

STATES OF JERSEY ORDER PAPER

Tuesday 7th June 2005

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Shipping (Fees) (Jersey) Order 2005.
Harbours and Airport Committee.

R & O 53/2005

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.
Deputy G.P. Southern of St. Helier.

S.R.5/2005

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

31st May 2005

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

S.R.4/2005. Res.

(b) Notification of Standing Order decisions

2nd 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)

Public Employees Contributory Retirement Scheme Committee of
Management: appointment of Chairman.
Finance and Economics Committee.

P.102/2005.

Draft Taxation (Agreements with European Union Member States)
(Jersey) Regulations 200-.
Policy and Resources Committee.

P.103/2005.

Units 1 and 2, L'Avenue Le Bas, La Rue des Pres Trading Estate: re-
assignment of leases.
Committee for Postal Administration.

P.104/2005.

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

31st May 2005

Public Employees Contributory Retirement Scheme Committee of Management: membership. P.100/2005.
Policy and Resources Committee.

States Members' Remuneration Review Body: amended terms of reference. P.101/2005.
Privileges and Procedures 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 June 2005 –

Migration: monitoring and regulation. P.25/2005.
Lodged: 8th February 2005.
Policy and Resources Committee.

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

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

Island Plan 2002: changes to Built-up Area boundary. P.77/2005.
Lodged: 19th April 2005.
Environment and Public Services Committee.

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – amendments. P.77/2005.
Lodged: 3rd May 2005. Amd.
Deputy G.C.L. Baudains of St. Clement.

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – second amendments. P.77/2005.
Lodged: 3rd May 2005. Amd.(2).
Senator L. Norman.

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – third amendments. P.77/2005.
Lodged: 10th May 2005. Amd.(3)
Deputy J.A. Hilton of St. Helier.

Income Support System. P.86/2005.
Lodged: 26th April 2005.
Employment and Social Security Committee.

Jersey Employment Tribunal: appointment of members. P.97/2005.

Lodged: 24th May 2005. <i>Employment and Social Security Committee.</i>	
Draft States of Jersey (Amendment No. 2) Law 200. Lodged: 24th May 2005. <i>Privileges and Procedures Committee.</i>	P.98/2005.
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.
Draft Taxation (Agreements with European Union Member States) (Jersey) Regulations 200-. Lodged: 7th June 2005. <i>Policy and Resources Committee.</i>	P.103/2005.
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.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

(a) Written Questions

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. Martin regarding 'The Quarry', Gorey Pier.

The President of the Policy and Resources Committee will table an answer to a question asked by the Deputy of St. John regarding States employees' contracts of employment.

The President of the Environment and Public Services Committee will table answers to question asked by Deputy G.C.L. Baudains of St. Clement regarding planning matters in the Parish of St. Clement.

The President of the Employment and Social Security Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding LTIA.

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

The President of the Environment and Public Services Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding show flats.

The President of the Environment and Public Services Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the 'Priory Inn'.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Privileges and Procedures Committee will make a statement regarding shadow scrutiny.

K. PUBLIC BUSINESS

Draft States of Jersey (Amendment) Law 200-
Lodged: 26th April 2005.
Policy and Resources Committee. P.83/2005.
(re-issue)

Draft States of Jersey (Amendment) Law 200- (P.83/2005):
amendment.
Lodged: 10th May 2005.
Senator S. Syvret. P.83/2005.
Amd.
(re-issue)

Draft Employers' Liability (Compulsory Insurance) (Exemption)
(Amendment No. 2) (Jersey) Regulations 200.
Lodged: 26th April 2005.
Employment and Social Security Committee. P.84/2005.

Draft Employers' Liability (Compulsory Insurance) (General)
(Amendment No. 2) (Jersey) Regulations 200.
Lodged: 26th April 2005.
Employment and Social Security Committee. P.85/2005.

States of Jersey Property Holdings: establishment.
Lodged: 3rd May 2005.
Policy and Resources Committee. P.93/2005.

M.N. DE LA HAYE
Greffier of the States

2nd June 2005

Note –

In accordance with a decision of the States on 16th November 2004, this meeting will continue, if necessary, on Wednesday 8th June 2005.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 53/2005

This Order prescribes the fees to be paid under the Shipping (Jersey) Law 2002.

The Order was made on 1st June 2005 and comes into force on 8th June 2005.

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

2nd June 2005

- (a) as recommended by the Home Affairs Committee, the renewal of the lease from Dubras Holdings Limited of office space (measuring 385 square feet) and one car parking space utilised by the Police Complaints Authority at Nos. 5-7 Great Union Road, St. Helier, for a period of three years deemed to have commenced on 22nd October 2004 at an annual rent of £9,500 (which sum reflected a reduction from the pre-existing annual rent of £9,734) which was inclusive of utility costs incurred in occupying the premises. A tenant's break option had been agreed with the landlord to be effective upon the anniversary of the commencement date upon the service of three months prior notice, in the event that this facility were to re-locate to an alternative site. Each party was to be responsible for its own legal and professional costs arising from the transaction;
- (b) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of Electricity Substation No. 79 situated at Le Clos Gosset, St. Saviour (as indicated on Plan 11/919/1) for a period of 99 years from 1st June 2005, at an annual rent of £10 payable in full upon completion of contract, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Harbours and Airport Committee, the renewal of the lease to Mr. David Neil Cowburn of accommodation (designated STC5) at St. Catherine's Tunnels, St. Martin, for a period of five years from 1st January 2005, at an annual rent of £3,400.54 to be reviewed annually in line with the Jersey Retail Price Index;
- (d) as recommended by the Harbours and Airport Committee, the lease to Mr. Robert Vezier of accommodation (designated V26A) at Victoria Pier, St. Helier Harbour, for a period of three years from 1st January 2005, at an annual rent of £596.20 to be reviewed annually in line with the Jersey Retail Price Index;
- (e) as recommended by the Harbours and Airport Committee, the lease to the Jersey Canoe Club of the accommodation (designated STC14) at St. Catherine's, St. Martin, for a period of three years from 1st September 2004, at an annual fixed rent of £1,000;
- (f) as recommended by the Health and Social Services Committee, the lease to Mr. Darren Paul Paton and Mrs. Tracy Ann Paton, née Bochat, of Flat No. 2 Claremont, Bagatelle Road, St. Saviour, for a period of three years deemed to have commenced on 1st January 2005, at an annual rent of £8,636.04 to be increased annually in line with the Jersey Retail Price Index, on the basis that the lessee would be responsible for the internal repairing of the property and all occupier costs, with each party to be responsible for its own legal costs arising from the transaction;
- (g) as recommended by the Economic Development Committee, the addendum to the lease from Le Masuriers (Oxford Road) Limited of 'Lock-Up Storage Unit No. 3, Le Masuriers, Oxford Road, St. Helier so as to incorporate 'Lock-Up Storage Unit No. 2 (measuring approximately 438 square feet), for use by the Trading Standards Department for storage of a specialist equipment trailer, for a period of four years and seven months from 1st February 2005, at a fixed annual rent of £2,628 (representing a rate of £6 a square foot) payable quarterly in advance, on the basis of the same terms and conditions as the existing lease;
- (h) as recommended by the Housing and Environment and Public Services Committees, the entering into of a Deed of Arrangement with "2 Le Geyt Terrace Association" in order to transfer to the public the western half of the old Town Brook or douet in consideration of the grant by the public to the Association of a pedestrian right of way over the footpath to come to and from the existing gate giving access onto the rear garden of the Association's property, with the Association being required to contribute its just proportion of the costs of maintenance and upkeep of the footpath. In addition, the public would ratify the existing boundary line to the north of garages forming part of the Association's property; and would also ratify the right of way exercised

at present by the Association over a roadway from Springfield Road to the garages to the rear of the Association's property, with the Association being required to contribute its just proportion of the costs of maintenance and upkeep, repair and replacement of the same. The public and the Association would agree reciprocal drainage and service rights to cover for the eventuality of any service pipes and cables and drainage which might lie under the respective properties. Each party would be responsible for its own legal costs arising from the transaction;

- (i) as recommended by the Housing Committee, the entering into a Deed of Arrangement with Mr. Michael Richard Talbot and Mrs. Wendy Elizabeth Talbot, née Michel, so as to agree a boundary line between the dwelling known as "Cherissy", Le Clos de la Mare, St. Clement and Le Marais Housing Estate, St. Clement; and also to permit the owners of Cherissy to connect a temporary land drain to an existing surface water drain at Le Marais and, when in the future Le Marais was redeveloped, to make a permanent connection to the new surface water system, on the basis of a report dated 2nd December 2004 prepared by the Director of Property Services, on the basis of no charge for the granting of the abovementioned right, but with each party to be responsible for its own legal costs arising from the transaction;
- (j) as recommended by the Education, Sport and Culture Committee, the renewal of the lease from The Reverend John Patrick Harkin, Rector of St. Ouen, and Messrs. Guy Michael Gary Hamilton and Douglas Albert Jenkins - Churchwardens of St. George's Church in St. Ouen, Trustees for and in the name of the Members of the Congregation of the Church, of Field No. 789, St. Ouen (adjoining Les Landes School) for use by Les Landes School for a period of nine years from 29th October 2002, at an annual rent of £300 payable a year in advance, with rent reviews on the third and sixth anniversaries of the lease, on the basis of a report dated 24th January 2005 prepared by the Director of Property Services;
- (k) as recommended by the Environment and Public Services Committee, the sale to Mr. Stephane Michael Fosse, owner of Neville Holt Cottage, adjoining the south-western corner of La Rue de la Croix au Maître, St. Martin, of part of a grass verge (measuring nine square metres) and associated roadside wall lying on the south-west side of the road and adjoining the north-east roadside wall of Neville Holt Cottage, for a consideration of £90 (representing a rate of £1 a square foot), in order to clarify the boundary between Neville Holt Cottage and La Rue de la Croix au Maître following certain road improvement works in close proximity of the junction of La Rue de la Croix au Maître and Le Rond Collas and bordering Neville Holt Cottage, and to grant Mr. Fosse access rights on to the pavement for the purposes of building, maintaining or renewing the roadside wall, subject to reasonable notice being given. The Committee would be responsible for both parties' reasonable legal fees arising from this transaction. (The Committee accordingly rescinded sub-paragraph (j) of its Act No. A2 of 14th April 2005);
- (l) as recommended by the Environment and Public Services Committee, the lease to the Jersey Motor Cycle and Light Car Club of an area of land within Field No. 30, Sorel Point, St. John (as indicated on Plan No. 15/1679/1), for use as an offroad motorcycle course during daylight hours on previously agreed training and competition days, for a period of nine years from 1st January 2007, at an annual rent of £250 to be reviewed every three years and increased in line with the Jersey Retail Price Index, subject to terms and conditions set out in a report dated 7th January 2005 prepared by the Director of Property Services, with each party to be responsible for its own legal costs arising from the transaction;
- (m) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Rex (Jersey) Limited for the undermentioned land exchange and counter-exchange in respect of the Rex Hotel site, Pleasant Street, St. Helier –
 - (i) the acquisition by the public of a strip of land (measuring approximately 70.66 square metres- as shown on drawing No. PHT 678 01) along the length of the site and bordering Pleasant Street in order to facilitate the creation by the company at its cost of a two metre-wide pavement to the satisfaction of the Public Services Department, including making good the carriageway surface as required adjacent to the new pavement (whilst maintaining a four metre-wide carriageway), for a consideration of £10;
 - (ii) the acquisition by the company of a parcel of land to the rear of No. 35 St. Saviour's Road (adjoining Pleasant Street - measuring approximately 28.78 square metres, as shown on drawing No. PHT 678 0

for a consideration of £10.

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

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

WRITTEN QUESTION PAPER

(See Item G)

The President of the Environment and Public Services Committee will table an answer to the following question asked by the Deputy of St. Martin –

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

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

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

The President of the Environment and Public Services Committee will table answers to the following questions asked by Deputy G.C.L. Baudains of St. Clement –

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

The President of the Employment and Social Security Committee will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Would the President inform members –

- (a) whether the eligibility criteria for Long Term Incapacity Allowance (LTIA) has been amended in any way to eliminate ‘disguised retirement and unemployment’ referred to in his answer to my question on 24th May 2005, and if not, would he explain his statement that ‘the assumption that existing and future LTIA recipients would all have been eligible for Invalidity Benefit is erroneous’?

- (b) whether the Committee is to change the eligibility criteria for LTIA so as to reduce the number in receipt of this benefit in the future, and if so how does he propose to do this? and,
- (c) with regards to the figures presented in my question of 24th May 2005, what proportion, if any, of current recipients of LTIA would have been eligible for Invalidity Benefit under the previous system and whether, in the majority of cases, their payments have been reduced in comparison with the previous system, thus reducing the level of overall payments?"

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

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

On 10th May 2005, the President of the Policy and Resources Committee, in answer to a question from Deputy J.L. Dorey, explained that, in the ministerial system, the record of a ministerial decision *‘will be prepared by individual States departments for signature by the minister who is legally responsible for such decisions and will then be forwarded on to the States Greffe’*.

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

The President of the Environment and Public Services Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement –

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

The President of the Environment and Public Services Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement –

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