

STATES OF JERSEY ORDER PAPER

Tuesday 21st June 2005

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Health Care (Registration) (Prescribed Qualifications) (Amendment) (Jersey) Order 2005. R&O 54/2005.
Health and Social Services Committee.

Explosives (General Provisions) (Amendment No. 2) (Jersey) Order 2005. R&O 57/2005.
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)

Migration: monitoring and regulation (P.25/2005) – Shadow Scrutiny Panel Report (S.R.5/2005) – response of the Policy and Resources Committee. S.R.5/2005. Res.
Policy and Resources Committee.

Migration: monitoring and regulation (P.25/2005) – amendment (P.25/2005 Amd.)– comments. P.25/2005. Amd. Com.
Policy and Resources Committee.

Draft Employment of States of Jersey Employees (Jersey) Law 200- (P.99/2005): comments. P.99/2005. Com.
Finance and Economics Committee.

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

14th June 2005

Agreement on the taxation of savings income: Austria. R.C.26/2005.
Policy and Resources Committee.

Agreement on the taxation of savings income: Belgium. R.C.27/2005.
Policy and Resources Committee.

Agreement on the taxation of savings income: Cyprus. R.C.28/2005.
Policy and Resources Committee.

Agreement on the taxation of savings income: Czech Republic. R.C.29/2005.
Policy and Resources Committee.

Agreement on the taxation of savings income: Denmark. R.C.30/2005.
Policy and Resources Committee.

Agreement on the taxation of savings income: Estonia. <i>Policy and Resources Committee.</i>	R.C.31/2005.
Agreement on the taxation of savings income: Finland. <i>Policy and Resources Committee.</i>	R.C.32/2005.
Agreement on the taxation of savings income: France. <i>Policy and Resources Committee.</i>	R.C.33/2005.
Agreement on the taxation of savings income: Germany. <i>Policy and Resources Committee.</i>	R.C.34/2005.
Agreement on the taxation of savings income: Greece. <i>Policy and Resources Committee.</i>	R.C.35/2005.
Agreement on the taxation of savings income: Hungary. <i>Policy and Resources Committee.</i>	R.C.36/2005.
Agreement on the taxation of savings income: Ireland. <i>Policy and Resources Committee.</i>	R.C.37/2005.
Agreement on the taxation of savings income: Italy. <i>Policy and Resources Committee.</i>	R.C.38/2005.
Agreement on the taxation of savings income: Latvia. <i>Policy and Resources Committee.</i>	R.C.39/2005.
Agreement on the taxation of savings income: Lithuania. <i>Policy and Resources Committee.</i>	R.C.40/2005.
Agreement on the taxation of savings income: Luxembourg. <i>Policy and Resources Committee.</i>	R.C.41/2005.
Agreement on the taxation of savings income: Malta. <i>Policy and Resources Committee.</i>	R.C.42/2005.
Agreement on the taxation of savings income: Netherlands. <i>Policy and Resources Committee.</i>	R.C.43/2005.
Agreement on the taxation of savings income: Poland. <i>Policy and Resources Committee.</i>	R.C.44/2005.
Agreement on the taxation of savings income: Portugal. <i>Policy and Resources Committee.</i>	R.C.45/2005.
Agreement on the taxation of savings income: Slovakia. <i>Policy and Resources Committee.</i>	R.C.46/2005.
Agreement on the taxation of savings income: Slovenia. <i>Policy and Resources Committee.</i>	R.C.47/2005.
Agreement on the taxation of savings income: Spain. <i>Policy and Resources Committee.</i>	R.C.48/2005.

Agreement on the taxation of savings income: Sweden. R.C.49/2005.
Policy and Resources Committee.

Agreement on the taxation of savings income: United Kingdom. R.C.50/2005.
Policy and Resources Committee.

(b) Notification of Standing Order decisions

16th June 2005

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)

Commission Amicale: appointment of President and Chairman P.89/2005. Amd.
(P.89/2005) – amendment.
Senator J.A. Le Maistre.

Draft Employment of States of Jersey Employees (Jersey) Law 200- P.99/2005.
(P.99/2005): amendments. Amd.
Harbours and Airport Committee.

Draft Companies (Amendment No. 8) (Jersey) Law 200. P.110/2005.
Economic Development Committee.

Draft Restriction on Smoking (Amendment) (Jersey) Law 200-. P.111/2005.
Health and Social Services Committee.

Rural Economy Strategy. P.112/2005.
Economic Development Committee.

Draft Day Care of Children (Jersey) Law 2002 (Appointed Day) Act P.113/2005.
200-.
Education, Sport and Culture Committee.

Waterfront Enterprise Board: renewal of ten-year working limit. P.114/2005.
Policy and Resources Committee.

La Collette, St. Helier: modification of lease of land to Jersey Gas P.115/2005.
Company Limited.
Harbours and Airport Committee.

Census 2006: provision. P.116/2005.
Connétable of St. Helier.

Draft Education (Amendment) (Jersey) Law 200-. P.117/2005.
Education, Sport and Culture Committee.

Greenfields Centre, St. Saviour: approval of drawings. P.118/2005.
Education, Sport and Culture Committee.

Draft Liquor (Restrictions on Consumption) (Jersey) Law 200-. P.119/2005.
Home Affairs Committee.

- (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

In accordance with Standing Order 22(3), the President of the Home Affairs Committee has instructed the Greffier of the States to withdraw the following matter, having lodged “au Greffe” a revised draft Law at the present meeting –

Draft Liquor (Restrictions on Consumption) (Jersey) Law 200-. P.9/2005.
Lodged: 18th January 2005.
Home Affairs Committee.

In accordance with Standing Order 22(3), Deputy G.P. Southern of St. Helier has instructed the Greffier of the States to withdraw the following matter –

Haut du Mont Farm Commercial Complex: petition. P.54/2005.
Lodged: 22nd March 2005.
Deputy G.P. Southern of St. Helier.

The President of the Privileges and Procedures Committee will seek the leave of the States to defer consideration of the following matters lodged “au Greffe” and set down for consideration at the present meeting, until the next meeting on 5th July 2005 –

Draft States of Jersey (Amendment No. 2) Law 200. P.98/2005.
Lodged: 24th May 2005.
Privileges and Procedures Committee.

Freedom of Information: proposed legislation. P.72/2005.
Lodged: 19th April 2005.
Privileges and Procedures Committee.

The President of the Policy and Resources Committee has given notice that he will propose that the following item lodged “au Greffe” be taken as the first item of public business at the present meeting in order to meet the deadline of the EU Council meeting on 24th June 2005, and, subject to States approval, to come into effect on 1st July 2005 –

Draft Taxation (Agreements with European Union Member States) P.103/2005.
(Jersey) Regulations 200-.
Lodged: 7th June 2005.
Policy and Resources Committee.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 5th July 2005 -

Freedom of Information: proposed legislation. P.72/2005.
Lodged: 19th April 2005.
Privileges and Procedures Committee.

Solid Waste Strategy. Lodged: 10th May 2005. <i>Environment and Public Services Committee.</i>	P.95/2005.
Solid Waste Strategy (P.95/2005): amendment. Lodged: 7th June 2005. <i>Deputy M.F. Dubras of St. Lawrence.</i>	P.95/2005. Amd.
La Pouquelaye School, Le Hurel, St. Helier: transfer of administration. Lodged: 10th May 2005. <i>Education, Sport and Culture Committee.</i>	P.94/2005.
Draft States of Jersey (Amendment No. 2) Law 200. Lodged: 24th May 2005. <i>Privileges and Procedures Committee.</i>	P.98/2005.
Draft Employment of States of Jersey Employees (Jersey) Law 200-. Lodged: 24th May 2005. <i>Policy and Resources Committee.</i>	P.99/2005.
Draft Employment of States of Jersey Employees (Jersey) Law 200- (P.99/2005): comments. Presented: 21st June 2005. <i>Finance and Economics Committee.</i>	P.99/2005. Com.
Draft Employment of States of Jersey Employees (Jersey) Law 200- (P.99/2005): amendments. Lodged: 21st June 2005. <i>Harbours and Airport Committee.</i>	P.99/2005. Amd.
Draft Child Abduction and Custody (Jersey) Law 200-. Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.105/2005.
Draft Criminal Law (Child Abduction) (Jersey) Law 200-. Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.106/2005.
Draft Child Custody (Jurisdiction) (Jersey) Law 200-. Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.107/2005.
Jersey Law Commission: appointment of Commissioners. Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.109/2005.
La Collette, St. Helier: modification of lease of land to Jersey Gas Company Limited. Lodged: 21st June 2005. <i>Harbours and Airport Committee.</i>	P.115/2005.
Draft Liquor (Restrictions on Consumption) (Jersey) Law 200-. Lodged: 21st June 2005. <i>Home Affairs Committee.</i>	P.119/2005.

F. PRESENTATION OF PETITIONS

Field 263a, Grouville: petition.
Connétable of Grouville.

G. QUESTIONS

(a) Written Questions

The President of the Environment and Public Services Committee will table answers to questions asked by Deputy T.J. Le Main of St. Helier regarding the Five Oaks dairy site.

The President of the Health and Social Services Committee will table an answer to a question asked by the Deputy of St. John regarding the proposed development of a private hospital.

The President of the Economic Development Committee will table an answer to a question asked by the Deputy of St. John regarding an application under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended.

The President of the Harbours and Airport Committee will table an answer to a question asked by the Deputy of St. John regarding meetings of the Harbour Working Party and Port Users Group.

The President of the Environment and Public Services Committee will table answers to questions asked by the Deputy of St. John regarding certain planning matters relating to agriculture.

H.M. Attorney General will table an answer to a question asked by Deputy J-A. Bridge of St. Helier regarding the issuing of legal advice and resources in the Law Officers' Department.

The President of the Home Affairs Committee will table an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding the policing of certain persons arriving in the Island.

The President of the Economic Development Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the licensing and operation of fulfilment companies in the Island.

The President of the Privileges and Procedures Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding electoral reform.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Subject to E –

Draft Taxation (Agreements with European Union Member States) (Jersey) Regulations 200-. Lodged: 7th June 2005. <i>Policy and Resources Committee.</i>	P.103/2005.
Income Support System. Lodged: 26th April 2005. <i>Employment and Social Security Committee.</i>	P.86/2005.
Income Support System (P.86/2005): amendment. <i>Connétable of St. Ouen.</i> (attached)	P.86/2005. Amd.
Migration: monitoring and regulation. Lodged: 8th February 2005. <i>Policy and Resources Committee.</i>	P.25/2005.
Migration: monitoring and regulation (P.25/2005) – comments. Presented: 5th April 2005. <i>Finance and Economics Committee.</i>	P.25/2005. Com.
Migration: monitoring and regulation (P.25/2005) – amendment. Lodged: 7th June 2005. <i>Deputy G.P. Southern of St. Helier.</i>	P.25/2005. Amd.
Migration: monitoring and regulation (P.25/2005) – amendment (P.25/2005 Amd.)– comments. Presented: 21st June 2005. <i>Policy and Resources Committee.</i>	P.25/2005. Amd. Com.
Migration: monitoring and regulation (P.25/2005) – second amendment. <i>Policy and Resources Committee.</i> (attached)	P.25/2005. Amd.(2)
Island Plan 2002: changes to Built-up Area boundary. Lodged: 19th April 2005. <i>Environment and Public Services Committee.</i>	P.77/2005.
Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – amendments. Lodged: 3rd May 2005. <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. Lodged: 3rd May 2005. <i>Senator L. Norman.</i>	P.77/2005. Amd.(2).

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – third amendments. Lodged: 10th May 2005. <i>Deputy J.A. Hilton of St. Helier.</i>	P.77/2005. Amd.(3)
Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – fourth amendment. Lodged: 7th June 2005. <i>Environment and Public Services Committee.</i>	P.77/2005. Amd.(4)
Jersey Employment Tribunal: appointment of members. Lodged: 24th May 2005. <i>Employment and Social Security Committee.</i>	P.97/2005.
Jersey Employment Tribunal: appointment of members (P.97/2005) – amendment. Lodged: 7th June 2005. <i>Employment and Social Security Committee.</i>	P.97/2005. Amd.
Public Employees Contributory Retirement Scheme Committee of Management: membership. Lodged: 31st May 2005. <i>Policy and Resources Committee.</i>	P.100/2005.
States Members' Remuneration Review Body: amended terms of reference. Lodged: 31st May 2005. <i>Privileges and Procedures Committee.</i>	P.101/2005.
Public Employees Contributory Retirement Scheme Committee of Management: appointment of Chairman. Lodged: 7th June 2005. <i>Finance and Economics Committee.</i>	P.102/2005.
Units 1 and 2, L'Avenue Le Bas, La Rue des Pres Trading Estate: re-assignment of leases. Lodged: 7th June 2005. <i>Committee for Postal Administration.</i>	P.104/2005.

M.N. DE LA HAYE
Greffier of the States

16th June 2005.

Note –

In accordance with a decision of the States on 16th November 2004, this meeting will continue, if necessary, on Wednesday 22nd and Tuesday 28th June 2005.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 54/2005

The effect of this Order is to provide that entry as a specialist community public health nurse in the register maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom shall be a qualification for registration as such a nurse under the Health Care (Registration) (Jersey) Law 1995.

The Order was made on 10th May 2005, to come into force on 1st July 2005.

R&O 57/2005

The purpose of this Order is to increase from £5 to £15 the fee for the grant or renewal of a fireworks retail licence. The fee was last increased with effect from 1st January 1983.

The Order was made on 16th June 2005, and comes into force on 23rd June 2005.

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

16th June 2005

- (a) as recommended by the Housing Committee, the lease to Mr. Kevin John Channing (trading as Channing's Mobility) of No. 76 Colomberie, St. Helier, for a period of nine years from 1st May 2005, at an annual rent of £8,750 subject to triennial rent reviews in line with the Jersey Retail Price Index. Either the lessor or the lessee could terminate the lease upon the expiration of the second year of the agreement provided that not less than six months notice in writing had been served. The lessee was to be responsible for the internal repair and maintenance of the property, and the lessor responsible for maintaining the structure of the property and ensuring it remained in a wind and watertight condition. The lessee was not permitted to sub-let the whole or part of the premises or to make any alterations to the property without the prior written consent of the Committee. Each party was to be responsible for its own legal costs arising from the transaction;
- (b) as recommended by the Environment and Public Services Committee, the purchase from Whitecroft Developments Limited of a area of land (measuring approximately 566 square feet) adjacent to the properties known as Abbeville and Abbeville Lodge, La Grande Route des Sablons, Grouville for a consideration of £566, with the company and its successors to be granted the necessary access and service rights in relation to the strip of land, upon which nothing was to be placed which impeded the visibility necessary from the point of view of the road safety of vehicles or pedestrians entering or exiting the development, and on the basis that the public would be responsible for the payment of both parties' reasonable legal fees arising from the transaction;
- (c) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with The 2 Bank Place Association in order to authorise certain encroachments towards the public's adjacent land at No. 2 Bank Place, St. Aubin, St. Brelade, namely encroachments to the south elevation of the property (in accordance with drawing No. 99 prepared by J.S. Carney and Company Limited dated June 2002); and to authorise the establishment of an additional window to the south elevation of the property (also in accordance with the said drawing). The encroachments were not considered to be detrimental to the public's land and the Association was to pay a consideration of £1,500 and meet the public's reasonable legal fees arising from the transaction, together with the fees of the Department of Property Services amounting to £350;
- (d) as recommended by the Economic Development Committee, the lease to the Royal National Lifeboat Institution of La Grande Maison Shed, St. Catherine, St. Martin for a period of nine years from 1st June 2005, at nil rent for the term of the lease on the basis of the improvement works undertaken by the Institution. The agreement was to be on a fully-repairing basis and the lessee was to be responsible for putting and thereafter keeping the exterior and interior of the demised premises in a good state of repair and decorative order, and each party was to be responsible for its own legal costs arising from the transaction;
- (e) as recommended by the Health and Social Services Committee, the lease from J. Bouchet Limited of the '(j)' category property known as Sandbanks, La Cloture, Park Estate, St. Brelade, for a period of five years at an annual rent of £18,000 subject to annual rent review in line with the Jersey Retail Price Index, on the basis that the first year's rent was to be reduced to £16,800 in order to reflect the redecoration works to be carried out by Health and Social Services. The agreement was to be on an internal repairing basis and would be terminable by either party upon three months notice. Each party was to be responsible for its own legal costs arising from the transaction;

- (f) as recommended by the Education, Sport and Culture Committee, the lease to the Scout Association Jersey of Field No. 198a, Les Creux, St. Brelade (measuring approximately four vergées), for use as a camping centre and to foster the aims of the lessee Association, for a period of 21 years deemed to have commenced on 15th December 2001, at an annual rent of £2,5000 payable annually in advance (with the exception of the first two years for which there would be no charge), subject to rent reviews every three years in line with the Jersey Retail Price Index. The lessee was to be fully responsible for all matters of maintenance and repair relating to the upkeep of all buildings and land within the demised area during the period of the lease, including all boundaries, verges and hedges. The lessee was not to either assign or sub-let the demised premises and alterations were only to be carried out with the prior written consent of the lessor. The lessee was to be responsible for both parties' reasonable legal fees arising from the transaction;
- (g) as recommended by the Education, Sport and Culture Committee, the lease to the Jersey Electricity Company Limited in respect of Electricity sub-station No. 195 situated at Springfield Recreation Grounds St. Helier for a period of 21 years deemed to have commenced from 8th December 2004, for a consideration of £525 (representing an annual rent of £25) payable in full upon completion of the contract, on the basis of the standard terms and conditions, with each party to be responsible for its own legal and professional fees arising from the transaction;
- (h) as recommended by the Environment and Public Services Committee, the sub-lease to BMI Health Services Limited of the office suites known as Units 1 and 2, on the ground floor of Axminster House, Devonshire Place, St. Helier (measuring approximately 1,021 square feet and 941 square feet respectively) and also communal kitchen and toilet facilities on the ground and first floor levels, for a period of one year, six months and 23 days deemed to have commenced on 1st January 2005, and to terminate on 23rd June 2006, at an annual rent of £18,000 for each unit payable quarterly in advance (a total of £36,000 per annum for the two units) with no rent review. The sub-lessee was to pay to the sub-lessor on demand a service charge to cover communal cleaning, communal services and communal costs associated with operating the building (excluding the sub-lessor's repairing and insuring obligations), the proportion being $33\frac{1}{3}$ per cent;
- (i) as recommended by the Education, Sport and Culture Committee, the lease from Mr. Michael Vernon Balleine of Field No. 649, La Rue du Presbytere, St. Peter (measuring approximately $5\frac{1}{2}$ vergées or 11,025 square metres), for use as a sports facility by St. Peter's School, for period of 25 years deemed to have commenced from the date of the planning consent at an initial annual rent of £900, subject to annual review in line with the Jersey Retail Price Index to a maximum of five per cent per annum as well as to reviews to market rental value of comparable agricultural land every five years. The public were to undertake the conversion works on the field at its own expense and also erect boundary fencing to the south-easterly boundary towards La Rue du Presbytere. The public was also to be granted an option to purchase the field during the period of the lease subject to mutually acceptable terms and conditions being reached with the lessor. The public was to be responsible for both parties' legal fees up to a maximum of £1,000 towards the lessor's fees;
- (j) as recommended by the Education, Sport and Culture Committee, in respect of the lease to the Jersey Petanque Club of the pavilion at Les Quennevais Sports Ground, St. Brelade and in recognition of the Club's recent investment of £14,000 in the pavilion –
- (i) the termination of the nine-year lease deemed to have commenced on 1st April 1997, at a starting annual rent of £400 payable half-yearly in advance subject to annual review in line with the Jersey Retail Price Index and, in addition, ten annual payments from 1997 of £1,000 in respect of monies expended by the Committee to establish the facilities; and
- (ii) the lease of those premises to the Jersey Petanque Club Incorporated for a period of nine years from 31st March 2004, at a revised annual rent assessed in accordance with the Jersey Retail Price Index as at December 2003;

the lessee was to remain responsible for the maintenance of the pavilion in a wind and watertight condition,

and also to be responsible for painting the exterior of the building once every two years or more often as necessary. The lessee was also to continue to pay the remaining annual payments of £1,000 to the Committee up to and including the year 2006. The lessor was to be responsible for the upkeep of the playing surface. All other terms and conditions were to remain the same as for the previous lease except that –

1. the Club was to pay and discharge all costs and expenses for electricity other than that used by the sewerage system; and
2. the lessee was no longer to be required to maintain any fences, hedges and trees and banks at the property, nor to plant any trees or shrubs at the property as supplied and directed by the lessor;

each party was to be responsible for its own legal costs arising from the transaction;

- (k) as recommended by the Environment and Public Services Committee, the lease to Messrs. Christopher David Munns and Andrew David Fox, respectively the Chairman and Secretary of the Jersey Model Aero Club, of Bunkers 1 and 2 and the Model Aircraft Air Field at Les Landes, St. Ouen, for a period of nine years from 1st March 2005, at a commencing annual rent of £110 subject to annual rent review on the anniversary of the commencement date in line with the Jersey Retail Price Index, with all other terms and conditions to remain the same as for the previous lease;
- (l) as recommended by the Harbours and Airport Committee, the renewal of the lease to Harbour Newsagent Limited of the Elizabeth terminal Shop (Letting No. E13), Elizabeth Terminal, St. Helier for a period of nine years from 1st May 2005, at an annual rent of £5,794.74 (representing a rate of £19.71 a square foot, to be reviewed annually in line with the Jersey Retail Prices Index.

WRITTEN QUESTION PAPER

(See Item G)

The President of the Environment and Public Services Committee will table answers to the following questions asked by Deputy T.J. Le Main of St. Helier -

“Would the President inform members –

1. (a) whether any pre-application advice has been given to the Jersey Milk Marketing Board concerning the redevelopment of the existing dairy site at Five Oaks, which was originally developed on Green Zone and agricultural protected land, and, if so, what this advice was?

(b) whether the original decision to allow development of the existing dairy in the Green Zone/agricultural protected land was based purely on the need of agriculture and in accordance with such policies in force at the time?
2. Would the President inform members whether the Committee has yet considered the suitability of the existing Five Oaks site for downsizing the current dairy operation, and, if so, advise members of the outcome?
3. Would the President inform members whether the Committee has, as part of the pre-application advice, been advised of the financial position of the Jersey Milk Marketing Board, and, if so, whether this has played any part in the determination of the commercial and development value of the existing Five Oaks site outside of agricultural use? If so, how does this align with current planning policies and what are the implications for future similar applications by others, if any?
4. Would the President advise members whether the Committee will bring a report and proposition to the States for consideration in due course in the event that an application is received from the Jersey Milk Marketing Board seeking to relocate, redevelop or sell their existing Five Oaks premises outside of agricultural use, and, if not, the reasons why?”

The President of the Health and Social Services Committee will table an answer to the following question asked by the Deputy of St. John -

“On 15th March 2005, the President, in answering questions relating to the proposed development of a private hospital, stated –

“... the developers require a very, very substantial amount of public money to be put into this project and that makes the project simply unviable from a public interest point of view. There is simply no justification for making that level of public investment in that kind of facility.”

Does the President stand by those comments, and, if not, explain the reasons why?”

The President of the Economic Development Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President inform members whether a briefing note was provided by the Health and Social Services Committee in response to a recent application under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, relating to the development of a private hospital project, and, if so, whether the issue of a subsidy was included in the briefing note and whether this was an influencing factor in the decision making process? If it was not, would the President please provide the reasons for refusing the licence.”

The President of the Harbours and Airport Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President inform members –

- (a) of the membership of the Harbour Working Party, the date of its last meeting and who attended? If no meeting has been held in 2005, please would the President state the reasons why?
- (b) whether the Harbour Working Party has been notified that the Trust Port Status for Harbours has now been superseded by the possibility of a Limited Liability Company, and, if so, what was the response, if any? If the Working Party has not been notified, please would the President state the reasons why?
- (c) of the membership of the Port Users Group, the date of its last meeting and whether it has been notified of any possible changes from a Trust Port to a Limited Liability Company and, if so, what response, if any, has been received?”

The President of the Environment and Public Services Committee will table answers to the following questions asked by the Deputy of St. John –

- “1. Does the President declare any conflicts of interest when dealing with planning matters relating to agriculture given that this was stated to be the case at the time he gave evidence to the Scrutiny Panel during the Agri-Environment hearing?
2. Would the President confirm whether –
 - (a) the Committee has instructed a bona fide farmer to remove his haystack and agricultural machinery from land adjacent to Broughton Farm, St. Mary, and, if so, would he explain the reasons for this and any legal requirement breached by the farmer for which he is required to comply, particularly under Article 13 of the Island Planning (Jersey) Law 1964, as amended, in view of the farmer’s agent’s request for such information following a letter dated 6th December 2004, which has never been provided?
 - (b) the Law can be applied retrospectively given that various haystacks and agricultural machinery have been in existence on the land since before the coming into force of the 1964 Law?
3. Would the President inform members whether any information regarding court costs is given to individuals when they are notified that a right of appeal through the Royal Court exists, and, if not, the reasons why?”

H.M. Attorney General will table an answer to a question asked by Deputy J-A. Bridge of St. Helier –

“Would the Attorney General inform members –

- (a) given that nearly one year ago on 6th July 2004, the President of Home Affairs responded to a question on the lack of implementation of the Young Offenders’ Institution Rules and the Prison Rules, in the following terms –

‘Implementation of the Young Offenders’ Institution Rules and Prison Rules has been delayed pending the receipt of advice from H.M. Attorney General on the question of whether to appoint an Adjudicator to replace the Prison Board of Visitors to adjudicate on matters concerning the discipline of prisoners, in particular where the loss of remission is concerned. Once this issue has been resolved, the Rules can be brought into effect.’,

and given that the President subsequently responded to a similar question posed on 1st March 2005, in the following terms –

‘The Home Affairs Committee has yet to receive the advice requested of the Attorney General. There has, therefore, been a further delay in the bringing into effect of these Rules.’,

whether he has since furnished the Home Affairs Committee with his advice on the Prison Rules, and, if not, when he proposes to do so?

- (b) whether the current Rules are Human Rights compliant?
- (c) whether the staffing resources in his department are sufficient to meet the demands made for legal advice by Committees, and, if not, whether this has had any impact in the implementation of policy as Committees wait for advice?
- (d) to what extent the availability of staffing resources in the Law Officers’ Department impacts on legal advice provided to Committees, and what steps, if any, have been taken to address this?”

The President of the Home Affairs Committee will table an answer to a question asked by Deputy J.A. Hilton of St. Helier –

“Would the President inform members –

- (a) of the number of offenders apprehended at the Airport and Harbours for the years 2003 and 2004 with known un-discharged arrest warrants, in breach of bail, or with un-discharged probation or community hours?
- (b) the identities of those authorities/jurisdictions that refused to send officials to Jersey to pick up those arrested in Jersey from those jurisdictions?
- (c) the nature and breakdown of offences of those persons arrested at the point of entry?
- (d) the number of offenders escorted off the Island to other jurisdictions, if any, or authorities that did send officials?
- (e) the nature and breakdown of the known offences of those admitted to visit or live in Jersey, and whether the States of Jersey Police has access to the U.K. Police National Computer and the U.K. register of sex offenders?
- (f) whether the States of Jersey Police monitors the movement of U.K. and other registered sex offenders as

and when they enter the Island?

- (g) whether the Committee was advised that one U.K. registered sex offender recently arrived in the Island?
and,
- (h) whether the Committee considers the absence of a sex offenders register in Jersey to make the Island 'attractive' to U.K. reregistered sex offenders, and, if so, what action, if any, does the Committee propose to take to address this?"

The President of the Economic Development Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier –

“Will the President inform members –

- (a) how many new fulfilment companies with non-locally qualified or resident principals the Committee has granted a licence to under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, and when those licences were granted?
- (b) on what grounds the Committee considered the granting of such licences to be in the best interests of the Island, and, in particular, what was the anticipated total return to the Island in terms of tax revenue from these companies?
- (c) whether the Committee considered the effects on this projected tax revenue when the zero/ten proposals come into force, and if so, what that consideration concluded?
- (d) what consideration, if any, did the Committee give to the possibility that the United Kingdom government might take action to prevent such tax-avoidance moves on the part of United Kingdom companies?
- (e) what consultation, if any, has taken place with the Policy and Resources Committee on the issue referred to in (d) above over this period, and does the Committee concur with the position expressed by the Policy and Resources Committee to oppose expansion of Jersey Post to new premises in order to support such schemes?
- (f) what bearing, if any, will the position expressed by the Policy and Resources Committee have on the implication for future policy outlined on page 19 of the Economic Growth Plan to '*maximise productivity growth in every sector from financial services to retail to tourism to agriculture to fulfilment*'?"

The President of the Privileges and Procedures Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier –

“Would the President inform members –

- (a) whether the Committee intends to give wider access to the electoral register when Article 11 of the Public Elections (Jersey) Law 2002, specifically states that there are to be only three places for inspection of the register, namely the Parish Hall, Jersey Library and the Judicial Greffe, and , if so, how?
- (b) whether the Committee intends to address the existing difficulty in accurately updating the register by targeting those not on the register in view of the fact that nobody other than a properly nominated candidate in an election can receive a copy of the register and, then, only after the date of that nomination meeting?

- (c) whether the Committee intends to put forward changes to the election law as a matter of priority, and whether this will be in time for the 2005 elections? and,
- (d) whether the proposals for improving registration and turnout will be superseded by more fundamental changes to the law?"

MIGRATION: MONITORING AND REGULATION (P.25/2005) – SECOND AMENDMENT

At the end of paragraph 6, after the words “Social Security registration” insert the words “and to agree that political responsibility for the office should lie with the Policy and Resources Committee (or the future Chief Minister).”

POLICY AND RESOURCES COMMITTEE

REPORT

The Report and Proposition is silent on the issue of political responsibility, because the initial phase of the changes will be operated within the current Regulation of Undertakings and Development Law and Housing Laws. Creation of the integrated office was seen as a managerial task, with officers ultimately reporting to the Chief Executive of Policy and Resources and hence to the Committee.

The Policy and Resources Committee’s Report and Proposition was therefore not proposing that the Economic Development Committee (or the future Minister for Economic Development) take overall political responsibility.

The Committee however recognises that it is reasonable to clarify this matter and therefore proposes that the Policy and Resources Committee and then the Chief Minister should become politically responsible for the office. This reflects both the importance of managing migration and ensuring that all of the interests (promoting social inclusion, balancing economic growth and the demand for and supply of labour, accommodation infrastructure and the resources of the Island) identified in the original proposition are properly balanced.

INCOME SUPPORT SYSTEM (P.86/2005): AMENDMENT

At the end of paragraph 3(a), add the following words –

" , except that the delivery of the Income Support System shall be undertaken in conjunction with the 12 Parishes;"

CONNÉTABLE OF ST. OUEN

REPORT

As stated in the report of the Employment and Social Security Committee, the ‘one stop shop’ approach to delivery of income support is broadly supported by the Connétables. It must be in the client’s interest that income support replaces the many current benefits which are delivered by several different departments.

However, the Connétables firmly believe that the Parishes have the expertise, from administering the current system of support, to be best able to effectively and efficiently deliver income support to those in need. In addition the Parish office provides a local delivery point more easily accessible for those who are living in the Parish who would otherwise incur additional expense in travelling to St. Helier to receive benefit.

During the consultation preceding this proposition the Connétables have consistently commented on aspects of the current system which must be provided by the new income support. These include –

1. Immediate access to funds, including in cash, and the possibility of ‘drip feeding’ support to those unable to manage funds (currently £90,000 is paid each week in cash whereas the Employment and Social Security Committee makes all payments by cheque);
2. frequency of review which for many clients needs to be weekly (P.86/2005 suggests review periods ranging from one to 12 months but an individual’s circumstances can change from day to day and this would affect the claim for benefit both upwards and downwards);
3. the need to exercise discretion in individual circumstances (the Employment and Social Security Committee currently delivers statutory benefits with no scope for flexibility, which frequently results in persons being referred to Parishes for support, and thus Employment and Social Security Committee staff do not appear to have this experience or expertise);
4. there must be provision for urgent payments e.g. at weekends as currently provided by Parishes;
5. access to the Citizens Fund for emergency purchases must be immediate and not subject to delay whilst applications are processed.

The report suggests that satellite offices might be used with a contractual arrangement to enable Parish Secretaries to provide a basic, local service but otherwise provides that all staff involved full-time in the delivery of the benefit are employed by the Employment and Social Security Department. Because of the varying numbers of residents from Parish to Parish and therefore the number of claimants, some Parishes currently have staff who are employed full-time in the delivery of welfare, whereas others spend only a proportion of their time on this work whilst also assisting with other Parish responsibilities. The Connétables consider the current Parish provision of

offices, many of which have been extended in recent years to provide more appropriate and comfortable facilities for dealing with personal circumstances, together with trained staff should continue to be the principal delivery point for those claiming benefit.

P.86/2005 envisages a one-stop shop providing access to both contributory benefits provided by Social Security and to non-contributory benefit such as income support and that where a contributory benefit is insufficient to provide income for a household that income support will be paid as a top-up. Whilst much of the detail of the new scheme has yet to be determined, it is presumed that those seeking income support will still have to make an application, as is currently used for welfare, and provide evidence of their financial circumstances. The current welfare system requires an applicant to provide evidence such as bank statements, details of assets held/disposed of in recent years etc. and requires careful analysis at the time of claim – subsequent continued claims are subject to the applicant confirming that the details previously given, and the applicant's circumstances, have not changed. A similar system would seem to be intended given the references in the report to assessing income and assets. This work is more involved than processing a statutory benefit determined by legislation as is the case with Social Security contributory benefits and other non contributory benefits.

Whilst the numbers expected to benefit from income support are not known, the report estimates that staff across the Parishes and States departments currently cover 7,500 households and 18,000 individuals. It is difficult to determine the likely impact at this stage but in recent months the Parishes have seen an increase in the number of persons seeking support because of the change from sickness benefits to short and long-term incapacity allowances. These changes have resulted in benefit being based on individual entitlement and an assessment of the loss of faculty and have resulted in a reduced statutory payment to a number of claimants which is insufficient to meet the household living expenses. Those affected by this change have been referred by the Employment and Social Security Department to the Parishes for assistance.

The Connétables believe that as the system is further developed it should be on the basis that it is delivered through the existing Parish structure where the appropriate controls can be exercised, the current expertise rests and the facilities are available. This assumption is not evident from the report of the Employment and Social Security Committee, and accordingly the Comité des Connétables has agreed to an amendment being proposed to clarify the issue.

There are no financial or manpower implications for the States arising from this amendment.