

**THE STATES assembled on Tuesday,
7th October 2003 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

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

All members were present with the exception of –

Senator Jean Amy Le Maistre– out of the Island
Senator Christopher Gerard Pellow Lakeman – out of the Island
John Baudains Germain, Connétable of St. Martin– out of the Island
Philip Francis Ozouf, Connétable of St. Saviour– ill
Kenneth Alan Le Brun, Connétable of St. Mary– out of the Island
Jacqueline Jeannette Huet, Deputy of St. Helier– out of the Island
Frederick John Hill, Deputy of St. Martin– out of the Island
Roy George Le Hérissier, Deputy of St. Saviour– out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Civil Service Administration (General) (Jersey) Rules 1949 (Amendment No. 15) (Jersey) Order 2003.	R&O 95/2003.
Road and Sand Racing (Motor Vehicle Rally) (Jersey) Order 2003.	R&O 96/2003.
Road and Sand Racing (Jersey) Order 2003.	R&O 97/2003.
Medicines (Sale and Supply) (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Order 2003.	R&O 98/2003.
Maincrop Potato Marketing (Registration of Producers and Polls) (Revocation) (Jersey) Order 2003.	R&O 99/2003.
Social Security (Earnings Limit) (Jersey) Order 2003.	R&O 100/2003.

Matters presented

The following matters were presented to the States –

States of Jersey Law 1966, as amended: delegation of functions – airport. <i>Harbours and Airport Committee.</i>	R.C.43/2003.
Manpower report for the period 1st January 2003 to 30th June 2003.	R.C.44/2003.

Economic Development Committee.

Shadow Scrutiny: proposed arrangements. <i>Privileges and Procedures Committee.</i>	R.C.45/2003.
Migration Policy (P.102/2003): comments. <i>Employment and Social Security Committee.</i>	P.102/2003. Com.(2)
Migration Policy (P.102/2003): comments. <i>Economic Development Committee.</i>	P.102/2003. Com.(3)
Jersey Community Relations Trust (P.120/2003): comments. <i>Finance and Economics Committee.</i>	P.120/2003. Com.
Draft Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 200- (P.124/2003): comments. <i>Finance and Economics Committee.</i>	P.124/2003. Com.

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 1st October 2003, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Harbours and Airport Committee, the lease to D.K. Collins Marine Limited of Office (Letting No. S8), South Pier, St. Helier Harbour for a period of 3 years from 1st July 2003, at an annual rent of £8,890.21 (representing a rate of £5.89 a square foot), to be reviewed annually in line with the Jersey Retail Price Index;
- (b) as recommended by the Harbours and Airport Committee, the lease to Mr. Mark Symons of an Alcove (Letting No. STC1) at St. Catherine's Breakwater, St. Martin, for use as a fishing tackle shop and storage, for a period of 3 years from 1st August 2003, at an annual rent of £183.89, payable on 31st July each year, to be reviewed annually in line with the Jersey Retail Price Index;
- (c) as recommended by the Harbours and Airport Committee, the lease to Mr. Mark Symons of an Alcove (Letting No. STC2) at St. Catherine's Breakwater, St. Martin, for use as a fishing tackle shop and storage, for a period of 3 years from 2nd June 2003, at an annual rent of £473.19, payable on 1st June each year, to be reviewed annually in line with the Jersey Retail Price Index; and,
- (d) as recommended by the Environment and Public Services Committee, the purchase from the Jersey New Waterworks Company Limited of an area of land (measuring 3,014 square feet) forming the south westerly extremity of Field No. 2007, St. Ouen, required for the construction of a foul sewer pumping station, for a total consideration of £3,500 for the freehold interest in the land, inclusive of a one-off payment of £484 for the use of a temporary working area of 7,000 square feet during the construction period, on the basis that the Committee would be responsible for both parties' reasonable legal costs arising from the transaction.

Matters lodged

The following matters were lodged "au Greffe" –

Draft The Lloyds TSB (Jersey) Law 1997 (Appointed Day) (No. 3) (Jersey) Act	P.136/2003.
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200-.

Presented by the Finance and Economics Committee.

Social Security Fund: a new method of funding.

P.137/2003.

Presented by Deputy G.P. Southern of St. Helier, and referred to the Finance and Economics and Employment and Social Security Committees.

Le Rocquier School, St. Clement: redevelopment Phase 2- construction of new school – approval of drawings.

P.138/2003.

Presented by the Education, Sport and Culture Committee.

Jersey Legal Information Board: introduction of ‘user pays’ charges.

P.139/2003.

Presented by the Finance and Economics Committee.

The following matter was lodged on 30th September 2003 –

Bas du Mont Flats, Pier Road, St. Helier: sale to the Christians Together in Jersey (CTJ) Housing Trust.

P.135/2003.
(re-issue).

Presented by the Housing Committee.

Arrangement of public business for the present meeting

THE STATES granted leave to the President of the Policy and Resources Committee to defer consideration of the proposition regarding the Jersey Community Relations Trust, (P.120/2003 lodged “au Greffe” on 12th August 2003), from the present meeting to a later date.

Arrangement of public business for the next meeting on 21st October 2003 –

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 21st October 2003 –

School milk: provision for the years 2003, 2004 and 2005.

P.7/2003.

Lodged: 28th January 2003.

Deputy G.P. Southern of St. Helier.

School milk: provision for the years 2003, 2004 and 2005 (P.7/2003) – comments.

P.7/2003.

Presented: 18th February 2003.

Com.

Economic Development Committee.

School milk: provision for the years 2003, 2004 and 2005 (P.7/2003) – comments.

P.7/2003.

Presented 25th February 2003.

Com.(2)

Finance and Economics Committee.

(re-issue).

Succession Rights for children born out of wedlock.

P.121/2003.

Lodged: 12th August 2003.

Legislation Committee.

Draft Protection of Children (Amendment No. 3) (Jersey) Law 200.

P.133/2003.

Lodged: 16th September 2003.

Legislation Committee.

Draft Transfer of Functions (Environment and Public Services Committee) (No. 2) (Jersey) Act 200-.

P.134/2003.

Lodged: 23rd September 2003.

Environment and Public Services Committee.

Bas du Mont Flats, Pier Road, St. Helier: sale to the Christians Together in Jersey (CTJ) Housing Trust. P.135/2003.
(re-issue)
Lodged: 30th September 2003.
Housing Committee.

Draft The Lloyds TSB (Jersey) Law 1997 (Appointed Day) (No. 3) (Jersey) Act 200-. P.136/2003.
Lodged: 7th October 2003.
Finance and Economics Committee.

Le Rocquier School, St. Clement: redevelopment Phase 2- construction of new school – approval of drawings. P.138/2003.
Lodged: 7th October 2003.
Education, Sport and Culture Committee.

Trial Residents' Parking Scheme in St. Helier– question and answer (Tape No. 859)

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

“Would the President inform members of the Committee’s plans in relation to the trial Residents’ Parking Scheme in St. Helier, and, in particular, state–

- (a) how successful the trial scheme has been?
- (b) whether similar schemes are to be introduced in other urban areas of the Island? and,
- (c) whether the Committee intends to keep the price of any permanent scheme to a similar level to that of the trial scheme?”

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

- “(a) The trial scheme provides privileged parking for 172 residents in the Stopford Road area of St. Helier. Since its inception on 4th November 2002, and a small increase in the number of paycard parking spaces on 13th December 2002, to provide for visitors to the area, there have been relatively few comments. The most frequent criticisms from residents have centred around the inadequate level of policing of the parking restrictions at nights and on Sundays. Policing during other times is carried out by the Department’s Parking Control Officers, who patrol the streets frequently. All residents of the area were invited to a meeting in June, this year, to gauge the degree of success and popularity of the trial. Approximately 60 residents attended the meeting, 26 of whom returned a form recording their views on the scheme. These comments together with others who wrote into the Department generally supported continuation of the scheme. However, of the 850 invitations distributed to residents and businesses in the area, only 3.5 percent chose to comment. Statistically, this is insufficient to judge the success of the scheme. Nonetheless, the Committee has decided to proceed to the next phase whereby the trial scheme will be made permanent.
- (b) The Committee is keen to consider the expansion of the scheme to other urban areas. However, the design and implementation of each new scheme will require a full evaluation on an area by area basis, requiring the allocation of funds and significant staff resources, which the Committee does not have available at this time unless an alternative funding route for new schemes can be identified. Similarly, additional resources will be required to carry out enforcement on any further schemes.
- (c) The former Public Services Committee agreed to introduce the trial scheme with a subsidy on the true

cost of a parking permit, in order to gauge the level of interest in the new parking arrangements. This fact was made known in the lead up to introducing the trial. The Committee does not possess the financial resources to continue to subsidise the parking scheme indefinitely. It is essential that the scheme becomes self-financing, to cover initial costs, running costs plus the impact on parking income. The cost to the resident of a parking permit will therefore rise on 5th November 2003. However, because the Committee is prepared to continue to partially subsidise the permit fee for a further 6 months, the true cost will not be charged until May 2004. Permit holders have been informed with individual letters of the revised permit cost. The Committee has agreed that if a significant numbers of residents or businesses find the real cost of operating a residents' parking scheme in Jersey to be unacceptable and they wish the scheme be abandoned, the Committee will re-consider its decision to continue with the scheme."

Access to the States Building and Morier House – question and answer (Tape No. 859)

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

“Would the President inform members –

- (a) whether access cards will be issued to States members in respect of Morier House and the States Building, and, if so, when?
- (b) whether the delay in issuing cards to States members in respect of these premises arises from the issue of trust?
- (c) whether the Environment and Public Services Committee intends to hand over the management of these premises to the Privileges and Procedures Committee, and, if so, when?”

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

“(a) Morier House is under the administration of the Environment and Public Services Committee through the Department of Property Services. The Facilities Management Services, which include cleaning and maintenance as well as security arrangements for the building, are contracted to the Public Services Department. Currently only staff working within the building and a small number of States Members who require regular access to the building on a daily basis are issued with key cards to operate the electronic door system.

To maintain the strict security that is required by the Crown Officers and other legal department staff working within the building, the issue of key cards is kept to the absolute minimum to prevent, as far as possible, any unauthorised entry or misuse. States Members who require access for meetings have only to report to the security desk on entry so that a record is kept of who is in the building at any particular time should a fire or other situation arise which requires emergency evacuation. There are currently no plans to issue these cards to each and every States Member who requires only infrequent access to Morier House.

The existing security arrangements at Morier House have been the subject of continual monitoring and gradual improvement by Property Services in consultation with the Heads of each Department and the building's User Group since the building was first brought into use. The experience gained at Morier House by Property Services and Public Services has been successful and useful and will eventually lead to a greater degree of improved and appropriate security in all States buildings.

The newly refurbished Royal Court and States Building is managed by the Public Services Department which, in consultation with the 3 principal users and Property Services, will shortly be reviewing the security arrangements for the building and reporting back to the Committee with its recommendations before the end of the year.

- (b) The trustworthiness of States Members is not in doubt. Key cards have been issued to the small number of States Members who actually requested and demonstrated the need for them to gain regular access to their Departments within Morier House. Arrangements for States Members with regard to the States Building will be finalised with the Privileges and Procedures Committee.
- (c) Morier House is effectively managed by the Department of Property Services using standard facilities management practice. If planned changes are implemented to include public access committee rooms, scrutiny and States Members facilities at ground floor level in the future, then the Privileges and Procedures Committee as a tenant will be responsible for how those particular facilities are used, together with separate arrangements for access to those facilities. It is important that the States Building and Morier House and the efficient departmental use of those offices remains within the proposed integrated property management function. There are no plans to place that function with the Privileges and Procedures Committee.”

Resource Plan 2004-2008 – question and answer (Tape No. 859)

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

“With reference to the recently agreed Resource Plan, (P.118/2003), would the President inform members –

- (a) whether the Committee was aware that the forecast deficit figure of £22 million by 2008, as quoted in the Resource Plan, was not cumulative; and, whether the President would agree that the forecast therefore understated the actual figure by £14 million, and, if the answer is in the affirmative, explain why this information was not revealed?
- (b) whether the Committee was aware that its Resource Plan proposition would require savings of approximately 600 staff over the 4-year period 2005 to 2008, and, if the answer is in the affirmative, will he explain why this information was not revealed?
- (c) of the precise methodology and assumptions which underpin the forecast of a 2% increase in revenue per annum during the Resource Plan period, and what sensitivity analysis, if any, was conducted in respect of this methodology and the assumptions made, what external professional advice was commissioned, if any, to qualify these, and whether he is prepared to state what the cumulative deficit of £36 million projected for 2008 would become if tax receipts were to grow not by 2% per annum as forecast but in the range of -3% to +3% per annum over the Resource Plan period, assuming that spending remained unchanged at 3% per annum growth?”

The President of the Policy and Resources Committee invited Senator Terence Augustine Le Sueur, Vice President of the Policy and Resources Committee to reply, and he replied as follows –

- “(a) The Committee was fully aware that the forecast deficit figure of £22 million by 2008 was no cumulative.

The form of presentation does not differ from previous years’ financial forecasts and is the universally accepted means to present both actual and budgeted performance.

The total deficit over the period 2004-2008, were no measures to deal with the situation introduced, would be £71 million; however, the in-year deficit for 2008 would be £22 million, although it has always been intended that early measures would be taken to avoid this deficit occurring.

- (b) The Policy and Resources Committee did not explicitly discuss a manpower saving of up to 600 jobs in initially considering the 2004 –2008 Resource Plan, concentrating instead upon the financial difficulties in which the committee and all of us find ourselves.

The Committee did, however, consider whether the savings required by the targets set in the Resource Plan were realistic and further to extensive consultation not only with Committee Presidents but also including States Members, both the Finance and Economics and the Policy and Resources Committees agreed that the proposals of the Resource Plan were achievable.

Up to 600 staff savings over the period to 2008 is not an unrealistic target provided there is a political will, and indeed is implicit given that 60% of our expenditure is staff-related.

I must add of course that the estimate of up to 600 posts is just that at this stage, an estimate, and until the Fundamental Spending Review process is further progressed, the eventual figure will not be known.

- (c) Income tax forecasts are received by the Finance and Economics Committee twice annually. The first occasion is for the purposes of producing the Resource Plan. These figures are then revised later in the year, when more up to date information is available, for the Budget. These forecasts are then published in the Resource Plan and Budget document respectively.

As I indicated in a similar question earlier this year, the Comptroller bases his estimates on the previous years' assessments, and these are broken down between the component areas of –

- sole traders,
- partnership,
- employees, and
- companies, including International Business Companies and Exempt Companies.

Estimates of the likely percentage increase are then factored in for each of the forecast years in respect of –

- trading profits,
- company profits,
- wages and salaries,
- investment income, and
- property rentals.

The tax yield for each sector is then calculated by taking the effective rate of tax for that sector for the previous year of assessment and applying this to the new sector charge.

Based on past rates of tax collection, an estimate is made of the likely collection of tax in each sector, year by year, and similarly for collection of tax arrears and estimates of tax repayments. Finally, an estimate of the level of early assessments, which produce an early receipt of tax revenues, is made in respect of individuals who leave the Island during the year.

The Comptroller will also factor into his calculations any effect on tax revenues arising from the relocation or change in profitability of any major institutions, or indeed any new factors of which he becomes aware.

The initial estimates, produced for the Resource Plan are improved later in the year by reference to the tax assessments for the current year, which have all been issued by the end of September. It is these updated figures which will be used in the Budget Report to be published in early November.

The procedure generally follows the way in which tax revenue forecasts are prepared in the U.K.

It should be noted that the 2004 Income Tax revenues will be based on income earned in 2003, and business profit earned in 2002. As a result, a reasonable indication of the levels of tax revenues likely for 2004 can be made prior to the budget being set, due to the time lag in the existing tax structure.

Because of the confidential nature of certain information, the forecasts are prepared primarily by the Comptroller of Income Tax. However, recognising the ever increasing importance of these forecasts, particularly given our current funding difficulties, the Finance and Economics Committee has commissioned the building of a more detailed tax forecasting model in order to further improve the process.

The Comptroller's estimates are indeed subject to a compounded annual +/-3% forecasting variance, within which recent forecasts have proven to be accurate.

However, given the uncertainty inherent in forecasting tax receipts far into the future, the range of variation is only applied as far forward as 2005, by which time the range covers an upper end of £437 million and a lower limit of £343 million resulting in a financial forecast of anything between a deficit of £57 million and a surplus of £37 million.

However, I should like to stress that these would be the very outer limits of our current forecast, and as the Committee revises forecasts twice yearly, much more robust figures within a narrower range would be available well in advance."

Proposed 2004 Budget – question and answer (Tape No. 859)

The Connétable of St. Helier asked Senator Terence Augustine Le Sueur, President of the Finance and Economic Committee, the following question –

“Would the President inform members which of the possible extra taxes outlined at the top of page 4 of the Policy and Resources Committee's 2004-2008 Resource Plan are likely to be brought forward in the 2004 Budget proposals of the Finance and Economics Committee to cover the forecast deficit of £7 million?”

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

“The tax measures referred to in the question, being –

- higher rates of income tax on households;
- adjustments to personal tax exemptions and allowances;
- the introduction of a new tax on spending; and,
- higher rates of social contributions,

are all measures which are being considered to address the medium to long-term funding issues, which I remind members are arising largely from the E.U. tax package and demographic pressures.

The Committee will be coming forward early next year with a more specific package of measures.

These changes will be vital to the future competitiveness of our financial services sector and thereby crucial to the future of Jersey's economy, prosperity and standard of living.

I can, however, confirm that none of these measures are intended to be employed to tackle the deficit of 2004.

Changes to current taxes will be announced in this year's Budget document and considered during the budget debate, in the usual and accepted way.”

Guernsey fishing licensing scheme – question and answer (Tape No. 859)

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

“As the Guernsey fishing licensing scheme came into effect as from 1st October 2003, would the President advise members –

- (a) of the number of Jersey fishermen who have informed the Sea Fisheries Department that they have been unsuccessful in obtaining a licence to fish in Guernsey waters? and,
- (b) what action, if any, the Committee is taking to resolve the situation to the satisfaction of all the unsuccessful fishermen, if any, and whether any meetings between the Islands’ authorities have been held in this respect since 9th September 2003?”

The President of the Economic Development Committee replied as follows –

“(a) The Department was advised by the Guernsey Sea Fisheries Committee following that Committee’s meeting on 10th September 2003, that of the 76 Jersey applications for a Guernsey licence only 8 licences were granted; 27 applicants were asked to provide further information and 41 had their applications rejected. It has not been obligatory for individual fishermen to inform the Sea Fisheries officers of their failure to obtain Guernsey licences; however, close contact has been maintained with the industry.

(b) On Monday 22nd September 2003, Senator Walker and I, accompanied by H.M. Attorney General and supporting staff met with Guernsey Deputies Laurence Morgan, Claire Le Pelley and Lyndon Trott at their officers in Guernsey. The outcome of the meeting was that the applications of Jersey Fishermen would be reviewed on 15th October 2003, and that they may continue fishing in the waters adjacent to Guernsey until 31st October. Each unsuccessful applicant would then have a further 28 days in which to lodge a formal appeal against that decision. Following the meeting, it is understood that all Jersey applicants received a letter from the President of the Guernsey Sea Fisheries Committee advising them of these arrangements.

Whilst the Jersey delegation was successful in obtaining a short term delay to the impact of the Guernsey licensing system on Jersey fishermen and in obtaining a more realistic appeals process, there is still real concern for the final outcome. However, in the meantime, the Jersey authorities are exploring how our licensing scheme may be changed to resolve the current problems.”

Policy for the temporary release of prisoners at H.M. Prison, La Moye – statement

Senator Wendy Kinnard, President of the Home Affairs Committee, made a statement in the following terms –

“Members will be aware that there have been instances recently of prisoners failing to observe the conditions of their temporary release under Rule 73 of the Prison Rules. In view of the public interest in these occurrences and the concern expressed by some States members, I should like to make a statement about the temporary release scheme and the conditions under which it operates. By so doing, I hope to be able to put into perspective the few occasions recently on which prisoners have broken the conditions of their release.

Members will recall that H.M. Prison La Moye had its first inspection by Her Majesty’s Chief Inspector of Prisons in 2001. The subsequent report made 147 recommendations, 114 of which have been implemented. Of those that have not, 14 are linked with the redevelopment of the prison estate (12 of which will be implemented during this and next year’s building programme); 7 are areas outside of the Prison Governor’s control such as the setting up of a Prison Ombudsman, transferring prisoners to court, the Island’s provision for mentally ill offenders, the introduction of parole and a sex offender register; and the remaining 12 have yet to be actioned mainly because of their resource implications. A number of recommendations referred to

the resettlement of prisoners. The Chief Inspector was concerned that, with only one Prison, La Moye had to fulfil all the responsibilities that in the U.K. would be divided among a range of establishments of graduated levels of security. In the U.K. a prisoner will invariably begin his or her custody on remand in a secure local prison and will usually spend a short time there after sentence before being allocated to an establishment which best fits his or her need for secure or open conditions. The Chief Inspector recommended that temporary release and outside work should be made available in Jersey for short sentenced prisoners, where previously only those serving in excess of 18 months were considered including women and young offenders. In the U.K., a prisoner will progress from closed secure conditions to less secure training establishments and eventually finish their sentence in an open or resettlement prison. We do not have such an infrastructure in Jersey and it is a requirement that La Moye performs all these functions.

In the U.K., the timing of these moves through to open conditions is governed by risk assessments carried out as a part of the sentence planning process. A system of risk assessment was already in place at La Moye at the time of the inspection. The inspection team were impressed with the risk assessment system at La Moye and took away examples of the documentation used as an example of best practice. They were concerned, however, that sentence planning was not co-ordinated with temporary release; consequently, the Prison Governor has been carrying out the necessary training and support for prison staff in order that sentence planning could be brought in earlier this year.

Quite clearly, temporary release for prisoners will not always be successful and the expected recall rate in U.K. prisons is between 2% and 5%. Anything better than this is considered to be a demonstration of success. The recognised method of measuring temporary release performance is by counting the number of days upon which prisoners were released. During 2002, there were 5,436 days of temporary release in Jersey with only 5 incidents involving failure to report or the committing of a further offence. This was a success rate of 99.9%. For 2003, up until the end of August there had been a total of 6,318 days of temporary release. Of these, similar breaches occurred on 10 days giving a success rate of 99.85%. The Prison Rules acknowledge that breaches may occur by giving the Committee the power to recall prisoners who transgress. The only guaranteed way of eliminating potential failures is not to let prisoners out at all. However, this would severely frustrate the resettlement aims of the prison and has the potential to create an unhealthy atmosphere in which prisoners would have nothing to work towards and hence no motivation to conform to the rules or regime available or to prepare for the time when they will need to fit back into society.

At this point, I should like to apprise members of the severe overcrowding problem with which the Committee and the prison authorities are having to grapple, although I hasten to add that overcrowding is not a criteria taken into account when considering eligibility for temporary release. The prison has an operational capacity of 149 inmates in a prison that was designed to house prisoners for a maximum period of 18 months. It was envisaged that prisoners sentenced to longer terms would be transferred to the United Kingdom. The prison population has been rising steadily for several years – due mainly to the substantial custodial sentences given in respect of drug trafficking offences – and reached a peak in August this year of 187. The present prison population stands at 177 but is set to exceed 200 by the end of the year. There are an additional 56 prisoners accommodated in U.K. prisons, 31 of whom the Island pays for at a cost in the region of £38,000 per prisoner per annum.

Members ought to be aware that Jersey's prison population is in the upper quartile of European prison populations. In terms of the rate per 100,000 population, our average prison population was 208 in 2001, 226 in 2002, and is expected to be 257 by the end of this year. This puts Jersey on a par with Eastern European states such as Armenia, Romania and the Czech Republic and significantly higher than Guernsey and the Isle of Man.

The prospect of overcrowding was one of the drivers for the Committee's prison redevelopment programme and the introduction of electronic monitoring. Funding was provided through the 2003 capital programme for the construction of a 37-cell accommodation block which is currently under construction and will be ready for occupation in mid-December. Further funding is available in 2004 for the construction of a replacement female wing and the prison also has a place in the 2006 capital programme. As a shorter term measure, in April the Committee brought in electronic monitoring, otherwise known as tagging, and there are currently 14 low-risk prisoners on this scheme. To date, tagging has been operating very successfully. The Finance and

Economics Committee has assisted the Home Affairs Committee in dealing with the more immediate problem by providing additional funding to allow further prisoners to be sent to U.K. prisons.

Temporary release can take the form of home leave or work experience and is normally restricted to sentenced prisoners. Before any prisoner is allowed temporary release for either home leave or work experience, they will have had a number of escorted home leaves with a prison officer. Information from these escorted home leaves is used to inform the decision making process. Occasionally remand prisoners have been granted escorted home leave if there have been strong compassionate reasons such as a family illness or death. The criteria for temporary release were reviewed by the Committee at its meeting on the 22nd May 2003. They are detailed and vary with the length of sentence being served; however, I am happy to provide any member with a copy of the criteria should they wish.

Understandably, recent breaches of the conditions of temporary release have attracted much media attention. As often happens in such cases, in the course of informing the public media reports have tended to sensationalise the facts. The most recent of these was the Jersey Evening Post article of the 2nd October 2003, which referred to "the deepening prison home leave crisis". Given the success rate for this year of 99.85% the manner in which individual breaches have been reported has tended to distort the overall picture. That is not to say that the Committee has been complacent in not taking such incidents seriously. After a prisoner on escorted home leave escaped from his escort on the 14th September 2003, the Committee suspended all home leave, other than for prisoners on the outside work scheme, until it could discuss the situation fully at its meeting on 26th September 2003. On the 26th September, the Committee had a day long meeting at which it discussed the temporary release scheme as its last item. The Committee decided to suspend all forms of home leave, other than escorted releases on compassionate grounds, pending a review of the eligibility criteria. Unfortunately, that evening a young offender who was already on home leave is alleged to have become involved in the assault on the Esplanade which resulted in the hospitalisation of another youth. However, no charges have been laid against this young offender at present. Because of that incident, the Home Affairs Committee held another meeting on Friday the 3rd October 2003, to discuss the situation further. As a result, the Committee has decided to commission an independent report which will look at the procedures and criteria for granting temporary release, the risk assessment process, and the circumstances surrounding recent breaches of temporary release licence. Upon receipt of this report, the Committee will review the eligibility criteria and take any other action that might be deemed appropriate. The Committee believes that it would be in the public interest for this report to be compiled by a person independent of the Home Affairs area. The Committee would like to be able to consider a report by the end of October so I am taking steps to identify an appropriate person for the task in the next few days. The report will be made available to the States once the Committee has considered it. During the reporting period, home leave will remain suspended. Outside working for those currently on the scheme will continue, although the Committee will be reviewing the list of participants.

In the longer term, the Committee is making determined efforts to look at the way we currently deal with prisoners in the Island and whether the present arrangements are in the best interests of the community at large and the prisoners themselves. We are doing this through the development of a criminal justice policy which has never before been laid down by a Committee of the States. In drawing up the new policy we will consult all the people with an interest including members of the public. We have yet to decide what form the public consultation will take but are taking steps to identify the most effective means of creating that engagement. Amongst other things, the policy will look at the various steps in the process from an offence being committed to an offender being dealt with, the interaction of criminal justice agencies during that process, the sentencing options available to the courts and the management of offenders sentenced to a period of custody.

In conclusion, I should like to stress that any breach of a temporary release licence is of serious concern to the Committee, and I believe that it has responded appropriately when these breaches have occurred. However, I would ask members to bear in mind the longer term value to both prisoners and the community of being able to operate a temporary release scheme. Taking into account the overall number of days spent on temporary release, the conditions of licence have been strictly observed by the vast majority of prisoners admitted to the scheme. It is creditable that this has been achieved against the backdrop of prison overcrowding and under-funding that I have described. I will report to the States again once the independent report the Committee has

commissioned has been received.”

Prisoners’ release policies at H.M. Prison, La Moye – questions and answers (Tape No. 859)

The Connétable of St. Helier asked Senator Wendy Kinnard, President of the Home Affairs Committee, the following questions –

- “1. Will the President explain the Committee’s policy in relation to the early release from custody of persons convicted of offences which cause harm to other members of our community and sentenced to imprisonment?
2. Would the President inform members at what stage of their sentence prisoners become eligible for the day work release scheme?”

The President of the Home Affairs Committee replied as follows –

- “1. Early release can take the form of outside work or home leave which can be either escorted or unescorted. Prisoners are currently eligible for consideration for the outside work scheme after having served half of the custody period. In the case of a sentence of 3 years this will be after 12 months (all prisoners are released after serving two-thirds of the sentence with one third being allowed for remission). Where there is a clearly identifiable victim, contact is made with the victim by the Probation and After-care Service to inform them that the prisoner’s application for early release is being considered. If prisoners who have offended are going to be successfully reintegrated into the community they need to have the opportunity to secure work and eventually accommodation prior to release. The outside work scheme has been doing this successfully since 1995. Following an incident when a prisoner escaped from his escort, both escorted and unescorted home leave in respect of adult prisoners was suspended on the 14th September 2003. The Committee discussed the matter again last Friday and decided that prisoners currently on the outside work scheme could continue but the Committee would review a list of those participating. No new applications would be approved for the time being. Home leave remains suspended.
2. Prisoners become eligible for consideration for the outside work scheme after serving a half of their custody period subject to a ceiling of 16 months. Prior to July 2002, when the scheme was reviewed this 16-month ceiling did not apply. The Committee will be reviewing the criteria prior to approving any further placements on the outside work scheme.

I shall be making a more detailed statement about temporary release and other matters concerning H.M. Prison, La Moye, following Questions.”

Communications links at the St. Helier Harbour– questions and answers (Tape No. 859)

The Deputy of St. John asked Senator Leonard Norman, President of the Harbours and Airport Committee, the following questions –

- “1. Over the summer considerable diving activity has taken place within the harbour to lay fibre optic cables. Would the President advise members –
 - (a) the cost of these works?
 - (b) how many tenders were received to do the work and from whom? and,
 - (c) the price of each tender?
2. Would the President advise members whether or not alternative methods of making the necessary

communications link on the sea bed across the Victoria and Albert Pier Heads were investigated, such as microwave links?

3. Would the President advise members whether all existing I.T. equipment using the fibre optic link will be compatible with other I.T. equipment across other States departments, once the installation is complete, and, if not, explain the reasons why?"

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

- “1.(a) The work carried out by divers during the summer forms part of a project to provide a secure communications ring around St. Helier Harbour. Once the network is completed, savings in excess of £80,000 per annum are anticipated. The cost of the diving is one part of a larger scheme and it would take considerable administration time to extract these costs from the past time sheets as all the work between the pier heads was undertaken by harbour staff; a rough estimate could be made, but could not be substantiated for accuracy.
 - (b) No tenders were received for this work, as Jersey Harbours have the only Health and Safety Executive qualified dive team on the Island. To bring in a dive team from the U.K. was considered unnecessary and expensive.
 - (c) Not applicable given the answer to (b).
2. Yes. Alternative methods were considered and successful tests were carried out in 2002 using microwave links between Maritime House and Port Control; indeed Jersey Harbours already use microwave and radio links for transmission of data and will continue to do so, but the fibre optic link was considered to be the most resilient, satisfactory and secure.
 3. Yes, all our systems run off the same I.T. platforms.”

Disbandment of the Telecommunications Board – question and answer (Tape No. 859)

The Deputy of St. John asked Senator Paul Francis Routier, President of the Telecommunications Board, the following question –

“Would the President advise members when the Telecommunications Board will be disbanded with all functions transferring to the Board of Directors of Jersey Telecom Limited?”

The President of the Telecommunications Board replied as follows –

“All functions relating to the operational and commercial decisions of Jersey Telecom were transferred to the Board of Directors of Jersey Telecom Group Ltd. on 1st January 2003.

A report and proposition to dissolve the Telecommunications Board will be lodged immediately the States have approved a report and proposition to transfer the administration of a small piece of land from the Telecommunications Board to the Environment and Public Services Committee.”

Ferry Services: Jersey-St. Malo route– question and answer (Tape No. 859)

Senator Michael Edward Vibert, with the leave of the Bailiff in accordance with Standing Order 12(2), asked Senator Leonard Norman, President of the Harbours and Airport Committee, the following questions without notice –

- “1. Would the President explain why the Committee decided to seek an arrest order on the Emeraude Lines vessel Solidor V at a time when Emeraude Lines had been given 3 months by a French Court t

restructure its affairs and why the Committee's action is in the best interests of the Island and the travelling public?

2. Will the President outline what steps have been taken to assist those members of the public who have booked and paid for ferry travel on Emeraude Lines and now find themselves stranded by the actions of the Harbours and Airport Committee in arresting the Solidor V?

The President of the Harbours and Airport Committee gave oral answers as follows –

- “1. The Harbours and Airport Committee yesterday made a tough but difficult and sad decision, but because of the actions and indeed acts of omission by the Paris based Directors of Emeraude Lines, the move to attempt to arrest the vessel Solidor V had become almost inevitable. Probably due to under capitalization, Emeraude have had significant difficulties in meeting their commitments for some 3 or 4 years. In fact the vessel was, I understand, arrested in St. Malo last year and was released after their debt was settled. But in recognition of the difficulties facing Emeraude over those years, the Harbours and Airport Committee has made strenuous efforts to assist the Company. This includes granting extended credit facilities and arranging generous payment scheduling. Unfortunately, virtually every agreement that was made, was breached by Emeraude and virtually every promise broken. When a passenger pays for his fare, this fare includes a proportion for the Harbour due. This money is held in trust for the people of Jersey and should be paid to the Treasurer of the States. It would appear that these monies have been used for other purposes and I consider this to be a gross breach of trust. The Committee met with the Chairman of Emeraude yesterday afternoon but was offered no comfort regarding the payment of the dues which Emeraude has already collected on behalf of the States. It is not in the interest of the Jersey public for money due to the Treasurer of the States and collected in Jersey to be transferred to Paris for other purposes. It would be totally inappropriate for us to condone the practice being continued. The people of Jersey want, require and deserve a professional and reliable ferry service. I hope the action the Committee has taken will encourage Emeraude to provide just that. The decision of the French tribunal last week was solely to protect Emeraude from their French creditors for a short period and I understand verify preferred creditors. This action does not involve Jersey creditors or in any way protect Jersey creditors of which the States are just one.
2. The Harbours and Airport Committee very much regrets the inconvenience caused to the travelling public. Last evening in excess of 100 travellers were stranded and I pay tribute to the Harbours and Tourism staff who dealt with the situation sympathetically and arranged transport, accommodation and sustenance for those stranded at no cost to their passengers. In the short term, Condor Ferries will honour Emeraude tickets for those stranded passengers at both ends of the route. For those who have not yet travelled but have valid Emeraude tickets, Condor will, I understand, offer discounted fares. I sincerely hope that this whole unfortunate situation will be resolved expeditiously and that Emeraude will very shortly be providing business as usual.”

Change in Presidency

The Bailiff retired from the Chair during the question and answer concerning Ferry Services: Jersey-St. Malo route and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Organisation changes – statement

Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee made a statement in the following terms –

“On 29th April 2003, I made a statement setting out the progress made by my Committee in implementing organisational changes arising from Machinery of Government reform (P.70/2002). I undertook to report back to the States in July, but unfortunately, this was not possible. Today I am delighted to be able to speak for the Presidents of the Economic Development and Finance and Economics Committees, and announce

changes which we propose to make.

I previously advised the States that a review was being carried out by the Chief Officers of the Agriculture and Fisheries Department's functions. This task was completed in September when my Committee and the Economic Development Committee agreed upon a transfer of responsibility for services with effect from 1st January 2004, together with the allocation of resources and revenue budget for 2004. Full details of the changes are set out in the "Third Interim Report" produced for the 2 Committees and appendices and I am arranging to have electronic copies available to States Members.

In summary the following functions are proposed to be retained by the Economic Development Committee –

- industry policy – Agriculture and Fisheries;
- marketing and promotion;
- financial aid to industries.

Functions to be transferred to the Environment and Public Services Committee –

- fisheries;
- land regulation;
- technical;
- veterinary regulation;
- all operational services – abattoir, composting/waste.

The aim of the review was to establish an organisation which joins together those services with a synergy and common purpose to ensure that their financial and manpower resources can be more efficiently aligned in pursuance of strategic objectives in the future.

In the future organisation the transferred functions will be managed alongside the complementary functions of the Environment and Public Services Committee, for example – agricultural waste will in future be managed with municipal and industry waste; scientific, technical and regulatory functions with land based and marine environmental activities of the Environment Services team of the Planning and Environment Department. This will require this team, and the Water Resources team, previously of the Public Services Department based at Bellozanne, to relocate to Howard Davis Farm as soon as practicable.

Both Committees have decided that, subject to the States approval of the formal transfer of functions required under Statutes, the implementation date is planned for 1st January 2004. In parallel with these changes the Chief Officer of the former Planning and Environment Committee has also been tasked with drawing up the proposed organisational arrangements for the new Environment Department in the ministerial system and the new processes required for the parallel integration of the existing Planning Department at South Hill into the structure of the new government Department. The Chief Officer of the Public Services Department has a similar task to assimilate the operational functions into his Department of government.

As part of the Fundamental Spending Review for 2005-2007 the Chief Officers are further reviewing all their services to identify options for budget reductions in future years. The agreement reached with the Economic Development Committee recognised the agricultural industry had made representations for savings from the reorganisation to be reallocated to them as direct aid to the industry. The options identified for efficiency and service reductions will be submitted to the Fundamental Spending Review process for decisions during 2004.

The 2 Committees believe it essential to follow this systematic process, first to regroup services under common management, secondly to take the opportunity to identify efficiencies as a result of regrouping services, i.e. by doing the same with less, and only then considering scope for service reductions, i.e. doing less with less, where this can be politically agreed as part of the Fundamental Spending Review.

Beyond these major changes there have also been some shifts in responsibility that realign functions in accord with P.70/2002. There has been agreement on a similar transfer of functions with Economic Development in

respect of the Animals (Trapping) (Jersey) Law 1961.

Throughout, the Committee has authorised its Chief Officers in the 2 Departments to adopt an open approach with all staff individually and with the appropriate staff representatives to ensure there is good communication about the proposed changes. In all cases the mechanisms for reviewing funding in future years, and where it is later politically decided to reduce spending and services, has to be through the Fundamental Spending Review.

Finally, my statement last April also referred to the very important task of integrating the fragmented arrangements for the management of all States property to a single common structure, designed to provide the States with a separate landlord (corporate and strategic) role and an operational (maintenance and use) role built around the Property Services Department as envisaged by P.70/2002.

The Chief Officer of the Planning and Environment Department, the Director of Property Services and the Treasurer of the States are continuing their work together with the Chief Executive Officer of the Policy and Resources Department with the new objective of integrating these 2 roles into a single organisation, including appropriate safeguards designed to ensure that the necessity for short-term financial disciplines does not override long-term strategic thinking in the States future plan for asset utilisation and management.

This will take a little more time to progress but the potential benefits more than justify this investment. I am pleased to report that the Chief Officer of the Policy and Resources Department has advised that his new shadow corporate management board of Chief Officers has set this task as one of its highest priorities in the Fundamental Spending Review. I hope to be able to report progress by the end of the year.”

Migration Policy – P.102/2003

Comments – P.102/2003.Com.; Comments (2) – P.102/2003.Com.(2)

THE STATES commenced consideration of a proposition of the Policy and Resources Committee concerning the Migration Policy and adopted an amendment of Senator Frank Harrison Walker that in paragraph (b) of the proposition for the words “by the end of 2003” there be substituted the words “by 31st March 2004”, the Greffier of the States having advised members that the Bailiff had exercised his discretion under Standing Order 18(2) to allow the amendment to be moved without notice.

THE STATES, adopting a proposition of the Policy and Resources Committee, as amended –

- (a) agreed, in principle, that having regard to paragraph 2.1 of the attached report of the Policy and Resources Committee dated 8th July 2003, all inward migration by persons wishing to establish themselves by living or working in the Island, and who did not have links with the Island which would enable them to qualify currently under Regulation 1(1)(a)-(h) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, should be monitored and regulated;
- (b) charged the Policy and Resources Committee, in consultation with the Housing, Home Affairs, Economic Development and Employment and Social Security Committees; and with other committees as appropriate, with reviewing the Housing (Jersey) Law 1949, the Housing (General Provisions) (Jersey) Regulations 1970, the Lodging Houses (Registration) (Jersey) Law 1973 and the Regulation of Undertakings and Development (Jersey) Law 1973, together with other related legislation, with a view to giving effect to paragraph (a) above by bringing forward proposals for a new Migration Policy and supporting regulatory system(s) by 31st March 2004;
- (c) agreed, in principle, that such new Migration Policy and supporting regulatory system(s) should be developed to meet the basic objectives outlined in paragraph 5.5 of the report of the Policy and Resources Committee dated 8th July 2003.

Members present voted as follows –

“Pour” (41)

Senators

Walker, Kinnard, Le Sueur, Le Claire, Routier, M. Vibert, Ozouf, E. Vibert.

Connétables

St. Ouen, St. Brelade, St. John, St. Peter, St. Clement, St. Helier, Trinity, St. Lawrence, Grouville.

Deputies

Trinity, Duhamel(S), Breckon(S), St. John, Le Main(H), Dubras(L), Baudains(C), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Fox(H), Bridge(H), Martin(H), Bernstein(B), Ferguson(B), St. Mary St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter, Hilton(H), De Faye(H).

“Contre” (2)

Senators

Syvret.

Deputies

Southern(H).

Connétable of Grouville – attendance

The Connétable of Grouville, having returned to the Island, arrived in the Chamber during consideration of the amendment of Senator Frank Harrison Walker to the proposition of the Policy and Resources Committee concerning the Migration Policy, and was present for the remainder of the meeting.

Connétable of Grouville – welcome

The Greffier of the States, on behalf of the Bailiff and all members, welcomed the newly-elected Connétable of Grouville, Mr. Daniel Joseph Murphy.

Environment and Public Services Committee – nomination of member

Deputy Maurice François Dubras of St. Lawrence proposed for appointment as a member of the Environment and Public Services Committee the Connétable of Grouville.

Deputy Geoffrey Peter Southern of St. Helier was proposed by Senator Edward Philip Vibert.

THE STATES, having proceeded to a secret ballot, were advised of the following results by the Greffier of the States –

Connétable of Grouville	28 votes
Deputy Geoffrey Peter Southern of St. Helier	15 votes

There was one spoilt paper.

The Greffier of the States accordingly declared that the Connétable of Grouville had been duly elected as a member of the Environment and Public Services Committee.

Draft Transfer of Functions (Economic Development Committee) (Jersey) Act 200- P.122/2003

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966, made an Act entitled the Transfer of Functions (Economic Development Committee) (Jersey) Act 2003.

Draft Sea Fisheries (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200- P.123/2003

THE STATES, in pursuance of Article 22 of the Sea Fisheries (Amendment) (Jersey) Law 2002, made an Act entitled the Sea Fisheries (Amendment) (Jersey) Law 2002 (Appointed Day) Act 2003.

Members present voted as follows –

“Pour” (38)

Senators

Le Sueur, Le Claire, Routier, E. Vibert.

Connétables

St. Ouen, St. Brelade, St. John, St. Peter, St. Clement, St. Helier, Trinity, St. Lawrence, Grouville.

Deputies

Trinity, Duhamel(S), Breckon(S), St. John, Le Main(H), Dubras(L), Baudains(C), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Fox(H), Bridge(H), Martin(H), Southern(H), Bernstein(B), Ferguson(B), St. Mary, St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter, Hilton(H), De Faye(H).

“Contre” (0)

**Draft Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 200- P.124/2003
Comments – P.124/2003 Com.**

THE STATES, in pursuance of Articles 7, 11, 12 and 22 of the Sea Fisheries (Jersey) Law 1994, made Regulations entitled Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003.

Draft Sea Fisheries (Underwater Fishing) (Jersey) Regulations 200- P.125/2003

THE STATES, in pursuance of Articles 2 and 22 of the Sea Fisheries (Jersey) Law 1994, made Regulation entitled the Sea Fisheries (Underwater Fishing) (Jersey) Regulations 2003.

Draft Licensing (No. 15) (Jersey) Regulations 200 P.130/2003

THE STATES, in pursuance of Article 92 of the Licensing (Jersey) Law 1974, made Regulations entitled the Licensing (No. 15) (Jersey) Regulations 2003.

Draft Policing of Parks (Amendment No. 14) (Jersey) Regulations 200 P.132/2003

THE STATES, in pursuance of the Order in Council dated 26th December 1851, Article 49 of the Road Traffic (Jersey) Law 1956, and the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957 made Regulations entitled the Policing of Parks (Amendment No. 14) (Jersey) Regulations 2003.

THE STATES rose at 5.17 p.m.

M.N. DE LA HAYE

Greffier of the States.