

STATES OF JERSEY ORDER PAPER

Tuesday 7th October 2003

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Civil Service Administration (General) (Jersey) Rules 1949 (Amendment No. 15) (Jersey) Order 2003. R&O 95/2003.
Policy and Resources Committee.

Road and Sand Racing (Motor Vehicle Rally) (Jersey) Order 2003. R&O 96/2003.
Home Affairs Committee.

Road and Sand Racing (Jersey) Order 2003. R&O 97/2003.
Home Affairs Committee.

Medicines (Sale and Supply) (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Order 2003. R&O 98/2003.
Health and Social Services Committee.

Maincrop Potato Marketing (Registration of Producers and Polls) (Revocation) (Jersey) Order 2003. R&O 99/2003.
Economic Development Committee.

Social Security (Earnings Limit) (Jersey) Order 2003. R&O 100/2003.
Employment and Social Security Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Nomination of the Connétable of Grouville as a member of the Environment and Public Services Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

States of Jersey Law 1966, as amended: delegation of functions – airport. R.C.43/2003.
Harbours and Airport Committee.

Manpower report for the period 1st January 2003 to 30th June 2003. R.C.44/2003.
Economic Development Committee.

Migration Policy (P.102/2003): comments. P.102/2003.
Employment and Social Security Committee. Com.(2)

Draft Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 200- (P.124/2003): comments. P.124/2003.
Finance and Economics Committee. Com.

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

(b) Notification of Standing Order decisions

1st October 2003

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

Draft The Lloyds TSB (Jersey) Law 1997 (Appointed Day) (No. 3) P.136/2003.
(Jersey) Act 200-.
Finance and Economics Committee.

Social Security Fund: a new method of funding. P.137/2003.
Deputy G.P. Southern of St. Helier.

Le Rocquier School, St. Clement: redevelopment Phase 2- P.138/2003.
construction of new school – approval of drawings.
Education, Sport and Culture Committee.

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

30th September 2003

Bas du Mont Flats, Pier Road, St. Helier: sale to the Christians P.135/2003.
Together in Jersey (CTJ) Housing Trust. *(re-issue).*
Housing 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” be considered at their next meeting on 21st October 2003 -

School milk: provision for the years 2003, 2004 and 2005. P.7/2003.
Lodged: 28th January 2003.
Deputy G.P. Southern of St. Helier.

School milk: provision for the years 2003, 2004 and 2005 (P.7/2003) - P.7/2003. Com.
comments.
Presented: 18th February 2003.
Economic Development Committee.

School milk: provision for the years 2003, 2004 and 2005 (P.7/2003) - P.7/2003. Com.
comments. (2)
Presented: 25th February 2003. *(re-issue).*
Finance and Economics Committee.

Succession Rights for children born out of wedlock. Lodged: 12th August 2003. <i>Legislation Committee.</i>	P.121/2003.
Draft Animal Welfare (Jersey) Law 200-. Lodged: 19th August 2003, and referred to the Finance and <i>Economics Committee.</i> <i>Economic Development Committee.</i>	P.126/2003.
Draft Protection of Children (Amendment No. 3) (Jersey) Law 200. Lodged: 16th September 2003. <i>Legislation Committee.</i>	P.133/2003.
Draft Transfer of Functions (Environment and Public Services Committee) (No. 2) (Jersey) Act 200. Lodged: 23rd September 2003. <i>Environment and Public Services Committee.</i>	P.134/2003.
Bas du Mont Flats, Pier Road, St. Helier: sale to the Christians Together in Jersey (CTJ) Housing Trust. Lodged: 30th September 2003. <i>Housing Committee.</i>	P.135/2003. <i>(re-issue).</i>
Draft The Lloyds TSB (Jersey) Law 1997 (Appointed Day) (No. 3) (Jersey) Act 200-. Lodged: 7th October 2003. <i>Finance and Economics Committee.</i>	P.136/2003.
Le Rocquier School, St. Clement: redevelopment Phase 2- construction of new school – approval of drawings. Lodged: 7th October 2003. <i>Education, Sport and Culture Committee.</i>	P.138/2003.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Deputy J.B. Fox of St. Helier will ask a question of the President of the Environment and Public Services Committee regarding the trial Residents' Parking Scheme in St. Helier.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding access to the States Building and Morier House.

The Connétable of St. Helier will ask a question of the President of the Policy and Resources Committee regarding the Resource Plan 2004-2008.

The Connétable of St. Helier will ask a question of the President of the Finance and Economics Committee regarding the proposed 2004 Budget.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding the Guernsey fishing licensing scheme.

The Connétable of St. Helier will ask a question of the President of the Home Affairs Committee regarding prisoners' release policies at H.M. Prison, La Moye.

The Deputy of St. John will ask questions of the President of the Harbours and Airport Committee regarding communications links at the St. Helier Harbour.

The Deputy of St. John will ask a question of the President of the Telecommunications Board regarding the disbandment of the Board.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Home Affairs Committee will make a statement regarding the policy for the temporary release of prisoners at H.M. Prison, La Moye.

K. PUBLIC BUSINESS

Migration Policy. P.102/2003.
Lodged: 8th July 2003.
Policy and Resources Committee.

Migration Policy (P.102/2003): comments. P.102/2003.
Presented: 9th September 2003. Com.
Housing Committee.

Migration Policy (P.102/2003): comments. P.102/2003.
Presented: 7th October 2003. Com.(2)
Employment and Social Security Committee.

Jersey Community Relations Trust. P.120/2003.
Lodged: 12th August 2003.
Policy and Resources Committee.

Jersey Community Relations Trust (P.120/2003): amendments. P.120/2003.
Connétable of St. Helier. Amd.
(attached).

Draft Transfer of Functions (Economic Development Committee) P.122/2003.
(Jersey) Act 200-.
Lodged: 12th August 2003.
Finance and Economics Committee.

Draft Sea Fisheries (Amendment) (Jersey) Law 2002 (Appointed Day) P.123/2003.
Act 200-.
Lodged: 19th August 2003.
Economic Development Committee.

Draft Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations P.124/2003.
200-.
Lodged: 19th August 2003.
Economic Development Committee.

Draft Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations P.124/2003.
200- (P.124/2003): comments. Com.
Presented: 7th October 2003.
Finance and Economics Committee.

Draft Sea Fisheries (Underwater Fishing) (Jersey) Regulations 200-. Lodged: 19th August 2003. <i>Economic Development Committee.</i>	P.125/2003.
Draft Licensing (No. 15) (Jersey) Regulations 200. Lodged: 9th September 2003. <i>Economic Development Committee.</i>	P.130/2003.
Draft Policing of Parks (Amendment No. 14) (Jersey) Regulations 200-. Lodged: 16th September 2003. <i>Environment and Public Services Committee.</i>	P.132/2003.

M.N. DE LA HAYE
Greffier of the States

2nd October 2003.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 95/2003

The Civil Service Administration (General) (Jersey) Rules 1949 (Amendment No. 14) (Jersey) Order 2003, has increased annual leave entitlements, for civil servants in Grades 1 to 10, in the following ways with effect from 1st June 2003–

- (a) officers whose service exceeds 13 years but does not exceed 16 years become entitled to 26 days leave;
 - (b) officers whose service exceeds 16 years but does not exceed 20 years become entitled to 27 days leave.
- The effect of the present Order, which was made on 25th September 2003, is to provide that those increases shall be deemed to have come into effect on 1st January 2003.

R&O 96/2003

This Order allows the Jersey Motor Cycle and Light Car Club to hold motor races on public roads in the Parishes of Saint Martin, Grouville, Saint Saviour, Saint Ouen, Saint Brelade, Saint Peter, Saint John and Trinity, on Friday, 17th October 2003 and Saturday, 18th October 2003.

The roads, and the dates and times for which they may be closed for those purposes, are specified in the Schedule to the Order.

The Order was made by the Home Affairs Committee on 26th September 2003, after consultation with the Environment and Public Services Committee.

R&O 97/2003

The purpose of this Order is to authorize the road and sand racing programme of the Jersey Motor Cycle and Light Car Club for 2004.

The Order was made on 26th September 2003.

R&O 98/2003

This Order creates a requirement for pharmacy premises to have an alarm system connected to a monitoring system to enable the detection of intruders.

The Order was made on 1st October 2003, and comes into force on 1st January 2004.

R&O 99/2003

This Order revokes the two Orders which were made on the creation of the Maincrop Potato Marketing Scheme 1968, which has been revoked by the States.

The Order was made on 1st October 2003, and comes into force 7 days after it was made.

R&O 100/2003

The purpose of this Order is to increase to £2,884 a month the earnings limit above which a Class 1 insured person's earnings shall be disregarded in calculating his or her Class 1 Contributions.

This Order was made on 2nd October 2003, and comes into force on 1st January 2004.

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

1st October 2003

- (a) as recommended by the Harbours and Airport Committee, the lease to D.K. Collins Marine Limited of Office (Letting No. S8), South Pier, St. Helier Harbour for a period of three years from 1st July 2003, at an annual rent of £8,890.21 (representing a rate of £5.89 a square foot), to be reviewed annually in line with the Jersey Retail Price Index;
- (b) as recommended by the Harbours and Airport Committee, the lease to Mr. Mark Symons of an Alcove (Letting No. STC1) at St. Catherine's Breakwater, St. Martin, for use as a fishing tackle shop and storage, for a period of three years from 1st August 2003, at an annual rent of £183.89, payable on 31st July each year, to be reviewed annually in line with the Jersey Retail Price Index;
- (c) as recommended by the Harbours and Airport Committee, the lease to Mr. Mark Symons of an Alcove (Letting No. STC2) at St. Catherine's Breakwater, St. Martin, for use as a fishing tackle shop and storage, for a period of three years from 2nd June 2003, at an annual rent of £473.19, payable on 1st June each year, to be reviewed annually in line with the Jersey Retail Price Index; and,
- (d) as recommended by the Environment and Public Services Committee, the purchase from the Jersey New Waterworks Company Limited of an area of land (measuring 3,014 square feet) forming the south-westerly extremity of Field No. 2007, St. Ouen, required for the construction of a foul sewer pumping station, for a total consideration of £3,500 for the freehold interest in the land, inclusive of a one-off payment of £484 for the use of a temporary working area of 7,000 square feet during the construction period, on the basis that the Committee would be responsible for both parties' reasonable legal costs arising from the transaction.

QUESTION PAPER

(See Item G)

Deputy J.B. Fox of St. Helier will ask the following question of the President of the Environment and Public Services Committee -

“Would the President inform members of the Committee’s plans in relation to the trial Residents’ Parking Scheme in St. Helier, and, in particular, state -

- (a) how successful the trial scheme has been?
- (b) whether similar schemes are to be introduced in other urban areas of the Island? and,
- (c) whether the Committee intends to keep the price of any permanent scheme to a similar level to that of the trial scheme?”

The Deputy of St. John will ask the following question of the President of the Environment and Public Services Committee -

“Would the President inform members –

- (a) whether access cards will be issued to States members in respect of Morier House and the States Building, and, if so, when?
- (b) whether the delay in issuing cards to States members in respect of these premises arises from the issue of trust?
- (c) whether the Environment and Public Services Committee intends to hand over the management of these premises to the Privileges and Procedures Committee, and, if so, when?”

The Connétable of St. Helier will ask the following question of the President of the Policy and Resources Committee -

“With reference to the recently agreed Resource Plan, (P.118/2003), would the President inform members -

- (a) whether the Committee was aware that the forecast deficit figure of £22 million by 2008, as quoted in the Resource Plan, was not cumulative; and, whether the President would agree that the forecast therefore understated the actual figure by £14 million, and, if the answer is in the affirmative, explain why this information was not revealed?
- (b) whether the Committee was aware that its Resource Plan proposition would require savings of approximately 600 staff over the four year period 2005 to 2008, and, if the answer is in the affirmative, will he explain why this information was not revealed? and,

- (c) of the precise methodology and assumptions which underpin the forecast of a two per cent increase in revenue per annum during the Resource Plan period, and what sensitivity analysis, if any, was conducted in respect of this methodology and the assumptions made, what external professional advice was commissioned, if any, to qualify these, and whether he is prepared to state what the cumulative deficit of £36 million projected for 2008 would become if tax receipts were to grow not by 2 per cent per annum as forecast but in the range of -3 per cent to +3 per cent per annum over the Resource Plan period, assuming that spending remained unchanged at 3 per cent per annum growth?

The Connétable of St. Helier will ask the following question of the President of the Finance and Economics Committee -

“Would the President inform members which of the possible extra taxes outlined at the top of page 4 of the Policy and Resources Committee’s 2004-2008 are likely to be brought forward in the 2004 Budget proposals of the Finance and Economics Committee to cover the forecast deficit of £7m?”

The Deputy of St. John will ask the following question of the President of the Economic Development Committee -

“As the Guernsey fishing licensing scheme came into effect as from 1st October 2003, would the President advise members –

- (a) of the number of Jersey fishermen who have informed the Sea Fisheries Department that they have been unsuccessful in obtaining a licence to fish in Guernsey waters? and,
- (b) what action, if any, the Committee is taking to resolve the situation to the satisfaction of all the unsuccessful fishermen, if any, and whether any meetings between the Islands’ authorities have been held in this respect since 9th September 2003?”

The Connétable of St. Helier will ask the following questions of the President of the Home Affairs Committee -

- “1. Will the President explain the Committee’s policy in relation to the early release from custody of persons convicted of offences which cause harm to other members of our community and sentenced to imprisonment?
- 2. Would the President inform members at what stage of their sentence prisoners become eligible for the day work release scheme?”

The Deputy of St. John will ask the following questions of the President of the Harbours and Airport Committee -

- “1. Over the summer considerable diving activity has taken place within the harbour to lay fibre optic cables. Would the President advise members –
 - (a) the cost of these works?
 - (b) how many tenders were received to do the work and from whom? and,
 - (c) the price of each tender?
- 2. Would the President advise members whether or not alternative methods of making the necessary communications link on the sea bed across the Victoria and Albert Pier Heads were investigated,

such as microwave links?

3. Would the President advise members whether all existing IT equipment using the fibre optic link will be compatible with other IT equipment across other States departments, once the installation is complete, and, if not, explain the reasons why?"

The Deputy of St. John will ask the following question of the President of the Telecommunications Board –

“Would the President advise members when the Telecommunications Board will be disbanded with all functions transferring to the Board of Directors of Jersey Telecom Limited?”

JERSEY COMMUNITY RELATIONS TRUST – (P.120/2003): AMENDMENTS.

- (1) *renumber the proposition as (a) and after the words “within our community” insert the words –*
- “except that in the draft Constitution –
- (i) in paragraph 5.1, under the heading ‘Members’ there shall be inserted the words –
- ‘The States shall appoint one Trustee, being a member of the States of Jersey who is not a member of the Policy and Resources Committee, and who is committed to the objectives of the Jersey Community Relations Trust as set out in paragraph 3 of the Constitution.’;
- (ii) in paragraph 5.4, after the words ‘The Chair’ insert the words ‘, the Trustee appointed by the States’; and
- (iii) in paragraph 5.11, after subclause (b) insert the following subclause –
- ‘(c) a Trustee appointed by the States;
- the States shall be asked to appoint another Trustee.’.
- (2) *after the proposition insert the following new paragraph –*
- “(b) to agree that, once the initial grant of £100,000 has been expended, any future revenue funding requirements of the Jersey Community Relations Trust shall be met from the cash limit of the Policy and Resources Committee”.

CONNÉTABLE OF ST. HELIER

P.120/2003. Amd.

REPORT

Few would argue with the objectives of the proposed Community Relations Trust as set out in the Report accompanying the Proposition. The Racial Discrimination Forum and its working groups have clearly done a great deal of work and have engaged in a lengthy and rigorous process of research and consultation since the States gave in principle approval to its objectives in 1996, so that their collective wish to set up a coordinating body in the form of a Trust carries considerable authority. There are 2 considerations in the proposal, however which have given me sufficient concern to propose amendments.

The establishment of the Community Relations Trust, we are told, will provide ‘a permanent structure, with *political backing* and *financial resources*’ without which ‘initiatives and incentives could only be continued in the present relatively fragmented manner.’

The purpose of the first of the amendments is to ensure that the political backing is sufficiently strong and broad-based. In view of the importance of anti-discrimination policies to the Island as a whole it is my view that the interests of the people of Jersey may not be adequately voiced through their elected representatives in this important area of Island life, when the only States representation on the Community Relations Trust is the appointed member of the Policy and Resources Committee. This amendment seeks simply to provide for the appointment by the States of a second States member to the Trust, who may well have more time to devote to this important work than the over-stretched members of the Policy and Resources Committee.

The second of the amendments is designed to address the Committee's objective of achieving appropriate financial resources for the Trust. This is a more difficult matter, given the equivocation which goes on in the Report on the subject of financing the Trust.

We are told that –

'After consideration of all factors and information presented, the Policy and Resources Committee ... agreed, following the difficult experience encountered with the funding arrangements for the Child Care Trust, that prior to registration before the Royal Court, funding for this new Trust should be secured for a secure period, and

decided, prior to lodging "au Greffe" a report and proposition, to seek the Finance and Economics Committee's support for these proposals.'

No one could disagree with this aim, but much depends on the length of this 'secure period'. What the Finance and Economics Committee is proposing does not seem to me to fit the bill at all. On this crucial funding issue we are first of all asked to believe that there are philanthropists lining up to part with their money –

'It is anticipated that with the approval of the States Assembly to the establishment of the Community Relations Trust, finances will be forthcoming from certain private sector organisations. The Committee has noted that "One World Week" and other volunteers had raised funds for the Trust in the amount of £3,000 is testament to the community's willingness to see the Trust established.'

This would be laughable were it not from the pens of the lead committee of the States. However, Policy and Resources promptly come down from cloud-cuckoo land to make the following observation –

'However, it has become very clear that such private and voluntary sector contributions will not provide any significant ongoing funding...'

In the same breath the Committee appears to be informing the States that the private sector will, and will not, provide financial security for the Trust.

So what exactly are the States being asked to commit to? What are the financial implications of this proposition?

We are told that –

'at its meeting of 6th February 2003, the Policy and Resources Committee decided that the matter should be debated by the States, but that in order to minimise the call on public funds a revised budget request should be formulated.'

One can only hope that the Finance and Economics Committee received more than the 'back of a cigarette packet' figures that appear as Appendix 2 to the Report –

‘Funding Requirements:

Start-up costs:

-		£	
	Legal costs and fees	5,000	
	Fit out/refurbishment	3,000	
	Furniture and equipment	2,000	
	Establishment	<u>2,000</u>	
		<u>12,000</u>	

Running costs: (18 months)

-		£	
	Staff costs	67,500	(Co-ordinator/admin. support)
	Telephone/I.C.T., etc.	2,500	
	Office rent, rates, etc.	14,000	
	Maintenance/repairs	1,500	
	Printing, publishing, etc.	<u>2,500</u>	
		<u>88,000</u>	

These sums neatly add up to the £100,000 which the Finance and Economics Committee appear willing to spend on the project. But what is the point of going to the expense and trouble of setting up a Community Relations Trust, and raising public expectations that discrimination in Jersey will be tackled in a determined as well as a comprehensive manner, when the financial arrangements consist of –

‘a one-off grant to enable the Trust to be established and to cover the first 12-18 months’ running costs, in the sum of £100,000. Thereafter, and once incorporated, it will be for the Trust to bring forward proposals for its ongoing funding requirements’?

As the proverb says, no-one sets out on a journey without counting the cost, and this is particularly true in the current economic climate. What the Policy and Resources Committee is effectively asking the States to do is to commit the taxpayer to embarking on a long journey, albeit a very important one, with no idea at all whether that journey will be sustainable after its first leg. In the absence of any concrete proposals we must assume that either the taxpayer will be asked to take on the cost in anything between 12 and 18 months’ time – and having by that stage already committed £100,000 it would be difficult to turn back – or, if the Policy and Resources Committee is to be believed, the necessary ongoing revenue funding will have been conjured out of thin air.

I believe that if the States believe that the establishment of the Jersey Community Relations Trust is worthwhile it should direct the Policy and Resources Committee to make proper provision for it from within its cash limit, once the initial funding approved by the Finance and Economics Committee has been expended. To approve the proposition without this amendment is to bury our heads in the sand in respect of the financial implications of the proposition.

There are no manpower implications arising out of these amendments.