

STATES OF JERSEY ORDER PAPER

Tuesday 19th April 2005

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Postal Services (International) (Jersey) Order 2005. R&O 24/2005.
Policy and Resources Committee.

Road Racing (Hill Climbs and Sprint) (No. 2) (Jersey) Order 2005. R&O 25/2005.
Home Affairs Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Code of Practice on Public Access to Official Information: Annual Report for 2004. R.C.22/2005.
Privileges and Procedures Committee.

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

12th April 2005

Public Sector Manpower Report: December 2004. R.C.20/2005.
Finance and Economics Committee.

Review of Higher Education: the next steps. R.C.21/2005.
Education, Sport and Culture Committee.

(b) Notification of Standing Order decisions

14th April 2005

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 Housing (General Provisions) (Amendment No. 22) (Jersey) Regulations 200-. P.71/2005.
Housing Committee.

Freedom of Information: proposed legislation. P.72/2005.
Privileges and Procedures Committee.

Draft Children and Day Care (Amendment) (Jersey) Law 200-. P.73/2005.
Health and Social Services Committee.

Caledonia Close, Pier Road, St. Helier: sale of property. P.74/2005.
Housing Committee.

Privileges and Procedures Committee: revised terms of reference. P.75/2005.
Privileges and Procedures Committee.

Jersey Law Commission: appointment of Commissioners. P.76/2005.
Legislation Committee.

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

(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 President of the Policy and Resources Committee will seek the leave of the States to defer consideration of the following matter from the present meeting -

Machinery of Government: relationship between the Parishes and the P.66/2005.
Executive.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Machinery of Government: relationship between the Parishes and the P.66/2005.
Executive (P.66/2005) – amendment. Amd.
Lodged: 5th April 2005.
Connétable of St. Helier.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 10th May 2005 -

Draft Employment Relations (Jersey) Law 200-. P.19/2005.
Lodged: 1st February 2005.
Employment and Social Security Committee.

Draft Employment Relations (Jersey) Law 200- (P.19/2005): P.19/2005.
comments. Com.
Presented: 8th March 2005.
Finance and Economics Committee.

Draft Employment Relations (Jersey) Law 200- (P.19/2005): P.19/2005.
amendments. Amd.
Lodged: 1st March 2005.
Deputy G.P. Southern of St. Helier.

Draft Employment Relations (Jersey) Law 200- (P.19/2005): amendments (P.19/2005 Amd.)– comments. Presented: 15th March 2005. <i>Employment and Social Security Committee.</i>	P.19/2005. Amd.Com.
Draft Policing of Parks (Jersey) Regulations 200-. Lodged: 8th March 2005. <i>Environment and Public Services Committee.</i>	P.43/2005.
Fiscal Strategy. Lodged: 8th March 2005. <i>Finance and Economics Committee.</i>	P.44/2005.
Fiscal Strategy (P.44/2005): amendment. Lodged: 15th March 2005. <i>Senator S. Syvret.</i>	P.44/2005. Amd.
Machinery of Government: relationship between the Parishes and the Executive. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.66/2005.
Machinery of Government: relationship between the Parishes and the Executive (P.66/2005) – amendment. Lodged: 5th April 2005. <i>Connétable of St. Helier.</i>	P.66/2005. Amd.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

(a) Written Questions

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. John regarding the newspaper recycling scheme.

The President of the Employment and Social Security Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding long term incapacity allowance.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Harbours and Airport Committee will make a statement regarding the proposed future structure of Jersey Harbours.

K. PUBLIC BUSINESS

Economic Growth Plan. Lodged: 1st March 2005. <i>Economic Development Committee.</i>	P.38/2005.
Equalisation of Welfare. Lodged: 20th April 2004. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.57/2004.
Equalisation of Welfare (P.57/2004): comments. Presented: 25th May 2004. <i>Policy and Resources Committee.</i>	P.57/2004. Com.
Equalisation of Welfare (P.57/2004): comments. Presented: 25th May 2004. <i>Employment and Social Security Committee.</i>	P.57/2004. Com.(2)
Land in St. Lawrence near Tesson Mill and Field 621, St. Brelede: rezoning. Lodged: 22nd February 2005. <i>Deputy J.A. Hilton of St. Helier.</i>	P.33/2005. (re-issue)
Land in St. Clement: rezoning. Lodged: 1st March 2005. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.40/2005.
Draft Planning and Building (Amendment No. 2) (Jersey) Law 200. Lodged: 15th March 2005. <i>Environment and Public Services Committee.</i>	P.47/2005.
Draft Planning and Building (Amendment No. 2) (Jersey) Law 200 (P.47/2005): amendments. Lodged: 5th April 2005. <i>Deputy C.J. Scott Warren of St. Saviour.</i>	P.47/2005. Amd.
Draft Education (Provided Schools) (Jersey) Regulations 200-. Lodged: 1st March 2005. <i>Education, Sport and Culture Committee.</i>	P.34/2005.
Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 15th March 2005. <i>Health and Social Services Committee.</i>	P.45/2005.
Draft Health Care (Registration) (No. 2) (Jersey) Regulations 200. Lodged: 15th March 2005. <i>Health and Social Services Committee.</i>	P.46/2005.

Rent Control Tribunal: appointment of members.
Lodged: 22nd March 2005.
Housing Committee.

P.52/2005.

Draft Extradition (Designated Territories) (Jersey) Regulations 200-.
Lodged: 22nd March 2005.
Policy and Resources Committee.

P.53/2005.

M.N. DE LA HAYE
Greffier of the States

14th April 2005.

Note –

In accordance with a decision of the States on 16th November 2004, this meeting will continue, if necessary, on Wednesday 20th and Tuesday 26th April 2005.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 24/2005

The object of this Order is in effect to require the Jersey Competition Regulatory Authority to recognize Jersey Post Limited as the postal administration of Jersey in respect of certain Universal Postal Union matters, including the issue of stamps.

The Order was made on 7th April 2005, and comes into force on the day on which staff are transferred from the Committee for Postal Administration to Jersey Post Limited.

R&O 25/2005

This Order permits the road known as Bouley Bay Hill, and, for a distance of 30 metres, any road leading into that road, to be used by the Jersey Motor Cycle and Light Car Club for hill sprints between 9 a.m. and 6.30 p.m. on 4th September 2005.

The Order was made on 14th April 2005.

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

14th April 2005

- (a) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Donald Ernest Brook Duckworth and Mrs. Siobain Nicolette Duckworth, née Wade, of the three-bedroom property known as 5 Clos de la Baule, La Rue des Prés, Grouville, for a period of three years deemed to have commenced on 1st April 2003, at an annual rent of £17,068, with the lessee having the option to renew for a further two-year period. All other terms and conditions would remain as set out in an Act dated 7th April 1999, of the Health and Social Services Committee, with each party to be responsible for its own legal fees arising from this transaction;
- (b) as recommended by the Environment and Public Services Committee, the lease to Mr. Scott Meadows of the three-bedroom house with garden known as No. 1 Howard Davis Farm, forming part of the Howard Davis Farm complex, Trinity for an initial period of 12 months from 21st October 2004, at an annual rent of £11,166, subject to annual rent review in line with the Jersey Retail Price Index, with the Lessee being required to pay the full market rental value after the initial 12-month period. The agreement was to be terminable by either party upon one month's notice, with the lease being granted upon tenant's internal repairing terms and the public being responsible for the structural items, external repairs and decoration, the lessee also being responsible for the payment of occupier rates and utility invoices;
- (c) as recommended by the Housing Committee, the lease to the Jersey Gas Company Limited of an area of land (approximately 2.6 metres long and 2 metres wide) at Maufant Village, La Grande Route de St. Martin, S Saviour, to facilitate the provision of a Ground Pressure Reduction Station, for a period of 99 years for a one-off payment of £999. The Company would be granted rights to lay buried pipes from its gas main to the Station and rights of access for monitoring and maintenance purposes, and would be responsible for undertaking any remediation works associated with the production of the Station. The Company would also be responsible for both parties' legal costs arising from the transaction;
- (d) as recommended by the Environment and Public Services Committee, the sale to C. Le Masurier Limited of an area of land (measuring 270 metres in length) on the eastern extremity of the site of the property known as l'Auberge du Nord (including Fields Nos. 223, 219 and 220 and the eastern part of Field No. 221), S John, in order to clarify title of the property for the new owner, Landmark Retail Limited, with the public, for a consideration of £10,000 plus the public's reasonable legal and surveyor's fees. The public would retain access rights onto that area of land being sold for the maintenance, upkeep and renewal of the gullies and all associated pipes therein;
- (e) as recommended by the Housing Committee, the sale to the undermentioned of the following areas of land at Parc du Pont Marquet, St. Brelade –
- (i) a parcel of land (measuring approximately 110 square metres) adjacent to No. 9 Parc du Pont Marquet to Mr. Roger Charles Pugsley and Mrs. Susan Linda Pugsley, née Hartley, for a consideration of £5,000; and
- (ii) a parcel of land (measuring approximately 116 square metres) adjacent to No. 48 Parc du Pont Marquet to Mr. Trevor Henry Le Masurier and Mrs. Sheran Gean Le Masurier, née Vitel, for a consideration of £5,000,

on the basis that the purchasers would be responsible for their respective legal fees and also for the public's legal fees (expected to be in the region of £350 in each case) arising from this transaction;

- (f) as recommended by the Environment and Public Services Committee, the lease to The First Tower Community Association of Units 1 and 2 OTC Building, La Route de St. Aubin, St. Helier, to facilitate the creation of a multi-purpose community centre for the First Tower area so as to provide facilities such as a drop-in point for residents to meet the Community Police Officer and activities for school-age residents, for a period of 9 years from 1st January 2005, for a one-off payment of £25 payable on the date of passing contract. Either party would have an option to break the agreement after three or six years. The lease was to be granted upon tenant's internal repairing terms and the public would be responsible for maintaining the premises in a wind and watertight and structurally sound state. The lessee would be responsible for payment

of occupier rates and utility invoices and would pay a quarterly service charge in respect of other costs incurred in connection with the occupation of the building;

- (g) as recommended by the Education, Sport and Culture Committee, the sale to the Parish of St. Helier of a certain footpath (measuring approximately 106.3 square metres) located adjacent to the western boundary of Claremont Road, St. Helier (indicated on Drawing No. M712/02), for a consideration of £10, on the basis that the Committee would be responsible for both parties' legal fees arising from this transaction;
- (h) as recommended by the Education, Sport and Culture Committee, the lease to La Petite Ecole (Jersey) Limited of the property known as N34 Nursery, East Ditch, Fort Regent, St. Helier for use of the building and yard (measuring approximately 5,360 square feet net and 979 square feet respectively), for use as nursery and after-school facilities, for a period of nine years from 1st January 2005, at a commencing annual rent of £23,500 payable quarterly in advance with the rent to be reviewed every three years in line with the increase in the Jersey Retail Price Index. Parking would be agreed from time to time between the lessee and the Manager of Fort Regent or such other specified party, and each party would be responsible for its own legal costs arising from this transaction;
- (i) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Derek Horsfall and Mrs. Eileen Doris Horsfall, née Chapron, of the 3-bedroom property known as Holly Tree House, La Grande Route de St. Jean, Trinity, required for occupation by a Staff Grade in the Accident and Emergency Department, for a further period of two years from 1st August 2004, with an option to renew for a further year, at a commencement annual rent of £20,000 with an increase as at 1st August 2005, in line with the Jersey Retail Price Index. The agreement would be on an internal repairing basis and each party would be responsible for its own legal costs arising from this transaction; and,
- (j) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mr. Stephane Michael Fosse, owner of Neville Holt Cottage, adjoining the south-western corner of La Rue de la Croix au Maître, St. Martin, in order to clarify the boundary between Neville Holt Cottage and La Rue de la Croix au Maître following certain road improvement works in close proximity of the junction of La Rue de la Croix au Maître and Le Rond Collas and bordering Neville Holt Cottage, and to grant Mr. Fosse access rights on to the pavement for the purposes of building, maintaining or renewing the roadside wall, subject to reasonable notice being given. The Committee would be responsible for both parties' reasonable legal fees arising from this transaction.

WRITTEN QUESTION PAPER

(See Item G)

The President of the Environment and Public Services Committee will table an answer to the following question asked by the Deputy of St. John –

“With regards to the proposed expansion of the Committee’s newspaper recycling scheme halfway through the six-month trial, would the President advise members –

- (a) of the cost of this scheme to date?
- (b) of the return to the Committee to date, if any?
- (c) whether the scheme was put out to tender originally, and, if so, what terms and conditions were agreed with the contractor for the provision of this service and what was the successful tender price; if the scheme was not put out to tender, would he state the reasons why? and,
- (d) whether the Committee intends to invite competitive tenders in view of the proposed expansion of the scheme, and, if not, would he state the reasons why?”

The President of the Employment and Social Security Committee will table an answer to the following question asked by Deputy G.P. Southern of St. Helier -

“Will the President inform members –

- (a) of the comparative figures of long term incapacity allowance (LTIA) claimants in the 4th quarter of 2004 and the equivalent for the 4th quarter of 2003 (invalidity and disablement benefit claimants) showing the difference in numbers of claimants, the percentages of their awards and the total sums paid out in these periods?
- (b) In response to my question of 15th March 2005, the President suggested that it would be possible to see how many of the 125 claimants of LTIA in the last quarter of 2004 had returned to work when the quarterly returns from employers were processed in April 2005. Will the President confirm that this information will be provided to all members and indicate when this might happen?
- (c) Also in his answer to the aforementioned question, the President spoke of the interaction between LTIA and health insurance exemption (HIE) claimants. Will the President inform members how many of the 125 LTIA claimants for the last quarter of 2004 who were given 100 per cent assessment applied for and were given HIE?
- (d) Will the President inform members of the numbers of LTIA applicants for the 1st quarter of 2005 together with the numbers assessed and at what percentages of incapacity?”