



STATES OF JERSEY ORDER PAPER

Tuesday 4th March 2014

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Road Racing (Karts) (Jersey) Order 2014.

R&O.23/2014.

Minister for Transport and Technical Services.

C. DOCUMENTS PRESENTED OR LAID

Land Transactions under Standing Order 168(3) –

R.21/2014.

(a) Chez Marguerite, 3 Elizabeth Place, St. Helier – sale;

(b) Old Mill House, 52 Le Vier Mont, St. Helier – sale.

Presented: 26th February 2014.

Minister for Treasury and Resources.

States of Jersey Law 2005: delegation of functions – Planning and Environment –
revised delegations February 2014.

R.22/2014.

Presented: 27th February 2014.

Minister for Planning and Environment.

Camera Surveillance in Jersey (S.R.1/2014): response of the Minister for Planning
and Environment.

S.R.1/2014.

Res.(2)

Presented: 28th February 2014.

Minister for Planning and Environment.

D. NOTIFICATION OF LODGED PROPOSITIONS

Channel Islands Lottery: allocation of profits for 2013.

P.22/2014.

Lodged: 26th February 2014.

Minister for Economic Development.

States of Jersey Development Company Limited: re-appointment of Chairman and
Non-Executive Directors.

P.23/2014.

Lodged: 26th February 2014.

Minister for Treasury and Resources.

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS



I. QUESTIONS

(a) – Written Questions

(attached)

1. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy R.J. Rondel of St. Helier regarding the payment trial at Sand Street car park.
2. The Chief Minister will table an answer to a question asked by Deputy J.A.N. Le Fondré of St. Lawrence concerning the Dame Heather Steel review.
3. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the processing of income support applications.
4. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding income support for children with disabilities.
5. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the payment of rates on States' properties.
6. The Chief Minister will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding advisory and oversight groups.
7. The Chief Minister will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the involvement of non-executive members in policy development.
8. The Chief Minister will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the role and memberships of groups established by departments for policy development.
9. The Minister for Home Affairs will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding disciplinary cases at H.M. Prison La Moye.
10. The Minister for Planning and Environment will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the recourse available to an applicant for planning permission.
11. The Minister for Planning and Environment will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the application of building control regulations to listed buildings.
12. The Chief Minister will table an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding legislation and policy governing the provision of housing in Jersey.
13. The Minister for Housing will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the provision of carpets, flooring and windows in States and Trust accommodation.
14. The Minister for Economic Development will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the operations of the Discovery Channel in Jersey.
15. The Minister for Social Security will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the impact of the minimum wage.
16. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the Island's credit rating.



17. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding a data protection investigation.
18. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the imposition of sanctions in the income support scheme.

(b) – Oral Questions

(120 minutes)

1. Deputy J.A. Martin of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Will the Minister explain what tendering process will be used to select banks or finance companies to provide the borrowing for social housing over 25 years of up to £250 million as agreed in the Budget 2014 and will he inform members whether the bond will be held by one company or divided among several providers and state whether local providers will be able to tender?”

2. Deputy R.J. Rondel of St. Helier will ask the following question of the Minister for Transport and Technical Services –

“Would the Minister advise the Assembly whether he proposes to make public the results of the trial for the new parking charge system at Sand Street Car Park and, if so, when?”

3. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“What progress, if any, has the Minister made on the issue of the States’ liability to pay parish rates and when does the minister intend to bring a report to the Assembly on the issue?”

4. Deputy M. Tadier of St. Brelade will ask the following question of the Chairman of the Education and Home Affairs scrutiny panel –

“What steps, if any, will the Chairman and his Panel be taking to satisfy themselves that adequate safeguarding mechanisms are in place at the Prison in the light of recent allegations of misconduct by past members of staff, and will the Chairman advise whether the panel will undertake to conduct a review into dismissal procedures at the Prison in relation to cases where there is evidence of gross misconduct?”

5. Senator S.C. Ferguson will ask the following question of the Minister for Treasury and Resources –

“In light of the revaluation of the States property portfolio has the Minister taken the opportunity to have the King Sturge report updated and, if not, why not?”

6. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Home Affairs -

“With regard to the States of Jersey Police exercise whereby officers are using unmarked cars to catch young people giving lifts to friends, would the minister advise how many man-hours have been spent to date and the cost of any resources used, and would be also state whether the exercise is expected to be an effective way of proving that any payment is for conveyance and not for another purpose?”



7. Deputy J.H. Young of St. Brelade will ask the following question of the Minister for Economic Development -

“Will the Minister inform the Assembly of the total capital expenditure by the Ports of Jersey and its predecessors on the 1937 airport building during the last five years and since the potential problem of intrusion of the building into the 1 in 7 safety slope was known and state why this problem was not taken into account before authorizing this expenditure and whether any other buildings are affected?”

8. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Home Affairs—

“Would the Minister outline the security checks that are applied to civilian employees working within HM Prison La Moye and confirm whether there have been any lapses concerning such employees in the last 10 years and, if so, how many have there been and what remedial actions were taken?”

9. Deputy J.H. Young of St. Brelade will ask the following question of the Minister for Planning and Environment -

“Will the Minister inform the Assembly whether he is aware of any complaints from people who have been the subject of enforcement proceedings for alleged infractions of the Planning and Building Law alleging either maladministration, unreasonable or unfair conduct of investigations, or improper processes by his officers and, if so, whether he has ensured that these complaints have been subject to independent investigation and whether disciplinary action has been taken.?”

10. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –

“Has the Chief Minister read the recent IMF discussion paper “Redistribution, Inequality and Growth” which points out that countries with high levels of inequality suffer lower and less sustainable economic growth rates than those that redistribute incomes more evenly, and will he make the creation of a more equal society a major plank of the proposed long-term “Preparing for the Future” strategy?”

11. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Social Security –

“Will the Minister advise whether he is prepared to undertake a review of the policy which means that individuals who are hospitalised for more than 28 days lose their entitlement to certain income support components, including rent component?”

12. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Social Security -

“Would the Minister confirm whether the new scheme to replace rent rebate that his department has taken responsibility for from the Housing department was due to be phased out by that department and, if so, would he advise whether it is his intention to continue with that policy?”

(c) – Questions to Ministers without notice (30 minutes) –

1st question period – Minister for Economic Development

2nd question period – Minister for Housing



J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

Draft Shipping (Amendment No. 4) (Jersey) Law 201-. P.3/2014.
Lodged: 9th January 2014.
Minister for Economic Development.

Draft Drainage (Amendment) (Jersey) Law 201-. P.6/2014.
Lodged: 15th January 2014.
Minister for Transport and Technical Services.

Draft Employment of States of Jersey Employees (Amendment No. 6) (Jersey) P.7/2014.
Regulations 201-.
Lodged: 17th January 2014.
States Employment Board.

Jersey Overseas Aid Commission: re-appointment of non-States Commissioner. P.11/2014.
Lodged: 31st January 2014.
Senator P.F. Routier.

M. ARRANGEMENT OF PUBLIC BUSINESS

18th March 2014

Elected Speaker of the States. P.160/2013.
Lodged: 10th December 2013.
Connétable of St. Helier.

Elected Speaker of the States (P.160/2013): comments. P.160/2013.
Presented: 16th December 2013. Com.
Privileges and Procedures Committee.

Draft Employment and Discrimination Tribunal (Jersey) Regulations 201-. P.4/2014.
Lodged: 14th January 2014.
Minister for Social Security.

Draft Discrimination (Jersey) Law 2013 (Appointed Day) Act 201-. P.5/2014.
Lodged: 14th January 2014.
Minister for Social Security.

Draft Financial Services Ombudsman (Jersey) Law 201-. P.9/2014.
Lodged: 21st January 2014.
Minister for Economic Development.

Draft Taxation (Miscellaneous Provisions) (Jersey) Regulations 201-. P.13/2014.
Lodged: 3rd February 2014.
Minister for External Relations.

Esplanade Quarter developments: approval by the States. P.15/2014.
Lodged: 10th February 2014.
Senator A. Breckon.



Esplanade Quarter developments: approval by the States (P.15/2014) – comments. Presented: 18th February 2014. <i>Minister for Treasury and Resources.</i>	P.15/2014. Com.
Piquet House: cancellation of sale and future use. Lodged: 11th February 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.16/2014.
States Housing: arrangements for new tenants. Lodged: 18th February 2014. <i>Deputy M. Tadier of St. Brelade.</i>	P.19/2014.
<u>1st April 2014</u>	
Sunstone Holdings Ltd. and De Lec Ltd. – <i>ex gratia</i> payments to investors. Lodged: 26th July 2013. <i>Senator A. Breckon.</i>	P.90/2013.
Sunstone Holdings Ltd. and De Lec Ltd. – <i>ex gratia</i> payments to investors (P.90/2013) – comments. Presented: 23rd September 2013. <i>Council of Ministers.</i>	P.90/2013. Com.
Draft Passports (False Statements and Forgery) (Jersey) Law 201-. Lodged: 6th February 2014. <i>Minister for Home Affairs.</i>	P.14/2014.
Ratification of the Agreement on the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of Hungary. Lodged: 3rd February 2014. <i>Minister for External Relations.</i>	P.12/2014.
Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 10) (Jersey) Regulations 201-. Lodged: 14th February 2014. <i>Minister for External Relations.</i>	P.17/2014.
Tasers: deployment and use in Jersey by the States of Jersey Police. Lodged: 17th February 2014. <i>Minister for Home Affairs.</i>	P.18/2014.
Draft Statute Law Revision (Miscellaneous Provisions) (Jersey) Law 201-. Lodged: 18th February 2014. <i>Chief Minister.</i>	P.21/2014.
States of Jersey Development Company Limited: re-appointment of Chairman and Non-Executive Directors. Lodged: 26th February 2014. <i>Minister for Treasury and Resources.</i>	P.23/2014.



29th April 2014

- Draft European Union Legislation (Implementation) (Jersey) Law 201-. P.164/2013.
Lodged: 16th December 2013.
Minister for External Relations.
(Referred to scrutiny on 4th February 2014)
- Interim Population Policy: 2014 – 2015. P.10/2014.
Lodged: 30th January 2014.
Council of Ministers.
- Interim Population Policy: 2014 – 2015 (P.10/2014) – amendment. P.10/2014.
Lodged: 18th February 2014. Amd.
Deputy G.P. Southern of St. Helier.
- Committee of Inquiry: planning applications by the Channel Islands Co-operative P.20/2014.
Society Ltd.
Lodged: 18th February 2014.
Deputy R.G. Le Hérissier of St. Saviour.
- Channel Islands Lottery: allocation of profits for 2013. P.22/2014.
Lodged: 26th February 2014.
Minister for Economic Development.

M.N. DE LA HAYE
Greffier of the States

27th February 2014

Note –

In accordance with the meeting dates fixed for 2014 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 5th and Thursday 6th February 2014.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O. 23/2014.

This Order specifies the dates and times in 2014 when the Sorel point loop road (as defined in Article 1(2)) may be closed by the Jersey Kart and Motor Club to public traffic and used by the Club for kart races and practices for races.

The Order was made on 21st February 2014 and came into force on being made.



WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy R.J. Rondel of St. Helier –

“Could the Minister give the following information to the last known month end in relation to the trial that began on 12th November 2012 for a new parking charge system in Sand Street Car Park -

- a) What has been the difference in monthly income for parking excluding fines?
 - b) How many vehicles have exceeded the 3 hour nominal limit broken down to up to 4 hours, up to 6 hours and longer than 6 hours?
 - c) How much was the ‘fine’ income for Sand Street car park for the 12 month period (broken down into months) prior to the commencement of the trial?
 - d) How much income has been received from ‘fines’ during the period of the trial, if any?
 - e) Is the Minister considering charging those with ‘blue badges’ from outside Jersey for parking?
2. The Chief Minister will table an answer to the following question asked by Deputy J.A.N. Le Fondré of St. Lawrence –

“Could the Chief Minister provide an update on a likely date for the publication of the Dame Heather Steel review?”

3. The Minister for Social Security will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Will the Minister inform members what the average turn-around time for processing Income Support applications or Change of Circumstances forms from the date of issue to delivery of payment currently is?

Does he believe that this period can contribute to income support applicants getting into debt and, if so, what measures does he propose to reduce any such hardship?

What figures does the Minister have for over and under-payments in income support? To reduce the potential hardship through repayment of “overpayments” will he agree to re-instate the previous cap on such repayments of £21 weekly?”

4. The Minister for Social Security will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

Can the Minister confirm that the net result of R&O75/2012 and R&O47/2011 is to maintain the top-up sum required by Article 6(1) of the Income Support transitional provisions for a household previously in receipt of attendance allowance for a child at 100% from 1st July 2012 and to reduce the TUS for a household previously in receipt of Child Disability Allowance (CDA) (but not attendance allowance) to 40%.



Will he state how many of the 55 households with children claiming Personal Care (PC) components level 3 do so because of the child's disability and how many of those are in receipt of carer's component? How many of those on PC level 3 because of the child's disability were previously on attendance allowance/CDA and how many are getting the equivalent through discretionary payments from the Minister? Are these discretionary payments counted here or elsewhere?

How many of 82 on PC level 1 and 36 on level 2 are claiming because of the child's disability? How many of those were on CDA previously and subject to reductions in TUS above?

Will the Minister give his rationale for reductions in the level of benefits for these households with a child with disability?

5. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Will the Minister state what meetings have taken place between Treasury and St. Helier parish officials since the Minister stated in the debate on 4th June 2013 on the proposition (P.40/2013) “Parish rates: the States’ liability’ that he “would like to work with the Parish constructively on an open-book basis” on the rates issue?

Will he further state what progress he has made in “... finding a solution, and presenting that solution to members well in advance of the next MTFP” that he was “committed to” in June and, if none, will he state why?

Would he state when he intends to bring a report to the Assembly on this issue and the wider issue of taxation of land and will he undertake, as part of any such report, to consider the issue of Land Value Tax (LVT) which has proved successful elsewhere?”

6. The Chief Minister will table an answer to the following question asked by Deputy J.H. Young of St. Brelade –

“Will the Chief Minister provide an comprehensive up to date list of all advisory or oversight groups which have been established by members of the Council of Ministers for the development or revision of public policy, the list to include for each group –

- a) details of the constitution of the group;
- b) its terms of reference;
- c) the membership of Ministers, Assistant Ministers and other elected members, if any, and the civil servants advising the group;
- d) the frequency of its meetings;
- e) whether formal minutes are produced and published;
- f) whether the group has any delegated authority from the members of the Council of Ministers for spending decisions; and
- g) the date of the last meeting.”



7. The Chief Minister will table an answer to the following question asked by Deputy J.H. Young of St. Brelade –

“Will the Chief Minister inform the Assembly whether the Council of Ministers recognises the role of democratically elected members of the Assembly in contributing to the policy proposals of Ministers before they are adopted as official States’ policy and, if so, would he inform the Assembly in detail of the arrangements the Council of Ministers has made, and currently relies upon, to ensure it is fully aware of the opinions of non-executive members in policy development?”

Would the Chief Minister further state whether any non-executive members of the States are included in any the multiplicity of policy or working groups established by Ministers, whether across ministerial departments or within a single department, state whether these groups are operational or for policy formulation and if there is no involvement of non-executive members, what proposals, if any, does the Chief Minister currently have under consideration to address this issue?”

8. The Chief Minister will table an answer to the following question asked by Deputy J.H. Young of St. Brelade –

“Would the Chief Minister provide an updated reply to the question previously asked by Deputy J.A.N. Le Fondre on 9th October 2012 providing full details of the role and membership of all groups established by all Departments , including Transport and Technical Services (for example working parties, policy, advisory, oversight groups) which are either cross-departmental, of which membership comprises only/mainly States officers, or groups of which membership comprises States officers and external third parties) which influence the workings of a Department, and/or development of Ministerial proposals, decisions or policies, and which have met since 1st January 2012 including the name of the group, attendees, frequency of meetings and remit?”

9. The Minister for Home Affairs will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“Will the Minister advise members how many disciplinary cases there have been in the past 10 years at the HMP La Moye Prison for employees, and in how many of those cases the employee was either dismissed or resigned pending, or after, the action?”

Will the Minister provide a summary of any alleged misconduct, in terms of its nature (i.e. sexual, drug dealing, etc)?

Will the Minister, in particular, inform members whether the former member of staff in charge of the drug and alcohol counselling services who is alleged in a national newspaper to have had an inappropriate relationship with a prisoner was the subject of a disciplinary investigation and, if so what was the basis for, and result of, that investigation? Will the Minister make the case notes, if any, for any such disciplinary action available?”

10. The Minister for Planning and Environment will table an answer to the following question asked by Deputy R.G. Le Hérisier of St. Saviour –

“Would the Minister state what recourse, if any, is available to a planning applicant whose application is supported on “appeal” by the Planning Applications Panel and who is then, on direction from the Minister, expected to negotiate an outcome with the officer whose reasoning was contested and then overturned?”



11. The Minister for Planning and Environment will table an answer to the following question asked by Deputy R.G. Le Hérisssier of St. Saviour –

“Would the Minister confirm whether the Building Control regulations in regard to listed buildings are applied with flexibility and would he outline what appeal processes exists for owners who are aggrieved by what they consider to be the inflexible application of the regulations?”

12. The Chief Minister will table an answer to the following question asked by Deputy T.A. Vallois of St. Saviour –

“Could the Chief Minister provide a list of all legislation and policy used by Ministers that relate to all initiatives for the provision of housing in Jersey (both private housing and social housing) and give an analysis showing how the legislation and policy relate and interact with each other for the betterment of the public of Jersey?”

13. The Minister for Housing will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“Will the Minister provide a summary of the history of the policy and practice of providing carpets and flooring in States’ accommodation, including all exceptions and, if relevant, state when the policy and practice changed?”

Will the Minister advise whether he is aware if the Trust providers also have a similar requirement for new tenants to lay their own flooring?

Will the Minister advise whether there are any plans to require new tenants to provide their own windows in future?”

14. The Minister for Economic Development will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Will the Minister inform members what activities the Discovery Channel will be engaged in on the island when it opens an office here and what benefits will accrue to Jersey? What safeguards, if any, does the Minister have to ensure that the office is not just a conduit to funnel profits and revenue streams through Jersey to avoid taxes elsewhere, thereby reinforcing the reputation of the island as a centre for tax evasion?”

15. The Minister for Social Security will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister state whether he agrees with the following statements and, if so, state what steps he is taking to correct or improve the situation and, if he disagrees with them, state fully why, giving evidence to support his contentions -

1. that Jersey has, or is in danger of creating, a two-tier labour market in which a growing number of workers will earn little more than the minimum wage;
2. without new thinking on the minimum wage there is a risk that its purpose will be perverted and might be seen as a drag on wages;
3. that the minimum wage was set to avoid extreme exploitation but instead is now being seen as a going rate for entry level staff;



4. the minimum wage shows little sign of transforming people's lives as it keeps the majority of people on subsistence levels of wages."

16. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

"Does the Minister believe that Jersey's credit rating from Standard and Poor's is in danger of being downgraded following the downgrading of the Isle of Man's credit rating from AA+ to AA because it is constrained by its undiversified small economy which makes it vulnerable to external shocks and a global downturn threatens its core industry, finance and, if he does not, would he state why, bearing in mind Jersey's higher reliance on finance than the Isle of Man and the prospect for continued low interest rates for depositors, greater competition from, and regulation applying to, offshore financial centres?"

17. The Minister for Home Affairs will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

"Will the Home Affairs Minister inform members whether there is an investigation into the Police by the Data Protection Commissioner and, if so, whether it is centred around the role of the Chief Officer of the States of Jersey Police, the Deputy Chief Officer and Human Resources Officer accessing or attempting to access sensitive personal information on a police officer without permission of the police officer concerned?"

18. The Minister for Social Security will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

"Will the Minister state what figure he has for the application of sanctions under income support for –

- a) Being insufficiently active in seeking work
- b) Leaving a position without "good reason"

Can the Minister inform members whether any of the following constitute a breach of job-seeker's terms and be sanctioned?

- i) Turning down a zero-hours job;
- ii) Missing one appointment with a mentor in six months;
- iii) Being off the island for a short period;
- iv) Being advised by a GP to stop work for health reasons.

Does the Minister believe that the use of sanctions can simply worsen hardship, as has been highlighted in the United Kingdom in a report from certain bishops of the Church of England?"



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

2014

1st Session 2014

March 18th	Planning and Environment	Chief Minister
April 1st	Social Security	Transport and Technical Services
April 29th	External Relations	Chief Minister
May 13th	Home Affairs	Treasury and Resources
June 3rd	Education, Sport and Culture	Chief Minister
June 17th	Health and Social Services	Economic Development
July 1st	Housing	Chief Minister
July 14th p.m. (Monday)	Planning and Environment	Social Security

2nd Session 2014

September 9th	Transport and Technical Services	Chief Minister
September 22nd (Monday)	External Relations	Home Affairs
November 25th	Treasury and Resources	Chief Minister
December 9th	Education, Sport and Culture	Health and Social Services