

**THE STATES assembled on Tuesday,  
3rd February 2004 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 Terence Augustine Le Sueur– out of the Island  
Kenneth Priaulx Vibert, Connétable of St. Ouen– ill  
Alan Simon Crowcroft, Connétable of St. Helier– ill  
John Benjamin Fox, Deputy of St. Helier– out of the Island  
Jennifer-Anne Bridge, Deputy of St. Helier– ill  
Geoffrey John Grime, Deputy of St. Mary– out of the Island.

Prayers

**Tribute to the late Jurat Philip Francis Misson, former Viscount**

The Bailiff paid tribute to the late Jurat Philip Francis Misson, former Viscount and officer of the States.

THE STATES observed one minute's silence as a mark of respect.

**Subordinate legislation tabled**

The following enactment was laid before the States, namely –

Community Provisions (Prohibiting the Sale, Supply and Export of Certain  
Equipment to, and Freezing the Funds of Certain Officials of, Burma/Myanmar) R&O 8/2004.  
(Amendment No. 2) (Jersey) Order 2004.

**Employment and Social Security Committee – resignation of member**

THE STATES noted the resignation of Deputy Jeremy Laurence Dorey of St. Helier from the Employment and Social Security Committee.

**Matters presented**

The following matters were presented to the States –

Draft Burials and Exhumations (Jersey) Law 200- (P.170/2003): comments. P.170/2003.  
*Presented by the Finance and Economics Committee.* Com.

Code of Practice on Public Access to Official Information: Register of Reports P.196/2003.  
(P.196/2003) – comments. Com.(2)

*Presented by the Policy and Resources Committee.*

Code of Practice on Public Access to Official Information: Register of Reports (P.196/2003) – comments. P.196/2003/  
Com.(3)  
*Presented by the Finance and Economics Committee.*

Bus Strategy: Connex contract supporting documentation with reference to Questions of the President. R.C.4/2004.  
*Presented by the Environment and Public Services Committee.*

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

### **Matters noted – acceptance of tender**

THE STATES noted an Act of the Finance and Economics Committee dated 28th January 2004, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Education, Sport and Culture Committee had accepted the lowest tender received for the proposed development of a two-form entry primary school to replace the existing La Pouquelaye School, St. Helier – namely that submitted by Camerons Limited in the sum of £4,874,243 in a contract period of 70 weeks.

### **Matters lodged**

The following matters were lodged “au Greffe” –

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments. P.126/2003.  
*Presented by Deputy of St. Martin, and referred to the Finance and Economics Committee.* Amd.

Draft Police Force (Amendment No. 10) (Jersey) Law 200 (P.9/2004): amendment. P.9/2004.  
*Presented by the Deputy of St. Martin.* Amd.

Projet de Loi (200-) (Amendement No. 10) réglant la procédure criminelle. P.13/2004.  
*Présenté par le Comité de Législation.*

Environment and Public Services Committee: vote of no confidence. P.14/2004.  
*Presented by Senator E.P. Vibert.*

Jersey Child Care Trust: appointment of Chairman. P.15/2004.  
*Presented by the Education, Sport and Culture Committee.*

Income Tax: allowance for children over 17 in full-time education. P.16/2004.  
*Presented by Deputy of St. Martin, and referred to the Finance and Economics Committee.*

Building a safer society. P.17/2004.  
*Presented by the Home Affairs Committee.*

Shadow Public Accounts Committee: appointment of Member. P.18/2004.  
*Presented by Deputy S.C. Ferguson of St. Brelade.*

Le Squez and part of Le Marais Estate, St. Clement: redevelopment. P.19/2004.  
*Presented by the Housing Committee, and referred to the Finance and Economics Committee.*

Fairtrade Island. <i>Presented by Senator J.A. Le Maistre, and referred to the Environment and Public Services Committee.</i>	P.20/2004.
Housing Committee: vote of no confidence. <i>Presented by Deputy G.P. Southern of St. Helier.</i>	P.21/2004.
Château La Chaire, Rozel, St. Martin: use of public funds. <i>Presented by the Deputy of St. John, and referred to the Economic Development Committee.</i>	P.22/2004.

**‘Building a safer society’ – P.12/2004 – withdrawn**

THE STATES noted that in accordance with Standing Order 22(3), the President of the Home Affairs Committee had instructed the Greffier of the States to withdraw the proposition regarding ‘Building a safer society’, (P.12/2004 lodged “au Greffe” on 27th January 2004), the Committee having lodged a revised proposition at the present meeting.

**Arrangement of public business for the next meeting on 17th February 2004**

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 17th February 2004, having agreed that these should be taken in the following order –

Environment and Public Services Committee: vote of no confidence. Lodged: 3rd February 2004. <i>Senator E.P. Vibert.</i>	P.14/2004.
Housing committee: vote of no confidence. Lodged: 3rd February 2004. <i>Deputy G.P. Southern of St. Helier.</i>	P.21/2004.
Public and Private Sector Housing Rental Subsidy Schemes: income disregard – rescindment. Lodged: 20th January 2004. <i>Deputy G.P. Southern of St. Helier.</i>	P.5/2004.
Benefits paid by the Housing and Employment and Social Security Committees: protection. Lodged: 29th July 2003. <i>Deputy G.P. Southern of St. Helier.</i>	P.116/2003.
Benefits paid by the Housing and Employment and Social Security Committees: protection (P.116/2003) – comments. Presented: 23rd September 2003. <i>Employment and Social Security Committee.</i>	P.116/2003. Com.
Benefits paid by the Housing and Employment and Social Security Committees: protection (P.116/2003) – comments. Presented: 23rd September 2003. <i>Housing Committee.</i>	P.116/2003. Com.(2)
Benefits paid by the Housing and Employment and Social Security Committees: protection (P.116/2003) – comments.	P.116/2003. Com.(3)

Presented: 18th November 2003. <i>Finance and Economics Committee.</i>	
Draft The Law Society of Jersey Law 200-. Lodged: 11th November 2003. <i>Legislation Committee.</i>	P.154/2003.
Disability Benefit System: reform. Lodged: 25th November 2003. <i>Employment and Social Security Committee.</i>	P.178/2003.
Disability Benefit System: reform (P.178/2003) – comments. Presented: 20th January 2004. <i>Finance and Economics Committee.</i>	P.178/2003. Com.
Draft Drainage (Jersey) Law 200-. Lodged: 16th December 2003. <i>Environment and Public Services Committee.</i>	P.193/2003.
Draft Shipping (SOLAS) (Jersey) Regulations 200-. Lodged: 20th January 2004. <i>Harbours and Airport Committee.</i>	P.3/2004.
Draft Shipping (Load Line) (Jersey) Regulations 200-. Lodged: 20th January 2004. <i>Harbours and Airport Committee.</i>	P.4/2004.
Jersey Child Care Trust: appointment of Chairman. Lodged: 3rd February 2004. <i>Education, Sport and Culture Committee.</i>	P.15/2004

**A recent advertisement placed by the Health and Social Services Committee – question and answer (Tape No. 890)**

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

“Would the President inform members of the cost of the advertisement which was placed in the November 2003 issue of the Royal College of Nursing RCN Bulletin, and explain why the words ‘with plenty of funds and no shortage of facilities’ were used in the advertisement in view of the current States policy of financial restraint in the current economic climate?”

The President of the Health and Social Services Committee replied as follows –

“The advertisement of November 2003 in the Royal College of Nursing Bulletin is part of a broader proactive campaign developed in 2002 to ensure that Jersey is able to continue to attract quality nursing staff to the Island, in the face of serious competition and a world shortage of qualified nurses. This campaign replaces the previous strategy of placing individual adverts for individual vacancies and is considerably more cost effective than the former arrangements. In 2002, the cost of placing individual adverts for professional vacancies was £146,000. The campaign which now includes individual job vacancies within an overall promotion of Health and Social Services in Jersey as an attractive employer, reduced the annual advertising cost in 2003 to £90,000.

The campaign has been extremely successful in creating a continuous stream of prospective applications which, with the exception of certain specialist areas which continue to prove difficult, has greatly assisted in

ensuring continuity of a high quality nursing service for the Island. The reference to ‘plenty of funds and no shortage of facilities’ was a direct quote from new recruits to the service who were interviewed during the development of the campaign in 2002 to elicit the attractive differences between working in Jersey in comparison with working in some parts of the U.K. National Health Service.”

**The bus service – questions and answers** (Tape No. 890)

Senator Edward Philip Vibert asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following questions –

- “1 .(a) Would the President inform members of the current position regarding the proposed States audit of the tender process leading up to the appointment of Connex?
  - (b) Would the president confirm that the proposed audit –
    - (i) has no legal status and will simply examine correspondence between the Department and their consultants and interested parties involved at the time?
    - (ii) can only request examination of such documents and cannot investigate whether all the documents have been produced?
    - (iii) has no power to call for documents from outside parties or take any action if such parties refused to co-operate?
    - (iv) will be assisted fully by the Department no matter how long the audit process takes?
  - (c) Does the Committee intend to bring a report and proposition to the States calling for a public enquiry into the tender process following the States audit?
2. (a) Will the President confirm the following extracts from a letter he sent to the Finance and Economics Committee on 19th May 2003 –
    - (i) ‘after tenders were received and the contract was awarded to Connex, it came to light that the TGWU had negotiated a substantial increase with Jersey Bus in the form of a shift allowance of £72 per week in addition to a cost of living increase’;
    - (ii) ‘at no time during the tender process up to the award of the contract did the TGWU advise the States, its consultants or all of the tenderers that such a substantial claim had been submitted’;
    - (iii) the Committee was ‘outraged at the conniving that appears to have taken place between the TGWU and Jersey Bus, in particular the complete silence from the TGWU during the tendering process on the extent of the wage claim’.
  - (b) Would the President inform members whether the Committee’s consultants, Halcrow, exchanged correspondence with Jersey Bus in advance of the tender process outlining the TGWU claim in full, and, if so, whether this information was passed on to all tenderers?
  - (c) Would the President agree that what was stated in the letter to the Finance and Economics Committee, as indicated by him in answer to questions on 9th December 2003, was misleading, and will he provide an apology to the owners of Jersey Bus, its executives and officials of the TGWU?
3. Would the President inform members whether an officer of the Department attended a meeting with representatives of Halcrow and Jersey Bus on 28th February 2003, at which the claim for a shift

allowance/pay award was discussed?

4. (a) When the Committee decided in May 2003, to pay an additional £187,000 to Connex on the grounds that it was not aware that Jersey Bus had entered into a shift allowance/pay award agreement with the Union, did it seek the advice of its consultants, Halcrow, and, if not, could he explain the reasons why? If Halcrow's advice was sought, would the President inform members what that advice was?
- (b) Would the President inform members whether the Committee –
  - (i) was aware that Connex had stated in its tender that “wage costs included the payment in full of the 2002 wage award”?
  - (ii) was aware that the tender document made it very clear that it was up to the tenderers to ensure that the information they were given was accurate and that “no claim from the contractor for additional payment will be allowed on the grounds of misinterpretation of any matters related to the contract documents on which the contractor could reasonably have satisfied itself”?
  - (iii) sought legal advice on whether or not Connex had any legal right to the £187,000 extra paid to it?
5. Would the President confirm whether the tenders submitted by Connex and Jersey Bus both included the same provision for relief buses and payment of the shift allowance/pay award, and, if not, whether any difference was recognised during the tender process and whether any action will now be taken?
6. Would the President inform members of the amount paid by the Committee to transport consultants Halcrow in the years 2001, 2002, 2003 and 2004, and whether the level of service received from this company during the tendering process was in accordance with the agreed terms and conditions?
7. Would the President confirm that the bus service from Elizabeth Terminal to St. Helier, which operated from 1st June until 30th September 2003, carried only 8,690 passengers at a cost of £43,000, which works out at £5 per passenger, and would he advise members –
  - (a) the basis for the decision to run this service?
  - (b) why it was allowed to run so long making such heavy losses?
  - (c) whether a demand study was run before putting the service in place?
8. Would the President –
  - (a) confirm that the Public Services Department provided facilities at the PSD's Bellozanne Workshops for the checking and preparation of Connex buses when they arrived in the Island in 2002, prior to their inspection by Driver and Vehicle Standards, and prior to awarding each bus its licence to operate on Island roads?
  - (b) confirm that Connex received engineering and mechanical assistance by the Department in the absence of their own being in place initially, and, if so, whether this had any implications for the work and staff commitments of the Department?
  - (c) inform members of the cost, to the States, if any, of –
    - (i) the assistance provided;
    - (ii) the bus equipment at La Collette garage;

- (iii) fitting out No. 6 Gosset Chambers to provide offices for Connex at the Weighbridge; and,
  - (iv) employing a private company to administer the bus pass scheme for pensioners and Health Insurance Exemption holders?
9. Will the President confirm –
- (a) that the gap between fare revenue and operating costs for 2003 totalled £2,482,045 and that this figure includes the fuel rebate plus all the items listed in the previous question, and , if not, what the final figure is?
  - (b) that in 2001, Jersey Bus operated an almost identical service for a cost to the taxpayer of £710,000?
  - (c) whether the Committee will be reviewing whether the Connex service represents value for money?
10. (a) Will the President confirm that he was present at a meeting with the Finance and Economics Committee on 12th March 2001, in his capacity as a member of the Jersey Bus Strategy Steering Group, and that, at that time, it was estimated that fare revenue for the Island bus service was £3 million and that the new service would require£1,350,000 of public funding subsidy?
- (b) In view of the fact that the Bus Report presented to the States on 9th December 2003, states that the estimate for fare revenue was £2,500,000, would the President explain the discrepancy that exists between these two figures?
11. Would the President confirm that the proposed cuts to the bus service are as a direct result of the need for Connex to recoup the £187,000 in this year’s operation?
12. (i) Would the President inform members whether, after a year of operation, the level of relief buses to meet the tender requirements has now been quantified, and, if so, whether they will be provided both in the winter and summer from now on at no further cost to the taxpayer?
- (ii) Would the President inform members –
- (a) of the level of relief buses required?
  - (b) the number of drivers’ hours per week? and,
  - (c) of the total cost per week during the winter and summer timetables?
13. Would the President inform members whether any public funds have been used in purchasing buses for Connex or whether any arrangements have been entered into to assist Connex in the purchase of its vehicles?
14. Would the President inform members –
- (a) whether the bus contract between the Committee and Connex was not signed until December 2002, even though the service began in September 2002, and, if so, the reasons for this? and,
  - (b) why the Committee accepted Connex’s claim that it did not know about the shift/pay allowance at the time the contract was signed given that the Committee’s Bus Report presented to the States on 9th December 2003, clearly stated that this was in fact known in May 2002?
15. Would the President inform members whether any changes were made to the ‘conditions of tender’ document when they were incorporated into the final contract with Connex, and, if so, what these were, who initiated them, and why they were made?

16. Would the President inform members whether the cut in services, as detailed in the Committee's Bus Report presented to the States on 9th December 2003, was as a result of passenger demand and, therefore, unrelated to the £187,000 shortfall experienced by Connex as a result of the shift/pay allowance?
17. Would the President inform members of the basis of calculation of the £400,000 estimated loss of revenue to the States incurred as a result of the Easy Link network, as detailed in the Committee's Bus Report presented to the States on 9th December 2003?
18. (a) Would the President inform members whether some school children who were previously taken to school on a dedicated school bus service are now having to rely on scheduled services, and, if so, would he advise –
  - (i) how many children are affected by this cut to the school bus service?
  - (ii) whether the children are being taken to the school or being dropped off at the nearest bus stop?
  - (iii) whether some of the children have to catch more than one bus to get to school?
  - (iv) whether some of the children have to catch buses earlier?
  - (v) whether some of the children get to school late?
- (b) Would the President advise members whether the decision to effect this change was purely a cost-cutting exercise rather than to improve the school bus service?"

The President of the Environment and Public Services Committee replied as follows –

- "1. (a) The Chief Internal Auditor has carried out an audit trail, (R.C.4, Annexe 1), of the files and paperwork at Public Services and provided by Halcrow, the Committee's consultant, relating to the bus drivers' shift allowance, for the period 1st January 2002, to 1st May, 2002. This was Stage 1 of the review and covered the period during which tenders were sought. The Chief Internal Auditor has now completed her work. Stage 2, looking at the related activities up to commencement of service at the end of September, is now being put in train.
- (b) (i) The review has no formal legal basis. However, it has been conducted by the Chief Internal Auditor who also has a duty by direction of the Treasurer of the States, (see Article 10, Public Finance (Administration) (Jersey) Law 1967), to audit the accounts of every Committee and Department of the States of Jersey. The review was considered to be an expeditious and cost-effective method of performing an investigation which would address the specific issue raised. It has been undertaken in respect of specific terms of reference, (R.C.4, Annexe 2)
- (ii) The Department and the Consultants have co-operated fully. The Department has made available all files related to the bus strategy and the Consultants have provided copies of all their relevant documents.
- (iii) I confirm this is the case but such powers are not expected to be required.
- (iv) I confirm this is the case.
- (c) I believe a Committee of Inquiry into the whole tender process will be extremely time consuming and might not be the most appropriate approach. The Committee met yesterday to discuss the options and is consulting its legal advisers to determine the most appropriate form of inquiry. It

will be greatly influenced by the outcome of Stage 2 of the investigation into the related activities, following the tender process, up to the commencement of service at the end of September 2002.

2. (a) I confirm that (i) to (iii) are extracts from a letter dated 19th May 2003, from myself to the President of the Finance and Economics Committee, a copy of which letter was provided to Senator Vibert on 6th January 2004, (R.C.4, Annexe 3).
  - (b) The Consultants did indeed receive a copy of the TGWU's claim, dated 6th February 2002, by fax sent by Jersey Bus, (R.C.4, Annexe 4), on 12th February 2002. This was 4 days after the original date notified for issuing new tender information of 8th February 2002. The audit has confirmed that a copy of the claim letter dated 6th February 2002, faxed by Jersey Bus on 12th February 2002, was passed by the Consultants to and received by all tenderers as an attachment to Bulletin Number 2. However, the audit has also confirmed that there is no evidence of any fax, letter, e-mail or other method of correspondence regarding the shift allowance being received by the Department during the tender period.
  - (c) In light of the information that is now available, particularly the Jersey Bus fax of 12th February 2002, which only came to my attention on 11th December 2003, I accept that extract (a)(iii), above, in retrospect is not correct. I have written letters to the owners and directors of Jersey Bus and the TGWU apologising for any unnecessary distress that these comments may have caused.
3. The Consultants arranged a meeting with representatives of Jersey Bus to clarify aspects of the operator's tender. This was one of a series of meetings with all five bidding organisations which, with the exception of the Jersey Bus meeting, took place in the U.K. The Director of Traffic and Transportation attended this meeting, with the Consultants' representative. The records of the meeting do not contain any specific details of the pay claim, particularly any explicit claim for a £72 per week shift allowance, and it appears it was not expressly discussed
4. (a) The Committee did seek the Consultants' advice. The Consultants' advice in April 2003, was that it would be reasonable for the States to meet the claim.
  - (b) (i) Connex's tender had a statement that had a similar meaning to that stated by the Senator, but not as quoted by him. I cannot confirm that all the members who have received the documentation were aware of the statement.
  - (ii) As in (i), I cannot confirm that all members were aware of this clause. Nevertheless, this is a standard type of clause in conditions of contract. However, in compliance with the wishes of the States when it approved the Bus Strategy, it was expected at the outset of the tendering process that the successful operator would be working in partnership with the States.
  - (iii) The Committee has received legal and technical advice in respect of the matter set out in the question posed. In light of recent disclosures, the Committee has revisited the issue and yesterday received further advice in relation to the legal position on the basis of the facts presently available. In Jersey, as in other jurisdictions, it is convention that Law Officers' advice is not released.
5. As Jersey Bus was the only organisation that had all the information on passenger demand throughout the year, only Jersey Bus could accurately provide for relief buses in its tender. Other tenderers, including Connex, could only use the information available, observation, investigation and their experience to estimate the level of provision. However, both these operators indicated using similar numbers of vehicles and, within the bounds of tendering, the Consultants were satisfied that similar provision was made. It is not normal in a tender process for bidders to submit detailed breakdowns and calculations of their bids so it is not possible without obtaining these original verified calculations to confirm that both operators included the same wage rates, hours and other allowances. I have confirmed with Halcrow that the Consultants sought to ensure that all bidders had submitted reasonable compliant

tenders. In its confidential report on tenders, the Consultants drew attention to significant variations in submissions from tenderers. It is my conclusion that the tender process was fair and comprehensive. Recent information will require the present Committee to investigate certain post-tender matters further.

6. Fees and expenses paid to Halcrow were as follows –

2001	£5,000.00
2002	£60,274.67
2003	£12,041.97
2004	nil to date

The services provided by the Consultants are in accordance with the proposal submitted by them in July 2001. Given the problems of administering the bus tender due to the lack of information from the previous operator that would normally have been available to bidders, in the opinion of those directly involved, the Consultants performed well during the tender period and up to commencement of the contract.

7. The Harbour service operated from 1st June to 31st August 2003, and carried 8,690 passengers at a cost of £43,023.

- (a) The decision followed a specific request from Jersey Harbours, an agreement to share a proportion of any losses by the Harbours and Airport Committee and followed longstanding calls from the Parish of St. Helier, Centre Ville and the Bus Users Forum. It was considered opportune to provide a service that would serve new housing at Albert Walk and the new Waterfront development. It also presented an opportunity to encourage ferry passengers onto the Connex network.
- (b) The service was experimental and reviewed several times by the Committee. Cancellation met with resistance from Jersey Harbours and other interested parties. There are at least five services operated on the current scheduled network that have a higher cost per passenger.
- (c) The service was agreed on the basis of passenger figures supplied by Jersey Harbours, and assessed likely demand from the Waterfront complex and residents of Albert Walk. In the event, Albert Walk occupation was delayed and the Aquasplash was completed later than expected.

A new ferry service from Normandy was expected, but the operators of the service suffered a significant delay in delivery and licensing of the vessels.

8. (a) Yes, I so confirm. Construction had been delayed on the new bus garage at La Collette. In the interim, the most practical cost-effective option was to provide short-term facilities, at Bellozanne, until such time as the facility at La Collette was ready for occupation.
- (b) Assistance from the Department's staff was paid for by Connex and, in the main, the work was undertaken principally outside normal working hours with no effect on the existing commitments of the Department.
- (c) (i) Nil.
- (ii) Nil.
- (iii) The cost of making Gosset Chambers habitable was £62,839. Until such time as the facilities are available in the new Transportation Centre, the Committee is obliged to provide accommodation at the Weighbridge for public information, a crew room, lost property and site supervisor.

- (iv) The cost to the previous Committee of a private company administering the first issue of concessionary passes was –

Administration costs	£35,874
Publicity	£11,402
Specialist printing costs and to set up the concessionary system to accommodate Smartcard operation	£9,052

It was a necessary cost because the previous operator had no database of pass-holders to hand over. So, to ensure that concessionary travel could continue for eligible residents, it was necessary to develop a completely new system. Staff costs associated with the distribution of passes at Parish Halls and sorting the remainder for posting were borne by Connex.

9. (a) I confirm that the £2,482,045 quoted in Figure 1 in R.C.53/2003, (R.C.4 Annexe 5), consists of-

Basic annual contract payment	£4,341,593
Claim for additional wages	£186,802
Vehicle Registration Duty	£27,500
Provision of Harbour Service	£43,023
Total	£4,598,918
Fare Income	(£2,116,873)
Net subsidy to passenger network	£2,482,045

The amount of fuel duty rebate for the period was £158,000. This is an amount forgone by the States.

The amounts of £62,839 for refurbishing Gosset Chambers and £56,328 for administering the new concessionary passes are one-off costs that would have been incurred no matter who was the operator.

Taking all the figures together as requested produces a total of £2,759,212.

- (b) No. In 2001, Jersey Bus provided a significantly reduced service with buses withdrawn on Routes 2c, 6, 7a, 7b, 8b, 19, 20, 21 and 22 and using vehicles with an average fleet age of 12 years. Jersey Bus also intended to cut Route 4 but continued to run it when the Parish of Trinity agreed to underwrite the service. Figure 3 of R.C.53/2003, (R.C.4, Annexe 6) provides a much more like for like comparison.
- (c) The assessment of value for money was made at the tender appraisal where the Connex bid was considered to be the best value on a number of criteria of which cost was only one. Figure 4a of R.C.53/2003, (R.C.4, Annexe 7), confirms that the public bus network in Jersey, is provided with a relatively low level of subsidy compared to other places in Britain. The Committee will continue to review and assess the operation of the Connex service in the light of more recent information.
10. (a) No. I was present a year later.

As explained throughout last year, the Committee was inhibited in forecasting fare revenue by the absence of hard up-to-date data. Therefore, those attending that meeting could only deal with the following estimates –

Amount to be paid to operator	£4,350,000
Estimated income to Committee	

From fares	£2,500,000	
From cash limits	£460,000	
	£2,960,000	(£3,000,000)
Estimated subsidy required		£1,350,000

- (b) The estimate of fare income for 2002-03, based on 1993 figures provided by Jersey Bus a number of years ago, increased for inflation and then reduced to account for the drop in visitors over the intervening period, amounted to approximately £2.5 million as shown.

Other information supplied by Jersey Bus, in 1998, has indicated that over 3 million passengers were carried by Jersey Bus, each year.

Assuming an average fare of £1 per trip, again would indicate that overall income, including concessionary travel, would be of the order of £3 million.

11. The operator when appointed was expected, after the first year's operation, to suggest improvements to the network that would maximise the revenue collected, create more flexible timetables, a more integrated system of routes and reduce the overall level of subsidy. These were the broad objectives of the proposals submitted by the operator in November last year.
12. (i) Connex have provided the relief services that experience has dictated are necessary in the first year of the contract, and remain able to show flexibility if demand were to alter. Relief services are not a further cost to the taxpayer over and above normal contract payments.
- (ii) The operational details of what is required are the responsibility of Connex and are not of specific concern to my Committee unless there is concern from the travelling public. Consequently the information requested by Senator Vibert is not readily available to me and would in any case likely be considered by the operator as commercially sensitive and confidential.
13. Other than the normal contractual payments to Connex for providing the bus service, which clearly includes provision of suitable vehicles, no further public funds have been used to purchase buses or assist Connex in purchasing vehicles.
14. (a) The following table provides the milestone dates.

1st May 2002	Connex advised it was preferred operator.
10th June 2002	Letter of Intent issued to Connex.
18th September 2002	Omnibus Service Licences signed by Greffier and issued to Connex.
29th September 2002	Connex begin as operator
2nd October 2002	Contract formally signed. (R.C.4, Annexe 8)
12th December 2002	Bound contract document signed. (All Appendices now bound together with Conditions of Contract.)

- (b) Connex received a letter from Jersey Bus on 27th June 2002, (R.C.4, Annexe 9), containing details of the wage agreement and the additional shift allowance, between Jersey Bus and its drivers. The previous Committee believed that the shift allowance had been agreed after Connex was selected as preferred operator on 1st May 2002. The terms of the agreement were confirmed when Connex received the letter from Jersey Bus on 27th June 2002.
15. There is no 'conditions of tender' document. I assume that the Senator is referring to the Conditions of Contract that were issued as a part of the tender documents, revised during the tender period and subject to some minor clarifications and incorporation of appendices prior to being signed on 2nd October.

The initiative to revise the Conditions of Contract was made by the operator's legal representatives and

agreed by the Law Officers Department. However, there is no fundamental difference between the conditions at tender and at signing. The differences are listed in the following table.

<b>Condition of Contract at Tender</b>	<b>Condition of Contract (signed)</b>	<b>Differences</b>
1 Definitions	1 Definitions and Interpretation	Expanded to cater for known matters and making Committee the authority.
2 Special conditions	–	No special conditions were attached so omitted.
3 Contractor to inform himself fully	2 Contractor to inform itself fully	
4 Insurance Injury and Damage	3 Insurance Injury and Damage	
5 Compliance with Law	4 Compliance with Law	Additional clause in respect of a Specific Change in Law (expert determination).
6 Prevention of Corruption	5 Prevention of Corruption	
7 Notices	6 Notices	
8 Power to engage in default	7 Power to engage in default	
9 Payments and claims for payment	8 Payments and claims for payment	Schedule of payments agreed and Annual Price Review procedure agreed and incorporated.
10 Duration of Contract	9 Duration of Contract	Determination of the Contract aspect incorporated in Contract section 16.
11 Contract operation	10 Contract operation	
12 Credit	11 Credit	
13 Written warnings	12 Written warnings	More detailed explanation.
14 Breach of Contract, Insolvency	13 Breach of Contract, Insolvency	Breach of contract applies to either party.
15 Provision of service	14 Provision of Service	
16 States Regulations	15 States Regulations	
17 Contract	16 Contract	More detailed procedure for variations to the Contract (16.2). In Determination of Contract section, insufficient finance, failure to agree contract modification and changes to specification, removed as now covered by variations section.

		Clause in respect of strikes added.
	17 Property documentation	Originally covered in other parts of tender documents. Clauses refer to provision of bus garage, etc.
	18 Consequences of Termination	Clauses incorporated following experience gathered during tender process.
18 Service requirements	19 Service requirements	
19 Vehicle features	20 Vehicle features	
20 Performance	21 Performance	Penalty points would not apply at the outset due to restrictions on operations.
21 Disputes	22 Disputes	
	23 Confidentiality	Added.
	24 Undertaking	Added.
	25 Governing law	Added.

16. No cuts were detailed in R.C.53/2003. 1.7 of the report, (R.C.4, Annexe 10), outlined that revisions had been proposed by Connex resulting from the experience gained, passenger surveys and other data collected. I have explained the rationale behind the proposals in my answer to Question 11.
17. I believe that Figures 2a and 2b in R.C.53/2003, (R.C.4, Annexe 11), provide the information that the Senator requires.
18. (a) Where practicable, the dedicated school bus service is being amalgamated in stages with the scheduled bus services. This process began in September 2002 when dedicated services for the Mont Millais and Wellington Road Colleges, to and from St. Martin, were withdrawn in favour of scheduled services. Two Le Rocquier dedicated services were withdrawn at the same time and students transferred to suitable scheduled services.
- (i) Approximately 225 students now use scheduled services for travel to school in the morning and many more use, and always have used, scheduled services to travel home following after-school activities. In the first year of the Connex contract more than 13,000 student journeys were made on scheduled services without complaint.
- (ii) With the exception of one morning service to Les Quennevais School, students are being dropped off at the same place on school premises as the previous services on the grounds of road safety. It is unsuitable for scheduled services to access Les Quennevais School direct, therefore the students are being dropped as close as possible, which necessitates a short walk.
- (iii) Some students need to change buses on their way to and from school, predominantly at the Weighbridge.
- (iv) Because of differences in routings between the school bus routes and the scheduled bus routes, I can confirm that some students catch buses earlier than before. Similarly, some students now catch buses later than before. Invariably, services are no more than 13 minutes earlier or later than previously.

- (v) All of the services, whether scheduled or dedicated school buses, are designed to ensure that students arrive at school on time. Some buses, either scheduled or dedicated school buses are late on occasions depending on traffic conditions.
- (b) The changes result from a conscious decision of the previous and current Committee to enable the States to provide, through the 2 operators, the most economic, efficient, effective and, above all safe and timely service. In our view, that provides best value for the States and the taxpayer while providing safe, convenient travel for the students.”

**Draft Data Protection Law (Jersey) 200- question and answer (Tape No. 890)**

Deputy Geoffrey Peter Southern of St. Helier asked Senator Philip Francis Cyril Ozouf, Vice-President of the Finance and Economics Committee, the following question –

“Would the Vice-President inform members when the replacement for the Data Protection (Jersey) Law 1987 will be completed and whether there are any obstacles to hinder it being lodged ‘au Greffe’ and debated at the earliest possible date?”

The Vice-President of the Finance and Economics Committee replied as follows –

“The new Draft Data Protection Law has been subject to extensive public and private sector consultation. The seventh draft of the Law was reviewed at the Finance and Economics Committee meeting held on 8th January 2004.

There are resource implications for the Data Protection regulatory function which affect the public and private sector. For this reason the Finance and Economics Committee has asked the Policy and Resources Committee for its assessment of the new Law before final lodging. The draft Law and implementation schedule will be considered by the Policy and Resources Committee on 12th February 2004.

It is expected that it will come back to the Finance and Economics Committee on 1st March 2004, with lodging anticipated for 16th March 2004. The Committee will request a States debate 4 weeks later.”

**Provision of public funds for the Chateau La Chaire Gardens project – question and answer (Tape No. 890)**

The Deputy of St. John asked Deputy Lyndon John Farnham of St. Saviour, Vice-President of the Economic Development Committee, the following question –

“Would the Vice-President inform members whether the Committee has provided funding or agreed to provide funding, either directly from its own budget or from the Tourism Development Fund, for a feasibility study or the setting-up of a trust or company for the purpose of the proposed restoration project of the garden at La Chaire, Rozel, and, if so, what level of public funds, and to whom, have been committed to this matter so far?”

The Vice-President of the Economic Development Committee replied as follows –

“The Tourism Development Fund agreed, on 24th September 2003, to fund, subject to the following conditions, up to £250,000 to the Chateau La Chaire Sub-Tropical Gardens Trust. The Economic Development Committee subsequently endorsed this decision.

The funding will be paid in three parts –

The first payment of £83,000 will be made to the Trust as soon as the Trust has been established and a bank account opened. This sum of money should cover the following work –

- the setting up of the Trust;
- the application for outline planning permission, including an environmental and social impact study;
- the carrying out of a risk assessment on the viability of the project being completed and becoming self-funding;
- the creation of a more robust business plan.

The second payment of £83,000 will be made to the Trust based upon satisfactory progress reports of the above being presented to the Tourism Development Fund and on provision of a satisfactory projected expenditure analysis for this sum.

The final payment of £84,000 will be made to the Trust on completion of the work outlined in the application for the second payment, and on provision of a satisfactory projected expenditure analysis for this sum.

The Tourism Development Fund and the Economic Development Committee have taken note that the trustees have confirmed that, should any part of the work carried out during Stage 1 demonstrate that the project is not viable, or that major technical problems exist, no further funds will be expended without full consultation with the Tourism Development Fund Sub-Committee.”

#### **Suicides from public car parks – question and answer (Tape No. 890)**

Senator Paul Vincent Francis Le Claire asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following question –

“Is the Committee concerned about the number of people choosing to end their lives by jumping from the rooftops of public car parks and will the Committee now undertake to secure these areas without delay?”

The President of the Environment and Public Services Committee replied as follows –

“The Environment and Public Services Committee is extremely concerned that anyone would decide to attempt to take their own life.

As the Senator is probably very well aware, the Health and Social Services Committee established a multi-agency working group in 2002 to review the overall position concerning this matter in Jersey and the Committee has been represented fully in the deliberations of that group.

The report from the multi-agency working group recognised that efforts needed to be made across many areas to reduce the risk of persons taking or attempting to take their own lives and produced an action plan. The Committee wholly supports this action plan.

The Committee has accepted the action that information directed at those vulnerable members of society should be displayed at the entrances to the car parks. This will be in the form of advertisements for The Samaritans and has been produced in poster form and will be displayed in the car park stairwells in the very near future.

The Committee will continue to work as part of the group, particularly when building new or redeveloping existing facilities, to incorporate systems and features that will help meet the group’s aims.”

#### **Introduction of an income support system – questions and answers (Tape No. 890)**

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Paul Francis Routier, President of the Employment and Social Security Committee, the following question –

“In his statement on 20th January 2004 the President indicated that the proposed new low income support system would be implemented in 2006 “as agreed by the States”.

Would the President inform members why the Committee considers –

- (a) that this matter has been agreed by the States, in view of the decision of 2nd May 2000 (P.44/2000) that the Committee should “identify the likely effects of a new low income support system” and report to the States with recommendations?
- (b) that the States have agreed to implement the new system in 2006?”

The President of the Employment and Social Security Committee replied as follows –

“(a) When I said ‘implemented in 2006 as agreed by the States’, I was referring to a report and proposition put to the States by Deputy G.P. Southern of St. Helier entitled ‘Social Rented Housing: Policy on Setting Rents’ (P.29/2003).

Just to remind members, part (b) of the Proposition, which the States adopted on 9th September 2003 states –

‘to request the Committee to co-operate with the Employment and Social Security Committee to ensure that a comprehensive Low Income Support Scheme is established by 2006 to create a viable replacement for rent subsidy’.

As I said in the States at the time, this was broadly in line with the Committee’s timescale for developing the new Income Support system.

I also made it clear in my recent statement that –

‘our aim is to complete all the necessary fact finding, research, policy reviews and modelling work by the end of this year to present to the States for approval as was the intent behind the original report and proposition (P.44/2000) to which the Deputy refers.

- (b) As I said in answer to the previous question, the States has set a target of 2006 for ‘a comprehensive Low Income Support scheme’ which the Committee is attempting to meet. Indeed, I have been under pressure from many quarters to deliver the system before that date. The purpose of my Statement on 20th January 2004, was, therefore, to convey to members the complexity of the work and to advise that the concepts for a new scheme could now be properly developed, and, the likely effects identified, including cost, in the light of the important information made available through the Income Distribution Survey.”

### **Parking at Cyril Le Marquand House– question and answer (Tape No. 890)**

The Deputy of St. John asked Senator Frank Harrison Walker, President of the Policy and Resources Committee the following question –

“With the closure of the car park adjacent to Cyril Le Marquand House, would the President inform members whether the 1st floor parking area at the building will continue to be used for parking, and, if so, will he advise the number of spaces available and the use of these spaces?”

The President of the Policy and Resources Committee replied as follows –

“I can confirm that the closure of the car park adjacent to Cyril Le Marquand House has had no effect on the first floor parking area at the building, and that this first floor area will continue to be used for parking.

There are 24 spaces in the first floor parking area and these are allocated as follows –

20 spaces are reserved for use by senior employees, all of whom are employed in States departments at Cyril Le Marquand House;

two spaces are reserved for lease cars that are used by the States Human Resources Department, together with other States departments at Cyril Le Marquand House;

one parking space is reserved for me in my capacity as President of the Policy and Resources Committee, and one for Senator T.A. Le Sueur in his capacity as President of the Finance and Economics Committee.”

### **Provision of free parking for public sector employees – question and answer (Tape No. 890)**

The Deputy of St. John asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following question –

“Would the President inform members whether the Committee has information on how many public sector employees have parking provided free of charge and, if so, would he provide details?”

The President of the Environment and Public Services Committee replied as follows –

“The Committee does not have information on how many public sector employees have parking provided free of charge. It is for each administering Committee to decide on how it provides parking for its employees.”

### **OXERA – questions and answers (Tape No. 890)**

Deputy Peter Nicholas Troy of St. Brelade asked Senator Frank Harrison Walker, President of the Policy and Resources Committee the following questions –

“1. Would the President inform members –

- (a) of the cost of the annual retainer agreed with OXERA Consultants for all years since the retainer was introduced, and whether additional sums over and above the retainer have been paid in any of those years?
- (b) when OXERA were first engaged by the States as consultants and what the total sum paid to them since that date is?

2. Would the President explain why, in giving answers on 20th January 2004, the Committee considered that the work undertaken by OXERA did not qualify under the heading ‘third party consultants’ and therefore was excluded from the original answer concerning the providers of third party reports or consultancy documents?”

The President of the Policy and Resources Committee replied as follows –

- “1. (a) The annual retainer was agreed in the year 2000, following a full competitive tendering process, at a rate of £307,152 per annum, or £25,564 per month, and it has not changed since that time. This retainer does not include expenses such as travel and accommodation, which have cost between £4,000 and £16,000 per annum.

The retainer is paid to OXERA in return for a wide range of economic advisory services, which

include research, attendance at meetings, computer modelling, and the preparation of advisory notes and reports. In addition, OXERA are available on a daily basis to provide advice in economic affairs.

Additional sums were paid to OXERA in 2001 and 2002 for the preparation of four reports. Two of these reports were prepared in 2001 at a combined cost of £72,946, and a further two in 2002 at a combined cost of £99,000.

- (b) OXERA were first engaged by the States as consultants in September 2000 and the total sum paid to the company since that date is £1,233,673. This sum can be broken down as follows –

**retainer fees** (September 2000 – December 2003): £1,023,840

**additional work** (4 reports in 2001 & 2002): £171,946

**expenses:** £37,887.

2. Yes. I would remind Deputy Troy that the question which he posed on 20th January 2004, concerned the *'number of third party reports or consultancy documents commissioned in 2003 by States Committees and their Departments, costing in excess of £2,000'*. As noted in the answer to question 1(a) above, no reports or consultancy documents costing in excess of £2,000 were commissioned from OXERA in 2003. OXERA were paid a retainer during this period, as indeed they have been since September 2000, but this fee was paid on a monthly basis in return for a wide range of consultancy services.

On a separate matter, I am now able to provide the following further information in response to Deputy Troy's question of 20th January 2004, regarding third party report and consultancy documents –

The information that Deputy Troy requested has now been received from States departments. This information shows that a total of 104 third-party reports or consultancy documents costing in excess of £2,000 were commissioned in 2003 by States Committees and their departments, at a total cost to the public sector of £1,550,364.40.

The total for each Committee's expenditure in this respect is as follows –

**Economic Development** – £136,610.28

**Education, Sport and Culture** – £147,187.35

**Employment and Social Security** – £35,000

**Environment and Public Services** – £674,397.78

**Finance and Economics** – £91,895

**Harbours and Airport** – £254,828

**Health and Social Services** – £34,573

**Home Affairs** – £10,457

**Housing** – £13,000

**Legislation** – Nil

**Overseas Aid** – Nil

**Policy and Resources** – £47,446

**Postal** – £104,970

## **Privileges and Procedures – Nil**

As I have indicated, this gives a total spend of £1,550,364.40 for the 14 States committees and their departments.”

### **Haut de la Garenne – question and answer (Tape No. 890)**

Deputy Roy George Le Hérissier of St. Saviour asked Deputy Maurice François Dubras of St. Lawrence President of the Environment and Public Services Committee, the following question –

“Would the President inform members how much money, in total, has been granted to the Haut de la Garenne Trust and would he give a breakdown of when, and on what basis, each payment was made?”

The President of the Environment and Public Services Committee replied as follows –

“No payment has been made to the Trust by the States.

The conversion and refurbishment of Haut de la Garenne by Property Services was practically completed on 14th September 2003. The Capital budget approved totals £ 2,465,000. The project Quantity Surveyors latest project report indicates that, subject to the reallocation of the cost of maintenance work required to the attached building *Aviemore* administered by the Health and Social Services Committee to eliminate the ingress of water into Haut de la Garenne, the conversion and refurbishment work is expected to be contained within the capital budget approved. The Capital budget included no funds for furniture.

Under the arrangements approved by the States on 8th December 1998, (P.188/1998), and 22nd October 2002, (P.147/2002), the Committee’s responsibilities were intended to be fulfilled when the conversion of the building was practically completed. From 14th September 2003, the Board of Trustees appointed by the States have responsibility for the operation and management of the centre which is required to be run, as far as possible, on a self-financing basis under the constitution of the Trust.

The lease of the new centre to the Haut de la Garenne Trust will also run from 14th September 2003, although the Committee remains responsible for maintaining the structural fabric of the building. The Trust, which was constituted formally in October 2002, is required to present a business plan, a report of its activities and achievements. It is also required to present to the Finance and Economics Committee audited accounts as well as submit any request for borrowing to that Committee for approval.

The Committee was advised by the Trust on 7th August 2003, that it was experiencing difficulties, as although its draft business plan had been produced with the Youth Hostels Association as part of their proposed joint “enterprise agreement”, their submission to the Tourism Development Fund had not produced a favourable response to the Trust’s request for funding needed ‘to fully equip the centre and provide working cash needed for the first year of operation’.

The Committee was also advised that the trustees had been unsuccessful in their approaches to raise funds from local charities and charitable organisations, private Jersey residents and other sources. With no guarantees being provided by any Committee of the States and only a lease of the premises, borrowings from a commercial bank were not possible.

The Committee, with the assistance of Treasury officers, sought to identify what options were available to ensure that this important project proceeds as planned. We requested that the Tourism Development Fund be asked to reconsider and also sought to identify unspent monies of a capital nature. The Finance and Economics Committee, in response to our request, suggested that the Committee use a carried forward revenue balance of £133,000, which arose from unspent revenue funds from 2002, subject to conditions.

From this amount a maximum of £100,000 has since been allocated to meet furniture requirements sufficient

to provide for the initial configuration of 100 beds and £25,000 has been offered to the Trust to provide a working balance, subject to strict monitoring and reporting arrangements designed to manage financial risk. The Trust has advised that this is not sufficient.

The Committee is attempting to coordinate ongoing discussions to identify a solution to the Trust's immediate cash flow requirements and the need for an appropriate financial guarantee or underwriting arrangement to be in place during an initial period. The following have been party to these discussions –

Finance and Economics Committee and Treasury officers  
Tourism Development Fund and Tourism Department  
Policy and Resources Committee  
Youth Hostels Association  
Haut de la Garenne Trustees

To assist these discussions I have arranged that the Trust's business plan be subjected to an independent evaluation and I expect that within two weeks I should be able to advise the States of the situation. In the meantime the Trust and YHA are accepting group bookings for 2004 as there is a great deal of interest in the new centre which is due to open in March."

#### **Cost of issuing work permits – question and answer (Tape No. 890)**

Senator Paul Vincent Francis Le Claire asked Senator Wendy Kinnard, President of the Home Affairs Committee the following question –

"Would the President advise members of the cost, by country, of issuing work permits for the last three years and would she explain how the Committee has met these costs?"

The President of the Home Affairs Committee replied as follows –

"The Home Affairs Committee has a fee structure for work permits based on their duration –

up to one month	£10
more than one month but less than twelve months	£30
twelve months or more	£150.

This fee structure, which has been in place since 1st January 1999, aims to recover all or most of the department's costs from employers who pay the fees upon making work permit applications. The vast majority of permits are those issued for the hospitality and agricultural industries which fall into the middle tier of £30. Long-term permits generally require more processing time due to the nature of the checks which need to be made.

The cost of issuing work permits is therefore not based on the overseas national's country of origin. However it is possible to show the overall income from permits issued to different nationalities and this can roughly be taken to be the costs incurred. The income figures and numbers of work permit applications are given in the chart provided. The vast majority of permits issued to new E.U. nationals were to Polish nationals and the very few others are therefore not shown separately. For information, the number of permits for Kenyan nationals is also shown.

It is difficult to calculate precisely whether the fees charged do recover the costs incurred. It is estimated that due to the increase in the numbers of permits in the last few years economies of scale were achieved, certainly last year. However, staff devoted to this work were severely stretched and any further increase in permit applications would have required extra staff.

One can see from the chart that using last year's figure the reduction in income due to nationals of the new E.U. states becoming permit free will be about £80,300. As the chart shows this was a substantial increase on

previous years' income and was not budgeted for; it was additional income. The loss, such as it is, of this income has been partly offset by the abolition of one post which was dedicated to the issue of work permits and by a saving in administrative costs. The remaining reduction in income forecast for 2004 may be estimated at about £30,000 but this must be taken in the context of last year's exceptional income which, as I have said, was not a sum that was budgeted for. Consequently there is no real detrimental impact on the Department's budget.

#### WORK PERMIT APPLICATIONS

By permit cost								
	£10 permit		£30 permit		£150 permit		Total	
	No. issued	£	No. issued	£	No. issued	£	Permits issued	Revenue £
2001	176	1,760	1,452	43,560	61	9,150	1,689	54,470
2002	153	1,530	2,572	77,160	41	6,150	2,766	84,840
2003	176	1,760	3,124	93,720	38	5,700	3,338	101,180
By nationality – assuming Polish and Kenyan permits were at £30								
	POLISH		KENYAN		OTHER		Total	
	No. issued	£	No. issued	£	No. issued	£	Permits issued	Revenue £
2001	1,329	39,870	78	2,340	282	12,260	1,689	54,470
2002	2,307	69,210	230	6,900	229	8,730	2,766	84,840
2003	2,677	80,310	347	10,410	314	10,460	3,338	101,180

#### Funding for free school milk – question and answer (Tape No. 890)

Deputy Geoffrey Southern of St. Helier asked Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee, the following question –

“On 21st October 2003 the States agreed that funds for free school milk should be inscribed in the Committee's budget and ring fenced for this purpose for the years 2004 and 2005. Would the President explain to members what action, if any, the Committee has taken as part of the Fundamental Spending Review process to implement this decision?”

The President of the Economic Development Committee replied as follows –

The States, on 21st October 2003 –

- (i) agreed that the cost of the provision of free school milk should continue to be met from public funds for the years 2003, 2004 and 2005;
- (ii) requested the Finance and Economics Committee to identify the appropriate source of funding for the remainder of 2003; and,
- (iii) agreed that funds for this provision should be inscribed in the budget of the Economic Development Committee, and ring-fenced for this purpose, for the years 2004 and 2005.

The Finance and Economics Committee has agreed to provide funding in the sum of £184,000 for 2004 and

the Economic Development Committee has submitted a growth bid in the sum of £184,000 within the Fundamental Spending Review (FSR) process for 2005. The outcome of the FSR will not be known until after the Presidents' decision conference on 17th, 18th and 19th March 2004."

**Waterfront Leisure Complex – question and answer** (Tape No. 890)

Senator Paul Vincent Francis Le Claire asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

- “(a) In agreeing the lease to CTP (Jersey) Ltd for the land on which the Waterfront Leisure Complex has been constructed the States agreed a formula for financial returns. Would the President inform members of the sums of money per annum received to date, and give a breakdown of this sum, to indicate how the Waterfront development has delivered financially to the States of Jersey?
- (b) Would the President advise members –
  - (i) of the projections for income, if any, for the future and would he indicate how these will be delivered?
  - (ii) of the total States' contribution to the cost of the leisure complex, including the grant up to a maximum of £10.9 million from the Tourism Investment Fund agreed by the States on 4th July 2000 and would he indicate whether the States will have any future financial involvement with the project?”

The President of the Policy and Resources Committee replied as follows –

- “(a) A sum of £620,000 has been received to date, being exactly as defined in the proposition ‘St. Helier Waterfront Leisure Complex: Terms of Lease’ (P.92/1999) that was adopted by the States in 1999. There is no breakdown of this sum as it was received in one payment at the commencement of the contract.

In addition, a total of £57,250 has been received from the developer, CTP Limited, in the 7 months since July 2003, i.e. 7 monthly payments of £7,750 plus £3,000 for the part-month of July 2003. This payment is being made in accordance with the terms set out in the report accompanying P.92/1999, and is intended to cover the estimated trading deficit for the complex of £93,000 per annum. These funds have been forwarded on to the company responsible for the management of the complex, namely SERCO Leisure, in accordance with the terms of the management agreement.

- (b) (i) The financial projections for the operation of the leisure pool in how losses or surpluses were to be dealt with were very clearly spelt out in P.92/1999. No assessment on the first full year of trading of the leisure pool can be carried out until August this year when the pool will by then have been operational for one year.

There is likely to be a substantial ‘overage’ payment due to the States on either the sale of the Leisure Complex by the developer, or an agreed valuation after a period of 12 months from commencement of the operation of the leisure pool. Overage is the residual balance from sale proceeds after deducting the cost of the development and the developer's profit and represents the value of the land in addition to the payment of £620,000 already received.

- (ii) A grant of £10.9 million was made by the Tourism Investment Fund to the Waterfront Enterprise Board Limited to enable the leisure pool to be constructed. Any further financial involvement by the States will be conditional on the annual operation of the leisure pool as detailed by the formula contained within Project P.92/1999 for dealing with any surplus or losses which may arise.”

**One of the Housing Committee's properties – questions and answers** (Tape No. 890)

Deputy Geoffrey Peter Southern of St. Helier asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following questions –

- “1. In an e-mail to the Health and Social Services Department and copied to members on 10th February 2003, concerning one of the Committee's properties vacated by the tenant, the President stated: ‘the tenant took possession of this lovely 4-bed new house in 1997’.
- (a) Would the President inform members when the property in question was first built and when it had last been refurbished before the incident in question?
- (b) The President also stated in his e-mail ‘we now have to pick up the cost of £20 to £30k to put it right.’ Will the President inform members of –
- (i) the actual costs incurred by the Department along with details of the work that was done?
- (ii) the costs that were charged to the tenant along with details of the work required?
- (iii) the time taken to re-let the property?
- (c) Before visiting the property on 10th February 2003 did he or any of the Department's officers attempt to contact the tenant?
2. In his e-mail of 10th February 2003, the President referred to the fact that ‘there was filth, excrement everywhere’. Does the President still consider these comments to be valid in view of subsequent reports from his Department and other agencies following further visits to the premises?”

The President of the Housing Committee replied as follows –

- “1. (a) The property was built in 1959 and completely refurbished in 1992.
- (b) (i) Between 10th February 2003, and the return to the Housing Department of the keys on 24th February 2003, the tenant carried out a considerable amount of work to the property. The Department subsequently spent a total of £7,106, broken down as follows,
- |                                      |        |
|--------------------------------------|--------|
| kitchen, including flooring          | £2,400 |
| plumbing and heating                 | £700   |
| electrical                           | £646   |
| decoration, including external doors | £1,800 |
| external work, including drains      | £1,000 |
| glazing, cleaning, other minor works | £560   |
- (ii) The tenant was recharged £273 in total, broken down as follows –
- |                                |      |
|--------------------------------|------|
| rubbish clearance and cleaning | £66  |
| replacement of smoke detectors | £102 |
| replacement of double glazing  | £80  |
| administration                 | £25  |
- (c) No, neither the Department nor I was aware of the tenant's whereabouts. The tenant gave no notice of an intention to vacate and worried neighbours contacted the Department to report that the dwelling appeared to have been abandoned.
2. Yes, when I visited the property on 10th February 2003, it was in an appalling state and I will now circulate to members photographs taken at the time of the visit. The tenant subsequently made a great

effort to restore the property to a reasonable condition, and that is commendable, but it does not detract from the validity of my opinion on 10th February 2003.”

### **Draft Burials and Exhumations (Jersey) Law 200- P.170/2003**

THE STATES commenced consideration of the draft Burials and Exhumations (Jersey) Law 200-, and adopted the preamble.

Members present voted as follows –

**“Pour” (29)**

#### **Senators**

Norman, Walker, Lakeman.

#### **Connétables**

St. Martin, St. Saviour, St. Brelade, St. Mary, St. Peter, St. Clement, Trinity, St. Lawrence, Grouv  
St. John.

#### **Deputies**

Trinity, Breckon(S), St. Martin, Dubras(L), Baudains(C), Dorey(H), Troy(B), Voisin(L), Farnham(S)  
Le Hérissier(S), Martin(H), Bernstein(B), St. Ouen, Ryan(H), St. Peter, Hilton(H).

**“Contre” (10)**

#### **Senators**

M. Vibert, E. Vibert.

#### **Deputies**

Duhamel(S), Huet(H), Le Main(H), Scott Warren(S), Ferguson(B), Taylor(C), Grouville, De Faye(H).

THE STATES, having adopted Articles 1 to 12, and subject to the sanction of Her Most Excellent Majesty in Council, adopted the Burials and Exhumations (Jersey) Law 200-.

Members present voted as follows –

**“Pour” (27)**

#### **Senators**

Le Maistre, Norman, Walker, Lakeman, M. Vibert, E. Vibert.

#### **Connétables**

St. Martin, St. Saviour, St. Brelade, St. Mary, St. Peter, St. Clement, Trinity, St. Lawrence, Grouv  
St. John.

#### **Deputies**

Trinity, Breckon(S), St. Martin, Dubras(L), Baudains(C), Farnham(S), Le Hérissier(S), Bernstein(B)  
St. Ouen, Ryan(H), St. Peter.

**“Contre” (7)**

#### **Deputies**

Duhamel(S), Huet(H), St. John, Scott Warren(S), Ferguson(B), Grouville, De Faye(H).

**Fields 203, 204 (part) and 252, Rue de Jambart, St. Clement: restriction of development– P.152/2003  
Comments – P.152/2003 Comments**

THE STATES, adopting a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement, referred to their Act dated 10th July 2002, in which they agreed to rezone Fields 203, 204 (part) and 252, Rue de Jambart, St. Clement, for Category A Housing and requested the Environment and Public Services Committee–

- (a) to limit development on the said site to a maximum of 45 x 3-bedroom homes (or their equivalent) and ensure adequate resident on-site parking; and,
- (b) to ensure that adequate extra parking was provided on the site, or nearby, to cater for visitors to St. Clement Parish Church and the Caldwell Hall.

Members present voted as follows –

**“Pour” (28)**

**Senators**

Le Maistre, Syvret, Norman, Le Claire, Lakeman, Routier, E. Vibert.

**Connétables**

St. Martin, St. Brelade, St. Mary, St. Peter, St. Clement, Trinity, St. John.

**Deputies**

Trinity, Breckon(S), Huet(H), St. Martin, St. John, Baudains(C), Scott Warren(S), Farnham(S), Le Hérissier(S), Martin(H), Southern(H), Grouville, St. Peter, De Faye(H).

**“Contre” (13)**

**Senators**

Walker, M. Vibert, Ozouf.

**Connétables**

St. Saviour, St. Lawrence.

**Deputies**

Le Main(H), Dubras(L), Dorey(H), Voisin(L), Bernstein(B), Ferguson(B), St. Ouen, Hilton(H).

Three members abstained from voting.

**Senator Christopher Gerard Pellow Lakeman – resignation**

The Bailiff, in accordance with Article 13 of the States of Jersey Law 1966, as amended, informed the Assembly that he had received a letter from Senator Christopher Gerard Pellow Lakeman tendering his resignation as a member of the States.

Senator Christopher Gerard Pellow Lakeman made a statement in the following terms –

“With your permission, I would like to make a personal statement.

I have to hand to you a letter pursuant to Article 13 of the States of Jersey Law and tender my resignation from the States.

I shall confine my brief comments now, Sir, to thank all of those people with whom I have worked closely. There will be other occasions when those thanks can be stated more fully.

The unavoidable fact, Sir, is that I am not able to do any job half-heartedly. It is impossible to combine the demands of a legal practice with those of active and effective representation as a member of the States of Jersey.

I consider I have been enormously fortunate to represent the Island for those last 4 years and this decision has been extremely painful to reach. I wish all members of the Assembly, but in particular, the person who will succeed me as President of the Privileges and Procedures Committee, every success.”

### **Privileges and Procedures Committee – vacancy in Presidency**

The Bailiff, in accordance with Article 28(3) of the States of Jersey Law 1966, as amended, gave notice that, following the resignation of Senator Christopher Gerard Pellow Lakeman, there was a vacancy in the office of President of the Privileges and Procedures Committee.

### **Special Committee on the Composition and Election of the States Assembly – vacancy in Presidency**

The Bailiff, in accordance with Article 28(3) of the States of Jersey Law 1966, as amended, gave notice that, following the resignation of Senator Christopher Gerard Pellow Lakeman, there was a vacancy in the office of President of the Special Committee on the Composition and Election of the States Assembly.

### **Arrangement of public business for the present meeting**

THE STATES, having noted the vacancy in the office of President of the Privileges and Procedures Committee, agreed to defer consideration of the following matters lodged “au Greffe” from the present meeting to a later date –

Code of Practice on Public Access to Official Information: measures to improve implementation. P.164/2003.

Presented: 18th November 2003.

*Privileges and Procedures Committee.*

Code of Practice on Public Access to Official Information: measures to improve implementation (P.164/2003) – comments. P.164/2003.  
Com.

Presented: 23rd December 2003.

*Policy and Resources Committee.*

Code of Practice on Public Access to Official Information: measures to improve implementation (P.164/2003) – amendment. P.164/2003.  
Amd.

Lodged: 6th January 2004.

*Senator S. Syvret.*

Code of Practice on Public Access to Official Information: measures to improve implementation (P.164/2003) – amendment (P.164/2003 Amd.)– comments. P.164/2003.  
Amd.Com.

Presented: 20th January 2004.

*Privileges and Procedures Committee.*

Code of Practice on Public Access to Official Information: Register of Reports. P.196/2003.  
Lodged: 23rd December 2003.  
*Deputy P.N. Troy of St. Brelade.*

Code of Practice on Public Access to Official Information: Register of Reports P.196/2003.  
(P.196/2003) – comments. Com.  
Presented: 13th January 2004.  
*Privileges and Procedures Committee.*

Code of Practice on Public Access to Official Information: Register of Reports P.196/2003.  
(P.196/2003) – amendment. Amd.  
Lodged: 20th January 2004.  
*Privileges and Procedures Committee.*

Code of Practice on Public Access to Official Information: Register of Reports P.196/2003. Amd  
(P.196/2003) – second amendment. (2).  
*Deputy P.N. Troy of St. Brelade.*  
*(attached).*

### **Adjournment**

THE STATES then adjourned, having agreed to defer consideration of the following matter lodged “au Greffe” from the present meeting to the next meeting on 17th February 2004 –

Draft Motor Vehicle Registration (Amendment No. 3) (Jersey) Law 200. P.195/2003.  
Lodged: 23rd December 2003.  
*Home Affairs Committee.*

THE STATES rose at 6.40 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*