

STATES OF JERSEY ORDER PAPER

Tuesday 20th January 2004
at 10.15 a.m.

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Income Tax (Superannuation Funds) (Amendment No. 2) (Jersey) Order 2003. R&O 156/2003.

Finance and Economics Committee.

Excise Duty (Relief and Drawback) (Amendment No. 2) (Jersey) Order 2003. R&O 157/2003.

Finance and Economics Committee.

Weights and Measures (Testing Fees) (Jersey) Order 2003. R&O 158/2003.

Economic Development Committee.

Motor Vehicle Registration (General Provisions) (Amendment No. 11) (Jersey) Order 2003. R&O 159/2003.

Home Affairs Committee.

Amendment (No. 28) to the Tariff of Harbour and Light Dues. R&O 162/2003.

Harbours and Airport Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Jersey Advisory and Conciliation Service: Report and financial statements 31st December 2002.

Employment and Social Security Committee.

States' Expenditure: reduction in cost of public sector workforce (P.90/2003) – comments. P.90/2003.
Com.

Finance and Economics Committee.

Code of Practice on Public Access to Official Information: measures to improve implementation (P.164/2003) – amendment P.164/2003.
Amd.Com.

(P.164/2003 Amd.) – comments.

Privileges and Procedures Committee.

Disability Benefit System: reform (P.178/2003) – comments. P.178/2003.
Com.

Finance and Economics Committee.

Bus Strategy: implementation (P.187/2003) – comments. P.187/2003.
Com.

Finance and Economics Committee.

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

16th December 2003

Welfare Benefit Rates: recommended rates from 1st January 2004. R.C.54/2003.
Employment and Social Security Committee.

23rd December 2003

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

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

Shadow Public Accounts Committee – terms of reference P.194/2003.
(P.194/2003): comments. Com.
Policy and Resources Committee.

30th December 2003

Strategic Aims Report and Discussion Paper. R.C.55/2003.
Policy and Resources Committee.

6th January 2004

Minimum Wage Recommendation. R.C.1/2004.
Employment and Social Security Committee.

13th January 2004

Code of Practice on Public Access to Official Information: Register of P.196/2003.
Reports (P.196/2003) – comments. Com.
Privileges and Procedures Committee.

(b) Notification of Standing Order decisions

10th December 2003, and 8th January 2004

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)

Code of Practice on Public Access to Official Information: Register of P.196/2003.
Reports (P.196/2003) – amendment. Amd.
Privileges and Procedures Committee.

Speed Limits: revised policy. P.1/2004.
Environment and Public Services Committee.

Youth Custody for persons aged 12 and over. P.2/2004.
Deputy of St. Martin.

Draft Shipping (SOLAS) (Jersey) Regulations 200-. P.3/2004.
Harbours and Airport Committee.

Draft Shipping (Load Line) (Jersey) Regulations 200-. P.4/2004.
Harbours and Airport Committee.

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

16th December 2003

Draft Drainage (Jersey) Law 200-. P.193/2003.
Environment and Public Services Committee.

Shadow Public Accounts Committee: terms of reference. P.194/2003.
Finance and Economics Committee.

23rd December 2003

Shadow Public Accounts Committee: terms of reference P.194/2003.
(P.194/2003) – amendment. Amd.
Privileges and Procedures Committee.

Draft Motor Vehicle Registration (Amendment No. 3) (Jersey) Law P.195/2003.
200-.
Home Affairs Committee.

Code of Practice on Public Access to Official Information: Register of P.196/2003.
Reports.
Deputy P.N. Troy of St. Brelade.

6th January 2004

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

(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), Deputy G.P. Southern of St. Helier has instructed the Greffier of the States to withdraw the proposition regarding television licenses: rebate for senior citizens, (P.149/2003 lodged “au Greffe” on 4th November 2003).

The President of the Privileges and Procedures Committee will seek leave to defer consideration of the proposition regarding the Code of Practice on Public Access to Official Information: measures to improve implementation, (P.164/2003 lodged “au Greffe” on 18th November 2003), from the present meeting to the meeting to be held on 3rd February 2003.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at the present meeting –

Shadow Public Accounts Committee: terms of reference. P.194/2003.
Lodged: 16th December 2003.
Finance and Economics Committee.

Shadow Public Accounts Committee – terms of reference P.194/2003.
(P.194/2003): comments. Com.
Presented: 23rd December 2003.
Policy and Resources Committee.

Shadow Public Accounts Committee: terms of reference P.194/2003.
(P.194/2003) – amendment. Amd.
Lodged: 23rd December 2003.
Privileges and Procedures Committee.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 3rd February 2004 -

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

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

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

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

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

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

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

Code of Practice on Public Access to Official Information: measures to improve implementation (P.164/2003) – amendment (P.164/2003 Amd.)– comments. Presented: 20th January 2004. <i>Privileges and Procedures Committee.</i>	P.164/2003. Amd.Com.
Draft Burials and Exhumations (Jersey) Law 200-. Lodged: 25th November 2003. <i>Legislation Committee.</i>	P.170/2003.
Draft Motor Vehicle Registration (Amendment No. 3) (Jersey) Law 200-. Lodged: 23rd December 2003. <i>Home Affairs Committee.</i>	P.195/2003.
Code of Practice on Public Access to Official Information: Register of Reports. Lodged: 23rd December 2003. <i>Deputy P.N. Troy of St. Brelade.</i>	P.196/2003.
Code of Practice on Public Access to Official Information: Register of Reports (P.196/2003) – comments. Presented: 13th January 2004. <i>Privileges and Procedures Committee.</i>	P.196/2003. Com.
Code of Practice on Public Access to Official Information: Register of Reports (P.196/2003) – amendment. Lodged: 20th January 2004. <i>Privileges and Procedures Committee.</i>	P.196/2003. Amd.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Senator J.A. Le Maistre will ask a question of the President of the Policy and Resources Committee regarding matters relating to the Les Pas settlement.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Policy and Resources Committee regarding matters relating to the Les Pas settlement.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding the development of the Waterfront Hotel.

Deputy P.N. Troy of St. Brelade will ask a question of the President of the Policy and Resources Committee regarding third party report and consultancy documents.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Environment and Public Services Committee regarding maintenance of the commemorative plaque at La Rocque.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Finance and Economics Committee regarding 2005 States' revenue expenditure.

Senator E.P. Vibert will ask a question of the President of the Education, Sport and Culture Committee regarding Fort Regent rents.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Housing Committee regarding evictions and the income disregard allowance for invalidity and disability benefits.

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

Senator E.P. Vibert will ask a question of the President of the Harbours and Airport Committee regarding the Jersey-St. Malo ferry route.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Employment and Social Security Committee will make a statement regarding the income support system.

K. PUBLIC BUSINESS

Official Report of the States Assembly and its Committees (‘Hansard’): Introduction. P.81/2003.
Lodged: 17th June 2003.
Privileges and Procedures Committee.

Official Report of the States Assembly and its Committees (‘Hansard’): Introduction (P.81/2003) – comments. P.81/2003.
Presented: 18th November 2003. Com.
Finance and Economics Committee.

Jersey Community Relations Trust. P.120/2003.
Lodged: 12th August 2003.
Policy and Resources Committee.

Jersey Community Relations Trust (P.120/2003): addendum to report. P.120/2003.
Presented: 2nd December 2003. Add.
Policy and Resources Committee.

Jersey Community Relations Trust (P.120/2003): comments. P.120/2003.
Presented: 7th October 2003. Com.
Finance and Economics Committee.

Jersey Community Relations Trust (P.120/2003): amendments. P.120/2003.
Lodged: 7th October 2003. Amd.
Connétable of St. Helier.

Dental Department: relocation. P.162/2003.
Lodged: 18th November 2003.
Health and Social Services Committee.

Greville Bathe Fund: appointment of trustee. P.181/2003.
Lodged: 2nd December 2003.
Finance and Economics Committee.

La Pouquelaye School redevelopment: approval of drawings. Lodged: 2nd December 2003. <i>Education, Sport and Culture Committee.</i>	P.182/2003.
Jersey Police Complaints Authority: appointment of Chairman and members. Lodged: 2nd December 2003. <i>Home Affairs Committee.</i>	P.183/2003.
La Carrière, Bellozanne Valley, St. Helier: transfer of administration. Lodged: 2nd December 2003. <i>Environment and Public Services Committee.</i>	P.184/2003.
Jersey Financial Services Commission: appointment of Commissioner. Lodged: 2nd December 2003. <i>Economic Development Committee.</i> <i>(consideration in camera).</i>	P.185/2003.
Shadow Scrutiny: arrangements and approval of Chairmen and Members. Lodged: 9th December 2003. <i>Privileges and Procedures Committee.</i>	P.186/2003.
Draft Finance (Jersey) Law 200-, as amended (<i>third reading</i>). Lodged in second reading: 5th December 2003. <i>Finance and Economics Committee.</i>	P.191/2003. <i>(re-issue).</i>
Draft Income Tax (Amendment No.23) (Jersey) Law 200-, as amended (<i>third reading</i>). Lodged in second reading: 5th December 2003. <i>Finance and Economics Committee.</i>	P.192/2003. <i>(re-issue).</i>

Subject to E –

Shadow Public Accounts Committee: terms of reference. Lodged: 16th December 2003. <i>Finance and Economics Committee.</i>	P.194/2003.
Shadow Public Accounts Committee – terms of reference (P.194/2003): comments. Presented: 23rd December 2003. <i>Policy and Resources Committee.</i>	P.194/2003. Com.
Shadow Public Accounts Committee: terms of reference (P.194/2003) – amendment. Lodged: 23rd December 2003. <i>Privileges and Procedures Committee.</i>	P.194/2003. Amd.

D.C.G. FILIPPONI
Acting Greffier of the States

Members are reminded that the Service of Dedication in the Parish Church of St. Helier will take place at 9.30 a.m. prior to the States' meeting.

15th January 2004.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 156/2003

This Order amends the Income Tax (Superannuation Funds) (Jersey) Order 1972 so as to remove provisions for the withdrawal of approval of a superannuation fund, as such withdrawal is now effected under Article 131G of the Income Tax (Jersey) Law 1961.

The Order was made on 10th December 2003, and comes into force on 1st January 2004.

R&O 157/2003

This Order provides a relief from 85% of the excise duty payable on the registration of a motor vehicle that is used exclusively as a hire vehicle (*Article 2*) and a drawback of 50% where a motor vehicle is exported or destroyed within 6 months of the duty being payable (*Article 3*).

The Order was made on 10th December 2003, and comes into force on 1st January 2004.

R&O 158/2003

This Order increases by, on average, 43% the fees payable for the testing of weighing or measuring equipment for use for trade. The fees were last increased on 1st January 1996.

In the period 1st January 1996, to 31st December 2002, the Jersey Retail Price Index increased by 31%.

The Order was made on 10th December 2003, and comes into force on 1st January 2004.

R&O 159/2003

This Order –

- (a) increases the fees payable in connection with the registration of motor vehicles (*Articles 3, 7(a) and (b), 8 and 10*);
- (b) provides for the use of a vehicle exclusively as a hire vehicle to be registered and for the notification and the recording of a change of such use (*Articles 4, 5, 9, 11(b) and 12*);
- (c) provides for the continuation of the requirement that hire vehicles display an ‘H’ on their number plates by making the requirement part of the registration mark (*Articles 6, 7(c), 11(a) and Schedule*);
- (d) makes minor corrections that remove references to previously repealed legislation concerned with construction and use and lighting requirements and update forms (*Articles 10(c), 13(a) and (c), 14 and 15*); and
- (e) enables registration marks to be shown in the font required by the latest British Standard for number plates (*Article 13(b) and (d) and Schedule*).

The Order was made on 11th December 2003, and comes into force on 1st January 2004.

R&O 162/2003

The object of this instrument, to be made under Article 6 of the Harbour and Light Dues (Jersey) Law 1947, is to change the Tariff of Harbour and Lights Dues in a number of respects and to delete certain elements of that Tariff.

The changes are broadly as follows –

- (a) the charge for a sea passenger who embarks or disembarks in Jersey is decreased by 1%, but the reduction of 8% for passengers to or from the Cotentin, nearby Brittany and the other Channel Islands is omitted;
- (b) the charges for embarking or disembarking non-commercial vehicles are increased by up to 5%; but the charges for commercial vehicles and freight are omitted, being dealt with temporarily by agreement;
- (c) the mooring charges for the various harbours and marinas of Jersey are increased by 8%; but for the La Collette Yacht Basin Marina, St Helier Marina and Elizabeth Marina and certain other berths, the daily and weekly rates remain as before, with longer-period rates increasing by between 4% and 8%.

The Amendment was made on 17th December 2003, and comes into force on 1st January 2004.

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

10th December 2003

- (a) as recommended by the Environment and Public Services Committee, the renewal of the lease to Miss Charlotte Victoria Pinchard of the property known as Driftwood Café situated at Archirondel, St. Catherine, St. Martin, for a period of nine years deemed to have commenced on 25th December 2003 at a commencing annual rent of £8,000, increasing to £9,500 in the second year and to be subject to review on the third and sixth anniversary of the commencement of the lease in line with the Jersey Retail Price Index. All other terms and conditions were to remain the same as at the lease assignment date of 1st January 2002, with each party to be responsible for its own legal fees arising from the transaction;
- (b) as recommended by the Education, Sport and Culture Committee, the lease to Ms. Catherine Skinner of the Massage Room (measuring approximately 50 square feet) on the first floor of the Les Quennevais Sports Centre, to allow her to undertake chiropractic services, for a period of three years from 1st June 2003, at an annual rent of £3,600, with annual rent reviews based on the Jersey Retail Price Index. The Lessee was only to use the suite for the conduct of her chiropractic business and would be responsible for the payment of all rates, taxes and outgoings levied or charged in respect of the demised premises, as normally paid by a tenant. The Lessee was also to be responsible for maintaining the unit in good repair;

8th January 2004

- (c) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mr. Michael Graeme Moignard, owner of the property known as Seaside Cottage, St. Lawrence, which adjoined the St. Aubin's bay promenade, in order to clarify the southern boundary with the adjacent public land, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (d) as recommended by the Education, Sport and Culture Committee, the formalisation of a ground lease to Jersey Telecom Group Limited (following the incorporatisation of the Telecommunications Board) for the siting of a Services Distribution Room at Snow Hill, St. Helier for a period of 99 years from 25th March 2002 (the date when occupation of the site had been taken under an original agreement between the then Sport, Leisure and Recreation Committee and the Telecommunications Board) on the basis of the original heads of terms;
- (e) as recommended by the Housing Committee, the granting of a Contract Wayleave to the Jersey Electricity Company Limited for the mains cable route (as shown on Wayleave Plan No. 22K Ref/ P.856, dated 24th May 1990) through a roadway known as Brighton Road, St. Helier, the wayleave to be free of charge, with each party to be responsible for its own legal costs arising from the transaction;
- (f) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. Peter Kubeck and Mrs. Brigitte Kubeck, née Waage, of the property known as Old Station Café, Millbrook, St. Lawrence, for a period of nine years from 25th December 2003, at a commencing annual rent of £10,000 subject to review on the third and sixth anniversaries of the lease in line with the Jersey Retail Price Index, on the basis that all other terms and conditions would remain the same as the existing lease agreement and that each party would be responsible for its own legal costs arising from the transaction;

- (g) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. Darren Amy and Mrs. Emma Amy, née Machon, for the property known as Plemont Café, Plemont headland, St. Ouen, for a period of nine years from 25th December 2003 at a commencing annual rent of £7,000, subject to increase to £9,000 in the second year and to review on the third and sixth anniversaries of the lease in line with the Jersey Retail Price Index, with the rent to be increased from commencement of the agreement and based upon the £9,000 rental value. All other terms and conditions were to remain as the existing lease agreement and each party was to be responsible for its own legal costs arising from the transaction;
- (h) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. James William Webster of the property known as Bouley Bay Bunker, Trinity, for a period of three years from 25th December 2003 (subject to determination early by either party giving six months notice in writing), for an annual rent of £450.14 subject to annual review in line with the Jersey Retail Price Index, on the basis that the tenant would only use the bunker for the purpose of storing diving equipment. Each party was to be responsible for its own legal costs arising from the transaction and no deposits were to be paid;
- (i) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. Mark Bisson and Mrs. Faye Bisson, née Keaton, of the property known as First Tower Kiosk, First Tower, St. Helier, for a period of nine years at a commencing annual rent of £9,000 subject to reviews on the third and sixth anniversaries of the lease in line with the Jersey Retail Price Index, on the basis that all other terms and conditions were to remain as the existing lease agreement and each party was to be responsible for its own legal costs arising from the transaction;
- (j) as recommended by the Environment and Public Services Committee, an extension of the lease from Dr. John Thomas Renouf of the property known as Maison Petit Port, Rue de Petit Port, St. Brelade (required in order to accommodate a senior planner with the Planning and Building Services Department until the end of his contract), from 31st March 2004 until 31st January 2005 on the same terms and conditions as the existing lease except in respect of annual rent which was to be increased in line with the Jersey Retail Price Index from 31st March 2004. Each party was to be responsible for its own legal costs arising from the transaction;
- (k) as recommended by the Health and Social Services Committee, the lease to Lloyds Pharmacy Limited of Nos. 1416 Burrard Street, St. Helier for a period of nine years from 25th December 2003, at an initial annual rent of £21,000 subject to three-yearly open market rent reviews, on the basis that the tenant would refurbish both the interior and the ground floor exterior of the premises to the reasonable satisfaction of the Committee subject to the receipt of any necessary planning consent. Each party was to be responsible for its own legal costs arising from the transaction;
- (l) as recommended by the Environment and Public Services Committee, the purchase from Mr. Bruce Hepburn de la Mare of land (measuring 60 square feet) forming part of the boundary formerly known as Merrydale, at the junction of Paddock End and La Rue á Don, Grouville (required in order to allow continuation of the footpath), for a consideration of £60 (representing a rate of £1 a square foot), subject to the Committee being responsible for both parties' reasonable legal costs arising from the transaction;
- (m) as recommend by the Environment and Public Services Committee, the renewal of the lease from Mr. William Bertram Payn of the property known as No. 4 Beachside, La Rue du Pont, La Rocque, Grouville for a period deemed to have commenced on 1st September 2003 until 31st January 2006 (so as to coincide with the termination of leases in respect of Nos. 5 and 6 Beachside), at an annual rent of £17,836.50 (matching the rent for those other properties), with all other terms and conditions to remain as the existing lease agreement and on the basis that each party would be responsible for its own legal costs arising from the transaction;

- (n) as recommended by the Harbours and Airport Committee, the renewal of the lease to J.H. Jaffé Company Limited of the Old Shell House, La Folie, South Pier, St. Helier, for a period of three years from 31st October 2003 at an annual rent of £13,695.80, subject to annual increases in line with the Jersey Retail Price Index;
- (o) as recommended by the Environment and Public Services Committee, the grant of a vehicular right of way to Mr. Paul Edwin Vibert and Mrs. Nicola Daryl Vibert, née Rimeur, over the section of the access track known as “Le Chemin du Douet” (which provided access to Fields Nos. 77 and 78, Portinfer, St. Ouen and to an adjacent property known as “Les Chandelles”) for the purposes of access to and egress from Field No. 79, St Ouen, subject to any planning consents (if necessary), and for the sole benefit of the property known as “Les Heches”, Portinfer, St. Ouen, whilst it constituted a single dwelling. It had been agreed that a net fee of £500 would be payable when the purchase of the land required for a pumping station had been completed, although this sum would be reflected in the overall consideration paid for the site concerned. Other terms and conditions would remain as in the original report, approved by the Director of Property Services, dated 1st July 2003, and each party would be responsible for its own legal costs arising from the transaction;
- (p) as recommended by the Education, Sport and Culture Committee, the cession to the Parish of St. Helier of an area of land (measuring 71.6 square metres- as shown on the Public Services Department Drawing No. 3015/SK010803) in Field No. 1237, La Pouquelaye Playing Field, St. Helier (required for road widening purposes - the road being administered by the Parish) for a consideration of £10, on the basis that the Committee would meet both parties’ reasonable legal fees arising from the transaction, and that the works associated with the widening of the road and which would form part of the new school project would be undertaken at no cost to the Parish of St. Helier;
- (q) as recommended by the Environment and Public Services Committee, the sale to Terence Doak Holdings Limited of land (measuring approximately 485 square feet) situated immediately to the north of the property formerly known as “Sands” but now referred to as the Discovery Bay Apartments and constituting only that public-owned land which had been subject to extension works to the Discovery Bay site. It was noted that Terence Doak Holdings Limited had completed the necessary accommodation works in order to reinstate the access track leading to l’Ouziere Slip in accordance with the requirements of the Public Services Department and that the company would pay the sum of £865 in respect of the land to be conveyed together with the Committee’s reasonable legal costs arising from the transaction. The sale was to be subject to a restrictive covenant effectively preventing any further development of that area of land to be conveyed other than that allowed under Planning Permission 1943/X dated 24th August 1999. An area of concrete paving towards the western boundary of the site (which constituted a slight encroachment onto public land) would be permitted to remain as constructed although in the event of redevelopment the adjacent masonry wall would be realigned upon the boundary between the Discovery Bay site and the adjoining public land;
- (r) as recommended by the Environment and Public Services Committee, the lease to the Jersey Electricity Company Limited of Electricity Sub-Station No. 388 situated in Caledonia Place, St. Helier for a period of 99 years from the date of registration of the lease in the Royal Court, for a consideration of £1 a year payable in total at the commencement of the lease. In addition, the Company was also to be granted a wayleave across public land for the purpose of accessing the Sub-Station, and each party was to be responsible for its own legal fees arising from the transaction.

QUESTION PAPER

(See Item G)

Senator J.A. Le Maistre will ask the following question of the President of the Policy and Resources Committee -

“In a letter dated 2nd December 1993, from the then H.M. Attorney General to the Policy and Resources Committee relating to land reclamation schemes to the west of Albert Pier and to the south of La Collette, he advised –

‘It would not in my opinion be prudent or sensible to continue with those schemes without taking a decision on one or other of the following options’.

These options related either to litigate or to seek to compromise in order to resolve the claim to title.

Would the President advise whether this advice was considered by the Policy and Resources Committee on each occasion prior to matters being brought to the States relating to the development of the Waterfront, and, if so, why it, therefore, did not feature in any of the projets brought before the States?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Policy and Resources Committee -

“Would the President confirm that as the Jersey Electricity Company Limited’s La Collette power station is located partially on established land and partially on reclaimed land that took place before 1934, that the statement he made during the Les Pas debate that the Island could lose millions of pounds on that element should the Les Pas claim succeed, was misleading?”

Senator E.P. Vibert will ask the following question of the President of the Policy and Resources Committee -

“Would the President inform members of the latest position regarding the development of the Waterfront Hotel project and whether the relevant contractor will commence work during January this year as he stated in answer to questions on 10th June 2003, and ,if not, whether the Committee will be issuing a deadline for the commencement of work, failing which, will the project be subject to a new tender process?”

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

“Would the President inform members of the number of third party reports or consultancy documents commissioned in 2003 by States Committees and their Departments, costing in excess of £2,000, and the total cost to the public sector, showing a total for each Committee’s expenditure?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Environment and Public Services Committee -

“Would the President confirm that the Environment and Public Services Committee is responsible for the maintenance of the plaque at La Rocque commemorating persons who lost their lives as a result of enemy action during the Second World War, and, if so, would he advise when it will be restored given its current poor state of condition?”

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

“The President recently announced that the Committee would be seeking a further £20 million reduction in States’ revenue expenditure in 2005. Would the President assure members that he will seek to prevent further hardship to those least well off in the community by protecting both the Social Security Benefits system and housing rental abatement/rebate schemes?”

Senator E.P. Vibert will ask the following question of the President of the Education, Sport and Culture Committee -

- “(a) Would the President inform members of the revenue increase the Committee is expecting by raising rents to sporting clubs, classes and users of Fort Regent by as much as 50 per cent in some cases?
- (b) Would the President explain the reasons for the level of these increases and whether the Committee considered the effect that such increases might have on encouraging clubs and organisations to provide leisure and fitness opportunities for the public? and,
- (c) Is the President willing to reconsider the decision to raise rents in this way?”

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

- “1. The President recently announced a number of evictions carried out by the Housing Committee over recent months. Will the President inform members of—
 - (a) the total number of evictions that are currently being pursued?
 - (b) the number of families evicted in recent months?
 - (c) the number of evictions for reasons of anti-social behaviour on the part of tenants? and,
 - (d) the number of evictions for rent arrears?
- 2. Will the President inform members –
 - (a) how many tenants have been affected by the change to the income disregard allowance for invalidity and disability benefits contained in P.74/2003? and,
 - (b) how many of these tenants saw rises in their rent payable of –
 - (i) greater than ten per cent?
 - (ii) greater than 25 per cent?”

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

- “1. (a) Would the President inform members of the current position regarding the proposed States audit of the tender process leading up to the appointment of Connex?
 - (b) Would the president confirm that the proposed audit -
 - (i) has no legal status and will simply examine correspondence between the Department and their consultants and interested parties involved at the time?
 - (ii) can only request examination of such documents and cannot investigate whether all the documents have been produced?
 - (iii) has no power to call for documents from outside parties or take any action if such parties refused to co-operate?
 - (iv) will be assisted fully by the Department no matter how long the audit process takes?
 - (c) Does the Committee intend to bring a report and proposition to the States calling for a public enquiry into the tender process following the States audit?
2. (a) Will the President confirm the following extracts from a letter he sent to the Finance and Economics Committee on 19th May 2003 -
 - (i) “after tenders were received and the contract was awarded to Connex, it came to light that the TGWU had negotiated a substantial increase with Jersey Bus in the form of a shift allowance of £72 per week in addition to a cost of living increase”.
 - (ii) “at no time during the tender process up to the award of the contract did the TGWU advise the States, its consultants or all of the tenderers that such a substantial claim had been submitted.”
 - (iii) the Committee was “outraged at the conniving that appears to have taken place between the TGWU and Jersey Bus, in particular the complete silence from the TGWU during the tendering process on the extent of the wage claim.”
- (b) Would the President inform members whether the Committee’s consultants, Halcrow, exchanged correspondence with Jersey Bus in advance of the tender process outlining the TGWU claim in full, and, if so, whether this information was passed on to all tenderers?
- (c) Would the President agree that what was stated in the letter to the Finance and Economics Committee, as indicated by him in answer to questions on 9th December 2003, was misleading, and will he provide an apology to the owners of Jersey Bus, its executives and officials of the TGWU?
3. Would the President inform members whether an officer of the Department attended a meeting with representatives of Halcrow and Jersey Bus on 28th February 2003, at which the claim for a shift allowance/pay award was discussed?

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

- (c) inform members of the cost, to the States, if any, of –
 - (i) the assistance provided;
 - (ii) the bus equipment at La Collette garage;
 - (iii) fitting out No. 6 Gossett Chambers to provide offices for Connex at the Weighbridge; and,
 - (iv) employing a private company to administer the bus pass scheme for pensioners and Health Insurance Exemption holders?

- 9. Will the President confirm –
 - (a) that the gap between fare revenue and operating costs for 2003 totalled £2,482,045 and that this figure includes the fuel rebate plus all the items listed in the previous question, and , if not, what the final figure is?
 - (b) that in 2001, Jersey Bus operated an almost identical service for a cost to the taxpayer of £710,000?
 - (c) whether the Committee will be reviewing whether the Connex service represents value for money?

- 10. (a) Will the President confirm that he was present at a meeting with the Finance and Economics Committee on 12th March 2001, in his capacity as a member of the Jersey Bus Strategy Steering Group, and that, at that time, it was estimated that fare revenue for the Island bus service was £3 million and that the new service would require £1,350,000 of public funding subsidy?
 - (b) In view of the fact that the Bus Report presented to the States on 9th December 2003, states that the estimate for fare revenue was £2,500,000, would the President explain the discrepancy that exists between these two figures?

- 11. Would the President confirm that the proposed cuts to the bus service are as a direct result of the need for Connex to recoup the £187,000 in this year's operation?"

Senator E.P. Vibert will ask the following question of the President of the Harbours and Airport Committee -

- “(a) Would the President confirm that during the vote of no confidence in the Committee late last year he gave a very firm undertaking to the Assembly that before the Committee introduced more competition to the St. Malo-Jersey route the Committee would carry out a full study of the route to ensure that it could handle two operators?
- (b) Would the President inform members what actions, if any, have been taken to commission a study in relation to the operation of the Jersey-St. Malo route, and provide details of the terms of reference proposed, if applicable.
- (c) Would the President explain the Committee's reasons for allowing Condor to operate at weekends during the winter months and how this fits in with the proposed study?"