

THE STATES assembled on Tuesday,
15th February 1994 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

His Excellency the Lieutenant Governor,
Air Marshal Sir John Sutton, K.C.B.,
was present.

All Members were present with the exception of -

Senator Reginald Robert Jeune - out of the
Island.
Derek Ryder Maltwood, Deputy of St. Mary -
out of the Island.

Prayers

Matters noted - land transactions

THE STATES noted an Act of the Finance and
Economics Committee dated 7th February 1994,
showing that in pursuance of Standing Orders
relating to certain transactions in land, the
Committee had approved -

(a) as recommended by the Finance and
Economics Committee, the sub-lease from
Victorian Holdings Limited, of the
undermentioned accommodation at
Victoria House, Victoria Street, St.
Helier for a period of two years, as
follows -

(i) Flat 1 (1st April 1994 to 31st
March 1996) at an annual rent of
£8,248; and

(ii) Flat 2 (21st January 1994 to 20th January 1996) at an annual rent of £8,271.80;

payable quarterly in advance, subject to review after the first year;

(b) as recommended by the Island Development Committee, the lease to Mr. Peter Joseph Lamy of Field No. 87, Les Quennevais, St. Brelade, for a period of three years commencing 1st January 1994, at an initial annual rent of £350.00 (representing a rate of £70 a vergée), payable half-yearly in advance on 1st January and 1st July each year, on the basis that the land would be used for agricultural purposes only;

(c) as recommended by the Housing Committee, the grant to Fairview Farm Holdings Limited of a wayleave over Field No. 673, St. Martin, for a consideration of £1,500 plus all reasonable legal fees incurred by the public and the cost of all accommodation works;

(d) as recommended by the Public Health Committee, the renewal of the lease to Mrs. Anne Dorothy Taylor, née Brookbank, of the two-bedroom granite semi-detached property La Cachette, No. 6 La Hougue Grange Farm, Route de Catillon, Grouville, for the period 7th December 1993 to 31st January 1995, at an annual rent of £9,328.57, payable quarterly in advance, with the option to renew for a further 12-month period on agreed terms;

(e) as recommended by the Public Services Committee, the purchase from Mr. Richard Ray Marks of Fields Nos. 811 and 816, St. Peter, required for the construction of a pumping station as part of La Fontaine Foul Sewer Extension Phase II, for a consideration of £6,500, with the Committee being responsible for the payment of all legal fees involved in the transaction;

(f) as recommended by the Public Services Committee, the renewal of the

lease from Mrs. Enid Amy Gautier, née Gray, of Field No. 1272, St. Helier, being part of the Department's Nursery Complex at Warwick Farm, for a period of nine years with effect from 25th December 1993, at an annual rent of £1,200, subject to triennial review;

- (g) as recommended by the Public Services Committee, the renewal of the lease to Mr. James Webster of the Bunker, Bouley Bay, Trinity, for a period of three years with effect from 25th December 1993, at an annual rent of £265, subject to triennial review, with each side being responsible for its own legal fees involved in the transaction.

Matters noted - financial transactions

THE STATES noted an Act of the Finance and Economics Committee dated 7th February 1994, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

- (a) the Housing Committee had accepted the lowest of seven tenders, namely that submitted by Hacquoil and Cook Limited in the sum of £1,025,420.00 in a contract period of of 36 weeks for Phase I of the development at the Overseas Trading Corporation site at First Tower, St. Helier;
- (b) the Housing Committee had accepted the lowest of eight tenders, namely that submitted by A.C. Mauger and Son (Sunwin) Limited in the sum of £3,775,621.00 in a contract period of 72 weeks for Phases III and IV of the development at Nicholson Park, St. Helier;
- (c) the Education Committee had accepted the lowest of five tenders, namely that submitted by Peter Cameron Limited, in the sum of £4,010,169.00 in a contract period of 68 weeks for the building of the new Jersey College for Girls Preparatory School.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Jersey Consumer Council:
appointment - P.17/94.
Presented by the Policy and
Resources Committee.
2. Draft Highways (Road Humps)
(Jersey) Regulations 199 - P.18/94.
Presented by the Public Services
Committee.
3. Draft Health Care (Registration)
(Jersey) Law 199 - P.19/94.
4. Presented by the Public Health
Committee.
5. Freedom of information:
appointment of Special Committee -
P.20/94.
Presented by Policy and
Resources Committee.
6. Telecommunications services -
tariffs - P.21/94.
Presented by the
Telecommunications Board.

Arrangement of public business for the present meeting

THE STATES confirmed that the following subject lodged ``au Greffe" should be considered at the present meeting -

Audit Commission: appointment - P.13/94.
Lodged: 1st February 1994.
Finance and Economics Committee.

THE STATES acceded to the request of the President of the Island Development Committee that consideration of the proposition regarding Field 153A, La Rue des Niemes, St. Peter, lodged ``au Greffe" on 18th January 1994 (P.8/94) be deferred from the present meeting to a later date.

Arrangement of business for the next meeting

THE STATES rejected the request of the Connétable of St. John that the following subject lodged ``au Greffe" should be considered on 1st March 1994 -

Parish rates review - P.124/93.
Lodged: 24th August 1993.
Connétable of St. John.

Parish rates review: amendment.
Presented: 1st February 1994.
Finance and Economics Committee.

Brook Advisory Services - questions and answers (Tape No. 221)

Senator Patricia Ann Bailhache asked the Connétable of St. Saviour, President of the Public Health Committee, the following questions -

- ``1. Will the President confirm that the Brook Advisory Services were approached to bring a contraception service to the Island and a termination of pregnancy counselling service?
2. What commitment has the Public Health Committee made to the Brook Advisory Services -
 - (a) has the Committee signed a contract?
 - (b) if the answer to question (a) is in the affirmative, what is the duration of this contract?
 - (c) what is the estimated on going cost of this service?"

The President of the Public Health Committee replied as follows -

- ``1. I confirm that, following consideration of the recommendations of the Working Party on Unplanned Pregnancies, the Public Health Committee decided that an independent family planning service for young people should be established in Jersey. It was determined by the Working Party that the principles of an independent counselling service should include -

confidentiality of clients' information

availability at times convenient
to young people
an accessible location
independence of any statutory
bodies and separate from any
existing departments
well publicised service
supported by professionally
qualified family planning
counsellors

In accordance with these
recommendations, an approach was made
to the Brook Advisory Services to
establish a branch in Jersey. The House
is advised that the objectives of the
Brook Advisory Services are -

`the prevention and mitigation of
the suffering caused by unwanted
pregnancies by educating young
people in matters of sex and
contraception and developing among
them a sense of responsibility in
regard to sexual behaviour'

The House is further advised that the
Brook Advisory Services were not
approached to bring a `termination of
pregnancy counselling service' to the
Island. It is, however, the opinion of
my Committee that a counselling service
in this area is clearly needed. This
will be the subject of further
consideration after my Committee's
report on the law relating to abortion
is debated in this House.

2. The Committee endorsed the formation by
the Brook Advisory Services of a local
steering group consisting of local
persons who would be willing to assist
on a short-term basis in establishing a
branch of Brook. The Steering Group has
been chaired by Jurat Mrs. Mazel Le
Ruez who has subsequently been
appointed to the chair of the Jersey
Brook Executive Committee. The Chief
Executive of the Department of Health
was further directed to proceed with
the negotiation of a service agreement
with the Brook Advisory Services.

No. Negotiations are still continuing.
It is anticipated that a draft service

agreement will be considered by the Public Health Committee in April 1994. I would highlight the fact that the agreement will provide for only local staff to be employed.

The answer to question 2(a) is in the negative.

The local Executive Committee of the Brook Advisory Services will determine the estimated cost of the proposed service. The Committee has set aside the sum of £40,000 from the 1994 revenue budget towards establishing this service. This is considered a priority in view of the urgent need to reduce the incidence of unplanned pregnancy in Jersey. Mindful that every month of delay means another 25 abortions performed on Jersey women in the United Kingdom, every effort has been made to proceed with developing services which it is hoped will further impact on these sad statistics."

Potato leachate problem at Beauport - questions and answers (Tape No. 221)

Senator Terence John Le Main asked the Presidents of the Public Services and Agriculture and Fisheries Committees the following questions -

1. Would the President of the Public Services Committee inform the Members of the actual costs to date of the initial and long-term remedial action taken by the Public Services Department in regard to the potatoes dumped and buried at Beauport?
2. Would the President of the Agriculture and Fisheries Committee inform Members of the ongoing costs of removing liquid generated by the rotting potatoes from the site in respect of -
 - (i) hire of equipment;
 - (ii) contractors; and
 - (iii) directly employed labour

including the hourly rate paid to the contractor?

3. Would the President confirm that the contractors work virtually day and night on this site and that staff were employed right through the Christmas period including Christmas Day?
4. Would the President confirm that there is still a very strong smell from these rotting potatoes? If the answer is in the affirmative, would he advise Members what is being done to eradicate this smell?
5. Would the President inform Members how long it will be before this potato leachate problem is resolved and what is the anticipated final cost of resolving this problem?"

The President of the Public Services Committee replied as follows -

1. "Public Services were voted £400,000 by the States for initial remedial work.

As at the end of December 1993, £117,000 had been spent, and a further £5,202 committed, totalling £122,202.

The remainder of the money was to fund effluent treatment equipment at Bellozanne. However, this has not been commissioned to date, because the strength of the leachate has weakened to the extent that Simon Bossey of the Agriculture and Fisheries Department does not consider there to be a major problem to that area of the coast where leachate is currently being disposed of, i.e. no ecological damage. Therefore the situation will be monitored for the next six months.

In the meantime, the effluent is being discharged to sea in an area of strong tidal movement near La Corbière."

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

- "2. The site was excavated, the

potatoes dumped, the site levelled and the soil screened by R.G. Romeril (R.G. Romeril Limited) at a cost of £18,923.70. In addition the Public Services Committee charged the Agriculture and Fisheries Committee £20,188.69 for temporary facilities for pumping to a static tanker point. Of the £20,188.69, £2,000 worth of pumps, plus other sundry equipment has been retrieved for re-use.

During the period when a temporary catchment was in place R.G. Romeril supplied the static tanker into which the liquid was pumped. This was in place for about 12 months at a cost of £4,398.84.

R.G. Romeril have very efficiently hauled away all the liquid from the site. The main vehicle used is a vacuum tanker capable of carrying 2,000 gallons at a cost of £22 a load.

There were no directly employed staff involved other than those employed by the contractor.

The level of liquid is in direct proportion to rainfall and bears no relationship to the tonnage of potatoes. For example in July of 1993, 13 loads were removed, in January 1994 the number of loads rose to 198. However in the first 10 days of February the level has dropped to 25 loads. The total cost of removing liquid to date is £31,059.45 plus £495.60 for a tanker pipe and £54.84 for electricity.

3. Contractors have not worked day and night but virtually all day including Christmas Day when the torrential rains of December and January occurred. It would have been remarkably short-sighted of the States having agreed to set up an intervention system to have allowed liquid to flow to waste for part of the time. One must accept however that from October to March the beach is virtually unvisited and possibly the liquid could have been allowed to run, but this would be

totally contrary to good environmental practice.

In reply to an earlier question I quoted the rates charged by R.G. Romeril and the total cost involved. When it is necessary to work on weekends and bank holidays the rate is enhanced to £30 a load.

4. There is not a smell of rotting potatoes and no complaints have been received by the department on the smell at Beauport for well over 12 months. However, as Senator Le Main was informed by letter on 31st December 1993, at one stage, while a tanker was being loaded, a pipe ruptured and some liquid was deposited in the car park and this would undoubtedly have smelt at the time.

Senator Le Main will, I am sure, accept that mechanical breakdown and operator mistakes can and will occur from time to time but to date the contractor's work has been exemplary.

5. Clearly the problem has reduced as the liquid is flushing out the potato residue but at this stage I cannot tell you when it can be allowed to run to sea or to be pumped into the main drainage system but officers of the Public Services Committee are, I understand, regularly monitoring the situation. Senator Le Main can gather from what I have said that at this stage it is impossible to give a realistic final cost."

Retirement courses - questions and answers (Tape No. 221)

Senator Terence John Le Main asked Deputy Frank Harrison Walker, President of the Establishment Committee the following questions -

1. Would the President confirm that the Establishment Committee has a policy of sending senior civil servants just prior to retirement on courses which prepare them for their retirement from the public service?

2. Is it correct that some civil servants and their wives attended a two day retirement preparation seminar last year at Hotel L'Horizon. If the answer is in the affirmative, how many attended and what was the cost?
3. How long has this policy been in force and how many senior civil servants or public sector employees have attended courses or seminars of this kind?
4. How much money has been spent in the last three years on this scheme, and from what vote of credit is this money made available?"

The President of the Establishment Committee replied as follows -

1. The previous Establishment Committee agreed to provide an opportunity for ALL PUBLIC SERVANTS (not just senior civil servants, but employees in all pay groups and at all levels) to prepare for retirement. This opportunity was provided in the form of a two-day workshop which may or may not include employees' partners, at their choosing.

My Committee has not yet had the opportunity to consider whether it will wish to continue with this policy. Although I consider it to be an excellent scheme and one which shows the States to be a good and caring employer, its future will have to be reviewed against the need for all States' departments to reduce expenditure.

2. A pre-retirement programme was held at the Hotel L'Horizon last year, in November. 20 States' employees attended from a wide cross-section of States' departments and occupations, including college lecturer, fireman, nurse, gardener/driver. Head teachers have attended programmes alongside clerks, engineers and paramedical staff. In fact, almost every occupational group has been represented at some stage since the programmes started in 1992.

Of the 20 employees attending in November, 17 attended with their partners. The total cost of this programme was £2,728 which amounted to £73.70 a head for the two days, i.e. £36.85 a day.

3. The first pre-retirement programme was held in June 1992. Since then there have been a further four programmes, one in November 1992, and three last year in April, September and November. Retirement affects both partners equally and the general view held about retirement programmes in progressive organisations is that both partners should attend if that is possible, to obtain maximum benefit from the programme. Partners attended for the first time in April 1993, as a result of many requests by those employees who had attended the first programme.

A total of 94 employees have participated in the programme since its inception. In addition a total of 27 partners have attended.

4. The courses have been in existence for less than two years. The total amount spent during that time is £7,720, which equates to a cost per delegate of £63.80 for a two-day course or £31.90 a day.

The money has been made available from Vote 5107 - Training."

Travel and hotel expenses of States' Members and public employees - questions and answers (Tape No. 221)

1. Would the President confirm that some States' Members and public employees, when travelling on States business fly Club or first class; and is it correct that the person travelling is entitled to receive the Air Miles and in some cases does so?
2. Would the President explain the policy of the States in relation to travelling and the policy on the class of hotel used?

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

1. The Finance and Economics Committee is well aware of the issues raised in Senator Le Main's questions. Indeed, our auditors have recently been asked to carry out an examination of travel and accommodation costs.

I can confirm that our enquiries show that when travelling on States business, some States Members and public employees do make some use of business class fares.

2. The policy of the Finance and Economics Committee in relation to travel and hotel accommodation is contained in guidelines first issued to all States departments in 1979, which state -

'The most economic means of transport consistent with the nature of the journey should always be used. The style of hotel accommodation should be of a standard consistent with the nature of the visit. Advantage of inclusive air and hotel package offers should be taken whenever possible.'

My Committee therefore expects Committees and departments to exercise prudence when spending taxpayers' money on travel and accommodation. Our recent initiative to control expenditure through the use of cash limits will serve to reinforce our guidelines by adding pressure to reduce travel costs as budgets become more limited.

Our enquiries carried out so far do show that most major departments have clear and acceptable policies in place in respect of departmental travel and accommodation.

The Finance and Economics Committee is concerned to ensure that extravagant spending does not take place, and if the Senator has any evidence in this regard I would ask that he makes the

information available to our auditors to assist them in their investigations.

Once our enquiries are complete it is my intention that the Finance and Economics Committee should review the position and then update its guidelines, possibly in the form of a code of directions, which is mandatory rather than advisory as at present.

With regard to Air Miles, any States' Member or public employee, who are members of the Executive Club, will be credited with Air Miles if they quote their membership number when booking or checking-in at the Airport. There is no evidence to indicate that this practice is detrimental to the interests of the States, however, our auditors have been asked to look further into this matter."

Company car tax - questions and answers (Tape No. 221)

Senator Stuart Syvret asked Senator Pierre François Horsfall, President of the Finance and Economics Committee, the following questions -

1. Will the President explain to the States why the Finance and Economics Committee chose to withdraw its earlier proposals to introduce a company car tax and whether, in reaching that decision, the Committee paid regard to the findings of the Tourism Department that the Island's traffic problem is most frequently identified during exit surveys as the Island's greatest drawback?
2. Would the President agree that the present fiscal system encourages local businesses to provide their employees with high powered motor cars in lieu of taxable earnings and would he accept that the system is not in the best interests of the Island's community and environment?
3. Would the President advise the States what steps the Finance and Economics Committee has taken to engage in

consultations about the proposed company car tax and which of the bodies or persons consulted might reasonably be expected to take a broad and objective view of the proposals?"

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

1. From the representations received concerning the proposed company car tax it was clear that there were more individuals with relatively low incomes with a company car than my Committee's enquiries had previously indicated. My Committee also was informed of steps that could and no doubt would be taken to avoid the tax which steps would be taken advantage of by those with relatively high incomes.

As I stated in my Budget speech on 30th November, 1993 the principal purpose behind the company car tax was to try and bring greater fairness in the way the tax burden was spread between individual groups of taxpayers. For the reasons I have stated my Committee wishes to review whether the proposed company car tax is the best way of introducing greater equity into the income tax system.

I would point out to the Senator that my Committee has no brief from the States to raise taxes for traffic policy purposes. However, I would say that my Committee has received no information to date that would suggest that a company car tax of the nature proposed would have any impact on the number of cars on the Island's roads.

2. As I have indicated in my answer to the Senator's first question there are many in possession of a company car with relatively low incomes, and their cars are certainly not 'high powered' to quote the Senator. I have also seen no evidence to date that the type of car used by Island residents is influenced by the present fiscal system.

If, however, the States should decide

in due course that they wish to discourage the use of high powered motor cars in the best interests of the Island's community and environment, possibly as part of an overall traffic policy that the Public Services Committee has been asked to produce, my Committee would be prepared to participate in considering what fiscal and other options are available to help secure such a policy objective.

3. As I indicated in my statement to the House on 1st February, my Committee is now engaged in reviewing all the options for achieving the objective of greater equity while at the same time wishing to avoid complex legislation. This review will be undertaken by a Working Group made up of the Chief Adviser, the Treasurer, the Comptroller of Income Tax and three local tax advisers, Mr. Graeme Guy of Coopers and Lybrand, Mr. Paul Frith of Ernst and Young and Mr. Nick Cuttiford of Touche Ross. I am in no doubt at all that those on the Working Group will take a broad and objective view of all the proposals to be considered and of any views expressed on those proposals by interested parties."

Royal Court (Amendment No. 7) (Jersey) Law 1993
(Appointed Day) Act 1994 - P.11/94

THE STATES, in pursuance of Article 2 of the Royal Court (Amendment No. 7) (Jersey) Law 1993, made an Act entitled the Royal Court (Amendment No. 7) (Jersey) Law 1993 (Appointed Day) Act 1994.

Policing of Roads, Parks and Sea Beaches
(Application of Fines) (Amendment No. 4)
(Jersey) Law 1994 - P.12/94

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Amendment No. 4) (Jersey) Law 1994.

Motor Traffic (No. 4) (Jersey) Regulations
1994 P.14/94

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December 1851 and Article 54A of the Motor Traffic (Jersey) Law 1935, as amended, made Regulations entitled the Motor Traffic (No. 4) (Jersey) Regulations 1994.

Public Service Vehicles (Fees) (Amendment No. 4) (Jersey) Regulations 1994 - P.15/94

THE STATES, in pursuance of Articles 19, 49A and 54 of the Motor Traffic (Jersey) Law 1935, as amended, made Regulations entitled the Public Service Vehicles (Fees) (Amendment No. 4) (Jersey) Regulations 1994.

Financial support for unemployed persons: reimbursement from general revenues - P.183/93, P.16/94 and P.206/93

THE STATES, having accepted an amendment of Deputy Leonard Norman of St. Clement that for the figures ``1993" there should be substituted the figures ``1994", rejected his proposition that the Finance and Economics Committee be requested to pay from general revenues a sum to reimburse each parish for the amount paid by the parish for the relief of native islanders as a result of being unemployed, with effect from the year commencing 1st May 1994.

Members present voted as follows -

``Pour" (19)

Senators

Le Main, Syvret.

Connétables

St. John, St. Clement, St. Ouen, St.
Brelade, St. Martin, Grouville, St.
Saviour, Trinity.

Deputies

Rumboll(H), Norman(C), St. John, Huelin(B),
Matthews(B), Routier(H), Dorey(H),
Breckon(S), Grouville.

``Contre" (31)

Senators

Horsfall, Rothwell, Le Maistre, Stein,
Quérée, Chinn, Bailhache, Tomes.

Connétables

St. Lawrence, St. Mary, St. Peter, St.
Helier.

Deputies

Wavell(S), St. Peter, H.Baudains(C), Le
Sueur(H), St. Ouen, Coutanche(L),
S.Baudains(H), Le Fondré(L), Le Geyt(S),
Walker(H), Crespel(H), Pullin(S), Trinity,
Carter(H), Johns(H), Duhamel(S),
Layzell(B), Huet(H), St. Martin.

Audit Commission: appointment - P.13/94

THE STATES acceded to the request of the
President of the Finance and Economics Committee
that the proposition regarding the appointment
of an Audit Commission be deferred to a later
date.

La Collette, St. Helier - Phase II

THE STATES commenced consideration of paragraph
(a) of a proposition of the Public Services
Committee requesting the suspension of Standing
Order No. 18(2) to allow consideration at the
present meeting of a proposition regarding the
proposed breakwater which would enclose a land
reclamation scheme south and south-east of La
Collette, St. Helier. After discussion, further
consideration of the proposition was deferred.

Adjournment

THE STATES then adjourned, having agreed that
consideration of the proposition relating to La
Collette, St. Helier - Phase II should stand
over until Tuesday, 22nd February 1994.

THE STATES rose at 2.50 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.