

STATES OF JERSEY ORDER PAPER

Tuesday, 26th February 2002

- A. COMMUNICATIONS BY THE BAILIFF
- B. TABLING OF SUBORDINATE LEGISLATION
- C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Resignation of Senator P.A. Bailhache from the Industries Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Indemnity of commercial services against third party war and terrorism insurance: report.
Finance and Economics Committee. R.C.5/2002.

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): comments - addendum.
Finance and Economics Committee. P.175/2001.
Com. Add.

Machinery of government: establishment of a Privileges and Procedures Committee (P.23/2002) - comments.
Finance and Economics Committee. P.23/2002.
Com.

Machinery of government: establishment of a Privileges and Procedures Committee (P.23/2002) - comments.
Human Resources Committee. P.23/2002.
Com.(2)

Machinery of Government: Special Committee on the Composition and Election of the States Assembly (P.26/2002) - comments.
Human Resources Committee. P.26/2002.
Com.

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

(b) Notification of Standing Order decisions

20th February 2002

Decision under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

Draft Proceeds of Crime (Designated Countries and Territories) (Amendment) (Jersey) Regulations 200-. P.27/2002.
Finance and Economics Committee.

Draft Drug Trafficking Offences (Designated Countries and Territories) (Amendment No. 2) (Jersey) Regulations 200-. P.28/2002.
Finance and Economics Committee.

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001) - amendment. P.175/2001.
Senator S. Syvret. Amd.

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

Lodged on 19th February 2002

Machinery of government: establishment of a Privileges and Procedures Committee (P.23/2002) - amendments.
House Committee. P.23/2002.
Amd.

Machinery of Government: freedom of representation.
Senator S. Syvret. P.25/2002.

Machinery of Government: Special Committee on the Composition and Election of the States Assembly.
Policy and Resources Committee. P.26/2002.

(f) Papers for consideration by the States in Committee under Standing Order 38A

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

THE STATES are asked to note that in accordance with the proviso to Standing Order 17(5), members in charge of P.175/2001, P.19/2002, P.20/2002, P.22/2002 and P.24/2002 have agreed that these items should be taken in the order shown below.

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at the next meeting on 12th March 2002 -

Draft Gambling (Gaming and Lotteries) (Amendment No. 14) (Jersey) Regulations 200-. P.19/2002.
Lodged: 12th February 2002.
Gambling Control Committee.

<p>Overdale Assessment and Rehabilitation Unit: approval of drawings. Lodged: 12th February 2002. <i>Health and Social Services Committee.</i></p>	<p>P.20/2002.</p>
<p>Draft Public Finances (Administration) (Amendment No. 10) (Jersey) Law 200. Lodged: 12th February 2002. <i>Finance and Economics Committee.</i></p>	<p>P.22/2002.</p>
<p>Draft Road Traffic (No. 53) (Jersey) Regulations 200-. Lodged: 12th February 2002. <i>Home Affairs Committee.</i></p>	<p>P.24/2002.</p>
<p>Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees. Lodged: 13th November 2001. <i>Senator S. Syvret.</i></p>	<p>P.175/2001.</p>
<p>Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001); comments. Presented: 27th November 2001. <i>Finance and Economics Committee.</i></p>	<p>P.175/2001. Com.</p>
<p>Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001); comments - addendum. Presented: 26th February 2002. <i>Finance and Economics Committee.</i></p>	<p>P.175/2001. Com. Add.</p>
<p>Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001) - comments. Presented: 11th December 2001. <i>Human Resources Committee.</i></p>	<p>P.175/2001. Com.(2)</p>

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): comments. P.175/2001. Com.(3)
Presented: 12th February 2002.
Policy and Resources Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. John will ask a question of the President of the Housing Committee regarding the policy on second homes owned by tenants or by those receiving rent rebate.

The Deputy of St. Martin will ask a question of the President of the Home Affairs Committee regarding the Jersey Police Authority.

Deputy R.G. Le Hérisssier of St. Saviour will ask a question of the President of the Public Services Committee regarding the Working Party on Speed Limits.

The Deputy of St. John will ask a question of the President of the Tourism Committee regarding promotion of the Opera House.

Deputy G.C.L Baudains of St. Clement will ask a question of the President of the Harbours and Airport Committee regarding the redevelopment of the airport.

Deputy P.F. Routier of St. Helier will ask questions of the President of the Health and Social Services Committee regarding respite care for people with learning difficulties.

The Deputy of St. John will ask questions of the President of the Planning and Environment Committee regarding planning applications and Buildings of Local Interest.

The Deputy of St. Martin will ask a question of the President of the Public Services Committee regarding Devon Gardens, Gorey.

Senator S. Syvret will ask questions of the President of the Finance and Economics Committee regarding tax revenues.

The Deputy of St. John will ask a question of the President of the Housing Committee regarding La Collette flats.

Deputy G.C.L Baudains of St. Clement will ask a question of the President of the Tourism Committee regarding the Jersey Clipper.

The Connétable of St. Helier will ask a question of the President of the Agriculture and Fisheries Committee regarding the Jersey Potato Marketing Scheme.

Deputy R.G. Le Hérisier of St. Saviour will ask a question of the President of the Harbours and Airport Committee regarding the airport management team.

Deputy P.F.C. Ozouf of St. Helier will ask questions of the President of the Agriculture and Fisheries Committee on cash limits and proposals for an indoor tomato exit strategy and a re-structure of the dairy sector.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Draft Children (Jersey) Law 200-. P.200/2001.
Lodged: 18th December 2001.
Health and Social Services Committee.

Draft Children (Jersey) Law 200- (P.200/2001): amendments. Lodged: 12th February 2002. <i>Health and Social Services Committee.</i>	P.200/2001. Amd.
Draft Adoption (Amendment No. 5) (Jersey) Law 200-. Lodged: 18th December 2001. <i>Health and Social Services Committee.</i>	P.201/2001.
Draft Day Care of Children (Jersey) Law 200-. Lodged: 18th December 2001. <i>Education Committee.</i>	P.202/2001.
Draft Criminal Justice (Evidence of Children) (Jersey) Law 200-. Lodged: 18th December 2001. <i>Legislation Committee.</i>	P.203/2001.
Constitution and membership of the States: referendum. Lodged: 9th October 2001. <i>Senator P.V.F. Le Claire.</i>	P.147/2001.
Constitution and membership of the States: referendum (P.147/2001) - comments. Presented: 13th November 2001. <i>Human Resources Committee.</i>	P.147/2001. Com.
Constitution and membership of the States: referendum (P.147/2001) - comments. Presented: 13th November 2001. <i>Finance and Economics Committee.</i>	P.147/2001. Com.(2).
Draft Petroleum (Amendment) (Jersey) Law 200-. Lodged: 29th January 2002. <i>Home Affairs Committee.</i>	P.9/2002.

Note: In accordance with the proviso to Standing Order 17(5), the members in charge of P.147/2001, P.200/2001, P.201/2001, P.202/2001 and P.203/2001 have agreed that these items should be taken in the order shown above.

C.M. NEWCOMBE

Greffier of the States

21st February 2002

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

20th February 2002

as recommended by the Public Services Committee, the entering into of a deed of Arrangement with Mr. George Charles Hamon, owner of the property known as Oakleigh, Le Mont Millais, St. Helier, to remove the restrictive covenant on that property in order that the owner might carry out repairs and improvements to it, subject to the covenant on the height of the boundary wall remaining in place, in return for the payment by Mr. Hamon of the sum of £5,000 together with both parties' reasonable legal costs arising from this transaction.

QUESTION PAPER

(See Item G)

The Deputy of St. John will ask the following question of the President of the Housing Committee -

“Would the President advise members, in relation to housing tenants -

- (a) whether the Committee has a policy on housing tenants who own a property outside the Island? If a policy exists, may members be given details? If no policy is in place is it the Committee’s intention to create a policy?
- (b) to obtain information on tenants with second homes, what co-operation exists between the Housing Committee in Jersey and other jurisdictions, for example with Guernsey/ United Kingdom/ France/ Spain/ Portugal/ Madeira etc. If none exists, what action, if any, is being taken to create a closer working relationship?
- (c) if a Housing tenant fails to declare that he/she has a second home outside the Island, what action is taken by the Committee when this comes to light?

and in relation to private sector rent rebates -

- (d) in both the private and public sectors where either subsidised rent or rent rebate is claimed, how many tenants have a home outside Jersey? If no records are kept, would the President give details of why this information is not obtained before subsidised rent or rent rebate are agreed?”

The Deputy of St. Martin will ask the following question of the President of the Home Affairs Committee -

“On 19th May 1998 the States approved the establishment by law of a Jersey Police Authority, (P.49/98). It also gave its approval to two amendments (P.86/98) whereby the Jersey Police Authority would (a) issue an annual report reflecting achievements, a policing plan and budget details to be presented to the States and published, and (b) would bring to the Home Affairs Committee within two years, an action plan to give effect to the recommendations of the Report of the Working Party on Policing of the Island dated 9th December 1997 (R.C.41/97).

Would the President advise members -

- (a) when the first annual report will be presented to the States and will he give his reasons for the delay in presentation?
- (b) whether the action plan referred to in (b) has been submitted to the Home Affairs Committee? If it has not been submitted will the President give the reasons for the delay? If it has been submitted will the President advise members when the necessary legislation, which gives effect to the recommendations referred to above, will be presented to the States?

- (c) as it is apparent that the Jersey Police Authority is failing to achieve the objectives set out in P49/98 within the agreed timescales, what action is the President taking to ensure that the Jersey Police Authority is adequately resourced?
- (d) given the retirement some months ago of the Chairman, would the President outline the time frame for the appointment of his successor?"

Deputy R.G. Le Hérisssier of St. Saviour will ask the following question of the President of the Public Services Committee -

"Would the President advise members -

- (a) when the Working Party on Speed Limits was set up?
- (b) how many meetings it has held?
- (c) how many speed limit applications from the Parishes it has processed?
- (d) how many applications are outstanding?
- (e) what steps are being taken to speed up the processing of applications?"

The Deputy of St. John will ask the following questions of the President of the Tourism Committee -

"In the new tourism brochure 'Open House 2002: a Guide to Hospitality in Jersey' reference is made to the Jersey Arts Centre but not to the Opera House. Given a good number of visitors to the Opera House come from outside Jersey i.e. Guernsey, the Normandy peninsular etc., would the President explain the rationale for not including the Opera House in the brochure?"

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

"Would the President identify the additional costs incurred in the redevelopment of the airport as a direct result of the requirement to retain the 1937 airport building?"

Deputy P.F. Routier will ask the following question of the President of the Health and Social Services Committee -

"Having regard to the vital need for respite care services for people with learning difficulties, and to assurances given by the President during the Budget debate, will the President state whether he is aware that respite services to children with severe learning difficulties and their families are being withdrawn and restricted to existing and past users? Would the President inform members what action the Committee intends to carry out to ensure that families with a child with learning difficulties can have access to an appropriate residential respite service?"

The Deputy of St. John will ask the following questions of the President of the Planning and Environment Committee -

- “1. Would the President advise members of the average number of days taken to determine a planning application?”
2. Would the President inform members when the Committee’s report on Buildings of Local Interest: removal from register (P.185/99) will be presented to the States?”

The Deputy of St. Martin will ask the following question of the President of the Public Services Committee -

“As a result of bad weather last winter and a small landslip at Devon Gardens, Gorey, with the backdrop of Mont Orgueil Castle and the harbour, one of the most photographed and popular tourist sites, the footpath there has been closed and the gardens have been unattended, a situation aggravated by the erection of a hoarding, the dumping of cut foliage and gathering of windblown litter.

Will the President -

- (a) explain why no action has been taken to restore the gardens which are also a habitat for the wall lizard?
- (b) undertake, in co-ordination with the Tourism Committee and the Parish of St. Martin, to improve the present condition of the gardens to an acceptable standard and open the footpath by the summer of this year, and to bring the garden to a very high standard of presentation by Easter 2003?”

Senator Stuart Syvret will ask the following questions of the President of the Finance and Economics Committee -

- “1. In response to questions asked on 12th February, the President provided a graph that showed a significant divergence between the cumulative growth in income tax revenue from wage and salary earners and the cumulative growth in income tax from companies. Would the President agree that the amount of income tax revenue that would have accrued had the growth in company taxation matched that of salary and wage earners would have been very considerable?”
2. Will the President inform the assembly of the total tax take in the Island, expressed as a percentage of GNP/GNI and will he provide the equivalent data for each European Union member state and the EU average?
3. In response to a question asked on 12th February, the President informed the Assembly that during the period from 1989 to 2000 tax revenues from companies had increased by 110 per cent and tax revenue from salary and wage earners had risen by 179 per cent. The President went on to suggest that the reason for the greater increase in tax revenue from salary and wage earners was because of such factors as wage increases and the freezing of personal

allowances and exemption limits. Will the President inform the Assembly of what proportions of the increase are attributable to each of these factors and will the President provide for the Assembly a more detailed account of the reasons for the divergence?"

The Deputy of St. John will ask the following question of the President of the Housing Committee -

"Would the President advise members -

- (a) if the Committee has been consulted by the Planning and Environment Committee on the proposed listing of La Collette flats as a Site of Special Interest (SSI) and whether the Committee was in agreement?
- (b) if the answer to (a) is in the affirmative, was the decision unanimous?
- (c) as La Collette flats is a proposed SSI, would he detail any additional cost implications that will or may have arisen by this listing?
- (d) if the Committee has any other premises which are SSIs or proposed SSIs?
- (e) if the answer to (d) is affirmative, was the Committee consulted?"

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

"During question time on 12th February 2002 regarding funding of the Jersey Clipper, the President stated that "The Tourism Committee has not received an approach for financial support for the 2002 race". Later, in reply to a supplementary question, she stated "..... neither has any formal approach for funding been made from the President of the Policy and Resources Committee to the Tourism Committee".

Would the President -

- (a) confirm that the Tourism Committee's representative on the Clipper Organising Committee was Tourism's Marketing Director, and, if not, which officer represented the Committee?
- (b) confirm that the above officer was asked by the Organising Committee about funding for the Clipper on at least three occasions, and that the first time the answer was no, the second time he suggested £10,000 and, when pressed for another £10,000 (£20,000 over two years) he replied "definitely not"?
- (c) state whether the Committee's representative kept them briefed about his discussions with the Organising Committee?

- (d) agree that, by asking Tourism's representative at their meeting, it would be reasonable for the Organising Committee to assume that it was in fact, making a request of the Tourism Committee, and therefore the President's suggestion that the Committee had received no request for funding the Clipper in 2002 was misleading?
- (e) agree that the President of the Policy and Resources Committee did, in fact, informally ask her about the possibility of funding for the Clipper, and that her reply was in the negative?
- (f) state whether the Committee was aware that the only financial obstacle to the Jersey Clipper sailing this time was £10,000 from next year's budget (when the first £2 million of the recently granted £10 million will be available)?"

The Connétable of St. Helier will ask the following question of the President of the Agriculture and Fisheries Committee -

"With reference to the Jersey Potato Marketing Scheme approved on 18th December 2001 -

- (a) is the President aware that seven growers, responsible for approximately 25% of the Island's potato crop (12 - 14,000 tonnes / £8 - 10 million in value) cannot legally export their produce unless they are registered under the Scheme?
- (b) could the President confirm that he informed the States during the debate on the Scheme that UK supermarkets were indifferent to the scheme? Can the President give details, including outcomes, of a meeting involving his Chief Officer and representatives of the Tesco Stores?
- (c) is the President comfortable with his Committee's implementation of a Scheme under which individual growers, some of whom have invested considerably in their operations over the years, must hand over the control of their business to an elected Board if they are to be able to export their crops?"

Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the President of the Harbours and Airport Committee -

"On 23rd October 2001, in answer to my question, the Vice-President stated that the number of senior management posts at the Airport was six.

Would the President -

- (a) confirm whether the Senior Management Group actually consists of nine persons, six of whom report directly to the Director, three indirectly?
- (b) would the President outline the annual salary costs of the Senior Management Group and identify the individual positions?"

Deputy P.F.C. Ozouf of St. Helier will ask the following question of the President of the Agriculture and Fisheries Committee -

- “1. Given the delay in the Policy debate would the President confirm that the funds within the approved existing cash limit will be expended as agreed by this Assembly last December? If not what changes will be made, what authorisations will be required and when?
2. Would the President advise members on which dates the Committee discussed the Exit Strategy proposed by the Indoor Tomato Sector and generally what progress has been made in investigating these proposals?
3. The Dairy Sector recently held a meeting on 30th January 2002 with Senior Politicians at which a re-structuring plan was proposed. Would the President explain what this proposal consisted of and whether his Committee supports it?”