

**THE STATES assembled on Tuesday,
23rd July 2002 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esquire.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,
was present**

All members were present with the exception of -

Kenneth Priaulx Vibert, Connétable of St. Ouen- out of the Island
David Leon Crespel, Deputy of Trinity - out of the Island
Terence John Le Main, Deputy of St. Helier- out of the Island
Lyndon John Farnham, Deputy of St. Saviour- out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier- out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Royal Court (Amendment No. 19) Rules 2002. R & O 62/2002.

Criminal Procedure (*Tirage*) (Jersey) Rules 2002. R & O 63/2002.

Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Amendment) (Jersey) Order 2002. R & O 64/2002.

Battle of Britain Air Display (Jersey) Order 2002. R & O 65/2002.

Industries Committee - resignation of member

THE STATES noted the resignation of Deputy Celia Joyce Scott Warren of St. Saviour from the Industries Committee.

Matters presented

The following matters were presented to the States -

Overseas Aid Committee: annual report for 2001.

Presented by the Overseas Aid Committee.

Working Party on Public Entertainment: final report - R.C.26/2002.

Presented by the Legislation Committee.

Jersey Consumer Council: transfer of responsibility (P.167/2001): comments - P.167/2001. Com.(2).

Presented by the Industries Committee.

Machinery of Government: proposed departmental structure and transitional arrangements (P.70/2002) - comments - P.70/2002 Com.(2).

Presented by the Finance and Economics Committee.

Machinery of Government: proposed departmental structure and transitional arrangements (P.70/2002) - fourth amendments: comments.

Presented by the Policy and Resources Committee.

Machinery of Government: proposed departmental structure and transitional arrangements (P.70/2002) - fourth amendments: comments.

Presented by the Finance and Economics Committee.

Machinery of Government: proposed departmental structure and transitional arrangements (P.70/2002) - fifth amendments: comments.

Presented by the Planning and Environment Committee.

Machinery of Government: proposed departmental structure and transitional arrangements (P.70/2002) - fifth amendments: comments.

Presented by the Finance and Economics Committee.

Machinery of Government: proposed departmental structure and transitional arrangements (P.70/2002) - fifth amendments: comments.

Presented by the Policy and Resources Committee.

Machinery of Government: proposed departmental structure and transitional arrangements (P.70/2002) - seventh amendments: comments.

Presented by the Policy and Resources Committee.

Machinery of Government: proposed departmental structure and transitional arrangements (P.70/2002) - seventh amendments: comments.

Presented by the Finance and Economics Committee.

Agriculture and Fisheries: policy report 2001 (P.115/2002): comments - P.115/2002 Com.

Presented by the Finance and Economics Committee.

Agriculture and Fisheries: policy report 2001 (P.115/2002) - comments - P.115/2002 Com.(2).

Presented by the Policy and Resources Committee.

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 17th July 2002 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

- (a) as recommended by the Home Affairs Committee, the lease to the Jersey Electricity Company Limited (JEC) of section pillars 821 and 822 at La Moye Prison, St. Brelade, for a period of 99 years, at a rental of £1 a year for each section pillar, payable as a lump sum at the passing of the contract. In addition, the JEC would be granted free of charge wayleave rights in association with these two section pillars and Sub-station No. 285, as illustrated on Plan No. 06L Reference P1554 dated 23rd July 2001. Each party would be responsible for its own legal costs in relation to this transaction;
- (b) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited (JEC) of section pillar 836 and Sub-station No. 285 at La Moye Prison, St. Brelade, for a period of 99 years, at a rental of £1 a year for each of the two sites, payable as a lump sum at the passing of the contract. In addition, the JEC would be granted free of charge wayleave rights in association with this section pillar and Sub-station No. 285, as illustrated on Plan No. 06L Reference P1554 dated 23rd July 2001. Each party would be responsible for its own legal costs in relation to this transaction;
- (c) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited

- (JEC) of section pillars 6684 and 6685 and Sub-station No. 628 at the Albert Pier housing development St. Helier, for a period of 99 years, at a rental of £1 a year for each of the three sites, payable as a lump sum at the passing of the contract. In addition, the JEC would be granted free of charge wayleave rights in association with the two section pillars and Sub-station No. 628, as illustrated on Plan No. 24j Reference P1625, dated 20th September 2001. Each party would be responsible for its own legal costs in relation to this transaction;
- (d) as recommended by the Health and Social Services Committee, the renewal of the lease of the property known as The Garden Flat, Salem House, La Rue de Bas, St. Lawrence from Mr. Eric Gerald Le Feuvre for a period of three years, from 6th May 2002 to 5th May 2005, with an option to renew for a further two years, at an initial rent of £8,481.12 a year, payable quarterly in advance, subject to an annual review in line with the Jersey retail price index increase. Each party would be responsible for its own legal costs in relation to this transaction;
 - (e) as recommended by the Health and Social Services Committee, the renewal of the lease of the property known as La Maisonette, Salem House, La Rue de Bas, St. Lawrence from Mr. Eric Gerald Le Feuvre for a period of three years, from 1st August 2002 until 31st July 2005, with an option to renew for a further two years, at an initial rent of £10,811 a year, payable quarterly in advance, subject to an annual review in line with the Jersey retail price index increase. Each party would be responsible for its own legal costs in relation to this transaction;
 - (f) as recommended by the Health and Social Services Committee, the renewal of the lease of the property known as Bamfield, La Route d'Ebenézer, Trinity, from Jurat Arthur Philip Quérée, for a period of three years, from 1st May 2002 until 30th April 2005, with an option to renew for a further one year, at an initial rent of £17,846.40 a year, payable quarterly in advance, subject to an annual review in line with the Jersey retail price index increase. Each party would be responsible for its own legal costs in relation to this transaction;
 - (g) as recommended by the Telecommunications Board, the lease of sites measuring 35 square metres, at Field No. 413, St. Martin, and Field No. 818, Trinity, from the respective Parish authorities, for a period of 99 years, for service distribution rooms to house electronic access equipment to enhance the delivery of broadband services, at a rental of £10 a year for each of the two sites, subject to the Telecommunications Board making a one-off payment of £10,000 to each Parish, payable in advance, towards the resurfacing costs of the development proposed for each site. In addition, the Telecommunications Board would be responsible for all building costs and professional fees associated with the construction of these service distribution rooms;
 - (h) as recommended by the Harbours and Airport Committee, the lease to de la Haye Fish Enterprises Limited of an area measuring 722 square feet in the Victoria Pier fish processing warehouse (designated unit V12M), St. Helier, for a period of nine years, commencing 1st July 2002, at an initial rent of £2,879.86 a year, representing a rate of £3.99 a square foot, subject to annual review in line with the Jersey retail price index;
 - (i) as recommended by the Harbours and Airport Committee, the lease to Midland Airport Services Limited, trading as Aviance, of an area measuring 120 square feet in the main passenger pier at Jersey Airport (designated Airport Letting B92B), St. Peter, for the period 1st June 2002 to 31st March 2006, at an initial rent of £1,140 a year, representing a rate of £9.50 a square foot, subject to review on 1st January each year in line with the Jersey retail price index, on the same terms and conditions as the company's other leases;
 - (j) as recommended by the Harbours and Airport Committee, the lease to British European Airways (UK) Limited of an area measuring 300 square feet in the main passenger pier at Jersey Airport (designated Airport Letting B92A), St. Peter, for the period 1st June 2002 to 31st March 2006, at an initial rent of £3,189.20 a year, representing a rate of £10.63 a square foot, subject to review on 1st January each year in line with the Jersey retail price index; on the same terms and conditions as the company's other leases.

Matters noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 17th July 2002, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Education Committee had accepted the lowest tender received for the development of Field Nos. 131 and 131A, St. Clement, as sports fields as part of phase I of the redevelopment of Le Rocqui School, namely that submitted by Jayen Limited in the sum of £582,417.00 for a contract period of 24 weeks.

Matters lodged

The following matters were lodged “au Greffe” -

Meetings of the States in 2003: suspension of Standing Order 4(1)- P.124/2002.

Presented by the Privileges and Procedures Committee.

Draft Sea Fisheries (Ormers - Temporary Restrictions) (Repeal) (Jersey) Regulations 200- P.125/2002.

Presented by the Agriculture and Fisheries Committee.

Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 2) (Jersey) Regulations 200 P.126/2002.

Presented by the Agriculture and Fisheries Committee.

Draft Sea Fisheries (Minimum Size Limits) (Amendment) (Jersey) Regulations 200- P.127/2002.

Presented by the Agriculture and Fisheries Committee.

Jersey Harbours: progress towards the Trust Port - P.128/2002.

Presented by the Harbours and Airport Committee.

Jersey Harbours: Harbour Dues - P.129/2002.

Presented by the Harbours and Airport Committee.

Draft Law Reform (Miscellaneous Provisions) (Jersey) Law 200- P.130/2002.

Presented by the Legislation Committee.

Financial assistance for the cost of ophthalmic and dental care for persons aged over 65: extension of scheme - P.131/2002.

Presented by the Employment and Social Security Committee.

Arrangement of public business for the present meeting

THE STATES adopted a proposition of Senator Pierre François Horsfall, in accordance with Standing Order 20(4), and agreed that in the event that amendments which had been presented on the Machinery of Government: proposed departmental structure and transitional arrangements (P.70/2002) were lodged “au Greffe”, the consideration of the proposition should continue in the present meeting.

Members present voted as follows -

“Pour” (31)

Senators

Horsfall, Stein, Quérée, Bailhache, Norman, Walker, Le Sueur, Lakeman.

Connétables

St. Martin, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. John, St. Clement, St. Helier.

Deputies

H. Baudains(C), St. Mary, S. Baudains(H), Routier(H), Layzell(B), Grouville, Vibert(B), St. Pet Dubras(L), St. Ouen, Dorey(H), Voisin(L), Scott Warren(S), Ozouf(H), Fox(H).

“Contre” (17)

Senators

Le Maistre, Syvret, Kinnard, Le Claire.

Connétables

Grouville, St. Mary, St. Peter.

Deputies

Duhamel(S), Breckon(S), Huet(H), St. Martin, St. John, G. Baudains(C), Troy(B), Le Hérisier(Martin(H), Southern(H).

THE STATES adopted a proposition of Senator Jean Amy Le Maistre in accordance with Standing Order 20 (4), and agreed that in the event that an amendment which had been presented on the Agriculture and Fisheries: policy report 2001 (P.115/2002) were lodged "au Greffe", the consideration of the proposition should continue at the present meeting.

Arrangement of public business for the next meeting on 10th September 2002

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 10th and 11th September 2002 if necessary -

Office of Fair Trading: establishment. - P.97/2002.
Lodged: 11th June 2002 and referred to the Policy and Resources and Industries Committees.
Deputy A. Breckon of St. Saviour.

Office of Fair Trading: establishment (P.97/2002) - comments - P.97/2002 Com.
Presented: 25th June 2002.
Human Resources Committee.

Draft Water Pollution (Amendment) (Jersey) Law 200- P.100/2002.
Lodged: 11th June 2002.
Public Services Committee.

Cottage Homes Committee: transfer of functions to Housing Committee - P.104.2002.
Lodged: 18th June 2002.
Housing Committee.

Cottage Homes Committee: transfer of functions to Housing Committee (P.104/2002) - comments - P.104/2002. Com.
Presented: 9th July 2002.
Finance and Economics Committee.

Draft Public Records (Jersey) Law 200- P.107/2002.
Lodged: 18th June 2002.
Finance and Economics Committee.

Abattoir, La Collette, St. Helier: transfer of administration - P.109/2002.
Lodged: 25th June 2002.
Agriculture and Fisheries Committee.

Draft Sea Fisheries (Ormers - Draft Sea Fisheries (Ormers - Temporary Restrictions) (Repeal) (Jersey) Regulations 200- P.125/2002.
Lodged: 23rd July 2002.
Agriculture and Fisheries Committee.

Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 2) (Jersey) Regulations 200 P.126/2002.

Lodged: 23rd July 2002.
Agriculture and Fisheries Committee.

Draft Sea Fisheries (Minimum Size Limits) (Amendment) (Jersey) Regulations 200- P.127/2002.
Lodged: 23rd July 2002.
Agriculture and Fisheries Committee.

Meetings of the States: restriction of the length of Question Time - P.93/2002

THE STATES noted that in accordance with Standing Order 22(3), Deputy Alastair John Layzell of St. Brelade had instructed the Greffier of the States to withdraw the proposition regarding Meetings of the States: restriction of the length of Question Time (P.93/2002) lodged "au Greffe" on 28th May 2002.

Fencing on the New North and Victoria Quays, and personal correspondence - questions and answers (Tape No. 761)

Deputy Gerard Clement Lemmens Baudains of St. Clement asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following questions -

- “1. With regard to the recently-erected fencing on the New North Quay, would the President -
 - (a) advise whether the Committee has discussed the issue in the light of the States decision relating to it?
 - (b) state what decisions the Committee has made as a result and the timetable involved?
 - (c) give details of what alternative parking arrangements, if any, the Committee will implement in the short term to replace those lost by the present fence?
2. Will the President -
 - (a) give full details of the proposed fencing-off of the Victoria Pier?
 - (b) give assurances that there will be full consultation with interested parties before any plans are finalised?
 - (c) advise members of any other areas under the Committee's administration for which fencing to restrict public access is being considered?
3. One of my questions to the President in a letter dated 4th April 2002 was whether the then Harbour Master still had any connexions with the firm who previously employed him. Would the President state how my letter came to be in the former Harbour Master's possession?”

The President of the Harbours and Airport Committee replied as follows -

- “1.(a) Yes.
- (b) A number of legal aspects required confirmation by the Attorney General and we are awaiting his responses.
- (c) The spaces referred to as 'lost' by Deputy Baudains do in fact require, and have for some years, port parking permits. These permits are issued to shipping and freight companies for quay staff working in the area. Thus in times when restriction was not necessary, these spaces were customarily used (evenings and weekends) by boat owners. The customary practice of allowing port parking spaces outside of the restricted area to be used by boat owners will continue. Thus boat owners will not be disadvantaged. A development to replace the Sailors Rest and the small New North Quay warehouse is planned and this will also provide parking spaces additional to those that presently exist.

- 2.(a) The consultation process on this project has commenced.
- (b) I am pleased to give such an assurance.
- (c) None, but I would add that any working area where health and safety issues are involved will need to be considered in the light of formal safety and risk assessments.
3. Deputy Baudains' letter contained five questions of an operational/administrative nature to which I was unable to respond in detail. The letter, which was not marked 'personal and confidential', was therefore passed to the then Harbour Master to allow the responses to be given."

Site at Crabbé, St. Mary- question and answer (Tape No. 761)

Senator Paul Vincent Francis Le Claire asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following question -

"During the Island Plan debate on 11th July 2002 the Connétable of St. Mary raised concerns and questions in relation to the activities at the composting site at Crabbé, St. Mary, and transport to and from the site, and in particular informed the Assembly that the temporary permit for six months had expired in 1997.

Would the President inform members –

- (a) whether fees are derived or money collected in relation to the operations occurring at Crabbé (such as tipping charges) and if so, would the President explain the charges, and advise the Assembly of the amounts collected over the last three years?
- (b) how many times in the last 18 months have-
 - (i) private companies
 - (ii) the Department
 transported sea lettuce from the Island's beaches to Crabbé?
- (c) how many tonnes or lorry loads in total have been taken to Crabbé during this period, and give an indication of the frequency of delivery?
- (d) of the cost associated with the transport of sea lettuce to Crabbé and which vote the cost was paid from?
- (e) in the case of transport by private companies, what specific instructions were given on how the sea lettuce should be removed and transported?
- (f) has sea lettuce been removed at the request of any other Committee or parish, and if so, did the Committee or parish from whom the request originated assist with the removal?"

The President of the Agriculture and Fisheries Committee replied as follows -

"(a) There is no gate fee (tipping charge), and therefore no fees are derived from intake of waste materials at Crabbé, approximately half of which is from agricultural sources and half from domestic sources. Some of the processed material is sold and the amounts received have totalled £25,005.02 in 1999, £19,862.54 in 2000, £12,927.50 in 2001, and £8,914.89 to date in 2002. There is undoubtedly potential to reduce the net cost of the current composting operation. Efficiency of operations, and therefore unit costs, could be improved, but this would require significant investment to improve the infrastructure of the site and with regard to mechanisation. There is also potential for income from the introduction of a gate charge, and to expand the sales of products, but both would require some investment.

(b) (i) on four days.

(ii) the Agriculture and Fisheries Department none;
Public Services Department on three days.

(c) the total tonnage of sea lettuce and vraic is approximately 500 tonnes in (exactly) 50 loads.

Seaweed was received on seven days; 24 loads in May, one load in June, and 25 loads to date in July 2002.

The total tonnage of all organic wastes received at Crabbé between January 2001 and June 2002 (inclusive) was 39,001 and the number of deliveries was 6,439.

The frequency of deliveries fluctuates seasonally, but averages approximately 18 per day (Monday to Friday), with the highest number on one day being 47 and the lowest three.

(d) I have been informed by the Public Services Department that the cost has been approximately £1,500 and that it has been paid from the Public Services Department Revenue vote for beach cleaning.

(e) With regard to seaweed, all instructions are given directly to drivers by the officers from the Public Services Department. The requirements are that all loads must be covered and that minimal sand must be present and that as much water as possible must have been drained from the load on the beach before the vehicle travels on the highway.

(f) I am informed by the Public Services Department, that seaweed has been removed at the request of the Tourism Committee. There have been no requests from individual parishes and there has been no assistance with removal."

Granting of a licence for a new retail outlet - question and answer (Tape No. 761)

Deputy Roy George Le Hérissier of St. Saviour asked Deputy Maurice François Dubras of St. Lawrence President of the Industries Committee, the following question -

- “(a) Would the President explain the criteria used when granting a licence to Clinton Cards to open a retail outlet in St. Helier?
- (b) How was it determined that further competition was desirable in this field?
- (c) How many staff were requested?
- (d) How many staff will come from outside the Island?”

The President of the Industries Committee replied as follows -

“Before answering these questions, I would like to reiterate an important point made by me to the Assembly on 24th April 2001 concerning the disclosure of confidential information about a specific business.

There is no statutory prohibition in the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, ('RUDL') on disclosure, but there is an implied duty of confidentiality in respect of information obtained by the Committee in the exercise of its powers under RUDL.

The duty of confidentiality can be waived by the person to whom the duty is owed. I would stress therefore that these questions are being answered only because the company named has waived the implied duty of confidentiality.

The answer to parts (a) and (b) of the Deputy's question is as follows -

In considering applications to commence an undertaking, the Industries Committee's policy sets out various licensing criteria including -

- the importance of the service to be rendered to local residents;
- the need to maintain a range of job opportunities for local residents and school leavers;
- to ensure the full development of their skill potential;
- the need to maintain competition within the Island;
- the need to protect consumer interests.

Clinton Cards plc is recognised as a market leader and a major retail organisation which will fulfil in different ways all the aforementioned criteria. It offers an extensive high quality range of products which will provide Jersey consumers with additional choice.

Paraphrasing from their business plan -

The new positions to be created will provide an opportunity for young people with no work skills but with an interest in dealing directly with the public to work and learn in a service environment. Furthermore, although the positions to be created will initially be unskilled, training will be given through an in-house staff training programme which is specifically designed to promote opportunities and training initiatives to enable any new employee to progress to managerial level.

A number of the staff to be engaged will be school leavers. Clinton Cards plc has a broad based employment policy that provides excellent opportunities to school leavers.

Clinton Cards plc will endeavour to assist those who are unable to work on a full-time basis, such as mothers of young children, to return to work for their own benefit.

All of the above is in line with States policy.

Welcoming firms like Clinton Cards plc to Jersey is exactly what we need to do to maintain and improve competitiveness, provide economic growth, and enable local employees to strive for the best possible training and job opportunities. The purpose of the RUDL is not to protect individual businesses or industry sectors. The general philosophy of my Committee is to enable increased competition, to minimise regulation through wise intervention and allow the 'market' to work freely and effectively. The introduction of competition from outside of the Island should benefit the economy and we will continue to adopt a positive approach to such applications; however, not all applications are approved for a variety of reasons.

On balance, the Committee felt that the granting of a licence for the commencement of this undertaking would be of overall benefit to the Island.

In relation to the parts (c) and (d) of the question, Clinton Cards plc has received an RUDL licence to employ eight full-time and five part-time people, all of whom must be locally-qualified. The company did not request any non-locally qualified posts and thus would not create an additional demand on the resources of the Island."

Site at Crabbé, St. Mary- question and answer (Tape No. 761)

Senator Paul Vincent Francis Le Claire asked Senator Nigel Lewis Quéérée, President of the Planning and Environment Committee, the following question -

"During the Island Plan debate on 17th July 2002 the Connétable of St. Mary raised a number of concerns over the composting site at Crabbé, St. Mary and the operations currently being undertaken there.

Would the President inform members -

- (a) whether the Committee has investigated alternative sites, if so, which were identified as suitable?
- (b) of the nature of the permit relating to the composting site at Crabbé, any conditions attached to the

permit and whether they are being complied with and when the permit will expire?

(c) whether there are any difficulties relating to the current permit?"

The President of the Planning and Environment Committee replied as follows -

“(a) Successive Planning and Environment Committees and the former Island Development Committee have, in conjunction with the Agriculture and Fisheries and Public Services Committees, investigated many sites for the composting of organic waste on a single site, but none have been found suitable.

The criteria applied to the selection of sites are -

- size;
- existing land use;
- land availability;
- services;
- vehicular access;
- visual prominence;
- neighbouring land uses;
- possible nuisance from bioaerosols, noise, smell, dust;
- site characteristics;
- ecological impact to SSI;
- planning zone;
- water pollution.

In 1993, 19 sites were considered by the Island Development Committee and two were shortlisted namely -

- Field 121 Crabbé, and
- Fields 298 and 298A, St. Peter (former green waste shredding site).

In 1994 the Organic Waste Working Group appraised five sites namely -

- Field 121 Crabbé;
- Fields 298 and 298A, St. Peter (former green waste shredding site);
- Field 1489, Bellozanne, St. Helier;
- Home Farm and Field 534, St. Peter;
- Field 817A, St. John.

None were found suitable.

In 1995 the Organic Waste Working Party suggested the idea of creating a number of farm satellite composting sites and 5 farms were identified. These sites could only compost green waste from Public Services waste stream. Agricultural waste could not be included because of the risk of spreading disease.

A review was carried out in 1997 by the Henry Doubleday Research Association Consultants Ltd (HDRA) appointed by the Agriculture and Fisheries Committee. The HDRA reviewed the use of satellite sites, but found that the five sites identified by the Working Party had become organic waste dumps and concluded that a single site would enable better control of both process and reduced pollution, make more efficient use of machinery and produce a usable product. HDRA also suggested a number of alternative techniques for processing organic waste.

HDRA assessed 26 sites and recommended four be given closer consideration. Those sites were-

- Crabbé, St. Mary;
- land at Les Mielles;
- Warren Farm, Noirmont;
- Field 763, St. Martin.

The HDRA report concluded that the Crabbé site was the most suitable for a single composting operation.

The Organic Waste Strategy Group was established by the Agriculture and Fisheries Committee and involves members and officers from the Public Services and Planning and Environment Committees. This group has the responsibility for progressing the matter.

- (b) On 30th January 1986, the Public Services Committee was granted development permission for the storage by bannelais on Field 121, (the northeastern part of the site). There were no conditions attached to the permit and the use of Field 121 for the storage of bannelais was established.

On 12th December 1996, the Public Services Committee was granted development permission to provide temporary concrete hardstanding and drainage system to store agricultural waste.

The conditions attached were -

- ‘1. That the development shall commence within three years of the date of this permit, which shall otherwise cease to be valid; (this is a standard condition).
2. That the approved temporary works are to be removed and the land restored to former use to the satisfaction of the Planning and Environment Committee on or before 15th December 1997.
3. On completion of constructing the concrete slab, no further agricultural and / or organic waste shall be delivered to the site.
4. That the accompanying Commencement and Completion Notices are to be submitted to this Department at the appropriate stages. (this is a standard condition).’

On 17th January 1997, the Planning and Environment Committee, at the request of the Public Services Committee, agreed to remove condition 3 to enable the Agriculture and Fisheries Committee to dump organic waste on the concrete slab. This was agreed because of the need to deal with the continued generation of agricultural waste, which was being delivered to the site. The waste needed to be stored on an impermeable surface to avoid pollution of the ground water.

On 5th June 1997, the Planning and Environment Committee, by Act, agreed to extend the permit until the end of December 1998. This was agreed provided an investigation into identifying a long-term solution continued.

This temporary permit lapsed on 31st December 1998 and the Agriculture and Fisheries Committee’s Organic Waste Strategy Group has been reminded on several occasions that this temporary permit has lapsed.

On 20th June 2001, the Group was advised that if the Crabbé site were to be a permanent facility, the impermeable surface would need to be renewed and extended and a covered facility provided for the storage of the compost. The Planning and Environment Committee representatives reported that both these requirements were unlikely to be acceptable, but that there should be consideration of alternatives.

- (c) An investigation by the Environmental Services Unit in the latter part of 1996 identified that the storage of large amounts of organic waste had led to the pollution of groundwater. To prevent a recurrence the impermeable hardstanding and drainage facilities were required.

The Island Plan recognises that there is a need for a long-term solution to be identified, but that Crabbé is unlikely to be a suitable site in the longer term.

The long-term solution for the Island’s organic waste will form part of the Solid Waste Management Strategy under development by the Public Services Committee.”

School bus service - question and answer (Tape No. 761)

Deputy Roy George Le Hérisssier of St. Saviour asked the Deputy of St. Peter, President of the Public Service Committee, the following question -

“Would the President advise members -

- (a) what options were considered prior to announcing the termination, in September 2002, of school bus services to the two Colleges?
- (b) would the President outline the alternatives which will be put in place, should this decision be implemented, and assess to what extent they can meet current and anticipated demand?”

The President of the Public Services Committee replied as follows -

“(a) The school bus service was re-assessed and restructured starting in September 2001 in order to make substantial savings on the expenditure of the previous academic year. This was successful. Subsequently increased operator charges cancelled out the savings. No further savings were possible from September 2002 onwards except by -

reducing the scale of the service;

putting up the fares;

asking the Education Committee for changes to the attendance hours at some schools;

putting the expiring Jersey Bus contract out to tender in the hope of more competitive rates.

The latter two options were attempted but were not successful, leaving only the options of -

- (i) reducing the service;
- (ii) asking the Education Committee to underwrite the shortfall;
- (iii) putting up the fares;
- (iv) eliminating another service provided to the Island by the Committee; or
- (v) requesting the Finance and Economics Committee to allocate further sums from the General Reserve.

Discussions with the President of the Education Committee indicated that funding by that Committee was not an option, nor was the President of the Education Committee prepared to instruct the two colleges to change their starting times.

Fares would have to increase to about £2 per day per student to meet the current shortfall. Many of the 3,500 families with children using the school bus service could not afford an extra £6 per week particularly if they have more than one child using the service.

The School Bus Service has been a significant growth area in the Committee’s cash limits in recent years while virtually every other service has been reduced. These reductions in services are continuing year on year and short of cutting out services altogether such as highway resurfacing or free bus travel for senior citizens, economies must be made in the School Bus Service.

The States have given their support to the Finance and Economics Committee in its difficult task of putting the Island’s budget on an even keel. The Public Services Committee was not prepared to seek further funding from the Finance and Economics Committee for this expensive service when the two colleges were not prepared to change starting times.

- (b) The new scheduled operator takes over on 29th September 2002. Discussions will take place to assess the possibilities of altering or increasing schedules as appropriate.

Other possibilities will be the responsibility of the two schools and the parents concerned and are being examined by the Board of Governors in close consultation with the Committee and the

Department.”

School bus service - question and answer (Tape No. 761)

Deputy Peter Nicholas Troy of St. Brelade asked the Deputy of St. Peter, President of the Public Service Committee, the following question -

“On 16th July 2002 the President referred to the cost of the school bus service as £1,430,922 for the year 2001. Would the President advise members -

- (a) of the annual cost of the service provided to the Jersey College for Girls and Victoria College for the year 2001 and an estimate of the cost for 2002?
- (b) of the number of children affected by the cancellation of the service both to the Jersey College for Girls and Victoria College?
- (c) of the estimated number of seats occupied on journeys to and from the Jersey College for Girls and Victoria College in a year?
- (d) of the number of buses used daily to transport children to the two schools?
- (e) of the number of buses available for the provision of the total school bus service in 2001 and 2002, and if the number of buses available has declined, whether any saving was made when negotiating with the service provider for 2002 and whether any attempt was made by the Committee to obtain value for money whilst ensuring an adequate provision of service?
- (f) on the negotiations with the Finance and Economics Committee to ensure adequate funding for the provision of the school bus service and advise whether an approach was made to that Committee for additional funds prior to cancelling the bus service to these two colleges?”

The President of the Public Services Committee replied as follows -

- “(a) As the buses are not dedicated to students at Victoria College and Jersey College for Girls (JCG) but are shared by six schools, it is not possible to provide a definitive cost of the service solely to the Colleges. However a figure of £365,000 would not be unreasonable as an annual costing estimate;
- (b) the numbers vary on a daily basis as many students do not use the bus every day and use diminishes during the Spring. A maximum number of 500 JCG and Victoria College students have passes to use the service while only approximately 320 (25 per cent) of the 1,300 students who attend the colleges use the buses on a regular, but not necessarily daily, basis;
- (c) due to the variation in demand as outlined in the answers to (a) and (b), this is virtually impossible to estimate with any degree of accuracy;
- (d) 21 buses are used in the morning and 12 in the afternoon, shared with other schools in the area;
- (e) in the academic year 2000/2001, 102 buses were used. In 2001/2002 this was reduced to 88 buses by restructuring the service. There are two service providers on separate contracts. One contract covers both of these years and was not, therefore, subject to negotiation in this period. Because of a dispute with one of the operators, for legal reasons I cannot discuss matters relating to the other contract;
- (f) as outlined in my response to Deputy Le Hérissier’s questions earlier, my Committee is not prepared to seek further funding from the Finance and Economics Committee to maintain this service at the current cost.”

The Deputy of St. John asked the Deputy of St. Peter, President of the Public Services Committee, the following question -

“On 17th April 2002 the Committee presented a report to the States entitled The St. Helier Surface Water Link and Storage Tank Contract (‘The Cavern’): Report - Volume 1 (R.C.14). In that report there is mention of a Public Services Department employee who acted as the impartial engineer on the civil engineering project known as the cavern, prior to the appointment of the department’s Chief Executive during 1996. Would the President -

- (a) inform members on what grounds the Committee made the decision not to name this former Director of Engineering?
- (b) confirm that this officer took voluntary early retirement?
- (c) advise on the Committee’s policy on naming former employees in reports to the States?”

The President of the Public Services Committee replied as follows -

“(a) The report to the States was prepared on the basis that it was the Committee’s report, and that the Committee would expect to be asked to explain any of the matters contained in the report. It is not the policy of the Committee to name members of staff in reporting such matters to the States. No staff involved in the project are named in the report, other than the former Chief Executive Officer, Mr. Mulready. The reason for Mr. Mulready being named is that he was retained as a consultant on the project, after leaving the Department, and was, therefore, listed as one of the consultants employed by the Committee to deal with the claims from the contractor. The Committee is not trying to conceal anything, and has been very open in the report, but it is the Committee and only the Committee that is accountable in the end for the delivery of the project.

(b) I can confirm that the officer, referred to as ‘the impartial engineer prior to the appointment of the Chief Officer during 1996’, took voluntary redundancy. This was at a time when the Department was preparing to undergo some restructuring, and it was considered necessary to reduce the number of senior staff in the Department. It has been suggested that the Committee of the day made a serious error of judgement in appointing a senior member of its own staff to carry out the duties of the Engineer with impartiality. This is, however, a commonly accepted practice in the engineering construction industry, and is used by many local authorities and water authorities in the United Kingdom. It is accepted in such situations that the engineer, although a member of the employer’s own staff, will carry out his professional duties, as required by his professional charter, in a fair and unbiased manner. This has been the practice of the Sewerage Board, the Resources Recovery Board, the Public Building and Works Department, and the Public Services Department on many contracts over many years. Because this is an accepted professional practice, the Committee does not accept that an error of judgement was made in that respect.

(c) As I have stated in my answer to question (a), it is not the Committee’s policy to name members of staff in reports to the States. This applies to present and to former members of staff.”

2020.je Scenarios and Strategies for Jersey in the Digital Age - statement

Deputy Maurice François Dubras of St. Lawrence, President of the Industries Committee, made a statement in the following terms -

“Responsibility for policy on e-business in the Island was passed earlier this year by the Policy and Resources Committee to the Industries Committee. This followed the completion of the contract of the IS/IT Strategy Adviser who had reported to the Policy and Resources Committee.

In 1999, the Jersey Information Society Commission, JISC, was created comprising a number of States Members from several Committees together with a number of private sector and other individuals. JISC was chaired by the IS/IT Adviser.

JISC took on the work of the former e-commerce advisory group and blended it with the work that was

evolving with regard to e-government. The IS/IT Adviser developed and gained approval for a broad overall strategy, the responsibility for its implementation being placed with JISC. In taking forward this work, the Chairman of JISC developed the view that it would be helpful to examine a number of scenarios for the future, in order to plan for marketing Jersey as a viable off-shore e-business jurisdiction. Based on a proposal, the study was commissioned by JISC. The context was, back in 2000, the belief that Jersey had to move fast to take advantage of the e-commerce revolution - a belief perhaps dampened since by the 'dot.com' collapse, but rightly a live concern in 2000.

A draft report was produced towards the end of 2001 entitled '2020.je Scenarios and Strategies for Jersey in the Digital Age'. By that time, however, JISC had effectively ceased to function. The Chairman of JISC, therefore, wished for it to be considered by the Policy and Resources Committee as had originally been intended by JISC. A public presentation of the findings was scheduled but subsequently cancelled, the judgement being made after internal discussion in the Policy and Resources Department, with input from the Industries Committee, that because of the political pressure at that time on international tax matters, releasing the document might not be in the Island's best interests. Concern also emerged from these discussions that the draft report might not have wholly met the terms of reference set for it by JISC. There the matter rested over the New Year.

In response to a question in the States from Senator Le Claire on 14th May 2002, it was said that the Industries Committee would be asking a new Group that it was establishing, the Technology, Media and Telecom-munications Advisory Group, TMT, to consider the draft report and recommend how to publish it.

In recent weeks concern has been expressed by a number of individuals and organisations as to why the report has not yet been made public. The reasons for this are simply as I have already indicated. In view, however, of the premature release of a leaked copy of the draft report to some of the media, I have decided together with Deputy Philip Ozouf, Chairman Designate of the TMT Advisory Group, to arrange the following -

First, copies of the draft report will be made available to all States' members as soon as practicable;

Second, we have asked the Audit Commission to conduct an inquiry into the process within JISC which resulted in the study being commissioned and carried out. The Audit Commission will also be expected to establish the actual cost of the report. It has been agreed with the Policy and Resources Department that all relevant records of JISC will be made available to the Audit Commission. The Chairman of the Audit Commission has agreed to conduct this inquiry and has undertaken to report back by September.

It goes without saying that looking at forward scenarios is an integral part of good policy making and strategic planning. The extent to which the draft report is valuable in this regard will need to be judged by the new TMT Advisory Group when it considers the draft report in the whole context of the Island's current position on e-commerce."

Projet d'Acte (200-) mettant en vigueur la Loi (2001) (Amendement No. 8) réglant la procédure criminelle - P.112/2002

THE STATES, in pursuance of Article 21 of the Loi (2001) (Amendement No. 8) réglant la procédure criminelle, made an Act entitled the Acte (2002) mettant en vigueur la Loi (2001) (Amendement No. 8) réglant la procédure criminelle.

Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle P.113/2002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Loi (2002) (Amendement No. 9) réglant la procédure criminelle.

Draft Magistrate's Court (Miscellaneous Provisions) (Amendment No. 9) (Jersey) Law 200 P.114/2002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Magistrate's Court (Miscellaneous Provisions) (Amendment No. 9) (Jersey) Law 2002.

Withdrawal of strangers

Deputy Jeremy Laurence Dorey of St. Helier proposed that 'strangers do withdraw' during consideration of the Public Lotteries Board: appointment of member (P.116/2002) and the Public Employees Contributory Retirement Scheme: Committee of Management - appointment of chairman (P.118/2002). There being no seconder, the Deputy Bailiff did not put the question to the States.

Public Lotteries Board: appointment of member - P.116/2002

THE STATES, adopting a proposition of the Gambling Control Committee, and in pursuance of Regulation 3(2) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, as amended, appointed Mr. Jeremy Arnold as a member of the Public Lotteries Board for the balance of the current term, from 27th July 2002.

Public Employees Contributory Retirement Scheme: Committee of Management - appointment of chairman - P.118/2002

THE STATES, adopting a proposition of the Finance and Economics Committee, approved, in accordance with Regulation 3(6) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, as amended, the appointment of Mr. Ronald Amy O.B.E. as Chairman of the Committee of Management, for a period of three years commencing 1st July 2002.

Senator Christopher Gerard Pellow Lakeman declared an interest and withdrew from the Chamber during consideration of the proposition.

Farewell Wing, former J.C.G., St. Helier: approval of drawings- P.119/2002

THE STATES, adopting a proposition of the Education Committee -

- (a) approved drawings Nos. 4151/24 (Rev A), 4151/25 (Rev B), 4151/26 (Rev A), 4151/27 (Rev A) details ref E2001, showing the proposed refurbishment of the Farewell Wing, former Jersey College for Girls, St. Helier; and
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Machinery of Government: proposed departmental structure and transitional arrangements - P.70/2002, Amendments (1)-(7) and comments

THE STATES commenced consideration of an amended proposition of the Policy and Resources Committee regarding the Machinery of Government: proposed departmental structure and transitional arrangements and of an amendment of Senator Stuart Syvret that in paragraph (a) after the words "dated 25th April 2002," there be inserted the words -

"except that in the said Appendix 2 -

- (i) in Section 1.2.2 the words "Jersey's Statistics (including responsibility for the Census)" shall be deleted;
- (ii) after Section 1.12 there shall be inserted the following Section -

"1.13. **Independent Statistics Office**

- 1.13.1 An Independent Statistics Office will be established, independent from the Executive, and under the supervision of a Board appointed by the States, comprising a Chairman who shall be a member of the States, and two other members of the States, none of whom shall be members of the Executive, together with 5 other persons.
- 1.13.2 The Privileges and Procedures Committee will be requested, in consultation with the public and other Committees as appropriate, to bring forward for approval detailed proposals on the establishment of this Independent Statistics Office.” ”

After discussion the amendment was lodged “au Greffe” by Deputy Philip Francis Cyril Ozouf of St. Helier.

THE STATES adopted an amendment of the Overseas Aid Committee that in paragraph (a) after the words “dated 25th April 2002,” there be inserted the words -

“except that in the said Appendix 2 -

- (i) in Section 1.2.2 the words “Overseas Aid (with an Advisory Board to be established under the political responsibility of the Chief Minister and the Council of Ministers)” shall be deleted;
- (ii) after Section 1.12 there shall be inserted the following Section -

“1.13. Overseas Aid

- 1.13.1 An Overseas Aid Commission, reporting directly to the States, will be established outside the executive structure of government to manage the overseas aid function. The Chairman of the Commission will be a member of the States appointed by the States. There will be six other members appointed by the States, three of whom shall be members of the States and three of whom shall be non-States members.
- 1.13.2 Funding for Overseas Aid will be agreed by the States and reviewed every 5 years to ensure that appropriate funding is provided for the Commission.
- 1.13.3 Detailed proposals and terms of reference for the Commission will be brought forward by the Overseas Aid Committee during the transitional period. (Draft terms of reference are set out in the Appendix to the report of the Overseas Aid Committee dated 23rd July 2002.” ”

Members present voted as follows -

“Pour” (26)

Senators

Le Maistre, Bailhache, Syvret, Kinnard, Le Claire.

Connétables

Grouville, St. Martin, Trinity, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter.

Deputies

H. Baudains(C), St. Mary, Duhamel(S), Routier(H), Breckon(S), Huet(H), St. John, Vibert(B), St. Ouen, G. Baudains(C), Troy(B), Martin(H), Southern(H).

“Contre” (21)

Senators

Horsfall, Stein, Quérée, Norman, Walker, Le Sueur, Lakeman.

Connétables

St. Saviour, St. Clement, St. Helier.

Deputies

Layzell(B), Grouville, St. Martin, St. Peter, Dubras(L), Dorey(H), Voisin(L), Scott Warren(S)
Le Hérisier(S), Ozouf(H), Fox(H).

Adjournment

THE STATES adjourned until 24th July 2002.

THE STATES rose at 6.07 p.m.

C.M. NEWCOMBE

Greffier of the States.