



**THE STATES assembled on Tuesday,
28th July, 1987 at 10.15 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire.**

His Excellency The Lieutenant Governor,
Admiral Sir William Pillar, G.B.E., K.C.B.,
was present.

All members were present with the exception of –

Senator Peter Geoffrey Kevitt Manton – ill.

John Le Gallais, Deputy of St. Saviour – out of the Island.

Bertram Manning Le Maistre – Deputy of St. Mary – out
of the Island.

Graham Douglas Thorne, Deputy of St. Brelade – out of
the Island.

Prayers read by Greffier

Senator R. Vibert – welcome.

The Deputy Bailiff, on behalf of Members of the States, welcomed
Senator Ralph Vibert on his return to the States after his recent
operation.

Subordinate legislation tabled.

The following enactment was laid before the States, namely –

**Parish of Saint Clement Fête (Jersey) Order, 1987.
R & O 7648.**

Medical Officer of Health Report 1986.

The Public Health Committee by Act dated 10th June, 1987, presented to the States the Report of the Medical Officer of Health for the year 1986.

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

Island Plan – Volume 2: plan and policies (P.126/87) – comments. P.134/87.

The Establishment Committee by Act dated 29th June, 1987, presented to the States comments of the Committee on the manpower implications of the Island Plan – Volume 2: plan and policies.

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

Probation Service Report 1986. R.C.14.

The Prison Board by Act dated 29th June, 1987, presented to the States the Report of the Probation Service for 1986.

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

Public 18-hole Golf Course: La Moye Farm/Les Creux, St. Brelade – preliminary report. P.135/87.

The Finance and Economics Committee by Act dated 6th July, 1987, presented to the States a preliminary report on the proposed Public 18-hole Golf Course: La Moye Farm/Les Creux, St. Brelade.

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 6th July and 20th July, 1987, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Harbours and Airport Committee, the leasing to Mr. Graham Ian Watts of the Fishing Tackle Shop at St. Catherine's Breakwater, St. Martin, comprising an area of 158 square feet, for a period of three years with effect from 1st June, 1987, at an annual rent of £604, representing a rate of £3.82 a square foot;
- (b) as recommended by the Public Works Committee, the leasing to Miss Carolyn May Tanner of approximately 9½ vergées of land situated to the south of Field 691, Noirmont, St. Brelade, for a further period of three years with effect from 24th June, 1987, at an annual rent of £140, an increase of £20 a year;
- (c) as recommended by the Finance and Economics Committee, the leasing to Mr. Nigel George Gillard of Le Pot d'Or, La Route du Moulin, St. Peter, for a further period of three years with effect from 1st July, 1987, at an annual rent of £3,900;
- (d) as recommended by the Public Works Committee, the acquisition from Dr. Douglas Begg of the undermentioned areas of land required for the purpose of providing a footpath from Mont Nicolle School to Woodbine's Corner, St. Brelade, with the Committee assuming responsibility for the reconstruction of a roadside bank similar to the existing one which would

remain Dr. Begg's property when the work had been completed, and the payment of the legal costs involved, namely –

- (i) 424 square feet of land from the frontage of Field No. 747A, St. Brelade for a consideration of £424; and
- (ii) 115 square feet of land from the frontage of Longfield Avenue, St. Brelade for a consideration of £115;

(The Committee rescinded sub-paragraph (a)(ii) of its Act No. 7 of 16th July, 1986, which had been notified to the States on 29th July, 1986.)

- (e) as recommended by the Public Works Committee, the sale by the Jersey Association for Mental Health of an area of land occupied by a portico, measuring 33.75 square feet, which extended from No. 86, St. Saviour's Road, St. Helier, required to improve the line of the footpath, for a consideration of £67.50, on the basis of each side being responsible for its own legal costs and the Committee being responsible for the costs involved in the demolition of the portico and the making good of the plasterwork around the door frame;
- (f) as recommended by the Education Committee, the sale to The Jersey Electricity Company Limited of the site of the electricity sub-station No. 20, F.B. Fields, St. Clement, when the present lease expires in 1989, for a consideration of £10 with each side being responsible for the payment of its own legal costs;
- (g) as recommended by the Education Committee, the renewal of the lease from Mrs. Eileen Mary Gaudin, née Le Sueur, and Mrs. Jennifer McMullen, née Gaudin, of Nos. 1 and 2 Belle Rive Villas, Le Hocq

Lane, St. Clement, for a period of three years with effect from 1st August, 1987 at an annual rent of £3,640 for each property, required for use as teachers' accommodation;

- (h) as recommended by the Housing Committee –
 - (i) the granting to The Jersey Electricity Company Limited of a contract wayleave in perpetuity, free of charge, at 40 Don Road, St. Helier;
 - (ii) the granting to The Jersey Electricity Company Limited of a contract wayleave in perpetuity, free of charge, at St. Mary's House, St. Helier;
 - (iii) the sale to The Jersey Electricity Company Limited of a site for a section pillar at the Committee's development in Great Union Road, St. Helier for a nominal consideration of £10, with each side being responsible for the payment of its own legal costs, and the granting to the company of a contract wayleave in perpetuity, free of charge;
 - (iv) the lease to The Jersey Electricity Company Limited of a sub-station site measuring approximately 22 square metres at Vincent Court Phase II, for a period of 99 years at a rate of £1 a year with all payments commuted forward to the inception of the agreement, and the granting to the company of a contract wayleave in perpetuity, free of charge, for high tension cables;
 - (v) the sale to the Parish of St. Helier of an area of land on the corner of Valley Road and Grands Vaux, St. Helier, required for road widening, for a nominal consideration of £10, with the Parish

to be responsible for all accommodation works including the reconstruction of the boundary wall, and each side to be responsible for the payment of its own legal costs;

- (vi) the lease to The Jersey Electricity Company Limited of a sub-station site measuring approximately 20 square metres at Hansom Court, St. Helier (St. Mary and St. Peter's site development), for a period of 99 years at a rate of £1 a year with all payments commuted forward to the inception of the agreement, and the granting to the company of wayleaves in perpetuity, free of charge, for high tension cables;
- (vii) the sale to The Jersey Electricity Company Limited of the site of a section pillar at Les Cinq Chênes, Field No. 471, Rue des Friquettes, St. Saviour, for a nominal consideration of £10 with each side being responsible for the payment of its own legal costs, and the granting to the company of wayleaves in perpetuity, free of charge, for high tension cables;
- (i) as recommended by the Finance and Economics Committee, the renewal of the lease of 9 Clos de Patier, St. Saviour, for a period of two years, with effect from 1st June, 1987, at an annual rent of £5,720, for occupation by an ex-patriate accountant appointed to the Treasury.

Matter noted – financial transaction.

THE STATES noted an Act of the Finance and Economics Committee dated 6th July, 1987, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that the Public Works Committee had accepted the lowest of three tenders, namely that submitted by Trio Construction Limited in the sum of £55,859.00 for the construction of public toilets at La Pulente, St. Brelade.

Matters lodged.

The following subjects were lodged “au Greffe” on –

14th July, 1987

1. **Draft Regulation of Undertakings and Development (Amendment No. 4) (Jersey) Law, 198 . P.130/87.**
Presented by the Finance and Economics Committee.
2. **Draft Boats and Surf-Riding (Control) (Amendment No. 5) (Jersey) Regulations, 198 . P.131/87.**
Presented by the Harbours and Airport Committee.
The States decided to take this subject into consideration at the present Sitting.

21st July, 1987

1. **Draft Motor Traffic (Third Party Insurance) (Amendment No. 6) (Jersey) Law, 198 . P.132/87.**
Presented by the Defence Committee.
2. **Advisory Council for Sport, Leisure and Recreation Activity. P.133/87.**
Presented by the Policy Advisory Committee.

Rue Fondon Trading Estate: development – constitution of Committee of Inquiry. P.129/87.

THE STATES acceded to the request of Senator Richard Joseph Shenton that the Proposition regarding the constitution of the Committee of Inquiry to investigate the circumstances relating to the development of the Rue Fondon Trading Estate (lodged on 30th June, 1987) be taken into consideration at the present Sitting.

Draft Regulation of Undertakings and Development (Amendment No. 4) (Jersey) Law, 198 . P.130/87.

THE STATES, having rejected the request of the President of the Finance and Economics Committee that the draft Regulation of Undertakings and Development (Amendment No. 4) (Jersey) Law, 198 (lodged on 14th July, 1987) be considered at the present Sitting, decided on the proposition of Senator Richard Joseph Shenton, to meet in extraordinary session on 18th August, 1987 and to take this subject into consideration on that date.

Advisory Council for Sport, Leisure and Recreation Activity. P.133/87.

THE STATES acceded to the request of the President of the Policy Advisory Committee that the Proposition regarding the formation of an Advisory Council for Sport, Leisure and Recreation Activity (lodged on 21st July, 1987) be considered on 18th August, 1987.

Draft Motor Traffic (Third Party Insurance) (Amendment No. 6) (Jersey) Law, 198 . P.132/87.

THE STATES acceded to the request of the President of the Defence Committee that the draft Motor Traffic (Third Party Insurance) (Amendment No. 6) (Jersey) Law, 198 (lodged on 21st July, 1987) be taken into consideration on 18th August, 1987.

Draft Boats and Surf-Riding (Control) (Amendment No. 5) (Jersey) Regulations, 198 . P.116/86. Withdrawn.

THE STATES acceded to the request of the President of the Harbours and Airport Committee that the draft Boats and Surf-Riding (Control) (Amendment No. 5) (Jersey) Regulations, 198 (P.116/86 – lodged on 2nd September, 1986 and partially debated on 30th September, 1986) be withdrawn.

Alcoholism: report on treatment. P.150/85. Withdrawn.

THE STATES noted that the Public Health Committee had withdrawn the Proposition regarding a report on alcoholism (lodged on 17th December, 1985).

La Melonnerie, St. Brelade: purchase. P.30/87. Withdrawn.

THE STATES acceded to the request of the President of the Housing Committee that the Proposition relating to the purchase of La Melonnerie, St. Brelade (lodged 10th February, 1987) and set down for consideration at the present Sitting, be withdrawn.

Jersey-registered vessels. Questions and answers.

Senator Terence John Le Main asked Senator Reginald Robert Jeune, President of the Finance and Economics Committee, the following questions –

- “1. Will the President state how many vessels/yachts/motor cruisers/boats are owned and registered in Jersey by companies?
2. Will the President state how many vessels in this category i.e. pleasure type vessels (excluding cargo/passenger registered vessels) are registered in Jersey but have never been or will never be in Channel Island territorial waters?

3. What does the Committee receive in fees from these registrations of vessels each year?
4. In view of the recent publicity again where a Jersey-registered boat was seized in the United States of America whilst being used to carry drugs, will the President say what his Committee intends to do in regard to making sure that these Jersey-registered vessels do not abuse our company flag of convenience?
5. Will the President say what the Committee intends to do in order to deal with a situation in which it is possible for vessels plying the world under the Jersey flag to be used for illegal purposes, with consequent adverse publicity for the Island?"

The President of the Finance and Economics Committee replied as follows –

“As the questions were addressed to the President of the Finance and Economics Committee, it is assumed that Senator Le Main is referring to vessels which are on the Register of British Ships, Port of Jersey. The 550 vessels on the Small Ships Register maintained by the Harbour Office, which are those owned by Commonwealth citizens ordinarily resident in the Island, are not included in the replies which follow.

1. The total number of vessels which come under the overall description of private yachts is 1,424 of which 783 are registered in the names of private persons; 364 of the owners' addresses are stated as being in Jersey, 27 in Guernsey, 330 in the United Kingdom and 62 elsewhere.

641 vessels are registered in the names of companies; 464 of whose places of business are in Jersey, 24 in Guernsey, 69 in Sark, 34 in the United Kingdom and 50 elsewhere.

It should be noted that a British Ship is one owned by a British person or a body corporate established under and subject to the laws of some part of Her Majesty's dominions and having its principal place of business in one of those dominions.

All entries in the register at Jersey are immediately notified to the Registrar General of Shipping and Seamen at Cardiff.

2. It is impossible to know how many of the above vessels have never been or never will be in Channel Island territorial waters but one could assume that all those owned by Jersey and Guernsey private residents, 391, would use Channel Islands waters while the majority of the remainder, 1,033, would be unlikely so to do.
3. The total of fees received in 1986 was £32,733 based on the tariff of charges as levied in the United Kingdom and covers fees for registrations, transfers, preparation of documents, enquiries, etc. The current fees are –

| | |
|-------------------------------------|------|
| Registration (less than 1,500 tons) | £150 |
| Transfer of ownership | £47 |
| Inspection of Register Book | £5 |

It should be noted that once the initial registration fee has been paid there is no further requirement for an annual 'maintenance' fee.

4. I do not understand the Senator's reference to 'our company flag of convenience'. As British Ships, those registered in Jersey have the right to fly the Red Ensign and have the name JERSEY painted on the stern of the vessel.

5. The Register of British Ships, Port of Jersey, is maintained under the Merchant Shipping Act, 1894, which was registered in the Royal Court in January 1895. Since that date there have been several extensive repeals and amendments to the Act in the United Kingdom, none of which has been extended to the Channel Islands. It is uncertain, therefore, how far the responsibilities of the Island extend in this area and so the Harbours and Airport Committee took powers under the Merchant Shipping (Register of British Ships) (Jersey) Law, 1987, to minimise the possible liabilities in regard to commercial vessels.

Legislation to provide a 'British Islands Register' was proposed in 1984 but, due to lack of Parliamentary time in October 1985, was temporarily abandoned. This legislation is now expected to be laid before the House of Commons next month. The effect of such a register would be to bring Jersey (and Guernsey) registered British Ships, with those presently on the United Kingdom register, on to a computerised register and to bring the responsibility for safety and other aspects under the control of the British Government.

It must be appreciated, however, that it is almost impossible to control what ships' masters will do or what they will carry illegally on the high seas."

Purchase of share transfer property. Questions and answers.

Senator Terence John Le Main asked Deputy Hendricus Adolphus Vandervliet of St. Lawrence, President of the Housing Committee, the following questions –

- "1. Does the President believe that it is fair and just that people who can afford to buy a share transfer property or accommodation can buy such a property and live

there after ten years, yet others who can't afford to buy a share transfer property are not able to buy a property until after 20 years?

2. Does the President not believe that this is unfair discrimination to the lower income members of the community who are not in a position to buy a share transfer property?"

The President of the Housing Committee replied as follows –

“Before answering this question, I should like to make two points –

- (a) There are comparatively very few single dwelling units (i.e. houses) in the Island which are owned in the name of an individual company and therefore available for acquisition through share transfer. Those houses which are so available were invariably purchased in the name of companies prior to the Housing Law being introduced in 1949.
 - (b) I should like to remind the House that persons born in the Island, or who are the children of parents with local housing qualifications, are entitled to lease or purchase residential property after ten years residence; persons not born in the Island, but who commenced a period of continuous residence prior to 1980, are entitled to lease after ten years, and purchase property after twenty years.
1. All persons have a legal right to acquire shares in a company where these are available and they can afford them. If somebody has the right to lease dwelling accommodation, and acquires shares in a company which owns a property, he may quite legally lease that property from the company and occupy it.

It is because my Committee is concerned not to allow persons qualifying to lease only, to effectively own and occupy houses that, for a considerable time now, it has had a policy which prevents the acquisition of houses in the name of individual companies. (An exception is made where the property is acquired for development purposes, and even here my Committee imposes strict conditions which require the house to be sold out of the company following redevelopment, or where more than one unit is created, prevent these from being occupied by shareholders or sold to persons other than those who qualify to purchase under the Housing Regulations.)

My Committee does not, however, object to flats being owned by companies and sold by share transfer, thereby enabling occupation by persons with only ten years residence. In practice, it is difficult to envisage blocks of flats being developed and owned in any other way, until the mortgageability of flats is available. At the present time, share transfer flats play an important part in reducing the housing shortage.

In short, the purchase of shares in a company is open to all, and is perfectly fair and reasonable. It is legal and above board for somebody, qualified to lease under the Regulations, to lease property from a company in which he owns shares. However, because of my Committee's policy, it is almost invariably flats, and not houses, which are available for such occupation.

2. All persons qualified to lease have equal rights in relation to share transfer property where this is available. Clearly, lower income groups will find it more difficult to acquire property by share transfer, as indeed they do to purchase freehold property. My Committee cannot control prices of properties acquired by share transfer as these do not involve a transaction under the Housing Law."

Port Control Units. Questions and answers.

Senator Richard Joseph Shenton asked Senator John William Ellis, President of the Defence Committee, the following questions –

- “1. Will the President state whether agreement has been reached with the Establishment Committee to disband the Port Control Units?
2. If the answer is in the affirmative, will the President inform the House as to what the costs will be and also what benefits there will be for Island residents?
3. Would the President agree that if the Port Control Units are disbanded this will mean –
 - (i) mature Security Officers being retired early;
 - (ii) their replacement will be from the existing Police Force, thereby reducing the number of available officers for community policing;
 - (iii) the instituting of a policy which acts directly against States’ views on the control of immigration?”

The President of the Defence Committee replied as follows –

- “1. Senator Shenton is aware from a letter which I recently sent to him, of the lengthy history behind the current proposals in respect of the Port Control Unit.

Agreement has now been reached between the Defence Committee, the Establishment Committee, the Finance and Economics Committee, the Harbours and Airport Committee and the Port Control Officers’ Association on the following policy –

- (a) the Port Control Unit will be integrated into the States of Jersey Police Force;

- (b) existing Port Control Officers will be subject to a retirement age and qualification rate for pension the same as that currently operating for States' Police Officers, except for those officers who have already attained the age of 55 years (3) whose conditions of service will remain unchanged;
- (c) Port Control Officers who wish to become members of the States of Jersey Police Force and who satisfy the entry requirements and complete the necessary training and probationary period may be fully integrated in to the Force;
- (d) the officers of the Unit who either retire under (b) or become members of the Force as under (c) or who leave the Unit for any other reason, shall not be replaced;
- (e) as the actual establishment of the Unit is reduced from its authorised level of 29 officers the authorised establishment of the Force will increase to 23 resulting in the eventual phasing out of the Unit by way of natural wastage.

This process of integration could of course take as long as 20 years to achieve.

2. (a) The cost of these proposals (estimated at December 1985) would be a one-off capital charge from the pension scheme of £234,000.

There would be an eventual commensurate annual savings in salaries of £36,000 brought about by the reduction in overall staff numbers.

- (b) The benefits both to Island residents and the travelling public generally would be that the total policing of the strategically important airport and harbours would be entrusted to properly selected and trained Regular Police Officers and not Port Control Officers many of whom despite being paid 90 per cent of a Regular Police Officer's pay are below physical and other standards required for entry into the Regular Police Force. Further it will be possible to redeploy the Police Officers when demands on resources at the airport and harbours are at their lowest level; something not possible now as the powers of the Port Control Officers extend only to the immediate environs of the airport or harbours. Finally, the Police Officers will be able to participate fully in the overall policing of the airport and harbours.
- 3. (i) Yes. The enhancement of the pension rights which will lead to earlier retirement of mature members was agreed following a direct request by the Port Control Officers' Association and has their support.
 - (ii) No. The integration will not reduce the number of officers available for community policing. It may even improve the situation.
 - (iii) I do not believe the proposals can be seen to act directly against the States' views on the control of immigration, when the eventual outcome will be a reduction in the total number of public sector employees. Also it should be borne in mind that current Defence Committee policy is to recruit only Jersey residentially qualified persons into the Regular Police Force."

**Police Force: manpower, drugs and community policing.
Questions and answers.**

Deputy Ronald Winter Blampied of St. Helier asked Senator John William Ellis, President of the Defence Committee, the following questions –

- “1. In June 1986 Her Majesty’s Inspector of Constabulary recommended a modest increase in the overall strength of the Police Force. Would the President inform the House if this has been complied with?
2. With the ready availability of cannabis on our streets I would like to ask the President what he intends to do about the situation now. Also with the possibility of cocaine and heroin becoming readily available in the near future, will the President assure the House that with a drugs unit consisting of one detective sergeant and three detective constables, he has enough manpower to cope with any increase in drug taking?
3. Is the President in favour of community policing?”

The President of the Defence Committee replied as follows –

- “1. The Defence Committee has been actively pursuing the recommendations contained in the report of Her Majesty’s Inspector of Constabulary and expects to reach a conclusion very shortly when it will seek discussions with the Establishment Committee on the increase in personnel required.
2. The Chief Officer of the Police has the matter constantly under review and will advise the Defence Committee if he considers the staff of this unit should be increased.

3. Yes.”

States’ loan sites and price controls on non-States’ loan properties. Questions and answers.

Senator Richard Joseph Shenton asked Deputy Hendricus Adolphus Vandervliet of St. Lawrence, President of the Housing Committee, the following questions –

- “1. Will the President inform the House as to the number of States’ loan sites which have been made available over the past two years?
2. Will the President inform the House as to what benefit he sees in restricting the development of States’ loan properties to States-controlled development?
3. Will the President inform the House as to the delays which have taken place in the past two years with the approval of States’ loan sites, because of unrealistic values being placed on the sites in question?
4. Will the President inform the House as to the benefits to Island residents of price control on non-States’ loan properties?
5. Would the President consider the removal of price control on properties purchased without States’ loans and sold to (a)–(h) qualified residents?”

The President of the Housing Committee replied as follows –

- “1. To my knowledge, no new States’ loan sites have been made available or zoned over the past two years, though at today’s Sitting the States are being asked to rezone Field 736A, La Melonnerie, St. Brelade, for basic States’ loan or States’ rental housing.

(Developments, either completed during the last two years or currently under way, involve approximately 300 States' loan houses, but these sites were zoned over two years ago.) However, many sites suitable for basic loan housing are proposed for rezoning in Part II of the Island Plan, and we are very active in preparing schemes for, and seeking the acquisition of, such sites.

2. Some years ago a policy was agreed between the Island Development, Finance and Economics and Housing Committees that houses to be purchased with the assistance of States' loans should be built by the Housing Committee on land which it had acquired. The main reason for this was to maximise quality. There have been a number of examples, in the past, where private development companies, often going into voluntary liquidation soon after completing a development, have built basic loan houses which have left an awful lot to be desired. It has been the view of my Committee, and confirmed in legal advice given by the Crown Officers, that the only way to guarantee the quality of such houses is for my Committee to carry out the developments itself.

However, we have appreciated that local building and development companies should also have a part to play in the construction of basic loan houses, and hence my Committee has been actively seeking the introduction of a form of quality control into the construction of loan houses, together with insurance against bad workmanship. We are currently in close discussion with the National House-Building Council in the United Kingdom, and there is every possibility that that organisation, which sets and controls standards of workmanship and offers insurance against structural defects, will extend its activities to the Island; likewise, we are considering an alternative, though very similar scheme preferred by the local

Builders' Federation. Once quality control is established, then there will be plenty of scope for both Housing Committee and private developments of basic loan houses to proceed.

In 1984, the States rezoned Fields 591, 592 and 593, St. Ouen, for basic loan housing. The States also authorised the Island Development Committee to acquire these fields, at a price to be agreed with the Finance and Economics Committee, and gave that Committee compulsory purchase powers to be used, if necessary. The Island Development Committee was to pass the fields, once acquired, to the Housing Committee for development.

At that time, the Island Development and Housing Committees were firmly of the view that sites zoned for basic loan housing should be acquired and developed by the States.

Although the Act of the States did not authorise the Housing Committee to acquire the fields in question, I personally became very dissatisfied with the delay in the acquisition of the site, and raised the matter on numerous occasions with the Island Development Committee. My attempts to expedite matters are on record. The acquisition of other sites (including Field 736A, La Melonnerie) was affected by the delay here given that, in all fairness, it was difficult to seek the acquisition of these sites (by compulsory purchase if necessary) in the light of the delay being experienced with the St. Ouen fields.

I became so concerned at the delays that eventually, at my request, a meeting took place on 8th July, 1987, involving the President of the Finance and Economics Committee and myself, together with our respective Chief Officers. At that meeting, I advised the President of the Finance and Economics Committee

that, in order to break the deadlock in the construction of new basic loan homes, I was proposing to ask my Committee to revise its policy on the acquisition and development of basic loan sites, to the effect that we would allow private developers to proceed with such developments, provided that they agreed to their developments being supervised by an architect or surveyor appointed by the Housing Committee.

On 10th July, 1987 my Committee approved a revised policy, as follows –

- (i) the Committee should continue to acquire sites for basic loan housing and carry out such developments;
- (ii) the Committee should continue with efforts it is currently making to introduce quality control into the construction of basic loan houses;
- (iii) that in the meantime, where private developers are prepared to agree to the Committee supervising their developments through an architect or surveyor, then they should be permitted to undertake basic loan developments;
- (iv) houses built would still need to conform to the standards laid down in the Island Development Committee's specification for a basic loan house, and be subject to the maximum selling price of £42,500.

In the last week, we have met with the owner and potential developer of Field 736A, La Melonnerie, and the latter has agreed to give my Committee the undertakings it seeks. It is for this reason that I have

withdrawn Proposition P.30/87 seeking to acquire the site, with compulsory purchase powers if necessary.

3. I have described above the facts behind the delay concerning Fields 591, 592 and 593, St. Ouen. In my own opinion, had my Committee been authorised by the States to acquire the fields back in 1984, loan houses would have already been constructed on the site, or at least be in the process of being built. I do not feel that this is a matter of unrealistic values being placed on the fields in question. Where agreement cannot be reached in such situations, the compulsory purchase procedure provides for the price to be determined by independent arbitration.

There has also been a delay in the rezoning and possible acquisition of another potential basic loan site – Field 736A, La Melonnerie, St. Brelade. Here also, I do not consider that the delay was caused by unrealistic values being sought, but rather due to the delay in the acquisition of the St. Ouen fields referred to above. My Committee felt that it could not press for the compulsory purchase of this site whilst the St. Ouen site remained unacquired.

4. At the present time, demand for housing in the Island exceeds supply. This is unfortunate, but not altogether surprising given our highly active and successful economy. In such circumstances, prices are bound to increase unreasonably and, if allowed to go unchecked, move beyond the reach of many local people. It was for this reason that the States introduced price control in 1973 and, I regret to say, those same conditions exist today. As soon as demand and supply are broadly in equilibrium, my Committee would wish to remove price control.
5. My Committee is not in favour of removing price control on properties purchased without States' loans

and sold to persons qualifying under Regulations (a)–(h) of the Housing Regulations. First of all, I am somewhat sceptical of the fairness of such a proposal. I can hardly envisage a situation where somebody having purchased a home with a States’ loan is required to sell his house at a controlled price, whereas somebody living in an identical house, perhaps next door, but having purchased with private finance, is free to sell at a totally uncontrolled price.

Second, I doubt whether it would be possible legally to operate a price control regulation on a partial basis – i.e. not where the purchaser qualifies under Regulations (a)–(h) and the property to be sold was not purchased with a States’ loan, but to apply in all other circumstances. I feel that any legal advice sought would probably confirm that we would need to operate price control consistently across the board, or not at all.

Third, if my Committee were to adopt Senator Shenton’s proposal, we would soon have two very separate property markets. The first consisting of properties purchased with States’ loans, subject to price control; the second, properties not purchased with States’ loans, being sold at uncontrolled, and in our current circumstances almost certainly inflationary prices. The latter market would soon become so far removed from the former that movement between the two would cease. This would effectively prevent current States’ loan borrowers from moving into higher price properties and the resulting immobility would make it increasingly difficult for those seeking their first home to find one. The Island is already suffering from such problems as it is – Senator Shenton’s proposal could only make them worse.”

Provision of office accommodation for States' Departments. Statement.

The President of the Public Works Committee made a Statement in the following terms –

“Introduction

During the debate on the Public Works Committee's Capital Works Report in the House on 30th June, 1987 the President of the Public Works Committee indicated that he would advise the House of the history of the attempts in recent years by the Public Works Committee to fulfil its role in planning and providing office accommodation for the Administering Departments of the States. This document sets out the facts.

The first attempt to relocate the Housing Department

In July 1984 the Committee was asked, as a matter of urgency, to provide alternative accommodation for the expanding Housing Department whose lease on Axminster House was due to terminate 12 months from that date. There was general agreement that Axminster House was inadequate for the purposes of the Housing Department and the Committee urgently investigated alternative sites for custom-built offices, it having been agreed by the States in 1976 that accommodation for its departments should be provided on land owned by the public and not leased, unless absolutely unavoidable, from private developers.

Two alternatives presented themselves.

The old La Motte Street School, then occupied for several relatively small activities, but possessing the advantage that it could be developed to include not only the Housing Department's administrative offices but also its maintenance department, stores and vehicle facility; and the area adjacent to Cyril Le Marquand House, always intended for use as additional office accommodation for the inevitable expansion of public sector administration.

The Housing Committee was happy with either site but objections were effectively raised by the Education Committee, which was in the course of providing a Youth Centre at La Motte Street, and eventually it was agreed that the available site at Cyril Le Marquand House should be used for the development of new offices.

Work by Public Works Committee and Island Development Committee officers resulted in the production of a scheme for a new office block on the available land at a cost of around £850,000. Time was needed for its construction, however, and negotiations began with the owners of Axminster House for a two-year extension of lease to provide this period for final design and construction.

The landlords were amenable, but as a condition, required that two unoccupied flats on the premises be granted change of use to offices. At the time of States' consideration of the matter, it was not recalled by the Island Development Committee that they had in fact already given approval to this change of use to take place at the end of the current lease. After a considerable amount of debate the political desirability of retaining these units in the housing stock was held to be more significant than the administrative needs of the Housing Department, even though that Department was prepared to convert some of its existing commercial property into dwelling accommodation to make up the difference.

However, the Finance and Economics Committee succeeded in persuading the Housing Committee that it could manage with its existing space and also supported the contention that a 21-year lease on Axminster House would be a sensible way to proceed. Against its advice the Public Works Committee was instructed by the House to put this arrangement into effect.

After negotiations relating to the state of the property were completed, a new lease for a period of 21 years was signed at the end of 1985.

The second attempt to relocate the Housing Department

Some three months later, in February 1986, the President of the Housing Committee advised that the accommodation at Axminster House still fell far short of his Committee's requirements and asked that the Public Works Committee should urgently pursue investigations with a view to finding alternative premises. The President of the Finance and Economics Committee, together with the Treasurer of the States, visited the Housing Department and were shown the difficulties with which the Department was faced. The Housing Committee asked that the Finance and Economics Committee advise the Public Works Committee that it would support the building of the accommodation alongside Cyril Le Marquand House.

In the event, the President of the Finance and Economics Committee preferred that consideration be given to the development of a new office block immediately adjacent to Axminster House to supplement the accommodation provided by that building, it being his view that the States could build in what is known as Bird's Yard, and continue to lease Axminster House. An investigation by the Public Works Committee revealed that the land purchase plus building costs involved in this transaction would be £750,000, that it would yield about 4,000 square feet of useable offices, and that taking into account the rent of Axminster House for the duration of the existing lease, the total cost of this operation would be in the order of £1.8m. The Public Works Committee therefore informed all parties concerned that it would not support such a proposal, and that it retained its view that accommodation for States' departments should be built on land owned by the public.

The provision of accommodation for other Departments of the States

During the latter part of 1986, partly as a result of debates on immigration and the proposed tightening of the

Regulation of Undertakings and Development Law by the Finance and Economics Committee, it became apparent that in addition to the Housing Department, various other Departments would find themselves in need of additional accommodation. The Director of the Public Works Department had already communicated with the tenant departments in Cyril Le Marquand House seeking their views as to future requirements prior to further examination of the potential for development adjacent to that property.

There was general acceptance that offices solely for the Housing Department could be produced for around £1m, but in order to be sure that this was a sensible solution, the Public Works Committee carried out a survey of the likely space requirements through a meeting held on 12th March, 1987, chaired by the President of the Committee and attended by officers from all these Departments, following which it was requested that each Department should obtain confirmation from its administering Committee of the requirements quantified.

The Finance and Economics Committee responded on March 30th, 1987, with an Act confirming that the Treasury required 2,500 square feet, the Commercial Relations Department required 3,000 square feet and that the Economic Adviser had an urgent expansion requirement which was subsequently stated to be around 3,000 square feet. The Establishment Committee had asked, in an Act of March 9th, 1987, for the ninth floor of the existing block, currently used for committee rooms and the caretaker's premises, plus provision on the ground floor of the new premises for a computer facility. The Public Health Department needed additional space and, of course, the use of the ninth floor in the manner required meant creating new committee rooms and caretaker's accommodation in the new development.

It was on this authority that the Public Works Department proceeded to develop various options.

However, there was concurrently a series of meetings of Presidents chaired by the President of the Finance and Economics Committee, designed to engender co-operation of all in a corporate approach to financial planning for the ensuing years.

At these meetings the President of the Public Works Committee was told that his Committee should plan for £1m-worth of accommodation, for the Housing Department essentially, at Cyril Le Marquand House, but on the basic premise that the States should not undertake projects likely to overheat the economy when at the same time it was refusing similar development by the private sector. The President of the Finance and Economics Committee categorically stated that the Departments under his care did not have urgent requirements and that in any case they would just have to manage with what they had at present.

The view of the Public Works Committee, repeatedly expressed, was that embarkation on a development scheme clearly inadequate for the needs of a number of Departments would be uneconomical, would involve a second phase development within a relatively short delay and would be seen by the general public, in any case, as a substantial extension to States' facilities. If it were to be done, it might just as well be done properly. A second development on the same site must inevitably be regarded as inefficient planning on someone's part and the Public Works Committee did not particularly wish to be seen in this light.

The Public Works Committee was adamant that it could not proceed with what its professional advisers confirmed would be an illogical and insufficient development and on the annual visit of a Committee delegation to the Finance and Economics Committee, endeavoured to carry its proposal that 27,000 square feet of office accommodation be constructed to provide for what it considered to be an ineluctable requirement in respect of accommodation facilities by the time the development could be completed.

This would certainly be two to three years from approval in principle. The cost was estimated very carefully at just under £3m.

The involvement of the Finance and Economics Committee

At a meeting of the Finance and Economics Committee held on 8th June, 1987, attended by representatives of the Public Works Committee, the former, without having given prior notice of their intention, announced that in conjunction with the Island Development Committee and the Housing Committee, they had for some years been negotiating with Charles Le Quesne Limited for a combined housing/commercial development behind Axminster House. There would be 25 dwelling units and a proposed office block had been sold in advance to the Bank Cantrade Switzerland (C.I.) Limited. There was to be a second office development of 20,000 square feet – required as a part of the scheme to make it commercially viable. The Housing Committee could have its office extension built for it – and the Public Works Committee could buy the second office block on completion, apparently at a price of £3 to £3.5m for 20,000 square feet, and therein should house the Economic Adviser's and the Commercial Relations Departments.

It was further suggested that the space thus released at the Cyril Le Marquand House site could be used for the much-delayed Magistrates' Court, not a part of the Public Works Committee's capital request, but evidently and unexpectedly a priority in the minds of members of the Finance and Economics Committee.

The reaction of the Public Works Committee

The Public Works Committee delegation listened to all this in disbelief. It surely could not be true that an office block built for profitable development would contribute any less

to the heating of the economy than another one built by the public on its own land. It would be considerably more expensive, yet we are all striving to obtain value for money. It would deliberately locate associated departments at a distance from each other. One of its justifications – the early construction of new Courts – would add even more coal to the fire of the economy.

Obviously the Public Works Committee had to meet and be told what had transpired at this Budget meeting so it was convened at short notice. After consideration of all the factors, it maintained its opinion that an office block of 27,000 square feet should be constructed adjacent to Cyril Le Marquand House to meet the future needs of administration on a site earmarked for such an eventuality in clearly the most sensible location for the purposes envisaged. The Public Works Committee, however, decided that in its report it would explain to the House the full details of the proposals that had been delineated to it by the Finance and Economics Committee, for it felt that there was little opportunity of pursuing its own case unless the full facts were made known.

On reading the Public Works Committee Report, the Treasurer of the States, on 11th June, 1987, discussed with the Director of the Department of Public Building and Works the possible removal of two paragraphs which he thought might be embarrassing to the Finance and Economics Committee. The revised draft which these two officers agreed would have provided for work on new office accommodation at the Cyril Le Marquand House site to proceed to the stage where tenders might be invited late in 1988, with the intention to start work early in 1989.

This needed the support of both Committees within 24 hours and unfortunately, while that of the Public Works Committee was secured, that of the Finance and Economics Committee was not. The Public Works Committee felt obliged to return to its original timetable, although it did approve the removal of the offending paragraphs.

The proposed amendment to the Public Works Committee's Proposition by the Finance and Economics Committee.

The Finance and Economics Committee apparently did not discuss the matter again until the States' lunchtime recess on Tuesday, 16th June, 1987 and this was followed by the release of their decision to the Press two days before the Public Works Committee was officially informed of the fact that the Finance and Economics Committee would be lodging an amendment to the Committee's Proposition.

The change of plan by the Establishment Committee

The next surprise was the cancellation by the Establishment Committee through its Chief Officer and Computer Services Manager of its specified request for a ground floor computer facility in the new building, because it had suddenly discovered it could locate its computers, or some of them, in a building being released by the States' Telecommunications Board in the vicinity of Trinity Gardens. Further, it is apparent that the Establishment Committee believes that it might be possible to reduce the space which it occupies on the eighth floor of Cyril Le Marquand House even further, thus removing its demand for the ninth floor.

The quandary facing the Public Works Committee

The Public Works Committee met on Thursday, 25th June, 1987 by which time the situation had become farcical. Many of the demands confirmed by the Finance and Establishment Committees in March of this year had disappeared and the Finance and Economics Committee had gone to the trouble of implying both through the press and in the terms of an amendment that the Public Works Committee had not done its job very thoroughly and that it should request a planning vote, not only for all outstanding office requirements but also to deal with the requirement for a Magistrates' Court.

The Public Works Committee does not accept any shortcomings in its performance of its duty. Until the present series of events it had every reason to suppose that Acts of Committees could be regarded as a basis on which it should employ its highly professional team to carry out the necessary planning procedures.

The history of the Public Works Committee's approach to the provision of a new Magistrates' Court

In its approach to the replacement of the Police Court by a building adequate for today and for the future, the Public Works Committee met with serious difficulties with regard to the detail of the proposed building on the first choice site, in Hue Street. The Committee offered to utilise several other areas in the possession of the public. La Motte Street School was one of them. The site was considered but rejected in favour of the users' strong preference for a site near Green Street Car Park. However, it proved impossible to embark upon meaningful negotiations and on this occasion the Finance and Economics Committee agreed with the Public Works Committee that compulsory purchase powers should not be used in the particular circumstances of the owner.

The Public Works Committee would have been interested in the possible acquisition of the Iron Stores site in the Parade as it appears to be an ideal site for a civic building. However, by the time the Committee was advised that it was up for sale, it had already been acquired by the Royal Trust Company of Canada as a redevelopment site.

The Methodist Church had indicated that it wanted to sell three chapels, including Wesley Grove, and had approached the Housing Department to see whether they were interested. Our architects were immediately instructed to measure Wesley Grove to see if the Courts would fit, together with the Probation Service, which in the course of time had been accepted as suitable neighbours for the Court.

It happens that Wesley Grove would do very nicely; the façade is imposing and is in any case listed for preservation. The building is in need of more attention than the Church can probably afford to provide, but the President was informed by the President of the Finance and Economics Committee that he thought it unlikely that the members of the Church would easily be convinced that the premises should be sold and this option should be considered with caution.

Consideration is also being given to the possibility of siting the Magistrates' Court on the Island Site at the Weighbridge. At the present time the Island Development Committee has under consideration an investigation by consultants into the future layout of this area and also that land which will be provided after reclamation adjacent to the Esplanade as far west as the junction with Gloucester Street. The matter has not been resolved, but it is known that there are serious problems to be overcome, including the presence of major services in the roadway adjacent to the site, and the intention to include in the area an adequate site for a new bus station.

The Public Works Committee has no doubt that both the site and the design of future Courts are of sufficient importance to be deeply considered and it is insistent that it has kept the subject firmly in the foreground. Its lack of success is a measure of its desire to meet the stated needs of the users of this very specialised building.

The conclusions of the Public Works Committee

The purpose of this statement has been to provide the background to the decision which the Public Works Committee has taken, with the withdrawal of its request for the approval of the States in principle to further development adjoining Cyril Le Marquand House for States' office accommodation. The Committee considers that it has suffered unwarranted interference over several years in the difficult task of providing the right kind of accommodation to meet the requirements of our Island Government.

At the present time only the Housing Committee has maintained its request for additional accommodation for its Department. The Public Works Committee will afford whatever assistance it can towards the resolution of the Housing Committee's problem.

The Public Works Committee, however, confirms that it retains the view that Administering Departments of the States should be accommodated in offices at the Cyril Le Marquand House site; that new accommodation should not be acquired from property developers; and, specifically, that administering Committees charged with the responsibility and staffed for the purpose of carrying out certain duties should in future be allowed to perform their functions without interference by any other Committee of the States. To do otherwise will ultimately be of disadvantage to the public interest."

La Haule, St. Brelade: public toilets.

THE STATES, adopting a Proposition of the Public Works Committee –

- (a) approved Drawing No. 2833/3B showing the proposed construction of public toilets at La Haule, St. Brelade;
- (b) authorised the Greffier of the States to sign the said Drawing on behalf of the States.

Company Securities (Insider Dealing) (Jersey) Law, 1987. P.118/87.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Company Securities (Insider Dealing) (Jersey) Law, 1987.

Students in higher education: grants. P.122/87.

THE STATES, adopting a Proposition of the Education Committee –

- (a) approved, commencing for the autumn term 1987, the increase in the Grants to Student maintenance element by 11 per cent above that paid to United Kingdom based students;
- (b) approved, commencing for the autumn term 1987, the introduction of the revised contribution scale as set out in Appendix C to the Report of the Education Committee dated 30th June, 1987.

Students in higher education: grants. Deferred Supply. P.128/87.

THE STATES, adopting a Proposition of the Finance and Economics Committee, acceded to the request for the following additional vote of credit to be voted out of the General Reserve –

Education Committee

| | |
|---------------------------|-----------|
| 2856 – Grants to Students | £133,000. |
|---------------------------|-----------|

Public Employees' Contributory Retirement Scheme: alterations. P.123/87.

THE STATES, having rejected the proposition of Senator John Le Marquand that the Proposition be referred back, adopted a Proposition of the Establishment Committee and endorsed the proposed alterations to the Public Employees' Contributory Retirement Scheme explained in the report of the Committee dated 5th May, 1987.

Members present voted as follows for the reference back –

“Pour” (17)**Senators**

Vibert, Le Marquand, Shenton, Ellis, Baal, Rothwell, Brooke.

Connétables

St. Helier, St. Mary, St. Saviour, St. Brelade, Trinity.

Deputies

Trinity, Farley(H), Blampied(H), St. John, St. Peter.

“Contre” (23)**Senators**

Jeune, Binnington, Horsfall, Le Main.

Connétables

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

Deputies

Mourant(H), St. Ouen, Morel(S), Le Maistre(H), Roche(S),
Le Brocq(H), Le Quesne(S), Filleul(H), Vandervliet(L),
Le Fondré(L), Rumboll(H), Grouville, Billot(S), Carter(H),
St. Martin, Baudains(C).

Deputy William John Mahoney of St. Helier declared an interest in the matter and withdrew from the Chamber.

La Melonnerie, St. Brelade: rezoning. P.29/87.

THE STATES, adopting a Proposition of the Island Development Committee, agreed to rezone about five vergées of land at Field 736A, Mont Les Vaux, St. Brelade as shown on Drawing No. 12.155.2 from White Land to use for States' (basic) loan and/or States' rental residential development.

Rue Fondon Trading Estate: development – constitution of Committee of Inquiry. P.129/87.

THE STATES, adopting a Proposition of Senator Richard Joseph Shenton, agreed that the Committee of Inquiry to investigate the circumstances relating to the development of the Rue Fondon Trading Estate should be constituted as follows –

Mervyn Renouf Billot, Deputy of St. Saviour – Chairman

Mrs. Iris Medora Le Feuvre, Connétable of St. Lawrence

David John de la Haye, Deputy of St. Ouen.

Boats and Surf-Riding (Control) (Amendment No. 5) (Jersey) Regulations, 1987. P.131/87.

THE STATES, in exercise of the powers conferred upon them by the Order in Council of the twenty-sixth day of December, 1851, Article 49 of the Road Traffic (Jersey) Law, 1956, as amended, and Article 4 of the Harbours Administration (Jersey) Law, 1961, as amended, made Regulations entitled the Boats and Surf-Riding (Control) (Amendment No. 5) (Jersey) Regulations, 1987.

Adjournment.

THE STATES then adjourned, having agreed that the following outstanding items of Public Business should stand over until the next Meeting –

Public Employees' Pension Increases: calculation. P.124/87.

Lodged: 30th June, 1987.

Establishment Committee.

**Draft Public Employees (Contributory Retirement Scheme)
(Transitional Provisions) (Jersey) Regulations, 198 .
P.127/87.**

Lodged: 30th June, 1987.

Establishment Committee.

THE STATES rose at 7.15 p.m.

E.J.M. POTTER,

Greffier of the States.