

**THE STATES assembled on Tuesday,  
20th January 2004 at 10.15 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

All members were present with the exception of –

Senator Frank Harrison Walker – out of the Island  
Alan Breckon, Deputy of St. Saviour– ill  
Philip John Rondel, Deputy of St. John– out of the Island  
John Benjamin Fox, Deputy of St. Helier– out of the Island  
Jennifer-Anne Bridge, Deputy of St. Helier– excused

Prayers

**Service of Dedication – thanks**

The Bailiff, on behalf of all members, thanked the Dean of Jersey and all those involved in the organisation of the Service of Dedication, which had been held at the St. Helier Parish Church prior to the meeting.

**Tribute to the late Mr. Stanley John de la Haye, former member of the States**

The Bailiff paid tribute to the late Mr. Stanley John de la Haye, former Connétable of St. Martin.

The States observed one minute’s silence as a mark of respect.

**Subordinate legislation tabled**

The following enactments were laid before the States, namely –

Income Tax (Superannuation Funds) (Amendment No. 2) (Jersey) Order 2003.	R&O 156/2003.
Excise Duty (Relief and Drawback) (Amendment No. 2) (Jersey) Order 2003.	R&O 157/2003.
Weights and Measures (Testing Fees) (Jersey) Order 2003.	R&O 158/2003.
Motor Vehicle Registration (General Provisions) (Amendment No. 11) (Jersey) Order 2003.	R&O 159/2003.
Amendment (No. 28) to the Tariff of Harbour and Light Dues.	R&O 162/2003.

**Matters presented**

The following matters were presented to the States –

Jersey Advisory and Conciliation Service: Report and financial statements 31st December 2002.  
*Presented by the Employment and Social Security Committee.*

States' Expenditure: reduction in cost of public sector workforce (P.90/2003) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.90/2003. Com.
Code of Practice on Public Access to Official Information: measures to improve implementation (P.164/2003) – amendment (P.164/2003 Amd.)– comments. <i>Presented by the Privileges and Procedures Committee.</i>	P.164/2003. Amd.Com.
Disability Benefit System: reform (P.178/2003) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.178/2003. Com.
Bus Strategy: implementation (P.187/2003) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.187/2003. Com.
States' Expenditure: reduction in cost of public sector workforce (P.90/2003) – comments. <i>Policy and Resources Committee.</i>	P.90/2003. Com. (2)

The following matter was presented on 16th December 2003 –

Welfare Benefit Rates: recommended rates from 1st January 2004. <i>Presented by the Employment and Social Security Committee.</i>	R.C.54/2003.
--	--------------

The following matters were presented on 23rd December 2003 –

Fields 203, 204 (part) and 252, Rue de Jambart, St. Clement: restriction of development (P.152/2003) – comment. <i>Presented by the Environment and Public Services Committee.</i>	P.152/2003. Com.
Code of Practice on Public Access to Official Information: measures to improve implementation (P.164/2003) – comments. <i>Presented by the Policy and Resources Committee.</i>	P.164/2003. Com.
Shadow Public Accounts Committee – terms of reference (P.194/2003): comments. <i>Presented by the Policy and Resources Committee.</i>	P.194/2003. Com.

The following matter was presented on 30th December 2003 –

Strategic Aims Report and Discussion Paper. <i>Presented by the Policy and Resources Committee.</i>	R.C.55/2003.
--	--------------

The following matter was presented on 6th January 2004 –

Minimum Wage Recommendation. <i>Presented by the Employment and Social Security Committee.</i>	R.C.1/2004.
---	-------------

The following matter was presented on 13th January 2004 –

Code of Practice on Public Access to Official Information: Register of Reports (P.196/2003) – comments. <i>Presented by the Privileges and Procedures Committee.</i>	P.196/2003. Com.
---	---------------------

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

## **Matters noted – land transactions**

THE STATES noted Acts of the Finance and Economics Committee dated 10th December 2003, and 8th January 2004, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

### 10th December 2003

- (a) as recommended by the Environment and Public Services Committee, the renewal of the lease to Miss Charlotte Victoria Pinchard of the property known as Driftwood Café situated at Archirondel, St. Catherine, St. Martin, for a period of nine years deemed to have commenced on 25th December 2003, at a commencing annual rent of £8,000, increasing to £9,500 in the second year and to be subject to review on the third and sixth anniversary of the commencement of the lease in line with the Jersey Retail Price Index. All other terms and conditions were to remain the same as at the lease assignment date of 1st January 2002, with each party to be responsible for its own legal fees arising from the transaction;
- (b) as recommended by the Education, Sport and Culture Committee, the lease to Ms. Catherine Skinner of the Massage Room (measuring approximately 50 square feet) on the first floor of the Les Quennevais Sports Centre, to allow her to undertake chiropractic services, for a period of three years from 1st June 2003, at an annual rent of £3,600, with annual rent reviews based on the Jersey Retail Price Index. The lessee was only to use the suite for the conduct of her chiropractic business and would be responsible for the payment of all rates, taxes and outgoings levied or charged in respect of the demised premises, as normally paid by a tenant. The lessee was also to be responsible for maintaining the unit in good repair;

### 8th January 2004

- (c) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mr. Michael Graeme Moignard, owner of the property known as Seaside Cottage, St. Lawrence, which adjoined the St. Aubin's bay promenade, in order to clarify the southern boundary with the adjacent public land, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (d) as recommended by the Education, Sport and Culture Committee, the formalisation of a ground lease to Jersey Telecom Group Limited (following the incorporatisation of the Telecommunications Board) for the siting of a Services Distribution Room at Snow Hill, St. Helier for a period of 99 years from 25th March 2002 (the date when occupation of the site had been taken under an original agreement between the then Sport, Leisure and Recreation Committee and the Telecommunications Board) on the basis of the original heads of terms;
- (e) as recommended by the Housing Committee, the granting of a Contract Wayleave to the Jersey Electricity Company Limited for the mains cable route (as shown on Wayleave Plan No. 22K Ref/ P.856, dated 24th May 1990) through a roadway known as Brighton Road, St. Helier, the wayleave to be free of charge, with each party to be responsible for its own legal costs arising from the transaction;
- (f) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. Peter Kubeck and Mrs. Brigitte Kubeck, née Waage, of the property known as Old Station Café, Millbrook, St. Lawrence, for a period of nine years from 25th December 2003, at a commencing annual rent of £10,000 subject to review on the third and sixth anniversaries of the lease in line with the Jersey Retail Price Index, on the basis that all other terms and conditions would remain the same as the existing lease agreement and that each party would be responsible for its own legal costs arising from the transaction;
- (g) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr.

Darren Amy and Mrs. Emma Amy, née Machon, for the property known as Plemont Café, Plemont headland, St. Ouen, for a period of nine years from 25th December 2003, at a commencing annual rent of £7,000, subject to increase to £9,000 in the second year and to review on the third and sixth anniversaries of the lease in line with the Jersey Retail Price Index, with the rent to be increased from commencement of the agreement and based upon the £9,000 rental value. All other terms and conditions were to remain as the existing lease agreement and each party was to be responsible for its own legal costs arising from the transaction;

- (h) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. James William Webster of the property known as Bouley Bay Bunker, Trinity, for a period of three years from 25th December 2003, (subject to determination early by either party giving six months notice in writing), for an annual rent of £450.14 subject to annual review in line with the Jersey Retail Price Index, on the basis that the tenant would only use the bunker for the purpose of storing diving equipment. Each party was to be responsible for its own legal costs arising from the transaction and no deposits were to be paid;
- (i) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. Mark Bisson and Mrs. Faye Bisson, née Keaton, of the property known as First Tower Kiosk, First Tower, St. Helier, for a period of nine years at a commencing annual rent of £9,000 subject to reviews on the third and sixth anniversaries of the lease in line with the Jersey Retail Price Index, on the basis that all other terms and conditions were to remain as the existing lease agreement and each party was to be responsible for its own legal costs arising from the transaction;
- (j) as recommended by the Environment and Public Services Committee, an extension of the lease from Dr. John Thomas Renouf of the property known as Maison Petit Port, Rue de Petit Port, St. Brelade (required in order to accommodate a senior planner with the Planning and Building Services Department until the end of his contract), from 31st March 2004, until 31st January 2005, on the same terms and conditions as the existing lease except in respect of annual rent which was to be increased in line with the Jersey Retail Price Index from 31st March 2004. Each party was to be responsible for its own legal costs arising from the transaction;
- (k) as recommended by the Health and Social Services Committee, the lease to Lloyds Pharmacy Limited of Nos. 14-16 Burrard Street, St. Helier for a period of nine years from 25th December 2003, at an initial annual rent of £21,000 subject to three-yearly open market rent reviews, on the basis that the tenant would refurbish both the interior and the ground floor exterior of the premises to the reasonable satisfaction of the Committee subject to the receipt of any necessary planning consent. Each party was to be responsible for its own legal costs arising from the transaction;
- (l) as recommended by the Environment and Public Services Committee, the purchase from Mr. Bruce Hepburn de la Mare of land (measuring 60 square feet) forming part of the boundary formerly known as Merrydale, at the junction of Paddock End and La Rue à Don, Grouville (required in order to allow continuation of the footpath), for a consideration of £60 (representing a rate of £1 a square foot), subject to the Committee being responsible for both parties' reasonable legal costs arising from the transaction;
- (m) as recommended by the Environment and Public Services Committee, the renewal of the lease from Mr. William Bertram Payn of the property known as No. 4 Beachside, La Rue du Pont, La Rocque Grouville for a period deemed to have commenced on 1st September 2003, until 31st January 2006 (so as to coincide with the termination of leases in respect of Nos. 5 and 6 Beachside), at an annual rent of £17,836.50 (matching the rent for those other properties), with all other terms and conditions to remain as the existing lease agreement and on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (n) as recommended by the Harbours and Airport Committee, the renewal of the lease to J.H. Jaffé Company Limited of the Old Shell House, La Folie, South Pier, St. Helier, for a period of three years from 31st October 2003, at an annual rent of £13,695.80, subject to annual increases in line with the Jersey Retail Price Index;

- (o) as recommended by the Environment and Public Services Committee, the grant of a vehicular right of way to Mr. Paul Edwin Vibert and Mrs. Nicola Daryl Vibert, née Rimeur, over the section of the access track known as “Le Chemin du Douet” (which provided access to Fields Nos. 77 and 78, Portinfer St. Ouen and to an adjacent property known as “Les Chandelles”) for the purposes of access to and egress from Field No. 79, St. Ouen, subject to any planning consents (if necessary), and for the sole benefit of the property known as “Les Heches”, Portinfer, St. Ouen, whilst it constituted a single dwelling. It had been agreed that a net fee of £500 would be payable when the purchase of the land required for a pumping station had been completed, although this sum would be reflected in the overall consideration paid for the site concerned. Other terms and conditions would remain as in the original report, approved by the Director of Property Services, dated 1st July 2003, and each party would be responsible for its own legal costs arising from the transaction;
- (p) as recommended by the Education, Sport and Culture Committee, the cession to the Parish of St. Helier of an area of land (measuring 71.6 square metres– as shown on the Public Services Department Drawing No. 3015/SK010803) in Field No. 1237, La Pouquelaye Playing Field, St. Helier (required for road widening purposes – the road being administered by the Parish) for a consideration of £10, on the basis that the Committee would meet both parties’ reasonable legal fees arising from the transaction, and that the works associated with the widening of the road and which would form part of the new school project would be undertaken at no cost to the Parish of St. Helier;
- (q) as recommended by the Environment and Public Services Committee, the sale to Terence Doak Holdings Limited of land (measuring approximately 485 square feet) situated immediately to the north of the property formerly known as “Sands” but now referred to as the Discovery Bay Apartments and constituting only that public-owned land which had been subject to extension works to the Discovery Bay site. It was noted that Terence Doak Holdings Limited had completed the necessary accommodation works in order to reinstate the access track leading to l’Ouziere Slip in accordance with the requirements of the Public Services Department and that the company would pay the sum of £865 in respect of the land to be conveyed together with the Committee’s reasonable legal costs arising from the transaction. The sale was to be subject to a restrictive covenant effectively preventing any further development of that area of land to be conveyed other than that allowed under Planning Permission 1943/X dated 24th August 1999. An area of concrete paving towards the western boundary of the site (which constituted a slight encroachment onto public land) would be permitted to remain as constructed although in the event of redevelopment the adjacent masonry wall would be realigned upon the boundary between the Discovery Bay site and the adjoining public land;
- (r) as recommended by the Environment and Public Services Committee, the lease to the Jersey Electricity Company Limited of Electricity Sub-Station No. 388 situated in Caledonia Place, St. Helier for a period of 99 years from the date of registration of the lease in the Royal Court, for a consideration of £1 a year payable in total at the commencement of the lease. In addition, the Company was also to be granted a wayleave across public land for the purpose of accessing the Sub-Station, and each party was to be responsible for its own legal fees arising from the transaction.

### **Matters lodged**

The following matters were lodged “au Greffe” –

Code of Practice on Public Access to Official Information: Register of Reports (P.196/2003) – amendment. <i>Presented by the Privileges and Procedures Committee.</i>	P.196/2003. Amd.
Speed Limits: revised policy. <i>Presented by the Environment and Public Services Committee.</i>	P.1/2004.
Youth Custody for persons aged 12 and over.	P.2/2004.

*Presented by the Deputy of St. Martin, and referred to the Home Affairs, Education, Sport and Culture, and Health and Social Services Committees.*

Draft Shipping (SOLAS) (Jersey) Regulations 200-. P.3/2004.  
*Presented by the Harbours and Airport Committee.*

Draft Shipping (Load Line) (Jersey) Regulations 200-. P.4/2004.  
*Presented by the Harbours and Airport Committee.*

Public and Private Sector Housing Rental Subsidy Schemes: income disregard – rescindment. P.5/2004.  
*Deputy G.P. Southern of St. Helier, and referred to the Finance and Economics, Employment and Social Security, and Housing Committees.*

Machinery of Government: Votes of No Confidence in individual Ministers. P.6/2004.  
*Senator S. Syvret, and referred to the Policy and Resources, and Privileges and Procedures Committees.*

The following matters were lodged on 16th December 2003 –

Draft Drainage (Jersey) Law 200-. P.193/2003.  
*Presented by the Environment and Public Services Committee.*

Shadow Public Accounts Committee: terms of reference. P.194/2003.  
*Presented by the Finance and Economics Committee.*

The following matters were lodged on 23rd December 2003 –

Shadow Public Accounts Committee: terms of reference (P.194/2003) – P.194/2003.  
amendment. Amd.  
*Presented by the Privileges and Procedures Committee.*

Draft Motor Vehicle Registration (Amendment No. 3) (Jersey) Law 200. P.195/2003.  
*Presented by the Home Affairs Committee.*

Code of Practice on Public Access to Official Information: Register of Reports. P.196/2003.  
*Presented by Deputy P.N. Troy of St. Brelade.*

The following matter was lodged on 6th January 2004 –

Code of Practice on Public Access to Official Information: measures to improve P.164/2003.  
implementation (P.164/2003) – amendment. Amd.  
*Presented by Senator S. Syvret.*

#### **Television Licence Fees: rebate for senior citizens – (P.149/2003) – withdrawn**

THE STATES noted that, in accordance with Standing Order 22(3), Deputy Geoffrey Peter Southern of St. Helier had instructed the Greffier of the States to withdraw the proposition regarding television licence fees: rebate for senior citizens, (P.149/2003 lodged “au Greffe” on 4th November 2003).

#### **Arrangement of public business for the present meeting**

THE STATES agreed to defer consideration of the proposition regarding the Code of Practice on Public Access to

Official Information: measures to improve implementation, (P.164/2003 lodged “au Greffe” on 18th November 2003), from the present meeting to the meeting to be held on 3rd February 2003.

THE STATES confirmed that the following matter lodged “au Greffe” would be considered at the present meeting –

Shadow Public Accounts Committee: terms of reference. P.194/2003.  
Lodged: 16th December 2003.  
*Finance and Economics Committee.*

Shadow Public Accounts Committee: terms of reference (P.194/2003) – comments. P.194/2003.  
Presented: 23rd December 2003. Com.  
*Policy and Resources Committee.*

Shadow Public Accounts Committee: terms of reference (P.194/2003) – P.194/2003.  
amendment. Amd.  
Lodged: 23rd December 2003.  
*Privileges and Procedures Committee.*

#### **Arrangement of public business for the next meeting on 3rd February 2004**

THE STATES adopted a proposition of Senator Terence Augustine Le Sueur that the proposition of Deputy Geoffrey Peter Southern of St. Helier concerning the Social Security Fund: a new method of funding, (P.137/2003 lodged “au Greffe” on 7th October 2003), be not considered on 3rd February 2004.

Members present voted as follows –

#### **“Pour” (25)**

##### **Senators**

Norman, Le Sueur, Routier, M. Vibert, Ozouf.

##### **Connétables**

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

##### **Deputies**

Trinity, Huet(H), Le Main(H), Dubras(L), Troy(B), Voisin(L), Ferguson(B), St. Mary, Ryan(H), Taylo  
(C).

#### **“Contre” (20)**

##### **Senators**

Le Maistre, Syvret, Kinnard, Le Claire, E. Vibert.

##### **Connétables**

St. Clement, St. Helier.

##### **Deputies**

Duhamel(S), St. Martin, Baudains(C), Dorey(H), Scott Warren(S), Le Hérissier(S), Martin(H), Souther  
(H), Bernstein(B), St. Ouen, St. Peter, Hilton(H), De Faye(H).

THE STATES confirmed that the following matters lodged “au Greffe” would be considered, in the following order, at the next meeting on 3rd February 2004 –

Fields 203, 204 (part) and 252, Rue de Jambart, St. Clement: restriction of development. Lodged: 4th November 2003. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.152/2003.
Fields 203, 204 (part) and 252, Rue de Jambart, St. Clement: restriction of development (P.152/2003) – comment. Presented: 23rd December 2003. <i>Environment and Public Services Committee.</i>	P.152/2003. Com.
Code of Practice on Public Access to Official Information: measures to improve implementation. Presented: 18th November 2003. <i>Privileges and Procedures Committee.</i>	P.164/2003.
Code of Practice on Public Access to Official Information: measures to improve implementation (P.164/2003) – comments. Presented: 23rd December 2003. <i>Policy and Resources Committee.</i>	P.164/2003. Com.
Code of Practice on Public Access to Official Information: measures to improve implementation (P.164/2003) – amendment. Lodged: 6th January 2004. <i>Senator S. Syvret.</i>	P.164/2003. Amd.
Code of Practice on Public Access to Official Information: measures to improve implementation (P.164/2003) – amendment (P.164/2003 Amd.)– comments. Presented: 20th January 2004. <i>Privileges and Procedures Committee.</i>	P.164/2003. Amd.Com.
Code of Practice on Public Access to Official Information: Register of Reports. Lodged: 23rd December 2003. <i>Deputy P.N. Troy of St. Brelade.</i>	P.196/2003.
Code of Practice on Public Access to Official Information: Register of Reports (P.196/2003) – comments. Presented: 13th January 2003. <i>Privileges and Procedures Committee.</i>	P.196/2003. Com.
Code of Practice on Public Access to Official Information: Register of Reports (P.196/2003) – amendment. Lodged: 20th January 2004. <i>Privileges and Procedures Committee.</i>	P.196/2003. Amd.
Draft Burials and Exhumations (Jersey) Law 200-. Lodged: 25th November 2003. <i>Legislation Committee.</i>	P.170/2003.
Draft Motor Vehicle Registration (Amendment No. 3) (Jersey) Law 200-. Lodged: 23rd December 2003. <i>Home Affairs Committee.</i>	P.195/2003.



**Matters relating to the Les Pas settlement – question and answer (Tape No. 886)**

Senator Jean Amy Le Maistre asked Senator Terence Augustine Le Sueur, Vice President of the Policy and Resources Committee, the following question –

“In a letter dated 2nd December 1993, from the then H.M. Attorney General to the Policy and Resources Committee relating to land reclamation schemes to the west of Albert Pier and to the south of La Collette, he advised –

*‘It would not in my opinion be prudent or sensible to continue with those schemes without taking a decision on one or other of the following options’.*

These options related either to litigate or to seek to compromise in order to resolve the claim to title.

Would the Vice-President advise whether this advice was considered by the Policy and Resources Committee on each occasion prior to matters being brought to the States relating to the development of the Waterfront, and, if so, why it, therefore, did not feature in any of the projects brought before the States?”

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

“The minutes of the meetings of the Policy and Resources Committee from 1993 onwards do not indicate whether the letter dated 2nd December 1993, was considered on each occasion. However, there are two points that need to be made in response to this question –

- (1) The letter dated 2nd December 1993, formed part of the body of legal advice which had been supplied to the Committee. It may have been considered at subsequent meetings, but if it was it would not have been necessary for this to have been recorded in the minutes on every occasion that the matter came up for discussion;
- (2) Senator Le Maistre appears to have assumed that the Policy and Resources Committee should have given specific consideration to the advice contained in this letter on each and every occasion before matters relating to the development of the St. Helier Waterfront were brought to the States. This would have been most unusual, and the reasons for such an assumption are not explained.

The letter from the then H.M. Attorney General, like the letter from the then H.M. Solicitor General which was also considered by the Committee in December 1993, was written to advise the Committee following receipt of advice from London counsel. It advised that the decision which had to be taken at that stage was whether to litigate or to seek to compromise. Having considered all the advice which was before it, the Committee decided to litigate. The then Attorney General's letter did not advise that the decision, once taken, should be revisited on every occasion when matters arose relating to the Waterfront.

What the Committee did do was remain open to the idea of settlement, and take fresh legal advice when settlement was suggested. As members were told during the Les Pas debate, that came to nothing, because Les Pas was so unrealistic and so intransigent in its settlement demands. What the Committee also did was act to protect the public's interest as far as possible short of settlement by acquiring by compulsory purchase a large part of the reclaimed area upon which development was to take place.”

**Matters relating to Les Pas settlement – question and answer (Tape No. 886)**

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Terence Augustine Le Sueur, Vice President of the Policy and Resources Committee, the following question –

“Would the Vice-President confirm that as the Jersey Electricity Company Limited’s La Collette power station is located partially on established land and partially on reclaimed land that took place before 1934,

that the statement the President made during the Les Pas debate that the Island could lose millions of pounds or that element should the Les Pas claim succeed, was misleading?”

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

“I am not aware of the President having made this statement during the States’ debate on the proposed agreement with Les Pas Holdings, nor has a search of the transcripts of the debate been able to reveal such a statement. The President did say on more than one occasion during the debate that the Island could risk losing hundreds of millions of pounds of public money if the claim from Les Holdings were successful, but this was in relation to the entire area covered by the claim, and not solely in relation to the land occupied by the La Collette Power Station. The potential cost to the public was also emphasised in paragraph 43 of the report and proposition of the Policy and Resources Committee (‘Fief de la Fosse: Proposed Agreement with Les Pas Holdings’, P.117/2003).

The hatched area shown in Appendix 2 of the proposition reproduced as accurately as was possible on that scale the plan that was attached to Les Pas Limited’s supplementary statement of title showing the area claimed by Les Pas. On the Statement of Title plan, which is on a larger scale, it is possible to discern a very small irregularly-shaped area which protrudes into the centre of part of the Power Station buildings, and this particular area is not covered by the claim. This area did not show up on Appendix 2, possibly because it was too small to reproduce on that scale.

Whether this small irregularly-shaped area is co-extensive with the area which Deputy Baudains believes to be established land and land reclaimed before 1934, it is impossible to say, because he does not explain in his question what area he thinks is affected. In any event, the question of whether or not part of La Collette Power Station is on established land, or on land reclaimed before 1934, is not considered to be relevant to the point at issue for two reasons.

Firstly, the advice to the States of the consequences of losing had to be based on a worst case scenario, in other words, on the hypothesis that Les Pas was totally successful. If Les Pas was successful, it would be entitled to ownership of, (or compensation for, in the case of the unrelated area where its interest had been acquired by compulsory purchase) everything covered by its claim. Thus, even if the area which Deputy Baudains believes to be established land or land reclaimed before 1934 is larger than the area excluded by Les Pas from the claim, the fact is that if Les Pas was successful, it would get the area which it claimed, not the area which Deputy Baudains thought that it ought to have claimed.

Secondly, even if the areas are identical, the end result would be that Les Pas would own all the Power Station, including land and buildings, save for the irregular area to which I have referred, protruding into part of one building. It would be entitled to exclude the Public from the land, and could if it wished call on the Public to remove all buildings and other apparatus from land in its ownership. The Public would own an irregularly shaped part of a larger building which could not be operated as a Power Station on its own.

In other words, the result if Les Pas won what it claimed would be that the Public would not have a workable Power Station, and on that basis the cost to the Island could indeed run into millions of pounds.”

#### **Development of the Waterfront Hotel – question and answer (Tape No. 886)**

Senator Edward Philip Vibert asked Senator Terence Augustine Le Sueur, Vice-President of the Policy and Resources Committee, the following question –

“Would the Vice-President inform members of the latest position regarding the development of the Waterfront Hotel project and whether the relevant contractor will commence work during January this year as he stated in answer to questions on 10th June 2003, and, if not, whether the Committee will be issuing a deadline for the commencement of work, failing which, the project will be subject to a new tender process?”

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

“In response to this question, I should make it clear that on 10th June 2003, the President did not state in his answer to the question from Senator E. P. Vibert that work on the Waterfront Hotel would commence in January 2004. The President did state on that occasion that the Waterfront Enterprise Board (WEB) was working actively with its private sector development partner to re-establish a funding structure which would allow the project to proceed, and that the target date at that time for the commencement of construction was January 2004. It was also stated that this commencement date was subject to the achievement of certain key steps, including agreement on the funding arrangements.

The Board of WEB continues to work closely with its hotel development partner to achieve a start to this important project. Considerable work is being done by the developer’s team and valuable progress is being made, but funding has not yet been approved and so a start date cannot yet be confirmed. The Board of WEB considers that it currently remains in the interests of its shareholders not to abandon its partner at this time on what is an extremely difficult project. The Board has undertaken to keep the Policy and Resources Committee regularly updated on progress. At this stage, whilst discussions remain ongoing, neither the Board of WEB nor the Policy and Resources Committee have considered issuing a deadline.”

### **Third party report and consultancy documents – question and answer (Tape No. 886)**

Deputy Peter Nicholas Troy of St. Brelade asked Senator Terence Augustine Le Sueur, Vice-President of the Policy and Resources Committee, the following question –

“Would the Vice-President inform members of the number of third party reports or consultancy documents commissioned in 2003 by States Committees and their Departments, costing in excess of £2,000, and the total cost to the public sector, showing a total for each Committee’s expenditure?”

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

“The information that Deputy Troy has requested is not currently available and would take some time to compile. I have been able to obtain information in respect of the Policy and Resources Committee and its department, and can advise members that six reports costing in excess of £2,000 were commissioned from third parties or consultants during 2003, at a total combined cost to the Committee of £47,446.

If the Deputy wishes to establish the total cost and number of reports or consultancy documents commissioned in 2003 by all States Committees and departments, then this information can be obtained. However, I should point out that the collection and analysis of this information could be a very time-consuming task for other States departments, and will involve the allocation of a significant amount of staff time.

In seeking this information from other Committees, it would be necessary to be more specific as to what is meant by a ‘third party’ or ‘consultant’. For example, would such a definition include medical consultants, Her Majesty’s Inspectors, and education advisers? Due account would also need to be made for reports that were commissioned in 2003 and which have not yet been completed, and presumably in these cases it would be considered sufficient to provide an estimate of the final cost.”

### **Maintenance of the commemorative plaque at La Rocque – question and answer (Tape No. 886)**

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Deputy Maurice François Dubras, President of the Environment and Public Services Committee, the following question –

“Would the President confirm that the Environment and Public Services Committee is responsible for the maintenance of the plaque at La Rocque commemorating persons who lost their lives as a result of enemy action during the Second World War, and, if so, would he advise when it will be restored given its current poor state of condition?”

The President of the Environment and Public Services Committee replied as follows –

“The Committee is responsible for the maintenance of the plaque at La Rocque. The manufacture of a replacement marble surround is currently in hand. The fixing of the new surround will be followed by refurbishment of the lettering. It is expected that all works will be completed within two weeks.”

**2005 States’ revenue expenditure – question and answer** (Tape No. 886)

Deputy Geoffrey Peter Southern of St. Helier asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following question –

“The President recently announced that the Committee would be seeking a further £20 million reduction in States’ revenue expenditure in 2005. Would the President assure members that he will seek to prevent further hardship to those least well off in the community by protecting both the Social Security Benefits system and housing rental abatement/rebate schemes?”

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

“The Finance and Economics Committee considers that the forecast deficits in States’ finances are best addressed by a package of measures that includes significant reductions in expenditure. Indeed, the public made it abundantly clear during the 2004 Budget debate that in the first instance they expect deficits to be addressed through cuts in spending rather than increases in taxes.

At present the Committee is merely proposing a target of a £20 million reduction in budgeted expenditure. It will be for Committee Presidents, and ultimately for States members, to decide whether to accept this target and if so where cuts will be made, and I think I can speak for most, if not all, States members in confirming that we shall endeavour to prevent hardship to the least well off. However nobody should underestimate the magnitude of the challenge we all face.”

**Fort Regent rents – question and answer** (Tape No. 886)

Senator Edward Philip Vibert asked Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee, the following question –

- “(a) Would the President inform members of the revenue increase the Committee is expecting by raising rents to sporting clubs, classes and users of Fort Regent by as much as 50% in some cases?
- (b) Would the President explain the reasons for the level of these increases and whether the Committee considered the effect that such increases might have on encouraging clubs and organisations to provide leisure and fitness opportunities for the public? and,
- (c) Is the President willing to reconsider the decision to raise rents in this way?”

The President of the Education, Sport and Culture Committee replied as follows –

- “(a) The Education, Sport and Culture Committee has increased charges in 2004 by an average of 6% in line with its submission made in the Fundamental Spending Review for 2004 which was agreed by the Assembly in the 2004 budget. It is estimated that this will generate an extra £69,000 at Fort Regent during 2004 from all charges levied. There are three rooms which have had an increase of 50% in rental. The extra income which will be generated from these rooms is estimated to be approximately £6,000 per annum.
- (b) The activity rooms which have been subject to a 50% increase will now be charged at £15 per hour

rather than £10 per hour. These rooms are hired by various clubs and associations and the reason for the increase is to bring them more into line with rental rates for similar rooms, both within Fort Regent, and also with other facilities administered by the Education Sport and Culture Committee. The Committee did not consider that increase in charges per room would discourage their use. The Education, Sport and Culture Committee continues to support and encourage clubs and associations to provide activities for members of the public and I would wish to place on record my gratitude for the large number of clubs and associations which do this so well in the Island, and, in so doing, provide numerous opportunities for participation and development.

- (c) The Committee has no intention to review the decision to raise the rents but if there is any evidence of undue hardship by any club I would ask them to contact the officers at the Education, Sport and Culture Department.”

**Evictions and the income disregard allowance for invalidity and disability benefits – questions and answers**  
(Tape No. 886)

Deputy Geoffrey Peter Southern of St. Helier asked Deputy Terence John Le Main, President of the Housing Committee, the following questions –

- “1. The President recently announced a number of evictions carried out by the Housing Committee over recent months. Will the President inform members of–
  - (a) the total number of evictions that are currently being pursued?
  - (b) the number of families evicted in recent months?
  - (c) the number of evictions for reasons of anti-social behaviour on the part of tenants? and,
  - (d) the number of evictions for rent arrears?
- 2. Will the President inform members –
  - (a) how many tenants have been affected by the change to the income disregard allowance for invalidity and disability benefits contained in P.74/2003? and,
  - (b) how many of these tenants saw rises in their rent payable of –
    - (i) greater than 10% ?
    - (ii) greater than 25% ?”

The President of the Housing Committee replied as follows –

- “1. (a) In the six months ending 31st December 2003, the Committee authorised the Department to take action through the Court, if necessary, to evict a total of 30 tenants. 25 of these cases primarily involved rent arrears but, for some, anti-social behaviour was also a factor considered by the Committee. One case involved purely anti-social behaviour and the remaining 4 were tenants refusing to transfer to suitable alternative accommodation.

Out of the 30 cases, 11 are still being pursued, 4 have moved to the private sector, 4 transferred to alternative Committee accommodation, 5 have paid rent arrears in full and 6 have made arrangements for repayments of arrears which has resulted in the eviction proceedings being halted.

- (b, c, and d)

In the last 6 months only 1 tenant has been evicted by the Viscount as a result of a Court Order. This tenant was evicted for anti-social behaviour and there have been no evictions by the Court for rent arrears in this period.

2. (a) 729 Committee tenants and 221 private sector tenants have been affected by the changes to the income disregard allowance for invalidity and disability benefits contained in P.74/2003.
- (b) As a result of the changes to the disregard allowance for invalidity and disability benefits as well as the overall reduction in the generosity of the subsidy schemes and, in some cases, non-dependent surcharges, 136 tenants saw rises in their rent payable of between 10% and 25% and 162 tenants saw rises greater than 25% with effect from 1st January 2004, broken down as follows –

**Committee tenants**

Less than 10% increase	490
Between 10% and 25%	111
Over 25%	<u>128</u>
Total	729

**Private Sector**

Less than 10% increase	162
Between 10% and 25%	25
Over 25%	<u>34</u>
Total	221

**Jersey-St. Malo ferry route– question and answer** (Tape No. 886)

Senator Edward Philip Vibert asked Senator Leonard Norman, President of the Harbours and Airport Committee the following question –

- “(a) Would the President confirm that during the vote of no confidence in the Committee late last year he gave a very firm undertaking to the Assembly that before the Committee introduced more competition to the St. Malo-Jersey route the Committee would carry out a full study of the route to ensure that it could handle two operators?
- (b) Would the President inform members what actions, if any, have been taken to commission a study in relation to the operation of the Jersey-St. Malo route, and provide details of the terms of reference proposed, if applicable.
- (c) Would the President explain the Committee’s reasons for allowing Condor to operate at weekends during the winter months and how this fits in with the proposed study?”

The President of the Harbours and Airport Committee replied as follows –

“I have no recollection of providing an undertaking in the terms stated in the question. In response to a question from Senator P.V.F. Le Claire, I did confirm, on 4th November 2003, that the Harbours and Airport Committee was committed to an evaluation of the viability of all of our ferry routes and indicated some draft terms of reference.

I also invited members to provide input into these draft terms of reference. I am grateful to the President of the Economic Development Committee, Deputy F.G. Voisin, Senator M.E. Vibert, Deputy J.B. Fox and officials of the JCRA whose suggestions enabled us to refine and improve these terms of reference which

have been finalised as follows –

- (i) To carry out an in depth review of the economics and future viability of passenger and car carrying ferry services between the Island and France and the Island and the United Kingdom operating year round with capacity to meet the demands of all categories of user (Island residents, tourists, day trippers, commercial) and at the best value.
- (ii) To identify the effects of the way in which the freight market operates on ferry service competition to and from Jersey and on the viability of those ferry services.
- (iii) To identify options for competition and assess whether the long-term interests of the Island would be best served by the adoption of such options and to recommend action that could be taken to enhance the viability and security of the services.
- (iv) To present in clear, concise and unambiguous terms, those recommendations to the Harbours and Airport and Economic Development Committees by Friday 14th May 2004.

Three organisations have been invited to review the terms of reference, put forward suggestions for improving or clarifying these and provide an inclusive cost for the work involved.

The results of this examination will assist the Harbours and Airport and the Economic Development Committees in deciding how best to allocate ramp permits when the current ones expire. In the case of the St. Malo-St. Helier route, this occurs at the end of this year both for Condor and Sogestran.

As Condor's ramp permit remains current, the scheduling of their services is a matter for them, subject to the availability of the ramp at the times they require. It is reasonable to assume that they have chosen to include weekends in their schedule because this is likely to be a convenient time for people to travel."

### **Income support system – statement**

Senator Paul Francis Routier, President of the Employment and Social Security Committee, made a statement in the following terms –

"In view of the continuing interest in the proposed new Income Support system and the number of references being made to it, I am making a brief statement today to update members on progress and the work that has to be undertaken over the next two years so that it can be implemented in 2006 as agreed by the States.

Just to remind members, the aim is to integrate and simplify the existing system of support available to low income groups. The current system is fragmented with financial support being delivered across a number of systems such as Welfare Grants, Non Contributory Benefits, Housing Rent Rebate and Abatement, as well as other schemes such as Education Maintenance Grants. All these benefits and grants have different qualifying criteria and means tests and are administered by a number of Departments and the Parishes. The system is complicated for claimants, unwieldy to administer and gives rise to disincentives.

The proposal is to replace all these means tested benefits with a single, graduated one which will consist of different components. In addition to a basic 'living allowance,' there will be others covering various needs such as those relating to housing, disability, health, childcare, transport, care and general costs arising from frailty in old age.

A considerable amount of preliminary work has been done. Progress, as members may recall, was delayed pending the commissioning of an income distribution survey needed to provide key data on which to identify the level of assistance required and what it is likely to cost. The States Statistical Unit is completing the analysis of that data and a model is being developed to support the work, not only to ensure the means tested benefit systems are integrated but also the benefit and fiscal systems.

In view of the complexities around all these issues and the pressure on public spending, the Committee has decided to undertake a policy review on each aspect so that money can be better targeted to those in need. Members will have already seen the first one on Disability Benefits and others will follow throughout the year.

There are many other complex issues to resolve, not the least on qualifying conditions such as residence periods, which are linked to work on the migration policy, and funding, which has recently been the subject of a Parish Working Group report. In addition, we need to take into account aspects of the new Fiscal System as they unfold.

Subject to decisions being made on related issues and adequate resources which we are trying to put together, our aim is to complete all the necessary fact finding, research, evaluation, policy reviews and modelling work by the end of this year to present to the States for approval. This would enable a brief to be prepared and new Law to be drafted the following year, in 2005. Implementation is also likely to be time consuming, particularly if maximum advantage is to be taken of IT to streamline the administration. Our best estimate at this time is that it will be well into 2006 before a new income support system is introduced but we will also be looking at phasing it in if this proves more practical.

In the meantime, interested members may wish to refer to P.44/2000 for a more detailed description of the proposed system. I am happy to arrange a presentation or meeting for any members who would like to discuss it further.”

**Official Report of the States Assembly and its Committees (‘Hansard’): introduction – P.81/2003  
Comments – P.81/2003 Com.**

THE STATES, adopting a proposition of the Privileges and Procedures Committee, referred to their Act dated 28th September 2001, in which they agreed to form a Privileges and Procedures Committee which would be responsible for the production of a Hansard-type transcript of States’ proceedings; and to their Act dated 26th March 2002, in which they agreed that the Committee, in consultation with the Greffier of the States, should bring forward proposals, including resource requirements, for the approval of the States, concerning the establishment of a service for the recording and transcription of States proceedings and, should the States so decide, for the recording and transcription of the proceedings of Scrutiny Committees, and the Public Accounts Committee; and

- (a) agreed that an official report of the States Assembly should be introduced with effect from 1st January 2005, subject to the necessary funding being made available;
- (b) agreed, in principle, that an official report of oral evidence to Scrutiny Panels and the Public Accounts Committee, once established, should be introduced;
- (c) requested the Privileges and Procedures Committee to keep the style of the official report under review, and to refer significant changes to the States for approval; and,
- (d) requested the Privileges and Procedures Committee, in conjunction with the Finance and Economics Committee, to take the necessary steps to obtain funding within the resource allocation process to enable the establishment and operation of the service as set out in paragraphs (a) and (b) above.

Members present voted as follows –

**“Pour” (27)**

**Senators**

Le Maistre, Syvret, Norman, Kinnard, Le Claire, Lakeman, M. Vibert, E. Vibert.

**Connétables**



St. Mary, St. Clement, St. Helier, Grouville.

**Deputies**

Duhamel(S), St. Martin, Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Martin(H) Southern(H), Bernstein(B), Ferguson(B), Taylor(C), Grouville, St. Peter, Hilton(H).

**“Contre” (18)**

**Senators**

Le Sueur, Routier.

**Connétables**

St. Martin, St. Saviour, St. Brelade, St. Peter, Trinity, St. Lawrence, St. John.

**Deputies**

Trinity, Huet(H), Le Main(H), Baudains(C), Dorey(H), St. Mary, St. Ouen, Ryan(H), De Faye(H).

**Jersey Community Relations Trust – P.120/2003**

**Addendum, comments, amendment**

THE STATES commenced consideration of a proposition of the Policy and Resources Committee regarding the establishment of “The Jersey Community Relations Trust” and adopted an amendment of the Connétable of St. Helier that after the words “within our community” there be inserted the words –

“except that in the draft Constitution –

(i) in paragraph 5.1, under the heading ‘Members’ there shall be inserted the words –

‘The States shall appoint one Trustee, being a member of the States of Jersey who is not a member of the Policy and Resources Committee, and who is committed to the objectives of the Jersey Community Relations Trust as set out in paragraph 3 of the Constitution.’;

(ii) in paragraph 5.4, after the words ‘The Chair’ insert the words ‘, the Trustee appointed by the States’; and,

(iii) in paragraph 5.11, after subclause (b) insert the following subclause –

**‘(c) a Trustee appointed by the States;**

the States shall be asked to appoint another Trustee.’.”

THE STATES, following further discussion, granted leave to the Connétable of St. Helier to withdraw an amendment that after the proposition, there be inserted the following new paragraph –

“(b) to agree that, once the initial grant of £100,000 has been expended, any future revenue funding requirements of the Jersey Community Relations Trust shall be met from the cash limit of the Policy and Resources Committee”.

THE STATES, adopting a proposition of the Policy and Resources Committee as amended, approved the establishment of “The Jersey Community Relations Trust”, as set out in the report dated 22nd July 2003, of the Policy and Resources Committee, the aim of which was to seek to eliminate discrimination on any ground including, but not limited to, grounds of colour, race, nationality or ethnic or national origins, gender or sexual orientation, disability, and age, by promoting good relations between all members of society, and seeking to

achieve equality of treatment and opportunity within our community, except that in the draft Constitution –

- (i) in paragraph 5.1, under the heading ‘Members’ there shall be inserted the words –

‘The States shall appoint one Trustee, being a member of the States of Jersey who is not a member of the Policy and Resources Committee, and who is committed to the objectives of the Jersey Community Relations Trust as set out in paragraph 3 of the Constitution.’;

- (ii) in paragraph 5.4, after the words ‘The Chair’ insert the words ‘, the Trustee appointed by the States’; and,

- (iii) in paragraph 5.11, after subclause (b) insert the following sub-clause –

**‘(c) a Trustee appointed by the States;**

the States shall be asked to appoint another Trustee.’”

Members present voted as follows –

**“Pour” (29)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Sueur, Le Claire, Lakeman, Routier, M. Vibert, Ozouf, E. Vibert.

**Connétables**

St. Brelade, St. Clement, St. Helier, St. John.

**Deputies**

Trinity, St. Martin, Le Main(H), Dubras(L), Baudains(C), Troy(B), Scott Warren(S), Farnham(S), Le Hérissier(S), Southern(H), Bernstein(B), St. Mary, Ryan(H), Grouville, St. Peter.

**“Contre” (16)**

**Connétables**

St. Saviour, St. Mary, St. Peter, Trinity, St. Lawrence, Grouville.

**Deputies**

Duhamel(S), Huet(H), Dorey(H), Voisin(L), Martin(H), Ferguson(B), St. Ouen, Taylor(C), Hilton(H), De Faye(H).

**Dental Department: relocation – P.162/2003**

THE STATES, adopting a proposition of the Health and Social Services Committee –

- (a) approved architects’ drawings Nos. A1039/020 Rev B and 550 showing the proposed fit out of the new Dental Department within the previously approved shell built as an agreement with Dandara Ltd.; and,
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

**Greville Bathe Fund: appointment of trustee – P.181/2003**

THE STATES, adopting a proposition of the Finance and Economics Committee, approved the appointment of Jurat Jill Meredith Clapham for the purpose of administering the income of the Greville Bathe Fund in place of Mazel Joan Le Ruez, who, on 4th October 2003, ceased to hold the office of Jurat.

**Jersey Police Complaints Authority: appointment of Chairman and Members – P.183/2003**

THE STATES, adopting a proposition of the Home Affairs Committee, and in accordance with paragraph 1(2) of the Schedule to the Police (Complaints and Discipline) (Jersey) Law 1999 –

- (a) reappointed Mr. Leslie May FCCA. as Chairman of the Jersey Police Complaints Authority for a further period of 3 years with effect from 1st January 2004;
- (b) reappointed the following as members of the Jersey Police Complaints Authority for a further period of 3 years, with effect from 1st January 2004–

Mr. Anthony Beaumont  
Mr. Peter Holliday  
Mrs. Toni Roberts;

- (c) reappointed the following members of the Jersey Police Complaints Authority for a period of one further year only, with effect from 1st January 2004 –

Major General Charles Gordon Cornock CB, MBE.  
Mr. Derek Le Maistre; and,

- (d) appointed the following member of the Jersey Police Complaints Authority for a period of 3 years, with effect from 1st January 2004 –

Mr. Andrew Cornish.

**La Carrière, Bellozanne Valley, St. Helier: transfer of administration– P.184/2003**

THE STATES, adopting a proposition of the Environment and Public Services Committee –

- (a) authorised the transfer of administration of the property known as La Carrière, Bellozanne Valley, St. Helier as shown on drawing No. 1547/03/64, from the Environment and Public Services Committee to the Housing Committee; and,
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

**Jersey Financial Services Commission: appointment of Commissioner – P.185/2003**

The Bailiff, in pursuance of paragraph (1A) of Article 3 of the Financial Services Commission (Jersey) Law 1998, as amended, and in accordance with Standing Order 46(2), ordered the withdrawal of strangers and the closing of the doors of the Chamber in order that the appointment of a Commissioner of the Jersey Financial Services Commission be considered in camera.

THE STATES, having deliberated thereon in camera, proceeded to vote in public assembly and, adopting a proposition of the Economic Development Committee, and in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, as amended, approved Mr. David Carse, OBE as a Commissioner of the Jersey Financial Services Commission, for the period ending 3rd November 2006.

THE STATES rose at 5.48 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*