

**THE STATES assembled on Tuesday,
13th September 2005 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt Esquire.**

**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 Philip Francis Cyril Ozouf – out of the Island
Senator Edward Philip Vibert– ill
John Le Sueur Gallichan, Connétable of Trinity– out of the Island
Philip John Rondel, Deputy of St. John– out of the Island
Peter Nicholas Troy, Deputy of St. Brelade– ill

Prayers read by the Acting Dean of Jersey.

Senator Edward Philip Vibert– resignation

The Deputy Bailiff informed members of the resignation of Senator Edward Philip Vibert from the States due to ill health and, on behalf of members, expressed thanks for the service he had given in his capacity as a States member and wished him a speedy return to good health.

Deputy Jeremy Laurence Dorey of St. Helier– absence from States meeting on 21st July 2005

THE STATES agreed to amend the absence of Deputy Jeremy Laurence Dorey of St. Helier, as recorded in the minutes of the States meeting for 21st July 2005, from ill to excused.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Children (Secure Accommodation) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 78/2005.
Children (Voluntary Homes) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 79/2005.
Children Rules 2005. <i>The Superior Number of the Royal Court.</i>	R&O 80/2005.
Children (Parental Responsibility Agreement) Rules 2005. <i>The Superior Number of the Royal Court.</i>	R&O 81/2005.
Children (Prescribed Classes of Applicant to vary Directions) Rules 2005. <i>The Superior Number of the Royal Court.</i>	R&O 82/2005.
Matrimonial Causes Rules 2005. <i>The Superior Number of the Royal Court.</i>	R&O 83/2005.
Battle of Britain Air Display (Jersey) Order 2005.	R&O 84/2005.

Environment and Public Services Committee.

Education (Discretionary Grants) (Jersey) Order 2005. <i>Education, Sport and Culture Committee.</i>	R&O 85/2005.
Fire Precautions (Fees) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 86/2005.
Road Racing (Hill Climbs and Sprint) (No. 3) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 87/2005.
Tourism (General Provisions) (Amendment No. 12) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 88/2005.
Places of Refreshment (Registration) (Fees) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 89/2005.
Lodging Houses (General Provisions) (Amendment No. 12) (Jersey) Order 2005. <i>Housing Committee.</i>	R&O 90/2005.
Post Office (Foreign Post Provisions) (Jersey) Order 2005. <i>Committee for Postal Administration.</i>	R&O 91/2005.
Road Racing (Motor Vehicle Rally) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 92/2005.
Extradition (Code of Practice for Identification) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 93/2005.
Extradition (Code of Practice for Treatment of Detained Persons) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 94/2005.
Extradition (Code of Practice for Treatment of Property) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 95/2005.
Extradition (Time Limits) (Amendment) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 96/2005.

Jersey Overseas Aid Commission – Appointment of Chairman designate

THE STATES noted the following nomination for the appointment of the Chairman designate of the Jersey Overseas Aid Commission –

Deputy Jacqueline Jeannette Huet of St. Helier was nominated by Deputy Terence John Le Main c St. Helier.

There being no further nominations, the Deputy Bailiff accordingly declared that Deputy Jacqueline Jeannette Huet of St. Helier had been elected as Chairman designate of the Jersey Overseas Aid Commission.

Matters presented

The following matters were presented to the States –

Jersey Law Commission: Report for 2004. <i>Presented by the Legislation Committee.</i>	R.C.69/2005.
Regulatory Reform: Report on the review findings. <i>Presented by the Policy and Resources Committee.</i>	R.C.70/2005.

States Members Remuneration Review Body: recommendations for 2006 –2008. <i>Presented by the Privileges and Procedures Committee.</i>	R.C.71/2005.
Draft States of Jersey (Amendment No. 2) (Jersey) Law 200 (P.98/2005): comments. <i>Presented by the Policy and Resources Committee.</i>	P.98/2005. Com.
Warren Farm, Noirmont, St. Brelade (P.125/2005): comments. <i>Presented by the Economic Development Committee.</i>	P.125/2005. Com.
Draft States of Jersey (Amendment No. 3) (Jersey) Law 200 (P.143/2005): comments. <i>Presented by the Policy and Resources Committee.</i>	P.143/2005. Com.
Draft States of Jersey (Amendment No. 3) (Jersey) Law 200 (P.143/2005): comments. <i>Presented by the Privileges and Procedures Committee.</i>	P.143/2005. Com.(2)
States Business Plan 2006 – 2010 (P.151/2005): second amendment (P.151/2005 Amd.(2))– comments. <i>Presented by the Environment and Public Services Committee.</i>	P.151/2005. Amd.(2) Com.(2)
States Business Plan 2006 – 2010 (P.151/2005): second amendment (P.151/2005 Amd.(2))– comments. <i>Presented by the Finance and Economics Committee.</i>	P.151/2005. Amd.(2) Com.(3)
Sale of property: La Falaise, Fliquet, St. Martin (P.161/2005)– comments. <i>Presented by the Finance and Economics Committee.</i>	P.161/2005. Com.
Draft Rates (Jersey) Law 200- (P.170/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.170/2005. Com.
Draft Licensing (Licence Fees) (Jersey) Regulations 200- (P.173/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.173/2005. Com.

The following matter was presented on 2nd August 2005 –

Committee of Inquiry into Tender Process and Award of Bus Services Contract: Final Report. <i>Presented by the Committee of Inquiry into Tender Process and Award of Bus Services Contract.</i>	R.C.58/2005.
---	--------------

The following matters were presented on 9th August 2005 –

Lord Portsea Gift Fund: report and accounts for 2004. <i>Presented by the Education, Sport and Culture Committee.</i>	R.C.59/2005.
Jèrriais: provision in Jersey Schools. <i>Presented by the Education, Sport and Culture Committee.</i>	R.C.60/2005.
Criminal Injuries Compensation Board: report and accounts for 2004. <i>Presented by the Home Affairs Committee.</i>	R.C.61/2005.
Waterfront Enterprise Board: renewal of ten-year working limit (P.114/2005) – comments. <i>Presented by the Environment and Public Services Committee.</i>	P.114/2005. Com.(2)

The following matter was presented on 23rd August 2005 –

Development of a Cultural Strategy for the Island (P.154/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.154/2005. Com.
---	---------------------

The following matters were presented on 30th August 2005 –

International Conventions and Agreements: Progress Report for period 1st October 2004 to 31st March 2005. <i>Presented by the Policy and Resources Committee.</i>	R.C.62/2005.
Planning for Homes 2005. <i>Presented by the Environment and Public Services Committee.</i>	R.C.63/2005.
Committee of Inquiry into Tender Process and Award of Bus Services Contract: response. <i>Presented by the Environment and Public Services Committee.</i>	R.C.64/2005.
Development of a Cultural Strategy for the Island (P.154/2005): comments. <i>Presented by the Economic Development Committee.</i>	P.154/2005. Com.(2).

The following matters were presented on 6th September 2005 –

Jersey Dental Scheme: Annual Report for the year ended 31st December 2004. <i>Presented by the Employment and Social Security Committee.</i>	R.C.65/2005.
Jersey Advisory and Conciliation Service: Board members' report and financial statements for 2004. <i>Presented by the Employment and Social Security Committee.</i>	R.C.66/2005.
Ecology Fund: report for 2004. <i>Presented by the Environment and Public Services Committee.</i>	R.C.67/2005.
Members' Conduct: proposed disciplinary procedures. <i>Presented by the Privileges and Procedures Committee.</i>	R.C.68/2005.
Proposed Goods and Services Tax: Shadow Scrutiny Panel Report. <i>Presented by Deputy R.C. Duhamel of St. Saviour.</i>	S.R.6/2005.
Waterfront Enterprise Board: renewal of ten-year working limit (P.114/2005): amendment – (P.114/2005 Amd.)– comments. <i>Presented by the Policy and Resources Committee.</i>	P.114/2005. Amd.Com.(2)
Draft Public Finances (Amendment) (Jersey) Law 200- (P.133/2005) – comments. <i>Presented by the Policy and Resources Committee.</i>	P.133/2005. Com.
States Business Plan 2006 – 2010 (P.151/2005): amendment (P.151/2005 Amd.)– comments. <i>Presented by the Economic Development Committee.</i>	P.151/2005. Amd.Com.
States Business Plan 2006 – 2010 (P.151/2005): amendment (P.151/2005 Amd.)– comments. <i>Presented by the Policy and Resources Committee.</i>	P.151/2005. Amd.Com.(2)
States Business Plan 2006 – 2010 (P.151/2005): second amendment (P.151/2005 Amd.(2))– comments. <i>Presented by the Policy and Resources Committee.</i>	P.151/2005. Amd.(2)Com.
Development of a Cultural Strategy for the Island (P.154/2005): comments. <i>Presented by the Policy and Resources Committee.</i>	P.154/2005. Com.(3)
St. Helier Waterfront Development: height of buildings(P.158/2005) – comments. <i>Presented by the Policy and Resources Committee.</i>	P.158/2005. Com.
St. Helier Waterfront Development: directions to W.E.B. Ltd.(P.159/2005) – comments. <i>Presented by the Policy and Resources Committee.</i>	P.159/2005. Com.

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

Matters noted – land transactions

THE STATES noted Acts of the Finance and Economics Committee dated 6th and 28th July, 11th and 25th August 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Education, Sport and Culture Committee, the entering into of a Deed of Arrangement with D’Houet Limited, the owners of The Convent of the Faithful Companions of Jesus R.C. Primary School (FCJ), which enjoyed a right of way over the existing access road, so as to facilitate the requirement arising from the redevelopment of Phase 3 of Granville School to realign the said access road, on the basis that the public would be responsible for both parties’ reasonable legal fees arising from the transaction;
- (b) as recommended by the Environment and Public Services Committee, the assignment to Mr. Orlando Rodrigues De Gouveia of the lease of premises at Nos. 8689 Central Market, St. Helier (presently occupied by Mr. Giovanni Fassetta), on the same terms as the existing lease, to continue trading as a delicatessen, with effect from the signing of the relevant documentation;
- (c) as recommended by the Environment and Public Services Committee, the assignment to Mrs. Priscilla Irene Minchinton, née Khoo, of the lease of premises at Nos. 101-102 Central Market, St. Helier (presently occupied by Mr. Pierre Le Miere, trading as ‘Garlands’), on the same terms as the existing lease, to continue trading as a florist, with effect from the signing of the relevant documentation;
- (d) as recommended by the Environment and Public Services Committee, the assignment to Mrs. Ahmia Kent, née Curammeng, of the lease of premises at No. 50 Central Market, St. Helier (presently occupied by Miss Marquerite Yvonne Allain), on the same terms as the existing lease, to continue trading in clothing with Mr. Alan Kent acting as guarantor to the lessee company, with effect from the signing of the relevant documentation;
- (e) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mr. Colin Richard Walker and Mrs. Margaret Walker, née Ratcliffe, owners of the property known as La Rocque Cottage, Grouville, in order to ratify the boundary with the adjacent Grouville Bay Promenade, on the basis of details contained in a report, dated 15th August 2002, prepared by the Director of Property Services, including that Mr. and Mrs. Walker would be responsible for both parties’ reasonable legal fees and expenses arising from the transaction;
- (f) as recommended by the Environment and Public Services Committee, the sale to Terence Doak Holdings Limited of land (measuring approximately 485 square feet) situated immediately to the north of the property formerly known as “Sands” but now referred to as the “Discovery Bay Apartments”, for a consideration of £865 in respect of the land to be conveyed together with the public’s reasonable legal costs arising from the transaction, the sale to be subject to a restrictive covenant effectively preventing any further development of that area of land to be conveyed other than that allowed under Planning permission 1943X dated 24th August 1999, with the deed of sale also to clarify the westerly contractual boundary towards the adjacent public land;
- (g) as recommended by the Education, Sport and Culture Committee –
 - (i) the lease to Quest Holdings Limited, owners of Halcyon House, of part of Field No. 1243, West Hill St. Helier (measuring 1,320 square feet), to be utilised for 6 car parking spaces, for a period of 9 years from 1st January 2005, at an annual rent of £3,000 subject to three-yearly rent increases in line with review in accordance with the Jersey Retail Price Index, with Quest Holdings Limited to pay back-rent of £4,500 from 2002 – half at the commencement of the lease, with the remaining half over years 2 and 3 of the lease agreement (i.e. 1st January 2006 and 2007)– and also to be responsible for both parties’ reasonable legal fees arising from the transaction (the public’s fees being capped at £500 and the Department of Property Services fees of £350);
 - (ii) the entering into of a Deed of Arrangement with Quest Holdings Limited in order to clarify the boundaries and authorise certain encroachments towards the adjacent public land, in accordance

with a report dated 8th March 2005 prepared by the Head of Estates, Education, Sport and Culture Department;

- (h) as recommended by the Harbours and Airport Committee, the lease to British Airways Plc of an area of land airside (known as Airport Letting L01) at the Airport, St. Peter, for a period of 9 years from 1st Jun 2005 at an initial annual rent of £875, subject to review on 1st June 2008 and 1st June 2011 in line with the Jersey Retail Price Index;
- (i) as recommended by the Harbours and Airport Committee, the lease to Jersey European Airways (U.K.) Limited of passenger lounge accommodation (known as Airport Letting B204) at the Airport, St. Peter for a period of 6 years from 1st July 2005 at an initial annual rent of £22,666, subject to review on 1st July 2008;
- (j) as recommended by the Environment and Public Services Committee, the lease to Two Way Properties Limited of the first-floor office accommodation at Thorp House, Rouge Bouillon, St. Helier together with 2 associated car parking spaces, for a period of 17 months from 31st July 2005, at an annual rent of £17,935 payable quarterly in advance – Mr. David John Knight to act as guarantor for the lease– with no provision for rent review. Each party would be responsible for its own legal costs arising from the transaction;
- (k) as recommended by the Environment and Public Services Committee, the lease to Messrs. Clive Phillip Le Brun Tomes and Anthony John Quinn of the second floor office accommodation at Thorp House Rouge Bouillon, St. Helier together with 3 associated car parking spaces, for a period of 17 months from 25th July 2005, at an annual rent of £19,740 payable quarterly in advance, with no provision for rent review within the agreement. Each party would be responsible for its own legal costs arising from the transaction;
- (l) as recommended by the Education, Sport and Culture Committee, the lease to the Jersey Astronomy Club of an area of land (measuring approximately 500 square feet) including 2 large concrete slabs for the erection of a wooden clubhouse and a telescopic dome, at the Les Creux Millennium Country Park, St. Brelade, for a period of 9 years deemed to have commenced on 1st June 2002, at a commencing annual rent of £500, payable annually in advance with the exception of the first year for which there would be no charge, subject to rent review every 3 years in line with the Jersey Retail Price Index, on the basis that each party would be responsible for its own legal costs arising from the transaction;

Committee decision – 28th July 2005

- (m) as recommended by the Policy and Resources Committee, the sale to the Waterfront Enterprise Board Limited (WEB) of the roads known as La Rue de l'Étau and La Rue de Carteret, St. Helier and the associated footpaths and landscaping (as shaded on Drawing No. P580 91– "Lease of Land at Southern Waterfront Site (Site 6) St. Helier") for a consideration of £10, on the basis that the Committee would be responsible for both parties' legal fees arising from the transaction and that WEB would subsequently transfer ownership of the said land to the Parish of St. Helier upon completion of the Waterfront development;

11th August 2005

- (n) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Jock Campbell Russell and Mrs. Susan Joy Russell, née Wilford, of the two-bedroom property known as No. 3 Oakdale Cottages, La Rue des Buttes, St. John, for a period of 14 months from 1st May 2005 at annual rent of £15,840 subject to a rent review in 2006 in line with the Jersey Retail Price Index, on the basis that each party would be responsible for its own legal fees arising from the transaction;
- (o) as recommended by the Harbours and Airport Committee, the renewal of the lease to Mr. David Andrew Chadd, Chairman of the States Airport Social Club, of accommodation known as Airport Letting No. L39 for a period of 9 years from 1st June 2005, at an annual rent of £500;
- (p) as recommended by the Environment and Public Services Committee, the assignment to Mr. Richard Whatmore, trading as a Delicatessen, of the lease of premises at Nos. 910 Beresford Market, St. Helier (presently occupied by Mr. David Pison, on behalf of St. Helier Food and Wine Company Limited– Mr. Whatmore to act as guarantor to the lessee company), on the same terms as the existing lease, to continue trading as a delicatessen, with effect from the signing of the relevant documentation;

- (q) as recommended by the Education, Sport and Culture Committee –
- (i) the lease from Mr. James Philip Mourant of an area of land (measuring 4.25 vergées) forming part of Field No. 409A, St. Saviour, for use as an outdoor recreational space in conjunction with the extension and upgrading works to be undertaken to the adjacent Greenfields Centre to the south, for a period of 9 years from 1st January 2006, at an annual rent of £700 subject to rent reviews in line with the Jersey Retail Price Index at three-yearly intervals, on the basis that each party would be responsible for its own legal and professional fees arising from the transaction;
 - (ii) the payment to T. & R. Perchard Limited of compensation for the relinquishment of part of Field No. 409a, La Grande Route de St. Martin, St. Saviour as a result of the lease by the public of 4.25 vergées of land, in the sum of £2,150 based on the loss of profit for agricultural purposes;
 - (iii) the entering into of a Deed of Arrangement with Mr. Philip John Le Sueur to formalise the visibility splay required in connection with the refurbishment and extension of the Greenfields Centre at Field No. 413, La Grande Route de St. Martin, St. Saviour, whereby the landowner was to be obligated to maintain the small area of land concerned so as not to permit any obstruction that would impede the visibility of vehicles seeking to egress from the Greenfields Centre to the north. No capital payment was to be made in respect of the proposed deed of Arrangement, although the public would be responsible for the payment of the landowner's reasonable legal fees incurred in entering into the contract;
- (r) as recommended by the Harbours and Airport Committee, the lease of the undermentioned accommodation in the old North Hangar at Jersey Airport to –
- (i) Jersey European Airways (U.K.) Limited – an area of land (Letting No. B003A) for a period of one year from 1st July 2005 at an annual rent of £4,882.50;
 - (ii) Aviance U.K. Limited – accommodation (Letting No. B003D) for a period of one year from 1st July 2005 at an annual rent of £2,814.80;
 - (iii) VLM Limited – accommodation (Letting No. B003F) for a period of one year from 1st July 2005 at an annual rent of £1,782.50;
 - (iv) British Airways Plc – an area of land (Letting No. B003G) for a period of one year from 1st July 2005 at an annual rent of £1,395.00;
 - (v) Servisair (Jersey) Limited – an area of land (Letting No. B003B) for a period of one year from 1st July 2005 at an annual rent of £2,092.50;
- (s) as recommended by the Education, Sport and Culture Committee, the lease to the Jersey Electricity Company Limited of Electricity Substation No. 621 and Section Pillar No. 1510 situated at Les Creux St. Brelade, for a period of 99 years from the passing of contract, at an annual rent of £1 payable in full upon commencement, and with each party being responsible for its own legal costs arising from the transaction;
- (t) as recommended by the Housing Committee, the sale to Allwood Holdings (Jersey) Limited of the boundary wall at Le Clos des Fonds, Grouville (shown in green on Drawing No. 11/288/2), for consideration of £10 and a fair apportionment of all future costs and services associated with the repair and maintenance of the roads, pavements, services and drainage serving Le Clos des Fonds estate as currently established or as might be established in the future. For the avoidance of doubt it was noted that the wall was to be purchased in its entirety with the western face of the wall being considered as the far western extremity of the property in the ownership of Allwood Holdings (Jersey) Limited. Each party would be responsible for its own legal costs arising from the transaction;
- (u) as recommended by the Education, Sport and Culture Committee, the lease to The Sun Bowls Club Jersey of the Sun Bowls Club Pavilion and surrounding land situated at the Overseas Trading Corporation site, First Tower, St. Helier, for a period of 9 years from 1st January 2005, at an annual rent of £4,493.23 payable quarterly in advance, subject to rent review every 3 years in line with the Jersey Retail Price Index, on the basis of the terms set out in a report, dated 15th June 2005, prepared by the Director of Property Services, and with each party to be responsible for its own legal costs arising from the transaction;

- (v) as recommended by the Finance and Economics Committee, the addendum to the lease to the Jersey Electricity Company Limited of an Electricity Substation situated at the Island Site, St. Helier, for a period of 99 years from 1st January 1994, to provide that in developing the Island Site the Waterfront Enterprise Board Limited (WEB) would take into account the present use of the demised premises as a principal substation and would take all reasonable steps in the design and construction of the development so as to minimise the effect on the Island Site. WEB would confirm that neither it or its tenants or sub-tenants would have any right to claim against the Jersey Electricity Company Limited in relation to the present proper use of the demised premises; and,
- (w) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mr. Peter de Carteret Mourant in respect of Field No. 614, Ouaisné Commor St. Brelade, to enable a water pipe to be laid in approximately 45 metres of land in public ownership situated within the south-eastern corner of the said field, the said water pipe to enable a maximum of 4 specific properties (La Ferme du Vaux Tocque, La Villa du Vaux Tocque, Le Pavillion and La Maiso du Vaux Tocque) to have the benefit of branch supplies as opposed to existing borehole supply, for a consideration of £5,000 in addition to the payment of the Committee's professional fees of £1,500 to reflect the benefits of the rights granted, subject to consent from an adjacent landowner in connection with this matter.

Matters lodged

The following matters were lodged "au Greffe" –

Draft Standing Orders of the States of Jersey (P.162/2005): amendment. <i>Presented by Deputy J.L. Dorey of St. Helier.</i>	P.162/2005. Amd.
Draft Standing Orders of the States of Jersey (P.162/2005): second amendments. <i>Presented by Deputy G.P. Southern of St. Helier.</i>	P.162/2005. Amd.(2)
Draft Standing Orders of the States of Jersey (P.162/2005): third amendments. <i>Presented by the Privileges and Procedures Committee.</i>	P.162/2005. Amd.(3)
Migration policy: political responsibility (P.168/2005) – amendment. <i>Presented by the Deputy of St. Ouen.</i>	P.168/2005. Amd.
Strategic Travel and Transport Plan (P.174/2005): amendment. <i>Presented by Deputy R.G. Le Hérisier of St. Saviour.</i>	P.174/2005. Amd.
Draft States of Jersey (Amendment No. 4) Law 200 (P.193/2005): amendments. <i>Presented by Deputy J.L. Dorey of St. Helier.</i>	P.193/2005. Amd.
Draft Administrative Decisions (Review) (Amendment No. 2) (Jersey) Law 200–. <i>Presented by the Privileges and Procedures Committee.</i>	P.195/2005.
Draft Sexual Offences (Jersey) Law 200–. <i>Presented by the Home Affairs Committee.</i>	P.196/2005.
Draft Criminal Justice (Miscellaneous Provisions) (No. 2) (Jersey) Law 200–. <i>Presented by the Home Affairs Committee.</i>	P.197/2005.

The following matters were lodged on 2nd August 2005 –

Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment) (Jersey) Regulations 200–. <i>Presented by the Environment and Public Services Committee.</i>	P.157/2005.
St. Helier Waterfront Development: height of buildings. <i>Presented by the Deputy A. Breckon of St. Saviour.</i>	P.158/2005.
St. Helier Waterfront Development: directions to W.E.B. Ltd.	P.159/2005.

Presented by Senator R.J. Shenton.

The following matters were lodged on 9th August 2005 –

States Business Plan 2006 – 2010 (P.151/2005): amendment. <i>Presented by Deputy A. Breckon of St. Saviour.</i>	P.151/2005. Amd.
Draft Terrorism (Amendment) (Jersey) Law 200-. <i>Presented by the Home Affairs Committee.</i>	P.160/2005.
Sale of property: La Falaise, Fliquet, St. Martin. <i>Presented by the Housing Committee.</i>	P.161/2005.
Draft Standing Orders of the States of Jersey. <i>Presented by the Privileges and Procedures Committee.</i>	P.162/2005.

The following matters were lodged on 16th August 2005 –

Jersey Employment Tribunal: appointment of member. <i>Presented by the Employment and Social Security Committee.</i>	P.163/2005.
Draft Petroleum (Amendment No. 2) (Jersey) Law 200. <i>Presented by the Home Affairs Committee.</i>	P.164/2005.
Goods and Services Tax: exempt or zero rated items. <i>Presented by Senator S. Syvret, and referred to the Finance and Economics Committee.</i>	P.165/2005.

The following matters were lodged on 23rd August 2005 –

Development of Fostering and Adoption Services in Jersey. <i>Presented by Senator R.J. Shenton.</i>	P.166/2005.
St. Helier Waterfront: telephone poll– Committee of Inquiry. <i>Presented by Deputy G.C.L. Baudains of St. Clement.</i>	P.167/2005.

The following matters were lodged on 30th August 2005 –

States Business Plan 2006 – 2010 (P.151/2005): second amendment. <i>Presented by Deputy C.J. Scott Warren of St. Saviour.</i>	P.151/2005. Amd.(2)
Migration policy: political responsibility. <i>Presented by the Policy and Resources Committee.</i>	P.168/2005.
Millennium Town Park: establishment of a Trust. <i>Presented by Deputy R.C. Duhamel of St. Saviour.</i>	P.169/2005.
Draft Rates (Jersey) Law 200-. <i>Presented by the Policy and Resources Committee.</i>	P.170/2005.
Jersey Financial Services Commission: appointment of Commissioners. <i>Presented by the Economic Development Committee.</i>	P.171/2005.
Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200. <i>Presented by the Economic Development Committee.</i>	P.172/2005.
Draft Licensing (Licence Fees) (Jersey) Regulations 200-. <i>Presented by the Economic Development Committee.</i>	P.173/2005.
Strategic Travel and Transport Plan. <i>Presented by the Environment and Public Services Committee.</i>	P.174/2005.

The following matters were lodged on 6th September 2005 –

Draft Housing (Amendment No. 12) (Jersey) Law 200. <i>Presented by the Housing Committee.</i>	P.175/2005.
Draft Data Protection (Jersey) Law 2005 (Appointed Day) Act 200-. <i>Presented by the Finance and Economics Committee.</i>	P.176/2005.
Draft Data Protection (Corporate Finance Exemption) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.177/2005.
Draft Data Protection (Credit Reference Agency) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.178/2005.
Draft Data Protection (Fair Processing) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.179/2005.
Draft Data Protection (International Co-operation) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.180/2005.
Draft Data Protection (Notification) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.181/2005.
Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.182/2005.
Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.183/2005.
Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.184/2005.
Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.185/2005.
Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.186/2005.
Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.187/2005.
Draft Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.188/2005.
Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 10) (Jersey) Regulations 200. <i>Presented by the Policy and Resources Committee.</i>	P.189/2005.
Draft Public Employees (Retirement) (Additional Contributions – Amendments) (Jersey) Regulations 200-. <i>Presented by the Policy and Resources Committee.</i>	P.190/2005.
La Récolte des Fruits, St. Martin: removal of agricultural occupancy restriction. <i>Presented by Senator R.J. Shenton.</i>	P.191/2005.
Ecology Fund: appointment of Chairman and Trustees. <i>Presented by the Environment and Public Services Committee.</i>	P.192/2005.

Draft States of Jersey (Amendment No. 4) Law 200. P.193/2005.
Presented by Senator S. Syvret, and referred to the Privileges and Procedures Committee.

Driver and Vehicle Standards: proposed transfer to transport and technical services. P.194/2005.
Presented by the Policy and Resources Committee.

Arrangement of public business for the present meeting

THE STATES granted leave to the Deputy of Grouville to defer consideration of the following matter set down for consideration at the present meeting until a later date –

Field 571, La Rue du Puits Mahaut, Grouville: petition. P.147/2005.
Lodged : 12th July 2005.
Deputy of Grouville.

Field 571, La Rue du Puits Mahaut, Grouville: petition (P.147/2005)– P.147/2005.
comments. Com.
Presented : 19th July 2005.
Environment and Public Services Committee.

THE STATES confirmed that the following matter lodged “au Greffe” would be considered at the present meeting –

St. Helier Waterfront Development: directions to W.E.B. Ltd. P.159/2005.
Lodged: 2nd August 2005.
Senator R.J. Shenton.

St. Helier Waterfront Development: directions to W.E.B. Ltd.(P.159/2005) – P.159/2005.
comments. Com.
Presented: 6th September 2005.
Policy and Resources Committee.

THE STATES adopted a proposition of the President of the Finance and Economics Committee that the following matter lodged “au Greffe” be taken as the first item of public business at the present meeting –

States Business Plan 2006-2010. P.151/2005.
Lodged: 19th July 2005.
Policy and Resources Committee.

States Business Plan 2006 – 2010 (P.151/2005): amendment. P.151/2005.
Lodged: 9th August 2005. Amd.
Deputy A. Breckon of St. Saviour.

States Business Plan 2006 – 2010 (P.151/2005): amendment (P.151/2005 Amd.)– P.151/2005.
comments. Amd.Com.
Presented: 6th September 2005.
Economic Development Committee.

States Business Plan 2006 – 2010 (P.151/2005): amendment (P.151/2005 Amd.)– P.151/2005.
comments. Amd.Com.(2)
Presented: 6th September 2005.
Policy and Resources Committee.

States Business Plan 2006 – 2010 (P.151/2005): second amendment. P.151/2005.
Lodged: 30th August 2005. Amd.(2)
Deputy C.J. Scott Warren of St. Saviour.

States Business Plan 2006 – 2010 (P.151/2005): second amendment P.151/2005.
(P.151/2005 Amd.(2))– comments. Amd.(2)Com.
Presented: 6th September 2005.

Policy and Resources Committee.

Members present voted as follows –

POUR: 32

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Brellade

Connétable of St. Peter
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisse (S)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 13

Senator P.V.F. Le Claire
Senator R.J. Shenton
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

ABSTAIN: 0

Arrangement of public business for the next meeting on 27th September 2005

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 27th September 2005 –

Speeding fines: allocation of funds to Parishes. Lodged: 20th July 2005. <i>Deputy of St. Martin.</i>	P.156/2005.
Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment) (Jersey) Regulations 200-. Lodged: 2nd August 2005. <i>Environment and Public Services Committee.</i>	P.157/2005.
St. Helier Waterfront Development: height of buildings. Lodged: 2nd August 2005. <i>Deputy A. Breckon of St. Saviour.</i>	P.158/2005.
St. Helier Waterfront Development: height of buildings(P.158/2005) – comments. Presented: 6th September 2005. <i>Policy and Resources Committee.</i>	P.158/2005. Com.

Sale of property: La Falaise, Fliquet, St. Martin. Lodged: 9th August 2005. <i>Housing Committee.</i>	P.161/2005.
Sale of property: La Falaise, Fliquet, St. Martin (P.161/2005)- comments. Presented: 13th September 2005. <i>Finance and Economics Committee.</i>	P.161/2005. Com.
Draft Standing Orders of the States of Jersey. Lodged: 9th August 2005. <i>Privileges and Procedures Committee.</i>	P.162/2005.
Draft Standing Orders of the States of Jersey (P.162/2005): amendment. Lodged: 13th September 2005. <i>Deputy J.L. Dorey of St. Helier.</i>	P.162/2005. Amd.
Jersey Employment Tribunal: appointment of member. Lodged: 16th August 2005. <i>Employment and Social Security Committee.</i>	P.163/2005.
Draft Petroleum (Amendment No. 2) (Jersey) Law 200. Lodged: 16th August 2005. <i>Home Affairs Committee.</i>	P.164/2005.
Development of Fostering and Adoption Services in Jersey. Lodged: 23rd August 2005. <i>Senator R.J. Shenton.</i>	P.166/2005.
St. Helier Waterfront: telephone poll- Committee of Inquiry. Lodged: 23rd August 2005. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.167/2005.
Migration policy: political responsibility. Lodged: 30th August 2005. <i>Policy and Resources Committee.</i>	P.168/2005.
Migration policy: political responsibility (P.168/2005) – amendment. Lodged: 13th September 2005. <i>Deputy of St. Ouen.</i>	P.168/2005. Amd.
Millennium Town Park: establishment of a Trust. Lodged: 30th August 2005. <i>Deputy R.C. Duhamel of St. Saviour.</i>	P.169/2005.
Draft Rates (Jersey) Law 200-. Lodged: 30th August 2005. <i>Policy and Resources Committee.</i>	P.170/2005.
Jersey Financial Services Commission: appointment of Commissioners. Lodged: 30th August 2005. <i>Economic Development Committee.</i>	P.171/2005.
Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200. Lodged: 30th August 2005. <i>Economic Development Committee.</i>	P.172/2005.
Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200 (P.172/2005): comments. Presented: 13th September 2005. <i>Finance and Economics Committee.</i>	P.172/2005. Com.

Draft Licensing (Licence Fees) (Jersey) Regulations 200- Lodged: 30th August 2005. <i>Economic Development Committee.</i>	P.173/2005.
Draft Licensing (Licence Fees) (Jersey) Regulations 200- (P.173/2005): comments. Presented: 13th September 2005. <i>Finance and Economics Committee.</i>	P.173/2005. Com.
Strategic Travel and Transport Plan. Lodged: 30th August 2005. <i>Environment and Public Services Committee.</i>	P.174/2005.
Draft Housing (Amendment No. 12) (Jersey) Law 200. Lodged: 6th September 2005. <i>Housing Committee.</i>	P.175/2005.
Draft Data Protection (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.176/2005.
Draft Data Protection (Corporate Finance Exemption) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.177/2005.
Draft Data Protection (Credit Reference Agency) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.178/2005.
Draft Data Protection (Fair Processing) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.179/2005.
Draft Data Protection (International Co-operation) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.180/2005.
Draft Data Protection (Notification) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.181/2005.
Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.182/2005.
Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.183/2005.
Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.184/2005.
Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.185/2005.
Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.186/2005.

Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200- <i>Finance and Economics Committee.</i>	P.187/2005.
Draft Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200- Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.188/2005.
Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 10) (Jersey) Regulations 200. Lodged: 6th September 2005. <i>Policy and Resources Committee.</i>	P.189/2005.
Draft Public Employees (Retirement) (Additional Contributions – Amendments) (Jersey) Regulations 200- Lodged: 6th September 2005. <i>Policy and Resources Committee.</i>	P.190/2005.
La Récolte des Fruits, St. Martin: removal of agricultural occupancy restriction. Lodged: 6th September 2005. <i>Senator R.J. Shenton.</i>	P.191/2005.
Ecology Fund: appointment of Chairman and Trustees. Lodged: 6th September 2005. <i>Environment and Public Services Committee.</i>	P.192/2005.

Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- (P.78/2005) – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Legislation Committee had instructed the Greffier of the States to withdraw the following matter –

Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- Lodged: 19th April 2005. <i>Legislation Committee.</i>	P.78/2005.
---	------------

Draft Amendment (No. 28) of the Standing Orders of the States of Jersey (P.122/2005)– withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), Deputy Geoffrey Peter Southern of St. Helier had instructed the Greffier of the States to withdraw the following matter –

Draft Amendment (No. 28) of the Standing Orders of the States of Jersey. Lodged: 21st June 2005. <i>Deputy G.P. Southern of St. Helier.</i>	P.122/2005.
---	-------------

Draft Amendment (No. 29) of the Standing Orders of the States of Jersey (P.152/2005)– withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), Deputy Geoffrey Peter Southern of St. Helier had instructed the Greffier of the States to withdraw the following matter –

Draft Amendment (No. 29) of the Standing Orders of the States of Jersey. Lodged: 19th July 2005. <i>Deputy G.P. Southern of St. Helier.</i>	P.152/2005.
---	-------------

Pre-planning application advice – question and answer

The Deputy of St. John tabled the following written question of Deputy Jeremy Laurence Dorey of St. Helier: Vice-President of the Environment and Public Services Committee –

“Would the Vice-President inform members whether applicants are having to wait up to a period of six weeks to receive pre-planning advice, and, if so, how this impacts on the time taken for applications submitted through the planning process particularly given that a charging system for all planning applications was introduced to improve service levels to the public?”

The Vice-President of the Environment and Public Services Committee tabled the following written answer –

“I am advised that, although the majority are dealt with in four weeks, replies to requests for pre-application advice can take up to six weeks, or even longer, for complicated cases. This is because planning staff give a higher priority to fulfilling the statutory function of dealing with applications, for which service applicants are paying fees, than to pre-application advice, which is a non-statutory service which generates no fee income.

The impact of this on applications is positive and is reflected in improved performance in application turnaround.

For example, in 2002, only 58% of applications were decided in 8 weeks compared with 73% of applications in 2004. The percentage dealt with in 13 weeks similarly increased from 77% to 90%. In the same period the average number of days for an application decision dropped from 76 to 46.

It is the Committee's view that the public is better served by giving higher priority to timely decision-making on applications, rather than to requests for preliminary advice, many of which do not lead to applications.”

Preparation of the Cultural Strategy, the allocation of the Committee's cash limit, and business planning objectives – question and answer

Deputy Maurice François Dubras of St. Lawrence tabled the following question of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee –

- “(a) How much has the preparation of the Cultural Strategy (P.154/2005 and P.172/2004) cost taxpayers to-date in each of the last 5 years?
- (b) Which consultants/advisors to the Committee and its predecessor(s), including reports to the Finance and Economics Committee, were the primary contributors together with their remuneration over 5 years and what has been the estimated cost and manpower allocation of departmental employees to this end during the same period?
- (c) What percentage of Committee cash limits is allocated in each of the next 3 years to activities related to ‘culture’, as opposed to sport and leisure, as opposed to education services and how does this compare with the equivalent percentages for 2004 actual and 2005 estimated?
- (d) In Appendix 1 (item) of the States Business Plan 2006/2010 (P.151/2005) no specific objective(s) related to sport and leisure are listed. Are they incorporated within Objective 9? If not, what strategy and/or strategic plan covers that facet of Island culture and when was it last published?”

The President of the Education, Sport and Culture Committee tabled the following written answer –

- “(a) The Cultural Strategy, (P.172/2004), and the subsequent redraft, (P.154/2005), were produced by the Education, Sport and Culture Committee following a period of research and consultation undertaken by a U.K. firm of consultants, (Leisure Futures plc.), specialists in advising government departments and local authorities on cultural development.

The research undertaken by Leisure Futures plc. took account of an earlier report on Cultural Development, (the Burns Owen Report), commissioned by the Finance and Economics Committee in May 2000. For details as to the cost of that report I would refer Deputy Dubras to the President of the Finance and Economics Committee.

The costs incurred by the Education, Sport and Culture Committee in producing its Cultural Strategy were incurred over a two-year period 2003 and 2004. Including fees and expenses, they amounted to £17,360.71. A further £2,100.00 cost was incurred in 2004 in fees to a local accountant to provide more detail with regard to some aspects of the Leisure Futures plc. report. A further report on the costs of the

Strategy was commissioned recently, it is expected that the cost of this report will be in the region of £2,000.

- (b) The primary advisers to the Committee as described above were Leisure Futures plc. Their fees and expenses amounted to £17,360.71.

The Education, Sport and Culture Committee's Strategy was prepared by myself, Deputy Carolyn Labey and Deputy Julian Bernstein along with officers of the Department using existing staff resources. No additional resources were utilised in this process and no record of staff time on this particular project was recorded. In total, therefore the cost incurred by the Committee in developing its strategy to date is £19,460.71 comprising the fees and expenses to Leisure Futures plc. and the local accountant as described above.

- (c) With regard to the proportion of the Education, Sport and Culture Committee budget allocated to activities within its sphere of responsibilities, for 2006, 3.4% of the Committee's net cash limit has been allocated to 'culture' and 4.2 per cent to sport and leisure.

The equivalent percentages for 2004 (actual) are 3.9% and 4.5% and for 2005 (budgeted) 3.4% and 4% respectively.

It will be for the new Ministry to agree the allocation of its 2007 and 2008 cash limits across all service areas within its remit.

With regard to the split in the Committee's budget between 'Culture' and 'Education', the explanation is somewhat more complicated as there are overlaps. A significant amount of the general 'spend' on education could also be described as an investment in culture. The Instrumental Music Service would be a good example of educational investment which has cultural outcomes, likewise the proportion of investment in Higher Education through student grants allocated to artistic or cultural study. It could also be argued that the teaching of history, art, music, citizenship, craft and design and religious education has a cultural impact. Given this caveat, however, the proportion of the Committee's spending on education as opposed to sport or culture will amount to the balance of 92.4% in 2006 compared to 91.6% of the 2004 actual spend and 92.6% of the 2005 net budget.

- (d) The Sport and Leisure division objectives are not incorporated in objective 9 of the States Business Plan 2006-2010. In December 2001 the former Sport, Leisure and Recreation Committee adopted a Five Year Strategic Plan 2002-2006 which was presented to the States as a Rapport et Correspondance (R.C.) in 2002. This strategy has informed the subsequent Business Plans of the Sport, Leisure and Recreation Department and also the Education, Sport and Culture Department."

Utilisation of its leased properties – question and answer

Deputy Maurice François Dubras of St. Lawrence tabled the following question of Senator Stuart Syvret, President of the Health and Social Services Committee –

"Will the President provide today for perusal a complete list of properties leased by the Committee in each of the last five years, showing the annual cost to the taxpayer for rental and maintenance and the percentage 'utilization factor' of each (for continuing staff and/or locums to be accommodated) to demonstrate how well the department has utilised such accommodation? Where utilisation is below 80%, will the President please give an explanation?"

The President of the Health and Social Services Committee tabled the following written answer –

"The Health and Social Services Committee presently leases 27 flats and houses for the purpose of accommodating its essential staff who are either on short-term contracts, have just arrived in the Island and yet to find somewhere in the private sector, have less than a year of their contract to run, or are providing a locum service for a consultant who is on leave or is absent due to illness.

The types of staff accommodated in these leased properties include Locums, Registrar's, Staff Grades, Associated Specialists, Staff Nurses, Senior Social Worker, Radiographer, Occupational Therapist, Child Care Officer, Head of Governance and a Chaplain.

The terms and conditions of employment for the above in some cases require the Committee to provide rent

free accommodation while others pay a maximum of 25% of their taxable income up to a maximum subsidy of £6,000 per annum.

Due to the high cost of leasing property in Jersey, the Health and Social Services Committee constantly reviews the number of properties it leases. However, it has proven essential to maintain between 8 or 10 family houses to accommodate the locum consultants required to maintain essential services throughout the year. As a result of these reviews, since the beginning of 2005, the Committee has terminated the leases of 7 properties and taken on the lease of one property.

Alternative arrangements to housing locum consultants has been considered; however, it has been found impossible to acquire family accommodation, often at short notice, in the height of the summer season and during the school holidays which is when the majority of locum covers are required.

Of the 7 properties used for accommodation locums this year, the total cost has been –

Annual Rental cost	£122,056.00
Estimated Maintenance Cost	£1,388.00
Estimated Income	<u>-£19,357.00</u>
	£104,087.00

The income is achieved by using the houses for short-term use by contract staff between locum visits. As a result, the 7 locum houses will cost the Committee £104,087.00 or an average of £14,870.00 per property per year. To house locums in a hotel, (assuming 2 adults and 2 children), would cost approximately £190.00 per night or £1,330 per week. Using this benchmark it is cheaper to lease a house at an average cost of £14,870.00 per year than pay for hotel accommodation if the house is used more than 11 weeks per year which equates to occupancy of 21% or more.

Enclosed with the response are tables listing all the properties leased by Health and Social Services over the last 5 years along with a summary sheet providing rental costs, maintenance costs and income received. It is anticipated the out turn cost in 2005 will be £253,373.00.

When the occupancy rates are low for the properties normally used for permanent staff, the reasons are caused by a number of factors such as –

- (i) resignation from post;
- (ii) purchase of own property;
- (iii) move to a property leased in own name;
- (iv) notice given on termination of lease.

When a member of staff moves out of a Committee leased property earlier than expected, the property would be offered to any new member of staff coming to the Island to take up a post. If no further use of a leased property is required the Committee will seek the help of Property Services to negotiate an early termination of the lease.

Other factors affecting the occupancy levels have been the relaxation of the housing laws allowing single people to lease two-bedroom accommodation, falling rental in the private sector and more affordable accommodation coming on the market.

It is anticipated that a further 8 to 10 leases will be terminated in 2006.”

Summary of Leased Properties 2000 – 2005 July YTD

	2000	2001	2002	2003	2004	2005
No. of Properties	30	29	36	34	35	35
Rent Paid	344,188	391,776	431,077	501,182	494,068	457,530
Maintenance Costs	15,183	11,379	28,437	15,554	21,628	13,512
Rental Income	(230,725)	(228,769)	(226,032)	(276,039)	(203,937)	(217,669)

Net Cost	£128,646	£174,386	£233,482	£240,697	£311,759	£253,373
-----------------	-----------------	-----------------	-----------------	-----------------	-----------------	-----------------

* 2005 Maintenance figures estimate based on July YTD amounts

* 2005 Income figures forecasted to year end

Properties Leased by Health and Social Services in 2000

Property	Cost Centre	Sub Code	Annual Rent	Maintenance	Rental Income	Days Occupied	% Occupied	Perm/Locum	Lease Start	Lease End
Barnfield	JTK1J7	1J701	12,359	133	(8,854)	366	100	Perm		
1 Baycroft Close	JTK1R1	1R101	12,059	4,466	(5,294)	337	92	Perm		
7 Baycroft Close	JTK1R6	1R601	12,059	32	(7,169)	366	100	Perm		
9 Baycroft Close	JTK1R5	1R501	12,059	0	(13,354)	366	100	Perm		
6 Beachside	JTK1V3	1V301	1,031	0	0			New	09/12/2000	
Brville	JTK1D7	1D701	16,591	0	(15,369)	366	100	Perm		
Brook Green	JTK1P7	1P701	0	1,765	(149)	22	79	Locum		28/01/2000
7 Brookhall Estate	JTK1K0	1K001	11,700	93	(431)	119	46	Locum	15/04/2000	
Cherry Tree House	JTK1H7	1H701	9,999	173	(9,366)	173	66	Perm	15/04/2000	
5 Clos de la Baule	JTK1R4	1R401	14,938	805	(5,348)	271	74	Perm/Locum		
17 Court Drive	JTK1R7	1R701	13,611	170	(7,878)	366	100	Perm		
2 Glendale Close	JTK1J4	1J401	12,984	924	(1,511)	302	83	Perm/Locum		
Holly Tree House	JTK1D8	1D801	16,848	107	(422)	127	35	Locum		
La Maisonette	JTK1P9	1P901	9,620	93	(6,788)	366	100	Perm		
La Mascotte	JTK1J8	1J801	17,584	490	(1,677)	249	68	Locum/Perm		
Le Becquet Carre	JTK1S5	1S501	16,502	931	(13,838)	366	100	Perm		
Le Chatelet	JTK1S6	1S601	10,223	238	(8,519)	366	100	Perm		
Le Hawe	JTK1S9	1S901	20,540	510	(21,504)	366	100	Perm		
Le Hurel	JTK1H6	1H601	19,959	507	(20,632)	366	100	Perm		
L'Hermitage Farm Flat	JTK1T2	1T201	9,610	67	(9,498)	366	100	Perm		
16 Magnolia Gardens	JTK1J1	1J101	19,409	160	(21,208)	366	100	Perm		
Miltonia	JTK1V2	1V201	660	0	0			New	15/12/2000	
Mont St Michel	JTK1T5	1T501	13,529	524	(1,097)	148	40	Locum		
Ground Floor, Rectory	JTK1D5	1D501	5,970	1,117	(3,923)	152	64	Locum/Perm		25/08/2000
Upper Floor, Rectory	JTK1D5	1D502	-	-	-	230	97	Perm		25/08/2000
Flat 1, 73 Rouge Bouillon	JTK1R2	1R201	7,698	87	(3,804)	297	81	Perm		
Flat 2, 73 Rouge Bouillon	JTK1P8	1P801	7,130	136	(7,425)	299	82	Perm/Locum		
Garden Flat, Salem	JTK1N7	1N701	7,433	286	(4,900)	234	64	Perm/Locum		
Terramar	JTK1T9	1T901	11,214	1,214	(11,290)	366	100	Perm		
Uplands Cottage	JTK1P6	1P601	20,879	155	(19,477)	351	96	Perm		
Total			344,188	15,183	(230,725)					

Properties Leased by Health and Social Services in 2001										
Property	Cost Centre	Sub Code	Annual Rent	Maintenance	Rental Income	Days Occupied	% Occupied	Perm/Locum	Lease Start	Lease End
Barnfield	JTK1J7	1J701	19,700	497	(9,229)	365	100	Perm		
1 Baycroft Close	JTK1R1	1R101	12,566	90	(8,599)	315	86	Perm		
7 Baycroft Close	JTK1R6	1R601	12,566	286	(10,571)	365	100	Perm		
9 Baycroft Close	JTK1R5	1R501	12,566	94	(12,210)	365	100	Perm		
5 Beachside	JTK1H9	1H901	14,437	158	(591)	284	90	Perm	19/02/2001	
6 Beachside	JTK1V3	1V301	16,844	272	(16,662)	347	95	Perm	09/12/2000	
Brville	JTK1D7	1D701	16,704	0	(15,428)	365	100	Perm		
7 Brookhall Estate	JTK1K0	1K001	15,392	419	(1,399)	328	90	Locum	15/04/2000	
Cherry Tree House	JTK1H7	1H701	19,999	80	(3,624)	133	36	Perm/Locum	15/04/2000	
5 Clos de la Baule	JTK1R4	1R401	15,557	173	(9,930)	365	100	Perm		
17 Court Drive	JTK1R7	1R701	14,390	672	(6,263)	302	83	Perm/Locum		
2 Glendale Close	JTK1J4	1J401	15,294	350	(559)	365	100	Perm		
Holly Tree House	JTK1D8	1D801	17,553	730	(10,455)	365	100	Perm		
La Maisonette	JTK1P9	1P901	10,328	0	(10,787)	365	100	Perm		
La Mascotte	JTK1J8	1J801	5,304	925	(1,152)	96	90	Perm		17/04/2001
Le Becquet Carre	JTK1S5	1S501	19,639	65	(14,118)	365	100	Perm		
Le Chatelet	JTK1S6	1S601	7,923	88	(8,944)	365	100	Perm		
Le Havre	JTK1S9	1S901	3,477	468	0	5	8	Perm/End		28/02/2001
Le Hurel	JTK1H6	1H601	20,321	0	(20,733)	365	100	Perm		
L'Hermitage Farm Flat	JTK1T2	1T201	10,900	1,403	(8,180)	301	82	Perm		
16 Magnolia Gardens	JTK1J1	1J101	19,961	737	(6,211)	244	67	Perm/Locum		
Miltonia	JTK1V2	1V201	15,600	0	(366)	115	32	Locum	15/12/2000	
Mont St Michel	JTK1T5	1T501	14,090	46	(4,510)	365	100	Perm		
No 1 Coastlands	JTK1V6	1V601	9,333	144	(6,759)	198	93	Perm	01/06/2001	
Flat 1, 73 Rouge Bouillon	JTK1R2	1R201	5,953	781	(1,804)	109	37	Perm/Locum		18/10/2001
Flat 2, 73 Rouge Bouillon	JTK1P8	1P801	4,030	304	(3,870)	308	84	Perm		
Garden Flat, Salem	JTK1N7	1N701	8,277	676	(3,129)	137	38	Perm		
Teramur	JTK1T9	1T901	11,671	201	(12,005)	365	100	Perm		
Uplands Cottage	JTK1P6	1P601	21,401	1,720	(20,662)	365	100	Perm		
Total			391,776	11,379	(228,769)					

Properties Leased by Health and Social Services in 2002										
Property	Cost Centre	Sub Code	Annual Rent	Maintenance	Rental Income	Days Occupied	% Occupied	Perm/Locum	Lease Start	Lease End
Barnfield	JTK1J7	1J701	14,701	200	(9,599)	365	100	Perm		
1 Baycroft Close	JTK1R1	1R101	13,068	147	(13,186)	365	100	Perm		
5 Baycroft Close	JTK1W8	1W801	4,997	518	0			New	11/11/2002	
7 Baycroft Close	JTK1R6	1R601	13,068	9,682	(9,915)	280	77	Perm		
9 Baycroft Close	JTK1R5	1R501	13,068	187	(13,330)	365	100	Perm		
5 Beachside	JTK1H9	1H901	16,500	40	(715)	365	100	Perm	19/02/2001	
6 Beachside	JTK1V3	1V301	16,156	182	(17,458)	365	100	Perm	09/12/2000	
Brville	JTK1D7	1D701	7,702	115	(5,838)	102	100	Perm		12/04/2002
7 Brookhall Estate	JTK1K0	1K001	16,683	88	(9,597)	213	58	Locum/Perm	15/04/2000	
Cherry Tree House	JTK1H7	1H701	19,999	80	(1,491)	333	91	Locum	15/04/2000	
5 Clos de la Baule	JTK1R4	1R401	16,131	2,514	(13,739)	296	81	Perm		
17 Court Drive	JTK1R7	1R701	15,315	1,201	(8,538)	365	100	Perm		
Flat 1, 37A David Place	JTK1W7	1W701	12,848	361	(10,107)	122	89	Perm	17/08/2002	
Flat 2, 37A David Place	JTK1W7	1W702	-	-	-	136	99	Perm	17/08/2002	
Flat 3, 37A David Place	JTK1W7	1W703	-	-	-	44	32	Perm	17/08/2002	
Flat 4, 37A David Place	JTK1W7	1W704	-	-	-	98	72	Perm	17/08/2002	
8 Devon Avenue	JTK1W9	1W901	2,375	0	0			New	11/11/2002	
2 Glendale Close	JTK1J4	1J401	15,940	593	(2,018)	242	66	Perm/Locum		
Holly Tree House	JTK1D8	1D801	18,572	3,255	(7,262)	244	67	Perm/Locum		
La Maisonette	JTK1P9	1P901	10,568	0	(11,268)	365	100	Perm		
Le Becquet Carre	JTK1S5	1S501	20,011	415	(14,126)	365	100	Perm		
Le Chatelet	JTK1S6	1S601	12,979	617	(9,091)	365	100	Perm		
Le Hurel	JTK1H6	1H601	21,390	759	(2,312)	242	66	Perm		
L'Hermitage Farm Flat	JTK1T2	1T201	12,021	309	(7,185)	362	99	Perm		
16 Magnolia Gardens	JTK1J1	1J101	20,560	1,086	(3,809)	218	60	Perm/Locum		
Miltonia	JTK1V2	1V201	15,600	212	(936)	231	63	Locum	15/12/2000	
Mont St Michel	JTK1T5	1T501	14,609	987	(3,117)	226	62	Perm/Locum		
No 1 Coastlands	JTK1V6	1V601	16,000	47	(13,412)	365	100	Perm	01/06/2001	
Cottage 2, Oakdale	JTK1W3	1W301	12,461	47	(3,846)	159	51	Perm	21/02/2002	
Cottage 3, Oakdale	JTK1W4	1W401	9,576	923	(5,210)	244	99	Perm	01/05/2002	
5 Paddock End	JTK1W5	1W501	7,975	3,154	(3,710)	123	55	Perm	21/05/2002	
Flat 2, 73 Rouge Bouillon	JTK1P8	1P801	11,629	147	(3,806)	271	74	Perm		
Garden Flat, Salem	JTK1N7	1N701	8,291	337	(8,652)	365	100	Perm		
Swiss Cottage	JTK1W6	1W601	8,500	200	(342)	94	51	Locum	01/07/2002	
Teramar	JTK1T9	1T901	11,784	44	(12,243)	365	100	Perm		
Uplands Cottage	JTK1P6	1P601	0	0	(175)	3	100	Perm/End		03/01/2002
Total			431,077	28,437	(226,032)					

Properties Leased by Health and Social Services in 2003												
Property	Cost Centre	Sub Code	Annual Rent	Maintenance	Rental Income	Days Occupied	% Occupied	Perm/Locum	Lease Start	Lease End		
Holly Tree House	JTK400	JHTMA01	19,060	844	(5,006)	146	40	Perm/Locum				
Le Hurel	JTK401	JLFMA01	22,369	639	(20,193)	339	93	Perm				
Cherry Tree House	JTK402	JCUMA01	20,489	88	(1,560)	365	100	Locum	15/04/2000			
5 Beachside	JTK403	JBEMA05	17,784	406	(780)	365	100	Perm	19/02/2001			
16 Magnolia Gardens	JTK404	JMGMA16	21,496	763	(3,146)	128	35	Locum				
2 Glendale Close	JTK405	JGCGMA02	16,562	182	(566)	134	37	Locum				
Barnfield	JTK406	JBFMA01	18,435	601	(10,038)	365	100	Perm				
7 Brookhall Estate	JTK407	JBHMA07	16,284	239	(11,937)	226	62	Perm/Locum	15/04/2000			
Garden Flat, Salem	JTK408	JSHMA01	8,705	517	(8,877)	365	100	Perm				
Flat 2, 73 Rouge Bouillon	JTK409	JRBMA02	7,752	1,379	(4,436)	235	64	Perm/Locum				
La Maisonette	JTK410	JSAMA01	10,982	199	(6,573)	213	58	Perm				
1 Baycroft Close	JTK411	JBRMA01	13,652	919	(5,609)	180	49	Perm/Locum				
5 Clos de la Baule	JTK412	JCBMA05	16,869	276	(17,236)	365	100	Perm				
9 Baycroft Close	JTK413	JBYMA09	13,652	87	(14,166)	365	100	Perm				
7 Baycroft Close	JTK414	JBAMA07	13,652	706	(11,678)	312	85	Perm				
17 Court Drive	JTK415	JCDMA17	15,910	51	(8,779)	365	100	Perm				
Le Becquet Carre	JTK416	JCAMA01	20,643	313	(15,183)	365	100	Perm				
Le Chatelet	JTK417	JCHMA01	10,616	565	(9,638)	352	96	Perm				
L'Hermitage Farm Flat	JTK418	JLHMA01	12,695	1,442	(3,054)	190	52	Perm/Locum				
Mont St Michel	JTK419	JMMAA01	15,280	459	(2,446)	154	42	Locum/Perm				
Teramar	JTK420	JTRMA01	13,063	58	(13,062)	365	100	Perm				
Miltonia	JTK421	JMIMA01	16,680	436	(1,560)	365	100	Locum	15/12/2000			
6 Beachside	JTK422	JBDMA06	17,933	155	(17,458)	365	100	Perm	09/12/2000			
No 1 Coastlands	JTK423	JCOMA01	16,883	91	(14,036)	365	100	Perm	01/06/2001			
Cottage 2, Oakdale	JTK424	JOCMA02	15,213	113	(2,065)	83	23	Perm	21/02/2002			
Cottage 3, Oakdale	JTK425	JOKMA03	14,021	106	(8,079)	365	100	Perm	01/05/2002			
5 Paddock End	JTK426	JPEMA05	14,149	455	(11,356)	365	100	Perm	21/05/2002			
Swiss Cottage	JTK427	JSCMA01	17,821	611	(1,216)	143	39	Locum	01/07/2002			
Flat 1, 37A David Place	JTK428	JDPMA01	34,865	144	(24,465)	273	75	Perm	17/08/2002			
Flat 2, 37A David Place	JTK428	JDPMA02	-	-	-	192	53	Perm	17/08/2002			
Flat 3, 37A David Place	JTK428	JDPMA03	-	-	-	176	48	Perm	17/08/2002			
Flat 4, 37A David Place	JTK428	JDPMA04	-	-	-	344	94	Perm	17/08/2002			
5 Baycroft Close	JTK429	JBTMA05	10,321	1,894	(6,223)	286	78	Perm	11/11/2002			
8 Devon Avenue	JTK430	JDAMA08	17,356	820	(15,661)	288	87	Perm	11/11/2002	25/11/2003		
Total			501,182	15,554	(276,039)							

Properties Leased by Health and Social Services in 2004										
Property	Cost Centre	Sub Code	Annual Rent	Maintenance	Rental Income	Days Occupied	% Occupied	Perm/Locum	Lease Start	Lease End
Holly Tree House	JTK400	JHTMA01	19,618	145	(6,610)	226	62	Locum/Perm		
Le Hurel	JTK401	JLFMA01	20,737	2,106	(1,172)	30	8	Locum		
Cherry Tree House	JTK402	JCUMA01	20,980	80	(1,560)	366	100	Locum	15/04/2000	
5 Beachside	JTK403	JBEMA05	17,912	68	(780)	366	100	Perm	19/02/2001	
16 Magnolia Gardens	JTK404	JMGMA16	16,905	1,278	(579)	141	38	Locum		
2 Glendale Close	JTK405	JGCMAD2	17,242	265	(912)	213	58	Locum		
Barnfield	JTK406	JBFMA01	18,729	3,366	(7,172)	117	32	Perm/Locum		
7 Brookhall Estate	JTK407	JBHMA07	17,925	1,263	(274)	70	19	Locum	15/04/2000	
Garden Flat, Salem	JTK408	JSHMA01	8,850	58	(8,877)	366	100	Perm		
Flat 2, 73 Rouge Bouillon	JTK409	JRBMA02	9,076	215	(5,320)	279	76	Perm/Locum		
La Maisonette	JTK410	JSAMA01	11,281	1,934	0			Perm		
1 Baycroft Close	JTK411	JBRMA01	14,238	3,340	(10,498)	278	76	Perm		
5 Clos de la Baule	JTK412	JCBMA05	17,578	996	(9,353)	193	53	Perm		
9 Baycroft Close	JTK413	JBYMA09	14,238	380	(15,264)	366	100	Perm		
7 Baycroft Close	JTK414	JBAMA07	14,238	480	(10,296)	250	68	Perm		
17 Court Drive	JTK415	JCDMA17	16,911	263	(9,208)	366	100	Perm		
Le Becquet Carre	JTK416	JCAMA01	21,765	246	(19,860)	366	100	Perm		
Le Chatelet	JTK417	JCHMA01	12,106	2,652	(63)	16	4	Locum		
L'Hermitage Farm Flat	JTK418	JLHMA01	3,276	0	0			End		30/04/2004
Mont St Michel	JTK419	JMAMA01	15,923	158	(6,812)	366	100	Perm		
Teramar	JTK420	JTRMA01	12,964	205	(13,322)	366	100	Perm		
Miltonia	JTK421	JMIMA01	17,172	(14)	(1,560)	366	100	Locum	15/12/2000	
6 Beachside	JTK422	JBDMA06	17,849	309	(17,458)	366	100	Perm	09/12/2000	
No 1 Coastlands	JTK423	JCOMA01	17,474	1,272	(5,481)	180	49	Perm/Locum	01/06/2001	
Cottage 2, Oakdale	JTK424	JOCMA02	15,180	0	(240)			Perm	21/02/2002	
Cottage 3, Oakdale	JTK425	JOKMA03	15,868	0	(8,320)	366	100	Perm	01/05/2002	
5 Paddock End	JTK426	JPEMA05	13,376	1,043	(10,453)	276	75	Perm	21/05/2002	
Swiss Cottage	JTK427	JSCMA01	18,496	30	(555)	125	34	Locum	01/07/2002	
Flat 1, 37A David Place	JTK428	JDPMA01	35,794	424	(18,465)	166	45	Perm	17/08/2002	
Flat 2, 37A David Place	JTK428	JDPMA02	-	-	-	116	32	Perm/Locum	17/08/2002	
Flat 3, 37A David Place	JTK428	JDPMA03	-	-	-	65	18	Perm	17/08/2002	
Flat 4, 37A David Place	JTK428	JDPMA04	-	-	-	366	100	Perm	17/08/2002	
5 Baycroft Close	JTK429	JBTMA05	14,547	90	(8,278)	366	100	Perm	11/11/2002	
Flat 1, Axminster House	JTK431	JAXMA01	5,820	(1,044)	(6,250)	182	74	Perm	01/05/2004	
Flat 2, Axminster House	JTK431	JAXAM02	-	-	-	129	53	Perm	01/05/2004	
Total			494,068	21,628	(203,937)					

Properties Leased by Health and Social Services in 2005										
Property	Cost Centre	Sub Code	Annual Rent	Maintenance YTD	Rental Income Forecast	Days Occupied	% Occupied	Perm/l locum	Lease Start	Lease End
Holly Tree House	KEA400	JHMA01	20,000	0	(6,606)	225	62	Perm/Locum		
Le Hurel	KEA401	JLFMA01	1,106	0	0			End		20/01/2005
Cherry Tree House	KEA402	JCUMA01	20,980	80	(986)	214	78	Locum/End	15/04/2000	30/09/2005
5 Beachside	KEA403	JBEMAD5	17,836	330	(790)	365	100	Perm	19/02/2001	
16 Magnolia Gardens	KEA404	JMGMA16	20,000	50	(558)	80	22	Locum		
2 Glendale Close	KEA405	JGCMAD2	17,712	0	(391)	169	46	Locum		
Barnfield	KEA406	JBFMA01	19,377	205	(5,102)	186	51	Perm		
7 Brookhall Estate	KEA407	JBHMA07	17,928	62	(5,876)	167	46	Locum	15/04/2000	
Garden Flat, Salem	KEA408	JSHMA01	2,955	511	(3,079)	125	100	Perm/End		05/05/2005
Flat 2, 73 Rouge Bouillon	KEA409	JRBMA02	10,400	224	(4,502)	181	50	Perm/Locum		
La Maissonette	KEA410	JSAMA01	6,585	0	0			Perm		31/07/2005
1 Baycroft Close	KEA411	JBRMA01	14,820	175	(15,583)	253	69	Perm		
5 Clos de la Baule	KEA412	JCBMA05	10,656	0	0			Locum/End		31/07/2005
9 Baycroft Close	KEA413	JBYMA09	14,820	104	(15,876)	365	100	Perm		
7 Baycroft Close	KEA414	JBAMA07	14,820	185	(11,373)	267	73	Perm		
17 Court Drive	KEA415	JCDMA17	17,292	210	(9,702)	365	100	Perm		
Le Becquet Carre	KEA416	JCAMAD1	22,454	310	(22,357)	365	100	Perm		
Le Chatelet	KEA417	JCHMA01	12,808	364	(11,960)	185	51	Perm		
Mont St Michel	KEA419	JMMMA01	9,739	698	(2,378)	124	68	Perm		30/06/2005
Teramar	KEA420	JTFMA01	13,566	58	(13,951)	365	100	Perm		
Miltonia	KEA421	JMMA01	17,580	1,022	(775)	108	30	Locum	15/12/2000	
6 Beachside	KEA422	JBDMA06	17,836	794	(4,626)	107	29	Perm/Locum	09/12/2000	
No 1 Coastlands	KEA423	JCOMAD1	17,456	0	(230)	59	16	Locum	01/06/2001	
Cottage 2, Oakdale	KEA424	JOCMA02	5,876	492	0			End	21/02/2002	28/03/2005
Cottage 3, Oakdale	KEA425	JOKMA03	15,615	0	(8,564)	365	100	Perm	01/05/2002	
5 Paddock End	KEA426	JPEMA05	14,220	188	(14,897)	365	100	Perm	21/05/2002	
Swiss Cottage	KEA427	JSCMA01	9,282	1,609	(30)	17	9	Locum/End	01/07/2002	30/06/2005
Flat 1, 37A David Place	KEA428	JDPMA01	35,760	103	(29,316)	234	64	Perm	17/08/2002	
Flat 2, 37A David Place	KEA428	JDPMA02	-	-	-	114	31	Perm/Locum	17/08/2002	
Flat 3, 37A David Place	KEA428	JDPMA03	-	-	-	210	58	Perm	17/08/2002	
Flat 4, 37A David Place	KEA428	JDPMA04	-	-	-	234	64	Perm	17/08/2002	
5 Baycroft Close	KEA429	JBTMA05	14,860	108	(5,366)	120	33	Perm	11/11/2002	
Flat 1, Axminster House	KEA431	JAXMA01	11,960	0	(14,640)	365	100	Perm	01/05/2004	
Flat 2, Axminster House	KEA431	JAXMA02	-	-	-	365	100	Perm	01/05/2004	
Sandbanks	KEA432	JSKMA01	11,200	0	(8,200)	190	78	New/Perm	01/05/2005	
Total			457,530	7,882	(217,699)					

Airport parking charges for commercial transport providers – question and answer

The Deputy of St. John tabled the following written question of Senator Leonard Norman, President of the Harbours and Airport Committee –

“Would the President inform members –

- (a) why the Committee has introduced Airport parking charges for some commercial transport providers, such as coach companies but not to others such as Connex, private hire or taxis, rather than introduce a level playing field for all?
- (b) why the Committee chose to revoke card passes to coach companies during August (2005) rather than at a time out of the main tourist season when negotiations might cause less impact on the travelling public? and,
- (c) whether the Committee will review the matter and put in place a level playing field for all commercial users at the Airport?”

The President of the Harbours and Airport Committee tabled the following written answer –

“(a) Charges for all users of the short and long-term car parks were introduced in 2003 subsequent to the States approving projet P.198/2002. Any coach, bus, private hire vehicle, taxi or private vehicle using these facilities, subject to very minor exceptions, is liable for this charge. Therefore, the level playing now exists, whereas before 2003 it did not.

The Committee would wish to make a modest charge for the facilities provided and maintained for the taxis and cabs at Jersey Airport but feels at this time unable to do so because the technology is not yet available at a cost-effective price and a surcharge is already made on taxis as approved by the Home Affairs Committee.

It is not the Committee’s intention to charge the public bus service.

- (b) No card passes were revoked during August 2005 nor at any other time.
- (c) The Committee will continue to keep the matter under review.”

La Falaise, St. Martin- questions and answer

The Deputy of St. Martin tabled the following written questions of Deputy Terence John Le Main of St. Helie President of the Housing Committee –

- “1. During question time on 19th July 2005, the President informed members that the full cost of the clean up operation at La Falaise, St. Martin had not been fully quantified but it was in excess of £7,000. A breakdown of the contents of the 22 skips taken from the premises was given. Would the President inform members –
 - (a) whether the cost has now been quantified and, if so, give full details?
 - (b) whether the job was put out to tender, who carried out the work, and whether the work was regularly monitored/supervised by the Department?
 - (c) when the work commence and when it was finished?
 - (d) in respect of the skips, the cost per skip charged to the Committee? and,
 - (e) whether a number of trees were cut down and removed at the time, and, if so, what the cost of this work was and whether it was included in the sum of £10,000?
2. Would the President give the dates upon which any complaints about La Falaise were received by the Committee, the dates when attempts, if any, were made to address the alleged complaints, what action was taken and why these actions were unsuccessful as indicated in answer to questions on 19th July 2005?
3. Would the President inform members –

- (a) of the dates of any exchanges of correspondence between the Housing Committee and the Environment and Public Services Committee in respect of the alleged state of the property? and,
 - (b) in respect of any exchanges of correspondence, was the Environment and Public Services Committee formally requested to take action at La Falaise, and, if so, when?
4. Would the President inform members of the dates upon which the tenant was asked to remove any rubbish from the premises and indicate whether these requests, if any, were in a verbal or written form?
 5. Would the President inform members whether the Committee will be recovering all costs associated with cleaning the property, and, if so, the date on which that decision was made by the Committee?"

The President of the Housing Committee tabled the following written answer –

“As the matter is between an ex-tenant and the Housing Committee, the Departmental Officers are still collating information on work carried out at the property and this matter could end up in litigation. I am not prepared to answer any questions from any member at this time in regard to La Falaise or the previous occupant, in case it prejudices the Committee in any action or otherwise that it may take.”

Overseas Aid: Grant Aid – question and answer

The Deputy of St. John tabled the following question of Deputy Jacqueline Jeannette Huet of St. Helier, President of the Overseas Aid Committee –

“Would the President inform members whether the Committee has made a grant to the Durrell Wildlife Conservation Trust and, if so, would she explain the rationale for this and how this aligns with the use of funds for humanitarian aid.

The President of the Overseas Aid Committee tabled the following written answer –

“Yes, in 2005 the Durrell Wildlife Conservation Trust successfully applied to the Jersey Overseas Aid Committee for two grants for projects located in Madagascar.

The Jersey Overseas Aid Committee’s strategy is driven by a clear mission. It is committed to joining with others in reducing poverty in poorer countries by making a sustained contribution, which is proportional to Jersey’s means, by continuing to contribute to basic health care, medical care, effective education, safe drinking water and food security, projects to assist self sufficiency, emergency and humanitarian needs and working towards the elimination of child labour and abuse. The Jersey Overseas Aid Committee pursues this by working closely with the private and voluntary sectors, ensuring the consistency of policies affecting poorer countries, encouraging and supporting recognised local bodies engaged in overseas aid and by using resources efficiently and effectively.

The first proposal from the Durrell Wildlife Conservation Trust was for the implementation of rural development in Baly Bay. The funding request was £24,600. The Durrell Wildlife Conservation Trust has been working in Baly Bay since the late 1980’s to support the conservation of the endangered ploughshare tortoise only found in this area of Madagascar, where 80% of the population live in small isolated villages. There is a lack of access to basic healthcare and clean water, school infrastructure is very limited and around 80% of the population is illiterate. Rural livelihoods are based on subsistence agriculture and small scale fishing using traditional techniques. The people rely greatly on surrounding natural resources, for example wood for cooking and construction, medicinal plants and tubers.

The Durrell Wildlife Conservation Trust sought funding from the Jersey Overseas Aid Committee to provide training and support to 11 community associations to manage their resources sustainably and implement their own development projects. Resource management was to be undertaken in collaboration with the national park authority and included firebreaks, planting of trees, defining and harvesting implementation levels of wood and raffia. Community development projects were to include the rehabilitation of 5 schools, the provision of 5 wells, the training and associate expenses on literacy and basic healthcare and hygiene for 5 community centres, solar-powered cold storage facilities to improve conservation of fish and improve revenues to fishermen and the provision of vegetable and fruit gardens and training for 5 community centres.

It was anticipated that the proposed activities would reinforce sustainable resource management and

conservation of natural habitats that would help ensure the long-term protection and sustainability of Baly Bay National Park and the endangered biodiversity within it. This would help ensure continued provision of valuable natural resources to the rural people of Baly Bay (3,000 people) and bring future development potential, for example from eco-tourism. Working with the community associations would also strengthen their capacity to develop and manage their own development projects, in particular direct contributions will be made to effective primary (500 children) and adult literacy (250 people) education, safe drinking water (1,200 people), basic healthcare and hygiene (500 people trained) and self-sufficiency (250 women to manage vegetable and fruit gardens for improved nutrition and for sale to increase household income; 100 households to improve income by selling better-preserved fish).

This project was approved on the basis that it provided basic health care, effective education, safe drinking water and food security and the assistance towards self-sufficiency.

The second proposal from the Durrell Wildlife Conservation Trust was for school rehabilitation, safe drinking water and sustainable natural resource management in the Alaotra region in central eastern Madagascar. The funding request was £25,100. Alaotra is the most important rice production zone in Madagascar, has one of the most important inland fisheries and is also an important refuge for water birds and the Alaotra gentle lemur, only found in this area. Lake Alaotra is the largest lake in Madagascar and with the surrounding marshes and rice fields constitutes a wetland area of 1,000km² and sustains around 500,000 people many of whom rely directly on natural resources such as fish and marsh products for construction, cooking fuels and handicrafts. Most villages have schools but they are in disrepair and inadequate for the large numbers of children. Lack of clean drinking water causes basic health problems. Wetlands are threatened by over-fishing, siltation from erosion, invasive exotic plants and marsh degradation from burning and cutting. Fewer, smaller fish are being caught and rice production has fallen. The Durrell Wildlife Conservation Trust has been working with the communities there since 1996 and the Jersey Overseas Aid Committee was asked to provide training and support to 7 community associations to continue with their programmes to manage their resources sustainably and to implement their own development projects.

Resource management activities would be undertaken in collaboration with the Water and Forests and Fisheries Services and would include marsh restoration, clearance of invasive plants, implementation of the fishing convention and management plans (limit mesh sizes, respect a closed season and to stop burning marshes). Community based projects included the rehabilitation of 5 schools, improved access to safe drinking water including wells and a distribution system to pipe water from clean sources.

It is anticipated that this project will reinforce sustainable management and conservation of natural habitats that will help ensure the long-term sustainability of Alaotra wetland and protection of the biodiversity within it. This will help ensure continued provision of valuable natural resources to people in at least the 7 target villages (27,000 people). Working with the community associations and commune federations will strengthen their capacity to develop and manage their own development projects in particular direct contributions will be made to effective primary education (2,000) children and safe drinking water (10,000) people.

This project was approved on the basis that it provided basic health care, effective education, safe drinking water and food security and the assistance towards self-sufficiency.”

Sewerage pumping stations in the east of the Island – question and answer

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following question of Deputy Jeremy Laurence Dorey of St. Helier, Vice-President of the Environment and Public Services Committee –

“Would the President –

- (a) inform members whether the Committee monitors sewerage pumping stations on the east of the Island and, if so, would he advise if any of stations located between Fauvic and Le Marais, in particular, have had any high odour levels recorded?
- (b) advise what action, if any, the Committee intends to take to resolve any identified problems with these particular stations, given the close proximity of, for example, the Jambart and Le Hocq pumping stations to nearby hotels and restaurants? and,
- (c) give an assurance that development in the Jambart area, including the new estate, will not exacerbate any identified problems?”

The Vice-President of the Environment and Public Services Committee tabled the following written answer –

- “(a) All of the public pumping stations administered by the Committee are monitored using telemetry 24 hours a day, 365 days a year. This monitoring enables any problems at the pumping stations, such as pump failure or high level alarm, to be identified and corrected quickly. In addition, the pumping stations are routinely visited twice a week by the Department’s pumping station operatives, who check and record the operating performance of the facility. Any odour problems would be identified during the twice-weekly routine visits, as such problems cannot be detected automatically by the telemetry system.

Odour problems have been identified at certain times of the year in the vicinity of the major east coast pumping stations at Le Bourg, Pontac and Le Hocq. These odour problems tend to occur during long dry periods in the summer months, when ambient temperatures are high and flows in the sewers are low.

- (b) The Department is undertaking trials using various types of bacteriological dosing systems at Le Bourg pumping station in an attempt to prevent the formation of the odours at source. These systems use bacteria to prevent odours normally produced if the sewage becomes septic, a problem most likely to occur during hot dry periods during the summer. The results of the trials, the latest of which uses a bacteriological dosing system successfully employed in Guernsey, should be known by the autumn.

In addition to these trials, the existing odour control systems at Le Bourg and Le Hocq pumping stations which are reaching the end of their effective life, are to be replaced with Biofilter odour control systems, similar to the units already installed at Pontac pumping station and the sludge holding tanks at the sewage treatment works. The Biofilter system has been proven to operate very effectively, and is far more efficient than the older type of odour control systems currently in use at the stations.

It has also been identified that, despite regular attention, the seals on the multiple covers over the main working sumps at Le Bourg, Pontac and Le Hocq stations are failing to consistently provide an air tight seal as originally intended, and hence allowing odours to emanate from the pumping station building itself from time to time. In order to resolve this problem, the covers at these three stations are to be replaced with purpose made air tight units.

It is anticipated that the replacement odour control systems and new covers will all be delivered and installed by late November this year.

- (c) I can confirm that Pontac pumping station, which is located in Jambart Lane, can deal with the additional flows from the new development in the Jambart Lane area, and that this development will not exacerbate the odour problem at this station. If anything, the additional flow will tend to reduce the potential for odour problems, which traditionally occur during the summer months, by increasing the flow through this pumping station during times of dry weather.”

Environment and Public Service Committee’s report entitled “Planning for Homes 2005”, housing development sites and the Island Plan, and the affordability of first time buyer homes – question and answer

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following question of Deputy Jeremy Laurence Dorey, Vice-President of the Environment and Public Services Committee –

“Would the Vice-President inform members –

- (a) whether details and extracts from the document ‘Planning for Homes 2005’ (R.C.63/2005) were made available to the media some days prior to States members receiving a copy, in accordance with usual practice, and, if so, the reasons why?
- (b) of the details of the sites included in the ‘*completed parallel feasibility studies on other potential future housing sites*’ carried out by the Committee in tandem with the Housing Committee appearing on page 4 of R.C.63/2005, and whether these sites are additional to those included in H2, H3 and H4 of the Island Plan?
- (c) how many homes on the Island Plan H2 sites have been completed to-date, whether all 11 H2 sites will be developed and, if not, which ones will remain undeveloped?

- (d) whether any shortfall in the non-development of any of the 11 H2 sites is to be made up from the development of H3 and H4 sites and, if so, the magnitude of the shortfall and which sites are being considered?
- (e) whether the Committee has considered the impact of 'planning gains' and the 45/55 split between first time buyer and social rented homes on the affordability of first time buyer homes, and, if so, what measures, if any, the Committee will take to address the matter?"

The Vice-President of the Environment and Public Services Committee tabled the following written answer –

- “(a) The Environment and Public Services and the Housing Committees, at a joint meeting on 18th August 2005, agreed the document ‘Planning for Homes 2005’. It appeared as an ‘A’ item on the Committees’ agenda and thus the matter was in the public domain. For that reason, the 2 Presidents issued a joint press release, embargoed to 23rd August 2005, and attached a copy of the report to provide background data for the media. The R.C. was published on 30th August 2005.
- (b) It has been common practice to undertake feasibility studies on sites which are being considered as possibilities for Category A housing purposes, prior to any related public consultation exercises selection procedures and subsequent decisions to recommend site rezoning.

Feasibility studies have been undertaken for all the H3 and H4 sites identified in the Island Plan as requiring public consultation. That is H3 sites 1-16 and H4 sites 15-21.

In addition, the following sites have been subject to feasibility studies –

- (i) Strathmore Nurseries (Field 561 and 562), St. Mary;
- (ii) Land west of the Parish Hall, Rue du Pont, St. Mary;
- (iii) Acorn Enterprises, States Farm, Trinity; and,
- (iv) Fields 516, 517 and 518, Patier Road, St. Saviour

It is still the intention that all the Island Plan H2 sites will be developed in due course. The status of the sites was set out in Appendix 8 of the latest Planning for Homes report.

- (c) No homes on the sites have been completed to-date.

Four sites are currently under construction and should be complete by the end of 2006. The completion of homes on one of these sites is imminent;

- (i) another site has permission and will commence shortly;
- (ii) five sites are at various stages in the planning process and should be complete before the end of 2009 (namely the end of the period for the current identified housing requirements); and,
- (iii) only one site has not seen any significant progress. Site H2-10 is a small Field at Rue de Haut St. Lawrence. A draft development brief has been prepared and the owner has appointed an agent but the Planning Department has not received any serious approaches from developers.
- (d) It is not currently envisaged that there will be any significant shortfall in the provision of Category A homes arising from the ‘*non development of any of the 11 H2 sites*’.

The evidence from the latest Planning for Homes report suggests that the supply of Category A homes will comfortably match identified potential requirements for the period up to the end of 2009, with the exception of sheltered homes. However, this situation will continue to be kept under regular review.

At this time, there would appear little necessity to bring forward additional land, including H3 and H4 sites for Category A housing purposes, with the exception of sites for sheltered homes and sites where an overriding case can be made to achieve much needed community benefits. No decisions have yet been made on the sites most suitable for these purposes. The Committee will have regard to its feasibility

studies, before proposing sites for public consultation purposes, prior to deciding which should be recommended to the States for rezoning.

- (e) The former Planning Environment Committee and the States considered the potential impact of 'planning gains' and the 45/55% tenure split on the affordability of first-time buyer homes when formulating and debating the Island Plan. This is why the H2 sites in the Plan were zoned on the clear understanding that the tenure split must be met and that development permission should comply with the requirements of an approved development brief. It is also why conditions on each permission require any future sales of first-time buyer homes to be back into the first-time buyer sector, thus having the beneficial effects of maintaining a stock of first-time buyer homes and reducing the need to rezone additional land for this category of housing.

As a consequence, owners and developers have known from an early stage what the States' and the Committee's expectations are for each site, the potential constraints and the matters which are likely to be the subject of Planning Obligations.

The aim has been to ensure that negotiations between land owners and prospective developers are properly informed of these matters, which should then be reflected in the land values. In effect, the land owner has had to accept a reduced price to cover the lower value of social rented housing, as well as any extra cost associated with planning obligations.

Ultimately, of course, the sale price of first-time buyer homes is determined by what those in the first-time buyer's market can afford. The developers have set their prices at this level and there is no evidence to suggest that the prices have been materially affected or have become less affordable as a result of the above measures.

It can be seen from the 'Action Plan' set out at the front of the latest Planning for Homes report that the Environment and Public Services and Housing Committees intend to give further consideration to how the difficulties of single-earner households (and other aspiring home owners with low incomes) entering the owner-occupied housing sector can be overcome.

There have always been those who cannot quite afford the entry price level. Clearly, continued supply of more designated first-time buyer homes will help bring more into home ownership, but new first-time buyers also come into the market every week, by reason of age, qualification, or other changes of circumstance. As the affordability level only moves up or down relatively slowly, to make a significant difference and bring more lower income households into home ownership it is likely that 'shared equity' or discount schemes would have to be introduced. Clearly, the potential effectiveness of such schemes and the costs which are likely to be associated with them will require careful investigation."

Matters relating to an air crash in October 2004 – question and answer

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

“Would the President inform members –

- (a) of the measures taken, if any, to clean up any contamination arising from harmful substances found in fire fighting foam used as a result of an air crash in October 2004?
- (b) whether any domestic water supplies have been contaminated as a result of this incident and, if so, whether any affected residents are able to apply to the Committee to have a potable water supply at no cost to the respective householder? and,
- (c) whether the Committee has offered any other form of assistance to any respective householders?”

The President of the Harbours and Airport Committee tabled the following written answer –

- “(a) After the crash the Airport Fire Service withdrew and the clean up operation was directed by the Environmental Protection Investigations Officer of the Planning and Environment Department. I am advised that contaminated soil was removed from site to La Collette under supervision of the Waste Resources Section.

- (b) As a result of this incident I am not aware of any domestic water supply having been contaminated.
- (c) Not as a result of this incident.”

‘Look-through’ provisions – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee–

“Would the President inform members –

- (a) whether the ‘look-through’ provisions proposed under zero/ten will resemble the Profits Distribution Charge in the Isle of Man?
- (b) of the measures that are proposed for this tax to ensure that it is treated by the E.U. as personal and not company taxation?
- (c) how individual tax-payers will declare and confirm any liability to tax under ‘look-through’ and how this will be administered? and,
- (d) how many other jurisdictions use similar ‘look-through’ provisions?”

The President of the Finance and Economics Committee tabled the following written answer –

- “(a) The proposed ‘look through’ provisions are different to the Profits Distribution Charge in the Isle of Man in some respects although they do have a similar rationale, namely, to protect tax revenues on the introduction of the zero/ten corporate reforms. The former will assess all corporate profits and income arising on the Jersey individuals who wholly or partly beneficially own a company. The latter will tax Manx residents on 60% of the corporate trading profits, and on 100% of the income arising in investment holding companies, by means of a deemed distribution or distributable profits charge. Further detailed information on the Isle of Man charge is contained in the consultation document issued by the Isle of Man Income Tax Division on 18th January 2005.
- (b) The ‘look through’ provisions will be a charge to taxation on Jersey resident individuals and will be a personal tax measure. Further detailed information on this personal tax measure is available in the written answer tabled on 19th July 2005 and in the oral answer given on 19th July 2005, both answers being in response to questions asked by the Deputy.
- (c) Every taxpayer has an obligation to declare income and profits brought into charge by the Income Tax (Jersey) Law on his or her personal Income Tax Return. The provisions relating to ‘look through’ will place such an obligation on all Jersey taxpayers. It will be administered by staff currently working at the Income Tax Office. Further detailed information on how the ‘look though’ provisions will be administered is contained in P.44/2005.
- (d) Territories generally aim to ensure that the tax rates for individuals and for companies are not too dissimilar. If there is a disparity between the two tax rates then there is a need to find some mechanism to offset tax planning arrangements aimed at reducing the overall liability. The mechanism to be adopted will vary from one territory to another, but at the present time both Guernsey and the Isle of Man are considering some form of ‘look through’. Similarly, in the United Kingdom when there was previously a disparity between personal and corporate tax rates, there were ‘close company’ provisions, similar to ‘look through’, to ensure that tax liabilities were not circumvented. Other countries may impute a deemed profit distribution from private companies in cases where the personal tax rate is higher than the corporate rate. As the trend generally is to reduce both the corporate and personal rates of tax to similar levels, most countries will not need such ‘look through’ provisions. The same is true in those jurisdictions where personal tax rates are below the corporate rate, since there is then an incentive to distribute profits. Ultimately, if general corporate tax rates move towards zero, there will be a tendency to rely more and more on indirect taxation measures. Caribbean territories are good examples of this.”

New LTIA scheme – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

“The President has stated that it would not be appropriate to review the working of the new LTIA scheme before it has been in place for a year. Will the President confirm whether such a review will be conducted to include –

- (a) the numbers on the scheme?
- (b) the proportions on percentage awards?
- (c) the numbers in work?
- (d) the total sums paid under this allowance in comparison with the schemes replaced by LTIA?

and, if so, inform members when he will bring this review to the Assembly?”

The President of the Employment and Social Security tabled the following written answer –

“The review that I stated would take place after one year was an investigation into the new Incapacity Benefit scheme not just one part of it namely the Long Term Incapacity Allowance. Any review must look at numbers but as I have answered the Deputy on many occasions, comparisons over short periods must be made with caution particularly against a system that has been in place for many years.

The review is scheduled to begin early next year. The simple reason for this is that the new system will have completed its first full year at the end of September 2005. Some of the data necessary for the review will be extracted from contribution data for the 3rd Quarter of 2005 which will not be available until January 2006, as contributions are collected in arrears. I would hope that the review will be available within three months of completing the data extraction.

As the Deputy is aware, the new Incapacity System is about recognising that illness is not a static situation and that the benefit system should not be a barrier to returning to work. So the objective is to review the new Incapacity System in order to establish whether it meets with the policy intent as agreed by the States, namely –

- (i) to provide immediate support for people with short-term, limiting illness;
- (ii) to enable people with long-term health conditions to return to work;
- (iii) to be less intrusive, particularly in cases of very severe illness where the person is unlikely to return to work; and,
- (iv) to prevent abuse of the system.

The review will gather evidence on numbers and types of award/s and include the associated guidelines, procedures, processes, support mechanisms and identify any areas where the role of the key stakeholders and communications can be improved.

It should also take account of other countries recent relevant experience and research in this field.

Given the timescale, it will be presented to the new Minister and not the Committee.

If any changes are recommended, I have no doubt that the new Minister will want to consider the recommendations and report to the States in the normal way.”

Support for those on low incomes affected by GST– question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee–

“In response to a question asked on 10th May 2005, regarding the reduction of support for those on low incomes affected by GST from an estimated £9-£13.5 million to £2 million, the President stated that the differing figures were ‘based on a completely different set of parameters’. Would the President give details of the change in parameters and show how they were used to produce the difference in figures and, furthermore, explain the rationale for the change?”

The President of the Finance and Economics Committee tabled the following written answer –

“The Finance and Economics Committee has never proposed a figure of £9-£13.5 million for additional Income Support to help to protect those on lower incomes from the effects of a Goods and Services Tax (GST). The Committee has, therefore, not reduced the proposed level of Income Support from £9-£13.5 million to £2 million, neither has it changed the parameters for the level of additional Income Support funding. The Committee’s first, and only, proposal for Income Support was for £2 million in the Fiscal Strategy (P.44/2005) approved by the States on 13th July 2005.

As I stated in my answer on 10th May 2005, £2 million will enable all those who receive benefit under the proposed Income Support scheme to be fully insulated from the effect of a three per cent GST. This will be approximately 7,500 households and will comprise all sectors on low incomes, including pensioners, the disabled and single parents. The Finance and Economics Committee firmly believes that this is a realistic figure derived from detailed modelling exercises using data from the Employment and Social Security Department.

If the Assembly were of the view that more households than those who would receive Income Support should be protected from the effects of GST then this could be done. However, States members should be reminded that to do this would require a higher rate of GST than that of three per cent in order to raise the required tax yield, to meet the projected shortfall in tax revenues and to pay for the additional benefits.

As an example, research by Oxera in 2002 showed that if all of those taxpayers liable to income tax, but who did not pay any income tax due to Jersey’s generous levels of income tax allowances and exemptions were to be compensated from the effects of GST, then this would cost between £10-£15 million. (Those are perhaps the figures to which the Deputy is referring). However, members should be aware that there are households with incomes of £70-80,000 per annum which are not paying income tax because of those allowances.

How much it would cost the States, (and hence the taxpayers of Jersey), to protect certain groups from the impact of GST depends crucially on what groups the States decides to protect; the bigger the group, and the bigger their current income, the higher the cost; the higher the cost, the more tax that those not protected would have to pay. There is no escaping this relationship. The essential point to note is that the more people who are protected over and above those currently in receipt of Income Support, the greater the rate of GST and the burden borne by everybody else.

The Committee firmly believes that those in receipt of Income Support under the proposed revised scheme should, quite rightly, be protected from the effects of GST. The scheme will achieve this through the indexation of the basket of items that make up the expenditure required for a decent standard of living in Jersey. That is why the Committee has made assurances that it will find additional money required to underwrite the Income Support scheme when GST is introduced.”

Funding the Parish welfare/LTIA benefit – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee–

“Would the President inform members –

- (a) whether the Committee has considered funding any shortfall experienced in the level of Parish welfare caused by the increase in claims arising from those receiving percentage awards under the new LTIA scheme?
- (b) if so, will this funding be met from taxation revenues? and,
- (c) what sums, if any, will be required to address this financial burden now and over the coming decade under the proposed income support scheme?”

The President of the Finance and Economics Committee tabled the following written answer –

- “(a) The Finance and Economics Committee has not received any requests for funding a potential shortfall in the level of Parish welfare caused by a possible increase in claims arising from those receiving percentage awards under the new LTIA scheme. The Committee has, therefore, not considered this issue.
- (b) Not applicable.
- (c) LTIA is only a part of the new incapacity benefit system which will be reviewed in April 2006. It is, therefore, not possible at this stage to comment on financial implications until after this review has taken place.”

Oral questions

THE STATES adopted a proposition of Deputy Roy George Le Hérisssier of St. Saviour that Standing Order 14] (1), relating to the time limit for giving oral answers, be suspended in order to allow all listed oral questions to be asked.

Members present voted as follows –

POUR: 28

Senator F.H. Walker
Senator P.V.F. Le Claire
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 16

Senator L. Norman
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy of St. Mary
Deputy P.J.D. Ryan (H)

ABSTAIN: 0

1. Senator P.V.F. Le Claire of the President of the Policy and Resources Committee:

“Has the Committee considered any conflict of interest involved with a marketing company representing both the interests of the Waterfront Enterprise Board and one of the Waterfront development companies and, if so, what is the Committee’s position on this matter?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“The Committee does not consider that there is any conflict of interest involved with a marketing company being employed to provide communications advice to both the Waterfront Enterprise Board (WEB) and one of its development partners. Strictly speaking, it is not a marketing company; it is a public relations

company. There is quite a significant difference. This advice has been provided on a consultancy basis and it does not have any bearing on the commercial relationship between the Waterfront Enterprise Board and its development partner, nor on the Waterfront Enterprise Board's policy making or its plans for the future of the Waterfront. I should point out that a distinction should be made between this sort of consultancy advice and advice on legal or commercial matters. In these circumstances, and in line with generally accepted best practice, separate legal and commercial advisers are employed."

1(a) Senator P.V.F. Le Claire:

"In putting this question, when I spoke to the managing director of the company that is in question, she was quite upset when I referred to her company as a public relations company. She did actually make the statement that it was a marketing company. How does the President continue with that approach given the fact that this company has actually put out 2 questions for inducements for completed questionnaires in the community of the Portuguese and Polish arenas with an overall cap of £10,000? How does the President not see that a company involved in handling financial transactions or suggesting marketing of a financial nature and also in strategic marketing for one of the developers does not bring that company into conflict?"

Senator F.H. Walker:

"I think the whole point here is that this is public relations and communications. I repeat the view of my Committee that there is no conflict. I think also the point that the Senator has missed is that, totally in accord with decisions of this House, the Waterfront Enterprise Board is working with private developers in partnership to deliver the best solution for Jersey's Waterfront. I merely repeat that there is no conflict?"

1(b) Senator R.J. Shenton:

"I wonder, as the Waterfront does interest me, although it doesn't interest many members according to the *Evening Post* cartoonist, perhaps we could have the names of the companies operating at the Waterfront on public relations or marketing exercises in order that we can determine the amount being spent in that area? Perhaps someone would provide us with that information later."

Senator F.H. Walker:

"Yes, Sir, I do not believe that that is in any way a problem. It is in fact pretty much public information."

2. Deputy G.C.L. Baudains of St. Clement of the President of the Environment and Public Services Committee:

"Did the Committee take into consideration the need to retain on site toilets for staff use when it approved the change of use of the Broad Street toilets and, if not, the reasons why; and what involvement, if any, did the Committee have in the consideration of suitable toilets to replace those lost by the change of use application?"

Deputy J.L. Dorey of St. Helier (Vice-President of the Environment and Public Services Committee – rapporteur):

"When this planning application was considered in February, the Committee didn't specifically consider the need to retain or provide toilets for staff at this site. The planning application was for change to use to either a retail unit or a café. As far as the café use or potential café use was concerned, this was treated by the Committee like many other kiosk uses around the Island, for instance beach concessions which don't have their own toilets which are generally located close to public toilets. The Health Protection Department was consulted by my Department and it made 2 recommendations, neither of them relating to the provision of toilets. Also, at the time of determining the application, members of the Committee were aware of the intention to convert the women's toilets in Conway Street into gents and ladies toilets and this was also referred to and discussed at the time that the application was determined."

2(a) Deputy G.C.L. Baudains:

"Relating to the second part of the Vice-President's answer, was the Committee aware, when it sanctioned the change of the Broad Street toilets, that the replacement facility in Conway Street would be far from satisfactory? For instance, as the Vice-President is aware, there is now a security issue for ladies using the Conway Street toilet, and gentlemen have to climb stairs, obviously meaning that those who can't have to walk as far as the Weighbridge. I would like to know, Sir, why these issues weren't addressed before the change of use was sanctioned and what does he intend doing to rectify the matter? Will he, for instance, make sure that the ground floor disabled access is available to all people?"

Deputy J.L. Dorey:

“The supplementary seems to be raising something of a new question. If the questioner is asking was the Committee aware in February of what the situation would be 6 months later, then, quite clearly, we weren't. He is raising issues about security and access which I am quite happy to look into, but they weren't raised in his original question and I have had no time to prepare for them.”

2(b) Deputy G.P. Southern of St. Helier:

“Does the Vice-President have any explanation for the apparent lack of ability of his Committee to communicate clearly with the Constable of St. Helier, who at a Parish meeting was saying ‘We have checked this out and there is no need for a staff toilet in the Broad Street Café’?”

Deputy J.L. Dorey:

“Communication with all parties could obviously be improved and, having looked through the case notes on this one, I think our communications both ways with the Health Department and our communications both ways with the Parish of St. Helier could have been better. I ascribe no blame in that, but it is clear that the message did not in all cases always get through perfectly. People are human and they don't necessarily always communicate 100% perfectly.”

2(c) Senator R.J. Shenton:

“I would like to raise the issue with the Vice-President about the consideration of those people who have to use public toilets. I took it upon myself to visit the male toilets after receiving representation from people, not necessarily physically handicapped but handicapped because they were of a certain age – younger than myself, but still of a certain age – and because of heart conditions and so on they found it difficult to go up those stairs. I did go up those stairs. I use the lift in the States Chamber. Quite honestly, it is a terrible ordeal and, apart from wanting to use the toilets, you would also need an oxygen mask by the time you got to the head of the stairs. I think a lack of regard has been given by the Committee.”

The Deputy Bailiff:

“And your question, Senator, is?”

Senator R.J. Shenton:

“And my question is do they always disregard matters which affect the public of this Island when they go ahead with their schemes, which is perhaps cosmetic but not entirely in-keeping with a caring society?”

Deputy J.L. Dorey:

“The answer obviously is no, we do not routinely disregard public opinion. We try to make the most sensible decisions we can make. It is clear from the supplementaries that both Deputy Baudains and Senator Shenton have the advantage over me, in that they have been approached with concerns about these facilities. No approach has been made to me or, as far as I am aware, to the Department or to the President. I do undertake that I will follow up these complaints now that I have heard them, but I can't anticipate complaints before I hear them.”

2(d) Senator R.J. Shenton:

“What can you do? What can you do about it? I don't think you can do a lot.”

Deputy J.L. Dorey:

“I am not sure what answer Senator Shenton wants there. He wants something done and he is telling me that I can't do anything. I will do my level best to address the concerns that he has raised.”

2(e) Deputy L.J. Farnham of St. Saviour:

“Given the fact that toilets in new catering facilities are not only best practice and highly desirable but should be a must, could the Vice-President confirm if it is actually a legal obligation? I presume it is not a legal obligation for Planning, otherwise they wouldn't have passed it, but, to the best of his knowledge, is it a legal obligation from a health point of view? I presume that it is not, otherwise Planning still wouldn't have passed it.”

Deputy J.L. Dorey:

“I am not sure I understand the question. The advice that we received from Health related entirely to two issues, chlorination of water in the fountain and the food hygiene issues under the Food Hygiene Order. No mention was made of this particular issue at the time that we sought advice.”

2(f) Deputy J.B. Fox of St. Helier:

“Would the Vice-President advise the House, from what we have heard today, if Planning, when they made its decision to allow the change of use, did not require the health protection requirements to be part of the planning decision, does that mean that the health protection requirements do not prevent the premises from being opened with the new intended café at this time, or is there a requirement from Health that has not been adhered to in the planning process and is this something that needs to be rectified in the planning process?”

Deputy J.L. Dorey:

“I thought I answered that question when I attempted to answer the previous supplementary. Planning quite correctly did seek advice on the issue of this proposed change of use from the Health Protection Department. We received advice. It did not relate to toilets.”

2(g) Deputy J.B. Fox:

“That is not the question. I am asking, as a result of the information that came out today, does the planning permit, because they didn’t have or take up the appropriate advice or whatever it is, does that mean that the café can now open as it has a planning permit?”

Deputy J.L. Dorey:

“No, Health still have absolute jurisdiction on this issue. This ceased to be a Planning issue. We have given planning permission. Health are now saying, and have been saying for some time, that there is a requirement for toilets there. It really isn’t within our jurisdiction.”

Senator S. Syvret:

“If it may help members, I can undertake to distribute later today or tomorrow to members an explanation of this issue from a Health and Social Services’ perspective. The fact is that the Committee took absolutely clear advice when the matter came to a head from its Health Protection Officers and, indeed, from the Acting Medical Officer of Health. But the reason why Health Protection didn’t write to the Environment and Public Services Department saying ‘Oh by the way, you must put a staff toilet in there’ is because it was simply taken as an obvious requirement in a new catering facility. You may as well ask the Health Protection Department to examine every application to build a house and write to the Planning Department saying ‘Oh, by the way, you have got to have a toilet.’ ”

2(h) Deputy J.B. Fox:

“I just want to press this a bit further because it seems strange to me, from the 3-odd years that I had on the Planning Applications Sub-Committee, that if you have something that is a legal requirement, it is the same as licensing or anything, you get the statutory advice from the statutory authorities and, as part of that advice, you take that on board and then you make a decision in planning issues when you get it. Clearly something has broken down here and I am not receiving, in my view, a satisfactory answer from that question or these questions this time. Maybe I am asking them wrongly, but, to me, it is common sense. You can’t give ----”

The Deputy Bailiff:

“What is your question, Deputy?”

Deputy J.B. Fox:

“Thank you, yes.”

Deputy J.L. Dorey:

“I will take that as a question. The fact is that the Department did precisely what it should do. It sought advice from the relevant authority on this issue. I have been at pains not to ascribe blame in this whole saga, but however obvious the issue of toilets may have been to the Health Protection Department, it was not absolutely obvious to everybody who might have considered this issue. It would have been helpful if we had received representations from the Health Protection Department on this aspect. We didn’t.”

3. Deputy J.A. Hilton of St. Helier of the President of the Policy and Resources Committee:

“During the debate on the Migration Policy in June 2005 (P.25/2005), the President, prompted by concerns raised in that debate, pledged to review the international legal position with regard to people’s right to freedom of entry and whether the States could tighten border controls to refuse entry to people with serious criminal records. Will the President advise members what progress, if any, has been made in this regard?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“The legal advice given by the Attorney General remains unchanged. In summary, it is not feasible within the existing legal and constitutional relationship with the United Kingdom, which provides for a common travel area for the U.K. and Crown dependencies to impose border controls on British nationals travelling to Jersey. We have obtained more information from both Guernsey and the Isle of Man. In fact, I met recently in the Isle of Man with the Chief Ministers of both islands, and they confirmed that their entry controls are effectively no tighter than Jersey’s and there is little prospect of that position changing. However, I have given an undertaking that, when details of a population registration system are developed, consideration will be given to including information about serious criminal convictions for all new registrations.”

3(a) Senator P.V.F. Le Claire:

“Would the President agree with me that the border controls are the same for Jersey as they are for Guernsey, but Guernsey at this time requires people to fill in forms in relation to housing that if they do have a criminal record and they do not declare that or if that is taken into consideration, they can be and are being dealt with in Guernsey by being told that they cannot enter to remain to leave? Although they may enter, they cannot remain to leave.”

Senator F.H. Walker:

“No, Sir, I can’t confirm that. Guernsey and the Isle of Man do include a question when there is an application to establish a residence in the Island on serious criminal convictions, but no record checks are made and, in effect, there is no ability to confirm whether or not the information they are given is correct and they have no ability, and nor do we, to prevent such people entering their islands. All we can do is abide by legal advice and abide by the constitutional position, like it or like it not.”

3(b) Deputy J.J. Huet of St. Helier:

“I think I heard correctly. I heard the President use the word ‘*British*’ population. What about other nationalities? Is it different for other nationalities or is that all nationalities? He only said British and we have got many more nationalities than British in Jersey.”

Senator F.H. Walker:

“As I think was made clear in the original debate, the same rules apply to nationals of other European Economic Area (EEA) Member States, which is the European Union (E.U.) Member States plus Iceland, Norway and Liechtenstein. The same rules have to apply.”

3(c) Deputy J.A. Martin of St. Helier:

“The President said he will look into this question more when the Immigration Register and the need to register is formulated. Obviously it is about asking the question. If people have to present at the Immigration Department, which will be employment and housing to live and work in Jersey, surely it is simple? Once they are here, I know we can’t prevent them being here. We may not be able to remove them, but if we asked the right questions and we do the police checks, it will enable them to stop working or maybe living in a certain residence and that will at least persuade many people not to come in the first place if you are asking the right questions or at least they can’t stay because it will enable them not to work. Has this been considered under the new Immigration Policy?”

Senator F.H. Walker:

“As I think I mentioned in my answer, the question is being considered. Our ability to act on the answer, because we can’t get a police check under the law and we cannot impose, as is clear, border restrictions, asking the question is one thing and the ability to act on the answer is something completely different. I have every sympathy with the thrust of the questions here, but, of course, we must abide by the law.”

3(d) Deputy J.A. Hilton:

“The President has just said that he cannot act under the law. We can ask the question, but, at the current time, we cannot act under the law with regard to a criminal record check. Surely it is a question of your Committee coming back to the States and asking for a change to the law so that we can act upon that information?”

Senator F.H. Walker:

“I wish it was that simple – and I really do wish it was that simple – but we are not talking here about Jersey law only, we are talking about the Immigration Act in the U.K. It would require a change to their own legislation, which we are advised they would be highly unlikely to consider on a request from Jersey because it is bound up with European Union legislation as well. It is a very complex process, and it is governed, as I have said, by the legislation of other countries and also by our constitutional position with

the U.K. So just for clarity, it is not possible to resolve this merely by changing the law in Jersey.”

3(e) Senator P.V.F. Le Claire:

“Would the President undertake, if I was to circulate unequivocal evidence that the States of Guernsey require criminal records and if convictions are not declared they are not able to enter Guernsey, they are not able to remain in their residences and they are not able to obtain or get the work; if I circulate that to all members today, will the President once and for all acknowledge the fact that they do do this in Guernsey and it is a mechanism that they use, not necessarily the law that has to be changed? Having distributed that evidence, would the President not agree to undertake to look at this more openly? I believe that we are being misled, Sir.”

Senator F.H. Walker:

“I think I have already said that we will indeed give consideration to including the question, but we are advised by the Chief Minister of both Guernsey and the Isle of Man and their senior officials that they do not have the ability, particularly with human rights considerations, to bar entry in the way in which the Senator is suggesting. If it was possible, then I would give an undertaking that we would be pursuing this in Jersey. Sadly, it is not possible.”

3(f) Deputy C.J. Scott Warren of St. Saviour:

“It has been in the media that the U.K., in the light of the very serious recent events in the U.K., is looking at tightening up on immigration controls. Will that, do you think, in any way lead to changes that could be beneficial to Jersey?”

Senator F.H. Walker:

“In answer to the question let me be clear. The Policy and Resources Committee is not in any shape or form reluctant to introduce more stringent checks and controls. We would support their introduction. If there is any way that that is possible following a change in U.K. policy or U.K. legislation, then we will most vigorously pursue it.”

3(g) Deputy J.J. Huet:

“I am sure somebody will tell me if I have got the wrong end of the stick, but if somebody wants to work or be a manager of a general public house, I believe they have to sign a form to say that there is no objection to us looking up a police record or to the authorities looking up a police record. I fail to see that if somebody is walking in our door, whether it be at the airport or at the sea port, that if we said when we gave them the form to fill in ‘Do you object to us checking if you have a police record?’, if we can do it for somebody working in a public house and working with children also, I believe, why on earth can’t we do it if they have agreed to it? It is not beyond the bounds of possibility.”

Senator F.H. Walker:

“That is a legal matter to which I can’t supply an answer. All my Committee can do is to work to and respond to the legal advice we are given. The legal advice is absolutely clear and unequivocal in this case.”

3(g) Deputy J.A. Hilton:

“Just going back to a previous answer, if we accept that we can’t stop people coming in under the Common Travel Policy at the port of entry so they come in, we accept that because the constitutional position is too difficult, can we not be responsible? Surely it comes under local regulations – well, it does – who we house and who we give jobs to? I am not saying that we stop people at the port of entry. They come in, but surely it is up to the people of Jersey to decide who we actually house and who we give jobs to? Surely, in that process, those questions can be asked? I spoke to a young lady at Housing yesterday and she was telling me about how under the Lodging House Registration they have to apply for a caretaker and they carry out a criminal record check. She made that point to me. So why can’t we apply that same thing to the Housing Regulations and to the Working Regulations?”

Senator F.H. Walker:

“I can’t answer the question because it is the legal advice that my Committee has received. I do acknowledge fully the concerns of Deputy Hilton and indeed a large number of other members. I think perhaps the best thing that the Policy and Resources Committee can do in this context is to arrange a seminar for members with the Attorney General so that there can be a full discussion on the legal advice position and we can possibly move forward on that basis. I will today undertake to arrange such a seminar.”

Deputy T.J. Le Main of St. Helier:

“You will find that the Housing Committee under its Lodging Houses Law will ask a person who wants to be registered as a manager whether they can access their criminal record with their permission. Failure to do so and the Housing Committee would not register or accept their nomination.”

3(h) Deputy J.B. Fox of St. Helier:

“Clearly this announcement this morning of a seminar is very good, but can I make a plea and a suggestion to Policy and Resources, which is to get a few people like me that have knowledge to shortcut the circuit by giving some of the answers. Can we have a little steering group to get it set up so that we don’t end up with this huge white elephant of impossibilities that could develop and try to bring it into a rational thing, because it is not just law it is procedure, etc., etc.?”

Senator F.H. Walker:

“I am grateful to the Deputy for what I construe as being an offer, and I can confirm that everyone with relevant experience from a past life will be invited to help.”

4. Deputy J.A. Hilton of St. Helier of the President of the Home Affairs Committee:

“Would the President inform members how many Community Police Officers are currently engaged in community policing across the Island; of these officers, how many are currently engaged on restricted duties or deployed elsewhere; how many officers are currently employed in the Licensing Unit; and what steps, if any, the Committee intends to take to review matters?”

Senator W. Kinnard (President of the Home Affairs Committee):

“There are 7 positions within the Community Safety Branch for Community Police Officers. Six of these positions are filled and one position is currently vacant, as the officer who has been occupying the position is on restricted duties due to a medical condition. The Licensing Unit is, and has been for some time, made up of 2 posts, both of which are filled. These are not Community Police Officers as such, although they came under the community policing umbrella in terms of police structure and management. There are 4 police officers also working from the St. Brelade substation. Whilst these officers, again, are not strictly Community Police Officers, they do concentrate on the policing commitment to the western Parishes in particular. All in all, Sir, 11 officers are allocated to policing the community in particular locations, and the Home Affairs Committee has no plans to review the community policing situation.”

4(a) Deputy J.A. Hilton:

“My understanding when I came into the States was that St. Helier in particular had 5 Community Police Officers, and at that time also the Licensing Unit had 4 to 6 serving police officers. I would like to ask the President, in an answer to a question that was given to me in March 2005 in relation to the Licensing Unit, the Policing Plan of 2005 was referred to, and they gave the operational priority in 2005 as licensed premises. The underpinning action plan included specific objectives to address under age drinking and target premises. What I would like to ask the President is how does she reconcile carrying that out with reduced numbers in the Community Police and also in the Licensing Unit with only 2 officers?”

Senator W. Kinnard:

“As I mentioned, I don’t believe that there really is any reduced policing in terms of community. As I mentioned, there are 11 officers who are allocated to particular locations. Also, we have introduced a number of new initiatives by targeting particular trouble hot-spots and inter-agency responses, particularly where we have different officers from Housing, the Community Police and Honorary Police working together in a problem-solving approach. Much of this has been introduced, together with new powers given to the police, for example, to confiscate alcohol from young people. I think also, Sir, members must be absolutely aware that we cannot be all things to all people. We have actually had to suffer a number of cuts through the Financial Services Review process. Indeed, we are no ordinary police force. We have to deliver functions others don’t, such as the threat from terrorism and financial crime. Basically, Sir, what I am saying is that, from an operational point of view, the imperatives change from day to day; sometimes indeed from hour to hour. I do believe that the most effective deployment of police officers on the ground really is a matter for the Police Chief and I do not have concerns as such with the existing 11 officers, as I say, who are committed to policing communities in different locations.”

4(b) Deputy L.J. Farnham of St. Saviour:

“At the risk of being called old fashioned, I would have thought that, with a force with 200 officers, we had 200 plus Community Policemen. I was brought up to respect the policeman, the local bobby. I still do, I may add. I would ask that really, given the success of the Community Police and the licensing initiatives, (a) what is the difference between a normal policeman and a community policeman, and (b) if there is a

significant difference, does the Committee think that 7 and 2 in the licensing Unit, given the success of the initiatives, is really enough?"

Senator W. Kinnard:

"I do believe that our police report as to the success of the States of Jersey Police in targeting crime and actually clearing up crime speaks for itself. I think it has been excellent in recent years. Of course, yes, all policemen are there and available for the community, but, as I have mentioned, we are an extremely complex police force, having to fulfil a number of functions which aren't just about bobbies on the beat. We do know that it isn't always the most effective way of dealing with crime. Other particular types of crime, financial crime, are not necessarily found through bobbies actually walking the beat. So policing today is a very complex matter. But, in terms of community policing, what is the Community Police Officer? They, of course, work in a much more problem-solving approach with the community to deal with those issues which may not even actually become criminal matters. Hopefully they will be able to nip those matters in the bud before they do become criminal activities, so low-level anti-social behaviour and those sorts of matters can be dealt with and nipped in the bud before it becomes a real cause for concern. They have particular skills, of course, for working with the community and I think that they do do an excellent job, but clearly we are a very complex police force in a complex time where crime itself is becoming more complex, and I think that we must recognise that, from an operational point of view, day to day we must use our resources, limited though they are, as effectively as we possibly can."

4(c) Deputy J.A. Hilton:

"In light of statistics produced that 40 per cent of crime is committed by under 18 year olds and, due to the demographic bulge between 2002 and 2006, the police have already predicted that there is going to be an 11% increase in crime committed by that age group, am I to take it from the President that St. Helier is only going to be left with – because the President tells us that there are seven posts and one is currently vacant, but I know that included in that number of 6 are community police officers for around the Island – am I to take it then that the people of St. Helier are going to be left with only two Community Police Officers in light of a rising crime rate?"

Senator W. Kinnard:

"No, Sir, it is not the case that St. Helier will be only left with 2 police officers. It is again depending on the operational imperatives. Members will remember that in recent times we have had particular problems in St. Brelade, so we have allocated 4 police officers to the substation there. Indeed, mentioning the demographic bulge, yes, we have been expecting a rise in youth crime, but I don't think we can exactly blame all of the increasing crime actually on growing criminality among the young. It is true that the States of Jersey Police have become much more effective in targeting those persistent offenders and actually getting to seek them out and indeed prosecute them and they have been much more effective in this process than they have been hitherto. So statistics have to be read very carefully. Yes, the demographic bulge sets us challenges in terms of the young, but also we must be aware that part of those high statistics are indeed due to the increased effectiveness of our own police force."

4(d) Senator R.J. Shenton:

"Sir, I know you ruled, but could I ask a question in an attempt to help?"

The Deputy Bailiff:

"I am always suspicious when members say that."

Senator R.J. Shenton:

"I know, but I really am. There are 2 trouble spots, it seems to me, in the Island. One is the Weighbridge definitely, and I have always been most surprised that we haven't used the Tourism Offices to station either honorary or professional officers there at weekends. It wouldn't cost us anything and it would be a presence on the trouble spot. The other one is the little kiosk at La Mare, which has been broken into for the second time in 4 months. There is always trouble in the toilets nearby with young people. Why on earth can't CCTV cameras be used, particularly at weekends, in locations where we know there are problems?"

Senator W. Kinnard:

"Of course we cannot be everywhere all of the time. Obviously, if we know that there are particular trouble spots, then the States of Jersey Police will work to address that, but of course it is the case with all of these things that young people will tend to move on to another location. I think it is an interesting suggestion made about the Tourism Offices. In fact, it is one that I might take up with the Deputy concerned with tourism and certainly discuss it with my own States of Jersey Police Force. As to the issue of CCTV, of

course, again, they are expensive. They have to be maintained and you have to make sure that they are most effective. That is why many of them are concentrated in the town area. As to whether it would be cost effective to have one in an area or location like La Mare rather than actually having some form of target policing to deal with specific problems is something that the Committee would have to weigh up very carefully indeed. But certainly these are all issues that we are looking at all the time because we are suffering like all Committees with stretched resources and we have got to be as effective and efficient as we possibly can with the resources that we have.”

Deputy L.J. Farnham:

“And Tourism would be pleased to help, Sir.”

5. The Deputy of St. Martin of the President of the Finance and Economics Committee:

“Has the Committee undertaken any research into exempting charges for consultations with General Practitioners and the issuing of medical prescriptions from the proposed Goods and Services Tax and, if so, what is the likely reduction in tax revenue as a result of this and by how much is it necessary to increase the proposed 3 per cent level of this tax to make up this reduction?”

Senator T.A. Le Sueur (President of the Finance and Economics Committee):

“Yes, Sir, my Committee has. The cost of medical prescriptions will not increase as a result of the Goods and Services Tax (GST), so there is no reason to exempt them. This is because the increase in the cost of prescription drugs is subject to the tax and will fall entirely on the Employment and Social Security Health Insurance Fund. As regards charges for consultations with general practitioners, this is a bit more complicated since, by the time the Goods and Services Tax comes into effect there will be a new Income Support system up and running. That scheme may well cover the cost of general practitioner consultations for the less well off, but effectively any money paid as a result of the Goods and Services Tax on most visits will simply be matched by a similar cost to the Income Support scheme. Accordingly, whilst excluding the costs of general practitioner consultations from the Goods and Services Tax would not significantly affect the yield from the tax, the benefit from doing this would go primarily to those on middle and higher incomes. The total tax revenue foregone has not been precisely calculated since the general principle has been that be as few exceptions as possible, but I can advise in broad terms that the loss of revenue would be well under a million pounds a year. On that basis, there would be no requirement to alter the level of the Goods and Services Tax since that sum is within the general margin of error. But if the States really wants to further assist those on relatively low incomes, perhaps those with chronic ailments, it will be more effective to target financial support to these groups rather than remove the Goods and Services Tax from everyone’s bills, including those on higher incomes.”

5(a) The Deputy of St. Martin:

“I thank the President for his answer, but would he agree that there is still a lot of work to be done before actually any figures can be produced to the States?”

Senator T.A. Le Sueur:

“Yes.”

5(b) Deputy G.P. Southern:

“Does the President not agree that, in the light of his answer, his Goods and Services Tax should be described as a tax on the ill?”

Senator T.A. Le Sueur:

“No, Sir. I have already indicated that this matter is still, as the Deputy of St. Martin says, subject to a lot more investigation and it may well be that we shall look at this in a more selective way, but it needs to be done in conjunction with how we deal generally with people with either low incomes or chronic ailments and not in isolation.”

5(c) Deputy G.P. Southern:

“Is the President then minded to introduce one of the very few exceptions on these items?”

Senator T.A. Le Sueur:

“I think, Sir, that will really depend on the balance that members themselves want to strike between a need to keep a simple system and the need maybe to have certain exceptions for social situations. This will be up for members to debate when I bring forward the detailed legislation in respect of the Goods and Services Tax. I will certainly keep an open mind in respect of medical consultations.”

5(d) Senator S. Syvret:

“Does the President of Finance and Economics accept the classical economic definition of regressiveness, which is that regressiveness is measured as a proportion of expenditure? Therefore, if people are expending all of their income they are suffering great regression, a greater proportion of regression on their taxation régime than are people on higher incomes, because they actually spend less and, indeed, save a much greater proportion of their incomes?”

Senator T.A. Le Sueur:

“I am not sure to what extent regressivity has to do with a Goods and Services Tax on medical prescriptions, but I would just point out to the Senator that the expenditure on medical consultations, as my answer showed, is a relatively small sum, which is why we wouldn’t need to alter the Goods and Services Tax, whether we did or not. On that basis, the issue of regressivity is of no great consequence.”

5(e) Senator S. Syvret:

“But does the President accept the classical economic measure of regressivity?”

The Deputy Bailiff:

“I think he has given you an answer, Senator.”

6. Deputy J.A. Martin of St. Helier of the President of the Policy and Resources Committee:

“Could the President give details of the ‘very significant’ resource implications that there will be for the taxpayer should the go-ahead for developments on the Waterfront be delayed by several weeks until after the elections are completed, and has the Committee considered whether public opinion on the proposed developments might be better known as a result of the election process?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“As well as proposals currently being discussed in the public arena, a number of projects are currently in progress on the Waterfront. The Waterfront Enterprise Board (WEB) has a wide range of contractual obligations to fulfil in relation to these projects, and the developers in turn have obligations to deliver projects to end users by certain deadlines. For example, and totally in accord with the wishes of the States, a commitment has been made by the developer to deliver a 4-star hotel to Radisson SAS for opening in 2007. If this deadline is not met because the Waterfront Enterprise Board has been unable to act, then the claims for compensation could run into millions of pounds. Members will be aware that a major programme of investment in the St. Helier Waterfront has been projected with approximately £350 million of private sector money planned for injection into it. This investment and the consequent benefits to the people of Jersey could be placed at risk if the Waterfront development is subject to significant delay. I agree that the election process provides the public with a further opportunity to express their opinion. The plans for all 3 currently discussed proposed new developments are under extensive review and are already the subject of ongoing consultation with the public. All comments received will be taken into account by the developers, indeed already have been, and the plans for these developments will not in any case be submitted until after the elections.”

6(a) Deputy G.P. Southern:

“In particular, in talking about the Castle Quay and Les Jardin developments, does the President agree with the managing director of the Waterfront Enterprise Board and his own chief officer, as revealed last night at a meeting of the Société, that we are actually in a very early stage of development and there is ample time for full debate and discussion on these 2 developments and there is no hurry to get on with it?”

Senator F.H. Walker:

“There is ample time, except that the developers themselves have options. If they decide that Jersey is delaying any decisions unnaturally and unreasonably, then they are quite likely to seek to invest in another community where their investment and the benefits to the taxpayer are better appreciated.”

6(b) Deputy G.C.L. Baudains of St. Clement:

“The President spoke of £350 million of private funds being injected into the area followed by the substantial public benefit that would flow from the scheme. Could he identify those benefits, Sir?”

Senator F.H. Walker:

“I was actually surprised this question was put today, given that we are going to debate Senator Shenton’s proposition, and I will outline in full – I think it would take too long now – all the benefits to the public of Jersey in that debate because they are substantial, they are many and they are not just financial, they are social, environmental and community benefits as well.”

6(c) Deputy J.A. Martin:

“The question is put because I am glad to hear that there will now be no decision until at least after the elections, because it is of great concern to the public and it will be an election question, a big issue. I am concerned that £350 million of development is going to go in from private sector money and all of a sudden the Waterfront Enterprise Board are coming and saying there is much benefit to the community. I mean, I was ----”

The Deputy Bailiff:

“What is your question, Deputy?”

Deputy J.A. Martin:

“Well, I attended the Waterfront Enterprise Board’s presentation last week and now we are told, if we go for the biggest scheme, we will probably get about £20 million that could do the town park, Fort Regen and St. Helier regeneration. These are all big questions. I am afraid that this is the hard sell and what will actually happen, if we do go for the hard sell – and this is how the majority of people were persuaded at the debate last week – will these actually go to these projects or will it just disappear into the big, big hole, because that is what I am afraid it will do?”

Senator F.H. Walker:

“The financial, cultural, social and environmental benefits of proceeding with the vision that the Waterfront Enterprise Board have, will depend on our ability to successfully work in partnership, as the States have requested the Board to do with the private sector. If they are allowed to do that and continue with viable developments on the Waterfront, paid for entirely by the private sector, the benefits will be as the Board have projected. What then happens to the financial benefit is not a matter for Waterfront Enterprise Board, it is a matter for this House, because the financial benefits will be returned to the taxpayer through this House, obviously immediately through the Finance and Economics Committee, and this House can then decide how and on what those benefits are spent.”

7. Deputy R.G. Le Hérissier of St. Saviour of the President of the Health and Social Service Committee:

“Would the President confirm that independent channels exist for both staff and patients in respect of serious complaints and, if so, would the President state how many complaints have been handled in this manner in the last 12 months and whether they were by staff or by patients?”

Senator S. Syvret (President of the Health and Social Services Committee):

“The question asked by the Deputy is in 2 parts. The first part concerns the independent channels which exist for staff, should a member of staff wish to make a serious complaint on matters within Health and Social Services. The States of Jersey policy on reporting serious concerns, more often known as the ‘whistle blowing’ policy, exists for this purpose. Members of staff have the right of reporting matters either to the Chief Internal Auditor or to the Director of Human Resources. This policy is independent, as both the senior officeholders operate outside the remit of Health and Social Services. Within the last 12 months, I am not aware of any instances by which the States of Jersey’s policy on reporting serious concerns has been used by an employee of Health and Social Services about the Department. In addition to this channel, members of staff also have the opportunity of using the States of Jersey grievance and disputes procedure, albeit for serious matters concerning terms and conditions and related issues. Health and Social Services is also developing a policy for the reporting of serious untoward incidents, primarily concerning health and safety and serious adverse clinical incidents. When this policy is introduced, it will be incumbent upon all members of staff, irrespective of grade or profession, to use it. The second part of the question concerns the independent channels that exist for patients and clients should they wish to make a serious complaint on matters within Health and Social Services. It is important that Health and Social Services is able to provide to patients and clients an independent channel of this kind. The National Health Service has a hierarchy of departments, agencies and statutory authorities which are so structured that a senior supervisory authority can conduct an independent investigation into the acts or omissions of a healthcare provider. As the States of Jersey’s Health and Social Services Department does not have this separation of functions, there is the danger that it can act as both judge and jury. To prevent this, the Health and Social Services Department is mindful of the need to ensure that objectivity is apparent when very serious patient or client related incidents occur. This is a working practice and not yet a policy, for reasons which will become apparent a little later in my reply. Within the last 12 months, three such incidents have occurred which have involved independent adjudication or scrutiny. The first of these concerned the management of a client within Social Services ----”

The Deputy Bailiff:

“I think, Senator, you are going on rather longer than normal. There have been 3 complaints, very well, I think suffices.”

7(a) Deputy R.G. Le Hérissier:

“Thank you, Sir. I wonder if the President could tell me, in respect of patient complaints, does the patient have an absolute right and, if not, what kind of vetting process occurs in determining whether it is one subject to independent vetting or not?”

Senator S. Syvret:

“Patients have an absolute right to exercise their freedoms. They can either complain internally to Health and Social Services or take their complaints elsewhere, to a variety of agencies; for example, the General Medical Council (GMC), the National Nursing and Midwifery Council and other medical practitioners, their legal representatives or politicians. Patients are entirely free to make those choices.”

7(b) Senator P.V.F. Le Claire:

“Would the President also confirm that there are actually slips in the hospital? I have seen compliments, complaints and suggestions which do outline the complaints procedures for patients that are readily available? I picked one up for myself next to the pharmacy yesterday.”

Senator S. Syvret:

“That is correct, Sir. We have a complaints, compliments and suggestions set of boxes with accompanying forms set around the building so that people can in fact make their comments and observations and complaints in respect of the organisation of the service. It is true, of course, as it is with any health service, that from time to time things perhaps are not as effective or as good as we might wish, but nevertheless I think we can say with confidence that Jersey’s Health and Social Services Department produces a standard significantly above the U.K. average and that the Island does in fact have a Health Service it can be proud of.”

7(c) Deputy R.G. Le Hérissier:

“I wonder if I could ask the President to get clarification on this issue of independence. Can he confirm that, when a patient says ‘I am tired’ or ‘I do not believe I am getting an objective look at my particular complaint’, they can then press a button within Jersey and not have to run to the General Medical Council (GMC) or the Nursing Council? They can press a button and they will then start a process of an independent inquiry into their complaints. Is that how it works?”

Senator S. Syvret:

“At present, no, there is not an independent complaints structure of that type. There certainly needs to be. This is why Health and Social Services, as I was explaining in the original answer, is developing such a policy. But it is also fair to say that the Health and Social Services Department, of all departments in the States, has the most advanced and best practice in terms of dealing with client complaints, and other organisations could learn from us. Certainly the entire panoply of public administration in Jersey needs to develop such an independent complaints procedure, but the Deputy can rest assured that the Department is developing such a policy. One of the reasons why we haven’t done it at present is because, to develop an independent advocacy and complaints hierarchy that is independent of Health and Social Services requires some additional resources and, of course, we would have to prioritise.”

8. Deputy G.C.L. Baudains of St. Clement of the President of the Employment and Social Security Committee:

“Are the benefit payments made under Long Term Incapacity Allowance done so in lump sums in advance rather than on a weekly basis and, if so, why has this policy changed and how will this work under the Low Income Support Scheme?”

Senator P.F. Routier (President of the Employment and Social Security Committee):

“Yes, the benefits are paid in lump sums in accordance with the Social Security Law. The policy has not changed at all. The benefit to which the Deputy refers, Long Term Incapacity Allowance, is a development of the previous Disablement Benefit system. Under the Social Security (Jersey) Law 1974, where a benefit relates to loss of faculty and when that loss is assessed at under 15%, the benefit is paid as a lump sum in accordance with an age related formula which is laid down in the legislation. Under the current income support proposals, lump sums will of course be taken into account.”

8(a) Deputy G.P. Southern of St. Helier:

“Could the President say whether it is normal to pay, say, 4 years of benefit as a single lump sum?”

Senator P.F. Routier:

“That is exactly what the law provides. It is not necessarily aimed at a particular period of time, it is a lump sum in recognition of the loss of faculty. It is a one-off payment. It is laid down. It has been there since 1974. It has not changed at all.”

8(b) Deputy G.C.L. Baudains:

“The President tells us that the policy hasn’t changed, yet it is my understanding that previously these things were paid weekly. I am aware of one situation, Sir, where something like £12,000 was paid to cover the period up to 2009. So the money was obviously spent within a couple of weeks, leaving Welfare to address the loss. Does the President not agree that such policies are not only unhelpful to the recipients but also are going to create considerable problems in the future with the Low Income Support Scheme? For instance, what would happen should the recipient die in that period? Will the Committee be seeking to recover funds?”

Senator P.F. Routier:

“I think the Deputy seems to have the wrong idea about what this benefit is. This is a one-off payment which is paid to somebody who loses the faculty of under 15%. They pay in an insurance premium like everyone does for insurance for their medical health and they get an amount awarded. If it is under 15% of an award, what happens is that it is felt that the administration of spreading that small amount of money across several payments would be really too much to contemplate. So it was decided many years ago, as I said, that it was under 15%. With regard to helping people who perhaps need to use the Parish Welfare system or the Income Support system in the future, certainly I think what this does identify is that people who are seeking support do need to have the full details available of their circumstances. The Income Support system which is proposed, which will be linking the Social Security and Income Support assessments all into one, will identify those circumstances right at that stage and these sort of issues which the Deputy feels have been an unreasonable case of somebody being paid a large amount of money, it is their money, it is their right to have that money and they have obviously used it in a way that they see fit but some of us may think may not have been appropriate. But, I should say that this probably highlights the benefit of moving to the new Income Support system, where one assessment will be made for all needs.”

8(c) Deputy G.C.L. Baudains:

“It does seem to me, Sir, that the Committee is going to have a steep learning curve when the Low Income Support Scheme comes in. Does the President agree that there are people who, for one reason or another, are unable to manage their own affairs, and does he not agree that the Committee will have to change its policy? Otherwise, these lump sums will be simply frittered away and the people will be back at the Committee’s door the following week asking for further sums of money. It is going to cost the taxpayer millions?”

Senator P.F. Routier:

“There is certainly a steep learning curve for all the people who are going to be involved with Income Support in the future, and we do recognise that that is something which needs to be addressed and we are working with representatives of the Constables’ Committee and the Welfare Departments. On a regular basis we have a Steering Group meeting, which is recognising all these issues, and we are working really hard to make sure that what we put in place is appropriate.”

9. Senator P.V.F. Le Claire of the President of the Health and Social Services Committee:

“Is the Committee planning on reducing the number of wards at Overdale and, if so, why; and is the Committee satisfied that the current number of beds in the Health Service is sufficient for present and future requirements?”

Senator S. Syvret (President of the Health and Social Services Committee):

“Health and Social Services is currently conducting a review of longer term care. This review will examine continuing care and respite provision within Old Peoples Services and will examine the current purchase of these services in the independent sector. The review will specifically determine whether the current deployment of services provides choice, high quality care and value for money. Clinical areas which are included in the review are the Overdale, McKinstry Secker and Samarés Wards, all located at Overdale Hospital, together with The Limes and Sandybrook Nursing Homes. Also included in the review are those 30 beds purchased by Health and Social Services and provided by the private sector. As is best practice the review will be based on clinical evidence, together with the views of patients, staff, clinicians and

important stakeholders, which include Family Nursing and Home Care, representatives of local GPs, Age Concern Jersey and the Jersey Association of Carers. The review has been prompted by the deteriorating physical condition of both the McKinstry Secker and the Overdale Wards. These wards are located in buildings which are over 40 years old and the layout of them belongs to a previous era. It is not possible to provide the level of privacy and dignity, together with the maintenance of a pleasant living environment, which patients in the modern day rightly demand and rightly deserve in these buildings. It comes as no surprise to me that the number of complaints received by Health and Social Services from patients and their families about the unsatisfactory nature of these 2 wards is increasing all the time. The strategic driver for the review is the demographics, that is the aging of the population of Jersey, which has been well articulated, particularly by the Interim Strategy for an Aging Society. At the risk of anticipating the outcome of the review, we should be mindful of the fact that the Health and Social Service Department has announced that it intends to develop a concordat with the private institutional sector. The aim of this concordat is to increase the availability and range of modern high quality, institutional care for both private and publicly funded patients.”

9(a) Senator P.V.F. Le Claire:

“Given that the question also was ‘was he satisfied with the current number of beds in the Health Service for present and future requirements?’, is the President satisfied that, were we to befall an incident in the Island of even a minor nature, we have sufficient bed capacity at this time to deal with such an incident?”

Senator S. Syvret:

“I can read out the second part of the answer now. The second part of the ----”

The Deputy Bailiff:

“I think, President, if I may, all Presidents have been asked to keep their answers to 1½ minutes, and that applies to your civil servants as well as to all others, so perhaps you can try and ensure that.”

Senator S. Syvret:

“The difficulty we are placed in is when questions are permitted that clearly require a detailed answer. It is in fact extremely difficult to provide a detailed, full and accurate answer if questions are asked that need this amount of information.”

The Deputy Bailiff:

“I appreciate it is difficult, but it is something that is faced by all Presidents and I think the rules must be the same for everyone.”

The Deputy Bailiff:

“And certainly there was a certain amount in your answer which I dare say could have been cut out by some serious editing, but please carry on.”

Senator S. Syvret:

“Well, Sir, in a nutshell, the answer is that a detailed review is being undertaken of the total number of beds in the Island and the type of circumstances in which they are likely to be needed, whether they are in the public or the private sector and, indeed, the Department expects to conclude this review some time early next year.”

9(b) Deputy T.J. Le Main:

“In view of the fact that there is this review, is the review going to be recommending or otherwise the loss of the respite facility to the public of the Island for elderly people and carers?”

Senator S. Syvret:

“No, there is no question of the respite facility, the respite opportunity, none whatsoever. The problem is the existing buildings, as I have already described, apropos that they are a disgrace. Routinely we receive a significant number of complaints from both the patients there and their families and loved ones. We want better facilities for respite, so it is entirely feasible, indeed very hopeful, that those particular buildings will be shut down but the respite care will be provided more effectively and better.”

9(c) Senator P.V.F. Le Claire:

“Notwithstanding that there is a review, I just wondered if the President himself was actually satisfied, which is what my question was. The review is meant to be completed next year. We are in the beginning of September. Should there be a serious issue in Jersey to handle at this time, is the President satisfied that there is a capacity to handle that and, if so, could he outline how we would accomplish that?”

Senator S. Syvret:

“If the Senator is referring to emergency incidents, it depends entirely upon the nature of the incident. There could be something as severe as an aircraft crash in the Island, which would result clearly in a large number of fatalities. Other incidents quite conceivably could lead to a much higher demand for bed space. It is regrettably a possibility that there may be an outbreak of a pandemic flu, for example, like the 1918 Spanish flu incident, which killed many tens of millions of people around the world. The Department has got plans in place to deal with that as best we can. We are at the leading edge of making provision to deal with this in the United Kingdom, but there are few communities, if any, that can guarantee providing complete bed space if half the population are infected with a potentially fatal disease. We are making contingency plans and emergency plans and we will do the best that we can under the circumstances.”

9(d) Deputy R.G. Le Hérissier:

“On the issue of the concordat, a very high level diplomatic instrument, could the President identify what he perceives is the relationship he would like with the private sector, given the turbulence that has surrounded some of this thinking in the past?”

Senator S. Syvret:

“Yes, Sir, it is perfectly simple. We consider those types of facilities for care and operations that can be provided by the private sector in an economically viable sense. We look at the opportunities and the savings and the effectiveness and the quality of service that this might deliver – as such a partnership might deliver – for the people of the Island and, where we are satisfied that the overall public good is served by such private/public partnerships, we enter into them and, where we look at the detail and we are satisfied that in fact overall public good is not served by a particular deal, we don’t enter into it. It is a perfectly simple matter.”

10. Deputy G.P. Southern of St. Helier of the President of the Home Affairs Committee:

“Would the President inform members of the level of policing resources required and the associated costs relating to the ‘Live 8 concert and whether any lessons have been learned about the policing requirements during the organisation of such concerts for the future and, if so, what these are?”

Senator W. Kinnard (President of the Home Affairs Committee):

“It had been anticipated that 16 officers would be required to police the ‘Live 8 concert. On the day, however, a much larger crowd than expected assembled – some 10,000 people – which necessitated a number of officers either being recalled to duty or kept on from other shifts. The policing of ‘Live 8 resulted in a cost of £5,621 payable in overtime in addition to the core cost of those officers who were rostered to cover the event. This is an overtime cost which is similar to that involved in policing the ‘Jersey Live’ concert, which was estimated at £4,140. The organisers were advised by Live 8 London not to provide alcohol at the event. However, people were encouraged to bring their own food and alcohol, but bottles and glasses were discouraged. However, it was not possible to actually enforce the no bottles or glass request, and it is felt that the lack of food available contributed to the increased levels of drunkenness. It is also felt that future events of this kind should be ticket only, that there should be an effective stewarding plan, a clear policy on alcohol and a creditable plan for enforcement. Consideration should also be given to the Bailiff’s permit containing such additional requirements. But, on the positive side, this was a community event, necessarily arranged at short notice, which achieved increased awareness of the plight of the poor in Africa.”

10(a) Deputy G.P. Southern:

“Can the President confirm that the organisers did not appear to be in control of the event and that stewarding was inadequate, that some stewards deserted during the evening and that there was a significant risk that, had there been a public disorder event in the concert, there may well have been serious casualties?”

Senator W. Kinnard:

“A number of difficulties were identified in the sort of debrief after the event. Indeed, those difficulties have been shared with the ‘Live 8 organisation. It has to be said, Sir, that lessons have been learned as a result of the event and thankfully it did go off, I think, without any particular great difficulty and it was a very positive community event. It was obviously organised at very short notice because of the way in which the screen was offered to Jersey and, indeed, I think that, overall, we can say that it was a success, but we are clear that there were some issues that needed to be addressed if ever this kind of event was to be put on in future.”

10(b) Deputy S.C. Ferguson of St. Brelade:

“Would the President confirm that the cost of the policing was so low because of the participation of the Honorary Police; would she confirm how many Honorary Police were involved with the organisation; and perhaps she would like to confirm that if the Honoraries had not been kept to the periphery, they might actually have been more use in the event?”

Senator W. Kinnard:

“The Honorary Police are always of great value in assisting in this kind of event. Indeed, just taking the ‘Jersey Live’ concert, the event that happened later, the Honoraries played a very significant actual rôle in policing that because there was time obviously to plan all of that. The great difficulty I think with the ‘Live 8’ concert from the point of view of having perhaps more Honorary involvement was the shortness of the notice of the event taking place. Indeed, there were some difficulties from the policing point of view because we were also aware that there were going to be a number of police resources needed specifically at another event the very next day, which also included a large number of States of Jersey Police and indeed Honorary Officers. But we are always extremely grateful for their assistance and they provide a very valuable form of assistance in all of these kinds of events, and long may it be so.”

10(c) The Deputy of St. Martin:

“Given that the President has made mention that some, I think, £5,000 plus was paid in overtime, were any arrangements in hand whereby the police could ask those people who organise these events to pay for the police overtime?”

Senator W. Kinnard:

“No, there aren’t. Obviously the States of Jersey Police from time to time are called upon to police such community events, and generally these are events for the community or of a charitable nature. I would think it would be a very sad day indeed if we were to turn round to charities and charge them for the policing of such events. I would fear that, if one were to do that, we might actually not end up with an appropriate level of policing and I think that would be a detriment all the way round, but there are other things that police are called upon to do that we have to find somehow although it has not been budgeted for. I mentioned the further ‘Jersey Live’ concert. We had the Royal visit in May, which cost some £96,000 in overtime costs. These are things that we are called upon to do as part of keeping us a safe community, and I think that it would be a very, very sad day indeed if we were to start seeking to charge organisations for that.”

10(d) Deputy S.C. Ferguson:

“I wonder if the President could, when she makes answers like this about policing, actually specify the number of States police and the number of Honorary Police who are involved in these events.”

Senator W. Kinnard:

“If I actually could give that figure, I would do it. I can try to find it out and supply it to the Deputy later. I do know in fact not specifically for ‘Live 8’, but I know the number of people who were involved in policing the ‘Jersey Live’ concert from the States of Jersey Police. I don’t have the figure unfortunately for the Honorary side of things, but if the Deputy requires that information, I will endeavour to get it to her later today.”

11. Deputy G.P. Southern of St. Helier to the President of the Harbours and Airport Committee:

“Are accounting practices at the Airport concurrent with accountancy rules for commercial operations, particularly regarding the use of cash surpluses, funding capital expenditure from income and without borrowing and writing-off of such expenditure in the year it is spent and, if not, what plans, if any, are there to put the Airport on a more commercial footing?”

Senator L. Norman (President of the Harbours and Airport Committee):

“Jersey Airport is subject to the Public Finances (Administration) (Jersey) Law 1967 and complies with States of Jersey Accounting Policies and Practices. Jersey Airport uses a number of funding mechanisms for its capital expenditure based on the needs of the business, including commercial borrowing. In recent years, the Airport has restructured its accounts and has taken the lead in the full implementation of the J.D. Edwards One World Financial System. It is also at the forefront of the States’ identified move to full generally accepted accounting principles.”

11(a) Deputy G.P. Southern:

“Is the President aware that under normal commercial accounting rules it is not normal to run airports with a cash surplus, it is not normal to fund capital expenditure wholly out of income and not normal to write

off capital expenditure in the year it is spent, as it happening here? Can he point to a single other airport anywhere in the world that runs on such antiquated rules? Also, does he accept that these ultra-cautious policies are inflating costs, driving up the apparent cost base and so demand current revenues quite inappropriately? Does he not accept that everyone coming to Jersey is paying for the lack of commercial expertise which appears to have been applied to this Airport now and on what timescale will he put the Airport on a proper commercial basis so that landing charges can be brought down, tourist numbers can be got up and we can revive the ailing tourism industry on this Island?"

Senator L. Norman:

"I am not quite sure which question to answer first, Sir, but, of course, as the Deputy knows, and everybody should know, landing charges at Jersey Airport have been coming down every year for the last 6 years in real terms and, in cash terms, they will by the beginning of next year have reduced by over £2.50 per passenger in cash terms. So there has been a real reduction. Of course, every commercial business funds its capital expenditure in different ways. They do use reserves, they do use borrowing and they do use leasing, in exactly the same way as Jersey Airport does. Jersey Airport is suffering from a problem which existed until the late 1990s, when Jersey Airport had to borrow from the Treasury every penny it needed for its capital expenditure and repay that back out of landing fees in a single year and at the same time repay to the Treasury every single penny of profit that the Airport made. So, in effect, passenger dues, as I said before, actually paid for all the capital infrastructure at Jersey Airport twice. Of course, that was totally unsustainable and we now have the situation where we do have a Trading Fund, out of which future capital expenditure will be paid be that out of revenue or out of borrowing or out of leasing as with normal commercial practices. Jersey Airport is extremely commercial. Of the 600-odd people who work at Jersey Airport, 500 actually work for private sector companies. As the Deputy also knows, we are conducting a review to see, for the future administration of Jersey Airport, whether it would be more appropriate to have private management in, whether it should be leased to an airport management company, whether it should continue as it is or whether it should be a States' owned Jersey company running it. All these things are currently under active consideration between my Committee, the Policy and Resources Committee and the Finance and Economics Committee and, hopefully, we will come to some resolution at some time during the next year, Sir."

11(b) Deputy R.G. Le Hérisier of St. Saviour:

"Does the President agree that the accounting system is hopelessly antiquated?"

Senator L. Norman:

"If the accounting system is hopelessly antiquated, then every accounting system in every Committee of the States is hopelessly antiquated, and that is because the Airport is subject to the same rules as every other Committee."

11(c) Deputy G.P. Southern:

"Does the President not think that it is about time that the Airport was put on a proper commercial footing to bring down landing charges and bring up visitor numbers?"

Senator L. Norman:

"The more commercial activity that can be provided for, by and at the Airport, is to be welcomed and encouraged. Certainly it is something that my Committee is supporting and have been pushing for the last 3 years."

12. Deputy M.F. Dubras of St. Lawrence of the President of the Education, Sport and Culture Committee:

"Thank you, Sir, and thank you for allowing the rule change today, otherwise I wouldn't have been able to ask this question. I also thank the President for his written answers to go alongside this.

"How much has the preparation of the Cultural Strategy (P.154/2005 and P.172/2004) cost taxpayers to date in total and which consultants/advisors to the Committee and its predecessor(s) were the primary recipients of fees? What percentage of Committee cash limits is allocated in each of the next 3 years to activities related to 'culture', as opposed to sport and leisure, and as opposed to education services?"

Senator M.E. Vibert (President of the Education, Sport and Culture Committee):

"The Cultural Strategy (P.172/2004) and the subsequent redraft (P.154/2005) were produced by an Education, Sport and Culture Sub-Committee of Deputy Carolyn Labey, Deputy Julian Bernstein and myself and staff within the Education, Sport and Culture Department, following a period of research and consultation undertaken by a U.K. firm of consultants, Leisure Futures plc., specialists in advising

government departments and local authorities on cultural developments. The research undertaken by Leisure Futures plc took account of an earlier report on cultural development, the Burns Owen Report, commissioned by the then Finance and Economics Committee in May 2000. For the details of the costs of that report I would refer Deputy Dubras to the President of the Finance and Economics Committee. The costs incurred by the Education, Sport and Culture Committee in producing its Cultural Strategy were mainly incurred over the 2-year period of 2003 and 2004. Including fees and expenses, they amounted to £17,360.71. A further £2,100 cost was incurred in 2004 in fees to a local accountant to provide more detail with regard to some aspects of the Leisure Futures report. A further report on the costs of the Strategy was commissioned recently. It is expected that the cost of this report will be in the region of £2,000. The primary advisers to the Education, Sport and Culture Committee as described above were Leisure Futures plc. Their fees and expenses amounted to £17,360.71. The Education, Sport and Culture Committee's Strategy was prepared using existing staff resources. No additional resources were utilised in this process and no record of staff time on this particular project was recorded. In total, therefore, the costs incurred by the Education, Sport and Culture Committee in developing its Cultural Strategy to date was £19,460.71, comprising the fees and expenses to Leisure Futures plc and the local accountant as described above. With regard to the proportion of the Education, Sport and Culture Committee budget allocated to activities within its sphere of responsibilities, for 2006, 3.4% of the Committee's net cash limit has been allocated to 'culture' and 4.2% to 'sport and leisure'. It will be for the new minister to agree the allocation of the 2007 and 2008 cash limits across all service areas within Education, Sport and Culture's remit. With regard to the split in the Education, Sport and Culture budget between 'culture' and 'education', the explanation is somewhat more complicated as there are overlaps. A significant amount of the general spend on education can also be described as an investment in culture. The instrumental music service would be a good example of educational investment which has cultural outcomes. Likewise, a proportion of investment in higher education, with student grants allocated to artistic or cultural studies. It can also be argued that the teaching of history, art, music, citizenship, craft and design and religious education has a cultural impact. Given this caveat, however, the proportion of Education, Sport and Culture's spending on 'education' as opposed to 'sport' or 'culture' will amount to the balance of 92.4% in 2006."

12(a) Deputy M.F. Dubras:

"I am really very disappointed in the President. He is proving his ability to read almost entirely the written answer to my written questions. He has provided no new information with regard to the total amount. Surely the taxpayer has a right to know what the total cost both of internal and external advisers is, including the cost of members' time and the officers' time. I am very disappointed that the President hasn't come up with a total amount and he hasn't even suggested an amount from the report that he refers to under the Finance and Economics Committee of which he was a member, the Burns Owen Report. I would have thought he could have obtained that amount on our behalf and given us a round number. Would he agree that the total cost is much more towards the £100,000 or even higher when he adds up all of the component parts?"

Senator M.E. Vibert:

"In reply as to why it is roughly the same answer to the oral question as the written question, if the Deputy asks the same question in a written question as in an oral question, he is likely to get roughly the same answer. As for the officer time, when we reorganised the Education, Sport and Culture Department with the amalgamation of the Education Department and the Sport, Recreation and Leisure Department and made significant staff savings, the need to allocate officer time to culture was identified and part of an officer's duties was for cultural advice. I do not believe that it would be a sensible use of taxpayers' money to have our officers, as lawyers do, recording every minute of their time they spend on different things. I don't believe it happens in any other department. Perhaps the Deputy could tell me if it happened in his department when he was President of Environment and Public Services with regard to the Transport Strategy and the bus contracts. I don't believe it is done. It is part of an officer's duties. We employ that officer, and it is part of our Committee's duties because we have been given the responsibility for culture by this House. We take it seriously and we are going to put some of our time to it. The costs I have given the Deputy are the direct costs we have spent. If he wishes to know the costs of the Burns Owen Report, I have got some rough details, but I think it would be unfair because it is the Finance and Economics Committee's costs. We haven't got the information of the detailed costs in our Department. If the Deputy wants to know that answer, he should answer the question of the right person, Sir."

12(b) Deputy M.F. Dubras:

"Would the President agree that it is important that officers' time is known in allocation in broad terms to the different component parts of his mandate, and certainly I would be interested to know what percentage of the time of the Committee is spent dealing with cultural matters? Finally, in looking ahead, Sir, given the information that the Committee has tabled with us this morning with regard to the estimate of the costs

of actually implementing the Cultural Strategy, which we will get to debate no doubt later this week or next week, and knowing that the cash limits show an increase of £6.5 million over last year, surely we should be entitled to know where the Committee is expecting to allocate that £6.5 million, which is well in excess of the path to £1 million that his advisers have suggested. What is the total amount that the Committee expects to spend in addition on the Cultural Strategy, if implemented?"

Senator M.E. Vibert:

"It would be up to the States to decide whether they approved the Cultural Strategy. The Cultural Strategy is a document which I would hope States members will sign up to for their support of the cultural importance to the Island. It is a document that shows that we need to be thinking about investing more in our culture in future, but what it does is to say that we will do that within the States' priorities and the money that the States allocate to our Department for that purpose."

12(c) Deputy R.G. Le Hérissier of St. Saviour:

"I wonder if the President could confirm that he is highly embarrassed, without wishing to place blame anywhere, at a situation where we now have 2 financial implication reports, prepared within the same university department, reaching very different conclusions? Why couldn't the 2 bodies not have knocked heads and come up with a figure which would be understandable to us all?"

Senator M.E. Vibert:

"I am not embarrassed in any way at all, Sir. In the interests of trying to save money, we originally were intending – because we were told we could have it – the Jersey Arts Trust, we understood, had commissioned a costing. We were originally intending to just verify that costing when it was made available to us. We kept asking for a sight of this costings report. We kept asking for how it was being done. We were denied a sighting of this costings report. In fact, we didn't see it until after it had been sent out to States members and made public. So with a very short time scale and in the interests of providing States members with accurate as opposed to farcical, inaccurate information in the costings report prepared on behalf of the Jersey Arts Trust, we decided to commission a proper costings report so that States members would have accurate, sensible information. We were hoping that we wouldn't have to do it and that we could have verified the Jersey Arts Trust report, but they refused to show it to us."

12(d) Deputy R.G. Le Hérissier:

"Would the President confirm that the 2 studies for some time were running in parallel so one did not follow the other? Would he further confirm that he gave specific instructions to the consultant within his Department to come up with a cost-neutral conclusion?"

Senator M.E. Vibert:

"I deny that entirely. I think that is an appalling allegation to make, totally out of keeping with the President of Privileges and Procedures. No, we saw the consultant. May I say, Sir, the consultant we employed visited and talked to the major people involved in the Cultural Strategy, whereas the consultant employed by the Jersey Arts Trust didn't consult anybody outside the Jersey Arts Trust over it? We gave no instructions to our consultant otherwise than to look at the Cultural Strategy we prepared. He asked us questions. He asked other people questions and he came out with what he believed was the correct independent advice."

12(e) Deputy C.J. Scott Warren of St. Saviour:

"Would the President agree that if the Burns Owen Report had been acted upon rather than shelved, it might have saved money on further reports?"

Senator M.E. Vibert:

"Yes, Sir. I agree entirely. I regret that it was shelved. When I was elected President of Education, Sport and Culture, I gave an undertaking to come back to this House with a plan for Culture. This is what we have done and this is what we are doing."

12(f) The Deputy of Grouville:

"Could the President confirm if any of the Committee have ever been shown the terms of reference by the Jersey Arts Trust that commissioned the financial report, and I think he confirmed another question I was going to ask, in that not one member of the Committee or authors of the report have been questioned by the Arts Trust's financial adviser."

Senator M.E. Vibert:

"Yes, Sir. We were very disappointed. As I said before, we thought we could verify the Jersey Arts Trust

Report and save having to have another report done. We continually asked for sight of this report. We were not given sight of the report. We were not shown the terms of reference. In fact, unfortunately, we were presented with a fait accompli and when it came near to the time, when we knew we wouldn't have time to verify the report, we decided that, for the interests of States members, they needed a proper, independent assessment of the likely cost, which is why we employed an independent consultant to look at the Strategy and come up with the costing."

12(g) The Deputy of St. Martin:

"Would the President agree that the low costs incurred in preparing the Strategy has led to an inadequate and under prepared Strategy being produced to the States and, if he doesn't agree with it, will he tell us why?"

Senator M.E. Vibert:

"I gave the costings for the preparation of the Strategy. Perhaps the Deputy lives in a different world to me, but I think something just under £20,000 is plenty to spend on preparing it. We also had our own officer, who had allocated a proportion of his time when we reorganised the Department and we feel that we have produced a Cultural Strategy that States members can make their mind up on. It will be a living document. Yes, like every good strategy, it will change in the future, but there is an opportunity for States members to approve it or otherwise, to give their support to Culture or otherwise. We went out to a considerable period of consultation and nearly all the aims and objectives were fully supported by the majority of the people consulted, including the Jersey Arts Trust."

12(h) Senator L. Norman:

"Is it not true that a member of the Education, Sports and Culture Committee sits as a trustee on the Jersey Arts Trust and, therefore, will have full access to all of the information and all the policies that are produced by the Jersey Arts Trust and is this member therefore not communicating with his Committee?"

Senator M.E. Vibert:

"It is true that a member, Deputy Julian Bernstein, sits as a member of the Jersey Arts Trust. Unfortunately, it is also true that he has not been provided with all this information produced by the Jersey Arts Trust. I understand that the Jersey Arts Trust has written to States members. They have not supplied copies of that letter or written to the members of the Education, Sport and Culture Committee or provided that information to their member of the Jersey Arts Trust, Deputy Bernstein. Unfortunately, we are in a situation where it appears that, because there seems to be wholehearted opposition by the Jersey Arts Trust to the organisational plans in our Strategy, they wish to denigrate the whole Strategy. I regret the way that this has developed and I would hope that once States members have hopefully approved the Strategy, we can move forward and have a proper way of dealing with culture and with our voluntary organisations in the Island in future. It is well-needed."

12(i) Senator L. Norman:

"I also regret the way things have progressed, but, for clarity – the member of the Education Committee who sits on the Jersey Arts Trust – is the President saying that that member did not know that the Arts Trust were commissioning a costing of the Cultural Strategy and they did it because the Education Committee at that time had not done it, but he was not aware that it was being done; he was not aware of the terms of reference; he was not aware of when it was completed; he was not provided with a copy when it was presented to the Jersey Arts Trust; and he was not aware that, as the Committee alleges, it was not passed to the Education Committee, despite the fact that he is a member of both bodies? I find that quite inconceivable. My understanding is that we all knew that the Jersey Arts Trust was preparing a costing. As I said previously, Senator Norman, we thought 'Right, we will be able to make a saving. We will only verify the Jersey Arts Trust's costing.' Deputy Bernstein and we all knew that. But when we continually asked throughout the summer for a copy and for sight of the costings, they were refused. We weren't given them. It got to the stage where we knew we wouldn't have time to verify the costings, so we took the decision so that States members would be properly informed that we would have to produce a costing. We have asked for detailed terms of reference and they have not been supplied either. The Jersey Arts Trust, of which Deputy Bernstein is a member, I believe, did not see the detailed terms of reference. As far as I understand it, they were general terms of reference."

12(j) Deputy M.F. Dubras:

"I am disappointed to hear the President's answer, but I have to say that he indicated that there has been a certain amount of denigration going on, but I find that perhaps the Jersey Arts Trust, if indeed they had, but I am not sure, took the lead from the President because the President called the report of the Jersey Arts Trust adviser 'farcical and inaccurate'. Now, would he wish to withdraw those comments given that

he has had little time to analyse it and the report that we have received this morning from his adviser is equally going to take some time to analyse? It seems to me quite unfortunate that the President chooses to use the words 'farcical and inaccurate' when we have all had relatively little time to actually study the reports."

Senator M.E. Vibert:

"The Jersey Arts Trust report was released some days ago. In fact, again, it was provided to the media before it was provided to the Education, Sport and Culture Committee. In fact, it was the media who provided me with a copy when they asked me to comment on it. I looked through it. I have made my judgment on it. We have also had the Finance Officer at Education, Sport and Culture look through it and give her thoughts on it and unfortunately I do not believe – partly because the person doing that costing did not talk to any of the authors of the report or any of the major players involved, apart from the Jersey Arts Trust – that it is inaccurate. In addition, in my view, trying to assign and to convince States members that there is this enormous cost to this Strategy by detailing every officer's hour of time or bit of time when it would be normally part of their duties is farcical."

13. Deputy R.G. Le Hérissier of St. Saviour of the President of the Harbours and Airport Committee:

"Would the President advise members of the stage reached in negotiations with interested parties, including Belgravia, in regard to the development of Airport assets and identify what options, if any, the Committee is considering in this respect?"

Senator L. Norman (President of the Harbours and Airport Committee):

"Regarding the operational area of the Airport, the Committee has received expressions of interest from a number of parties in relation to sites within the Airport perimeter. We are currently in negotiation with a private sector group which wishes to construct a large commercial hangar on the south side of the Airport. Those negotiations are close to completion and I am hopeful that a planning application will be entered into shortly. A proposal for an aviation museum has recently been put forward and we await further details from the group concerned. For clarity, Sir, the 2 schemes are not mutually exclusive."

13(a) Deputy R.G. Le Hérissier:

"Would it be the case that the proposal re. the aviation museum will also require at some point a planning application and, therefore, it would be premature at this point to close-off that option?"

Senator L. Norman:

"There is no question of that option being closed-off, and I am absolutely certain that any construction at the Airport or anywhere else will require a planning application."

13(b) Deputy R.G. Le Hérissier:

"I wonder, Sir, could the President tell me whether the proposal he is looking at from Belgravia is structured in such a way as to eliminate the Airport museum proposal, that once it goes forward, Sir, it will no longer be possible to bring forward the museum proposal?"

Senator L. Norman:

"Absolutely not, Sir. The Committee received a presentation recently from the Royal Air Force Association regarding a potential and exciting plan for an aviation museum. We have been in contact subsequently with representatives of that organisation and made it quite clear, and I said in my answer that, the 2 schemes are not mutually exclusive. They can both go ahead with proper planning and organisation with no problem whatsoever."

13(c) Deputy R.G. Le Hérissier:

"I wonder, could the President confirm that if Belgravia goes ahead, does the planning application as structured include provision for an aviation museum or similar facility?"

Senator L. Norman:

"The private sector company we are negotiating with have not included an aviation museum in their plans, Sir."

14. Deputy M.F. Dubras of St. Lawrence of the President of the Health and Social Services Committee:

"When will the President supply to members the organisation charts 'pre and post appointment of the current Chief Executive Officer' as promised in response to my supplementary question on 21st June 2005 (reference question 3(d)) and can he explain why they have been so long delayed?"

Senator S. Syvret (President of the Health and Social Services Committee):

“Circulated are 2 organisational charts. These depict the pre and post-organisation structures of the senior management team of the Health and Social Services Committee. The pre-organisation chart shows a somewhat traditional style of hierarchical management, whilst the post-reorganisation chart is a flatter scheme, more attuned to effective communication and consequently more responsive and efficient. A comparison of the 2 charts will reveal that the new structure is less cumbersome, with 8 less posts and a recurring saving of approximately £600,000 per year. This saving has made a major 28% contribution to the 2005 efficiency savings required of the Committee for that year. What is not obvious from simple comparison of the 2 charts is the change in the rôle of the senior nurse managers. In the earlier structure, that rôle was regarded as more managerial than nursing and, as a consequence, as much as 80 per cent or average of their time is spent managing. In the new structure, this has changed, with the emphasis of their rôle being clinical standards and governance. In this way, nursing and midwifery staff are more effectively managed and their clinical care improved. The matrons work as a team to provide consistently high standards and to reduce duplication across the services. Due to a breakdown in communication within the Department, officers were unaware that they had not responded fully to the questions asked. An apology for this delay is offered, together with an assurance that there is no other reason for failing to provide that which was requested. The charts are appended to this answer and I will make arrangements for its distribution.”

14(a) Deputy M.F. Dubras:

“I am really disappointed that the President wasn’t able to distribute these ahead of time. It seems that he is relying on the traditional way of answering the oral questions with written answers instead of responding with a very short answer, and I look forward to studying the charts.”

Senator S. Syvret:

“Well, Sir, I answered the question accurately. I am going to distribute the charts, and I can only compare the performance of the Health and Social Services Committee and indeed the Department with the Public Services Department under the leadership of the Deputy, and I think the contrast speaks for itself.”

14(b) Deputy R.G. Le Hérissier of St. Saviour:

“There has been an increasing concern, which is why we need to see the charts, that a lot of us felt we were on the cusp of major reforms, despite the fact that the President used me as a total cynic in that regard. We felt that we were on the cusp of major reform in the Health Service. We now see the Medical Officer of Health (Acting) has been reincarnated as the Director of Strategic Development and we now see that the Director of the Hospitals has returned with a very lengthy title, Director of Change and Mission and so forth. Could he please tell us, Sir, where the money is coming from, given the parlous state of health financing and the inability to finance an independent system of complaint investigation?”

Senator S. Syvret:

“As I have explained in the answer, the changes that have taken place are in fact cost savings, £600,000 a year recurring. That is the result of the change in the managerial structure of Health and Social Services. The Acting Medical Officer of Health has now become the Director of Change. He is going to fulfil a vital rôle, because the way healthcare is delivered and policed throughout the United Kingdom is undergoing a period of dramatic and significant change. Jersey has to be a part of that change. We have to meet the very toughest standards that are going to apply in terms of clinical governance and organisational accountability throughout the United Kingdom. This is going to require major work in terms of bringing together greater co-operation of the secondary care sector with the private sector and primary care sector. We are going to have to have to look at putting in place all of the appropriate safeguards in terms of clinical governance that are going to be required post-Shipman. There is a whole raft of changes in the way clinical, medical and social care is provided. This is happening across the United Kingdom, and the health and social care environment in Jersey – and I mean all of the health and social care environment in Jersey – is going to have to meet these modern standards. This is the rôle that will be overseen and carried out by the gentleman who was the Acting Medical Officer of Health. It is a crucial rôle, fundamental in making sure that we make the right decisions now for the appropriate future development of health and social care delivery in the Island.”

14(c) Deputy R.G. Le Hérissier:

“Can the President confirm, Sir, that the position, for example, of Director of Strategic Development was indentured in the plan and that it is not a conversion to deal with an employee who suddenly finds himself not in the position he perhaps hoped to occupy?”

Senator S. Syvret:

“I can confirm, as I have already described, I think at some length, the fact that this post is vital. It is

central and this work would need to be done if the way health and social care in Jersey is to be delivered. It is to be remodelled in a way that meets modern standards. This task is crucial, and I repeat the point that the overarching result of the managerial restructuring within Health and Social Services is a loss of 8 posts and a recurring £600,000 a year saving.”

15. The Deputy of St. Martin of the President of the Environment and Public Services Committee:

“On 5th April 2005, during the States debate on P.20/2005 – Maufant Village: Transfer of Estate Roads and Footpaths – the President gave an undertaking that a feasibility study would be conducted into a possible alternative entrance into Field 690A. Would the President give an update of the work carried out to date and when the study will be published?”

Deputy J.L. Dorey of St. Helier (Vice President of the Environment and Public Services Committee – rapporteur):

“The possible alternative entrance specified by the President during that debate has been under investigation. However, the public consultation which took place at the beginning of June resulted helpfully in the residents of Maufant Village suggesting a further possible option for an entrance, which is also currently being investigated in collaboration with the relevant authorities. This matter, including the advantages and disadvantages of all possible options, will be considered by the Committee at its meeting in October.”

15(a) The Deputy of St. Martin:

“Can I thank the President, but could I just ask him, is he aware that, whilst the feasibility study is welcomed by the residents whose cul-de-sac is likely to be opened up into Field 690A, it is not welcomed by those people who may well feel that their right of way is going to be lost? Could I ask that further consultation is conducted with the residents, because I certainly was not aware of a third possible entrance? This is something new to me and I thought I was in close consultation with the residents. Perhaps he could also tell me where this third alternative entrance is?”

Deputy J.L. Dorey:

“To answer the final question first, no, I can’t give the questioner precise details of where that entrance is. I am surprised, given the fact that he has been in close contact with the residents, that he hasn’t heard of this third option, but the fact that it has come to light has been as a direct result of the consultation that we have been pursuing. I would have thought it extremely unlikely that any further options will now come to light. I think it is entirely appropriate that, having carried out its consultation with residents, giving due weight to their wishes, the Committee should then consider all the facts of all the three possible options at its meeting in October.”

The Deputy Bailiff:

“Very well, that concludes Question Time.”

The proposed 2006 Census – statement

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

“On behalf of the Policy and Resources Committee I would like to update the Assembly on the issue of the census.

Following the decision by this Assembly to approve proposition P.116/2005, the Committee has sought advice from the States Statistics Unit on whether it would be possible to run a census in 2006.

The expert view of the Head of Statistics is that it will not be possible to run a meaningful census in the spring 2006. As such and given the need to run a census at the same time of year as on previous occasions for comparative purposes, the earliest a census could be run is March 2007, which is only four years before the next one will be due in 2011.

Running a census is not a simple task. It means collecting information from everyone in the Island. To achieve this requires accurate information on where everyone lives, forms that are clear and that are understood by all members of our population, a large team of trained enumerators as well as appropriate means of capturing and analysing that data. It is not a simple case of taking the form used last time and re-issuing it. Following such an approach without proper planning would simply result in a very incomplete picture and half a million pounds being wasted.

The Committee is, of course, very well aware of the strong feelings that are held by members about the census and the development of statistics. During the summer all of us have received a letter from the Statistics Users Group, the independent advisory group on official statistics. In this letter the group expressed their unanimous support for the original proposal from the Head of Statistics to move to 10 year census cycle. I would also like to re-emphasise that the suggestion to move to a 10 year census to reprioritise funding to develop more comprehensive and timely data came from the Statistics Unit itself and not from the Committee.

In order to move the issue forward a meeting will be arranged for all States members with the Statistics Unit and members of the Statistics Users Group. Such a meeting will allow us all to hear and question first hand the issues central to the census debate. It will allow us all to understand why the experts have concluded that it would not be feasible to run a census in the Spring 2006. It will also allow the Statistics Unit to explain their views about the best use of resources to provide the information we all need.”

States Business Plan 2006-2010 – P.151/2005 Amendments and Comments

THE STATES commenced consideration of paragraphs (a) to (c) of a proposition of the Policy and Resources Committee regarding the States Business Plan 2006-2010, and rejected an amendment of Deputy Celia Joyce Scott Warren of St. Saviour that at the end of paragraph (b)(i), after the word“in 2006”, there be inserted the words “except that the cash limit of the Environment and Public Services Committee shall be increased by £45,000, the cash limit of the Finance and Economics Committee shall be increased by £125,000, and the cash limit of the Policy and Resources Committee shall be reduced by £170,000.”

Members present voted as follows –

POUR: 18

Senator S. Syvret
 Senator P.V.F. Le Claire
 Senator R.J. Shenton
 Connétable of St. Mary
 Connétable of St. Helier
 Deputy A. Breckon (S)
 Deputy J.J. Huet (H)
 Deputy of St. Martin
 Deputy G.C.L. Baudains (C)
 Deputy C.J. Scott Warren (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J-A. Bridge (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Bernstein (B)
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)

CONTRE: 25

Senator L. Norman
 Senator F.H. Walker
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of St. Peter
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of Grouville
 Deputy of Trinity
 Deputy R.C. Duhamel (S)
 Deputy T.J. Le Main (H)
 Deputy M.F. Dubras (L)
 Deputy J.L. Dorey (H)
 Deputy F.G. Voisin (L)
 Deputy L.J. Farnham (S)
 Deputy J.B. Fox (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Mary
 Deputy of St. Ouen
 Deputy P.J.D. Ryan (H)
 Deputy M.A. Taylor (C)
 Deputy G.W.J. de Faye (H)

ABSTAIN: 0

THE STATES, following further consideration, adopted paragraphs (a) to (c) of the proposition of the Policy and Resources Committee, and approved the States Business Plan 2006 to 2010, consistent with the agreed States Strategic Plan 2005 to 2010, and in particular –

- (a) approved the total States net expenditure limits for 2006 to 2010 as set out in Table 4.1;
- (b) (i) approved the net revenue cash limits for each of the non-trading Committees as set out in Table 5.2

totalling £440,253,500 in 2006;

- (ii) approved the total net revenue cash limits for the non-trading Committees as set out in Table 5.2 totalling £452,890,100 in 2007 and £465,543,300 in 2008;
 - (iii) approved the total States net revenue expenditure targets of £478 million in 2009 and £488 million in 2010 as set out in Table 4.1;
- (c) approved the recommended programme of capital projects for 2006 as set out in Table 7.1, and approved in principle the proposed programme for 2007 to 2010 as set out in Tables 7.2 to 7.5, respectively; in place, as appropriate, of the allocations approved by the States on 14th September 2004.

Members present voted as follows –

POUR: 40

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisse (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 2

Senator P.V.F. Le Claire
Deputy G.C.L. Baudains (C)

ABSTAIN: 0

THE STATES commenced consideration of paragraph (d) of the proposition of the Policy and Resources Committee and of an amendment of Deputy Alan Breckon of St. Saviour that at the end of paragraph (d), after the words “Table 11.3” there be inserted the words –

“except that in the said table, for the following item –

27	LIMITED PARTNERSHIPS LAW – AMENDMENT (30 days)	ECONOMIC DEVELOPMENT COMMITTEE	Nil	Nil
----	--	--------------------------------	-----	-----

there shall be substituted the following item –

27	FINANCIAL SERVICES OMBUDSMAN (JERSEY) LAW – NEW LAW (30 days)	ECONOMIC DEVELOPMENT COMMITTEE	Not yet identified	Not yet identified
----	---	--------------------------------	--------------------	--------------------

”

Change in Presidency

The Deputy Bailiff retired from the Chair prior to members voting on paragraphs (a) to (c) of the proposition of the Policy and Resources Committee concerning the States Business Plan 2006-2010, (P.151/2005 lodged “au Greffe” on 19th July 2005), and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye Greffier of the States.

Adjournment

THE STATES then adjourned, having agreed to reconvene on Wednesday 14th September 2005, for the purpose of resuming consideration of the proposition of the Policy and Resources Committee concerning the States Business Plan 2006-2010, (P.151/2005 lodged “au Greffe” on 19th July 2005), and amendment of Deputy Alan Breckon of St. Saviour, (P.151/2005 Amd. lodged “au Greffe” on 9th August 2005), together with the outstanding matters of public business.

THE STATES rose at 5.30 p.m.

M.N. DE LA HAYE

Greffier of the States.