

**THE STATES assembled on Tuesday,
2nd May 2000 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E.,
was present**

All members were present with the exception of -

Alastair John Layzell, Deputy of St. Brelade - out of the Island
Terence John Le Main, Deputy of St. Helier - out of the Island
Alan Simon Crowcroft, Deputy of St. Helier - out of the Island
Peter Nicholas Troy, Deputy of St. Brelade - out of the Island
Francis Gerald Voisin, Deputy of St. Lawrence - out of the Island
John Benjamin Fox, Deputy of St. Helier - out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier - out of the Island

Prayers

Distinguished visitor - welcome

The Bailiff, on behalf of members of the States welcomed to the Assembly Mr. Gildas Molgat, Speaker of the Canadian Senate and Mrs. Molgat.

Deputy Greffier of the States designate

The Bailiff informed the Assembly that Miss Catherine Mary Newcombe, Greffier of the States designate, had, in accordance with Article 2(5) of the Departments of the Judiciary and the Legislature (Jersey) Law 1965, as amended, appointed Mr. Michael Nelson de la Haye as Deputy Greffier of the States with effect from 1st October 2000.

Matters presented

The following matters were presented to the States -

Report by the Government Actuary on the financial condition of the Social Security Fund as at 31st December 1997 - R.C.19/2000.

Presented by the Employment and Social Security Committee.

Mrs. C.A. Glazebrook: 'g' category housing consent (P.56/2000) - report - P.56/2000 Rpt.

Presented by the Housing Committee.

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

States of Jersey Police: annual report 1999.

Presented by the Home Affairs Committee.
Driver and Vehicle Standards Department: annual report 1999.
Presented by the Home Affairs Committee.

The following matter was presented on 25th April 2000 -

Television licence fees: rebate for senior citizens (P.53/2000) - comments - P.53/2000 Com.
Presented by the Finance and Economics Committee.

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 17th April 2000 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 Finance and Economics Committee on behalf of the Probation Board, the lease from Mr. George Arthur Le Gros and Mrs. Dany Alexine Le Gros, née Gouedart, of the agricultural shed at La Recompense, La Rouge Cul, St. Lawrence, for use as a Community Services Workshop, for a period of three years from 1st May 2000, at an annual rent of £12,000, subject to the lessee being responsible for the repair and maintenance of the interior of the premises, with the lessee also to be allowed use of the surrounding yard area, on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Public Services Committee, the non-exclusive lease to the Channel Islands Co-Operative Society of an area of land situated at Georgetown on La Route du Fort, St. Saviour (also known as the Georgetown car park), for a period of nine years from 28th September 1999, at an annual rent of £8,334.98 payable annually in advance (the rent being based 0.25 per cent of the maximum income achievable from the car park), with the remaining terms and conditions being the same as the existing lease which terminated on 27th September 1999, and on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (c) as recommended by the Public Services Committee, the sale to OBY Consultants Limited of an area of land lying immediately to the north of the western extremity of the premises known as the Portofino Restaurant, St. Aubin, St. Brelade, and running up to the main road known as Mont Les Vaux to the north, for a consideration of £10,000, with the terms and conditions being as set out in a letter dated 12th January 2000 from the Director of Property Services, and with the purchaser to be responsible for all legal fees arising from this transaction.

Matters lodged

The following matters were lodged "au Greffe" -

Draft Road Traffic (No. 51) (Jersey) Regulations 200 (P.40/2000): second amendments- P.62/2000.
Presented by the Home Affairs Committee.

Draft Honorary Police (Amendment) (Jersey) Regulations 200 - P.63/2000.
Presented by the Home Affairs Committee.

Draft Fire Service (Amendment No. 4) (Jersey) Law 200 - P.64/2000.
Presented by the Home Affairs Committee.

Draft Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 200- (P.48/2000): amendments - P.66/2000.
Presented by the Legislation Committee.

The following matters were deemed to have been lodged on 18th April 2000 -

States members income support and expense allowance: annual increases - P.57/2000.

Presented by Deputy R.G. Le Hérisssier of St. Saviour.

Public Employees Contributory Retirement Scheme: Committee of Management - membership - P.58/2000.

Presented by the Human Resources Committee.

The following matters were deemed to have been lodged on 25th April 2000 -

Motor fuel duty - P.59/2000.

Presented by Senator L. Norman and referred to the Policy and Resources Committee.

Clinique Pinel: approval of drawings - P.60/2000.

Presented by the Health and Social Services Committee.

Draft Financial Services (Extension) (Jersey) Law 200 (P.55/2000): amendment- P.61/2000.

Presented by the Finance and Economics Committee.

Arrangement of public business for the present meeting

THE STATES confirmed that the following matter lodged "au Greffe" would be considered at the present meeting -

Public Employees Contributory Retirement Scheme: Committee of Management - membership - P.58/2000.

Lodged: 18th April 2000.

Human Resources Committee.

THE STATES noted that consideration of the matters below, set down for the present meeting, had been deferred to a later date -

Draft Piercing and Tattooing (Jersey) Law 200 - P.52/2000.

Lodged: 11th April 2000.

Presented by the Health and Social Services Committee.

Draft Diseases of Animals (Amendment No. 5) (Jersey) Law 200 - P.54/2000.

Lodged: 11th April 2000.

Presented by the Agriculture and Fisheries Committee.

Arrangement of public business for the next meeting on 16th May 2000

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 16th May 2000 -

Draft Road Traffic (No. 51) (Jersey) Regulations 200 - P.40/2000.

Lodged: 28th March 2000.

Home Affairs Committee.

Draft Road Traffic (No. 51) (Jersey) Regulations 200 (P.40/2000): amendment- P.43/2000.

Lodged: 4th April 2000.

Deputy G.C.L. Baudains of St. Clement.

Draft Road Traffic (No. 51) (Jersey) Regulations 200 (P.40/2000): amendments (P.43/2000) - report - P.43/2000 Rpt.

Presented: 11th April 2000.
Home Affairs Committee.

Draft Road Traffic (No. 51) (Jersey) Regulations 200 (P.40/2000): second amendments- P.62/2000.
Lodged: 2nd May 2000.
Home Affairs Committee.

Draft Police Force (Amendment No. 8) (Jersey) Law 200 - P.42/2000.
Lodged: 4th April 2000.
Home Affairs Committee.

Projet de Loi (No. 6) (200) concernant la charge de Juge d'Instruction - P.47/2000.
Logé au Greffe: le 11 avril 2000.
Comité de Législation.

Draft Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 200 - P.48/2000.
Lodged: 11th April 2000.
Legislation Committee.

Draft Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 200- (P.48/2000): amendments - P.66/2000.
Lodged: 2nd May 2000.
Legislation Committee.

Television licence fees: rebate for senior citizens - P.53/2000.
Lodged 11th April 2000.
Senator C. Stein.

Television licence fees: rebate for senior citizens (P.53/2000) - comments - P.53/2000 Com.
Presented: 25th April 2000.
Finance and Economics Committee.

Draft Financial Services (Extension) (Jersey) Law 200 - P.55/2000.
Lodged: 11th April 2000.
Finance and Economics Committee.

Draft Financial Services (Extension) (Jersey) Law 200 (P.55/2000): amendment- P.61/2000.
Lodged: 2nd May 2000.
Finance and Economics Committee.

States members income support and expense allowance: annual increases - P.57/2000.
Lodged: 18th April 2000.
Deputy R.G. Le Hérissier of St. Saviour.

Clinique Pinel: approval of drawings - P.60/2000.
Lodged: 2nd May 2000.
Health and Social Services Committee.

Draft Honorary Police (Amendment) (Jersey) Regulations 200 - P.63/2000.
Lodged: 2nd May 2000.
Home Affairs Committee.

Draft Fire Service (Amendment No. 4) (Jersey) Law 200 - P.64/2000.
Lodged: 2nd May 2000.
Home Affairs Committee.

Draft Fire Service (Amendment No. 4) (Jersey) Law 200 (P.27/2000) withdrawn

THE STATES granted leave to the Vice-President of the Home Affairs Committee to withdraw the draft Fire Service (Amendment No. 4) (Jersey) Law 200 (P.27/2000 lodged "au Greffe" on 7th March 2000), the Committee having lodged a revised proposition at the present meeting.

St. Helier Waterfront Hotel: petition - P.65/2000

Senator Stuart Syvret presented to the States a petition on behalf of Christopher John Blackstone and residents of the Island of Jersey praying that -

- (a) the Policy and Resources Committee would instruct the Waterfront Enterprise Board Limited to cease all negotiations concerning the granting of a lease for the land on which it was proposed that the St. Helier Waterfront Hotel be constructed;
- (b) the Planning and Environment Committee would establish guidelines and an overall cohesive plan for the St. Helier Waterfront, the Island site and for the Weighbridge area, before any further development in those areas was approved.

THE STATES referred the petition to the Policy and Resources and the Planning and Environment Committees and Senator Stuart Syvret lodged "au Greffe" a proposition to the effect that the prayer of the petition be granted.

Planning and Environment Committee - two recent decisions of the Committee - question and answer (Tape No. 578)

The Connétable of Trinity asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

"On two recent occasions the Planning and Environment Committee has taken decisions which have been contrary to a specific request from the States following consideration of a report and proposition. The first concerned the Grouville Bay Hotel site and the second related to an application in respect of Field 921, St. Mary.

Would the President explain to members the precise reasons why the Committee ignored the wishes of this Assembly?"

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

"The Connétable's assertion that the Planning and Environment Committee has "ignored" the views of the States is entirely false. His question illustrates a complete misunderstanding of the duties of the Planning and Environment Committee and its responsibilities under the Island Planning (Jersey) Law 1964, as amended.

The Law Officers have previously, on several occasions, advised States members of the legal position as set out in Royal Court judgments. They were also included in the Committee statement to the States on 16th March 1999 regarding the Grouville Bay Hotel application.

Essentially, the States Assembly is entitled to express its opinions on any planning matter. However, the responsibility for determination of individual planning applications is placed (by Articles 5 and 6 of the Planning Law) upon the Committee. How much weight the Committee should give to the opinion of the States must be for the Committee to decide on the merits of each case. It must be decided by the Committee based on planning law and relevant policies including the Island Plan. The Committee is not entitled, in law, to simply substitute the opinions of the States for its own judgment without good reason.

Failure to adhere to any of these requirements lays the Committee's decisions open to challenge through the Royal Court. The States is not subject to any of these constraints.

The States decided on 19th January 1999 to request the Planning and Environment Committee, when considering a development application in respect of Grouville Bay Hotel, to consider imposing certain restrictions. Having considered that request, the Committee fully set out the reasons for its decision in the statement of 16th March 1999.

In the case of Field 921, St Mary, I set out the reasons for the Committee's decision in a letter which was copied to all States' members. Further, the applicant lodged an appeal in the Royal Court on 31st March 2000 under Article 21 of the Island Planning (Jersey) Law 1964, as amended. Under the terms of Standing Order 13(1)(f) I am not able to reply in detail to the Connétable's question as this may prejudice the pending Court decision."

Design brief for the St. Helier Waterfront - questions and answers (Tape No. 578)

The Deputy of St. John asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following questions -

- “1. Would the President inform the Assembly whether the professional fees of Haworth and Tomkins, who have been engaged to prepare a design framework for the Waterfront, are being met by the Waterfront Enterprise Board Limited or by the Planning and Environment Committee?
2. Would the President explain why the Committee did not request the preparation of a design brief for the Waterfront earlier, in view of the fact that the Committee has been in office for nearly four years?
3. Would the President inform the Assembly how many Committee members were present at the meeting that approved the plans for the Waterfront hotel?”

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

- “1. The extent of the work of Haworth Tompkins in assisting in the production of the Design Guide for the St Helier Waterfront has yet to be finalised. Discussions are currently taking place with the Waterfront Enterprise Board to ensure that full advantage is taken of the work which they have already carried out.

The Planning and Environment Committee has accepted responsibility for meeting the fees of Haworth Tompkins in the interests of making early progress.

2. The Committee has not been in office for four years but for four months. The Vice-President, I and one other Committee member have previously taken part in meetings with the Waterfront Enterprise Board during the past two years when we requested that work be carried out on producing an overall design context for this new quarter of St Helier. These discussions have been very useful and assisted our Planning decisions. In addition, WEB has commissioned a computer model.

However, at the same time applications for major developments have been submitted to the Committee for determination. These applications have resulted in significant responses from the public about design matters. The pace of development has therefore required the acceleration of events to produce the Design Guide through a process of public consultation. It has also taken time for the Committee to ensure the collaboration of all parties. I encourage everybody concerned to work together to ensure the Design Guide process is successful.

3. The Committee considered the hotel application at a series of meetings on the following dates - 1st February 2000 (in public), 11th February 2000, 14th February 2000 and 28th February 2000. At

these meetings the principles of the design were decided, leading to the decision at a special meeting on 9th March 2000 when the matters of detail were finalised. At this meeting four members were present.

Expenditure on maintenance - question and answer - (Tape No. 578)

The Deputy of St. John asked Senator Leonard Norman, President of the Education Committee, the following question -

“Would the President inform the Assembly what percentage of the Committee’s budget was spent on the maintenance of education property in 1999 and how does this compare with the previous five years?”

The President of the Education Committee replied as follows -

“In 1999 5.46 per cent of the Education Committee’s net revenue budget was spent on the maintenance of education property.

This compares to the previous years as follows -

1998	5.61 per cent
1997	5.33 per cent
1996	6.52 per cent
1995	6.55 per cent
1994	8.91 per cent.”

Development of the Berkshire Hotel site - question and answer (Tape No. 578)

The Deputy of St. John asked Deputy Harry Hallewell Baudains of St. Clement, Vice-President of the Housing Committee, the following question -

“Would the Vice-President inform the Assembly -

- (a) how many units of accommodation are being developed on the site of the former Berkshire Hotel?
- (b) of the proposed categories of persons (for example, young people, elderly persons, single persons) who will be accommodated in the flats currently under development?”

The Vice-President of the Housing Committee replied as follows -

- (a) Permission has been granted for 110 one-bedroom flats on the site of the Berkshire Hotel, with an application for an additional three, one-bedroom flats currently under consideration.
- (b) The Housing Committee will nominate suitable persons to the Jersey Homes Trust for 80 per cent of the dwellings with the remaining 20 per cent to be allocated by the Trust. The majority of tenants is likely to be made up of persons age 45 or over but the allocation process will not take place for at least 18 months and will be governed by housing need at that time. Single persons as well as couples will be eligible for consideration.

Audit Committee report into the operation of the agricultural loans scheme - question and answer (Tape No. 578)

Senator Christopher Gerard Pellow Lakeman asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following question -

“Would the President confirm whether his Committee has had an opportunity to consider the report prepared by the Agriculture and Fisheries Audit Committee dated 15th July 1997 relating to the scheme established under the Agricultural Loans and Guarantees (Jersey) Law 1974, and indicate which of the recommendations of the report have been implemented and which have not, in each case specifying the recommendation made?”

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

“The present Agriculture and Fisheries Committee has not yet had an opportunity to consider the Audit Committee’s recommendations. However, as part of its approach to reviewing existing policy, the Committee has already requested the Assistant Treasurer of the States, who is currently seconded to the Agriculture and Fisheries Department, to carry out an examination of all aspects of the Loans Scheme. Clearly, the report and recommendations made by the Audit Committee will play a significant part in that review.

However, I can confirm that the Agriculture and Fisheries Committee of the day responded fully to the 18 recommendations that had been made in the Audit Committee’s Report. The recommendations and the Committee’s responses are lengthy and, therefore, I suggest that it would be more appropriate if I make these available to any member who wishes to have sight of them.”

Deputy Peter Nicholas Troy of St. Brelade - attendance

Deputy Peter Nicholas Troy of St. Brelade, having returned to the Island, arrived in the Chamber prior to the Statement of the President of the Finance and Economics Committee on the annual accounts, and was present for the remainder of the meeting.

Annual accounts - statement

Senator Frank Harrison Walker, President of the Finance and Economics Committee, made a statement in the following terms -

“Article 21 of the Public Finances (Administration) (Jersey) Law 1967, as amended, requires the Finance and Economics Committee to submit the annual accounts to the States for their information, no later than the thirtieth day of April in each year.

Unfortunately, it is with some regret that I have to inform the Assembly that the accounts for the year ended 31st December 1999 cannot be submitted until 16th May 2000.

The lateness in submitting the accounts this year is partly as a result of delays in the finalising of Committees’ figures, but more so as a result of significant delays in agreeing, with certain Committees, the narratives to accompany those figures. Pressure has been placed on the timetable by the requirement to report to the Audit Commission.

Additional time pressures are also being incurred as we further improve the accounts, with the long-term aim of producing accounts which comply with United Kingdom G.A.A.P. (Generally Accepted Accounting Principles). The implementation of a new financial system will greatly assist in this process.

Proposals to change the law to allow later submission of the accounts have been strongly opposed by my Committee and by officers of the Treasury. We firmly believe that the accounts are an important document and that they should be presented on a timely basis.

Officers of the Treasury are exploring means of making the production of the accounts, and the audit thereof, a smoother process and we would hope to ensure that the accounts are submitted on time in the

future. However, I would ask all Committees to assist in that process by ensuring that we all work together to achieve the necessary deadlines.

Finally, the Finance and Economics Committee recognises the suggestions of certain members of the States that the law does not require the accounts to be debated by the States and that no presentation is made of the accounts.

As part of the ongoing process of making the accounts more readily understandable and of more relevance, my Committee has decided that for the year 2000 a presentation will be made to States members and opportunities to debate the accounts in future years will be explored further.”

Mont Nicolle School, St. Brelade: approval of drawings

THE STATES commenced consideration of a proposition of the Education Committee concerning Mont Nicolle School, St. Brelade: approval of drawings -

After discussion, and on the proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement, the proposition was lodged “au Greffe”.

THE STATES acceded to the request of Senator Leonard Norman, President of the Education Committee, that this matter be considered at the next meeting of the States on 16th May 2000.

States of Jersey Audit Commission: terms of reference and appointment of Chairman

THE STATES, adopting a proposition of the Finance and Economics Committee, referred to their Act dated 13th May 1997 in which they approved the terms of reference of the States Audit Commission, and -

- (i) amended the terms of reference of the Commission to enable the Chairman to be appointed by the States, on the recommendation of the Finance and Economics Committee, for a period of up to three years;
- (ii) appointed Mr. Timothy Dunningham as Chairman of the States Audit Commission for a period of 12 months with effect from 13th May 2000.

Minimising material and social deprivation: low income support - P.44/2000

THE STATES, adopting a proposition of the Employment and Social Security Committee -

- (a) charged the Employment and Social Security Committee -
 - (i) to identify the likely effects of a new low income support system based on a common assessment of income and co-ordination of the different components of the benefit as described in the report dated 17th February 2000 of that Committee; and
 - (ii) to report to the States on the financial, legislative, manpower and administrative consequences and to make recommendations;
- (b) charged the Finance and Economics and the Human Resources Committees to take all necessary steps, in accordance with overall States policies and priorities, to provide sufficient funding and staff to enable the Employment and Social Security Committee to undertake the functions described in paragraph (a).

Members present voted as follows -

“Pour” (42)

Senators

Horsfall, Le Maistre, Stein, Bailhache, Syvret, Norman, Walker, Kinnard, Le Sueur, Lakeman.

Connétables

St. Mary, St. Peter, St. Helier, St. Martin, St. Ouen, St. John, Trinity, St. Saviour, St. Clement, St. Brelade, St. Lawrence.

Deputies

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), Breckon(S), Grouville, Huet (H), St. Martin, St. John, Vibert(B), St. Peter, Dubras(L), St. Ouen, Dorey(H), Troy(B), Scott Warren(S), Farnham(S), Le Hérisssier(S), Ozouf(H).

“Contre” (3)

Senator

Le Claire

Connétable

Grouville.

Deputy

G. Baudains(C).

Commission Amicale: membership - P.45/2000

THE STATES, adopting a proposition of the Policy and Resources Committee, agreed that the members of the Jersey delegation to the Commission Amicale should be -

The Bailiff of Jersey (Joint Chairman)
Senator Pierre François Horsfall
Senator Jean Amy Le Maistre
Connétable Edwin Le Gresley Godel of St. Mary
Deputy Alan Simon Crowcroft of St. Helier
Deputy Michael Edward Vibert of St. Brelade
Deputy Kenneth William Syvret, M.B.E. of St. Ouen
Deputy Jennifer-Anne Bridge of St. Helier.

Draft Act amending the Act of the States dated the 27th day of April 1999 establishing a scheme to make child care more available for low income families - P.50/2000

THE STATES, adopting a proposition of the Employment and Social Security Committee, made an Act amending their Act dated the 27th day of April 1999 establishing a Scheme to make child care more available to low income families, with effect from 1st January 2000.

Draft Food and Drugs (Amendment No. 3) (Jersey) Law 200 - P.51/2000

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Food

and Drugs (Amendment No. 3) (Jersey) Law 200 .

Mrs. C.A. Glazebrook: ‘g’ category housing consent - P.56/2000. Report - P.56/2000 Rpt.

THE STATES, adopting a proposition of Senator Jean Amy Le Maistre, requested the Housing Committee to reconsider its decision that it was not minded to grant consent under Regulation 1(1)(g) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, to Mrs. Catherine Adèle Glazebrook.

Members present voted as follows -

“Pour” (21)

Senators

Le Maistre, Syvret, Le Claire, Lakeman.

Connétables

Grouville, St. Ouen, St. Clement, St. Brelade.

Deputies

Trinity, Duhamel(S), Breckon(S), Grouville, St. John, M. Vibert(B), St. Peter, Dubras(L), Troy(B), Scot Warren(S), Farnham(S), Le Herissier(S), Ozouf(H).

“Contre” (20)

Senators

Stein, Bailhache, Norman, Walker, Kinnard, Le Sueur.

Connétables

St. Mary, St. Peter, St. Helier, St. John, Trinity, St. Saviour, St. Lawrence.

Deputies

H. Baudains(C), St. Mary, S. Baudains(H), Routier(H), Huet(H), St. Ouen, Dorey(H).

The Deputy of St. Martin declared an interest and withdrew from the Chamber prior to the consideration of this matter.

Public Employees Contributory Retirement Scheme: Committee of Management - membership - P.58/2000

THE STATES, adopting a proposition of the Human Resources Committee, and in accordance with Regulation 3 (5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, as amended, approved the appointment of Mr. John Thomas Noel as a member representative on the Committee of Management for the period ending 31st December 2000, in place of Mr. Michael Bernard Kavanagh.

THE STATES rose at 6.11 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.