

STATES OF JERSEY ORDER PAPER

Tuesday 24th May 2005

- A. COMMUNICATIONS BY THE BAILIFF
- B. TABLING OF SUBORDINATE LEGISLATION
- C. MATTERS RELATING TO COMMITTEE MEMBERSHIP
- D. PRESENTATION OF PAPERS

- (a) Papers for information

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

The Use of Planning Agreements/Obligations.
Environment and Public Services Committee.

R.C.25/2005.

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

- (b) Notification of Standing Order decisions

- (c) Notification of acceptance of tenders

14th April 2005

Sand Street multi-storey car park refurbishment contract.
Environment and Public Services Committee.

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

- (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 President of the Policy and Resources Committee will seek the leave of the States to defer consideration of the following matter set down for consideration at the present meeting, until a later date –

Commission Amicale: appointment of President and Chairman.
Lodged: 26th April 2005.
Policy and Resources Committee.

P.89/2005.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 7th June 2005 -

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

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

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

In accordance with Standing Order 17(6), the following paper is deemed to have been withdrawn –

Licensing Law: purchase of alcohol for persons under 18. P.95/2004.
Lodged: 18th May 2004.
Deputy of St. Martin.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

(a) Written Questions

The President of the Harbours and Airport Committee will table an answer to a question asked by the Deputy of St. John regarding a proposed capital project for the Harbours.

The President of the Home Affairs Committee will table an answer to a question asked by Deputy J.A. Bridge of St. Helier regarding the last report of H.M. Chief Inspector of Prisons.

The President of the Finance and Economics Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the JD Edwards accounting system.

The President of the Education, Sport and Culture Committee will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding the recruitment and appointment of teachers.

The President of the Education, Sport and Culture Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the funding of post 19 and post 16 education.

The President of the Finance and Economics Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Committee carry-forwards and budget reporting.

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 Long Term Incapacity Benefit and Long-term Incapacity Pension.

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 Long Term Incapacity Benefit.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

Deputy G.C.L. Baudains of St. Clement will make a personal statement regarding his resignation from the Shadow Scrutiny Panels on 13th May 2005.

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

New Urban Square in Broad Street: relocation of taxi rank. P.96/2005.
Lodged: 10th May 2005.
Connétable of St. Helier.

New Urban Square in Broad Street: relocation of taxi rank P.96/2005.
(P.96/2005) – amendment. Amd.
Environment and Public Services Committee.
(attached)

New Urban Square in Broad Street: relocation of taxi rank P.96/2005.
(P.96/2005) – second amendments. Amd.(2)
Deputy M.F. Dubras of St. Lawrence.
(attached)

Draft States of Jersey (Transfer of Functions from Committees to P.55/2005.
Ministers) (Jersey) Regulations 200-.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions P.56/2005.
No. 1) (Jersey) Regulations 200.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions P.57/2005.
No. 2) (Jersey) Regulations 200.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions P.58/2005.
No. 4) (Jersey) Regulations 200.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions P.59/2005.
No. 5) (Jersey) Regulations 200.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions No. 6) (Jersey) Regulations 200. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.60/2005.
Draft States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 200. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.61/2005.
Draft States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 200. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.62/2005.
Draft States of Jersey (Amendments and Construction Provisions No. 9) (Jersey) Regulations 200. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.63/2005.
Draft States of Jersey (Amendments and Construction Provisions No. 10) (Jersey) Regulations 200. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.64/2005.
Draft States of Jersey (Amendments and Construction Provisions No. 11) (Jersey) Regulations 200. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.65/2005.
Privileges and Procedures Committee: revised terms of reference. Lodged: 19th April 2005. <i>Privileges and Procedures Committee.</i>	P.75/2005.
Jersey Law Commission: appointment of Commissioners. Lodged: 19th April 2005. <i>Legislation Committee.</i>	P.76/2005.
Day Surgery Unit Extension and Accident and Emergency Extension Phase 1: approval of drawings. Lodged: 19th April 2005. <i>Health and Social Services Committee.</i>	P.79/2005.
Day Surgery Unit Extension and Accident and Emergency Extension Phase 1: approval of drawings (P.79/2005)– comments. Presented: 10th May 2005. <i>Finance and Economics Committee.</i>	P.79/2005. Com.

Draft Criminal Justice (Mandatory Minimum Periods of Actual
Imprisonment) (Jersey) Law 200-
Lodged: 19th April 2005.
Home Affairs Committee.

P.80/2005.

Draft Licensing (No. 16) (Jersey) Regulations 200.
Lodged: 3rd May 2005.
Economic Development Committee.

P.92/2005.

M.N. DE LA HAYE
Greffier of the States

19th May 2005

Note –

**In accordance with a decision of the States on 16th November 2004, this meeting will continue, if necessary,
on Wednesday 25th May 2005.**

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

14th April 2005

The Environment and Public Services Committee has accepted a negotiated tender method of procurement with Concrete Repairs Limited (CRL), achieving a potential saving of between £20,000 and £25,000 in respect of the contract for the refurbishment of Sand Street multi-storey car park, St. Helier.

WRITTEN QUESTION PAPER

(See Item G)

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

Recently the President unveiled a £14 million capital programme for the Harbours; would he explain to members in detail how the money to service the £14 million will be raised, and, in particular, whether such funding will be raised by increased harbour and landing dues or above the cost of living charges to existing harbour users/tenants?

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

Given the imminent arrival of H.M. Chief Inspector of Prisons, (HMCIP), would the President give a full and detailed account of all the recommendations from the last HMCIP visit, listing the recommendation as originally written and noting alongside when it was implemented or, if not implemented, the reason for lack of implementation or partial implementation?”

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

Would the President inform members whether there are any known difficulties in adapting the JD Edwards system for States accounting to accommodate the three per cent Goods and Services Tax (GST), and, if so, what costs may be involved in any conversion?

The President of the Education, Sport and Culture Committee will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

1. Would the President inform members whether the standard of applicants attracted to apply for teaching posts in Jersey has been maintained over the past decade, and whether his department keeps data to monitor any change in the standard of applicants, such as class of degree held, and number of posts appointed to those without a formal teaching qualification for the age group concerned?
2. Would the President inform members whether the Committee will be reviewing its teacher recruitment and selection policies in the light of possible reductions in applicants resulting from –
 - (a) the adoption of “20 per cent means 20 per cent” taxation? and,
 - (b) the continuing improvement to teachers’ working conditions in the U.K. resulting from reduced administrative and other non-teaching duties which are still required in Jersey?
3. Will the President inform members what data, if any, is retained to monitor recruitment and retention rates for teaching staff, and, in particular, can he give, for example, comparative figures for 2004 and 1994 of –
 - (a) the number of applicants per post?
 - (b) the number of occasions where no appointment was made?, and,
 - (c) the number of occasions when the successful candidate has refused the offer of employment?,

for both primary and secondary sectors.

Would the President also provide comparative figures for a similar period for those leaving the teaching profession in Jersey in under 2 years, and, in particular, inform members whether the Committee has comparative data on the number of teachers who fail their probationary period in Jersey as compared to a comparable U.K. Authority?"

The President of the Education, Sport and Culture Committee will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

The President in his answer to my question on 10th May 2005, regarding the £1.3 million post-19 funding proposal, stated that *'the proposals.....have not yet been considered or accepted by Committees' and 'it would be inappropriate for me to comment'*.

Would the President inform members –

- (a) whether the Committee released this figure and, if not, whether he is aware who did, under what circumstances, and for what purpose? and,
- (b) whether there is any under-funding in 2006 for the provision of post-16 education at Highlands, and, if so, what measures, if any, does the Committee propose in order to address this?

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

Would the President inform members –

- (a) what carry forward balances, if any, have been identified, and from which Committees' budgets, to fund the Economic Development Committee's Economic Growth Plan and would he state whether any other projects will now suffer as a result of this new priority; if so, which projects will be affected?
- (b) whether the Committee's policy to eliminate carry-forward budgets is counter-productive to any Committee's attempts to reduce spending given that Committees are now aware that any unspent budget at the year end will be returned to the central funds of the States?
- (c) whether the JD Edwards accounting system provides for any limitations in the accuracy of budget reporting and, if so, whether this could lead to unintentional reporting of, for example, underspends when such underspends do not in fact exist?

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 Committee will research the medical costs of recipients Long Term Incapacity Allowances (LTIA) and, if necessary review the proposed Income Support Scheme to ensure that the need for these medical costs is met, notwithstanding the reference to the Centre for Research into Social Policy (CRSP) work referred to in the President's reply to my questions asked on 10th May 2005? and,
- (b) whether any penalty is suffered by Jersey men and women who have served in H.M. Armed Services should they need to apply for a Long-term Incapacity Pension on their return to Jersey, and, if so, whether the Committee will review Social Security legislation, and in what timescale, to remove any

such defect if so applicable?

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 –

- (a) In his answer to my question on Long Term Incapacity Allowance (LTIA) on 15th March 2005, the President indicated that *'over time, moving to a gender-neutral system of individual entitlement is cost neutral'*. Would the President confirm, when comparing figures for the new LTIA system with its predecessor, whether it is valid to ignore the change from the 'married component' in this benefit, or whether reduced numbers of these claims will be compensated by increased numbers of married women submitting claims?
- (b) Data given in response to my question on LTIA on 19th April 2005, revealed that a total of 347 applicants were assessed for this benefit in the 4th quarter 2004 and the 1st quarter 2005, of which 243 were receiving Invalidity Benefit at a total cost of £35,363 per week as compared to a cost of £18,990 per week as equivalent recipients of LTIA.

Would the President inform members whether this reduced benefit level provides valid grounds for the Committee to review the comparisons between the former Invalidity Benefit and its replacement LTIA?

- (c) Would the President confirm –
 - (i) that these 243 recipients of Invalidity Benefit (at present rate of £145.53) would have received in total £35,363 per week (being some £459,700 per quarter or £1,840,000 per year);
 - (ii) that these 243 recipients of LTIA (using the data on percentage awards given) will now receive £18,990 per week (being only 53 per cent of benefit due under the previous system); and,
 - (iii) that the annual saving to the Social Security Fund on payments to these recipients over a year will be £865,000 when compared to the previous Invalidity Benefit system?

If so, would the President inform members whether the Committee was aware of these savings when the changes to the benefits system were being consulted on, and whether the States and the public were informed?

NEW URBAN SQUARE IN BROAD STREET: RELOCATION OF TAXI RANK (P.96/2005) – AMENDMENT

At the end of paragraph (b) insert the following words –

“as described in the twelfth paragraph of the Connétable’s report and shown on the plan in the Appendix.”

ENVIRONMENT AND PUBLIC SERVICES COMMITTEE

REPORT

The Environment and Public Services Committee brokered an agreement with the Jersey Taxi Drivers Association in January 2005 which would allow a limited number of taxis back onto Broad Street after the refurbishment works were completed. The Committee has always made it clear that it would abide by this agreement unless the States directed it otherwise.

The proposal put forward by Connétable Crowcroft in his report was one previously considered by the Committee in early January and felt to be a reasonable compromise for both the public and the taxi drivers as it retained a presence on the edge of Broad Street. The taxi drivers subsequently rejected it largely due to the inability to exit Broad Street travelling westwards. While the Committee recognised this as a concern, it felt at the time that the scheme proposed represented the most practical solution if taxis were not to return to their previous location after refurbishment.

The Committee is therefore bringing this amendment to Connétable’s report and proposition for 2 reasons –

1. In order that the States should be quite clear about the decision they are making; and
2. because, in all honesty, if the Connetable’s proposition was approved, the Committee would be bound to negotiate on the basis of the best alternative option so far identified.

The Committee feels strongly that the worst possible result would be for the States, effectively, to vote against the taxis returning to the paved area of Broad Street, but with no clear identified alternative – with the likely result that months of unproductive negotiation would ensue.

NEW URBAN SQUARE IN BROAD STREET: RELOCATION OF TAXI RANK
(P.96/2005) – SECOND AMENDMENTS

- (1) *Renumber existing paragraph (a) as (a)(i) and after that paragraph insert the following new subparagraph –*
- “(ii) to rescind, for the same period of one year, the designation as a stand of the area previously used for controlled taxi-cabs under Article 37 of the Motor Traffic (Jersey) Law, and to designate the said area as a pedestrian road at all times in accordance with the provisions of Article 8(1) of the Road Traffic (St. Helier) (Jersey) Order 1996;
- (2) *Renumber existing paragraph (b) as (b)(i) and after that subparagraph insert the following new subparagraph –*
- “(ii) to designate, after consultation with the Parish of St. Helier and the Jersey Taxi Drivers Association and other relevant stakeholders, a number of other ranks of between two and six spaces in agreed locations within the central town area (as described in paragraph 3 of the attached report), as well as along the Esplanade and, if possible, within the Waterfront, in addition to those ranks already designated at Snow Hill, in Mulcaster Street and at the Weighbridge.”

DEPUTY M.F. DUBRAS OF ST. LAWRENCE

REPORT

General

The aim of these second amendments is two-fold: one, to ensure that all involved understand the practical consequential action required of the Committee by the Connétable of St. Helier's proposition, if approved, as is the intent of the Committee's amendment; second, to encourage the Committee, along with the Home Affairs Committee, to pursue new as well as evolving initiatives which together will, in my opinion, enhance the service to the public and be of mutual benefit and long-term satisfaction to the providers as well as to a whole range of existing and new customers.

Specifics

1. My amendment to paragraph (a) of the Proposition is intended to ensure clarity and certainty of the short-term outcome during the trial period as to what the Connétable appears to have in mind in order to achieve his purpose in complying with States' strategic objectives related to this important area of Town, with which I associate myself having worked with him on several relevant committees.
2. My amendment to paragraph (b) is the result of comment received from various user and other relevant groups as to their needs, plus my own observations over a period of time. The comments have been made both by existing taxi-cab users as well as those wanting to have more ready access to designated stands in closer proximity to the location of service suppliers or their homes. This matter is not new and has been the topic of discussion in the past between several committees and the Drivers' Association.
3. The central town commercial, leisure and residential area I envisage is that generally within the

boundaries described by mentally 'walking' in a clockwise direction: starting from the Parade, moving along Union Street, Burrard Street into Minden Place; Bath Street; to Hill Street and down Mulcaster Street; to Conway Street, Broad Street, along Sand Street/Seale Street via Gloucester Street back to the Parade. This area is based on the Island Plan (2002) definition of the Town Centre.

4. For example, I have received approaches and comments as to the lack of ready accessibility during day-time hours to 'standing' taxis from those visiting the General Hospital; Cyril Le Marquand House; the Markets; States and Court facilities, quite apart from all those who use other commercial and public service providers such as Banks, the Public Library and so on. Some of these people have been elderly or physically incapacitated and found it frustrating to have to struggle to walk all the way to Broad Street, if they were carrying heavy shopping bags or briefcases and, especially in inclement weather, run the risk of finding the rank empty. Surely, it is time to take the taxi-cab service to the public rather than the other way round?
5. There are a number of new situations arising: the new 'Shopmobility' facility in the Sand Street Carpark, for example, needs to be catered for. I understand it would welcome greater support from the special-purpose taxi-cabs in conveying their passengers to and from the basement. A stand in the immediate vicinity would also serve a multiplicity of other users. The presence of new residential and business communities and medical clinics along Gloucester Street together with the Opera House, it seems to me, would justify some new '24-7' facility. I am aware that the current and previous Committees have offered to establish new stands at some of the suggested locations but the drivers indicated that the stands would not be used. Perhaps, in view of the increased demand I am predicting, the drivers will wish to review the potential benefits overall.
6. I have understood too the 'other side of the coin' as expressed by the Drivers' Association representatives and considered carefully their views. I can appreciate their perspective but, given today's customer-oriented business world, on balance I have to disagree with it. It seems to me that, rather than have one large-capacity rank, or two if one includes the Weighbridge, the Committee needs, with the full support of the States Assembly, to provide a 'de-centralised' network of stands for both day- and night-time activity. I am glad too that the Waterfront Enterprise Board is looking anew at enabling taxi-cab service 'stand' provision within its domain along with the opportunity provided by the new transportation centre and forthcoming business park on the Esplanade.
7. Further, I wish to encourage the Committee to consider, investigate and arrange for the setting-up of a cost-effective system of road sensors and other monitoring devices to remotely inform the taxi-cab industry drivers when rank spaces are vacated or vacant, or when a customer is desirous of 'hailing' a vehicle from a vacant stand, in order to improve the efficiency and economy of the service being provided generally. While we have appreciated, more often than not, when there has been an adequate supply on hand to meet what has to be an uncertain demand on occasions, we have all had, no doubt, personal experience of times of having to wait at the Airport and the Harbours, as well as in Broad Street!

Financial and manpower considerations

There should be no additional expenditure from the amendment to paragraph (a).

With regard to paragraph (b) it is my understanding that any additional expenditure and manpower requirements for the establishment of additional taxi ranks within the town centre, which I estimate would be relatively small, would either fall within normal departmental budgets or possibly be drawn from the urban renewal fund especially if of a capital nature. The cost effectiveness of road sensor and/or other monitoring equipment requires further detailed evaluation in comparison with the cost-benefits to the taxi-cab drivers and, ultimately, their customers of a unified dispatch and information communications system.

Summary

It is clear that the thrust of the Connétable's proposition emanates from a full awareness and good understanding that there is a multi-faceted cultural change going on in Town as well as a strong desire to achieve his vision of a

vibrant user-friendly and desirable place to do business, enjoy leisure and, once again, live conveniently. These amendments are designed to complement that appreciation and aspiration.

The basis of my proposal is to complement that of the Committee and enable a paradigm shift to take place in the provision of rank taxi-cab service so that from now on the 'driving force' is one of convenience to the travelling public over-riding that of long-established convenience to the drivers.