

STATES OF JERSEY ORDER PAPER

Tuesday 8th July 2003

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

(a) **Papers for information**

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

Probation and After-Care Service: Annual Report for 2002 and Business Plan for 2003.
Home Affairs Committee.

Population policy: provision of information and alternatives (P.40/2003) – comments. P.40/2003.
Policy and Resources Committee. Com.

La Collette Fuel Farm, St. Helier: lease to Shell U.K. Limited and Esso Petroleum Company Limited (P.60/2003) – comments. P.60/2003.
Economic Development Committee. Com.

Housing Regulations: reductions in qualifying periods (P.73/2003) – comments. P.73/2003.
Policy and Resources Committee. Com.(2)

Public and Private Sector Housing Rental Subsidy Schemes (P.74/2003): comments. P.74/2003.
Finance and Economics Committee. Com.

Benefits paid by the Housing and Employment and Social Security Committees: protection (P.75/2003) – comments. P.75/2003.
Employment and Social Security Committee. Com.

Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) – comments. P.79/2003.
Finance and Economics Committee. Com.

Gorseland, La Rue de la Corbière, St. Brelade: proposed sale (P.88/2003) – comments. P.88/2003.
Finance and Economics Committee. Com.

Waterfront Shop Units, Albert Pier, St. Helier: sale (P.92/2003)– comments. P.92/2003.
Finance and Economics Committee. Com.

(b) Notification of Standing Order decisions

2nd July 2003

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

Draft Public Library (Jersey) Regulations 200-. P.95/2003.
Education, Sport and Culture Committee.

La Collette, St. Helier: transfer of administration of roadway. P.96/2003.
Environment and Public Services Committee.

Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 P.97/2003.
(Appointed Day) Act 200-.
Health and Social Services Committee.

Catherine Quirke House, 6 Gloucester Street, St. Helier: P.98/2003.
redevelopment.
Health and Social Services Committee.

Public Lotteries Board: appointment of members. P.99/2003.
Economic Development Committee.

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

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

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 22nd July 2003 -

Waterfront Enterprise Board Limited: dissolution. P.33/2003
Lodged: 25th March 2003.
Senator S. Syvret.

La Collette Fuel Farm, St. Helier: lease to Shell U.K. Limited and Esso P.60/2003.
Petroleum Company Limited.
Lodged: 13th May 2003.
Harbours and Airport Committee.

La Collette Fuel Farm, St. Helier: lease to Shell U.K. Limited and Esso P.60/2003.
Petroleum Company Limited (P.60/2003) – comments. Com.
Presented: 8th July 2003.
Economic Development Committee.

Benefits paid by the Housing and Employment and Social Security P.75/2003.
Committees: protection.
Lodged: 10th June 2003.

Deputy G.P. Southern of St. Helier.

Benefits paid by the Housing and Employment and Social Security Committees: protection (P.75/2003) – comments. Presented: 8th July 2003. <i>Employment and Social Security Committee.</i>	P.75/2003. Com.
Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee. Lodged: 10th June 2003. <i>Privileges and Procedures Committee.</i>	P.79/2003.
Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) – comments. Presented: 8th July 2003. <i>Finance and Economics Committee.</i>	P.79/2003. Com.
Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) – amendments. Lodged: 24th June 2003. <i>Senator S. Syvret.</i>	P.79/2003. Amd.
Machinery of Government: establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) – second amendments. Lodged: 1st July 2003. <i>Deputy J.L. Dorey of St. Helier.</i>	P.79/2003. Amd.(2)
Draft Investigation of Fraud (Amendment No. 2) (Jersey) Law 200-. Lodged: 10th June 2003. <i>Legislation Committee.</i>	P.80/2003.
Draft Hire Cars (Repeal) (Jersey) Law 200-. Lodged: 24th June 2003. <i>Home Affairs Committee.</i>	P.86/2003.
Former School, Clearview Street, St. Helier: transfer of administration. Lodged: 24th June 2003. <i>Education, Sport and Culture Committee.</i>	P.87/2003.
Gorseland, La Rue de la Corbière, St. Brelade: proposed purchase. Lodged: 24th June 2003. <i>Home Affairs Committee.</i>	P.88/2003.
Gorseland, La Rue de la Corbière, St. Brelade: proposed sale (P.88/2003) – comments. Presented: 8th July 2003. <i>Finance and Economics Committee.</i>	P.88/2003. Com.
Draft Regulation of Investigatory Powers (Jersey) Law 200-. Lodged: 24th June 2003. <i>Home Affairs Committee.</i>	P.89/2003.
Waterfront Shop Units, Albert Pier, St. Helier: sale. Lodged: 1st July 2003. <i>Housing Committee.</i>	P.92/2003.

Waterfront Shop Units, Albert Pier, St. Helier: sale (P.92/2003)– comments. Presented: 8th July 2003. <i>Finance and Economics Committee.</i>	P.92/2003. Com.
Appointments Commission: re-appointment of member. Lodged: 1st July 2003. <i>Policy and Resources Committee.</i>	P.93/2003.
Public Lotteries Board: appointment of members. Lodged: 8th July 2003. <i>Economic Development Committee.</i>	P.99/2003.
Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 8th July 2003. <i>Health and Social Services Committee.</i>	P.97/2003.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Deputy R.G. Le Hérisssier of St. Saviour will ask a question of the President of the Policy and Resources Committee regarding the Statistics User Group.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding possible public service personnel savings as related to the implementation of a ministerial government.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding the employment of a finance industry executive.

Deputy C.J. Scott Warren of St. Saviour will ask a question of the President of the Finance and Economics Committee regarding the introduction of computerised tax submissions.

Deputy R.G. Le Hérisssier of St. Saviour will ask a question of the President of the Health and Social Services Committee regarding the Accident and Emergency Department.

The Deputy of St. John will ask a question of the President of the Employment and Social Security Committee regarding the refurbishment work of Philip Le Feuvre House.

Deputy R.G. Le Hérisssier will ask a question of the President of the Employment and Social Security Committee regarding the refurbishment work of Philip Le Feuvre House.

The Deputy of St. John will ask questions of the President of the Environment and Public Services Committee regarding the proposed draft Water Resources (Jersey) Law.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding the balconies of the Waterfront flats.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Population policy: provision of information and alternatives. Lodged: 15th April 2003. <i>Senator S. Syvret.</i>	P.40/2003.
Population policy: provision of information and alternatives (P.40/2003) – comments. Presented: 8th July 2003. <i>Policy and Resources Committee.</i>	P.40/2003. Com.
Draft Employment (Jersey) Law 200-. Lodged: 6th May 2003. <i>Employment and Social Security Committee.</i>	P.55/2003.
Draft Employment (Jersey) Law 200- (P.55/2003): amendments. Lodged: 17th June 2003. <i>Employment and Social Security Committee.</i>	P.55/2003. Amd.
Draft Employment (Jersey) Law 200- (P.55/2003): second amendments. <i>Senator E.P. Vibert.</i> <i>(attached).</i>	P.55/2003. Amd.(2)
Draft Criminal Justice (Suspension of Prison Sentences) (Jersey) Law 200-. Lodged: 20th May 2003. <i>Legislation Committee.</i>	P.66/2003.
Housing Regulations: reductions in qualifying periods. Lodged: 27th May 2003. <i>Deputy of St. Martin.</i>	P.73/2003.
Housing Regulations: reductions in qualifying periods (P.73/2003) - comments. Presented: 1st July 2003. <i>Housing Committee.</i>	P.73/2003. Com.
Housing Regulations: reductions in qualifying periods (P.73/2003) – comments. Presented: 8th July 2003. <i>Policy and Resources Committee.</i>	P.73/2003. Com.(2)
Public and Private Sector Housing Rental Subsidy Schemes. Lodged: 3rd June 2003. <i>Housing Committee.</i>	P.74/2003. <i>(re-issue)</i>
Public and Private Sector Housing Rental Subsidy Schemes (P.74/2003): addendum to report. Presented: 24th June 2003. <i>Housing Committee.</i>	P.74/2003. Add.
Public and Private Sector Housing Rental Subsidy Schemes (P.74/2003): comments. Presented: 8th July 2003. <i>Finance and Economics Committee.</i>	P.74/2003. Com.

Public and Private Sector Housing Rental Subsidy Schemes (P.74/2003): amendments. Lodged: 24th June 2003. <i>Deputy A. Breckon of St. Saviour.</i>	P.74/2003. Amd.
Public and Private Sector Housing Rental Subsidy Schemes (P.74/2003): second amendment. <i>Deputy P.N. Troy of St. Brelade.</i> (attached).	P.74/2003. Amd.(2).
Training and Employment Partnership: disbandment. Lodged: 10th June 2003. <i>Economic Development Committee.</i>	P.76/2003.
Draft Law Revision (Jersey) Law 200-. Lodged: 10th June 2003. <i>Finance and Economics Committee.</i>	P.78/2003.
Draft Parish Rate (Jersey) Law 200-. Lodged: 24th June 2003. <i>Connétable of St. Martin.</i>	P.82/2003.
Draft Terrorism (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 24th June 2003. <i>Home Affairs Committee.</i>	P.83/2003.
Draft Terrorism (Enforcement of External Orders) (Jersey) Regulations 200-. Lodged: 24th June 2003. <i>Home Affairs Committee.</i>	P.84/2003.
Jersey Heritage Trust and Public Records (Jersey) Law 2002 – transfer of functions to the Education, Sport and Culture Committee. Lodged: 24th June 2003. <i>Finance and Economics Committee.</i>	P.85/2003.

M.N. DE LA HAYE
Greffier of the States

3rd July 2003.

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

2nd July 2003

- (a) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Bashfords Limited, (the owner of the Maison des Prés housing development), in respect of foul sewerage rights for seven houses over La Rue de Carteret, St. Saviour on the basis of payment by the company of the sum of £45,000, with each party to be responsible for its own legal costs arising from this transaction. It was noted that there currently existed drainage rights for one house on the site and that a drain was already in place, so that no work would need to be undertaken by the company on La Rue de Carteret;
- (b) as recommended by the Environment and Public Services Committee, the lease to Mr. Michel George Vaughan Le Blond of Archironde Bunker, St. Martin for a period of six years from 1st July 2003, at an annual rent of £364, subject to annual increases in line with the Jersey Retail Price Index, on the basis that Mr. Le Blond had agreed to put a new door on the bunker in exchange for a rent-free period for the first year, with the bunker to be used only for the purpose of non-commercial storage, and on the basis that each party was to be responsible for the payment of its own legal costs arising from this transaction and no deposits were to be paid; and,
- (c) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. James William Webster of Bouley Bay Bunker, Trinity for a period of one year from 25th December 2002, at an annual rent of £431.95, on the basis that the bunker would only be used for the purpose of storing diving equipment, with each party to be responsible for its own legal costs arising from the transaction and no deposits were to be paid.

QUESTION PAPER

(See Item G)

Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the President of the Policy and Resources Committee –

“Would the President advise members whether the Committee will be reviewing the functions of the Statistics User Group established under P.142/99, adopted by the States on 17th November 1999, in the light of the inaccuracies announced in the calculation of the last House Price Index, with a view to strengthening procedures, if necessary?”

Senator E.P. Vibert will ask the following question of the President of the Policy and Resources Committee –

“Would the President identify any savings to date in public service personnel and the value of these savings as a result of the re-organisation in preparation for the final stage of implementing ministerial government?”

The Deputy of St. John will ask the following question of the President of the Economic Development Committee –

“Will the President explain the reasons why the Committee has decided to employ its own finance industry executive, and at what cost in salary, rather than utilise existing resources employed through Jersey Finance Limited, such as the Chief Executive and Chairman?”

Deputy C.J. Scott Warren of St. Saviour will ask the following question of the President of the Finance and Economics Committee –

“Will the President inform the Assembly whether his Committee has discussed and considered with the Income Tax Department the introduction of computerised tax submissions, and, if so, how soon this introduction is planned?”

If the answer is negative, could the President state the reasons why the matter has not been pursued?”

Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the President of the Health and Social Services Committee –

- “(a) Would the President identify the percentage of visits to the Accident and Emergency Department in the last two full years that were considered non-urgent?”
- (b) What is the estimated cost of this non-urgent use?”
- (c) What steps are proposed to significantly reduce this non-urgent use?”

The Deputy of St. John will ask the following question of the President of the Employment and Social Security Committee –

“It has recently been reported that the refurbishment of Philip Le Feuvre House cost in the region of £3.5 million. Can the President give details of the works undertaken and the date that the building was previously re-built?”

Deputy R.G. Le Hérisier will ask the following question of the President of the Employment and Social Security Committee –

“Would the President identify the source of funding for the refurbishment and extension of Philip Le Feuvre House which is currently nearing completion?”

The Deputy of St. John will ask the following question of the President of the Environment and Public Services Committee –

“Under the proposed draft Water Resources (Jersey) Law, could the President give details of the charge for a licence to extract water, if any?”

The Deputy of St. John will ask the following question of the President of the Environment and Public Services Committee –

Would the President inform members whether the Health and Safety Inspectorate was consulted in relation to the design of the balconies of the Waterfront flats prior to planning permission being granted and whether the issues of privacy and decency were addressed at that stage, and, if not, the reasons why?”

DRAFT EMPLOYMENT (JERSEY) LAW 200- (P.55/2003): SECOND AMENDMENTS

(1) PAGE 27, ARTICLE 3 –

Delete paragraph (1) and substitute the following paragraph –

“(1) The employer shall give to the employee a written statement of the terms of employment in the prescribed format.”.

(2) PAGE 29, ARTICLE 3 –

Delete paragraphs (6) and (7).

PAGE 62, ARTICLE 63 –

Delete “(1)” in paragraph (1) and all of paragraphs (2) to (5).

PAGE 67, ARTICLE 73 –

Delete paragraphs (1) to (3) and “(4)” in paragraph (4).

SENATOR E.P. VIBERT

P.55/2003. Amd.(2)

REPORT

I am proposing these two sets of amendments because –

(1) I feel it is discriminatory for an employer to be able unfairly to dismiss an employee who has worked for less than six months for the employer. Many people who have worked for less than six months for an employer are often the most vulnerable in our society - younger people starting out on their careers.

A large part of the European Union is currently endeavouring to get the British Government to change its policy on unfair dismissal, which only applies when someone has been working with a firm for one year. British industry has a very large component of temporary workers or “temps” and the British Government are apprehensive of the likely cost to industry of reducing this policy to apply at the starting point of employment.

(2) With respect to the proposed amendment to the period of time before an employee must be given a statement of employment terms (four weeks), if the principle of a statement of employment terms is right (as I believe it is) then a statement should be given to an employee immediately he starts work. I can see no reason for an employee not to be given a statement of employment terms when the period of employment commences. Experience has shown that many employers forget to give their employees statements after a month (which is the current situation) and this will be an offence under the new law.

States members were told at the various briefings on the new law that the Committee were taking a “light touch” approach to this legislation. The counter argument to this is that good employers in Jersey (who are in the majority) have nothing to fear from this legislation. It is the irresponsible and bad employers who will be affected by this legislation and they should not have the advantage of the “light touch”.

I have had considerable experience as a former advisor at the Citizens Advice Bureau of a small number of persistent offenders, who treat their employees disgracefully. If they do provide written contracts (as they must do under the current law) they are usually written on scraps of paper with no record of the employee ever seeing it or agreeing to the contents. It is, therefore of great importance that the law covers the way in which the statement of employment terms is prepared.

There are no financial or manpower implications for the States arising from these amendments.

PUBLIC AND PRIVATE SECTOR HOUSING RENTAL SUBSIDY SCHEMES (P.74/2003):
SECOND AMENDMENT

At the end of sub-paragraph (a), add the words “, except that applicants who either solely, or with partners, have an income from all sources of less than £20,000 per annum, and who have one or more dependent children, will remain eligible”.

DEPUTY P.N.TROY OF ST. BRELADE

P.74/2003. Amd.(2).

REPORT

Under part (a) of the proposition there are 105 claimants with savings of over £50,000. Of those, 28 are below the age of 60 some of whom will have children. Some may have in excess of £50,000 as the result of a divorce settlement or as a result of inheritance. In my Parish I am aware of a divorcee who has to support children on a low income and whose situation would be impacted significantly should part (a) be approved. Others may be in a similar position.

The proposition is clear that any applicant with savings of over £50,000 becomes ineligible for rent rebate, but it takes no account of personal circumstances, inclusive of whether children are being supported by a low income parent or parents. A young family with a low income should not have its rental subsidy removed and consequently my amendment specifically excludes the Housing Committee proposition from applying where an applicant has dependent children and where an income of less than £20,000 per annum from all sources is received.

Financial and manpower implications

As the rental subsidy scheme is already administered by Housing there are no manpower implications. Financial implications are more difficult to quantify. The Housing Department has confirmed that there are 28 applicants with savings of over £50,000 under the age of 60 and it is this group that is more likely to have dependent children, however, it is not known as to how many have children and in addition not all will have a low income. Certainly the effect of approving this amendment is that it is unlikely that the Housing Committee's "saving" is reduced by more than 20%, and dependent on the number who fit the criteria it could be significantly less.