

STATES OF JERSEY ORDER PAPER

Tuesday 21st January 2003
at 10.15 a.m.

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Data Protection (General Provisions) (Amendment No. 3) (Jersey) Order 2003.
R&O 1/2003.

Finance and Economics Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

States of Jersey Law 1966, as amended: delegation of functions -
administration of public finances.

R.C.1/2003.

Finance and Economics Committee.

Fields 761 and 762, St. Peter: exchange of land (P.239/2002)-
comments.

P.239/2002.
Com.

Finance and Economics Committee.

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

(b) Notification of Standing Order decisions

15th January 2003

Decisions under delegated functions.

Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

States members' remuneration (P.238/2002): amendment.
Deputy T.J. Le Main of St. Helier.

P.238/2002.
Amd.

Bailiff's Consultative Panel - membership.
Senator J.A. Le Maistre

P.2/2003.

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

Lodged on 31st December 2002.

Fields 761 and 762, St. Peter: exchange of land. P.239/2002.
Harbours and Airport Committee.

Field 790, L’Avenue de la Reine Elizabeth II, St. Peter. P.240/2002.
Deputy of St. John.

Lodged on 14th January 2003.

Draft Plant Health (Jersey) Law 200-. P.1/2003.
Economic Development Committee.

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

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

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

Draft Advocates and Solicitors (Amendment No. 3) (Jersey) Law 200-. P.233/2002.
Lodged: 3rd December 2002.
Legislation Committee.

Draft Public Elections (Amendment) (Jersey) Law 200-. P.234/2002.
Lodged: 10th December 2002.
Legislation Committee.

Projet de Loi (200-) (Amendement) au sujet des Centeniers et officiers P.235/2002.
de police.
Lodged: 10th December 2002.
Comité de Législation.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 4th February 2003 -

Jersey Heritage Trust: amendments to constitution. P.37/2002.
Lodged: 19th March 2002.
Deputy G.C.L. Baudains of St. Clement.

Draft Customs and Excise (Amendment) (Jersey) Law 200-. P.230/2002.
Lodged: 26th November 2002.
Home Affairs Committee.

In accordance with Standing Order 22(3) Deputy Alan Breckon of St. Saviour has instructed the Greffier of the States to withdraw the proposition regarding Jersey Consumer Council; transfer of responsibility (P.167/2001 lodged “au Greffe” on 6th November 2001).

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Harbours and Airport Committee regarding the breakdown of the Elizabeth Marina gates.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Housing Committee regarding the monitoring of policies on the level of private sector rentals.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Housing Committee regarding rent increases and rent abatement for States tenants.

Deputy M.F. Dubras of St. Lawrence will ask a question of the President of the Health and Social Services Committee regarding the Health Funding Review.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Privileges and Procedures Committee will make a statement regarding the progress of the work of that Committee.

The President of the Special Committee on the Composition and Election of the States Assembly will make a statement regarding the progress of the work of that Committee.

K. PUBLIC BUSINESS

States Building refurbishment Phase 2: approval of drawings.
Environment and Public Services Committee.
(attached)

Draft Health Insurance (Amendment No. 13) (Jersey) Law 200. P.222/2002.
Lodged: 26th November 2002.
Employment and Social Security Committee.

Draft Family Allowances (Amendment No. 6) (Jersey) Law 200. P.223/2002.
Lodged: 26th November 2002.
Employment and Social Security Committee.

Subject to E -

Draft Advocates and Solicitors (Amendment No. 3) (Jersey) Law 200. P.233/2002.
Lodged: 3rd December 2002.
Legislation Committee.

Draft Public Elections (Amendment) (Jersey) Law 200-. P.234/2002.
Lodged: 10th December 2002.
Legislation Committee.

Projet de Loi (200-) (Amendement) au sujet des Centeniers et officiers
de police.
Lodged: 10th December 2002.
Comité de Législation.

P.235/2002.

M.N. DE LA HAYE
Greffier of the States

Members are reminded that the Service of Dedication in the Parish Church of St. Helier will take place at 9.30 a.m. prior to the States' meeting.

16th January 2003

Explanatory Note regarding subordinate legislation tabled at this meeting.

R & O 1/2003

The purpose of this Order is to amend the Data Protection (General Provisions) (Jersey) Order 1990 to increase the fees charged by the Data Protection Registrar for the registration of data users and of persons carrying on computer bureaux and for the renewal of that registration. These fees were last increased in 1991.

The Order was made on 15th January 2003 and comes into force 7 days after it was made.

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

15th January 2003

- (a) as recommended by the Education, Sport and Culture Committee, the entering into of a Deed of Arrangement with Mr. Alan O'Prey and Mrs. Elizabeth O'Prey, née McNamara in order to provide access rights to service the two dwellings which were to be constructed on the site of the existing (but to be demolished) Springfield Cottage, Springfield Lane, St. Helier, on the basis that the development of the said site would not have a detrimental effect on the Committee's property and that such development would be restricted to the construction of two semi-detached dwellings of approximately 1,250 square feet per property, with two car parking spaces per unit. Vehicular and pedestrian access would be permitted to the northern boundary of the site in order to serve the two units. In consideration of the rights to be granted the beneficiaries would pay to the public a sum of £5,000 upon completion of the deed, and all reasonable legal and professional fees incurred by the public in relation to the preparation of the necessary Deed of Arrangement;
- (b) as recommended by the Health and Social Services Committee, the lease from Mr. John Steven Warren and Mrs. Katherine Grace Warren, née Melly, of No. 8 Devon Avenue, Green Road, St. Clement, required for accommodation for Locum Consultants, for a period of three years from 11th November 2002, on an internal repairing basis at a commencing annual rent of £19,000, payable quarterly in advance, subject to annual rent increases in line with the Jersey Retail Price Index as at 11th November each year, with an option to renew the lease for a further three-year period. Each party would be responsible for its own legal costs in relation to this transaction;
- (c) as recommended by the Health and Social Services Committee, the lease from Mr. Roy Huelin Vibert of No. 5 Baycroft Close, Inner Road, St. Clement, required for accommodation for Locum Consultants, for a period of five years from 15th November 2002, on an internal repairing basis at a commencing annual rent of £13,324.48, payable quarterly in advance, subject to annual rent increases in line with the Jersey Retail Price Index as at 1st July each year (in order to coincide with the other properties leased by the Committee at Baycroft Close), with an option to renew the lease for a further five-year period. Each party would be responsible for its own legal costs in relation to this transaction;
- (d) as recommended by the Education, Sport and Culture Committee, the lease to the Jersey Society for the Provision of a Children's Resource Centre of basement and ground floor, first floor and external areas (shown hatched on plans Nos. 4151/28, 4151/29 and 4151/30) of the Farewell Wing of the former Jersey College for Girls premises, La Pouquelaye, St. Helier, for a period of 21 years commencing from the date of completion of the proposed refurbishment works which were being undertaken on behalf of the lessor by the Education Department. The use of the gymnasium was to be subject to joint use until 2003 once the Langford Sports Centre had been completed. The annual rent payable by the lessee would be at the nominal sum of £10 payable at that rate throughout the term of the lease. Each party would bear its respective legal and professional costs incurred in connexion with the granting of this lease. The lessor would undertake to insure the building fabric against the usual perils under the States block insurance policy;
- (e) as recommended by the Finance and Economics Committee, the entering into of a Deed of Arrangement with the Parish of St. Helier in respect of an exchange and counter-exchange of land in order to re-define the boundary between the site of the Cyril Le Marquand House car park (being the site of the proposed Magistrates Court development) and the site of the former Parish Yard, Lempriere Street, St. Helier (immediately to the north). The parcels of land to be exchanged (shown hatched and cross-hatched on Public Services Department Drawing No. 2749/B10 dated November 2000) were of similar proportions (measuring approximately ten square metres) and each party would pay the sum of £10 to acquire the areas of land concerned.

Each party would also bear its respective legal costs in connexion with this transaction;

- (f) as recommended by the Harbours and Airport Committee, the sale to the Jersey Rugby Football Club Limited of Field No. 790, St. Peter for the sum of £11,000 for use as a practice pitch, on the basis that the Club would be responsible for undertaking all works to convert the field and that a restrictive covenant would be placed on the land, in perpetuity, in order to prevent any form of development, other than that associated with its permitted use. Access rights would be granted to allow the maintenance of the boundary to the north of the field and a new fence was to be built by the public along the western boundary;
- (g) as recommended by the Environment and Public Services Committee, the lease to Mr. Robert Edward Furness of the bunker at the Le Braye Slipway, St. Brelade for a period of nine years from 25th December 2001, at an annual rent of £218.47, subject to annual increases in line with the Jersey Retail Price Index. Each party would be responsible for its own legal costs in relation to this transaction and no deposits were to be paid; and,
- (h) as recommended by the Environment and Public Services Committee, the purchase from Clerwood Limited of an area of land (measuring 470 square feet) adjacent to Sandycroft, La Grande Route des Sablons, Grouville (required to facilitate the construction of a pavement), for a consideration of £470 (representing a rate of £1 a square foot), on the basis that the Committee would be responsible for the cost of the construction works involved and for both parties' legal costs associated with the transaction, and that the Planning and Environment Committee would be responsible for the cost of the accommodation works required.

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

15th January 2003

The Health and Social Services Committee has accepted the preferred tender for the contract to replace the CT Scanner, namely that submitted by G.E. Medical Systems in the amended contract sum of £784,079.

The Committee noted that the other amended tenders received were as follows -

Contractor:

Corrected tender total:

Philips
Siemens

£778,218
£864,118

QUESTION PAPER

(See Item G)

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

With regard to the breakdown of the Elizabeth marina gates, would the President advise members -

- (a) why notices were not immediately put in a conspicuous position (such as at the top of the 'ramp') to advise boat owners of the problem and how long the delay was before they were so put?
- (b) whether a comprehensive set of most likely needed spares is kept for the gates and if not, why not?
- (c) whether boat owners with contracts will be reimbursed for the period normal facilities were denied them?

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

The report accompanying the Housing Committee's Strategic Policy Report (P.2/2002), paragraph. 3.1.1 (vi) - monitoring the effects of policy - states that 'other information such as the price of homes, for sale and rent, should also be recorded accurately and on a regular basis' (to help guide policy).

Would the President inform members what steps have been taken to monitor the effects of his policies on the level of rentals in the private sector?

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

- (a) Will the President of Housing inform members what level of rent increase for States tenants is under consideration by the Committee for implementation in April 2003?
- (b) Last year the rent abatement application form contained a new section where tenants were asked to declare all benefits received. Tenants were assured at the time that these benefits were to be disregarded (not taken into account when calculating the level of abatement). Would the President assure members that such benefits will continue to be disregarded in 2003?

Deputy M.F. Dubras of St. Lawrence will ask the following question of the President of the Health and Social Services Committee -

- (a) Would the President indicate when members will be receiving an unabridged version of the Health Care Funding Review?
- (b) Would the President explain why members have not received a copy of this report given that it was quoted during the Budget debate?

PROPOSITION

STATES BUILDING REFURBISHMENT PHASE 2: APPROVAL OF DRAWINGS

THE STATES are asked to decide whether they are of opinion -

to refer to their Act dated 19th July 2000, in which they approved drawings showing Phase One and Phase Two of the proposed refurbishment of the Royal Court/States Building, and –

- (a) to approve revised drawings Nos. 2980/13 (B) and 102(D) showing Phase Two of the refurbishment of the States Building, Royal Square, St. Helier, to provide improved accommodation for States members as agreed with the Privileges and Procedures Committee;
- (b) to authorise the Greffier of the States to sign the said drawings on behalf of the States; and
- (c) to agree that the commencement of Phase Two of the refurbishment works should be brought forward to coincide with the completion of works being undertaken as part of Phase One.

ENVIRONMENT AND PUBLIC SERVICES COMMITTEE.

Note: The Finance and Economics Committee is prepared to sanction the proposed Phase II refurbishment works on the basis that the total cost would be contained within a maximum sum of £1 million. The Committee agrees to transfer a maximum sum of £1 million from the Capital Reserve Vote (C0070) in order that the Environment and Public Services Committee may fund the works to be undertaken.

Report

Introduction

On 19th July 2000, the States adopted the Public Services Committee proposition as amended -

- “(a) to approve drawings Nos. 2980/13, 21(A), 22(A), 24(A), 25(A), 101(C), 102(L), 103(B), 104(A), 105(B), 201(D), 202(F), 300(A) showing Phase One and Phase Two of the proposed refurbishment of the Royal Court/States Building excepting that the proposed usage and allocation of space described with the drawings should not be fixed until the needs of the legislature could be assessed in the light of the recommendations of the Machinery of Government, and approved drawings Nos. 105(E), 600, 601 and 602 (A) illustrating the proposed alterations to the existing caretaker’s flat; and,
- (b) authorize the Greffier of the States to sign the said drawings on behalf of the States”.

Although approval of the drawings by the States made reference to Phase Two of the works, the funds were only sufficient to carry out Phase One. This was clearly highlighted in the previous Report under “Programme” where the Phase Two works were anticipated to commence in August 2004, ie., the first available year for funding a Capital Project at that time.

Background

Following receipt of competitive tenders, Stansell QVC Limited were awarded the contract for Phase One in the sum of £5,690,900. The work has progressed well in spite of numerous unforeseen circumstances, including substantial amounts of hidden asbestos, and an increase in the scheduled number of States Meetings. The extended contract completion date is scheduled for 20th January 2003 and it is anticipated the final account will be within the contract sum excluding the cost of fluctuations (estimated at £250,000), the provision of IT infrastructure in the States Chamber funded by JISC (£21,000), and the additional security measures requested (£20,000 as part of the contract).

The total budget currently allocated to Phase One of £7,320,700 is likely to be exceeded by the estimated cost of fluctuations, and a balancing figure for asbestos removal. These costs are legitimate claims against the Fluctuations and Risk Reserve held by Treasury and additional funds will be requested when the final figures are ascertained.

A review of States Members accommodation needs was undertaken by the recently created Privileges and Procedures Committee. The conclusion reached was that the originally proposed conversion of the Land Registry to provide three meeting rooms, a library and a common room supplemented by the use of the gallery to the former library would provide sufficient shared space for States Members.

Negotiations were entered into with Stansell QVC Limited on the basis that they had submitted the lowest tender for Phase One, they were familiar with the building and in principle were prepared to apply the same competitive rates to Phase Two. Stansell QVC Limited were requested to submit two quotations, one on the basis of continuing straight on with Phase Two after completion of Phase One and an alternative for including a substantial gap between the two phases. The cost difference identified between the quotations was in the order of £140,000 (excluding fees). The most cost effective option being the one which continued straight on with Phase Two.

As no funds had been allocated to Phase Two of the refurbishment at this time the Privileges and Procedures Committee with the agreement of the Public Services Committee, decided to meet with the Finance and Economics Committee in a final effort to convince members of that Committee that the figure negotiated with the contractor, Stansell QVC Limited, did represent value for money and the saving identified of £140,000 (excluding fees) by continuing straight on with Phase Two was worth pursuing.

On 29th November 2002, the Finance and Economics Committee received the Presidents and Officers of the Privileges and Procedures and Public Services Committees. It was agreed that the proposal was a sensible way to proceed and that the Treasurer would ascertain the most appropriate funding route. The Public Services Committee were requested to endeavour to reduce the figure negotiated with Stansell QVC by a target of 20%.

Scope of Phase Two Work

Alterations and improvements to existing accommodation including the following:

- Conversion of the existing ground floor members' room to provide a third Committee Room.
- Conversion of existing Land Registry to provide facilities for States Members, including a library, common room, three interview rooms and a small kitchen.
- Decoration of the existing Members Room at first floor.
- Provision of a media interview room.
- Provision of the necessary mechanical and electrical services associated with the works in Phase Two.
- Provision of facilities for electronic voting.
- Conversion of the gallery of the former library for States Members use.

-

Budget

The original budget submitted by Stansell QVC Limited in the sum of £877,539 included only £400,000 of building cost and upgrading the existing lift car. Following discussions with Stansell QVC Limited a total of £80,000 was taken out of this element of their tender ie., 20%. A further £24,451 was taken out of the Mechanical and Electrical works following receipt of quotations from the two nominated sub-contractors. In summary the contract costs for Phase Two would be as follows:

Stansell QVC Original Quotation		£877,539
Reduction in Stansell QVC works (20%)		(£80,000)
Reductions to Mechanical & Electrical		<u>(£24,451)</u>
Revised Quotation		£773,088
Other Costs	Furniture (provisional)	50,000
	Temporary security (6 months)	12,000
	Temporary Court Costs and Bus	7,500
	Asbestos (provisional)	5,000
	Ushers Overtime (provisional)	5,000
	Professional Fees	90,000
		£942,588
	TOTAL	

The relocation of the Courts and associated costs are still budgeted in Phase One.

-

Funding/Manpower

There is no approved funding for Phase Two of the project within the current capital allocation or forward programme to 2005 contained in the Resource Plan 2002 as approved by the States.

The Finance and Economics Committee, having noted the significant financial and non-financial advantages to be obtained by continuing the works into Phase Two with the existing contractor, agreed that the proposed course of action was in the best interests of the States.

The Finance and Economics Committee considered that the unallocated sum contained in the Capital Reserve Vote was the most suitable source of funding as it would not impact on the previously agreed capital programme. The use of the Capital Reserve for this purpose must be considered as exceptional and should not be seen as a precedent for circumventing the capital allocation process.

There are no manpower implications for the States.

Programme

Phase One	Contract Completion extended to	20 th January 2003
Phase Two	Anticipated Commencement	21 st January 2003
	Anticipated Completion	25 th July 2003