

# STATES OF JERSEY ORDER PAPER

Tuesday, 22nd May 2001

## A. COMMUNICATIONS BY THE BAILIFF

## B. TABLING OF SUBORDINATE LEGISLATION

*(Explanatory note attached)*

## C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Nomination of the Connétable of Grouville as a member of the Harbours and Airport Committee.

Nomination of Deputy J.L. Dorey of St. Helier as a member of the Human Resources Committee.

## D. PRESENTATION OF PAPERS

### (a) Papers for information

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

Report and Accounts 2000.

*Employment and Social Security Committee.*

Jersey Financial Services Commission Annual Report for the period ended 31st December 2000.

*Finance and Economics Committee.*

Mont St. Clair, Belvedere Hill, St. Saviour and Mascot Motors Garage, Georgetown Park Estate,  
St. Clement: Exchange of Land (P.76/2001) - comments. P.76/2001.

*Finance and Economics Committee.*

Com.

Regulation of Undertakings and Development (Jersey) Law 1973, as amended: Part III policy statement.  
R.C.20/2001.  
*Industries Committee.*

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

**(b) Notification of Standing Order decisions**

14th May 2001

Decisions under delegated functions.  
*Finance and Economics Committee.*

**(c) Notification of acceptance of tenders**

Foul Sewer Extension: La Rue du Coin, St. Clement.  
Foul Sewer Extension: Le Mont à la Brune, St. Brelade.  
Foul Sewer Extension: Les Platons, Trinity.  
*Public Services Committee.*

Mains drains upgrading at Victoria Village, Trinity and St. Saviour.  
*Public Services Committee.*

Development of Summerland factory Site.  
*Home Affairs Committee.*

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

Draft Costs in Criminal Cases (Witnesses’ Allowances) (Jersey) Regulations 200-.  
P.78/2001.  
*Finance and Economics Committee.*

Fields 960, 961, 962 and 967A, St. Mary: rezoning for extension of La Gigoulande Quarry.  
P.79/2001.  
*Planning and Environment Committee.*

Jersey Consumer Council: appointment of Chairman. P.80/2001.  
*Senator S. Syvret.*

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

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

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

THE STATES are asked to note that they agreed on 15th May 2001 that the following matters lodged “au Greffe” will be considered at the next meeting on 29th May 2001 -

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

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

Convent Court, Val Plaisant/David Place and Philips House, Victoria Street, St. Helier: deed of arrangement. P.62/2001.  
Lodged: 10th April 2001.  
*Housing Committee.*

Convent Court, Val Plaisant/David Place and Philips House, Victoria Street, St. Helier: deed of arrangement (P.62/2001): comments. P.62/2001.  
Presented: 15th May 2001. Com.  
*Finance and Economics Committee.*

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

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

Draft Public Holidays and Bank Holidays (No. 2) (Jersey) Act 200. P.70/2001.  
Lodged: 24th April 2001.  
*Legislation Committee.*

Draft Public Holidays and Bank Holidays (No. 2) (Jersey) Act 200. (P.70/2001) - comments. P.70/2001.  
Presented: 15th May 2001. Com.  
*Finance and Economics Committee*

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited. P.72/2001.  
Lodged: 24th April 2001.  
*Deputy A. Breckon of St. Saviour.*

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited (P.72/2001) - report. P.72/2001.  
Presented: 15th May 2001. Rpt.  
*Public Services Committee*

Draft Public Order (Jersey) Regulations 200-. P.75/2001.  
Lodged: 15th May 2001.

*Home Affairs Committee.*

The President of the Home Affairs Committee will ask that the draft Public Order (Jersey) Regulations 200- (P.75/2001 lodged "au Greffe" on 15th May 2001) be taken as the first item of public business at the next meeting.

**F. PRESENTATION OF PETITIONS**

## **G. QUESTIONS**

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

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

Senator Stuart Syvret will ask questions of the President of the Finance and Economics Committee about the rate of growth in the Island's GDP and comparisons with European Union rates of GDP.

Senator Stuart Syvret will ask questions of the President of the Industries Committee about part (g) of the anti inflation strategy.

Deputy P.F.C. Ozouf of St. Helier will ask a question of the Planning and Environment Committee regarding the provision of sites for housing.

## **H. MATTERS OF PRIVILEGE**

## **I. PERSONAL STATEMENTS**

## **J. COMMITTEE STATEMENTS**

The President of the Human Resources Committee will make a statement regarding the provision of a corporate manpower information system.

The President of the Public Services Committee will make a statement regarding a new strategy for the Island's public bus services.

## **K. PUBLIC BUSINESS**

Draft Planning and Building (Jersey) Law 200-. P.50/2001  
Lodged: 27th March 2001.  
*Planning and Environment Committee*  
*Continuation of consideration. The preamble and Article 2 were adopted on 15th May 2001.*

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

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

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

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

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

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

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

**C.M. NEWCOMBE**

**Greffier of the States**

17th May 2001

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

14th May 2001

- (a) as recommended by the Health and Social Services Committee, the entering into of a Deed of Arrangement with Sandringham Investments Limited in order to relinquish access rights held by the public in and across a certain private roadway established on part of the Sandringham Hotel site, Gloucester Street, St. Helier, for a consideration of £10;
- (b) as recommended by the Public Services Committee, the purchase from Royal London Mutual Insurance Society Limited of a strip of land (measuring 200 square feet) outside No. 11 Union Street, St. Helier, required for road widening purposes, for the sum of £200 (representing a rate of £1 a square foot), with the public being responsible for the reasonable costs of the vendor in relation to the transactions. (The Committee rescinded sub-paragraph (a) of its Act No. A3 of 26th February 2001 accordingly).

**NOTIFICATION OF ACCEPTANCE OF TENDER UNDER RULE 5 OF THE PUBLIC FINANCES  
(GENERAL) (JERSEY) RULES 1967, AS AMENDED -  
FINANCE AND ECONOMICS COMMITTEE**

14th May 2001

1 The Public Services Committee had accepted the three lowest separate tenders for foul sewer extensions to serve the undermentioned areas -

(a) **La Rue du Coin, St. Clement** - tenders received were -

<u>Contractor:</u>	<u>Amount:</u>	<u>Corrected Tender</u>
		<u>Total:</u>
<u>Phase 1</u>		
M.J. Gleeson (Jersey) Limited	£120,944.77	£120,944.77
Jayen (Jersey) Limited	£127,996.78	£127,996.78
P. Trant (Jersey) Limited	£130,249.50	£130,239.50
<u>Phase 2</u>		
M.J. Gleeson (Jersey) Limited	£108,640.70	£108,640.70
P. Walker (Jersey) Limited	116,857.44	£116,857.44
Jayen (Jersey) Limited	£137,767.76	£138,767.76
P. Trant (Jersey) Limited	£151,270.60	£151,270.60

It was noted that Phases 1 and 2 would connect 21 units at a cost of £10,900 per property.

(b) **Le Mont á la Brune, St. Brelade** - tenders received were -

<u>Contractor:</u>	<u>Amount:</u>	<u>Corrected Tender</u>
		<u>Total:</u>
Jayen (Jersey) Limited	£1,051,314.60	£1,051,314.60
M.J. Gleeson (Jersey) Limited	£1,100,845.94	£1,100,845.94
P. Trant (Jersey) Limited	£1,141,474.91	£1,006,594.35

(the tender submitted by P. Trant (Jersey) Limited was withdrawn due to errors in calculation)

It was noted that further costs of final reinstatement were estimated at £130,000, and that the scheme had an unusually high cost per property of £24,449 for 43 properties. However, the extension would allow for further schemes in the area at lesser unit cost (it being estimated that a further 160 further properties would benefit in future schemes from the infrastructure to be created).

(c) **Les Platons, Trinity** - tenders received were -

<u>Contractor:</u>	<u>Amount:</u>	<u>Corrected Tender</u>
		<u>Total:</u>
M.J. Gleeson (Jersey) Limited	£320,327.00	£318,798.00
P. Trant (Jersey) Limited	£329,977.65	£329,977.65
Jayen (Jersey) Limited	£343,476.50	£343,476.50

It was noted that further costs of final reinstatement were estimated at £34,000, and that the scheme would connect 30 properties at a unit cost of £10,600.

2. The Public Services Committee had accepted the lowest tender for the reconstruction and upgrading of an existing pumping station and rising main serving the Victoria Village area of Trinity and St. Saviour, namely that submitted by Jayen (Jersey) Limited in the sum of £378,286.85.

The other tenders received were as follows -

<b>Contractor:</b>	<b>Amount:</b>
P. Trant (Jersey) Limited	£416,994.98
M.J. Gleeson (Jersey) Limited	£427,935.77



Queghan Civil Engineering Limited

£445,026.11

3. The Home Affairs Committee had accepted the lowest fixed-price tender in respect of the first phase of the proposed redevelopment of the former Summerland factory site, Rouge Bouillon, St. Helier, namely that submitted by A.C. Mauger and Son (Sunwin) Limited in the sum of £862,978.00.

The other tenders received were as follows -

<b>Contractor:</b>	<b>Amount:</b>
Mercury Construction (1996) Limited	£863,174.51
Charles Le Quesne (1956) Limited	£894,071.18
Premier Contracting and Shopfitting Limited	£928,000.00
Hacquoil and Cook Limited	£953,306.00
Stansell QVC Limited	£961,122.00

## QUESTION PAPER

(See Item G)

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

“On 4th April 2001, the President informed members that the Oxford Economic Research Assistants (OXERA) was to carry out a study into the financial future of the airport in the near future. Would the President inform the Assembly of the anticipated cost of that study, and when the study is likely to be complete?”

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

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

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

“Will the President provide for the Assembly the following information-

- (a) the rate of growth in the Island’s GDP per capita for each of the years 1990 to 2000?
- (b) the average annual rate of growth in the Island’s GDP per capita for the period 1990 to 2000?
- (c) the rate of growth of GDP per capita in each European Union member state for each of the years 1990 to 2000?
- (d) the average annual rate of growth of GDP per capita in each European Union member state for the period 1990 to 2000?
- (e) the rate of growth in the European Union average GDP per capita for each of the years 1990 to 2000 and the average for this period?

and will he provide the information in a format that allows ready comparison?”

Senator Stuart Syvret will ask the following questions of the President of the Industries Committee -

On 13th September 2000, the States approved an Anti-inflation Strategy. Part (g) of the proposition charged the Industries Committee -

‘to develop policies for the creation of a more competitive commercial environment in the Island and to this end to bring forward proposals for a competition policy which shall include specific measures to -

- (a) monitor and regulate monopolistic practices;
- (b) monitor and regulate restrictive trade practices;
- (c) monitor and regulate restrictive agreements;
- (d) monitor and regulate anti-competitive practices;
- (e) monitor and regulate mergers;
- (f) monitor and regulate cartels;

and to bring forward draft legislation for this purpose by the end of 2001;’

1. Will the President inform the Assembly whether the legislation necessary to monitor and regulate the above-described uncompetitive practices will be drafted and brought forward by the end of 2001?
2. Will the President confirm that part (g) of the Anti-inflation Strategy contained no specific exemptions and that the provisions of part (g) will apply to the legal profession?”

Deputy Philip Francis Cyril Ozouf of St. Helier will ask the following question of the President of the Planning and Environment Committee -

“Numerous reports on the island housing stock have suggested that there is an insufficient supply to adequately house the population.

Could the President explain the number of new homes he intends to provide for in the forthcoming Island Plan split by

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- (a) use of existing and brown-field sites;
- (b) new re-zoned sites.”

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

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PAGE 103, ARTICLE 52(4) -

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

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

*Designate the subsequent sub-paragraph as (c).*

AGRICULTURE AND FISHERIES COMMITTEE

## **Report**

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

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

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

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

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

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

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

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

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

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

*Delete “In this Law”, substitute -*

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

(3) PAGE 60, ARTICLE 5 -

*After paragraph (4) add the following paragraph -*

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

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

(4) PAGE 71, ARTICLE 14 -  
*Omit paragraph (6).*

PUBLIC SERVICES COMMITTEE



## **Report**

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

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

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

### **Amendments (1) and (4)**

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

### **Amendments (2) and (3)**

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

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