

**THE STATES assembled on Tuesday,
15th March 2005 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

**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 Terence Augustine Le Sueur – ill
Senator Richard Joseph Shenton – ill
John Baudains Germain, Connétable of St. Martin – ill
Geoffrey William Fisher, Connétable of St. Lawrence – out of the Island
Maurice François Dubras, Deputy of St. Lawrence – out of the Island
Jeremy Laurence Dorey, Deputy of St. Helier – ill
Celia Joyce Scott Warren, Deputy of St Saviour – out of the Island
Lyndon John Farnham, Deputy of St. Saviour – out of the Island.

Prayers

Matters presented

The following matters were presented to the States –

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| Termination of Pregnancy (Jersey) Law 1997: report for 2003 and 2004. <i>Presented by the Health and Social Services Committee.</i> | R.C.12/2005. |
| Jersey Financial Services Commission and the Economic Development Committee: Memorandum of Understanding. <i>Presented by the Economic Development Committee.</i> | R.C.13/2005. |
| Public Lotteries: report for 2004. <i>Presented by the Economic Development Committee.</i> | R.C.14/2005. |
| Jersey Telecom Limited: special tariffs for senior citizens. <i>Presented by the Economic Development Committee.</i> | R.C.15/2005. |
| Jersey Tourism: relocation and lease of new office accommodation – Shadow Scrutiny Panel Report. <i>Presented by Deputy G.P. Southern of St. Helier.</i> | S.R.3/2005. |
| Draft Water Resources (Jersey) Law 200- Scrutiny Report (S.R.3/2004): response of the Environment and Public Services Committee. <i>Presented by the Environment and Public Services Committee.</i> | S.R.3/2004. Res. |
| Speed Limits: revised policy (P.1/2004) – amendment (P.1/2004. Amd.) – comments. <i>Presented by the Home Affairs Committee.</i> | P.1/2004. Amd.Com.(2) |

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| Draft Liquor (Restrictions on Consumption) (Jersey) Law 200- (P.9/2005): comments. <i>Presented by the Environment and Public Services Committee.</i> | P.9/2005. Com.(2) |
| Draft Employment Relations (Jersey) Law 200- (P.19/2005): amendments (P.19/2005 Amd.) – comments. <i>Presented by the Employment and Public Services Committee.</i> | P.19/2005. Amd.Com. |
| Field 690A, Maufant, St. Martin: sale of rights (P.20/2005)– amendment (P.20/2005 Amd.) – comments. <i>Presented by the Finance and Economics Committee.</i> | P.20/2005. Amd.Com. |
| Draft Employment Tribunal (Jersey) Regulations 200- (P.36/2005): comments. <i>Presented by the Finance and Economics Committee.</i> | P.36/2005. Com. |

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

Matters lodged

The following matters were lodged “au Greffe” –

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| Fiscal Strategy (P.44/2005): amendment. <i>Presented by Senator S. Syvret.</i> | P.44/2005. Amd. |
| Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. <i>Presented by the Health and Social Services Committee.</i> | P.45/2005. |
| Draft Health Care (Registration) (No. 2) (Jersey) Regulations 200. <i>Presented by the Health and Social Services Committee.</i> | P.46/2005. |
| Draft Planning and Building (Amendment No. 2) (Jersey) Law 200. <i>Presented by the Environment and Public Services Committee.</i> | P.47/2005. |
| Health and Safety Appeal Tribunal: appointment of Members. <i>Presented by the Employment and Social Security Committee.</i> | P.48/2005. |
| Dean of Jersey: cessation of membership of the States. <i>Presented by Senator E.P. Vibert, and referred to the Policy and Resources and the Privileges and Procedures Committees.</i> | P.49/2005. |
| Draft Data Protection (Amendment) (Jersey) Law 200-. <i>Presented by the Finance and Economics Committee.</i> | P.50/2005. |
| Maufant Village, St. Martin: transfer of estate roads and footpaths– rescindment. <i>Presented by the Housing Committee.</i> | P.51/2005. |

THE STATES adopted a proposition of Senator Philip Francis Cyril Ozouf that the proposition of Senator Edward Philip Vibert concerning the Dean of Jersey: cessation of membership of the States, (P.49/2005 lodged “au Greffe” at the present meeting), be formally referred to the Privileges and Procedures Committee for comment prior to debate.

Members present voted as follows –

POUR: 26

Senator J.A. Le Maistre
 Senator S. Syvret
 Senator F.H. Walker
 Senator W. Kinnard
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Connétable of St. Ouen
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of St. Mary
 Connétable of St. Peter
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 Deputy J.J. Huet (H)
 Deputy of St. John
 Deputy T.J. Le Main (H)
 Deputy F.G. Voisin (L)
 Deputy of St. Mary
 Deputy of St. Ouen
 Deputy P.J.D. Ryan (H)
 Deputy M.A. Taylor (C)
 Deputy of Grouville
 Deputy J.A. Hilton (H)

CONTRE: 17

Senator L. Norman
 Senator E.P. Vibert
 Connétable of St. Clement
 Connétable of St. Helier
 Deputy of Trinity
 Deputy of St. Martin
 Deputy G.C.L. Baudains (C)
 Deputy P.N. Troy (B)
 Deputy R.G. Le Hérisier (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. Peter
 Deputy G.W.J de Faye (H)

ABSTAIN: 1

Senator P.V.F. Le Claire

Arrangement of public business for the present meeting

THE STATES adopted a proposition of Deputy Francis Gerald Voisin of St. Lawrence that the following proposition be considered as the first new item of public business after the lunch adjournment at the present meeting.

Jersey Tourism: relocation and lease of new office accommodation. P.22/2005.
 Lodged: 1st March 2005.
Economic Development Committee.

Jersey Tourism: relocation and lease of new office accommodation (P.22/2005) – P.22/2005. Com.
 comments.
 Presented: 1st February 2005.
Environment and Public Services Committee.

Members present voted as follows –

POUR: 26

Senator J.A. Le Maistre
 Senator L. Norman
 Senator F.H. Walker
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf

CONTRE: 18

Senator W. Kinnard
 Senator P.V.F. Le Claire
 Senator E.P. Vibert
 Connétable of St. Mary
 Connétable of St. Peter
 Connétable of Grouville

ABSTAIN: 0

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| Connétable of St. Ouen | Deputy R.C. Duhamel (S) |
| Connétable of St. Saviour | Deputy A. Breckon (S) |
| Connétable of St. Brelade | Deputy J.J. Huet (H) |
| Connétable of St. Clement | Deputy of St. John |
| Connétable of St. Helier | Deputy G.C.L. Baudains (C) |
| Connétable of Trinity | Deputy P.N. Troy (B) |
| Connétable of St. John | Deputy J.A. Martin (H) |
| Deputy of Trinity | Deputy G.P. Southern (H) |
| Deputy of St. Martin | Deputy J.A. Bernstein (B) |
| Deputy T.J. Le Main (H) | Deputy of St. Peter |
| Deputy F.G. Voisin (L) | Deputy J.A. Hilton (H) |
| Deputy R.G. Le Hérisier (S) | Deputy G.W.J de Faye (H) |
| Deputy J.B. Fox (H) | |
| Deputy J-A. Bridge (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 of Grouville | |

THE STATES agreed that the remaining items of public business set down for the present meeting be considered in the following order –

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| Speed Limits: revised policy. Lodged: 20th January 2004. <i>Environment and Public Services Committee.</i> | P.1/2004. |
| Speed Limits: revised policy (P.1/2004) – amendment. Lodged: 9th November 2004. <i>Connétable of St. Helier.</i> | P.1/2004. Amd. |
| Speed limits: revised policy (P.1/2004) – amendment (P.1/2004 Amd.)– comments. Presented: 23rd November 2003. <i>Environment and Public Services Committee.</i> | P.1/2004. Amd.Com. |
| Speed Limits: revised policy (P.1/2004) – amendment (P.1/2004 Amd.)– comments. Presented: 15th March 2005. <i>Home Affairs Committee.</i> | P.1/2004. Amd.Com.(2) |
| Draft Regulation of Investigatory Powers (Jersey) Law 200-. Lodged: 9th November 2004. <i>Home Affairs Committee.</i> | P.196/2004. |
| Draft Regulation of Investigatory Powers (Jersey) Law 200- (P.196/2004): comments. Presented: 30th November 2004. <i>Finance and Economics Committee.</i> | P.196/2004. Com. |
| Draft Regulation of Investigatory Powers (Jersey) Law 200- (P.196/2004) – amendment. Lodged: 1st March 2005. <i>Employment and Social Security Committee.</i> | P.196/2004. Amd. |

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| Draft Jersey Overseas Aid Commission (Jersey) Law 200- Lodged: 25th January 2005. <i>Overseas Aid Committee.</i> | P.14/2005. |
| Draft Jersey Overseas Aid Commission (Jersey) Law 200- (P.14/2005): comments. Presented: 15th February 2005. <i>Finance and Economics Committee.</i> | P.14/2005. Com. |
| Draft Overseas Aid Commission (Jersey) Law 200- (P.14/2005): amendments. Lodged: 1st March 2005. <i>Overseas Aid Committee.</i> | P.14/2005. Amd. |
| Draft Employment Relations (Jersey) Law 200- Lodged: 1st February 2005. <i>Employment and Social Security Committee.</i> | P.19/2005. |
| Draft Employment Relations (Jersey) Law 200- (P.19/2005): comments. Presented: 8th March 2005. <i>Finance and Economics Committee.</i> | P.19/2005. Com. |
| Draft Employment Relations (Jersey) Law 200- (P.19/2005): amendments. Lodged: 1st March 2005. <i>Deputy G.P. Southern of St. Helier.</i> | P.19/2005. Amd. |
| 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 Liquor (Restrictions on Consumption) (Jersey) Law 200- Lodged: 18th January 2005. <i>Home Affairs Committee.</i> | P.9/2005. |
| Draft Liquor (Restrictions on Consumption) (Jersey) Law 200- (P.9/2005): comments. Presented: 22nd February 2005. <i>Finance and Economics Committee.</i> | P.9/2005. Com. |
| Draft Liquor (Restrictions on Consumption) (Jersey) Law 200- (P.9/2005): comments. Presented: 15th March 2005. <i>Environment and Public Services Committee.</i> | P.9/2005. Com. (2) |
| Draft Liquor (Restrictions on Consumption) (Jersey) Law 200- (P.9/2005): amendments. Lodged: 1st March 2005. <i>Deputy of St. Martin.</i> | P.9/2005. Amd. (re-issue) |
| Senatorial elections 2005: reduced term of office. Lodged: 1st February 2005. <i>Deputy of St. Martin.</i> | P.17/2005. |
| Draft Employment (Jersey) Law 2003 (Appointed Day) Act 200- Lodged: 1st February 2005. <i>Employment and Social Security Committee.</i> | P.18/2005. |

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| Draft Employment (Jersey) Law 2003 (Appointed Day) Act 200- (P.18/2005): comments. Presented: 8th March 2005. <i>Finance and Economics Committee.</i> | P.18/2005. Com. |
| Draft States of Jersey (Amendment) Law 200-. Lodged: 8th February 2005. <i>Policy and Resources Committee.</i> | P.26/2005. |
| Draft Bankruptcy (Netting, Contractual Subordination and Non-Petition Provisions) (Jersey) Law 200-. Lodged: 8th February 2005. <i>Economic Development Committee.</i> | P.30/2005. |
| Social Security Tribunal: appointment of members. Lodged: 22nd February 2005. <i>Employment and Social Security Committee.</i> | P.31/2005. |
| Family Allowances Tribunal: appointment of members. Lodged: 22nd February 2005. <i>Employment and Social Security Committee.</i> | P.32/2005. |
| Control of Public Entertainment Panel: appointment of Chairman. Lodged: 1st March 2005. <i>Education, Sport and Culture Committee.</i> | P.35/2005. |
| Draft Employment Tribunal (Jersey) Regulations 200-. Lodged: 1st March 2005. <i>Employment and Social Security Committee.</i> | P.36/2005. |
| Draft Employment Tribunal (Jersey) Regulations 200- (P.36/2005): comments. Presented: 15th March 2005 <i>Finance and Economics Committee.</i> | P.36/2005. Com. |

Arrangement of public business for the next meeting on 5th April 2005

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 5th April 2005, in the following order –

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| Maufant Village, St. Martin: transfer of estate roads and footpaths– rescindment. Lodged: 15th March 2005. <i>Housing Committee.</i> | P.51/2005. |
| Field 690A, Maufant, St. Martin: sale of rights. Lodged: 1st February 2005. <i>Housing Committee.</i> | P.20/2005. |
| Field 690A, Maufant, St. Martin: sale of rights (P.20/2005)– comments. Presented: 1st February 2005. <i>Environment and Public Services Committee.</i> | P.20/2005. Com. |
| Field 690A, Maufant, St. Martin: sale of rights (P.20/2005)– amendment. Lodged: 1st March 2005. <i>Deputy of St. Martin.</i> | P.20/2005. Amd. |

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| Field 690A, Maufant, St. Martin: sale of rights (P.20/2005)- amendment (P.20/2005 Amd.)- comments. Presented: 15th March 2005. <i>Finance and Economics Committee.</i> | P.20/2005. Amd.Com. |
| Draft Community Provisions (Animal Feeding) (Jersey) Regulations 200-. Lodged: 8th February 2005. <i>Environment and Public Services Committee.</i> | P.27/2005. |
| Draft Fertilisers and Feeding Stuffs (Amendment) (Jersey) Law 200-. Lodged: 8th February 2005. <i>Environment and Public Services Committee.</i> | P.28/2005. |
| Draft Diseases of Animals (Amendment No. 6) (Jersey) Law 200. Lodged: 8th February 2005. <i>Environment and Public Services Committee.</i> | P.29/2005. |
| Draft Competition (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 1st March 2005. <i>Economic Development Committee.</i> | P.37/2005. |
| Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 2) (Jersey) Regulations 200-. Lodged: 8th March 2005. <i>Environment and Public Services Committee.</i> | P.41/2005. |
| Projet de Loi (Amendement No. 5) sur la Propriété Foncière. Lodged : 8th March 2005. <i>Comité de Législation.</i> | P.42/2005. (re-issue) |
| Health and Safety Appeal Tribunal: appointment of Members. Lodged: 15th March 2005. <i>Employment and Social Security Committee.</i> | P.48/2005. |

Avian influenza – question and answer (Tape No. 1010)

Senator Leonard Norman tabled the following written question of Senator Stuart Syvret, President of the Health and Social Services Committee –

“The World Health Organisation has warned that ‘the world is now in the gravest possible danger of a pandemic’ stemming from avian influenza, commonly known as bird flu. Would the President advise members of the arrangements, if any, the Committee has made to protect the local population?”

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

“The Health and Social Services Committee has been following the developments around Avian Flu in South East Asia with concern.

Avian Flu is a close relative of the human influenza virus but, whilst it has been a significant economic problem for poultry farmers around the world for more than a century, it is only in the past year that the avian flu virus has jumped from birds to humans. Around 60 cases have so far been reported in South East Asia and around 43 of those have died. This is a far higher death rate than ordinary flu, and the deaths are in otherwise healthy children and adults and not the elderly or otherwise vulnerable groups.

At the same time, the World Health Organisation is concerned that the normal behaviour of the flu virus means we are due a flu pandemic in the next few years, and if there was some kind of genetic combination of avian flu and ordinary flu in South East Asia, then that pandemic would be even more dangerous than otherwise. The World Health Organisation (WHO) is concerned that the world is poorly prepared for such a pandemic and that planning should start now.

The single most important preventive measure is vaccination. However, the quickly changing nature of the flu virus means that adjustments need to be made annually to the make up of the routine vaccine. Vaccine manufacturers around the world are now geared up to work together to ensure the fastest possible manufacture, license and distribution of the vaccine properly 'tuned' to any pandemic virus. However, this will take some three months to become available.

Over recent years, a small range of anti-viral drugs has become available with some activity against the flu virus. Whilst not as effective as antibiotics against bacterial disease, they offer some reduction in the probability of catching flu, and making flu less dangerous if caught.

Jersey had already taken the decision to order a stock of oseltamivir, likely to be the most useful of the drugs available, when the U.K. Department of Health and the Health Protection Agency announced a plan for the U.K. Our plans will now be guided by this expert advice.

We will have 25,000 courses of oseltamivir on the Island by the end of April 2005, and the Health and Social Services Emergency Planning Group is developing plans for the distribution of the drugs and the management of any pandemic that threatens Jersey. The U.K. is stocking up to similar levels over two years. We are watching the advice from WHO and U.K. authorities as this changes as the situation develops.

As yet, there is no flu pandemic, nor any threat to Jersey from Avian Flu. It would be sensible for Jersey visitors to South East Asia to keep away from live poultry or bird markets. There is no risk from chicken meat on sale in Jersey as import from affected areas is banned, the risk from food is low and the virus is destroyed by cooking."

Pregnancy termination statistics – question and answer (Tape No. 1010)

Deputy Jeremy Laurence Dorey of St. Helier, tabled the following written question of Senator Stuart Syvret President of the Health and Social Services Committee –

"Would the President supply members with the pregnancy termination statistics for the last two years, in the format previously supplied under the provisions of Article 9 of the Termination of Pregnancy (Jersey) Law 1997?"

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

"The pregnancy termination statistics are provided in the Medical Officer of Health's annual reports on the management of the Termination of Pregnancy (Jersey) Law 1997. The information which the Deputy requests was, co-incidentally, provided to all States' members over the last weekend under cover of R.C.12/2005."

Long-term incapacity allowance – questions and answers (Tape No. 1010)

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 –

"Would the President inform members –

- (a) of the percentage of new recipients who, in the 4th quarter of 2004, received 100% benefit under the long-term incapacity allowance (LTIA)?
- (b) of comparative figures on LTIA claimants in the 4th quarters of 2004 and 2003, showing the difference in numbers of claimants, the percentages of their awards, and the total sums paid out in these periods?
- (c) what estimated saving, if any, will be achieved through LTIA accumulated in the first year of its operation as more claimants transfer from short-term to long-term incapacity allowance during this period? and,
- (d) whether the recent findings of the report from Professor Walker of Nottingham University on poverty in the Island included evidence of these most recent data on changes to LTIA, and, if not, what steps is the Committee going to take to update our understanding of the real levels of poverty in Jersey following these recent changes?"

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

- “(a) In the 4th Quarter of 2004, 125 claims to LTIA were made of which 25, or 20%, were assessed at 100%, 63 (52%) were assessed at between 50 and 99%, and 35 (28%) were assessed at below 50%.
- (b) This is impossible to answer as LTIA was introduced on 1st October 2004, and did not exist in the 4th quarter of 2003.
- (c) No savings have been estimated as none have been identified by the Committee. As the new benefits are completely gender neutral, and with the removal of the married woman’s option not to pay contributions, more claims will result from married women than in the past. Unlike the old sickness and invalidity benefits, LTIA is not disallowed if a person is capable of any work and so will be available to claimants who may have been previously disallowed payments of the old benefits.
- (d) Professor Walker presented the comparative study to States’ Members on 3rd March 2005, and those present would have heard that the comparison was based necessarily on 2001 figures and, therefore, recent changes could not be included. Unfortunately, Deputy Southern was not present at the meeting so could not have asked questions about levels of poverty to an expert on poverty who advises Governments on both sides of the Atlantic. Nevertheless, the comparative study did show that the comparative spend on sickness and health was higher than the European average without taking into account employers’ sick pay in Jersey for which figures were not available. The Committee is always ready to help members understanding of complex issues and would be happy to help Deputy Southern or any other member if there are matters that need to be further clarified. I am sure that Professor Walker would be happy to help in this regard if there are specific questions to be answered on the Nottingham University report. The Committee is also committed to keeping members informed about the eradication of financial and social exclusion and will do so through the development of the income support system and reviews of the Social Security system. At this stage, the Committee has noted that the incidence of poverty in Jersey is about the same as Europe but the level of poverty is not as deep as Europe even though the comparative spend is relatively low.”

Long term incapacity allowance – further question and answer (Tape No. 1010)

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 the reason for the application of an incapacity percentage rule to all long-term incapacity allowance (LTIA) recipients is to encourage a return to work. Would the President inform members –

- (a) how many any of the 125 LTIA recipients in the last quarter of 2004 have managed to return to work?
- (b) whether any recipients of LTIA have been refused Health Insurance Exception benefit (HIE), despite meeting the income criteria, on the grounds that they are less than 100% incapacitated, and, if so, would he confirm whether this is the Committee's policy?
- (c) whether any difficulties exist concerning the ability of the medical board to fairly assign a degree of incapacity to applicants for LTIA showing a wide range of illnesses, and, if so, has this lead to an increase in the rate of appeals made? and,
- (d) whether the Committee will review the appeals procedure by which a period of two years applies to failed appeals, given the possibility that an applicant's condition may change during this time?"

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

- “(a) It is impossible to answer this question in the time available as it would divert a disproportionate amount of resource for a manual search and survey. This is because contribution returns for the first quarter of 2005 have not been submitted by employers yet and are not due for processing until April 2005. When contribution returns are completely processed it will be possible to see if claimants on LTIA are working and paying contributions through a computer search. I can say that several claimants are being helped by the Department's Workwise Team. As Deputy Southern is aware from an answer to a previous question, the Committee will undertake a full review at the end of the first year when a clearer pattern may have emerged.
- (b) There are several non-financial criteria for the award of HIE which can include the circumstances of other members of the household. There is no criterion that states that a person must be 100% incapacitated. However, there is a criterion that a person of working age who is not working can qualify if it is likely that he or she would be unlikely ever to work again due to incapacity. In the past this was authenticated by a letter from the claimant's general practitioner. The new incapacity pension is based on the same criteria and can be used as a passport to HIE if other criteria are met including the income test. The Committee is also considering if such an automatic provision could be extended to claimants with high rates of LTIA without breaching the cash limit set by the States as the HIE scheme is partially funded from general revenues.
- (c) The Committee is not aware of difficulties in assessment once all the relevant information on the claimant is made available. The medical board system works well, with decisions subject to appeal, but despite the volume of assessments very few actually go to appeal. A factor in this may be the constitution of the medical board which consists of two doctors rather than one. In general, the system is generally perceived to be fair and reasonable. However, members will know of particular cases where medical opinions differ and the Social Security Law was changed in 2001 to allow the use of external experts to determine any particular case should the need arise. I should also mention that every assessment by the board is preceded by the Department writing to the relevant general practitioner for information.
- (d) If a claimant's condition deteriorates substantially a review of the decision can be made and similarly if the Department believes a person's condition has improved a referral for review can also be made. The two year period has been used to stop persistent frivolous appeals.”

Minimum wage and the proposed income support scheme – question and answer (Tape No. 1010)

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 –

“In answer to my question on 1st March 2005, the President stated that the proposed level of income support is to be set at welfare rates and not the level of contributory benefits in order to maintain the

incentive to work.

Would the President inform members –

- (a) whether the Committee will review the minimum wage level due to be introduced in Jersey in light of recent announcements from the U.K. government on the level of the minimum wage, in order to ensure that it still fully reflects the increased living costs on the Island? and,
- (b) whether the Committee's proposed Income Support Strategy will incorporate measures to deal with housing benefits?"

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

“On a point of clarification, the previous answer did not say that the proposed rates would be set at welfare rates. I was asked about the proposals from our model which used welfare rates as a base or control for the different scenarios that were being modeled. In all our examples but the base or control scenario, rates in excess of welfare rates were used and described in percentage terms above welfare rates. The incentive to work and save issue raised in the question has many facets, including wage levels and was described by Professor Walker during his recent visit in terms of replacement rates for the unemployed, which were low, demonstrating that the incentive to work in Jersey is high. The income support system is being designed to retain a high incentive to work through marginal deduction rates and a requirement to work where possible.

- (a) When the Employment (Jersey) Law 2003, comes into force the level of the minimum wage will be reviewed as set out in that Law and described in the report that accompanied the draft Employment (Minimum Wage) (Jersey) Regulations 2004, presented to the States last year through the mechanism provided by the Employment Forum. This will involve a good deal of consultation from which the Committee will receive recommendations and decide upon a rate in the light of economic, social and business factors in Jersey. It should come as no surprise to members that the position in the U.K. has been noted by the Committee and the Employment Forum and whilst the U.K. minimum wage has a relevance to the minimum wage debate, the States have to approve a rate that is appropriate for Jersey. In fact, these factors were taken into account and the rate being applied was “updated” on the assumption that the implementation date would be 1st April 2005.
- (b) The Income Support system has been described in outline many times before, and I can confirm to members that the system has a component that will cater for the rent rebate and abatement systems and rental costs currently met by the Parish authorities if this is what the Deputy means by housing benefits.”

Benefit payments under certain schemes – questions and answers (Tape No. 1010)

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 –

- “(a) Comparative 4th quarter figures released by the Committee on short-term incapacity allowance (STIA) 2004, and sickness benefit 2003, show a 7.7% drop in the number of claims. Similarly the figures for long-term incapacity allowance (LTIA) and invalidity benefit show a 16% reduction. Will the President inform members how the total payments for these two benefits have changed in absolute and percentage terms?
- (b) The numbers of claims involving a ‘dependency-increase’ for short-term and long-term illness over the same period have reduced from 1306 to 183 and from 45 to 7, respectively, a reduction in both of 85%. Will the President inform members what the reduction in the overall dependency payments in absolute terms has been between the two quarters for these two types of benefit?

- (c) Will the President inform members what the Department's estimate of saving to its budget is, that may ensue over the first and subsequent years from the introduction in the new STIA and LTIA resulting from the Committee's change to the treatment of dependency?"

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

- (a) The Deputy has been warned in previous answers about comparing benefits over the relatively short period of one quarter. For the sake of completeness, it needs to be explained that the numbers of claims are functions of the incidence of illness and accidents, the persistence of the incapacity and indeed the overall churn of medical certification from G.P.s. A full review will be undertaken after a year of experience with the new benefits even though in Social Security terms this is a short period. Again to help Deputy Southern, I can say that in the 4th quarter of 2004, the total cost of incapacity benefit payments was £9,291,195.45, and in the 4th quarter of 2003 it was £8,553,006.66. The increase is 8.63%. As a direct answer to the Deputy's question, STIA in the 4th quarter of 2004 amounted to £3,051,830.05 and Sickness Benefit in the 4th quarter of 2003 amounted to £2,972,876.89, an increase of 2.65%.
- (b) The cost of benefits with a dependency increase for long and short-term incapacity cases in the 4th quarter of 2004 was £2,644,865.25 and in the 4th quarter of 2003 it was £2,960,693.71. The decrease is 10.67%.
- (c) As these benefits are funded from the Social Security Fund, there is no general revenue budget saving. The Committee is required by Law to have an Actuarial Review of the financial status of the Social Security system every three years. The next triennial review is about to be published and account of the changes in contributions and benefits between 1997 and 2004 have been catered for in the forward projections. This includes the changes to incapacity benefits. The move to individual entitlements within the system began in the 1980s as countries took stock of human rights, gender neutrality and international directives, which, not binding on Jersey, the Committee and the States at the time believed should, nevertheless, apply to Jersey. Over time moving to a totally gender neutral system of individual entitlement is cost neutral."

ORAL QUESTIONS

1. **The Deputy of St. John to the President of the Environment and Public Services Committee:**

"Over recent weeks, black asphalt has been laid over an area of Liberation Square. Would the President explain the reasons for this, given that the area is largely constructed of granite, and also advise the cost associated with this work?"

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

"Since the opening of Liberation Square, there has been an ongoing problem with people tripping on the gravel and surrounding edge kerbs. Tourism has kept a log of all the injured pedestrians who have gone into the Tourism offices for first aid following a trip or fall. Following discussions with the States' architect, it was suggested that the brick edge surrounding the hogging area be lowered and the hogging replaced. The work has commenced but is not complete. What is now there is a black tarmac base coat. This will be dressed with a coloured aggregate to match the surrounding granite. The colour will be tested in the next few days to ensure this match is achieved. The total costs for the work are £5,000 and are funded from the Committee's Municipal Services Revenue Budget."

1(a) **The Deputy of St. John:**

"Given that we are getting so close to the Liberation, was the Liberation Committee consulted about this work?"

Senator P.F.C. Ozouf:

"I am not aware whether or not the Liberation Committee was consulted. I imagine that they were. What I can say is that the improvements that are going to be made to Liberation Square will be improving

Liberation Square for the important events which are to happen on May 9th.”

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

“Given that the President is undertaking to rectify a problem that has obviously caused public injury, is his Department also keeping an eye on King Street, which has caused many people to trip over the mosaics that are laid there?”

Senator P.F.C. Ozouf:

“The issue of gravel on Liberation Square actually relates to a budgetary issue, and that is that the gravel was not originally planned. It was originally supposed to be granite, but, due to the over-spends at the time, gravel was put down. The Committee attempts to get its budget and uses it appropriately in all areas. I am unaware of particular issues and particular safety issues on King Street. If the Senator has information to the contrary, please let him let me know.”

1(c) Deputy J.B. Fox:

“I wondered if the President could advise us why they didn’t use the red tarmac that is used in all the surrounding footpaths of the area? Is it cost or is it some other reason?”

Senator P.F.C. Ozouf:

“I must admit to the Deputy that when I drove past Liberation Square and I saw black tarmac, my heart sunk. The reality is that, when I asked the question, it was a base coat. It was in fact going to be the base coat put on top by a lighter grade of aggregate, and that aggregate is far better than red tarmac. It is the most appropriate material and it will maintain Liberation Square as a splendid place which many people enjoy.”

The Deputy of St. John:

“I would like to thank the President for his reply, Sir.”

2. Senator P.V.F. Le Claire to the President of the Environment and Public Services Committee:

“(a) Does the Committee consider that a proposal to relocate a coach park and associated workshops adjacent to the residents at Clos due Mon Séjour will provide no solution, but will simply transfer the problem from one location to a residential one; and (b) has the Committee considered whether the place designated for industrial use in the Island Plan, namely La Collette, is a better solution?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“The question relates to a current application which is yet to be considered by the Committee. Accordingly, it would be wholly inappropriate for me to comment on that application today.”

2(a) Deputy G.P. Southern:

“Does the President agree with his officers’ assessment that this coach park and associated facility is a bad neighbour in town?”

Senator P.F.C. Ozouf:

“I have to say, Sir, that I have not had yet the benefit of considering the officers’ recommendation. That will be considered in full Committee and a decision will be made accordingly.”

2(b) Deputy G.P. Southern:

“In general, does he accept that La Collette has been designated by the Island Plan as a suitable site for light industrial use and not other places in the countryside zone on this Island?”

Senator P.F.C. Ozouf:

“The Environment and Public Services Committee, Sir, has strict rules about pre-determining any application, so I am not going to be drawn on any inference about whether or not the Committee may support or otherwise. So I will not comment on anything in relation to Clos du Mon Séjour. It would be inappropriate for me to do so. I can, of course, confirm that La Collette is indeed an area for light industrial use and is known to be so.”

2(c) Deputy J.B. Fox:

“I wonder if the President could answer a question. I drove past the other day and there are tonnes of aggregate being put in the surrounding areas to what I assume is where the application is. I wonder if the President is able to comment whether this is another application or whether this is something to do with the existing application?”

Senator P.F.C. Ozouf:

“I can assist the Deputy. I understand – and I am getting advice during the course of this morning, as a member of my own Committee has raised that issue with me this morning – that this has been the subject of a number of applications on this site and the works that are being carried out are in compliance with previous approved permissions given by previous Committees. Nevertheless, we will be carrying out enquiries and confirming that during the course of the day and I am happy to confirm that to the members that have raised those questions.”

2(d) Senator S. Syvret:

“Would the President confirm that, when considering this application or indeed any others, his Committee will have strong regard to the established policies of the Island Plan as approved by this Assembly?”

Senator P.F.C. Ozouf:

“I agree absolutely with the statement made. Later in question time we refer again to the Island Plan. The integrity of the Island Plan is absolutely important. Officer recommendations are compliant to the Island Plan and we stick to the Island Plan.”

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

“I did not catch the President’s answer. Could he give us some information as to when this application will be considered and at what stage in the process it is at this time?”

Senator P.F.C. Ozouf:

“I cannot confirm the date on which it will be confirmed, but it is reasonably imminent and will be published in the normal way, in the transparent way in which Planning makes its decisions.”

3. Deputy R.G. Le Hérissier to the President of the Health and Social Services Committee:

“Given the apparent delay in the building of the proposed Belle Vue Residential Nursing and Day Care Centre and the announcement of new facilities at Queen’s House, would the President indicate whether a full review of capital projects is required within the Health and Social Services Committee?”

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

“Yes, a review of capital projects in Health is needed. For this reason, some weeks ago now, I instructed the Chief Officer of Health and Social Services to undertake a fundamental review of the departmental capital programme. This review is being undertaken using the processes contained in the NHS Capital Investment Manual, which represents best practice in this field. Obviously, the Belle Vue Nursing Home and Day Care Centre is a component in the departmental capital programme and it too forms part of the review process. In fast-changing times, with advances in thinking and new approaches to health policy, with new health technologies forever presenting themselves and with new financial assumptions for the public sector in Jersey becoming much clearer, it is right that such a review take place. Indeed, given the emerging States’ Revenue Plan for the years 2006, 2007 and 2008, which will have the effect of reducing the amount of available public capital, it may well be prudent for other States’ Departments to review their capital commitments.”

3(a) Deputy R.G. Le Hérissier:

“I thank the President for his answer. I wonder if the President could comment on the fact, Sir, that, I think it was in the Audit Commission Report of 2002, there was attention drawn to the fragmented nature of care, for example, for the elderly and the way that we didn’t think through logically where the money should be put. Is there any chance, Sir, rather than going in for big capital projects, we could see the diversion of funds, for example, to more sheltered housing so that there is a more logical progression for

the elderly through the various levels of care as and when they need it?”

Senator S. Syvret:

“The point made by the Deputy is entirely valid. It is, of course, appropriate that we should look at modernising the policies we have for the long-term treatment of the elderly and, indeed, that we should take into consideration the views expressed by the Review Board. However, the issues raised concerning the possibility of moving away from large capital projects such as the Belle Vue Nursing Home and instead moving towards more sheltered housing, whilst a good idea, it is never actually going to address the needs of the client group which will be served by nursing homes such as Belle Vue. The Committee did in fact make strenuous efforts to determine whether we could have a partnership with a private sector provider in respect of the Belle Vue Nursing Home. However, that fell through because the client group for that home are very high-need individuals who need a high level of nursing care and that type of care régime is not at the present moment financially attractive to the private sector. There is always going to be a need for some nursing homes in the Island and sooner or later we are going to need to modernise many of the existing facilities.”

3(b) Deputy R.G. Le Hérisssier:

“I take the President’s point re. the need for some high dependency institutions, but, Sir, could he inform the House whether he believes there is the correct distinction between private and public provision of care? Is the Public Health Department, or the Health and Social Services Department, trespassing into areas that could be better dealt with by the private sector in order that their limited resources could be put much more logically into the kind of areas, like high dependency, which the private sector won’t get near?”

Senator S. Syvret:

“That is already the departmental policy. We seek to encourage residential care home provision by the private sector wherever possible and practical, but I have to repeat the point that I have made already. The fact is that there is a cohort of clients, a client group, whose needs are so high that provision for them by the private sector simply isn’t economically attractive. Generally, certainly we do seek to encourage private sector engagement with the care home sector.”

3(c) Senator P.F.C. Ozouf:

“Whilst welcoming the Committee’s proposals to review its capital programme, would the President confirm that he will share this information with the Finance and Economics Committee and particularly the Capital Projects Review Sub-Committee; could he, secondly, confirm when he thinks Belle Vue will actually commence, if it is going to commence at all; and, thirdly, could he reconcile the statement that he just made about partnering with private institutions with the recent – as I understand it – decision not to co-operate with the proposals to build a private hospital in Jersey?”

Senator S. Syvret:

“If I can remember those 3 questions in one, yes, certainly we have no difficulty in publishing the results of our review of capital programme in addition to making them available to the Finance and Economics Committee. I see no reason at all why that report shouldn’t be published. The second question was?”

Senator P.F.C. Ozouf:

“If he would confirm the status of Belle Vue, if it is to commence and when.”

Senator S. Syvret:

“If it is to commence, and it probably will have to commence at some stage, that will be either late this year or early next year. The third point raised by the Senator in respect of the proposed development of a private hospital, the difficulty we have with the present proposals is that in essence the developers require a very, very substantial amount of public money to be put into this project and that makes the project simply unviable from a public interest point of view. There is simply no justification for making that level of public investment in that kind of facility.”

3(d) Senator P.F.C. Ozouf:

“Can I just – and I wish no point scoring here, Sir – confirm the issue to do with Belle Vue? Would he agree that actually, therefore, the proposal by the Constable of St. Helier to defer consideration of Belle Vue actually had merit and perhaps we should have been more supportive of him at the time?”

Senator S. Syvret:

“Well, the proposition of the Constable of St. Helier was always tabled and hasn't been debated, but, in any event, we did in fact engage, both before the Constable's proposition was lodged and indeed afterwards, in efforts to encourage this to be a private sector/public sector partnership. However, that didn't work out because it simply wasn't economically viable for the private sector to address the needs of this high demand client group and that, in essence, is what we always suspected would be the case at the time of maintaining that this project needed to be ultimately a public investment.”

4. Deputy R.G. Le Hérisier to the President of the Education, Sport and Culture Committee:

“With regard to the Cultural Strategy, what notional sum of money was identified by the Committee as being essential for its implementation, and what is the definition of an ‘arms length relationship’ in respect of cultural organisations?”

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

“I refer the Deputy to my answer to his similar, almost identical, written question of the last States' sitting on 1st March. In that answer, I explained the proposals of the Cultural Strategy are for the States as a whole to embrace. The Strategy, for example, places emphasis on the relationship between creativity and economic growth and notes a provision is being considered within the Economic Growth Strategy for the development of small enterprises. The Strategy also suggests the development of a ‘percentage for arts’ scheme for both the private and public sector. The arm's length principle is designed to ensure minimum government interference in cultural areas, save for the concern that cultural organisations dependent on public funding operate within agreed resource limitations. Under the Cultural Strategy proposals, a new Council for Culture would be available to advise the Education, Sport and Culture Committee on cultural matters.”

4(a) R.G. Le Hérisier:

“Would the President not admit that it is totally ironical that the Cultural Strategy Report is almost without figures, yet, in terms of the Opera House, he is talking a very strong numerical argument in terms of mismanagement and so forth? Does he not feel, Sir, that to put a major report in front of the States based on faith, hope and optimism as opposed to clear financial projections, is leading us down the path which we are constantly told is creating one financial disaster after another?”

Senator M.E. Vibert:

“Absolutely not, Sir. I think the Deputy is deluded in his thinking.”

4(b) Deputy R.G. Le Hérisier:

“I thank the President for his insights. I wonder, Sir, if the President could identify, if there arose a situation where a provider wished to bring a cultural event to the Island which was of some concern to his Council of 50 or 60 people or whatever – and, again, we have absolutely no precision on this matter – what would be the policy in regard to such a controversial application?”

Senator M.E. Vibert:

“I don't know where the Deputy gets 50 to 60 people from, but it is certainly not the draft Cultural Strategy. Anyone bringing or wishing to bring a cultural event to the Island, if it involved seeking any permissions or was brought to the Education, Sport and Culture Committee, they would seek advice from the Council for Culture, which is why such a council is proposed. It would be a council that would consist of people from all the cultural organisations or many of them – the main ones – being able to give direct advice without an intermediary to the Education, Sport and Culture Committee and hopefully will produce a synergy between organisations that will enable the Education, Sport and Culture Committee to have the best advice available.”

4(c) R.G. Le Hérisier:

“Can we therefore infer from the President’s answer that the Education, Sport and Culture Committee will, within financial constraints, be the final arbiter on all applications for cultural events?”

Senator M.E. Vibert:

“Where States’ subsidy is involved, the Education, Sport and Culture Committee will always be concerned to ensure that the money is properly accounted for.”

4(d) Deputy J-A. Bridge:

“Will the President agree to inform the States prior to the debate the anticipated detailed costs of the implementation of the Strategy?”

Senator M.E. Vibert:

“The Strategy is much broader than just the Education, Sport and Culture Committee. I don’t think it will be possible to itemise the individual costs. As I said in my first answer, we are talking about trying to implement a ‘percentage for arts’ scheme, and we are talking about cultural people being able to access the grants, if there are some, for the development of small enterprises. So it will not be possible to give a complete list. What the Cultural Strategy asks the States to do is to sign up to the importance of culture and try and develop its importance to the Island in the years ahead.”

4(e) Deputy S.C. Ferguson:

“Can I, from my Shadow Public Accounts Committee (SPAC) aegis, please reinforce the question and ask the President for confirmation that he will produce some global figures for the costs of the Culture Strategy before the debate?”

Senator M.E. Vibert:

“I will see what figures can be produced, Sir. As I have said, it is for the States as a whole to embrace, and the States will be able to do as much or as little for culture as they deem fit. Culture is not something that is defined by the States; it is something within the Island and it is a strategy for the development of culture within the Island for the States’ backing.”

4(f) Senator S. Syvret:

“Would the President agree with me that in the new, much stricter financial climate in which the Island finds itself, it is absolutely right that publicly elected, publicly accountable politicians who are answerable to the public have proper regard for how public money is spent rather than that power lying in the hands of unelected, unaccountable cliques of self-perpetuating quangocrats?”

Senator M.E. Vibert:

“I haven’t the Senator’s facility with words, Sir. I think what is important is to ensure that, where public money is involved in any sphere, the public can be reassured that they get value for money and that it is being well spent and that, where people have agreed to live within certain resource limitations, they continue to do so. What is important is that this House and, through this House, the people can be assured that we are not wasting money.”

5. Deputy G.P. Southern to the President of the Economic Development Committee:

“Is the proposal to build a coach park and workshops in the countryside zone in accordance with his Committee’s recently published report entitled ‘Growing the Rural Economy’ and, in particular, the provisions of paragraph 6.5.5 and 7.1.1 of that report?”

Deputy F.G. Voisin (President of the Economic Development Committee):

“The use of existing agricultural buildings for commercial use is consistent with the Rural Economy Strategy now out to consultation and, in particular, paragraph 6.5.5. The final decision specifically relating to the relocation of a coach operator rests with the Planning Sub-Committee and they will consider that application in their due process. Paragraph 7.1.1 relates to activities within the natural environment, not a built environment, and would not apply in this case.”

5(a) Deputy G.P. Southern:

“In particular, if I could, 6.5.5 refers to: ‘There are a whole range of businesses that could be encouraged to locate in rural parts of the Island as long as their impact on the locality is not detrimental.’ Does the President believe that a coach park would have a detrimental effect on a countryside zone site?”

Deputy F.G. Voisin:

“I really don’t think that is a question for me. That is a question that will be considered by the Planning Sub-Committee when they consider the application. I don’t believe that they have considered it yet.”

5(b) Deputy G.P. Southern:

“If I could, Sir, would the President consider taking into consideration this proposed development in relation to the terms of 6.5.5. and making a submission to the Planning Committee promptly?”

Deputy F.G. Voisin:

“I think, Sir, that the Deputy should look at the questions that are at the end of section 6 that ask people to consider ... well, the question posed in paragraph 14: ‘Is a more flexible approach required to the location of other business activities and inter-redundant agricultural buildings and land? If agricultural buildings and/or land are to be used for alternative businesses, should these developments be self-funding?’ These sorts of questions are clearly being raised in the consultation document, and I suggest that he responds to those questions. I think what is important though is that there are a number of redundant, empty agricultural buildings and I think that certainly we recognise that it is important to allow farmers or former farmers to generate some sort of income from those buildings so that in actual fact those earnings can be ploughed back into our countryside.”

5(c) Senator P.F.C. Ozouf:

“Would the President confirm that ‘Growing the Rural Economy’ is a joint strategy between the 2 Committees and that we enjoy good relations in developing these strategies under the leadership of the Vice-President?”

Deputy F.G. Voisin:

“Yes, this is a joint strategy and also I think it is worth mentioning that the Rural Economy Strategy dovetails perfectly in with the wider Economic Growth Plan.”

5(d) Senator E.P. Vibert:

“Would the President not accept that they are responsible for the Agricultural Policy and if there is something that is detrimental against that policy, they have a duty to go to the Planning Department and make a case?”

Deputy F.G. Voisin:

“But the application is not contrary to the interests of agriculture. Quite the reverse, we are giving a farmer, or the farmer in this case will have an opportunity to earn an income from buildings that are currently lying empty. This also has a knock-on benefit to the wider economy because there is a lack of supply of warehousing and sheds of this nature and, by not allowing these redundant agricultural buildings to be used for commercial uses – to be put to commercial uses – will mean that rentals will increase, and all that is going to do is to squeeze out the entrepreneurial activities that we are actually trying to encourage.”

5(e) Senator S. Syvret:

“Does the President not recognise that the answer he has just given is in fact the kind of policy that will be the death of agriculture in Jersey? If you are simply going to say that any kind of commercial activity that you can allow and develop on agricultural land is in fact going to benefit the owner and the farmer and therefore compatible with agriculture in the Island, then you are basically kissing goodbye to agriculture and you are saying hello to the mass industrial commercialisation of the Island’s countryside.”

Deputy F.G. Voisin:

“No, I think that is absolute rubbish, Sir. *[aside]* The whole point is that these buildings are existing now. It obviously should be in the economic interests of farmers to be able to continue to use their agricultural

buildings so that they can continue to earn revenue from all of the land that they either own or they lease. It is obviously better for the farmer – it should be better for the farmer – to continue to conduct his farming activities to generate profit from the whole farm, including all of the land, rather than just one agricultural shed. But if the decision has been taken by a farmer to come out of farming, then it is purely sensible, I would submit, to allow those buildings to be used for some purpose.”

5(f) Deputy J.B. Fox:

“Is the President suggesting from his previous answers that in fact there are more than sufficient large buildings in the Island that are now having to be adapted for other uses and, therefore, we should see a considerable down-turn in the applications for new such sheds that, during the period that I was in Planning and Environment, still seemed to appear? It will be interesting to find out if the policies have changed or the circumstances have changed. Could he enlighten us further on that policy?”

Deputy F.G. Voisin:

“I am afraid I don’t have a crystal ball, so I can’t say what applications are going to be made by the farming community in the future, but I think that what we have got to embrace is more flexibility within the use of these existing buildings.”

5(g) Senator P.V.F. Le Claire:

“Given that there is a clear application for a coach park in the rural area at the moment, given that the policy is a joint policy and, given that the Economic Development Committee has these responsibilities to look at light industry, will the President undertake to get together on this joint policy and identify a suitable location for a coach park outside of the rural economy and outside of water catchment areas and countryside zones?”

Deputy F.G. Voisin:

“One of the points that the Economic Growth Plan makes is that we should try and allow the market to function. This is such a case, where we have a private company that wants to relocate from its privately held bus depot or coach depot to another depot which will be held privately under a lease, under an arrangement by that company and by a farmer. We can’t – the States can’t – continue to start intervening in where these businesses should be located.”

5(h) The Deputy of St. John:

“Would the President undertake to review this once again, given we still have Phase II of La Collette which hasn’t been identified in certain areas for a number of sites? Work needs to be done with the Waterfront Enterprise Board, Planning and whoever has got control of La Collette Phase II, where we have already built recently a big bus station with all the facilities that go with it? Should you not be looking and encouraging that type of development not in the countryside but down on La Collette? Will you please review that particular area?”

Deputy F.G. Voisin:

“Certainly this is an area that Planning are looking at, I know. Also, La Collette II is many years away from completion, so it will of course be some years before anything can be built down there.”

5(i) The Deputy of Grouville:

“Would the President please explain to the Assembly what policies he and his Committee are implementing to actually encourage agriculture – not light industry in the countryside, but agriculture?”

Deputy F.G. Voisin:

“Yes, Sir, the proposals are contained within this document, ‘Growing the Rural Economy’ and there are a number of initiatives here looking at, for example, the Rural Initiative Scheme, which will try and fund entrepreneurial activity and diversification within the countryside, where we will actually support farmers that try to do something, try to enter into a new market, and that support will be obviously conditional. But there are a number of initiatives here and I suggest that the Deputy looks at the document in due course.”

5(j) The Deputy of Grouville:

“I have read the document and I have to say that it is encouraging farmers to exit the industry, not to stay in it. Would he agree with that?”

Deputy F.G. Voisin:

“No, I don’t agree, and I suggest that if the Deputy has some comments to make, then she responds to the consultation document.”

5(k) Deputy G.P. Southern:

“Is the President aware that this piece of land has gone from prime agricultural use through a dairy farm, now to sheds and to become industrial within the space of 15 years and, furthermore, is he happy and content that the morning bird song will be replaced by the sound of 20 or 30 diesel engines?”

Deputy F.G. Voisin:

“Well, the decision as to whether to build a shed there was made by the Planning Department some 10 years ago.”

5(l) Senator E.P. Vibert:

“Is it not a fact that the Committee has produced a rural policy, which includes countryside for commercial development where its use is not detrimental to the surroundings? Could the President not accept the fact that if a proposal comes forward to it that clearly shows it is going to be detrimental, it has a duty to make a case to the Planning Department that it should not be allowed?”

Deputy F.G. Voisin

“Well, this is precisely the process that I have referred to that the Planning Sub-Committee is going to undertake. I am afraid it is not for the Economic Development Committee to consider planning applications: it is not the Committee’s policy. As has already been said, it is a joint policy with Economic Development and Environment and Public Services and what is said in this document, if the Senator had bothered to read it, is that it is quite clear that the policies in here have to be pursued in accordance with the existing planning policies in the Island Plan. That is clearly stated and that is why this matter will be considered under the due process by the Planning Sub-Committee.”

6. The Deputy of St. John to the President of the Environment and Public Services Committee:

“Would the President inform members whether the Committee has reviewed the terms of the agreement with the Jersey Heritage Trust in respect of responsibilities for Elizabeth Castle and, if so, whether any changes will be brought about as a result?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“We initially had trouble understanding what the Deputy was requesting in his question. However, we have since learned that in fact he was referring to Jersey Militia silverware held by the Jersey Heritage Trust and displayed at Elizabeth Castle. The safekeeping of the silverware was transferred from Public Services to the Heritage Trust by proposition to the States in 1997. I have reviewed that agreement and I am advised that the Jersey Heritage Trust is meeting the terms of that agreement.”

6(a) The Deputy of St. John:

“Will the President give the Island an undertaking, given that we are coming up to Liberation in some 6 weeks’ time, that the Militia silver will be on display, because I am given to understand currently it has not been for some time; and, given that many of the liberating forces, Sir, were part of the Militia of the day, it would be only appropriate that that silver is on display.”

The Bailiff:

“Well, Deputy, you can’t put the question in quite that way because it is not the President’s responsibility, which is why your question was disallowed, but you can ask him whether he can make such arrangements as he can.”

The Deputy of St. John:

“Yes, Sir, I was just going to add if he would take it upon himself to speak to the Heritage Trust and see if he can persuade them to put it on display?”

Senator P.F.C. Ozouf:

“I am happy to do that. I have a copy of the agreement and I am sure, if the Deputy hasn’t seen it, I will show it to him in the ante-rooms, but there are provisions in the agreement for the plate to be made available at a suitable place, such as Mont Orgueil or Elizabeth Castle. Certainly I am happy to request the Trust to do that. My own grandfather was in the Militia, Sir, and I am quite sure that the Jersey Heritage Trust will be alert to that request.”

6(b) Connétable A.S. Crowcroft of St. Helier:

“I would just like to ask whether the President would confirm that he is aware that there are two members of the Heritage Trust in the Assembly, both appointed by the States, the Deputy of Grouville and myself, and the Deputy of St. John could perhaps come to us for those queries rather than taking up the States’ time in this way?”

Senator P.F.C. Ozouf:

“That sounds like a very good idea, but I don’t mind answering the question – the Deputy of St. John’s question. In fact, I quite enjoy it, Sir.”

7. Deputy G.C.L. Baudains to the President of the Environment and Public Services Committee:

“Would the President state (a) which of the criteria in the Island Plan the Committee uses when determining development applications for rural locations and whether any additional criteria are used, and (b) how the Committee ensures it is fully aware of all relevant issues before making decisions on those applications?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“As the Deputy knows, there are over 150 policies, any of which might apply depending on where the application is sited and where the application falls within the proposals of the Island Plan. I do not propose to burden the States by listing now all of the criteria in those policies. The Committee will have regard to other matters which are material to the application, the replies to any consultations and any written or sometimes oral representations that are received. The Deputy’s question refers specifically to rural areas. The Island Plan broadly categorises the Island into countryside by designations of areas of outstanding character, green zone and countryside zone, which are covered principally in the countryside chapter of the Plan; built-up areas, which are covered principally in the built environment and housing chapters of the Plan; and additional criteria contained in the general policies chapter, which contains policies relating to applications in both the countryside and the built-up areas. The Committee and the Planning Sub-Committee receive full reports from the Department which indicate the relevant policies and the criteria contained in them, a summary of the consultation replies and often copies of the letters themselves. The Committee also receives an evaluation of the issues and an officer recommendation, which is always compliant with policy, for each application. Drawings accompanying the application and photographs of the site are reviewed by the Committee when it meets to consider the application. If the Committee or Sub-Committee considers there is insufficient information to make a decision, it will defer decision making pending receipt of that information and sometimes a site visit to gain a better understanding of the proposals and its context is also made.”

7(a) Deputy R.G. Le Hérisier:

“I wonder if the President could inform us whether his Committee is having particular difficulty with any of the criteria or policies; for example, in reference to the re-use of agricultural sheds or to the designation of buildings as being agriculturally necessary?”

Senator P.F.C. Ozouf:

“I think the former President, Senator Quérée, always explained that the Island Plan is a living document. It is something which is under constant interpretation and constant review, and the Committee is looking particularly, because of the comments made by Deputy Hilton and Deputy Baudains, in respect of issues such as the built-up area. Indeed, we are carrying out a review now of built-up area sites which are still

green and we are going to be providing this Assembly with a full report. That is an example of what we are doing in terms of ongoing review. I have to say that I do understand the concerns about agricultural sheds and the change of uses. That is a high priority for the Committee. I have got members of my Committee who are extremely concerned about this issue (and rightly so) and are demanding that the Department produce us information on that. I hope that is helpful to the Deputy.”

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

“I thank the President for his reply. Of course, the rural location I referred to could encompass the built-up zone, countryside zone or other zones. I would like to ask the President, whilst he has told us that there are approximately 150 policies, of course the ones that I am basically referring to are policies G2 and G3. Could he explain why a number of recent planning applications which the Committee has seen right to pass, why they appear to cut across so many of those Island Plan policies in G2 and G3, Sir?”

Senator P.F.C. Ozouf:

“I am aware that there has been some difficulty in some members (and perhaps the Deputy of St. Clement is one of them) in actually agreeing with policies G2 and G3. I have to say that the Committee is extremely tough in its application of the Island Plan. I evidence the Committee’s toughness in the right decision that the Sub-Committee made to reject an application for first-time buyers in the countryside and the Committee respects the Island Plan and keeps to it and is constantly honing its interpretation of that. I have to say that I am not aware of an interpretation that the Committee has made which is inconsistent with the spirit of the Island Plan. I know that the Deputy does not share that view necessarily.”

7(c) Deputy S.C. Ferguson:

“Would the President not consider that 150 different policies in the Island Plan is somewhat of a bureaucrat’s paradise and is perhaps too many and does he perhaps think that there is a case for bringing forward a wholesale root and branch review of the Island Plan?”

Senator P.F.C. Ozouf:

“Emphatically no, Sir. The scale of the policies which are set out in the Island Plan describes the complexity of applications, and there is a requirement to have policies in place for different types of application. An application in an area of outstanding beauty must be interpreted against the policy background which is different from that in the built-up area. Within the built-up area, we have the area of central St. Helier, King Street, with particular important landscapes, with particular streetscapes and particular countryside zones. All of those policies matter because they deal with the interpretation of individual applications. I don’t say that it is a bureaucratic nightmare. I think that actually the Island Plan is a good Island Plan, an Island Plan approved by this Assembly, and I hope that this Assembly will continue to support the Committee in upholding it.”

7(d) Deputy J.B. Fox:

“I wonder if the President would give us an indication. We are in 2005 now: 2002 was the Island Plan. The President is quite right, it is a living document, but clearly there is increasing pressure to make exceptions to various Island Plan rules at this time – car parks, countryside buildings, etc. I wonder if the President could give us an idea when his Department is liable to re-examine the detail of the Island Plan and come back to the States with some recommendations, or affirmation that existing policies are still current and attain.”

Senator P.F.C. Ozouf:

“The work of the Planning Committee is two-fold. It is one of actually dealing with applications that come in on a weekly basis. At the same time and concurrently we are constantly reviewing the underlying policies and honing them. We spent a great deal of time in dealing with the H2, H3 and H4 policies, delivering social rented housing to first-time buyers – a fantastic success, if I may say – and I know that the President of Housing is dealing with that. There is work ongoing in dealing with the policies for delivering housing. We have now got a particular focus in respect of sheltered housing for the parishes. We are looking at the built-up areas I have just described. I have explained the particular focus that we are doing with the Economic Development Committee on the agricultural sheds policy. It is wrong for us to say that there isn’t a review of the Island Plan going on, because we are constantly looking at particular

areas, and those are three that are currently the subject of ongoing review.”

7(e) Deputy G.P. Southern:

“In terms of the re-use and diversification of agricultural sheds, in view of the President’s firm family connections with farming, does the President feel that he is in any way conflicted on this issue?”

Senator P.F.C. Ozouf:

“I am the President of the Committee and, therefore, I answer questions in this Assembly, but I have been criticised in actually being over-cautious in relation to the remarks I make from a Scrutiny Panel that I was hauled over the coals in actually dealing in not answering agricultural questions. The agricultural portfolio – the important agricultural portfolio – of the Committee’s responsibility is dealt with by the Vice-President and that is correct. I only answer questions of generality and it is the Vice-President and the rest of the Committee that deal with that, and I think that is right.”

8. Deputy S.C. Ferguson to the President of the Environment and Public Services Committee:

“Would the President confirm that the Committee is continuing to process an application for Field 621 St. Brelade when it is the subject of a proposition waiting to be debated?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“The Committee is not considering a current application. The Planning Sub-Committee refused permission to construct two dwellings on the site in September 2004. Following a request from the applicant for the Committee to reconsider that application decision, further consideration was given by the Committee in January 2005 following a visit. The Committee maintains the Sub-Committee’s decision. The Deputy implies in her question that it is inappropriate for the Committee to consider the matter when there is a proposition pending in respect of this site. Deputy Hilton’s proposition may succeed in changing the designation of the site from the built-up area to green zone. However, the recent and earlier application were submitted under the policies contained and approved by this Assembly in the Island Plan in 2002 and the Committee has in the past given advice that some development is acceptable on the site, compliant with the policy within the Island Plan, provided the site retains its open feel and development does not totally obscure views across the site towards Ouaisné. The Committee has recently sought and awaits advice from Her Majesty’s Attorney General so that it may give advice to the applicant in considering any future application where the designation of the site would revert to the green zone following a successful proposition by Deputy Hilton. Deputy Hilton and I have agreed this morning to delay a date for consideration until that advice has been received. In the meantime, whilst the Committee was due to visit the site on Thursday, as the applicant has erected profiles for a development of two houses similar to the refused scheme, I decided against that matter. We are not going to take up that matter following consultation with the Vice-President. We have decided not to visit the site as there is no live application.”

8(a) Deputy R.G. Le Hérisier:

“Would the President accept, in regard to that field and other developments, that there is a massive lacuna appearing in the Planning Law insofar as people thought that houses were being exchanged, so to speak, for new houses, but all of a sudden mini estates are spreading in the gardens of these particular houses which have been put up for new applications, leading to totally inappropriate developments in the countryside?”

Senator P.F.C. Ozouf:

“The Deputy and I both, and indeed other members of the Assembly, will well remember the Island Plan debate. I was not in charge of the Planning Committee at the time, but I well remember the debates and the reference back that occurred right at the last minute on this important issue of the built-up area. We have transcripts of what the President and Vice-President of the Committee of the day said in that regard and we apply the spirit and the actual policies that were approved by this Assembly. I repeat again that we are looking at the built-up area designations. We are performing at the moment a review of the built-up areas which are still green and we will be providing this Assembly with a full report. I must say though that my Committee, my previous Committee and the Committee before that have actually applied the policies within the Island Plan that were approved by this Assembly.”

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

“I wonder if the President could confirm that there is an overarching policy not only allowing for the 150-odd policies he referred to earlier, but there is in fact an overarching policy of no presumption in favour of development in the built-up zone? Could he confirm that?”

Senator P.F.C. Ozouf:

“I am going to refer the Deputy to the words in the Island Plan. I don’t have the particular description now. I am aware that some individuals (and Deputy Baudains is one of them) find it perhaps difficult to accept the words of the Island Plan about the policies in relation to the built-up area. I need to say to the Deputy and to the Assembly that the built-up area is not the countryside zone and there are important policy differences which are expressed in the Island Plan because of that.”

8(c) Deputy J.A. Hilton:

“Is the President surprised that, despite previous advice given to the applicant on Field 621, that some development might be allowed providing it retains the open views? Is the President surprised that, despite that advice, profiles have gone up over the weekend on the site, which quite clearly show what looks to be two substantial dwellings which will completely obliterate the open views from the roads down into St. Breladé’s Bay?”

Senator P.F.C. Ozouf:

“I can’t comment on the profiles being erected. I have said that we previously indicated that we might view those profiles. Having re-discussed the matter with the Vice-President and senior officers in the Planning Department, we have decided against that because there is not a live application and because there is an proposition before the Assembly. I understand and respect that the Deputy has a different view on the built-up area, and perhaps if she had been in the States in 2002 she would have voted against it. The reality is that that matter was debated fully, there is a definition and we are applying that definition.”

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

“In relation to the last question that I asked the President, Sir, is the President aware of the press release by then President of the Planning and Environment Committee, Senator Quérée, during the Island Plan, where he stated that there was no presumption in favour of development in the built-up zone? Is the President aware of it and does he uphold that view?”

Senator P.F.C. Ozouf:

“I am aware of the press release. I have a full file on the built-up area, both the remarks made by the President, Vice-President, the press release and all the associated policies. I am absolutely aware of that and I remain confident that we are interpreting the built-up area definition as the States intended us to do so.”

9. Deputy J.A. Martin to the President of the Policy and Resources Committee:

“In light of the proposed measures contained in the Economic Growth Plan recently lodged by the Economic Development Committee, would the President inform members what impact, if any, the Committee expects this to have on the numbers of licensed immigrants as referred to in the Committee’s proposition entitled ‘Migration: monitoring and regulation’ and the States’ Strategic Plan 2005 to 2010?”

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

“The measures proposed in the Economic Growth Plan and in the Migration Policy are inextricably linked and mutually supportive. They will help to promote a sustainable economy and create additional employment opportunities for those who are already resident in Jersey. The key measures in this regard are a new Skills Strategy to enable more local people to meet the demands from business with less recruitment from outside the Island, and stronger growth in productivity to achieve economic growth within the existing workforce, promoting greater participation in the workforce so that any additional jobs can be filled by encouraging more local people to take up or to return to work. The impact of the measures described in the Economic Growth Plan is entirely positive. If anything, these measures will result in fewer additional immigrants being recruited to take up licensed jobs and will also result in

improved long-term job prospects for local people.”

9(a) Deputy G.P. Southern:

“I heard the President say that it is likely to reduce the number the licensed immigrants coming into the Island. How does that tally with the President of the Economic Development Committee, who said as his presentation of his growth policy that numbers of licensed immigrants coming into the Island would likely to double from 900 to 1,800 over the period of his plan, and the Housing Committee President, who last session suggested that numbers might grow but not by very much? How does he interpret those matters?”

Senator F.H. Walker:

“I didn’t say numbers wouldn’t grow. I said that we could well see a reduction. We may well see a small increase. Now, Senator Edward Vibert is laughing, but no one can put a definitive figure on this except we have maxima – absolute maxima – agreed by the States for the increase in the working population overall. They are a ceiling not a target. I discussed the issue with the President of the Economic Development Committee and he does not recall saying that the numbers would double to 1,800. If he did – if he did – I disagree with him. I do not accept that that is the position. I do not accept that that is the case. What I do accept, and so did the States very overwhelmingly, is that we need economic growth. We are limited to 2% and there will be an absolute maximum increase in the working population of one per cent per annum. That is what the States has agreed and that is what our policies are aimed at delivering.”

9(b) Deputy J.A. Martin:

“What I think the President is actually saying is that he has agreed that the proposed Economic Plan and the already debated Strategic Plan and Fiscal Strategy are all interlinked, but all these propositions actually allow for 2% or 500 jobs. Wouldn’t the President agree that the proposition – the proposed proposition – entitled ‘Migration: monitoring and regulation’ and changing to a licensed system is the enabling proposition that will allow this to happen in the interlinking propositions?”

Senator F.H. Walker:

“These are all as I have said. They are indeed inextricably linked and they all come to the same conclusion. They come to the conclusion that the Island – and the States fully supported the Island – needs economic growth if we are to sustain our public services and to sustain our quality of life in the future. We also need economic growth – and this is absolutely at the heart of all the policies – if we are to be able to provide local people with sustainable jobs in the long term. We currently have a record number of young local people in further education waiting to enter the workforce. We currently have an unusually high level of unemployment in Jersey. We currently have a trend amongst older people who wish not necessarily to stay in the same jobs when they retire but wish to take up other employment. We can fuel economic growth and provide jobs for local people at the same time. That is exactly what we need to do, what the States instructed us to do and what we are doing.”

10. Senator L. Norman to the President of the Education, Sport and Culture Committee:

“Would the President advise whether the Committee employs a health, beauty and massage professional to perform massage and body therapeutics on the pupils, parents and staff at 2 primary schools in the town area and, if so, on what basis?”

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

“The Education, Sport and Culture Committee does not employ health and beauty consultants in primary schools. However, in accordance with recommendations made by Dr. Kathie Bull, the Committee is trialing a therapeutic strategy including head, hand and foot massage for managing children who present with severe emotional and behavioural difficulties. Primary schools are experiencing an increase in children with mental health problems that often manifest themselves in violent, aggressive or withdrawn behaviour. The quiet play strategy tries to help children build resilience, tolerance, self-awareness and self-esteem. The projects are staffed by teaching assistants who have had additional therapeutic training and who can, when appropriate, employ relaxation techniques such as massage to manage challenging children. The project also places high value on working with parents and teachers to help them manage these difficult children. Whilst a full evaluation of the Jersey projects has yet to be completed, this

strategy has been employed to good effect in over 30 schools in the U.K. and monitoring and evaluation has been carried out by Liverpool University.”

10(a) Senator L. Norman:

“Could I ask why parents and staff are included in this massage therapy and why the Committee chose 2 mainstream primary schools for this experiment and not the special schools, which I thought might have been more appropriate?”

Senator M.E. Vibert:

“Yes, Sir, I will try and deal with both parts of that. For parents, there is an opportunity – a short opportunity of time for parents – to come in and be taught some techniques and be shown how these techniques work. This has proved very valuable in reports we have had back while the projects have been going on. Also, there have been 15 minute sessions offered to some teachers working with particularly challenging children and some of the outcomes of that is that there has been a reduction in the number of days off with stress amongst the teachers. The other thing was ‘why these 2 primary schools?’ These 2 primary schools were chosen because they were thought the primary schools that would best benefit from trialing these projects.”

10(b) Senator E.P. Vibert:

“Could the President confirm whether it is a fact that a decision was made at the Presidents’ Meeting to cut £300,000 from overseas aid budget to be transferred to Education to help the primary school budgets?”

Senator M.E. Vibert:

“My understanding at the Presidents’ Meeting was that the States were to be approached to see whether there should be a cap for now put on growth in the Overseas Aid budget to enable all Committees’ – other Committees’ – budgets to be met.”

10(c) Senator L. Norman:

“The President appeared to deny that massage and body therapeutics were carried out on the parents of pupils at these particular schools. Would he please confirm that this service is made available to the parents of the pupils and they are not just trained on actually how to do it?”

Senator M.E. Vibert:

“I am sorry if the Deputy misunderstood me. I didn’t deny it. It is available for short periods both for the parents of these children and for the teachers and, as I explained, it has proved particularly therapeutic for some teachers with a reduction in the absence rates where they have been looking after challenging children.”

10(d) Connétable A.S. Crowcroft of St. Helier:

“Could the President inform us of the cost of this work and whether he has found this from compensatory staff savings in his budget or whether it is an increase in his budget?”

Senator M.E. Vibert:

“The cost of a quiet place strategy, which is a whole strategy where we are providing quiet places within primary schools where children with challenges can go and hopefully benefit from these things, costs £23,000 a year and it is coping at the moment with 72 children in an individual programme. The States agreed a certain amount of money for the Kathie Bull recommendations on children with Social, Emotional and Behavioural Difficulties (SEBD), which were approved by this House, and a quiet place was one of those recommendations. In accordance with that decision, that is how it has been funded.”

10(e) Senator L. Norman:

“I wonder where in Professor Bull’s report it was shown that massage to parents, pupils and staff would assist in the behavioural difficulties that these children experience.”

Senator M.E. Vibert:

“Dr. Bull’s report, and the many other papers that she brought forward, puts emphasis on trialing a quiet place. This is a strategy that is taking place in the U.K. and if I can quote from Her Majesty’s Inspector concerned, David Moore, Her Majesty’s Inspector for Behaviour in the U.K.: ‘Schools need a wide range of strategies to support children with mental health problems which manifest themselves in challenging behaviour.’ A quiet place is one of those strategies. We are following best practice and it is working.”

10(f) Senator L. Norman:

“The word ‘massage’ does not appear in Dr. Bull’s report then, Sir?”

Senator M.E. Vibert:

“The word ‘massage’, I don’t know, I will have to check the whole wording of the very substantial report, but I know that Dr. Bull recommended a quiet place strategy and part of a quiet place strategy involves massage.”

Scrutiny Panels – Progress of Panel report on the matter of waste strategy – statement

Senator Edward Philip Vibert, one of the Chairmen of the Shadow Scrutiny Panels, made a statement in the following terms –

“In the last week, a certain amount of disinformation has been sent to members by e-mail from the President of the Environment and Public Services Committee regarding my Panel’s investigations into that Committee’s draft proposals, which are currently out for public consultation about the way in which the Committee intends to handle the Island’s waste problem and the replacement of the energy-from-waste plant at Bellozanne.

The Committee is pressing the Panel to produce its report on the draft waste strategy. The President has claimed that the Panel has moved the goalposts on a number of occasions in terms of its timetable and its modus operandi; this is not the case.

I made the Panel’s position very clear when I made a statement to this Assembly on 14th December 2004, and stated –

“The panel also plans to produce an interim report on the Draft Waste Strategy proposed by the Environment and Public Services Committee. This is expected in to be published in mid-January 2005”.

In fact, it was presented on 25th January 2005.

I then went on to say –

“The Environment and Public Services Committee will then make its final Waste Strategy available to the public and we will scrutinize that and present a report to the States I cannot see that happening until mid-March 2005, as it may be necessary for more public hearings to be held”.

I am not sure what part of that statement the President of the Environment and Public Services Committee has found hard to understand. The President takes the view that the Committee should get the Panel’s final report and the Committee will then put forward theirs. In last night’s Jersey Evening Post, the President was reported as saying –

“Moreover, there are clear problems within the Scrutiny Panel. Senator Ted Vibert is supposed to be one of the Chairmen of Scrutiny but the Waste Panel Chairman, Deputy Philip Rondel, is being contradicted by him”.

The President clearly does not understand how the Scrutiny process operates and of my rôle in –it.

I was appointed by the States as Chairman of one of the Scrutiny Panels on 27th January 2004. In this

position I should have chaired all of the public panel hearings; however, as this was acknowledged as a Shadow Scrutiny process, during which members were to learn about Scrutiny, I proposed to the Panel that it should allow each Panel member to act as a Chairman of the public hearings to give them experience; as of today, I have not chaired any public meetings.

This was all approved by the Privileges and Procedures Committee. I was always the Chairman of the Panel responsible for the programme for reporting to the States – in effect the leader of the team. There is no confusion in my Panel about my rôle. On 19th January 2005, because the Panel had not completed its waste report, my Chairmanship of the Panel was extended by the States until 26th March 2005, for the sole purpose of presenting the final Waste Management Strategy report to the States.

I also stated in answer to questions from Deputy Breckon on 18th January 2005 –

“The President of the Committee has made it clear that he intends to bring a proposal to the States for a decision on this in March. The Panel has always regarded this as an unrealistic target, but in order to ensure that the scrutiny process is not blamed for any delay, we said that we would do everything to produce an interim report by mid-January”.

On the same day, Deputy Troy asked me –

“Previously the President of Environment and Public Services has stated that it is vitally important that we make a decision on the new incinerator in March or February. Does the Chairman of the Scrutiny Panel agree with that, Sir?”

I answered that the panel believed *“that the timescale is not sensible.”*

Clearly the goal posts have never been moved, and this Assembly and the Environment and Public Services Committee have always been aware of my Panel’s timetable and its position has always been crystal-clear.

The very reason the Panel presented the Committee with a draft interim report was to give it a clear indication of all the areas which concerned the Panel. The President has described this interim report as “useless”. The Panel regrets this view but it appears consistent with the President’s whole approach to the Scrutiny process.

There is an important issue involved here, which is that Scrutiny must not be manipulated by Committees, whose policies the Panel is reviewing. It is not for Committees to set the timetable; this is the remit of the Scrutiny Panels and the process must not be allowed to be railroaded by Committees trying to keep to their determined time-tables.

The panel is aware that the Committee’s final strategy has been prepared but the Committee will not make it available to the Panel. The Panel could, of course, stick its heels in and say that it needs to see the Committee’s final report so that it can be scrutinized, as I outlined we would do back in December 2004.

Such a stand-off would not be in the best interests of the Island, as this matter needs to be debated by the States as soon as possible. For this reason, the Panel has agreed to issue its report on the draft strategy with an important proviso regarding the proposed joint Jersey-Guernsey solution. The Panel only received the consultant’s report on this yesterday and will have no opportunity to consider it in its report. If the Committee brings this forward as a solution in its final report, the Panel will wish to scrutinize this thoroughly after its final report is published.

The Panel’s timetable is now that it believes its final report will be available by the end of March 2005. Unforeseen illness in the scrutiny office has reduced staff by 25% and this has seriously hampered the timetable. The Easter holidays have also complicated staff issues. The Assembly can be assured that the Panel will produce its report as quickly as possible, as it always has.”

**Speed Limits: revised policy – P.1/2004
Amendment and Amendment (P.1/2004 Amd) – comments**

THE STATES commenced consideration of a proposition of the Environment and Public Services Committee concerning Speed Limits: revised policy.

Adjournment

THE STATES, in accordance with Standing Order 3(3) relating to the quorum of the States, adjourned during consideration of the proposition of the Environment and Public Services Committee concerning Speed Limits: revised policy, (P.1/2004 lodged “au Greffe” on 20th January 2004), the Bailiff having declared that the required quorum of not less than 24 elected members was not present.

**Speed Limits: revised policy – P.1/2004
Amendment and Amendment (P.1/2004 Amd) – comments**

THE STATES resumed consideration of a proposition of the Environment and Public Services Committee concerning Speed Limits: revised policy, and adopted an amendment proposed by the Connétable of St. Helier that –

1. In paragraph (a)(iii), the following sub-paragraph be added –

“(4) in other areas such as may be agreed following consultation between individual Parishes and the Committee.”.

2. In paragraph (a), after sub-paragraph (iv), the following sub-paragraph be added –

“(v) no speed limit on roads being used for road racing.”.

3. After paragraph (b) a new paragraph (c) be added –

“(c) to request the Home Affairs Committee to conclude its investigations into appropriate measures to deter road users from exceeding the speed limit and to report back to the States with its recommendations by July 2005.”

and the following paragraph be renumbered accordingly.

THE STATES granted leave to the Connétable of St. Helier to withdraw the fourth paragraph of his amendment requesting that a new paragraph (d) be added as follows –

“(d) to request the Environment and Public Services Committee to carry out its proposed review of the Green Lane system, and to report back to the States with its recommendations by July 2005.”.

THE STATES, adopting a proposition of the Environment and Public Services Committee, as amended –

(a) approved a revised policy with regard to speed limits on roads, as follows –

(i) a 40 miles per hour speed limit on all public roads not subject to lower limits or Green Lane status with vehicles with a laden weight of 3.5 tonnes or over being subject to a 30 mile per hour limit on these roads;

(ii) a 30 miles per hour speed limit –

- (1) on roads through urban, built up areas with development on both sides;
 - (2) on lengths of road under ½ mile long in partially built up areas which are situated between 30 miles per hour limits and therefore not long enough to stand on their own as roads with a 40 miles per hour limit;
 - (3) on roads with development in depth on one side only producing significant numbers of vulnerable road users, particularly pedestrians and cyclists;
 - (4) on roads through built up villages where there are frequent junctions with inadequate visibility for higher speeds, and pedestrian crossings;
- (iii) a 20 miles per hour speed limit–
- (1) on roads in housing estates and discrete residential areas which are not main routes and which have little or no through traffic;
 - (2) on roads in bays which are not main routes and which have significant tourist pedestrian activity with such limits applying only during the summer season in appropriate cases;
 - (3) in areas outside schools where there are part time electronically signed speed limits;
 - (4) in other areas such as may be agreed following consultation between individual Parishes and the Committee;
- (iv) a 15 miles per hour speed limit in all Green Lanes and on no other roads (subject to a review of Green Lanes).
- (v) no speed limit on roads being used for road racing.
- (b) agreed that the Environment and Public Services Committee should be required to consult with the Connétable of the Parish in which a road is situated before making an Order setting a speed limit on any road;
 - (c) requested the Home Affairs Committee to conclude its investigations into appropriate measures to deter road users from exceeding the speed limit and to report back to the States with its recommendations by July 2005; and,
 - (d) charged the Environment and Public Services Committee to take all necessary steps to give effect to the revised speed limit policy.

**Draft Regulation of Investigatory Powers (Jersey) Law 200- P.196/2004
Comments and Amendment**

THE STATES commenced consideration of the draft Regulation of Investigatory Powers (Jersey) Law 200-, and adopted the Preamble.

THE STATES adopted Articles 1 to 23.

THE STATES adopted Articles 24 to 29 and Schedule 1, having granted leave to the President of the Employment and Social Security Committee to withdraw an amendment that in Schedule 1, after the entry for Customs and Excise, there be inserted the following entry –

| | |
|---------------------------------|-------------------|
| “Employment and Social Security | Attorney General” |
|---------------------------------|-------------------|

THE STATES adopted Articles 30 to 42 and Schedule 2.

Members present voted as follows –

POUR: 29

CONTRE: 1

ABSTAIN: 0

Senator L. Norman
Senator W. Kinnard
Senator P.F. Routier
Senator E.P. Vibert
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy of St. Mary
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

Deputy G.C.L. Baudains (C)

THE STATES adopted Articles 43 to 59 and Schedules 3 and 4.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Regulation of Investigatory Powers (Jersey) Law 200-.

Changes in Presidency

The Bailiff retired from the Chair during consideration of the Preamble of the draft Regulation of Investigatory Powers (Jersey) Law 200-, (P.196/2003 lodged “au Greffe” on 9th November 2005), and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

The Bailiff returned to the Chamber during consideration of Articles 4 to 23, and the meeting continued under his presidency.

Jersey Tourism: relocation and lease of new office accommodation – P.22/2005

Comments

THE STATES commenced consideration of a proposition of the Economic Development Committee concerning Jersey Tourism: relocation and lease of new office accommodation, and, following discussion, Senator Edward Philip Vibert sought leave to propose that the matter be referred back to the Committee, such proposition being allowed by the Bailiff in accordance with Standing Order 26(1).

Adjournment

THE STATES then adjourned, having agreed to resume consideration of the proposition of Senator Edward Philip Vibert that the proposition of the Economic Development Committee concerning Jersey Tourism: relocation and lease of new office accommodation, (P.22/2005 lodged "au Greffe" on 1st March 2005), be referred back, together with the other outstanding matters of public business the following day, Wednesday 16th March 2005.

THE STATES rose at 5.30 p.m.

M.N. DE LA HAYE

Greffier of the States.