



**THE STATES assembled on Tuesday,
19th May 1998 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

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

All members were present with the exception of –

Senator Richard Joseph Shenton – out of the Island
Malcolm Pollard, Connétable of St. Peter– ill
Jack Roche, Connétable of St. Saviour– ill
Philip Roy Cabot, Connétable of Trinity – ill
Margaret Anne Le Geyt, Deputy of St. Saviour– out of the Island
Jacqueline Jeannette Huet, Deputy of St. Helier– out of the Island.

Prayers

Tribute to the late Major J.R.C. Riley, former member of the States

The Bailiff paid tribute to the late Major John Roland Christopher Riley, former Senator and Deputy of St. Helier.

THE STATES observed one minute's silence as a mark of respect.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Order 1998. R & O 9230.

Royal Court (Remuneration of Commissioners) (Jersey) Order 1998. R & O 9231.

Matters presented

The following matters were presented to the States –

Mains drains – connection to all properties: petition (P.108/98) – report – P.103/98.
Presented by the Policy and Resources Committee.
THE STATES ordered that the said report be printed and distributed.

Employment and Social Security Committee: annual report and accounts 1996/1997.
Presented by the Employment and Social Security Committee.

States of Jersey Fire Service: report for 1997.
Presented by the Defence Committee.

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 11th May 1998, 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 Education Committee, the lease to the Jersey Electricity Company Limited of the site of an electricity sub-station at Haute Vallée School, Mont-à-l'Abbé, St. Helier, for a period of 99 years at an annual rent of £1 payable in full upon signing of the contracts in relation to the Company's sub-station No. 607, together with the granting of standard wayleave rights to the Company free of charge in accordance with Plan No. 21Y (reference P.1025) dated 19th June 1997 on the basis that each party will be responsible for its own legal costs arising from the transaction;
- (b) as recommended by the Agriculture and Fisheries Committee, the sale to Mr. Donald Ernest Rault of part of Field No. 864, at Le Rondin Farm, Trinity, for the sum of £10, the land to be sold without offset, the contract to include a clause agreeing the boundary of Field No. 853 and Le Petit Chalet Trinity in accordance with two boundary stones positioned at either end of the boundary, and with Mr. Rault to be responsible for the Committee's legal fees;
- (c) as recommended by the Sport, Leisure and Recreation Committee, the lease to the Jersey Petanque Club of land and premises at the Les Quennevais Sports Ground, St. Brelade, for a period of nine years deemed to have commenced on 1st April 1997, with a starting annual rent of £400 payable half-yearly in advance, to be reviewed annually in line with the Jersey Retail Prices Index, and with the lessee to make ten annual payments of £1,000 from 1997 to 2006 in respect of the repayment of monies expended by the Committee in establishing club facilities, on the basis that each party would be responsible for its own legal costs arising from the transaction.

Matter noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 11th May 1998, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Health and Social Services Committee had accepted the lowest of five tenders, namely that submitted by Mercury Construction (1995) Limited in the sum of £680,393.25 in a contract period of 42 weeks, for the construction of the Sandybrook Day Care Centre, St. Peter.

Matters lodged

The following matters were lodged "au Greffe" –

Strategic reserve: allocation of funds – P.89/98.

Presented by the Finance and Economics Committee.

Jersey Airport: lease to Hi-Speed Freight Limited – P.90/98.

Presented by the Harbours and Airport Committee.

Frisco, 3 Clos de Clement, St. Peter: purchase and rescission of Act – P.91/98.

Presented by the Harbours and Airport Committee.

La Collette, St. Helier: lease to Ronez Limited – P.92/98.

Presented by the Harbours and Airport Committee.

Bellozanne sewage treatment works upgrade – P.93/98.

Presented by the Public Services Committee.

Draft Harbours (Administration) (Amendment No. 4) (Jersey) Law 199 – P.94/98.

Presented by the Harbours and Airport Committee.

Draft Banking Business (Amendment No. 2) (Jersey) Law 199 – P.95/98.

Presented by the Finance and Economics Committee.

Draft Insurance Business (Amendment) (Jersey) Law 199 – P.96/98.

Presented by the Finance and Economics Committee.

Draft Drug Trafficking Offences (Exemption for Regulators) (Jersey) Regulations 199 – P.97/98.

Presented by the Finance and Economics Committee.

Draft Data Protection (Regulation of Financial Services) (Subject Access Exemption) (Amendment No. 3) (Jersey) Regulations 199 – P.98/98.

Presented by the Finance and Economics Committee.

Draft Registration of Business Names (Amendment) (Jersey) Law 199 – P.99/98.

Presented by the Finance and Economics Committee.

Draft Collective Investment Funds (Jersey) Law 199 – P.100/98.

Presented by the Finance and Economics Committee.

Draft Financial Services Commission (Jersey) Law 1998 (Appointed Day) Act 199 – P.101/98.

Presented by the Finance and Economics Committee.

Draft Financial Services Commission (Amendment) (Jersey) Law 1998 (Appointed Day) Act 199 – P.102/98.

Presented by the Finance and Economics Committee.

Manual worker posts: outsourcing – P.104/98.

Presented by Senator R.J. Shenton.

Church of England: ordination of women measures – P.105/98.

Presented by the Legislation Committee.

Nuclear waste discharges into the marine environment – P.106/98.

Present by Senator S. Syvret

Nuclear waste discharges into the marine environment – P.102/97. Withdrawn

THE STATES noted that Senator Stuart Syvret had withdrawn the proposition regarding Nuclear waste discharges into the marine environment – (P.102/97 – lodged “au Greffe” on 8th July 1997 and referred to the Policy and Resources Committee) having lodged a revised proposition at the present meeting (P.106/98).

Arrangement of public business for the next meeting on 2nd June 1998

THE STATES acceded to the request of Deputy Alan Breckon of St. Saviour that consideration of the proposition

regarding Shops: Sunday trading (P.60/98 – lodged “au Greffe” on 31st March 1998) be deferred from 2nd June 1998 to a later date.

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 2nd June 1998 –

Jersey Financial Services Commission: appointment of Commissioners – P.88/98.
Finance and Economics Committee.

Bellozanne sewage treatment works upgrade – P.93/98.
Lodged: 19th May 1998.
Public Services Committee.

Draft Harbours (Administration) (Amendment No. 4) (Jersey) Law 199 – P.94/98.
Lodged: 19th May 1998.
Harbours and Airport Committee.

Draft Banking Business (Amendment No. 2) (Jersey) Law 199 – P.95/98.
Lodged: 19th May 1998.
Finance and Economics Committee.

Draft Insurance Business (Amendment) (Jersey) Law 199 – P.96/98.
Lodged: 19th May 1998.
Finance and Economics Committee.

Draft Drug Trafficking Offences (Exemption for Regulators) (Jersey) Regulations 199 – P.97/98.
Lodged: 19th May 1998.
Finance and Economics Committee.

Draft Data Protection (Regulation of Financial Services) (Subject Access Exemption) (Amendment No. 3) (Jersey) Regulations 199 – P.98/98.
Lodged: 19th May 1998.
Finance and Economics Committee.

Draft Registration of Business Names (Amendment) (Jersey) Law 199 – P.99/98.
Lodged: 19th May 1998.
Finance and Economics Committee.

Draft Collective Investment Funds (Jersey) Law 199 – P.100/98.
Lodged: 19th May 1998.
Finance and Economics Committee.

Draft Financial Services Commission (Jersey) Law 1998 (Appointed Day) Act 199 – P.101/98.
Lodged: 19th May 1998.
Finance and Economics Committee.

Draft Financial Services Commission (Amendment) (Jersey) Law 1998 (Appointed Day) Act 199 – P.102/98.
Lodged: 19th May 1998.
Finance and Economics Committee.

Church of England: ordination of women measures – P.105/98.
Lodged: 19th May 1998.
Legislation Committee.

Nuclear waste discharges into the marine environment – P.106/98.
Lodged: 19th May 1998.
Senator S. Syvret.

Payment of legal costs – questions and answers (Tape No. 445)

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

- “1. (a) Would the President confirm that the Finance and Economics Committee has agreed to pay the legal costs of Dr. Robert Young recently involved in a prosecution before the Royal Court on fraud charges?
 - (b) If the answer to (a) is in the affirmative, would the President advise members of the reason for this decision, the criteria on which it was based and the amount of money paid out?
 - (c) Would the President inform members where the defendant, Dr. Young stayed during this Court trial, who paid the cost of his accommodation and from which vote of credit or otherwise were these monies paid?
2. (a) Would the President inform members how much in public funds has been paid out to defendants in the last five years in similar manner and circumstances?
 - (b) Would the President inform members why the Finance and Economics Committee did not inform States members of this use of taxpayers’ money?”

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

- “1. (a) I can confirm that following an approach in November 1997 from the Attorney General, my Committee agreed to make an ex gratia payment towards the defence costs of Dr. Robert Young.
- (b) The background to the Committee’s decision is as follows. Until October 1997 Dr. Young had been represented by Advocate Le Quesne of Messrs. Vibert and Valpy. At that time Advocate Le Quesne informed the Attorney General and the Bâtonnier (who is responsible for the allocation of legal aid) that Young was no longer able to pay his fees and it would therefore be necessary to appoint a new advocate under the legal aid scheme to represent Young. Under the legal aid scheme advocates of less than 15 years’ standing represent persons who cannot afford to pay their lawyer. Although some fees may be payable where the client can afford it, the majority of such representation is carried out for no remuneration on the part of the lawyer. Advocate Le Quesne is over 15 years seniority and is therefore not on the legal aid rota.

The case was of unprecedented length and complexity. At the time the Committee took its decision it was estimated that the case itself would last for up to three months in Court and that up to a further three months’ preparation time would be required to be spent by the advocate concerned working exclusively on the matter. In other words an advocate would be required to spend up to six months working exclusively on the matter and therefore unable to act for other clients.

After discussion with the Bâtonnier the Attorney General wrote to the Committee and advised

that in his opinion it was unreasonable to expect an advocate to work for no remuneration for up to six consecutive months. Indeed he considered that it might place the Island in breach of Article 4(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms to so insist. He therefore recommended that the Committee should make an ex-gratia contribution towards the fees of any advocate appointed to act for Dr. Young on legal aid. There was precedent for this. As an alternative he informed the Committee that Advocate Le Quesne had offered to continue to represent Mr. Young subject to the Committee agreeing to contribute towards his fees.

The Committee agreed that it would be unreasonable to require an advocate to act for no remuneration for six months and agreed therefore that it should contribute towards the costs of the defence. However it left to the Attorney General the decision as to whether this contribution should be by way of the appointment of an advocate on the legal aid system or the continued appointment of Advocate Le Quesne.

The Attorney General subsequently informed the Committee that he had decided that the continued appointment of Advocate Le Quesne was the preferred solution in the interests of justice. In particular he had taken into account that Advocate Le Quesne was already familiar with the case and it was therefore likely that the trial date, which had been fixed for early February, could be maintained if Advocate Le Quesne were to act. If a new advocate were appointed and had to familiarise himself with the case, it was almost certain that the trial date would have had to be adjourned. This would have caused great difficulty because of the detailed arrangements which had been put in place for witnesses from various places around the world to attend to give evidence.

Article 6(3)(c) of the European Convention for the Protection of Human Rights and Fundamental Freedoms requires a member state to ensure that, in criminal cases, free legal representation is available to persons accused of crime where they cannot afford a lawyer. In Jersey that obligation is fulfilled by means of the legal aid scheme whereby lawyers act for no remuneration if necessary. Finance and Economics Committees have on previous occasions acknowledged that, in exceptionally long cases, this can place unreasonable demands upon a lawyer and it was for that reason that the Committee agreed to contribute towards the defence costs in this case of unprecedented complexity.

Since my Committee's decision in December 1997 a total of £97,612.70 has been paid in respect of these defence costs. That amount is broken down as follows –

Fees of Advocate Le Quesne	:	£85,802.50
Disbursements	:	£11,810.20
TOTAL	:	£97,612.70

Fee notes have been vetted by the Judicial Greffier and paid by the Law Officers Department out of the Court and case costs vote which is an annual vote of credit in the Finance and Economics Committee budget used to pay fees and other costs arising out of court proceedings.

In addition, and for similar reasons, on 23rd March 1998 my Committee agreed in principle to

make an ex gratia payment to the advocate representing Dr. Young's co-accused Mr. Alfred Williams. The basis of this payment was to be assessed at the end of the trial but this exercise has not yet taken place.

- (c) My Committee did not agree to meet the cost of accommodation for Dr. Young when considering the ex-gratia payment referred to in my previous answer. Under the legal aid scheme, the Greffier is entitled to authorise expenses incurred by legally aided defendants and to meet them out of the Court and case costs vote. The Committee decided that Dr. Young should be treated no differently to any other defendant in this respect and the decision was therefore left to the Judicial Greffier. The Judicial Greffier authorised costs up to a maximum of £35 per night. During the trial Dr. Young stayed in a local hotel and a total of £1,102 has been paid out of the Court and case costs vote for that accommodation. This sum is included in the disbursements of £11,810.20 referred to in my last answer.
2. (a) There have been no other payments of this nature made in the last five years. Ex-gratia payments have however been made in the past to defence lawyers appointed under the legal aid scheme in cases where the length or complexity of the case is such that it would have been unreasonable to expect defence advocates to undertake the case with no payment. The last such payment was made in respect of a murder trial which took place in 1991.
 - (b) It is normal practice that the States are informed annually as to the total expenditure incurred on Court and case costs. This figure was included in the 1997 Financial Report and the amount was £2,973,869.”

Fisheries protection vessels – questions and answers (Tape No. 445)

Deputy Philip John Rondel of St. John, asked Deputy Harry Hallewell Baudains of St. Clement, President of the Agriculture and Fisheries Committee, the following questions –

- “1. Recently the Island took delivery of a new fisheries protection vessel, the Norman Le Brocq. Would the President give the price paid for the vessel and the date of purchase, plus the engine hours the vessel has run to date?
2. Would the President also inform the Assembly –
 - (i) what price was obtained on the sale of the original vessel the Howard Davis;
 - (ii) what was the vessel's original purchase price and the date of original purchase?
 - (iii) the total engine hours that the Howard Davis had completed whilst in the service of the Agriculture and Fisheries Committee?”

The President of the Agriculture and Fisheries Committee replied as follows –

- “1. The vessel cost £459,260. (The Guernsey vessel cost £500,000 at this stage of completion). In addition, the electronics, fishing equipment, legs and spare props cost a further £55,440; and the Searider cost £14,300; giving a total of £529,000.

The consultant's fee was £11,500.

Travel, hotel and eight days' training plus examination (for the Certificate of Competence Yachtmaster Offshore Power) cost £9,000.

Thus, the final cost of the vessel including full registration and Lloyds certification and training the staff to efficiently and safely manage it cost £549,500 against a Capital Vote of £550,000.

The boat was ordered in December 1996 and the final payment will be made on 20th November 1998. The vessel has run for 264.3 hours.

2. (i) £28,750 less the standard commission giving £26,450 net.
- (ii) £45,393. Ordered 30th November 1989. Delivered 23rd March 1990.
- (iii) 2,810 hours."

Road accidents involving injury to pedestrians and cyclists – question and answer (Tape No. 445)

Deputy Alan Simon Crowcroft of St. Helier asked Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee, the following question –

“Would the President of the Defence Committee provide a breakdown of the numbers of incidents resulting in injury to pedestrians and cyclists on Island roads over the past five years (1993-1997 inclusive). Would he further provide figures for the first four months of 1998 (January to April)?”

The President of the Defence Committee replied as follows –

“Pedestrians injured on Island roads

1993	103
1994	81
1995	75
1996	81
1997	84

It is only possible to give figures for the first three months of 1998 – 14 pedestrians were injured during this period. It should perhaps be taken into consideration that the number of people who cycle has in fact increased over the last few years.

“Cyclists injured on Island roads

1993	46
1994	49
1995	53
1996	54
1997	54

It is only possible to give figures for the first three months of 1998 – 17 cyclists were injured during this period.

A breakdown of these figures into the category of slight, serious or fatal injury is set out in the schedule to this answer and I have asked the Chief Officer, States of Jersey Police to liaise with the Public Services and Driver and Vehicle Standards Departments to ensure that more detailed statistics which give location, times and dates etc. are readily available in future.

I would also like to take this opportunity of repeating some road safety advice –

‘It is in the interests of all cyclists to wear protective helmets when cycling and to obey road regulations at all times.

Children should take the opportunity of undergoing a cycling proficiency course – 30 cycling proficiency courses are planned for this year and information on this can be obtained from the road safety section at the Driver and Vehicle Standards Department.’

Schedule

Pedestrian casualties

Year	Slight	Serious	Fatal	Total
1993	82	20	1	103
1994	66	13	2	81
1995	63	12	0	75
1996	64	17	0	81
1997	76	8	0	84
1998 (first quarter)	11	2	1	14

Cyclist casualties

Year	Slight	Serious	Fatal	Total
1993	38	8	0	46
1994	41	7	1	49
1995	48	5	0	53
1996	44	10	0	54
1997	45	8	1	54
1998 (first quarter)”	17	0	0	17

Manual workers’ dispute over outsourcing – statement

The President of the Establishment Committee made a statement in the following terms –

“As members will be aware, States manual workers have been taking industrial action since 6th April this year, culminating in yesterday’s strike.

They have taken this action in order to prevent the Education Committee from exercising its contractual and management right to relocate cleaning staff from the Jersey College for Girls (JCG) to other schools within the Education Service. The Transport and General Workers Union (TGWU) has also categorically stated its intention of putting a halt to any outsourcing of States manual worker jobs, now and in the

future.

In order to place the proposition being lodged by Senator R.J. Shenton today into context, I believe that members should be updated on the key points affecting the dispute so far.

Ten years ago, in 1988, the Education Committee was already supplementing its direct manual worker cleaning workforce by using private contractors in some 13 schools. Since then, it has been the policy of the Education Committee, with the full knowledge of the TGWU, to contract out the cleaning of new schools or extensions to existing schools.

This has been to meet the demands of increased capacity in the schools, whilst complying with States policy on manpower control. If Education did not use contract cleaners, approximately 50 extra part-time manual workers would have to be employed by the Department.

The Education Committee's policy is also in accordance with the States policy that Committees should look to outsource non-core services, where quality can be assured.

In accordance with this policy, and in line with the contracts of employment of the staff concerned, the Education Committee intends to relocate cleaning staff at the existing JCG to other more modern schools without any loss to them of job security, hours or pay, terms and conditions of service whatsoever, or indeed numbers of manual workers employed by the Education Committee.

Whether the JCG cleaners move to the new school in 1999 or transfer elsewhere within the Education Service, a cleaning contractor will be required at the new JCG site. It is much larger than the old school and requires additional cleaning capacity beyond that provided by the current staff.

By employing a contractor at the new site and moving the JCG cleaning staff to other schools, Education will be able to cope with additional cleaning capacity in two primary schools which have recently been extended. If the Union has its way, there will have to be contractors at the new JCG site and two primary schools. Education's proposals restrict the use of contractors to one school instead of three. The Union leadership has been aware of this from the outset.

The issue concerning the JCG cleaners is not, therefore, one of privatisation. It is far more fundamental. It is a question of whether a States Committee or the Transport and General Workers Union will determine the deployment of staff.

Nevertheless, the Union has seen the JCG issue as a linchpin in its fight against privatisation. There has been much emotional and misleading comment made concerning the privatisation of States manual worker jobs. To put this into context, it is worth emphasizing that not one manual worker has been made compulsorily redundant in order to make way for the use of private contractors. Nor are there any plans for compulsory redundancies in the foreseeable future.

There has been much talk of the threat to local manual worker jobs from privatisation and I believe that some parties to this dispute are guilty of playing on unnecessary and unfounded fears. Let us be very clear, for example, that the employment security of the JCG cleaners has never been at risk. The employer has effectively offered those cleaners a job for life. I know of no other employer in Jersey who has guaranteed such security. It demonstrates the reasonableness with which the employer has approached

this issue.

I would also remind members that the Employers' Side has offered a number of concessions to the Transport and General Workers Union, both prior to and during the dispute, in order to address the manual workers concerns regarding the outsourcing policy. In summary –

the President of the Education Committee has formally guaranteed that the JCG cleaners will remain at the JCG until such time that the States has agreed an outsourcing policy;

the Policy and Resources Committee has effectively offered the TGWU a freeze on all further outsourcing of States manual worker jobs (including the cleaning jobs at JCG) until the States agree a policy on outsourcing, which would have due regard to issues such as terms and conditions of service of employees undertaking contract work in States departments and protecting the position of local residents;

of equal importance, the offer also contained an opportunity to the TGWU to influence the draft policy before it is debated in the States;

over the weekend, Mr. Brian Le Marquand offered his services as an independent mediator in an effort to identify a settlement between the parties. I would like to extend my thanks to Mr. Le Marquand for his efforts. Further compromises were offered which guaranteed the employment security of the JCG cleaners and increased the likelihood that cleaning services at JCG would remain within the public sector, albeit through the Public Services Department. This would have concentrated cleaning services under one Department, with proven management expertise in this area, and achieved gains in efficiency and effectiveness through economies of scale;

in addition, having been invited by the Union to intervene in the dispute, Senator Shenton will today lodge a proposition that asks the States to call a halt to the outsourcing of manual worker jobs.

Notwithstanding all the efforts made by the employer to offer the Union genuine opportunities to negotiate and debate the way forward in a democratic way, the Island remains in the grip of industrial action as the Union attempts to use industrial strength to force its view on the employer at any cost. Members will note that the Union leadership refused to recommend acceptance of the proposed settlement at yesterday's mass meeting of manual workers.

The Union has made much play of its willingness to negotiate. I would remind members that the Union entered this dispute with the stated aim of ensuring that the JCG cleaners move to the new school when it opens in 1999. Its position now, nearly two months later, is that the cleaners must move to the new school and, furthermore, that there must be a complete halt to the outsourcing of manual worker jobs.

The General Secretary of the Transport and General Workers Union stated on his visit to the Island last week that both parties should 'negotiate, negotiate, negotiate'.

This is at complete odds with what the local leadership of the Union are doing. Whilst preaching negotiation, they are insisting that the only way forward for such negotiations is for the employer to give in to their demands. Despite the offers made by the employer, they have not moved from this position one iota from day one of this dispute.

I therefore welcome Senator Shenton's proposition as an opportunity to confirm, through the democratic process, whether the States wishes to pursue its policy objectives concerning manpower control and outsourcing of non-core services. Members should be under no illusions as to how fundamental the issues raised by the proposition will be to the ability of the States to manage its manpower resources.

Effectively, members will be asked to decide whether the authority to decide and implement States policy should be vested in the States and its Committees or subject to the veto of the Transport and General Workers Union. That is the stark reality of both Senator Shenton's proposition and the demands made by the Union leadership in this dispute.

If the States were to agree to Senator Shenton's proposition, it would –

effectively stop the outsourcing policy before it is even debated by this House;

strangle any realistic hopes of genuine flexibility in the employment and deployment of States manual workers.

I wrote to Mr. Kavanagh last Friday asking that, in view of Senator Shenton's proposition, he call off yesterday's strike and the work to contract. Yesterday, the Union leadership spurned the opportunity to recommend to its members a reasonable and dignified way forward in both resolving the current dispute and addressing the concerns, real or imaginary, concerning the States policy on outsourcing.

I will now repeat my appeal to the Union leadership. The States and the public of this Island are well aware of the strength of feeling amongst manual workers concerning the outsourcing policy. The employer has tabled offers that provide the opportunity to address those concerns. Further industrial action serves only to discredit their cause and damage our Island community. I would urge the Union to refrain from any further industrial action and accept the employers offers to resolve the matter through democratic means.”

New North Quay, St. Helier: lease of accommodation– P.66/98

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

- (a) approved the lease to B.J. Transport (Jersey) Limited of the southern unit of the New North Quay warehouse, St. Helier (designated Letting No. N16), measuring 4,760 square feet, for a period of three years commencing 1st February 1998, at an annual rental of £22,372 (representing a rate of £4.70 a square foot), subject to annual review in line with the Jersey cost of living index;
- (b) authorised the Greffier of the States to sign the necessary lease; and
- (c) authorised the Treasurer of the States to receive the rent as it became due.

Parish Rate Appeal Board: appointment of member – P.68/98

THE STATES, adopting a proposition of the Finance and Economics Committee and in pursuance of Article 14 of the Parish Rate (Administration) (Jersey) Law 1946, as amended, appointed Mr. Jeremy James Robin Johnsor

as a member of the Parish Rate Appeal Board, in place of Advocate Richard Francis Valpy Jeune, for the period ending 30th September 2000.

Limited Liability Partnerships (Insolvent Partnerships) (Jersey) Regulations 1998 – P.53/98

THE STATES, in pursuance of Articles 44 and 45 of the Limited Liability Partnerships (Jersey) Law 1997, made Regulations entitled the Limited Liability Partnerships (Insolvent Partnerships) (Jersey) Regulations 1998.

Limited Liability Partnerships (Jersey) Law 1997 (Appointed Day) Act 1998 – P.54/98 and P.76/98

THE STATES commenced consideration of the draft Limited Liability Partnerships (Jersey) Law 1997 (Appointed Day) Act 1997 and accepted an amendment of Deputy Alan Simon Crowcroft of St. Helier that in paragraph 1 for the words “the first day of May 1998” there should be substituted the words “the ninth day of September 1998”.

THE STATES, in pursuance of Article 50 of the Limited Liability Partnerships (Jersey) Law 1997 made an Act entitled the Limited Liability Partnerships (Jersey) Law 1997 (Appointed Day) Act 1998.

Le Marais, St. Clement– refurbishment Phases I and II: approval of drawings – P.80/98

THE STATES, adopting a proposition of the Housing Committee –

- (a) approved drawings Nos. 3932/03B, 3932/04B, 3932/05B, 3932/06A, 3932/09, 3932/12 and 3932/14 showing Phases I and II of the refurbishment of the high rise blocks of flats at Le Marais St. Clement;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Policing of the Island – P.49/98, P.84/98 and P.86/98

THE STATES commenced consideration of the proposition of the Defence Committee regarding the policing of the Island and adopted sub-paragraphs (a) and (b) of paragraph (1).

Sub-paragraph (c) of paragraph (1) was adopted, the States having accepted an amendment of Deputy Frederick John Hill of St. Martin, that for the words “issuing an annual policing plan”, there should be substituted the words “issuing an annual report reflecting achievements, a policing plan and budget details”.

Deputy Maurice François Dubras of St. Lawrence withdrew his amendment that, in sub-paragraph (c), for the word “Force” there should be substituted the word “Service”.

Paragraphs (2) and (3) were adopted.

Paragraph (4) was adopted, the States having accepted an amendment of Deputy Frederick John Hill of St. Martin that, in the fourth line of the paragraph, after the words “Defence Committee” there should be inserted the words “within two years”.

Paragraph (5) was adopted.

THE STATES, adopting the proposition as amended –

- (1) approved the establishment by law of a Police Authority with responsibility for –
 - (a) securing the maintenance of effective and efficient policing throughout the Island;
 - (b) setting local objectives and performance targets for the States of Jersey Police Force and the honorary police;
 - (c) issuing an annual report reflecting achievements, a policing plan and budget details to be presented to the States and published;
- (2) agreed –
 - (a) that the constitution of the Police Authority should be as follows –
 - (i) an independent Chairman appointed by the States on the recommendation of the Defence Committee;
 - (ii) two members of the Defence Committee, not being Connétables, appointed by that Committee;
 - (iii) two Connétables appointed by the Comité des Connétables;
 - (iv) two independent persons appointed by the States on the recommendation of the Defence Committee following an open selection procedure involving the Attorney General and the Defence Committee,the States appointments to be made following consideration in camera;
 - (b) that, subject to paragraph (4), the Authority's term of office should be three years and that appointments might be made to fill any vacancies occurring during the Authority's term of office;
- (3) approved the recommendations in paragraph 2.2 of the Report of the Working Party on Policing in the Island dated 5th December 1997, as follows –
 - (a) that the office of Chef de Police for each parish, be established by law to have charge of the honorary police within the parish and perform such other duties as may be prescribed by law; and that the Connétables should cease to fulfil an operational policing role but retain overall responsibility for the effective and efficient policing of their parish;
 - (b) that posts of Chairman, and Deputy Chairman, of the Honorary Police, and the responsibilities of the respective posts, be established by law;
 - (c) that the Centeniers Association and the Association of Vingteniers and Constables Officers be recommended to merge into a single association;
 - (d) that the senior Procureur du Bien Public in a parish should be empowered by law to deputise for the Connétable in the event of the latter's incapacity or absence from the Island;
 - (e) that the Attorney General be requested to prepare and maintain a Code of Practice covering Parish Hall inquiries and to monitor the consistency of awards and procedures at such enquiries;
- (4) agreed that, pending the passing of the necessary legislation, the Police Authority should be appointed with the charge, in consultation with all interested parties, to develop and to bring forward to the Defence Committee within two years an action plan to give effect to recommendations in

paragraph (3), and any consequential changes that may be necessary; to identify in that action plan the new or amending legislation, and all administrative measures, necessary to implement the plan; and to charge the Defence Committee to resolve with the Policy and Resources Committee the timetable for drafting the legislation, and in consultation with the Comité des Connétables, to bring to the States the necessary changes for approval;

- (5) charged the Defence Committee, in consultation with the Finance and Economics Committee, to ensure that sufficient funds are made available to support the work of the Authority.

Members present voted on the proposition, as amended, as follows –

“Pour” (45)

Senators

Horsfall, Rothwell, Le Maistre, Stein, Bailhache, Syvret, Tomes, Norman, Walker, Kinnard.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Brelade, Grouville, St. Martin, St. Ouen, St. John.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, S. Baudains(H)Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Dorey(H), Layzell(B), Breckon(S), Grouville, St. Martin, St. John, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), Vibert(B), de la Haye(B), L’œrnu(C), St. Peter Dubras(L), St. Ouen.

“Contre” (1)

Connétable

St. Helier.

Regulation of Undertakings and Development (Amendment No. 9) (Jersey) Regulations 1998– P.22/98

THE STATES, in pursuance of Article 2 of the Regulation of Undertakings and Development (Jersey) Law 1973 as amended, made Regulations entitled the Regulation of Undertakings and Development (Amendment No. 9) (Jersey) Regulations 1998.

Members voted on the preamble as follows –

“Pour” (34)

Senators

Horsfall, Rothwell, Le Maistre, Stein, Bailhache, Syvret, Tomes, Walker, Kinnard.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Brelade, St. John.

Deputies

H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, S. Baudains(H), TrinityPullin(S), Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, St. Martin, Vibert(B), de la Haye(B) Le Cornu(C), St. Peter, Dubras(L)St. Ouen.

“Contre” (7)

Senator

Norman.

Connétable

Grouville.

Deputies

Dorey(H), St. John, Le Main(H),Blampied(H), Rabet(H).

Stopford Court, Stopford Road, St. Helier: transfer of administration of land– P.56/98

THE STATES, adopting a proposition of the Housing Committee, approved the transfer of administration from the Housing Committee to the Public Services Committee of a small area of land to the north-east of Stopford Court, Stopford Road, St. Helier.

OTC Housing development, First Tower, St. Helier: lease of shop units– P.57/98 Revised

THE STATES, adopting a proposition of the Housing Committee –

1. approved the lease by the public for a term of 21 years, commencing on a date to be agreed between the Committee and the lessees, on an internal repairing lease, of two new shops at the OTC Housing Development, First Tower, St. Helier, as follows–

Shop A to Blades Hairdressing Limited at a commencing rental of £13,000 a year, payable quarterly in advance, with each party being responsible for its own legal fees;

Shop B to Edgar Holdings Limited, trading as Village Pharmacy, at a commencement rental of £14,500, a year, payable quarterly in advance, with the lessee being responsible for the public's legal fees;

subject to additional terms and conditions as follows –

- (i) a three month rent-free period to be granted from the commencement of the lease to enable the lessee to fit out the shop;
- (ii) the lessee to be responsible for 2.33 per cent of the following costs incurred in respect of Blocks A-H, inclusive, OTC Housing Development –
 - (a) building insurance;
 - (b) maintenance, repair and decoration of the structure of the building; and
 - (c) lighting and cleaning of the communal areas;
- (iii) the lessee to be responsible for the payment of Parish foncier and occupier's rates;
- (iv) the annual rental to be subject to three-yearly rent reviews and increased to an amount agreed between the parties representing the open market rental value of the leased properties;
- (v) the lessee to be permitted to carry out alterations, subject to prior written consent of the Housing Committee, such consent not to be unreasonably withheld;
- (vi) both premises to be used for retail purposes, and the assignment or sub-letting of the premises for

use as a take-away food outlet not to be permitted; all other uses to be permitted, subject to the Housing Committee's prior written consent, such consent not to be unreasonably withheld;

2. authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public;
3. authorised the Treasurer of the States to receive the rent on both properties as it became due.

Criminal Injuries Compensation Scheme: further amendments – P.67/98

THE STATES, adopting a proposition of the Defence Committee, made an Act amending further their Act dated 4th day of December 1990, establishing a Scheme to provide compensation for victims of crimes of violence.

Stamp Duties and Fees (Jersey) Law 1998 (Appointed Day) Act 1998 – P.78/98

THE STATES, in pursuance of Article 14 of the Stamp Duties and Fees (Jersey) Law 1998, made an Act entitled the Stamp Duties and Fees (Jersey) Law 1998 (Appointed Day) Act 1998.

Le Geyt Flats, St. Helier– refurbishment Phase III: approval of drawings– P.81/98

THE STATES, adopting a proposition of the Housing Committee –

- (a) approved drawings Nos. 2966:62– 73 inclusive, showing Phase III of the refurbishment of Le Geyt Flats, St. Helier;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Grasett Park, St. Saviour– refurbishment Phase I: approval of drawings– P. 82/98

THE STATES, adopting a proposition of the Housing Committee –

- (a) approved drawings Nos. 1741/3042 inclusive showing Phase I of the refurbishment of Grasett Park St. Saviour;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Members present voted as follows –

“Pour” (39)

Senators

Horsfall, Rothwell, Le Maistre, Stein, Bailhache, Syvret, Tomes, Norman, Walker, Kinnard.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Brelade, Grouville, St. Helier, ~~John~~.

Deputies

H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, S. Baudains(H), Pullin(S), Johns(H), Duhamel(S), Routier(H), Dorey(H), Layzell(B), Breckon(S), Grouville, St. Martin, Blampied(H), Rabet(H), Vibert(B)

de la Haye(B), Le Cornu(C), St. Peter, Dubras(L), St. Ouen.

“Contre” (1)

Deputy

St. John.

Le Clos du Martin, New St. John’s Road, St. Helier: grant of right of way– P.83/98

THE STATES, adopting a proposition of the Housing Committee –

- (a) approved the grant by the public to Starboard Maintop Limited of a right of way over that part of the roadway and pavement serving Le Clos du Martin, New St. John’s Road, St. Helier, which is immediately adjacent to the northern boundary of the property known as ‘Myrtle Grove’, New St. John’s Road, and extending five metres eastward from the eastern extremity of that boundary for the benefit of five new houses to be constructed at the said property, for a total consideration of £50,000, and that the company be responsible for the payment of the public’s legal and any other professional fees;
- (b) agreed that Starboard Maintop Limited be required to contribute a 5/21st share of the costs of re-surfacing, repairing and maintaining the upkeep of that part of the roadway and pavement over which the aforementioned right of way would be exercised;
- (c) authorised the Attorney General and the Greffier of the States to pass the necessary contracts; and
- (d) authorised the Treasurer of the States to receive the monies as they became due.

Adjournment

THE STATES adjourned, having agreed to defer consideration of the Draft Investment Business (Jersey) Law 199 .(P.59/98– lodged “au Greffe” on 31st March 1998) until 2nd June 1998 when it would be taken as the first item of matters lodged “au Greffe” listed under Public Business.

The President of the Finance and Economics Committee lodged “au Greffe” the Draft Investment Business (Jersey) Law 199 (P.59/98): amendments (P.107/98).

THE STATES rose at 5.45 p.m.

G.H.C. COPPOCK

Greffier of the States.