

**THE STATES assembled on Tuesday,  
27th July 1999 at 9.30 a.m. under  
the Presidency of the Greffier of the States,  
Geoffrey Henry Charles Coppock, Esquire**

**His Excellency the Lieutenant Governor,  
General Sir Michael Wilkes, K.C.B., C.B.E.,  
was present**

All members were present with the exception of -

Senator Richard Joseph Shenton - out of the Island  
Iris Medora Le Feuvre, Connétable of St. Lawrence - out of the Island  
Imogen Stephanie Nicholls, Deputy of Grouville - out of the Island  
Michael Edward Vibert, Deputy of St. Brelade - out of the Island

Prayers

#### **Matter presented**

The following matter was presented to the States-

**Probation and After-Care Service: report for 1998.**  
Presented by the Prison Board.

#### **Matters lodged**

The following matters were lodged “au Greffe” -

**Draft Food Safety (Miscellaneous Provisions) (Jersey) Law 199 - P.107/99.**  
Presented by the Health and Social Services Committee.

**Draft Trade Marks (Jersey) Law 199 - P.108/99.**  
Presented by the Finance and Economics Committee.

**Fantastic Tropical Gardens, La Dimerie, St. Peter: development in the Green Zone - P.109/99.**  
Presented by the Planning and Environment Committee.

**Strategic Planning: population ceiling - P.110/99.**  
Presented by Deputy J.T. Johns of St. Helier.

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

THE STATES acceded to the request of Deputy Terence John Le Main of St. Helier that consideration of the proposition regarding the Inn on the Park, St. Helier: site of special interest (P.237/98 lodged “au Greffe” on 17th November 1998) be deferred from the present meeting to a later date.

#### **Strategic planning: population ceiling - P.198/99**

THE STATES granted leave to Deputy James Thomas Johns of St. Helier to withdraw the proposition regarding strategic planning: population ceiling (P.198/98 lodged "au Greffe" on 22nd September 1998) the Deputy having lodged a revised report and proposition at the present meeting (P.110/99).

**Survey into the effects of the Regulation of Undertakings and Development legislation - questions and answers** (Tape No. 529)

Deputy Terence John Le Main of St. Helier, asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

"On 27th April 1999, the President informed the States that the Committee intended to commission, in conjunction with leading employer representative organisations, a survey into all the likely long-term effects of the Regulation of Undertakings legislation, including the effect on labour costs. Would the President inform the Assembly -

- (a) whether the survey has commenced and, if so, to whom the work has been entrusted?
- (b) which employer representative organisations have been, or are to be, consulted?
- (c) the likely date by which the results of the survey will be available and published?"

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

"(a) Preliminary work on the survey has commenced and the work has been entrusted to the University of Strathclyde which has been engaged to prepare the overall economic model for the Island.

A meeting has taken place with Professor McGregor and Professor Swales of the Fraser of Allander Institute of the University of Strathclyde to discuss and formulate the brief for the project.

- (b) The Chamber of Commerce, the Institute of Directors, the Institute of Personnel Development and the Jersey Federation of Small Businesses will be consulted and a meeting with representatives of the aforementioned organisations has been arranged for 30th July 1999.
- (c) The Professors have made it clear that, initially, the evaluation of the impact of the Regulation of Undertakings and Development Law, 1973, as amended, can only be subjective and intuitive. It will not be until the economic model is constructed that the full long term impact of the Law can be tested. A better idea of timescale should be available after the meeting."

**Application of the Regulation of Undertakings and Development legislation - question and answer** (Tape No. 529)

Deputy Paul Vincent Francis Le Claire of St. Helier, asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

- 1. Would the President advise the Assembly what action is being taken by the Committee to verify that the number of persons reported as employed on Manpower Survey returns are actually currently employed?
- 2. Does the Committee have any plans to introduce procedures to record the number of persons carrying on an undertaking on their own account without employees, who are not currently required to complete Manpower Survey returns, so that a more accurate assessment of the total working population can be obtained?"

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

- 1. The completion of a Manpower Survey form is a legal requirement for all undertakings. Failure to

complete and return the form is an offence under Article 2(a) of the Regulation of Undertakings and Development (Jersey) Law, 1973, as amended.

A declaration is required to be signed by every employer completing a return declaring that the information required to be returned in accordance with the Regulation of Undertakings (Jersey) Law 1973, as amended, is, to the best of their knowledge, truly and correctly stated on the return.

If any person in furnishing information for the purposes of this Law makes a statement which is false in any material particular, he shall be guilty of an offence and shall be liable to a fine. Members may be aware that the first prosecutions under the Law were heard recently in the Royal Court, one of which was concerned with the incorrect completion of a Manpower Survey form.

There are approximately 4,500 Manpower Survey forms received by the Statistics Department and once the information has been input into the system, reports are produced which would notify the Department of discrepancies from previous returns. Those discrepancies which do not have the required permissions are then investigated by the Enforcement Officers. Similarly, if it appears that an undertaking is just copying details from previous returns, this may also be investigated.

Article 7 of the Law states that any person authorised by the Committee may at all reasonable times, on the production, if so required of evidence of his authority, enter on any land and make such enquiries, take such measurements and require the production of such documents, as he thinks necessary in order to ensure that the provisions of the Law are being complied with.

2. A licence is now required by anyone wanting to carry out a new business from home, including individuals who wish to work from home, in a freelance or self-employed capacity or as a sole trader.

Those people who already operate in businesses established before 1st June 1998 from home can continue to operate without a licence as before, but an application will be necessary should there be a change in the nature or type of the business; for example, if the nature of the business should change to any significant degree or if any staff are required. The Committee does not have any plans to introduce procedures to record the number of persons carrying on an undertaking on their own account without employees prior to the aforementioned date.”

**‘J’ category housing consents - question and answer** (Tape No. 529)

Deputy Paul Vincent Francis Le Claire of St. Helier, asked Deputy Shirley Margaret Baudains of St. Helier, President of the Housing Committee, the following question -

“Would the President provide the Assembly with a year by year breakdown by industry of persons employed in the private sector who have been granted ‘j’ category housing consents during the last five years”?

The President of the Housing Committee replied as follows -

“For the five year period January 1994 to December 1998 a total of 601 ‘j’ category consents have been granted to employees in the private sector. Of these, 162 were new consents and 439 related to existing essential employee posts where the employee was either replaced or moved address.

In line with States policy the vast majority of consents during this period were granted for short terms of up to five years with less than 30 consents extended to ten years.

The breakdown by industry and by year of all consents granted is shown on the following schedules -

**Consents on the grounds of essential employment  
housing consents granted to the  
private sector under Regulation  
1(1)(j)1st January, 1994, to  
31<sup>ST</sup> December, 1998 (inc.)**

<b>Existing</b>	<b>Additional</b>	<b>Total</b>
-----------------	-------------------	--------------

**Year**

1994	79	49	128
1995	101	21	122
1996	77	38	115
1997	110	26	136
1998	72	28	100

-  
-  
**Breakdown of consents by employment category 1994**

<b>Category</b>	<b>Existing</b>	<b>Additional</b>	<b>Total</b>
Accountancy	10	8	18
Banking	25	14	39
Computer	1	0	1
Finance Misc	2	1	3
Medical	19	0	19
Other	13	9	22
Projects	5	15	20
Service industry	4	2	6
<b>Totals</b>	<b>79</b>	<b>9</b>	<b>128</b>

**Breakdown of consents by employment category 1995**

<b>Category</b>	<b>Existing</b>	<b>Additional</b>	<b>Total</b>
Accountancy	16	2	18
Banking	37	8	45
Computer	1	1	2
Finance Misc	7	2	9
Manufacturing industry	1	0	1
Medical	12	0	12
Other	21	7	28
Projects	2	0	2
Service industry	4	1	5
<b>Totals</b>	<b>101</b>	<b>21</b>	<b>122</b>

**Breakdown of consents by employment category 1996**

<b>Category</b>	<b>Existing</b>	<b>Additional</b>	<b>Total</b>
Accountancy	19	10	29
Banking	31	12	43
Computer	1	4	5
Finance Misc	4	5	9
Manufacturing industry	0	1	1
Medical	8	0	8
Other	10	1	11
Projects	1	3	4
Service industry	3	2	5
<b>Totals</b>	<b>77</b>	<b>38</b>	<b>115</b>

**Breakdown of consents by employment category 1997**

<b>Category</b>	<b>Existing</b>	<b>Additional</b>	<b>Total</b>
Accountancy	26	4	30
Banking	29	8	37
Computer	0	1	1
Finance Misc	9	2	11
Medical	20	0	20
Other	25	10	35
Projects	0	0	0
Service industry	1	1	2
<b>Total</b>	<b>110</b>	<b>26</b>	<b>136</b>

**Breakdown of consents by employment category 1998**

<b>Category</b>	<b>Existing</b>	<b>additional</b>	<b>total</b>
-----------------	-----------------	-------------------	--------------

Accountancy	19	8	27
Banking	15	10	25
Computer	2	0	2
Finance Misc	4	4	8
Medical	15	0	15
Other	12	5	17
Projects	2	1	3
Service industry	3	0	3
<b>Totals</b>	<b>72</b>	<b>28</b>	<b>100</b>

**Public employees with 'j' category housing consents - question and answer (Tape No. 529)**

Deputy Paul Vincent Francis Le Claire of St. Helier, asked the Deputy of Trinity, President of the Establishment Committee, the following question -

“Would the President provide the Assembly with a year by year breakdown by department of public sector employees with 'j' category housing consents for the last five years?”

The President of the Establishment Committee replied as follows -

“I would like to explain that, in the case of most public sector employee groups, the relevant administering committee first seeks the support of the Establishment Committee for the granting of a 'j' category consent and the matter is then referred to the Housing Committee for its formal sanction. However, in the case of the Education and Health and Social Services Committees, the Housing Committee has agreed criteria for the appointment of 'j' category employees of those Committees where they are employed on a regular basis for their specialist skills. The information that is provided, therefore, has been collated from data maintained by the States Personnel, Education, Health and Social Services and Housing Departments.

Details of the 'j' category consents are as follows -



### Considered by the Establishment Committee

	1994	1995	1996	1997	1998	Total
Department of Health and Social Services	1	-	1	-	-	2
Financial Services Department	1	-	-	-	-	1
Jersey Airport	-	1	1	-	-	2
Jersey Post	-	1	1	-	-	2
Jersey Tourism	-	1	-	-	1	2
Law Draftsman's Office	-	2	-	3	-	5
Planning and Environment	-	1	2	-	1	4
Policy and Resources Department	-	-	-	-	2	2
Probation Service	-	1	-	2	-	3
Public Services Department	-	-	-	1	-	1
States of Jersey Police	-	-	-	1	-	1
States Treasury	-	-	1	-	2	3
<b>TOTAL</b>	<b>2</b>	<b>7</b>	<b>6</b>	<b>7</b>	<b>6</b>	<b>28</b>

### Considered by the Education Committee

In addition, those consents that were considered by the Education Committee (relating to headteachers, teachers, lecturers and senior curriculum posts) and notified to the Housing Committee separately are as follows -

	1994	1995	1996	1997	1998
Education Department	17	16	14	31	28

### Considered by the Health and Social Services Committee

Finally, those consents that were considered by the Health and Social Services Committee, in connection with medical, nursing and specialist posts relating to the health and social services, and notified to the Housing Committee separately are as follows -

	1994	1995	1996	1997	1998
Department of Health and Social Services	55	78	82	108	56

Every attempt has been made to ensure that the number of consents that have been identified above avoid including the same employee more than once. However, due to the limited amount of time available to collate this information, it has not been possible to establish that this is the case in respect of the figures relating to the Department of Health and Social Services. For example, where such employees had applied to lease or rent more than one unit of accommodation, it is likely that the same employee has been counted more than once in the above figures.

### **St. Helier Waterfront development - question and answer (Tape No. 529)**

Deputy Gerard Clifford Lemmens Baudains of St. Clement, asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“In view of the public concern expressed in the media and at a recent public meeting about the Waterfront development, would the President advise members whether the Committee is prepared to give directions to the Waterfront Enterprise Board Limited to defer the building of an hotel and housing on the St. Helier

Waterfront to allow widespread public consultation to take place on the proposal and the preparation of a full cost/benefit analysis?"

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

"The Policy and Resources Committee is not prepared to give directions to the Waterfront Enterprise Board Limited to defer the building of an hotel and housing on the St Helier Waterfront because in relation to both developments it is complying with previous States decisions on the use of the Waterfront land. Clearly it would be quite wrong for the Policy and Resources Committee to give directions that were in conflict with States decisions.

I would also point out that the proposals for the development of the Waterfront have been the subject of widespread public consultation in the past and the housing development forms an essential part of the policy set out in the 'Planning for Homes' report (R.C. 10/99) presented to the States on 30th March 1999 which is concerned to ensure that, as far as possible, residential development takes place within the urban area to protect green field sites.

The acceptability of the design of the hotel and the housing is, of course, a separate matter with which the Planning and Environment Committee is currently concerned."

-

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

THE STATES resumed consideration of the proposition of the Policy and Resources Committee on the St. Helier Waterfront leisure complex: terms of lease, which had been discontinued on 26th July 1999, and, adopting the proposition -

- (a) approved the lease by the public to CTP Ltd. of approximately eight vergées of land west of the Albert Pier, St. Helier (as shown on Drawing Nos. 1704/1 and 1704/2) for a period of 150 years at a nominal rent and in return for a capital premium of £620,000, the land to be used for the construction of a leisure complex comprising -
  - (i) leisure and competition pools;
  - (ii) health and fitness studio;
  - (iii) two fast food restaurants;
  - (iv) night club and café/restaurant with live entertainment;
  - (v) public house;
  - (vi) ten screen cinema;
  - (vii) public square;
- (b) approved the payment of a grant of £10.9 million to CTP Ltd. for the construction and management of the leisure complex, the grant to be released on the basis, and under the terms, of a development agreement between the Waterfront Enterprise Board Limited and CTP Ltd. and approved by the Finance and Economics Committee;
- (c) authorised the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the public.

Members present voted as follows -

**“Pour” (40)**

**Senators**

Horsfall, Rothwell, Le Maistre, Stein, Qu  r  e, Bailhache, Walker.

**Conn  tables**

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

**Deputies**

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

**“Contre” (5)**

**Senators**

Syvret, Kinnard.

**Deputies**

Duhamel(S), Crowcroft(H), Le Claire(H).

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

THE STATES, adopting a proposition of the Finance and Economics Committee, and in accordance with paragraph (2) of Article 13A of the Public Finances (Administration) (Jersey) Law 1967, as amended, authorised the transfer of  5.5 million from the Strategic Reserve to the Tourism Investment Fund to be used as follows -

- (a) the sum of  3 million for the redevelopment of Mont Orgueil Castle;
- (b) the sum of  2.5 million to provide additional lanes with spectator seating at the leisure pool to be constructed on the St. Helier Waterfront.

Members present voted as follows -

**“Pour” (44)**

**Senators**

Horsfall, Rothwell, Le Maistre, Stein, Qu  r  e, Bailhache, Syvret, Norman, Walker, Kinnard.

**Conn  tables**

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

**Deputies**

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

**“Contre” (0)**

### **Draft Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 199 - P.91/99**

THE STATES, in pursuance of Articles 2, 5, 7, 8 and 22 of the Sea Fisheries (Jersey) Law 1994, having consulted with the Secretary of State and obtained his concurrence, made Regulations entitled the Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 1999.

### **Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 199 - P.100/99**

THE STATES, in pursuance of Articles 2, 5 and 22 of the Sea Fisheries (Jersey) Law 1994 made Regulations entitled the Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 1999.

### **Committees of the States: reorganisation - Industries Committee - P.94/99; amendments - P.103/99; comments P.94/99 Com.**

THE STATES adopted a proposition of Deputy Ronald Winter Blampied of St. Helier that consideration of the proposition of the Policy and Resources Committee on Committees of the States: reorganisation - Industries Committee (P.94/99 lodged "au Greffe" on 6th July 1999) be deferred from the present meeting.

THE STATES adopted a proposition of Senator Frank Harrison Walker that the States should meet on Wednesday 28th July 1999 to consider the proposition (P.94/99) of the Policy and Resources Committee.

Members present voted as follows -

#### **"Pour" (21)**

##### **Senators**

Horsfall, Stein, Qu  r  e, Bailhache, Norman, Walker, Kinnard.

##### **Conn  tables**

St. Mary, St. John, Trinity.

##### **Deputies**

Le Sueur(H), St. Mary, Trinity, Pullin(S), Johns(H), Routier(H), Breckon(S), Crowcroft(H), St. Peter, Dubras(L), St. Ouen, .

#### **"Contre" (20)**

##### **Senators**

Rothwell, Le Maistre, Syvret.

##### **Conn  tables**

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

##### **Deputies**

H. Baudains(C), Coutanche, Duhamel(S), Layzell(B), Huet(H), St. Martin, St. John, Le Main(H), Blampied(H), Rabet(H), de la Haye(B), G. Baudains(C), Le Claire(H).

### **The Inn on the Park, St. Helier: purchase - P.225/98**

THE STATES rejected a proposition of Deputy Terence John Le Main of St. Helier that the States -

- (a) approve the purchase on behalf of the public from the owners of the property known as The Inn on the Park, St. Helier, for use for entertainment and leisure purposes for the benefit of the people of Jersey;
- (b) authorise the Planning and Environment Committee to negotiate with the owners the purchase of the property at a fair and proper price to be agreed with the Finance and Economics Committee and, in the event of it not being possible to agree a fair and proper price with the owners, to authorise the Planning and Environment Committee, in exercise of the powers conferred by Article 4 of the Island Planning (Jersey) Law 1964, as amended, to acquire the said property and any interests therein on behalf of the public by compulsory purchase in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended;
- (c) authorise the Attorney General and the Greffier of the States to pass on behalf of the public any contract as it might be found necessary to pass in connection with the said acquisition;
- (d) request the Finance and Economics Committee to make available the necessary funds to acquire the property out of general revenues.

Members present voted as follows -

**“Pour” (21)**

**Senators**

Rothwell, Le Maistre, Stein, Quérée, Syvret.

**Connétables**

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

**Deputies**

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

**“Contre” (21)**

**Senators**

Horsfall, Bailhache, Norman, Walker, Kinnard.

**Connétables**

St. Mary, St. Brelade, St. John, Trinity.

**Deputies**

Coutanche(L), St. Mary, S. Baudains(H), Trinity, Pullin(S), Johns(H), Layzell(B), St. John, Blampied(H), de la Haye(B), St. Peter, Dubras(L).

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

**Changes in Presidency**

The Greffier of the States retired from the Chair during consideration of the proposition of the Policy and Resources Committee on the St. Helier Waterfront leisure complex: terms of lease (P.92/99) and the Bailiff took over the Presidency until the lunch adjournment.

The meeting resumed after the lunch adjournment under the Presidency of the Greffier of the States but the Bailiff returned to the Chamber during consideration of the proposition of the Finance and Economics Committee on the Strategic Reserve: allocation of funds to the Tourism Investment Fund (P.93/99) and the meeting continued under his Presidency.

THE STATES rose at 6.34 p.m., having agreed to resume consideration of outstanding business on the next day Wednesday 28th July 1999.

**C.M. NEWCOMBE**

*Deputy Greffier of the States*