

**THE STATES assembled on Tuesday,
24th May 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 Wendy Kinnard – out of the Island
Senator Paul Vincent Francis Le Claire – out of the Island
John Le Sueur Gallichan, Connétable of Trinity – out of the Island
Alan Breckon, Deputy of St. Saviour – ill
Michael Andrew Taylor, Deputy of St. Clement – out of the Island.

Prayers

Tribute to Mr. Graham Huelin, the late former member of the States

THE STATES observed one minute's silence as a mark of respect following the Bailiff's tribute to the late Mr. Graham Huelin, former Deputy of St. Brelade.

The Very Reverend Dean of Jersey – retirement

The Bailiff, on behalf of all members, paid tribute to the service which the Very Reverend Canon John N. Seaford, B.A., Dip.Theol., had given to the Island and the States during his term of office as the Dean of Jersey and wished him, and Mrs. Seaford, a long and happy retirement.

Subordinate legislation tabled

The following enactment was laid before the States, namely –

Civil Service Administration (Salaries) (Amendment No. 25) (Jersey) Order 2005. R&O 40/2005.
Policy and Resources Committee.

Matter presented

The following matter was presented to the States –

The Use of Planning Agreements/Obligations. R.C.5/2005.
Presented by the Environment and Public Services Committee.

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

Matters noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 14th April 2005, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Environment and Public Services Committee had accepted a negotiated tender procurement

process with Concrete Repairs Limited (CRL) for the contract for the refurbishment of Sand Street multi-storey car park, St. Helier

Matters lodged

The following matters were lodged “au Greffe” –

Jersey Employment Tribunal: appointment of members. <i>Presented by the Employment and Social Security Committee.</i>	P.97/2005.
Draft States of Jersey (Amendment No. 2) Law 200. <i>Presented by the Privileges and Procedures Committee.</i>	P.98/2005.
Draft Employment of States of Jersey Employees (Jersey) Law 200-. <i>Presented by the Policy and Resources Committee.</i>	P.99/2005.

Jersey Law Commission: appointment of Commissioners.- P.76/2005 – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Legislation Committee had instructed the Greffier of the States to withdraw the proposition regarding the Jersey Law Commission: appointment of Commissioners. (P.76/2005 lodged “au Greffe” on 19th April 2005), and set down for consideration at the present meeting.

Arrangement of public business for the present meeting

THE STATES granted leave to the President of the Policy and Resources Committee to defer consideration of the following matter set down for consideration at the present meeting, until a later date –

Commission Amicale: appointment of President and Chairman. Lodged: 26th April 2004. <i>Policy and Resources Committee.</i>	P.89/2005.
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Arrangement of public business for the next meeting on 7th June 2005

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 7th June 2005 –

Draft States of Jersey (Amendment) Law 200-. Lodged: 26th April 2005. <i>Policy and Resources Committee.</i>	P.83/2005. <i>(re-issue)</i>
Draft States of Jersey (Amendment) Law 200- (P.83/2005): amendment. Lodged: 10th May 2005. <i>Senator S. Syvret.</i>	P.83/2005. Amd. <i>(re-issue)</i>
Draft Employers’ Liability (Compulsory Insurance) (Exemption) (Amendment No. 2) (Jersey) Regulations 200. Lodged: 26th April 2005. <i>Employment and Social Security Committee.</i>	P.84/2005.
Draft Employers’ Liability (Compulsory Insurance) (General) (Amendment No. 2) (Jersey) Regulations 200-. Lodged: 26th April 2005. <i>Employment and Social Security Committee.</i>	P.85/2005.
States of Jersey Property Holdings: establishment.	P.93/2005.

Lodged: 10th May 2005.
Policy and Resources Committee.

Licensing Law: purchase of alcohol for persons under 18 – (P.95/2004) – withdrawn

THE STATES noted that, in pursuance of Standing Order 17(6), the following matter lodged “au Greffe” was deemed to have been withdrawn –

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

Proposed capital project for the Harbours – question and answer

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

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

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

“Jersey Harbours intend to raise the necessary capital in the form of a commercial loan underwritten by pre-letting agreements with the prospective Elizabeth Harbour warehouse tenants. The funding of the project is based on the open market sale and rental valuations freely entered into on new leases for new and existing property by the prospective tenants, which will be achieved after negotiation; Harbour Dues do not contribute towards the funding of this project. The final rents have not yet been agreed and are subject to further commercially sensitive negotiations. Capital and interest payments are expected to be covered fully over the period of the borrowing by the warehouse rents and not by any above cost of living increases to Harbour Dues or other income streams.

The financial package has had in principle approval from the Finance and Economic Committee, subject to approval of the final business case by its Capital Projects Sub-Committee, planning in principle and final successful negotiations with prospective tenants.

The projected returns show the scheme to be viable both on a cash flow and investment appraisal basis, creating significant value for Jersey Harbours and the Island.”

Last report of H.M. Chief Inspector of Prisons – question and answer

Deputy Jennifer-Anne Bridge of St. Helier tabled the following written question of Senator Wendy Kinnard President of the Home Affairs Committee –

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

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

“I attach a summary showing progress on all 147 recommendations from the last HMCIP visit.

No.	RECOMMENDATION	WHEN ACHIEVED	COMMENTS
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To the Home Affairs Committee			
Reception			
10.01	Improved reception area for women and vulnerable male prisoners should be provided to give sufficient space for all parts of the process together with suitable strip searching, catering and bathroom facilities. (2.07)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners.
10.02	Discrete Health Care rooms should be provided in both the Women's and Vulnerable Prisoners' Unit. (2.10)	Not achieved	This can be considered following the next phase of redevelopment in 2006 but it is unlikely to be achieved for all discrete areas of the prison until further development work is undertaken, currently scheduled to begin in 2009.
First Night			
10.03	All prison staff should wear identification that can be clearly seen and read. (2.25)	2003	Prison Officers wear numbered insignia
Prisoners' Legal Rights			
10.04	We suggest that all time served for the current offence be allowed to count towards a prisoner's sentence for that offence. (2.43)	Not achieved	This is a matter for the law officers (it refers to time spent in police custody prior to arriving at the prison).
10.05	Access to a library of current legal textbooks should be ensured in all relevant cases. (2.05)		We do not have a secure library staffed by professional staff (only prisoners) and experience has shown that such books would be stolen. Prisoners requesting legal information will be provided with it on an individual basis.
Movement of Prisoners to and from Court and Inter-Prison Transfers			
10.06	Women should be transported separately from men and young male prisoners separately from adults. (2.57)	Not achieved	A matter for the States of Jersey Police who perform the transportation function.
Accommodation and Facilities			
Female Residential Unit			
10.07	Speedy access should be given to sanitation during all periods when prisoners are locked in their cells. (3.07)	Partially Achieved	The speed of response at night will depend on the number of prisoners across the prison who request access at the same time and the availability of staff due to other commitments. The situation will be improved significantly when a greater proportion of the available accommodation has in-cell sanitation following completion of the next phase of redevelopment in 2006.
	The numbers held in the women's		The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the

10.08	dormitory should be reduced by the provision of more double and single cell accommodation. (3.08)	Not achieved	establishment. There remains a commitment to improve the living conditions for women prisoners.
10.09	Separately located segregation cells should be used for men and women. The reportedly unused padded cell should be converted into normal accommodation as soon as possible. (3.12)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners.
10.10.	Alternative (even if temporary) accommodation should be found for the accommodation of disruptive, anti-social or mentally ill women. (3.13)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners, this will include provision to segregate female prisoners separately from men.
10.11	A quiet place should be provided for prisoners to have time out of the general activities of the wing. (3.14)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners including the provision of 'activity' space for different activities.
10.12	Alternative and ligature free accommodation should be provided for disruptive and mentally ill prisoners and we recommend examination of the 'Safer Cell Project' established by the Prison Service of England and Wales. (3.15)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners although the ability to provide ligature-free accommodation will depend on available resources.
10.13	A Dining/Kitchen Area should be provided to allow all prisoners to dine out, in a smoke free environment and other space provided for association throughout the day. (3.17)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners including the provision of 'activity' space for different activities.
			The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the

10.14	More space should be provided so that a range of activities can take place at the same time, if necessary. (3.18)	Not achieved	establishment. There remains a commitment to improve the living conditions for women prisoners including the provision of 'activity' space for different activities.
10.15	Additional building should also provide adequate interview rooms, launderette, clothing storage space, cleaning equipment storage, general storerooms and medical treatment rooms. (3.19)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners, resource constraints may limit the amount of additional facilities we are able to provide.
10.16	A discrete new unit should be built within the grounds of the establishment to house women requiring closed prison conditions, so that economies of scale can be maintained in respect of shared facilities and services. Cellular accommodation should be varied to meet the needs of different women, and the wing should contain more association space and adequate interview rooms, storerooms and treatment rooms. (3.23)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners but the decision has been taken that it is better value for money to reconfigure part of the existing accommodation than build a new unit.
10.17	A discrete Reception Area for women should be provided. (3.24)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment including the provision of a discrete area for the reception of women prisoners.
	Young Offender Unit		
	Accommodation		
10.18	The prison should continue to pursue a solution to overnight lavatory access, including the option of fitting electronic unlocking system. (3.31)	Not achieved	There are currently no funds available to pursue such an option.
	Hygiene		
10.19	More baths should be installed, particularly on the Female Unit. (3.55)	Not achieved	There are currently no funds available to pursue such an option.
	Substance Use		
10.20.	The Community Alcohol and Drug Service should be enlisted to conduct a needs analysis in the prison. (4.08)	2003	Work continues with a number of agencies including the Drug and Alcohol Agency and colleagues from the Health Department.
10.21	To describe the current drugs testing at La Moye as 'voluntary' is patently inappropriate and the testing policy should be reviewed. (4.12)	Not achieved	The policy will be reconsidered once the new Prison Rules are in place to permit Mandatory Drugs Testing.
	There should be a review of the way in which the testing for drugs at La Moye is carried out, both in terms		

10.22	of its application and its processes. (4.13)	2003	Staff are trained in taking oral samples.
	Suicide Prevention and Self-Harm Reduction		
10.23	It had not proved possible to install a dedicated, accessible Samaritan's telephone line. This fundamental life-saving device should be further explored and its installation supported. (4.33)	2003	
	Complaints Procedures: Applications, Requests and Complaints, Access to the Board of Visitors		
10.24	A clear independent avenue of complaint should be set up with the appointment of a Prisons' Ombudsman. (4.39)	Considered but not pursued	Decision taken not to proceed.
10.25	There should be an independent appeal process, which should be explained to prisoners, and appeals should always be dealt with promptly. (4.41)	Considered but not pursued	Decision taken not to proceed.
	Security		
10.26	Accommodation of a lower security category should be provided outside the main prison perimeter where carefully selected prisoners could serve their sentences, in most cases working in the community either as volunteers or in paid work. (5.04)	Not achieved	There are currently no funds to pursue such an option although proposals are being drawn up for consideration at a later date.
10.27	Alternative accommodation should be sought for women prisoners taking into consideration all possible options, including the erection of purpose built units inside the perimeter or outside the perimeter, or a combination of both. (5.06)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners.
	Use of Force		
10.28	The authorisation form for the use of special cells should be amended to include reasons for the use of that accommodation. (5.14)	2003	
10.29	There have been occasions when female prisoners had been located in the Segregation Unit of the male part of the prison. Facilities for disruptive prisoners in the Female Unit were virtually non-existent. This should be taken into account when considering the future needs of La Moye and its population. (5.15)		The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners, this will include the provision to segregate female prisoners separately from men.
	Prisoner Disciplinary Procedures		
	An independent channel of appeal		This proposition was rejected as part of the review of Prison Rules but may be revisited following fresh considerations as part of

10.30.	against adjudications should be introduced. (5.19)	Not achieved	ensuring new Rules are Human Rights compliant.
	Vulnerable Prisoner Unit (including provision for sex offenders)		
10.31	We recommend that reference be made to HMP Durham which has successfully introduced the principle of a 'Non-Collusive Regime' as a means of dispensing with a Vulnerable Prisoner Unit. (5.25)	Not achieved	Peculiarities associated with prison in Jersey mean this is unlikely to succeed in totally eliminating the need for a Vulnerable Prisoner Unit, although following improved staffing levels and when new accommodation is available (in 2006), the policy will be reviewed with the aim of reducing the number of prisoners held in the VPU.
10.32	The difficulties of keeping remand and convicted prisoners safe in a single prison institution, in an island community, were noted and in our view, some of these difficulties might be reduced by keeping remand and convicted prisoners separately. We recommend accordingly. (5.26)	Considered but not pursued	The small overall size of the prison would make this recommendation very costly to bring in by reducing the flexibility of use of the accommodation.
	Child Protection		
10.33	The review of child protection should develop a system of vulnerability assessment to be completed by both Probation (or other qualified community based) staff to accompany all remanded or convicted young people when they arrived from the Court and the establishment's staff should add their own observations and judgments to this assessment. (5.30)	Not achieved	Lack of staff resources and no senior manager responsible for Child Protection to organise/coordinate Child Protection Procedures.
10.34	The protection procedures should be developed and implemented with urgency and a system of comprehensive vulnerability assessment should be developed for all new arrivals. (5.31)	Partially Achieved	Some new procedures are in place but lack of staff resources means full implementation is not possible.
	Health Care		
10.35	The Home Affairs Committee should consider developing a more formal statement of aims for the Health Care service for prisoners and other offenders. (6.02)	2004	This continues as part of the overall review of the health care needs of prisoners.
10.36	The Home Affairs Committee should consider commissioning a health care needs assessment. (6.03)	2004	Completed by Dr. Rosemary Wool in 2004
10.37	Consideration should be given to inviting the professional standards inspectorate of the Royal Pharmaceutical Society of Great Britain to conduct an inspection of the pharmacy services at La Moye and to offer advice. (6.19)	2005	Achieved by default – HMCIP will invite them as part of the inspection in 2005.
	We suggest that the Home Affairs		

10.38	Committee gives consideration to commissioning a local assessment of need with a view to developing a low secure/intensive care facility for the island's mental health service. (6.19)	2005	Plans are advanced for the provision of such a unit at St. Saviour's.
	Education		
10.39	The scale and quality of initial needs assessment should be improved. (7.20)	Partially Achieved	Basic Skills assessment is now undertaken on all Young Offenders and any other prisoners who request it.
10.40.	The curriculum offered should be established and developed based on the evidence gathered and that emerging from the initial needs assessment. (7.20)	Not achieved	Lack of resources.
10.41	The teaching environment and facilities on the wings should be improved. (7.20)	Partially Achieved	Minimal improvement in some areas but still woefully inadequate.
10.42	The number of accredited courses and opportunities in education and the workshops should be increased. (7.20)	Partially Achieved 2004	City and Guilds in Horticulture started at the end of 2004 and discussions continue with Highlands College concerning further developments but funding concerns remain.
10.43	The number of staff (external) with teaching qualifications should be increased and steps taken to increase the number of voluntary workers and mentors. (7.20)	Not achieved	Lack of resources although proposals will shortly be presented for a much improved education provision across the prison.
	Library		
10.44	Library provision and facilities should be improved. (7.20)	Partially Achieved	Lack of resources, although some additional books have been acquired from those no longer wanted by Jersey Library.
	Physical Education		
10.45	Physical Education facilities should be improved for all prisoners as a matter of priority. (7.44)	Not achieved	Although female prisoners do now have access to some aspects of the gymnasium, the area previously available for them has been lost due to further building work.
	Contact with Family and Friends		
10.46	The whole visits system should be reviewed. In particular efforts should be made to resolve the overcrowding situation on Saturdays. This should include offering visits on Sundays and possibly on weekend mornings as well. (7.59)	Partially Achieved	Additional sessions have been arranged but Saturday remains very popular and busy.
10.47	In the longer term, the physical conditions in which visits take place should be radically improved to bring them up to an acceptable condition and the lack of facilities, particularly for those with children, should be addressed. (7.59)	Not achieved	Lack of resources although consideration is being given to enhance provision with a relatively small additional amount of capital funding.
	Religious Practice, Pastoral Care and Spiritual Activities		
	A dedicated area for religious practice and spiritual activities should be provided and made		

10.48	accessible to all prisoners. (7.69)	Not achieved	Lack of resources.
	Catering		
10.49	Management should consider establishing links with mainland prison catering operations (such as the Isle of Wight) to gain advice on effective cleaning and supervision systems. (8.07)	2003	Area Catering Manager from Prison Service of England and Wales visits. Catering manager attends Catering Conference.
	Prisoner Programmes		
10.50.	Note should be taken of the conditions and controls which apply to the use of Offending Behaviour Programmes, especially where these are based on careful monitoring and research, and steps should be taken to ensure that the effectiveness of programmes is maximised. (9.02)	2003	If courses are run they do comply with the standards laid down by OBPU.
10.51	The benefits of inter-agency work with the Probation Service should be further explored in the interests of public safety and crime reduction. (9.05)	2003	Cooperation between the 2 services continues.
	Psychology		
10.52	The provision of a psychology service should attract funding in its own right, enabling full budgetary provision to be restored to Education services. (9.06)	2003	This is now an established post.
10.53	The range of duties of the Psychologist should be re-assessed to ensure appropriate deployment of this specialist resource, with advice from the Supervising Psychologist in Jersey together with any assistance available from the Psychology Support Unit (PSU) of the U.K. Prison Service Headquarters. (9.08)	2005	A new job description is about to be produced.
10.54	The terms of reference and conditions of employment of the Psychologist should be made clear immediately in the interests of the postholder and in support of proper development of the post. (9.09)	2005	It is proposed that this will shortly become a permanent post.
10.55	The office accommodation and equipment provided for the psychologist were inadequate for the post and should be reviewed to include the provision of appropriate computer and printing equipment. (9.10)	2004	
	Temporary Release, Working Out Scheme and Pre-release Work		
10.56	The non-availability of temporary release to shorter-term prisoners is overly restrictive and should be reconsidered in the interests of improved resettlement practice. (9.13)	2003	
			The scheme is open to all prisoners, including women,

10.57	The potential to expand the Working Out scheme to greater numbers of women and young men should be considered. (9.17)	2003	young offenders and those serving short sentences, however since the last inspection certain events have led to less numbers being released.
	Life Sentenced Prisoners		
10.58	The inclusion of all Jersey Life Sentence prisoners in the wider U.K. system is recommended in the interests of prisoners and the community. (9.20)	2003	Currently all life sentence prisoners are transferred to prisons in England and Wales to serve their sentences.
	Sentence Planning		
10.59	Development of both Sentence Planning and Personal Officer schemes should assume some urgency since Sentence Planning was non-existent in the cases of adult male prisoners and had enjoyed only a limited introduction in the Female Unit. (9.22)	Partially Achieved	Some limited expansion of the scheme to the female wing and enhanced male wing; lack of staff resources prevents a greater expansion.
10.60.	The sentence planning system for those in the Young Offender Unit should be strengthened and the Probation and Aftercare Service should make a contribution at all stages of the sentence. Record keeping should be improved, with all information relating to a young person being held in one case file easily accessible to all unit staff. (9.29)	2004	
	The Probation and Aftercare Service		
10.61	Consideration should be given to the secondment of a Probation Officer into the prison in order to promote joint working, especially on Offender Behaviour programmes and aftercare arrangements. (9.35)	2004	
10.62	Consideration should be given to some community disposals incorporating an Offending Behaviour groupwork component to be undertaken at the prison. (9.35)	Not achieved	Lack of resources have prevented the expansion of the offending behaviour programmes.
10.63	The development of differential levels of prison service accommodation in parallel with non-custodial provisions should be considered. (9.36)	Not achieved	Proposals will be put forward for alternative less secure accommodation.
10.64	Specific consideration should be given to the development of a lower security, hostel-type provision to house those approved for the Working Out scheme who, by definition, no longer need the full containment of inner prison accommodation. (9.37)	Not achieved	Proposals will be put forward for alternative less secure accommodation.
	The use of Electronic Surveillance (Tagging) should be considered as a means of reducing the custodial population at remand hearings or		

10.65	early release stages of custodial sentences. (9.38)	2003	TRMS introduced
10.66	In respect of Electronic Surveillance, we suggest that consideration be given to the role which the Honorary Police might play in the administration and control of such provision. (9.39)	2003	TRMS includes views of the Honorary Police but they are not otherwise involved in its operation.
10.67	Further consideration and review of the formal relationship between the Prison Service and Probation and Aftercare Service in Jersey is recommended. (9.40)	Partially Achieved	Currently there is no SLA (or similar) in place.
10.68	Consideration should be given to the development of a Sex Offender Register; and to the introduction of an Automatic Conditional Release scheme for adult male and female prisoners; and that these should be without prejudice to the issues of Parole and Electronic Surveillance to which we also referred earlier. (9.43)	Partially Achieved	Both remain under consideration but await approval from the Law Officers Department.
The use of prisons in the United Kingdom mainland			
10.69	The possibility that charges to the States of Jersey Prison Service for U.K. prison placements exceeded the actual costs should be investigated. (9.46)	2004	Details of how the charges are raised has been provided showing that Jersey pays the actual costs (including overheads).
10.70.	On current year's calculations, the projected annual cost of lodging prisoners in the U.K. amounted to something in the region of £1,000,000 and this arrangement should be closely examined. (9.48)	2004	Plans are in place to reduce the number of prisoners transferred from Jersey at the prison's request (and hence reduce the cost).
10.71	Consideration should be given to legislative change to incorporate release on parole into Jersey law and in this event to consider a system whereby U.K. citizens, convicted and sentenced in Jersey, should be automatically transferred to serve their sentence in U.K. prisons without detriment. (9.48)	2004	Considered but this would require considerable legislative change in Jersey and any other jurisdiction involved in receiving prisoners from Jersey and is felt not to be practical.
To the Governor			
Reception			
10.72	All new receptions should be issued with the Compact information pack and given verbal information about what is going to happen in their first day or night following reception. (2.11)	Partially Achieved	Some information is given to all new receptions.
10.73	The use of singleton Officers to conduct strip searches, leaving them open to allegations of misconduct or assault by prisoners, should cease. (2.15)	Not achieved	Lack of staff.
	Due to insufficient space in the Women's and Vulnerable Prisoners'		

10.74	units to properly conduct strip searches, the use of alternative areas should be considered. (2.15)	Not achieved	Second phase of redevelopment in 2006 will provide an opportunity to re-assess use of accommodation
10.75	Prisoners should be routinely asked whether it is their first time in prison as part of their initial reception procedures. (2.16)	2003	
10.76	All prisoner should be given the opportunity to make a telephone call on the day of reception. (2.17)	2003	
	First Night		
10.77	Consideration should be given to the establishment of an earlier cut off time (for Receptions) to enable staff to ensure prisoners are able to make telephone calls and have showers. (2.21)	2003	
10.78	We suggest that the prison considers issuing an induction tape giving basic information about services, facilities and routines of the establishment. (2.26)	Not achieved	Lack of resources.
10.79	The initial location of women in an eight-bed dormitory is too large a group in which to place Receptions and the numbers housed in dormitory conditions should be reduced. (2.31)	Not achieved	The second phase of redevelopment due for completion in 2006 will provide an opportunity to re-assess the use of all accommodation across the establishment. There remains a commitment to improve the living conditions for women prisoners.
	Induction		
10.80.	Prisoners should receive and be helped to understand detailed information on prison life through a comprehensive, multi-disciplinary, induction programme. (2.35)	Not achieved	Lack of resources, although as a result of a re-profiling exercise carried out in 2005 it is hoped that more staff will be provided to enable this to begin.
10.81	We urge that the practice of holding new receptions in relative isolation be discontinued immediately. (2.36)	2003	
	Accommodation		
10.82	The installation of a card telephone on the Young Offender Wing should be an urgent priority. (3.33)	2003	
	Clothing and Possessions		
10.83	All stored property should be placed in sealed bags with an identifiable seal. (3.50, 2.18)	Not achieved	Lack of resources, although as a result of a re-profiling exercise carried out in 2005 it is hoped that more staff will be provided to enable this to begin.
10.84	All prisoners should be issued with a lockable storage box or cupboard so that they can ensure the security of their in-possession property. (3.51)	Not achieved	
	Hygiene		
	Women were only allowed a hair removal cream and this discriminatory rule should be reviewed and razors should be issued to all prisoners unless it is felt to be unsafe following an individual risk		

10.85	assessment. (3.53)	2003	
10.86	Prisoners from the VPU should be allowed more access to showers. (3.55)	2004	
10.87	Colour coding of cleaning equipment should be implemented throughout the establishment without delay to avoid cross-contamination. (3.58)	Not achieved	Lack of resources to develop and monitor a revised system.
	Anti-bullying		
10.88	A timetable had been set out for implementation of the Anti-bullying policy across the whole establishment. Local prison management should review progress and set a date for the policy to become operational throughout La Moye. (4.02)	Not achieved	Active consideration is underway to establish a policy following a local survey that was conducted in Spring 2005.
	Substance Use		
10.89	The reasons for naming remand (including unconvicted) prisoners to the BoV were unclear and the level of disclosure of personal information by the prison to third parties should be reviewed. (4.03)	2004	
10.90.	Prison Management should take steps to ensure the Drug Strategy is making effective use of resources, that initiatives are co-ordinated and mutually supportive and that areas of unmet need are identified and addressed. These include: A clear job description for the role of the prison's Drug Strategy Co-ordinator. The establishment of a Drug Strategy Group (DSG) with representation from all relevant community agencies and departments within the prison. This should meet regularly and be charged with the implementation of the Drug Strategy. The development of a comprehensive Drug Strategy document which defines the various initiatives in education, prevention and treatment within the prison. This should include an action plan and key targets for the coming year. Clear review systems that monitor both inputs and outcomes of the various initiatives. (4.05)	Partially Achieved	The draft Drug Strategy has just been completed.
10.91	In respect of drug using prisoners, prescribing decisions should be made according to individual need rather than to a standard formula. (4.06)	2003	
10.92	Health care staff should liaise with the Community Alcohol and Drug Service to develop new guidelines for the detoxification and treatment of those with substance misuse problems. (4.06)	2003	Dialogue is continuing to consider changes to our policy as a result of the Scrutiny Report on Drug Abuse.

10.93	A standard assessment tool should be adopted to assist in identifying and meeting the needs of individual prisoners. (4.09)	2003	
	Race Relations and Foreign Nationals		
10.94	Central Race Relations and Foreign Nationals Liaison Officers should be appointed and trained to act as points of reference and to provide support to all prisoners from minority ethnic groups and for Foreign Nationals. (4.19)	Partially Achieved	A RRLO has been appointed but lack of staff resources prevents much expansion of this role.
10.95	A multi-disciplinary forum, including members from relevant outside organisations, should be set up to provide a setting where Race Relations and the specific needs of Foreign Nationals and prisoners from minority ethnic groups can be addressed. (4.19)	Not achieved	Lack of management resources.
10.96	There did not appear to be any refresher training in Race Relations taking place and this should be implemented. (4.20)	Not achieved	Lack of resources.
10.97	The issue of victimisation because of race or ethnicity should be addressed through staff and prisoners training to promote racial awareness. (4.21)	Not achieved	Lack of resources
10.98	The establishment should consider ways of readily accessing independent translation and interpretation services. (4.23)	Partially Achieved	Consideration is being given to links to 'Language Line'.
10.99	Any staff involved in investigating complaints of racial discrimination should be competent to do so and receive effective support. (4.26)	2003	
	Suicide Prevention and Self-Harm Reduction		
10.100.	Steps should be taken to ensure that every member of staff appreciates that understanding and reducing the risk of suicide is <u>everybody's</u> concern. (4.29)	2003	
10.102	Refresher training in suicide and self-harm awareness should be given to all staff at least once in every year following the year of appointment. (4.30)	Not achieved	Lack of staff resources although it was undertaken by the recent new entrant prison officers.
10.102	Alternative, more detailed, observation and reporting should be adopted in relation to F2052SH cases and the guidelines amended accordingly. (4.31)	2005	New procedures being considered as part of the ongoing review of procedures.
10.103	Suicide Awareness Group meetings should be held at least bi-monthly with dates being formally planned ahead to ensure full and representative attendance. (4.32)	Partially Achieved	Meetings are held quarterly since the end of 2004.
	Security		

10.104	A number of managers should be trained in the management of serious incidents. (5.07)	Not achieved	Lack of staff resources.
10.105	Contingency plans should be regularly tested. (5.07)	Not achieved	Lack of staff resources, particularly management staff.
	Use of Force		
10.106	When locating a prisoner in a special cell, a checklist of action to be taken should be fixed to the outer side of the cell door to provide an aide-memoire for staff and ensure full compliance with procedures. (5.14)	2002	
	Prisoner Disciplinary Procedures		
10.107	Written notice of any disciplinary charge should be given to the prisoner at least 24 hours before the hearing. (5.18)	Not achieved	Lack of management resources to devise revised procedures.
	Incentives and Earned Privileges Scheme		
10.108	A proper Incentives and Earned Privileges Scheme should be put in place for women. (3.25)	2003	
10.109	Senior management should give priority to the development of IEP schemes. (5.20)	Not achieved	Lack of management resources to devise revised procedures.
10.110.	Senior management should review the IEP scheme for male prisoners to ensure that all those eligible for the Enhanced level are placed on it without undue delay. This should include those who are unconvicted and those serving sentences of less than 18 months. (5.23)	Partially Achieved	Some attention is paid to ensure the fair operation of the scheme.
	Vulnerable Prisoner Unit (including provision for sex offenders)		
10.111	There was absolutely no systematic and effective casework intervention to address the needs of VPU prisoners nor any visible attempt to transfer them to normal location in the prison and both issues should receive urgent remedial action. (5.24)	Not achieved	Lack of staff resources to devise systems to support such a policy.
	Child Protection		
10.112	The offer of training from the Jersey Child Protection Committee should be taken up with urgency and the prison should itself be represented at a senior level on the Child Protection Committee. (5.29)	Partially Achieved	A Child Protection Officer has been appointed who has received some training but there is no senior level representation.
	Health Care		
10.113	The need for clerical support to the Health Care service should be reviewed. (6.06)	Partially Achieved	It has been reviewed and found to be needed but there are insufficient resources available to provide such support.
10.114	The introduction of a clinical computing system should be considered. (6.07)	Partially Achieved	A stand alone computer is provided but we are awaiting the new computer system to enable a more up to date system.
	We suggest that consideration is		

10.115	given to displaying more leaflets about women's health. (6.08)	2003	
10.116	The safety of cells to accommodate disturbed or 'at risk' prisoners should be reviewed. (6.10)	Partially achieved	Some cells have 24 hour camera coverage.
10.117	A clinical waste system must be introduced as a matter of urgency. (6.11)	2002	
10.118	Consideration should be given to developing a triage protocol and to ensuring that any group direction on nurse prescribing meets legal requirements. (6.13)	Not achieved	Proposals for health provision at La Moye will shortly be presented to the Home Affairs and Health and Social Services Committees shortly.
	Employment and Vocational Training Provision		
10.119	More work off the residential unit should be provided for women prisoners. (3.24, 7.39)	2003	Some work is provided in the horticultural area.
10.120.	Part of the horticultural area should be made available for female prisoners. (7.27)	2003	
10.121	Opportunities for prisoners to gain work-based qualifications should be introduced. (7.28)	Partially Achieved	City and Guilds in Horticulture started at the end of 2004 and discussions continue with Highlands College concerning further developments but funding concerns remain.
10.122	Purposeful activities should be linked to prisoners' sentence plans. (7.37)	Not achieved	Minimal sentence planning in place and few opportunities for purposeful activities.
10.123	Work allocation should be based on individual need. (7.37)	Not achieved	Minimal sentence planning in place and few opportunities for purposeful activities.
10.124	Local management should arrange for an industrial Health and Safety survey to be undertaken by a suitably qualified person and action taken on any recommendations which may result. (7.38)	Not achieved	Insufficient resources to undertake review or to carry out the action that it is known would be necessary following such a review.
	Physical Education		
10.125	The Physical Education Department should have a formal input into induction programmes for all new prisoners. (7.45)	Not achieved	The prison does not run an induction programme yet. Following re-profiling it is intended to introduce this.
10.126	Consideration should be given to allowing male Physical Education staff to take classes in the Female Unit. (7.48)	Partially Achieved	Whilst this could be permitted, lack of staff resources prevent it.
10.127	Physical Education staff have much to contribute to wider elements of the regime and prisoner care and their potential should be developed in this way at La Moye. (7.50)	Not achieved	Re-profiling of staff may provide an opportunity to develop this.
10.128	Physical Education staff should be used to train prisoners in first aid and kinetic lifting techniques. (7.51)	Not achieved	Re-profiling of staff may provide an opportunity to develop this.
	Contact with Family and Friends		
10.129	Prisoners should be given a free five-minute phone call or letter in lieu of every visit not taken. (4.28)	2003	This recommendation was considered but rejected.

10.130.	Consideration should be given to subsidising telephone calls for Foreign Nationals in circumstances where they are otherwise isolated from friends or family. (7.61)	2002	
	Catering		
10.131	Senior management should take steps to improve conditions in the Kitchen to a level that competes favourably with other work opportunities in the prison. (8.02)	2002	
10.132	It should be a requirement that all prisoners receive health and safety training before starting work in the Kitchen. (8.03)	Partially Achieved	Some prisoners do have access to the Health and Hygiene computer package but lack of staff resources has restricted prisoner access to the package.
10.133	Senior management should ensure that all prisoners are able to gain training and qualifications when working in the kitchen. (8.04)	Not achieved	Once the new kitchen is completed in 2006 there will be the opportunity to pursue this.
10.134	The whole of the food servery system should be reviewed immediately and the local Environmental Health Officer should be asked to advise on best practice. (8.05)	2002	
10.135	The local Environmental Health Officer should be asked to undertake regular monitoring visits and provide a written report on the findings. (8.05)	2002	
	Prison Shop (Canteen)		
10.136	Consideration should be given to the relocation of the Prison Shop to a more central, ground floor position so it can be visited by more groups of prisoners including women and young offenders, and improve access to allow goods to be taken safely into the Shop. (8.11)	2003	
10.137	The ethnic, cultural and gender needs of prisoners should be regularly assessed and provided for in the Prison Shop. (8.12)	2003	
10.138	On the occasions when the Canteen Officer is not available, we recommend that reception packs for smokers and non-smokers should be on offer in Reception containing tobacco and phone cards as appropriate. (8.14)	2003	
10.139	Personal Officers should not be allowed to make special purchase for prisoners, as this system could leave Officers open to intimidation or corruption. All special purchases should be ordered through the Canteen. (8.17)	Partially Achieved	Due to the relationships between prisoners and staff there is some limited purchasing undertaken by staff but this is coordinated and approved on a case-by-case basis.
	More use should be made of catalogue ordering facilities for goods not available in the Canteen.	Partially	Some use of catalogue shopping is undertaken but generally not via

10.140.	(8.18)	Achieved	the canteen
	Prisoner Programmes		
10.141	A thorough needs analysis should be undertaken to establish the levels of criminogenic and social need in the various sections of the prison. (9.04)	Not achieved	Lack of resources to enable such an analysis to take place and uncertainty surrounding the funding requirements that would be needed to meet the needs identified.
	Temporary Release, Working Out Scheme and Pre-release Work		
10.142	The Temporary Release Officer should not be interrupted in this vital area of resettlement work by deployment to other duties. (9.19)	2004	The system for temporary release has been changed since the Inspection.
	Sentence Planning		
10.143	A senior manager should be given a more visible responsibility to ensure the proper development of Sentence Planning. (9.21)	2003	
10.144	We recommend that one case file should be created for each young male prisoner and located in a secure place easily accessible to all staff working on the Young Offender Unit. (9.28)	Partially Achieved	Most information for sentence planning for young offenders is brought together and held in one file in the room used for the meetings close to the main YO accommodation.
10.145	Good sentence planning provides the evidence upon which demands for resources can be based and for this reason alone it should be seen to have the full and unambiguous backing of the Senior Management Team. (9.30)	2003	
	Personal Officer Scheme		
10.146	The Personal Officer Scheme should be further developed to assume an important status within a formalised Sentence Planning structure. (9.31)	Not achieved	Lack of resources.
10.147	A local Personal Officer training programme should be launched to raise the general level of performance based on the standards achieved by the majority of staff at La Moye. (9.32)	Partially Achieved	Whilst a training programme has been developed, the scheme has not been spread across the whole prison and lack of staff resources has prevented further training.

JD Edwards accounting system – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee–

“Would the President inform members whether there are any known difficulties in adapting the JD Edwards system for States accounting to accommodate the 3% Goods and Services Tax (GST), and, if so, what costs may be involved in any conversion?”

The President of the Finance and Economics Committee tabled the following written answer –

“As identified in the Crown Agents report, a specialised IT system will be necessary for the administration of the Goods and Services Tax. Any such system would interface with the JD Edwards system for accounting purposes.

The JD Edwards system is a comprehensive and flexible accounting and resource management system which undoubtedly has the functionality to meet the accounting requirements of the Goods and Services Tax. Following the States decision to introduce GST, the detailed specifications and budgets for the implementation of the tax will now be produced but the cost of the modifications to JD Edwards are likely to be relatively minor.”

Recruitment and appointment of teachers – questions and answers

Deputy Geoffrey Peter Southern of St. Helier tabled the following written questions of Senator Michae Edward Vibert, President of the Education, Sport and Culture Committee–

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

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

The President of the Education, Sport and Culture Committee tabled the following written answers –

- “1. The Department does not keep data to monitor the standard of applicants. However, the data below suggests that the academic standard of teachers in the U.K., who have successfully completed training, has improved continuously since 1993.

School Workforce Analysis in England 2004 – Percentage of Cohort

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Postgraduate											
Class of first degree											
1st honours	3.7	3.8	4.3	4.4	5.0	5.0	5.3	5.6	5.4	5.7	6.2
2nd honours	81.6	83.1	83.2	83.2	85.4	85.3	85.8	86.1	84.4	85.9	85.1
other and unclassified honours	7.4	7.0	7.0	6.0	5.2	4.6	3.9	4.1	4.4	3.5	3.2
ordinary/pass	7.3	6.1	5.5	6.4	4.4	5.1	4.9	4.2	5.9	4.9	5.4

Total	100	100	100	100	100	100	100	100	100	100	100
Undergraduate											
Class of first degree											
1st honours	4.2	3.8	3.9	4.0	4.5	4.8	5.3	6.0	6.3	6.9	6.7
2nd honours	80.5	80.5	84.1	85.7	89.9	88.1	87.8	89.8	90.4	89.5	90.8
other and unclassified honours	3.2	3.4	3.1	3.0	4.1	2.8	3.5	3.1	2.7	2.7	2.3
ordinary/pass	12.1	12.4	8.9	7.3	1.5	4.3	3.4	1.0	0.7	0.8	0.2
Total	100	100	100	100	100	100	100	100	100	100	100

Applicants for teaching posts are expected to have a first degree and a Postgraduate Certificate in Education or a dedicated degree in Education. Normally prospective candidates are also required to demonstrate sound professional practice in the classroom as part of the selection procedure.

There are currently 5 teachers who hold a degree and have not yet completed a Postgraduate Certificate in Education. However, 4 of these do hold a qualification to teach post 16 years. All teachers in Jersey are required to demonstrate that they meet national teaching standards during the first year of their employment. Those who are successful are awarded Jersey Qualified Teacher status which is monitored and evaluated by the Institute of Education, London University.

2. (a) The Committee has recently been reviewing its teacher recruitment and selection policies in light of the States of Jersey HR Transformation Project. It will continue to monitor appointment trends especially in respect of shortage subjects.
 - (b) As part of the 2004-2006 pay agreement between the Education, Sport and Culture Committee and the Teachers' Associations, provision has been made for the establishment of a review body to consider the impact of work force reforms in U.K. and to review local conditions of service.
3. Data has been collated by academic year dating back to September 2001.

(a) *Number of advertised teaching posts:*

2001 – 2002	Secondary	167
	Primary	103
2002 – 2003	Secondary	71
	Primary	49
2003 – 2004	Secondary	62
	Primary	40
2004 – current	Secondary	51
	Primary	13

(b) *Number of occasions where no appointment was made:*

2001 – 2002	Secondary	11
	Primary	15
2002 – 2003	Secondary	17
	Primary	7
2003 – 2004	Secondary	5
	Primary	2
2004 – current	Secondary	0
	Primary	0.

Re-advertised posts are included in the numbers for Question 3(a). Since 2001, no class has been without a teacher at the beginning of an academic year. However, it is possible that some may have been employed from the supply list or on a short-term contract.

- (c) *Teachers leaving the employ of the Education, Sport and Culture Committee with less than 2 years service:*

2001 – 2002	20
2002 – 2003	22
2003 – 2004	21
2004 – current	12

Some of these teachers may have moved into the private sector. The Department is not aware of any teachers refusing the offer of employment since 2001. In the last 2 years 4 teachers have failed their probationary period; 2 of these were newly qualified teachers. Data for comparison with the U.K. has been requested from the DfES.

Funding of post 19 and post 16 education – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee–

“The President in his answer to my question on 10th May 2005, regarding the £1.3 million post19 funding proposal, stated that *‘the proposals.....have not yet been considered or accepted by Committees’* and *‘it would be inappropriate for me to comment’*.”

Would the President inform members –

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

The President of the Education, Sport and Culture Committee tabled the following written answer –

- “(a) The figures were not released by the Committee but by the Treasury as part of its open and transparent resource allocation process. All States members were invited to attend the Presidents’ discussions on the 2006 – 2008 resource allocation process and, therefore, it was considered to be in the public interest to release the information provided at that meeting.
- (b) As I stated in my answer to the Deputy’s previous question – *‘the Committee has not yet discussed its proposed 2006 – 2008 cash limits, nor the allocation of its 2006 budget, and until such time it would be inappropriate for me to comment on how the proposed net changes in funding for 2006 – 2008 will be allocated to meet the Committee’s priorities for Education, Sport and Culture’* which includes Highlands College.”

Committee carry-forwards and budget reporting – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee–

“Would the President inform members –

- (a) what carry forward balances, if any, have been identified, and from which Committees’ budgets, to fund the Economic Development Committee’s Economic Growth Plan and would he state whether any other projects will now suffer as a result of this new priority; if so, which projects will be

affected?

- (b) whether the Committee's policy to eliminate carry-forward budgets is counter-productive to any Committee's attempts to reduce spending given that Committees are now aware that any unspent budget at the year end will be returned to the central funds of the States?
- (c) whether the JD Edwards accounting system provides for any limitations in the accuracy of budget reporting and, if so, whether this could lead to unintentional reporting of, for example, underspends when such underspends do not in fact exist?"

The President of the Finance and Economics Committee tabled the following written answer –

“(a) The Finance and Economics Committee, as in previous years, has considered requests from Committees to carry forward revenue votes from 2004 to 2005. The policy it applied was to allow positive carry forwards of up to 3% of original gross revenue expenditure budget except in exceptional circumstances. After applying that policy it was identified that excess carry forwards of £1.3 million in total could be returned to General Funds, including the following significant balances:

Policy and Resources	£211,009
Privileges and Procedures	£181,201
Finance and Economics	£900,191.

However, before returning those sums to General Funds the Committee considered the pressing need for pump-priming the States' approved Economic Growth Plan for 2005/06, and has approached both the Policy and Resources and Privileges and Procedures Committees for their agreement to apply their excess carry forwards to the Economic Growth Plan. In the event that those Committees do not agree to that application of those funds, they will be returned to General Funds.

Therefore, no projects will suffer as a result of pump-priming the States Economic Growth Plan as those funds, if not used for that purpose, will be returned to General Funds to contribute towards funding the deficits forecast prior to the implementation of the Fiscal Strategy.

- (b) The Committee would be disappointed should Committees unnecessarily spend taxpayers money simply to avoid having funds which they do not need being ploughed back into States finances to provide funding for future high priority expenditure. The Committee is not aware of any such misuse.
- (c) The JD Edwards system is a modern day financial ledger system with full functionality to be expected of such a system. At the year end the figures for that system form the basis for the financial statements which are audited. As such, assurance can be gained that all expenditure properly incurred is recorded on the ledger and that therefore any underspends (or overspends) are also accurate. As always, there is the possibility of human error, but the system itself is sound and robust.”

Long Term Incapacity Benefit and Long-term Incapacity Pension – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

“Would the President inform members –

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

such defect if so applicable?”

The President of the Employment and Social Security Committee tabled the following written answer –

- “(a) No. In my answer on 10th May 2005, I made the point that the variation between individuals and the virtually infinite combinations of illness, impairment and levels of incapacity would make such research of little value. I would also refer the Deputy to the health proposals outlined in page 23 of the Income Support System report (P.86/2005). He will see that the Health Insurance system is to be reviewed in conjunction with the Income Support system so that additional support towards the cost of visiting the doctor and obtaining prescription medicines can be better targeted to individuals, especially those with chronic conditions that warrant more than average care by a general practitioner. However, if the Deputy has a specific individual or theoretical example for the Committee to consider, we would be grateful to receive details so that it can be factored into next stage of development. The Deputy is also reminded that a full review of the new Incapacity System is to be conducted at the end of the first year.
- (b) I am not aware of any penalty. I have also referred this question to H.M. Forces Support and Welfare Officer (Channel Islands) who is also unaware of any penalty. H.M. Forces are covered by U.K. Social Security and Ministry of Defence legislation as well as the reciprocal agreements that exist on matters relating to social security and tax between Jersey and the U.K. The underlying principle is that a person, having paid contributions to the relevant country, has the same rights to benefit as a resident paying contributions in that country. If the Deputy is aware of any anomaly, can I suggest he contact Mr. Owen Wiscombe, the H.M. Forces Support and Welfare Officer (Channel Islands), who would be able to take up the matter.”

Long Term Incapacity Benefit – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

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

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

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

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

were informed?"

The President of the Employment and Social Security Committee tabled the following written answer –

- “(a) Cost neutral, gender neutrality and individual entitlement are not based solely around LTIA or any one benefit but are an integral part of the whole system of contributions and benefits. The abolition of the married woman’s option not to pay contributions and other changes introduced as a result of the last major reform of the Social Security system were to abolish discrimination in the previous system and put men and women on an equal footing.

No doubt the outcome will factor into the U.K. Government Actuary’s reviews. One of the main aims was also to improve pension entitlement for women and it will be some years before the full impact of the whole change is achieved.

- (b) As the Deputy is aware, a review of the changes to the incapacity benefit system will take place after a full year’s implementation. (Most changes to benefit systems take some years to settle down into a pattern). I do not believe the Deputy’s reasons for review at this early stage are valid because I cannot accept that his comparisons are valid.
- (c) I cannot confirm the Deputy’s figures because, as I stated in my previous replies, the Deputy makes the erroneous assumption that existing and future LTIA recipients would all have been eligible for Invalidity Benefit. Early indications of the change are that the previous incapacity benefit system masked ‘disguised retirement’ and ‘unemployment’. This also seems to be an issue in other jurisdictions. The Deputy is also reminded that the system now operating has been partly in force since 1974, at least for people incapacitated through accident which leads to a long-term loss of faculty. These cases continue without any change other than the benefit has been renamed. The main change has been that long-term illness is now handled in the same way as those previously assessed as a result of an accident.”

Oral questions

1. Deputy G.P. Southern of St. Helier of the President of the Employment and Social Security Committee:

“Will the President inform members whether any further research has been undertaken on the demand for effective delivery of a benefit to replace the Health Insurance Exception (HIE) under the proposed Income Support system and, if so, what it is? In particular, what consultation has taken place with general practitioners on the Island?”

Senator P.F. Routier (President of the Employment and Social Security Committee):

“There have been various discussions between my Department and the G.P. Negotiating Committee. I have also met with their Committee recently to discuss the way forward should the States approve the Committee’s report and proposition on the Income Support system in June. During our meeting, I asked the representatives to identify one of their members who would be able to support us in the development of the next phase so that we would be able to set the guidelines and the processes so that they are workable and effective when the new system goes live in early 2007. We hope that, with the GP’s continued support, we will be able to take forward an appropriate mechanism, including their suggestions, so that it fits in with the overall system.”

1(a) Deputy G.P. Southern:

“I have a two-part supplementary, if I may, Sir. Can the President publish the advice he is getting from the GPs and, secondly, is he aware that the current HIE system is badly directed, in that many people, especially those on long-term Incapacity Allowance, cannot get HIE for the variety of complex rules that surround HIEs?”

Senator P.F. Routier:

“Firstly, with regard to publicising, what we are doing is working on a Committee basis with their representatives and sitting down with them and discussing the ways which they feel that the new support for the health of those who are chronically ill and who have young families, to ensure that what we are doing for the new Income Support system is appropriate to meet their needs. That is the process

which we are going with, so it is a matter of sitting down with them and working through all the issues. We had the first of those meetings last week, which I attended. With regard to the current HIE system, we are aware that the HIE system is not directed in the way we would want it to be in the future. That is exactly what the sort of work we are doing is to ensure that what we do come forward with is an appropriate mechanism to direct support, particularly to those people with chronic illness and with young families.”

1(b) Deputy G.P. Southern:

“If I may, again a two-part question. Yet, in his written answer tabled today, he says that he is not prepared to do any research on the health impact on those on long-term Incapacity Allowance because it would be a waste of time. How does that tie-in with his recent answer? Finally, would he be prepared to allow Scrutiny to get involved in this aspect of the delivery of the Income Support system?”

Senator P.F. Routier:

“I think, in the written answer which I gave with regard to the research – in particular the varying health needs of individuals – it is very evident that individual health circumstances are so varied that it would be a task which actually wouldn’t have any value to it, because people’s circumstances do change quite considerably. Even somebody with the same type of illness can have different requirements to meet those needs, so it is considered by the professionals that to carry out the sort of research that the Deputy is suggesting would be inappropriate. With regard to the request whether Scrutiny could be part of the further development, certainly that is exactly what we will be proposing with the timescale which we are setting out, once the report and proposition laying the sort of foundations for the Income Support system is known and secured by the States’ decision. We will then be working closely with those stakeholders who are involved; and what we are doing is to work in a timescale to ensure that Scrutiny can help with the development and the implementation of the new Income Support system.”

2. Deputy G.P. Southern of St. Helier of the President of the Employment and Social Security Committee:

“Will the President inform members whether any additional resources are planned to help those in receipt of benefits, particularly the Long-Term Incapacity Allowance (LTIA) to find work and, if so, what are they?”

Senator P.F. Routier (President of the Employment and Social Security Committee):

“Various initiatives have already taken place with the intent of providing a wider range of services to support people with special employment needs into work, including those on LTIA, especially if they have lost their job. The Jersey Employment Trust was set up to co-ordinate action across 3 Departments; that is Education, Health and our own department, Employment and Social Security. It was done so to improve the transition for people who are moving from one set of circumstances to another; also to make better use of the resources which are spread across those Departments; to provide more training and development opportunities for people with special employment needs; and with the whole purpose of improving their prospects for work. There are a number of people who need to be ready for work, and when they are ready for work they can be supported into getting a job with the help of our job coaches through Workwise. The Department also provides other services, such as help with completing CVs, preparation for interviews, career guidance and online learning opportunities. There is now a mix of provision that is designed to suit most needs. At present, we consider that the Jersey Employment Trust and the Department are adequately resourced. What we are doing is re-using those current resources in a more appropriate way. But we do recognise that, in the not too distant future, there will be a need to perhaps extend the Supportive Employment Project, and members who have taken part in the Capital Decision Conference will recognise that we do have a project where we want to ensure that those needs are being met.”

2(a) Deputy R.G. Le Hérissier of St. Saviour:

“Given that the President, Sir, is developing and enhancing a whole range of needs, would this take away from the idea – which I understand he is now studying – to introduce insurance for long-term residential care?”

Senator P.F. Routier:

“I am not sure how that is related to this particular issue, Sir, but certainly we are looking at a different project, which is to look at the issues relating to long-term care. We want to bring forward a proposition later on which will meet those needs. We recognise that that is something that needs to be

done.”

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

“The President might not have the numbers at the moment, but if he can inform the House at a later time – if he doesn’t have the numbers, since LTIA has been introduced (which is an allowance where people with disabilities are allowed to work) – could he inform the House, please, how many people started on this scheme and how many people have actually got jobs?”

Senator P.F. Routier:

“I don’t have those figures with me, Sir. I will get them.”

2(c) Deputy G.P. Southern:

“The President spent a lot of time talking about the past, what had been established, and very little time talking about what developments are planned now. It seemed to me that he seemed to be saying that very little was planned. Is he aware that there is an increased demand now from many people on long-term Incapacity Allowance who are rated at, say, only 25% incapacitated and who, therefore, are put in severe hardship because of this?”

Senator P.F. Routier:

“We do recognise that there are a number of people who do need assistance with finding employment, and the Department will do everything they possibly can to assist them. If the Deputy has any particular cases that he has an issue with, I hope he would help that particular person by directing them to the Department to ensure that they are given all the support we are able to do.”

2(d) Deputy G.P. Southern:

“If I may, Sir, it is more than an individual. The President has given me the record, which suggests that half of the people on long-term Incapacity Allowance are reduced to a 50% benefit or less. There is severe hardship going on amongst several hundred members of our community out there. It is not just an individual case. Will the President inform us what steps he is taking now to correct... to deal with this hardship?”

Senator P.F. Routier:

“The debate seems to be moving into a slightly different area with regard to helping people into work. If the Deputy is wanting to focus on the financial needs of people who are on long-term incapacity benefits, the process, as I am sure he is aware, is that – if people are in financial need – they would use the current welfare system. That is what is available to people. If they are in financial need, there is a support mechanism for them to use and obviously the new Income Support system will replace that in the future.”

2(e) Deputy G.P. Southern:

“If I may have one last supplementary, will the President inform the House what additional resources are being put into place to help people back into work or will be put into place in the near future?”

Senator P.F. Routier:

“I believe I have given that answer previously. We do recognise that people do need support to get into work. There are existing resources there which are available to people. We are currently spending £39 million on benefits to people who are in need in Incapacity Benefits across the board. What we need to do is... I am not sure that we need additional resources, but we need to ensure that those resources are appropriately targeted, and that is exactly what the Income Support system will be doing.”

2(f) The Deputy of St. John:

“Could the President tell us what support there is for somebody who is full-time disabled, who might be able to do one day a week? Would that person lose part of their income or their total income from Social Security?”

Senator P.F. Routier:

“I thank the Deputy for that question, because that is exactly what the reform to the Incapacity Benefit did that was carried out, that came into place in October of last year. It enables people to receive benefit and to work. Prior to that, they could not do that, they actually did lose their benefits if they

managed to get a job. That is the very positive thing that has happened with regards to the changes to the Incapacity Benefit.”

3. The Deputy of St. John of the President of the Policy and Resources Committee:

“Under the new ministerial system of Government, will advice given to a Minister by the Law Officers’ Department be made available to States members and, if not, would the President state the reasons why?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“In the ministerial system, as at present, all States members will be able to seek advice from the Law Officers’ Department. As well as individual members, this obviously includes Ministers and the Scrutiny Panels. In matters of litigation or matters which may lead to litigation, the advice received by Ministers from the Law Officers will of course need to be kept confidential because the release of such information could be prejudicial to the outcome of proceedings. In all other areas, I would expect States members to ask the Minister what he or she sees as the legal position on any matter for which he or she has responsibility. Members will also be able to seek clarification from the Law Officers’ Department if they feel this to be necessary.”

3(a) The Deputy of St. John:

“The period of confidentiality after the advice has been given and everything has been, shall we say, put to bed; could members be told what that period of confidentiality could be? Will there be a finite date of 5 years or 10 years when that information will come out to the public domain?”

Senator F.H. Walker:

“That has not been discussed. Nothing of that nature is planned at this point.”

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

“Could the President inform us if the proceedings are going to change because, under Shadow Scrutiny, the President himself, when questioned on Scrutiny under the Migration Policy, we asked the President of Policy and Resources if we could have the legal advice... if he would give us leave to ask for the legal advice that he had been given on the Migration Policy to be known to us, and he actually refused. Also, when we interviewed the Attorney General, we were given very little legal advice. In fact, on some of the questions we were not advised whether he had even given legal advice. So is the system going to change when we go to full Scrutiny, or is what is happening now going to carry on happening, where Scrutiny and other States members cannot get the legal advice that the Minister is given unless the Minister decides he wants to tell us?”

Senator F.H. Walker:

“The current situation will continue, but I think my answer made it clear that members can – and I expect would – ask the Minister what is the legal position on any particular aspect. Indeed, that information was, I understand, provided to the Scrutiny Panel that the Deputy refers to. Also, of course, the Scrutiny Panel is capable, as they did with Migration, to call the Attorney General and to seek his opinion on the legal position on any matter which they are scrutinising at the time.”

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

“There are occasions when a private member needs to seek legal advice from the Crown Officers regarding issues that a Committee may be dealing with simply, in my own case on some occasions, I have merely wanted to reassure myself that the Committee was doing its job properly, but legal advice has been denied simply because the Committee itself has already taken legal advice. Would the President advise what remedy he may suggest for such circumstances and is the problem being looked into?”

Senator F.H. Walker:

“I think that is, if I understand the question correctly, fully addressed in the last paragraph of my answer, when I said that I would expect States members in the first instance basically to ask the Minister what he or she sees as the legal position on any matter in which a member is interested, but, if members wished to obtain further information, further advice or clarification, then they can do so from the Law Officers’ Department.”

3(d) Deputy R.G. Le Hérissier of St. Saviour:

“Would the President confirm that, in the case of non-litigation circumstances, where advice has been received by a Committee, it then becomes, so to speak, the property of the Committee and the President when asked, for example in Scrutiny, is duty-bound to reveal that advice?”

Senator F.H. Walker:

“I am not sure I fully grasped the question. I do apologise. If the Deputy could re-ask the question.”

The Bailiff

“Perhaps the Deputy could put it again.”

Deputy R.G. Le Hérisier:

“When a President receives advice from a Crown Officer, does that advice, so to speak, become the property of the Committee and, therefore, it is the Committee’s bounden duty to reveal the full extent of that advice when asked?”

Senator F.H. Walker:

“That has not been the practice. That has not been the principle. As I have said, there is no plan at this point to change existing practice, which has actually, I believe, served the States and the public well.”

3(e) Deputy C.J. Scott Warren of St. Saviour:

“I wonder, Sir, if the Attorney General could inform the House whether there is a time limit in fact after this so-called legal advice can be –”

The Bailiff:

“No, Deputy, I am afraid not. The President of the Policy and Resources Committee is answering questions at the moment.”

Deputy C.J. Scott Warren:

“It was just, Sir, that he seemed unsure on this point.”

3(f) Deputy G.P. Southern of St. Helier:

“Is the President aware that in every other Parliamentary area the Scrutiny Panel, or those responsible for the scrutiny of the Executive’s actions, does actually have separate legal advice, and does he accept that this will cause a problem going into the new ministerial system? Furthermore, is he aware that, as we adopt Human Rights legislation, the way forward to test whether a particular action is Human Rights compliant will be to test it in the law in a particular case, to test whether it is proportional and, therefore, most advice may be subject to a test of law and litigation later on?”

Senator F.H. Walker:

“Again, I think I answered that latter point pretty well in my answer, that if anything is likely to be subject to litigation, then, in the interests of the public, it does need to be kept confidential, because, otherwise, we are exposing the States and the public to risk in a court of law. That seems to me to be absolute sound practice. So far as separate legal advice is concerned, there are no plans to provide separate legal advice; nor in the opinion of my Committee is such separate legal advice necessary or desirable in a jurisdiction such as Jersey.”

3(g) The Deputy of St. John:

“Will the President give the House an assurance that his Committee will bring, for debate to this House, the subject of freedom of information, so that after a certain date all information given to a Committee, whether on a ‘B’ Agenda or an ‘A’ Agenda, and information given by Crown Officers, will be available to the public of Jersey? Shall we say whether it is after 10 years or after 25 years, will he give an indication that he is prepared to bring that to the House for debate?”

Senator F.H. Walker:

“No, Sir. I think freedom of information generally is another issue, which we will be debating and have debated indeed in the past and will be debating again shortly. I think members do have to draw a clear distinction between advice from, for example, the Treasurer or the Director of Health Services and legal advice. Legal advice is legal advice and is therefore frequently subjected to test in a court of law. There are differences in the way other jurisdictions handle what I would call normal advice and legal advice, and there need to be those differences and we need to ensure that we protect those differences

in Jersey. As for the Deputy's question about releasing such information after a period, as I said earlier, that has not so far been discussed. It is something that I will undertake not necessarily to bring back to the House at this point, but I will undertake to discuss with my Committee and with the Attorney General."

3(h) Deputy J-A. Bridge of St. Helier:

"Would the President agree that, in answer to the Deputy of St. John's question, currently information is available under the Public Records Law after 30 years? I believe that is correct. This is off the top of my head. In P.79, it did state and the States agreed that Scrutiny may obtain their own independent legal advice if they wished. Also, if I can squeeze another part into the question, currently, as I understand it, if a Committee makes a decision arising out of legal advice, then that legal advice would feature as part of the agenda, whether it is an 'A' or a 'B' Agenda, and currently members would have access to that because we are all part of the Executive in effect. But would he agree that, under the future system, it is currently not clear whether members would continue to have that access to 'B' information on the basis that only the Executive will be the Executive?"

Senator F.H. Walker:

"Members will have access to absolutely all the information and they will have all the availability of information that they have today. I did stress in my answer that all States members will be able to seek advice on whatever topic they like and all States members will be able to seek advice from the Law Officers' Department."

3(i) Deputy G.W.J. de Faye of St. Helier:

"I think the President has clearly outlined 2 scenarios; one where there is pending litigation and a second where either a Minister or the Council of Ministers has determined that the legal advice should be confidential, where it seems fairly clear that States members would not have access to that particular legal advice. What I would like to ask the President is that it is inevitable that there will be disputes and arguments about the imposition of confidentiality of one sort or another, in one example, whether litigation is indeed pending or not or, in the other, whether the Minister or the Council of Ministers have properly taken the decision to make advice confidential. Could I ask the President what mechanism he has in hand or proposes for those types of decision to be challenged by a backbencher?"

Senator F.H. Walker:

"In that event, if I understand correctly, the backbencher could certainly ask the Law Officers if, in their opinion, the decision of the Committee had been properly taken, so the member has that availability. He has that today and will continue to have that in the future."

Senator E.P. Vibert:

"I have been trying to get your eye for at least every time a question was asked. I have had my light on now for at least 5 to 10 minutes."

The Bailiff:

"I am sorry, Senator, I did not see you, but I am sure another opportunity will arise. We have now debated the Senator's question for 11 minutes and I think we must move on to the next question."

The Deputy of St. John:

"On a point of confirmation, or point of order, I was under the impression that the Chair gave the last question to the person who put the question in the first place. Can you confirm that is correct?"

The Bailiff:

"The Chair usually does that, Deputy, but in this case the Chair allowed the questioner to put another question not only at the beginning but in the middle of the supplementary questioning and I think the time has come to move on."

4. The Deputy of St. John of the President of the Finance and Economics Committee:

"Would the President advise members whether the States of Jersey hold any shares in C.I. Traders Limited and, if so, to what value?"

Senator T.A. Le Sueur (President of the Finance and Economics Committee):

"I can confirm that the States of Jersey holds no shares in C.I. Traders Limited. For the sake of completeness, I can also advise that the Greville Bathe and the Don de Faye Trusts, which are no

owned by the States, but which are administered by the Treasurer of the States as a trustee, own between them 3% of the Ordinary Shares of C.I. Traders Limited with a value of £5.3 million.”

4(a) The Deputy of St. John:

“Given that the Treasury have responsibility for the Don de Faye Trust and the other trust and there is a holding in C.I. Traders, is it the Committee’s intention to ask that a member of the States take a seat on the board of C.I. Traders; and also, whilst he is answering the question, maybe he may be able to inform members whether or not C.I. Traders are currently in negotiations, given that we supply funding to the dairy industry, in taking over the dairy site at Five Oaks?”

The Bailiff:

“No, that last question is out of order, Deputy, because the President has no responsibility for the activities of Channel Island Traders.”

The Deputy of St. John:

“But he does have responsibility, does he not, through administering the Don de Faye Trust and therefore ...”

The Bailiff:

“The first part of the question, of the supplementary, is in order, yes.”

The Deputy of St. John:

“Thank you, Sir.”

Senator T.A. Le Sueur:

“The Treasurer of the States acts in this capacity as a trustee. His duty as a trustee is to look after the investments and to make appropriate investment decisions. There is no requirement for any trustee to take an active part in the management of a company or to take a seat on the board and, for a holding of 3%, it would be quite unusual in fact. But certainly there is no obligation, no requirement and it is common trustee practice to hold shares in a passive rather than an active capacity.”

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

“Does the President know, or is he able to show the States, who the beneficiaries of the trusts are?”

Senator T.A. Le Sueur:

“Yes, Sir. The beneficiaries of the Greville Bathe Trust are the sick and the aged of either sex. The Don de Faye Trust is a relatively small trust and that is to be distributed to the rectors and church wardens of the parish churches.”

4(c) Deputy G.W.J. de Faye of St. Helier:

“Is the President aware at what price the current holding of Channel Island Traders shares was acquired at?”

Senator T.A. Le Sueur:

“Yes, Sir. The cost value for the Greville Bathe Fund was £669,710 and, for the Don de Faye Trust, the book value was £65,977.53.”

4(d) Deputy G.W.J. de Faye:

“Sorry, Sir, I think I may have misled the President. Rather than know the current value of the portfolio, I was more interested to know at what price the shares were acquired in order to relate to what the current market price of the shares is.”

Senator T.A. Le Sueur:

“I should have said book cost.”

The Bailiff:

“Those are the values which the President gave you.”

5. Deputy R.G. Le Hérissier of St. Saviour of the President of the Housing Committee:

“Would the President of the Housing Committee indicate whether the Committee is reviewing the

policy whereby former tourist properties, upon development, can be sold off, in part, to non-qualified residents?"

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

"The Committee has no policy which specifically allows residential property on former tourist properties to be sold off to non-qualified residents. A developer may choose to sell separate dwellings by share transfer rather than by freehold, in which case the shares may be sold to non-qualified persons, but the dwellings and the accommodation can only be occupied by persons with housing qualifications."

5(a) Deputy R.G. Le Hérisier:

"Would the President acknowledge that, in terms of housing supply and demand, the policy of trying to provide more housing for purchase to local people is being undermined by the possibility that developers, when they cannot sell on the local market, are selling their property to people from overseas?"

Deputy T.J. Le Main:

"No, Sir. As I say, all unqualified lodging accommodation can only be let or rented out. If then sold, it carries local occupancy conditions and can only be occupied by local people. The popularity with developers of share transfer has grown, Sir, in recent years. There is an advantage to some developers in terms of (a) avoiding stamp duty, and (b) also being able to offer dwellings to a wider market as a buy-to-let investment."

5(b) Deputy R.G. Le Hérisier:

"Would the President acknowledge that it might be necessary for him to keep a closer eye on this situation and that the kind of speculative purchases that are apparently taking place at the moment with large developments need to be regulated more closely?"

Deputy T.J. Le Main:

"The Committee keeps an eye on all of the issues regarding housing, but there is no problem at the present time. The issue has always been in this Island that share transfer property can be purchased by any unqualified people. There are full controls on any kind of developments. When a developer seeks permission from the Housing Department to convert an old tourism premises or commercial premises or other into, say, lodging or unqualified accommodation, should they ever come out of that unqualified accommodation, they can only be sold off and occupied by local occupancies. There is no need to... it is fully controlled at the moment."

6. Deputy R.G. Le Hérisier of St. Saviour of the Vice President of the Home Affairs Committee:

"Would the President state how many, and which, of the recommendations of the Report into Honorary Police Electoral Practices (the Holland Report) have been implemented and which remain to be implemented?"

Connétable K.P. Vibert of St. Ouen (Vice President of the Home Affairs Committee):

"Yes, the President has been in consultation with Deputy Le Hérisier over the weekend about this. We do not have an answer at the moment, but we will be forwarding it to him as quickly as we can."

Deputy R.G. Le Hérisier:

"Yes, Sir, I accept that."

7. Deputy C.J. Scott Warren of St. Saviour of the President of the Environment and Public Service Committee:

"Would the President confirm whether the Committee intends to defer implementation of the provision for third party appeals, notwithstanding 2 existing States' decisions, the first of which granted a full third party right of appeal, and the recent decision which endorsed limited third party appeals?"

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

"I have explained on a number of occasions that the States has no option but to delay the implementation of the third party appeals provisions of the Planning and Building (Jersey) Law 2002 until the necessary funding is in place. I am prepared to confirm it once again. Third party rights will increase the number of appeals. In addition, the relaxation of Royal Court Rules to make the appeals

process less expensive to appellants will also increase the number of appeals. Together they will increase the costs for both the Royal Court and the Planning Department at a time when no funding has been made available. Until such funding is available – and at this stage we have yet to establish the potential cost implications following the recent States’ decision to introduce either measure, work overload, and the appeals process in the Royal Court and in the Department – I cannot say more than that, Sir.”

Deputy C.J. Scott Warren:

“I thank the President for his answer.”

8. Senator P.F.C. Ozouf of the President of the Economic Development Committee:

“Would the President inform members what action the Committee and/or the Jersey Competition Regulatory Authority (JCRA) is taking, if any, following the purchase of Safeway by C.I. Traders Limited?”

Deputy F.G. Voisin of St. Lawrence (President of the Economic Development Committee):

“The Jersey Competition Regulatory Authority (JCRA) is making enquiries to establish whether the acquisition was fully completed before the Competition Law came into effect on 1st May. If not, the parties would be required to obtain the JCRA’s approval for the transaction. I understand that the JCRA is expecting to complete its enquiries within the next 2 weeks.”

8(a) The Deputy of St. John:

“Given that C.I. Traders have purchased recently a number of supermarkets within the Islands, it has been drawn to my attention that they could also now be looking at the dairy at Five Oaks for the site there. As your Committee is responsible for ...”

The Bailiff:

“Through the Chair, please, Deputy.”

The Deputy of St. John:

“As the Economic Development Committee is responsible for the dairy industry through agriculture, can you confirm that, if this is likely to go ahead, would you make sure that this comes to the States for debate?”

Deputy F.G. Voisin:

“The property at Five Oaks is owned by the Jersey Milk Marketing Board (JMMB) and I do not believe that the States have power to direct the JMMB over to whom they should sell any assets and certainly this particular site. Therefore, I don’t believe it is possible for me to insist upon a States’ debate on the sale. What I can say is that the Board are under an obligation to act in the best interests of their producers and they have consulted with the Planning Department to see whether the site would be suitable for a supermarket, and I understand that they were given informal advice that it would not be a suitable site for a supermarket. However, I know that the situation is changing on almost a daily basis.”

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

“I am grateful to the President for confirming that the JCRA is investigating the matter. Could he confirm how he intends to communicate the decision of the JCRA in 2 weeks’ time? Secondly, does he have any concerns, or does his Committee have any concerns, with the concentration of market power that is now in the hands of one company and is he going to do anything to investigate whether or not he can do anything about limiting that concentration of market power?”

Deputy F.G. Voisin:

“As far as the communication of the JCRA’s findings, that is a matter for them and they will make that public announcement when they are ready. In terms of the market power of any single supermarket operator, I think that it is always a cause for concern where significant market power is held by a single company. However, if there are complaints to be made, then complaints can be made by anyone in the Island to the Jersey Competition Regulatory Authority and it will be for the authority to investigate those complaints to establish whether there has been abuse of market position. I think it is also worth saying that to prove the abuse of a market position will, I would imagine, take some time by the JCRA and there is also, I think, evidence – significant evidence – that the people of Jersey would like to see an alternative operator in the Island. The presence of an alternative operator will resolve the issue over whether there is abuse of a market position much more quickly than an investigation by the JCRA.”

8(c) The Deputy of St. John:

“In response to my earlier question, the President rather fluffed his reply in relation to the Milk Marketing Board. Will the President confirm that the dairy industry is supported by the taxpayer through various grants to the industry and, therefore, those people have an obligation to the States and, therefore, to your Committee – to the President’s Committee – that in the event of a sale – a substantial sale of a property like the dairy site to C.I. Traders – that in fact the Economic Development Committee has an obligation to the taxpayers of Jersey to actually bring that particular issue to the States?”

Deputy F.G. Voisin:

“I repeat what I said, which is that I do not believe – and I am willing to check this out, but I don’t believe – that the Committee has power of direction over the Jersey Milk Marketing Board. The property belongs to the Board. It does not belong to either the States or the Committee. Therefore, it is not for the Committee to tell the Jersey Milk Marketing Board to whom they can and cannot sell this particular piece of land. I would also suggest to the Deputy, Sir, that there are other potential sites in the Island and other sites that I think the Planning Department will look much more favourably upon if an application was made to convert that site into use as a supermarket.”

8(d) Deputy J.J. Huet of St. Helier:

“We have heard that the Jersey Milk Marketing Board wish to sell its site. Can the President confirm that there is any truth that they will be given a site at the Jersey Farm at Trinity in replacement?”

Deputy F.G. Voisin:

“Yes, the Milk Marketing Board wishes to acquire a site that forms part of the Howard Davies Farm area – the land there – and if the Committees concerned are of the mind to sell land to, or indeed grant a long lease to, the Milk Marketing Board, then that proposition would probably have to come before the States. So what the 2 questioners are suggesting is that the Jersey Milk Marketing Board should have an eye on keeping this Assembly content so that we should look positively upon any proposition to sell or lease land to the Milk Marketing Board, and that is an issue that I know that the ...”

Deputy T.J. Le Main of St. Helier:

“In the countryside.”

Deputy F.G. Voisin:

“In the countryside. Well, the ideal site that the Jersey Milk Marketing Board has identified is a site near the Royal Jersey Agricultural and Horticultural Society, and the idea is that there will be synergies between the 2 organisations. Any future proposition will have to come to this Assembly, I would imagine.”

8(e) Deputy J.J. Huet:

“If I could just ask one more question on this, the Jersey Milk Marketing Board, I believe, has had the site at Five Oaks from a green field site because it was for Milk Marketing and because it was used by the people and needed by the people of Jersey. Well, okay, so it is a commercial site for milk marketing, but, surely, if they no longer want it for milk marketing, should it not be going back to a green field site?”

Deputy F.G. Voisin:

“Well, I think these are matters for the Planning Committee, Sir. The future of the existing dairy, as I understand it, is that it has already been rezoned as a built-up area, but I am quite sure that any future application to redevelop that site will be considered by the Planning Department in accordance with the normal policies. As far as the new site is concerned, that is precisely why I said in my earlier response that it is a question of if the Committees deem this to be appropriate. I am quite sure that, if the Planning Department felt that it was an inappropriate use of that particular land to build a dairy on that site, then obviously they would not agree to a proposition being brought to the States to sell or lease this site to the Milk Marketing Board.”

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

“As my question appears to have been hijacked by the Jersey Milk Marketing Board issue, can I come back to the issue of competition, Sir, and can I ask the President whether or not he would consider

using his powers under the Jersey Competition Regulatory Authority Law to request formal advice on the competition issues in the supermarket sector so that the States could be properly informed of what it should do with this market?"

Deputy F.G. Voisin:

"The Committee has already asked for advice from the JCRA and a report on the retail capacity within the Island of supermarkets is being drawn up and, indeed, was nearly ready when the Safeway takeover was announced. It was then decided that the report should be updated to reflect this new development, so it will be, I am afraid, probably a couple of months now until we get this advice from the JCRA."

The Bailiff:

"Before we move on to the next question, I have had an expression of concern from one member that he is unable to hear the exchanges between questioners and Presidents on account of other conversations taking place around the Chamber. I request members, if they have other conversations to conduct, that they withdraw to the members' room in order to carry them out."

Deputy L.J. Farnham of St. Saviour:

"Could I just use this opportunity to say I have an interest in the subject of Question 10, so I will withdraw from the Chamber now."

9. Deputy G.C.L. Baudains of St. Clement of the President of the Policy and Resources Committee:

"In approximate terms, how much have the States spent on corporate I.T. Development in total to date and in each of the last 5 years, and what steps is the Committee taking to ensure the States are getting value for money and an improvement in service?"

Senator F.H. Walker (President of the Policy and Resources Committee):

"Before answering, may I apologise to you, the Deputy and the House for not being here when the question was posed in the first place. I was in fact being subjected to informal but intense scrutiny in the Members Room and lost track of time. The answer, of course, has already been given quite fully (or I hope very fully) in a written answer to members, but nevertheless the answer is that, since 1999, the States has spent £16.6 million on corporate I.T. development. In each of the past 5 years we have spent – £3 million in 2000; £2.4 million in 2001; £2.6 million in 2002; £4.2 million in 2003; and £4 million in 2004. This expenditure in 2004 represents about one per cent of States spending. In terms of value for money, the corporate I.T. standards agreed by my Committee set out clear rules for managing projects, and these follow the highest industry standards. Detailed business cases for projects have to be made, requirements are specified and suppliers and services are selected by a tender process. The benefits on which the case has been made are then rigorously tracked and measured. In the presentation given to States members some 4 weeks ago on the change programme, my Committee identified the benefits that would result from integrating the management of technology in the States from reduced support costs, better supply and management, telephone costs, etc, and the benefits to the States from these initiatives and to the public will be significant."

9(a) Deputy G.C.L. Baudains:

"The President referred to the suppliers and services selected by tender process. I am concerned that, for example, the States' email system has all but collapsed in recent weeks, and the Jersey Legal Information Board (JLIB) site has had certain problems, which is causing concern for the Law Revision Board. I believe the Parishes are still not connected properly – that the system is still not functioning properly. I am not convinced, Sir, that we are getting value for money. I wonder if there is a fault in the tender process, where perhaps those firms who do tender are coming in at a low price with perhaps inferior quality merchandise, which then presents problems later on to rectify. Could the President advise whether his Committee will be looking at this to ensure that we have in fact a better quality service in future?"

Senator F.H. Walker:

"Yes, Sir, not only will we be looking at it, but we continually look at it. I acknowledge at least some of the concerns expressed by the Deputy, and my Committee is determined that the service we provide and the support offered by I.T. systems should be of the highest quality. It has to be if we are to make maximum use of it and save as much money as my Committee has targeted us to do."

9(b) The Deputy of St. Peter:

“Would the President explain what procedures, if any, are in place to assess the total spend by individual Committees on I.T. over and above the corporate I.T. vote?”

Senator F.H. Walker:

“Yes, Sir, the Committee spend on I.T. is evaluated obviously within each Department and with the I.T. Department in most cases and then it is of course subjected to the decision conference procedure with the Presidents of all the major spending Committees.”

9(c) The Deputy of St. John:

“Could the President tell us who supplies our I.T. equipment to the States and whether I.T. systems is the name of the company or is it a department?”

Senator F.H. Walker:

“I.T. systems is a generic term. It is certainly not the name of any company that I am aware of and certainly not the name of a department. As for who supplies equipment to the States, I cannot answer the Deputy precisely this morning because there are a wide number of suppliers to the States, ranging from relatively small local operations to some of the biggest suppliers in the world, for example Microsoft. So, Sir, if the Deputy would like a full list of suppliers, I am sure I can make that available to him.”

9(d) Deputy R.G. Le Hérisier of St. Saviour:

“Notwithstanding the assurances we have received from the I.T. Department on PPC, could the President tell us, Sir, how does his Committee as a political Committee know it has had value for money from the massive investment currently going into I.T.? How do they know they have had value for money?”

Senator F.H. Walker:

“I think the only way one can know – and this applies to all organisations that apply and have the use of I.T. – the only way that one can know is to set very clear objectives and undertake cost/benefit studies before an order is placed and then measure the performance of the system against those agreed objectives, and that is standard practice.”

10. The Deputy of St. Martin of the President of the Housing Committee:

“During the debate on P.74/2005, Caledonia Place: Sale of Property, at the States’ meeting on 10th May 2005, the President made reference to 2 valuers and a developer who visited the site to value the property. Will the President inform members of the names of the valuers and the developer, when they visited the property and the amount at which they each valued the property?”

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

“Caledonia Place was visited and independently valued for the Housing Committee by both Property Services and William Bull & Company in September 2004 and December 2004 respectively. Property Services valued the property at £525,000 and William Bull & Co at £510,000. Upon my return to the Island late last evening, it was reconfirmed to me by a Director of the Royal Yacht Hotel Group that they had also sought and received an independent valuation of the premises, and this was £525,000. These valuations are considered independent from the Housing Department’s own valuation/replacement of the premises or property. I am not prepared to disclose the name of the developer, who, at no public cost, was asked to give an opinion based on his experience as a developer currently selling similar sized flats and accommodation in far better situations, with views and parking, etc. The identity of the individual developer did not influence the valuation or final agreed offer and, of course, the desire to sell the property as being in the best interests of the public and States’ tenants. This developer has done much work in the provision of social homes for housing trusts and the States of Jersey.”

10(a) The Deputy of St. Martin:

“I have 2 supplementary questions. Maybe I can ask the first one. Would the President not consider that, having used the developer to justify his case, does he not think, in the interests of openness and transparency, it is incumbent on him to reveal the name of that developer, particularly as he was a former President of the Freedom of Information Committee?”

Deputy T.J. Le Main:

“No, Sir. It was on my own initiative that I asked a developer to have a look, to satisfy myself that the property valuations were fair and proper. The Committee met on at least 2 occasions certainly with Senator Ozouf and Deputy Voisin in attendance to make sure that everything was going to order. I am not prepared to name the developer, although I have the name of the developer, which I am quite happy to pass on to the President of Finance and Economics or Policy and Resources, but, no, I am not prepared... He gave and volunteered this information at no public cost.”

10(b) The Deputy of St. Martin:

“I think the President half-answered the second supplementary, but I would just ask it again. Could he just confirm then that the decision to invite the developer was on his own initiative and not of that of the Committee?”

Deputy T.J. Le Main:

“It was on my own initiative, after having several valuations, that I decided to ask someone who is involved very much in the day to day actual development and purchasing and what-have-you. It was my own initiative. It certainly wasn't a Committee initiative.”

Deputy Lyndon John Farnham of St. Saviour declared an interest and withdrew from the Chamber during question 10.

11. Deputy C.J. Scott Warren of St. Saviour of the President of the Environment and Public Service Committee:

“Would the President inform members why he did not request funding at the Presidents' meeting held towards the end of April 2005 for the provision of a limited third party right of appeal when the new Planning and Building (Jersey) Law is brought into force?”

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

“As I explained to the Assembly on 20th April, when Deputy Scott Warren successfully brought his amendment to limit the definition of third party appellants in the new law, the Committee, in conjunction with the Finance and Economics Committee and the Royal Court, has yet to establish the costs of implementing the third party appeals and particularly the limited form of third party appeals now approved. Until it has done so, the Committee is not in a position to make a bid for additional funding. Furthermore, the correct process for seeking additional funding is through the States' Resource Plan and not at a Presidents' meeting on 25th April, which had nothing to do with the Fundamental Spending Review. We will, of course, be preparing bids at the first available opportunity.”

11(a) Deputy C.J. Scott Warren:

“I have 2 supplementaries, Sir. The first is, is the President aware that the estimated cost for limited third party appeals was substantially lower than the estimated cost for appeals by applicants within the now discarded Planning Appeals Commission? And, if I can ask the second question at the same time, can the President inform members why there should not similarly be a lower cost for limited third party appeals than for appeals by applicants within the Royal Court system?”

Senator P.F.C. Ozouf:

“The President is aware of the costs of the limited right of appeals being less. However, as the Deputy will know, the funding for the full right of appeal was never given, so it is a saving of nothing that was available. Therefore, it is all very well talking about a saving, but I am afraid it is an illusory saving when the money didn't exist in the first place. The fact remains we need to establish the costs of the limited third party appeals and we will make a bid as soon as possible to get that provision in, just as the States has asked us to do.”

11(b) Senator E.P. Vibert:

“Could the President inform the House what method he is going to use to make these estimates of the costs and how is he going to arrive at that?”

Senator P.F.C. Ozouf:

“The Committee is going to consult with its normal advisors in relation to how many appeals. We will then consult with the Royal Court in order to establish what the likelihood of the estimate of the costs for the Court is concerned. When that work is completed, we will make a bid and no doubt Presidents

will judge that bid and test us on the assumptions that we have made.”

Deputy C.J. Scott Warren:

“I would thank the President for his answer.”

12. The Deputy of Grouville of the President of the Finance and Economics Committee:

“Following the President’s statement at a meeting organised by the Chamber of Commerce in February 2005, has his Committee looked into the concept of leasing as a means to pay for items purchased by the States as an alternative to fill the ‘tax hole’, or partially fill it, and, if so, what are the Committee’s findings?”

12(a) Senator T.A. Le Sueur (President of the Finance and Economics Committee):

“Leasing, which for all intents and purposes amounts to borrowing, has been used by the States and supported by my Committee when it represents the most effective means of procuring property and equipment and has been used to great effect, most notably at the Airport, where revenue streams are generated to repay the cost of leasing. The Committee will continue to support borrowing in the appropriate circumstances, notably when there is a sound business case to do so. Stable and sustainable public finances are important to a thriving economy and to attracting investment and business to the Island and keeping it here. Whilst there are certain cases where borrowing does represent the optimum funding method, it does not represent a sustainable solution to meeting the quantum of revenue shortfall arising from moving to 0-10 and it would introduce uncertainty and instability into our public finances. Borrowing and its not insignificant interest costs has to be repaid and using borrowing now will merely put off the problem for a few years, by which point the problem will in fact be far worse.”

12(b) The Deputy of Grouville:

“Would the President accept that items would be paid for by revenue instead of capital, which would enable States’ Departments to make better use of their budgets and even reduce them?”

Senator T.A. Le Sueur:

“No, Sir. Whether the vote is labelled ‘revenue’ or labelled ‘capital’, it comes out of the States’ funds in one way or another and we are kidding ourselves if we think that, by changing its label, we will get something for nothing.”

12(c) Connétable D.J. Murphy of Grouville:

“I fail to see, since the States does not pay income tax, how leasing can be a viable alternative to borrowing at a cheaper rate.”

Senator T.A. Le Sueur:

“The Constable is broadly correct. Leasing and borrowing are really synonymous with one another. Interest costs do not bear tax relief for the States and it is generally not a particularly suitable way of doing things. But, where there are large capital projects or large projects for which borrowing is an appropriate funding, as has been the case with the Airport and Morier House, then those routes can be used.”

13. Senator P.F.C. Ozouf of the President of the Health and Social Services Committee:

“Bans on smoking in public places have been introduced in New York City, Ireland, Italy and Guernsey and are being considered in a number of other European countries. What plans, if any, does the Health and Social Services Committee have to bring forward such a ban in Jersey?”

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

“As members will be aware, in November 2003, the States supported proposition P.109 – the Tobacco Strategy – which was developed to reduce the harm to individuals in the community caused by the use of tobacco. At the time of that debate, I made it clear that I saw this as the first step in a progressive approach to tackling smoking. Indeed, recent global developments illustrate just how dynamic the situation is. After the States’ decision to endorse the Tobacco Strategy, Ireland became the first country in the world to ban smoking in workplaces. In Ireland, most enclosed workplaces became smoke-free by law on 29th March 2004 under the provisions in the Public Health (Tobacco) Acts 2002 and 2004. Since then, offices, shops, factories, bars, restaurants and other enclosed workplaces have been smoke-free. In effect, Ireland has banned smoking in virtually all workplaces. This development has accelerated the process of change elsewhere, as it has demonstrated how a wider ban, that focuses on

enclosed workplaces, can work in practice. Indeed, in England, the newly formed Government included in the Queen's Speech of 17th May 2005 a commitment that 'legislation to restrict smoking in enclosed public places and workplaces will also be introduced'. The Health and Social Services Committee is committed to tackling smoking on health grounds and, to this end, have continued to monitor global tobacco control measures. My Committee will shortly be bringing before the House draft legislation in line with the extant States' decision of November 2003 to ban smoking in premises that serve prepared meals. However, mindful of the pace of change in legislation internationally, the Committee has decided to also lodge a proposal that will seek an in principle decision to ban smoking in all enclosed workplaces, broadly in line with the Irish legislation produced in 2004."

The Bailiff:

"There, I am afraid, Question Time must come to an end."

The Deputy of St. Martin:

"Could I just formally ask that my question be tabled as a written question for the next meeting?"

The Bailiff:

"Yes, indeed and, Deputy Baudains, do you wish to make the same request?"

Deputy G.C.L. Baudains of St. Clement:

"I will carry mine forwards as an oral question and hope that I am luckier in the draw next time, Sir."

The Bailiff:

"Very well."

Deputy Gerard Clifford Lemmens Baudains of St. Clement– personal statement

Deputy Gerard Clifford Lemmens Baudains of St. Clement made a statement in the following terms–

"Given that the announcement of my resignation from the Scrutiny process was made only briefly during my contribution to the Fiscal Strategy debate, I would like to clarify the reasons behind that decision.

Since entering the States, I have adopted the role of scrutineer, taking time to investigate matters whenever issues apparently in need of investigation were brought to my attention. I still perform that duty.

When Shadow Scrutiny Panels were formed I saw an opportunity to more efficiently harness that investigative work and therefore I put my name forward.

The Panel on which I served has worked extremely hard and, I believe, professionally. All work is done by Panel members, assisted only by one or 2 Scrutiny Officers. I would compare the work of a Scrutiny Panel with serving on 4 or 5 major Committees at one time.

However, that work is satisfying, as opposed to onerous, provided the reports produced are taken seriously and the evidence in them used to improve our quality of government. Sadly, in my view, this has not been the case.

The Panel I served on has had to put up with lack of co-operation, misleading information and other impediments to progress. Reports we have produced which Committees found inconvenient have been either ignored, or rubbished with erroneous accusations of bias and incompetence on the part of the Panel members and its technical advisors.

Whilst feeling insulted by such behaviour, nevertheless I, in company with my fellow Panel members, put this down to the fact that one or 2 Committees had yet to embrace scrutiny, and that matters would improve with time.

Unfortunately, events of recent months have made me believe the problem is more fundamental, and that scrutiny is a waste of the time and effort we put in. There is little point in spending hundreds, perhaps thousands, of hours collecting evidence and assembling it into reports if they are simply going to be ignored. The same applies if this Assembly is prepared to debate propositions before scrutiny reports are available, as has happened twice in the last month.

These are the issues I was referring to when I stated during the debate on the Fiscal Strategy that I had been considering my position on scrutiny. What finally persuaded me was the criticism of scrutiny by Senator Walker during his speech. I understood him to make 3 points –

Firstly, he criticised us for a 5-week delay between the lodging of the Fiscal Strategy proposition and the starting of our review of GST. In reality, the Panel had been under pressure to complete the Waste Strategy Report. Thereafter it had to reconstitute under a new Chairman, select new subjects from the dozens put forward according to their merit and probability of completing them before the end of this session, get those subjects cleared by the Chairmen's Committee, decide on terms of reference, choice of technical advisors and so forth. There was also an issue of officer shortage at this time, so any suggestion we could have started immediately was therefore inappropriate.

Secondly, he gave me the impression that the Assembly could not have its work delayed waiting for scrutiny. If this is so, we truly are wasting our time, because a Panel cannot produce a report in 2 or even 4 weeks between lodging and debate. I would suggest 10 weeks a workable minimum and even that would depend on a Panel's current workload.

Thirdly, and the final straw as far as I was concerned, I gained the impression that scrutiny would only be tolerated by the Executive as long as it was benign.

If the work of scrutiny is going to be ignored or rubbished whenever its reports happen to be inconvenient to a Committee, if non-cooperation continues to be used as a tactic by Committees wishing to avoid the scrutiny process, if this Assembly is not prepared to wait for the evidence that scrutiny produces before making decisions and if scrutiny is only going to be tolerated as long as it does not criticise the Executive, then I truly believe scrutiny is a waste of members' effort.

Unfortunately, all of the above are currently confirmed.

Despite averaging 70 hours a week on States' business I still have to prioritise my work. I do not consider spending a good proportion of that on a process that is essentially a waste of effort to be an appropriate use of my time. I therefore have had no choice but to resign from the scrutiny process."

Day Surgery Unit Extension and Accident and Emergency Extension Phase 1: approval of drawings– P. 79/2005

Comments

THE STATES, adopting a proposition of the Health and Social Services Committee –

- (a) approved drawings Nos. 1712/01 – 06, 11 – 01A, 11 – 02F, 11 – 03E, 11 – 04E, 11 – 05C, 12 – 01B, 12 – 02C, 12 – 03B, 13 – 01C and 13 – 02C relating to the Day Surgery Unit extension and the Accident and Emergency extension Phase 1; and,
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

New Urban Square in Broad Street: relocation of taxi rank – P.96/2005

Amendments

THE STATES commenced consideration of a proposition of the Connétable of St. Helier concerning the new urban square in Broad Street: relocation of taxi rank, requesting that they request the Environment and Public Services Committee –

- (a) to defer the implementation of its decision to re-establish a taxi rank in the area previously used for this purpose in Broad Street for a period of one year from the date of opening of the new urban square on 17th June 2005; and,
- (b) to designate a public taxi rank in the area of Broad Street which provided adequate facilities for taxi drivers and their customers, whilst maintaining the integrity and maximising the potential of the new

urban square.

THE STATES rejected an amendment of the Environment and Public Services Committee that at the end of paragraph (b), there be inserted the following words–

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

Members present voted as follows –

POUR: 14

Senator L. Norman
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. John
Deputy J.J. Huet (H)
Deputy M.F. Dubras (L)
Deputy J.A. Bernstein (B)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy G.W.J. de Faye (H)

CONTRE: 31

Senator J.A. Le Maistre
Senator S. Syvret
Senator F.H. Walker
Senator T.A. Le Sueur
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)

ABSTAIN: 1

Deputy J.L. Dorey (H)

THE STATES commenced consideration of an amendment of Deputy Maurice François Dubras of St. Lawrence that existing paragraph (a) be renumbered as (a)(i) and after that paragraph there be inserted the following new sub-paragraph –

“(ii) to rescind, for the same period of one year, the designation as a stand of the area previously used for controlled taxi-cabs under Article 37 of the Motor Traffic (Jersey) Law, and to designate the said area as a pedestrian road at all times in accordance with the provisions of Article 8(1) of the Road Traffic (St. Helier) (Jersey) Order 1996;

and that existing paragraph (b) be renumbered as (b)(i) and after that sub-paragraph there be inserted the following new sub-paragraph –

“(ii) to designate, after consultation with the Parish of St. Helier and the Jersey Taxi Drivers’ Association and other relevant stakeholders, a number of other ranks of between two and six spaces in agreed locations within the central town area (as described in paragraph 3 of the attached report), as well as along the Esplanade and, if possible, within the Waterfront, in addition to those ranks already

designated at Snow Hill, in Mulcaster Street and at the Weighbridge.”

After discussion, the amendment was lodged “au Greffe” by the Deputy of St. John.

THE STATES, following further consideration of the proposition of the Connétable of St. Helier, granted leave to the Connétable to withdraw the proposition.

Members present voted as follows –

POUR: 36

Senator J.A. Le Maistre
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator E.P. Vibert
Senator R.J. Shenton
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 St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
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 J.A. Bernstein (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)

CONTRE: 8

Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J-A. Bridge (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

Draft States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 200-P.55/2005

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005.

Draft States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 200-P.56/2005

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled th

States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005.

**Draft States of Jersey (Amendments and Construction Provisions No. 2) (Jersey) Regulations 2005
P.57/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 2) (Jersey) Regulations 2005.

**Draft States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005
P.58/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005.

**Draft States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005
P.59/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005.

**Draft States of Jersey (Amendments and Construction Provisions No. 6) (Jersey) Regulations 2005
P.60/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 6) (Jersey) Regulations 2005.

**Draft States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005
P.61/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005.

**Draft States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005
P.62/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005.

**Draft States of Jersey (Amendments and Construction Provisions No. 9) (Jersey) Regulations 2005
P.63/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 9) (Jersey) Regulations 2005.

**Draft States of Jersey (Amendments and Construction Provisions No. 10) (Jersey) Regulations 2005
P.64/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 10) (Jersey) Regulations 2005.

Draft States of Jersey (Amendments and Construction Provisions No. 11) (Jersey) Regulations 2005

P.65/2005

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 11) (Jersey) Regulations 2005.

Privileges and Procedures Committee: revised terms of reference – P.75/2005

THE STATES, adopting a proposition of the Privileges and Procedures Committee, referred to their Act dated 26th March 2002, in which they approved the terms of reference of the Privileges and Procedures Committee, and agreed –

- (a) that responsibility for the overview of the Shadow Public Accounts Committee should rest with the Privileges and Procedures Committee to mirror the arrangements in place for Shadow Scrutiny, and that during the remainder of the shadow period independent members would be appointed by the Privileges and Procedures Committee following consultation with the Finance and Economics Committee; and,
- (b) that responsibility for electoral reform be transferred from the Legislation Committee to the Privileges and Procedures Committee.

Members present voted as follows –

POUR: 33

Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator E.P. Vibert
Senator R.J. Shenton
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. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy M.F. Dubras (L)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisssier (S)
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 of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye H)

CONTRE: 6

Senator L. Norman
Senator P.F.C. Ozouf
Deputy J.L. Dorey (H)
Deputy L.J. Farnham (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)

ABSTAIN: 0

Change in Presidency

The Bailiff retired from the Chair during consideration of the proposition of the Privileges and Procedures Committee concerning that Committee's revised terms of reference, (P.75/2005 lodged "au Greffe" on 19th April 2005), and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 200-P.80/2005

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 200-.

Draft Licensing (No. 16) (Jersey) Regulations 200 P.92/2005

THE STATES, in pursuance of Article 92 of the Licensing (Jersey) Law 1974, made Regulations entitled the Licensing (No. 16) (Jersey) Regulations 2005.

Members present voted as follows –

POUR: 38

Senator J.A. Le Maistre
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator E.P. Vibert
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. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (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 S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter

CONTRE: 1

Deputy of St. John

ABSTAIN: 0

Deputy J.A. Hilton
Deputy G.W.J. de Faye (H)

THE STATES rose at 5.15 p.m.

A.H. HARRIS

Deputy Greffier of the States.