

STATES OF JERSEY ORDER PAPER

Tuesday 17th, Wednesday 18th, and, if necessary Thursday 19th February 2004

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Appointment of President of the Privileges and Procedures Committee.

Appointment of President of the Special Committee on the Composition and Election of the States Assembly.

Nomination of Deputy A. Breckon of St. Saviour as a member of the Employment and Social Security Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

States Rental Waiting List. R.C.5/2004.
Housing Committee.

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

10th February 2004

Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. P.34/2003. Com. (4)
Finance and Economics Committee.

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): comments. P.126/2003. Com.
Finance and Economics Committee.

Social Security Fund: a new method of funding (P.137/2003) – comments. P.137/2003. Com.(2)
Finance and Economics Committee.

Le Squez and part of Le Marais Estate, St. Clement: redevelopment (P.19/2004) – comments. P.19/2004. Com.
Finance and Economics Committee.

(b) Notification of Standing Order decisions

30th January 2004

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

30th January 2004

New Dental Clinic, 5-7 Newgate Street, St. Helier.
Health and Social Services Committee.

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

Draft Shipping (Tonnage) (Jersey) Regulations 200-. P.25/2004.
Harbours and Airport Committee.

Channel Islands Welding, La Collette: permission for alterations to P.26/2004.
head lease.
Environment and Public Services Committee.

Le Coin Flats, Ann Street, St. Helier: sale to the Jersey Homes Trust. P.27/2004.
Housing Committee.

Waterfront Enterprise Board: appointment of Chairman and director. P.28/2004.
Policy and Resources Committee.

Draft Health Insurance (Medical Benefit) (Amendment No. 58) P.29/2004.
(Jersey) Regulations 200-.
Employment and Social Security Committee.

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

10th February 2004

Data Protection Registrar: appointment. P.23/2004.
Finance and Economics Committee.

Draft Postal Services (Jersey) Law 200-. P.24/2004.
Economic Development Committee.

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

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

Deputy G.P. Southern of St. Helier will seek leave to defer consideration of the proposition regarding Benefits paid by the Housing and Employment and Social Security Committees: protection, (P.116/2003 lodged “au Greffe” on 29th July 2003), from the present meeting to a future date.

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

Draft Fire Service (Amendment No. 5) (Jersey) Law 2003 (Appointed P.8/2004.
Day) Act 200-.
Lodged: 27th January 2004.
Home Affairs Committee.

Shadow Public Accounts Committee: appointment of Member. P.18/2004.
Lodged: 3rd February 2004.
Deputy S.C. Ferguson of St. Brelade.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 2nd March 2004 -

Speed Limits: revised policy. P.1/2004.
Lodged: 20th January 2004.
Environment and Public Services Committee.

Draft European Communities (Treaty of Athens) (Jersey) Regulations P.7/2004.
200-.
Lodged: 27th January 2004.
Policy and Resources Committee.

Building a safer society. P.17/2004.
Lodged: 3rd February 2004.
Home Affairs Committee.

Le Squez and part of Le Marais Estate, St. Clement: redevelopment. P.19/2004.
Lodged: 3rd February 2004.
Housing Committee.

Le Squez and part of Le Marais Estate, St. Clement: redevelopment P.19/2004.
(P.19/2004) – comments. Com.
Presented: 10th February 2004.
Finance and Economics Committee.

Fairtrade Island. P.20/2004.
Lodged: 3rd February 2004.
Senator J.A. Le Maistre.

Data Protection Registrar: appointment. P.23/2004.
Lodged: 10th February 2004.
Finance and Economics Committee.

Waterfront Enterprise Board: appointment of Chairman and director. P.28/2004.
Lodged: 17th February 2004.
Policy and Resources Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Education, Sport and Culture Committee regarding a grant to the Jersey Heritage Trust.

Deputy T.J. Le Main of St. Helier will ask a question of the President of the Employment and Social Security Committee regarding benefit schemes for senior citizens.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Housing Committee regarding the tenancy of one of that Committee’s rental units.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Housing Committee regarding the funding of essential repairs to properties of that

Committee.

Deputy R.G. Le Hérissier of St. Saviour will ask a question of the President of the Policy and Resources Committee regarding the 2003 pay awards.

The Deputy of St. John will ask a question of the President of the Harbours and Airport Committee regarding the inclusion of the Harbours Department in the recent Benchmarking Project.

Deputy R.G. Le Hérissier of St. Saviour will ask a question of the President of the Education, Sport and Culture Committee a question regarding salary costs of certain grades of staff.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Environment and Public Services Committee regarding charges relating to Haut de la Garenne.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Environment and Public Services Committee: vote of no confidence. P.14/2004.
Lodged: 3rd February 2004.
Senator E.P. Vibert.

Housing committee: vote of no confidence. P.21/2004.
Lodged: 3rd February 2004.
Deputy G.P. Southern of St. Helier.

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

Public and Private Sector Housing Rental Subsidy Schemes: income P.5/2004.
disregard – rescindment.
Lodged: 20th January 2004.
Deputy G.P. Southern of St. Helier.

Draft The Law Society of Jersey Law 200-. P.154/2003.
Lodged: 11th November 2003.
Legislation Committee.

Disability Benefit System: reform. P.178/2003.
Lodged: 25th November 2003.
Employment and Social Security Committee.

Disability Benefit System: reform (P.178/2003) – comments. P.178/2003.
Presented: 20th January 2004. Com.
Finance and Economics Committee.

Draft Shipping (SOLAS) (Jersey) Regulations 200-. P.3/2004.
Lodged: 20th January 2004.

Harbours and Airport Committee.

Draft Shipping (Load Line) (Jersey) Regulations 200-. P.4/2004.
Lodged: 20th January 2004.
Harbours and Airport Committee.

Subject to E –

Draft Fire Service (Amendment No. 5) (Jersey) Law 2003 P.8/2004.
(Appointed Day) Act 200-.
Lodged: 27th January 2004.
Home Affairs Committee.

Jersey Child Care Trust: appointment of Chairman. P.15/2004
Lodged: 3rd February 2004.
Education, Sport and Culture Committee.

Subject to E –

Shadow Public Accounts Committee: appointment of Member. P.18/2004.
Lodged: 3rd February 2004.
Deputy S.C. Ferguson of St. Brelade.

A.H. HARRIS
Deputy Greffier of the States

12th February 2004

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

30th January 2004

- (a) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Aidan James Smith of the property known as Miltonia, Old St. John's Road, St. Helier, for a period of three years from 15th December 2003, at a commencing annual rent of £17,581.56 with all other terms and conditions remaining as in the existing lease, with each party being responsible for its own legal fees in relation to this transaction;
- (b) as recommended by the Housing Committee, the acquisition from Mrs. Dorothea Maude Martin, née Cleworth, widow of John Aldershaw Martin; and Mr. Frederick Leonard Fairhead and Mrs. Josephine Marie-Térèse Fairhead, née Mahieux, as current owners respectively of properties Nos. 101 and 102 St. Saviour's Road, St. Helier, their one-fifth ownership in the 'Plaisance' and all rights associated thereto and within the surrounding land owned by the public for the sum of £10,000 each, with the public to pay all reasonable legal costs in relation to the transaction (including the giving up of the boundary offset, in exchange for repair and maintenance rights being granted) upon completion thereof. The public or its successors in title were to agree to grant to the owners of Nos. 101 and 102 St. Saviour's Road perpetual use of two dedicated and nominated parking spaces for each of the above-named property owners, within the public's property to be known as Salisbury Crescent (or as it might be named from time to time) with the owner of the latter property to retain the right that should the site ever be redeveloped then those car parking spaces could be relocated with appropriate notice being given in writing to the users. The owners of Nos. 101 and 102 St. Saviour's Road were to be granted in perpetuity the necessary vehicular access and egress rights to those nominated car parking spaces to and from the public road; also to be granted in perpetuity were pedestrian rights to come and go from their properties to the public road and their nominated car parking spaces, through an appropriate route known as Salisbury Crescent. During the period of construction the public would provide free of charge the necessary car parking facilities for the owners of Nos. 101 and 102 St. Saviour's Road within the nearby housing facility Westley Court;
- (c) as recommended by the Housing Committee, the entering into with the Parish of St. Brelade of a Deed of Arrangement to cede the small semi-circular areas along the back edges of the pavements at Le Parc du Pont Marquet, St. Brelade for a consideration of £10, on the basis that each party would be responsible for its own legal fees arising from this transaction;
- (d) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Robert Gwyn Llewellyn and Miss Kelly Elizabeth Flack, owners of No. 6 Columbus Street, St. Helier, in order to facilitate their procurement of the party gable and wall, adjacent to Le Clos du Val, on the basis that Mr. Llewellyn and Miss Flack would pay a consideration of £500 for this right and would be responsible for both parties' legal fees arising from the transaction. The exposed areas of the new wall towards Le Clos du Val would need to be finished in plain sand-cement render, painted on completion and at least once every five years thereafter, in a colour approved by the Housing Department. The Department would be permitted to affix signs to the said rendered wall and the contract would grant Mr. Llewellyn and Miss Flack access rights onto Le Clos du Val in order to build and maintain the new wall. The public would reserve the right to build against the new wall, but would be limited to the height of the new wall;
- (e) as recommended by the Environment and Public Services Committee, the assignment of the lease by Mrs. Sheila Fagan, née Needham, of the property Café Casino, Grève de Lecq, St. Ouen to Mr. Richard Ropert and Mrs. Harriet Ropert, née Fane, from a date to be agreed between the parties, on the basis that each party would be responsible for its own legal costs arising from the transaction; and,
- (f) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. David Cullen and Mrs. Jane Cullen, née de la Haye, of the property known as the Gunsite Café, Beaumont Seawall, St. Peter, for a period of nine years from 25th December 2003, at a commencing annual rent of £9,345

subject to review on the third and sixth anniversaries of the lease in line with the Jersey Retail Price Index, otherwise on the same terms and conditions as the existing agreement, with each party to be responsible for its own legal costs arising from the transaction.

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

30th January 2004

The Health and Social Services Committee has accepted the lowest tender for the fitting-out of the new dental clinic in Newgate Street, St, Helier, (which had been procured through a joint venture with Dandara Holdings Limited), namely that submitted by J.P. Mauger Limited in a sum of £512,509 in a contract period of 20 weeks.

The other tenders received were as follows -

<u>Contractor</u>	<u>Amount</u>	<u>Contract period</u>
A.C. Mauger and Son (Sunwin) Ltd.	£520,184	20 weeks
Camerons Building Contractors	£527,099	22 weeks
Lotheringtons, Commercial Interiors	£551,055	22 weeks.

QUESTION PAPER

(See Item G)

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Education, Sport and Culture Committee -

“Would the President inform members of the current balance from the £3 million grant to the Jersey Heritage Trust for work at Mont Orgueil Castle?”

Deputy T.J. Le Main of St. Helier will ask the following question of the President of the Employment and Social Security Committee -

“(a) Would the President inform the Assembly of the budget relating to eye, foot and dental care expenditure for the over 65s in 2001, 2002 and 2003 and will he inform members of the level of actual expenditure for these three years and the balance that remains ring-fenced for the elderly?”

(b) Would the President give a breakdown of the cost of the scheme, including the sum paid out to Westfield to administer the scheme?”

Deputy G.P. Southern of St. Helier will ask the following questions of the President of the Housing Committee -

“1. In response to a supplementary question from the Deputy of St Martin on 3rd February 2004, regarding the condition of a States’ rental property the President stated *‘the back garden had six inches to a foot of raw sewerage in it. It had been like that for months ...and complaints from the neighbours.’*

(a) Would the President explain why there is no record of any such complaints on the file of the tenant concerned?

(b) Will the President inform members who is responsible for maintenance of the drains and therefore for any sewage problems which might arise from a fault?

(c) Would the President explain why no action had been taken on this matter over the previous months?

2. In response to one of my questions on 3rd February 2004, regarding whether measures were taken to contact the tenant on 10th February 2003, the President replied *‘No. Neither the Department or the members of my Committee who were present or myself were aware of the tenant’s whereabouts.’*

Would the President inform members -

(a) whether the mobile phone number of the tenant was on file in the department, and whether use was made of this?

(b) why he telephoned the tenant’s mother?

(c) whether, during the course of his telephone conversation to the mother, he advised –

(i) that the behaviour of her daughter, together with photographs, would be reported in the media?

- (ii) the level of rent arrears her daughter owed?
 - (iii) that all States members would soon know who she was?
3. Would the President inform members –
- (a) whether photographic records are retained on all vacated Committee properties, and, if so, the reasons for this? and,
 - (b) whether he considered releasing the pictures in this case to the media?
4. Would the President inform members whether he had a telephone conversation with the tenant's eldest sister also on 10th February 2003, and, if so, would he advise members of his recollection of the conversation?"

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

"Would the President inform members whether the Committee is considering incorporation as a means of enabling borrowing to be made to resolve the funding of essential repairs to its properties, such as Clos de Roncier, which cannot currently proceed due to lack of funds, and, if so, would he advise members when this is likely to happen?"

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

"Would the President confirm whether all States' employees received a 5.1% increase in salary as a result of last year's pay settlement, and, if not, would he identify the exceptions, the percentages in question and the reasons for deviating from the 5.1% settlement?"

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

"Would the President inform members of the Committee's reasons for the late inclusion of the Harbours Department in the recent Benchmarking Project of the Policy and Resources Committee, the results of which were presented to members on 10th February 2004, rather than having included the Harbours Department at the outset of the project?"

Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the President of the Education, Sport and Culture Committee -

"Would the President identify the number of employees at Grades 13, 14, 15 and above, and the overall salary costs for each group in the former Education and Sport, Leisure and Recreation Departments, and would he provide the same information in respect of the merged Education, Sport and Culture Department?"

Deputy G.P. Southern of St. Helier will ask the following question of the President of the Environment and Public Services Committee -

"Would the President advise members of the level of charges that apply to Haut de la Garenne for overnight use of the facilities, and, whether the Committee will be seeking to review them or to seek a subsidy from the Tourism Development Fund in order to attract more large visiting groups such as

military bands?"