

Price : #1.00

THE STATES assembled on Tuesday,
3rd April 1990 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire

All Members were present with the exception
of -

Senator Bernard Thomas Binnington -
out of the Island.
Senator Anne Baal - out of the Island.
Leonard René Hamel, Connétable of St.
Clement - ill.
Edwin Le Gresley Godel, Connétable of
St. Mary - out of the Island.
Jack Roche, Deputy of St. Saviour -
ill.
Margaret Sylvia Rose Beadle, Deputy of
St. Brelade - out of the Island.
Terence Augustine Le Sueur, Deputy of
St. Helier - out of the Island.
Shirley Margaret Baudains, Deputy of
St. Helier - ill.

Prayers

Subordinate legislation tabled

The following enactments were laid
before the States, namely -

1. Airport Dues (Tariff) (Jersey)
Order 1990. R & O 8042.
2. Licensing (Prescribed Forms)
(Amendment) (Jersey) Order 1990.
R & O 8045.
3. Road Traffic (Saint Lawrence)
(Jersey) Order 1990. R & O 8046.

Contingencies vote of credit -
Public Health Committee

THE STATES noted an Act of the Finance and Economics Committee dated 27th March 1990, informing the House that it had made available to the Public Health Committee the sum of #300,000 from the contingencies vote of credit to meet the cost of the emergency and expected investigation works, relocation of offices and clinical accommodation and the leasing and furnishing of accommodation for nurses, as a result of evacuating the General Hospital nurses' home.

Matters lodged

The following subjects were lodged
"au Greffe" -

1. Fort Regent ten pin bowling centre: lease. P.45/90.
Presented by the Fort Regent Development Committee.
2. Constitution of the States: review. P.46/90.
Presented by Senator Richard Joseph Shenton.

Arrangement of Public Business for
next Sitting on 24th April 1990

THE STATES confirmed that the following subjects lodged au Greffe should be considered at the next Sitting on 24th April 1990 -

SUPPLY REQUESTS
Finance and Economics
Committee.

Day care centre, Gorey Village.
P.38/90.
Lodged: 27th March, 1990.
Public Health Committee.

Maternity Hospital premises:
conversion. P.39/90.
Lodged: 27th March, 1990.
Public Health Committee.

Incinerator for hospital waste and animal carcasses. P.40/90.
Lodged: 27th March, 1990.
Public Services Committee

States capital programme for 1991. P.41/90.
Lodged: 27th March, 1990.
Policy and Resources Committee.

Draft Act with regard to the provision of a minimum income for elected Members of the States. P.42/90.
Lodged: 27th March, 1990.
Legislation Committee.

Green zone: agricultural storage buildings. P.44/90.
Lodged: 27th March, 1990.
Island Development Committee.

Fort Regent ten pin bowling centre: lease. P.45/90.
Fort Regent Development Committee.

Field 1007, St. John - reasons for refusal of development permit. Questions and answers

Deputy David John de la Haye of St. Helier asked the Connétable of St. John, President of the Island Development Committee, the following questions -

``Regarding Mr. David Manning's application to construct 13 houses on Field 1007, St. John - refusal has been received from the Island Development Committee, and the main reason for refusal is because the field is too near to Kosangas (Jersey) Limited's premises and is in an explosives safeguard area. Will the President inform the House -

Question 1

Why is it that no public statement seems to have been made concerning this particular area of St John before now?"

President, Island Development Committee

``Before replying to the Deputy's question I should like to make it clear that I have an indirect interest in this matter in as much as I own the land on which the Kosangas (Jersey) Limited premises are situated.

I will start my answer by commenting on the Deputy's preamble to his question which is factually incorrect and thus misleading. The application by Mr. David Manning to construct, at Field 1007 St. John, 13 two-storey dwellings with single garages and standard steel framed storage building with service road, etc. registered on 12th January 1990 was refused permission on 27th February 1990 for the following reasons -

- `1. the proposal is contrary to the approved Island Plan policy for the agricultural priority zone in which there is a presumption against new non-agricultural development;
2. the site lies within the explosives safeguard area and thus any new development would expose the occupants to unnecessary risk.'

It is thus untrue to say that `the main reason for refusal is because the field is too near to Kosangas (Jersey) Limited's premises', and indeed the first reason for refusal is one that, in effect, has been consistently applied to Mr. Manning's earlier proposals in 1973 and 1975 and subsequent requests for the Committee to reconsider its decision - that is, the Committee's long held and well-established policies, supported by the House, to prevent the encroachment of development into open countryside.

I think it is also appropriate that I explain the circumstances of the safeguard zone (which is a circular area of 300 m radius centred on the liquid petroleum gas storage plant at the Kosangas premises).

In 1981, the Defence Committee retained the services of the Major Hazards Assessment Unit of the United Kingdom Health and Safety Executive to undertake an assessment of the liquid petroleum gas installation at La Collette. The Health and Safety Executive recommended, and the Island Development Committee of the day adopted, a safeguard zone policy (based on 600 m radius) around the Jersey Gas Company's premises at La Collette.

Subsequently, in 1982 the Island Development Committee commissioned the Health and Safety Executive to undertake similar assessments of the Gas Works at Tunnell Street and Kosangas at St. John, the former tragically coinciding with the fire at the Gas Works in March of that year. In the light of that event, which graphically illustrated the potentially catastrophic results of a fire involving liquefied petroleum gas, the Island Development Committee were particularly sensitive to issues of public safety.

The Health and Safety Executive advised specifically that, within 300 metres of the liquid petroleum gas storage plant, a category of development that included housing estates should not be granted planning permission.

Accordingly, in the light of the Health and Safety Executive's report for the Kosangas site, from which I quote ...

^The Health and Safety Executive consider that the risks to the public from the site are low, however we would advise the States of Jersey that it would be prudent not to increase the number of people exposed to this low risk',

on 3rd December 1982, the Island Development Committee decided that

`the 300 metre zone should be established immediately'. It also resolved that I should be informed in my capacity as Connétable of St. John and sent a copy of the Health and Safety Executive's letter, and that similarly Kosangas Limited should be informed.

Turning now to question 1, it is clear to me that the Committee of the day chose not to give widespread publicity to the risk assessment because of the sensitivity of the matter in the wake of the Tunnell Street fire. It did not wish to create panic or undue concern for what is, after all, in the Health and Safety Executive's own words `a low risk'. It thus chose to be circumspect in adopting the recommended policy, which has not had to be put into effect until Mr. Manning's application. I have to say that had I been in former Deputy Norman Le Brocq's shoes at that time, I would probably have counselled the same advice to my Committee."

Supplementary questions and answers

Senator J.S. Rothwell - ``In view of the information provided today by the President, has the Island Development Committee considered, bearing in mind the shortage, that perhaps Kosangas be considered bad neighbours and moved to a more appropriate site?"

President, Island Development Committee - ``No."

Deputy E.J. Becquet - ``I seem to remember that this matter was brought before the House a few years ago. Would the President of the Committee inform the House whether that was so, because I remember going out to see that land, so I believe it was brought before this House. The question, I think there was an appeal by Mr. Manning for permission to build and the matter was brought before the House?"

President, Island Development Committee - "I can't be absolutely sure but there have been Review Board cases to do with the Manning case and the Committees of the day always turned down an application for an extension of building on the countryside."

Senator C. Stein - "I believe that was on a totally different issue and would the President not agree that with the current shortage of housing and with the very much built up area that the Island Development Committee ought to have included this part of land in P.57?"

President, Island Development Committee - "This area of land does not have any mains drain servicing and Public Health and all the authorities concerned with the health of this Island are completely against any development where there are no mains drain facilities."

Senator R.J. Shenton - "In view of the dangers that were brought to the attention of the Connétable of St. John, would he as the owner of the land tell the House whether or not restrictions have been placed on the commercial usage of other areas of the site bearing in mind the dangers to the public?"

President, Island Development Committee - "I will be answering that in the next questions but I can assure the Senator that the risk, as Health and Safety have explained, is quite low and I work from an office adjoining the Kosangas plant and I take the view that like a pilot of an aircraft, or the captain of a ship, is always more interested in his own safety than that of his passengers. I am completely satisfied for my own safety."

Senator Rothwell - "Would the President consider that Kosangas are bad neighbours and therefore find another appropriate place for them?"

President, Island Development

Committee - "I would not view Kosangas as bad neighbours in any other way than it is a liquid petroleum gas plant there is a hazard, low as it may be, which has been highlighted by the Health and Safety Executive but other than that during the years that Kosangas has been at Les Ruettes, there have been no incidents whatsoever."

Senator P.H. Horsfall - "Is it not a general policy and not in the Island Plan and I am only going by memory, that all LPG activities should in fact be relocated at La Collette and secondly there is a paragraph on page 2 of the reply, third paragraph down, it says - 'Health and Safety Executive advised specifically, that within 300 metres of the LPG storage plant a category of development that included housing estates should not be granted planning permission', what are the other categories or the other types of development within the categories that should be excluded, the implication being that there is more than one?"

President, Island Development Committee - "As far as I know it is only housing that is included in that category. The question of relocation, my Committee has not looked at the question of relocation of Kosangas. I know that there is a wish on their part to be relocated and if the Island was able to offer them space at La Collette they would gladly take this place and therefore take away the situation of development in that area."

Senator Shenton - "Has any further development taken place on the Kosangas site since 1982 when the matter was first highlighted by the report of the Home Office?"

President, Island Development Committee - "There has been some development in that the holding tanks have been changed since that time. The tanks now which hold 100 tonnes of LPG, 60 of which are underground and 40 above ground, that is the only new

development that has taken place there but that is on a commercial site and no residential accommodation has been allowed to take place on that site."

Senator Shenton - ``Has the capacity of the site been increased for the storage of LPG since that report in 1982?"

President, Island Development Committee - ``The site has been increased from 60 tonnes to 100 tonnes."

Senator Rothwell - ``In view of what can only be described as an extraordinary increase in capacity on that site, is it not in fact serious now that real consideration should be given to resiting, bearing in mind the vast numbers of people that attend during the most important part of the day B & Q, which is almost opposite?"

President, Island Development Committee - ``The Senator is forgetting that I have said and Health and Safety Executive have said that the risk element on the site at Les Ruettes is minimal, it is very low."

Deputy de la Haye

Question 2

``Have the residents living near Kosangas (Jersey) Limited filling plant been informed at any time in the last eight years by the Committee regarding possible danger that could arise by living nearby to the gas plant?"

President, Island Development Committee

``Not to my knowledge. The (then) Chief Fire Officer did take follow up action as a result of the Health and Safety Executive's report specifically in regard to emergency and evacuation procedures.

Furthermore Kosangas (Jersey) Limited have prepared an on site emergency procedure and also an off site

emergency plan which has been circulated to John Le Sueur and Company Limited, David Dumosch Limited, B & Q (Retail) Limited, Jersey Farmers' Trading Union Limited, the Fire Service and the Accident Prevention Department of Social Security."

Supplementary questions and answers

Deputy A.P. Bree - ``The Senator has declared that he has only an indirect interest in Kosangas, could he inform the House if he has either a direct or indirect interest in either or any of the other commercial activities mentioned in the answer?"

President, Island Development Committee - ``I'm happy to tell the Deputy for Grouville that I am Chairman and Managing Director of John Le Sueur and Company Limited, David Dumosch Limited is a tenant of John Le Sueur and Company Limited so is B & Q (Retail) and so is the Jersey Farmers' Trading Union, I hold no shares in any of those companies."

Senator Brooke - ``In the light of the answer to question 1 that there has been a substantial increase in the area of storage of the Kosangas plant, has a further report from the Health and Safety Executive been asked for, I am aware I'm on the Defence Committee, but I wonder if this has been done and the Island Development Committee's knowledge of it?"

President, Island Development Committee - ``No, there has to my knowledge not been a second Health and Safety Executive report."

Senator Rothwell - ``In view of the fact that the old report pointed to a low risk one assumes therefore the risk has increased in relation to the capacity increase?"

President, Island Development Committee - ``If there is any increase in risk, it is well within the confines of the Fire Service of

Jersey's rulings."

Senator Horsfall - "Could we know when the increase was granted permission?"

President, Island Development Committee - "I would have to have notice of that."

Senator Shenton - "Was it during the period of the present President of the Island Development Committee?"

President, Island Development Committee - "I think not, but I will confirm it and I will come back to the House quite happily. I have nothing to hide, but the questions can be seen to be coming from a certain sector of this House and I can assure all members that my answers are open and my answers are in answer to questions put by Deputy de la Haye."

Deputy de la Haye
Question 3

"In what year was Kosangas (Jersey) Limited first allowed to use Les Ruettes for use as a filling plant and what conditions were imposed by the Island Development Committee of the day?"

President, Island Development Committee

"On 21st June 1967, planning permission was granted to Kosangas (Channel Islands) Limited to establish a 'small LPG filling plant' at Les Ruettes, St. John subject to the following conditions -

1. That no work is commenced until an application for development permission has been submitted and a Development Permit has been issued.
2. That if no application for development permission is submitted within 12 months from the date hereof this permission

shall cease to have effect.

3. That the requirements of the States of Jersey Fire Service are to be fully observed.
4. That the plans to be submitted in compliance with condition No. 1 imposed on this permit should include full details of a screen fence to be constructed on the site and details of a dense tree planting screen to shield the installation from public view.

A development permit was issued on 11th January 1968."

Deputy de la Haye
Question 4

``Since the Committee has had the area designated an explosives safeguard area, how many units of living and staff accommodation have been allowed to be constructed within that area?"

President, Island Development Committee

``Since 3rd December 1982, no new units have been constructed. A single unit of staff accommodation was permitted in accordance with the Health and Safety Executive's recommendations, at a property known as Les Ruelles, although this permission was allowed to lapse."

Deputy de la Haye
Question 5

``Because of the daily use by many hundreds of people shopping at B & Q, agricultural merchants, David Dumosch, the J.F.T.U. and Kosangas, are there signs displayed warning the public of the risk, albeit slight, of a liquid gas explosion occurring?"

President, Island Development Committee

``There are `no smoking signs' and `no unauthorised entry signs' placed

around the Kosangas compound. There is a fully automatic alarm system warning the public in all the business premises operating at Les Ruettes. The exercises are held on two or three occasions during the year as exercises for safety."

Supplementary question and answer

Senator Rothwell - ``Did they involve members of the public?"

President, Island Development Committee - ``Yes."

Deputy de la Haye

Question 6

``Is the Committee really saying that this is the principal reason for refusing a permit to construct 13 States loan houses on Field 1007, St. John?"

President, Island Development Committee

``No. As a simple reading of the notice to refuse permission will show."

Social Security pensions. Questions and answers

Deputy Maurice Clement Buesnel of St. Helier asked Deputy Leonard Norman of St. Clement, President of the Social Security Committee, the following questions -

Question 1

``Would the President say if it is his Committee's intention in the near future to discontinue the practice of reducing a pension benefit enjoyed by a wife in her own right from any sickness, disability or invalidity allowance made to the husband or vice versa?"

President, Social Security Committee

``A personal pension enjoyed by a wife in her own right is not reduced if her husband is in receipt of sickness, disability or invalidity benefit. A married man is entitled to claim a dependancy increase in his pension if his wife is claiming no other contributory benefit.

Where there is an overlap between a wife's personal pension and the claiming of a dependancy increase by the wife's husband in respect of her, then the most advantageous payment of benefit is made.

My Committee is currently actively considering the possibility of removing the married woman's option not to pay Social Security contributions. One of the effects of the proposals would be to ensure, as far as possible, that all workers, male or female, entering the revised scheme for the first time have a full Jersey contribution record which would give rise to full entitlement to all benefits on a personal basis. The rights of existing contributors would not be affected."

Deputy Buesnel

Question 2

``Secondly, in view of the fact that the non-contributory pension recipients are diminishing in number, will the President consider using these surplus States funds to uprate the lower scales of pensions now paid to persons without a full contributions record, but who have attained the age of 85 years?"

President, Social Security Committee

``There is no direct relationship between non-contributory pensions which are paid from general revenues and the Social Security Pension which is funded by the contributors. Therefore, the answer must be no. The non-contributory pension scheme was introduced at the time of the

introduction of the Insular Insurance (Jersey) Law 1951 and was placed on a legal basis in 1954, with the purpose to provide a pension to those people who were too old to contribute and to obtain a pension under the new contributory scheme. These people had to have been born before September 1896. Everybody born after this date has not only had an opportunity to contribute to a Social Security Scheme but, if resident in Jersey, has had the opportunity of contributing and gaining a full pension."

Supplementary question and answer

Deputy Buesnel - "Would not the President agree that the scheme being brought in in the first place to people over 85 to prevent them from suffering undue hardship, this follows that today, that these people who have not paid in full contributions, who were unable to for some reason or other, should surely deserve the same compassionate treatment that the States gave to those earlier people who were unable to contribute?"

President, Social Security Committee - "It is not a matter of compassion but everybody who is not in receipt of a full pension had the opportunity and the right to pay contributions and receive a full pension and there are many reasons why people of age 85 and below who do not receive a full pension because they have not paid their contributions for one reason or another, have lived in the Island possibly for a very short period. I don't know if the taxpayer would wish to increase the pension for that reason. I think there is a danger if we pay full pensions to persons who have through their own choice or whatever reason have not paid their contributions but we pay them a full pension it will bring the scheme into somewhat disrepute because the person contributing would say why do I have to pay contributions if I'm going to get a full pension anyway. But certainly this is quite a complex and deep subject and will have big

implications if the Deputy wishes to discuss the matter in some detail we would be pleased to welcome him to the Committee to discuss it."

Cable television. Statement

The President of the Telecommunications Board made a statement in the following terms -

"Following my answers to questions on cable television at last Tuesday's meeting of the States, I wish to inform the House that my Board has considered the advice of the Attorney General on the subject of a temporary licence for a full-scale system. Before making a final decision the Board has referred the application to the Policy and Resources Committee on the manpower implications of such a system.

I hope to return to the House at an early date with the Board's proposals."

Correspondence Colleges and Institutes (Licensing) (Jersey) Law 1990. P.37/90

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Correspondence Colleges and Institutes (Licensing) (Jersey) Law 1990.

Entry controls for visitors to Jersey. P.16/89 withdrawn

THE STATES commenced consideration of a proposition of Deputy Maurice Clement Buesnel of St. Helier asking the States to decide whether, in view of the adverse long term effects of freedom of movement into the Island, the Defence Committee be requested to examine the introduction of entry controls for all persons visiting the Island.

After discussion, Deputy Buesnel withdrew the proposition.

Dental benefit and services:
introduction. P.16/90

THE STATES, adopting a proposition of the Social Security Committee approved, in principle, the proposed dental scheme for school leavers as set out in paragraphs 9 and 10 of the report of the Social Security Committee entitled ``Dental benefit and services: introduction - report" (P.60/89) presented to the States on 16th May 1989.

Members present voted as follows -

``Pour" (35)

Senators

Jeune, Horsfall, Ellis, Rothwell,
Brooke, Carter.

Connétables

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

Deputies

Morel(S), Trinity, Vandervliet(L),
Wavell(H), Blampied(H), Billot(S),
Norman(C), St. John, St. Peter, St.
Martin, Baudains(C), Buesnel(H),
C. Rumboll(H), St. Ouen, Coutanche(L),
Huelin(B), Jordan(B), St. Mary,
Bailhache(H), Grouville, Clarke-
Halifax(S).

``Contre" (6)

Senators

Shenton, Le Main, Stein.

Connétable

Grouville.

Deputies

de la Haye(H), Rabet(H).

Building loans: extension of scheme.
P.18/90. Withdrawn

THE STATES commenced consideration of a proposition of Senator Richard Joseph Shenton asking the States to decide whether

they were of opinion that the Housing Committee be requested to introduce the necessary legislation to extend the building loans scheme by -

- (a) removing the upper value restriction on the price of a building loan property;
- (b) allowing all residentially qualified persons, who are first-time buyers and who have never received a building loan from the States, to be eligible under the Scheme;
- (c) allowing a person qualified under the Scheme to borrow up to #60,000 (or whatever figure is fixed) at a maximum rate of interest of 10 per cent a year.

After discussion, Senator Shenton withdrew the proposition, having received an assurance by the President of the Housing Committee that the Committee would come back as soon as reasonably possible with a further report and proposition.

The Limes Hospital development:
Stage 2. P.35/90

THE STATES, adopting a proposition of the Public Health Committee, approved in principle The Limes Hospital development Stage 2 as outlined in the Public Health Committee's report dated 8th January 1990 and agreed -

- (a) to transfer #796,100 from the Housing Committee's capital vote C1103 'Building, purchase and rehabilitation of land' to the Public Health Committee's vote of credit C2712 'The Limes Stage 2';
- (b) to combine existing votes C2712 'The Limes Stage 3' and C2729, 'The Limes Stage 2' as 'The Limes development' (C2712).

THE STATES rose at 5.05 p.m.

E.J.M. POTTER

Greffier of the States.