

# STATES OF JERSEY ORDER PAPER

Tuesday, 12th September 2000  
and Wednesday, 13th September 2000

## A. COMMUNICATIONS BY THE BAILIFF

## B. TABLING OF SUBORDINATE LEGISLATION

*(Explanatory note attached)*

Tourism (General Provisions) (Amendment No. 7) (Jersey) Order 2000. R & O 69/2000.  
*Tourism Committee.*

Places of Refreshment (Registration) (Fees) (Jersey) Order 2000. R & O 70/2000.  
*Tourism Committee.*

St. Clement Fête (Jersey) Order 2000. R & O 71/2000.  
*Public Services Committee.*

Insurance Business (General Provisions) (Amendment No. 2) (Jersey) Order 2000. R & O 72/2000.  
*Finance and Economics Committee.*

Companies (Fees) (Amendment No. 4) (Jersey) Order 2000. R & O 73/2000.  
*Finance and Economics Committee.*

Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 15) (Jersey) Order 2000. R & O 74/2000.  
*Employment and Social Security Committee.*

Battle of Britain Air Display (Jersey) Order 2000. R & O 75/2000.  
*Public Services Committee*

Medicines (Applications for Manufacturer's and Wholesale Dealer's Licences) (Amendment) (Jersey) Order 2000. R & O 76/2000.  
*Health and Social Services Committee*

Port Control Unit (General Provisions) (Revocation) (Jersey) Order 2000. R & O 77/2000.  
*Home Affairs Committee*

## C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Nomination of Deputy S.M. Baudains of St. Helier as a member of the Education Committee.

Resignation of Senator C.G.P. Lakeman as a member of the House Committee.

Resignation of the Public Services Committee.

## D. PRESENTATION OF PAPERS

### (a) Papers for information

#### **Matters presented under Standing Order 6A(1)(a)**

Jersey Law Commission: annual report for 1999. R.C.30/2000  
*Legislation Committee.*

#### **Matters presented under Standing Order 6A(1)(b)**

Presented on 5th September 2000

States of Jersey Law 1966: delegation of functions - Industries Committee. R.C.28/2000  
*Industries Committee.*

States of Jersey Law 1966: delegation of functions - air navigation. R.C.29/2000  
*Harbours and Airport Committee.*

**(b) Notification of Standing Order decisions**

Decisions under delegated functions.  
*Finance and Economics Committee.*

**(c) Notification of acceptance of tenders**

Airport Approach Road: re-alignment.  
*Harbours and Airport Committee.*

**(d) Papers to be lodged “au Greffe” under Standing Order 17A(1)(a)**

Parish Rate Appeal Board: appointment of members. P.155/2000  
*Finance and Economics Committee.*

States Resource Plan 2000 (P.143/2000): amendment. P.156/2000  
*Deputy of St. John.*

**(e) Notification of Papers lodged “au Greffe” under Standing Order 17A(1)(b)**

Lodged on 15th August 2000

Draft Social Security (Amendment No. 14) (Jersey) Law 200 .P.137/2000  
*Employment and Social Security Committee.*

Draft Health Insurance (Medical Benefit) (Amendment No. 52) (Jersey) Regulations 200 .  
P.138/2000  
*Employment and Social Security Committee.*

Draft Social Security (Reciprocal Agreement with Japan) (Jersey) Act 200 . P.139/2000  
*Employment and Social Security Committee.*

Lodged on 22nd August 2000

Statistics Users Group: appointment of Chairman. P.140/2000  
*Policy and Resources Committee.*

Draft Criminal Justice (Community Service Orders) (Jersey) Law 2000 . P.141/2000  
*Legislation Committee.*

Former Motor Traffic Garage Site, Pier Road, St. Helier: transfer of administration.  
P.142/2000  
*Public Services Committee.*

Lodged on 29th August 2000

States Resource Plan 2000. P.143/2000  
*Policy and Resources Committee.*

Draft Licensing (Licence Fees) (Jersey) Regulations 2000 .P.144/2000  
*Tourism Committee.*

Policy and Resources Committee: membership. P.145/2000  
*Senator P.F. Horsfall.*

Anti-inflation strategy (P.125/2000): second amendment. P.146/2000  
*Health and Social Services Committee.*

Anti-inflation strategy (P.125/2000): third amendments. P.147/2000  
*Deputy A.S. Crowcroft of St. Helier.*

Draft Borrowing (Control) (Amendment No. 5) (Jersey) Law 2000 (Appointed Day) Act  
2000 . P.148/2000  
*Finance and Economics Committee.*

Draft Collective Investment Funds (Amendment No. 2) (Jersey) Law 2000 (Appointed Day) Act  
2000 . P.149/2000  
*Finance and Economics Committee.*

Draft Insurance Business (Amendment No. 2) (Jersey) Law 2000 (Appointed Day) Act 2000 .  
P.150/2000  
*Finance and Economics Committee.*

Draft Investment Business (Amendment No. 2) (Jersey) Law 2000 (Appointed Day) Act  
2000 . P.151/2000  
*Finance and Economics Committee.*

Draft Registration of Business Names (Amendment No. 2) (Jersey) Law 2000 (Appointed Day)  
Act 2000 . P.152/2000  
*Finance and Economics Committee.*

Anti-inflation strategy (P.125/2000): fourth amendments. P.153/2000  
*Senator S. Syvret.*

Lodged on 5th September 2000

Field 1418, St. Saviour/Trinity: development in the Green Zone. P.154/2000  
*Planning and Environment Committee.*

**(f) Papers for consideration by the States in Committee under Standing Order 38A**

**E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING**

THE STATES are asked to agree that the following matters lodged “au Greffe” will be considered at the present meeting -

De La Salle College, Beaulieu Convent School and FCJ Primary School: loans. P.84/2000

Lodged: 16th May 2000.

*Education Committee.*

De La Salle College, Beaulieu Convent School and FCJ Primary School: loans (P.84/2000) -  
comments. P.84/2000

Presented: 20th June 2000.

Com.

*Policy and Resources Committee.*

Anti-inflation strategy. P.125/2000  
Lodged: 4th July 2000.  
*Finance and Economics Committee.*

Anti-inflation strategy (P.125/2000): amendments. P.131/2000  
Lodged: 11th July 2000.  
*Deputy J.L. Dorey of St. Helier.*

Anti-inflation strategy (P.125/2000): second amendment. P.146/2000  
Lodged: 29th August 2000.  
*Health and Social Services Committee.*

Anti-inflation strategy (P.125/2000): third amendments. P.147/2000  
Lodged: 29th August 2000.  
*Deputy A.S. Crowcroft of St. Helier.*

Anti-inflation strategy (P.125/2000): fourth amendments. P.153/2000  
Lodged: 29th August 2000.  
*Senator S. Syvret.*

Anti-inflation strategy (P.125/2000): fifth amendment.  
*Senator C.G.P. Lakeman.*  
(attached).

Anti-inflation strategy (P.125/2000): comments. P.125/2000  
Presented: 18th July 2000. Com.  
*Industries Committee.*

Draft Social Security (Amendment No.14) (Jersey) Law 200 .P.137/2000  
Lodged: 15th August 2000.  
*Employment and Social Security Committee.*

Draft Health Insurance (Medical Benefit) (Amendment No.52) (Jersey) Regulations 200 .  
P.138/2000  
Lodged: 15th August 2000.  
*Employment and Social Security Committee.*

Draft Social Security (Reciprocal Agreement with Japan) (Jersey) Act 200 . P.139/2000  
Lodged: 15th August 2000.  
*Employment and Social Security Committee.*

Draft Licensing (Licence Fees) (Jersey) Regulations 200 .P.144/2000  
Lodged: 29th August 2000.  
*Tourism Committee.*

Policy and Resources Committee: membership. P.145/2000  
Lodged: 29th August 2000.  
*Senator P.F. Horsfall.*

THE STATES are asked to agree that the following matters lodged "au Greffe" will be considered at the next meeting on 26th September 2000 -

Les Ormes Farm, Field 773, La Route de la Blanche Pierre, St. Lawrence: development in the  
Green Zone. P.82/2000  
Lodged: 6th June 2000. (Consideration deferred on 20th June 2000)  
*Planning and Environment Committee.*

States Resource Plan 2000. P.143/2000  
Lodged: 29th August 2000.  
*Policy and Resources Committee.*

States Resource Plan 2000 (P.143/2000): amendment. P.156/2000  
Lodged: 12th September 2000.  
*Deputy of St. John.*

Motor fuel duty. P.59/2000  
Lodged: 25th April 2000.  
*Senator L. Norman.*

Motor fuel duty (P.59/2000): report P.59/2000  
Presented: 23rd May 2000. Rpt.  
*Finance and Economics Committee.*

Motor fuel duty (P.59/2000): comments. P.59/2000  
Presented: 20th June 2000. Com.  
*Policy and Resources Committee.*

Field 1418, St. Saviour/Trinity: development in the Green Zone. P.154/2000  
Lodged: 5th September 2000.  
*Planning and Environment Committee.*

Parish Rate Appeal Board: appointment of members. P.155/2000  
Lodged: 12th September 2000.  
*Finance and Economics Committee.*

**In accordance with Standing Order 17(6) the following Papers are deemed to have been withdrawn -**

Les Jardins des Carreaux, Queen's Road, St. Helier: transfer of road. P.46/98  
Lodged: 17th March 1998.  
*Housing Committee.*

Committees of the States: delegation of functions to sub-committees. P.122/99  
Lodged: 7th September 1999.  
*Deputy T.J. Le Main of St. Helier.*

The Deputy of St. John will seek leave to withdraw the proposition on the Supply of Bottled Water (P.177/99 lodged "au Greffe" on 7th November 1999).

**F. PRESENTATION OF PETITIONS**

**G. QUESTIONS**

The Deputy of St. John will ask questions of the President of the Industries Committee about the fibre optic cable link.

The Deputy of St. John will ask questions of the President of the Agriculture and Fisheries Committee about the fisheries vessel.

The Deputy of St. John will ask a question of the President of the Home Affairs Committee about the terms of appointment of the new Chief Officer of the States of Jersey Police Force.

**H. MATTERS OF PRIVILEGE**

**I. PERSONAL STATEMENTS**

**J. COMMITTEE STATEMENTS**

**K. PUBLIC BUSINESS**

Former Broadway Restaurant site, 24 Esplanade/42 Commercial Street, St. Helier: approval of drawings and funding arrangements.  
*Planning and Environment Committee.*

***Subject to E***

De La Salle College, Beaulieu Convent School and FCJ Primary School: loans. P.84/2000  
Lodged: 16th May 2000.  
*Education Committee.*

De La Salle College, Beaulieu Convent School and FCJ Primary School: loans (P.84/2000) -  
comments. P.84/2000  
Presented: 20th June 2000. Com.  
*Policy and Resources Committee.*

Anti-inflation strategy. P.125/2000  
Lodged: 4th July 2000.  
*Finance and Economics Committee.*

Anti-inflation strategy (P.125/2000): amendments. P.131/2000  
Lodged: 11th July 2000.  
*Deputy J.L. Dorey of St. Helier.*

Anti-inflation strategy (P.125/2000): second amendment. P.146/2000  
Lodged: 29th August 2000.  
*Health and Social Services Committee.*

Anti-inflation strategy (P.125/2000): third amendments. P.147/2000  
Lodged: 29th August 2000.  
*Deputy A.S. Crowcroft of St. Helier.*

Anti-inflation strategy (P.125/2000): fourth amendments. P.153/2000  
Lodged: 29th August 2000.  
*Senator S. Syvret.*

Anti-inflation strategy (P.125/2000): fifth amendment.  
*Senator C.G.P. Lakeman.*  
*(attached).*

Anti-inflation strategy (P.125/2000): comments. P.125/2000  
Presented: 18th July 2000. Com.  
*Industries Committee.*

Draft Social Security (Amendment No.14) (Jersey) Law 200 . P.137/2000  
Lodged: 15th August 2000.  
*Employment and Social Security Committee.*

Draft Health Insurance (Medical Benefit) (Amendment No.52) (Jersey) Regulations 200 .  
P.138/2000  
Lodged: 15th August 2000.  
*Employment and Social Security Committee.*

Draft Social Security (Reciprocal Agreement with Japan) (Jersey) Act 200 . P.139/2000  
Lodged: 15th August 2000.  
*Employment and Social Security Committee.*



Draft Licensing (Licence Fees) (Jersey) Regulations 200 . P.144/2000  
Lodged: 29th August 2000.  
*Tourism Committee.*

Policy and Resources Committee: membership. P.145/2000  
Lodged: 29th August 2000.  
*Senator P.F. Horsfall.*

**G.H.C. COPPOCK**

**Greffier of the States**

7th September 2000

Members are asked to note that States lunches will be served in the Halkett Room, Morier House (1st floor) until the refurbishment of the States Building is complete. Please complete the pink slip at the end of the Order Paper in the usual way if you require lunch at today's meeting.

**Explanatory Note regarding subordinate legislation  
tabled at this Meeting**

(See Item B)

**R & O 69/2000**

This Order increases the fees for the grant or renewal of registration of premises under the Tourism (Jersey) Law 1948 by approximately 2.5%.

The Order was made on 3rd August 2000 and comes into force on 1st October 2000.

**R & O 70/2000**

This Order increases from £58 to £60 the fee for registration, or renewal of registration, of premises as a place of refreshment.

The Order was made on 3rd August 2000 and comes into force on 1st January 2001.

**R & O 71/2000**

The effect of this Order is to allow the St. Clement Sports Club to use Le Hocq Car Park and part of La Grande Route de la Côte for the purpose of holding the St. Clement Fête on Saturday, 2nd September 2000.

It authorizes the club to close the car park and that part of the road temporarily, and imposes temporary parking restrictions in other roads, in connection with the fête.

In the event of poor weather or other adverse conditions, the club may postpone the holding of the fête to Sunday, 3rd September 2000.

The Order was made by the Public Services Committee on 7th August 2000, on the application of the club and after consultation by the Committee with the Connétable of Saint Clement.

### **R & O 72/2000**

The purpose of this Order is to increase the fees payable in respect of permits to carry on insurance business under the Insurance Business (General Provisions) (Jersey) Order 1996 with respect to permits granted or renewed on or after 1st October 2000. (The fees currently prescribed have not been increased since the 1996 Order was made).

The Order was made on 7th August 2000 and comes into force on 1st October 2000.

### **R & O 73/2000**

The purpose of this Order is to increase certain fees payable to the registrar of companies under the Companies (Fees) (Jersey) Order 1992 as follows:

Item 1	Delivery of memorandum of association and statement on incorporation	increase from £120 to £130
Item 2(1)	Delivery of annual return	increase from £120 to £130
Item 4(a)	For each personal search	increase from £3 to £5
Item 4(b)	For each postal search	increase from £6 to £10
Item 6	For each certificate provided by the registrar under Article 202 of the Law	increase from £10 to £15

(The fees have not been increased since the Order was made in 1992 save for the fees in respect of items 1 and 2(1) which were increased in 1995).

The Order was made on 7th August 2000 and comes into force on 1st January 2001.

**R & O 74/2000**

The purpose of this Order is to increase the basic dispensing fee from 237 pence to 250 pence and, to adjust the percentage by which the aggregate amount payable to a supplier, for pharmaceutical benefits supplied, is reduced.

The Order was made on 24th August 2000 and comes into force on 1st October 2000.

**R & O 75/2000**

The purpose of this Order is to allow certain public roads and places to be closed so that people may view the Battle of Britain air display to be held on Thursday, 14th September 2000.

The Order was made on 4th September 2000.

**R & O 76/2000**

The effect of this Order is to require an applicant for a manufacturer's licence or wholesale dealer's licence under the Medicines (Jersey) Law 1995 to disclose details of criminal convictions for offences that are punishable by imprisonment, and of previous professional misconduct.

Disclosure is required in relation to the applicant, the proposed holder of the licence and other specified persons who are to hold positions of responsibility under the licence.

The Order was made by the Health and Social Services Committee on 6th September 2000, after consultation with the Medicines Advisory Council, and comes into force on 1st November 2000.

**R & O 77/2000**

The purpose of this Order is to revoke the Port Control Unit (General Provisions) (Jersey) Order 1983 following disbandment of the Unit.

The Order was made on 7th September 2000 and comes into force on 1st October 2000.

**NOTIFICATION OF STANDING ORDER DECISIONS -  
FINANCE AND ECONOMICS COMMITTEE  
(delegated functions)**

7th August 2000

- (a) as recommended by the Public Services Committee, the sale to Terence Doak Holdings Limited of approximately 865 square feet of land to the north of the property Discovery Bay (formerly known as Sands), Five Mile Road, St. Ouen, for a consideration of £865, with the company being responsible for the cost of the necessary accommodation works and all reasonable legal costs involved in the transaction, and subject to a restrictive covenant being placed upon the land being sold preventing any further development of the site, with the exception of that covered under Planning Permit 1943/X/4/1, dated 25th August 1999;
- (b) as recommended by the Planning and Environment Committee, the annulment of the existing lease to Mr. Bernard Anthony Copple and the new lease to Mr. Copple of Fields Nos. 1321, 1565, 1580 and 1607, La Mielle de Morville, St. Ouen, from 1st January 2000 for a period of three years at an annual rent of £210, with all other terms remaining as for the existing lease agreement. Due to the sand extraction works previously carried out by Mr. L.E. J. Moon in Field 1580, the bank separating this field from Field 1606, which belonged to Mrs. Jeanne Marie Moore, née Le Monnier, had been destroyed. It had, therefore, been agreed that the public should enter into a Deed of Arrangement with Mrs. Moore in order to redefine the relevant boundary. On completion of the excavation and extraction works in Field 1605, the land was to be offered back to Mr. Copple and, if accepted, revised terms and conditions were to be agreed and a deed of variation to the new lease granted;
- (c) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. John Menzies Scarborough of the property Briville, La Rue de Tas de Geon, Trinity, for a period of three years from 1st February 2000 at an annual rent of £16,650, with annual reviews in line with the Jersey Retail Price Index and with each party being responsible for its own legal costs involved in the transaction, with all other terms and conditions to remain the same as the existing lease;
- (d) as recommended by the Agriculture and Fisheries Committee, the lease from Mrs. Meriel Valentine Edwards, née Fraser, of land and buildings at La Maison Maret, Trinity, being known as the Artificial Insemination Centre, for a period of five years, deemed to have commenced on 17th January 1999, at an annual rent of £11,000 subject to an open market rental value review, effective after three years of the term and to further negotiation of the scope of repairs required under the previous lease, on the basis that legal costs would be met by the Committee but in accordance with ongoing advice being provided by the Solicitor General;
- (e) as recommended by the Industries Committee, the lease from Le Masurier (Oxford Road) Limited of a lock-up store No. 3 Le Masurier's, Oxford Road, St. Helier, for a period of nine years on an internal repairing basis at a commencing annual rent of £2,750, with break clauses at three-year intervals, with rents to be reviewed on an open market rental value basis on the third and sixth anniversaries of the commencement of the lease;
- (f) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Christine Fiott, née Hamon, of the property Le Hurel, La Rue de Cambrai, Trinity, for a period of two years from 21st January 2000, at a commencing annual rent of £19,999, with the lessee having the option to extend the lease for a further one year period from 21st January 2002, on the basis that each party would be responsible for its own legal costs involved in the transaction, with all other terms and conditions remaining the same as the existing lease;

21st August 2000

- (g) as recommended by the Public Services Committee, the renewal to the Jersey Scout Association of a 21 year contract lease for the premises known as St. Ouen's Mill, St. Ouen, from 25th December 1999 with a commencement rental of £200 per annum, subject to a three yearly rent reviews in line with the Jersey Retail Price Index, with the lessee being responsible for the insurance in relation to the premises and maintaining in effect the necessary public indemnity insurance for a sum of not less than £2,000,000;

- (h) as recommended by the Public Services Committee, the granting of a nine year lease to Mr. Robert Frederick Le Marquand of the property known as the Old Blacksmith's Shop, Corbiere, St. Brelade, with effect from 24th June 2000, at an initial annual rental of £650, subject to three yearly rent reviews in accordance with the Jersey Retail Price Index, with each party being responsible for its own legal costs involved in the transaction;
- (i) as recommended by the Public Services Committee, the granting of a nine year lease to La Moye Golf Club, St. Brelade, in relation to the site which formed part of Noir Cotil, St. Brelade, measuring approximately 6 vergées and which lay between the 7th and 18th holes of La Moye Golf Course, deemed to have commenced on 25th March 1997, and to terminate on 24th March 2006, with a commencement annual rental of £75, to be increased every three years in line with the Jersey Retail Price Index, with each party being responsible for its own legal fees incurred in the transaction; with the lessee to allow the public free access to the land at all times and to preserve the land as open space in accordance with the policies of the Planning and Environment Committee;
- (j) as recommended by the Public Services Committee, the assignment of the remainder of a nine year leasehold interest in the Kiosk within Coronation Gardens, St. Lawrence from Mrs. Mary Baines, née Shepherd and Mrs. Vivian Murphy, née Shepherd, to Mrs. Deborah Margaret Steel, née Harper, with effect from 1st July 2000; the agreement commenced on 25th June 1998 and was due to expire on 24th June 2007, at an annual rental of £1,838 with triennial rent reviews in line with the Jersey Retail Price Index, and the assignment was -
  - (i) the present lessees, who wished to retire, agreeing to meet the public's reasonable legal costs incurred in the assignment; and
  - (ii) the proposed assignee, Mrs. Steel, was compliant with the Service Level Agreement in relation to the day to day running of the kiosk;
- (k) as recommended by the Health and Social Services Committee a three year internal repairing lease from Mrs Kerona Lapidus, née Glenn, of Cherry Tree House, 9 Greenview Farm, La Rue de Clos Fallu, St. Martin, from 1st July 2000 at a commencement annual rental of £19,999 payable quarterly in advance, to be revised in line with the Jersey Retail Price Index as at 1st July 2001 and 2002, with each party being responsible for its own legal costs incurred in the transaction;
- (l) as recommended by the Gambling Control Committee, the renewal of the lease from Messrs. Gaudin and Company of the premises located at No. 7 West's Centre, St. Helier, with effect from 24th June 2000 and expiring on 23rd June 2001, at an annual rental of £10,500 payable quarterly in advance with each party being responsible for its own legal costs incurred in the transaction;
- (m) as recommended by the Health and Social Services Committee the renewal of the lease from Mr. Leslie George Baudains of the property known as No. 7 Brookhall, Rue des Pres, St. Saviour, for a period of three years from 15th April 2000 at an annual rent of £15,600 with annual reviews in line with the Jersey Retail Price Index and with the lessee having the option to renew the lease on the same terms and conditions, save as to the rent, and with each party being responsible for its own legal costs incurred during the transaction.

**NOTIFICATION OF ACCEPTANCE OF TENDER UNDER RULE 5 OF THE PUBLIC FINANCES  
(GENERAL) (JERSEY) RULES 1967, AS AMENDED -  
FINANCE AND ECONOMICS COMMITTEE**

21st August 2000

The Harbours and Airport Committee has, by Act dated 17th May 2000, accepted the lowest tender submitted for the realignment of the Airport Approach Road, St. Peter, in connexion with the construction of the Alpha Taxiway, namely that submitted by Ernest Farley and Son Limited in the sum of £794,713.21.

The other tenders received were from -

<b>Contractor</b>	<b>Tender</b>
M.J. Gleeson (Jersey) Limited	£1,039,975
P. Trant (Jersey) Limited	£1,046,000
Jayen (Jersey) Limited	£1,168,000

## QUESTION PAPER

(See Item G)

The Deputy of St. John will ask the following questions of the President of the Industries Committee -

- “(1) As the Committee has a duty, under Article 31 of the Electricity (Jersey) Law 1937, to safeguard the public interest in relation to the operations of the Jersey Electricity Company Limited would the President confirm that the fibre optic cable link to France, installed by the Company, is not yet connected and, if it is not, is he able to inform members when it will be connected?
- (2) Would the President confirm that the Jersey Electricity Company would be the operators for this fibre optic cable, and if not, is he able to inform the Assembly who would be the operators?”

The Deputy of St. John will ask the following questions of the President of the Agriculture and Fisheries Committee -

- “(1) Between May 1998 and 20th July 2000 the Norman Le Brocq fisheries vessel has done a total of 1,063 engine hours work, which equates to some 9.66 hours per week or 1.38 hours per day or night. The previous fisheries vessel, the Howard Davis, had completed a total of 2,810 hours whilst in service and, up to 19th May 1998, an average of eight hours per week. At the time of the debate one of the reasons given for purchasing this much larger vessel the Norman Le Brocq was that there would be a substantial increase in time that the vessel spent at sea. Would the President explain why there has not been a substantial increase in the time spent at sea by the vessel and does the Committee have any plans to rectify the position?
- (2) Would the President explain why the fisheries vessel has only been out on patrol on 49 separate occasions at night or in the evening or early morning since it was commissioned over two years ago?
- (3) Would the President inform members whether the Committee has investigated the possibility of having the vessel manned 24 hours a day and, if so, what would the additional manpower requirements be?
- (4) Would the President give details of -
  - (a) the annual running costs including manpower of the Norman Le Brocq?
  - (b) the total number of staff involved in fisheries duties including inspectors?”

The Deputy of St. John will ask the following question of the President of the Home Affairs Committee -

“Would the President give members details of the enhanced package agreed for the new Chief Officer of the States of Jersey Police Force as he was unable to supply details of the terms and conditions of this appointment during the States meeting on 18th July when members considered, *in camera*, the appointment of the new Chief Officer”.



## **PROPOSITION**

### **FORMER BROADWAY RESTAURANT SITE, 24 ESPLANADE/42 COMMERCIAL STREET, ST. HELIER: APPROVAL OF DRAWINGS AND FUNDING ARRANGEMENTS**

**THE STATES are asked to decide whether they are of opinion -**

- (a) to approve drawings Nos. NC01.01 to NC01.08 showing the construction and fitting-out of a new five-storey building of approximately 14,909 square feet gross internal floor area (10,568 square feet net internal office area) at 24 Esplanade/42 Commercial Street, St. Helier (as shown on drawing No. PS/001/00) for initial occupation by the Housing Department, and to authorise the Greffier of the States to sign the said drawings on behalf of the States;
- (b) to authorise the Finance and Economics Committee on behalf of the public to enter into an agreement with an authorised lending institution for the direct external borrowing of a maximum of £2,500,000 to finance the construction of the building described in paragraph (a) on terms, and at a date, to be agreed by the Finance and Economics Committee;
- (c) to authorise the Planning and Environment Committee on behalf of the public to enter into a fixed price development agreement with Camerons Limited for the design and construction of the building described in paragraph (a);
- (d) to authorise the Treasurer of the States to credit a suspense account established for this purpose in the name of the Planning and Environment Committee under Articles 7(1)(e) and 20(2) of the Public Finance (Administration) (Jersey) Law 1967, as amended, and to authorise that Committee to pay from the account the costs of the development and all professional and legal fees associated with the development and funding arrangements; and

- (e) to authorise the Attorney General and the Greffier to pass, and the Greffier of the States to sign, as appropriate, on behalf of the public, such contracts or agreements as may be necessary.

## PLANNING AND ENVIRONMENT COMMITTEE

- NOTES: 1. The Housing Committee supports this proposition.
2. The Finance and Economics Committee supports this proposition due to its unique and urgent circumstances. The Committee has capped the development cost at £2.5 million and emphasises that the funding and financing arrangements will not be considered as a precedent for other committees seeking alternative accommodation. Under no circumstances will the Committee be prepared to accept any default in repayment or accede to any request to “write off” the balance of any sum financed.
3. The Planning and Environment Committee approved the plans on 15th August 2000 under development permit No. 2559/K.

## **Report**

### **Introduction**

In May 1994, the Department of Property Services completed a comprehensive review of the States office accommodation at the request of the Policy and Resources Committee. The review comprised consultations with all departments, with the objective of identifying requirements and a number of strategic options for discussion as to how these needs might be met. A number of departments were identified that required alternative or additional space, either because leases were due to expire or because existing accommodation was no longer suitable or large enough. Regular revision of the review has been undertaken to ensure that departmental changes are taken into account for the future provision of suitable office accommodation.

The review findings, which were originally reported to the Policy and Resources Committee on 28th June 1994, indicated the need to acquire or develop approximately 72,000 square feet of office space to meet the needs of 20 out of 33 departments which had a shortfall or were in leased space where leases come to full term before 2002. The main requirements were grouped together into departments which had common interests.

Some of the requirements have been met in the planned provision of 30,000 square feet of office accommodation at Morier House, 16,000 square feet for Customs, Harbours and Immigration at Maritime House, and use of the office space vacated by the Financial Services Commission at Cyril Le Marquand House by the Policy and Resources Department. Further accommodation will become available in the States Building following refurbishment for the Bailiff's Chambers and the Judicial Greffe. The vacated office accommodation at Morier House will fulfil the needs of some smaller departments and the re-organisation or expansion needs of the States Greffe, the Law Officers' Department and the Viscount's Department. The planned provision of office accommodation for the Probation Service and Court administration within the proposed Magistrate's Court building will leave only the Housing Department, the Planning, Building and Environmental Services and Public Services Departments' needs to be properly resolved within the next three years.

## **Policies**

Subsequent to acceptance of the 1994 States Office Strategy, the Planning and Environment Committee (and the former Island Development Committee) gained Finance and Economics Committee and States' agreement to certain key policies -

- (a) wherever practical, States Departments should be accommodated in freehold property in the Public ownership; and
- (b) private sector finance could be used to develop or re-develop buildings where viable schemes are achievable.

## **The Housing Department**

The 1996 States Office Strategy identified that the Housing Department is located in offices leased from the private sector in Hilgrove Street, St. Helier which are much too small for the number of staff employed and the functions which have to be undertaken on behalf of the Public. The lease terminates in October 2001. The premises also includes a retail shop unit which is sub-let, but does not achieve a realistic market rental, mainly because of its location.

It is clearly necessary for the Housing Department to be relocated at the lease termination because the available space is completely insufficient for its needs. In the past two years the Department has contemplated leasing further accommodation for certain of its functions, but this was not considered acceptable in management terms and would have caused confusion and problems in public accessibility.

The Department of Property Services' preferred option has always been for the Housing Department to continue occupation of its Hilgrove Street premises despite the cramped and difficult working conditions until new accommodation can be provided for relocation at the full term of the lease, in accordance with the States' agreed policies. The current rental, set in 1991 with a rent review due since 1996, is £151,662 for 6,986 square feet (gross) of office space and a retail shop unit of 1,753 square feet which is sub-let at a rental of £26,000. The Department has an additional maintenance unit at La Collette.

## **Preferred location**

The Housing Department needs a central St. Helier location for its administrative offices so that it is easily accessible by the public. Ideally it should be in close proximity to the Bus Station and available public transport.

## **Space requirement**

In 1994, the identified future office space requirement for the Housing Department was estimated at 8,220 square feet. The current requirement using accepted public sector office provision standards, to include a Committee/Meeting Room, adequate storage space, public reception/ waiting areas, acceptable public interview facilities and sufficient allowance for reasonable expansion is a minimum of 9,500 square feet net internal office area.

## **Solutions**

The Housing Department needs to be relocated into new accommodation before 14th October 2001 when its present lease terminates.

Four options exist for the provision of adequate office accommodation -

- (a) procure a new building on a site currently in the Public ownership; or
- (b) procure a new building on a site yet to be acquired by the Public; or
- (c) lease suitable accommodation within the private sector on a medium to long-term basis; or
- (d) purchase suitable existing accommodation within the private sector.

Option (b) would necessitate the purchase of a site for which there is currently no budget. A central St. Helier site would be expensive, difficult to secure and could not be developed within the available timescale. Option (c) is not recommended on the grounds of the long-term cost of fully repairing leases and is not currently the accepted policy for accommodating States Departments on a long-term basis. In respect of Option (d), no suitable existing office accommodation has been identified which meets the requirements of the department in terms of size, layout or completion timescale and is comparable in viability to the cost of constructing a new purpose-built building on land in the public ownership, even when allowing the addition of the site value. As with Morier House and Maritime House, Option (a) remains the most viable and sensible where land in the Public ownership is available.

## **Choice of site**

On 9th September 1997, the States approved the granting of a lease by the Public to McAra Limited for the premises known as the Broadway Restaurant situated at 24 Esplanade/42 Commercial Street, St. Helier, for a period of five years at an annual rental of £45,000, with the Public having the option to terminate the lease on giving not less than 12 months' notice to the lessee. The break option was included within the agreed terms of the lease as it was recognised that there was a potential for possible re-development of the site within the five-year period.

In line with the States' Office Strategy Policy, to secure freehold office accommodation for States Departments, the former Broadway Restaurant site was identified as suitable for an office development for the purposes of relocating the Housing Department, when its Hilgrove House lease expires in October 2001.

In August 1998, the Planning and Environment Committee, which administers the site, decided to utilise the break option within the lease agreement to give notice to McAra Limited to offer up vacant possession of the premises by 1st October 1999. This has been achieved.

The benefits of developing this site were obvious in that it -

- (1) is available for immediate development;
- (2) allows completion within the required timescale;
- (3) is in a central, advantageous position with access to nearby public transport facilities and a short-stay car park;

- (4) is capable of providing a relatively uncomplicated site construction;
- (5) is of sufficient area to accommodate an office building of the required size and layout.

An initial bid for funding of an office development for commencement in 1999 was first submitted to the Policy and Resources Committee in 1998, but it was not considered to be of a high enough priority to be included in the Capital Programme for the years 1999 or 2000.

In November 1999, following an intensive search by the Department of Property Services for alternative premises available on the market without success, and an independent valuation of the site itself, the Finance and Economics Committee agreed the provision of a Planning Vote to enable the Planning and Environment Committee and the Housing Committee to work up and present an acceptable design scheme and private sector funding solution for its further consideration.

### **Initial brief**

The initial brief for the building, prepared by the Department of Property Services, was for well-designed, purpose-built, quality, modern, air-conditioned offices with a minimum net usable office space of 10,000 square feet and a reasonable level of natural daylight. High efficiency in both artificial lighting, energy use and sound insulation were also considered important. Full access and facilities for the disabled must be provided throughout the building. Raised computer flooring and demountable sound-resistant partitions would be expected to enable a degree of flexibility in layout. The building should be completed to a reasonable level of quality and include any fixed furniture, data and communications cabling and storage systems, but must be capable of being built at economic cost suitable for occupation within current commercial rental levels. The building was also required to be designed to offer reasonably low on-going maintenance and running costs.

### **Implementation**

The Planning and Environment Committee has agreed to procure the building for use by the Housing Department. Through the Department of Property Services, it has appointed Tillyard as the Project Manager and a professional team of local consultants to prepare a Design Brief and Schedule of Employer's Requirements, agreed an implementation plan and carried out a tender process for both funding from the private sector financial institutions and a "design and build" building proposal from a selected short-list of local contractors.

The former Broadway Restaurant building was demolished in April of this year by a local demolition contractor selected through a normal tender process, and the Jersey Electricity Company has relocated underground mains distribution cables which were within the boundary of the site. The traffic light central system cabinet and associated cabling also on the site are to be relocated by the Public Services Department.

### **Project tenders**

Due to the timescale for the completion of the building before October 2001, it was agreed by the Housing Committee and the Planning and Environment Committee that a "Design and Build" fixed-price contract would be the most appropriate solution for the project. The Consultant Design Team and Property Services worked closely with representatives of the Housing Department in preparing a comprehensive Schedule of Requirements, including indicative floor layout plans.

A Building Specification and Brief of Employer's Requirements was issued to four local building contractors. Three comprehensive proposals were received.

These were assessed, following presentations by the respective contractors and their consultant design teams, by the Director of Planning and Building Services, the Director of Architecture, the Director of Property Services, the Chief Executive of the Housing Committee and the Project Manager with advice from the consultant design team and other department representatives.

The submitted proposals were evaluated for -

- (a) acceptable design;
- (b) compliance with Employer's Requirements and Specification;
- (c) practicality;

- (d) cost;
- (e) value for money;
- (f) future maintenance and likely running costs;
- (g) programme and contract periods;
- (h) performance bond, guarantees, warranties, insurances and collateral warranty requirements.

The selection panel was unanimous in its choice of the proposed scheme put forward by Camerons Limited, which in the opinion of the panel, best met the criteria. The Camerons Limited proposal is for a building of modern design, with five storeys providing 14,909 square feet gross internal floor areas, circulation areas, storage, plant and equipment. The design provides an acceptable layout, full access and facilities for the disabled, a well-lit net usable office space of 10,568 square feet with lift, adequate means of escape in case of fire and accessible facilities at all levels. The plant and equipment is housed within the roof structure. The building proposed offers good value for money and the contract period proposed is sufficient to enable the building to be completed by October 2001.

Camerons Limited and its design team have made progress in submitting its proposals to the Planning and Environment Committee and has obtained development permission for the scheme. Currently, the Building Byelaw application is in the process of preparation in order to achieve the necessary approvals to enable the contractor to commence on site before the end of September 2000, subject to States approval.

The project budget of £2,497,362 is recommended, which includes the contract price, fitting-out, preliminary costs, professional fees, enabling works and a small contingency provision. It should be noted that the type of Design and Build contract proposed minimises the risk for the States, but it is considered prudent to provide a contingency provision.

### Project cost

The capital cost of the project has been assessed as follows -

	£
1. Contract budget cost	2,217,362
2. Employer's consultant fees	130,000
3. Demolition work	24,000
4. Site surveys/adjoining property	4,000
5. Soil investigation	6,000
6. Risk assessment	6,000
7. Planning/building application fees	10,000
8. Clerk of Works	15,000
9. Jersey Electricity Company cable diversion	33,000
10. Traffic light diversion	17,000
	2,462,362
13. Contingencies	35,000
	<u>£2,497,362</u>

N.B. All figures are rounded up for clarity.

### The proposed funding arrangement

The Committee, in consultation with its advisors, has considered the available options for the funding of the project.

#### (a) Lease and lease back

This proposal was used with success in funding the construction of both Morier House and Maritime House. On this occasion, however, it has proved extremely difficult to attract interest from the financial institutions for what is considered to be a relatively small sum. The only acceptable proposal received involved the use of a "Special Purpose Vehicle" linked to a "Charitable Trust". The costs associated with setting up this mechanism for "off-balance sheet" borrowing, including an external audit opinion, was estimated at some £75,000. This, combined with an initial variable interest rate at between one per cent and 1.4 per cent above base rate, proved to be an expensive solution that was not favoured by the Finance and Economics Committee.

(b) Direct external funding

Five leading financial institutions have quoted for the direct borrowing of £2.5 million for periods of 20 to 25 years at rates varying between 0.25 per cent and 0.5 per cent above either Base rate or LIBOR (London Inter Bank Offer Rate). The quoted arrangement fees and costs associated with direct external funding are not significant and would not require an external audit opinion.

Although this is an exception to normal policy, under the Public Finance (Administration) (Jersey) Law 1967, the Finance and Economics Committee is able to borrow funds commercially, subject to the approval of the States. Subject to the agreement of the States, the Committee would negotiate the most favourable terms with one of the lending Institutions subject to the final agreement of the Finance and Economics Committee.

(c) Internal borrowing

The alternative to direct external borrowing is for funding to be advanced from the Capital Fund utilising States cash balances and charging notional interest. This arrangement has the advantage that there are no arrangements fees, but would require States' approval to set up a specific special fund.

Similar funding arrangements have been used by the Housing Development Fund for Housing Committee projects and by the Sports Leisure and Recreation Committee for the extension to Les Quennevais Sports Centre.

The use of internal cash reserves to support term borrowing over a period of 20 or 25 years could place constraints on the States' ability to provide sufficient cash flow for other projects. It is, therefore, proposed that the Finance and Economics Committee provide funding initially from internal cash reserves but externalise the loan balance should the States' cash flow position so require.

Internal rentals

The Planning and Environment Committee will administer the proposed building similar to both Morier House and Maritime House and receive rental payments from the Housing Committee to meet the regular re-payments of the funds borrowed internally or from the external lending institution through the Finance and Economics Committee plus interest accrued.

The proposed initial rental to be charged from 1st January 2002 for the net lettable area will be negotiated with the Housing Committee. In addition, a service charge will be made for the facilities management of the building.

It is proposed that the rental figure will be subject to regular periodic review to ensure that it does not become out of step with the open market.

Summary

In order to achieve the timescale for completion it is essential that construction of the building begins before the end of September. All the target dates for the design, tendering and approval process have been met to date. The project has been included in the capital construction programme agreed by the Policy and Resources, Finance and Economics and Industries Committee. The funding arrangements and legal agreements can subject to the agreement of the States, be finalised to achieve the construction timescale.

The design proposed by the Contractors provides a value for money solution which meets the identified needs of the Housing Committee and the Housing Department. It also meets the requirements for an attractive but functional building in this prominent and important corner location, with good access to public transport and car parking. The proposal is in line with agreed States' policies to provide office accommodation in States' owned freehold property.



ANTI-INFLATION STRATEGY (P.125/2000); FIFTH AMENDMENT

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*In sub-paragraph (ii) of paragraph (c) of the proposition after the word should add the words be requested to.*

SENATOR C.G.P. LAKEMAN

## **Report**

My principal concern is that the Industries Committee could find itself open to challenge in exercising its powers in Part III of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, if the proposition is adopted in its current form. The situation appears not dissimilar to the position under the Island Planning Law where the States cannot bind the Planning & Environment Committee to take certain actions which it considers would be outside the Law.

Further, the Report attached to the proposition refers to the formulation of new policy to ensure that the local building market "is enabled to work within its capacity". I see this amendment, which is by way of clarification (because the original proposition refers to approximates) as achieving this.

**STATES MEMBERS LUNCHEON**

**Halkett Room, Morier House**

**I will require lunch at today's meeting.**

**Signed.....**

**Name.....**

**Please hand this slip to an usher before 10.00 a.m. today**