

STATES OF JERSEY ORDER PAPER

Tuesday, 15th May 2001

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Road Traffic (Speed Limits) (Amendment No. 5) (Jersey) Order 2001. R & O 81/2001
Public Services Committee

Employment of Children (General Provisions) (Jersey) Order 2001. R & O 82/2001.
Health and Social Services Committee

Diseases of Animals (Foot and Mouth - Restrictions No. 4A) (Jersey) Order 2001. R & O 83/2001
Agriculture and Fisheries Committee

Diseases of Animals (Foot and Mouth - Restrictions No. 3B) (Jersey) Order 2001. R & O 84/2001
Agriculture and Fisheries Committee

Social Security (Collection of Contributions) (Amendment No. 4) (Jersey) Order 2001. R & O 85/2001
Employment and Social Security Committee

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Resignation of the Connétable of St. Clement from the Agriculture and Fisheries Committee.

Nomination of the Connétable of St. John as a member of the Agriculture and Fisheries Committee.

Resignation of Deputy J.J. Huet from the Harbours and Airport Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

International Conventions and Agreements: progress report for the period 1st October 2000 to
31st March 2001. R.C.18/2001
Policy and Resources Committee.

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

Presented on 1st May 2001

Audit Commission Report: Review of the Levels of Sickness Absence in the Public Sector.
Finance and Economics Committee.

Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle (P.37/2001): report.
P.37/2001
Legislation Committee. Rpt.

Presented on 8th May 2001

Jersey Aero Club Lease: lease of land (P.56/2001): comments. P.56/200.
Finance and Economics Committee. Com.

Consumer Protection Strategy. R.C. 17/2001

Industries Committee.

(b) Notification of Standing Order decisions

30th April 2001

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

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

Lodged on 1st May 2001

Draft Planning and Building (Jersey) Law 200- (P.50/2001): third amendments. P.50/2001
Deputy C.J. Scott Warren of St. Saviour. Amd.(3)

Draft Planning and Building (Jersey) Law 200- (P.50/2001): fourth amendments. P.50/2001
Deputy P.N. Troy of St. Brelade. Amd.(4)

Jersey Competition Regulatory Authority: appointment of member and Chairman.
P.73/2001
Industries Committee.

Lodged on 8th May 2001

States members income support and expense allowance: annual increases. P.74/2001
House Committee.

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

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

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

Jersey Competition Regulatory Authority: appointment of member and Chairman.
P.73/2001
Lodged: 1st May 2001.
Industries Committee.

THE STATES are asked to agree that the following matters lodged "au Greffe" will be considered at the next meeting on 22nd May 2001 -

Fireworks: restrictions on sale - petition. P.25/2001
Lodged: 13th February 2001.
Deputy J.L. Dorey of St. Helier.

Fireworks: restrictions on sale - petition (P.25/2001): report. P.25/2001
Presented: 24th April 2001. Rpt.
Home Affairs Committee.

Beresford House, Bellozanne, St. Helier: variation of terms of lease. P.66/2001
Lodged: 17th April 2001. (re-issue)
Planning and Environment Committee.

Draft Act further amending the Act of the States dated the 18th day of June 1991 establishing a Scheme to subsidise certain dental care. P.69/2001
Lodged: 24th April 2001.
Employment and Social Security Committee.

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

Housing strategy 1999 - 2003. P.148/99
Lodged: 5th October 1999.
Housing Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. Martin will ask a question of the President of the Harbours and Airport Committee about a study into the financial future of the Airport.

The Deputy of St Martin will ask questions of the President of the Finance and Economics Committee about a letter forwarded to the Director of the Jersey Heritage Trust.

The Deputy of St. John will ask a question of the President of the Finance and Economics Committee about the JD Edwards IT system being installed in the States Treasury.

The Deputy of St. John will ask questions of the President of the Etat Civil Committee about the 2001 census.

The Deputy of St John will ask a question of the President of the Planning and Environment Committee about the funding of the Urban Renewal Sub-Committee.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Planning and Environment Committee about changes to the Union Street/York Street junctions.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Public Services Committee about alterations to roads and pavements in St. Helier.

Deputy R.G. Le Hérisssier of St. Saviour will ask questions of the President of the Public Services Committee about a sustainable bus service.

Deputy R.G. Le Hérisssier of St. Saviour will ask questions of the President of the Home Affairs Committee about Jersey prisoners accommodated in United Kingdom prisons.

The Deputy of St. Peter will ask a question of the President of the Health and Social Services Committee about the Committee's manpower levels.

The Deputy of St. Peter will ask a question of the President of the Committee for Postal Administration about the

remuneration of the Committee's senior managers.

The Deputy of St. Peter will ask a question of the President of the Telecommunications Board about the remuneration of the Board's senior managers.

Deputy Alan Simon Crowcroft of St. Helier will ask questions of the President of the Housing Committee about a report being prepared into business losses suffered by the proprietors of La Sirene Guest House, St Helier.

Deputy Alan Simon Crowcroft of St. Helier will ask questions of the President of the Employment and Social Security Committee about health and safety issues related to construction sites.

Deputy Alan Simon Crowcroft of St. Helier will ask questions of the President of the Policy and Resources Committee about progress on the implementation of the recommendations in the Report of the Review Panel on the Machinery of Government.

The Deputy of St. John will ask questions of the President of the Policy and Resources Committee about the cost of the Review of the Machinery of Government report.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Draft Planning and Building (Jersey) Law 200-. P.50/2001
Lodged: 27th March 2001.
Planning and Environment Committee

Draft Planning and Building (Jersey) Law 200- (P.50/2001): amendments. P.50/2001
Lodged: 10th April 2001. Amd.
Deputy J.L. Dorey of St. Helier.

Draft Planning and Building (Jersey) Law 200- (P.50/2001): second amendment P.50/2001
Lodged: 24th April 2001. Amd.(2)
Planning and Environment Committee.

Draft Planning and Building (Jersey) Law 200- (P.50/2001): third amendments. P.50/2001
Lodged: 1st May 2001. Amd.(3)
Deputy C.J. Scott Warren of St. Saviour.

Draft Planning and Building (Jersey) Law 200- (P.50/2001): fourth amendments. P.50/2001
Lodged: 1st May 2001. Amd.(4)
Deputy P.N. Troy of St. Brelade.

Draft Planning and Building (Jersey) Law 200- (P.50/2001): fifth amendments.
Agriculture and Fisheries Committee.
(attached)

Draft Planning and Building (Jersey) Law 200- (P.50/2001): sixth amendments.
Public Services Committee
(attached)

Draft Planning and Building (Jersey) Law 200- (P.50/2001): comments. P.50/2001
Presented: 3rd April 2001 Com.
Finance and Economics Committee

Jersey Aero Club Lease - lease of land. P.56/2001
Lodged: 3rd April 2001.
Harbours and Airport Committee

Jersey Aero Club Lease: lease of land (P.56/2001): comments. P.56/2001 Com.
Presented: 1st May 2001

Finance and Economics Committee

Jersey Financial Services Commission: appointment of Commissioners. P.65/2001

Lodged: 17th April 2001

Finance and Economics Committee

(consideration in camera)

Subject to E

Jersey Competition Regulatory Authority: appointment of member and Chairman. P.73/2001
Industries Committee

C.M. NEWCOMBE

Greffier of the States

10th May 2001

**Explanatory Note regarding subordinate legislation
tabled at this Meeting**

(See Item B)

R & O 81/2001

The purpose of this Order is to introduce further speed restrictions of 30 mph on certain roads or parts of roads in St. John, St Martin and St. Saviour and 15 mph on certain roads in St. Mary.

The Order was made on 30th April 2001 and came into force on 14th May 2001.

R & O 82/2001

The purpose of this Order is to observe the principles expressed in the United Nations Convention on the Rights of the Child regarding the employment of children.

The Order -

- (a) prohibits the employment of children under the age of 13;
- (b) prohibits the employment of children aged 13 to 16 in certain activities and places and restricts their hours of employment; and
- (c) imposes a duty on a person employing a child to take steps to safeguard the child's health and welfare.

The Order was made on 2nd May 2001 and comes into force on 1st August 2001.

R & O 83/2001

The purpose of this Order is to relax the prohibition on the importation of certain products from France to allow for the importation of fresh meat, meat products or milk products accompanied by a certificate, signed by the official veterinarian, stating that the fresh meat, meat products or milk products did not originate from the Departments of Mayenne, Orne, Seine-et-Marne, Seine-Saint-Denis and Val d'Oise.

In general the requirements in respect of the certificate will mean that the relaxation will only apply to commercial importations and not to private importations.

The Order was made on 4th May 2001 and came into force forthwith.

R & O 84/2001

This Order extends the areas in which dogs may be exercised unleashed. The areas are -

- (a) at St. Aubin's Bay- the beach between West Park slipway and Le But;
- (b) at St Ouen's Bay - the beach between La Pulente slipway and Le Grande Etaquerel;
- (c) at Greve d'Azette - the beach between Le Dicq slipway and Le Havre de la Rocque;
- (d) the beach at Bonne Nuit Bay;
- (e) the beach at Bouley Bay;
- (f) La Greve de Lecq;
- (g) the beach between St. Catherine's breakwater and Le Saut Geffray.

Restrictions imposed by other enactments on the exercise of dogs on beaches will, however, continue to apply.

The Order was made on 4th May 2001 and came into force forthwith.

R & O 85/2001

The purpose of this Order is to make further amendments to the Social Security (Collection of Contributions) (Jersey) Order 1975 so as to:

- (a) allow a Class 1 insured person's primary or, as the case may be, secondary contributions to be deemed to be of such an amount, not exceeding the earnings limit as the Committee considers appropriate where he or his employer have failed to furnish adequate records (*Article 2*);
- (b) allow the Committee to consider a person's total earnings (irrespective of taxable earnings) when assessing entitlement to pay earnings related Class 2 contributions and clarify the method of calculating whether a person's earnings meet the prescribed minimum level (*Article 3*); and
- (c) provide a procedure for applying for supplementation of contributions and for the Committee to refuse the application where the applicant is not entitled to supplementation under Article 9 of the Social Security (Jersey) Law 1974 or where he has intentionally arranged his affairs so as to so entitle himself (*Article 4*).

The Order was made on 10th May 2001 and comes into force on 1st July 2001.

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

30th April 2001

- (a) as recommended by the Public Services Committee, the entering into of a Deed of Arrangement with Lexus Limited in respect of the grant of access rights over that part of the Railway Walk required to provide access and egress from the rear of the property known as Portofino Restaurant, St. Aubin, St. Brelade, agreement therefor being on the basis that a contract had been passed before the Royal Court on 16th June 2000 in relation to the aforementioned property between the Committee and OBY Consultants Limited (the previous owners) granting, *inter alia*, various service rights in exchange for a consideration of £5,000, and that as the abovementioned access rights should have been requested and have formed part of the previous contract, no additional fee would be required in relation to the passing of the present contract, although Lexus Limited (the current owner of the property) would be responsible for the reasonable legal fees and expenses incurred by the public in relation to this transaction;
- (b) as recommended by the Harbours and Airport Committee, the lease to Jersey Telecom of the GSM site at Fort Regent Signal Station, St. Helier (Letting No. FR1), for a further period of nine years from 1st January 2001, at an annual rent of £7,800 subject to triennial review, with each party being responsible for its own legal costs arising from this transaction;
- (c) as recommended by the Sport, Leisure and Recreation Committee, the lease to the Grainville Tennis Club of the club house and six playing courts at the Grainville Sports Ground, St. Saviour, for a period of two years from 1st January 2001 at an annual rent of £5,800 for 2001 and £5,950 for 2002, payable annually on 30th June each year, with all other terms and conditions to remain as the previous lease with the Education Committee, on the basis that each party would be responsible for its own legal costs associated with the transaction;
- (d) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Edward Gordon Weekes of the property known as 16 Magnolia Gardens, La Route de St. Aubin, St. Lawrence, for a period of one year from 1st February 2001 with an option to renew, at a revised annual rent of £19,999.99, payable quarterly in advance, with annual rent increases to be in line with the Jersey Retail Price Index as at 1st February each year, with all other terms and conditions to remain the same as the existing lease, on the basis that each party would be responsible for its own legal costs arising from the transaction.

QUESTION PAPER

(See Item G)

The Deputy of St. Martin will ask the following question of the President of the Harbours and Airport Committee -

“On 24th April 2001, the President informed members that the Oxford Economic Research Assistants (OXERA) was to carry out a study into the financial future of the airport in the near future. Would the President inform the Assembly of the anticipated cost of that study, and when the study is likely to be complete?”

The Deputy of St. Martin will ask the following questions of the President of the Finance and Economics Committee -

1. During Question Time on Tuesday 27th March, the President confirmed that a confidential letter received by him (in October 1998) had been forwarded to the Director of the Jersey Heritage Trust against the wishes of the author. Would the President confirm that he did not personally forward the letter as it was forwarded, within a week of him receiving it, by a member of the Treasury. If the answer is in the affirmative, would the president explain why the author’s consent was sought a week after the letter had actually been sent?
2. In an answer to a supplementary question the President stated that he had sought the opinion of the Solicitor General as to the merits of forwarding that confidential letter. Would the President advise members of the date he sought that opinion? If that opinion has only recently been sought, why was it not sought at the time of his receipt of the letter in October 1998?
3. When answering a supplementary question, the President alluded to the fact that other avenues were available to the author. To assist the author or any other public spirited person who might want to pass on confidential information, would the President advise what avenues he has in mind?
4. In view of the fact that the author wrote as a private individual and his letter contained valid concerns about potential waste of taxpayer’s money being spent on Mont Orgueil Castle, would the President advise whether the Committee investigated his queries? If the answer is in the affirmative, what were the conclusions? If the Answer is in the negative, why not.
5. In answer to a further supplementary question the President, when referring to a circular distributed by Deputy Gerard Baudains in respect of work carried out at Mont Orgueil Castle claimed that the circular “sadly contains many inaccuracies and in some respects were just plain wrong and I will be making a statement correcting that in the very near future”. Would the President advise members when he intends to make that statement?”

The Deputy of St. John will ask the following question of the President of the Finance and Economics Committee -

“Currently the Treasury is having a JD Edwards IT System installed. Would the President confirm that this work is on time and on budget and give the contract price for this work?”

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

“Would the President advise -

- (a) whether every household has received and returned its census form?
- (b) how many, and of what nature, were the checks carried out to verify every person has been included on a census form with special emphasis on those in lodging houses or private lodgings?
- (c) on the checks carried out to ensure forms have been accurately completed?
- (d) whether Jersey is likely to experience the same problems as the United Kingdom where computers are unable to read certain forms?
- (e) why the census was held so early in the year i.e. before seasonal workers would be residing in the Island and does he agree that the Committee has missed the opportunity to gain valuable information?”

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

“Would the President inform members -

- (a) of the sources of funding of the Urban Renewal Sub-Committee?
- (b) whether the accounts for this group have been audited by the Finance and Economics Committee, and with what result?”

Deputy Gerard Clifford Lemmens Baudains of St. Clement will ask the following question of the President of the Planning and Environment Committee -

“On 27th March 2001 I asked a question of the President of the Public Services Committee about alterations to the Union Street/York Street junction and was advised that my question should have been addressed to the President of the Planning and Environment Committee as the works were being promoted by the Urban Renewal Sub-Committee. Would the President therefore advise members -

- (a) with reference to the plans, what changes are being considered in light of the comments made at the mobile ‘exhibition trailer’ parked at the Cenotaph?
- (b) whether, in future, conventional public meetings will be called to advise the public of the Committee’s proposals rather than the ‘roadshow’ used to advertise the Union Street/York Street plans, as the latter gives little opportunity for the motorist to have an input and is therefore biased towards the pedestrian.”

Deputy Gerard Clifford Lemmens Baudains of St. Clement will ask the following questions of the President of the Public Services Committee -

“1. In relation to the alterations being carried out at the La Motte Street/St. Saviour’s Road junction, would the President -

- (a) advise members what public consultation took place?
- (b) explain the thinking behind building a pavement at the bottom of Grosvenor Street directly in the way of oncoming traffic and how it -
 - (i) enhances the safety of pedestrians and motorists?
 - (ii) assists the picking up/dropping off of patients at the adjacent doctors’ surgery?

2. As several bodies are involved in planning alterations to roads and pavements in St. Helier, including Centreville, the Parish of St. Helier, the Urban Renewal Sub-Committee, Planning and Environment and Public Services Committees, with some cross referencing of membership of these bodies, would the President undertake to take action to ensure that in future there is a single focal point so that pedestrians, traders, motorists and other interested parties have one point of contact and are aware who is dealing with each area and to whom they should direct any representations?”

Deputy Roy George Le Hérissier of St. Saviour will ask the following question of the President of the Public Services Committee -

“Given the intention of Jersey Bus shortly to withdraw 11 services and introduce further cutbacks at a later stage, would the President outline the steps the Committee proposes to take to secure a sustainable bus service?”

Deputy Roy George Le Hérissier of St. Saviour will ask the following questions of the President of the Home Affairs Committee -

“1. Would the President identify -

- (a) how many Jersey prisoners are currently accommodated in United Kingdom prisons?
- (b) what the average cost is -
 - (i) per day

- (ii) per week
- (iii) per year of accommodating such prisoners?

2. Would the President advise what plans the Committee has to reduce these costs?"

The Deputy of St. Peter will ask the following question of the President of the Health and Social Services Committee -

"The Public Sector Manpower Report for the period 1st July 2000 to 31st December 2000 shows an increase of over 200 additional employees for the Health and Social Services Department when compared to the previous six-monthly report. Would the President explain how it was possible for the Committee to discover these additional employees on the payroll as of 31st December 2000 who were not previously reported and of whom the Committee was evidently unaware?"

The Deputy of St. Peter will ask the following question of the President of the Committee for Postal Administration -

"Would the President inform the Assembly whether the Committee has raised, or is intending to raise, the salary levels of the Committee's management team by a substantial amount, against the advice of the Human Resources Committee and, if so, would he indicate by what percentage?"

The Deputy of St. Peter will ask the following question of the President of the Telecommunications Board -

"Would the President inform the Assembly whether the Committee has raised, or is intending to raise, the salary levels of the Committee's management team by a substantial amount, against the advice of the Human Resources Committee and, if so, would he indicate by what percentage?"

Deputy Alan Simon Crowcroft of St. Helier will ask the following question of the President of the Housing Committee -

"Would the President advise members what progress has been made by his Committee in respect of the action it was charged to carry out following the approval of P.155/99 on 7th December 1999, namely the authorisation of the assessment by an independent firm of auditors of the business losses suffered by the proprietors of La Sirene Guest House, St Helier, prior to 16th February 1999, as a result of the redevelopment of the adjoining property, Kent Lodge and would he indicate when the report into the matter, together with the Committee's recommendations, will be presented to the States?"

Deputy Alan Simon Crowcroft of St. Helier will ask the following question of the President of the Employment and Social Security Committee -

"Would the President advise the Assembly what steps are taken by the Health and Safety Inspectorate to ensure that building works being carried out locally, especially in urban areas, do not, through the undermining of the foundations of adjacent properties, endanger the lives of property owners or the workers on site?"

Deputy Alan Simon Crowcroft of St. Helier will ask the following questions of the President of the Policy and Resources Committee -

- 1. Would the President inform Members what progress has been made by the Steering Group set up to review the recommendations of the Report of the Review Panel on the Machinery of Government?
- 2. Would the President give an indication of the Committee's proposed timetable for the debate on the core proposals in the Report, and for their implementation if approved by the States?"

The Deputy of St. John will ask the following question of the President of the Policy and Resources Committee -

"Could members be told of the cost of the Review of the Machinery of Government chaired by Sir Cecil Clothier and -

- (a) whether or not any remuneration and expenses were paid to the panel members?
- (b) if remuneration was paid to the panel members was this in equal parts to all panel members, and if not, can the President explain the reasons?"

DRAFT PLANNING AND BUILDING (JERSEY) LAW 200- (P.50/2001): FIFTH AMENDMENT

PAGE 103, ARTICLE 52(4) -

Insert after sub-paragraph (a), the following sub-paragraph -

“(b) where the building or place falls within the area of responsibility or concern of a Committee or a body or person created by statute, shall consult that Committee, body or person and shall take into account any representations made;”

Designate the subsequent sub-paragraph as (c).

AGRICULTURE AND FISHERIES COMMITTEE

Report

The listing of a building or place can substantially limit its use, for example, a marine area.

The Committee therefore considers that before the Planning and Environment Committee lists a building or place it should consult any other Committee (or body or person created by statute) that has responsibility or concern for the building or place.

It should also have an obligation to take into account any representations it receives.

This proposed amendment has no implications for the financial or manpower resources of the States.

DRAFT PLANNING AND BUILDING (JERSEY) LAW 200- (P.50/2001): SIXTH AMENDMENTS

(1) PAGE 54, ARTICLE 1(1) -

After the definition “enforcement notice” insert the following definition -

“ ‘highway authority’, in relation to a road that is repairable at the expense of the States or a Parish, means -

- (a) the Public Services Committee in relation to a main road;
- (b) the Roads Committee of the Parish in which the road is situated in relation to a by-road;”.

(2) PAGE 60, ARTICLE 5(1) -

Delete “In this Law”, substitute -

“Except as provided by paragraph (5), in this Law”.

(3) PAGE 60, ARTICLE 5 -

After paragraph (4) add the following paragraph -

“(5) In this Law ‘develop’ does not include -

- (a) an operation carried out within the boundaries of a road by the highway authority to maintain or improve the road; or
- (b) an operation carried out by a public or parochial authority to lay, place, inspect, repair or renew a sewer, a main, an underground line or cable, or any other underground apparatus.”.

(4) PAGE 71, ARTICLE 14 -

Omit paragraph (6).

PUBLIC SERVICES COMMITTEE

Report

The Public Services Committee believes that it should not be required to obtain the permission of the Planning and Environment Committee before it is able to carry out its statutory obligations to maintain and improve roads. Equally it believes that public and parochial authorities should be able to place, maintain, inspect or renew underground services without first obtaining the permission of that Committee.

Although the Public Services Committee accepts that planning permission to carry out these operations could be granted by a General Development Order, it cannot be certain that the Planning and Environment Committee will include these operations in such an Order or that it will do so in a way that will allow them to be carried out without undue hindrance.

Because the Public Services Committee fully supports the intention of the Law it has limited its amendments to specific operations carried out within the boundaries of a road or in respect of underground services.

Amendments (1) and (4)

Since the term "highway authority" will appear in various Articles throughout the Law should any of the various amendments proposed be agreed it is appropriate that the definition of the term be included in the interpretation Article of the Law, and not be limited to one specific Article.

Amendments (2) and (3)

These amendments will give the Public Services Committee, and public and parochial authorities the ability to carry out a limited number of specific operations within the boundaries of a road or underground without first obtaining the permission of the Planning and Environment Committee - whether granted by a General Development Order or on an application made to the Committee.

The proposed amendments have no implications for the financial or manpower resources of the States. In fact they should save money and manpower resources by eliminating unnecessary applications for planning permission.