

**THE STATES assembled on Tuesday,
1st October 2002 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esquire.**

**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 Wendy Kinnard - ill
Francis Herbert Amy, Connétable of Grouville - out of the Island
Paul Francis Routier, Deputy of St. Helier- out of the Island
Maurice François Dubras, Deputy of St. Lawrence- out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Post Office (Foreign Post Provisions) (Amendment No. 28) (Jersey) Order 2002. R & O 99/2002.

Post Office (General Provisions) (Amendment No. 49) (Jersey) Order 2002. R & O 100/2002.

Road Racing (Motor Vehicle Rally) (Jersey) Order 2002. R & O 101/2002.

Road Traffic (Disabled Persons) (Badges for Motor Vehicles) (Amendment) (Jersey) Order 2002. R & O 102/2002.

Road Traffic (Disabled Persons) (Parking) (Jersey) Order 2002. R & O 103/2002.

Road Traffic (Saint Helier) (Amendment No. 10) (Jersey) Order 2002. R & O 104/2002.

Road Traffic (Saint Brelade) (Amendment No. 13) (Jersey) Order 2002. R & O 105/2002.

Road Traffic (Saint Saviour) (Amendment) (Jersey) Order 2002. R & O 106/2002.

Road Traffic (Grouville) (Amendment) (Jersey) Order 2002. R & O 107/2002.

Road Traffic (Saint Lawrence) (Amendment No. 15) (Jersey) Order 2002. R & O 108/2002.

Road Traffic (Public Parking Places) (No. 2) (Amendment) (Jersey) Order 2002. R & O 109/2002.

Road Traffic (Residential and Business Parking) (Saint Helier) (Jersey) Order 2002. R & O 110/2002.

Road Traffic (Saint Helier) (Amendment No. 11) (Jersey) Order 2002. R & O 111/2002.

Matters presented

The following matters were presented to the States -

Public Sector Manpower and Absence Report for the period 1st January 2002 to 30th June 2002 - R.C.37/2002.

Presented by the Human Resources Committee.

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- (P.89/2002): second amendments - P.89/2002 Amd.(2).

Presented by the Home Affairs Committee.

Field 126, La Grande Route de la Côte, St. Clement: construction of homes (P.98/2002)- report - P.98/2002 Rpt.

Presented by the Planning and Environment Committee.

Jersey Harbours: progress towards the Trust Port (P.128/2002) - comments - P.128/2002.Com.

Presented by the Human Resources Committee.

Committee of Inquiry: procedures for allocation of residential property by Housing Trusts (P.139/2002) - comments - P.139/2002 Com.

Presented by the Human Resources Committee.

Planning and Building Core Service: strategy for future resourcing (P.143/2002) - comments - P.143/2002 Com.

Presented by the Human Resources Committee.

Health and Social Care Modernisation Fund (P.151/2002): comments - P.151/2002 Com.

Presented by the Human Resources Committee.

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

Matters lodged

The following matters were lodged “au Greffe” -

Channel Islands Lottery: allocation of profits - P.174/2002.

Presented by the Gambling Control Committee.

Kew Gardens, Valley Road, St. Helier approval of drawings - P.175/2002.

Presented by the Housing Committee.

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- (P.89/2002): second amendments - P.89/2002 Amd.(2).

Presented by the Home Affairs Committee.

Draft Motor Traffic (No. 9) (Jersey) Regulations 200- P.155/2002

THE STATES acceded to the request of the President of the Home Affairs Committee and agreed that consideration of the Draft Motor Traffic (No. 9) (Jersey) Regulations 200- (P.155/2002 lodged “au Greffe” on 10th September 2002) be deferred from the present meeting to a later date.

Draft Police Procedures and Criminal Evidence (Jersey) Law 200-: amendment - P.89/2002 Amd.

THE STATES noted that, in accordance with Standing Order 22(3) the President of the Home Affairs Committee had instructed the Greffier of the States to withdraw the draft Police Procedures and Criminal Evidence (Jersey) Law 200-: amendment (P.89/2002 Amd. lodged “au Greffe” on 10th September 2002), the Committee having lodged “au Greffe” second amendments (P.89/2002 Amd.(2)) at the present meeting.

Arrangement of public business for the next meeting on 8th October 2002

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 8th October 2002 -

Tax Information Exchange Agreement with the United States of America - P.172/2002: Part (a).
Lodged: 24th September 2002.
Policy and Resources Committee.

THE STATES agreed that the above matter be considered as the first item of public business.

Committee of Inquiry: procedures for allocation of residential property by Housing Trusts - P.139/2002.
Lodged: 20th August 2002.
Deputy S.M. Baudains of St. Helier.

Committee of Inquiry: procedures for allocation of residential property by Housing Trusts (P.139/2002) - comments - P.139/2002 Com.
Human Resources Committee.

Haut de la Garenne: Incorporation of Trust, appointment of original Trustees, and lease of property to the Trust - P.147/2002.
Lodged: 3rd September 2002.
Planning and Environment Committee.

Haut de la Garenne: Incorporation of Trust, appointment of original Trustees, and lease of property to the Trust (P.147/2002) - comments - P.147/2002. Com.
Lodged: 10th September 2002.
Finance and Economics Committee.

Haut de la Garenne: Incorporation of Trust, appointment of original Trustees, and lease of property to the Trust (P.147/2002) - amendment - P.147/2002. Amd.
Lodged: 24th September 2002.
Planning and Environment Committee.

Draft Law granting an Act of Incorporation to the Association called "The Haut de la Garenne Trust" - P.148/2002.
Lodged: 3rd September 2002.
Planning and Environment Committee.

Health and Social Care Modernisation Fund - P.151/2002.
Lodged: 10th September 2002.
Health and Social Services Committee.

Health and Social Care Modernisation Fund (P.151/2002): comments - P.151/2002 Com.
Presented: 1st October 2002.
Human Resources Committee.

Projet de Loi (200-) concernant les serments des Connétables et des Centeniers - P.158/2002 (*re-issue*).
Logé: le 10 septembre 2002.
Comité de Législation.

Draft Health Insurance (Medical Benefit) (Amendment No. 56) (Jersey) Regulations 200- P.166/2002.
Lodged: 24th September 2002.
Employment and Social Security Committee.

16 Clairvale Road, St. Helier Adult Mental Health Rehabilitation Unit - development agreement and lease - P.167/2002.
Lodged: 24th September 2002.
Health and Social Services Committee.

Draft European Communities Legislation (Implementation) (Cattle Identification) (Jersey) Regulations 200- P.168/2002.
Lodged: 24th September 2002.
Agriculture and Fisheries Committee.

Jersey Overseas Aid Committee: funding - P.169/2002.
Lodged: 24th September 2002.
Overseas Aid Committee.

St. Helier Street Life Programme - P.170/2002.
Lodged: 24th September 2002.
Planning and Environment Committee.

THE STATES agreed to consider the proposition of Senator Stuart Syvret regarding the Machinery of Government: freedom of representation - (P.173/2002 lodged "au Greffe" on 24th September 2002), at the next meeting on 8th October 2002, the States having adopted a proposition of Senator Syvret, brought with the leave of the Deputy Bailiff that Standing Order 28(1) (Anticipation) be suspended.

Additional meeting 9th October 2002

THE STATES agreed to meet on 9th October 2002, if necessary, to conclude consideration of public business set down for 8th October 2002.

Haut de la Garenne, St. Martin - question and answer (Tape No. 776)

Deputy Geoffrey Peter Southern of St. Helier asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

"The report accompanying the proposition regarding Haut de la Garenne, St. Martin: Approval of Drawings (P.57/2002), which was adopted by the States on 10th September 2002, states that 'over 60,000 bed nights were provided since 1995' and 'The building had to be taken out of use in 2000' -

- (a) can the President confirm that the 60,000 bed nights referred to were used over the five year period between 1995 and 2000?
- (b) does the President agree that such a level of occupancy of the planned 128-bed facility would result in an occupancy rate of only 25 per cent which would render the centre unviable?
- (c) what steps have or will be put in place to ensure that the Trust to be set up by the Committee is fully self-financing and not a continuing drain on the States' resources?"

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

"(a) The figure of 60,000 bed nights is an estimate for the period from 1995 to February 2002.

This figure of 60,000 includes 5,104 military personnel from 102 visiting units who spent 31,589 bed nights between 1994 and 1998. It also includes other groups who have undertaken community projects for the benefit of the Island or use by visiting bands. Taken together the military and other groups account for approximately 35,000 bed nights.

The estimate also includes camping on the grounds adjacent to Haut de la Garenne since 2000 although accurate records of camping use by local youth groups have not been maintained over the past two years when the building was taken out of use for safety reasons.

- (b) Haut de la Garenne has mostly been used during the summer months. Since 1998 the Haut de la Garenne facility has not been used as extensively as it could have been, for safety reasons. Between 1998 and 2000 the building has only been used as temporary military accommodation and for no other purpose. Numerous enquiries seeking accommodation by potential visiting groups have had politely to be declined during the past four years.

The future use of the centre in its refurbished form will provide an all year round facility, which offers the opportunity greatly to increase the availability of accommodation for both local and visiting groups during the previously unused winter period.

Therefore the occupancy figures for the past seven years, whilst useful, do not provide an indication of the viability of the centre in the future.

- (c) Over the past two years the members of the Haut de la Garenne Steering Group (which has very considerable business experience) have undertaken considerable informal research into the potential use by both local and visiting groups. The information gathered has been used in re-designing the refurbishment to provide a facility which is both flexible and meets all the current regulations and standards for accommodating young people of all abilities.

The Steering Group has prepared an initial financial business plan which is very conservative in its estimation of future use over the 12 months of any year. The members of the Steering Group are confident that the predicted use and overall income will result in a self-financing operation. This is one of the purposes for which the Committee has proposed to the States that the existing Steering Group be formally established as a Trust, as soon as possible.”

Education Committee - cuts in, or charges for, services - questions and answers (Tape No. 776)

Deputy Geoffrey Peter Southern of St. Helier asked Senator Leonard Norman, President of the Education Committee, the following questions -

- “1. The Education Committee has announced to staff that it will make cuts in, or make charges for, services in order to keep within budget.

Will the President -

- (a) inform members of the extent of these cuts or charges?
(b) outline the service areas where these cuts will fall?
(c) confirm that these cuts will affect individual school budgets?
2. Would the President confirm that it is the intention of the Committee to increase the pupil/teacher ratio (PTR), in 16+ education from 10.2 to one, to 11.2 to one?

At a time of rising rolls, would the President advise members whether -

- (a) this will result in larger A and A/S level classes?
(b) lead to a reduction in minority subjects (such as physics, modern languages) at A and A/S level?
3. Would the President advise members whether, whilst the cuts will affect all six centres of 16+ education (assuming that Highlands College will also be affected), the cuts will fall most heavily upon Hautlieu School, where over 60 per cent of pupils are over 16, and would he advise members by how much in absolute and percentage terms the budgets of these six centres will be cut?

The President of the Education Committee replied as follows -

- “1. (a) In order to meet the cash limit agreed by this Assembly, the Committee has been required to effect savings of £839,000;

(b) the service areas affected are -

post-16 PTR
supporting new initiatives
administration costs
playschemes
grants
locally based PGCE

central funding for language assistants
charging fee paying Colleges 50 per cent of cost of peripatetic music lessons
student support services
advertising
rental subsidies
Library services
ICT consultancy
Health and Safety;

(c) the reductions will affect individual school budgets.

2. Yes.

(a) The average size of AS and A level classes has increased because of increasing school rolls and continued high 'staying on' rates. These factors have resulted in greater efficiency through reducing the number of small teaching groups. The Committee's decision has been made possible by these changes and resulting efficiencies;

(b) increased pupil numbers and greater co-operation between post-16 providers will serve to protect minority subjects.

3. (a) The cuts will not fall most heavily upon Hautlieu School but on Highlands College where all students are post-16.

(b) In absolute terms, the sum saved of £260,000 will affect the budget of all post-16 providers. However, the precise effect on each provider cannot be established prior to confirmation of student numbers in November 2002 and January 2003. The percentage impact on budgets depends not only on post-16 numbers but also the number of Key Stage 3 and Key Stage 4 pupils on roll.

As Deputy Southern has focussed attention on Hautlieu School, I can confirm that in absolute terms, based on indicative numbers provided by the school, Hautlieu should receive an increase in its budget in 2003 of around £100,000 with further positive adjustments to take account of increased staffing costs."

Draft Amendment (No. 11) of Standing Orders Relating to Certain Transactions in Land- P.133/2002

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966, as amended, made Standing Orders entitled the Amendment (No. 11) of Standing Orders Relating to Certain Transactions in Land.

Draft Public Holidays and Bank Holidays (Amendment No. 2) (Jersey) Law 200- P.136/22002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Public Holidays and Bank Holidays (Amendment No. 2) (Jersey) Law 2002.

Members present voted as follows -

"Pour" (33)

Senators

Bailhache, Walker, Le Sueur, Le Claire, Lakeman.

Connétables

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

Deputies

H. Baudains(C), St. Mary, Trinity, Breckon(S), Grouville, Huet(H), St. Martin, St. John, Le Main(C)

St. Peter, St. Ouen, G. Baudains(C), Dorey(H), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H), Southern(H).

“Contre” (1)

Connétable

St. Peter.

Mains Drain Extension Scheme: Thistle Grove, St. Lawrence and St. John P.141/2002, Comments - P.141/2002 Com., Report- P. 141/2002 Rpt.

THE STATES, adopting a proposition of the Deputy of St. John, requested the Public Services Committee to reconsider its decision to phase the extension of the main drain scheme at Thistle Grove, St. Lawrence and St. John, and to incorporate an additional 15 units of accommodation on or near to La Rue de la Mare Ballan St. John as shown on drawing No. PJR/1/02, situated within 350 metres of the proposed termination of the scheme currently under construction in St. John

Members present voted as follows -

“Pour” (23)

Senators

Stein, Bailhache, Norman.

Connétables

St. Martin, St. Lawrence, St. Mary, St. John, St. Peter.

Deputies

St. Mary, S. Baudains(H), Trinity, Duhamel(S), Breckon(S), Huet(H), St. Martin, St. John, Le M (H), St. Ouen, G. Baudains(C), Troy(B), Le Hérissier(S), Ozouf(H), Martin(H), Southern(H).

“Contre” (20)

Senators

Horsfall, Syvret, Walker, Le Sueur, Le Claire, Lakeman.

Connétables

St. Ouen, St. Saviour, St. Brelade, St. Clement, St. Helier

Deputies

H. Baudains(C), Grouville, Vibert(B), St. Peter, Dorey(H), Scott Warren(S), Farnham(S), Ozouf(H), Bridge(H).

Draft Boats and Surf-Riding (Control) (Amendment No. 23) (Jersey) Regulations 200- P.144/2002

THE STATES, in pursuance of Article 4 of the Harbours (Administration) (Jersey) Law 1961, as amended, made Regulations entitled the Boats and Surf-Riding (Control) (Amendment No. 23) (Jersey) Regulations 2002.

Draft Pilotage (General Provisions) (Amendment No. 8) (Jersey) Regulations 200- P.145/2002

THE STATES, in pursuance of Article 2 of Pilotage (Jersey) Law 1988, made Regulations entitled the Pilotage (General Provisions) (Amendment No. 8) (Jersey) Regulations 2002.

Draft Harbours (Amendment No. 34) (Jersey) Regulations 200- P.146/2002

THE STATES, in pursuance of Article 4 of Harbours (Administration) (Jersey) Law 1961, as amended, made Regulations entitled the Harbours (Amendment No. 34) (Jersey) Regulations 2002.

Draft Health and Safety at Work (Construction) (Personal Protective Equipment) (Jersey) Regulations 200- P.154/2002

THE STATES, in pursuance of Article 9 of the Health and Safety at Work (Jersey) Law 1989, as amended made Regulations entitled the Health and Safety at Work (Construction) (Personal Protective Equipment) (Jersey) Regulations 2002.

New North Quay, St. Helier: erection of fencing - review - P.163/2002

THE STATES commenced consideration of a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement concerning the New North Quay, St. Helier- erection of fencing review. After discussion Senator Frank Harrison Walker sought leave to propose that the States move on to the next item on the Order Paper. The Deputy Bailiff ruled, in accordance with Standing Order 27(1), that it appeared to him that the proposition was an infringement of the right of a minority and it was therefore disallowed.

After further discussion, the States granted leave to Deputy Baudains to withdraw the proposition, the President of the Harbours and Airport Committee having given an undertaking to meet Deputy Baudains to consider the matters contained in the proposition.

THE STATES rose at 3.30 p.m.

C.M. NEWCOMBE

Greffier of the States.