

Price : £5.00

THE STATES assembled on Tuesday,
27th July 1993 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

His Excellency the Lieutenant Governor,
Air Marshal Sir John Sutton, K.C.B.,
was present.

All Members were present with the exception of -

Senator Bernard Thomas Binnington - out of
the Island.

Margaret Sylvia Rose Beadle, Deputy of St.
Brelade - ill.

Carlyle John Le Herissier Hinault, Deputy
of St. John - out of the Island.

Maurice Clement Buesnel, Deputy of St.
Helier - ill.

Terence Augustine Le Sueur, Deputy of St.
Helier - out of the Island.

Henry George Coutanche, Deputy of St.
Lawrence - out of the Island.

Frank Harrison Walker, Deputy of St.
Helier - out of the Island.

Prayers

Connétable of Trinity - welcome

The Bailiff, on behalf of the Members of the
States, welcomed to the Assembly the newly-
elected Connétable of Trinity, Mr. Brian George
Dorey Richardson.

Connétable of St. Brelade - re-
election

The Bailiff, on behalf of the Members of the

States, congratulated the Connétable of St. Brelade, Mrs. Enid Clare Quénault, on her recent re-election to the States.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Order 1993. R & O. 8552.
2. Royal Court (Remuneration of Commissioners) (Jersey) Order 1993. R & O 8553.
3. Battle of Flowers (Jersey) Order 1993. R & O 8554.
4. Gorey Fête (Jersey) Order 1993. R & O 8555.
5. St. Clement Fête (Jersey) Order 1993. R & O 8556.
6. Road Traffic (Saint John) (Amendment No. 3) (Jersey) Order 1993. R & O 8557.
7. Road Traffic (Public Parking Places) (Amendment No. 27) (Jersey) Order 1993. R & O 8558.

Tourism Committee - resignation of member

THE STATES noted the resignation of Deputy Frank Harrison Walker of St. Helier, from the Tourism Committee.

Oakfield Industries Limited: report and accounts for 1992. R.C.25/93

The Social Security Committee, by Act dated 7th July 1993, presented to the States the report and accounts of Oakfield Industries Limited for the period to 30th December 1992.

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

Health Insurance Fund as at 30th September 1992: actuarial report. R.C.26/93

The Social Security Committee, by Act dated 7th July 1993, presented to the States the

Health Insurance Fund actuarial report as at 30th September 1992.

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

Matters noted - land transactions

THE STATES noted Acts of the Finance and Economics Committee dated 28th June and 19th July 1993, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Public Health Committee, the renewal of the lease from Arradon Holdings of 14 Byron Road, St. Helier, for use as a Children's Psychiatric Unit, for a period of seven years from 1st March 1993 at an annual rent of £11,100, subject to annual review;
- (b) as recommended by the Sport, Leisure and Recreation Committee, an Agreement with Quasar Leisure Limited for the lease of the Carronade Restaurant areas, Fort Regent, giving the company the right to conduct concessions on 4,990 square feet of land in the East Ditch, Fort Regent from 1st May 1993 to 31st December 2002, the annual rent to be £12,476 plus five per cent of gross takings on the first £450,000, seven and a half per cent on the next £100,000 and ten per cent over the aforementioned £550,000, to be subject to triennial reviews;
- (c) as recommended by the Public Health Committee, the renewal of the lease from Mrs. Lily May Stapley, née Glendewar, of the two-bedroomed property Flat 2, The Anchorage, La Route du Fort, St. Saviour, for a period of one year from 1st July 1993 at an annual rent of £6,744;
- (d) as recommended by the Public Health Committee, the renewal of the leases from Bellman Properties Limited of the four one-bedroomed flats, Flats 1/4, 53-55 Bath Street, St. Helier for a period of one year with effect from 1st June 1993 at an annual rent of £4,918 for each unit;
- (e) as recommended by the Public Health Committee, the renewal of the

lease from Mrs. Christine Louise Langlois, née Holborrow, on behalf of her son Christian John Langlois and her daughter Michelle Langlois, of the three-bedroomed property No. 2 Bel Royal Gardens, St. Lawrence, for a period of one year with effect from 17th February 1993 at an annual rent of £9,670;

(f) as recommended by the Public Health Committee, the extension of the lease from Mr. Brian Le Herissier and Mrs. Patricia Le Herissier, née Eve, of the property Le Petit Fief, Fosse à l'Ecrivain, St. Saviour, for a period of two years two months with effect from 1st June 1993 at an annual rent of £9,793;

(g) as recommended by the Harbours and Airport Committee, the assignment to Interlock Investments Limited of the unexpired portion of the lease held by Channel Hotels and Properties Limited of Lettings Nos. L.65. L.53 and L.53A, Avenue de la Commune, St. Peter;

(h) as recommended by the Education Committee, the granting of access and service rights to Liam Holdings Limited for the two units of accommodation currently in the course of construction on the site of Geisha, Drury Lane, St. Helier, in the total sum of £1,500, without prejudice, and with all legal fees involved to be paid by Liam Holdings Limited;

(i) as recommended by the Harbours and Airport Committee, the lease to Channel Islands Handling Limited of 341 square feet of office accommodation within the Elizabeth Terminal for the period 1st June 1993 to 31st October 1998, at an annual rent of £4,296.60, subject to annual review and payable six monthly in advance;

(j) as recommended by the Harbours and Airport Committee, the lease to Condor (Jersey) Limited of 372 square feet of office accommodation within the Elizabeth Terminal for a period of three years from 1st June 1993, at an annual rent of £4,713.24, subject to annual reviews on 1st November and payable six monthly in advance;

(k) as recommended by the Public

Health Committee, the renewal of the lease from Mrs. Beryl Joan Cadiou, née Boulter, of the two-bedroomed property Le Nid, Langley Park, St. Saviour, for a period of one year with effect from 1st June 1993 at an annual rent of £7,508;

(l) as recommended by the Housing Committee, the sale of a strip of land five feet six inches wide and 102 feet long, adjacent to the south-eastern boundary of 152 Clos des Sables, St. Brelade, to Mr. Mark William Langford and Mrs. Theresa Ann Langford, née Bertram, for the sum of £566, with Mr. and Mrs. Langford being responsible for their own legal fees and for the reasonable legal fees of the public, the sale to be subject to the condition that no buildings, walls or fences would be erected on the land;

(m) as recommended by the Housing Committee, the granting to Mr. Yves Francis Le Beuvant and his sister-in-law Mrs. Phyllis Evelyn Le Beuvant, née Noel, of access rights from the public roadway leading to Le Clos des Fonds, Grouville to the rear garden of the property Ker Briac for the sole purpose of the development of a single dwelling house, for the sum of £1,000 plus all legal expenses arising from the transaction;

(n) as recommended by the Public Health Committee, the renewal of the lease from Mr. Nigel George Gillard of the two-bedroomed property, Le Pot d'Or, Rue du Moulin, St. Peter's Valley, St. Peter, for a period of one year with effect from 1st July 1993 at an annual rent of £6,240;

(o) as recommended by the Public Health Committee, the renewal of the lease from Mrs. Monica Billot Cotillard, née Le Quesne, of the two-bedroomed property L'Hermitage Farm Flat, Les Varines, St. Saviour, for a period of one year with effect from 23rd April 1993, at an annual rent of £6,414.

Matters noted - financial transactions

THE STATES noted Acts of the Finance and Economics Committee dated 28th June and 19th

July 1993, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

- (a) the Public Services Committee had accepted the lowest of five tenders, namely that submitted by Amec Marine Limited in the sum of £6,851,307.10 in a contract period of 65 weeks for the civil engineering works associated with the development of the west of Albert Phase II land reclamation project;
- (b) the Housing Committee had accepted the lowest of six tenders, namely that submitted by Charles Le Quesne (1956) Limited in the sum of £2,446,194 in a contract period of 70 weeks for the States Loan development at Field 1311, St. Helier;
- (c) the Housing Committee had accepted the lowest of six tenders, namely that submitted by J.P. Mauger Limited in the sum of £429,999.98 in a contract period of 40 weeks for the development of States rental accommodation at 16 Val Plaisant, St. Helier;
- (d) the Harbours and Airport Committee had accepted the lowest of nine tenders, namely that submitted by J. F. Marett & Son Limited, in the sum of £147,516.00 in a contract period of 15 weeks for the construction of a Radar Station at Les Platons;
- (e) the Housing Committee had accepted the lowest of six tenders, namely that submitted by A.C. Mauger and Son (Sunwin) Limited, in the sum of £6,774,877 in a contract period of 130 weeks for the development of States rental accommodation on the former Continental Hotel site.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Draft Nursing and Residential Homes (Jersey) Law 199 . P.102/93. Presented by the Public Health Committee.
2. La Vieille Chapelle, La Rue du Champ du Rey, St. Martin: sale. P.103/93.

Presented by the Housing
Committee.

3. 29/31 Val Plaisant, St. Helier:
redevelopment. P.104/93.
Presented by the Housing
Committee.
4. Draft Public Finances
(Administration) (Amendment No. 7)
(Jersey) Law, 199 . P.105/93.
Presented by the Finance and
Economics Committee.
5. Liberation 50th Anniversary
celebrations. P.106/93.
Presented by the Occupation and
Liberation Committee.
6. Compensation claims by
ex-internees. P.107/93.
Presented by Senator J.S.
Rothwell.

The following subjects were lodged on 6th July
1993 -

1. Draft Costs in Criminal Cases
(Witnesses' Allowances) (Amendment
No. 3) (Jersey) Regulations 199 .
P.84/93.
Presented by the Finance and
Economics Committee.
2. Draft Treaty on Open Skies
(Privileges and Immunities) (Jersey)
Law 199 . P.85/93.
Presented by the Policy and
Resources Committee.
3. Field 1007, St. John:
development. P.86/93.
Presented by Senator R.J.
Shenton.
4. Building loans: maximum rate of
interest. P.87/93.
Presented by Senator R.J.
Shenton.
5. Information by Committees to
Members. P.88/93.
Presented by Senator N.L.
Quérée.

The following subjects were lodged on 13th July
1993 -

1. Superintendent Registrar's office: lease of part of 1-3 Church Street, St. Helier. P.89/93.
Presented by the Island Development Committee.
2. Draft Health Insurance (Conditions for Approval of Medical Practitioners) (Jersey) Regulations 199 . P.90/93.
Presented by the Social Security Committee.
3. Belles Fleurs Nursery, La Rue au Blancq, Grouville: dwelling. P.91/93.
Presented by the Island Development Committee.
4. St. Helier Waterfront plan - west of Albert reclamation site: proposed use for housing. P.92/93.
Presented by the Island Development Committee.
5. Draft Police Force (Amendment No. 5) (Jersey) Law 1993 (Appointed Day) Act 1993. P.93/93.
Presented by the Defence Committee.
6. Draft Sea-Fisheries (Miscellaneous Provisions) (Amendment No. 7) (Jersey) Regulations 199 . P.94/93.
Presented by the Agriculture and Fisheries Committee.
7. Draft Customary Law (Choses Publiques) (Jersey) Law 1993 (Appointed Day) Act 199 . P.95/93.
Presented by the Public Services Committee.
8. Draft Licensing (No. 7) (Jersey) Regulations 199 (P.68/93): amendments. P.96/93.
Presented by the Tourism Committee.
9. Draft Social Security (Reciprocal Agreement with Canada) (Jersey) Act 199 . P.97/93.
Presented by the Social Security Committee.
10. Grouville Hospital site: transfer of administration of land. P.98/93.
Presented by the Public Health

Committee.

11. Golf course, Les Creux, St.
Brelade: construction. P.99/93.
Presented by the Sport, Leisure
and Recreation Committee.
12. Highbury House, Five Oaks, St.
Saviour: acquisition. P.100/93.
Presented by the Island
Development Committee.
13. Public Lotteries Board:
appointment of members. P.101/93.
Presented by the Gambling
Control Committee.

Health Insurance (Conditions for Approval of
Medical Practitioners) (Jersey) Regulations
199 . P.124/92. Withdrawn

THE STATES noted that the President of the
Social Security Committee had withdrawn the
Health Insurance (Conditions for Approval of
Medical Practitioners) (Jersey) Regulations 199
(lodged on 25th August 1992) having lodged
revised draft Regulations (P.90/93) on 13th July
1993.

Information by Committees to Members. P.88/93.
Withdrawn

THE STATES noted that Senator N.L. Quéérée had
withdrawn his proposition regarding Information
by Committees to Members (lodged on 6th July
1993).

Arrangement of Public Business for the present
Sitting

THE STATES confirmed that the following subjects
lodged ``au Greffe" should be considered at the
present Sitting -

Draft Customary Law (Choses Publiques)
(Jersey) Law 1993 (Appointed Day) Act 199 .
P.95/93.
Lodged: 13th July 1993.
Public Services Committee.

Draft Licensing (No. 7)
(Jersey) Regulations 199 (P.68/93):
amendments. P.96/93.
Lodged: 13th July 1993.
Tourism Committee.

Public Lotteries Board: appointment
of members. P.101/93.
Lodged: 13th July 1993.
Gambling Control Committee

Draft Costs in Criminal
Cases (Witnesses' Allowances) (Amendment
No. 3) (Jersey) Regulations 199 . P.84/93.
Lodged: 6th July 1993.
Finance and Economics Committee.

Draft Treaty on Open Skies
(Privileges and Immunities) (Jersey) Law
199 . P.85/93.
Lodged: 6th July 1993.
Policy and Resources Committee.

Superintendent Registrar's office:
lease of part of 1-3 Church Street, St.
Helier. P.89/93.
Lodged: 13th July 1993.
Island Development Committee.

Draft Health Insurance (Conditions
for Approval of Medical Practitioners)
(Jersey) Regulations 199 . P.90/93.
Lodged: 13th July 1993.
Social Security Committee.

Belles Fleurs Nursery, La Rue
au Blancq, Grouville: dwelling. P.91/93.
Lodged: 13th July 1993.
Island Development Committee.

Draft Police Force (Amendment No. 5)
(Jersey) Law 1993 (Appointed Day) Act
199 . P.93/93.
Lodged: 13th July 1993.
Defence Committee.

Draft Social Security
(Reciprocal Agreement with Canada) (Jersey)
Act 199 . P.97/93.
Lodged: 13th July 1993.
Social Security Committee.

Grouville Hospital site: transfer of
administration of land. P.98/93.
Lodged: 13th July 1993.
Public Health Committee.

Golf course, Les Creux, St. Brelade:
construction. P.99/93.
Lodged: 13th July 1993.
Sport, Leisure and
Recreation Committee.

Highbury House, Five Oaks,
St. Saviour: acquisition. P.100/93.
Lodged: 13th July 1993.

Island Development
Committee.

Public Lotteries Board: appointment of members.
P.101/93

THE STATES acceded to the request of the President of the Gambling Control Committee that consideration of the proposition to appoint members of the Public Lotteries Board be taken as the first item under Public Business.

Golf course, Les Creux, St. Brelade:
consideration. P.99/93

THE STATES rejected the proposition of the Connétable of St. Brelade that consideration of the proposition of the golf course at Les Creux, St. Brelade, be deferred to a later date and agreed to take it into consideration immediately after the proposition to set up a Special Committee on the Constitution of the States.

Arrangement of Public Business for the next
Sitting on 24th August 1993

THE STATES confirmed that the following subjects lodged "au Greffe" should be considered at the next Sitting on 24th August 1993 -

Field 1007, St. John: development.
P.86/93.
Lodged: 6th July 1993.
Senator R.J. Shenton.

Building loans: maximum rate
of interest. P.87/93.
Lodged: 6th July 1993.
Senator R.J. Shenton.
(Comments of the Finance and
Economics Committee and the Housing
Committee to follow).

Draft Sea Fisheries (Miscellaneous
Provisions) (Amendment No. 7) (Jersey)
Regulations 199 . P.94/93.
Agriculture and Fisheries Committee.

La Vieille Chapelle, La Rue du Champ
du Rey, St. Martin: sale. P.103/93.
Housing Committee.

29/31 Val Plaisant, St.
Helier: redevelopment. P.104/93.
Housing Committee.

Draft Public Finances
(Administration) (Amendment No. 7) (Jersey)
Law 199 . P.105/93.

Finance and Economics Committee.

Liberation 50th
Anniversary celebrations. P.106/93.
Occupation and Liberation Committee.

Compensation claims by ex-internees.
P.107/93.
Senator J.S.Rothwell

Longbeach, Gorey. Questions and answers (Tape
No. 195)

Senator Corrie Stein asked Deputy Leonard
Norman, President of the Housing Committee the
following questions -

- ``1. Would the President give the reasons why the Housing Committee granted consent for the two larger flats constructed at Longbeach, Gorey, to be occupied by persons qualifying under Regulation 1(1)(k) of the Housing (General Provisions) (Jersey) Regulations, 1970?
2. Did the Housing Committee take into consideration the debates on Longbeach when the President of the Island Development Committee assured the States that in no way would these be luxury flats but twelve flats at prices from £120,000 - £137,000, and would be smaller than States Loan houses and be available for first time buyers - i.e. local people - and that the two larger flats were to be occupied by the developer and his sister?
3. Was it a unanimous decision of the Housing Committee to grant consent for two 1(1)(k) flats?"

The President of the Housing Committee replied as follows -

- ``1. The Housing Committee administers the Housing Law. It is under that Law that the Committee is empowered to attach occupancy conditions to land. All occupancy conditions imposed are designed to ensure that residential land is reserved for occupation by persons who qualify under the Housing Regulations. In most cases, occupancy conditions restrict

occupation to those qualifying under Regulation 1(1)(a)-(h) - e.g. Jersey-born, children of Jersey-born, and so on; in some cases, conditions restrict occupancy to those qualifying under 1(1)(a)-(j) - which includes all those who qualify under 1(1)(a)-(h) plus essential employees; and in fewer cases, conditions restrict occupancy to those who qualify under 1(1)(a)-(k), which includes not only those qualifying under Regulation (a)-(h), and essential employees, but also those who have been allowed to buy property in the Island on economic or social grounds.

Clearly the Committee's priority in the imposition of conditions is to reserve as much land as possible to those who qualify under Regulation 1(1)(a)-(h).

Whilst the Housing Law gives the Housing Committee powers to impose the conditions it sees fit in any given situation, the Attorney General has repeatedly advised the Committee that it has a clear legal obligation to be 'administratively consistent' in the manner in which it applies the Law. Where an applicant who is dissatisfied with a decision of the Committee made under the Law appeals to the Court and can show that the Committee has acted inconsistently, without good reason, then he has good grounds for a successful appeal.

When imposing occupancy conditions, the Housing Committee over many years has pursued a policy that, in order to encourage developers to build more (a)-(h) residential units, it will grant (a)-(j) and (a)-(k) conditions for some of the units built. The objective is to get more units built, especially on land which is classified as commercial or on which large (a)-(j) or (a)-(k) properties already exist and are to form the basis of a redevelopment. This policy has been successful in promoting the creation of many hundreds of additional residential units over the years.

The Longbeach site was virtually a wholly commercial site. Had the developers asked, at the time the

development commenced, for a portion of the properties to be classified (a)-(j) or (a)-(k), the Housing Committee would not have hesitated to accede to this in accordance with its normal policy.

In order that the policy be as flexible as possible in encouraging the construction of new residential units, especially on commercial land, the Committee has for many years been prepared to allow developers to apply for a portion of (a)-(j) and (a)-(k) units in a development following the completion of the development. This is allowed where the Committee is satisfied that it would have granted a portion of such units if it had been asked to do so before the commencement of the development.

In the case of the Longbeach development, the Committee received an application for two of the flats to be reclassified as (a)-(j) and two (a)-(k) after the completion of the development. Given the policy of successive Housing Committees (including the present one) over the years, and the legal requirement on the Committee to be consistent in the manner in which it handles individual applications under the Housing Law, the Committee had no alternative other than to allow a portion of the units to be reclassified. (Legal advice from the Crown Officers on this particular case left the Committee in no doubt that this was necessary). The Committee did not accede to the request for two (a)-(j) and two (a)-(k) units, but it did agree to allow the two penthouse units to be reclassified (a)-(k).

Had the Committee rejected the application completely, there could be little doubt that the matter would have been referred to Court. The Committee saw no point at all in asking the Crown Officers to allocate scarce and expensive staff resources to defend a position which was almost certainly incapable of being defended.

The policy itself remains one which has been extremely successful over many years in encouraging the development of many new residential units, particularly on commercial land, and one which still has an important rôle

to play.

I should add that this policy does not apply to land rezoned by the States for category 'A' housing.

2. I do not think that the President of the Island Development Committee commented in precisely the terms reported in Question 2, although it is true that he did make comments along these lines. Whilst the Housing Committee did give consideration to his comments, it could not allow this to influence its decision. I repeat that the Committee administers a Law, and is required to make consistent decisions under the Law based on considerations which it is obliged to take into account under the Law. The views expressed by the President of the Island Development Committee are not a matter which the Committee can take cognisance of when making decisions under the Law. The Island Planning Law does not give that Committee, let alone its President, the power to impose land occupancy conditions.

I should add that simply because the two penthouse apartments have been reclassified as 1(1)(a)-(k) does not of course mean that they are not able to be occupied by those qualifying under 1(1)(a)-(h) or essential employees. They are able to be occupied by anybody who qualifies for a consent from the Committee under the Law. Indeed, it is very common for a new property with an (a)-(k) classification to be occupied by somebody who has an (a)-(h) qualification.

3. The decision of the Committee was not unanimous."

Lump-sum payments. Question and answer (Tape No. 195)

Deputy Alan Payn Bree of Grouville asked Senator Richard Joseph Shenton, President of the Establishment Committee the following question -

``Will the President kindly inform the States of the amounts of lump-sum payments (excluding such lump-sum payments as are made on condition of the acceptance of a reduced pension from the Public Employees'

Pension Fund) made to public employees who accepted early retirement during the period 1st January 1990 to date, with an indication of the votes from which those payments were made?

The President of the Establishment replied as follows -

“Because the question affects many former public servants and in order that I can give a considered and full response to the question, I wish to consult with the Pensions Officer in the Department, among others. Unfortunately he was on leave when the question was received and so I have been unable to speak to him. However, I accept the question and will respond at the next Sitting of the States.”

Fairview Farm, La Rue du Trot, St. Martin.
Statement

The President of the Island Development Committee made a statement in the following terms -

1.0 Introduction

1.1 Members of the House will recall that earlier this year a series of propositions and debates were heard in the House in relation to development proposals at the new Fairview Farm in St. Martin. The application seeks planning consent for -

- (a) a packing shed 720 sq.m.
- (b) a stock unit 750 sq.m.
- (c) a seed store 1,302 sq.m.
- (d) staff accommodation 407 sq.m.

These buildings are designed to operate in conjunction with the silage store and the existing dairy. The existing dairy measures 1,592 sq.m.

1.2 The first proposition (P.36) lodged by Senator R.J. Shenton on 30th March 1993 supported a petition with 607 signatures and read as follows -

“That the Agriculture and Fisheries Committee be directed to take appropriate action to remedy without undue delay the nuisance which has been caused by smells from a recently-established agricultural unit situated at

Maufant in the parishes of St. Saviour and St. Martin.'

1.3 This proposition generated a report from the Agriculture and Fisheries Committee on 11th May in relation to the 'Maufant smell' which contained the following recommendation -

`(a) that due to the siting of Fairview Farm in close proximity to Maufant Village (and while accepting that the farm is well managed) to direct the Agriculture and Fisheries Committee to take every reasonable action to reduce the smell emanating from the farm by undertaking the work detailed in proposals 1, 2, 3 and 7 of this report at an approximate cost of £44,500;

(b) that the cost be borne by the Agriculture and Fisheries Committee, and that it request reimbursement at the October Supply Day'.

1.4 This proposition was agreed by the States by a substantial majority. On the same day, a proposition of the Agriculture and Fisheries Committee was debated and adopted. It read -

`to request the Island Development Committee to consider immediately an application by Fairview Farm Limited to construct additional buildings at Fairview Farm, St. Saviour, application No. 4/5/5459/P.

1.5 Furthermore, on that day, Senator Shenton presented a further petition (P.62) from 15 signatories and requested -

`that the Island Development Committee be requested to take appropriate action to ensure that the construction of the proposed agricultural buildings by Fairview Farm Limited at Fairview Farm, Maufant, St. Martin, takes place no closer to the existing dwellings in the Maufant Village development than the existing farm buildings'.

1.6 At the Senator's request, the States agreed to suspend Standing Orders to

enable the proposition to be debated the same day thus depriving the Island Development Committee the opportunity of responding to it as required under Standing Order 10. The proposition was adopted.

2.0 History of development proposals

2.1 Planning permission was granted on 4th September 1986 to build a new farm unit, including various outbuildings, dairy buildings and a stock building. The approved drawings show the dairy where it has been built and a large outbuilding with staff accommodation, measuring 1,323 sq.m., in what is presently the yard to the north.

2.2. Development permission was granted on 24th November 1986 to build a new farm unit and cattle housing, with silage clamp and storage tank. The drawings approved showed the dairy building as subsequently built and the present yard occupied by a large outbuilding, incorporating staff accommodation, measuring 1,485 sq.m.

2.3 One of a number of conditions stipulated at the planning stage, and again when development permission was granted, read as follows -

`that the proposed agricultural buildings shall be used for agricultural purposes only, in association with the farm unit hereby approved'.

3.0 Current position

3.1 Since the last series of debates in the House, the Island Development Committee has held meetings with the applicant (Fairview Farm Limited) and received a delegation from the Maufant Residents' Group. The purpose of these meetings was to seek full clarification in relation to the applicant's intentions and to listen to the views of some of the residents of the area. The debates in the House had identified a number of issues on which Members were agreed -

- (i) that the States wished to see the problem of the `Maufant smell' alleviated by a series of separate

measures, the effectiveness of which would be monitored by the Department of Agriculture and Fisheries, rather than by relocation of the farm itself;

- (ii) that the States were opposed to a commercial packing operation handling produce beyond that generated by the land owned or rented by Fairview Farm Limited.

3.2 However, the last proposition from Senator R.J. Shenton (P.62) which reads -

`that the Island Development Committee be requested to take appropriate action to ensure that the construction of the proposed agricultural buildings by Fairview Farm Limited at Fairview Farm, St. Martin, takes place no closer to the existing dwellings in the Maufant Village development than the existing farm buildings,'

gives cause for concern on a number of counts -

- (a) it ignores the planning consent granted in 1986 for further development north of the existing dairy, and could therefore necessitate revocation and lead to a claim for compensation;
- (b) it fails to recognise that there are legitimate agricultural activities that can be carried out in this area without prejudice to adjoining residents, thus potentially giving rise to claims that the Committee acted unreasonably in following the States decision;
- (c) it tacitly suggests relocation of the proposed agricultural buildings south of the dairy, where there would be a further loss of agricultural land and a strong likelihood of prejudice to residents in La Rue du Trot;
- (d) the `spread' of buildings further south towards La Hougue Bie which is implicit in the proposition would be visually undesirable and would not consolidate the existing

farm group within the boundary of the existing landscaping and yard area;

- (e) it does not accurately reflect the petition which read as follows -

P.62: `The humble residents of Maufant situated in the Parish of St. Martin shows that the proposed location of a new packing shed to be constructed by Fairview Farm Limited approximately 40 metres from dwellings will create a nuisance affecting the quality of life of nearby residents and be contrary to the States' `bad neighbour' policy. Accordingly your petitioners pray that the Island Development Committee be requested to take appropriate action to ensure that the construction of the proposed shed takes place no closer than existing buildings'.

This petition was not referred to the Island Development Committee for comment under Standing Order 10 and thus the Committee was unable to explain to States' Members its implications under Standing Order 10(a) prior to its being debated.

3.3 The Island Development Committee is concerned that if it acted solely upon the last States' decision (P.62) then the best interests of the community would not be best served because it would not have properly discharged its responsibilities under the Island Planning Law. The Committee has in the past been reminded by the Crown Officers that it is the Committee's responsibility and its duty under the Law to make a reasoned planning judgement on an application having regard to the merits of the individual case. Having considered all the factors of this case, and having had full regard to the decisions of the States, the Committee intends to grant planning permission subject to a number of

important qualifications. These are -

- (i) the staff block shown within the northern extremity of the site shall be relocated to the existing yard area, to move the staff accommodation further from Maufant Village;
- (ii) no new vehicular access to the farm shall be formed and all traffic shall continue to use the existing access from La Rue du Trot, to centralise vehicle movements as much as possible;
- (iii) the packing and machinery shed shall be relocated so that its northern boundary equates with the proposed seed store and the boundary of the existing yard. The remaining yard area is thus kept in the centre of the farm complex, to ensure that any farm noise is kept to a minimum;
- (iv) the existing banking between the yard and the field south of the houses in Maufant be enlarged and the associated planting increased, to improve the visual and noise reducing qualities of the existing banking;
- (v) that the packing shed shall be used solely for the packing of produce from Fairview Farm Limited. That is to say, that all produce packed on site derives solely from land owned or rented by Fairview Farm Limited, to prevent an escalation of packing activity beyond that arising directly from Fairview Farm Limited;
- (vi) the new building identified as the stock building is not approved for the present, until such time that it has been demonstrated conclusively that the measures adopted to alleviate smells at the farm have proved successful.

4.0 Conclusion

4.1 On balance therefore, my Committee has decided to approve the application

because to react solely in response to the States' decision would not be in the best interests of the community and would be a dereliction of its duty under the Island Planning Law to consider each application on its merits. It is clear that it is possible for buildings to be constructed to the north of the existing dairy without prejudicing nearby residential properties. My Committee considers that the proper and responsible course is to grant a conditional planning permission for certain of the works proposed as part of the current application, but in view of the sensitive history of the site and previous debates, my Committee wishes to inform the States of this decision."

Trade and Industry Sub-Committee. Statement

The President of the Finance and Economics Committee made a statement in the following terms -

“The Finance and Economics Committee in the light of views expressed in the Strategic Policy Review and Action Plan 1993 and by the President of the Chamber of Commerce, and following consultation with the Policy and Resources Committee, has decided to set up a Trade and Industry Sub-Committee.

The Sub-Committee will be chaired by the Vice-President of the Finance and Economics Committee, Deputy D.R. Maltwood, and will comprise three members of the States in addition to the Chairman and four representatives of trade and industry. The following have agreed to be members -

Senator A.B. Chinn
Deputy J.N. Le Fondré
Deputy C.J. Hinault
Mr. R.G. Groombridge Chief Manager, National Westminster Bank Jersey
Mr. R. Henkhuzens Vice-President,
Chamber of Commerce
Chairman, Jersey
Business Venture
Partner, Coopers and
Lybrand Chartered
Accountants
Mr. N.A. Sayers Managing Director,
Channel Islands
Commercial Group

Mr. J. King Chairman, Sigma Group
 and formerly Managing
 Director of Overseas
 Trading Corporation.

The Sub-Committee will be supported administratively by the Office of the Chief Adviser.

The Sub-Committee will -

1. provide for those sectors of industry that are not separately represented by other Committees. The sectors to be covered include manufacturing, construction, wholesaling and retailing and consumer and business services generally;
2. involve itself in general issues bearing on trade and industry with which the Finance and Economics Committee has been and continues to be involved - the rate of inflation, enquiries into 'prices' (e.g. retail prices, oil prices, building materials prices, commercial rents, etc.);
3. provide a link with the Jersey Business Venture Advisory Service to which the Finance and Economics Committee has given financial support, and consider requests for support under the Overseas Trade Promotion Scheme;
4. give political support to the Office of the Chief Adviser in providing a 'one stop' business enterprise unit to promote the Island generally as a business location, and to assist those interested in either the establishment of new or the expansion of existing businesses. As stated in the Strategic Policy Review and Action Plan 1993 'individual firms confronted by the need to approach a number of States Committees in order to advance their business plans would be assisted it is believed if there exists a single point of contact within the States administration which would have responsibility for bringing together the various interested parties to facilitate the investment and job creation proposed;'
5. meet regularly with business organisations - the Chamber of Commerce, the Institute of Directors - Jersey Branch, the Builders Federation

and other appropriate bodies - to discuss proposals and issues of concern covered by the Sub-Committee's remit."

Employment Enterprise Board. Statement

The Vice-President of the Social Security Committee made a statement in the following terms -

“Earlier this year, following various initiatives resulting from an substantial increase in the number of registered unemployed, a group of interested parties joined together in order to address the future needs of the unemployed. From the outset it was envisaged that this group would work in conjunction with, and as an extension of, existing agencies such as the Social Security Job Centre. The time has now come for these arrangements to become more clearly defined, and although the primary purpose of the restructured Employment Enterprise Board is, and remains, to provide improved opportunities for the unemployed people of Jersey, it is proposed now to constitute it formally as a sub-committee reporting to and responsible to the Social Security Committee. In order to accomplish this, its terms of reference will include -

- (1) ascertaining further details of the composition of the unemployed population by age, sex, qualifications, abilities and aspirations;
- (2) assessing requirements for support and training of the unemployed in order that they are better able to take up and retain existing job opportunities;
- (3) extending the existing programme to provide temporary employment over the winter period by initiatives within both the public and private sectors.

Such terms of reference, by no means exhaustive, require the active co-operation and assistance of a variety of bodies, and hence will become a valuable adjunct to developments already being undertaken through the Job Centre. It is only right that the Employment Enterprise Board should be linked to a States' Committee, and that the Social Security Committee should be the body to accept that responsibility.

Whilst the Social Security Committee will

gladly accept and sponsor such a group, it is nevertheless essential that the Board retains a broad, independent and committed membership of parties able to make a positive contribution to the above aims. I am happy to advise Members of the names of those who have agreed to serve on this new Employment Enterprise Board, and particularly that of its proposed chairman, Mr. Dewi Rees, a recent immigrant to the Island who was a former director of the Manpower Services Commission and who brings a wealth of experience to the position. The names of the members are detailed below, and I take this opportunity of thanking them publicly for agreeing to serve, and assure them of my Committee's support and encouragement.

Members Mr. Dewi Rees (Chairman)

Senator Nigel Quérée
Deputy David Crespel
Deputy Evelyn Pullin
Deputy Terry Le Sueur
Mr. Bevan Anthony
Mr. Adrian Blampied
Mrs. Hilary Brooks
Mr. Tom Gales
Mr. Robin Hacquoil
Mr. Mick Kavanagh
Mr. Colin Powell
Mrs. Elizabeth Rees
Mr. Norman Robson
Mr. Humphrey Rudgard
Mrs. Anne Watkins."

Chief Executive Officer, Sport, Leisure and Recreation Department. Statement

The President of the Establishment Committee made a statement in the following terms -

“It is with considerable sadness that I rise today to make a statement concerning the departure of Miss Mary Alexander from her post of Chief Officer, Sport, Leisure and Recreation. ‘Sadness’ because I believe that, as President of the Establishment Committee, it is normally incumbent upon me to maintain confidentiality when dealing with personal matters affecting individual employees. ‘Sadness’, because, in doing so, I have to relate in public the reasons which had led up to the termination of her contract.

It has long been a cardinal principle of government that Committees are publicly

responsible for the actions of their civil servants. Civil servants are not permitted to make public pronouncements relating to matters of which they have knowledge in an official capacity, nor may they take a public part in any political matter. The corollary of these inhibitions is that civil servants are entitled to the protection of their political masters in a public forum. It is contrary to good constitutional practice for politicians publicly to criticise their officials. In private they may naturally hold their officials to account for mistakes or incompetence, but in public they should take responsibility themselves for the errors of their civil servants. This may be said to be particularly important in the States' Chamber itself, because members are clothed by law with absolute immunity for their utterances upon the floor of the House.

It is because I believe firmly in this principle that, as President of the Establishment Committee, I sought to raise this matter with States' Members by means of an 'in camera' debate and why, up until now, I have maintained a silence in the face of the various untruths and half-truths that have been put before the public of this Island over recent weeks. Members will appreciate how difficult this has been for me!

I am making this statement today, therefore, only because of Miss Alexander's own express wish that these matters be made public, although I have also taken into account the considerable public interest that has arisen in this matter, and the false rumours and gossip that have attended on her departure. It will remain my declared intention, however, to continue to deal with such matters in confidence and I will not accept that this statement can be used as a precedent for the way in which similar cases will be dealt with in future.

Miss Alexander was one of a large number of applicants (over 120) for the post of Chief Officer, Sport, Leisure and Recreation, when it was advertised in July 1991. She, along with a further seven other candidates, was shortlisted and interviewed by an Appointments Board which consisted of -

Senator J.S. Rothwell, Chairman,
Senator T.J. Le Main,

Deputy L. Norman,
Mr. G.C. Powell, and
Mr. R.L. Robbins.

In making its decision to appoint Miss Alexander, the Board recognised that a local applicant, Mr. V. Bourgoise, had been a close contender for the post and that it should, therefore, be a part of Miss Alexander's duties to develop someone, possibly Mr. Bourgoise, in order that they could assume the Chief Officer's role at the time of the termination of her contract.

Miss Alexander was appointed formally to the post with effect from 1st November 1991, for a period of five years.

At this point, I would want to make special reference to the terms of the contract that was issued to Miss Alexander as it has an important bearing on what subsequently transpired. Contrary to the standard contract that is normally issued to those who are employed as civil servants by the States of Jersey (including chief officers), it was decided to vary the terms of the contract. Instead of the normal entitlement for both employer and employee to give notice of termination of contract, it was adjusted to allow only Miss Alexander and not the employer to terminate the contract by giving three months' notice.

Shortly after taking up her post, on 16th December 1991, the Establishment Committee made special arrangements to meet with Miss Alexander and indicated its willingness to support her and provide any advice that she required.

Some time later, on 16th September of last year, I attended a meeting held between myself, my Chief Officer, Mr. Tom Machin, the President and Vice-President of Sport, Leisure and Recreation, Miss Alexander and an officer from the States' Personnel Department, in order to discuss the unsatisfactory nature of the restructuring of Miss Alexander's department. In addition, the long outstanding issue of the transfer of Mr. Bourgoise (with his responsibilities) from the Education Department to Sport, Leisure and Recreation was also discussed. The outcome of the meeting was some frustration because Miss Alexander appeared unwilling to take advice from any other party and was determined to

push ahead with a new organisation which, if permitted, would have increased the salary bill, notwithstanding the insistence by her President that this should not occur. It was also recognised that these delays were hampering the move of Mr. Bourgoise to his new post with Sport, Leisure and Recreation.

Following upon that meeting, I received further complaints about the situation at Fort Regent and how the States appeared to be frustrated by the actions of Miss Alexander. This included many allegations that she would not listen to advice and that it appeared that she was attempting to prevent Mr. Bourgoise being accommodated in a revised Sport, Leisure and Recreation structure. This culminated in the Establishment and Sport, Leisure and Recreation Committees being obliged to appoint one each of their members to attempt to resolve the outstanding issues. Notwithstanding this, Deputies Crespel and Du Feu discovered that the approved deadlines for carrying out this work were still not achieved owing to further delays on the part of Miss Alexander. Further, it had come to the attention of the Establishment Committee that, despite serious lack of progress in resolving the issues attaching to the future organisation of her department and the evaluation of the jobs of her staff, Miss Alexander was pursuing the re-evaluation of her own job and was pressing for it to be brought before a Chief Officers' evaluation panel as soon as possible. From this it appeared to my Committee that she was more concerned about improving her own position rather than settling those of her staff, who had been kept in an uncertain state for many months.

In addition, it was fairly common knowledge throughout the Civil Service that a number of chief officers found it difficult to work with Miss Alexander. Thus, by the spring of this year, I was aware of a number of detrimental comments received from chief officers and politicians, including some senior politicians who were not normally involved in Sport, Leisure and Recreation matters, as to the impact and effectiveness of Miss Alexander, who was already 18 months into her five-year contract. My own Chief Officer was contacted by two senior Senators over concerns which had been reported to them on aspects of her

performance.

As a consequence of these serious concerns and with the approval of my Committee, I wrote to the President of Sport, Leisure and Recreation seeking a meeting with him and his Vice-President, to discuss (as I put it) 'matters of general concern'. There was a delay in response from the President but then one morning I received a call asking if I would attend a meeting of Sport, Leisure and Recreation, to discuss a serious matter which that Committee was considering. I agreed to attend with my Chief Officer at noon on 13th May.

The meeting was opened by the President of Sport, Leisure and Recreation who informed Mr. Machin and myself that Committee members wished to discuss the position of their Chief Officer in whom they had lost confidence. They then proceeded to explain that -

- (a) The Committee was being prevented by Miss Alexander's actions and inactions from going forward to meet its policy objectives. She had repeatedly ignored offers of assistance and advice from various Committee members throughout her tenure.
- (b) She had ignored requests from the Education Committee over the transfer of functions from that Committee, pursuing her own stance instead.
- (c) She did not acknowledge that the Sport, Leisure and Recreation Committee determined policy and that it was her role to lead her staff in carrying out that policy.
- (d) She had adopted delaying tactics on the implementation of the management structure that Committee members found difficult to accept and she had failed to take any steps to develop staff, consistent with the Committee's objectives for the future.
- (e) The Committee was unable to rely upon her in terms of the production of reports and other requirements and she had proved to be personally indisCIPLINED in

being frequently late for attendance at meetings and functions.

- (f) Her attitude had persistently alienated chief officers in other departments.

I was assured by members of the Sport, Leisure and Recreation Committee that Miss Alexander had been warned on a number of occasions that her performance had fallen short of the proper standard, that she had failed to heed those warnings and that in the light of these serious and recurrent problems, Mr. Machin and I were left in no doubt by the Sport, Leisure and Recreation Committee that there was no possibility of Miss Alexander continuing as Chief Officer. I was informed by the President that unfortunately Miss Alexander was leaving that afternoon on a fortnight's leave and I felt it would be quite wrong to inform her of this decision at the 11th hour. I therefore instructed Mr. Machin to prepare a letter to go to her residence before her return requesting her to see Mr. Machin before going to her duties at Fort Regent.

At the same time as this meeting was taking place, consistent with an Act of his Committee which was sent to Sport, Leisure and Recreation, the Director of Education wrote a letter to Miss Alexander, containing the most remarkable criticism and one which most starkly illustrates the tensions that existed between chief officers and Committees in their dealings with Miss Alexander. This was sent to Miss Alexander on 13th May, the day following his Committee's deliberations. In that letter the Director stated that her delays in establishing a new organisation were putting in jeopardy the achievements that had been made over a period of years by the Education Committee. He continued by suggesting that her lack of progress in connexion with the transfer of Mr. Bourgoise might lead to his departure and consequential disappearance of all confidence, as far as Sport was concerned, in the Sport, Leisure and Recreation Committee. Further, he indicated that his patience was exhausted and that she must take ultimate responsibility for the situation. The Director of Education concluded his letter by referring to 'the fast ebbing confidence of sports clubs and societies in the Island'.

On 1st June Mr. Machin met with Miss Alexander. (Contrary to what has been put about by Miss Alexander I was not present at that meeting.) Mr. Machin made her fully aware of the reasons for seeking the termination of her contract which I have referred to previously - again contrary to what has been stated by Miss Alexander and reported in the media.

Two options were put to Miss Alexander at that meeting, either the Establishment Committee would seek to terminate her contract or she should resign and suitable terms would be negotiated. Subsequent to that meeting, Miss Alexander consulted with the Chairman of the Chief Officers' Association, and it was agreed that a meeting would be held which would involve myself, Deputy Crespel, Mr. Machin, Miss Alexander and Mr. Grady. It was arranged that this meeting would be held later on that same morning.

At that meeting, it was obvious that Miss Alexander was aware of the provision in her contract which allowed for termination by herself, but not by the States. I was, therefore, in a position of being unable to terminate the contract by serving three months' notice. The only other options that were open to me were either to repudiate the contract on the grounds that there had been a total failure on her part to perform her duties or to enter into negotiation on the terms on which a severance would take place. Whilst it was clear that the Sport, Leisure and Recreation Committee and others were dissatisfied with Miss Alexander's performance and had lost confidence in her, I considered that the evidence fell short of such total failure that would allow me to pursue the first of these options. That being so, it was necessary for me to enter into negotiations.

I indicated that I was minded to seek termination of her contract, knowing full well that this would be rejected. On behalf of Miss Alexander, Mr. Grady attempted to delay the decision to terminate Miss Alexander's contract by suggesting that we follow a form of procedure set out in the agreement that had been struck with chief officers. I made it clear that this was totally unacceptable and that this matter had to be resolved quickly in the public interest, hopefully with the least possible harm to Miss

Alexander. It was at this stage of the discussions that a recess was requested.

At this point, I would want to make members aware of the fact that the Chief Officers' Agreement remains silent on the procedure for the termination of an officer's contract, as are the Civil Service Administration (General) (Jersey) Rules 1949. Indeed, subsequent to the Agreement having been made, it became apparent that the proposal contained within it to provide for an independent tribunal to deal with grievance matters was, in fact, 'ultra vires' the Civil Service (Jersey) Law 1948. The Establishment Committee, at its meeting this month, has already considered the flaws in this Agreement and authorised its Chief Officer (who for professional reasons has never been a member of the Chief Officers' Association) to renegotiate those aspects of the agreement which this unfortunate saga have highlighted.

Before we reconvened on 2nd June, there was a joint meeting of the Establishment and Sport, Leisure and Recreation Committees, which agreed that I should reach a settlement with Miss Alexander at a level which I judged to be appropriate.

Later that morning, Mr Machin and I met again with Mr. Grady and Miss Alexander, Deputy Crespel being unable to attend. I was immediately informed that Miss Alexander had taken legal advice, with the advocate advising her that there was a 'prima facie' case for considerable compensation for the remainder of the contract and substantial damages.

It was then that I made it clear that if Miss Alexander wished to go to Court then she was at liberty to do so, but felt it was not in the best interests of either party. I suggested again that she should have her contract terminated but that agreement could be reached whereby she would be permitted to resign for personal reasons, thereby attempting to avoid public comment that might be damaging to her. It was at this stage, early in the meeting, that Mr. Grady indicated on behalf of Miss Alexander that he would want to explore the second option.

He highlighted a number of difficulties with which Miss Alexander had had to contend since taking up her post. He

readily acknowledged, and was not challenged by Miss Alexander, contrary to her subsequent statements, that Miss Alexander had lost the confidence of her Committee and her colleagues and that she would therefore be willing to leave. Discussion then moved immediately to the issue of the terms of her departure and I was told that 18 months' compensation (the opening position) would not be enough; that she would be looking for at least 2½ years' salary with other conditions. After some discussion and realising that there was approximately 3½ years to run on the contract, I put forward the sum of two years' salary. At this point Mr. Grady and Miss Alexander withdrew to consider this offer and were away for some time. On their return, Mr. Grady indicated that he believed that we were close to an agreement, provided that we could agree on a statement about her release.

Before we were able to agree this, Miss Alexander then raised the question of her housing, pleading that as her own home in the United Kingdom was leased out it would be good for her to have a base from which to work. I made it quite clear that this was a matter for the Housing Committee to decide and that it was not in my power to agree to such a request. However, I did say that if it would help matters then Mr. Machin and I would support an application to Housing but that the final decision rested with that States' Committee. Miss Alexander at this stage indicated that she was not satisfied with this and asked if she could also be allowed to live in her present accommodation rent free - a request that I totally rejected. I was also asked to meet the removal expenses associated with Miss Alexander's return to the United Kingdom and, as this was a benefit that we extend to all contract employees who move to the Island, I approved this request. On the question of references, I stated that if she wished to use me as a personal referee in any application for employment, then I would be happy to deal with that matter rather than leave it to the Department.

Miss Alexander also signed her resignation letter before leaving Mr. Machin's office. The meeting concluded amicably with all the participants approving the statement for the media and the terms under which Miss Alexander would be released. These terms were subsequently

incorporated in a letter to her dated 3rd June 1993, confirming her release from her contract.

On 4th June, Miss Alexander again met with Mr. Machin, to receive payment of the agreed two years' salary. However, she expressed concern over future liability to contribute to the Social Security Scheme. She left Mr. Machin's office for a half-hour, to gain further advice on this matter, and it was agreed on her return that she would append a statement to the letter accompanying the cheque to the effect that no deductions for social security payments should be made from the payment in question. In acknowledgement of the receipt of the cheque, she confirmed that it was in 'full and final settlement' of her contract.

In line with the undertaking that I had given to Miss Alexander, my Chief Officer, Mr. Machin, wrote to the Chief Executive Officer of the Housing Department seeking the support of the Housing Committee to allowing Miss Alexander to remain in the property that was leased to the Sport, Leisure and Recreation Committee for her occupation. I now understand that this was unnecessary.

I have to state that Miss Alexander, with her representative, fully accepted the terms that had been negotiated over a period of four days from 1st to 4th June and that her actions and statements since receiving payment of the sum in my opinion are, therefore, highly questionable and deliberately misleading. She has, apart from causing considerable further public expense, caused me to expose the well-intentioned acts of colleagues which will have brought them no pleasure and which will remain in memory long after she has departed this Island.

In making this statement, I have attempted to relate in as objective a way as possible, the circumstances that led up to and surrounded Miss Alexander's resignation. I think that you will agree with me that the relationship between a Committee and its chief officer, and between chief officer and chief officer is vital to the smooth and efficient operation of our government. What I have recounted above shows without any shadow of doubt that Miss Alexander had lost the trust and confidence both of her Committee and

certain of her chief officer colleagues. In these circumstances, it was my judgement that this trust and confidence could not be regained and that it was, therefore, appropriate to seek to terminate Miss Alexander's contract.

When these matters were addressed with Miss Alexander and her advisers, it was apparent that the serious flaw that existed in her contract inhibited the actions that I and my Committee could take.

It is also important to emphasise the protracted nature of these negotiations and the fact that Miss Alexander was ably supported by the Chairman of the Chief Officers' Association and took advice from her advocate. Further, it is apparent from what I have already stated that she sought to gain as good a deal as she possibly could.

In the light of all that I have recounted to you today, it is apparent that this whole affair is one that has caused me great sadness and concern. Clearly I take no pleasure in seeking to terminate a person's contract. However, on occasion it is necessary and one cannot flinch from taking on one's shoulders the responsibility for carrying out such an onerous duty. I sought to carry out this responsibility in as fair and reasonable a way as possible, given all the circumstances of the case. I believe personally that I accomplished this.

Having now set out before you and the public of this Island, the circumstances surrounding Miss Alexander's resignation, I now suggest to you all, including Miss Alexander, that it is time to put this matter behind us and seek to look forward to the immense challenges that we face in the future.

Appointing someone to a job will never be an exact science, although I have instructed the States' Personnel Department to investigate ways in which we can improve upon the existing processes. On occasion, we will get it wrong and we will appoint someone to a post where that person's strengths are not the appropriate ones. We need to recognise this and accept that action will need to be taken to remedy the situation. Having now addressed this in the case of the post of Chief Officer of Sport, Leisure and Recreation and resolved it, we

need to move on."

Public Lotteries Board: appointment of members.
P.101/93

THE STATES, adopting a proposition of the Gambling Control Committee, agreed, in pursuance of Regulation 3(2) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, as amended, to re-appoint the following persons as Chairman and members of the Public Lotteries Board for a period of five years from the date of re-appointment namely -

Mr. Ian Barnes, Chairman
Mr. John Clennett
Mr. Peter Cruickshank
Mrs. Mary Gaiger
Mr. Colin Hill
Mrs. Cynthia Rumboll
Mr. Derek Wallis.

Gorseland, La Moye, St. Brelade: purchase

THE STATES, adopting a proposition of the Island Development Committee -

- (a) authorised the purchase on behalf of the public of the Island from Advocate Michael Matthew Godfray Voisin, of the freehold of 130 vergées of land, including Fields 471A, 471B, 569 and 570, and the property known as Gorseland, La Moye, St. Brelade, as shown on drawing No. 389/1 for £410,000 and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contracts which it might be found necessary to pass in connexion with the said properties and any interest therein;
- (c) authorised the payment or discharge of the expenses to be incurred in connexion with the acquisition of the said property and of all interest therein, from the Island Development Committee's vote of credit, 'Acquisition of Land - Major Reserve' Vote C.0904.

H.M. Prison, La Moye, St. Brelade - workshop

extension: approval of drawings

THE STATES, adopting a proposition of the Prison Board -

- (a) approved drawings Nos. 2940/05 showing the construction of a workshop extension within H.M. Prison, La Moye, St. Brelade;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Westaway Court, Savile Street, St. Helier -
refurbishment: approval of drawings

THE STATES, adopting a proposition of the Public Health Committee -

- (a) approved drawings Nos. 111/2, 3, 4, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28 and SKO1A, showing the external refurbishment of the existing three buildings and the addition of a new block containing a further 12 units of staff accommodation, at Westaway Court, Savile Street, St. Helier;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

29/31 Seaton Place, St. Helier: extension of lease

THE STATES, adopting a proposition of the Public Health Committee -

- (a) referred to their Act, dated 31st July 1990, and approved the renewal of the internal repairing lease from Raleigh House Limited of three one-bedroomed and one three-bedroomed flats at 29/31 Seaton Place, St. Helier, for a period of two years from 6th August 1993 at an annual rent of £21,264;
- (b) authorised the Greffier of the States to sign the necessary lease.

Les Landes School, St. Ouen: purchase of land

THE STATES, adopting a proposition of the Education Committee -

- (a) authorised the purchase on behalf of the public from the Trustees of St. George's Church, St. Ouen, the freehold with vacant possession of an area of land of approximately 1,050 square feet in Field 789 (as shown on drawing No. 2467/99) for £1,050, with the public being responsible for the vendor's legal costs;

- (b) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contract which it might be found necessary to pass in connexion with the acquisition of the said property and any interest therein;

- (c) authorised the payment or discharge of the expenses to be incurred in connexion with the acquisition of the said property and of all interests therein and the payment of all reasonable legal expenses from the Island Development Committee's vote of credit 'Acquisition of Land - Major Reserve' Vote C.0904.

Les Landes School, St. Ouen: alterations and extensions

THE STATES, adopting a proposition of the Education Committee -

- (a) approved drawings Nos. 2467:100-106, showing internal alterations and extensions to form three additional classrooms, toilets, stores and link corridor to existing infant block at Les Landes School, St. Ouen;

- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Customary Law (Choses Publiques) (Jersey) Law 1993 (Appointed Day) Act 1993. P.95/93

THE STATES, in pursuance of Article 5 of the Customary Law (Choses Publiques) (Jersey) Law 1993, made an Act entitled the Customary Law (Choses Publiques) (Jersey) Law 1993 (Appointed Day) Act 1993.

Licensing (No. 7) (Jersey) Regulations 1993.
P.68/93 and P.96/93

THE STATES commenced consideration of the draft Licensing (No. 7) (Jersey) Regulations 199 and accepted amendments of the Tourism Committee that, in Regulation 2(c), for the word "suspension" in paragraph 12(A), there should be substituted the word "surrender" and, in Regulation 4, after the words "Regulations 1993" there should be added the words "and shall come into force forthwith on promulgation".

THE STATES, in pursuance of Article 92 of the Licensing (Jersey) Law 1974, as amended, made Regulations entitled the Licensing (No. 7) (Jersey) Regulations 1993.

Public Health (Control of Building) (Amendment No. 2) (Jersey) Law 1993. P.73/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Public Health (Control of Building) (Amendment No. 2) (Jersey) Law 1993.

Post Office (Amendment) (Jersey) Law 1993.
P.81.93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Post Office (Amendment) (Jersey) Law 1993.

Constitution of the States - Special Committee
P.34/93, P.48/93, P.78/93 and P.79/93

THE STATES commenced consideration of a proposition of Senator Corrie Stein that a Special Committee of the States be set up to investigate and report back with detailed proposals on issues specified in the proposition, and decided not to set up the Special Committee.

Members present voted as follows -

"Pour" (13)

Senators

Shenton, Carter, Stein, Qu  r  e.

Deputies

Rumboll(H), H. Baudains(C), Jordan(B), S. Baudains(H), Grouville, Le Geyt(S),

Syvret(H), Crespel(H), Pullin(S).

``Contre" (33)

Senators

Jeune, Horsfall, Baal, Rothwell, Le Main,
Le Maistre, Qu  r  e.

Conn  tables

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

Deputies

Le Gallais(S), Wavell(S), Blampied(H),
Norman(C), St. Peter, St. Ouen,
Huelin(B), St. Mary, Bailhache(H),
Rabet(H), Clarke-Halifax(S), Le Fondr  (L),
St. Martin, Trinity.

Change of Presidency

The Bailiff retired from the Chamber and the
Sitting continued under the Presidency of
Senator Reginald Robert Jeune.

Golf course Les Creux, St. Brelade:
construction. P.99/93

THE STATES, adopting a proposition of the Sport,
Leisure and Recreation Committee, referred to
their Act dated 9th June 1992, and agreed the
proposals for the construction of the first
phase of the proposed 18-hole golf course at Les
Creux, St. Brelade, as outlined in the report of
the Sport, Leisure and Recreation Committee,
dated 8th July 1993.

Costs in Criminal Cases (Witnesses' Allowances)
(Amendment No. 3) (Jersey) Regulations 1993.
P.84/93

THE STATES, in pursuance of Article 6 of the
Costs in Criminal Cases (Jersey) Law
1961, made Regulations entitled the Costs in
Criminal Cases (Witnesses' Allowances)
(Amendment No. 3) (Jersey) Regulations 1993.

Treaty on Open Skies (Privileges and Immunities)
(Jersey) Law 1993. P.85/93

THE STATES, subject to the sanction of Her Most
Excellent Majesty in Council, adopted a Law
entitled the Treaty on Open Skies (Privileges
and Immunities) (Jersey) Law 1993.

Superintendent Registrar's office: lease of part of 1-3 Church Street, St. Helier. P.89/93

THE STATES, adopting a proposition of the Island Development Committee -

- (a) authorised the lease from the United Club of 1,945 square feet of the ground floor of 1-3 Church Street, St. Helier, for a period of 21 years with effect from 1st August 1993, at an annual rent of £28,000, subject to review every three years, for the purpose of accommodating the office of the Superintendent Registrar;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract;
- (c) authorised the payment or discharge of the expenses to be incurred in connexion with the leasing of the said property and all interests therein.

Change of Presidency

The Sitting continued under the Presidency of the Bailiff.

Health Insurance (Conditions for Approval of Medical Practitioners) (Jersey) Regulations 1993. P.90/93

THE STATES, in pursuance of paragraph (1) of Article 35 and Article 46 of the Health Insurance (Jersey) Law 1967, as amended, made Regulations entitled the Health Insurance (Conditions for Approval of Medical Practitioners) (Jersey) Regulations 1993.

Belles Fleurs Nursery, La Rue au Blancq, Grouville: dwelling. P.91/93

THE STATES, adopting a proposition of the Island Development Committee, expressed their support for the Island Development Committee's intention to grant planning permission for the construction of a dwelling required for a horticulturalist on a site within the Green Zone at Belles Fleurs Nursery, La Rue au Blancq, Grouville.

Police Force (Amendment No. 5) (Jersey) Law 1993 (Appointed Day) Act 1993. P.93/93

THE STATES, in pursuance of Article 3 of the

Police Force (Amendment No. 5) (Jersey) Law 1993, made an Act entitled the Police Force (Amendment No. 5) (Jersey) Law 1993 (Appointed Day) Act 1993.

Social Security (Reciprocal Agreement with Canada) (Jersey) Act 1993. P.97/93

THE STATES, adopting a proposition of the Social Security Committee, made an Act entitled the Social Security (Reciprocal Agreement with Canada) (Jersey) Act 1993.

Grouville Hospital site: transfer of administration of land. P.98/93

THE STATES, adopting a proposition of the Public Health Committee, approved the transfer of administration from the Public Health Committee to the Telecommunications Board of approximately 165 square metres of land at the Grouville Hospital site as shown on drawing No. 383/2.

Highbury House, Five Oaks, St. Saviour: acquisition. P.100/93

THE STATES, adopting a proposition of the Island Development Committee -

- (a) authorised the Committee to negotiate with the owners for the purchase of the property known as Highbury House, St. Saviour's Hill, St. Saviour, shown on drawing No. 392/1 at a fair and proper price to be agreed by the Finance and Economics Committee, for housing development and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) agreed that, in the event of it not being possible to agree a fair and proper price with the owner of the property shown on drawing No. 392/1, the Island Development Committee should be empowered, in exercise of the powers conferred by Article 4 of the Island Planning (Jersey) Law 1964, as amended, to acquire the property by compulsory purchase in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended;
- (c) authorised the payment or discharge of any expenses incurred in connexion with the acquisition of the said land from the Island Development Committee's vote

of credit `Acquisition of Land - Major Reserve' Vote No. C.0904;.

- (d) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contract which it might be necessary to pass in connexion with the purchase of the said land and any interest therein; and
- (e) agreed to transfer the property, once acquired, to the administration of the Housing Committee.

THE STATES rose at 6.23 p.m.

G.H.C. COPPOCK

Greffier of the States.