

**THE STATES assembled on Tuesday,
15th May 2001 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E, C.B.,
was present**

All members were present with the exception of -

Senator Paul Vincent Francis Le Claire - ill
John Baudains Germain, Connétable of St. Martin - ill
Stanley John Le Cornu, Connétable of St. Clement - ill
Henry George Coutanche, Connétable of St. Lawrence - out of the Island
Frederick John Hill, Deputy of St. Martin - ill

Prayers

Tribute to the late Mr. Ronald Winter Blampied, former member of the States

The Bailiff paid tribute to the late Mr. Ronald Winter Blampied, former Deputy of St Helier.

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

Royal Visit - States' meeting in Howard Davis Park

THE STATES agreed that they should meet on 13th July 2001 to receive Her Majesty The Queen in Howard Davis Park.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Road Traffic (Speed Limits) (Amendment No. 5) (Jersey) Order 2001. R & O 81/2001.

Employment of Children (General Provisions) (Jersey) Order 2001. R & O 82/2001.

Diseases of Animals (Foot and Mouth - Restrictions No. 4A) (Jersey) Order 2001. R & O 83/2001.

Diseases of Animals (Foot and Mouth - Restrictions No. 3B) (Jersey) Order 2001. R & O 84/2001.

Social Security (Collection of Contributions) (Amendment No. 4) (Jersey) Order 2001. R & O 85/2001.

Criminal proceedings (Computation of Sentences) (Amendment) (Jersey) Rules, 2001. R & O 86/2001.

Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Order 2001. R & O 87/2001.

Royal Court (Remuneration of Commissioners) (Jersey) Order 2001. R & O 88/2001.

Agriculture and Fisheries Committee - resignation of member

THE STATES noted the resignation of the Connétable of St. Clement from the Agriculture and Fisheries Committee.

Agriculture and Fisheries Committee: appointment of member

THE STATES appointed the Connétable of St. John as a member of the Agriculture and Fisheries Committee.

Harbours and Airport Committee - resignation of member

THE STATES noted the resignation of Deputy J.J. Huet of St. Helier from the Harbours and Airport Committee.

Matters presented

The following matters were presented to the States -

International Conventions and Agreements: progress report for the period 1st October 2000 to 31st March 2001 - R.C.18/2001.

Presented by the Policy and Resources Committee.

Probation and After-Care Service Annual Report 2000 and Business Plan 2001.

Presented by the Home Affairs Committee.

Public Access to Official Information: annual report for 2000. - R.C.19/2001.

Presented by the House Committee.

Convent Court, Val Plaisant/David Place and Philips House, Victoria Street, St. Helier: deed of arrangement (P.62/2001): comments - P.62/2001 Com.

Finance and Economics Committee.

Draft Public Holidays and Bank Holidays (No. 2) (Jersey) Act 200. (P.70/2001) - comments - P.70/2001 Com.

Finance and Economics Committee.

Draft Act amending further the Act of the States dated the 4th day of December 1990, establishing a Scheme to provide compensation for victims of crimes of violence (P.71/2001) - comments - P.71/2001 Com.

Finance and Economics Committee.

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited (P.72/2001) - report - P.72/2001 Rpt.

Public Services Committee.

The following matters were presented on 1st May 2001 -

Audit Commission Report: Review of the Levels of Sickness Absence in the Public Sector.

Presented by the Finance and Economics Committee.

Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle (P.37/2001): report - P.37/2001 Rpt.

Presented by the Legislation Committee.

The following matters were presented on 8th May 2001 -

Jersey Aero Club Lease: lease of land (P.56/2001): comments - P.56/2001 Com.

Presented by the Finance and Economics Committee.

Consumer Protection Strategy - R.C. 17/2001.

Presented by the Industries Committee.

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 30th April 2000 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

- (a) as recommended by the Public Services Committee, the entering into of a Deed of Arrangement with Lexus Limited in respect of the grant of access rights over that part of the Railway Walk required to provide access and egress from the rear of the property known as Portofino Restaurant, St. Aubin, St. Brelade, agreement therefor being on the basis that a contract had been passed before the Royal Court on 16th June 2000 in relation to the aforementioned property between the Committee and OBY Consultants Limited (the previous owners) granting, *inter alia*, various service rights in exchange for a consideration of £5,000, and that as the abovementioned access rights should have been requested and have formed part of the previous contract, no additional fee would be required in relation to the passing of the present contract, although Lexus Limited (the current owner of the property) would be responsible for the payment of reasonable legal fees and expenses incurred by the public in relation to this transaction;
- (b) as recommended by the Harbours and Airport Committee, the lease to Jersey Telecom of the GSM site at Fort Regent Signal Station, St. Helier (Letting No. FR1), for a further period of nine years from 1st January 2001, at an annual rent of £7,800 subject to triennial review, with each party being responsible for its own legal costs arising from this transaction;
- (c) as recommended by the Sport, Leisure and Recreation Committee, the lease to the Grainville Tennis Club of the club house and six playing courts at the Grainville Sports Ground, St. Saviour, for a period of two years from 1st January 2001 at an annual rent of £5,800 for 2001 and £5,950 for 2002, payable annually on 30th June each year, with all other terms and conditions to remain as the previous lease with the Education Committee, on the basis that each party would be responsible for its own legal costs associated with the transaction;
- (d) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Edward Gordon Weekes of the property known as 16 Magnolia Gardens, La Route de St. Aubin, St. Lawrence, for a period of one year from 1st February 2001 with an option to renew, at a revised annual rent of £19,999.99, payable quarterly in advance, with annual rent increases to be in line with the Jersey Retail Price Index as at 1st February each year, with all other terms and conditions to remain the same as the existing lease, on the basis that each party would be responsible for the payment of its own legal costs arising from the transaction.

Matters lodged

The following matters were lodged "au Greffe" -

Draft Public Order (Jersey) Regulations 200- P.75/2001.

Presented by the Home Affairs Committee.

Mont St. Clair, Belvedere Hill, St. Saviour and Mascot Motors Garage, Georgetown Park Estate, St. Clement: Exchange of Land. P.76/2001.

Planning and Environment Committee.

States Auditors - further extension of contract. P.77/2001.

Finance and Economics Committee.

The following matters were lodged on 1st May 2001 -

Draft Planning and Building (Jersey) Law 200- (P.50/2001): third amendments - P.50/2001 Amd.(3).
Presented by Deputy C.J. Scott Warren of St. Saviour.

Draft Planning and Building (Jersey) Law 200- (P.50/2001): fourth amendments - P.50/2001 Amd.(4).
Presented by Deputy P.N. Troy of St. Brelade.

Jersey Competition Regulatory Authority: appointment of member and Chairman - P.73/2001.
Presented by the Industries Committee.

The following matter was lodged on 8th May 2001 -

States members income support and expense allowance: annual increases - P.74/2001.
House Committee.

Arrangement of public business for the present meeting

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

Jersey Competition Regulatory Authority: appointment of member and Chairman - P.73/2001.
Lodged: 1st May 2001.
Industries Committee.

Arrangement of public business for the next meeting on 22nd May 2001

THE STATES agreed to meet on 29th May 2001 and confirmed that the following matters lodged “au Greffe” would be considered at that meeting -

Fireworks: restrictions on sale - petition. P.25/2001.
Lodged: 13th February 2001.
Deputy J.L. Dorey of St. Helier.

Fireworks: restrictions on sale - petition (P.25/2001): report. P.25/2001 Rpt.
Presented: 24th April 2001.
Home Affairs Committee.

Convent Court, Val Plaisant/David Place and Philips House, Victoria Street, St. Helier: deed of arrangement. P.62/2001.
Lodged: 10th April 2001.
Housing Committee.

Convent Court, Val Plaisant/David Place and Philips House, Victoria Street, St. Helier: deed of arrangement (P.62/2001): comments. P.62/2001 Com.
Presented: 15th May 2001.
Finance and Economics Committee.

Beresford House, Bellozanne, St. Helier: variation of terms of lease. P.66/2001 (re-issue).
Lodged: 17th April 2001.
Public Services Committee.

Draft Act further amending the Act of the States dated the 18th day of June 1991 establishing a Scheme to subsidise certain dental care. P.69/2001.

Lodged: 24th April 2001.

Employment and Social Security Committee.

Draft Public Holidays and Bank Holidays (No. 2) (Jersey) Act 200. P.70/2001.

Lodged: 24th April 2001.

Legislation Committee.

Draft Public Holidays and Bank Holidays (No. 2) (Jersey) Act 200. (P.70/2001) - comments. P.70/2001 Com.

Presented: 15th May 2001.

Finance and Economics Committee

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited. P.72/2001.

Lodged: 24th April 2001.

Deputy A. Breckon of St. Saviour.

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited (P.72/2001) - report. P.72/2001 Rpt.

Presented: 15th May 2001.

Public Services Committee.

Draft Public Order (Jersey) Regulations 200-. P.75/2001.

Lodged: 15th May 2001.

Home Affairs Committee.

Projet withdrawn under Standing Order 17(6)

THE STATES noted that in accordance with Standing Order 17(6) the following matter had been withdrawn -

Housing strategy 1999 - 2003 - P.148/99.

Lodged: 5th October 1999.

Housing Committee.

JD Edwards IT system being installed in the States Treasury - question and answer (Tape No. 646)

The Deputy of St. John asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following question -

“Currently the Treasury is having a JD Edwards IT System installed. Would the President confirm that this work is on time and on budget and give the contract price for this work?”

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

“The JD Edwards system is being installed to replace the 12 year old Millennium financial system, which is currently used by all States Departments for the processing and recording of the majority of the States financial transactions including invoice payments and debt management. This system will no longer be supported by the software supplier from the end of 2002. Failure to secure a replacement would compromise the financial integrity of the States. The JDEdwards system will also replace or enhance approximately 140 States wide financial, purchasing, stores and asset management systems.

In March 1998 my Committee agreed the Financial Information Systems Strategy at an estimated cost of up

to £6 million. At that stage the estimated completion date was January 2002 and funding was approved at the 1999 IS/IT Decision Conference.

Difficulties in securing appropriate staff have had a significant impact on the pace of development of this project. The serious shortage of public sector IT and finance staff, resulting from local market conditions and uncompetitive rates of States' pay, has been exacerbated by a shortage of specialist skills not only in Jersey but also in the United Kingdom.

My Committee has been kept regularly and fully updated on the Project's status and progress. After a re-assessment of the project by an independent expert, who endorsed the Strategy of replacing the multitude of States systems with the integrated JD Edwards package, my Committee has agreed to phase the project over a more realistically achievable timescale and in keeping with the original estimate. Following this review, a revised, detailed Project Plan is being developed which will identify the revised scope and timescale of the project. Any further extensions to the system would be on the basis of a separate cost/benefit analysis to ensure that the best long-term value for money option is selected and be subject to funding being approved."

2001 census - question and answers (Tape No. 646)

The Deputy of St. John asked Deputy Philip Francis Cyril Ozouf of St. Helier, President of the Etat Civil Committee, the following question -

"Would the President advise -

- (a) whether every household has received and returned its census form?
- (b) how many, and of what nature, were the checks carried out to verify every person has been included on a census form with special emphasis on those in lodging houses or private lodgings?
- (c) on the checks carried out to ensure forms have been accurately completed?
- (d) whether Jersey is likely to experience the same problems as the United Kingdom where computers are unable to read certain forms?
- (e) why the census was held so early in the year i.e. before seasonal workers would be residing in the Island and does he agree that the Committee has missed the opportunity to gain valuable information?"

The President of the Etat Civil Committee replied as follows -

- (a) The Census is the largest operation undertaken by the States and involves communication with all members of our Island Community.

In answer to this task, every household or possible household, identified by our enumerators, and those who contacted our help desk to say they had not had one, have received forms. A total of 36,627 household forms have been delivered. By yesterday, Monday 14th May, 34,459 household forms had been received at the Census Office. This is a response of 94 per cent- a very satisfactory achievement for this stage in the exercise, two months after census day. Although these numbers are not the final numbers of households in the Island, observers will note they are appreciably more than the previous census. This is perhaps the first indication we have as to the success of the 2001 Census campaign, although I would stress that no-one should regard these figures as final.

The shortfall, currently 2,168 household forms, are being actively pursued by the census team. They include -

- (i) households who have been away throughout the period since census day;

- (ii) premises which were thought possibly to be occupied but were in fact vacant on census day;
- (iii) households who are still having difficulty in completing their forms;
- (iv) householders who refuse to complete their forms.

The census process continues and all these cases are being followed up. As a result we are still receiving a daily delivery of completed forms.

There will be a cut-off date when the last batch of forms is sent for processing. The official population figure will be based on those returns. A sample survey of vacant dwellings, plus estimates of the number of homeless plus outstanding non-returns will provide an estimate of the extent of under-enumeration. We are confident that this will be a low figure. We intend to publish for the first time an under-enumeration statistic.

Householders who have so far refused to complete a form are still being encouraged to do so. As a last resort persistent refusals could be prosecuted.

- (b) An accurate and complete Census relies on each household receiving, completing and returning their forms. This has been achieved through contacts being made with householders when the forms were delivered. Enumerators ascertained the number of people in each household when they made their visits. Detailed records were kept and it is from these records that the office staff are able to verify the accuracy of the returns.

It was recognised at the planning stage that the enumeration of lodgers and lodging houses would be difficult. A dedicated team of enumerators led by a knowledgeable Supervisor has therefore had specific responsibility for lodging houses and communal establishments.

The Lodging House Association has co-operated fully with the census team and provided the number of guests in their lodging houses prior to the delivery of forms. They also designated keepers to assist the team and help residents complete and return their forms. The lodging house team kept accurate records which are now being used to make contact with lodging houses and community establishments as necessary. It should be noted that in this census lodging house residents and residents of staff accommodation living as separate households are being enumerated as such. This is expected to result in an increase of some 2,000 households over the 1996 figure. This accounts for part of the increased number of households I have already mentioned.

- (c) A team of clerical staff check each form to ensure that they are completed accurately and consistently. Where there is doubt and it is thought households may have misunderstood a particular question, they are being contacted to ensure a high degree of accuracy.
- (d) After a great deal of research and investigation the Jersey team rejected the possibility of computer reading of the forms on grounds of accuracy and cost. The United Kingdom problems therefore cannot arise.
- (e) The census date of 11th March 2001 was selected deliberately to enumerate the resident (stable) population and avoid giving undue weight to the transient population. Information regarding seasonal workers is available from the quarterly Manpower Survey.

The more important point is that Jersey has historically carried out its Census in March. Keeping a similar date to past censuses is vital for comparison and trend purposes.

I utterly reject any suggestion that an opportunity has been missed. The 2001 Census is a partnership between all States Departments. It will produce statistics which the States will be able to use confidently for the next five years.”

Funding of the Urban Renewal Sub-Committee - question and answer (Tape No. 646)

The Deputy of St. John asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

“Would the President inform members -

- (a) of the sources of funding of the Urban Renewal Sub-Committee?
- (b) whether the accounts for this group have been audited by the Finance and Economics Committee, and with what result?”

The President of the Planning and Environment Committee replied as follows -

“(a) Sources of funding for the Urban Renewal Sub-Committee.

The work of the Urban Renewal Sub-Committee is financed from the States capital budget.

In its 1995 Strategic Policy Review - 2000 and beyond, the States of Jersey gave the Planning and Environment committee the responsibility to ‘develop a programme of urban renewal’. It awarded a planning vote of £100,000 in 1996 and £400,000 in 1997 for this purpose. For the period 1998 to 2001 a sum of £500,000 has been allocated annually in the States Capital Budget toward the Urban Renewal Programme.

In addition, the Urban Renewal Sub-Committee worked in partnership with other agencies to deliver projects and has received £85,000 from the Tourism Investment Fund for environmental improvement work of First Tower Café, £4,000 from Arlington Properties for the erection of the St. Paul’s Arch when a suitable site is found and £300 from the Association of Jersey Architects for the Snow Hill workshop. The Urban Renewal Sub-Committee lent £75,000 to the Waterfront Enterprise Board for the refurbishment of Havre des Pas Bathing Pool to enable the project to start without delay. This was repaid in 2000.

- (b) An Audit of the Urban Renewal Sub-Committee was undertaken in July 2000 by the Audit and Risk Management Division of the States Treasury. The scope of the Audit was to carry out an evaluation of the existing systems, procedures and controls with the objective of assessing their adequacy and making recommendations for improvement where necessary. While part of this process was to reconcile actual expenditure from 1996 to date, with the Treasury Millennium Ledger, there was no audit of individual projects.

The overall conclusion and assessment of controls currently in place within the operation and administration of the Urban Renewal Programme was considered adequate, and reconciliation of actual expenditure with the Millennium Ledger achieved. The report was published in December 2000.

The Urban Renewal Sub-Committee and Planning and Environment Committee have accepted the recommendations contained in the report and have advised the Treasury to this affect. The necessary actions stemming from the audit are presently being implemented and will be subject to review in July 2001.”

Changes to the Union Street/York Street junctions - question and answer (Tape No. 646)

Deputy Gerard Clifford Lemmens Baudains of St. Clement, asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

“On 27th March 2001 I asked a question of the President of the Public Services Committee about alterations to the Union Street/York Street junction and was advised that my question should have been addressed to the President of the Planning and Environment Committee as the works were being promoted by the Urban Renewal Sub-Committee. Would the President therefore advise members -

- (a) with reference to the plans, what changes are being considered in light of the comments made at the mobile ‘exhibition trailer’ parked at the Cenotaph?
- (b) whether, in future, conventional public meetings will be called to advise the public of the Committee’s proposals rather than the ‘roadshow’ used to advertise the Union Street/York Street plans, as the latter gives little opportunity for the motorist to have an input and is therefore biased towards the pedestrian.”

The President of the Planning and Environment Committee replied as follows -

“(a) The Planning and Environment and the Public Services Committees considered the response to the public consultation exercise undertaken in respect of Phase One of the St. Helier Street Life Programme, sponsored by the Urban Renewal Sub-Committee, on 12th and 30th April respectively.

In general, there was much public support for the proposed changes. There were also a number of very constructive comments made about how the proposed scheme might be improved, and the following changes have now been agreed by both Committees.

Pedestrian crossing facilities

Union Street can be difficult for pedestrians to cross. This point was strongly made during the consultation exercise. A new light-controlled pedestrian crossing will now be provided as part of Phase One. The new crossing will be situated just to the east of the junction of Old Street and Union Street.

The need for crossing facilities outside the Town Hall and at the junction of Dumaresq Street and York Street was also expressed during the consultation exercise. These needs are recognised and work will be undertaken to try and provide crossing facilities here as part of Phases Two and Three of the programme.

Pavement widening

The pavement along the northern side of Union Street has been widened in part but not along its whole length. This widening will now be continued along the full length of this section of pavement to provide pedestrians with more space and to provide residents, whose front doors open directly on to the street, with more protection from the road. This will be included as part of Phase One.

Unloading bays

Comment was received about the need to maintain the unloading bay in The Parade, for the use of businesses here. The bay will remain and will not be affected by the proposed changes. The potential abuse of the bay, to the detriment of local businesses, will be examined and the possibility of imposing a time restriction on its use, thereby permitting stricter enforcement of its use, investigated. This is to be the subject of consultation with local businesses.

Service access

Difficulties of access for large delivery vehicles in Dumaresq Street, as a consequence of on-street parking on both sides of the road, was noted during the consultation exercise. To overcome this difficulty, two on-street parking spaces in Dumaresq Street, adjacent to the entrance to St. Paul’s Gate, will be extinguished.

On-street parking spaces

Approximately 15 one hour on-street car parking spaces will be lost as a result of the proposed changes to Union Street. Concern was recorded at the loss of provision. Work will, however, be undertaken to

minimise the extent of on-street parking provision lost in the locality by investigating the provision of further on-street provision in Hue Street, as part of Phase Two of the programmes.

It is relevant to note that Phase One works commenced on 10th May and are due to be completed by 17th June 2001.

- (b) At some stage in each journey, everyone becomes a pedestrian. For the motorist this might, for example, involve a walk from a car park to a 'conventional' public meeting or to a mobile 'exhibition trailer': it is considered that neither form of consultation venue is biased towards people using any particular mode of travel.

With regard to further public consultation exercises associated with the Urban Renewal Sub-Committee's Street Life Programme, it is not proposed to call 'conventional' public meetings. It is considered that by offering a range of opportunities for people to comment over a reasonable period of time either by telephone, e-mail, letter or through discussion with officers at informal open surgeries, such as that held recently at The Cenotaph, a more constructive and open dialogue with people is achieved.

The next phase of the Street Life programme is, however, centred around Hue Street, Dumaresq Street and York Street and, to promote 'motorist' participation and any perceived bias towards the pedestrian, the possibility of siting the mobile 'exhibition trailer' in Hue Street car park will be examined."

Alterations to roads and pavements in St. Helier - questions and answers (Tape No. 646)

Deputy Gerard Clifford Lemmens Baudains of St. Clement, asked Deputy Alan Simon Crowcroft of St. Helier President of the Public Services Committee, the following questions -

- "1. In relation to the alterations being carried out at the La Motte Street/St. Saviour's Road junction, would the President -
 - (a) advise members what public consultation took place?
 - (b) explain the thinking behind building a pavement at the bottom of Grosvenor Street directly in the way of oncoming traffic and how it -
 - (i) enhances the safety of pedestrians and motorists?
 - (ii) assists the picking up/dropping off of patients at the adjacent doctors' surgery?
- 2. As several bodies are involved in planning alterations to roads and pavements in St. Helier, including Centre Ville, the Parish of St. Helier, the Urban Renewal Sub-Committee, Planning and Environment and Public Services Committees, with some cross referencing of membership of these bodies, would the President undertake to take action to ensure that in future there is a single focal point so that pedestrians, traders, motorists and other interested parties have one point of contact and are aware who is dealing with each area and to whom they should direct any representations?"

The President of the Public Services Committee replied as follows -

- "1(a) A public display of the proposals for this junction and the Mont Millais junction was held at Jersey Archive, on 29th November, 2000. The proposed plans and traffic information such as traffic flows and accident statistics at these junctions were displayed and three engineers from the Public Services Department were available to answer queries or provide additional information to visitors.

Approximately 90 members of the public attended the exhibition. Those who attended were asked to

fill in a questionnaire on the proposals. 27 questionnaires were collected at the end of the day.

A selection of drawings and plans were displayed at the Public Library between 30th November and 7th December, together with invitations to make written comments. A further 10 questionnaires were returned.

Between 13th and 21st December, a small display was placed in the reception area at the Town Hall. The Parish of St. Helier Roads Committee had been previously fully consulted on the proposals. Drawings were also supplied to the Parish of St. Saviour.

On 28th March, 2001, businesses and residences in the area received letters explaining the scheme. In addition, a plan was reproduced in the Jersey Evening Post on 29th - 31st March, 2001, prior to works starting.

- (b) Grosvenor Street is a Parish of St. Helier by-road. The works are being carried out in this street at the request of the Parish of St. Helier and any costs of these works will be borne by the Parish. It will reduce the pedestrian crossing distance across Grosvenor Street and St Saviour's Road while still allowing an unrestricted right turn out of Grosvenor Street.

Any questions in respect of the reasons for and the effects of the works in Grosvenor Street should be directed to the Connétable of St. Helier.

2. While different bodies might sponsor works in the Town, the relevant highway authority is invariably the main point of contact. In respect of main roads this will be the Public Services Committee and on by-roads the Parish of St Helier. However desirable, it is, therefore impractical to have a single point of contact. But I would confirm that both highway authorities regularly consult each other and will pass on any inquiries to the appropriate authority.

To date, I am not aware of any particular difficulties being experienced by interested parties and I believe that those immediately affected by any projects managed by the Public Services Department whether for the Public Services Committee, Urban Renewal Sub-Committee or any other body, have been consulted and the proposals have been well publicised.

While as stated earlier, a single point of contact is impractical, I have asked the officers of both the Public Services Department and those from the Planning Department who support the Urban Renewal Sub-Committee, to extend the current practice of exhibiting, on-street, illustrations of the works taking place and the persons to contact for further information. I have proposed that a further two suitable locations are identified, perhaps the Library, Cyril Le Marquand House or the Town Hall, where plans of current and proposed schemes can be exhibited along with the appropriate contacts. If the House Committee agrees, it may assist members to display copies of the plans in the Members Room. I will also encourage the Parish of St. Helier to join us in displaying any plans it might have."

Sustainable bus service - question and answer (Tape No. 646)

Deputy Roy George Le Hérisssier of St. Saviour, asked Deputy Alan Simon Crowcroft of St. Helier, President of the Public Services Committee, the following question -

"Given the intention of Jersey Bus shortly to withdraw 11 services and introduce further cutbacks at a later stage, would the President outline the steps the Committee proposes to take to secure a sustainable bus service?"

The President of the Public Services Committee replied as follows -

"Members will be aware that the intention of the Public Services Committee had been to work with Jersey

Bus to develop a Service Level Agreement (SLA) to set out the requirements of a sustainable bus service for the coming years. It had been hoped that this would have been available by around September time this year and that, had it been possible to justify subsidies to retain the 11 routes referred to in the question, the SLA would have provided the framework for the future.

Detailed consideration of the Jersey Bus accounts revealed several aspects on the management and of the finances of Jersey Bus that made it impossible for the Public Services Committee to support the application for subsidies.

This decision does mean, in all probability, that it will not be possible to develop a longer term SLA with Jersey Bus.

My intention is to bring to the States, in the very near future, a Bus Strategy that will seek the support of this Chamber, for the development of a generic SLA for bus services in a way that will allow Jersey Bus and other operators to submit proposals for longer term bus services in Jersey including the application for subsidies from the States where this can be justified.

In view of this intention, and the sensitivity of the issues involved, I will be making a Statement to the Assembly at the next meeting.”

Jersey prisoners accommodated in United Kingdom prisons - questions and answers (Tape No. 646)

Deputy Roy George Le Hérisser of St. Saviour, asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, the following question -

“Would the President identify -

- (a) how many Jersey prisoners are currently accommodated in United Kingdom prisons?
 - (b) what the average cost is -
 - (i) per day;
 - (ii) per week;
 - (iii) per year of accommodating such prisoners?
2. Would the President advise what plans the Committee has to reduce these costs?”

The President of the Home Affairs Committee replied as follows -

“1.(a) There are currently 37 prisoners accommodated in United Kingdom prisons. Of these, thirteen have requested to be transferred. For these no charge was levied by the Home Office.

24 prisoners have been transferred at the request of HM Prison La Moye. These are charged at the following rates -

PRISON	AVERAGE COSTS (£)		
	Daily	Weekly	Annually
Male Training	90.20	631.40	32,923.00
Male Training (Lower Risk)	80.37	562.59	29,335.05
Male Dispersal	161.00	1,127.00	58,765.00
Male Local	103.27	722.89	37,693.55

Male Open	68.30	478.10	24,929.50
Young Offender Institution (Y.O.I.)	88.74	621.18	32,390.10
Male Open Y.O.I.	86.24	603.68	31,477.60
Female Training	109.70	767.90	40,040.50
Female Local	121.11	847.77	44,205.15
Female Open	75.23	526.61	27,458.95
Private	74.93	524.51	27,349.45

2. The Chief Inspector of Prisons has highlighted the disparity between charges levied by different prisons and has written to the Home Secretary with a view to achieving a uniform rate.”

Health and Social Services Committee’s manpower levels (Tape No. 646)

The Deputy of St. Peter asked Senator Stuart Syvret, President of the Health and Social Services Committee, the following question -

“The Public Sector Manpower Report for the period 1st July 2000 to 31st December 2000 shows an increase of over 200 additional employees for the Health and Social Services Department when compared to the previous six-monthly report. Would the President explain how it was possible for the Committee to discover these additional employees on the payroll as of 31st December 2000 who were not previously reported and of whom the Committee was evidently unaware?”

The President of the Health and Social Services Committee replied as follows -

“In the late 1980s the then Establishment Committee introduced six monthly manpower returns to provide regular checks on the effectiveness of policies which had set out to control the size and cost of the public service. These reports were based on full time equivalent (fte) staffing and post numbers. Over the years, and currently, the Health and Social Services Committee returns have been consistent and within the manpower ceiling set by the Human Resources Committee.

When in mid-1999 the States decided that the public service should become subject to the same constraints as the private sector under the Regulations of Undertakings Law, the six monthly reports for the Human Resources Committee had to be changed to include provision for the reporting of staff ‘headcount’ in addition to the traditional full-time equivalent staffing and post numbers. Up to July 2000 this information had been accessible from the original MIMS computer system on a Report R 701 - ‘Employee Count by Job Category within Occupational Group’. Results up to and including the June 2000 report to the Human Resources Committee were consistent.

However, in 1999 the States introduced a new Cyborg payroll system, which included the facility for integrated manpower management information. The decision was taken to make available the management information aspect of the system on a Stateswide basis, providing it could be readily adapted. The interface between the payroll and manpower aspects of the system are provided by a ‘Position Management Module’, which links people with posts and cost centres, but which requires considerable development and data validation. This module was introduced in the Health and Social Services Department in May 2000 and ran concurrently with the old system in the first instance. The report for the December 2000 return was the first to be obtained from the new computer Position Management Module installed as part of a corporate initiative. The statistics were interpreted in the agreed manner but showed a headcount in excess of 200 people in addition to that shown in the June report for which there appeared to be no logical explanation. This position was discussed with officers of the States Human Resources Department who shared concerns about the accuracy of the figures.

It might be considered that such a report could readily be obtained from the payroll computer system but this is not the case. Whilst the department’s payroll (only) information is consistent and accurate, it cannot be used to produce the headcount report required for Regulation of Undertakings Law purposes.

Conclusion

The increase in headcount cannot logically be explained and is attributed to the present inaccuracy of the manpower data held on computer, or the way in which it is reported. Efforts are being made to validate this data as part of an agreed plan with officers of the Human Resources Committee and should be completed soon.

Considerable effort has been made by the Health and Social Services Committee to support the Human Resources Committee in addressing the need for an effective human resources management system, which is capable of delivering both corporate and departmental information requirements. Until such a system is operating effectively we can only do our best to provide the most accurate and consistent information we can.”

Remuneration of the Committee’s managers - question and answer (Tape No. 646)

The Deputy of St. Peter asked Senator Frank Harrison Walker, President of the Committee for Postal Administration, the following question -

“Would the President inform the Assembly whether the Committee has raised, or is intending to raise, the salary levels of the Committee’s management team by a substantial amount, against the advice of the Human Resources Committee and, if so, would he indicate by what percentage?”

The President of the Committee for Postal Administration replied as follows -

“In common with Jersey Telecoms the Committee for Postal Administration is not raising the salaries of its complete Management Team other than by the annual pay rise negotiated with the relevant Postal Trade Union and approved by the Human Resources Committee. However, in July 2000 the Committee for Postal Administration appointed a Remuneration Committee to work with independent consultants, Hassell Blampied Associates, to review the changing responsibilities and job sizes of its Senior Directors (five posts) using the HAY evaluation system. These jobs were then subjected to a market comparison, again by independent consultants, which determined that existing remuneration levels did not reflect current responsibilities and job sizes. The proposed salary increases range from 0 per cent to 13.2 per cent depending upon the size of the job and particular commercial skills and experience.

The Committee for Postal Administration has been advised by the Attorney General that it has the authority to decide on remuneration packages for all of its employees, without the endorsement of the Human Resources Committee. It has taken this action in respect of its five Directors as there is a need to ensure continuity of key employees at this time in order to move the business forward in an increasingly competitive and commercial environment, and due to the significant delay to the incorporation process.

As a result of this work, and in anticipation of incorporation, the five Directors will be removed from the protection of normal public sector contracts and placed on two-year fixed-term contracts similar to those in the private sector.”

Remuneration of the Board’s senior managers - (Tape No. 646)

The Deputy of St. Peter asked Deputy Paul Francis Routier of St. Helier, President of the Telecommunications Board, the following question -

“Would the President inform the Assembly whether the Board has raised, or is intending to raise, the salary levels of the Board’s management team by a substantial amount, against the advice of the Human Resources Committee and, if so, would he indicate by what percentage?”

The President of the Telecommunications Board replied as follows -

“The Board is not planning to raise the salaries of its complete management team other than by the negotiated annual pay increase. However, an independent review, undertaken in April 2000 by Hay Management Consultants working with the Board’s remuneration sub-committee, identified that the remuneration levels at Director grades, and predominately for the 2nd tier Directors, five posts in total, did not reflect the seniority, responsibilities and job size of these positions. It is these variances that the Board is addressing with new contracts and salary increases of between 0.6 per cent and 16 per cent.

The new contracts for these individuals have been finalised and they will be in place shortly. I should also point out that because of the nature of the jobs, the imminent incorporation of Jersey Telecoms and the commercial and competitive marketplace in which the company operates, these contracts are very different to those found in the Civil Service.

The Deputy will recall that the Board did consult with the Human Resources Committee on several occasions but was unable to gain any support for its proposals. It is however the Board and not the Human Resources Committee who is the employing Committee for all staff at Jersey Telecoms and, it is therefore the duty of the Board to deal with the remuneration of all of its staff fairly and appropriately. In this respect, the Board considers the approach it is taking is responsible, reasonable and justified.”

Report being prepared into business losses suffered by the proprietors of La Sirene Guest House, St. Helier - question and answer (Tape No. 646)

Deputy Alan Simon Crowcroft of St. Helier asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following question -

“Would the President advise members what progress has been made by his Committee in respect of the action it was charged to carry out following the approval of P.155/99 on 7th December 1999, namely the authorisation of the assessment by an independent firm of auditors of the business losses suffered by the proprietors of La Sirene Guest House, St. Helier, prior to 16th February 1999, as a result of the redevelopment of the adjoining property, Kent Lodge and would he indicate when the report into the matter, together with the Committee’s recommendations, will be presented to the States?”

The President of the Housing Committee replied as follows -

“Following discussions during January and February 2000 with Deputy Crowcroft and Mr. Laurence Hitchmough, one of the proprietors of the La Sirene Guest House, the Housing Committee in April 2000 appointed KPMG as independent Auditors to report on the business losses that may have been suffered by the Guest House, prior to 16th February 1999, as a result of the redevelopment of the adjoining property, Kent Lodge. The terms of reference for the appointment were agreed by Mr. Hitchmough.

In April 2000 Mr. Hitchmough advised that his accounts were not available for inspection and it was not until November 2000 that he confirmed that he would be ready early in 2001 to allow KPMG access to his accounts.

An appointment was made for a meeting between KPMG and Mr. Hitchmough in March 2001 but Mr. Hitchmough stated that he was now unhappy with the terms of reference and he denied KPMG access to his accounts. The Housing Department’s Finance Manager discussed the matter with Mr. Hitchmough and minor revisions to the terms of reference were agreed following which a new appointment with KPMG was arranged.

KPMG completed their research during March 2001 but have yet to finalise their report to the Committee. It is anticipated that the report will be completed in the very near future, following which it will be considered by the Committee and a report, with any recommendations, submitted to the States.”

Health and safety issues related to construction sites - question and answer (Tape No. 646)

Deputy Alan Simon Crowcroft of St. Helier asked Senator Terence Augustine Le Sueur, President of the Employment and Social Security Committee, the following question -

“Would the President advise the Assembly what steps are taken by the Health and Safety Inspectorate to ensure that building works being carried out locally, especially in urban areas, do not, through the undermining of the foundations of adjacent properties, endanger the lives of property owners or the workers on site?”

The President of the Employment and Social Security Committee replied as follows -

“The question only makes reference to the role of the Health and Safety Inspectorate in relation to building works which might undermine foundations of adjacent properties. However, other parties have responsibilities and I think it is important to remember the role of the Planning and Environment Committee, and, in particular, Building Control Surveyors employed by that Committee. They also carry out inspections of building excavations primarily to ensure the integrity of the new building under the course of construction, although at the planning stage, I understand, they will also assess the possible effect of an excavation on an adjacent structure, and liaise with the Health and Safety Inspectorate in event of potential concerns.

In addition, the Health and Safety at Work (Jersey) Law 1989, places a duty on those persons involved in any construction project such as developers, architects, engineers and designers. These duties, set out under Part II of this Law, require all duty holders to ensure, so far as is reasonably practicable, the health and safety of other people, as well as employees, who may be affected by such activities. ‘Duty Holders’ is a broad term, but would include owners, employers, contractors, architects, engineers, etc.

This legislation is supported by the Construction (Safety Provisions) (Jersey) Regulations 1970, which also place duties on all contractors carrying out construction work. Regulation 10 requires contractors to take adequate steps to protect employees from any possible collapse of a structure or part of it, where the structure is likely to be affected by excavation work within the vicinity. Third parties are protected under Part II of the main Law.

So, to summarise, the duty to comply with the legislation rests squarely upon those responsible for the creation of the risks.

The three Health and Safety Inspectors appointed by my Committee, carry out a wide range of work aimed at improving health, safety and welfare issues within the Island. Included in this work is the inspection of workplaces and the investigation of accidents.

With the present high level and scale of construction activity taking place in Jersey, it is simply not possible for the Inspectors to be able to visit every construction site, on a regular basis, as well as carrying out their numerous other duties. When they do, they carry out their work in a highly professional manner, taking such action as they consider to be necessary to ensure reasonably practicable standards of Health and Safety are provided by the persons on whom the duties are placed by the Law and the Regulations.

If and when an Inspector discovers potential instances of non-compliance under the relevant legislation they have a full range of enforcement procedures under the Law available to them including the preparation of reports to the Law Officers’ Department recommending prosecutions. The inspectors can also issue improvement and prohibition notices.

In the last 12 months over 350 visits were made to construction sites and related work by Health and Safety Inspectors. Over the last 16 months, thirteen prohibition and five improvement notices have been served by Inspectors on contractors operating in this industry. Over the same period four prosecutions were taken in the Royal Court with total fines of £55,500 and costs of £9,000.”

Progress on the implementation of the recommendations in the Report on the Review Panel on the Machinery of Government (Tape No. 646)

Deputy Alan Simon Crowcroft of St. Helier asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following questions -

- “1. Would the President inform members what progress has been made by the Steering Group set up to review the recommendations of the Report of the Review Panel on the Machinery of Government?”
2. Would the President give an indication of the Committee’s proposed timetable for the debate on the core proposals in the Report, and for their implementation if approved by the States?”

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

- “1. The Steering Group was appointed at the beginning of March 2001 and has met on six occasions since that time. During this period the Group has given detailed consideration to some of the key issues relating to the machinery of government and government reform.

It was clear from the outset that States members wanted the Steering Group to consider alternative options for a system of government, in addition to the option described in the Clothier Report. The Steering Group accordingly looked at six different options, four of which were identified at a meeting of States members held at the R.J.A. & H.S. Headquarters on 20th March 2001.

The Steering Group has carried out an evaluation of the various options by using criteria that were agreed by States members, and the Group will be reporting back to the Policy and Resources Committee by the end of May with a recommendation based on that evaluation.

2. The Policy and Resources Committee will be meeting in early June to consider a draft report and proposition relating to the machinery of government. States members are to be invited to a specially convened meeting, to be held on the afternoon of 12th June 2001, in which they will have the opportunity to put questions to the Committee about its proposals.

The Committee’s report and proposition will then be lodged ‘au Greffe’ on 19th June 2001, with a view to consideration by the States on 17th July 2001. Assuming that the States approves its report and proposition, the Committee would intend to return to the States later in the year to seek their approval to an implementation plan, which is likely to provide a logical and practical programme of changes leading to the eventual outcome that will have been approved by the States. The programme will also have to reflect the need for new and amended legislation, the drafting of which will be a major task, and the more complex items will take at least until early 2003 to complete.

I anticipate that some of the more straightforward recommendations that are likely to feature in the plan should be in place prior to the 2002 elections.

What will be important is that the States will have made a decision regarding change and, assuming it to be positive, the work on implementation will have commenced and started to produce results before the elections. The electorate will, therefore, be clear at the time of the elections as to what form the Island’s system of government will eventually take.”

Cost of the Review of the Machinery of Government report - question and answer (Tape No. 646)

The Deputy of St. John asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

- “Could members be told of the cost of the Review of the Machinery of Government chaired by Sir Cecil

Clothier and

- (a) whether or not any remuneration and expenses were paid to the panel members?
- (b) if remuneration was paid to the panel members was this in equal parts to all panel members, and if not, can the President explain the reasons?"

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

"Yes. The total cost to date of the Review of the Machinery of Government is £234,481.83. This includes the costs of printing, the MORI poll, advertising, accommodation, visits to other jurisdictions, and the reimbursement of any expenses incurred by panel members in carrying out their work.

In response to questions (a) and (b), the non-local members of the Panel were remunerated for their services. This has been done on the basis that one cannot expect people from outside the Island to work on an honorary basis for Jersey, particularly when they bring with them a special skill or knowledge that is essential to the task in hand.

Local members of the Panel have carried out their work on an honorary basis, and this is very much in line with the practice adopted for other Panels and Enquiries. The States are fortunate in that there are local people who are prepared to give their time to help the community, and I believe that the Assembly would want this honorary tradition to continue."

**Jersey Aero Club Lease - lease of land - P.56/2001
Comments - P.56/2001 Com.**

THE STATES, adopting a proposition of the Harbours and Airport Committee -

- (a) approved the leasing by the public to the Jersey Aero Club of an area of land situated to the south-east of the airfield, adjacent to l' Avenue de la Reine Elizabeth II, St Peter, measuring approximately 10,070 square metres and on which the Club has constructed a hangar and other facilities, for a period of 40 years from 1st January 2001 at an annual rent of £10,500, the rent to be reviewed in line with the Jersey Retail Price Index on 1st January 2006, and at five yearly intervals thereafter until 1st January 2036, and with each party to be responsible for its own legal costs;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the public; and
- (c) authorised the Treasurer of the States to receive the rent as it becomes due.

The Deputy of St. John declared an interest and withdrew from the Chamber during the consideration of this matter.

Jersey Competition Regulatory Authority: appointment of members and Chairman - P.73/2001

THE STATES, adopting a proposition of the Industries Committee, and in accordance with Article 3(1)(a) of the Competition Regulatory Authority (Jersey) Law 2001, appointed Dr. Patrick Anthony McNutt as a member and Chairman of the Jersey Competition Regulatory Authority for a period of three years with effect from 17th May 2001.

Jersey Financial Services Commission: appointment of Commissioners - P.65/2001. Consideration in camera

The Bailiff, in accordance with paragraph 1A of Article 3 of the Financial Services Commission (Jersey) Law 1998, as amended, and Standing Order No. 46(2), ordered the withdrawal of Strangers and the closing of the doors of the Chamber in order that the appointment of Commissioners of the Jersey Financial Services Commission be debated in camera.

THE STATES, having deliberated thereon in camera, proceeded to vote in public assembly and, adopting a proposition of the Finance and Economics Committee, and in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, as amended, re-appointed the undermentioned persons as Commissioners of the Jersey Financial Services Commission, with effect from 1st June 2001 for a period of three years, until 31st May 2004 -

Mr. Richard John Pirouet
Mr. Geoffrey Colin Powell, O.B.E.

**Draft Planning and Building (Jersey) Law 200- P.50/2001
Amendments - P.50/2001 Amd.; second amendments P.50/2001 Amd.(2); third amendments P.50/2001 Amd.(3); fourth amendments- P.50/2001 Amd.(4); fifth amendments; sixth amendments;
comments - P.50/2001 Com.**

THE STATES commenced consideration of the draft Planning and Building (Jersey) Law 200- and adopted the preamble.

Members present voted as follows -

“Pour” (35)

Senators

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Kinnard, Le Sueur, Lakeman.

Connétables

St. Peter, Grouville, St. Helier, Trinity, St. Saviour, St. Brelade, St. Mary, St. John.

Deputies

Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Le Main(H), Crowcroft(H), St. Peter, Dubras (L), St. Ouen, Dorey(H), Troy(B), Scott Warren(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H) Martin(H).

“Contre” (9)

Deputies

H. Baudains(C), St. Mary, S. Baudains(H), Huet(H), St. John, Vibert(B), G. Baudains(C), Voisin(I) Farnham(S).

Article 2 was adopted.

Members present voted as follows -

“Pour” (35)

Senators

Horsfall, Stein, Quérée, Bailhache, Syvret, Kinnard, Le Sueur, Lakeman.

Connétables

St. Peter, Grouville, St. Helier, St. Saviour, St. Brelade, St. Mary.

Deputies

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), Layzell(B), Breckon(S), Le Main(H), Crowcroft(H), Vibert(B), St. Peter, St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Scott Warren(S), I Hérissier(S), Ozouf(H), Fox(H), Bridge(H), Martin(H).

“Contre” (3)

Connétables

Trinity.

Deputies

Duhamel(S), St. John.

THE STATES then adjourned, having agreed to meet on 22nd May 2001 to resume consideration of the draft Planning and Building (Jersey) Law 200-.

THE STATES rose at 17.29 p.m.

C.M. NEWCOMBE

Greffier of the States.