

**THE STATES assembled on Tuesday,
18th June 2002 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esq.**

All members were present with the exception of-

Senator Frank Harrison Walker - out of the Island
Alan Simon Crowcroft, Connétable of St. Helier - out of the Island
Celia Joyce Scott Warren, Deputy of St. Saviour - ill.

Prayers read by the Deputy Bailiff

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Misuse of Drugs (Modification) (Jersey) Order 2002. R & O 54/2002.

Misuse of Drugs (Designation) (Amendment No. 4) (Jersey) Order 2002. R & O 55/2002.

Misuse of Drugs (General Provisions) (Amendment No. 6) (Jersey) Order 2002. R & O 56/2002.

Matters presented

The following matters were presented to the States -

La Collette Fuel Farm, St. Helier: lease to Shell U.K. Limited and Esso Petroleum Company Limited (P.67/2002) - comments - P.67/2002 Com.(2)

Presented by the Industries Committee.

Meetings of the States: restriction of the length of Question Time (P.93/2002) - comments - P.93/2002 Com.

Presented by the Privileges and Procedures Committee.

Jersey Potato Export Marketing Scheme 2001 (P.68/2002): report - P.68/2002 Rpt.

Presented by the Agriculture and Fisheries Committee.

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 5th June 2002 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

- (a) as recommended by the Agriculture and Fisheries Committee, the lease to Bel Val Farm Limited (Mr. Colin de la Haye) of Fields Nos. 445, 447 and 448, St. Martin (measuring 6.02, 2.13 and 3.07 vergées respectively), for a period of three years deemed to have commenced on 1st August 2001 at an annual rent of £1,100 (no rent review), with the Committee retaining the right to give six months

written notice at any time during the lease to terminate the agreement but only in relation to Field No. 445, and on the basis that each party would be responsible for its own legal costs arising from this transaction;

- (b) as recommended by the Health and Social Services Committee, the lease to Dr. Andrew Nisbet and Mrs. Pamela Margaret Nisbet, née Wragg, of the 'j' category three-bedroom property known as No. 5 Paddock End, La Rue à Don, Grouville, for a period of five years from 21st May 2002 on an internal repairing basis, at an annual rent of £13,200 payable monthly in advance, subject to annual review in line with the Jersey Retail Price Index figure at 21st May each year, with an option to break the lease after a period of three years. Each party would be responsible for the payment of its own legal costs arising from this transaction and no deposits were to be paid;
- (c) as recommended by the Agriculture and Fisheries Committee, the sale to Mr. Colin Stanley de la Haye and Mrs. Paulette Lamy de la Haye, née Renouf, of Field No. 358, St. Catherine, St. Martin for a consideration of £2,000, on the basis that Mr. and Mrs. de la Haye would be responsible for the legal costs of the public arising from this transaction.

Matters lodged

The following matters were lodged "au Greffe" -

Population Policy (P.101/2002): amendment - P.101/2001 Amd.

Presented by Deputy M.E. Vibert of St. Brelade.

Cottage Homes Committee: transfer of functions to Housing Committee - P.104/2002.

Presented by the Housing Committee.

Bonne Nuit packaged sewage treatment plant - purchase of land - P.105/2002.

Presented by the Public Services Committee.

States of Jersey (Amendment No. 8) Law 200- P.106/2000.

Presented by the Legislation Committee.

Draft Public Records (Jersey) Law 200- P.107/2002.

Presented by the Finance and Economics Committee.

Draft Air Transport Permits (Amendment) (Jersey) Law 200- P.108/2002.

Presented by the Jersey Transport Authority.

Arrangement of public business for the present meeting

THE STATES granted leave to the President of the Harbours and Airport Committee to withdraw the proposition regarding La Collette Fuel Farm, St. Helier: lease to Shell U.K. Limited and Esso Petroleum Company Limited (P.67/2002) lodged "au Greffe" on 14th May 2002 and set down for consideration at the present meeting.

Arrangement of public business for the next meeting on 25th June 2002

THE STATES confirmed that the following matters lodged "au Greffe" be considered at their next meeting on 25th June 2002 -

Population Policy: provision of information and alternative proposals - P.102/2002.

Lodged: 11th June 2002.

Senator S. Syvret.

Jersey Potato Export Marketing Scheme 2001 - P.68/2002.
Lodged: 14th May 2002.
Connétable of St. Helier.

Jersey Potato Export Marketing Scheme (P.68/2002): report P.68/2002 Rpt.
Presented: 18th June 2002.
Agriculture and Fisheries Committee.

Draft Terrorism (Jersey) Law 200- P.75/2002.
Lodged: 14th May 2002.
Home Affairs Committee.

Draft Terrorism (Jersey) Law 200- (P.75/2002): comments - P.75/2002. Com.
Presented: 11th June 2002.
Human Resources Committee.

Draft Terrorism (Jersey) Law 200- (P.75/2002): comments - P.75/2002. Com.(2).
Presented: 11th June 2002.
Finance and Economics Committee.

Draft Social Security (Amendment No. 16) (Jersey) Law 200 P.99/2002.
Lodged: 11th June 2002.
Employment and Social Security Committee.

Draft Telecommunications (Jersey) Law 2002 (Appointed Day) Act 200- P.103/2002.
Lodged: 11th June 2002.
Industries Committee.

Allocation policy of the F.B. Cottages Housing Trust - question and answer (Tape No. 741)

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

- “(a) Can the President confirm that F.B. Cottages Housing Trust operates an allocation policy which states that its housing units are ‘for Jersey working men and their families’ thereby discriminating against single mothers and their families, whereas their Constitution states ‘To provide residential accommodation to *persons* in the Island considered by the members in their absolute discretion to be in need of such accommodation’?
- (b) Will he outline the steps he will take to ensure that such discrimination ceases?”

The President of the Housing Committee replied as follows -

- “(a) The Florence Boot Cottages Trust was originally established in 1923 under the provisions of the lease of an area of land at Les Clôtures, St. Clement, which was granted by the States to the late Sir Jesse Boot. This lease set out a number of terms and conditions for the Trust which included an objective to ‘construct houses and cottages for the British working class’. The Trust operated under the terms of the lease until 1997 when the States formally cancelled the lease and agreed the sale of the land to a newly constituted F.B. Cottages Housing Trust.

The new F.B. Cottages Housing Trust is not bound by the terms and conditions of the original lease. Although some confusion arose recently with the Trusts allocation policy as it appeared to be based on the old terms and conditions, this matter has now been resolved and the Committee is satisfied that the Trust is operating correctly under its new constitution. The most recent allocation of 25 houses included four to single parents and four to unmarried couples with young children.

- (b) The Committee will continue to work closely with Housing Trusts to ensure that social rented housing is provided to those in need and without discrimination against single parent families.”

Sous l’Eglise, St Peter - question and answer (Tape No. 741)

The Deputy of St. Peter asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

“Would the President inform the Assembly why the Committee has not acquired the property Sous l’Eglise, St. Peter from the Health and Social Services Committee, bearing in mind that it was identified by the Civil Aviation Authority as being a safety hazard some years ago?”

The President of the Harbours and Airport Committee replied as follows -

“The house called Sous l’Eglise lies to the north of the runway and members may recall that a private jet crashed into this building in 1980. Unfortunately, the Island Development Committee allowed it to be rebuilt larger than it had been before and it now infringes the Transitional Slope (the one in seven) by about eight metres.

The 1998 Obstacle Survey Report by the CAA comments ‘This is acceptable if that the building is provided with obstacle lighting. However, in the longer term, when the opportunity arises the buildings should be removed’. In the 2000 Report there is added ‘This building is now obstacle lit and there is the possibility that it will be demolished’.

When the previous owner, Mr. Le Seilleur, died he left a number of properties, including Sous l’Eglise, in trust for the benefit of the then Public Health Committee. At this time the Planning and Environment Committee included Sous l’Eglise in the list of forecast strategic acquisitions in Account C 0904 - Acquisition of Land - Major Reserve, which is how all of these matters have been dealt with over the years. An amount of £500,000 was then earmarked for this purchase and the sum remained in the Reserve until such time as the property was to become vacant and the transfer could be effected between the Public Health Committee and the Harbours and Airport Committee.

Sadly, when the report and proposition went to the Finance and Economics Committee it refused, by a majority, to sanction the transaction. Despite several approaches by both the Health and Social Services Committee and the Harbours and Airport Committee, the Finance and Economics Committee still refused to sanction the transaction and confirmed that the original decision to fund this strategic acquisition through the Acquisition of Land vote no longer applied. The Harbours and Airport Committee, not surprisingly, feels aggrieved at the actions of the Finance and Economics Committee.

By the end of this month, the Harbours and Airport Committee expects to reply to the Policy and Resources Committee with the OXERA Report concerning the future funding of the Airport. The requirement, as we understand it, is for the Airport to be run commercially and to fund its future capital programme from its revenues. However, we believe that certain strategic elements of the Airport may have to be funded centrally, as in the case with every other aspect of the Island’s infrastructure.

Since the early 1980’s, central funds received nearly £50M from Airport operating surpluses and since 1997, the Airport has funded over £20M of Capital Expenditure from the Trading Fund.

The Finance and Economics Committee has changed its financing policy towards the Airport to one of ‘users pay all’ and has turned a blind eye to the obligations of the States as owner of a strategic asset of vital importance to the whole Island. The Airport is not in a financial position to deal with the elements of funding that the States were aware of prior to the ‘User pays All’ policy coming into being. That is why the £500,000 asking price of the Health and Social Services Committee for Sous l’Eglise should come from Vote C0904 from which it was properly budgeted over several years.”

Draft Legal Practitioners (Jersey) Law 200- and related legislation - question and answer (Tape No. 741)

The Deputy of St. Martin asked Senator Wendy Kinnard, President of the Legislation Committee, the following question -

“Would the President please inform members -

- (a) (i) of the progress of the Draft Legal Practitioners (Jersey) Law 200-; and the two related pieces of legislation, the Law Society of Jersey Law 200-; and the Law Society of Jersey Bye Laws 200-?
- (ii) when the draft Laws are likely to be lodged?
- (iii) the reason for the continuing delay in lodging these Laws?
- (b) of the monitoring system the Committee has in place to ensure that draft legislation is not unnecessarily delayed, in view of the many years it has taken to complete the work on the above legislation?”

The President of the Legislation Committee replied as follows -

- “(a) (i) The latest draft of the Legal Practitioners (Jersey) Law was considered by the Committee at its meeting on 25th January 2002. The Committee has been advised of differences of opinion between Jersey and English qualified lawyers on the provisions of the draft concerning the creation of the offence of unqualified persons practising Jersey law and is seeking to have those resolved. The Law Society of Jersey Law and Byelaws are considered by the Committee to be subsidiary to the Legal Practitioners Law and the three pieces of legislation will be presented to the States by the Committee on the same day if possible.
- (ii) The Committee is anxious to see progress on this legislation and hopes to lodge the draft laws in the early autumn.
- (iii) These draft laws are of substantial importance both to the general public and to those engaged in the provisions of legal services. There are of course potentially competing interests to be considered but, subject to the overriding public interest, the Committee is anxious to promote if possible laws that have the support of the relevant professional bodies. It is anticipated that there will be a further meeting between myself, the Attorney General, and representatives of the Jersey Law Society on this and other topics in the early future and that the matter will be considered again by the Committee in August.
- (b) The Committee has available to it a list of the proposed and possible legislation which it has under its consideration at any given time.”

Meteorological Department - question and answer (Tape No. 741)

Deputy Robert Charles Duhamel of St. Saviour asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

- “(a) What is the current staffing level and grade structure of the Meteorological Department?
- (b) Has the Committee or its officers, in the last six months, entered into discussions with any third parties with a view to the provision of meteorological services to the Airport, Harbours or the general public, to replace any of the services currently provided by the Meteorological Department?
- (c) If the answer to (b) is in the affirmative, how many locally based staff would be required to assist in the

provision of meteorological services to the Island after all or part of these services have been contracted out?

- (d) Would the loss of jobs within the Meteorological Department be detrimental to the range of scientific and technical job opportunities available to local residents?"

The President of the Harbours and Airport Committee replied as follows -

“(a) There are 21 civil servants employed -

Job Title	Grade	Number
Principal Meteorological Officer	15	1
Senior Forecaster	13	2
Forecaster 1	12	5
Forecaster 2/3	9/10	3
Senior Meteorologist	10	1
Met IT Officer	9	1
Leading Assistant	7	3
Assistant	6	5

- (b) In responding to the OXERA Report on the future funding at the Airport, the Airport has questioned and examined all of its operations. One of these is the provision of meteorological services to both aviation and non-aviation consumers. In order to assess the question of value for money as well as quality of service we have obtained information from the U.K. Meteorological Office against which these services can be benchmarked. Further dialogue is continuing to clarify a number of issues.
- (c) No decision has yet been taken on the issue of alternative sources of provision of service and is unlikely to be taken until a States debate on the future funding of the Airport has taken place - hopefully in September. If the meteorological service were to be contracted out then staffing, buildings and facilities will be subject to discussion at the time.
- (d) No satisfactory answer is available until (b) and (c) above are resolved.”

Report of the Policy Report 2001 Review Group and the Dairy Exit Plan - questions and answers (Tape No. 741)

Deputy Philip Francis Cyril Ozouf of St. Helier asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following questions -

- “1. Would the President advise if the Committee has considered the report of the Policy Report 2001 Review Group and if so -
- (a) what are the main conclusions of the Review Group report on the Policy Report?
- (b) what is the Committee’s response?
2. Would the President inform the Assembly as to the progress of the dairy industry exit plan, specifically the level of take-up and reconciled cost to the public?”

The President of the Agriculture and Fisheries Committee replied as follows -

- “1. (a) The Review Group Report has been issued to all States members today and therefore I believe that it is more appropriate to read the report in conjunction with the conclusions. In my opinion the conclusions are largely supportive of the Policy Report proposals. The Review Group Report raises a number of valid questions and these will, I am certain, be addressed by the Committee.

- (b) As the Review Group's Report was published today the members of the Agriculture and Fisheries Committee have not yet had the opportunity to discuss the Report but will be studying it this week. The Committee will consider the report and recommendations at the next meeting on 24th June. I would expect the Committee's response to be available soon after that meeting.
2. The Assembly will be aware that a Dairy Industry Restructuring Scheme is currently underway, following a request for financial support from the industry that was supported by the Agriculture and Fisheries Committee. The request was subsequently approved by the Finance and Economics Committee, who agreed States funding up to a maximum of £500,000 and attached a number of conditions to the financial support. The background to the Scheme is the collapse in market prices for dairy products over the past 18 months and the increase in the Island's milk production over the same period. Taken together these factors have considerably reduced the profitability of the industry as a whole and necessitated a reduction in the scale of milk production in the Island in order to stem losses. It is no exaggeration to say that the collapse in market prices and the consequent slump in profitability had created a crisis situation which required emergency action from the States.

The Restructuring Scheme has involved a tendering process for the sale by dairy farmers of all or part of their 'licensed litres'. This licence was issued by Jersey Milk, in accordance with the rules of the Jersey Milk Licensing Scheme, introduced on 1st June 2001. The Restructuring Scheme has therefore been based on the Milk Licensing Scheme, which provided a 'mechanism' for reducing the industry's capacity to produce milk. Under the Restructuring Scheme the sale of licensed litres attracts a Milk Licence Payment. The Restructuring Scheme has also involved, in order to encourage the sale of surplus animals to the UK, an Export Premium and a payment towards the cost of transport to the UK. It was agreed at the outset that the cost of the Milk Licence Payments would be shared equally by the States and Jersey Milk and that the other payments mentioned above would be borne by the States, within the funding limit available.

The Scheme has been administered by the Department and the help of Jurat Jill Clapham was enlisted to supervise the opening of tenders and to ensure that the process was conducted entirely within the agreed rules for the Scheme. The Milk Licence Payments have been made - on the timescale envisaged when the Scheme was planned and as indicated in the Guidance information provided to farmers when the Scheme was announced - and most of the livestock payments have also been made. Before making the payments the Department requested an audit to verify the calculations and to comment on the administrative process.

The take-up of the Scheme has been about 2.7m licensed litres, which is slightly greater than the 2.5m originally planned for. On the basis of the 2.5m target it was estimated at the outset that approximately 630 cows would become 'surplus' and so would be eligible for the export payments. The number actually exported was 432 so that about 70% of the surplus animals have been exported. This compares with the 'target' of 60% envisaged when the Scheme was planned.

Information provided to the Department by Jersey Milk on 7th June shows that, had it not been for the Restructuring Scheme, the total licence for the second licence year (starting June 2002) would have been 19,348,157 litres. This is made up of 18,337,730 base litres for the year 2001-2002 and 1,010,427 of the assessed litres that were actually produced during the year. The Scheme has purchased 2,648,167 litres and this means that the total licence for the second year is 16,699,990 litres. States members may be aware that for the first year of the Licensing Scheme producers had the opportunity to produce their 'assessed' litres as well as their 'base' litres, on the understanding that their total licence for the second year would include that part of their assessed litres that they had actually produced in the first year.

With regard to the cost of the Scheme to the public, the total cost has two components, the Milk Licence Payments, and the livestock payments and costs. The latter comprise an Export Premium for each animal exported to the UK, a contribution to the cost of transport to the UK for the animals exported, and the cost of culling and disposing of any surplus animals that had to be culled as a consequence of the Scheme.

The total Milk Licence Payments have been £380,470.81, of which Jersey Milk has paid half.

The total costs of the Export Premia and transport to the UK have been £194,400.

The actual costs associated with animals that are being culled as a consequence of the Scheme cannot be known until all the animals to be culled have actually been culled. This point will not be reached for several more weeks, so at this stage this cost can only be estimated. The Department's latest estimate is £41,580.

The Department has estimated the total cost of the Scheme, based on the prudent assumption that the maximum number of animals that could possibly give rise to costs under the scheme would actually do so. On that basis the Department's estimate has been that the total cost could be very close to the maximum of £500,000 made available by the Finance and Economics Committee. Based on the information provided by Jersey Milk on 7th June, however, and on discussions with the participating farmers about their intentions with regard to culling animals, the Department has refined its estimate over the past week. The Department's estimate is now £426,215. I must emphasise, however, that the information required to provide a precise figure is not yet available to the Department, so this figure is a best estimate. This reduced estimate takes into account the fact that some surplus animals have been sold within the Island and so will not attract Scheme payments or add to Scheme costs. It also takes into account a late decision by an applicant to sell less licence than originally indicated.

The effect of the Scheme has been to reduce the total licensed litres to about 16.7m litres at the start of the second licence year (June to May). It should also be noted that the main uptake from the scheme was to enable four of the larger herds in the Island to exit almost completely from the industry, not, as some might have expected, to enable more of the smaller herds to exit. The four herds account for some 85% of the cows eligible for payments and a similar percentage of the total cost of the Scheme. The average herd size in the Island will have been reduced.

The industry has requested a second restructuring scheme because Jersey Milk has recently lost further export business through the continuing collapse in product prices. The request has been considered by the Agriculture and Fisheries Committee and is being recommended for acceptance by the Finance and Economics Committee. The estimated cost of this Scheme to the States would be not more than £350,000, with Jersey Milk contributing approximately a further £135,000. The cost to the States of a second scheme would be partly offset by any savings from the first scheme.

I apologise for the complexity of this answer, which reflects the complexity of the Milk Licensing Scheme and the details of the Restructuring Scheme. I would like to put on the record the Committee's thanks to all involved in the Restructuring Scheme, including the industry leaders and Jersey Island Genetics, the Department and Jurat Jill Clapham, who have carried out a complex task successfully over quite a short period of time. I am sure that everyone who has the best interests of the industry at heart will be hoping that these emergency measures - for that is what they have been - will help the industry towards the stability and profitability that urgently need to be restored."

Staff numbers in the Health and Social Services Department - question and answer (Tape No. 741)

Deputy Lyndon John Farnham of St. Saviour asked Senator Stuart Syvret, President of the Health and Social Services Committee, the following question -

“Would the President advise members -

- (a) how many staff were employed by the Health and Social Services Department, in both FTE and headcount terms on 1st January 1996 and each anniversary to the present, split by (i) grade and (ii) function - administration, medical, nursing and manual workers?

- (b) the costs for the above?
- (c) how many employees in each case, and by grade, had permanent or temporary 'J' Category housing status on 1st January 1996 and each anniversary to the present?
- (d) of the Committee's policy on awarding 'J' Category consents under delegated authority from the Housing Committee?
- (e) how many 'J' consents the President expects his Department to issue in 2002, 2003 and 2004 in order to achieve its recruitment targets?"

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

- (a) Attached as Appendix A is a summary of the Department's FTE and headcount for the years requested split by employee group. Although a further more detailed split by function is now possible through the new Computer based Human Resources Management System it was not possible for previous years.
- (b) The costs requested are detailed in table attached as Appendix B.
- (c) Permanent Consents

Since 1994, when the Health and Social Services Committee was allocated an annual quota for posts for permanent appointment, it has permanently appointed 69 members of staff. These are without exception all 'essential' posts, for which it can never be expected to find sufficient local candidates and all are in medical, paramedical, nursing, social care, health promotion and health protection posts.

We have allowance within our total establishment for in excess of 850 'potential' 'J' Category posts, of which approximately 400 are filled by appointment from the United Kingdom at any point in time. The actual numbers and breakdown change by the day.

- (d) A copy of the Committees policy is attached (Appendix C). It has been prepared in close consultation with, and approved by, the Housing and Human Resources Committees and based on selection criteria established during the 1992 Strategic Policy Review (Appendix 7/2 refers) and by those Committees.
- (e) Permanent Consents

12 in each year, unless it is proven that these numbers are no longer adequate to enable the Committee to maintain its essential services. In which case it has reserved the right to revert to the Housing Committee for an increase and the Housing Committee has formally stated its support.

Temporary Consents

Assuming that the States continue to support the Health and Social Services Committee and resource its development plans for these years, the Committee has indicated that it will require an additional 75 posts each year. It is estimated that approximately 50 of these will need to be filled by staff from the United Kingdom on temporary 'J' Category consents. It is not possible to state with certainty how many of these posts will require appointment from the United Kingdom because the position in respect of each post is not known until the posts are advertised and the extent of skills available locally are known. Preference is always given to residentially qualified applicants."

Appendix A

**HEALTH AND SOCIAL SERVICES COMMITTEE -
ANALYSIS OF STAFF FTE AND HEADCOUNT 1997 - 2002 INCLUSIVE**

		1996		1997 *1		1998		1999		2000	
For comparison agrees estab. for each year in ()		FTE (1828.40)	H/C	FTE (1925.88)	H/C	FTE (1914.34)	H/C	FTE (1914.34)	H/C	FTE (1910.35)	H/C
1	Civil servant	429.65	493	438.13	486	389.53	518	431.62	503	449.74	547
2	Manual worker	476.72	570	468.81	558	486.57	574	459.27	521	450.67	568
3	Nurses and midwives	794.68	880	783.49	896	818.22	942	816.34	891	797.09	901
4	Junior doctors/consultants	85.54	92	85.58	94	88.07	132	91.63	103	90.72	100
5	Child care officers/family support	-	-	60.26	70	62.41	72	66.30	71	60.26	69
TOTALS		1786.59	2035	1836.27	2104	1844.80	2238	1865.16	2089	1848.48	2185

*1 1977

Children's Service joined Health and Social Services in this year

* 2 2001

Establishment increased in this year for first time in 11 years

* 3 2002

Medical Staff Establishment reduced - Junior Doctors transferred to training posts

APPENDIX B

Analysis of the cost of Health and Social Services Staff 1995 - 2001							
Negotiat-ing Group	Year ending 31st December (£000)						
	1995	1996	1997	1998	1999	2000	2002
Civil servants (inc. professions allied to medicine etc.)	10,493	12,322	13,377	14,531	16,005	17,882	19,220
Manual workers	9,697	10,417	10,904	11,179	11,654	12,497	13,085
Medical and dental staff	5,041	5,596	5,735	6,063	6,503	7,288	8,477
Nurses and midwives	20,322	21,600	22,837	24,153	25,770	27,969	29,148
Child Care officers and Family support workers	-	1,870	1,754	1,888	1,956	2,199	2,355
Total Staff Costs	45,553	51,615	54,807	57,815	61,888	67,634	72,285

APPENDIX C

HEALTH AND SOCIAL SERVICES

PROCEDURE/GUIDELINES FOR EXTENSION OF CONTRACT/PERMANENT APPOINTMENT

Following agreement between the Health and Social Services Human Resources and Housing Committees the following policy has been introduced for review of the employment position of contract staff.

Initial contracts of employment can be offered for varying periods of up to five years depending upon the needs of the service. All contracts should include a statement that they will be reviewed 12 months prior to their expiry. Criteria for extension and/or permanent appointment have been agreed between the Committees and involved a formal process of application, scrutiny and approval, which should therefore commence a minimum of 15 months before the contract expiry date.

A. Extension of contracts

Background

The Housing Committee agreed in its Act of 12th November 1993, to consider requests by the Health and Social Services Committee for the extension of 'J' category housing consents from five years up to seven years for 'essential' staff in accordance with the criteria for 4xtensiuons described in Appendix 7/1 of the 1992 States Strategic Policy Report.

The process

In presenting cases for extension of contracts to the Housing Committee, as well covering the criteria set out in Appendix 7/1, the grounds for recommending such extensions MUST fall within at lease one of the following criteria -

(i) Training

Recommendation for extension should take into consideration whether a local person is currently being

trained to replace the contract appointment and that the period of training will be completed within the requested extension period.

(ii) Projects

The recommendation relates to a specific fixed term project which would be hindered by a change of staff and will be completed by the end of the requested extension period.

(iii) Logistics

It can be clearly demonstrated that it has proved considerably difficult or impossible to replace the contract employee, both locally and from outside the Island, but that the possibility of replacement may improve during the contract extension.

(iv) Turnover

The turnover of contract staff within a particular area would be detrimental to the continuity of quality of an important service, and phasing the replacement of contract staff over the requested extension period would contribute to maintaining the quality of the service.

B Permanent appointment

(i) Permanent 'J' Category

Background

In 1994, the Housing Committee agreed that within Health and Social Services an allocation of up to seven (increased to 12 in 1998) essential 'J' Category permanent posts may be appointed each year. Applications are prepared for consideration by the Director of Human Resources for recommendation to the Health and Social Services Committee once a year.

On 4th September 1996, the Health and Social Services Committee reconsidered its policy regarding applications for permanent appointment from its quota of 'J' Category posts and agreed that it would, *in exceptional circumstances*, consider applications from staff nurse grade or equivalent (Grade 8 + for paramedical staff).

The process

In presenting cases for permanent 'J' Category appointment the grounds for recommending permanency must be made under the following headings -

Substantial personal contribution to a service which is of significant benefit to the Island

Satisfactory performance

Inability to appoint local person

Detrimental effect of not continuing the employment.

In preparing cases for staff nurse grade or equivalent as well as the criteria listed above, managers will also be expected to demonstrate that it has not been possible to recruit a suitable experienced replacement and that it was difficult to attract or train local people.

Within the Department cases for permanency that fall within the extended provision for staff nurse or equivalent grade should be considered during the extension of contract from five to seven year period of employment. This will of course be subject to change should the Housing Department/Committee alter

their procedure/policy. Other more senior cases may be submitted at an earlier stage.

(ii) Permanent

- Background

In May 1996 the States approved a new Public Services Recruitment Policy which was adopted to Health and Social Services in September 1996, the effect of which was to allow for the possibility of non-residentially qualified people to be employed on a permanent basis. The States Human Resources Department to police the policy on its behalf. Within the Health and Social Services Department, the Director of Human Resources has delegated powers in this respect.

Eligibility

- (i) applicants must have been continuously resident in the Island for a minimum period of five years immediately prior to the application and
- (ii) have qualified in a profession or trade where it has been demonstrated to the satisfaction of the Human Resources Department that it is unlikely that sufficient local residents would be available to fill potential vacancies over a period of the following three years.

NOTE:

The arrangements do not extend to previous residents/employees who may have subsequently left the Island. In this respect you are reminded that after expiry of contract such staff will be expected to leave the island for a minimum period of two years before they can be re-employed on a contract basis.

Eligibility relies on continuous residence in the Island; there is no requirement that the individual should have been employed in the public sector for that time.

Conditions attached

The contract of permanent appointment will be issued on the strict understanding that the person who is appointed permanently will -

- (i) not be able to take up controlled accommodation in the Island i.e. 'J' Category housing;
- (ii) not be permitted to live in hospital owned or leased accommodation.

The process for all types of application

Applications for under this policy for both existing staff and potential recruits who meet the criteria shall be the responsibility of Line Managers who should seek approval of the service director.

For existing staff these should be prepared as early as practicable in the fourth year of the existing contract to enable as much notice of the ultimate decision (preferably 12 months) to be given to staff as possible.

All applications should be submitted to the Unit Human Resources Managers for processing, for onward transmission to the Director of Human Resource. In this respect, managers should noted that the Director is required on behalf of the Committee to scrutinise all applications to ensure that they comply with the established criteria and will, in the case of permanent appointments submit his recommendations for approval of the Health and Social Services Committee, in the case of contract extensions to the Housing Committee and in the case of permanent non-'J' applications approve these on behalf of the States Human Resources Department.

Sous l'Eglise, St Peter - question and answer (Tape No. 741)

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

“Will the President -

- (a) confirm that Sous l'Eglise, St Peter, a property identified by the Civil Aviation Authority and the Harbours and Airport Committee as being a safety hazard which should be demolished, has recently been refurbished and re-occupied?
- (b) indicate whether a health risk assessment has been carried out by Environmental Health Department before that decision was taken, and what the findings, if any, were?”

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

- (a) Sous l'Eglise and its adjoining field 768 are part of the property portfolio bequest to the States by the late Harold Le Seilleur in accordance with his Will registered on 27th November 1996. At their meeting of 3rd June 1997, the States Assembly approved a report and proposition that the properties be formally administered by the Health and Social Services Committee.

The property, consisting of three units of accommodation, was occupied at the time by three families with leases terminating on 24th December 2001.

The Harbours and Airport Committee in its Act No. 5 of 26th February 1997 advised that the property infringed the Aeronautical Surface (one in seven slope) and that the Civil Aviation Authority (CAA) Report recommended it should be demolished in the future when the house became available. They request that Sous l'Eglise be transferred to the Harbours and Airport Committee in consideration of reasonable refund to the H.E. Le Seilleur Fund.

Agreement was reached between the Harbours and Airport Committee, Health and Social Services and Planning and Environment Committees in March 2001 that the property be transferred in consideration of £500,000 and that this sum had been set aside in the Planning and Environment Committee's Vote of Credit C0904 'Acquisition of Land - Major Reserve'. A report and proposition was prepared for the States and approved by each of the above Committees. However, when sent to the Finance and Economics Committee for approval and lodging with the States, it was decided by that Committee not to approve the funding previously set aside for some years in the 'Acquisition of Land - Major Reserve' budget and instead ask the Harbours and Airport Committee to fund the acquisition.

During the period October 2000 to June 2002 the property has been vacant awaiting the decision of the Finance and Economics Committee to transfer the property with a loss of income to the H.E. Le Seilleur Fund of over £31,000 in lost rental.

In March 2002 the Health and Social Services Committee agreed that the property be refurbished and used again for accommodation.

In May 2002 the Health and Social Services Committee approved a plan to use the property for a short-term only for beachguards on condition that the Tourism Committee funded and carried out minimum essential maintenance work to make the property habitable.

The decision to fund the transfer of the property is still awaited and further consideration to the use of the accommodation will be made in September when the beachguards will be leaving.

- (b) The Environmental Health Department would not require a health risk assessment to be carried out unless there is either a change of use or the property were to be re-occupied on a long-term basis in which case noise would be the chief concern. The demolition of the property is recommended by the

Civil Aviation Report 'at some time in the future' and that is still the plan but only when the funding of the transfer has been resolved.

In the meantime, as there is no change of use of the property, the Environmental Health Department's view is that it would be desirable that usage is restricted to the short term, such as that provided by seasonal usage."

Bellozanne works - questions and answers (Tape No. 741)

Senator Stuart Syvret asked the Deputy of St. Peter, President of the Public Services Committee, the following questions -

- “1. Would the President provide members with a detailed description of the Bellozanne incinerator ash handling and storage processes and methodology used from production to disposal?
2. What steps, if any, does the Committee propose to take to ensure that a statutory nuisance does not occur to the occupants of property in the vicinity of the Bellozanne Works?”

The President of the Public Services Committee replied as follows -

- “1. In answer to the Senator's question, the Energy from Waste (EfW) Plant at Bellozanne currently produces three types of ash.
 1. Bottom ash, from the incinerator grates.
 2. Fly ash, from the gas stream and precipitators.
 3. Combined bottom and fly ash. (this is the type of ash that has been produced since the plant was built).

The best way of explaining the different types of ash is to consider the analogy of a bonfire. In the bonfire, the ash and char that is left on the ground is comparable to the bottom ash. The light ash that floats up into the air is comparable to the fly ash.

The bottom ash is produced on the grate of the EfW incinerator. It is dropped into a water quench bath and mechanically loaded into a trailer in a damp condition. The ash is then stored at the Bellozanne site for a short period of time, in a bunded and drained area. During the working day, the ash is then loaded into a covered vehicle and transported to the La Collette Reclamation site, where it is tipped into a lined pit. When the pit is full, it is covered with an impermeable liner and then mounded over. The combined fly and bottom ash is also treated in this manner.

The fly ash is mechanically removed from the electrostatic precipitators and the boiler hoppers and is then mechanically conveyed to a sealed storage silo, which is emptied periodically. During this process, the fly ash is mixed with water to form a cake-like material and loaded into a covered vehicle. This is to ensure that there is no wind blown contamination. The damp fly ash is transported by covered vehicle to the La Collette Reclamation site and tipped into a lined pit. Once filled, the pit is covered, as previously described.

There is a current project to separate the bottom ash and fly ash, and this is partially complete. At present, two of the three streams have equipment installed to separate the fly ash from the bottom ash. When this project is complete, the bottom ash will receive further processing and the metal content of the ash will be removed by the metal separation plant. The metal fraction will be recovered and will be sold to the scrap metal industry. There will be approximately 15,000 tonnes per year of de-metalled bottom ash to dispose of.

A further comprehensive sampling and testing programme of the bottom ash is being carried out, by an accredited laboratory. This is to assess the levels of heavy metals and other components of the bottom ash, such as dioxins. If the tests reveal that the bottom ash produced falls within recommended guidelines, it will be considered suitable for re-use as a secondary aggregate.

There will be approximately 2,000 tonnes of fly ash produced annually, and research is continuing to ascertain whether a better method can be identified for treating the fly ash.

Since it is known that the fly ash produced at the Plant contains heavy metals, personnel at the Energy from Waste Plant and elsewhere on the Bellozanne site have been having regular blood tests for many years, in order to identify any staff at risk. The levels shown by these tests have been consistent over the years, and at no time has a change of levels been experienced.

Until the existing Energy from Waste Plant has been replaced, this will be the output from the Plant.

2. The Public Services Committee has always in mind the properties that are in the vicinity of the Bellozanne Works. The Committee endeavours to ensure that the operations carried out there, which are so essential to all Island residents, are carried out with the least effect on nearby properties and residents as is practical to achieve.

The Department works closely with the Department of Health and Social Services and the Health and Safety Executive for all matters concerning the existing works. A full Environmental Impact Assessment will be carried out for any new works on the site. However, it will be only with the introduction of a new Energy from Waste plant that emissions will be reduced.”

Real growth figures for health - question and answer (Tape No. 741)

Deputy Philip Francis Cyril Ozouf of St. Helier asked Senator Stuart Syvret, President of the Health and Social Services Committee, the following question -

“On 11th June 2002, in reply to the question on comparable health funding, the President quoted the United Kingdom’s real growth figure for 2002-2003 was 7.4 per cent. Would the President give the comparable figure for Jersey on a like for like basis?”

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

“The statement made in answer to the question on 11th June referred to the United Kingdom government’s 2002 Economic and Fiscal Strategy Report, which projects an increase in United Kingdom National Health Service spending after inflation of 7.4 per cent over the five years to 2007/08 -

‘UK NHS spending should grow by **7.4 per cent a year after inflation** over the five years to 2007-08.’

The UK Government calculates ‘real growth’ (i.e. growth after allowing for inflation) by applying a GDP deflator to actual expenditure. The GDP deflator is a measure of the movement in prices of UK inputs into the economy (especially wages). Jersey does not produce a GDP deflator figure.

It is, however, possible to use the same methodology as the UK, using a substitute GDP deflator based on the pay award inflation that the Treasury have assumed when calculating 2003 spend and cash limits. This results in projected growth in funding of Jersey Health and Social Services in 2003, after inflation, of 3.53 per cent (using the same method of calculation as the UK but an estimated GDP deflator based on assumptions made by the Treasury).

The following tables show how these figures have been calculated.

Table 1 shows the composition of the 2002 and 2003 cash limits. The transfer of services between

Committees and the planned restructuring of Nurses pay have been clearly separated, as they have no effect on growth.

Table 2 shows the cash limits and the application of the substitute GDP deflator.

Table 1: Movement in Health and Social Services Cash Limit 2002 - 2003		
	£000	£000
2002 Cash Limit		
2002 Budget		
Estimated 2002 pay award ^[1]	103,239	
	1,169	
Estimated 2002 Budget		104,408
Ordinary Cash Limit Additions in 2003		
	(2,257)	
2% savings programme	7,026	
Funds proposed as a result of decision conferencing	5,396	
Pay award settlements in 2003 ^[2]		
		10,165
Total		
Projected 2003 Cash Limit before extraordinary adjust- ments		114,573
Extraordinary Cash Limit Adjust-ments in 2003		
Committee transfers	(145)	
Estimated cost of Review of Nursing Pay ^[3]	2,500	
Total		2,355
Estimated 2003 Cash Limit after all Adjustments		116,928

Table 2: Calculation of 'Real Growth' Using a Substitute GDP Deflator		
	£ 000	At 2002 prices ^[4] £ 000

Estimated 2002 Budget	104,408	104,408
Projected 2003 Cash Limit (before extra-ordinary adjustments)	114,573	108,088
		3,680
Increase in cash limit		
Growth after inflation		3.53%

British-Irish Council summit - statement

The President of the Policy and Resources Committee, made a statement in the following terms -

“I should like to make a statement about the British-Irish Council Summit meeting held in Jersey on 14th June 2002.

Let me start by reminding the Assembly that the British-Irish Council is Strand 3 of the 1998 ‘Good Friday’ agreement on a lasting political settlement for Northern Ireland. Its purpose is to promote the harmonious and mutually beneficial development of the totality of relationships among peoples of the British Islands, through exchanges of information, discussion and co-operation on matters of mutual interest. Strand 1 of the Agreement was the power sharing arrangements in Northern Ireland itself, and Strand 2 was the North-South Ministerial Council to foster relationships between the Province and the Republic. I repeat this background in order to underline the significance of the British-Irish Council in a wider context of which we, in this tranquil Island, fortunately have little experience. I am proud that Jersey is able to play its part in this process, which is of such importance to the people of Northern Ireland, and I invite those few members of this House who have publicly been somewhat dismissive of Jersey’s hosting of last week’s Summit to reflect on that point.

This was the third BIC Summit. Importantly, it was the first to be held outside London or Dublin. I regard that as a great honour for the Island. It was equally an honour for me personally to chair the Summit. It was also tremendously important for the Island. One member of the Prime Minister’s staff remarked in conversation that, frankly, until then Jersey had been off the radar in London, so to speak. No longer - those at the very top now know about us somewhat better than before, and they will have seen for themselves that we are well able to punch above our weight. In other words, Jersey is on the radar. As we seek strategically to widen and deepen Jersey’s international personality, that fact is of the first importance, and it is why I, and my Committee, were so keen to take on the task of hosting the Summit.

There has on this occasion been very substantial local publicity about the Summit and all that went with it. I will not repeat that, but I have arranged for copies of the Summit communiqué to be distributed with this statement so that members can see for themselves the main matters discussed. The chief focus was the knowledge economy, the subject on which Jersey undertook in 1999 to take the lead within the BIC. We were able to report on the excellent conference we held in Jersey in April on ‘bridging the digital divide’ and we proposed a variety of next steps related to this. These were agreed and can be noted in the communiqué. I would draw particular attention to this reference to digital terrestrial television, which was added to the communiqué at Jersey’s request. This is a matter of some importance to the Island, looking forward, and the BIC is probably an excellent forum in which the difficult policy issues it raises can be addressed. This will need to be progressed by the Industries Committee’s new Telecommunications and Media Technologies Board.

The other important outcome of Jersey’s work on the knowledge economy was my launching, in the presence of the other heads of delegation, of the public BIC website. I foreshadowed this in my last statement for the Assembly on the BIC, after last November’s Dublin Summit. The new website is an essential building block to enable the Council to run efficiently and effectively. Developing it has been a surprisingly complex task

and much credit is due to staff of the Computer Services Department who, working with the BIC Secretariat, have taken the technical lead. The next step is a private, secure website to improve everyday communication at official and political level. This was agreed in principle at the Summit.

The Summit apart, as the press has reported I was able to have a private discussion with the Prime Minister. I am not going to reveal what was said at the meeting but if there was speculation that it included the subject of the EU tax package I would not seek to quell it. The key point is that, as the Prime Minister himself said in interviews, the British-Irish Council has created for us the opportunity of top level communication. Given where we are on some of these difficult international initiatives, one cannot put a price on that and indeed it is what was very much in my mind when in 1999 I was first able to see the BIC at work and seek a significant role in it for Jersey.

Last but not least, I wish to thank publicly all those public servants in Jersey who, between them, made our successful hosting of the Summit possible. A very great deal of work went into it and I was gratified by the willingness of staff to grasp unfamiliar issues with deft professionalism. It is not every day that officers of the Policy and Resources Department have to grapple with the split second timings of 'doors open' on the Prime Minister's jet! I wish to thank in particular the States of Jersey Police, under the leadership of Deputy Chief Officer Jones as Gold Commander, for their part in the proceedings. I thank also the staff of Jersey Tourism, and especially Mr. Mike Tait who masterminded the media side of the event, which involved looking after more than 100 journalists. Special thanks are due to the Royal Jersey Agricultural and Horticultural Society for making their splendid premises available, indeed for allowing them to be taken over for the day. Above all, I want to thank, on behalf of the States, the team at Policy and Resources and Computer Services who, behind the scenes, put a huge amount of effort into planning the event and making sure it all went like clockwork on the day. Within this group I must single out for especial thanks, Mr. Tony Merren, who was the project manager, and Mrs. Sue Horne. It is very fashionable these days in some quarters to criticise the Civil Service but I can say only that this whole team performed, under intense pressure, with great skill and dedication. Jersey is fortunate to have such good people in its public service.

In conclusion, I regard the holding of the Summit in Jersey as an outstanding success which has far exceeded any expectation that I had in 1999 when I made the invitation and which will stand Jersey in good stead for many years to come."

Draft Referendum (Jersey) Law 200- P.40/2002

THE STATES commenced consideration of the preamble to the draft Referendum (Jersey) Law 200-. After discussion the Deputy of Grouville sought leave to propose that the draft Law be referred back to the Committee. The Deputy Bailiff ruled that, in accordance with Standing Order No. 26(1), the effect of such a proposition would be to negative the question and it was disallowed.

THE STATES resumed consideration of the draft Law and adopted the preamble.

Members present voted as follows -

"Pour" (37)

Senators

Horsfall, Le Maistre, Bailhache, Syvret, Kinnard, Le Sueur, Le Claire.

Connétables

Grouville, St. Martin, Trinity, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Huet(H), St. John, Le Main(H), Vibert(B)

Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Farnham(S), Le Hérissier(S), Ozou (H), Fox(H), Bridge(H), Martin(H), Southern(H).

“Contre” (2)

Connétable

St. Clement.

Deputies

Grouville.

Articles 1 to 5 were adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Draft Referendum (Jersey) Law 200-

New North Quay, St. Helier: erection of fencing - P.88.2002

THE STATES, adopting a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement, requested the Harbours and Airport Committee to reconsider its decision to restrict access to parts of the New North Quay, St. Helier, through the erection of fencing, and requested the Committee to replace the fencing, if necessary, with fencing in a location that met the needs of all port users including pleasure boat owners.

Members present voted as follows -

“Pour” (26)

Senators

Syvret, Le Sueur, Le Claire.

Connétables

Grouville, Trinity, St. Saviour, St. Lawrence, St. Mary, St. John, St. Peter.

Deputies

H. Baudains(C), Trinity, Duhamel(S), Routier(H), St. Martin, St. John, Le Main(H), St. Ouer
G. Baudains(C), Dorey(H), Troy(B), Le Hérissier(S), Fox(H), Bridge(H), Martin(H), Southern(H).

“Contre” (12)

Senators

Quérée, Bailhache, Kinnard, Lakeman.

Connétables

St. Martin, St. Brelade, St. Clement.

Deputies

St. Mary, Huet(H), Vibert(B), Dubras(L), Farnham(S).

Draft Social Security (Amendment No. 15) (Jersey) Law 200- P.90/2002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the

Draft Social Security (Amendment No. 15) (Jersey) Law 200-

Field 574 and part of Field 573, Les Falaises de Fiquet, Beauport, St. Brelade: exchange of land - P.92/2002

THE STATES, adopting a proposition of the Planning and Environment Committee -

- (a) agreed the exchange of ownership of property as follows -
 - (i) the purchase from Cinq Pierres Limited of approximately 35 vergées of land known as Field 574 (Les Cotils du Mont Fiquet, La Lande à Géon, St. Brelade (as shown hatched on Drawing No. 1435/01/28) for a consideration of £125,000;
 - (ii) the cession free of charge to Cinq Pierres Limited of approximately one vergée of land forming the southern part of Field 573, St. Brelade (as shown cross hatched on Drawing No. 1435/01/28),
with the public being responsible for all legal and survey fees, for the purpose of maintaining the land as open space with public footpath links for the benefit of the public of the Island;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (c) authorised the Treasurer of the States to pay/receive any expenses incurred in connexion with the exchange of the said land, and of any interest therein, from the Planning and Environment Committee's vote of credit "Acquisition of Land - Major Reserve (C0904)";
- (d) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public.

Draft Island Planning (Amendment No. 8) (Jersey) Law 200- P.94/2002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Draft Island Planning (Amendment No. 8) (Jersey) Law 200-

Members present voted as follows -

"Pour" (34)

Senators

Le Maistre, Quérée, Bailhache, Syvret, Kinnard, Le Sueur, Lakeman.

Connétables

Grouville, Trinity, St. Saviour, St. Lawrence, St. Mary, St. Peter, St. Clement.

Deputies

H. Baudains(C), Trinity, Duhamel(S), Routier(H), Layzell(B), Grouville, Huet(H), St. Martin, St. John Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Le Hérissier(S), Ozouf(H) Bridge(H), Martin(H), Southern(H).

Deputy Peter Nicholas Troy of St. Brelade declared an interest and withdrew from the Chamber prior to consideration of the draft Law.

THE STATES rose at 4.59 p.m.

C.M. NEWCOMBE

Greffier of the States.

[1] Estimated by Treasury.

[2] Estimated by Treasury.

[3] Estimated by Human Resources Department.

[4] Based on Treasury estimates of inflation.