

# STATES OF JERSEY ORDER PAPER

Tuesday 3rd February 2004

**A. COMMUNICATIONS BY THE BAILIFF**

**B. TABLING OF SUBORDINATE LEGISLATION**

*(Explanatory note attached)*

Community Provisions (Prohibiting the Sale, Supply and Export of Certain Equipment to, and Freezing the Funds of Certain Officials of, Burma/Myanmar) (Amendment No. 2) (Jersey) Order 2004.  
*Policy and Resources Committee.*

R&O 8/2004

**C. MATTERS RELATING TO COMMITTEE MEMBERSHIP**

**D. PRESENTATION OF PAPERS**

**(a) Papers for information**

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

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

**(b) Notification of Standing Order decisions**

**(c) Notification of acceptance of tenders**

La Pouquelaye School, St. Helier: replacement primary school.  
*Education, Sport and Culture Committee.*

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

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments.  
*Deputy of St. Martin.*

P.126/2003.  
Amd.

Projet de Loi (200-) (Amendement No. 10) réglant la procédure criminelle.  
*Comité de Législation.*

P.13/2004.

Channel Islands Welding, La Collette: permission for alterations to head lease.  
*Environment and Public Services Committee.*

P.14/2004

Jersey Child Care Trust: appointment of Chairman.  
*Education, Sport and Culture Committee*

P.15/2004

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

**(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 17th February 2004 -

Benefits paid by the Housing and Employment and Social Security Committees: protection. P.116/2003.  
Lodged: 29th July 2003.  
*Deputy G.P. Southern of St. Helier.*

Benefits paid by the Housing and Employment and Social Security Committees: protection (P.116/2003) – comments. P.116/2003.  
Presented: 23rd September 2003. Com.  
*Employment and Social Security Committee.*

Benefits paid by the Housing and Employment and Social Security Committees: protection (P.116/2003) – comments. P.116/2003.  
Presented: 23rd September 2003. Com.(2)  
*Housing Committee.*

Benefits paid by the Housing and Employment and Social Security Committees: protection (P.116/2003) – comments. P.116/2003.  
Presented: 18th November 2003. Com.(3)  
*Finance and Economics Committee.*

Draft Animal Welfare (Jersey) Law 200-. P.126/2003.  
Lodged: 19th August 2003  
*Economic Development Committee.*

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments. P.126/2003.  
*Deputy of St. Martin.* Amd.

Social Security Fund: a new method of funding. P.137/2003.  
Lodged: 7th October 2003.  
*Deputy G.P. Southern of St. Helier.*

Social Security Fund: a new method of funding (P.137/2003) – comments. P.137/2003.  
Presented: 18th November 2003. Com.  
*Employment and Social Security Committee.*

Draft The Law Society of Jersey Law 200-. P.154/2003.  
Lodged: 11th November 2003.  
*Legislation Committee.*

Disability Benefit System: reform. P.178/2003.  
Lodged: 25th November 2003.  
*Employment and Social Security Committee.*

Disability Benefit System: reform (P.178/2003) – comments. P.178/2003.  
Presented: 20th January 2004. Com.  
*Finance and Economics Committee.*



Draft Drainage (Jersey) Law 200-. Lodged: 16th December 2003. <i>Environment and Public Services Committee.</i>	P.193/2003.
Draft Shipping (SOLAS) (Jersey) Regulations 200-. Lodged: 20th January 2004. <i>Harbours and Airport Committee.</i>	P.3/2004.
Draft Shipping (Load Line) (Jersey) Regulations 200-. Lodged: 20th January 2004. <i>Harbours and Airport Committee.</i>	P.4/2004.
Channel Islands Welding, La Collette: permission for alterations to head lease. <i>Environment and Public Services Committee.</i>	P.14/2004
Jersey Child Care Trust: appointment of Chairman. <i>Education, Sport and Culture Committee</i>	P.15/2004

## **F. PRESENTATION OF PETITIONS**

## **G. QUESTIONS**

The Deputy of St. John will ask a question of the President of the Health and Social Services Committee concerning a recent advertisement placed by the Committee.

Senator E.P. Vibert will ask questions of the President of the Environment and Public Services Committee concerning the bus service.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Finance and Economics Committee concerning the draft Data Protection Law (Jersey) 200-.

The Deputy of St. John will ask a question of the President of the Economic Development Committee concerning the provision of public funds for the Chateau La Chaire Garden project.

Senator P.V.F. Le Claire will ask a question of the President of the Environment and Public Services Committee concerning suicides from public car parks.

Deputy G.C.L. Baudains of St. Clement will ask question of the President of the Employment and Social Security Committee concerning the introduction of an income support system.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee concerning parking at Cyril Le Marquand House.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee concerning the provision of free parking for public sector employees.

Deputy P.N. Troy of St. Brelade will ask questions of the President of the Policy and Resources Committee concerning OXERA.

Deputy R.G. Le Hérissier of St. Saviour will ask a question of the President of the Environment and Public Services Committee concerning Haut de la Garenne.

Senator P.V.F. Le Claire will ask a question of the President of the Home Affairs Committee concerning the cost of issuing work permits.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Economic Development Committee concerning funding for free school milk.

Senator P.V.F. Le Claire will ask a question of the President of the Policy and Resources Committee concerning the Waterfront Leisure Complex.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Housing Committee concerning one of the Committee's properties.

## **H. MATTERS OF PRIVILEGE**

## **I. PERSONAL STATEMENTS**

## **J. COMMITTEE STATEMENTS**

## **K. PUBLIC BUSINESS<sup>[1]</sup>**

Draft Burials and Exhumations (Jersey) Law 200-. P.170/2003.  
Lodged: 25th November 2003.  
*Legislation Committee.*

Fields 203, 204 (part) and 252, Rue de Jambart, St. Clement: P.152/2003.  
restriction of development.  
Lodged: 4th November 2003.  
*Deputy G.C.L. Baudains of St. Clement.*

Fields 203, 204 (part) and 252, Rue de Jambart, St. Clement: P.152/2003.  
restriction of development (P.152/2003) – comment. Com.  
Presented: 23rd December 2003.  
*Environment and Public Services Committee.*

Code of Practice on Public Access to Official Information: measures to P.164/2003.  
improve implementation.  
Presented: 18th November 2003.  
*Privileges and Procedures Committee.*

Code of Practice on Public Access to Official Information: measures to P.164/2003.  
improve implementation (P.164/2003) – comments. Com.  
Presented: 23rd December 2003.  
*Policy and Resources Committee.*

Code of Practice on Public Access to Official Information: measures to P.164/2003.  
improve implementation (P.164/2003) – amendment. Amd.  
Lodged: 6th January 2004.  
*Senator S. Syvret.*

Code of Practice on Public Access to Official Information: measures to P.164/2003.  
improve implementation (P.164/2003) – amendment Amd.Com.  
(P.164/2003 Amd.)– comments.  
Presented: 20th January 2004.  
*Privileges and Procedures Committee.*

Code of Practice on Public Access to Official Information: Register of Reports. Lodged: 23rd December 2003. <i>Deputy P.N. Troy of St. Brelade.</i>	P.196/2003.
Code of Practice on Public Access to Official Information: Register of Reports (P.196/2003) – comments. Presented: 13th January 2004. <i>Privileges and Procedures Committee.</i>	P.196/2003. Com.
Code of Practice on Public Access to Official Information: Register of Reports (P.196/2003) – amendment. Lodged: 20th January 2004. <i>Privileges and Procedures Committee.</i>	P.196/2003. Amd.
Code of Practice on Public Access to Official Information: Register of Reports (P.196/2003) – second amendment. <i>Deputy P.N. Troy of St. Brelade.</i> <i>(attached).</i>	P.196/2003. Amd (2).
Draft Motor Vehicle Registration (Amendment No. 3) (Jersey) Law 200-. Lodged: 23rd December 2003. <i>Home Affairs Committee.</i>	P.195/2003.

**M.N. DE LA HAYE**  
**Greffier of the States**

29th January 2004.

## **Explanatory Note regarding subordinate legislation tabled at this meeting.**

### **R & O 8/2004**

This Order will update the relevant Jersey Order so that in effect the latter implements the latest amendments to Council Regulation (EC) No. 1081/2000 (prohibiting the sale, supply and export to Burma/Myanmar of equipment which might be used for internal repression or terrorism, and freezing the funds of certain persons related to important governmental functions in that country). Those amendments are some address changes relating to Ireland in Annex III to the Council Regulation and the substitution of a new list of officials in Annex II to that Regulation.

The Order was made on 27th January 2004 and took effect on the day after it was made.

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

28th January 2004

The Education, Sport and Culture Committee, has accepted the lowest tender received for the proposed development of a two-form entry primary school to replace the existing La Pouquelaye School, St. Helier - namely that submitted by Camerons Limited in the sum of £4,874,243 in a contract period of 70 weeks.

The other tenders received were, as follows -

<u>Contractor</u>	<u>Amount</u>	<u>Contract period</u>
Charles Le Quesne (1956) Limited	£5,199,866.00	72 weeks
Hacquoil and Cook Limited	£5,405,861.53	70 weeks
A.C. Mauger (Sunwin) Limited	£5,428,379.00	75 weeks
J.P. Mauger Limited	£5,798,670.00	78 weeks



## QUESTION PAPER

(See Item G)

The Deputy of St. John will ask the following question of the President of the Health and Social Services Committee –

“Would the President inform members of the cost of the advertisement which was placed in the November 2003 issue of the Royal College of Nursing RCN Bulletin, and explain why the words ‘with plenty of funds and no shortage of facilities’ were used in the advertisement in view of the current States policy of financial restraint in the current economic climate?”

Senator E.P. Vibert will ask the following questions of the President of the Environment and Public Services Committee –

- “1 .(a) Would the President inform members of the current position regarding the proposed States audit of the tender process leading up to the appointment of Connex?
  - (b) Would the president confirm that the proposed audit –
    - (i) has no legal status and will simply examine correspondence between the Department and their consultants and interested parties involved at the time?
    - (ii) can only request examination of such documents and cannot investigate whether all the documents have been produced?
    - (iii) has no power to call for documents from outside parties or take any action if such parties refused to co-operate?
    - (iv) will be assisted fully by the Department no matter how long the audit process takes?
  - (c) Does the Committee intend to bring a report and proposition to the States calling for a public enquiry into the tender process following the States audit?
2. (a) Will the President confirm the following extracts from a letter he sent to the Finance and Economics Committee on 19th May 2003 –
    - (i) ‘after tenders were received and the contract was awarded to Connex, it came to light that the TGWU had negotiated a substantial increase with Jersey Bus in the form of a shift allowance of £72 per week in addition to a cost of living increase’;
    - (ii) ‘at no time during the tender process up to the award of the contract did the TGWU advise the States, its consultants or all of the tenderers that such a substantial claim had been submitted’;
    - (iii) the Committee was ‘outraged at the conniving that appears to have taken place between the TGWU and Jersey Bus, in particular the complete silence from the TGWU during the tendering process on the extent of the wage claim’.
  - (b) Would the President inform members whether the Committee’s consultants, Halcrow, exchanged correspondence with Jersey Bus in advance of the tender process outlining the TGWU claim in full, and, if so, whether this information was passed on to all tenderers?
  - (c) Would the President agree that what was stated in the letter to the Finance and Economics Committee, as indicated by him in answer to questions on 9th December 2003, was misleading,

and will he provide an apology to the owners of Jersey Bus, its executives and officials of the TGWU?

3. Would the President inform members whether an officer of the Department attended a meeting with representatives of Halcrow and Jersey Bus on 28th February 2003, at which the claim for a shift allowance/pay award was discussed?
4. (a) When the Committee decided in May 2003, to pay an additional £187,000 to Connex on the grounds that it was not aware that Jersey Bus had entered into a shift allowance/pay award agreement with the Union, did it seek the advice of its consultants, Halcrow, and, if not, could he explain the reasons why? If Halcrow's advice was sought, would the President inform members what that advice was?
  - (b) Would the President inform members whether the Committee –
    - (i) was aware that Connex had stated in its tender that “wage costs included the payment in full of the 2002 wage award”?
    - (ii) was aware that the tender document made it very clear that it was up to the tenderers to ensure that the information they were given was accurate and that “no claim from the contractor for additional payment will be allowed on the grounds of misinterpretation of any matters related to the contract documents on which the contractor could reasonably have satisfied itself?
    - (iii) sought legal advice on whether or not Connex had any legal right to the £187,000 extra paid to it?
5. Would the President confirm whether the tenders submitted by Connex and Jersey Bus both included the same provision for relief buses and payment of the shift allowance/pay award, and, if not, whether any difference was recognised during the tender process and whether any action will now be taken?
6. Would the President inform members of the amount paid by the Committee to transport consultants Halcrow in the years 2001, 2002, 2003 and 2004, and whether the level of service received from this company during the tendering process was in accordance with the agreed terms and conditions?
7. Would the President confirm that the bus service from Elizabeth Terminal to St. Helier, which operated from 1st June until 30th September 2003, carried only 8,690 passengers at a cost of £43,000, which works out at £5 per passenger, and would he advise members –
  - (a) the basis for the decision to run this service?
  - (b) why it was allowed to run so long making such heavy losses?
  - (c) whether a demand study was run before putting the service in place?
8. Would the President –
  - (a) confirm that the Public Services Department provided facilities at the PSD's Bellozanne Workshops for the checking and preparation of Connex buses when they arrived in the Island last year, prior to their inspection by Driver and Vehicle Standards, and prior to awarding each bus its licence to operate on Island roads?
  - (b) confirm that Connex received engineering and mechanical assistance by the Department in the absence of their own being in place initially, and, if so, whether this had any implications for the work and staff commitments of the Department?
  - (c) inform members of the cost, to the States, if any, of –

- (i) the assistance provided;
  - (ii) the bus equipment at La Collette garage;
  - (iii) fitting out No. 6 Gossett Chambers to provide offices for Connex at the Weighbridge; and,
  - (iv) employing a private company to administer the bus pass scheme for pensioners and Health Insurance Exemption holders?
9. Will the President confirm –
- (a) that the gap between fare revenue and operating costs for 2003 totalled £2,482,045 and that this figure includes the fuel rebate plus all the items listed in the previous question, and , if not, what the final figure is?
  - (b) that in 2001, Jersey Bus operated an almost identical service for a cost to the taxpayer of £710,000?
  - (c) whether the Committee will be reviewing whether the Connex service represents value for money?
10. (a) Will the President confirm that he was present at a meeting with the Finance and Economics Committee on 12th March 2001, in his capacity as a member of the Jersey Bus Strategy Steering Group, and that, at that time, it was estimated that fare revenue for the Island bus service was £3 million and that the new service would require £1,350,000 of public funding subsidy?
- (b) In view of the fact that the Bus Report presented to the States on 9th December 2003, states that the estimate for fare revenue was £2,500,000, would the President explain the discrepancy that exists between these two figures?
11. Would the President confirm that the proposed cuts to the bus service are as a direct result of the need for Connex to recoup the £187,000 in this year's operation?
12. (i) Would the President inform members whether, after a year of operation, the level of relief buses to meet the tender requirements has now been quantified, and, if so, whether they will be provided both in the winter and summer from now on at no further cost to the taxpayer?
- (ii) Would the President inform members –
- (a) of the level of relief buses required?
  - (b) the number of drivers' hours per week? and,
  - (c) of the total cost per week during the winter and summer timetables?
13. Would the President inform members whether any public funds have been used in purchasing buses for Connex or whether any arrangements have been entered into to assist Connex in the purchase of its vehicles?
14. Would the President inform members –
- (a) whether the bus contract between the Committee and Connex was not signed until December 2002, even though the service began in September 2002, and, if so, the reasons for this? and,
  - (b) why the Committee accepted Connex's claim that it did not know about the shift/pay allowance at the time the contract was signed given that the Committee's Bus Report presented to the States on 9th December 2003, clearly stated that this was in fact known in May 2002?

15. Would the President inform members whether any changes were made to the 'conditions of tender' document when they were incorporated into the final contract with Connex, and, if so, what these were, who initiated them, and why they were made?
16. Would the President inform members whether the cut in services, as detailed in the Committee's Bus Report presented to the States on 9th December 2003, was as a result of passenger demand and, therefore, unrelated to the £187,000 shortfall experienced by Connex as a result of the shift/pay allowance?
17. Would the President inform members of the basis of calculation of the £400,000 estimated loss of revenue to the States incurred as a result of the Easy Link network, as detailed in the Committee's Bus Report presented to the States on 9th December 2003?
18. (a) Would the President inform members whether some school children who were previously taken to school on a dedicated school bus service are now having to rely on scheduled services, and, if so, would he advise –
  - (i) how many children are affected by this cut to the school bus service?
  - (ii) whether the children are being taken to the school or being dropped off at the nearest bus stop?
  - (iii) whether some of the children have to catch more than one bus to get to school?
  - (iv) whether some of the children have to catch buses earlier?
  - (v) whether some of the children get to school late?
- (b) Would the President advise members whether the decision to effect this change was purely a cost-cutting exercise rather than to improve the school bus service?"

Deputy G.P. Southern of St. Helier will ask the following question of the President of the Finance and Economics Committee –

“Would the President inform members when the replacement for the Data Protection (Jersey) Law 1987 will be completed and whether there are any obstacles to hinder it being lodged ‘au Greffe’ and debated at the earliest possible date?”

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

“Would the President inform members whether the Committee has provided funding or agreed to provide funding, either directly from its own budget or from the Tourism Development Fund, for a feasibility study or the setting-up of a trust or company for the purpose of the proposed restoration project of the garden at La Chaire, Rozel, and, if so, what level of public funds, and to whom, have been committed to this matter so far?”

Senator P.V.F. Le Claire will ask the following question of the President of the Environment and Public Services Committee –

“Is the Committee concerned about the number of people choosing to end their lives by jumping from the rooftops of public car parks and will the Committee now undertake to secure these areas without delay?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Employment and Social Security Committee –

“In his statement on 20th January 2004 the President indicated that the proposed new low income support system would be implemented in 2006 “as agreed by the States”.

Would the President inform members why the Committee considers –

- (a) that this matter has been agreed by the States, in view of the decision of 2nd May 2000 (P.44/2000) that the Committee should “identify the likely effects of a new low income support system” and report to the States with recommendations?
- (b) that the States have agreed to implement the new system in 2006?”

The Deputy of St. John will ask the following question of the President of the Policy and Resources Committee –

“With the closure of the car park adjacent to Cyril Le Marquand House, would the President inform members whether the 1st floor parking area at the building will continue to be used for parking, and, if so, will he advise the number of spaces available and the use of these spaces?”

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 whether the Committee has information on how many public sector employees have parking provided free of charge and, if so, would he provide details?”

Deputy P.N. Troy of St. Brelade will ask the following questions of the President of the Policy and Resources Committee –

1. Would the President inform members –
  - (a) of the cost of the annual retainer agreed with OXERA Consultants for all years since the retainer was introduced, and whether additional sums over and above the retainer have been paid in any of those years?
  - (b) when OXERA were first engaged by the States as consultants and what the total sum paid to them since that date is?
2. Would the President explain why, in giving answers on 20th January 2004, the Committee considered that the work undertaken by OXERA did not qualify under the heading ‘third party consultants’ and therefore was excluded from the original answer concerning the providers of third party reports or consultancy documents?”

Deputy R.G. Le Hérisssier of St. Saviour will ask the following question of the President of the Environment and Public Services Committee –

“Would the President inform members how much money, in total, has been granted to the Haut de la Garenne Trust and would he give a breakdown of when, and on what basis, each payment was made?”

Senator P.V.F. Le Claire will ask the following question of the President of the Home Affairs Committee –

“Would the President advise members of the cost, by country, of issuing work permits for the last three years and would she explain how the Committee has met these costs?”

Deputy G.P. Southern of St. Helier will ask the following question of the President of the Economic Development Committee –

“On 21st October 2003 the States agreed that funds for free school milk should be inscribed in the Committee’s budget and ring fenced for this purpose for the years 2004 and 2005. Would the President explain to members what action, if any, the Committee has taken as part of the Fundamental Spending Review process to implement this decision?”

Senator P.V.F. Le Claire will ask the following question of the President of the Policy and Resources Committee –

(a) In agreeing the lease to CTP (Jersey) Ltd for the land on which the Waterfront Leisure Complex has been constructed the States agreed a formula for financial returns. Would the President inform members of the sums of money per annum received to date, and give a breakdown of this sum, to indicate how the Waterfront development has delivered financially to the States of Jersey?

(b) Would the President advise members –

(i) of the projections for income, if any, for the future and would he indicate how these will be delivered?

(ii) of the total States’ contribution to the cost of the leisure complex, including the grant up to a maximum of £10.9m from the Tourism Investment Fund agreed by the States on 4th July 2000, and would he indicate whether the States will have any future financial involvement with the project?”

Deputy G.P. Southern of St. Helier will ask questions of the President of the Housing Committee –

“1. In an e-mail to the Health and Social Services Department and copied to members on 10th February 2003, concerning one of the Committee’s properties vacated by the tenant, the President stated: ‘the tenant took possession of this lovely 4-bed new house in 1997’.

(a) Would the President inform members when the property in question was first built and when it had last been refurbished before the incident in question?

(b) The President also stated in his e-mail ‘we now have to pick up the cost of £20 to £30k to put it right.’ Will the President inform members of -

(i) the actual costs incurred by the Department along with details of the work that was done?

(ii) the costs that were charged to the tenant along with details of the work required?

(iii) the time taken to re-let the property?

(c) Before visiting the property on 10th February 2003 did he or any of the Department’s officers attempt to contact the tenant?

2. In his e-mail of 10th February 2003, the President referred to the fact that “there was filth, excrement everywhere” in the property. Does the President still consider his comments to be valid in view of

subsequent reports from his Department and other agencies following further visits to the premises?

CODE OF PRACTICE ON PUBLIC ACCESS TO OFFICIAL INFORMATION: REGISTER OF  
REPORTS (P.196/2003) – AMENDMENT

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*In paragraph (a) delete the word “all” and after the words “Official Information” insert the words “and that the department concerned considers it is in the public interest to add to the list”*

DEPUTY P.N. TROY OF ST. BRELADE

**Report**

It has been brought to my attention that, as drafted, paragraph (a) could be interpreted as to require Departments to list all reports prepared. However it is not my intention, as stated in the fourth paragraph of the report accompanying the proposition, to cover every single report produced but merely those that are likely to be of public interest. I have therefore submitted this amendment to clarify this matter so that Departments will have discretion to decide which reports are likely to fall into this category.

There are no financial or manpower implications.

P.196/2003 Amd.(2)

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<sup>[1]</sup> In accordance with the proviso to Standing Order 17(5), and with the agreement of Deputy G.C.L. Baudains of St. Clement, Deputy P.N. Troy of St. Brelade and the Presidents of the Privileges and Procedures and Legislation Committees, the items of Public Business have been listed for debate in the order shown.