



**THE STATES assembled on Tuesday,
12th 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 John Stephen Rothwell – out of the Island
Jack Roche, Connétable of St. Saviour– ill
Philip Roy Cabot, Connétable of Trinity – ill
Evelyn Mabel Pullin, Deputy of St. Saviour– out of the Island
Alastair John Layzell, Deputy of St. Brelade– out of the Island
Graeme Ernest Rabet, Deputy of St. Helier– out of the Island

Prayers

Tribute to the late Mr. J.B. Emmanuel – former Connétable of St. Lawrence

The Bailiff paid tribute to the late Mr. Jean Baptiste Emmanuel, a former Connétable of St. Lawrence.

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

Visit of President of the Government of Madeira

The Bailiff welcomed to the States His Excellency Dr. Alberto Joao Jardim, President of the Government of Madeira and Mrs. Jardim.

Connétable of St. Peter– re-election

The Bailiff, on behalf of the members of the States, congratulated Mr. Malcolm Pollard, on his re-election as Connétable of St. Peter.

Subordinate legislation tabled

The following enactment was laid before the States, namely –

Family Allowances (General Provisions) (Amendment No. 5) (Jersey) Order 1998– R. & O 9229.
Employment and Social Security Committee.

Committee of Inquiry: Elizabeth Marina, St. Helier– appointment of President

There were nominated for appointment as President of the Committee of Inquiry: Elizabeth Marina, St. Helier–

Senator Richard Joseph Shenton – proposed by Deputy Terence John Le Main of St. Helier; and

Senator Pierre François Horsfall – proposed by Deputy Paul Francis Routier of St. Helier.

THE STATES having proceeded to a secret ballot, the Bailiff declared that Senator Horsfall had been elected President of the Committee of Inquiry to investigate fully all the circumstances whereby the cost of constructing the yacht marina to the west of the Albert Pier, St. Helier, had exceeded the vote of credit granted for the project.

The result of the ballot was as follows –

Senator Shenton	20 votes
Senator Horsfall	27 votes.

Committee of Inquiry: Elizabeth Marina, St. Helier: appointment of members

THE STATES, on the proposition of Senator Pierre François Horsfall, President of the Committee of Inquiry: Elizabeth Marina, St. Helier, appointed the following as members of the Committee–

Iris Medora Le Feuvre, Connétable of St. Lawrence
Harry Hallewell Baudains, Deputy of St. Clement
Terence Augustine Le Sueur, Deputy of St. Helier
Jeremy Laurence Dorey, Deputy of St. Helier
Alan Simon Crowcroft, Deputy of St. Helier
Kenneth William Syvret, Deputy of St. Ouen.

Matters presented

The following matters were presented to the States –

Dwelling Houses Loan Fund: accounts for 1997 – R.C.23/98.

Presented by the Housing Committee.

Mr. Barrie R. Cooper: petition (P.195/97) – report – R.C.24/98.

Presented by the Policy and Resources Committee.

Health Promotion Strategy: towards 2000 and beyond – R.C.25/98.

Presented by the Health and Social Services Committee.

International Conventions and Agreements: progress report for the period ended 31st March 1998 – R.C.26/98.

Presented by the Policy and Resources Committee.

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

Presented on 28th April 1998 –

Regulation of Undertakings and Development: six-monthly manpower returns – R.C.19/98.

Presented by the Finance and Economics Committee.

Transport Policy Strategy (P.70/98 re-issued): comments of the Finance and Economics Committee – P.77/98.

Presented by the Finance and Economics Committee.

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

Presented on 5th May 1998 –

Probation and After Care Service: report for 1997.

Presented by the Prison Board.

States of Jersey Annual Report and Accounts for 1997.

Presented by the Finance and Economics Committee.

United Nations Convention Against Torture and Other Inhuman or Degrading Treatment or Punishment – R.C.20/98.

Presented by the Policy and Resources Committee.

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

States of Jersey Law 1966, as amended – delegation of functions: health and social services – R.C.21/98.

Presented by the Health and Social Services Committee.

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

States of Jersey Law 1966, as amended – delegation of functions: agriculture and fisheries – R.C.22/98.

Presented by the Agriculture and Fisheries Committee.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 20th April 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 Sport, Leisure and Recreation Committee, the lease to the St. Breladé's Bowls Club of the pavilion and playing greens at the Les Quennevais Sports Ground, St. Brelade, for a period of nine years from 1st January 1998, at an annual rent of £5,534 for 1998 and £6,700 for 1999, with annual rent reviews in line with the Jersey retail Prices Index from the year 2000 on 30th June each year, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (b) as recommended by the Sport, Leisure and Recreation Committee, the lease to the Jersey Model Car Club of an area of land (measuring 9,280 square feet) to the east of the main cricket pavilion at the Les Quennevais Playing Fields, for a period of nine years from 1st January 1997, at a commencing

annual rent of £500 payable half-yearly in advance, with triennial reviews in line with the Jersey Retail Prices Index from 1st January 2000, on the basis that each party would be responsible for its own legal costs arising from the transaction;

- (c) as recommended by the Harbours and Airport Committee, the lease to Huelin Renouf Shipping of office accommodation, storage and kitchen facilities (Letting No. N19– measuring 1,485 square feet) on the New North Quay, St. Helier Harbour, for a period of three years from 1st January 1998 at an annual rent of £18,500 subject to annual review in line with the Jersey Retail Prices Index;
- (d) as recommended by the Harbours and Airport Committee, the lease to St. Helier Port Services of accommodation (Letting No. N17– measuring 256 square feet) on the New North Quay, St. Helier Harbour, for a period of three years from 1st January 1998, at an annual rent of £3,500, subject to annual review in line with the Jersey Retail Prices Index;
- (e) as recommended by the Harbours and Airport Committee, the lease to George Troy and Sons of office and storage accommodation (Letting No. N20– measuring 1,011 square feet) on the New North Quay, St. Helier Harbour, for a period of three years from 1st January 1998, at an annual rent of £12,500, subject to annual review in line with Jersey Retail Prices Index;
- (f) as recommended by the Public Services Committee, an agreement with Mrs. Patricia Fitzmaurice, née Galvin, in order that emergency stabilization works could take place on the cliff below Jeffrey’s Leap Café, St. Martin, so as to secure the structural integrity of the public road known as La Route d’Anne Port in return for the small area of privately owned land to be given free of charge to the Committee, on the basis that the passing of a contract before the Royal Court would also clarify the relevant boundaries between the properties, with each party to be responsible for its own legal costs arising from the transaction;
- (g) as recommended by the Harbours and Airport Committee, the renewal of the sub-lease to NTL TV by the Jersey Electricity Company Limited, for a period of 21 years from 20th March 1998, at an annual rent of £173, to enable the Company to fix television relay aerials to La Collette Power Station and to have a kiosk to hold the associated equipment.

Matter noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 20th April 1998, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Education Committee had accepted the lowest of six tenders, namely that submitted by Amey Building (C.I.) Limited in the sum of £4,982,306 in a contract period of 60 weeks, for the construction of the Jersey College for Girls Joint Art, Design and Technology Block.

Matters lodged

The following matters were lodged “au Greffe” –

IS/IT Strategy for Jersey – P.87/98.

Presented by the Policy and Resources Committee.

Jersey Financial Services Commission: appointment of Commissioners – P.88/98.

Presented by the Finance and Economics Committee.

The following matters were lodged “au Greffe” on 28th April 1998 –

Draft Stamp Duties and Fees (Jersey) Law 1998 (Appointed Day) Act 199 – P.78/98.
Presented by the Finance and Economics Committee.

Public Services Committee: vote of no confidence – suspension of Standing Order No. 18A(2)– P.79/98.
Presented by Deputy A. Breckon of St. Saviour.

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

Le Geyt Flats, St. Helier– refurbishment Phase III: approval of drawings– P.81/98.
Presented by the Housing Committee.

Grasett Park, St. Saviour– refurbishment Phase I: approval of drawings – P.82/98.
Presented by the Housing Committee.

Le Clos du Martin, New St. John's Road, St. Helier: grant of right of way– P.83/98.
Presented by the Housing Committee.

Policing of the Island (P.49/98): amendment – P.84/98.
Presented by Deputy M.F. Dubras of St. Lawrence.

The following matters were lodged on 5th May 1998 –

Shops – Sunday trading (P.60/98): amendment – P.85/98.
Presented by the Connétable of St. Clement.

Policing of the Island (P.49/98): second amendments – P.86/98.
Presented by Deputy F.J. Hill of St. Martin.

Arrangement of public business for the present meeting

THE STATES noted that Deputy Alan Breckon of St. Saviour had withdrawn his proposition relating to the suspension of Standing Order No. 18A(2) with regard to the vote of no confidence in the Public Services Committee (P.79/98 – lodged “au Greffe” on 28th April 1998).

THE STATES noted that the President of the Finance and Economics Committee had withdrawn paragraph (2) of the proposition regarding the Committee of Inquiry: Elizabeth Marina, St. Helier (P.63/98– lodged “au Greffe” on 7th April 1998), paragraph (1) having been adopted as amended on 21st April 1998.

THE STATES acceded to the request of Senator Richard Joseph Shenton that consideration of the proposition regarding traffic calming within Jersey (P.32/98 – lodged “au Greffe” on 24th February 1998) be deferred from the present meeting to a later date.

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

Le Marais, St. Clement– refurbishment Phases I and II: approval of drawings – P.80/98.
Lodged; 28th April 1998.
Housing Committee.

Arrangement of public business for the next meeting on 19th May 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 19th May 1998 –

Policing of the Island – P.49/98.
Lodged: 17th March 1998.
Defence Committee.

Policing of the Island (P.49/98): amendment – P.84/98.
Lodged: 28th April 1998.
Deputy M.F. Dubras of St. Lawrence.

Policing of the Island (P.49/98): second amendments – P.86/98.
Deputy F.J. Hill of St. Martin.

Draft Regulation of Undertakings and Development (Amendment No. 9) (Jersey) Regulations 199 – P.22/98.
Lodged: 17th February 1998 and referred back 3.3.98.
Finance and Economics Committee.

Stopford Court, Stopford Road, St. Helier: transfer of administration of land– P.56/98.
Lodged: 31st March 1998.
Housing Committee.

OTC housing development, First Tower, St. Helier: lease of shop units– P.57/98 – Revised.
Lodged: 31st March 1998.
Housing Committee.

Draft Investment Business (Jersey) Law 199 – P.59/98.
Lodged: 31st March 1998.
Finance and Economics Committee.

Draft Investment Business (Jersey) Law 199- (P.59/98): amendments.
Finance and Economics Committee.

Criminal Injuries Compensation Scheme: further amendments – P.67/98.
Lodged: 21st April 1998.
Defence Committee.

Draft Stamp Duties and Fees (Jersey) Law 1998 (Appointed Day) Act 199 – P.78/98.
Lodged: 28th April 1998.
Finance and Economics Committee.

Le Geyt Flats, St. Helier– refurbishment Phase III: approval of drawings – P.81/98.
Lodged: 28th April 1998.
Housing Committee.

Grasett Park, St. Saviour– refurbishment Phase I: approval of drawings – P.82/98.
Lodged: 28th April 1998.
Housing Committee.

Le Clos du Martin, New St. John's Road, St. Helier: grant of right of way– P.83/98.
Lodged: 28th April 1998.
Housing Committee.

Licences granted under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended – answers to questions asked in the States on 21st April 1998

- “(a) The information Senator Syvret is seeking on the number of licences issued under the Regulation of Undertakings and Development Law has been placed on members’ desks for ease of reference.

Total number of licences issued for new undertakings in 1997 = 523

retail	115
building and allied trades	65
hotels	2
restaurants	18
financial services	32
offices	42
import/export	11
garages/sales	3
agencies	25
transport	18
marine	12
service	44
exhibitions	6
other	130

Total number of licences issued for new undertakings up to 31st March 1998 = 174

retail	39
building and allied trades	30
hotels	0
restaurants	5
financial services	11
offices	6
import/export	0
garages/sales	1
agencies	11
transport	9
marine	4
service	10
exhibitions	3
other	45

(‘other’ includes all those not listed and specialist contractors)

The full statistical information relating to the December 1997 manpower survey has been published in R.C.19/98 which was presented to the States on 28th April 1998.

- (b) As at the end of March 1998, income tax totalling £224.4 million had been charged for the year of assessment 1995. This excludes tax charged on those involved in the supply of gas, water and electricity, and those running private schools, who are few in number, in order to preserve their confidentiality.

This figure breaks down on the standard industrial classification basis as follows –

A. BY INDUSTRY

1.	Agriculture	1,916,000
2.	Fishing	183,000
3.	Quarrying	(included in construction)
4.	Manufacturing	1,373,000
5.	Electricity, gas and water	(not supplied)
6.	Construction	4,189,000
7.	Wholesale and retail	8,017,000
8.	Hotels and restaurants	4,101,000
9.	Transport and communications	1,156,000
10.	Financial intermediation	111,021,000
11.	Real estate (on a fee basis only, other profits included elsewhere)	153,000
14.	Health and social work	1,596,000
15.	(i) Other business services	6,704,000
	(ii) Other community social and personal services	4,829,000
16.	Private households with employees	No records kept

Standard industrial classifications number 12 (Public Administration and Defence) and 13 (Education) have been excluded because no direct tax revenue arises from these activities carried on by the States. Similarly the figures given under number 14 (Health and social work) and 15 (other Community Social and Personal Services) reflect only the profits of private providers.

B. BY INDIVIDUALS

(i)	Employees	55,596,000
(ii)	Rentiers and the retired	16,985,000

C. BY INVESTMENT HOLDING COMPANIES

(These are mainly corporate bodies set up by local residents to own their properties and investments) 6,589,000”

Income tax liability for the tax year 1995 – answer to question asked in the States on 21st April 1998

“As at the end of March 1998, income tax totalling £224.4 million had been charged for the year of assessment 1995. This excludes tax charged on those involved in the supply of gas, water and electricity, and those running private schools, who are few in number, in order to preserve their confidentiality.

This figure breaks down on the standard industrial classification basis as follows –

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Amendments to the Housing Law and Regulations – question and answer (Tape 442)

Deputy Frederick John Hill of St. Martin asked Senator Corrie Stein, President of the Housing Committee, the following question –

“The States Legislation Programme for 1998 includes as item 20 the preparation of amendments of the Housing Law and Regulations to empower the Committee to allow requests for hotels and guest houses to extend into adjacent residential property without having to meet the costs of providing alternative accommodation elsewhere. Would the President inform members when the drafting instructions were forwarded to the Law Draftsman and when she expects to present the amendment to the States?”

The President of the Housing Committee replied as follows –

“The drafting instructions were recently completed and forwarded to the Law Draftsman on 8th May 1998. The Committee regrets the delay that has occurred and, subject to the workload of the Law Draftsman, expects to present the amendment to the States before the end of this year.”

Public sector salaries – question and answer (Tape No. 442)

Deputy Robin Charles Hacquoil of St. Peter asked the President of the Establishment Committee, the following question –

“1. Given the intended consideration later today of proposed levels of remuneration for States members, would the President inform members of the following public sector salary ranges –

(a) the predominant range for manual workers and separately for the Supervisory Grade of manual

workers?

- (b) the predominant range for –
 - (i) clerical workers; and,
 - (ii) middle managers,in the Civil Service.
 - (c) the predominant range for chief officers and other senior officers whose salaries are negotiated outside the normal pay rounds?
2. Would the President inform members of any other benefits, current or future, for the above levels which may not result in direct remuneration but which involve some cost to the States as employer.

The President of the Establishment Committee replied as follows –

“1. In setting out below the answers to these questions, I define predominant salary range as the range in which the majority of the employees employed in the category in question are placed for pay purposes.

- (a) The predominant salary range for manual workers is £13,276 a year to £15,536 a year (this range relates to grades 2 to 4 in an 8 grade wage structure).

The predominant salary range for the Supervisory Grades of Manual Workers is £16,835 a year to £19,772 a year (this range relates to grades 6 to 8 of an 8 grade wage structure).

It should be emphasised that the above rates of pay are basic rates only. They do not include payments for shift-working, overtime, standby/call outs, or other special allowances (e.g. underground allowance).

- (b) (i) The predominant salary range for clerical employees is £13,370 a year to £18,088 a year (this range relates to grades 4 to 6 of a 15 grade salary structure for civil servants).
- (ii) The predominant salary range for middle managers is £26,754 a year to £32,841 a year (this range relates to grades 10 and 11 of a 15 grade wage structure for civil servants).

Again, it should be emphasised that the above rates of pay are basic rates only. They do not include payments for shift-working, overtime and standby/call outs. However, it should be pointed out that such payments are less prevalent than for manual workers. Overtime payments are rarely paid to middle managers.

- (c) I understand that by the expression ‘chief officers and other senior officers whose salaries are negotiated outside the normal pay rounds’, the Deputy is referring to the salary ranges of Chief Officers, Crown and States appointments, and officers of the judiciary and the legislature.

The predominant salary range for chief officers and other senior officers whose salaries are negotiated outside the normal pay rounds is £56,064 a year to £74,432 a year. No shift payments and overtime payments apply to such officers.

2. At present the States contribute, as an employer, an extra 15.16 per cent of the salaries referred to above, to the Public Employees Contributory Retirement Scheme in respect of each permanent employee and also in respect of those who are on contract for more than a year, who are over age 20 and work for more than 18 hours a week. (However, employees who are less than 30, or on time limited contracts, may opt not to be members of the pension scheme, if they so wish. In those circumstances, the employer would not pay its share of the contribution). In addition, contributions of 5.85 per cent of salary are paid in respect of each employee, up to an earnings ceiling level of £1,892 per month, as a result of having to meet the employers liability under the Social Security Scheme.

There are no other benefits of this nature which are currently being considered.

In addition to the above, members will also be aware that employees are entitled to certain leave arrangements and to maternity benefits. I was not sure whether this information was of interest to the Deputy. If details of these entitlements are required, I will ensure that they are circulated to members separately.”

Public Services Committee: vote of no confidence – P.74/98

THE STATES rejected a proposition of Deputy Imogen Stephanie Nicholls of Grouville that they had no confidence in the Public Services Committee.

Members present voted as follows –

“Pour” (14)

Senators

Shenton, Horsfall, Quérée, Syvret, Kinnard.

Connétables

Grouville.

Deputies

Le Sueur(H), S. Baudains(H), Duhamel(S), Grouville, Crowcroft(H), Vibert(B), St. Peter, Dubras(L).

“Contre” (31)

Senators

Le Maistre, Stein, Bailhache, Tomes, Norman, Walker.

Connétables

St. Clement, St. Mary, St. Brelade, St. Peter, St. Helier, St. Martin, St. Ouen, St. John.

Deputies

H. Baudains(C), Coutanche(L), St. Mary, Le Geyt(S), Trinity, Johns(H), Routier(H), Dorey(H), Breckon (S), Huet(H), St. Martin, St. John, Le Main(H), Blampied(H) de la Haye(B), Le Cornu(C), S. Ouen.

THE STATES agreed to meet on Tuesday, 9th June 1998, to consider States members' income support and expense allowance (P.207/97 – lodged au Greffe by the House Committee on 30th December 1997).

THE STATES then adjourned, having agreed that the outstanding items of public business should be taken as the first items of public business on Tuesday, 19th May 1998.

THE STATES rose at 5.50 p.m.

G.H.C. COPPOCK

Greffier of the States.