards (previously £1.60);
 - (b) 30p for each additional 505 yards (previously 549 yards);
 - (c) 30p for each 93 seconds the taxi is stationary (previously 98 seconds);
- (2) On a public holiday or bank holiday from 7 a.m. onwards, on Christmas Eve or New Year's Eve from 8 p.m. onwards or at any time between 11 p.m. and 2 a.m. -
 - (a) £1.80 for the first 318 yards (previously £1.70);
 - (b) 30p for each additional 353 yards (previously 379 yards);
 - (c) 30p for each 81 seconds the taxi is stationary (previously 85 seconds);

- (3) At any time between 2 a.m. and 7 a.m. -
- (a) £2.00 for the first 296 yards (previously £1.90);
 - (b) 30p for each additional 302 yards (previously 324 yards);
 - (c) 30p for each 81 seconds the taxi is stationary (previously 85 seconds).

The Order was made on 12th June 2000 and comes into force on 3rd July 2000.

R & O 51/2000

The purpose of this Order is to prescribe additional cycle tracks. These are the west footpath of Beaumont Hill, St. Peter, which may be used by cyclists climbing the hill, and the footpath that runs along the north and west boundaries of Belle Vue, St. Brelade, which cyclists may use in both directions. In both cases, they will share with pedestrians.

The Order was made on 12th June 2000 and comes into force on 17th July 2000.

R & O 52/2000

The purpose of this Order is to allow cyclists to use Le Vier Mont, Grouville, to the east of Le Chemin du Radier in both directions.

This Order was made on 12th June 2000 and comes into force on 17th July 2000.

R & O 53/2000

The effect of this Order is to allow the Jersey Old Motor Club to close and use the following roads for motor races (including practice) on the dates and between the times shown -

- (a) parts of Pier Road, Mount Bingham, South Hill, Fort Regent Road and the car parks at South Hill and La Collette Gardens (all in Saint Helier), between 6.15 p.m. and 10 p.m. on 17th and 18th July 2000;
- (b) part of Westmount Road, Saint Helier, on 19th July 2000 between 9.30 a.m. and 5.30 p.m.

The Order was made by the Home Affairs Committee on 15th June 2000.

**NOTIFICATION OF STANDING ORDER DECISIONS -
FINANCE AND ECONOMICS COMMITTEE
(delegated functions)**

12th June 2000

- (a) as recommended by the Public Services Committee, the purchase from the Jersey Electricity Company Limited of an area of land (measuring 5,012 square feet) at Queen's Road, St. Helier, required in order to widen part of Queen's Road to provide a new right-hand turning lane in the Company's site, for a consideration of £10, with the Company to be responsible for the cost of all accommodation works and for both parties' reasonable legal costs in relation to this transaction;
- (b) as recommended by the Agriculture and Fisheries Committee, the lease to Mrs. Alison Rebourg, née Matuszek, of Field No. 536, La Moye, St. Brelade (measuring 2.7 vergées), for a period of five years from 1st February 2000, at an annual rent of £325 payable half-yearly in advance, subject to annual rent reviews in line with the Jersey Retail Prices Index, the field to be used for bona fide agricultural purposes with the lessee to be responsible for maintenance and security of the field and with each party to be responsible for its own legal costs in relation to this transaction.

**NOTIFICATION OF ACCEPTANCE OF TENDER UNDER RULE 5 OF THE PUBLIC FINANCES
(GENERAL) (JERSEY) RULES 1967, AS AMENDED -
FINANCE AND ECONOMICS COMMITTEE**

12th June 2000

- The Housing Committee has accepted the lowest tender received for the demolition of the existing buildings on the Le Coie Hotel site, namely that submitted by Jersey Demolition Contractors in the sum of £259,600, in a contract period of 18 weeks, subject to the necessary funds being made available from the Housing Development Fund.

- The other tenders received were as follows -

-	D.B. Cummins	18 weeks	£268,000
	Le Herrisier (L.H. Contractors)	26 weeks	£352,160

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QUESTION PAPER

(See Item G)

The Deputy of St. Peter will ask the following question of the President of the Harbours and Airport Committee -

“The Civil Aviation Authority was invited by the Committee, as previously constituted, to conduct an inspection of Jersey Airport in 1996. Its report contained a Summary of Recommendations numbered 12(a) to 12(u).

Would the President indicate how many of the recommendations have been implemented and how many have not and would he explain why they have not been?”

Deputy R.G. Le Hérissier of St. Saviour will ask the following questions of the President of the Human Resources Committee -

“1) Would the President advise members -

- (a) how many public service employees have retired early on medical grounds during the last five years?
- (b) how many of these have been able to resume work in the public service?

2) Does the Committee consider that there is a need to reform the current system of medical retirement and if so, what reforms does it propose?”

The Deputy of St. John will ask the following question of the President of the Finance and Economics Committee -

“In a recent court case costs were awarded against the Bâtonnier in the sum of approximately £100,000. Would the President advise members what the costs of the Bâtonnier and his advisers were and who paid this account?”

The Deputy of St. John will ask the following questions of the President of the Education Committee -

“1)(a) Would the President explain to members whether the Committee is empowered to enhance a teacher’s pension and give a lump sum enhancement to a teacher who resigns and, if so, is such action supported by both the unions and staff associations representing Jersey teachers?

(b) if the answer to (a) is in the affirmative, has the Committee discussed with the teachers unions all enhancement packages awarded to teachers who have resigned during the last five years?

(c) if the answer is in the negative, would the President explain why this is so?

2)(a) Would the President inform members which Education vote is used to finance the aforementioned enhancement packages and lump sum payments or whether this money comes from another source such as the Teachers Superannuation Fund?

(b) if the Teachers Superannuation Fund finances such payments, would the President advise whether this was done with the full support of the unions and the staff associations representing Jersey Teachers?

3) Would the President advise members whether a teacher who is dismissed is still entitled to receive a pension?

4) (a) Would the President undertake to hold a ballot of Island teachers to canvas their views as to whether or not they would wish to have independent trustees to administer their Superannuation Fund?

(b) if the answer is in the negative, would he explain why and if the answer is in the affirmative, would he give members an indication of when such a ballot would be held?”

Deputy J.A. Martin of St. Helier will ask the following questions of the President of the Housing Committee -

- “1) Would the President inform the Assembly if there are any plans in the future Housing strategy to introduce measures to allow the Committee to control the rents charged by landlords in both the qualified and unqualified housing sector to ensure that excessive rents are not charged?”
- 2) Would the President inform the Assembly if there are any plans in the future Housing strategy to take steps to freeze rents in public and private sectors as part of the overall battle to fight inflation?”

Deputy P.N. Troy of St. Brelade will ask the following questions of the President of the Housing Committee -

- “1) Would the President detail the Committee’s current policy when applying the Housing Regulations to commercial sites which receive consent from the Planning and Environment Committee for conversion of all or any part of a site to residential housing units and would he inform members whether, in general, consents are being granted for occupation by persons qualified under Regulations 1(1)(j) or 1(1)(k)?
- 2) Would the President inform members whether it is within the power of the Committee to grant only 1(1)(a) to 1(1)(h) consents in respect of the Inn on the Park site, and, if so, would he assure this Assembly that consent to occupy any residential units built on site will only be given to residents qualified in the ‘(a) to (h)’ category under the Housing Regulations?”

Deputy P.N. Troy of St. Brelade will ask the following questions of the President of the Planning and Environment Committee -

- “1) Would the President give members details of the steps taken to date concerning the possible legal action against the developer responsible for the demolition of Janvrin’s Farm, St. Brelade and would he inform members whether the Attorney General advises such action?
- 2) As the site is in the green zone, would the President advise whether the Committee is under any obligation to allow replacement of the demolished building?”

Senator L. Norman will ask the following questions of the President of the Public Services Committee -

- “(a) will the President confirm that the Committee has approved changes to the Don Road/Mont Millais junction and does he agree that they are likely to increase traffic congestion significantly in the area?
- (b) would the President explain the logic of this proposal bearing in mind the recent significant investment made by the States, particularly in the form of the school bus service and the Wellington road gyratory system, to reduce traffic congestion in this vicinity?
- (c) would the President agree that full consultation will take place with the parochial authorities of St. Helier and St. Saviour before such a proposal is implemented?”

PROPOSITION

HOUSING DEVELOPMENT SITES: FIRST-TIME BUYERS

THE STATES are asked to decide whether they are of opinion -

to refer to their Act dated 2nd November 1999 in which they approved the rezoning of certain areas of land for the construction of social rented and/or first-time buyer homes and ancillary community facilities, and to agree that the land so rezoned should be used for the provision of social rented homes and/or homes for the following persons -

- (1) any person who -
 - (i) does not own, and has not previously owned, whether as sole owner or jointly or in common with any other person or persons -
 - (a) any immovable property;
 - (b) either in his own name or as beneficial owner, shares in any company, ownership of which confers the right to occupy residential accommodation;
 - and
 - (ii) is neither married to, nor buying as co-owner with, any person who falls within (i) above.
- (2) any person who has been approved by the Housing Committee as being a person who would be in need of assistance in order to acquire property and to whom consent should therefore be granted to acquire or to occupy the residential accommodation as the case may be, notwithstanding the fact that he does not fall within paragraph (1) above; any refusal by the Housing Committee to approve a person as being in need of assistance in order to acquire or occupy property to be subject to review by the Planning and Environment Committee.

PLANNING AND ENVIRONMENT COMMITTEE

Report

On 2nd November 1999, the States approved paragraphs (a), (c), (d), (e), (f), (g) and (h) of P.150/1999 of the Planning and Environment Committee, which rezoned a number of sites specified in the proposition for use for social rented and/or first-time buyer homes and ancillary community facilities. The Planning and Environment Committee will be attaching conditions to the development permissions issued in respect of these sites, the purpose of which will be to ensure that the land continues to be used for the purpose for which it was rezoned. The imposition of such conditions has been considered by the Law Officers, in whose opinion it does not constitute a breach of any of the provisions of the European Convention on Human Rights.

In P.150/99 no definition of “first-time buyer” was given, and the Planning and Environment and Housing Committees wish to define the class of persons who may be permitted to own or occupy residential accommodation, other than social rented housing, constructed on the rezoned sites to accord with established Housing Committee policy.

Firstly, “first-time buyers” include all those persons who do not own and have not previously owned immovable property. It also includes all those persons who have not owned residential property by means of share transfer. This is the simple and straightforward definition, but it unfortunately excludes certain persons who the Housing Committee, as a matter of policy, has previously recognised as eligible for consent to purchase a “first-time buyer” property.

The Housing Committee, for example, recognises that couples who initially can only afford to purchase a flat should be given the opportunity to purchase a house at a later date, provided always that they sell their flat to a “first-time buyer”. Other situations arise where the Housing Committee will wish to use discretion to allow a person or persons consent to purchase a “first-time buyer” home, even though they may previously have owned property or perhaps a small share in a property.

The States are asked to agree that the land which has been rezoned for first-time buyer homes may be owned or occupied not only by those who have never previously owned property, including share transfer flats, but also those whom the Housing Committee, in accordance with its usual policies, would regard as being in need of assistance in the property market. This is to ensure that people, who, although not first-time buyers in the strict sense, would hitherto have been treated by the Housing Committee as eligible for consent to purchase “first-time buyer” properties, in accordance with this policy, are not excluded from all possibility of acquiring homes on any of the rezoned land,

The discretion conferred on the Housing Committee will be made subject to the overriding control of the Planning and Environment Committee, because as a matter of law it is not possible for a permission issued by the Planning and Environment Committee under the provisions of the Island Planning (Jersey) Law 1964, as amended, to delegate to another body the final responsibility for the implementation of conditions attached to such a permission, and any such purported delegation would be ultra vires and invalid.

STATES MEMBERS LUNCHEON

No.3 Committee Room

I will require lunch at today's meeting.

Signed.....

Name.....

Please hand this slip to an usher before 10.00 a.m. today