

STATES OF JERSEY ORDER PAPER

Tuesday 27th September 2005

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Hospital Charges (Long-Stay Patients) (Jersey) Order 2005.
Health and Social Services Committee.

R&O 99/2005.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

St. Helier Waterfront Development: height of buildings (P.158/2005) –
comments.
Environment and Public Services Committee.

P.158/2005.
Com.(2)

Strategic Travel and Transport Plan (P.174/2005): comments.
Finance and Economics Committee.

P.174/2005.
Com.

Draft Public Employees (Contributory Retirement Scheme) (New
Members) (Amendment No. 10) (Jersey) Regulations 200-
(P.189/2005): comments.
Finance and Economics Committee.

P.189/2005.
Com.

Draft Public Employees (Retirement) (Additional Contributions –
Amendments) (Jersey) Regulations 200- (P.190/2005): comments.
Finance and Economics Committee.

P.190/2005.
Com.

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

(b) Notification of Standing Order decisions

22nd September 2005

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

11th August 2005

Day Surgery Unit/A&E Extension Phase 1.
Health and Social Services Committee.

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

Draft Public Finances (Consequential Amendments) (Jersey) Regulations 200-. P.203/2005.
Finance and Economics 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

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 25th October 2005 -

Scrutiny Panels: rescindment of decisions. P.136/2005.
Lodged: 28th June 2005.
Deputy G.C.L. Baudains of St. Clement.

Draft Terrorism (Amendment) (Jersey) Law 200-. P.160/2005.
Lodged: 9th August 2005.
Home Affairs Committee.

Driver and Vehicle Standards: proposed transfer to transport and technical services. P.194/2005.
Lodged: 6th September 2005.
Policy and Resources Committee.

Draft Corruption (Jersey) Law 200-. P.198/2005.
Lodged: 20th September 2005.
Home Affairs Committee.

Meetings of the States in 2006. P.199/2005.
Lodged: 20th September 2005.
Privileges and Procedures Committee.

Meetings of the States in 2006 (P.199/2005): amendment. P.199/2005.
Lodged: 20th September 2005. Amd.
Deputy of St. Martin.

Jersey Police Complaints Authority: appointment of member. P.200/2005.
Lodged: 20th September 2005. (re-issue)
Home Affairs Committee.

Criminal Justice Policy. P.201/2005.
Lodged: 20th September 2005.
Home Affairs Committee.

Draft Public Finances (Consequential Amendments) (Jersey) Regulations 200-. P.203/2005.
Lodged: 27th September 2005.
Finance and Economics Committee.

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 the chairmanship of Harbours and Airport Committee and Marine Traders meetings.

The President of the Health and Social Services Committee will table answers to questions asked by Deputy T.J. Le Main of St. Helier regarding matters relating to the proposed development of a private hospital.

The President of the Policy and Resources Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding implementation of the electronic Parish electoral register system.

The President of the Policy and Resources Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the benefits of projects on the Waterfront.

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 display of election posters and boards.

The President of the Privileges and Procedures Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding members parking provision.

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 ITIS as applied to those persons with income tax arrears.

The President of the Harbours and Airport Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding comparisons with finance and accounting practices at Jersey Airport.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

(in the following order)

St. Helier Waterfront Development: directions to W.E.B. Ltd. P.159/2005.
Lodged: 2nd August 2005.
Senator R.J. Shenton.
(continued from 21st September 2005)

St. Helier Waterfront Development: directions to W.E.B. Ltd. P.159/2005.
(P.159/2005) – comments. Com.

Presented: 6th September 2005. <i>Policy and Resources Committee.</i>	
Draft Rates (Jersey) Law 200-. Lodged: 30th August 2005. <i>Policy and Resources Committee.</i>	P.170/2005.
Draft Rates (Jersey) Law 200- (P.170/2005): comments. Presented: 13th September 2005. <i>Finance and Economics Committee.</i>	P.170/2005. Com.
Draft Public Employees (Retirement) (Additional Contributions – Amendments) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Policy and Resources Committee.</i>	P.190/2005.
Draft Public Employees (Retirement) (Additional Contributions – Amendments) (Jersey) Regulations 200- (P.190/2005): comments. Presented: 27th September 2005. <i>Finance and Economics Committee.</i>	P.190/2005. Com.
Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 10) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Policy and Resources Committee.</i>	P.189/2005.
Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 10) (Jersey) Regulations 200- (P.189/2005): comments. Presented: 27th September 2005. <i>Finance and Economics Committee.</i>	P.189/2005. Com.
Draft Consumer Safety (Jersey) Law 200-. Lodged: 5th July 2005. <i>Economic Development Committee.</i>	P.137/2005.
Speeding fines: allocation of funds to Parishes. Lodged: 20th July 2005. <i>Deputy of St. Martin.</i>	P.156/2005.
St. Helier Waterfront Development: height of buildings. Lodged: 2nd August 2005. <i>Deputy A. Breckon of St. Saviour.</i>	P.158/2005.
St. Helier Waterfront Development: height of buildings (P.158/2005) – comments. Presented: 6th September 2005. <i>Policy and Resources Committee.</i>	P.158/2005. Com.
St. Helier Waterfront Development: height of buildings (P.158/2005) – comments. Presented: 27th September 2005. <i>Environment and Public Services Committee.</i>	P.158/2005. Com.(2)
Goods and Services Tax: exempt or zero rated items. Lodged: 16th August 2005. <i>Senator S. Syvret.</i>	P.165/2005.

<p>La Récolte des Fruits, St. Martin: removal of agricultural occupancy restriction. Lodged: 6th September 2005. <i>Senator R.J. Shenton.</i></p>	P.191/2005.
<p>St. Helier Waterfront: telephone poll – Committee of Inquiry. Lodged: 23rd August 2005. <i>Deputy G.C.L. Baudains of St. Clement.</i></p>	P.167/2005.
<p>Migration policy: political responsibility. Lodged: 30th August 2005. <i>Policy and Resources Committee.</i></p>	P.168/2005.
<p>Migration policy: political responsibility (P.168/2005) – amendment. Lodged: 13th September 2005. <i>Deputy of St. Ouen.</i></p>	P.168/2005. Amd.
<p>Millennium Town Park: establishment of a Trust. Lodged: 30th August 2005. <i>Deputy R.C. Duhamel of St. Saviour.</i></p>	P.169/2005.
<p>Strategic Travel and Transport Plan. Lodged: 30th August 2005. <i>Environment and Public Services Committee.</i></p>	P.174/2005.
<p>Strategic Travel and Transport Plan (P.174/2005): comments. Presented: 27th September 2005. <i>Finance and Economics Committee.</i></p>	P.174/2005. Com.
<p>Strategic Travel and Transport Plan (P.174/2005): amendment. Lodged: 13th September 2005. <i>Deputy R.G. Le Hérissier of St. Saviour.</i></p>	P.174/2005. Amd.
<p>Strategic Travel and Transport Plan (P.174/2005): second amendment. Lodged: 20th September 2005. <i>Deputy M.F. Dubras of St. Lawrence.</i></p>	P.174/2005. Amd.(2)
<p>Draft Housing (Amendment No. 12) (Jersey) Law 200. Lodged: 6th September 2005. <i>Housing Committee.</i></p>	P.175/2005.
<p>Development of Fostering and Adoption Services in Jersey. Lodged: 23rd August 2005. <i>Senator R.J. Shenton.</i></p>	P.166/2005.
<p>Draft States of Jersey (Amendment No. 4) Law 200. Lodged: 6th September 2005. <i>Senator S. Syvret.</i></p>	P.193/2005.
<p>Draft States of Jersey (Amendment No. 4) Law 200 (P.193/2005): amendments. Lodged: 13th September 2005. <i>Deputy J.L. Dorey of St. Helier.</i></p>	P.193/2005. Amd.

Sale of property: La Falaise, Fliquet, St. Martin. Lodged: 9th August 2005. <i>Housing Committee.</i>	P.161/2005.
Sale of property: La Falaise, Fliquet, St. Martin (P.161/2005) – comments. Presented: 13th September 2005. <i>Finance and Economics Committee.</i>	P.161/2005. Com.
Sale of property: La Falaise, Fliquet, St. Martin (P.161/2005) – amendment. Lodged: 14th September 2005. <i>Deputy of St. Martin.</i>	P.161/2005. Amd.
Draft Standing Orders of the States of Jersey. Lodged: 9th August 2005. <i>Privileges and Procedures Committee.</i>	P.162/2005.
Draft Standing Orders of the States of Jersey (P.162/2005): amendment. Lodged: 13th September 2005. <i>Deputy J.L. Dorey of St. Helier.</i>	P.162/2005. Amd.
Draft Standing Orders of the States of Jersey (P.162/2005): second amendments. Lodged: 13th September 2005. <i>Deputy G.P. Southern of St. Helier.</i>	P.162/2005. Amd.(2) (re-issue)
Draft Standing Orders of the States of Jersey (P.162/2005): third amendments. Lodged: 13th September 2005. <i>Privileges and Procedures Committee.</i>	P.162/2005. Amd.(3)
Draft Standing Orders of the States of Jersey (P.162/2005): fourth amendments. Lodged: 20th September 2005. <i>Senator S. Syvret.</i>	P.162/2005. Amd.(4)
Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment) (Jersey) Regulations 200-. Lodged: 2nd August 2005. <i>Environment and Public Services Committee.</i>	P.157/2005.
Jersey Employment Tribunal: appointment of member. Lodged: 16th August 2005. <i>Employment and Social Security Committee.</i>	P.163/2005.
Draft Petroleum (Amendment No. 2) (Jersey) Law 200-. Lodged: 16th August 2005. <i>Home Affairs Committee.</i>	P.164/2005.
Jersey Financial Services Commission: appointment of Commissioners. Lodged: 30th August 2005. <i>Economic Development Committee.</i>	P.171/2005.

Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200- Lodged: 30th August 2005. <i>Economic Development Committee.</i>	P.172/2005.
Draft Licensing (Licence Fees) (Jersey) Regulations 200- Lodged: 30th August 2005. <i>Economic Development Committee.</i>	P.173/2005.
Draft Licensing (Licence Fees) (Jersey) Regulations 200- (P.173/2005): comments. Presented: 13th September 2005. <i>Finance and Economics Committee.</i>	P.173/2005. Com.
Draft Data Protection (Jersey) Law 2005 (Appointed Day) Act 200- Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.176/2005.
Draft Data Protection (Corporate Finance Exemption) (Jersey) Regulations 200- Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.177/2005.
Draft Data Protection (Credit Reference Agency) (Jersey) Regulations 200- Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.178/2005.
Draft Data Protection (Fair Processing) (Jersey) Regulations 200- Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.179/2005.
Draft Data Protection (International Co-operation) (Jersey) Regulations 200- Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.180/2005.
Draft Data Protection (Notification) (Jersey) Regulations 200- Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.181/2005.
Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200- Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.182/2005.
Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200- Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.183/2005.
Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200- Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.184/2005.

Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.185/2005.
Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.186/2005.
Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.187/2005.
Draft Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.188/2005.
Ecology Fund: appointment of Chairman and Trustees. Lodged: 6th September 2005. <i>Environment and Public Services Committee.</i>	P.192/2005.

M.N. DE LA HAYE
Greffier of the States

22nd September 2005

Note –

In accordance with a decision of the States on 21st September 2005, this meeting will continue, if necessary, on Wednesday 28th and Thursday 29th September 2005, and Tuesday 4th, Wednesday 5th and Thursday 6th October 2005.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R & O 99/2005

This Order increases the hospital charge for accommodation services for long stay patients over the age of 65 from £380.10 a week to £394.10 a week, or £54.30 a day to £56.30 a day for any period of less than a week.

The new fees have effect from 1st October 2005.

The Order was made on 7th September 2005, and comes into force on 1st October 2005.

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

22nd September 2005

- (a) as recommended by the Environment and Public Services Committee, the assignment to Mr. Stephen Thompson of the lease of premises at Nos. 1924 Central Market, St. Helier (presently occupied by Mr. Ivan Wanless - trading as Ireson R G), with no change of use and on the same terms as the existing lease, with effect from the signing of the relevant documentation; and,
- (b) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Anthony Hugh Knight and Mrs. Patricia Carolyn Knight, née Frost, owners of La Pierre des Trais Milles, Le Grand Route de St. Martin, St. Saviour, to confirm that the 2 houses which had been constructed in the rear garden of La Pierre des Trais Milles in the 1980's might continue to partly drain through the rear garden to the Maufant Village Housing Estate, on the basis that Mr. and Mrs. Knight would pay the public £1,000 for the grant of the drainage right and also that they would be responsible for both parties' legal costs arising from the transaction.

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

11th August 2005

The Health and Social Services Committee had completed a tendering exercise in respect of Day Surgery Unit/A&E Extension Phase 1, and had agreed to accept the lowest alternative tender for the work, namely that submitted by Camerons Limited for a sum of £5,206,002.00 in a contract period of 89 weeks.

The other tenders received were as follows –

Charles Le Quesne (1956) Limited	97 weeks	£5,256,126.72
Camerons Limited	97 weeks	£5,282,000.00
Premier Contracting Limited	97 weeks	£5,513,497.00.

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 -

“Would the President inform members –

- (a) whether the Committee decided to change the chairmanship of the Harbours and Airport Committee and Marine Traders meetings and, if so, when was this agreed and by whom, who will continue to Chair these meetings, when was this appointment effective, and what part, if any, does the Chief Executive/Harbourmaster now play at these meetings?
- (b) whether the appointment in (a) above followed consultation with Marine Traders and, if not, whether the Committee is satisfied that there is no conflict of interest involving this appointment?
- (c) what consideration, if any, was given by the Committee to the range of candidates and their qualifications suitable for the Chairmanship?
- (d) whether the Port Users, the Marine Traders and the Marine Users will be consulted in any new make-up of any new board being considered by the Harbours and Airport Committee for the incorporation of Jersey Harbours? and,
- (e) whether any negotiations have been held with prospective candidates regarding the new Chairmanship of the proposed new board and, if so, why have the States not been notified?”

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

- “1. The President, when answering questions on 15th March 2005, informed members that the proposed private hospital scheme would require a *‘very, very substantial amount of public money’* and that would make the project unviable from a public interest point of view. Would the President inform members whether the company seeking to develop the private hospital ever approached the Committee for funding and, if so when?
2. On 21st June 2005, the President advised members that the private hospital scheme sponsors expected some services to be provided by the public sector on a shared basis *‘either free of charge or at a subsidised rate’*. Would the President provide members with details of these services and indicate whether or not these are already available at no cost?
3. In a report prepared by the Chief Executive Officer, Department of Health and Social Services, for the Policy and Resources Committee, it was stated that the PriceWaterhouseCoopers report on the proposed private hospital recommended that the only way in which the proposed private hospital was viable was through a *‘hared service agreement’* whereby the Jersey General Hospital clinical infrastructure, (intensive care facilities, radiology), was made available to the private hospital at marginal cost in return for benefits to the States. Would the President identify in the PWC report exactly where it states that any services are requested by the private hospital proposers at marginal cost?
4. On 21st June 2005, the President advised the States that it would share the risks of the private hospital scheme should it proceed with the project as a partnership arrangement. Would the President identify for members where the public would be sharing the risks, be it financial or otherwise?
5. Would the President inform members whether any requests were made by the developers to meet or to

provide any assistance for the project while the PriceWaterhouseCoopers specialist team was compiling its feasibility study and report for the developers of the private hospital and if so, whether any response was made or consideration given to possible benefits from shared services of the private hospital and the General Hospital?

6. Would the President inform members whether any arrangements are currently in place for public sector salaried consultants to spend time earning fees in private practice using the facilities of the General Hospital and, if so, what percentage of their contracted weekly working hours are spent treating social patients? Is a charge made for the use of the facilities at the General Hospital by salaried consultants on this basis?
7. Is the Committee satisfied that there are enough medical facilities available in the Island to cope with any emergency/disaster/scenario which would have a large local impact, such as a hurricane or tsunami and, if not, does the Committee consider there is, therefore, some merit in developing a private hospital project in partnership?"

The President of the Policy and Resources Committee will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Would the President inform members of the progress regarding implementation of the electronic Parish electoral register system and when completion is expected so that it will become operational. Will the Committee be seeking any recompense from the suppliers of the system for the delays and inconvenience experienced, if any?”

The President of the Policy and Resources Committee will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“During the debate on 14th September 2005, on P.114/2005 - Waterfront Enterprise Board: renewal of ten-year working limit, members were circulated with papers which included a checklist of which projects brought certain benefits. Would the President provide information for each of the boxes marked as ‘confirmed’ on this checklist by explaining precisely how the alleged benefit of each accrues and what evidence is available to substantiate those claims?”

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

“Would the President inform members whether the Committee is monitoring the display of election posters and boards in terms of their positioning for purposes of road safety and for compliance with planning requirements and, if so, whether any have been found to be in breach of the foregoing requirements and, if so, what action the Committee is taking in this respect, if any?”

The President of the Privileges and Procedures Committee will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Would the President inform members –

- (a) whether the Committee was consulted in connection with the further reduction in the provision of members parking at Snow Hill from ten places to six and the proposed transfer of the balance of this parking provision to Sand Street car park? and,
- (b) whether the Committee supports this transfer?”

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

“Would the President inform members whether the Committee has made any provision under the proposed Income Tax Instalment System for those taxpayers on relatively modest incomes who have income tax arrears and, if so, what these are, what maximum rates of tax will be chargeable in these cases, and how the proposals protect such persons from going further into debt?”

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

“Would the President advise members whether the Committee has considered comparisons for Jersey Airport with other airports in the world, particularly with regard to finance and accounting practices relating to –

- (a) the treatment and use of cash surpluses;
- (b) the funding of capital spending from income;
- (c) the writing off of capital spending in the year it is spent; and,
- (d) the funding of capital spending without borrowing;

and, if not, would the President undertake to carry out such a comparison and report back to the States?”

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