

**THE STATES assembled on Tuesday,
20th July 1999 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of-

Senator Leonard Norman - out of the Island
Senator Frank Harrison Walker - out of the Island
Malcolm Pollard, Connétable of St. Peter - out of the Island
Shirley Margaret Baudains - ill
Michael Edward Vibert - Deputy of St. Brelade - out of the Island.

Prayers

Attorney General - forthcoming appointment

The Bailiff informed the Assembly that the Deputy Bailiff had received a letter from His Excellency the Lieutenant-Governor informing him that Her Majesty The Queen had been pleased to appoint Advocate William James Bailhache as Her Majesty's Attorney General to succeed Mr. Michael Cameron St. John Birt Q.C., with effect from February 2000.

Subordinate legislation tabled

The following enactments were laid before the States, namely-

Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Order 1999. R & O 9419.

Royal Court (Remuneration of Commissioners) (Jersey) Order 1999. R & O 9420.

Civil Service (Exclusion) (No. 3) (Jersey) Order 1999. R & O 9421.

Motor Vehicles (Wearing of Seat Belts) (Jersey) Order 1999. R & O 9422.

Battle of Flowers (Jersey) Order 1999. R & O 9423.

Road Traffic (Public Parking Places) (Amendment No. 38) (Jersey) Order 1999. R & O 9424.

Matters presented

The following matters were presented to the States-

Victoria Avenue - pedestrian safety: petition (P.206/98) - report - P.206/98 Rpt.
Presented by the Public Services Committee.

General Reserve: grant of additional funds to 30th June 1999 - R.C.29/99.
Presented by the Finance and Economics Committee.

The Jersey Law Commission: report for 1998 - R.C.30/99.

Presented by the Legislation Committee.

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

Overseas Aid Committee: annual report for 1998.

Presented by the Overseas Aid Committee.

Medical Officer of Health: report for 1998.

Presented by the Health and Social Services Committee.

The following matter was presented on 13th July 1999 -

Public access to official information: code of practice (P.38/99) - comments - P.38/99 Com(2).

Presented by the House Committee.

Matters lodged

The following matters were lodged "au Greffe" -

Draft Legislation (Amending Power) (Jersey) Law 199 -P.104/99.

Presented by the Legislation Committee.

Introduction of work permits - P.105/99.

Presented by Deputy P.V.F. Le Claire of St. Helier.

The President of the Policy and Resources Committee undertook to present a report to the States on this proposition by the first meeting of the Second Session.

Shops (Sunday Trading) (Amendment No. 3)(Jersey) Law 199 - P.106/99.

Presented by Deputy P.F. Routier of St. Helier and referred to the Tourism Committee.

The following matter was deemed to be lodged "au Greffe" on 13th July 1999 -

Committees of the States: reorganisation - Industries Committee (P.94/99): amendment - P.103/99.

Presented by Senator P.A. Bailhache.

Arrangement of public business for the next meeting on 27th July 1999

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at their next meeting on 27th July 1999 -

St. Helier Waterfront leisure complex: terms of lease -P.92/99.

Lodged: 6th July 1999.

Policy and Resources Committee.

Strategic Reserve: allocation of funds to Tourism Investment Fund - P.93/99.

Lodged: 6th July 1999.

Finance and Economics Committee.

Committees of the States: reorganisation - Industries Committee - P.94/99.

Lodged: 6th July 1999.

Policy and Resources Committee.

Committees of the States: reorganisation - Industries Committee (P.94/99): amendment - P.103/99.

Lodged: 13th July 1999.
Senator P.A. Bailhache.

Committees of the States: reorganisation - Industries Committee (P.94/99): comments - P.94/99 Com.
Lodged 6th July 1999.
Establishment Committee.

The Inn of the Park, St. Helier: purchase - P.225/98.
Lodged: 3rd November 1998.
Deputy T.J. Le Main of St. Helier.

The Inn on the Park, St. Helier: site of special interest -P.237/98.
Lodged: 17th November 1998.
Deputy T.J. Le Main of St. Helier.

Additional meeting

THE STATES considered whether an additional meeting should be held on Wednesday 28th July 1999 but adopted a proposition of Deputy Ronald Winter Blampied of St. Helier that the States should not meet on that day.

Members present voted as follows -

“Pour” (24)

Senators

Shenton.

Connétables

St. Lawrence, St. Mary, St. Brelade, St. Martin, St. John, St. Saviour, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), Le Geyt(S), Trinity, Johns(H), Duhamel(S), Layzell(B), Grouville, St. Martin, St. John, Blampied(H), de la Haye(B), St. Peter, Dubras(L)

“Contre” (21)

Senators

Horsfall, Rothwell, Le Maistre, Quérée, Bailhache, Syvret, Kinnard.

Connétables

Grouville, St. Helier, Trinity.

Deputies

St. Mary, Pullin(S), Routier(H), Breckon(S), Huet(H), Le Main(H), Rabet(H), Crowcroft(H), St. Ouen, G. Baudains(C), Le Claire(H).

Agricultural Loans and Guarantees Advisory Board: appointment of members - P.57/99

THE STATES granted leave to the President of the Agriculture and Fisheries Committee to withdraw the proposition regarding the Agricultural Loans and Guarantees Advisory Board: appointment of members (P.57/99 lodged "au Greffe" on 27th April 1999) the Committee having given notice of its intention to present a revised report and proposition at the present meeting.

Cyclists - question and answer (Tape No. 523)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee, the following question -

"Would the President advise members if the Committee shares the widespread public concern about cyclists riding on pavements, against one-way traffic signs and other traffic regulations, and if the answer is affirmative, what plans does the Committee have to address this problem?"

The President of the Defence Committee replied as follows -

"I can assure members that the Defence Committee is concerned about any issues that involve offences being committed, no matter whether they be by cyclists, motorists or anyone else. As far as the specific issue of cyclists riding on pavements and contravening other traffic regulations is concerned, it is an operational matter for both the States and Honorary Police to enforce the laws that exist at present.

When offences involving cyclists are brought to the attention of the Police the offenders are dealt with accordingly and are prosecuted where appropriate.

At its meeting on 1st July 1999, the Defence Committee considered a copy of the report and proposition by Deputy Le Main concerning the introduction of a cycle registration scheme. Having discussed the feasibility of the proposals, it was the view of the Committee that a registration scheme would be difficult to police and that it would be more appropriate to mount a series of campaigns to make cyclists aware of their responsibilities under the law, the hazards involved, and to encourage them to take out insurance cover and wear protective headgear.

I will be holding discussions with the Chief Officer of the States of Jersey Police with a view to increasing the policing of cycling regulations, and the feasibility of extending the role of the Road Safety Officer into secondary schools.

The Head of Department at the Driver and Vehicle Standards Department has been asked to investigate the feasibility and cost of introducing compulsory insurance for cyclists in consultation with the industry."

La Collette reclamation site - questions and answers (Tape No. 523)

Deputy Paul Francis Routier of St. Helier, asked the Connétable of St. John, President of the Public Services Committee, the following questions -

"Would the President advise members -

- (a) of the current volume of solid waste being disposed of at La Collette each year?
- (b) of the remaining space available for future disposals?
- (c) of the expected number of years that the existing reclamation site will be available for use for the disposal of solid waste at the current volume rate?
- (d) if the Committee has any intention to reduce the amount of waste being disposed of at La Collette, and if so, what is its strategy?

(e) if the Committee considers that it is inevitable that a new reclamation site be constructed?"

The President of the Public Services Committee replied as follows -

“(a) When the La Collette Phase 2 Reclamation site was designed, the volume was calculated to be 3.4 million cubic metres. Based on delivery rates at that time of 170,000 cubic metres per year to the old West of Albert Pier site, the predicted lifespan of the new site was in the order of 20 years.

Since the La Collette site opened in mid-1995, there has been a considerable increase in the volume of material delivered to the site.

Deliveries since opening are -

1995	80,166 cubic metres (part year only)
1996	154,682 cubic metres
1997	204,035 cubic metres
1998	263,724 cubic metres.

Based on the first five months of 1999, the predicted deliveries during 1999 to the end of the year are in the order of 261,780 cubic metres.

Using these figures, the total volume of material delivered to the site during the period from opening in 1995 to the end of 1999 will be 927,409 cubic metres.

(b) Work has recently been undertaken in the Department to calculate the remaining space and life of the site. Two methods of calculation have been used and both have arrived at similar predictions, these having been based on 1998/99 delivery rates and the volume of the site now remaining. As stated in the answer to question (a), it is estimated that the current volume of material being delivered to the site is of the order of 261,780 cubic metres per year. Taking account of the compaction achieved through tidal action below high tide level, this equates to a volume of some 225,000 cubic metres being used up each year. Based on these figures, the remaining volume of the site is estimated to be 2,565,322 cubic metres.

(c) Using the infill rate of 225,000 cubic metres, the estimated remaining life of the site is 11.4 years.

This prediction is based on a finished level in line with the existing outer seawall. Members should note that final levels and the size and position of the mound have yet to be agreed and the additional volume of material required will prolong the life of the site. However, until agreement is reached between all parties, it is not possible to give a figure on the additional number of years that can be gained from this super-filling process.

(d) The Committee is currently undertaking an Islandwide Solid Waste Management Strategy Review that will identify the long-term requirements for disposing of both the Island's combustible and inert waste. The Review is placing particular emphasis on waste minimisation and recycling and these initiatives will form part of the future strategy. There are indications that further inert material can be removed for recycling. However, further work is currently being undertaken to determine the impact on site stability and the volumes that can safely be removed. In addition to further aggregate recycling, the option of removing glass is being considered, for processing into a secondary aggregate or in the manufacture of low grade concrete.

The Public Services Committee has also sent an Act to the Planning and Environment Committee asking that Committee to bear in mind the need to reduce the volume of excavated material generated by current policies for underground car parks, etc., at development sites.

(e) There is little doubt that whilst the Island continues to produce inert waste, there will be a demand for

further reclamation sites to be constructed at sea or infill sites created on land.

As referred to in the answer to question (d), whilst the Public Services Committee may develop initiatives for minimising and recycling as part of the Solid Waste Management Strategy Review, the major impact that is required in order to prolong the life of the current site is to reduce the volume generated from excavations. Particular emphasis must be placed on the future need for underground facilities for any commercial or housing developments.”

Proposed hotel on the St. Helier Waterfront (Tape No. 523)

Deputy Paul Vincent Francis Le Claire of St. Helier asked Senator Pierre Françoise Horsfall, President of the Policy and Resources Committee, the following questions -

- “1. Would the President confirm that Crowne Plaza itself is investing £40 million in this island to build and operate the proposed hotel on the Waterfront rather than purely wishing to operate the hotel as a management company?
2. Would the President advise members whether there are any other companies who are, or will be, involved with developing this hotel and, if so, who they are and in what way they are involved?”

The President of the Policy and Resources Committee replied as follows -

- “1. The present position is that the proposed developer of the hotel on the Waterfront is Bilfinger and Berger Development U.K. Limited. and it is they who will provide the £40 million for the construction of the hotel. It is proposed by the developer that the hotel be branded as Crowne Plaza which would link the hotel with the Holidex world-wide reservation system operated by Bass plc who also own the Intercontinental and Holiday Inn brands of hotel. Agreement has been reached in principle between the developer and H.I. Development Corporation, the owner and manager of many hotels in the United States and the Caribbean, who will manage the hotel under the brand name of Crowne Plaza.

Whether all these arrangements, which have been in place for some time, will remain will depend upon the outcome of negotiations between the developer and the Planning and Environment Committee on the issue of the scale of the development.

2. The answer I have given to question 1 also answers question 2”

Remuneration of certain public employees - statement

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

“The Establishment Committee has, since 1997, been considering how best to make public the levels of remuneration of senior officers in the public service, which are based principally on comparison with the local private sector and the UK public sector for positions of equivalent responsibility.

The issue came to our attention when we received the results of the 1996 independent reviews. My Committee faced two difficulties in considering whether, and how, to report the outcome of the remuneration reviews. Firstly, the Committee negotiates with these officers on a personal basis. In the Committee’s view, therefore, there is an implied condition of confidentiality in these negotiations. The policy of the Committee is that everyone’s individual remuneration is private and confidential, regardless of whether they are members of a bargaining group or individual employees who negotiate their terms and conditions of employment. It has been normal practice, however, to publicise salary scales, if applicable, for certain pay groups. Secondly, if individual salaries of senior officers were to be made public, it would seriously undermine the Committee’s

position in salary negotiations with these officers in future.

However, my Committee does accept that the Assembly should have more details of the salaries payable to the senior officers of the service and I have set out below salary groupings which became effective on 1st June, 1999. These do not include employer pension contributions which are fixed at 15.16 per cent of salary.

Over recent years the salaries of the senior officers are negotiated on the basis of regular reviews of external comparability and internal relativity. The interval at which reviews are carried out is normally every four years. To date, the reviews of the four Crown Officers, the senior legal and States appointments and the Grade A departmental chief officers have been done in three separate studies using different evaluation methods. These reviews help the Committee determine what adjustments, if any, need to be made, given changes that may have taken place between reviews. In the three intervening years between reviews salary increases paid to senior officers are normally considered in the light of negotiated increases and a pay norm is established.

Members, should be aware that the salaries of Crown Officers and senior legal appointments are, in the main, significantly less than the salaries that they could expect to earn as lawyers in private practice. Furthermore, from current information, it has been confirmed that the total remuneration of departmental chief officers is generally less than that paid to equivalent level executives in the private sector. This is not at variance with the Committee's pay policy.

The next four-yearly review is due to take place in 2000. This year my Committee is considering appointing a single independent review body to make recommendations on the pay and conditions of senior legal and States appointments and the Grade A chief officers. The recommendations would be based on comparison of the responsibilities and salaries of senior public sector positions with those which apply to similar level posts in the private sector in Jersey and to equivalent posts in the UK public sector and in similar communities. Such a review body would also be asked to consider the appropriateness of applying performance related pay to these positions. It will be supported by a small group of compensation specialists and informed by appropriate survey information as before.

It is my Committee's plan to appoint any such review body by October of this year, for the new Establishment Committee to receive the review body's report by April 2000, and for pay adjustments, if any, to be made effective from June 2000.

The current salary groupings, and 49 posts affected, for the senior officers are shown in the following schedule.

SCHEDULE - CROWN OFFICERS AND OTHER
SENIOR APPOINTMENTS
Effective 1st June 1999

<u>SALARY GROUPINGS</u> <u>(rounded)</u>	<u>POSITION (in alphabetical order)</u>
£100,000 - £136,000	Attorney General Bailiff Deputy Bailiff IS/IT Adviser Policy and Resources - Chief Executive
£73,000 - £100,000	Education - Director Health and Social Services - Chief Executive Income Tax - Comptroller Jersey Airport - Director

Jersey Telecoms - Executive
Director
Judicial Greffier
Legal Adviser
Magistrate
Planning and Environment -
Chief Executive Officer
Police - Chief Officer
Public Services - Chief Executive
Officer
Solicitor General
Treasurer of the States

£53,000 - £80,000

Agriculture and Fisheries -
Chief Executive Officer
Employment and Social Security -
Controller
Fire Service - Chief Officer
Harbourmaster and Chief Executive
Housing - Chief Executive Officer
Immigration - Chief Inspector
Impôts - Agent of the Impôts
Jersey Post - Chief Executive
Judicial Greffe - Deputy Greffiers
Law Draftsman
Law Draftsman's Office -
Senior Assistant Law Draftsman
Assistant Law Draftsmen
Legal Advisers
Magistrate's Court - Assistant
Magistrate
Prison Governor
Probation Office -
Chief Probation Officer
Sport, Leisure and Recreation -
Chief Executive Officer
States Greffe - Greffier of the States
States Greffe - Deputy Greffier
States Personnel - Chief Executive
Tourism - Director

Notes -

1. Each position has been assessed and ranked. The pay policy line is determined each year by the Committee, based on survey information and other relevant considerations, such as affordability and external conditions in the economy. The line is established as a function of the relationship between the relative worth of the responsibilities of the positions under consideration and the appropriate salary level which is influenced by market considerations and established Committee pay policy.
2. There is an overlap between the second and third salary groupings because newly appointed chief officers in the former grouping can be paid a salary which is up to 10 per cent below the pay policy line during the initial years following their appointment.
3. Senior officers are paid individual salaries within the above groupings. They do not progress beyond the maximum salary that has been determined for their particular post by the policy line.

4. Pension contributions equal to 15.16 per cent of salary are paid by the States as the employer with the appropriate percentage contribution paid by the officer.”

Designation of the Inn on the Park as an S.S.I. - statement

Senator Nigel Lewis Quérée, President of the Planning and Environment Committee made a statement in the following terms -

“On 17th November 1998, Deputy T.J. Le Main lodged “au Greffe” a proposition requesting the Planning and Environment Committee to set in motion the necessary steps under Article 9 of the Island Planning (Jersey) Law 1964, as amended, for the designation of the Inn on the Park as a Site of Special Interest. In the event consideration of the proposition was deferred because, as the Committee made clear in the statement to the States on 19th January 1999, the Committee had resolved to put in motion the preliminary steps leading to a possible designation. This would give the owner, and any other interested persons, the opportunity to make representations on this matter. The Committee would then be in a position to make a properly balanced decision on this matter. It was also made clear in the statement that, because of the significant alterations to the building that had been carried out, the Committee had resolved that designation on architectural and historical grounds could not be justified. The sole issue to be considered, therefore, was whether designation might be justified on cultural grounds, as provided in Article 9 of the Law.

The term cultural interest is not defined in the Law, and the various dictionary definitions are, in themselves, open to interpretation. However, a common sense interpretation might be *“an interest deriving from some characteristic feature of Island life.”*

The process of consultation has been protracted because of a wide-ranging legal challenge that was made on behalf of the owner of the property in relation to a possible designation on cultural grounds. Agreement was eventually reached on a means by which the owner and other interested persons might be consulted. A notice was published in the Jersey Gazette inviting anyone with an interest in this matter to make representations to the Committee, and letters were sent to the owner and to other relevant parties.

Over 150 letters were received, many of which were forwarded by Deputy Le Main. The Société Jersiaise also canvassed its members and over 750 responses were received. It should be noted that, although a substantial majority of the letters were in favour of preservation of the building and its use as an entertainment facility, more than two-thirds of the Société Jersiaise members who responded felt that the building was not of cultural importance and did not merit preservation.

Based on the assessment of the letters and representations received, and the history of the Inn on the Park that had been prepared by local historian Alex Glendinning, it is clear that, from the period between 1931, when the building was constructed and the end of the 1960s or the early 1970s, the building assumed a very special significance in the minds of many Islanders as a venue for social activity. At that time the building, therefore, provided tangible evidence of one aspect of the cultural life of the Island. The Committee has reached the conclusion that, if the Inn on the Park still remained in anything like its original state, then it would undoubtedly merit designation as an SSI on cultural grounds.

However, bearing in mind that the building has been considerably altered during the 1970s and 1980s, a critical question arises - do substantial parts of the building still remain which can be directly associated with the period when the building was especially important in cultural terms, that is, the decades between the ‘30s and the ‘60s? The advice of the Solicitor General has been sought on this point and it is clear that, for an SSI designation to be sound, a substantial amount of the fabric of the building should survive from the period which generated the special cultural associations.

Research on this matter reveals that alterations during the 1970s and 1980s were very substantial indeed, including the comprehensive remodelling of the ballroom; the demolition and reconstruction of the entire southern part of the complex and the building over of the site of much of the original terrace; the remodelling of the east façade, and the alteration of the form of the original roof. The *before and after* photographs of the

exterior of the building which are on display in the Members' room indicate the extent of change that has taken place. Even on the most generous of assessments it is difficult to argue that any significant original features remain such as to directly evoke the spirit and ambience of the building as it was in its heyday. Bearing in mind the legal advice that it has received, the Committee has concluded unanimously that the designation of the Inn on the Park as an SSI on cultural grounds cannot be justified, and that if an Order for designation were to be made, it would not survive a legal challenge.

The Committee is therefore required to resume its consideration of the application submitted on 10th December 1998 under the Island Planning (Jersey) Law 1964, as amended. This application (ref 3994/KA) is described by the applicant as "*demolish existing derelict building and construct 40 no. apartments with semi-basement parking and landscaped forecourt*". Determination of this application has previously been deferred pending the Committee's decision on the question of the designation under Article 9 of the Island Planning (Jersey) Law."

Agricultural Loans and Guarantees Advisory Board: appointment of members

THE STATES, adopting a proposition of the Agriculture and Fisheries Committee, and in pursuance of Regulation 3(2) of the Agricultural (Loans) (Jersey) Regulations 1974, as amended, re-appointed the following persons as Chairman, Vice-Chairman and members of the Agricultural Loans and Guarantees Advisory Board for a period of three years, namely -

Mr. David John Le Marquand - Chairman
Mr. David John Picot - Vice-Chairman
Mr. Walter Labey
Mr. Robin Victor Perchard
Mr. Michael Touzel
Mr. David Vautier.

Draft Conservation of Wildlife (Jersey) Law 199 : third reading- P.87/99

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Conservation of Wildlife (Jersey) Law 199 .

Public Access to Official Information: Code of Practice - P.38/99

Amendments - P.47/99; second amendments - P.101/99; third amendments - P.102/99; comments - P.38/99 Com.; comments - P.38/99 Com(2)

THE STATES commenced consideration of sub-paragraph (a) of a proposition of the Special Committee on Freedom of Information on Public Access to Official Information: Code of Practice. After discussion Senator Wendy Kinnard proposed that the States move to the consideration of the next item on the Order Paper, which proposition was rejected.

Members presented voted as follows -

“Pour” (22)

Senators

Shenton, Horsfall, Rothwell, Quérée, Bailhache, Kinnard.

Connétables

St. Lawrence, St. Ouen, St. John.

Deputies

H. Baudains(C), Le Geyt(S), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, St. Martin, St. John, Dubras(L), St. Ouen, G. Baudains(C), Le Claire(H).

“Contre” (22)

Senators

Le Maistre, Stein, Syvret.

Connétables

St. Mary, St. Brelade, St. Helier, St. Martin, St. Saviour, St. Clement.

Deputies

Le Sueur(H), Coutanche(L), St. Mary, Trinity, Pullin(S), Johns(H), Huet(H), Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), de la Haye(B), St. Peter.

There being an equality of votes, the Bailiff, in accordance with convention, exercised his casting vote against the proposition.

THE STATES adopted sub-paragraph (a).

Members present voted as follows -

“Pour” (45)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Stein, Quérée, Bailhache, Syvret, Kinnard.

Connétables

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

Deputies

Wavell(S), H. Baudains(C), Coutanche(L), St. Mary, Le Geyt(S), Trinity, Pullin(S), Johns(H), Duhamel (S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, St. John, Le Main(H), Blampied (H), Rabet(H), Crowcroft(H), de la Haye(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Le Claire (H).

“Contre” (0)

THE STATES commenced consideration of sub-paragraph (b) of the proposition and accepted an amendment of Senator Stuart Syvret that in sub-paragraph 1.1(b) of the draft Code the words “or established convention” should be deleted.

THE STATES accepted an amendment of Senator Stuart Syvret that in sub-paragraph 1.2.1(a) of the draft Code after the words “Committees of the States” there should be inserted the words “,their sub-committees,”.

THE STATES accepted an amendment of Senator Stuart Syvret that in sub-paragraph 1.2.1(c) of the draft Code the words “that would, in the ordinary course of events, be known only to the individual or members of the family or friends of the individual” should be deleted.

Members present voted as follows -

“Pour” (28)

Senators

Horsfall, Rothwell, Le Maistre, Stein, Quérée, Syvret, Kinnard.

Connétables

St. Lawrence, Grouville, St. Helier, St. Martin, St. John, Trinity.

Deputies

Wavell(S), Coutanche(L), Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, St. Martin, St. John, Le Main(H), Crowcroft(H), St. Peter, Dubras(L), Le Claire(H).

“Contre” (16)

Senators

Bailhache.

Connétables

St. Mary, St. Brelade, St. Ouen, St. Saviour, St. Clement.

Deputies

H. Baudains(C), Le Sueur(H), St. Mary, Trinity, Pullin(S), Huet(H), Blampied(H), Rabet(H), de la Haye (B), St. Ouen.

THE STATES accepted an amendment of Senator Stuart Syvret that in sub-paragraph 1.2.4 of the draft Code after the word “operation” there should be inserted the words “, and in the case of personal information, to information created before that date”.

Members present voted as follows -

“Pour” (34)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Stein, Syvret, Kinnard.

Connétables

St. Mary, St. Brelade, Grouville, St. Helier, St. Ouen, St. John, Trinity.

Deputies

H. Baudains(C), St. Mary, Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, St. John, Crowcroft(H), de la Haye(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Le Claire(H).

“Contre” (6)

Senators

Bailhache.

Connétables

St. Clement.

Deputies

Coutanche(L), Le Main(H), Blampied(H), Rabet(H).

THE STATES rejected an amendment of Senator Stuart Syvret that in sub-paragraph 2.1(h) of the draft Code the words “except that expressions of opinion given conscientiously and without malice will be unaffected” should be deleted.

Members present voted as follows -

“Pour” (21)

Senators

Shenton, Rothwell, Le Maistre, Stein, Quérée, Syvret, Kinnard.

Connétables

St. Brelade, Grouville.

Deputies

H. Baudains(C), Coutanche(L), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, St. Martin, Crowcroft(H), St. Peter, G. Baudains(C), Le Claire(H).

“Contre” (21)

Senators

Horsfall, Bailhache.

Connétables

St. Mary, St. Helier, St. Ouen, St. John, Trinity, St. Saviour, St. Clement.

Deputies

St. Mary, Trinity, Pullin(S), Johns(H), Huet(H), St. John, Le Main(H), Blampied(H), Rabet(H), de la Haye(B), Dubras(L), St. Ouen.

There being an equality of votes, the Bailiff, in accordance with convention, exercised his casting vote against the amendment.

THE STATES accepted an amendment of Senator Stuart Syvret that after sub-paragraph 2.1(i) of the draft Code there should be inserted the following sub-paragraphs -

- “(j) the authority shall not deny the existence of information which is not classified as exempt which it knows to exist;
- (k) the authority shall undertake the drafting of documents so as to allow maximum disclosure.”

Members present voted on sub-paragraph (j) as follows -

“Pour” (23)

Senators

Horsfall, Le Maistre, Stein, Quérée, Syvret, Kinnard.

Connétables

St. Mary.

Deputies

H. Baudains(C), Coutanche(L), Trinity, Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, St. Martin, St. John, Crowcroft(H), St. Peter, Dubras(L), G. Baudains(C), Le Claire(H).

“Contre” (16)

Senators

Shenton, Rothwell, Bailhache.

Connétables

St. Brelade, Grouville, St. Helier, St. Ouen, St. John, Trinity, St. Saviour, St. Clement.

Deputies

Pullin(S), Huet(H), Le Main(H), Blampied(H), St. Ouen.

THE STATES commenced consideration of an amendment of Senator Stuart Syvret that in sub-paragraph 3.1(a) of the draft Code, after the word “possession” there should be inserted the following words -

“and Committees of the States, and their sub-committees shall grant access to -

- (i) their agendas;
- (ii) support papers;
- (iii) minutes.”,

THE STATES, adopting sub-paragraph (i) of the amendment, agreed that the words “(i) their agendas;” should be inserted.

Members present voted as follows -

“Pour” (26)

Senators

Shenton, Rothwell, Stein, Quérée, Bailhache, Syvret, Kinnard.

Connétables

St. Mary, St. Brelade, St. Helier, St. Ouen, St. John, Trinity.

Deputies

H. Baudains(C), Trinity, Duhamel(S), Routier(H), Layzell(B), Grouville, St. Martin, St. John, Crowcroft (H), St. Peter, Dubras(L), St. Ouen, Le Claire(H).

“Contre” (15)

Senators

Horsfall, Le Maistre.

Connétables

Grouville, St. Saviour, St. Clement.

Deputies

Coutanche(L), Pullin(S), Johns(H), Breckon(S), Huet(H), Le Main(H), Blampied(H), Rabet(H), de la Haye(B), G. Baudains(C).

THE STATES rejected sub-paragraph (ii) of the amendment that the words “(ii) support papers” be inserted.

Members present voted as follows -

“Pour” (18)

Senators

Shenton, Stein, Quérée, Syvret.

Connétables

St. Mary, St. Ouen, St. John, Trinity.

Deputies

H. Baudains(C), Trinity, Duhamel(S), Layzell(B), Grouville, St. Martin, St. John, Crowcroft(H), St. Peter, Le Claire(H).

“Contre” (23)

Senators

Horsfall, Rothwell, Le Maistre, Bailhache, Kinnard.

Connétables

St. Brelade, Grouville, St. Helier, St. Saviour, St. Clement.

Deputies

Coutanche(L), Pullin(S), Johns(H), Routier(H), Breckon(S), Huet(H), Le Main(H), Blampied(H), Rabet (H), de la Haye(B), Dubras(L), St. Ouen, G. Baudains(C).

THE STATES, adopting sub-paragraph (iii) of the amendment, accepted that the words “(iii) minutes” should be inserted.

Members present voted as follows -

“Pour” (27)

Senators

Shenton, Horsfall, Rothwell, Stein, Quérée, Bailhache, Syvret, Kinnard.

Connétables

St. Mary, Grouville, St. Helier, St. Ouen, St. John, Trinity.

Deputies

H. Baudains(C), Trinity, Duhamel, Routier(H), Layzell(B), Grouville, St. Martin, St. John, Crowcroft(H), St. Peter, Dubras(L), St. Ouen, Le Claire(H).

“Contre” (14)

Senators

Le Maistre

Connétables

St. Brelade, St. Saviour, St. Clement.

Deputies

Coutanche(L), Pullin(S), Johns(H), Breckon, Huet(H), Le Main(H), Blampied(H), Rabet(H), de la Haye (B), G.Baudains(C).

THE STATES accepted an amendment of Senator Stuart Syvret that in clause (ii) of sub-paragraph 3.1(b) of the draft Code the words “who are in full time education” should be deleted.

THE STATES accepted an amendment of the Special Committee on Freedom of Information that in subparagraph 3.2(a) of the draft Code after clause (vii) there should be inserted the following clause -

“(viiA) prejudice the defence of the Island or any of the other British Islands or the capability, effectiveness or security of the armed forces of the Crown or any forces co-operating with those forces;”

THE STATES rejected an amendment of the Special Committee on Freedom of Information that, in subparagraph 3.2.(a) of the draft Code, after clause (xiii) there should be inserted the following clause -

“(xiiiA) inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of decision-making;”

Members present voted as follows -

“Pour” (0)

“Contre” (36)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Stein, Bailhache, Syvret, Kinnard.

Connétables

St. Mary, St. Brelade, Grouville, St. Helier, Trinité, St. Saviour, St. Clement.

Deputies

H. Baudains(C), Coutanche(L), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), de la Haye(B), St. Peter, Dubras(L), St. Ouen, Le Claire(H).

THE STATES rejected an amendment of Senator Stuart Syvret that in sub-paragraph 3.2(a) of the draft Code clause (xiii) should be deleted and the subsequent clauses renumbered accordingly.

Members present voted as follows -

“Pour” (6)

Senators

Querée, Syvret.

Deputies

Layzell(B), St. Martin, Crowcroft(H), St. Peter.

“Contre” (32)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Stein, Bailhache, Kinnard.

Connétables

St. Mary, St. Brelade, Grouville, St. Helier, St. John, Trinity, St. Saviour, St. Clement.

Deputies

H. Baudains(C), Coutanche(L), Trinity, Pullin(S), Johns(H), Routier(H), Breckon(S), Grouville, Huet(H), St. John, Le Main(H), Blampied(H), Rabet(H), de la Haye(B), Dubras(L), St. Ouen, Le Claire(H).

THE STATES commenced consideration of an amendment of the Deputy of St. Martin that sub-paragraph 3.2(b) of the draft Code should be deleted and sub-paragraph 3.2(c) renumbered accordingly. After discussion the amendment was withdrawn by the Deputy of St. Martin.

THE STATES adopted sub-paragraph (b) of the proposition as amended.

Members present voted as follows -

“Pour” (37)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Stein, Quérée, Bailhache, Syvret, Kinnard.

Connétables

St. Mary, St. Brelade, Grouville, St. Helier, St. John, Trinity, St. Saviour, St. Clement.

Deputies

H. Baudains(C), Coutanche(L), Trinity, Pullin(S), Johns(H), Routier(H), Layzell(B), Breckon(S),

Grouville, Huet(H), St. Martin, St. John, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), de la Haye (B), St. Peter, St. Ouen, G. Baudains(C), Le Claire(H).

“Contre” (0)

Adjournment

The States then adjourned, having agreed to continue consideration of the proposition of the Special Committee on Freedom of Information (P.38/99) and the outstanding items of public business as the first items of matters lodged “au Greffe” under Public Business at an additional meeting of the States to be held on Monday 26th July 1999.

THE STATES rose at 7.05 p.m.

G.H.C. COPPOCK

Greffier of the States.