

STATES OF JERSEY ORDER PAPER

Tuesday 23rd November 2004, and, if necessary,
Wednesday 24th and Tuesday 30th November 2004

- A. COMMUNICATIONS BY THE BAILIFF**
- B. TABLING OF SUBORDINATE LEGISLATION**
- C. MATTERS RELATING TO COMMITTEE MEMBERSHIP**
- D. PRESENTATION OF PAPERS**
- (a) Papers for information**
- Matters presented under Standing Order 6A(1)(a)**
- The Jersey Child Care Trust: Report and Financial Statements at 31st December 2003. R.C.53/2004.
Education, Sport and Culture Committee.
- Matters presented under Standing Order 6A(1)(b)**
- (b) Notification of Standing Order decisions**
- 11th November 2004
- Decisions under delegated functions.
Finance and Economics Committee.
- (c) Notification of acceptance of tenders**
- (d) Papers to be lodged “au Greffe” under Standing Order 17A(1)(a)**
- Maison St. Louis Observatory, Highlands Lane, St. Saviour and La Moye Weather Radar Station, La Fosse Voerin, St. Brelade: transfer of administration. P.204/2004.
Harbours and Airport Committee.
- Draft Income Tax (Amendment No. 24) (Jersey) Law 200. P.205/2004.
Finance and Economics Committee.
- Draft Income Tax (Prescribed Limit and Rate) (Jersey) Regulations 200-. P.206/2004.
Finance and Economics Committee.
- (e) Notification of Papers lodged “au Greffe” under Standing Order 17A(1)(b)**
- (f) Papers for consideration by the States in Committee under Standing Order 38A**

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 7th and 8th December 2004 –

Budget 2005.

Lodged: 9th November 2004.

Finance and Economics Committee.

Budget 2005: amendments.

P.203/2004.

Lodged: 16th November 2004.

Senator M.E. Vibert.

Draft Income Tax (Amendment No. 24) (Jersey) Law 200.

P.205/2004.

Lodged: 23rd November 2004.

Finance and Economics Committee.

Draft Income Tax (Prescribed Limit and Rate) (Jersey) Regulations 200-

P.206/2004.

Lodged: 23rd November 2004.

Finance and Economics Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 27) (Jersey) Regulations 200-

P.182/2004.

Lodged: 26th October 2004.

Harbours and Airport Committee.

Draft Harbours (Amendment No. 38) (Jersey) Regulations 200.

P.183/2004.

Lodged: 26th October 2004.

Harbours and Airport Committee.

Draft Amendment (No. 29) to the Tariff of Harbour and Light Dues.

P.185/2004.

Lodged: 26th October 2004.

Harbours and Airport Committee.

Draft Family Allowances (Jersey) Regulations 200-

P.188/2004.

Lodged: 2nd November 2004.

Employment and Social Security Committee.

States Members' parking.

P.199/2004.

Lodged: 11th November 2004.

Environment and Public Services Committee.

States Members' parking (P.199/2004): amendment.

P.199/2004.

Lodged: 16th November 2004.

Amd.

Senator J.A. Le Maistre.

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

Belle Vue Residential Nursing Home and Day Care Centre,
St. Brelade: business case.

P.163/2003.

Lodged: 18th November 2003.

Connétable of St. Helier.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

(a) Written Questions

The President of the Home Affairs Committee will table an answer to a question asked by Deputy T.J. Le Main of St. Helier regarding the Rehabilitation of Offenders (Jersey) Law 200-.

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

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

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. John regarding tendering processes.

The President of the Finance and Economics Committee will table an answer to a question asked by the Deputy of St. John regarding the use of the Criminal Offences Confiscation Fund.

The President of the Finance and Economics Committee will table an answer to a question asked by the Deputy of St. John regarding the 2005 budget allocation for the Emergency Planning Office.

The President of the Economic Development Committee will table an answer to a question asked by the Deputy of St. John regarding matters relating to gambling.

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. John regarding the proposed Vodka Distillery.

The President of the Economic Development Committee will table answers to questions asked by the Deputy of St. John regarding the proposed Vodka Distillery.

The President of the Policy and Resources Committee will table an answer to a question asked by the Deputy of St. John regarding Civil Servants' outside financial interests.

The President of the Finance and Economics Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the proposed 2005 Budget.

The President of the Environment and Public Services Committee will table answers to questions asked by Deputy G.C.L. Baudains of St. Clement regarding Field 40, St. Clement.

The President of the Education, Sport and Culture Committee will table an answer to a question asked by the Deputy of St. Martin regarding works at Mont Orgueil Castle.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Special Committee on the Composition and Election of the States Assembly: vote of no confidence. Lodged: 9th November 2004. <i>Senator P.V.F. Le Claire.</i>	P.198/2004.
Machinery of Government Reform: composition and election of the States Assembly. Lodged: 14th September 2004. <i>Special Committee on the Composition and Election of the States Assembly.</i>	P.151/2004.
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – comments. Presented: 26th October 2004. <i>Policy and Resources Committee.</i>	P.151/2004. Com. (<i>re-issue</i>)
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – amendments. Lodged: 28th September 2004. <i>Deputy of St. Martin.</i>	P.151/2004. Amd.
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – amendments (P.151/2004 Amd.)– amendments. Lodged: 12th October 2004. <i>Deputy M.F. Dubras of St. Lawrence.</i>	P.151/2004. Amd.Amd.
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – second amendments. Lodged: 12th October 2004. <i>Deputy M.F. Dubras of St. Lawrence.</i>	P.151/2004. Amd.(2)
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – third amendments. Lodged: 26th October 2004 <i>Deputy of St. Ouen.</i>	P.151/2004. Amd.(3)
St. Clement: pedestrian improvements. Lodged: 14th September 2004. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.158/2004.
Child Care Scheme for low income families: amendments. Lodged: 12th October 2004. <i>Deputy G.P. Southern of St. Helier.</i>	P.173/2004.
Child Care Scheme for low income families: amendments (P.173/2004) – comments. Presented: 9th November 2004. <i>Education, Sport and Culture Committee.</i>	P.173/2004. Com.

Jersey Airport: Fireground Remediation – Deed of Settlement. Lodged: 19th October 2004. <i>Harbours and Airport Committee.</i>	P.176/2004.
Draft Restriction on Smoking (Sales of Cigarettes to Children) (Amendment) (Jersey) Regulations 200-. Lodged: 19th October 2004. <i>Health and Social Services Committee.</i>	P.177/2004.
Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) (No. 2) Act 200. Lodged: 2nd November 2004. <i>Home Affairs Committee.</i>	P.186/2004.
Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Amendment) (Jersey) Regulations 200-. Lodged: 2nd November 2004. <i>Home Affairs Committee.</i>	P.187/2004.
Sports Facility at Hautlieu School, St. Saviour: approval of drawings. Lodged: 9th November 2004. <i>Education, Sport and Culture Committee.</i>	P.191/2004.
Draft Public Employees (Retirement) (Validation and Amendment) (Jersey) Law 200-. Lodged: 9th November 2004. <i>Policy and Resources Committee.</i>	P.192/2004.
Machinery of Government Reform: election of Senators. Lodged: 9th November 2004. <i>Deputy S.C. Ferguson of St. Brelade.</i>	P.195/2004.
Shadow Public Accounts Committee: appointment of member. Lodged: 9th November 2004. <i>Deputy S.C. Ferguson of St. Brelade.</i>	P.197/2004.

A.H. HARRIS
Deputy Greffier of the States

18th November 2004

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

11th November 2004

- (a) as recommended by the Environment and Public Services Committee, the sale to the Waterfront Enterprise Board Limited (WEB) of an area on the St. Helier Waterfront, (as outlined on drawing 1386/04/76 and previously referred to as “Parish Road” in drawing No. 1 accompanying P.45/2002- “St. Helier Waterfront: lease and sale of land to Waterfront Enterprise Board Limited” – adopted by the States on 23rd April 2002), for a consideration of £10, on the basis that WEB would be responsible for both parties’ legal fees arising from the transaction; and,

- (b) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mrs. Drusilla Mary Burdon, née Herbert, of White Lodge, Le Chemin des Moulins, St. Helier, in respect of the purchase of a strip of land, (measuring 4,166 square feet - shown on drawing No. 982-003D), required for the establishment in perpetuity of a road stabilisation structure and a new hoggin public footpath to improve pedestrian safety along the eastern side of Le Chemins des Moulins, (Waterworks Valley), St. Helier, (as shown on drawing No. 982003), for a sum of £5,200, on the basis of terms set out in a report dated 26th February 2004, of the Director of Property Services, and with the Committee being responsible for both parties’ legal costs arising from the transaction. (The Committee accordingly rescinded sub-sub-paragraph (ii) of its Act No. A2(i) of 15th March 2004).

WRITTEN QUESTION PAPER

(See Item G)

The President of the Home Affairs Committee will table an answer to the following question asked by Deputy T.J. Le Main of St. Helier –

“Will the President inform the Assembly why, despite the coming into force of the ‘Rehabilitation of Offenders (Jersey) Law 200-’ on 1st December 2002, it is not possible to have one’s minor convictions erased or spent, and when this will be possible?”

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

“With regard to R.C. 48/2004, entitled ‘Income Support System’, would the President –

- (a) give details of the calculation which results in a rise of 2.4 per cent in the single adult’s budget standard, from table 2 (summary consensual budget standards 2001) of page 5 of the Centre for Research in Social Policy (CRSP) report 2001 of £125.05 to the figure of basic adult budget for 2002 of £128.03, given on page 7 of the report?
- (b) what funding mechanism is envisaged for the ‘citizens fund’, shown on page 3 of the report, given that the ‘exceptional costs’ on page 8 of the report are currently met through ‘one-off’ grants from welfare; what thought has been given to funding the furniture and equipment costs for various types of families, with and without disability, outlined in the CRSP report?
- (c) give details of who has been consulted and what comments have contributed so far to what is described as ‘a mixed response’ from consultation on HIE and health issues outlined in section 6 of the report of the report, and explain to members what the Committee regards as the way forward from the alternatives presented, and, in particular, advise whether any concerns have been expressed by representatives of general practitioners on the Island?
- (d) explain why there is no mention in the entire report of the level at which the minimum wage is to be set, despite the intrinsic interaction between it and low income support in terms of means-testing and ‘poverty traps’, outlined on page 6 of the report, and ‘requirement to work’ mentioned on page 13?
- (e) state at what income levels the Committee envisages the introduction of a ‘very strict application of a means test with pound-for-pound regression’, outlined on page 6 of the report, and give a worked example of how such a means test will operate for a single person in the income range between current benefit levels (£7,568 annual income) and the income tax threshold?
- (f) explain how this means test will interact with the ‘assets test’ also proposed on page 6 of the report? Will this parallel the Housing Committee’s rent rebate rules on incomes and savings over £50,000, which is currently awaiting a ruling on its legitimacy from the Attorney General?
- (g) clarify the Committee’s stance on changes to child care components to income support, outlined on page 11 of the report?
- (h) give further guidance on the question of ‘incentives for carers’, outlined on page 12 of the report, especially in terms of the effect on carers of the inclusion of ‘2 individual components rather than a couple’ in income support? and,
- (i) confirm that he has, or will, consult the Data Protection Registrar over any privacy issues raised by the proposed database to be shared by his department and the parishes, outlined on page 14 of the

report.?”

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

“Further to oral questions asked on 9th November 2004, would the President inform members –

- (a) what policy changes are currently envisaged for the welfare delivery mechanisms detailed below and which are to remain unaffected?
- (b) what assumptions have been, or will be, given to OXERA in order that they may properly model the costs of benefits, for example, of the approved three tier disability system?
- (c) whether the Committee accepts that the total spent on income support currently is accurately portrayed by the figures in the table below?
- (d) will the President give an assurance that the total income support although differently delivered in 2006, will match the total below with appropriate uprating and indicate how he proposes this uprating can be achieved?

Native Welfare

Item	Cost £,000	Source
Parish welfare	7,002 (2002)	Report on Rel. between Parish & Exec – 2
Welfare admin.	801 (2000)	“ “

Contributory benefits

Item	Cost £,000	Source
Old age pension	71,572	E & SS Report & Accounts 2003
Survivors pension	16,358	
Invalidity benefit	16,260	
Sickness benefit	10,869	
Survivor’s benefit	3,881	
Disablement & injury benefit	5,295	
Maternity Allowance	1,561	
Maternity grants	418	
Death grants	341	
Social ass. pensions	7	
Total	126,562	

Community Benefits and States contribution

Item	Cost £,000	Source
HIE	1,072	E & SS Report & Accounts 2003
Family Allowances	4,944	
Dental Benefit	106	
Non-Cont Death	18	
Milk	380	
Attend. Allowance	3,290	
Inval. Care & disab’t	2,296	
Non-native welfare	3,240	
Christmas bonus	1,256	

Childcare Allow.	689
DTA	5,988
Social Fund	198
65+ Health plan	371
Total	24,248

Housing Benefits

Item	Cost £,000	Source
Rent abatement	16,205	Budget 2004 (Estimate 2003)
Rent rebate	7,374	
Total	23,579	

Miscellany

Item	Cost £,000	Source
GST compensation	9,000 – 13,500	OXERA, 2002
Unemployment benefit	3,024	estimate based on contribution rate 0.35% in RC49/2004

Total possible sum involved in all forms of income support above = £198,716,000.”

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

“Would the President inform members –

- (a) whether the Committee applies the States’ tender process, and how frequently, for sites for crushing aggregates and the hire of heavy plant and machinery on an hourly basis for such operations as beach work, sea defence work and emergency work?
- (b) who have been the successful applicants in the last seven years?
- (c) how many companies have applied to tender during this period, how many actually tendered, and the figures tendered in each area?
- (d) when is this process likely to be repeated and how will it be advertised?
- (e) of the quantity of re-cycled aggregate used by the Committee annually and the cost of purchasing re-cycled aggregate? and,
- (f) whether the Committee has been offered free of charge for collection re-cycled aggregates from re-cycling contractors, and, if so, from which companies, and whether the Committee has taken advantage of this offer; if the answer is in the negative, would the President state the reasons why?”

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

“Would the President undertake to liaise with H.M. Attorney General regarding the use of the accumulated funds amounting to £10.7 million retained in the Criminal Offences Confiscation Fund (C.O.C.F.) in view of the number of competing areas of demand for financial resources which provide support in dealing with the consequences of criminal conduct, such as the operation of H.M. Prison, La Moye, and its facilities, and, if not, state the reasons why.” why.”

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

“Would the President provide a breakdown of the allocated 1 per cent budget in respect of the Emergency Planning Office (EPO) as indicated on the chart on page 14 of the 2005 Budget book, together with a comparison for the previous five years of budget and expenditure both in percentage and monetary values for the EPO?”

The President of the Economic Development Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President advise members –

- (a) whether gaming machines are registered, and, if so, how many currently exist in Jersey and where they are located?
- (b) of those located in betting shops how many there are in each shop?
- (c) whether the Committee has dedicated staff with responsibility for gambling matters, and, if so, how many; if not, would the President state the reasons why?
- (d) how the supervision of gaming machines is policed?
- (e) whether there are gaming premises in the Island where croupiers are employed, and if so, where are these located; if not, would the President advise whether there have been any gaming premises where card games have been played but have ceased to operate in the last ten years? and,
- (f) whether the Committee is considering increasing gaming machines in betting shops?”

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

“Would the President inform members –

- (a) of the costs of the Environment Impact Study carried out in respect of the Vodka Distillery site Application No.PP2004/2180?
- (b) whether this sum of money is to be recovered from the Jersey Potato Export Marketing Board (JPEMB), and, if not, the reasons why? and,
- (c) whether the Committee will give details to members and the public regarding the outcomes of the Environment Impact Study prior to the Committee making a decision on the planning application for the Vodka Distillery?”

The President of the Economic Development Committee will table answers to the following questions asked by the Deputy of St. John –

- “1. Following answers to questions on 9th November 2004, regarding the £105,000 grant to the Jersey Potato Export Marketing Board (JPEMB) in respect of the Vodka Distillery, would the President provide members with a further breakdown and explanation of the following -
 - (a) expenditure in the sum of £4,529.63 for travel/accommodation, including, if any, flight booking

details relating to method of booking and class of travel, and any sum spent on entertainment? and,

- (b) expenditure in the sum of £20,428 for financial and legal fees?
2. Would the President inform members whether the grant expenditure has been audited, and, if not, will it be?"

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

“Would the President inform members –

- (a) whether any civil servants have been dismissed from the Civil Service for having outside financial interests, and, if so, whether these involved trade with other States departments: if the answer is in the affirmative, could the President give details of the numbers of personnel over the last five years dismissed from their posts? and,
- (b) whether the Committee will review putting in place a register of civil servants outside financial interests, and, if not, the reasons why?"

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

“Would the President provide members with further details and an explanation of the following matters relating to income tax proposals referred to on page xvii of the 2005 Budget book –

- (a) profits from property development;
- (b) enhanced anti-avoidance measures under Art. 134A; and,
- (c) new information and enforcement powers?"

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

“1. With regard to Field 40, St. Clement, would the President confirm that –

- (a) this rezoned field was earmarked for 100 per cent social rented housing as part of an agreement involving a field in St. Ouen, in order to achieve the 45/55 per cent split with first time buyer homes as required in the Island Plan?
 - (b) the lack of a legally enforceable agreement has delayed development of both sites?
 - (c) it is now proposed that the field be developed to provide first time buyer homes?
2. Would the President advise when the Committee first became aware of the change of nature of development of this site from social rented to first time buyer and further advise whether this knowledge was passed to the Parish authorities and, if so, when?
3. Will the President advise what measures the Committee is putting in place, or will require, to ensure minimum inconvenience to the residents of Clos de La Mare both during, and after, development of Field 40?"

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

- “1. In relation to the work being carried out at Mont Orgueil Castle, will the President inform members of the estimated cost of –
 - (a) re-roofing the Tudor Hall, Long Passage and D-shaped space?
 - (b) maintaining and monitoring the effects of re-roofing the structure and running the new building?
 - (c) the planned new gardens including the Scottish granite sculptures in the new outer ward garden?
 - (d) the eighteen feet high wooden statue planned for installation at the Fourth Gate? and,
 - (c) the conservation and repair of the North East Outworks?
2. In relation to the work on the North East Outworks –
 - (a) does it include the reconstruction of the German coastal artillery command post built during the occupation but demolished in 2000? and,
 - (b) will the work be completed in time for the celebrations planned for the 60th anniversary of our Liberation next year?
3. In addition to the granite sculptures and wooden statue, what other art works are planned for the Castle, if any, and at what cost?
4.
 - (a) Why is it necessary to build a new room, now to be called the Tudor Hall, apparently to display the Royal Hologram, when other rooms already exist in the Castle where this could be done?
 - (b) What consideration has been given to displaying the Royal Hologram in the proposed new art gallery planned for the Island Site in view of its central and more accessible location for displaying modern pieces of art?”