

THE STATES assembled on Tuesday,
12th December 1995 at 9.30 a.m. under
the Presidency of the Bailiff,
Philip Martin Bailhache, Esquire

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 -

Edwin Le Gresley Godel, Connétable of St.
Mary - ill
Margaret Anne Le Geyt, Deputy of St.
Saviour - out of the Island.

Prayers

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Amendment (No. 18) to the
Tariff of Harbour and Light Dues.
R & O 8895.
2. Nursing Homes and Mental Nursing
Homes (General Provisions) (Amendment)
(Jersey) Order 1995. R & O 8896.
3. Residential Homes (General
Provisions) (Amendment) (Jersey) Order
1995. R & O 8897.
4. Weights and Measures (General
Provisions) (Amendment No. 3) (Jersey)

Order 1995. R & O 8898.

Matters presented

The following matter was presented to the States -

14+ transfer procedure - R.C.28/95.
Presented by the Education
Committee.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 4th December 1995 showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Public Services Committee, the acquisition from Dr. Frank Le Maistre, O.B.E., D.Litt., of 4,032 square feet of land in Field No. 1258, St. Ouen, for a consideration of £4,032, plus £1,000 for use as a temporary working area, with the Committee being responsible for the cost of all reasonable legal expenses involved in the transaction;
- (b) as recommended by the Housing Committee, the annulment of the lease to Dr. Jennifer Hayley and Dr. Paul Ahluwalia of the property known as St. Agatha, Archirondel, St. Martin, on the basis that the property would be vacated by 30th July 1995.

Matters lodged

The following matters were lodged ``au Greffe" -

1. Draft Criminal Procedure (Connétables and Centeniers) (Jersey) Law 199 - P.180/95.
Presented by the Legislation Committee.
2. Draft Anatomy and Human Tissue (Amendment) (Jersey) Law 1995 (Appointed Day) Act 199 - P.181/95.

Presented by the Health and Social Services Committee.

3. Projet de Loi (199) (Amendement No. 12) sur l'Etat Civil - P.182/95.
Comité de l'Etat Civil.
4. Stopford Road/Gas Works gyratory road scheme: purchase and sale of land - P.183/95.
Presented by the Planning and Environment Committee.
5. Draft Disability Transport Allowance (Jersey) Law 199 (P.159/95): amendments - P.184/95.
Presented by Senator S. Syvret.

Casa Melita, Green Street, St. Helier - use as a temporary car park - questions and answers (Tape No. 317)

Deputy Imogen Stephanie Nicholls of Grouville asked the Connétable of St. John, President of the Planning and Environment Committee, the following questions -

1. Would the President confirm that the Planning and Environment Committee has approved an application for a development of the site formerly known as 'Casa Melita', Green Street, St. Helier that includes an underground car park?
2. Is the President aware that on 19th July 1995, an application was submitted to the Planning and Environment Committee, to use the site as a temporary car park pending the commencement of the main development?
3. Is the President further aware that to date the applicant has received no response to his application?
4. Does the President consider that five months is a reasonable time for the Committee to take to deal with an application of this kind?"

The President of the Planning and Environment

Committee replied as follows -

1. I would confirm that the Planning and Environment Committee has granted development permission for the residential development of part of the Casa Melita site. This included an underground car park to serve the flats.

However, in order to provide a comprehensive reply to the Deputy's question and to provide this House with the background to the application for a temporary car park on the Casa Melita site, I will briefly set out the site's planning history -

On 9th June 1993, the Committee granted planning permission for -

the demolition of the outbuildings to Casa Melita and the existing garage;

the construction of an extension and conversion of Casa Melita to form office space;

the construction of 22 two-bedroom flats.

Underground car parking was shown for the flats. The consent represented a package of land uses for the site. Permission was given to the conversion and extension of Casa Melita as offices in order to preserve the building and obtain the planning gain of residential development on the remainder of the site.

Offices

On 30th November 1993, the Committee granted development permission for the foundations for the office extension and on 10th May 1994, for the conversion of Casa Melita and the construction of the office block. The Department's records show that work commenced on the offices in April 1994 and was completed in October 1995.

Flats

On 3rd November 1993, the Committee granted development permission for the 22 two-bedroom flats and underground parking.

Work commenced on the construction of the 22 flats on 10th January 1994. Piles were sunk, the basement floor cast and columns to carry the ground floor deck constructed in May 1994. Work at this stage ceased. No precise date is available when actual work on the site stopped.

Other applications

On 5th May 1995, my Committee refused, as contrary to Island Plan policy, an application to construct on the housing site an office block and eight flats. The letter that accompanied the application explained that the developer had been advised by estate agents that there was not a market for the residential development under construction. An identical application was refused on 13th October 1995. This is now the subject of a Royal Court appeal.

As can be seen, this site has a complex history. The Planning and Environment Committee is concerned that having developed the office component of the approval the applicant is unprepared to complete the residential element of the package. The Committee is contemplating that in the future when faced with similar situations it will require the residential element to be completed in advance of the economically more attractive office element.

2. I am aware that the application for the temporary car park was received and registered by the Department on 21st July and accompanied by a letter from the applicant's agent dated 19th July 1995.

It is not correct to say that the use of the site for a temporary car park was 'pending the commencement of the main development'. As I have outlined in my reply to question 1, work on the construction of the flats commenced

some 18 months earlier on 10th January 1994. By July of 1995 the Committee had already refused an application for offices and eight flats and was aware that the applicant was being advised that the residential development was not an economic proposition.

3. I am aware that to date the applicant has not as yet had a decision on his application for reasons I shall explain in further detail in my reply to question 4.

However, the applicant's agent has been contacted by the Department to provide information as part of the process of consultation between the Planning and Building Services and the Public Services Departments. During August, September and October there were exchanges of letters between the three parties which sought to satisfy the concerns of the Public Services Department that using the site as a commuter car park would cause additional problems of congestion in the area. It would be assumed that as part of the normal client/agent relationship the client would be aware of the exchanges which were taking place.

4. While I consider the time taken for consultation was acceptable due to the concerns of the Public Services Department a series of unavoidable events have occurred which have extended the period of consideration longer than I would have liked.

A period of 13 weeks elapsed between the time the application was first submitted and it being placed on the agenda of 26th October 1995, for the determination of the Planning and Environment Committee. While at face value this may appear over-long to deal with a proposal for a temporary car park, I am assured that this time was necessary for the exchanges of correspondences to satisfy the Public Services Department that a commuter car park for 52 vehicles would not have any further impact on the traffic congestion in Green Street and

Grenville Street.

When discussing the application on 26th October additional information was required by the Committee and the application was deferred for one week to 2nd November 1995. Due to the nature of the proposals, i.e. a temporary car park on the site of an unfinished residential development, the Committee decided it wished to visit the site and the next available site visit was 23rd November 1995. At the site visit the applicant's agent was present to provide information to the Committee. As there was not a quorum of members no decision could be made and the matter was placed on the agenda for 30th November 1995.

In discussing the application on 30th November the Committee expressed great concern that after granting planning permission and development permission for a residential development and office development only the offices had been completed and the residential element had been left undeveloped. The Committee was concerned that the temporary car park would become a long-term feature. The Committee decided to defer consideration of the application and seek the opinion of the Attorney General as to what power the Committee might have to expedite the situation with regard to the uncompleted flats.

The applicant's agent was informed of this decision.

Upon receipt of the reply of the Attorney General the Committee will give further consideration to the matter."

Les Quennevais School and the Jersey College for Girls - questions and answers (Tape No. 317)

Senator Richard Joseph Shenton asked Deputy Evelyn Mabel Pullin of St. Saviour, President of the Education Committee, the following questions -

- ``1. Is the President aware that statements attributed to her

Committee recently regarding Jersey College for Girls and Les Quennevais School have caused concern to the parents of students attending those schools?

2. Would the President agree that there is a need to reassure those parents about the prospects for those schools and the students who attend them?
3. Would the President inform members of the date when building and related work at Les Quennevais School will be completed?".

The President of the Education Committee replied as follows -

1. I am well aware of and understand the concern being expressed by parents regarding Jersey College for Girls and Les Quennevais.

The Senator will no doubt appreciate that any Committee taking over the responsibility for the Education Service has a duty to the States to examine all proposed building projects very carefully. The Education Committee has done so in the case of both of these projects.

2. The Education Committee has examined the proposal for the move of Jersey College for Girls to Mont Millais, especially have regard to the need to provide a school of four forms of entry rather than three. The Committee has assured itself that it will be possible to accommodate the school at the Mont Millais site and that this site affords the best option in all the circumstances. It is proposed that the move will proceed as soon as possible.

In the case of Les Quennevais School, the proposal approved by the States for the 1993 capital programme to undertake structural repairs to the outside of the buildings and roofs and to extend the school by six classrooms is nearing completion. The Education Committee, by the judicious use of resources and by the application of additional funds from both its capital and its revenue

budgets of nearly £500,000, has been able also to refurbish much of the inside of the building. However, it has not been possible to bring all of the inside of the school up to a new standard and to complete external landscaping within the sums of money available. To do so would cost a further £700,000. I am in discussion with the President of the Finance and Economics Committee as to whether additional sums may be made available to undertake this work.

3. The work approved by the States and authorised by the Education Committee from its capital and revenue budgets will be completed by the end of January 1996. Any further work will depend upon the ongoing discussion with the Finance and Economics Committee.

Les Quennevais

Capital Sum

Overcladding	5,247,900
Heating (balance)	42,402
	5,290,302

Shortfall Internal works and equipment

1,054,091	
external work and landscape	19
8,000	
TOTAL	1,252,091

Less	capital transfer
100,000	
Revenue	443,991
	543,991

Shortfall	708,100
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Heating allowance for people in need - questions and answers (Tape No. 317)

Deputy Shirley Margaret Baudains of St. Helier asked the Connétable of St. Clement the following questions -

1. What arrangements has the Comité des Connétables made for the provision of the heating allowance for people in need for the month of December?

2. Is the Connétable able to say whether provision was made for the heating allowance to be paid for the month of November? Was the allowance paid by all the parishes?"

The Connétable of St. Clement replied as follows -

1. Arrangements are being made for the provision of the heating allowance for December. It is obvious that I cannot make an announcement as to what it will be until after December and the allowance for December will be paid in January. As in the past, if anyone has problems with their heating bills will they please have a word with their Constable and I am sure they will do what is necessary to help them.
2. Provisions were made as usual for the month of November. The allowance in November was £11 and that was because the weather was mild for the time of year. I am sure these allowances are paid by all the parishes."

Change in Presidency

During the course of the statement made by the President of the Establishment Committee the Bailiff retired from the Chamber and the Greffier of the States, Geoffrey Henry Charles Coppock, Esquire, took over the Presidency.

Manpower strategy - statement

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

“Last Tuesday, the President of the Finance and Economics Committee presented an excellent budget which showed that he and his Committee have achieved a spectacular success in turning a projected deficit of over £100,000,000 into a modest surplus. There is no room for complacency, however, as the position is still fragile and even a very small shortfall in tax receipts could push us back into a deficit

position.

The improvement has been achieved principally by controlling overall States revenue expenditure more tightly than ever before so that it is only expected to rise by two per cent over the two years 1994-1996.

Sadly, as I warned the States in the Strategic Policy debate, the same is not true of the pay bill, which although contained in the pay year 1994/95, due to my Committee's pay and voluntary early retirement/voluntary redundancy policies, to an increase of only one per cent, is now, following the completion of the 1996 cash limits exercise, expected to rise by at least 3.4 per cent in the pay year 1995/96.

The problem is that while some Committees have essential services which, for fully justified reasons, require additional staff to operate them successfully, effective machinery to achieve savings in non-essential services still doesn't exist. As a result, the outcome of the cash limits exercise is a requested net increase of 37 posts.

This is the complete opposite to the outcome we had expected when we drew up our two-year strategy in 1994. That strategy was aimed at controlling the States pay bill by a combination of a wage freeze in the first year followed by a REDUCTION of posts in the second year through the use of voluntary early retirements, voluntary redundancies, and the newly-introduced redeployment policy, to at least balance out the wage increases agreed as part of the second phase of our two-year pay policy.

Based on the current budget forecasts it is not acceptable, in the view of my Committee, to introduce another pay freeze in the foreseeable future and, unless we are able to control the growth in numbers, the States pay bill and the size of the public sector workforce will inevitably both continue to grow. We have, therefore, to accept that our strategy has, so far, been unsuccessful.

The situation is further complicated by the completely unacceptable unavailability of timely, accurate and consistent information on both the numbers employed and the pay bill. In this respect an investigation into MIMS, the central payroll and personnel computer system, has clearly shown that it is not up to the task for which it was designed, that it is difficult to use, and not capable of producing much of the required information. Here too, despite serious cost implications, the nettle has to be grasped.

Although this is a depressing and worrying picture requiring firm and decisive measures, it also represents an outstanding opportunity for improvement. With this firmly in mind my Committee has drawn up an entirely new five-point action plan aimed at addressing these long-standing issues once and for all.

1. Current additional manpower requests

As stated above, my Committee, as a result of the 1996 cash limits exercise, has been presented with an additional 37 requested posts.

We accept that simply to refuse them, as we have the ability to do, would adversely affect a number of essential services such as Education, Customs, and the Police. Refusal would also make it impossible for the Financial Services Department to function effectively, with potentially seriously damaging consequences for the finance industry.

My Committee has, therefore, agreed the requests for the staff required for the Financial Services Department and the Public Services Committee, who have already made compensatory savings, but has requested more information, particularly their business plans, from other departments, following receipt of which it will make its decisions.

We will, in any case, in accord with States policy, be seeking compensatory savings although it is difficult to see where these will come from in the short term.

2. Future manpower requests

Any future request for additional manpower, either as part of the annual cash limits exercise or otherwise, will need -

- (i) to have been identified in the Committee's current business plan which must clearly demonstrate how the additional post(s) relates to meeting the objectives set out in that plan;
- (ii) be supported by the results of an externally conducted service review of the department's efficiency and into whether it is essential for it to continue to offer all the services it currently provides;
- (iii) be supported by compensatory manpower savings, either from the department concerned, or from elsewhere in the public service.

My Committee is determined that unless a Committee can comply with these requirements, there can be no question of an application for an additional post being allowed.

3. Service reviews

The States, for the past three years, have accepted the need, as proposed by the Policy and Resources Committee and the Chief Adviser, for service reviews to be undertaken in all departments to establish efficiency levels and to define core and non-core services. To date the programme has been inconsistently applied and there is a need to control it and direct it more effectively. My Committee has therefore decided to take the initiative in this vitally important area.

At our instigation, a planning group will now be set up under the auspices of the Policy and Resources Committee, the Finance and Economics Committee and the Establishment Committee to draw up and be responsible for the service

review programme.

The group's remit will be to ensure that a co-ordinated programme of service reviews is conducted into all the services offered by all States departments. It will liaise with the Audit Commission to ensure continuity, and to avoid unnecessary duplication.

Although service reviews cover all aspects of the services provided it is inevitable that the major impact will be on manpower levels in the public sector.

We anticipate, as a result, being able to agree new manpower targets with each States department.

4. Personnel function service review

As a first step in the above programme, at the suggestion of the Chief Officer of the States Personnel Department, my Committee is to commission consultants to undertake an immediate review of the personnel function throughout the States.

The function is currently undertaken, in addition to the States Personnel Department, by numerous departments or individuals in other departments and the purpose of the review will be to establish whether the services offered are those best suited to the needs of the States and whether they are being provided in the most efficient way.

5. Manpower and payroll information

As stated above the information my Committee and the States Personnel Department requires to control manpower numbers and pay roll is not available in a timely, accurate or consistent form. It is impossible to exercise control without the basic information needed to apply it and we will, therefore, be appointing a consultant to advise us on all the information we should be getting, how it should be provided and how it should be presented. The consultants will work closely with those appointed by the

Audit Commission to review the IT Department and its plans for the future and it may well be appropriate to combine the two exercises into one project.

There will, inevitably be a substantial cost attached to my Committee's strategy but we are firmly of the view that it will represent an excellent investment which will result in much greater efficiency in the public sector and savings of millions of £s in the future.

In my Committee's view there will also be an additional, hidden benefit to the Island in that if, as we believe it will, our strategy results in a permanent reduction in the number of posts available in the public sector more local people will become available for jobs in the private sector thereby reducing the need for more immigration.

Last, but by no means least I want to assure the States workforce that they should not feel threatened by this strategy. My Committee remains committed to the principle of doing all we can to avoid compulsory redundancy and we firmly believe the savings that will flow as a result of our new initiative can, and will, be met by a combination of realistic VER/VR packages, redeployment and natural wastage. The vast majority of similar schemes, both in the public sector elsewhere and in the private sector, have successfully reached their goals in this way and we intend to emulate them.

These are ambitious objectives but they are objectives against which my Committee is happy to be judged. We will, however, require the active support and co-operation of all States Committees and their departments. We are confident we will receive it and we look forward to working closely with them all in driving this essential project forward to a successful conclusion.

The wage bill for 1996 will rise by something like seven per cent, something which we can ill afford."

Change in Presidency

The Bailiff resumed the Presidency of the States during the debate on the St. Helier Waterfront Development prior to the luncheon adjournment.

St. Helier Waterfront Development - P.156/95 and P.175/95

THE STATES, referring to their Act dated 10th November 1992 in which they approved Map No. 3-92 as the development plan for the St. Helier Waterfront area, subject to the States confirming the site of the new housing to the west of Albert and the marina at Havre des Pas, commenced consideration of a proposition of the Policy and Resources Committee and adopted subparagraph (i).

Members present voted as follows -

``Pour" (42)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le Main, Le Maistre, Stein, Chinn, Bailhache, Tomes.

Connétables

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

Deputies

Rumboll(H), Wavell(S), Norman(C), St. Peter, H. Baudains(C), Le Sueur(H), St. Ouen, Coutanche(L), Huelin(B), St. Mary, Le Fondré(L), Walker(H), Crespel(H), Pullin(S), Trinity, Carter(H), Johns(H), Matthews(B), Routier(H), St. Martin, St. John.

``Contre" (8)

Senators

Quérée, Syvret.

Deputies

S. Baudains(H), Duhamel(S), Dorey(H), Layzell(B), Breckon(S), Grouville.

THE STATES, having accepted an amendment of

Robert Lester Le Brocq, Connétable of St. Helier, that in sub-paragraph (ii)(a) for the words from ``Weighbridge," to the end of the sub-paragraph there should be substituted the following words -

``the transfer of the bus station to the `Island' site, the development of the remainder of the `Island' site and the area around the existing bus station shown on drawing No. 484/2;"

adopted sub-paragraph (ii), as amended.

Sub-paragraphs (iii) and (iv) were adopted.

THE STATES thereupon -

(i) approved the establishment of the Waterfront Enterprise Board as a separate legal entity in accordance with the Memorandum and Articles of Association set out in the Appendix to the report of the Policy and Resources Committee, dated 1st November 1995, and agreed to appoint the Waterfront Enterprise Board Limited as a development agency of the States for an initial ten year period;

(ii) requested the Planning and Environment Committee -

(a) to bring to the States for approval, as soon as possible, specific proposals for the early development of the Weighbridge, the transfer of the bus station to the `Island' site, the development of the remainder of the `Island' site and the area around the existing bus station shown on drawing No. 484/2;

(b) to consider the land use proposals for the remainder of the St. Helier Waterfront area shown on map No. 3-92;

and bring to the States for approval any alterations to the designated use of land shown on map No. 3-92, as agreed by the Committee, in accordance with Article 3 of the Island Planning (Jersey) Law 1964, as amended.

- (iii) agreed to transfer to the administration of Waterfront Enterprise Board Limited -
 - (a) those areas referred to in proposition (ii)(a) for the purpose of the promotion of development;
 - (b) those areas of the west of Albert reclamation site phases I and II shown on drawing No. 484/1 for the purposes of their maintenance, management and landscaping with a view to the immediate improvement of the areas;
 - (c) those areas of the west of Albert reclamation site phases I and II shown on drawing No. 484/1 for the purposes of the promotion of development subject to the prior approval of development proposals by the Planning and Environment Committee in accordance with proposition (ii)(b) above.
- (iv) requested the relevant Committees to agree with the Waterfront Enterprise Board Limited any development, undertaking or other material activity to be carried out on any land in the Waterfront area remaining under the administration of a Committee of the States.

Suspension of Standing Order No. 44(1)

THE STATES, on the proposition of Senator Pierre François Horsfall, suspended Standing Order No. 44(1) to allow members to discuss the part reimbursement of Class 2 Social Security contributions to certain States members (P.168/95).

States members: part reimbursement of Class 2 Social Security contributions - P.168/95

THE STATES, adopting a proposition of the House Committee -

- (a) agreed that, with effect from 1st January 1995, States members who were

liable to pay Class 2 social security contributions by virtue of receiving members' expense allowance and income support, might apply to the Treasurer of the States for reimbursement equivalent to the secondary (employer's) element of those contributions;

(b) authorised the Treasurer of the States to pay the amount of any reimbursement from the Finance and Economics Committee's revenue vote of credit ``States' Members - Income Supplement'' (Vote No. 0614).

Public Service Vehicles (Fees) (Amendment No. 6)
(Jersey) Regulations 1995 - P.172/95

THE STATES, in pursuance of Articles 49A and 54 of the Motor Traffic (Jersey) Law 1935, as amended, made Regulations entitled the Public Service Vehicles (Fees) (Amendment No. 6) (Jersey) Regulations 1995.

Parish Rate (Administration) (Amendment No. 6)
(Jersey) Law 1995 (Appointed Day) Act 1995 -
P.174/95

THE STATES, in pursuance of Article 4 of the Parish Rate (Administration) (Amendment No. 6) (Jersey) Law 1995, made an Act entitled the Parish Rate (Administration) (Amendment No. 6) (Jersey) Law 1995 (Appointed Day) Act 1995.

Pilotage (General Provisions) (Amendment No. 6)
(Jersey) Regulations 1995 - P.176/95

THE STATES, in pursuance of Article 2 of the Pilotage (Jersey) Law 1988, made Regulations entitled the Pilotage (General Provisions) (Amendment No. 6) (Jersey) Regulations 1995.

States members parking - statement

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

``As part of the Public Services Committee's traffic policy agreed by the States in May 1994 it was overwhelmingly

agreed that States members' cars should be removed from the Royal Court Road as soon as a satisfactory alternative location could be identified.

My Committee has since given the matter further consideration and has concluded that the most suitable permanent site for the facility would be part of the Snow Hill car park. But the area is at present being used as a working area for the cavern project and will not be available until early in 1997.

Following the clearing up operation behind the Tourism office for the Liberation celebrations, an area became available for parking and has been in use for the summer by a hire car company. It was agreed following a joint meeting with the Planning and Environment Committee, that the area could be made available for a limited period for the parking of States members cars until required for any approved development. Whilst my Committee is aware that the Waterfront Enterprise Board is considering the possible development of the area it is felt that any commencement of development of the area is still some months away.

Following consultation with the Bailiff and the President of the House Committee, it has been agreed to implement a six month trial commencing as soon as new regulations can be drafted, which will be sometime before Easter 1996, using part of the area on the island site for States members' cars and other authorised users of the present area of the Royal Court Road and making some provision in Vine Street for Jurats.

We feel that a trial, before any final move to Snow Hill will be of value in indicating any problems. For example, we are aware of the difficulty that certain members have with mobility and provision is to be made at the Church Street end of the Royal Court Road for the parking of a limited number of vehicles for such members and also to cater for short-term visits to the States Building for collection of papers, etc.

The co-operation of members is sought in order to bring about this move which will enable substantial environmental

improvements to be made to the Square and providing the trial produces no unforeseen difficulty, the Committee will bring forward proposals for the necessary change to the regulations and for the permanent closure of most of the Royal Court Road to traffic at the end of the trial period.

Should any member have legitimate problems during the trial period the Committee will take all steps necessary to address those problems.

A Merry Christmas and a Happy Traffic Free New Year to all members."

Adjournment

THE STATES then adjourned, having agreed that the outstanding items of public business should stand over until Tuesday, 19th December 1995.

THE STATES rose at 5.22 p.m.

G.H.C. COPPOCK

Greffier of the States.