

**THE STATES assembled on Tuesday,
1st March 2005, at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,
was present.**

All members were present with the exception of –

Senator Wendy Kinnard – out of the Island
Senator Richard Joseph Shenton – ill
John Baudains Germain, Connétable of St. Martin– ill
Kenneth Priaux Vibert, Connétable of St. Ouen– ill
Philip John Rondel, Deputy of St. John– out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier– ill.

Prayers

Royal Visit – Her Majesty The Queen and His Royal Highness Prince Philip, The Duke of Edinburgh

The Bailiff informed the Assembly officially of the forthcoming visit of Her Majesty The Queen and His Royal Highness Prince Philip, The Duke of Edinburgh, on 9th May 2005, as part of the 60th Anniversary Liberation Day celebrations.

Senator Frank Harrison Walker, President of the Policy and Resources Committee, expressed the pleasure which the news of the visit had given to all members of the Assembly and proposed the appointment of a Royal Visit Committee.

THE STATES agreed to form a Royal Visit Committee under the Presidency of the Bailiff comprising the following –

the Senior Senator;
the Senior Connétable;
the Senior Deputy;
the President of the Policy and Resources Committee; and,
the President of the Finance and Economics Committee.

Royal Marriage – His Royal Highness Prince Charles, The Prince of Wales and Mrs. Camilla Parker Bowles

The Bailiff informed the Assembly that a message of congratulations had been sent to His Royal Highness Prince Charles, The Prince of Wales and Mrs. Camilla Parker Bowles on the occasion of their forthcoming marriage, through His Excellency, the Lieutenant Governor, Air Chief Marshal Sir John Cheshire, K.B.E., C.B., in the following terms –

“I write on behalf of the States and the people of Jersey to convey our warmest congratulations to His Royal Highness The Prince of Wales on the occasion of the announcement of his forthcoming marriage to

Mrs Camilla Parker Bowles.

The Island remembers with great affection the visit made last year by His Royal Highness on the occasion of the celebration of Jersey's historic links with the Crown forged in 1204. We express the hope that His Royal Highness will have the opportunity to return to Jersey in the company of Her Royal Highness The Duchess of Cornwall in the near future."

A reply from His Royal Highness Prince Charles, The Prince of Wales, had been received in the following terms –

"The Prince of Wales has asked me to write and thank you for your very kind congratulations and to send yourself, the Bailiff, the States and the people of Jersey, his very best wishes.

It is a very happy time for His Royal Highness and Mrs. Parker Bowles, and indeed for us all, and your message was much appreciated."

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Road Traffic (Prohibition of Waiting) (Clearways) (Amendment No. 8) (Jersey) Order 2005. <i>Environment and Public Services Committee.</i>	R&O 8/2005.
Road Traffic (St. Saviour) (Amendment No. 2) (Jersey) Order 2005. <i>Environment and Public Services Committee.</i>	R&O 9/2005.
Road Traffic (St. Peter) (Amendment No. 5) (Jersey) Order 2005. <i>Environment and Public Services Committee.</i>	R&O 10/2005.
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 12) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 11/2005.
Financial Services (General Insurance Mediation Business (Accounts, Audits, Reports and Solvency)) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 12/2005.
Road and Sand Racing (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 13/2005.
Road Racing (Hill Climbs and Sprint) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 14/2005.

Matters presented

The following matters were presented to the States –

Public Bus Transport: Second Annual Report. <i>Presented by the Environment and Public Services Committee.</i>	R.C.9/2005.
Housing Rent Subsidy Scheme: disregard to long-term incapacity allowance (P.6/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.6/2005. Com. (2)

Housing Rent Subsidy Scheme: disregard to long-term incapacity allowance (P.6/2005) – comments. P.6/2005. Com.
(3)
Presented by the Employment and Social Security Committee.

Environment Committee: establishment (P.13/2005) – comments. P.13/2005. Com.
(2)
Presented by the Environment and Public Services Committee.

The following matters were presented on 8th February 2005 –

Population Policy: provision of information and alternatives. R.C.6/2005.
Presented by the Policy and Resources Committee.

Public Elections (Jersey) Law 2002: Proposals for change – Consultation Paper. R.C.7/2005.
Presented by the Privileges and Procedures Committee.

Regulation of Undertakings and Development (Jersey) Law 1973: commentary on licences granted under Part II for the period to 31st December 2004. R.C.8/2005.
Presented by the Economic Development Committee.

The following matters were presented on 15th February 2005 –

The Future of Jersey Harbours: Shadow Scrutiny Panel Report. S.R.2/2005.
Presented by Deputy R.C. Duhamel of St. Saviour.

Housing Rent Subsidy Scheme: disregard to long-term incapacity allowance (P.6/2005) – comments. P.6/2005. Com.
Presented by the Housing Committee.

Draft Jersey Overseas Aid Commission (Jersey) Law 200- (P.14/2005): comments. P.14/2005. Com.
Presented by the Finance and Economics Committee.

The following matters were presented on 22nd February 2005 –

Draft Royal Court (Amendment No. 11) (Jersey) Law 200 (P.7/2005): comments. P.7/2005. Com.
Presented by the Finance and Economics Committee.

Draft Liquor (Restrictions on Consumption) (Jersey) Law 200- (P.9/2005): comments. P.9/2005. Com.
Presented by the Finance and Economics Committee.

Environment Committee: establishment (P.13/2005) – comments. P.13/2005. Com.
Presented by the Policy and Resources Committee.

Modernisation of Jersey's Gambling Legislation (P.62/2004): addendum. P.62/2004. Add.
Presented by the Economic Development Committee.

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

Matters noted – land transactions

THE STATES noted Acts of the Finance and Economics Committee dated 13th January, 10th and 24th February 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

13th January 2005

As recommended by the Education, Sport and Culture Committee, the proposed purchase from Mr. Patrick Joseph McCarthy and Mrs. Jane Caroline McCarthy, née Armitage, of the southern part of Field No. 263A, Grouville (measuring approximately 0.33.0 vergée), for a consideration of £4,125 for the unencumbered freehold title of the land. In addition, the public would also be responsible for meeting the vendor's legal costs, which were estimated not to exceed £1,000.

10th February 2005

As recommended by the Education, Sport and Culture Committee, a proposal of that Committee to sell the property "Petit Zinj", Park Estate, St. Brelade for a consideration of £375,000 so that the proceeds (net of any agents and legal fees) might be credited to "The Rivington Travelling Scholarship."

24th February 2005

As recommended by the Environment and Public Services Committee, the lease to Silverwood Management Limited of the ground and first floor office accommodation at Broadcasting House, Rouge Bouillon, St. Helier (together with 6 associated car parking spaces), for a period of 13 months from 1st December 2004, at an annual rent of £23,000 payable monthly in advance, with no provision for a rent review, on the basis that the ingoing tenant would be responsible for meeting the service charge payments in respect of the communal facilities and charges associated with the building, and also for meeting the landlord's fees in respect of the preparation of the lease in an amount of £200.

Matters noted – acceptance of tender

THE STATES noted Acts of the Finance and Economics Committee dated 13th January and 10th February 2005, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that –

13th January 2005

the Home Affairs Committee had accept the lowest tender for Phases 2 to 5 of the development works relating to the construction of a female cellblock and laundry development, temporary workshop facilities, substation/fuel and new kitchen within the boundary of H.M. Prison, La Moye, St. Brelade, namely the submitted by Camerons Limited in the sum of £5,213,000 in a contract period of 78 weeks; and,

10th February 2005

the Housing Committee had accepted the most economically advantageous tender received for the construction of 23 three-bedroom houses and 14 one-bedroom flats as Phase 1 of the redevelopment of the Le Marais (low rise) estate, St. Clement, namely that submitted by A.C. Mauger and Son (Sunwin) Limite in the sum of £4,095,423, in a contract period of 50 weeks.

Matters lodged

The following matters were lodged "au Greffe" –

Draft Regulation of Investigatory Powers (Jersey) Law 200- (P.196/2004) – amendment.

P.196/2004.
Amd.

Presented by the Employment and Social Security Committee.

Draft Liquor (Restrictions on Consumption) (Jersey) Law 200- (P.9/2005): amendments.

P.9/2005. Amd.
(re-issue)

Presented by the Deputy of St. Martin.

Draft Overseas Aid Commission (Jersey) Law 200- (P.14/2005): amendments. P.14/2005. Amd.
Presented by the Overseas Aid Committee.

Draft Employment Relations (Jersey) Law 200- (P.19/2005): amendments. P.19/2005. Amd.
Presented by Deputy G.P. Southern of St. Helier.

Field 690A, Maufant, St. Martin: sale of rights (P.20/2005)- amendment. P.20/2005. Amd.
Presented by the Deputy of St. Martin.

Draft Education (Provided Schools) (Jersey) Regulations 200-. P.34/2005.
Presented by the Education, Sport and Culture Committee.

Control of Public Entertainment Panel: appointment of Chairman. P.35/2005.
Presented by the Education, Sport and Culture Committee.

Draft Employment Tribunal (Jersey) Regulations 200-. P.36/2005.
Presented by the Employment and Social Security Committee.

Draft Competition (Jersey) Law 2005 (Appointed Day) Act 200-. P.37/2005.
Presented by the Economic Development Committee.

Economic Growth Plan. P.38/2005.
Presented by the Economic Development Committee.

Land in St. Clement: rezoning. P.40/2005.
Presented by Deputy G.C.L. Baudains of St. Clement, and referred to the Environment and Public Services Committee.

The following matters were lodged “au Greffe” on 8th February 2005 –

Migration: monitoring and regulation. P.25/2005.
Presented by the Policy and Resources Committee.

Draft States of Jersey (Amendment) Law 200-. P.26/2005.
Presented by the Policy and Resources Committee.

Draft Community Provisions (Animal Feeding) (Jersey) Regulations 200-. P.27/2005.
Presented by the Environment and Public Services Committee.

Draft Fertilisers and Feeding Stuffs (Amendment) (Jersey) Law 200-. P.28/2005.
Presented by the Environment and Public Services Committee.

Draft Diseases of Animals (Amendment No. 6) (Jersey) Law 200-. P.29/2005.
Presented by the Environment and Public Services Committee.

Draft Bankruptcy (Netting, Contractual Subordination and Non-Petition Provisions) (Jersey) Law 200-. P.30/2005.
Presented by the Economic Development Committee.

The following matters were lodged on 22nd February 2005 –

Social Security Tribunal: appointment of members. P.31/2005.
Presented by the Employment and Social Security Committee.

Family Allowances Tribunal: appointment of members. P.32/2005.
Presented by the Employment and Social Security Committee.

Land in St. Lawrence near Tesson Mill and Field 621, St. Brelade: rezoning. P.33/2005.
*Presented by Deputy J.A. Hilton of St. Helier, and referred to the Environment and (re-issue)
Public Services Committee.*

Château La Chaire, Rozel, St. Martin: use of public funds- P.22/2004 – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), the Deputy of St. John had instructed the Greffier of the States to withdraw the proposition concerning Château La Chaire, Rozel, St. Martin: use of public funds, (P.22/2004 lodged “au Greffe” on 3rd February 2004).

Arrangement of public business for the present meeting

THE STATES granted leave to the President of the Economic Development Committee to defer consideration of the following item from the present meeting to a later date –

Jersey Tourism: relocation and lease of new office accommodation. P.22/2005.
Lodged: 1st March 2005.
Economic Development Committee.

Arrangement of public business for the next meeting on 15th March 2005

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that the draft Employment Relations (Jersey) Law 200-, (P.19/2005 lodged “au Greffe” on 1st February 2005), be not considered at the next meeting on 15th March 2005.

Members present voted as follows –

POUR: 16

Senator J. Le Maistre
Senator S. Syvret
Senator P.V.F. Le Claire
Senator E.P. Vibert
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 24

Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy A. Breckon (S)
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy S.C. Ferguson (B)
Deputy of St. Mary

ABSTAIN: 0

Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 15th March 2005 –

Speed Limits: revised policy. Lodged: 20th January 2004. <i>Environment and Public Services Committee.</i>	P.1/2004.
Speed Limits: revised policy (P.1/2004) – amendment. Lodged: 9th November 2004, <i>and referred to the Home Affairs Committee, and the Comité des Connétables.</i> <i>Connétable of St. Helier.</i>	P.1/2004. Amd.
Speed limits: revised policy (P.1/2004) – amendment (P.1/2004 Amd.)– comments. Presented: 23rd November 2003. <i>Environment and Public Services Committee.</i>	P.1/2004. Amd.Com.
Draft Regulation of Investigatory Powers (Jersey) Law 200-. Lodged: 9th November 2004. <i>Home Affairs Committee.</i>	P.196/2004.
Draft Regulation of Investigatory Powers (Jersey) Law 200- (P.196/2004): comments. Presented: 30th November 2004. <i>Finance and Economics Committee.</i>	P.196/2004. Com.
Draft Regulation of Investigatory Powers (Jersey) Law 200- (P.196/2004) – amendment. Lodged: 1st March 2005. <i>Employment and Social Security Committee.</i>	P.196/2004. Amd.
Draft Liquor (Restrictions on Consumption) (Jersey) Law 200-. Lodged: 18th January 2005. <i>Home Affairs Committee.</i>	P.9/2005.
Draft Liquor (Restrictions on Consumption) (Jersey) Law 200- (P.9/2005): comments. Presented: 22nd February 2005. <i>Finance and Economics Committee.</i>	P.9/2005. Com.
Draft Liquor Licensing (Jersey) Law 200- (P.9/2005): amendments. Lodged: 1st March 2005. <i>Deputy of St. Martin.</i>	P.9/2005. Amd. (<i>re-issue</i>)
Draft Jersey Overseas Aid Commission (Jersey) Law 200-. Lodged: 25th January 2005. <i>Overseas Aid Committee.</i>	P.14/2005.
Draft Jersey Overseas Aid Commission (Jersey) Law 200- (P.14/2005): comments. Presented: 15th February 2005. <i>Finance and Economics Committee.</i>	P.14/2005. Com.

Draft Overseas Aid Commission (Jersey) Law 200- (P.14/2005): amendments. Lodged: 1st March 2005. <i>Overseas Aid Committee.</i>	P.14/2005. Amd.
Senatorial elections 2005: reduced term of office. Lodged: 1st February 2005. <i>Deputy of St. Martin.</i>	P.17/2005.
Draft Employment Relations (Jersey) Law 200-. Lodged: 1st February 2005. <i>Employment and Social Security Committee.</i>	P.19/2005.
Draft Employment Relations (Jersey) Law 200- (P.19/2005): amendments. Lodged: 1st March 2005. <i>Deputy G.P. Southern of St. Helier.</i>	P.19/2005. Amd.
Draft Employment (Jersey) Law 2003 (Appointed Day) Act 200-. Lodged: 1st February 2005. <i>Employment and Social Security Committee.</i>	P.18/2005.
Jersey Tourism: relocation and lease of new office accommodation. Lodged: 1st March 2005. <i>Economic Development Committee.</i>	P.22/2005.
Jersey Tourism: relocation and lease of new office accommodation (P.22/2005) – comments. Presented: 1st February 2005. <i>Environment and Public Services Committee.</i>	P.22/2005. Com.
Draft States of Jersey (Amendment) Law 200-. Lodged: 8th February 2005. <i>Policy and Resources Committee.</i>	P.26/2005.
Draft Bankruptcy (Netting, Contractual Subordination and Non-Petition Provisions) (Jersey) Law 200-. Lodged: 8th February 2005. <i>Economic Development Committee.</i>	P.30/2005.
Social Security Tribunal: appointment of members. Lodged: 22nd February 2005. <i>Employment and Social Security Committee.</i>	P.31/2005.
Family Allowances Tribunal: appointment of members. Lodged: 22nd February 2005. <i>Employment and Social Security Committee.</i>	P.32/2005.
Control of Public Entertainment Panel: appointment of Chairman. Lodged: 1st March 2005. <i>Education, Sport and Culture Committee.</i>	P.35/2005.
Draft Employment Tribunal (Jersey) Regulations 200-. Lodged: 1st March 2005. <i>Employment and Social Security Committee.</i>	P.36/2005.

Sentencing of adult offenders aged between 18 and 21 years – question and answer (Tape No. 1003)

The Deputy of St. John tabled the following written question of the Connétable of St. Clement, President of the Legislation Committee –

“Would the President state whether any consideration is being given by the Committee to removing the special provisions affecting the sentencing of adult offenders aged between 18 and 21 following the lowering of the age of majority to 18 under the provisions of the Age of Majority (Jersey) Law 1999?”

The President of the Legislation Committee tabled the following written answer –

“No. The Committee is not taking on new tasks pending the introduction of ministerial government at the end of this year and instead hopes to complete the outstanding matters which it has on hand.

In any event, the special provisions affecting the sentencing of offenders between 18 and 21 which are contained in the Criminal Justice (Young Offenders) (Jersey) Law 1994 would appear more naturally to fall within the remit of the Home Affairs Committee to consider in conjunction with H.M. Attorney General.”

Les Landes School Breakfast Club and policy regarding extended day care of children at school – question and answer (Tape No. 1003)

The Deputy of St. John tabled the following written question of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee –

“Would the President inform members –

- (a) how the breakfast club at Les Landes School, which is run from 7.30 a.m. daily, is being funded including any additional premises and staff costs; if this impacts on the school budget, is the Committee satisfied that this represents value for money and best use of funds, and would he also explain whether the club is open to all the school’s children, and, if not, why not? and,
- (b) does the Committee operate a policy regarding the extended day care of children at school, and, if so, does this acknowledge the value of home life and the parent’s responsibility to provide it?”

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

- “(a) The breakfast club at Les Landes School is funded by parental contributions. 15 places are available. Only 12 children actually take advantage of the provision. Any child can be considered for a place.
- (b) The Committee does not, at present, have a policy regarding the extended day care of children at school. Schools are, however, strongly encouraged to work in partnership with parents in the best interests of children. In constructive partnerships, the value of both home and school life, as well as the responsibilities of parents and school staff, are clearly understood by all partners. Such partnerships can lead to the development of creative and supportive projects such as homework clubs, community associations, parenting groups and breakfast clubs. The Committee is supportive of these initiatives because of the benefits they bring to children.”

Leased premises at La Collette– question and answer (Tape No. 1003)

The Deputy of St. John tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Would the President inform members –

- (a) of the terms/duration of the lease granted to Elan Animal Products Limited of premises located at La Collette, St. Helier and, if no lease exists, explain on what terms, if any, the Company occupies the property? and,
- (b) whether all businesses occupying States owned properties at La Collette have to be marine associated within the terms of any agreement or lease, and, if so, would he provide details?

The President of the Environment and Public Services Committee tabled the following written answer –

- “(a) Elan Animal Products Limited leased the site at La Collette from the public of the Island on a nine year lease agreement which terminated on 31st December 2002. Since that time the Company has remained at La Collette under the terms and conditions of that lease agreement. This was agreed by the States on 20th April 2004, when the administration of the land was transferred to the Harbours and Airport Committee, (P.68/2004), and Elan Animal Products Limited were permitted to continue with its present operation until alternative facilities for waste oil disposal were provided on a new site at Bellozanne. This will be within the next six months and the land at La Collette will then be vacated and available for use by the Harbours and Airport Committee.
- (b) There is no condition within any of the lease agreements granted to lessees at La Collette which requires that they are to be marine associated or related businesses.

In considering any applications for the development of new uses within the operational area of the Harbour, the Committee considers applications within the context of the Harbours and Airport Committee’s Port of St. Helier Master Plan. In addition, Policy TT35 within the Island Plan 2002 states that “uses which are not Port related or ancillary to the operation of the Port will not normally be permitted within the defined harbour operational area”.

Users of the English, French and Old Harbours – question and answer (Tape No. 1003)

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

“Would the President advise members –

- (a) how many boats are moored respectively in the English, French and Old Harbours and give details of what facilities exist for car parking whilst owners use their boats, especially during the week period?
- (b) why permit parking restrictions now apply to the slipways in the English and French Harbours, and whether boat users and other interested groups, such as the yacht clubs and marine industry, were consulted in advance?”

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

- “(a) There are 45 drying moorings in the English Harbour, 35 in the French Harbour and 420 in the remaining drying areas of St Helier Harbour.

There is parking generally available ad hoc to both the public and boat owners alike.

- (b) Port Parking Permits have been required for a number of years, following consultation with boat owners, for parking on the slipway in the English Harbour. This is available to boat owners having moorings nearby in order to discourage commuters and others with no harbour connections.

Recently, a number of cars being advertised for sale were found on the French Harbour slipway and, therefore, the permit arrangement is in the process of being extended to this area for the benefit of the boat owners. Overlooking the English Harbour, there already exists three hour parking, but during

working hours only. Thus it is available for boat owners in the evenings, public holidays and weekends.”

Publishing of planning applications in the local newspaper – question and answer (Tape No. 1003)

The Deputy of St. John tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“On page 17 of the Jersey Evening Post of 1st February 2005 there was a list of planning applications, and on page 32, under ‘Classified’, there was also a full page of planning applications. Would the President advise members whether the Committee paid for both insertions and, if so, of the total cost to the taxpayer, and explain the criteria used to determine the space required, as 25 applications appeared on a full page advertisement whereas 14 applications appeared on only a quarter of a page?”

The President of the Environment and Public Services Committee tabled the following written answer –

“The Jersey Evening Post advised the Committee it intended to change the way in which it advertised planning applications. In short, the Jersey Evening Post decided it would not publish the complete list of applications sent by the Department. Consequently the Committee decided it had no choice but to takeout payable space to advertise all applications.

Concerning the adverts that appeared on 1st February 2005, the Committee did not pay for either. The list on page 17 was the last one to appear as editorial text in the main section of the newspaper, for which the Committee has never been charged. The list on page 32 in the Gazette was the first to be printed in such a format, for which a charge will usually be levied. However, this particular advert was printed free of charge, as it consisted of applications which the newspaper had omitted from previous lists.

The Committee has decided that it will in future publish them in the Gazette of the Jersey Evening Post. This will take place once a week (on a Tuesday) in a new format. The annual cost is estimated to be around £30,000.”

Funding granted to the Jersey Potato Export Marketing Group – question and answer (Tape No. 1003)

The Deputy of St. John tabled the following written question of Deputy Francis Gerald Voisin of St. Lawrence President of the Economic Development Committee –

“Would the President provide members–

- (a) with full details of the funding granted by the Committee to the Jersey Potato Export Marketing Board; and,
- (b) whether the Jersey Potato Export Marketing Board will now reimburse the States with the sum of £105,000 following the decision not to proceed with plans to establish a vodka distillery, and, if not, what action, if any, does the Committee intend to take to recover these funds?”

The President of the Economic Development Committee tabled the following written answer –

- “(a) A similar question was answered on 28th September 2004. The Jersey Potato Export Marketing Board, (JPEMB), was awarded a total of £337,700 in operating costs for the years 2002, 2003 and 2004, with no budget provision for 2005.
- (b) The JPEMB has not decided to abandon its plans to establish a Vodka distillery. The Board decided not to proceed with a planning application to locate the distillery on the previously identified site in St. Lawrence. The Board is currently investigating alternative sites.

A grant was made through the Marketing Support Scheme in order for the Board to carry out a feasibility study for the production of a range of alcoholic products from potatoes that are not suitable for other purposes. This work has been carried out as detailed in the Business Plan presented to and approved by the Marketing Support Panel. Should the project be abandoned at a future date, then the Board will not be obliged to reimburse the States with the sum of £105,000 as the grant agreement did not contain a condition relating to such reimbursement.”

Implementation of the recommendations of the report of H.M. Chief Inspector of Prisons and the Young Offenders’ Institution Rules and Prison Rules – questions and answers (Tape No. 1003)

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

- “1. In an answer to a written question tabled on 6th July 2004, the President explained that out of 147 recommendations by H.M. Chief Inspector of Prisons, 122 had been addressed although ‘action on some’ was ‘on-going’.

Would the President –

- (a) specify the recommendations where action was “on-going” in July, update members on progress since that time and outline a timetable for completion? and,
 - (b) specify the 25 recommendations where action had not occurred in July, update members on any progress on these recommendations and, if appropriate, give reasons for any lack of progress?
2. When questioned on the delay in implementation of the Young Offenders’ Institution Rules and Prison Rules, the President stated that they had been ‘delayed pending the receipt of advice from H.M. Attorney General on the question of whether to appoint an Adjudicator to replace the Prison Board of Visitors to adjudicate on matters concerning the discipline of prisoners, in particular where the loss of remission is concerned. Once this issue has been resolved, the Rules can be brought into effect.’

Would the President inform members whether this issue has been resolved, and, if so, when the Committee intends to bring the rules into effect; if not, would the President explain the reasons why?”

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

- “1. As I announced in the answer in July 2004, the Home Affairs Committee has asked the new Prison Governor to provide an update on the recommendations made by H.M. Chief Inspector of Prisons.

He has reported that action on 70 of the recommendations is complete and a further 15 will be covered following completion of Phase 2 of the prison redevelopment project. Of the remaining 62 recommendations upon which action is incomplete, 11 require additional capital funds and 30 require additional resource funding. These recommendations are ongoing through the appropriate bidding processes for capital and revenue funding. Some work has already taken place to address another 11. Thus, only 10 of the recommendations that could be addressed without significant capital or resource funding remain completely unaddressed. These relate to changes of policy or changes to internal systems.

These outstanding issues will be addressed during 2005 following the implementation of key parts of the staffing review that the Home Affairs Committee is due to receive shortly from the Prison Governor.

It should also be noted that H.M. Chief Inspector of Prisons is due to conduct another full inspection of the prison at the end of June 2005.

2. The Home Affairs Committee has yet to receive the advice requested of the Attorney General. There has,

therefore, been a further delay in the bringing into effect of these Rules.”

Contamination of Grands Vaux Reservoir – question and answer (Tape No. 1003– Health and Social Services Committee)

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

“In February, the Grands Vaux Reservoir was contaminated with the herbicide Cyanazine. Has the Committee received information on the effects of this chemical on the human body, and, if so, could he provide details including the breakdown time of the chemical involved?”

The President of the Health and Social Services tabled the following written answer –

“The Health and Social Services Committee has long standing arrangements with the Chemical Hazards and Poisons Division of the U.K. Health Protection Agency to provide expert advice in case of pollution.

In line with established practice, advice was sought when the Grand Vaux Reservoir was contaminated by cyanazine. An extract from the reply dated 8th February 2005 reads –

‘Cyanazine is a triazine herbicide, sparingly soluble in water. It is considered to be of low acute toxicity to humans. No reports of acute adverse effects of ingestion of cyanazine in humans could be located in the peer-reviewed literature or National Poisons Information Service (London) (NPIS(L)) data Other triazines have caused nausea, vomiting, diarrhoea, abdominal pain and a burning sensation in the mouth with mild dysphagia (on ingestion of strong solutions).

Cyanazine and the other triazines were evaluated by the World Health Authority (WHO) in 1984, at that time no health-based guideline was proposed, but in 1998 they proposed a limit of 0.6 µg/l of cyanazine in drinking water; which still stands in the latest (3rd) edition of the Guidelines This guideline is derived assuming that no more than 10% of the Tolerable Daily Allowance (TDI) is contributed by drinking water, assuming that the subject is a 60 kg adult drinking 2 litres of water per day. The TDI was developed by extrapolation from animal (rat) studies, and is 0.198 µg/kg.

Small children drink a relatively larger proportion of water compared to their body weight than do adults; the WHO assume for the purposes of assessing chemical safety in drinking water that a 10 kg child (equivalent of an average toddler) drinks one litre a day, and that a bottle-fed 5kg child drinks 0.75 litres per day. Using these water intake values (which are on the generous side) and using the highest water cyanazine level (1.4 µg/l) then an intake of 1.98 µg/day could be calculated for a 10 kg child, which is still within the TDI. Using the same assumptions, the maximum intake for a bottle-fed 5 kg child could be 1.05 µg/day, which is slightly above the TDI. The worst case scenario would seem to be that this state of affairs lasted for maximum 21 days (assuming the water was leaving the treatment works containing cyanazine at 1.4 µg/l from 15th December until 5th January.

Cyanazine is approved in the U.K. for use on broad beans, bulb onions, combining and vining pea, and salad onions (as well as daffodils/narcissi); assuming that those foodstuffs only comprise a small proportion of a toddler’s diet, this should mean that the majority of cyanazine exposure is derived from the water; they should comprise even less of a 5 kg child’s diet (this would be the weight of an approximately 6-month old child).

However, given the (apparently) short period of exposure, this small excess of the TDI should not result in any major health effects, going by the current state of knowledge of the acute toxicity of cyanazine.’

Specific information on the breakdown time of cyanazine is not available at the time of writing.”

Contamination of Grands Vaux Reservoir – question and answer (Tape No. 1003– Environment and Public Services Committee)

The Deputy of St. John tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Would the President advise members –

- (a) whether the Committee’s officers investigated the recent chemical contamination of Grands Vaux Reservoir, and, if so, confirm the nature of the chemical concerned and the quantity found in the water supply. What action, if any, has been taken by the Committee to prevent the contaminated water getting into the food chain? and,
- (b) has the Committee received information on the possible dangers, if any, posed to health as a result of the contamination?”

The President of the Environment and Public Services Committee tabled the following written answer –

- “(a) A routine sample of water taken by Jersey Water on the 29th December 2004, at the outlet to Augres Treatment Works showed the presence of cyanazine at a concentration of 1.4 micrograms per litre. The results of the analysis were reported to Jersey Water by the U.K. laboratory that carried out the analysis on the 25th January 2005. Following this result, Jersey Water sampled Grands Vaux Reservoir on the following day, 26th January 2005. The result of the analysis showed the presence of cyanazine at 1.5 micrograms per litre. Cyanazine is a herbicide used on narcissi including daffodils. It is considered to be of low acute toxicity to humans. No reports of acute adverse effects of ingestion of cyanazine have been reported or are known to the National Poisons Information Service (London).

For other operational reasons, Grands Vaux Reservoir had been taken out of service by Jersey Water on 5th January 2005, and has not been used for supply purposes from that date. Further sampling of the Reservoir on the 9th February 2005, showed continued contamination by cyanazine at between 1.1 – 1.3 micrograms per litre. The Reservoir is now being drained and will be refilled with fresh water.

The statutory standard for cyanazine (and most other pesticides) in Jersey under the Water (Jersey) Law 1972, as amended, is 0.1 micrograms per litre. This is in line with E.U. standards and is more stringent than the World Health Organisation (WHO) standard of 0.6 micrograms per litre. The WHO standard is based on a lifetime exposure to cyanazine by a 60 kg adult consuming 2 litres of water per day.

The Water Resources and Environment Departments are investigating the cause of the pollution and will present their findings to the Committee and if necessary the Law Officers’ Department for any enforcement action.

- (b) Jersey Water’s advisor on water quality, a leading U.K. toxicologist who advises the U.K. Government and the World Health Organisation concluded that whilst the level of cyanazine was above the Jersey regulatory limit of 0.1 micrograms per litre, the concentration found did not pose a risk to human health and the water was safe to drink. Following consultation with the U.K. Health Protection Agency, the Jersey Health Protection Department concluded that adults consuming up to 2 litres of water a day would not have exceeded their Tolerable Daily Intake (TDI). However, it was recognised that the TDI for bottle fed children may have been marginally exceeded assuming the consumption of water containing the highest recorded level of cyanazine for the full duration of the incident. However, given the short period of exposure, believed to have less than 4 weeks, it was concluded that this small excess of the TDI should not result in any appreciable health effects, going by the current state of knowledge of the acute toxicity of cyanazine.”

Proposed Cultural Strategy – question and answer (Tape No. 1003)

Deputy Roy George Le Hérisser of St. Saviour tabled the following written question of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee—

“With regard to the proposed Cultural Strategy, would the President –

- (a) identify the sources and sum of funding which will support the Strategy? and,
- (b) outline how the ‘arms length’ principle will be maintained under the proposals put forward in the Strategy?”

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

- (a) The proposals contained within the Cultural Strategy are, for the States, as a whole to embrace, and members will see that key partner organisations have been identified. Clearly there will be costs but many of the costs have been identified elsewhere. The Cultural Strategy, for example, places great emphasis on the relationship between creativity and economic development. I note with pleasure therefore that provision is being considered within the economic growth strategy for the development of small enterprises. I note also that consideration of support for Open University students, many of whom will wish to study in ‘cultural areas’ is also to be considered. The on-going work undertaken by Dr. Michael Goldstein on the provision of higher education in the Island, will also address issues of cost surrounding the development of higher education in the Island, some of which will be ‘cultural in its nature’. You will note also that the strategy suggests the development of a percentage for art scheme for both the private and public sector. In this sense therefore the cultural strategy, like the States 2005 – 2010 strategic document, relies on other more detailed work for its delivery.
- (b) I am aware that concerns have been raised regarding possible interference by Government in the development of ‘culture’ within the Island. I have a personal concern, not for the future but for the current arrangements and those arrangements which have been in place over recent years. Neither I nor the Committee would wish to interfere in cultural development save for a concern that cultural organisations, like any other organisation, operate within agreed resource limitations. When the Committee assumed responsibility for culture, there were no mechanisms in place to assure an arms length principle. Indeed on several occasions we were expected to take decisions on cultural matters without the benefit of sound, broad advice.

The Cultural Strategy makes provision for the creation of a council for culture which will have a responsibility, among other things, to advise the Education, Sport and Culture Committee on cultural matters. The council will have broad representation of expertise and will be able to call upon further more specialist advice if required. On matters of cultural development therefore, the Committee will be better advised than at any time in the past.

No Committee would go to such lengths to create an advisory body if it were planning to ignore the advice it receives from that body. It is the belief of the Committee therefore that the arms length principle is enhanced through the arrangements described in the Cultural Strategy.”

Draft Employment and Social Security Committee – questions and answers (Tape No. 1003)

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

- “1. In answer to a question on 12th October 2004, concerning the circumstances in which the action of a union to ballot for strike action could be deemed ‘unreasonable’ under the terms of the proposed Employment Relations (Jersey) Law 200-, the Attorney General commented that –

“it appears to me to be impossible, as a matter of law, to say at this stage The answer will be significantly influenced by the codes of practice...”

Would the President confirm whether the Committee would, as a consequence of this uncertainty, defer debate of the Draft Employment Relations Law in the absence of the associated codes of practice, and, if not, would the President provide an assurance of the following codes–

- (a) Recognition. That the limitations will not be drawn so as to deny employees of small businesses the right to representation by a Trades Union;
 - (b) Resolving Disputes. That the ‘right to ballot for action’ will be so constrained by the conditions attached to the use of the term “unreasonable” above as to make the said ‘right’ impossible to enact;
 - (c) Limitations on Industrial Action. That restrictions on secondary action will not contravene ILO Convention 87 and that picketing restrictions will not in any way threaten to breach Articles 10 and 11 of the European Convention of Human Rights.
2. Is the Committee aware whether the reservations expressed in the response of 17th February 2005, from the Regional Secretary of the Transport and General Workers Union to the publication of the final draft of the Draft Employment Relations (Jersey) Law 200-, are shared by many Trade Unions on the Island and, if so, what steps will the Committee take to address these reservations before debate of the draft Law, and will these steps include a public debate? If not, will he provide the reasons why?’

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

- “1. The Committee does not believe that there is a need to defer the debate on the draft Employment Relations Law. As is the case with other important pieces of legislation, detail is often included in subordinate legislation and sometimes in codes of practice.

The Employment Forum’s report, appended to the Report accompanying the draft Law, (P.19/2005), points out that, ‘codes of practice by their very nature have to reflect the legislation they are supporting,’ and, therefore, any amendments to the draft Law could potentially affect the content or applicability of the code of practice, particularly where dispute resolution procedures are being proposed to match the framework provided in the Law.

As soon as there is certainty about the main Law, more detailed discussion and public debate will be required on the content of the Code of Practice. The draft Law provides for a full consultative process at Article 25.

I am unable to give any assurances until that consultation takes place, and would comment as follows –

- (a) there is nothing in the Employment Forum’s report to suggest that limitations on recognition will deny employees of small businesses the right to representation. The Forum’s report on the code of practice for Recognition simply outlines a reasonable method of conducting negotiations and points out that no recommendation is made by the Forum on the matter of whether there should be such a limitation. The Forum recognises that the majority of Jersey’s employers employ less than 10 employees and that any such restriction would significantly reduce the application of their proposed recognition procedure;
- (b) the Forum’s report sets out a minimal framework for ‘balloting’ and states that, as most unions already specify balloting requirements in their rule books, the code should not be overly prescriptive and should provide only basic principles with the expectation that both parties will co-operate and behave reasonably in connection with the ballot. Only 7 requirements are suggested by the Forum to be considered ‘reasonable’, including the requirement for secret ballots;

‘unreasonableness’ only applies in 2 circumstances within the framework of the Law; the first

allows the Tribunal to make a decision as to whether it may hear a case based on a unilateral reference; the second is to determine whether the union has immunity from liability. The matter of 'unreasonableness' is procedural for the Tribunal, rather than being a matter on which the Tribunal may make a declaration or award;

- (c) the Committee would always ensure that all aspects of the legislation and code of practice do not contravene any applicable Conventions or international obligations and the requirements of the Human Rights (Jersey) Law 2000.
2. No concerns or reservations have been expressed to my Committee on the Law as currently drafted by any employers, members of the public, or unions, other than the TGWU. The Employment Forum also has not received any comments on the latest draft of the Law or their report on the codes of practice. The latest draft has, in fact, been generally well received.

At present my Committee is in the process of addressing the concerns raised by the TGWU Regional Secretary in a recent letter. As this letter follows their news statement, distributed to TGWU members, which was, unfortunately, largely based on the previous draft of the Law, my Committee is also trying to address this misinformation. We have agreed to meet the TGWU again should more information be necessary.

This legislation has already been the subject of wide-ranging consultation and debate over many years. The outcome, on which the current draft Law is based, was clearly presented to the States in 2002 (R.C.28). The Committee now believes that it is time for the States to decide the legal framework.

As mentioned in the reply to the first question, further public debate and consultation will be incorporated into the development of the code of practice but key to this process is certainty as to the legal framework in which the code must be developed.

As codes of practice under the Employment Relations Law are to be made by Order, and come into affect 28 days later, this also gives the States the opportunity to have a final say in the content.'

Employment and Social Security Committee's proposed income support scheme and changeover to a new computer – questions and answers (Tape No. 1003)

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

- “1. Will the President explain to members why the rates for the Committee's proposed income support scheme are to be based on uprated parish welfare rates and not those which apply to contributory benefits?
2. Will the President inform members whether the changeover to the new Department of Employment and Social Security computer scheme has caused any disruption to the payment of benefits, and, if so, how many recipients of benefits have been affected and what assurances, if any, can the Committee give that there will be no further disruption?

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

- “1. The Committee has yet to complete its discussions with all the other main interested Committees and the Comité des Connétables and has not, therefore, reached any final decisions.

I am aware that Deputy Southern recently took the opportunity of discussing the research being undertaken by officers of the Department and the officers and I are grateful for his comments and interest. The model he saw uses various scenarios and rates of benefit, gleaned from the research done in 2002 and uprated to 2004 to give an order of cost. Various rates have been employed in the model

ranging from Parish Welfare to the standard rate of contributory benefits. The reason for including the welfare rate in the model, and subsequently increasing it by various percentages, is that it is an existing "living allowance" currently being applied in Jersey and, therefore, easily recognised.

I would add that, in social protection terms, income support rates are normally set below contributory benefit rates to maintain the incentive to work. In their report 'Issues for the design of a new Minimum Income System for Jersey', CRSP commented.

'MIS (Minimum Income Systems) are also expected to conform to principles of subsidiarity in relation to other social benefits and to family support. A fundamental principle of all MIS is said to be that MI is subsidiary to other social security benefits, so that those in receipt of such benefits are not eligible for MI. However, there are exceptions to this, particularly benefits linked to a guaranteed income (family benefits and housing allowances, for example), and in circumstances where social security benefits are insufficient to lift income to the level of the guaranteed minimum income. These considerations are of direct relevance to the Jersey situation. It is anticipated that the existing social security system will remain in place essentially unchanged. But decisions about the level at which the MI is set (and the model adopted) will obviously dictate whether those on social security benefits will also be eligible to claim MI. The relationship between the level of MI and payments under Social Security will also need to be carefully considered in order to ensure that the new system does not introduce a disincentive to pay Social Security Contributions'.

Finally, can I remind States members that there will be presentations on the conclusions reached from various discussions on the proposed new Income Support system on 30th March 2005. This will give members the opportunity to put any further views forward prior to lodging a report and proposition.

2. I am grateful to Deputy Southern for his question as it gives me the opportunity to inform members that since the introduction of the new computer system on 10th January 2005, scheduled weekly, four-weekly and monthly payments have continued on their regular cycles. Naturally, it takes time to adapt and fine tune a new computer system as complex as the Social Security system and staff have put in a tremendous effort to ensure that the transition has been as seamless as possible. Any problems are being identified quickly and rectified with live experience. Given the parlous state of the old computer system which has caused great difficulty over recent years, the new system should be much more reliable and effective in processing claims more quickly in future.

It is not possible to give the statistics requested as most of the disruption at this time of the year is because of the high activity arising from, amongst other things, increased sickness benefit claims and the influx of seasonal workers. Typically workloads increase by around 50%.

There has been very high activity in incapacity claims since the beginning of the year. From 10th January to 12th February 2005, the Department received, on average, just under 300 new medical certificates and produced 725 payments of incapacity benefit a day. The incidence of sickness has been 50% higher than normal and, of course, this happens at a time when some Departmental staff are also hit with the same winter viruses.

In order to cope with peak periods, the Department relies on staff working overtime, as they have done every weekend over the last month, and redeployment of staff internally to high priority areas.

Some claims, often because of complexity or missing information, do take longer to process and if any individual does experience an undue delay I would urge members to direct them to contact the Department where any complaint is fully investigated and actioned."

ORAL QUESTIONS

1. **The Deputy of Grouville to the President of the Employment and Social Security Committee:**

“Would the President confirm the number of pensioners who received their 2004 Christmas bonus in January 2005 and explain the reasons for this delay, and would he further confirm the exact date these were sent out?”

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

“Of the 18,158 payments made in respect of the 2004 Christmas bonus, 98% of them, or should I say 17,907, were paid before Christmas, the same percentage as the year before. Just 251 were paid during January, from the 14th, slightly less than last year. These are not necessarily all pensioners as other groups also qualify for Christmas bonus. The main reasons why a small number may not be paid until after December are usually because of a late claim or a late submission of supporting information such as medical certificates not being received until after the final payment runs in December. The reason why we are able to ensure such high numbers receive payment well before Christmas is that most do not need to claim but are paid automatically based on their current qualifying benefit or pension. In order to ensure no one misses out, particularly those who have not previously qualified for a bonus and may not be on our database, we place an advert inviting claims in the *Jersey Evening Post* every year. Applicants have until the end of January to claim. If any individual requires a reason for their bonus not being paid before Christmas, I would recommend that they ask the Department.”

1(a) The Deputy of Grouville:

“I don’t necessarily accept all the reasons given, because I happen to know that some pensioners who have been in receipt of Christmas bonus for many years were in the January – the late January – batch. Would the President not agree that this administration is not acceptable and does he and his Committee not realise that people rely – some people rely – on their Christmas bonus to buy Christmas presents and extra food provisions in December, and could we have his assurance that this will not happen this year?”

Senator P.F. Routier:

“I can only apologise if somebody has not received their bonus before Christmas if they normally receive it. We actually commit ourselves to having the bonus delivered to people in the second week of December and, on the information that we give out, we do say to people to please get in touch with us if they haven’t received it by then and certainly we will chase it up. I can only give an assurance that the Department will do its best to meet its targets to ensure that people do receive their bonus on time. That is as much as I can do.”

1(b) Deputy G.P. Southern:

“Can I take the opportunity to extend this question beyond the matter of Christmas bonus, but more recently the changeover in the computing system, which I believe caused major delays for payments to many people? Can the President confirm that these delays are now cleared up and that people will be receiving their payments on time and not suffering hardship as a consequence?”

Senator P.F. Routier:

“Yes, the Deputy is quite right, there have been some slight delays in some people receiving their benefits. In recent months, we have seen a 50% increase in the number of benefits being applied for due to winter illnesses and our Department is staffed up not to the peak but actually for the whole year round and we have to ensure that people do get out benefits as quickly as they can. What I can say to members is that our staff have been working weekends for the last 4 weekends to ensure that benefits do go out as soon as they possibly can and they have really been pulling all the stops out. The changeover to the new computer system, as with all new computer systems, has teething problems and the staff are getting used to that. I am sure as time goes by, they will be providing the service which everybody wants them to.”

2. Deputy J.A. Hilton to the President of the Education, Sport and Culture Committee:

“The new La Pouquelaye Primary School is being built at the moment on a site that was used as an amenity space by children and young people of the area. When the school is completed, will the school amenity grounds still be available to these young people of the area after school hours?”

Senator M.E. Vibert (President of the Education, Sport and Culture Committee):

“Yes, the grounds will be available to the local community after school hours. It is Committee policy to

make school grounds available for the local community. It is only when this is abused by the community, for example through antisocial behaviour or vandalism, that this facility is withdrawn on the basis of the cost or the health and safety challenges that such behaviour presents to the children. But that is very rare and the policy is to make school grounds available to the local community.”

2(a) Deputy J.A. Hilton:

“Thank you. The assurance I am trying to seek from the President is that my understanding is that children have been deprived of using the area, say, for instance, at Haute Vallée School and Rouge Bouillon School because of petty acts of vandalism by the minority. La Pouquelaye School is in the process of being built. What I am actually asking from the President is wouldn’t it be a good time now to actually separate the playing field from the built up area in such a way that the public can access the playing field without there being any threat to the actual school building?”

Senator M.E. Vibert:

“Thank you. What we will be doing, of course, will be looking at designing our crime and safety aspects. As members may know, I have my Vice-President on the Committee who was quite an expert on this in a previous life and ensures that we always take that into account and we will be doing the best to produce a school that is fit for purpose and that will enable the community to access the grounds. Also of course we like to have as much community use of schools as we possibly can. La Pouquelaye School was mentioned—the old La Pouquelaye School—and the system there that had to be introduced after there was vandalism—not petty vandalism, serious vandalism—at the school was that, on a voluntary basis, the play area is now supervised at certain times and that will be re-opening after Easter, when the evenings get lighter and it is slightly warmer. So wherever possible, we ensure that there is community access to our facilities, because that is the policy of the Committee.”

Deputy J.A. Hilton:

“I thank the President for his reply and I just look forward to the public being able to use that area, so that I am not forced into the position where I have to come back to this House and ask questions when we find that young people are actually being denied access because of the acts of the minority.”

2(c) Deputy R.G. Le Hérisssier:

“Would the President inform us whether that policy does include St. Saviour’s School, which has been closed off, or was closed off, for some time because of vandalism? Has it now been re-opened?”

Senator M.E. Vibert:

“I would have to check on that particular school, but the policy is to allow access for community use except where, for health and safety reasons or reasons of security with vandalism, there is overwhelming need to close them.”

3. Deputy G.C.L. Baudains to the President of the Environment and Public Services Committee:

“With reference to the planned new housing estate east of Rue du Jambart, St. Clement, on what date was the application approved and on what date did the Committee decide to require pedestrian improvements to Rue du Jambart instead of access across fields to the Coast Road?”

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

“On 11th February 2004, the previous Committee approved the planning application to construct 76 first-time buyer homes, subject to certain planning obligations being entered into. One of the obligations was to provide a pedestrian linkage in order to facilitate access to local amenities. On 7th October 2004, the Committee considered the draft planning obligation agreement and decided it was minded to approve it, subject to the satisfactory resolution of the pedestrian link. The Committee considered its preferred footpath link across adjacent agricultural land, which had encountered problems of land acquisition, security and maintenance, or introducing West Hill-type traffic calming in Rue du Jambart. The Committee delegated responsibility to me to determine the matter after meeting the parties. On 18th November 2004, the Committee noted that I decided to pursue the traffic calming in Rue du Jambart. This option accorded with the recommendation of the Public Services Highway Engineer and which was supported by the Parish Roads Committee in a letter from their Connétable, dated 19th November, which stated that ‘Pedestrian

safety improvements suggested by PSD are, in the Roads Committee's view, essential and I trust the developer effects these enhancements with the development costs. Neither Parish nor Public Services should be expected to finance such costs.' ”

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

“I wonder if the President could help me. I am somewhat confused, because I asked a similar question previously and the President gave this Assembly an answer which included that the Connétable and Roads Committee had in fact been advised of this new change, but the date that he gave was November 2003, which is some one year before his Committee had made the decision to make the change and also, Sir, I would advise that both my Constable and the senior Roads Committee member advised me that no such meeting has ever taken place. Could the President therefore make arrangements to meet with our Roads Committee so that at least the Parish and the parishioners know what is going on, Sir?”

Senator P.F.C. Ozouf:

“I would be happy to meet with the Roads Committee of St. Clement. I haven't got the dates of the letters, but clearly this matter was a matter which was discussed by the previous Committee before I was President and I am clear that I do have that letter. I do have a quote from the letter and I am happy to share that letter with the Deputy if he hasn't seen it. It is quite clear that the Parish supported, and indeed I am advised the Parish wanted, a West Hill-style road improvement on Rue du Jambart, and I see the former President nodding.”

3(b) Deputy G.C.L. Baudains:

“He still hasn't explained to me how the Parish is expected to make comments on a matter one year before the decision has been made?”

Senator P.F.C. Ozouf:

“The Deputy will be aware that this was a planning application which had been under gestation and review for some considerable period of time. Is he suggesting that in fact I am incorrectly quoting from a letter from the Parish, because I am certainly clear that the West Hill-type scheme on the Rue du Jambart was something that was supported by the Parish?”

3(c) Deputy R.G. Le Hérisssier:

“Bearing in mind the fact that the President inherited this decision, would he accept that the whole issue of Jambart imposed on him an impossible situation, in that a massive housing estate has been built essentially around a country lane and it is almost impossible to improve the situation?”

Senator P.F.C. Ozouf:

“I understand that there has been a great deal of strong feeling concerning the rezoning of the Rue du Jambart. My Committee and the previous Committee had a situation where this Assembly rezoned a parcel of land in Rue du Jambart for category 'A' housing. My job, and my Committee's job, is to ensure that those houses are actually delivered. This matter has been before this Assembly on a number of occasions and it has been well debated. Rue du Jambart is something which is going to be built upon. What I will say is that lessons are being learnt constantly in relation to rezoning and one of the issues is to get the development brief right. The development brief did not actually say that definitely a footpath and the West Hill-style traffic calming should happen. It said either.”

3(d) Deputy G.C.L. Baudains:

“Yes, finally, Sir, I wonder if I could ask the President to give an assurance that he will meet with the Parish Roads Committee to go over this new change to the Rue du Jambart so that everybody knows exactly what is happening?”

The Bailiff:

“Deputy, he has given that assurance already.”

Senator P.F.C. Ozouf:

“I will go further than that. I will assure that and I will happily meet the Roads Committee and the Deputy

for that purpose. This is an important improvement which will be at least some benefit to the people in the area. Rue du Jambart is a dangerous road. The improvements, which are paid for by the developer, will improve the life of the people walking and driving around there.”

Deputy G.C.L. Baudains:

“I thank the President.”

4. Deputy R.G. Le Hérissier to H.M. Attorney General:

“In the light of the appointment of Crown Officers by the Crown, would the Attorney General confirm whether or not Crown appointees are subject to the provisions of U.K. freedom of information legislation?”

H.M. Attorney General:

“This primarily a matter of English law rather than Jersey law. My own view is that the Crown Officers appointed by Her Majesty are not public authorities for the purposes of the U.K. Freedom of Information Act and are, to that extent, not subject to that legislation. This view is shared by the Department for Constitutional Affairs, whose opinion I sought. If the U.K. Act, as a matter of English law, had applied to the Crown Officers in England – and I emphasize that the advice is that it does not – there would be constitutional considerations to take into account before it might be thought to apply here. I just make the point. I have not given thought to that because the view is that, as a matter of English law, the Crown Officers are not subject to the Freedom of Information Act.”

4(a) R.G. Le Hérissier:

“Thank you. I wonder, Sir, if the Attorney General would be prepared to elaborate upon the advice which he has received from the Department of Constitutional Affairs?”

H.M. Attorney General:

“No.”

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

“For the uneducated Senatorial seat that I sit in, could the Attorney General just explain exactly what this is? Does this mean that if the provisions of the U.K. Freedom of Information Act were to apply to Crown Officers, Deputy Le Hérissier and other Members would have a greater access to information held within his department? Is that what this is about, because I am not sure I understand?”

H.M. Attorney General:

“I am not sure that question isn’t better addressed to the questioner rather than to the responder, but what I take it to mean is that the question is asking whether or not a request for information to the Crown Officers in Jersey can be made pursuant to the English Act – to the U.K. Act – because they are appointed by Her Majesty. It is the case that, under the U.K. Act, you don’t have to be a resident in the United Kingdom to make a request for information, and that I assume has been the underlying purpose of the question put to you.”

4(c) R.G. Le Hérissier:

“Thank you, Sir. Are we to assume, therefore, that advice that the Attorney General may give, for example, to the Department of Constitutional Affairs, will this advice, Sir, be revealed under the U.K. Freedom of Information legislation?”

H.M. Attorney General:

“I think it is quite difficult to give a specific answer to that, although the general rule is that legal advice is not disclosed under the Freedom of Information Act. Members will know from a number of requests which have been put to Lord Goldsmith for advice on the request as to whether the war on Iraq was lawful or not have not been granted. So I think it is unlikely that any advice which the Attorney General did give to the Department for Constitutional Affairs, which of course is given to the Crown and not to the Department for Constitutional Affairs in any event, would be disclosable.”

4(d) Senator S. Syvret:

“Given the inadequacy, paucity and weakness of the U.K. Freedom of Information Act, would the Attorney General confirm that, as a self-governing jurisdiction, Jersey can go further and have a better, more effective, more comprehensive F.I. Act?”

H.M. Attorney General:

“That sounds like a political question, Senator.”

Senator Syvret:

“I look forward to the Attorney General refusing to answer political questions in the future.”

5. Senator E.P. Vibert to the President of the Education, Sport and Culture Committee:

“Has the Committee received the legal advice pertaining to matters relevant to the bequest of the late Mr. Richmond-Pickering, which was the subject of a question I asked on 18th January 2005 and, if not, what steps, if any, are being taken by the Committee to conclude this matter?”

Senator M.E. Vibert (President of the Education, Sport and Culture Committee):

“Her Majesty’s Solicitor General has undertaken extensive enquiries into matters relating to the bequest of the late William Richmond-Pickering and attended upon a meeting of the Education, Sport and Culture Committee held on 23rd February. There remain a number of issues about which the Committee has asked the Solicitor General to take further action, and she will return to the Committee to report the outcome of these actions in due course. I am advised that it would be inappropriate to make further comment at this stage. I will revert to the Senator, if he so wishes, once the outstanding issues have been resolved.”

5(a) Senator E.P. Vibert:

“Would the President confirm that he will in fact give to this House the information regarding the Solicitor General’s report and investigation?”

Senator M.E. Vibert:

“Yes, Sir.”

6. Deputy J.A. Hilton to the President of the Home Affairs Committee:

“Would the President inform members what steps the Committee has taken to address the issues surrounding under-age drinking on licensed premises and on the streets of St. Helier, and would she confirm the number of visits to licensed premises by the Licensing Unit in the past 6 months?”

The Deputy of St. Peter (Member of the Home Affairs Committee– rapporteur):

“In the absence of my President, and the Vice-President being *malade*, it leaves me to answer the question. I make no apology initially for commenting on initiatives taken by other Committees, because this is an Island-wide problem and not purely Home Affairs. The extent of under-age drinking has been measured bi-annually hitherto through the health-related behaviour questionnaire conducted in schools, although this survey has now been moved to a four-year cycle. This provides a steady, reliable source of information about young people’s use of alcohol and other drugs. There are initiatives in process at the moment. They include the building of a Safe Society Strategy managed by the Senior Officers’ Group. In addition, the Health Promotion Department delivers regular INSET, which is defined as In Service Education Training. This training is for teaching staff and the Department is also implementing a pilot programme certification for these teachers that will feature a dedicated drug and alcohol component. There is also the Town Alcohol Project (TAP) which is co-ordinated by the Health Promotion Drugs Unit. There is also a website aimed at the 16 to 24-year old age group, whatabout.je, and that has also been set up by the Health Promotion Unit. I understand there have been 1,000 unique visitors to that site, and it also peaked to 1,714 unique visitors during March of 2004. Home Affairs is represented on the Alcohol Strategy Steering Group, which is soon to be starting the review of the Licensing Law. One of the key aims of the strategy is to reduce under-age drinking, and there are a number of proposals within the document which will be acted upon over the next 12 months. Whilst on that subject of legislation, I would mention that the House will be debating the Liquor (Restriction and Consumption) Law in 2 weeks’ time. In addressing specific actions taken by the police, I note that each week a police tasking and co-ordinating group meets to review current trends and identify hot spots that will be a focus of patrol activity in that coming week. In addition, the force also carries out

regular focus operations targeting street disorder which brings in additional officers from other police departments to reinforce normal front line units. Where appropriate, these operations have specifically addressed youth issues. In the most recent operation, 24 youngsters between the age of 13 and 17 were either brought into the police station or taken home to their parents by officers. Over 100 cans and bottles of alcohol were confiscated from teenagers out on the streets during the weekend. Some idea of the scale of the problem confronting the police can be shown by the fact that on Friday evening alone the police dealt with separate gangs of between 114 and 120 youths at Mount Bingham and the Parade at Les Quennevais.”

The Bailiff:

“Deputy, your time has expired now.”

The Deputy of St. Peter:

“If I could give some statistical figures, which were asked in the question, that may be of some use? They are very short.”

The Bailiff:

“Well, as you are only the rapporteur on this occasion, I will allow you to do so, Deputy, but Presidents must answer within the allotted time span, otherwise oral questioning simply doesn’t work.”

The Deputy of St. Peter:

“If I can just relate it to the statistical figures: the Licensing Monitoring Group made 950 visits over a period of 12 months in 2004 and a further 91 in 2005 so far this year.”

6(a) Deputy J.A. Hilton:

“Could the Rapporteur confirm that the licensing unit has actually been halved in manpower in recent times? My point is that, with 178 licensed premises in St. Helier alone, I just wonder how effective a Licensing Unit made up of 2 officers can be in addressing these very, very serious issues?”

The Deputy of St. Peter:

“I will make no comment on the reduction of the Licensing Group, but can comment on further developing beyond the Licensing Group. The Police Force runs a 12-pub initiative, whereby each uniformed shift – which is the actual shift workers that go out beyond the Licensing Group – go out to actual premises. The initiative ensures that standards are maintained by the premises being kept under observation and that at least 40 checks a month are done over and above that carried out by the Licensing Unit.”

6(b) Deputy J.A. Hilton:

“Thank you. Could the rapporteur confirm, and I would like to know, how the shifts work? I understand that the 4 shifts get 3 premises to visit each day, but can the rapporteur confirm to me whether they report verbally or in written form back to the Licensing Unit when they have actually carried out these visits?”

The Deputy of St. Peter:

“As I understand, the actual reporting, the police only actually make physical reports if there is a problem that has been found. They don’t report on every single visit.”

6(c) Senator P.V.F. Le Claire:

“I wonder if the rapporteur could give us any indication as to whether or not these analyses and statistics are drawn into comparison with other jurisdictions in any way, shape or form? I realise it is different in many places, but certainly young people are drinking all over the world, although we do have a higher proportion of pubs perhaps? I wonder if the Home Affairs Committee is keeping track as to how Jersey is doing compared to other jurisdictions?”

The Deputy of St. Peter:

“I can’t give any direct comparisons because I am not aware of them, but, as the questioner has pointed out, it is not a problem that is unique to Jersey and it would appear that it is a problem that is developing in the U.K., specifically in certain areas. Certainly I will follow up the question and bring any statistics we may have and inform him at a later date.”

7. Deputy of St. Martin to the President of the Education, Sport and Culture Committee:

“Would the President advise members of the cost of producing the development of the Cultural Strategy for the Island (P.172/2004) and would he also identify the major cultural organisations that have indicated that they would prefer a more direct relationship with the Committee than that which currently exists and those who wish the situation to remain the same?”

Senator M.E. Vibert (President of the Education, Sport and Culture Committee):

“The Cultural Strategy document (P.172/2004) was produced by Education, Sport and Culture Committee members and by officers of the Department for Education, Sport and Culture. They were supported in terms of research, analysis and advice by a U.K.-based specialist and a locally-based accountant. The total cost of these external providers was £19,460.71. With regard to the major cultural organisations which support the notion of a direct relationship with my Committee, the Jersey Heritage Trust have already indicated that they wish their direct relationship to continue; the Société Jersiaise has also welcomed having a more direct relationship; the Jersey Arts Centre has indicated it would wish to have this direct relationship; the Jersey Arts Trust has also indicated that it wishes to maintain its direct relationship with my Committee, although the Arts Trust has expressed the opinion that the direct relationship that it currently enjoys with my Committee should not be extended to other arts organisations. With regard to the Jersey Opera House Limited, recent discussions with that organisation have centred on more immediate funding issues.”

7(a) Senator .P.V.F. Le Claire:

“I wonder if the President could illuminate the request from the Arts Trust as to why it does not want direct contacts from other organisations?”

Senator M.E. Vibert:

“The Arts Trust’s concerns, as they have been iterated to us, are that they feel that this would be a dilution of the arm’s length principle of government and the arts. We don’t agree.”

7(b) Deputy of St. Martin:

“Two supplementaries, Sir, if I could ask the first one first. Would the President confirm that the main author of the report was someone called Sandy Craig, and is he able to advise the House how much that part of his consultation cost?”

Senator M.E. Vibert:

“The main authors of the report were the group I mentioned, the Cultural Sub-Committee, in particular Deputy Labey and Deputy Bernstein. They were helped in preparing the report by the gentleman who you have mentioned, Sandy Craig, and also a local accountant. I haven’t got a breakdown at the moment between the two external providers of the £19,460 I mentioned. If the Deputy wishes such a breakdown, that can be provided.”

7(c) Deputy of St. Martin:

“Thank you, Sir. Could I ask the second supplementary? Is the President able to confirm that the membership of the Arts Centre and Jersey Heritage were actually circulated and asked for their views before a submission went back to the Education, Sport and Culture Committee?”

Senator M.E. Vibert:

“There was a consultation paper, which was open to anybody to comment on. We received comments back from the Jersey Heritage Trust and from the Jersey Arts Centre. I do not know how they formed those comments and how they discussed it with their membership, if they did so. They are the bodies that represent those 2 organisations, their management bodies, and they replied– the same as the Jersey Arts Trust – the management body replied on its behalf.”

7(d) Deputy R.G. Le Hérissier:

“Thank you. Would the President indicate whether, in the light of the varying kind of feedback he has received, his position might have changed from that stated in the Cultural Strategy?”

Senator M.E. Vibert:

“We have taken note of what has been said in relation since we published our proposals. We intend to come back with a great explanation of the arm’s length principle and also as to the respective rôles of the bodies in the new Cultural Council. But my Committee is still firmly of the view that what is proposed in the Cultural Strategy is the best way ahead for culture in the Island.”

8. Deputy J.A. Martin to the President of the Housing Committee:

“How many “(j)” category licensed residents are there, how many have permanent status and how many are limited to 5 years or less? Under the proposed Migration Policy, will all “(j)” category residents be classified under the licensed category and will they be transferred to the entitled category after completing reducing 10 to 15 years’ qualifying period with the same entitlements to housing and employment as other residential qualified persons or the then entitled?”

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

“Yes, Sir. There are around 900 “(j)” category householders at present. It is not possible to be more precise because, although consents are granted, they are not always taken up. Of these, about 300 are permanent posts. Nearly all are, or most are, in the health and education sectors. The remainder are short-term consents, but many of these are particularly in health and education again, and many of these could be extended beyond the 5 years. Many employees who are initially recruited to short-term contract posts are subsequently granted permanent residential status, in recognition of the contribution they have made and continue to make. Agreements are in place with Health and Education to allow them to retain valuable “(j)” category professionals. Under the proposed Migration Policy, a “(j)” category post would become classed as a licensed post and, therefore, existing “(j)” category postholders would continue to have access to the housing market, as they do today. After completing 10 years as a licence holder, the employee would become entitled and, in this respect, the Migration Policy proposes no change to existing practice. Under current arrangements, it is the employer that is the granter of the “(j)” category post. The employer then makes the appointment and the employee benefits in housing terms from having “(j)” category status. The proposed migration proposal adopts a similar approach with a number of licences granted to the employer according to the case made to the Population Office. Most “(j)” category posts are initially granted as short-term consents of 3 or 5 years.”

8(a) Deputy J.A. Martin:

“So, to put that concisely, the President is actually saying that the about 900 “(j)” categories, of which 300 are already permanent, will transfer to a permanent licence that will entitle them to become entitled after 10 years on the licence programme. Is that what the President is saying, please?”

Deputy T.J. Le Main:

“No, I am not saying that at all. What I am saying is that there are around 900 “(j)” category posts at the moment. We can’t be exactly sure because all posts are not always taken up. If the Assembly – of course this is all down to this Assembly – actually approves the Migration Policy, under those proposals, the employer will have as many “(j)” category posts as now and he will be able to retain those positions if he feels he wants to. So they will maintain those short-term category “(j)” posts on 3 or 5 years and the employer will be able to continue those until they are 10 years.”

8(b) Deputy R.G. Le Hérisier:

“Would the President confirm that a major gap in the statistics is that no figures are kept on dependents, so we never know the overall impact on population that is being made by the “(j)” category and, secondly, Sir, could he assure the House that the arrangements that some Committees appear to work, where employees can get advantageous house purchase arrangements in their first 2 years, is this arrangement universally carried out and is it carried out in such a way as just to help with the purchase of high price housing and not with speculation?”

Deputy T.J. Le Main:

“At the present time, all “(j)” category employees are entitled to occupy “(j)” category property. If the employer feels he wants to purchase a property for the occupation of that person whilst they are on a fixed contract, then, even though the property is being paid for by the employee, that is of no concern to the

Housing Committee or the Housing Department. The position is quite clear: all employers, States and otherwise, are entitled to purchase for or on behalf of housing a “(j)” category employee.”

8(c) Deputy G.P. Southern:

“A two-parter, if I may? Can the President confirm that, from the starting point of 900 or so “(j)” categories, the intention is to raise that number to somewhere around 1,800 over a number of years as licensed residents and, furthermore, when a dispute arises between an employer and an employee in a licensed case, should the licensee lose his job so that he loses his house as well, who will resolve issues such as that? Will it be resolved by the 2003 Employment Law or will it be resolved as a hardship case in housing?”

Deputy T.J. Le Main:

“The intention of rewarding employees that are valuable to the economy of this Island, no doubt from 900 will increase, but the employer will have to make a case initially to the Population Office on the amount of essential bracket employees. I don’t believe for one minute that it will go up to 1,800. It will go up, but those people are existing residents in this Island, all of them existing, many of them in qualified and unqualified accommodation at the present time and many of them living with local people or people with qualifications. In regard to a dispute, consideration would have to be made if there was a dispute, which happens now, and there is an appeal made on hardship grounds to the Housing Committee. It is my view that, should disputes arise, good ordinary people – through a dispute with an employer – will have the right of appeal to the Housing Minister, similar to what takes place now. It would be absolutely immoral, in my view, that the employer should be able to use that licence as a way or means of destroying a family and the Housing Minister, or the Housing Committee as at present constituted, has that discretion and that will continue.”

8(d) Senator E.P. Vibert:

“Would the President confirm when and in which year public servants were permitted to use the device that he referred to, the formation of a company and the purchase through a company?”

Deputy T.J. Le Main:

“Up till about a year ago, Sir, the States Housing Committee – and we were criticised on several occasions through lack of knowledge by various members when transactions were taking place for properties, particularly in the health sector with consultants and others who were purchasing properties (anything up to £1 million)– the Housing Committee, through Finance and Economics, were the vehicle for the purchase of these properties. The Housing Committee felt it was not in the market to be a mortgage lender and, in the last 12 months, a vehicle was found and a way was found, through the great help we receive on a regular basis by the Solicitor General, so that now the employees who come into the public sector are able to form a company and purchase their own properties on the basis that, if they leave before their contract or their permanency of qualifications arrive, the property has to be sold out of the company and they have to leave that property.”

8(e) Senator P.V.F. Le Claire:

“Would the President agree that there is a presumption to continuing to grant “(j)” category licences once they have been granted under a policy within the States of Jersey and that, on average, there are 3 people in addition to every “(j)” category? Under the new proposals in particular, these people will have access to the entitled market, which is currently enjoyed by the “(a) to (h)” residents, and I would like to ask what information he has, or what consideration has he given, to a position where a former “(j)” category person has rented or leased a property in the private sector and then finds himself without employment? What recourse will the landlord have in that position to the contract of the lease where he finds that the tenant has no longer got the entitlement to be in that property?”

Deputy T.J. Le Main:

“It is quite clear that somebody who is on a “(j)” category licence is entitled to lease a registered “(j)” category property. Should that person be put out of work or other issues or for some unknown reason – various reasons happen – then there is an appeal process which is considered by the Housing Committee. I can assure the House that there have been several over the years and the Housing Committee

give great consideration to families who find themselves in this position, particularly when there are children, and they do allow families that have been put out of work for one reason or another (whether it is redundancy or otherwise) to remain in that property for a period of time to allow them to find alternative property or to allow them the time to move back to the U.K. The other question, I am not sure if I remember it?"

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

"Under Part D of the Committee's public sector reorganisation five-year vision for the public sector – that is P.58/2004 – approved by the States on 26th May 2004, it was stated there would be a reduction of 300 posts. Will the President state (a) the base figure against which these savings will be measured, and (b) what overall reductions have been achieved since the vision was approved?"

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

"A comprehensive change programme, as the Deputy referred to, has been established to deliver a five-year plan to improve the way Jersey's public sector works for both customers and employees. The programme will cut annual costs by at least £20 million per annum from 2009. The anticipated savings for the change programme will be measured in hard cash rather than the number of posts lost. The figure of 300 posts is how many posts would be lost if all of the saving resulted from post savings, and the 300 is and always has been a maximum. As the programme becomes firmer, it is evident that there are some areas of spending where it is more efficient to make savings – financial savings – which will not result in post savings. The base figure against which these savings will be made is £376 million, which relates to total expenditure in 2004, excluding benefits and grants. The evaluation phase has now been completed and a firm programme has been produced. This shows that savings of £20 million per annum by the end of 5 years will be achieved. Of this, £11.15 million will come from savings in corporate support services of HR, IT, Finance Property and Procurement. This is the equivalent to just under 20% of the spending in those areas. The remainder will come from States Departments' budgets, and these will be achieved by better integration, investment in IT and reduced costs and the introduction of modern, customer responsive services."

9(a) Deputy R.G. Le Hérisssier:

"I have raised this issue before, but would the President state whether there is a crude run-down, in the sense that, as people present themselves, for example, for voluntary redundancy, so the numbers reduce, or are they targeting areas where it is sometimes felt there might be bloating in the system, for example middle management? Secondly, Sir, what overall reductions have been achieved since the vision was approved?"

Senator F.H. Walker:

"Of course we are targeting poor management, but there is no specific target around the States. What we are looking for is greater efficiency generally. I said in my first, obviously overlong, answer that the bulk of that is coming from central services. The rest of it is coming from States Departments' budgets. We have already achieved well over £1.5 million of our target and we are on target to achieve a £6 million saving by the end of this year."

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

"I am slightly concerned because, under D of the Proposition, I was certainly under the impression that we were going to reduce the Civil Service workforce by up to 300. Do I understand the President correctly now in his statement that we may actually not reduce the numbers at all; we are actually looking for monetary efficiency, not post deficiency, because I have to say, Sir – and I wonder if the President would agree with me – that there has been a substantial number of, I think, nearly 1,000 workers left the Island in the last 18 months or so and people are beginning to wonder why we need the same size Civil Service to look after a reduced number of people?"

Senator F.W. Walker:

"Well, Sir, we haven't got the same number of civil servants. What, I think, the Deputy and the public confuse is the difference between civil servants and the total number of States employees, which includes teachers, nurses, doctors, policemen, prison officers, firemen, etc. There is real public pressure to increase the number of front line troops (if you like), not least in the police and the prison service and, of course, health. But the target of saving up to 300 jobs remains. It has always been up to 300 and there have already

been considerable savings in posts through, for example, the closing of Corporate Supplies; the amalgamation of the budgets and the manpower managed previously by Agriculture and Fisheries and other aspects of Economic Development; not directly replacing the Chief Officer of Tourism; and an initial saving of one post with the replacement of the HR Chief Officer. Now, there are a number of other examples I could give, but I can assure the Deputy that, although our prime target is financial, there have been and will be and will continue to be for the five-year period a significant number of reductions in post. Whether or not it is 300 I can't say. Three hundred was always a maximum, but there will be and already has been a significant number."

9(c) Senator P.V.F. Le Claire:

"I am delighted to hear that £1.5 million has been saved. I am just a little bit confused because I know the previous post holder at the Head of Human Resources moved alongside the Chief Executive Officer to be a Deputy Chief Executive Officer. I don't believe that post existed before and I wonder if the President might explain how we are saving money in that regard, or maybe perhaps explain how the arrangements are now in place to govern in that Department because you have moved somebody across and it has left us all a bit perplexed, I think."

The Bailiff:

"Senator, you must ask crisp questions, please."

Senator F.W. Walker:

"I have already answered that question. I think it was 6 weeks ago, and I refer the Senator to that answer, but I confirm in so doing that there has indeed been a saving of one post."

10. Deputy R.G. Le Hérissier to the President of the Economic Development Committee:

"The President has stated publicly that the Committee considers there to be a mismatch between the skills of the Island's workforce and the skills sought by business. How does the Committee suggest this mismatch be remedied?"

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

"The evidence to support the mismatch is contained in two projects undertaken to analyse skills: the 2004 Employers' Survey and the Skills, Knowledge and Competency Audit for the Financial Sector. The approach in both of these studies was to establish the skills that organisations need to deliver their products and services and then compare these with the skills within existing staff employed and against the skills of people applying for vacant positions. The Economic Development and Education, Sport and Culture Departments are currently working in partnership on a Skills Strategy and Action Plan which it is hoped will be published in the next month or so. In the meantime, Chapter 3 of the Economic Growth Plan that was on members' desks this morning sets out specific actions to address this problem, and a summary is on page 38 and 39."

10(a) Deputy R.G. Le Hérissier:

"The President, of course, was very involved in further education in the nineties and did some excellent work there, for example, and he now has oversight through the Economic Development Committee on the Training and Employment Partnership (TEP). Can he tell me whether he regards the work of these bodies prior to his Economic Growth Policy to have been misdirected?"

Deputy F.G. Voisin:

"I do not think they were misdirected. I think what has happened is that we have learnt more as we have gone along. For example, we have undertaken three studies – three employer surveys on skills in the workforce – and, unfortunately, each one has shown a widening of the gap between the skills that we actually need in Jersey and the skills that are available. The work of the Training and Employment Partnership has predominantly been directed into those areas where we believe they need encouragement to undertake training, for example in construction; and when I say 'construction', do not forget that we have got the various sectors within construction like the electricians, the trowel trades and the Chartered Institute of Banking degree courses as well. There is also hairdressing and childcare and various others, and welding also. These are other areas that are being supported. I think what we realised is that we have probably been

neglecting the office jobs, which is specifically why we, for the first time, undertook a survey of competency and skills within the financial services sector.”

10(b) Deputy G.P. Southern:

“Is it not in fact the case that the Economic Growth Plan of which he is so proud will indeed, rather than creating jobs for local people through training, create high-skilled, high-paid and high-tax return jobs and they will be filled largely by inward migration of skilled workers?”

Deputy F.G. Voisin:

“Well, the answer to that question is that, yes, they will be filled largely by inward migration if we don’t put the time, effort and investment into training the young people of today. That, I think, is a fundamental point that comes out in this Action Plan.”

10(c) Senator E.P. Vibert:

“Is the President suggesting that Jersey’s education system should actually be altered to enable the finance industry to have the necessary recruits with the necessary skills to do the necessary jobs to get 2% economic growth in Jersey? Is that what he is putting to this House?”

Deputy F.G. Voisin:

“No. I think it is a question of making sure that people still have a wide choice. Of course, you are never actually going to force people to enter into an education route that they are not committed to. Senator E. Vibert and I had a long discussion over this when we initially launched the Economic Growth Plan and I am sure this I going to be a nub of continued debate, certainly when this Assembly discusses the Economic Growth Plan. But, after saying that, we still need to provide the choice. I think part of providing the choice is providing the education that goes behind allowing people to make that choice – I think that is important – which is also why we are talking about making sure that the curriculum at school educates people – educates our youth – in terms of understanding how enterprise works and the advantages of working for oneself and some of the framework – some of the legislative framework – that there is that sits around the opportunities of opening up their own business. I think these are important things for the Education Service to address and certainly the Economic Development Department is working with the Education, Sport and Culture Department on drawing up these plans.”

10(d) Senator P.V.F. Le Claire:

“How many posts will there need to be filled from outside of Jersey before the local people are trained up to do the work?”

Deputy F.G. Voisin:

“Sorry, how many people will have to be employed from outside the Island before the local people are trained up? I think that largely depends upon what jobs are created in the future, and at the moment I don’t have the information at my fingertips to answer that very detailed question. I think that, from what has been happening in the financial services industry, we have seen a lot of low-skilled jobs moving off-Island. There was an example only recently when about 10 or 15 jobs were lost because they were exported off Island. What we need to do is we need to provide support and education for those sort of people so that they can go back into a higher level of skilled work. To be honest, the Economic Growth Plan does talk about an international business school and that is indeed going to be a long-term project and there is going to have to be some years of investment before we start to see some benefits to that. But the trouble is any project like this is going to take probably 10 years to actually start to work and my view is that it is probably better to start that this year, 2005, rather than in 5 years’ time, when of course it will still take us 10 years.”

10(e) Senator P.V.F. Le Claire:

“So the answer is any job up until 10 years from now?”

Deputy F.G. Voisin:

“Well, no, sorry, the answer that I gave was that it is impossible for me to answer such a specific question at this stage because the economy is going to change in the years to come. Certainly the policy of the States is to bear down on the demand for immigration and, if we are going to do that and have a chance of

succeeding without damaging our economic growth prospects, then we are going to have to educate our workforce. I think that is a given. I think everybody probably agrees with that.”

10(f) Deputy R.G. Le Hérisssier:

“Would the President not confirm that there is a great sense of disillusionment, in the sense that an incredible amount of money has been put into Jersey education and, while I know education is not necessarily for jobs *per se*— it is for life and so forth and so on – the Training and Employment Partnership has been an active body for 10 to 15 years and has been producing reports on the wider economy as well as on the trained sector, for example. Would he not agree that, against this backcloth, it is a very sad situation that we have reached this conclusion? We should have been well on the way. Also, Sir, bearing in mind the enormous investment made by the finance industry itself into its own training, would he not agree that a very sad situation has arisen in his report?”

Deputy F.G. Voisin:

“No, I don’t agree at all. I think that the Training and Employment Partnership has done a lot of good work in the industries where it has focused and continues to do that good work.”

11. Senator L. Norman to the President of the Education, Sport and Culture Committee:

“What action is the Committee taking, if any, to provide funding so that the Opera House may re-open without further delay as a theatre offering a full and diverse entertainment programme?”

Senator M.E. Vibert (President of the Education, Sport and Culture Committee):

“I have had placed on members’ desks a chronology of events and accompanying papers concerning this issue. The Education, Sport and Culture Committee has been in continuing negotiations with both the board of directors of the Jersey Opera House Limited and the Jersey Arts Trust. In October 2004, at the request of the Jersey Arts Trust, which is the sole shareholder of the Jersey Opera House Limited, and the Jersey Opera House board of directors (as formerly constituted), my Committee agreed to bring forward £200,000 from the funding available for 2005, thus enabling the company to continue trading and the theatre to remain open through 2004. This agreement, made and signed by all 3 parties, included the undertaking that only the residue of the 2005 States grant would be available for this year. Jersey Opera House Limited was asked to come forward with a business recovery plan within the agreed funding limits, but, as yet, no such plan has been forthcoming. A new board of directors was appointed late in 2004. That board, taking account of the financial difficulties of the company, determined to close the Opera House on Monday 14th February. The board argues that the minimum States grant necessary to provide a fully operational receiving theatre is £550,000 per annum, some £180,000 per annum more than the current level of grant. No additional funding above the £412,000 which was inscribed into the Education, Sport and Culture Committee’s budget when responsibility for the Opera House was transferred from the Finance and Economics Committee is available to fund the operations of the theatre. At the request of the Jersey Arts Trust, on 15th February 2005, a request for additional funding was submitted to the President of the Finance and Economics Committee, who has since confirmed that no such funding is available. In an attempt to resolve the issue and to enable the theatre to re-open, I propose that, subject to the agreement of the Finance and Economics Committee, my Committee would ring-fence the £412,000 per annum operational grant for a number of years and allow that funding to be used in a flexible manner to enable the Opera House to engage in long-term planning and restructuring.”

The Bailiff:

“President, your time has expired now, I am afraid.”

11(a) Senator L. Norman:

“If no additional funding is to be provided, bearing in mind that it has been known since 1998 that a minimum of between £500,000 and £600,000 per year would be required, as confirmed by the Arts Council’s subsequent business plan and subsequent consultant’s report – if no additional funding is to be provided, how does the Committee consider that the Opera House will re-open offering a full and diverse entertainment programme, or do they expect it to remain closed?”

Senator M.E. Vibert:

“As I said previously, we offered a look at the funding over a period of time, but the Jersey Opera House Limited board of directors rejected the proposal. This Committee has resolved that the Opera House will be re-opened as soon as possible, but it should be recognised that, as the theatre is currently managed and operated by Jersey Opera House Limited, the Committee is limited in terms of the action it may take at present. The question about how much is required to operate the Opera House as a full receiving theatre is one that there are many different views on. A previous operator of the theatre believes it is possible to operate the theatre without any grant at all as a full receiving theatre. We had agreements with the Jersey Opera House Limited the last time the Jersey Opera House was bailed out by the then Finance and Economics Committee that it was possible to operate the theatre as a full receiving theatre on the grant of around £400,000 a year, providing a buffer of some £50,000 to £60,000 was held by the Arts Trust in case of one production doing particularly badly. Unfortunately, the Jersey Opera House has not been able to live up to that undertaking and it has consistently in many years gone seriously over budget. We talked to the Jersey Opera House Limited about restructuring and about offering a full receiving programme, but perhaps not indulging in in-house productions which, for example, this year lost over £180,000 altogether. We believe it should be possible to re-open the Opera House and run it as a full receiving theatre at the level of the existing grant.”

The Bailiff:

“Well that, I am afraid, concludes question time.”

Activities of one of the Shadow Scrutiny Panels’ work programme in 2005 – statement

Deputy Geoffrey Peter Southern of St. Helier, one of the Chairmen of the Shadow Scrutiny Panels, made a statement in the following terms –

“There has been much comment in recent weeks over the perceived politicisation of the Shadow Scrutiny process, in particular around the proposal to subject the Migration Policy to scrutiny.

I am taking this opportunity to announce that my Panel has taken the decision to scrutinize the proposed Migration Policy, with the most rigorous and fair methodology possible, as a major topic and to examine the proposed Tourism lease, (P.22/2005).using a mechanism similar to the use of ‘call in’. Accordingly I have sought and obtained agreement from the President of the Economic Development Committee to seek the permission of the Assembly to defer debate of the latter until 15th March 2005. Similarly, I have written to the President of the Policy and Resources Committee to seek deferral of the debate on that Committee’s Migration Policy for a period of one month to enable scrutiny to take place. Members will recognize that this timetable is significantly constrained in comparison to the reviews undertaken by the Shadow Scrutiny Panels in the first year of the Shadow Scrutiny function. However, I believe that sufficient lessons have been learned from previous experience to enable my Panel to set itself such a tight and disciplined timetable.

It has been agreed at our Chairmen’s Panel that the primary duty of the Shadow Scrutiny Panels is not to scrutinise *per se*, but to investigate and test the scrutiny process so as to recommend a way forward for the years ahead. This is what we shall do. The topics chosen by my Panel have deliberately been chosen neither for their own intrinsic merit, nor for any political motive, but as the topics most likely to illustrate the potential and limitations of the scrutiny process.

I would like to draw members’ attention to the words which immediately follow and define the term the role of “critical friend” in the Centre for Public Scrutiny’s (CfPS) *Good Scrutiny Guide* –

‘To provide constructive, robust and purposeful challenge to prompt executive reflection on policy development and decision-making ... Scrutiny must command the attention of those held within its gaze if the role is to have credibility. It must also have the ability to influence them – to shift opinion. There is little point in a scrutiny function without consequence, however minimal the effect. But a failure to overturn a decision does not necessarily weaken scrutiny – there is significant value in having more information in the public domain.’

The prime success indicator of my Panel is, and will continue to be, to achieve a more informed debate both in public and in this Chamber. To ‘shift opinion’ in the Executive remains a bonus, dependant upon the attitudes that prevail on either side of the balance of power.”

Jersey Financial Services Commission – statement

Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee, made statement in the following terms –

“Members of the Assembly may be aware of allegations made on a website operated by Senator E.P. Viber concerning the integrity of the Director General and Deputy Director General of the Jersey Financial Services Commission. These allegations effect the reputation of the Commission, whose members are appointed by this Assembly.

The Committee would like to take this opportunity to inform members that it has been presented with letters from the Director General and Deputy Director General containing compelling evidence that the allegations are totally false and without any foundation whatsoever. This evidence has also been passed to Senator E.P. Viber and the Committee is saddened by the fact that the allegations have neither been withdrawn, nor any evidence provided in their support.

The Committee is sure that those members who believe that we must uphold the Assembly’s traditions of fairness and honour will agree with the Committee in deploring this behaviour and join it in asking the Senator to withdraw the allegations from the website.”

Chairmen’s Committee: appointment of members

THE STATES, adopting a proposition of the Privileges and Procedures Committee, referred to their Act dated 24th July 2003, in which was approved the Machinery of Government: establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) and 27th January 2004, in which was approved the Shadow Scrutiny: arrangements and approval of Chairmen and members (P.186/2003) and –

appointed forthwith, by ballot, 2 States’ members to be members of the Chairmen’s Committee, not being Presidents of Committee, for a period of 10 months with immediate effect, or until ministerial government commenced, whichever was the sooner.

Appointment of members of the Chairmen’s Committee

THE STATES, having adopted the proposition of the Privileges and Procedures Committee concerning a Chairmen’s Committee: appointment of members, and, in accordance with the provisions of that proposition, noted the following nominations for the appointment of members of the Chairmen’s Committee –

Senator Paul Vincent Francis Le Claire– proposed by the Connétable of St. Mary
Deputy Gerard Clifford Lemmens Baudains of St. Clement– proposed by the Deputy of St. Martin
Deputy Jeremy Laurence Dorey of St. Helier– proposed by the Deputy of Trinity
Deputy of St. Ouen– proposed by Deputy Sarah Craig Ferguson of St. Brelade
Deputy of St. Peter– proposed by Deputy Celia Joyce Scott Warren of St. Saviour.

THE STATES, having proceeded to a secret ballot, were subsequently informed by the Bailiff of the results as follows –

Deputy Jeremy Laurence Dorey of St. Helier– 24 votes
Deputy of St. Ouen– 21 votes

Deputy of St. Peter– 17 votes
Deputy Gerard Clifford Lemmens Baudains of St. Clement– 12 votes
Senator Paul Vincent Francis Le Claire– 6 votes

The Bailiff accordingly declared that Deputy Jeremy Lawrence Dorey of St. Helier and the Deputy of St. Ouen had been elected as members of the Chairmen’s Committee.

Modernisation of Jersey’s Gambling Legislation – P.62/2004 (*re-issue*)

Addendum and comments

THE STATES commenced consideration of a proposition of the Economic Development Committee concerning the modernisation of Jersey’s gambling legislation, and, following consideration, rejected a proposition of Senator Edward Philip Vibert that, in accordance with Standing Order XA(1), the question be now put.

Members present voted as follows –

POUR: 20

Senator E.P. Vibert
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy R.G. Le Hérisssier (S)

Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy J.A. Hilton (H)

CONTRE: 27

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Clement
Connétable of St. Helier
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

Adjournment

THE STATES then adjourned, having agreed to resume consideration of the proposition of the Economic Development Committee concerning the modernisation of Jersey’s gambling legislation, (P.62/2004 (*re-issue*)) lodged “au Greffe” on 20th April 2004), together with the other outstanding matters of public business the following day, Wednesday 2nd March 2005.

THE STATES rose at 5.40 p.m.

A.H. HARRIS

Deputy Greffier of the States.