

**THE STATES assembled on Tuesday,
21st June 2005, at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,
was present.**

All members were present with the exception of –

Senator Edward Philip Vibert – ill
Senator Richard Joseph Shenton – ill
Alan Breckon, Deputy of St. Saviour – ill
Colin Hedley Egré, Deputy of St. Peter – ill.

Prayers read by the Greffier of the States.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Health Care (Registration) (Prescribed Qualifications) (Amendment) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 54/2005.
Explosives (General Provisions) (Amendment No. 2) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 57/2005.

Matters presented

The following matters were presented to the States –

Tourism Development Fund: Annual Report 2004. <i>Presented by the Economic Development Committee.</i>	R.C.51/2005.
Children's Executive: progress report May 2005. <i>Presented by the Health and Social Services Committee.</i>	R.C.52/2005.
Migration: monitoring and regulation (P.25/2005) – Shadow Scrutiny Panel Report (S.R.5/2005) – response of the Policy and Resources Committee. <i>Presented by the Policy and Resources Committee.</i>	S.R.5/2005. Res.
Migration: monitoring and regulation (P.25/2005) – amendment (P.25/2005 Amd.) – comments. <i>Presented by the Policy and Resources Committee.</i>	P.25/2005. Amd. Com.
Freedom of Information: proposed legislation (P.72/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.72/2005. Com.

Island Plan 2002: changes to Built –up Area boundary (P.77/2005) – second amendment (P.77/2005 Amd.(2))– comments. P.77/2005. Amd.
Presented by the Environment and Public Services Committee. (2)Com.

Income Support System (P.86/2005): comments. P.86/2005. Com.
Presented by the Finance and Economics Committee.

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

The following matters were presented on 14th June 2005 –

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

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

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

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

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

Agreement on the taxation of savings income: Estonia. R.C.31/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Finland. R.C.32/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: France. R.C.33/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Germany. R.C.34/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Greece. R.C.35/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Hungary. R.C.36/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Ireland. R.C.37/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Italy. R.C.38/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Latvia. R.C.39/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Lithuania. R.C.40/2005.

Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Luxembourg. R.C.41/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Malta. R.C.42/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Netherlands. R.C.43/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Poland. R.C.44/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Portugal. R.C.45/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Slovakia. R.C.46/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Slovenia. R.C.47/2005.
Presented by the Policy and Resources Committee.

Agreement on the taxation of savings income: Spain. R.C.48/2005.
Presented by the Policy and Resources Committee.

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

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

THE STATES ordered that the said reports be printed and distributed.

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 16th June 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Housing Committee, the lease to Mr. Kevin John Channing (trading as Channing's Mobility) of No. 76 Colomberie, St. Helier, for a period of 9 years from 1st May 2005, at an annual rent of £8,750 subject to triennial rent reviews in line with the Jersey Retail Price Index. Either the lessor or the lessee could terminate the lease upon the expiration of the second year of the agreement provided that not less than 6 months' notice in writing had been served. The lessee was to be responsible for the internal repair and maintenance of the property, and the lessor responsible for maintaining the structure of the property and ensuring it remained in a wind and watertight condition. The lessee was not permitted to sub-let the whole or part of the premises or to make any alterations to the property without the prior written consent of the Committee. Each party was to be responsible for its own legal costs arising from the transaction;
- (b) as recommended by the Environment and Public Services Committee, the purchase from Whitecroft Developments Limited of a area of land (measuring approximately 566 square feet) adjacent to the properties known as Abbeville and Abbeville Lodge, La Grande Route des Sablons, Grouville for a consideration of £566, with the company and its successors to be granted the necessary access and service rights in relation to the strip of land, upon which nothing was to be placed which impeded the

visibility necessary from the point of view of the road safety of vehicles or pedestrians entering or exiting the development, and on the basis that the public would be responsible for the payment of both parties' reasonable legal fees arising from the transaction;

- (c) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with The 2 Bank Place Association in order to authorise certain encroachments towards the public's adjacent land at No. 2 Bank Place, St. Aubin, St. Brelade, namely encroachments to the south elevation of the property (in accordance with drawing No. 99 prepared by J.S. Carney and Company Limited dated June 2002); and to authorise the establishment of an additional window to the south elevation of the property (also in accordance with the said drawing). The encroachments were not considered to be detrimental to the public's land and the Association was to pay a consideration of £1,500 and meet the public's reasonable legal fees arising from the transaction, together with the fees of the Department of Property Services amounting to £350;
- (d) as recommended by the Economic Development Committee, the lease to the Royal National Lifeboat Institution of La Grande Maison Shed, St. Catherine, St. Martin for a period of 9 years from 1st July 2005, at nil rent for the term of the lease on the basis of the improvement works undertaken by the Institution. The agreement was to be on a fully-repairing basis and the lessee was to be responsible for putting and thereafter keeping the exterior and interior of the demised premises in a good state of repair and decorative order, and each party was to be responsible for its own legal costs arising from the transaction;
- (e) as recommended by the Health and Social Services Committee, the lease from J. Bouchet Limited of the "(j)" category property known as Sandbanks, La Cloture, Park Estate, St. Brelade, for a period of 5 years at an annual rent of £18,000 subject to annual rent review in line with the Jersey Retail Price Index, on the basis that the first year's rent was to be reduced to £16,800 in order to reflect the redecoration works to be carried out by Health and Social Services. The agreement was to be on an internal repairing basis and would be terminable by either party upon three months notice. Each party was to be responsible for its own legal costs arising from the transaction;
- (f) as recommended by the Education, Sport and Culture Committee, the lease to the Scout Association Jersey of Field No. 198a, Les Creux, St. Brelade (measuring approximately 4 vergées), for use as camping centre and to foster the aims of the lessee Association, for a period of 21 years deemed to have commenced on 15th December 2001, at an annual rent of £2,500 payable annually in advance (with the exception of the first 2 years for which there would be no charge), subject to rent reviews every 3 years in line with the Jersey Retail Price Index. The lessee was to be fully responsible for all matters of maintenance and repair relating to the upkeep of all buildings and land within the demised area during the period of the lease, including all boundaries, verges and hedges. The lessee was not to either assign or sub-let the demised premises and alterations were only to be carried out with the prior written consent of the lessor. The lessee was to be responsible for both parties' reasonable legal fees arising from the transaction;
- (g) as recommended by the Education, Sport and Culture Committee, the lease to the Jersey Electricity Company Limited in respect of Electricity sub-station No. 195 situated at Springfield Recreation Grounds, St. Helier for a period of 21 years deemed to have commenced from 8th December 2004, for consideration of £525 (representing an annual rent of £25) payable in full upon completion of the contract, on the basis of the standard terms and conditions, with each party to be responsible for its own legal and professional fees arising from the transaction;
- (h) as recommended by the Environment and Public Services Committee, the sub-lease to BMI Health Services Limited of the office suites known as Units 1 and 2, on the ground floor of Axminster House Devonshire Place, St. Helier (measuring approximately 1,021 square feet and 941 square feet respectively) and also communal kitchen and toilet facilities on the ground and first floor levels, for a period of one year, 6 months and 23 days deemed to have commenced on 1st January 2005, and to terminate on 23rd June 2006, at an annual rent of £18,000 for each unit payable quarterly in advance (a total of £36,000 per annum for the 2 units) with no rent review. The sublessee was to pay to the sub-

lessor on demand a service charge to cover communal cleaning, communal services and communal costs associated with operating the building (excluding the sub-lessor's repairing and insuring obligations), the proportion being 33¹/₃%;

- (i) as recommended by the Education, Sport and Culture Committee, the lease from Mr. Michael Vernor Balleine of Field No. 649, La Rue du Presbytere, St. Peter (measuring approximately $\frac{1}{2}$ vergées or 11,025 square metres), for use as a sports facility by St. Peter's School, for period of 25 years deemed to have commenced from the date of the planning consent at an initial annual rent of £900, subject to annual review in line with the Jersey Retail Price Index to a maximum of 5% per annum as well as to reviews to market rental value of comparable agricultural land every 5 years. The public were to undertake the conversion works on the field at its own expense and also erect boundary fencing to the south-easterly boundary towards La Rue du Presbytere. The public was also to be granted an option to purchase the field during the period of the lease subject to mutually acceptable terms and conditions being reached with the lessor. The public was to be responsible for both parties' legal fees up to a maximum of £1,000 towards the lessor's fees;
- (j) as recommended by the Education, Sport and Culture Committee, in respect of the lease to the Jersey Petanque Club of the pavilion at Les Quennevais Sports Ground, St. Brelade and in recognition of the Club's recent investment of £14,000 in the pavilion –
 - (i) the termination of the 9-year lease deemed to have commenced on 1st April 1997, at a starting annual rent of £400 payable half-yearly in advance subject to annual review in line with the Jersey Retail Price Index and, in addition, 10 annual payments from 1997 of £1,000 in respect of monies expended by the Committee to establish the facilities; and
 - (ii) the lease of those premises to the Jersey Petanque Club Incorporated for a period of 9 years from 31st March 2004, at a revised annual rent assessed in accordance with the Jersey Retail Price Index as at December 2003;

the lessee was to remain responsible for the maintenance of the pavilion in a wind and watertight condition, and also to be responsible for painting the exterior of the building once every 2 years or more often as necessary. The lessee was also to continue to pay the remaining annual payments of £1,000 to the Committee up to and including the year 2006. The lessor was to be responsible for the upkeep of the playing surface. All other terms and conditions were to remain the same as for the previous lease except that –

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

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

- (k) as recommended by the Environment and Public Services Committee, the lease to Messrs. Christopher David Munns and Andrew David Fox, respectively the Chairman and Secretary of the Jersey Model Aero Club, of Bunkers 1 and 2 and the Model Aircraft Air Field at Les Landes, St. Ouen, for a period of 9 years from 1st March 2005, at a commencing annual rent of £110 subject to annual rent review on the anniversary of the commencement date in line with the Jersey Retail Price Index, with all other terms and conditions to remain the same as for the previous lease;
- (l) as recommended by the Harbours and Airport Committee, the renewal of the lease to Harbour Newsagent Limited of the Elizabeth terminal Shop (Letting No. E13), Elizabeth Terminal, St. Helier for a period of 9 years from 1st May 2005, at an annual rent of £5,794.74 (representing a rate of £19.71 per square foot) to be reviewed annually in line with the Jersey Retail Prices Index.

Matters lodged

The following matters were lodged “au Greffe” –

Freedom of Information: proposed legislation (P.72/2005) – amendment. <i>Presented by the Privileges and Procedures Committee.</i>	P.72/2005. Amd.
Commission Amicale: appointment of President and Chairman (P.89/2005) – amendment. <i>Presented by Senator J.A. Le Maistre.</i>	P.89/2005. Amd.
Solid Waste Strategy (P.95/2005): second amendments. <i>Presented by Deputy J.B. Fox of St. Helier, and referred to the Health and Social Services Committee.</i>	P.95/2005. Amd. (2)
Solid Waste Strategy (P.95/2005): third amendments. <i>Presented by Deputy R.C. Duhamel of St. Saviour, and referred to the Health and Social Services Committee and the Comité des Connétables.</i>	P.95/2005. Amd. (3)
Draft Employment of States of Jersey Employees (Jersey) Law 200 – (P.99/2005): amendments. <i>Presented by the Harbours and Airport Committee.</i>	P.99/2005. Amd.
Draft Companies (Amendment No. 8) (Jersey) Law 200–. <i>Presented by the Economic Development Committee.</i>	P.110/2005.
Draft Restriction on Smoking (Amendment) (Jersey) Law 200 –. <i>Presented by the Health and Social Services Committee.</i>	P.111/2005.
Rural Economy Strategy. <i>Presented by the Economic Development Committee.</i>	P.112/2005.
Draft Day Care of Children (Jersey) Law 2002 (Appointed Day) Act 200 –. <i>Presented by the Education, Sport and Culture Committee.</i>	P.113/2005.
Waterfront Enterprise Board: renewal of ten –year working limit. <i>Presented by the Policy and Resources Committee.</i>	P.114/2005.
La Collette, St. Helier: modification of lease of land to Jersey Gas Company Limited. <i>Presented by the Harbours and Airport Committee.</i>	P.115/2005.
Census 2006. <i>Presented by the Connétable of St. Helier, and referred to the Policy and Resources Committee.</i>	P.116/2005.
Draft Education (Amendment) (Jersey) Law 200 –. <i>Presented by the Education, Sport and Culture Committee.</i>	P.117/2005.
Greenfields Centre, St. Saviour: approval of drawings. <i>Presented by the Education, Sport and Culture Committee.</i>	P.118/2005.
Draft Liquor (Restrictions on Consumption) (Jersey) Law 200 –. <i>Presented by the Home Affairs Committee.</i>	P.119/2005.

Environment and Public Services: establishment of Ministers and Departments. P.120/2005.
Presented by the Policy and Resources Committee.

Draft Animal Welfare (Amendment) (Jersey) Law 200 –. P.121/2005.
Presented by the Economic Development Committee.

Draft Amendment (No. 28) of the Standing Orders of the States of Jersey. P.122/2005.
Presented by Deputy G.P. Southern of St. Helier, and referred to the Privileges and Procedures Committee.

Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) P.123/2005.
(Jersey) Law 2005 (Appointed Day) Act 200 –.
Presented by the Home Affairs Committee.

Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) P.124/2005.
(Jersey) Regulations 200 –.
Presented by the Home Affairs Committee.

Draft Liquor (Restrictions on Consumption) (Jersey) Law 200 –, (P.9/2005) – withdrawn

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

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

Haut du Mont Farming Commercial Complex: petition, (P.54/2005) – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), Deputy Geoffrey Peter Southern of St. Helier had instructed the Greffier of the States to withdraw the following matter –

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

Arrangement of public business for the present meeting

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

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

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

Freedom of Information: proposed legislation (P.72/2005) – comments. P.72/2005. Com.

Presented: 21st June 2005.
Finance and Economics Committee.

Freedom of Information: proposed legislation (P.72/2005) – amendment.
Lodged: 21st June 2005.
Privileges and Procedures Committee.

P.72/2005. Amd.

THE STATES granted leave to the President of the Committee for Postal Administration to defer consideration of the following matter lodged “au Greffe” and set down for consideration at the present meeting, until a later date –

Units 1 and 2, L’Avenue Le Bas, La Rue des Pres Trading Estate: re-assignment of leases.
Lodged: 7th June 2005.
Committee for Postal Administration.

P.104/2005.

Arrangement of public business for the next meeting on 5th July 2005

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that the following matter be considered at the next meeting on 5th July 2005 –

Draft Amendment (No. 28) of the Standing Orders of the States of Jersey.
Lodged: 21st June 2005, *and referred to the Privileges and Procedures Committee.*
Deputy G.P. Southern of St. Helier.

P.122/2005.

Members present voted as follows –

POUR: 20

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator M.E. Vibert
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 25

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of St. Martin
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy J-A. Bridge (H)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of Grouville

ABSTAIN: 0

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 5th July 2005, in the following order –

Draft Child Abduction and Custody (Jersey) Law 200 – Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.105/2005.
Draft Criminal Law (Child Abduction) (Jersey) Law 200 – Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.106/2005.
Draft Child Custody (Jurisdiction) (Jersey) Law 200 – Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.107/2005.
Solid Waste Strategy. Lodged: 10th May 2005. <i>Environment and Public Services Committee.</i>	P.95/2005.
Solid Waste Strategy (P.95/2005): amendment. Lodged: 7th June 2005. <i>Deputy M.F. Dubras of St. Lawrence.</i>	P.95/2005. Amd.
Solid Waste Strategy (P.95/2005): second amendments. Lodged: 21st June 2005. <i>Deputy J.B. Fox of St. Helier.</i>	P.95/2005. Amd. (2)
Solid Waste Strategy (P.95/2005): third amendments. Lodged: 21st June 2005. <i>Deputy R.C. Duhamel of St. Saviour.</i>	P.95/2005. Amd. (3)
Freedom of Information: proposed legislation. Lodged: 19th April 2005. <i>Privileges and Procedures Committee.</i>	P.72/2005.
Freedom of Information: proposed legislation (P.72/2005) – comments. Presented: 21st June 2005. <i>Finance and Economics Committee.</i>	P.72/2005. Com.
Freedom of Information: proposed legislation (P.72/2005) – amendment. Lodged: 21st June 2005. <i>Privileges and Procedures Committee.</i>	P.72/2005. Amd.
La Pouquelaye School, Le Hurel, St. Helier: transfer of administration. Lodged: 10th May 2005. <i>Education, Sport and Culture Committee.</i>	P.94/2005.
Draft States of Jersey (Amendment No. 2) Law 200–. Lodged: 24th May 2005. <i>Privileges and Procedures Committee.</i>	P.98/2005.
Draft Employment of States of Jersey Employees (Jersey) Law 200 –. Lodged: 24th May 2005. <i>Presented by the Policy and Resources Committee.</i>	P.99/2005.

Draft Employment of States of Jersey Employees (Jersey) Law 200 – (P.99/2005): comments. Presented: 21st June 2005. <i>Finance and Economics Committee.</i>	P.99/2005. Com.
Draft Employment of States of Jersey Employees (Jersey) Law 200 – (P.99/2005): amendments. Lodged: 21st June 2005. <i>Harbours and Airport Committee.</i>	P.99/2005. Amd.
Jersey Law Commission: appointment of Commissioners. Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.109/2005.
La Collette, St. Helier: modification of lease of land to Jersey Gas Company Limited. Lodged: 21st June 2005. <i>Harbours and Airport Committee.</i>	P.115/2005.
Draft Liquor (Restrictions on Consumption) (Jersey) Law 200 –. Lodged: 21st June 2005. <i>Home Affairs Committee.</i>	P.119/2005.
Environment and Public Services: establishment of Ministers and Departments. Lodged: 21st June 2005. <i>Policy and Resources Committee.</i>	P.120/2005.
Census 2006: provision. Lodged: 21st June 2005. <i>Connétable of St. Helier.</i>	P.116/2005.
Commission Amicale: appointment of President and Chairman. Lodged: 26th April 2005. <i>Policy and Resources Committee.</i>	P.89/2005.
Commission Amicale: appointment of President and Chairman (P.89/2005) – amendment. Lodged: 21st June 2005. <i>Senator J.A. Le Maistre.</i>	P.89/2005. Amd.
Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005 (Appointed Day) Act 200 –. Lodged: 21st June 2005. <i>Home Affairs Committee.</i>	P.123/2005.
Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Regulations 200 –. Lodged: 21st June 2005. <i>Home Affairs Committee.</i>	P.124/2005.

Field 263a, Grouville: petition

The Connétable of Grouville presented to the States a petition on behalf of certain of the residents of the Parish of Grouville and others praying that the Environment and Public Services Committee retain the northern part of Field 263a, Grouville as a designated ‘Important Open Space’ area, along with the southern part of the Field and

the adjacent field as a whole in accordance with the States approved Island Plan.

Five Oaks dairy site – questions and answers

Deputy Terence John Le Main of St. Helier tabled the following written questions of Deputy Jeremy Laurenc Dorey of St. Helier, Vice-President of the Environment and Public Services Committee –

“Would the Vice-President inform members –

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

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

The Vice-President of the Environment and Public Services Committee tabled the following written answers –

- “1. (a) Informal discussions took place in 2003 between the Jersey Milk Marketing Board's architect and the Planning Department concerning the development of part of the site for housing purposes. The Dairy would have remained on the site. No formal proposal emerged as a result of those discussions.

A further discussion was held between a planning officer and a representative of the Board at a meeting in January 2004. However, the discussion focused more on the principle of unlocking capital in the existing site and the possibilities for relocating the Dairy, than the possible alternative uses of the existing site. Housing was the only alternative use for the Five Oaks site discussed at the meeting.

Later in the year, the Board marketed the site, and the Department received 2 or 3 telephone enquiries about its possible future use from agents, presumably acting on behalf of prospective purchasers.

- (b) The initial application for the Dairy at Five Oaks was made in August 1964. The site had been identified for “industrial use” in the ‘Barret Plan’, approved by the States in March 1963. Whether it was identified specifically for the Dairy is impossible to say from the information available. However, it is clear that the site had been identified for industrial purposes before the application was made, and thus the question is based on an incorrect assumption.

2. The Environment and Public Services Committee has not considered the matter. It has not been asked to do so, nor has it any right to involve itself in the affairs of the Jersey Milk Marketing Board.
3. Save for the discussions referred to in the answer to Question 1, at which the respective officers were informed of the broad financial position of the Board, there has been no formal contact between the Committee and the Board. The Committee has not considered the matter, but members are aware of the Board's financial position which has been widely reported.

Neither the Committee or the Department has had any involvement in any assessment of value of the existing Dairy site. The site has an existing industrial use, (not agricultural as implied in the question), and is contained within the Built-up Area on the Island Plan 2002.

4. The question is hypothetical as the land is not in agricultural use. However as a general rule the Committee would only bring a proposition to the States were it minded to grant permission for a development that was contrary to the policies of the Island Plan. I must repeat that the premises are in industrial, not agricultural use.”

Proposed development of a private hospital – question and answer

The Deputy of St. John tabled the following written question of Senator Stuart Syvret, President of the Health and Social Services Committee –

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

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

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

The President of the Health and Social Services Committee tabled the following written answer –

“I stand unequivocally by those comments. Further, my comments represent the view of the Health and Social Services Committee.

The proposal to develop the Stafford Hotel as a private hospital by Snib is informed by a report from consultants PriceWaterhouseCoopers (PWC). Contrary to assertions by Mr. Richard Brocken this report is not an ‘independent report’. PWC is a management consultancy for hire, and Snib paid a considerable amount of money for that report.

The proposal for a new build hospital in Jersey that will, crucially, stand alone financially without subsidy, is simply unviable. We need only refer to the PWC document for evidence to this effect.

The report states that the market opportunity –

‘is high risk given the current market environment and the level of capital investment in facilities and equipment required. Whilst these risks are particularly high for a stand-alone provider undertaking a major capital investment of the scale and nature planned by Snib Ltd., they can be minimized through the development of a partnership with the States and/or established private healthcare providers in the U.K. market which will have the infrastructure and capacity for delivering private healthcare to required standards’.

Here we see the fact that the scheme is particularly high risk for a stand-alone provider but that those risks could be minimized by sharing them with the States or a private sector provider. Why should the States share

those risks when the scheme offers no particular advantage? If the scheme is viable without any form of subsidy, where are the major private sector health care providers who, in theory, should be willing partners?

Essentially, there are 3 options for Snib –

The Stafford Hotel can be developed as a ‘stand-alone’ hospital. If Snib wish to develop the Stafford Hotel in this way then this is absolutely nothing to do with the Health and Social Services Committee. If Snib develop a stand-alone facility then they will be accountable for its failure or will be rewarded by its success; but it must carry its own risk.

The Stafford Hotel can be developed in a ‘partnership’ with ‘an established private healthcare provider in the U.K. market’. We must assume that Snib have attempted to gain some interest from companies such as BUPA. No details of such discussions have been made public. This is disappointing as it would be helpful to know the views of professional private healthcare providers as to the viability of a new build private hospital in Jersey, with no form of subsidy.

The Stafford Hotel could be developed ‘in partnership’ with the States of Jersey. Let me now explore this in depth.

The Snib proposal for a ‘partnership with the States of Jersey’ is very simple, indeed it forms the entire basis for the aforementioned PWC report. Snib proposes to go into a ‘shared services’ arrangement with the States of Jersey. Under this arrangement, the developers would require the Jersey General Hospital to make available to the private hospital, either free of charge or at a subsidised rate, such highly expensive, publicly funded services such as intensive care facilities. In return, the developers would increase the stock of private and public acute beds by redeveloping the Stafford Hotel site for this purpose.

The plain fact is that the Jersey General Hospital has too many acute beds, and the Health and Social Services Committee does not want more. Indeed, over the strategic period we will be seeking to reduce them and replace them with high quality community and primary care services which are the services that are in short supply in Jersey. The evidence to support this is that –

1. Waiting lists are due to be abolished (within existing resources) at the end of October this year when waiting times reduce to less than 3 months. (Since the launch of this initiative waiting times have reduced by over 55%).
2. There is a need to reduce elective surgical beds down from 7-day working to 5-day (that is, Monday to Friday) working, which is best practice in the U.K.
3. Greater efficiencies are currently being made to the management of the bed stock in the 3 large hospitals management by Health and Social Services – the Jersey General Hospital, the Overdale Hospital and St. Saviour’s Hospital.
4. There is currently an over-supply of private nursing and residential beds in the market as confirmed by recent events. The closure of the Bon Air nursing home is indicative of this.

For Health and Social Services to enter into a ‘shared service agreement’ when there is no need or significant benefit to the States of Jersey, would simply be to subsidize a private developer. This is why the Health and Social Services Committee and I have made it clear that such a deal is overwhelmingly against the public interest; we will have none of it.

The Stafford Hotel proposal is naïve and in no way addresses the emerging consensus as to what is needed by Jersey from its health and social care services. The need is for investment in day surgical services so that bed numbers can be reduced. The need is for better fostering services so that our children at risk can grow up in caring families. The need is for more comprehensive primary and community care services so that older people can live longer and more fulfilling lives in their own homes. The need is for greater safety and protection so that community based illness and disease is reduced. The need is for better substance abuse

counter-measures so that people are no longer enslaved by addictions. Entering into a pointless “partnership” with a property speculator to deliver more acute beds would be to actually move in the opposite direction to these priorities.

The Health and Social Services Committee has an ambitious but onerous agenda. It firmly believes that it can cut costs and improve clinical quality at the same time, although monies saved ought to be redirected to growing health and social care needs. That the Health and Social Services Committee has taken a £2.6 million cut in its budget and yet has committed itself to the abolition of waiting lists is a tangible example of this. On a wider scale talks are to start shortly on the creation of a public and private concordat with the private nursing and residential sector with the aim of improving standards against the backcloth of increasing client expectations, and to give the private sector some surety about the future so that it can plan with a measure of confidence. To contradict these initiatives by entering into a spurious and pointless arrangement with an opportunistic developer is to insult all our staff who are working hard and creatively in the interest of health and social care in Jersey.

In truth, what we are dealing with here is a failed attempt at property speculation. Mr. Brocken and his business colleagues, who have no known track record in health care delivery, invested approximately £2.3 million in the purchase of this site; but such is its poor quality and limited site utility, they have utterly wasted their money. The owners of the Stafford Hotel site thought they had a sure fire winner, but it has blown up in their faces: £2.3 million and nowhere to hide. As far as I and the Committee are concerned, there is absolutely no intention of coming to the rescue of these adventurers by helping to minimize ‘risks (that are) particularly high’ for the developer, by transferring a significant portion of that risk to the public through “a partnership with the States”; particularly a partnership with no meaningful benefit to the public. The costs of building a new private hospital on this site, equipping it and staffing it would be astronomical. If it were a viable scheme, with low risks, and any prospect of returning a profit without subsidy, where are the private sector health care providers who should be willing partners? They’re nowhere, because a new market entry, new build, private hospital in Jersey is not even on the radar screen of viability. The inescapable conclusion is that this whole exercise is about trying to add some form of value to this liability of a site via some form of binding deal with the States and then a quick sale. This saga is not about health care delivery, it’s about property speculation – pure and simple.”

Application under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended – question and answer

The Deputy of St. John tabled the following written question of Deputy Francis Gerald Voisin, President of the Economic Development Committee –

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

The President of the Economic Development Committee tabled the following written answer –

“I can confirm that the Committee received a report from the Health and Social Services Committee concerning the proposed development of a private hospital. This report was based on a confidential report from PriceWaterhouseCoopers, commissioned by the proposed developer, and a meeting between the proposed developer and the Chief Executive Officer of the Health and Social Services Department. The Health and Social Services Committee’s report did refer to a form of subsidy, which the Committee noted.

However, the Economic Development Committee, in considering this difficult and complex application under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, had regard to its policy of not granting consent in respect of a new undertaking unless it can be totally satisfied that the granting of such

consent is in the Island's overall best interests. The main reason that the Committee decided to refuse this application was the demand on resources of the Island in relation to the proposed staffing of the undertaking, which would be significant, that there would be few additional employment opportunities for local people and there would be a likely need to employ a potentially significant number of non-locals. In addition, having considered evidence from the Health and Social Services Committee and the applicant, the Committee was of the opinion that increasing the supply of medical facilities would not be in the Island's best interests and that there was considerable doubt that an additional health facility would improve the efficiency of health services or contribute to a more productive workforce, as required under the Economic Growth Plan.

It was evident that there was considerable disagreement between the Health and Social Services Committee and the applicant over many issues in the business proposal and the Committee advised the applicant that it would reconsider the application if these issues were addressed."

Harbour Working Party and Port Users Group – question and answer

The Deputy of St. John tabled the following written question of Senator Leonard Norman, President of the Harbours and Airport Committee –

“Would the President inform members –

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

The President of the Harbours and Airport Committee tabled the following written answer –

“(a) Membership of Harbour Working Party

1. President of the Harbours and Airport Committee.
2. Chairman and Members of the Jersey (Commercial) Port Users Association.
3. Harbour Master.
4. Senior Managers of Jersey Harbours as appropriate.

The Harbour Working Party, as formally constituted, last met on 4th December 2003.

However, meetings continued during 2004 as and when required, for example, 9th and 21st June, 28th July, 18th August, 17th November 2004.

Even though not formally constituted as Harbour Working Party meetings, meetings have continued throughout 2005.

In addition to port users, officers of Jersey Harbours attended each meeting.

The formation and frequent meetings of a range of port user groups now means that issues are addressed much more effectively than in the past. For example, a formal meeting was held between the Chairman of the Jersey (Commercial) Port Users Association and the Port Engineer on 18th February 2005, concerning the planned developments within the Elizabeth Harbour and a presentation was made to commercial port users concerning the development of the New North Quay on 3rd June 2005.

The possibility of future formally constituted full Harbour Working Party meetings very much depends on the constitution of the Jersey (Commercial) Port Users Association. The Harbour Master wrote to the Chairman of the Association on 17th November 2004, last and awaits a response.

(b) Notification to the Harbour Working Party of Plans to prepare Jersey Harbours to be a wholly States owned company

A formal presentation of the Deloitte and Touche recommendations was made on 24th February 2004. Discussion of issues arising continued through subsequent meetings during 2004.

The Strategic Plan and Cost Benefit Analysis was sent to all members in April 2005. This described in some detail the plans for the future of Jersey Harbours.

(c) Membership of the Port Users Group

Condor Logistics
Condor Ferries
Huelin-Renouf
Emeraude Ferries
Ferry Speed
Channel Express
Channel Logistics
St. Helier Port Services
Harbour Facilities Ltd.
Troys Stevedores
Special Branch
Customs and Immigration
Jersey Harbours.

From the outset, meetings take place at least every two months. The most recent meeting occurred on 2nd June 2005. The next meeting is on 4th August 2005.

The Deputy will appreciate that members of the Harbour Working Party are also attendees of the Port Users Group; thus they received the presentation on 24th February 2004, as referred to above. At this meeting they were advised that the preferred option was for Jersey Harbours to become a States owned company. This was subsequently confirmed by the Strategic Plan and Cost Benefit Analysis provided to them at approximately the same time as States members received their copies in April 2005. No formal response has been made.

Some who are members of the Port Users Group are not members of the Harbour Working Party. Thus we need to resolve how it might be possible to ensure that the Harbour Working Party is truly representative. As explained above, the last contact concerning this matter rests with a letter from the Harbour Master to the Association dated 17th November 2004. The Harbour Working Party might then meet again on a formal basis, if considered appropriate and necessary.”

Certain planning matters relating to agriculture – questions and answers

The Deputy of St. John tabled the following written questions of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

- “1. Does the President declare any conflicts of interest when dealing with planning matters relating to agriculture given that this was stated to be the case at the time he gave evidence to the Scrutiny Panel during the Agri-Environment hearing?”

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

The President of the Environment and Public Services Committee tabled the following written answers –

- “1. When there is a conflict with my personal interests, I declare that interest and leave the Committee room. There was no conflict of interest in respect of the case referred to in Question 2.
2. (a) Article 13 states that... ‘If it appears to the Committee that the amenities of any part of the Island are seriously injured by the condition of any land, the Committee may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.’ In layman's terms, it gives the Committee the power to take action to remove eyesores.

Following a complaint from a member of the public about the unkempt condition of the land in question, a visit was made by the Department and photographs taken, with the owner's permission. The owner was requested to tidy up the land, otherwise the officer would have no option but to report it to the Committee. No action was taken subsequent to that meeting, and he matter was reported to the Committee, which made a visit to the site on 6th December 2004.

The site is easily seen from La Verte Rue, (the main road to Grève de Lecq from the east), an from the entrance road to, and from the houses in, Le Clos Rondin– a residential development carried out on the site of the former Broughton Lodge Farm outbuildings. The various items stored on the site comprised not only agricultural items, but motor vehicles, a shipping container, horse boxes and piles of shale and gravel. The Committee was surprised and disappointed to find the site in such a deplorable condition, and decided to request that the items be removed from the site within 30 days, save that the haystack could be kept until the end of March as winter feed for the owner's horses. The Committee authorised the Department to serve formal notice under Article 13 if its request was not met.

In the event, the request was only partially complied with, and a notice has now been served on the owner of Broughton Lodge Farm and the land in question, (Fields 422, 423 and 426), under Article 13 of the Island Planning (Jersey) Law 1964. Specifically, it requires the owner to–

‘Remove all items parked and stored on Fields 422 and 426, remove the hardstanding left by the storage of stone and hardcore, leaving the area in a clean and tidy state as open field. Also remove the Island Express container from Field 423.’

The Department received a faxed letter from the owner's agent on 9th March 2005, even though it is dated 14th December 2004. That has been replied to and there have been subsequent exchanges of correspondence, which answer the questions that have been raised so far as they relate to the condition, as distinct from the agricultural use, of the land.

- (b) The Law has not been used retrospectively. There is no argument about the use of the land, which the Committee accepts was in agricultural use well before planning laws were introduced. Article 13 is concerned about the condition of the land and whether that condition is injurious to the amenities of the area. In this case, storage of the items in this manner and in this location, is relatively recent, several of them are non-agricultural, and the Committee is entitled to use the Law as it has done.
3. Individuals are notified of their rights of appeal against the Committee's decisions. However, they are not advised of the costs as these are not within the jurisdiction of the Committee. The agent in this case is well aware that there are costs, and presumably would have advised his client accordingly."

Policing of certain persons arriving in the Island – question and answer

Deputy Jacqueline Ann Hilton of St. Helier tabled the following written question of Senator Wendy Kinnard President of the Home Affairs Committee –

“Would the President inform members –

- (a) of the number of offenders apprehended at the Airport and Harbours for the years 2003 and 2004 with known un-discharged arrest warrants, in breach of bail, or with un-discharged probation or community hours?
- (b) the identities of those authorities/jurisdictions that refused to send officials to Jersey to pick up those arrested in Jersey from those jurisdictions?
- (c) the nature and breakdown of offences of those persons arrested at the point of entry?
- (d) the number of offenders escorted off the Island to other jurisdictions, if any, or authorities that did send officials?
- (e) the nature and breakdown of the known offences of those admitted to visit or live in Jersey, and whether the States of Jersey Police has access to the U.K. Police National Computer and the U.K. register of sex offenders?
- (f) whether the States of Jersey Police monitors the movement of U.K. and other registered sex offenders as and when they enter the Island?
- (g) whether the Committee was advised that one U.K. registered sex offender recently arrived in the Island? and,
- (h) whether the Committee considers the absence of a sex offenders register in Jersey to make the Island ‘attractive’ to U.K. reregistered sex offenders, and, if so, what action, if any, does the Committee propose to take to address this?”

The President of the Home Affairs Committee tabled the following written answer –

“(a) States of Jersey Police:

The answer is none. This is because there is no power to arrest persons wanted for offences in other jurisdictions. In the case of persons wanted on warrant in other jurisdictions there is still no power of arrest until that warrant is ‘backed’ in Jersey.

Legislation on the ‘backing’ of English warrants in Jersey is specific in respect of those warrants that can be backed. (Indictable Offences Act 1848, s. 13, as amended by the Courts Act 1971, Schedule 8)

Warrants can normally be backed in Jersey in the following cases –

Warrant of arrest of the accused on failure to appear before a Magistrates' Court.

Warrant of commitment in default of payment of a sum adjudged to be paid by a conviction or order of a Magistrates' Court.

Warrant of commitment in default of payment of a sum payable in forfeiture of recognizance.

Warrant of arrest of a witness on failure to appear before a Magistrates' Court.

Warrant of arrest issued by a court having jurisdiction in bankruptcy.

Warrants cannot be backed in the under-mentioned cases –

Warrants of arrest of the accused on failure to surrender to bail before a Magistrates' Court (with the exception that one can normally be backed if the offence is indictable).

Warrants of arrest for breach of a probation or community service order.

Warrant of arrest on the commission of a further offence by a person in whose case a probation order or order of conditional discharge has been made.

Legislation in respect of the backing of warrants (Republic of Ireland and Jersey) Order 1965 is again specific –

where a warrant for the arrest of a person accused or convicted of –

an indictable offence

an offence punishable on summary conviction within six months of imprisonment, and

an application for endorsement of the warrant is made to the Bailiff by a police officer who produces a warrant and swears on oath that he has reason to believe the person named or described therein to be within the Bailiwick.

However, where a person is accused of an offence, not being an indictable offence but an offence which on summary conviction is punishable by 6 months' imprisonment, a warrant shall not be endorsed unless the person has previously failed to answer to a summons, or has failed to appear in answer to bail.

Although the number arrested on warrants from other jurisdictions is nil, there were still a number of arrests made at the Airport and Harbours for other matters, including outstanding Jersey arrest warrants, breaches of bail and probation orders. (Please see answer to c for precise breakdown).

2003	Airport	4,461 stop/checked (additional 1294 monitored). 45 arrests;
2003	Harbour	875 stop/checked (additional 11 monitored). 54 arrests;
2003	Total	99 arrests at ports.
2004	Airport	4,321 stop/checked (additional 528 monitored). 22 arrests;
2004	Harbour	947 stop/checked (additional 23 monitored). 38 arrests
2004	Total	60 arrests at ports.

All persons stop/checked would be subject to local and U.K. police checks. It is policy that should any have 'flags' relating to outstanding arrest warrants contact is made with the originating force to establish if they are prepared to apply to have the warrant 'backed' and travel to back the warrant locally and escort the subject back to their force area.

It is also good practice for local officers to contact the originating force should there be any other ‘flags’ of interest in respect of an individual stop/checked.

The Police National Computer (PNC) maintains a record of all persons subject to arrest orders or wanted on warrant. Any persons identified locally as being subject to either are dealt with as and when they come to notice. Depending on the severity of the offence, U.K. forces may decide that it is not efficient, effective or economically viable to back an outstanding warrant and travel to collect some individuals. This decision must rest with the originating forces who are in possession of all the mitigating circumstances.

Probation:

In the case of Probationers and Community Service Offenders (Community Rehabilitation and Community Punishment in England and Wales) the position is as follows:

Officers in the other British Jurisdictions have no legal power to stop the majority of these offenders travelling to Jersey. Some years ago the Probation Service became concerned at the number of offenders who were coming over without the prior knowledge of the Service, and on occasions with no planning or funds. A notice was placed in the Probation Officers’ ‘Bible’ which points out that Jersey is a separate jurisdiction and instructing colleagues to contact the Jersey Service prior to travel. The Probation Service then informs the supervisor about the Regulation of Undertakings, residential qualifications, entitlement to benefit, drugs laws etc. and seek assurances in respect of repatriation if things do not go according to plan. The States of Jersey Police are also informed of travel details. As a result there is no longer a serious problem from a Probation viewpoint, although not all people who come to the Island are considered to be ‘desirable’.

However, Jersey reciprocates and permits its Probationers and Community Service workers to travel to other British Jurisdictions if it is judged to be in their best interest. There is the facility to refuse to allow some offenders this privilege. If they misbehave or fail to comply, the Attorney General is contacted, and he takes the decision on whether it is in the public interest to have them returned to Court in Jersey. Some years ago an attempt was made to pursue legislation to allow for the formal transfer of community orders between Jurisdictions. This was not successful, in part due to the requirements and type of Order being very different in each country.

The position with prisoners on licence is different. They are generally not allowed to travel for holidays, and can only travel to another British Jurisdiction with the approval of that Jurisdiction if it has been established that they have close family ties and that the move will assist in their rehabilitation.

- (b) Persons discovered to be subject of outstanding arrest orders are dealt with on an individual basis and although records are maintained within individual reports, currently there is no easy method of obtaining the data requested. To research individual records to ascertain those jurisdictions that declined to travel would be difficult and extremely time-consuming. I am, however, able to confirm that from time to time other jurisdictions do decline to travel to Jersey for wanted persons.

As mentioned above there are numerous factors that impact on forces in deciding whether to back a warrant and travel to collect individuals. In practice both the States of Jersey Police and U.K. forces will normally only back a warrant and travel to collect individuals in the most serious of cases. Deploying a minimum of 2 officers to travel to the U.K. (or other jurisdictions) to escort a suspect back to Jersey for any other but the most serious of offences is not considered an appropriate use of public funds.

- (c) States of Jersey Police:

<u>Offence</u>	<u>2003</u>	<u>2004</u>
Drug Offences	43	11

Immigration	14	5
Breach of bail/Viscounts/wanted	12	12
Road traffic offences	6	7
Acquisitive crime	4	6
Offences against the person	4	1
Disorder offences	3	5
Prevention of terrorism offences	3	5
Financial crime	2	3
Offences against property	1	1
Other offences	4	2

Customs:

<u>Offence</u>	<u>2003</u>	<u>2004</u>
Fraudulent Evasion contrary to Article 61(2)(b) of the Customs and Excise (Jersey) Law 1999	76	42
Possession of drugs contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law 1978	16	8
Conspiracy to import	2	–

Immigration:

Immigration offenders dealt with upon arrival from abroad (not from within the Common Travel area) are generally refused leave to enter and returned abroad. Immigration offenders arriving from the U.K. and detected on arrival are returned to the U.K. to be dealt with by the U.K. Immigration Service. Immigration offenders broadly means persons seeking to enter for a purpose for which they are not entitled to enter (e.g. a person seeking work without a work permit) or persons referred to as illegal entrants who seek to enter on false documents or otherwise in breach of Immigration law.

(d) States of Jersey Police:

2003 – 0
2004 – 2.

More often other jurisdictions will be notified and arrest the individual on his/her return to their home jurisdiction.

Immigration:

It is rare for Immigration offenders to be escorted from the Island. As answer (c) above indicates, most offenders are refused entry and simply returned abroad on the vessel in which they arrived. A person who is being deported may occasionally be escorted via the U.K. to ensure that the deportation order is put into effect but this is a rare occurrence as arrangements are usually made for the deportee to be met by the U.K. Immigration Service on arrival in the U.K. from Jersey and then detained until put on the flight abroad. To put this into a numerical context, there were 5 persons deported in 2003 and 2 in 2004. In the last 2 years only one person was actually escorted and this to the U.K. where he was handed over to the care of the U.K. Immigration Service. Note that all deportees were deported following offences committed locally.

(e) During 2004 an estimated 1,171,530 passengers travelled through Jersey Harbour and Airport into Jersey. Of those stop/checked at the ports by officers of the States of Jersey Police the vast majority were subject to a check on PNC and if relevant other databases. Although a record is maintained of

persons stop/checked, records do not specify full lists of any pre-convictions as in the case of some offenders this may run to several pages.

As and when registered sex offenders are due to travel to the Island it remains best practice for a nominated officer (usually the force local Intelligence Officer) to make contact and provide full details to his/her Jersey counterpart. The States of Jersey Police Local Intelligence Officer is responsible for ensuring that all officers and other appropriate agencies are aware. The States of Jersey Police place great emphasis on identifying when and where any registered sex offenders may be staying within the Island.

In addition to this the States of Jersey Police has access through the PNC to ViSOR (The Violent Sex Offender Register) If a registered sex offender is identified on PNC as a ViSOR subject then the Local Intelligence Officer will contact the Public Protection Unit in the U.K. where the sex offender order was issued to establish full details.

- (f) If a registered sex offender is identified having entered the Island, immediate contact is made with the U.K. Force. Then jointly between the Local Intelligence Officer and the Family Protection Team and on occasions Probation, they are monitored. Several times, sex offenders have come to the notice of the States of Jersey Police as a result of Probation having contacted the Local Intelligence Officer to advise him/her. Often Probation has come into possession of the information as a result of the sex offender's probation officer in the U.K., having contacted them to seek either advice or permission. However, if the subject breaches his licence then all that can be done is to report back to the U.K. authorities. The vast majority of the sex offenders are coming to the Island for a brief visit and are not intending to stay.
- (g) The Committee would not expect to be informed of specific cases. However, the States of Jersey Police were notified by their counterparts in the U.K. that a sex offender who is on the Register in England and Wales, but is not subject to any Licence or Order was coming to the Island. They, in turn, informed the Probation Service.
- (h) The introduction of legislation that establishes arrangements for assessing and managing the risks posed by sex offenders, and others who may cause serious harm to the public is supported by the Committee, and the latest draft of the proposed legislation was endorsed by the Committee at the June meeting.

This legislation will enable the provision of services to register offenders and maintain an up-to-date, shared store of information on these offenders, including risk assessments and critically, their movements. It will be a powerful management tool for professionals involved in supervising offenders, compiling pre-sentence reports and investigating cases of sexual abuse.

Perhaps of equal importance is a change in legislation to enable the police and other agencies to investigate and gather evidence on sex offenders. The Children (Jersey) Law 2002, which is due to be enacted 1st August 2005, is just one of the initiatives being taken by the States to enhance the process of gathering and securing evidence.”

Licensing and operation of fulfilment companies on the Island – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Deputy Francis Gerald Voisin, President of the Economic Development Committee –

“Will the President inform members –

- (a) how many new fulfilment companies with non –locally qualified or resident principals the Committee has granted a licence to under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, and when those licences were granted?
- (b) on what grounds the Committee considered the granting of such licences to be in the best interests of the

Island, and, in particular, what was the anticipated total return to the Island in terms of tax revenue from these companies?

- (c) whether the Committee considered the effects on this projected tax revenue when the zero/ten proposals come into force, and if so, what that consideration concluded?
- (d) what consideration, if any, did the Committee give to the possibility that the United Kingdom government might take action to prevent such tax-avoidance moves on the part of United Kingdom companies?
- (e) what consultation, if any, has taken place with the Policy and Resources Committee on the issue referred to in (d) above over this period, and does the Committee concur with the position expressed by the Policy and Resources Committee to oppose expansion of Jersey Post to new premises in order to support such schemes?
- (f) what bearing, if any, will the position expressed by the Policy and Resources Committee have on the implication for future policy outlined on page 19 of the Economic Growth Plan to ‘*maximise productivity growth in every sector from financial services to retail to tourism to agriculture to fulfilment*’?”

The President of the Economic Development Committee tabled the following written answer –

- “(a) Since the Committee was formed in December 2002, 2 licences have been granted for the commencement of fulfilment undertakings, the principals of which were non-locally qualified or non-resident –
 - (i) one licence in 2003 on the basis of the success of this diversified industry and the potential benefit to the economy;
 - (ii) one licence in 2004 where, although the principal was non-locally resident, the only member of staff was to be locally qualified. In the event, it appears that the undertaking did not actually commence and the manpower return for December 2004 showed that no staff were engaged and that the undertaking has ceased;
- (b) the grounds for granting the licences are provided in the answer to question (a). Given that, in reality, there was only one such licence, it would not be appropriate to disclose the anticipated tax return as it would be easy to identify the company in question and this would be tantamount to disclosing commercially confidential information. Of course, the Committee, in taking such decisions, has to base its judgement on the balance between potential tax revenue and employment opportunities for locals;
- (c) the Committee did not consider the 0/10 tax issue in 2003. In 2004, the Committee was aware of the implications;
- (d) in relation to the 2 licences, the Committee did not consider that the United Kingdom government would take such action because the applications did not involve high-profile U.K. companies;
- (e) the Committee has consulted fully with the Policy and Resources Committee on the issue referred to in (d). The issue concerning premises used by Jersey Post is currently under consideration;
- (f) the Committee is working closely with the Policy and Resources Committee and the Finance and Economics Committee in establishing an agreed policy towards the fulfilment industry as part of the Economic Growth Plan.”

Electoral reform – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Deputy Roy George Le Hérissier of St. Saviour, President of the Privileges and Procedures Committee–

“Would the President inform members –

- (a) whether the Committee intends to give wider access to the electoral register when Article 11 of the Public Elections (Jersey) Law 2002, specifically states that there are to be only 3 places for inspection of the register, namely the Parish Hall, Jersey Library and the Judicial Greffe, and , if so, how?
- (b) whether the Committee intends to address the existing difficulty in accurately updating the register by targeting those not on the register in view of the fact that nobody other than a properly nominated candidate in an election can receive a copy of the register and, then, only after the date of that nomination meeting?
- (c) whether the Committee intends to put forward changes to the election law as a matter of priority, and whether this will be in time for the 2005 elections? and,
- (d) whether the proposals for improving registration and turnout will be superseded by more fundamental changes to the law?”

The President of the Privileges and Procedures Committee tabled the following written answer –

- “(a) Article 11 of the Public Elections (Jersey) Law 2002, serves to set a minimum level of access to the electoral register. It does not automatically preclude wider accessibility. The Committee has sought advice from the Data Protection Registrar on this issue. It understands that it would be possible for the Committee, working with the Connétables, to locate temporary centres in and around the town area during August and in early September, for the purposes of raising awareness and to enable people to apply for registration. Possible locations for the foregoing include: King Street; the Waterfront entertainment site; the Royal Square; and, the Jersey Live concert, which is scheduled to take place in the grounds of the Royal Jersey Agricultural and Horticultural Society.
- (b) Opening up the register to other parties, for example to members of a political party who might wish to gain access in the months leading up to an election, would require an amendment to Article 11 of the Public Elections (Jersey) Law 2002. It is not possible to make substantive amendments to the Law in time for the 2005 elections. With regard to the issue of wider access to the electoral register in force for an election, members may wish to note that Article 12(2)(b) of the Law has not yet been brought into force, primarily because of human rights issues arising from the onward sale of personal data. Indeed, the Committee understands that the Comité des Connétables favours the removal of the said Article from the Law.
- (c) The Committee is not in a position to bring forward proposals for amendments to the Public Elections (Jersey) Law 2002, prior to the 2005 elections. It had intended to bring forward a number of proposals, as outlined in its consultation paper R.C.7/2005, earlier in the year. However, the Committee was advised that the vast majority of its proposals were, in law drafting terms, comparatively complex. Moreover, it was unable to proceed with its remaining proposals without adversely affecting the integrity of the electoral process. For example, it was clear to the Committee that measures to increase accessibility to the postal vote could not be brought forward without corresponding proposals to guard against the risk of abuse of the postal voting system.
- (d) A recent bid to secure law drafting time in the 2006 programme was unsuccessful. However, the Committee remains hopeful that a future Privileges and Procedures Committee will see fit to push for the electoral reforms proposed in R.C.7/2005. Members may also wish to note that on 9th June 2005, the Committee elected to form a Working Party, chaired by Deputy Peter Troy of St. Brelade, to promote registration of voters for the forthcoming elections. The group will be assisted by Mrs. K. Le Quesne head of the States Communications Unit. Although its primary task is to promote electoral registration, the Working Party will be empowered to make recommendations concerning reform of the Public

Elections (Jersey) Law, should it feel the need to do so.”

Oral questions –

1. The Deputy of St. Mary of Deputy R.C. Duhamel of St. Saviour, Chairman of one of the Shadow Scrutiny Panels:

“On what terms was Mr. Richard Murphy appointed as one of the 2 advisers by the Shadow Scrutiny Panel examining fiscal matters; was the selection process for both advisers open and transparent; and were all the Shadow Scrutiny Panel members aware of the process?”

Deputy R.C. Duhamel of St. Saviour (Chairman of one of the Shadow Scrutiny Panels):

“Mr. Richard Murphy was appointed as an adviser to the Scrutiny Panel on a normal consultancy basis at a daily rate. Other advisers have been appointed for the scrutiny reviews so far undertaken in a similar fashion. A list of possible advisers was compiled based on personal recommendations from States members, including names suggested by the Deputy of St. Mary, and appropriate professional bodies, in this case the Institute of Fiscal Studies and the Chartered Institute of Taxation. The choice of adviser was discussed at meetings held on 4th April, at which Deputy Baudains was absent; 18th April, at which Senator Le Maistre and Deputy Baudains were absent; 3rd May, at which Senator Vibert was absent; an 16th May, at which Senators Le Maistre and Vibert were absent, at which date the appointment of the advisers was confirmed. At the meeting of 31st May, all members were present and the choice of advisers was again raised, and I will read a short extract of the minute from that day. *“The Panel noted correspondence which had been received from Senator T. Le Sueur, President of the Finance and Economics Committee, expressing concerns over the choice of Mr. R. Murphy as its adviser. The Panel discussed the concerns raised and recognised that some of its own membership had expressed the same concerns. However, it decided that it would not change its selection at this stage of the review, on the basis that, as with the Waste Management Strategy Review, it had appointed 2 advisers with opposing viewpoints, the result of which had been a balanced report. The Panel agreed that the appointment of Mr. Paul Frith could provide it with a similar balance for this review.”*

The Bailiff:

“Chairman, I am afraid you are time expired now. You had 90 seconds and you have exceeded that.”

1(a) The Deputy of St. Mary:

“As a supplementary question, Sir, does the Chairman consider it right for Jersey taxpayers’ money to be paid to a known and vociferous opponent of Jersey’s financial services sector?”

Deputy R.C. Duhamel:

“Man is a consummate toolmaker and user. He uses a nut-cracker to crack a nut and a can-opener to open a can, whilst paying attention to not damaging the contents inside. I have no doubt that Mr. Murphy is the right tool for this job.”

1(b) Deputy G.P. Southern of St. Helier:

“Does the Chairman consider that the independence of the Scrutiny Panel to appoint its own advisers is absolutely vital to the integrity of the system and that any interference on the part of the executive in such choices is absolutely to be fought off?”

Deputy R.C. Duhamel:

“He does.”

1(c) Deputy L.J. Farnham of St. Saviour:

“Knowing that the consultant in question is an outspoken critic of Jersey and similar jurisdictions, how does the Chairman of the Committee consider that he can obtain impartial advice from the said person?”

Deputy R.C. Duhamel:

“I think I have already referred to that in relation to the comments of the advisers that were taken on board

for the Waste Management Review. It is sufficient, in the Panel's view, to have persons with differing views, providing those views are expressed in the context of the review that is undertaken and with strict guidance from the Scrutiny Panel."

1(d) Senator F.H. Walker:

"Two supplementaries, if I may. Firstly, was the Scrutiny Panel aware at the time of making the appointment that Mr. Murphy was a leading member of the Tax Justice Network and the Association for Accountancy and Business Affairs, both bodies aimed at undermining offshore financial centres such as Jersey?"

Deputy R.C. Duhamel:

"I think the Panel was aware of the first part of the comments, but not necessarily to the extent of the comments formed by the Senator, in that these particular organisations are dedicated to undermining our finance industry."

1(e) Senator F.H. Walker:

"A second supplementary then. Is the Chairman aware of the document published by the Association for Accountancy and Business Affairs and the quotes contained therein it, and I will, if I may, quote one as part of my question: *'Places like Aruba, the Bahamas, Bermuda, the Cayman Islands, Gibraltar, Guernsey, Switzerland, the Isle of Man, Jersey, Liechtenstein, Malta, Mauritius, The Netherlands, Antilles, Seychelles and the BVI masquerade as holiday resorts providing sea, sand, gambling casinos, ski slopes, cheap booze, idyllic beaches and duty free shopping citadels. But their trade enables major corporations, banks investors, bank depositors and the downright dishonest to avoid and evade laws and taxes of their home countries.'* Was he aware of such quotes being made by an organisation with which Mr. Murphy is closely associated?"

Deputy R.C. Duhamel:

"I don't have that paper that the Senator is referring to. Perhaps he would tell me who the authors of the comments were?"

1(f) Senator S. Syvret:

"Would the Deputy agree with me that a crucial function of the Scrutiny Panel, certainly in cases like this, has to be to operate on the basis of know your enemy. Otherwise, we are operating blind and in a state of ignorance? Would he also agree with me that this, frankly, is both a tragedy and a farce, when the cabinet in waiting can employ as a supposedly independent adviser Mr. John Whiting from PricewaterhouseCoopers, who have a clear financial interest in the subject under discussion at that time and in fact PricewaterhouseCoopers (PWC) in Jersey were largely behind driving much of the policy formulation process of the Finance and Economics Committee."

The Bailiff:

"You must be precise, Senator."

Senator S. Syvret:

"Unlike the Finance and Economics Committee, the Scrutiny Panel has been balanced in seeking 2 advisers from opposite sides of the political view on this question, unlike the Finance and Economics Committee."

Deputy R.C. Duhamel:

"I think it is fair to say that I would share some of those sentiments, yes, Sir."

1(g) Senator P.F.C. Ozouf:

"Would the Chairman not agree that, unlike the knowledgeable waste experts that were brought in and indeed the individual that Senator Syvret cited in his supplementary question, this man is a known vociferous critic of Jersey? Does he not think that it is entirely inappropriate that taxpayers' money should be used to support the ends of an individual who has statements on record on the Internet, attacking Jersey vociferously and continuously?"

Deputy R.C. Duhamel:

“No, Sir. All I can say is that, as far as the Panel is concerned and as far as I am concerned, we have taken our duties very seriously and we have brought forward 2 advisers at least, and there is an opportunity for further advisers, if the case arises, from places, as I mentioned earlier, such as the Chartered Institute of Taxation and the Institute of Fiscal Studies in order to bring forward a further independent viewpoint.”

1(h) Deputy R.G. Le Hérissier of St. Saviour:

“Would the President acknowledge that Mr. Murphy has written an extensive article and other articles on the subject of theology and taxation, where he argues the basis of a taxation system should be strong Christian moral values?”

Deputy R.C. Duhamel:

“Yes, I am aware of that.”

1(i) The Deputy of St. Mary:

“Does Mr. Murphy have any letter of engagement setting out the terms of his appointment and dealing with matters such as confidentiality and communications with the press?”

Deputy R.C. Duhamel:

“Yes, Sir, he does.”

2. Deputy G.C.L. Baudains of St. Clement of the President of the Environment and Public Services Committee:

“Would the President advise what policies, if any, the Committee follows with regard to height of buildings in St. Helier generally and the ‘West of Albert’ waterfront area in particular?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“The policy regarding tall buildings in St. Helier can be found at page 6.10 of the Island Plan. It reads as follows: ‘*Tall buildings, defined as those over 5 storeys in height or rising more than 2 storeys above their neighbours, will normally only be permitted where the accompanying design statement fully justifies their exceptional height in urban design terms. In addition to needing to be in accordance with other policies and principles of the plan, tall buildings will be critically assessed for their appropriateness, visual impact, design quality and contribution to the character of St. Helier.*’ In addition, there is Policy B.E4 concerning the Waterfront development area, which requires any applicant to fall within the approved development framework. Applications that do not fall within both of these policies will not normally be permitted.”

2(a) Senator P.V.F. Le Claire:

“In his answer, the President of the Environment and Public Services Committee said they would have regard to the visual impact. Could he just briefly explain exactly what that means? Does that mean not only how it looks but also how it might block out certain existing views?”

Senator P.F.C. Ozouf:

“Indeed, it is the context. It is exactly the way they look. Indeed, it is wind issues and the visual impact from various different areas that are absolutely required. When the Committee does discover what applications are to be put forward, the Committee will be requiring all sorts of drawings, designs and models no doubt so that a proper and balanced debate can be had about the appropriateness of those structures.”

2(b) Deputy J.A. Hilton of St. Helier:

“The Waterfront framework, which was compiled in November 2000, talked about the height of buildings down on the Waterfront at around 5 storeys. Would the President confirm whether C.A.B.E. has been invited to comment on the scheme put forward by Crossland Developments?”

Senator P.F.C. Ozouf:

“The Deputy is right to point out also that there is a design framework that was set out in the year 2000, and the Committee has appointed CAFE in order to evaluate the new context, because clearly the world has moved on from the Waterfront 2000 document, which never had an economic evaluation on it. CAFE has been appointed to comment on the overall design attributes of the whole scheme, linking not only the Crossland proposals but the other proposals on the plan in order to attempt for the first time to have an overall picture of the design framework across the whole site. The Committee is very much looking forward to CAFE’s input into that matter. Meetings are being held in the next few days and we will be publishing CAFE’s conclusions as soon as they become available.”

2(c) Deputy J.B. Fox of St. Helier:

“That sounds very encouraging to have a re-examination with the changing times of the framework. Do you propose to publish this and indeed invite the previous members who attended that weekend to have their input as well into your new suggested proposals?”

Senator P.F.C. Ozouf:

“Clearly the planning process that will now be carried out on the whole of the Waterfront is going to be a long and drawn out affair. Certainly it will be in this Committee’s life, we think, that we will have to adjudicate over the overall design attributes following advice from CAFE. Yes, we can confirm that there is going to be public consultation at a variety of different times concerning the overall framework and indeed the individual component parts of that. I am happy to work with St. Helier Deputies, particularly in the way that we will deal with that communication and consultation.”

2(d) Deputy J.A. Hilton:

“Would the President confirm that CAFE have been invited to pass comment on the proposed development down at the Waterfront, but would he confirm that they have accepted the job of actually doing that, because I understand they have been invited but it is entirely down to them as a U.K. quango (if I can put it that way). They are not obliged to accept the commission, so would the President confirm that they have actually accepted the commission to give advice on the overall development?”

Senator P.F.C. Ozouf:

“They were invited, and indeed there has been widespread approval of appointing CAFE. CAFE may be a U.K. quango but they are a prestigious and well respected body that can assist with planning matters, urban design issues and all the rest of it. They were invited. I haven’t seen the letter of engagement. I am hoping to discuss it with my Committee on Thursday the actual terms of reference and the letter of engagement with CAFE, but I do know work is continuing and, therefore, in the absence of not hearing anything else, I am looking forward to CAFE taking on the important rôle that we are appointing them to.”

2(e) Connétable D.J. Murphy of Grouville:

“In the instructions given to CAFE, or the relevant requests given to CAFE, was any time limit put on the time for their reply and their recommendations to be given?”

Senator P.F.C. Ozouf:

“The only negative comment that we had, following the appointment or the suggestion of the invitation of CAFE to assist us, was in fact from one of the developers, who thought that this was going to be just another opportunity to string out the decision making programme. We have to balance, of course, the public interest and we have to have an open and transparent process concerning the planning process. So we are working to a timetable having regard to the needs of the applicants themselves, but the timetable will be dictated by us, not the developers.”

2(f) Connétable D.J. Murphy of Grouville:

“Could he, please, now answer the question? What time limit has been given to CAFE to come back with their recommendations?”

Senator P.F.C. Ozouf:

“It is difficult to answer that in one sentence, because we envisage CAFE’s rôle to be an ongoing one, a

rôle first of all to make a statement and to help us to decide where we are now in terms of designing the planning process before us, but certainly it is going to be a matter of weeks, perhaps 2 to 3 weeks, before we get that initial view of C.A.B.E. If C.A.B.E. are critical, in terms of some of the suggestions that are coming forward, it may well take a long time. It may take longer than previously envisaged in order to get those designs right, so I can't give a definitive timetable. What we will do is work as quickly as possible. I am very confident that the advice that C.A.B.E. can give us will assist us and assist the Island in making better decisions. Clearly we can do better than what is there at the moment."

2(g) Deputy M.F. Dubras of St. Lawrence:

"Given the fact that there are a number of significant developments about to unfold, can the President give us an idea when, and an assurance that, we and the public generally will see an image of all of the proposals together?"

Senator P.F.C. Ozouf:

"I hope that I won't be breaking any confidences, but I held the initial meetings with C.A.B.E. and I think that the sense that I had was that it is absolutely going to be a requirement of C.A.B.E. to get an overall picture of the Waterfront and what it is going to look like with all of its design attributes etc. I think that we do not want to deal with the Waterfront in parcel form and, indeed, end up with a Waterfront with different attributes on different sites. So I think that there is going to be some tough words from C.A.B.E. about the need to join up the development process and get an overall design brief, but I am confident that the Waterfront Enterprise Board (WEB) will meet that challenge in having an overall holistic framework. But, yes, images that are understandable, that can be interpreted properly will be available for the whole Waterfront. That is absolutely vital for the planning process."

2(h) Deputy M.F. Dubras of St. Lawrence:

"When, Sir?"

Senator P.F.C. Ozouf:

"I can't say that. It depends really on what C.A.B.E. come back with and discussions with the Waterfront Enterprise Board, but certainly I understand that people want to see models and designs that are understandable. Those comments are not lost on us."

3. Deputy R.G. Le Hérisier of St. Saviour of the President of the Health and Social Service Committee:

"Would the President identify the number of middle and senior management posts created in Health and Social Services in the last 2 years, including those that emanated from the Bull Report, and the overall cost of these newly created posts? Could he also supply the actual names of the posts in a written addendum to this answer?"

Senator S. Syvret (President of the Health and Social Services Committee):

"There have been 5 middle and senior management positions created in the last 2 years. However, 4 of these posts were existing jobs which have been restructured or new positions created with resources released from post reductions from elsewhere within the management structure. The 4 redesigned posts are, firstly, a New Directions Programme Director. The postholder was a transferee from a post made redundant. Therefore no additional cost arises to Health and Social Services. The second post is that of Co-ordinator of Services for the Children's Executive, which was created as a result of the Kathie Bull Report. The postholder was seconded to the position, but has been awarded an additional grading to reflect the new and larger task. This results in an additional cost of £15,000. The third is the Manager of the Residential Secure Services. This, too, is simply a fine-tuning of an existing post and is therefore cost neutral to Health and Social Services. The fourth post, a new post, the Head of Clinical Governance, has been created to drive and oversee the introduction of new standards of clinical governance, which is the system of quality assuring clinical practice to ensure that it is safe and that standards continue to rise. This post was created within the overall remodelling of Health and Social Services' management structure, so no additional net cost arises to Health and Social Services. The one wholly new post is as a result of the Kathie Bull Report, the new Children's Executive, which was formed through a high degree of co-operation amongst the relevant departments. This was largely achieved through the reorganisation of

existing posts. There has been one new post created as a result, namely the post of Manager of the Youth Team, which is a Civil Service Grade 13, which will attract a salary of around £50,000. A description of the 5 posts is contained in the answer I have given.”

3(a) Senator P.V.F. Le Claire:

“May I just make an observation, Sir? If ever there was an indication as to how ludicrous this time limit has been set. I could barely understand the audibility of the Senator answering the question in respect of the fact of the matter that he had to answer the question. Given the question, his answer was necessary, but nearly inaudible because of the speed that he had to deliver it.”

The Bailiff:

“The question, please, for Senator Syvret?”

Senator P.V.F. Le Claire:

“Does he not agree with me that this type of questioning is absolutely ridiculous?”

Senator S. Syvret:

“Yes, Sir, I have always consistently supported the fact that Question Time should be longer and more time should be allowed for these things.”

3(b) Deputy L.J. Farnham of St. Saviour:

“I did actually manage to understand Senator Syvret’s answer. In light of the new senior management posts that have been created, could the Senator confirm that, to meet budgetary restraints, frontline medical staff, such as bank nurses, have been significantly reduced?”

Senator S. Syvret:

“No, Sir, that is simply not the case. The frontline staff have not been reduced.”

3(c) Deputy R.G. Le Hérisier:

“Just to reassure Senator Le Claire, yes, it was a written answer, but, as it was a follow up to my last set of answers, I wanted the matter in the public domain. The point I would like to ask, Sir, is would the President acknowledge that proportionately the number of cuts in middle and senior management does not – reference the inference in Deputy Farnham’s question – match the cuts in the other parts of the system?”

Senator S. Syvret:

“Could the Deputy actually explain what cuts in the other parts of the system he is talking about? The implication of his question is that frontline staff have been cut in order to keep a significant management structure. That certainly is not the case as far as any facts I am aware of; and if the Deputy wishes to make that assertion or if he wishes to clarify his claim to me in an email, I will certainly investigate it. But, as far as I am aware, there are no frontline staff cuts.”

3(d) Deputy M.F. Dubras of St. Lawrence:

“In the light of the questions from Deputy Le Hérisier, would the President agree that it might be helpful to all members to see 2 organisational charts, one of the former arrangements under the previous Chief Executive Officer, and now a chart showing the arrangements under the new Chief Executive Officer, with accountability at the different levels of the total number of staff in his department?”

Senator S. Syvret:

“Yes, Sir, I am entirely happy to do that.”

3(e) Deputy R.G. Le Hérisier:

“I noticed, although, again, we put the Senator under pressure for speed of speaking, that there was no mention of the Director of Access; in other words, the new bed management post which formed the basis of my question last time. Yet, in a national advertisement, Sir, it was stated that this post was created through economies achieved elsewhere. What is the position with that post?”

Senator S. Syvret:

“That post has been created through the economies made elsewhere within the organisation.”

4. Senator P.F.C. Ozouf of the President of the Privileges and Procedures Committee:

“Is the Committee aware whether any doors into the States building have been left open again at night during the last week following a similar incident some time ago and, if so, is the Committee aware who was responsible and what corrective action, if any, has been taken?”

Deputy R.G. Le Hérisier of St. Saviour (President of the Privileges and Procedures Committee):

“Yes, Sir, the Committee was informed, it has to be said, a few days after the event, that a door had been left open. The Committee, through my presence at a meeting, was present with the promoter of a meeting due to take place on Wednesday evening, Senator Ted Vibert, where security matters were discussed. Informal agreements were reached as to how they would be handled in future and clearly we need to tighten up those procedures discussed and their application even further. I should also add, Sir, that it is the view of the Committee that it is up to members to ensure that, when meetings are finished, it is a member who is directly responsible for ensuring the door is properly locked. There is a slight problem, I should add, Sir, in mitigation, with the way the door locks itself, and we obviously will be looking at that. The final point, Sir, is, as I will be announcing later, there will be a small group set up to review security in the building. It will be reporting very quickly, and this obviously will be a matter of considerable concern to it.”

4(a) The Deputy of St. John:

“Is the President aware that research assistants and the like are using the members’ computer area and at times preventing members from actually using the facilities themselves, whether it be the photocopying machine or the fax machine, etc., and, over and above that, the confidentiality side of the members’ computer room where members can have a confidential conversation when you have research assistants in there?”

Deputy R.G. Le Hérisier:

“Yes, we are aware of that. The matter has been discussed with one of the prime users of the area and that will definitely be seen as a top priority for the working group.”

4(b) Deputy T.J. Le Main of St. Helier:

“What will the President do about it? Is it the intention of the Committee to stop unauthorised uses and allow the members back their full facilities?”

Deputy R.G. Le Hérisier:

“I certainly can’t pre-empt the findings of the group, but we will be seeing if they can come to a view where its use is available to members unencumbered by other people around, but where, for example, members wish to hold meetings, if these meetings are properly ordered, proper advance notice is given and the security is well looked after, I would have thought that could be done as compatible with the use of the room.”

4(c) Deputy L.J. Farnham of St. Saviour:

“Could the President remind members what is actually authorised use of the rooms out of hours and, secondly, what action can be taken against members who persistently fail to observe security procedures?”

Deputy R.G. Le Hérisier:

“The prime use of the rooms is not written down in highly detailed guidelines, because obviously it is assumed that members are mature and professional enough to self-police the arrangements. The primary use though, I would suggest, Sir, is to ensure that they can carry out their individual functions without having to resort to internet cafés, for example, and without having to run around looking for telephones. It provides a secure, reasonably quiet facility, where members can drop in and do their work. Clearly we have to see whether, by people apparently monopolising the area, this intrudes upon the use of the room

by other people.”

4(d) Senator S. Syvret:

“Would the President agree with me and agree to undertake to look into the question of whether in fact there should be some form of research facilities available for those members who may have research assistants helping them, because there is in fact a need for some kind of level playing field here. The fact is members who are wealthy or indeed multi-millionaire members of this Assembly have their own staff, their own secretaries, their own personal assistants to do this type of work and those members of the Assembly who are working class do not have those kinds of facilities at their disposal. So there is in fact a legitimate need for members of this Assembly to have space and facilities where their research assistants can do their work for them.”

Deputy R.G. Le Hérisier:

“I think there is a slight ambiguity about the term ‘research assistants’ and the rôle they are playing. It seems to be covering a multitude of sins. My view, Sir, is that the Senator’s idea has considerable merit, but it is not an idea that falls within the day to day management of the security side of this Assembly at the moment.”

4(e) Deputy T.J. Le Main of St. Helier:

“Is the President aware that there are several members, because of unknown persons being in the facilities downstairs, that will not use those facilities – members who should be the first priority?”

Deputy R.G. Le Hérisier:

“Absolutely, Sir.”

4(f) Deputy J.A. Bernstein of St. Brelade:

“When we were handed out our passes some year ago, we all signed a declaration on the conditions of use of the States’ facilities. I am happy to have it photocopied and passed round to everybody to remind them, but we will, as I am chairing the Sub-Committee, start looking into the security of the building on Friday morning with Deputy Fox and Deputy Egré and we will get back to everybody with a clear outline of how things should be done in our opinion in the very near future.”

The Bailiff:

“Deputy, you must ask a question. This is supplementary questions.”

Deputy J.A. Bernstein:

“Sorry, but I needed to make that quite clear.”

4(g) Deputy L.J. Farnham of St. Saviour:

“I am actually going to ask a question, and that is if the Deputy could confirm what action the Committee is prepared to take, or is planning to take, against members who regularly and persistently fail to observe sensible security procedures?”

Deputy R.G. Le Hérisier:

“Clearly, Sir, if it falls into the category of regular and persistent alleged misbehaviour, then obviously it will have to be looked at, which seems to be becoming our Committee’s permanent task. It will have to be looked at as a Code of Conduct issue.”

4(h) Deputy G.P. Southern of St. Helier:

“Would the President agree that one of the functions of that members’ space is to enable members to meet with their constituents in an easy manner, and is one of the solutions to one of the problems that a bell be put on the outside door so that members can hear when their constituents arrive?”

Deputy R.G. Le Hérisier:

“Absolutely, Sir, and this was discussed at the meeting held last Tuesday.”

4(i) Senator F.H. Walker:

“We know that the door has been left open deliberately on at least 3 occasions. Is the President aware of any other member, other than Senator Edward Vibert, who has deliberately left the door open on any occasion?”

The Bailiff:

“Senator, I don’t think I can allow you to express the question in that way. I have no evidence at the moment, unless you have, that the leaving open of the door was a deliberate matter.”

Senator F.H. Walker:

“I understood it was wedged open with a telephone directory.”

Deputy R.G. Le Hérisier:

“The door may have been left open to let people in, but there was no intention to leave it open deliberately for the rest of the evening. Clearly the directory should have been removed. It was a gross oversight that it was not. But in no way was the door left deliberately open overnight.”

4(j) Senator P.F.C. Ozouf:

“Telephone directories or not, millionaires or otherwise, would the President not agree that it is an extremely serious situation for doors to be left open throughout the night allowing access into the heart of democracy of Jersey? Would he agree that, if there is a third occurrence of this and it is linked with the member, that further action will be taken to banish him from the building outside office hours?”

Deputy R.G. Le Hérisier:

“No, Sir, it would be totally wrong to pre-empt the findings. If there were, for example, to be a Code of Conduct enquiry, it would be totally wrong to pre-empt its findings.”

5. Senator P.V.F. Le Claire of the President of the Environment and Public Services Committee:

“The Planning for Homes 2004 report states that meeting targets for the supply of ‘Category A’ homes in 2006 is *‘heavily dependent on the completion of developments on the 11 sites rezoned under Policy H2 of the Island Plan ... including 3 urban social rented sites where development funds have previously been temporarily frozen’*. What progress is there on each of these sites; is there any slippage in the delivery timetable?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“Despite generally good performance in delivering targets during the first 4 years of the Island Plan, there have been problems in bringing the zoned sites in question to fruition, and progress has been slower than the Committee would have liked. The reasons for these difficulties are protracted problems with procedures agreed for the securing of development of the sites; the commitment given to extensive public consultation in advance of application; the highly politicised nature of the proposals, which has brought considerable opposition at virtually every turn from existing residents and States members who do not want the developments to proceed; and, finally, the complexity of establishing new planning obligation agreements. Sir, I won’t go through the 11 sites. Suffice it to say that some of the sites are already under construction. Three or 4 of the sites are awaiting final planning approval and one or 2 of the sites haven’t even progressed at all because of difficulties with owners, etc. I am happy to answer supplementaries on the individual sites, because I know Senator Le Claire has a list of them. I am happy to perhaps answer supplementaries and table a list of the progress of the individual sites after Question Time.”

5(a) Senator P.V.F. Le Claire:

“Within the document Planning for Homes 2004, under ‘Category A’ homes, the document reads: *‘The evidence suggests that the supply of Category A homes is generally in balance with demand for the period up to the end of 2006.’* It goes on in detail to talk about the difficulties that will occur because of this, but it ends up by saying: *‘It is important to recognise that this conclusion is heavily dependent on the completion of developments on the 11 sites rezoned under Policy H2 of the Island Plan within the appropriate time frame ... Development of homes to the end of 2006 may be achievable, but it is heavily dependent upon the delivery of these H2 sites within the appropriate time frame.’* Surely the appropriate

time frame for the development of these sites by the end of 2006 must be somewhere between now and the end of 2006. When does the President anticipate that these sites will begin construction, because at the moment there are only 5 underway?"

Senator P.F.C. Ozouf:

"If I may say, I am pleased that the Senator is referring to remarks that have been published by my Committee and the Housing President over the last 2 or 3 years. I am pleased that the Senator has a new found support of Environment and Public Services and Housing in wanting to secure the development of these properties. The demand is required. We have had a devil of a job in trying to get the States to stick to the proposals within the Island Plan. Progress has been slower than we would have wished. However, construction of the big sites is underway. I maintain the position that the Committee has had, that in the event of not agreeing development on any of the H2 sites, the Committee will be forced to bring forward H3 or H4 sites in order to meet that demand. The progress has been slow, but it has been slow and positive progress, the fruits of which we are beginning to see coming out of the ground across the Island."

5(b) Deputy J.A. Martin of St. Helier:

"I would like to ask the President if only 5 sites have been started out of the 11 sites, what basically should be the overall number of homes that were coming on-line around the end of 2006? If he is already having a lot of problems, which we know about, attempting to get consent and consultation on H2 sites, how does he assure this House that he thinks he is going to be able to do any better on the H3 and H4 sites, which are basically many in the countryside zone?"

Senator P.F.C. Ozouf:

"Whilst progress has been slow on a couple of the sites, it needs to be pointed out that the big sites, most of the big sites that are within H2, have now been resolved and the dogged persistence of ensuring planning obligations and the rest of it ensure that the vast majority of the buildings we are reasonably confident are going to come forward. This must be also set alongside the good supply which has been achieved in 'Category B' accommodation, which has in some ways offset some of the difficulties as a result of some of the H2 sites not being performed. I am prepared today to circulate to States members after consultation with my Committee over the course of the morning a list of the up to date Planning for Homes information so that members can see the results. The results are slower, but they are good. We have secured the vast majority and we are confident that the vast majority of homes in H2 will be delivered within the planned period."

5(c) Deputy G.C.L. Baudains of St. Clement:

"Would the President confirm that at least some of the delay on these sites has been due to the wheeling and dealing around the percentage split between first time buyer and the social rented aspect; and would he also, whilst he is on his feet, Sir, confirm that in at least 2 of the sites under construction the drainage hasn't yet been sorted out? Could he explain why his Committee has not done that?"

Senator P.F.C. Ozouf:

"I do not accept for one moment any issues concerning drainage, because I think the Deputy is referring to the Jambart Lane development, of which the drainage issues will be resolved, as I think the Deputy knows. The Deputy speaks of 'wheeling and dealing.' Well, wheeling and dealing it may be, but for the first time this Assembly, as a result of rezoning propositions, has delivered 45% of new homes on these rezoned sites at social rented housing costs, which the Homes Committee can deliver – a spectacular success in delivering affordable homes for many people across the Island. I would have thought the Deputy should be congratulating the Committee, not attacking us."

5(d) Deputy G.C.L. Baudains:

"I wonder if he could answer my question, which was would he agree that the delay had been due to the wheeling and dealing?"

Senator P.F.C. Ozouf:

"I'm not sure whether the Deputy is talking about wheeling and dealing by the Committee or by developers. I see from acknowledgment, Sir, that he is talking about developers. Yes, the developers

were, I think, going right to the wire in terms of signing up to the 45/55% split, and it was only when we signed the first planning obligation that all of the developers and the landowners in the H2 series knew we were serious. The fact is that some of them have been trying to get out of those obligations, but we are holding them to it and rightly so.”

5(e) Senator P.V.F. Le Claire:

“I am delighted that the President is delighted that I am quoting from his own document. I will continue to quote from his own document: ‘*Many of the developers that are engaged in bringing forward the H2 Category A housing sites rezoned in the Island Plan have indicated that they are inundated with request from first time buyers wishing to purchase one of their homes. Some have reported that their lists are oversubscribed and that they have had to repeatedly turn people away.*’ It goes on to talk about other anecdotal evidence. Also, not only is there an over-demand by first-time homebuyers, but what would the President say about the recent comments in October?”

The Bailiff:

“Senator, you must be concise with your supplementary questions. Come to the point, please?”

Senator P.V.F. Le Claire:

“Yes, Sir. What would he say about his outstanding achievements in relation to the fact that the Island’s recent large-scale housing developments are little more than ‘poorly designed matchboxes’, according to the head of the Jersey Architects’ Association President, Paul Harding, who is featured in an article in the newspaper of that year lamenting the fact that there was no progress in this area?”

Senator P.F.C. Ozouf:

“The Senator seems to argue against himself. On the one side, he is saying that there is strong demand for all of the homes on the H2 sites, of which there are some delightful homes which are being constructed with good design and, the next minute, he is saying that they are matchbox homes. Well, if they are matchbox homes, why are so many people wanting them? The fact is that we have put in place appropriate supply for the first time for first time buyers, and it is as a result of this Assembly sticking to the H2 lists with problems, may I say, that we have now got supply in the market. But that supply must continue to be put into the marketplace. If it doesn’t, prices will rise and Jersey people will not be able to afford to buy homes. Supply must continue. That is the policy of the Committee.”

5(f) Deputy T.J. Le Main of St. Helier:

“Will the President confirm that some of the delays on some of the sites have been because previous rezoning in 1999 allowed landowners to sell sites up to £100,000 a unit and, because of the excellent 45/55% split – where social rented homes are being sold to the Housing Committee and trusts, three-bedroom homes at £165,000 and no capital costs – at long last the landowners, upon having their land rezoned, don’t and can’t just ask any kind of price? At long last the land prices will be reduced by this 45% split. Will the President confirm this is a huge success for social housing and for the people of Jersey?”

Senator P.F.C. Ozouf:

“The President knows my views on the subject. It is a spectacular success. We must allow this success to continue by the States sticking to the H2 sites and by us using our reserve powers where necessary. This Assembly approved compulsory purchase for H2s that don’t progress and we will maybe have to consider that in future. Where an H2 site for whatever reason cannot be delivered, we will have to replace it with another, but it is a good news situation on supply.”

5(g) Deputy G.P. Southern of St. Helier:

“Does the President not accept that his relative success in keeping the house price inflation spiral down in recent years has been largely due to the fact that we live in a time of relatively low inward migration and relatively low economic growth? Does he not accept that there is likely to be a shortfall of some 1,500 houses in the future, which will be made worse in the two-, three- and four-bedroom owner-occupier sector, which will be made worse if we do in fact promote inward migration in order to grow the economy?”

Senator P.F.C. Ozouf:

“I don’t accept that analysis of figures. The Planning for Homes document, which will be of course a very important document to which the new Migration Policy (if approved) will have to have careful regard for the first time, because it is not only economic growth matters. I do not accept the Deputy’s analysis. I do think that, for the first time, the housing issues which this Island faces have had a concerted and unified policy approach from the Housing Committee, from Planning Committees and from the Finance and Economics Committee which is achieving success. We can learn, of course, from mistakes from the past and our policies in relation to housing supply and the housing market will be stronger as a result of what we have been doing.”

5(h) Deputy G.P. Southern:

“Could I ask a point of clarification, Sir? Is the President saying (and he seems to be) that we can grow the economy without growing the population?”

Senator P.F.C. Ozouf:

“Not within my brief, Sir, but what I have done, as Chairman of the Migration Working Party and as Planning President, is to ensure for the first time that issues concerning jobs and the allocation of job numbers have regard not only to economic growth factors but also regard to infrastructure of the Island and supply of accommodation. I would have thought the Deputy would be enthusiastically supporting that. I remember that he was a member of my own group.”

6. The Deputy of St. John of the President of the Environment and Public Services Committee:

“Have there been any meetings with the Home Affairs Committee regarding the proposed transfer of the Driver and Vehicles Standards Department and, if so, when? If not, and the transfer is still proposed, why have no joint meetings taken place, and has any law drafting time, if required, been allocated by agreement with the Policy and Resources and Home Affairs Committees for any legislation necessary to effect the transfer?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“There have been ongoing discussions concerning the appropriate split of the environment, planning and public services functions. It is widely accepted that the Department should split into 2 parts and, in addition, that on-Island transport matters should be more appropriately placed under one minister. The concept of a Transport Department has received support from a number of quarters. If a Transport Department is created, it would appear sensible for the Department to include the transport responsibilities of the Driver and Vehicle Standards Department. Environment and Public Services considered the departmental split with Policy and Resources and concluded that the Driver and Vehicle Standards Department (DVS), or at least the main part of it, should be part of that Transport Ministry. Now the proposition has been put before the States today concerning that matter, unfortunately I understand that at a meeting with Home Affairs last week, this transfer of the Driver and Vehicle Standards Department into the Transport Ministry was rejected. There have been no meetings between Environment and Public Services and Home Affairs as this is a Policy and Resources matter. As far as any law drafting is concerned, this would be dealt with under the allocation of law drafting with all of the matters concerning the move to ministerial government.”

6(a) Senator W. Kinnard:

“Would the President agree that there have been many discussions between Home Affairs and Environment and Public Services about the transfer of taxi issues, because taxis obviously are very much part of Island transport policy? However, the Home Affairs Committee at its last meeting... is he aware that we discussed the issue of the way in which our legal responsibilities and some of our regulatory functions could not just automatically pass over without further scrutiny and discussion between both officers and politicians? Would he agree that that is the position and that Home Affairs have repeatedly encouraged the Environment and Public Services Committee to join with us in meetings for such discussions?”

Senator P.F.C. Ozouf:

“I am afraid I am only a lowly States member. I am not a member of Policy and Resources so I don’t know what discussions happen at Policy and Resources in relation to these matters. What I can say is that it is a curious state of affairs that the Home Affairs Committee want to give us responsibility for obviously the interesting responsibilities of taxis, which I agree with, frankly. The fact is that taxis should be under the responsibility of Public Services and, indeed, all transport matters. It makes total sense, and I hope the States will enthusiastically support for the first time the creation of a department for transport or on-Island transport. There are some residual issues concerning legal issues. I have a note here in front of me concerning the laws that the Driver and Vehicle Standards Department have, but I maintain the view that I am disappointed that Home Affairs appear to have rejected out of hand the transfer of Driver and Vehicle Standards into Public Services and Transport, but I hope that...”

Senator W. Kinnard:

“That is just simply incorrect, Sir.”

Senator P.F.C. Ozouf:

“But I hope that the President will agree to have some discussions in order that we may take the vast majority of it. It makes sense.”

6(b) The Deputy of St. John:

“I must ask has the President and his Committee got their own agenda, because I would like to know from the President whether or not his Committee, along with Policy and Resources, have put law drafting time aside to have this transfer actually take place.”

Senator P.F.C. Ozouf:

“I am very happy to confirm the Committee’s agenda, and that is to get transport into a sensible unified joined-up department so that the transport issues of Jersey can be dealt with in a far better way than previously. The arrangements of transport, both split between Planning and Public Services and Home Affairs, are not sensible and so, if I stand accused of having an agenda for making transport work better in the Island, so be it – I’m guilty.”

6(c) The Deputy of St. John:

“Is the President aware that a previous Public Services Committee handed over certain responsibilities to do with Driver and Vehicle Standards to Home Affairs, and we are only going back several years? Do Public Services’ officers really understand the entire transport needs of this Island, given they handed this over quite recently?”

Senator P.F.C. Ozouf:

“I assume, Sir, that the member of the Home Affairs Committee consulted with his President prior to asking these questions, because indeed they are curious. I would have thought that the Home Affairs Committee would be unanimous with Environment and Public Services in wanting to make these arrangements work. I cannot answer for previous Presidents’ decisions taken a long time ago. What I do know is that we can make a better, more sensible department for transport and I know that the Deputy of St. Peter and the President of Home Affairs are entirely of the same mind and we will work together to find a solution, but obviously the Deputy of St. John doesn’t agree.”

7. Deputy T.J. Le Main of St. Helier of the President of the Home Affairs Committee:

“The Rehabilitation of Offenders (Jersey) Law 2001 was registered in the Royal Court on 2nd March 2001. Would the President give the Assembly a progress report on the introduction of this very necessary Law?”

Senator W. Kinnard (President of the Home Affairs Committee):

“Firstly, the Rehabilitation of Offenders (Jersey) Law was actually brought into force in December 2002. The Deputy asked a similar question in November 2004, which queried why it was not possible for one’s minor convictions to be erased or spent. At that time, I explained that the law does not erase convictions; it only says that they may be considered spent for certain purposes, such as employment in non-sensitive posts. Article 11 of the Law sets out when unauthorised disclosure of a person’s spent convictions is an

offence. An individual who requests his or her own record is of course entitled to the full record under the Data Protection Law. Employers requesting information under the Rehabilitation of Offenders Law will receive only relevant information. This involves the police manually weeding the individual's record as there is no facility within the police national computer for spent convictions to be automatically removed. The States of Jersey Police do not have the resources to do this weeding for personal applicants. So far as I am aware, Sir, the position is currently the same in the United Kingdom with respect to individual requests. While there is a provision in U.K. legislation to allow for an individual to request a copy of their criminal record minus spent convictions, these provisions in the United Kingdom are yet to be implemented, although, were they to be implemented at some future time, Jersey should be in a better position to allow members of the public here to request the basic disclosure only. That is their record minus spent convictions, and this is as a result of recent developments. This is because, at the last sitting of the Parliament just before the General Election this year, it was agreed to extend Part 5 of the Police Act 1997 to Jersey. This is a huge step forward as, once implemented, it will allow our Rehabilitation of Offenders Law to work better."

The Bailiff:

"President, I am afraid you are time expired."

Senator W. Kinnard:

"Sir, can I just say that there is a project team and there are meetings going on 11th July to clarify the process that will be necessary."

7(a) Deputy T.J. Le Main:

"It is a very complicated answer given orally, and I have got a difficulty in understanding it all. If I could ask the President, through you, there are many people suffering with minor convictions that impede their job opportunities in this Island who have led blameless lives for years and years. When will those people be able to have those minor convictions of 30, 40, 50 years ago removed from their records, thus allowing them to actually apply and improve their job status? That is the question I would like answered."

Senator W. Kinnard:

"The problem as we see it is that there are some employers who are requesting individuals to produce their records as a sort of character reference. Of course, as I have explained, individuals get their full record. In the United Kingdom it is the same, but, as a result of recent decisions in the United Kingdom, we are hoping to be able to use the Criminal Records Bureau. By the end of this year, we should have the legislative work done in Jersey, so I am hoping by next year, if the U.K. decides to go the way of allowing individuals to have only the basic disclosure, we will then be in a position, we hope, next year to come into line with the same procedure in the United Kingdom, but there is some work yet to be done both over here and in the United Kingdom to achieve that."

8. Senator P.V.F. Le Claire of the President of the Housing Committee:

"Can the President confirm whether the Committee's policy to reduce the residential qualifying period to 10 years by 2009 will produce not only additional demand for 410 homes in the two-, three- and four-bed owner-occupier homes sector, but also an additional demand for 1,120 private rental one- to two-bed homes, thus wiping out any potential surplus and, if so, how is the Committee going to supply these additional homes to meet the increased demand?"

Deputy T.J. Le Main of St. Helier (President of the Housing Committee):

"The figures quoted are broadly correct, but the actual take-up of dwellings, based on Housing Committee past experience since it has been reducing the qualifying period from 20 years down to 14 years, may be lot less than this. For example, some of those living in non-qualified accommodation or tied-up with jobs and work may choose to stay where they are and we have quite a lot of evidence to show that a lot of them do, certainly if it is not costing them any more than they do so at the moment. The quoted figures, added to other estimated demand, gives a total demand of about 2,250 dwellings up to 2009. However, Sir, the Planning Committee estimates that there are about 2,025 additional homes which are currently at various stages of development and should be completed certainly by 2009 but estimated a lot earlier than that. This just leaves a shortfall of approximately 225 dwellings, which I am confident, as we work very

closely with the Planning Committee and Planning Department, can be delivered if required from other sites such as the Waterfront, the H3 and H4 Island Plan sites and other private schemes. Forecasts of this nature require regular updating and, by doing this, the speed of reduction in terms of residents' requirements can be adjusted accordingly. Of course, although the Housing Committee has stated that – by 2009 – it will reduce down to 10 years, every year and every 6 months the Housing Committee considers the evidence presented to it by the Statistics Department and by the Planning Committee and will decide on the reduction based on the evidence at that current time, so it may be later than 2009 if it was found that there weren't any homes available."

8(a) Deputy G.P. Southern of St. Helier:

"Will the President accept that the figures which he quoted as accurate do in fact already take into account the proportions he was talking about who go into these sectors and, furthermore, does he not accept, as he has done in Planning for Homes, that as we get closer to 10 years, a shorter period for qualification, the proportion of those here still and ready to move into this accommodation goes up?"

Deputy T.J. Le Main:

"Yes, Sir, that is correct."

8(b) The Deputy of St. Martin:

"In the President's answer I think I heard him say that some newly qualified residents are choosing to live in their unqualified premises. If that is the case, could I ask the President is he minded now to give rent aid to those people who remain in their unqualified premises?"

Deputy T.J. Le Main:

"No, Sir."

8(c) Senator P.V.F. Le Claire:

"I wonder if the President could comment on the Planning for Homes document, which was put out jointly by his Committee and the Planning and Environment Committee's work. To deliver the required housing targets set by the Island Plan for new homes in the qualified sector up to the end of 2006 requires average building rates of 570 new homes per year. Could the President inform members as to whether or not that is being achieved?"

Deputy T.J. Le Main:

"I would have to come back with that reply, Sir. Perhaps the President of Planning would have more information on that than I would."

8(d) Deputy G.P. Southern:

"Does this President accept that targets have only been met over the past few years because of the relative lack of inward migration due to relatively low economic growth? In the future does he not accept that economic growth will lead to greater inward migration and, combined with the combination of increasing the number of "(j)" category or licensed people and decreasing the time for qualification, this may well place a stress on the housing market and we will see house price inflation go up, especially in the two-, three- and four-bedroom areas already identified as potential shortage areas?"

Deputy T.J. Le Main:

"I cannot assume anything. The Migration Policy will be debated by this Assembly and, if the Assembly approves the Migration Policy, then it will be up to all members to make sure that the full use of the local market is made for the jobs created in Jersey and that controls will be in place to make sure that certainly, if I have anything to say about it, I won't be one that will be signing-up for allowing everyone to come into the Island and controls will be in place, but I can't assume anything of what the Deputy has said."

8(e) Senator P.F.C. Ozouf:

"Would the President agree with me that the numbers of 'Category A' and 'B' homes have been the primary contribution of stabilising house prices and good supply, and would he agree to be reminded that the amount of houses that have been completed in the years 2002 to 2004 have been 305 for first-time

buyers, 373 social rented housing and 1,192 'Category B' accommodation? Does he not think that is very good?"

Deputy T.J. Le Main:

"It is a huge success and it shows what a wonderful Housing President you have all got, willingly working with another wonderful President of Environment and Public Services, and the goods have been produced at long last. Yes, I agree."

The Bailiff:

"On that happy note, Question Time has come to an end."

Security of the States Building – statement

Deputy Roy George Le Hérisier of St. Saviour, President of the Privileges and Procedures Committee made statement in the following terms –

"The Privileges and Procedures Committee has reviewed regularly the security arrangements and the general rules governing the use of the States facilities. Because of the increased use of the facilities and comments received by the Committee on security and usage issues, the Committee has decided to review all these matters anew. A Sub-Committee has been set up under the chairmanship of Deputy J.A. Bernstein of St. Brelade. The other 2 members are Deputy J.B. Fox of St. Helier and Deputy C.H. Egré of St. Peter. It hoped that the Sub-Committee can report to PPC in approximately one month.

The Sub-Committee will be asked to make recommendations in respect of the security of the States Building and facilities and also on the use of the building and facilities by outside groups and individuals. It will be consulting relevant parties such as the Bailiff and the Royal Court. Members with observations should approach any member of the Sub-Committee."

Fiscal Strategy and the Shadow Scrutiny process – statement

Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, made a statement in the following terms –

"I should like to make a Statement to the Assembly following recent publicity given to the Shadow Scrutiny Panel process looking at GST and the zero/ten corporate tax system. I should remind Members that the decision to move to zero/ten was overwhelmingly approved (38/4 votes) in July 2004.

The recent publicity demonstrates the danger of appointing lobby spokesmen as advisers to scrutiny panels. There will always be a temptation for them to use the opportunity as a platform for their views and, in particular, a presentation of events which fits their particular campaigning stance. An example of this is the adviser's statement which led to the recent JEP headline suggesting that our zero/ten proposals have not been presented to Brussels, and might not be acceptable.

The Shadow Scrutiny Panel has been provided with copy correspondence with the U.K. in October 2002, detailing the specific zero/ten proposals together with a reply from Dawn Primarolo, the U.K. Minister who, in holding the Chair of the E.U. Code of Conduct on Business Taxation, was asked to present the Island's position. Her reply confirmed that these proposals would be put to the E.U. Code Group. This presentation duly took place and the E.U. Code Group held meetings on the issue between November 2002 and March 2003.

To evidence this, the Panel has been provided with a specific E.U. Report dated 6th March 2003, under number reference 7018/1/03 FISC 31 entitled 'Code of Conduct Group (Business Taxation) to ECOFIN Council' which records discussion about the zero/ten tax proposals of the Island together with those of its fellow Crown Dependencies. The end result is one whereby the Code Group presented a positive recommendation to the ECOFIN Council of the E.U. to accept the zero/ten offer.

The final piece of evidence that the Shadow Scrutiny Panel has in its possession is the Statement of the Conclusions of the ECOFIN Council of 3rd June 2003, in which, meeting the recommendation of the Code Group on the zero/ten proposals offered by the Island, was finally decided. I quote the specific point from that Report which demonstrates beyond doubt that Brussels not only has received our proposals but judged them –

‘ The Council notes that the Code Group has considered the proposed revised or replacement measures of the Member States and of dependent or associated territories (i.e. Jersey) against the established criteria of the Code of Conduct and ... has found none of these harmful within the meaning of the Code ’

and –

‘The Council agrees that the proposed revised or replacement measures are adequate to achieve rollback of all the harmful features of the 66 measures listed (4 were listed for Jersey)’.

To me this is absolutely clear. To address the point of the recent publicity, Brussels has been consulted and newspaper readers in Jersey have not been presented with the proper version of events. Scrutiny is every bit as publicly funded an activity as any other and taxpayers have a right for it to be used for the purposes for which it has been set up; namely, to act in the function of a ‘critical friend’ for legislative proposals being put to the States, rather than as a platform for lobby groups with a campaign agenda to present that in contradiction of evidence put to the Panel.”

‘Milk at Reduced Prices Scheme’ – statement

Senator Paul Francis Routier, President of the Employment and Social Security Committee made a statement in the following terms –

“Members are no doubt aware that the Employment and Social Security Department operates a scheme which enables certain people to buy milk from the Jersey Milk Marketing Board at less than the retail price. Since the Board decided to end the delivery services, the Committee has been considering new ways of administering the scheme pending the introduction of Income Support in 2007.

There are just under 8,000 people in receipt of the subsidy but the actual amount of the subsidy is very small. By far, the largest group (nearly 6,000) are people over 70 years old and those with specific health needs who qualify between the age of 65 – 70. They each receive a subsidy of 24 pence on up to 4 x½ litre cartons of milk per week, that is a maximum of 96 pence weekly.

The other groups, children under 5 years of age and expectant mothers receive a subsidy of 22 pence on up to 7 x ½ litre cartons of milk, that is, a maximum of £1.54 weekly.

The Committee, in discussion with the Milk Marketing Board, considered a voucher scheme but decided that with under 8,000 recipients using 4 – 7 vouchers weekly, it would be cumbersome and costly to administer. Given the relatively small sums involved, the Committee has decided to pay the subsidy to existing beneficiaries in a lump sum for the remainder of this year.

The Department is liaising with the Milk Marketing Board, who previously administered the scheme, to identify those currently receiving subsidised milk. It is hoped to make the payment in a few weeks’ time.”

Payment of the Christmas Bonus – statement

Senator Paul Francis Routier, President of the Employment and Social Security Committee made a statement in the following terms –

“The Employment and Social Security Committee has recently reviewed the States decision to implement an income bar on the Christmas Bonus in light of the forthcoming tax changes and introduction of a new Income Support system. It was decided that it would be more appropriate to put a hold on the introduction of an income bar to the Christmas Bonus until details of the Income Support system have been finalised, subject, of course, to States approval.

The Committee has discussed this matter with the President of the Finance and Economics Committee and he is fully supportive. I appreciate that the States have already approved the primary legislation but would hope that members will support the Employment and Social Security Committee’s decision not to proceed with the income bar this year. I know from discussions with the various pensioner groups that this would be greatly appreciated.”

Draft Taxation (Agreement with European Union Member States) (Jersey) Regulations 200 – P.103/2005

THE STATES, in pursuance of Article 2(1) of the Taxation (Implementation) (Jersey) Law 2004, and following the decision of the States of 22nd June 2004, to adopt Projet 97 of 2004, made Regulations entitled the Taxation (Agreement with European Union Member States) (Jersey) Regulations 2005.

Income Support System – P.86/2005 Amendment

THE STATES commenced consideration of a proposition of the Employment and Social Security Committee regarding an Income Support System together with an amendment of the Connétable of St. Ouen that at the end of paragraph 3(a) there be added the following words–

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

After discussion, the amendment was lodged “au Greffe” by Deputy Judith Ann Martin of St. Helier.

THE STATES, having resumed consideration of the proposition of the Employment and Social Security Committee, rejected a proposition of the Deputy of St. Martin that, in accordance with Standing Order 26A(1), the question be now put.

Members present voted as follows –

POUR: 16

Senator L. Norman
Senator F.H. Walker
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J-A. Bridge (H)
Deputy S.C. Ferguson (B)

CONTRE: 30

Senator J.A. Le Maistre
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Peter
Connétable of St. Clement
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy J.L. Dorey (H)

ABSTAIN: 0

Deputy M.A. Taylor (C)

Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren
(S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

THE STATES, adopting a proposition of the Employment and Social Services Committee referred to their Act dated 2nd May 2000, in which they charged the Employment and Social Security Committee to identify the likely effects of a new income support system, to their Act dated 17th February 2004, in which they agreed that the new system should contain a 'disability component' for the extra cost of disability to replace all the existing non-contributory disability benefits and to their Act dated 9th September 2003, in which they agreed that the new scheme should be established by 2006, and agreed that –

- (1)
 - (a) the existing benefits defined in the Family Allowance (Jersey) Law 1972, the Attendance Allowance (Jersey) Law 1972, the Invalid Care and Disability Allowances (Jersey) Law 1978 (except Invalid Care Allowance), the Disability Transport Allowance (Jersey) Law 1997, the benefits described under the Childcare Allowance and Discount Schemes, the Health Insurance Exception Scheme, the Educational Allowance Scheme, the Milk at a Reduced Price Scheme, the Rent Rebate and Abatement Schemes and the Parish Welfare and Non-Native Welfare Systems be discontinued;
 - (b) the benefits described in paragraph (a) be replaced by one system based on a common evaluation of current household income;
 - (c) payments made under the new system be based on a series of components as described in Section 5.3.4.1 of the report of the Employment and Social Security Committee dated 21st April 2005;
 - (d) the Health Insurance (Jersey) Law 1967, be amended to target individuals who may have chronic ill-health and to allow more flexibility in the delivery of benefit; and
 - (e) a Citizen's Fund be established as part of the system to help with such expenses as were currently met through the Parish Welfare system and the Social Fund Budget of the Employment and Social Security Committee as described in Section 5.3.8 of the report of the Employment and Social Security Committee;
- (2) the Employment and Social Security Committee be politically accountable for the new system and its development, co-ordination and administration;
- (3)
 - (a) the cost of payments made under the system, its development, implementation, administration and manpower as described in Sections 6 and 7 of the report of the Employment and Social Security Committee be funded from general revenues of the States;
 - (b) the Employment and Social Security Committee be charged with devising a scheme of phased protection to those households who might be affected by the removal of existing benefits as set out in paragraph (1)(a) above to be funded from general revenues of the States as described in Sections

6.2 and 6.3 of the report of the Employment and Social Security Committee;

- (4) (a) the Employment and Social Security Committee be charged with making the legislative and administrative arrangements to bring the system into effect; and,
- (b) any Committee developing a strategy that would have an impact on the income support system be charged to liaise with the Employment and Social Security Committee.

Members present voted as follows –

POUR: 43

Senator J.A. Le Maistre
Senator L. Norman
Deputy F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 4

Senator P.V.F. Le Claire
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

ABSTAIN: 0

Change in Presidency

The Bailiff retired from the Chair during consideration of the proposition of the Employment and Social Security Committee regarding an Income Supplement Scheme, (P.86/2005 lodged “au Greffe” on 26th April 2005), and prior to members voting on the proposition of the Deputy of St. Martin that, in accordance with Standing Order 26A(1), the question be now put, and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Migration: monitoring and regulation – P.25/2005 Comments and amendments

THE STATES commenced consideration of a proposition of the Policy and Resources Committee concerning Migration: monitoring and regulation together with an amendment of the Policy and Resources Committee that at the end of paragraph 6, after the words, “*Social Security registration*” there be inserted the words “*and to agree that political responsibility for the office should lie with the Policy and Resources Committee (or the future Chief Minister)*”, which amendment was subsequently lodged “au Greffe” by Senator Paul Vincent Francis Le Claire

THE STATES commenced consideration of an amendment of Deputy Geoffrey Peter Southern of St. Helier that at the end of paragraph 6, after the words “*Social Security registration*”, there be inserted the words “*and to agree that political responsibility for the office should not lie with the Economic Development Committee (or the future Minister for Economic Development) and to charge the Policy and Resources Committee to bring forward proposals for approval by the States on which other Committee (and Minister) should have this responsibility*”.

Adjournment

THE STATES then adjourned, having agreed to continue consideration of the proposition of the Policy and Resources Committee regarding Migration: monitoring and regulation, (P.25/2005 lodged “au Greffe” on 8th February 2005), together with the amendment of Deputy Geoffrey Peter Southern of St. Helier, (P.25/2005 Amd lodged “au Greffe” on 7th June 2005), the next day, Wednesday 22nd June 2005.

THE STATES rose at 5.50 p.m.

M.N. DE LA HAYE

Greffier of the States.