

Re-issue 30.3.95

Price : £1.50

THE STATES assembled on Tuesday,  
31st January 1995 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Peter Crill, K.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 -

John Nicolle Le Fondré, Deputy of St.  
Lawrence - ill  
Frank Harrison Walker, Deputy of St.  
Helier - out of the Island  
David Leon Crespel, Deputy of St. Helier -  
ill  
Gary Matthews, Deputy of St. Brelade - ill.

---

Prayers

---

Connétable of St. Helier - welcome

The Bailiff welcomed the Connétable of St.  
Helier on his return from the Falkland Islands  
where he represented Jersey as part of a  
Commonwealth Parliamentary Association  
delegation attending a seminar to commemorate  
the 150th Anniversary of the founding of the  
Legislative Council of the Falkland Islands.

Subordinate legislation tabled

The following enactments were laid before the  
States, namely -

1. Export of Agricultural Produce  
(Amendment No. 10) (Jersey) Order 1995.  
R & O 8779.
2. Companies (General Provisions)  
(Amendment No. 2) (Jersey) Order 1995.  
R & O 8782.
3. Fire Service (General  
Provisions) (Amendment No. 17) (Jersey)  
Order 1995. R & O 8783.
4. Road and Sand Racing (Jersey)  
Order 1995. R & O 8784.

Sport, Leisure and Recreation Committee -  
resignation of member

THE STATES noted the resignation of Deputy  
Shirley Margaret Baudains of St. Helier from the  
Sport, Leisure and Recreation Committee.

Tourism Committee - appointment of member

THE STATES appointed Deputy Philip John Rondel  
of St. John as a member of the Tourism  
Committee.

Agriculture and Fisheries Committee -  
resignation of member

THE STATES noted the resignation of Senator  
Vernon Amy Tomes from the Agriculture and  
Fisheries Committee.

Matter presented

The following matter was presented to the  
States -

Disabled Transport Allowance  
(P.168/94) - comments of the Finance and  
Economics Committee - P.10/95.  
Presented by the Finance and  
Economics Committee.

Matters noted - land transactions

THE STATES noted an Act of the Finance and  
Economics Committee dated 20th January 1995  
showing that, in pursuance of Standing Orders  
relating to certain transactions in land, the

Committee had approved -

- (a) as recommended by the Harbours and Airport Committee, the lease to Dive and Ski Sports of the Albert Pier Bunker (Letting No. A3) measuring 407.5 square feet, for a period of three years from 1st January 1995, at an annual rent of £1,430.88 (representing a rate of £3.51 a square foot) payable six months in advance and subject to annual review on 1st April;
- (b) as recommended by the Harbours and Airport Committee, the assignment from Commodore Shipping Jersey Limited to Commodore Properties Limited of the lease of the ground site (E34) being the site of the new Phase II warehouse at the Elizabeth Harbour, St. Helier, with effect from a date to be agreed;
- (c) as recommended by the Harbours and Airport Committee, the lease to the undermentioned of the Workshop Units at La Folie, St. Helier Harbour indicated, at the rents stated (which represent a rate of approximately £4.29 a square foot) -
- (i) Island Yachts (LF9A) £5,427.02
  - (ii) Jersey Marine Electronics (LF9B) £4,955.45
  - (iii) Keating Marine Engineering (LF9C) £3,849.49
  - (iv) Fox Marine Engineers(LF9D) £6,532.98
- for a period of nine years from 1st March 1995, subject to annual review;
- (d) as recommended by the Public Services Committee, the purchase from Mr. Francis Piers Bois and Mrs. Elizabeth Maud Bois, née Pearce, his mother, who had life enjoyment of the land, of 1,584 square feet of land in Field No. 311, St. Saviour, required for the construction of Pumping Station No. 1, for the sum of £1,584 (representing a rate of £1 a square foot), with the

Committee being responsible for all legal costs;

- (e) as recommended by the Housing Committee, the purchase from Mr. Eric Le Saint of 865 square feet of land, being a footpath through Vicq Farm, La Rue de Maraval, Grouville, for the sum of £865 (representing a rate of £1 a square foot), with the Committee being responsible for all reasonable legal costs and for the cost of constructing the footpath, estimated at £6,686.

Matter noted - financial transaction

THE STATES noted an Act of the Finance and Economics Committee dated 20th January 1995 showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Harbours and Airport Committee had accepted the lowest of six tenders, namely that submitted by B and C Construction Limited in the sum of £391,032 for the refurbishment of the Albert Pier Terminal, St. Helier Harbour.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Draft Agriculture (Loans) (Amendment No. 9) (Jersey) Regulations 199 - P.7/95.  
Presented by the Agriculture and Fisheries Committee.
2. Draft Drug Trafficking Offences (Designated Countries and Territories) (Amendment No. 5) (Jersey) Regulations 199 - P.9/95.  
Presented by the Finance and Economics Committee.
3. Draft Terms of Employment (Jersey) Regulations 199 - P.11/95.  
Presented by the Industrial Relations Committee.
4. Marine Protection Zone - P.12/95.  
Presented by the Planning and Environment Committee.

Arrangement of public business for the present meeting

The President of the Planning and Environment Committee withdrew the proposition regarding the designation of a marine zone (P.151/94 - lodged ``au Greffe" on 22nd November 1994) having lodged a revised proposition at the present meeting (P.12/95).

THE STATES acceded to the request of the President of the Policy and Resources Committee that consideration of the capital programme 1995-1999 of the Housing Committee (P.1/95 - lodged ``au Greffe" on 3rd January 1995) be deferred from the present meeting.

THE STATES rejected the request of the President of the Housing Committee that the matter be debated on 14th February 1994, whereupon the President withdrew the proposition.

THE STATES acceded to the request of the President of the Agriculture and Fisheries Committee that consideration of the draft Sea Fisheries (Miscellaneous Provision) (Jersey) Regulations 199 (P.5/95 - lodged ``au Greffe" on 17th January 1995) be deferred from the present meeting.

Arrangement of public business for the meeting on 14th February 1995

THE STATES confirmed that the following subjects lodged ``au Greffe" should be considered at the meeting on 14th February 1995 -

Draft Medicines (Jersey) Law 199 -  
P.106/94.  
Lodged: 23rd August 1994.  
Public Health Committee.

Draft Medicines (Jersey) Law 199 :  
amendment - P.4/95.  
Lodged: 17th January 1995.  
Public Health Committee.

Draft Firearms (Jersey) Law  
199 - P.172/94  
Lodged: 20th December 1994.  
Defence Committee.

Golf course at Les Quennevais camp

site and associated land, St.  
Brelade - P.2/95.  
Lodged: 3rd January 1995.  
Planning and Environment Committee.

Draft Agriculture (Loans) (Amendment  
No. 9) (Jersey) Regulations 199 - P.7/95.  
Lodged: 31st January 1995.  
Agriculture and Fisheries Committee.

Draft Drug Trafficking Offences  
(Designated Countries and Territories)  
(Amendment No. 5) (Jersey) Regulations  
199 - P.9/95.  
Lodged: 31st January 1995.  
Finance and Economics  
Committee.

Field 1007, St. John - petition and proposition.  
P.8/95

Senator Vernon Amy Tomes presented to the States a petition on behalf of Mr. David Ronald Manning and others pray that the States would agree to request the Planning and Environment Committee to approve an application by Mr. David Ronald Manning, under Article 6 of the Island Planning (Jersey) Law 1964, as amended, to allow the building of a house and store on Field 1007, St. John.

At the same time, Senator Tomes lodged "au Greffe" a proposition that the prayer of the petition be granted.

THE STATES referred the said petition to the Planning and Environment Committee.

Legislation to combat noise abuse - questions and answers (Tape No. 269)

Deputy Frederick John Hill of St. Martin asked the Connétable of St. Saviour, President of the Public Health Committee, the following questions -

1. Will the President inform the States how long the Public Health Committee has been involved in drawing up legislation to combat noise abuse?
2. Will the President inform the States when the draft legislation will be

ready for presentation to the States?

3. Will the President inform the States if he is aware of the distress being experienced by people who are inconvenienced by the absence of legislation and of the difficulties encountered by those bodies with dedicated responsibilities to address complaints of noise abuse?"

The President of the Public Health Committee replied as follows -

1. The Public Health Committee is aware of the need to revise existing public health legislation. This was clearly stated in the 'Plan for the Health Service in Jersey 1993-1997' which was approved by the States on 25th August 1992.

The updating of public health legislation in one exercise is a task of too great a magnitude, so a decision has been taken to tackle each aspect of the legislation on an individual basis.

A request was accordingly made to the Policy and Resources Committee in the Law Drafting Programme 1994/95 for a Statutory Nuisances (Jersey) Law. Because of difficulties in preparing the brief to comply with newly introduced drafting procedures, priority could not be given to this legislation in 1994.

2. The Public Health Committee has obtained the services of a United Kingdom solicitor with experience in environmental health legislation to draw up a brief for presentation to the Law Draftsman. A first draft of the brief has already been submitted to the Law Draftsman for his comments, and amendments will be made before the definitive brief is submitted.

Subject to law drafting time being allocated by the Policy and Resources Committee the draft legislation should be ready for presentation to the States later this year.

3. Yes, I am well aware of the distress being experienced by people, as the Environmental Health Section receives many complaints about noise nuisance. However, at the present time, there is no specific legislation administered by the Public Health Committee to address this issue.

My Committee is not in a position to comment on the responsibilities of other bodies with dedicated responsibility to address complaints of noise abuse. However, my Environmental Health Department will, of course, assist in investigating such complaints wherever possible.

My Committee's officers use their powers of persuasion to try and minimise nuisance due to noise, but cannot go beyond their existing statutory powers. I am sure the Deputy of St. Martin, who has recently received information from Public Health Committee members and officers on this issue, will give his full support to the efforts of my Committee to introduce a Statutory Nuisances Law which will address some of the issues of noise abuse. As stated in my answer to question 2, my Committee is hopeful that this legislation will be afforded priority and presented to the States later this year."

Hautlieu School - questions and answers (Tape No. 269)

Deputy Leonard Norman of St. Clement asked the Connétable of St. Lawrence, President of the Education Committee, the following questions -

1. Is the President aware of the widespread concern of members of the public, parents, pupils and staff at Hautlieu regarding the continuing uncertainty of this excellent school's future?
2. To prevent further uncertainty and the further undermining of morale of the pupils and staff at Hautlieu, will the President consider making the matter of the future of Hautlieu one of



her Committee's highest priorities?

3. Will the President say when the final report commissioned from the Office for Standards in Education (OFSTED) will be completed and confirm that this will be made available to the public?
4. Does the President have absolute confidence in the competence of OFSTED to evaluate the Jersey education system and what are the grounds for that confidence?
5. Will the President say how long each consultant from OFSTED has spent in Jersey, which schools they visited and how long they spent in each school?
6. Will the President state the cost so far of consultants, reports and travel costs of officers of the Department and members of the Committee in regard to the investigation of 16+ education in Jersey and the 14+ transfer system?"

The President of the Education Committee replied as follows -

1. I am aware of the widespread concern to which Deputy Norman refers. Acting for the States, my Committee is committed to ensuring that our young people have access to educational opportunities which compare favourably with those of Western Europe. It is to achieve this goal that we have supported the review of the future of post-16 education in Jersey which, following extensive consultation, led to an investigation of the effectiveness of the 14+ optional transfer system. Any fundamental review of this nature inevitably causes uncertainty and anxiety but it is vitally important that all necessary evidence is obtained before any decision is taken. I am fully committed to ensuring that we develop our education system so that all children are given every opportunity to meet their full potential enabling them to face an uncertain future with confidence.

2. My Committee is giving the highest priority to determining the future of secondary education and it is clear to us that the future of Hautlieu School is central to this issue.
3. Ofsted have confirmed that the final report will be available for the Education Committee before our next meeting which is to be held on Wednesday 8th February. I have already indicated that, once it has been considered by my Committee, the full report will be made available to the public, as was the earlier report on 'The Future of Post-16 Education in Jersey' prepared by Dr. Michael Young and Dr. Ken Spours of the University of London Institute of Education.

My Committee has made strenuous efforts to conduct this important educational debate in an open and forthright manner. This has been encouraged within the service through various consultative groups and also by means of a series of public meetings. Throughout this process my intention has been to promote a debate on the issues and to give careful consideration to the views expressed before making a decision and bringing a report and proposition to the States.

Before bringing a report and proposition, I thought that it would be helpful to provide an opportunity for States members to receive a presentation on the issues which are at the heart of my Committee's deliberations. This will include a presentation of the Ofsted Report. With this in mind, I am pleased to invite all members to a presentation in the Old Library, States' Building, on 21st February 1995 from 2 p.m. to 4 p.m. This occasion will enable you to raise any questions which will assist you when considering this important matter.

4. The Office for Standards in Education is the organisation which is responsible not only for inspecting schools but also for providing advice to Her Majesty's Government on a wide

range of educational matters. It is renowned for its independence and wealth of knowledge and experience. These acknowledged characteristics caused my Committee to decide that Ofsted was the appropriate body to undertake this investigation.

5. The Ofsted team which visited the Island from 3rd - 7th October 1994, consisted of eight members of Her Majesty's Inspectorate with specialist knowledge of curriculum planning, secondary and post-16 provision, judged by the Director of Inspection to be competent to assess the performance of schools and educational systems. The exercise was co-ordinated by HMI M. Tomlinson who is Ofsted's Director of Inspection.

Prior to the visit of the full team, two members spent two days in the Island visiting schools in order to plan the exercise. During the week beginning 3rd October each 11-16 school was inspected over a period of two days by teams of two HMI and the full team spent a similar amount of time in Hautlieu.

6. The total expenditure incurred in respect of the review and report completed by Dr. Young and Dr. Spours was £7,000. The cost of the Ofsted review and report is £30,000. My Committee has also undertaken two visits to the United Kingdom. The first was to VI Form Colleges in Worthing, Brighton and Northwich costing £1,655.91. The second was to Louth where we visited King Edward VI School and two of the 11-16 schools which are part of the Louth Plan and two 11-16 comprehensive schools on Humberside. The cost of this visit was £3,497.00. On both visits the Committee was accompanied by the Director and an Assistant Director.

The total costs incurred represent a small investment when considering the importance of the decision in terms of the future of the young people of our Island."

Environmental Adviser to the States of Jersey:  
appointment

THE STATES, adopting a proposition of the Establishment Committee, approved the appointment of Dr. Michael George Romeril as Environmental Adviser to the States of Jersey for a contract period of three years with effect from 1st February 1995.

Commission Amicale: establishment and membership

THE STATES, adopting a proposition of the Policy and Resources Committee -

- (a) approved the establishment of a Commission Amicale between the States of Jersey and the Conseil Régionale de Basse Normandie;
- (b) agreed that the members of the Jersey delegation to the Commission should be -

the Bailiff of Jersey (Joint-Chairman)  
Senator Reginald Robert Jeune,  
O.B.E  
Senator Pierre François Horsfall  
Senator Jean Amy Le Maistre  
Mrs. Iris Medora Le Feuvre,  
Connétable of St. Lawrence  
Mr. Carl John Le Herissier  
Hinault, Connétable of St. John  
Deputy Philip Roy Cabot of  
Trinity.

Policing system in Jersey - independent review -  
P.94/94

THE STATES commenced consideration of a proposition of the Defence Committee regarding an independent review of the policing system in Jersey.

THE STATES, after discussion, deferred further consideration of the proposition until later in the day.

The Bailiff - retirement of Sir Peter Crill,  
K.B.E.

Senator Richard Joseph Shenton, the Connétable of St. Clement and Deputy Robin Ernest Richard Rumboll of St. Helier, on behalf of all the Members and Officers of the States, paid tribute to Sir Peter Crill, K.B.E. for his 43 years of service to the Island, the last nine years as Bailiff, and wished him and Lady Crill a long and happy retirement.

The Bailiff suitably responded.

#### Change of Presidency

THE STATES then adjourned to the Royal Court for the official unveiling of a portrait of Sir Peter Crill and re-assembled in the afternoon under the Presidency of the Deputy Bailiff.

#### Policing system in Jersey - independent review - P.94/94

THE STATES continued discussion of the proposition of the Defence Committee regarding a review of the policing system in Jersey and, having adopted an amendment of Deputy Dereck André Carter that, in paragraph (2), for the words "presented to" there should be substituted the words "debated by", adopted the proposition and -

- (1) charged the Defence Committee to commission a full and thorough independent review of the policing system in Jersey including the powers of the police to combat crime and the protection afforded by the Law to the individual citizen together with the level of service provided;
- (2) agreed that the report and recommendations of the independent review should be debated by the States;
- (3) agreed that the independent review should be undertaken by -

Sir Cecil Clothier, K.C.B., Q.C.  
Jurat Michael Arthur Rumfitt  
Mr. Bernard Thomas Binnington,  
O.B.E.  
Mr. Ronald Leslie Mitchell  
Mrs. Sally Carolyn Ann Le Brocq;

- (4) agreed that all costs incurred in the

independent review should be met by the Defence Committee from within its existing budget.

Members present voted as follows -

``Pour" (39)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le Maistre, Stein, Chinn, Bailhache, Syvret.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Brelade, St. Peter, Grouville, St. Helier, St. Martin, St. John.

Deputies

Rumboll(H), Wavell(S), Norman(C), H. Baudains(C), Le Sueur(H), St. Ouen, Coutanche(L), Huelin(B), St. Mary, S. Baudains(H), Le Geyt(S), Pullin(S), Trinity, Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, St. Martin, St. John.

``Contre" (7)

Senator

Tomes.

Connétables

Trinity, St. Ouen.

Deputies

St. Peter, Carter(H), Dorey(H), Huet(H).

Longbeach, Gorey - compensation - supplementary vote of credit - P.133/94

THE STATES, adopting a proposition of the Finance and Economic Committee, acceded to the request for the following supplementary vote of credit to be voted out of the general reserve -

5207 Planning and Environment  
Committee  
Legal Claims Contingency £200,000.

Sport, Leisure and Recreation premises: transfer of administration - P.170/94

THE STATES, adopting a proposition of the Education Committee, approved the transfer, with effect from 1st January 1995, of the administration from the Education Committee to the Sport, Leisure and Recreation Committee -

- (a) of the playing fields and facilities at Les Quennevais Playing Fields, F.B. Fields and Grainville Playing Fields (within the boundaries shown on drawings Nos. 456/1, 458/1 and 459/1 respectively) and South Hill Gymnasium, together with all leases and rental agreements currently in effect;
- (b) of the playing field to the south of Jersey Airport subject to the Sport, Leisure and Recreation Committee undertaking to return the field to the administration of the Harbours and Airport Committee should it be required for development in the future in connexion with Airport requirements, and accordingly to rescind their Act dated 11th June 1985.

Adjournment

THE STATES then adjourned, having agreed that the remaining item of public business be considered as the first item of matters lodged under Public Business at the next meeting.

THE STATES rose at 4.45 p.m.

G.H.C. COPPOCK

Greffier of the States.