

STATES OF JERSEY ORDER PAPER

Tuesday, 11th May 1999

- A. COMMUNICATIONS BY THE BAILIFF
- B. TABLING OF SUBORDINATE LEGISLATION
- C. MATTERS RELATING TO COMMITTEE MEMBERSHIP
- D. PRESENTATION OF PAPERS

(a) Papers for information

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

(b) Notification of Standing Order decisions

Decisions under delegated functions.

Decisions of 30th April 1999.

Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

Outsourcing policy. P.59/99
Policy and Resources Committee.

Sustainable Island Transport Policy P.60/99
Public Services Committee

Clarke Avenue, St. Helier: traffic calming. P.61/99
Deputy T.J. Le Main of St. Helier.

Summerland Factory, Thorpe House and Broadcasting House, Rouge Bouillon, St. Helier:
acquisition. P.62/99
Planning and Environment Committee.

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

Lodged on 4th May 1999

Public Finances (Administration) (Jersey) Law 1967: capital expenditure. P.58/99
Policy and Resources 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" will be considered at the present meeting -

Agricultural Loans and Guarantees Advisory Board: appointment of members P.57/99
Lodged: 27th April 1999.
Agriculture and Fisheries Committee.

The President of the Special Committee on Freedom of Information will seek leave to defer consideration of the proposition regarding public access to official information: code of practice (P.38/99 lodged "au Greffe" on 16th March 1999) from the present meeting to a later date.

THE STATES are asked to agree that the following matters lodged “au Greffe” will be considered at the next meeting on 25th May 1999 -

Draft Conservation of Wildlife (Jersey) Law 199 . P.223/98
Lodged: 2nd November 1998.
Planning and Environment Committee.

Draft Conservation of Wildlife (Jersey) Law 199 . (P.223/98): amendments. P.29/99
Lodged: 2nd March 1999.
Planning and Environment Committee.

Draft Conservation of Wildlife (Jersey) Law 199 . (P.223/98): second amendments. P.49/99
Lodged: 13th April 1999.
Deputy of Grouville.

Draft Conservation of Wildlife (Jersey) Law 199 . (P.223/98): third amendments. P.56/99
Lodged: 27th April 1999.
Deputy G.C.L. Baudains of St. Clement.

Draft Conservation of Wildlife (Jersey) Law 199 . (P.223/98): report. P.223/98
Lodged: 2nd March 1999. Rpt.
Planning and Environment Committee.

Field 921, Rue à Georges, St. Mary: residential development within the agricultural priority zone. P.17/99
Lodged: 2nd February 1999.
Senator L. Norman.

Field 921, Rue à Georges, St. Mary: residential development within the agricultural priority zone (P.17/99) - report. P.17/99
Presented: 13th April 1999. Rpt.
Planning and Environment Committee.

Draft Protection of Children (Amendment No. 2) (Jersey) Law 199 . P.50/99
Lodged: 27th April 1999.
Legislation Committee.

Draft Affiliation Proceedings (Prescription) (Jersey) Law 199 .P.52/99
Lodged: 27th April 1999.
Legislation Committee.

Public Finances (Administration) (Jersey) Law 1967: capital expenditure. P.58/99
Lodged: 4th May 1999.
Policy and Resources Committee.

Summerland Factory, Thorpe House and Broadcasting House, St. Helier: acquisition. P.62/99
Lodged: 11th May 1999.
Planning and Environment Committee.

The President of the Public Services Committee will seek leave to withdraw the proposition regarding a Transport Policy Strategy (P.70/98 lodged "au Greffe" on 21st April 1998) having lodged a revised report and proposition at the present meeting (P.60/99).

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Deputy T.J. Le Main of St. Helier will ask questions of the President of the Finance and Economics Committee about the application of the Regulation of Undertakings and Development Law.

Deputy P.V.F. Le Claire of St. Helier will ask a question of the President of the Finance and Economics Committee about the grant of a licence under of the Regulation of Undertakings and Development Law.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Planning and Environment Committee about Committee procedures and policies.

The Deputy of St. John will ask a question of the President of the Planning and Environment Committee about the possible designation of part of the south-east coast as a marine S.S.I.

Senator S. Syvret will ask a question of the President of the Establishment Committee about the payment of bonuses to civil servants.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Public Employees Contributory Retirement Scheme Committee of Management: appointment of chairman.
Finance and Economics Committee.

Public Employees Contributory Retirement Scheme: Committee of Management - appointment of member.
Establishment Committee.

Parish Rate Appeal Board: appointment of member.
Finance and Economics Committee.

Jersey Heritage Trust: new constitution.

P.44/99

Lodged: 13th April 1999.
Finance and Economics Committee.

Jersey Heritage Trust: new constitution (P.44/99): amendments.
Deputy A.S. Crowcroft of St. Helier.
(attached).

Draft Parish Rate (Administration) (Amendment No. 9) (Jersey) Law 199 . P.51/99
Lodged: 27th April 1999.
Legislation Committee.

Millennium licensing hours. P.55/99
Lodged: 27th April 1999.
Tourism Committee.

Security of tenure law - report of the Working Party. P.257/98
Lodged: 1st December 1998.
Housing Committee.

Draft Education (Jersey) Law 199 . P.30/99
Lodged: 2nd March 1999.
Education Committee.

Draft Education (Jersey) Law 199 . (P.30/99): amendments. P.48/99
Lodged: 13th April 1999.
Deputy of Grouville.

Draft Radio Equipment (Jersey) Law 1997 (Appointed Day) Act 199 .P.41/99
Lodged: 13th April 1999.
Telecommunications Board.

Green Street/Francis Street: conditions of purchase. P.43/99
Lodged: 13th April 1999.
Public Services Committee.

Jersey Table Tennis Association: grant of a loan. P.46/99
Lodged: 13th April 1999.
Finance and Economics Committee.

Subject to E

Agricultural Loans and Guarantees Advisory Board: appointment of members P.57/99
Lodged: 27th April 1999.
Agriculture and Fisheries Committee.

G.H.C. COPPOCK

Greffier of the States

6th May 1999

**Explanatory Note regarding subordinate legislation
tabled at this Meeting**

(See Item B)

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

30th April 1999

- (a) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Donald Ernest Duckworth and Mrs. Siobian Nicolette Duckworth, née Wade, of No. 5 Clos de la Baule, Grouville, for a period of five years from 1st April 1998, at a revised annual rent of £13,964 payable quarterly in advance, and to be reviewed annually on 1st April in line with the Jersey Retail Prices Index, with all other terms and conditions to remain as in the existing lease, with the Committee being responsible for the both parties' reasonable legal costs arising from the transaction;

- (b) as recommended by the Planning and Environment Committee, the entering into of a Deed of Arrangement with Miss Mary Fitzsimons in order to facilitate alterations to a party wall separating the Opera House, Gloucester Street, St. Helier, from No. 32 Seaton Place, St. Helier, on the basis that any damage caused as a result of the works would be made good by the Jersey Arts Trust at its expense, and also that the Jersey Arts Trust would be responsible for all reasonable legal costs incurred by Miss Fitzsimons in relation to this transaction.

**NOTIFICATION OF STANDING ORDER DECISIONS -
FINANCE AND ECONOMICS COMMITTEE**

30th April 1999

as recommended by the Planning and Environment Committee, the purchase from Mr. John Leonard Gage and Mrs. Valerie Ann Gage, née Taylor, of La Carrière, Bellozanne Valley, St. Helier, a four-bedroom house located within 100 metres of the “bad neighbour” operation at the waste disposal site administered by the Public Services Committee, for a consideration of £260,000, with each party being responsible for its own legal costs arising from the transaction.

PROPOSITION

PUBLIC EMPLOYEES CONTRIBUTORY RETIREMENT SCHEME COMMITTEE OF MANAGEMENT: APPOINTMENT OF CHAIRMAN

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

to approve, in accordance with Regulation 3 (6) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, the appointment of Mr. Ronald Amy O.B.E. as Chairman of the Committee of Management, for a period of three years commencing 1st July 1999.

FINANCE AND ECONOMICS COMMITTEE

Report

In 1989 the States set up a Committee of Management of the Public Employees Contributory Retirement Scheme (R & O 7956 refers).

The Chairman of the Committee is appointed by the States for a period of three years on a recommendation of the Finance and Economics Committee. In this manner Mr. R.J. Amy was appointed by the States in 1990. Mr. Amy was re-appointed at the expiry of his first and second term of office and the Finance and Economics Committee is pleased to recommend his name to the States for re-appointment from the expiry of his present term on 30th June this year.

Mr. Amy, is a well known and respected figure in the pension industry and is currently chairman and Chief Executive of Aon Consulting. He has served as chairman of the National Association of Pension Funds in the United Kingdom and is currently a board member of the Occupational Pensions Regulatory Authority. Mr. Amy was awarded the O.B.E. in 1998.

Mr. Amy has proved a very able and successful chairman of the Committee of Management whose members at their last meeting unanimously confirmed their wish that Mr. Amy should continue as chairman of the Committee.

PROPOSITION

PUBLIC EMPLOYEES CONTRIBUTORY RETIREMENT SCHEME COMMITTEE OF MANAGEMENT: APPOINTMENT OF MEMBER

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

to approve, in accordance with Regulation 3(5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, as amended, the appointment of Mr James Clark as an employer representative on the Committee of Management for the period ending 31st December 2000, in place of the late Senator Vernon Amy Tomes.

ESTABLISHMENT COMMITTEE

REPORT

The Regulations governing the Committee of Management of the Public Employees' Contributory Retirement Scheme provide for the appointment of employer and employee representatives.

Of the employer representatives four are nominated by the Establishment Committee. With the untimely death of Senator Vernon Amy Tomes the Establishment Committee, in accordance with Regulation 3(2) of the Regulations, has chosen Mr James Clark to replace him, for the term of office to expire on 31st December 2000. Mr. Clark is a local chartered accountant with a background in trusteeship and unit trust work and the Establishment Committee is confident that he will bring a wide range of experience to the Committee of Management.

PROPOSITION

PARISH RATE APPEAL BOARD: APPOINTMENT OF MEMBER

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

in pursuance of Article 14 of the Parish Rate (Administration) (Jersey) Law 1946, as amended, to appoint Advocate Daniel Guy Le Sueur as a member of the Parish Rate Appeal Board, in place of Mr. Michael John Touzel, for the period ending on 30th September 2000.

FINANCE AND ECONOMICS COMMITTEE

Report

In pursuance of Article 14 of the Parish Rate (Administration) (Jersey) Law 1946, as amended, the States, in 1995, appointed five members of the Parish Rate Appeal Board for a period of five years with effect from 1st October 1995. One of the five members, Mr. Touzel, is unable to continue as a Board member and has asked that he be replaced. The Finance and Economics Committee would like to thank Mr. Touzel for his three years' service as a member of the Board.

The Committee is pleased to propose Advocate Daniel Guy Le Sueur, who is a partner in Bedell and Cristin, to complete the term of office of Mr. Touzel.

The other members of the Board are -

Charles Alan Le Maistre
Leslie Rufus Crapp
Michael John Vibert
Jeremy James Robin Johnson

**JERSEY HERITAGE TRUST: NEW CONSTITUTION
(P.44/99) - AMENDMENTS**

at the end of the proposition, add the words -

with the exception that -

Page 8, at the beginning of paragraph 5.3.3. of the Constitution, insert the words ‘a member for the time being of the States of Jersey who is committed to the objectives of the Jersey Heritage Trust as set out in paragraph 3 of the Constitution, and’

In paragraph 5.3.5. for the word “eight” substitute the word “seven”.

DEPUTY A.S. CROWCROFT OF ST. HELIER

Report

Few would argue with the notion that the development of Jersey's heritage, in particular, its museum sites, and the increasing part played by our history in education and tourism, has been one of the Island's success stories in recent years. The Jersey Heritage Trust has worked closely with the various interested parties, in particular, the Société Jersiaise, to create an effective organisation for the care, development and promotion of our heritage, and it is now seeking to modernise its constitution to make it more appropriate to its needs.

The Trust has engaged in a lengthy and rigorous process of research and consultation in drawing up its proposed new constitution, and the proposition concerned (P.44/99) is a model of its kind. It is, therefore, with some trepidation that I bring forward an amendment to it, particularly at a late stage.

It is recognised that the current constitution encourages States members who are also trustees to think of themselves as representatives of their particular Committee and its interests. In seeking to reduce the role of delegates of States Committees on the Jersey Heritage Trust, the Finance and Economics Committee is responding to the need for trustees who are committed to the objectives of the Trust. At the same time, the opportunity is being taken in the proposition to increase the overall number on the Board from seven to 12 which will allow more members of the public with the relevant skills to be involved.

However, in view of the importance of heritage and culture to the Island as a whole - especially with the development of the Archives Centre - it is my view that the interests of the people of Jersey may not be adequately voiced through their elected representatives in this important area of Island life, when the only States representative on the Heritage Trust is the appointee of the Finance and Economics Committee. This amendment seeks simply to provide for the appointment of a second States member to the Trust.

Paragraph 10 of the Constitution certainly offers a degree of confidence that the proposed changes to the Trust will not compromise its accountability to the States of Jersey, especially when the various provisions of paragraph 5 are taken into account - it would be possible for the States to replace the Chair of the Board if it considered it to be necessary, or, for example, to argue that the composition of the Board was not in accordance with paragraph 5.3.6, 'a diverse and balanced group of people in terms of gender, age, experience, skills, track record and attitudes, who share a commitment to the Jersey Heritage Trust'. In practice, however, the public of the Island are bound to have a greater sense of involvement in the management of their heritage and culture if they are represented by two States members rather than by one.

It may be argued that under the terms of the proposed new Constitution any States member who believes he or she fulfils the criteria for membership of the Board of Trustees can apply to do so under the provisions of paragraph 5.3.5. It will also be pointed out that under the trust law, trustees do not, in fact, represent another organisation or body at all. I believe that it is important to the efficient and harmonious working of the Trust that all members fully subscribe to the objectives of the Trust and do not think of themselves as 'watchdogs' from another organisation. It is with this consideration in mind that I have included the reference to the necessary qualifications for a member of the Heritage Trust in the proposal to add the second States member. At the same time I have not suggested that this member of the States should be a member of any particular States Committee - the important thing is that he or she is fully committed to the objectives of the Jersey Heritage Trust.

Finally, the second part of the amendment reduces by one the sum of the other trustees although I would have no objection to allowing the total to reach 13 were the first part of the amendment to be accepted.

STATES MEMBERS LUNCHEON

Old Library/No.3 Committee Room

I will require lunch at today's Sitting.

Signed.....

Named.....

Please hand this slip to an usher before 10.00a.m. today