

**THE STATES assembled on Tuesday,
6th June 2000 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 after the lunch adjournment.**

All members were present with the exception of -

Kenneth Priaulx Vibert, Connétable of St. Ouen - out of the Island.

Prayers

Subordinate legislation tabled

The following enactment was laid before the States, namely -

Social Security (Classification) (Amendment No. 3) (Jersey) Order 2000. R & O 45/2000.

Matters presented

The following matter was presented to the States -

Ecology Fund: report for 1999 - R.C.22/2000.
Presented by the Planning and Environment 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 26th May 2000 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 Planning and Environment Committee, the renewal of the lease from Mrs. Daphne Wilson, née Vautier, and Messrs. Owen Maxwell Philip Vautier, Donald Cecil Valentine Vautier and Ian Malcolm Vautier of the bridle path within Field No. 1342, Grantez, St. Ouen, for a period of nine years from 1st May 1997, at an annual rent of £20, payable yearly in advance, with the rent to be reviewed every three years in line with the percentage increase in the Jersey Retail Prices Index, on the basis that each party would be responsible for its own legal costs incurred in connexion with the transaction, and that the lessee would be responsible for maintaining the land and carrying out any necessary maintenance and repairs to the bridle path to maintain the land in good order;
- (b) as recommended by the Public Services Committee, the purchase from L.C. Pallot Properties Limited of land (measuring 1,090 square feet) at La Rue de Bechet, Trinity, for a consideration of £1,090, for the purpose of constructing a sewage pumping station; with an additional payment of

£1,000 for disturbance costs and the provision of water and electricity; and a further payment of £350 for cleaning the adjacent showroom, on the basis that the Committee would be responsible for all accommodation works necessary, including the re-siting of an existing wash-down bay and oil interceptor and the provision of a foul sewer connection for the Steam Museum and adjoining works area, with the Committee to be responsible for all reasonable legal fees incurred and with a maximum of £500 incurred in connexion with the land transaction;

(c) as recommended by the Planning and Environment Committee, the lease to Mrs. Alison Veronica Rebourg, née Matuszek, of Field No. 471B, Gorselands, La Moye, St. Brelade, for a period of five years from 1st February 2000, at an annual rent of £360, payable half-yearly in advance, subject to annual rent reviews in line with the Jersey Retail Prices Index, on condition that the field was to be used for *bona fide* agricultural purposes, and with the lessee being responsible for the maintenance and security of the field, and with each party being responsible for its own legal costs arising from the transaction;

(d) as recommended by the Education Committee, the sale to the undermentioned six owners of properties in La Grande Route du Mont-à-l'Abbé, St. Helier, bordering Haute Vallée School, of land (measuring 1,725 square metres) on former Fields Nos. 1243 and 1244, St. Helier (currently forming a 'buffer zone' between the rear of those six properties and Haute Vallée School), for the sum of £14,500 a vergée, being the net price (excluding all fees and interest, etc.), which had been paid by the public for the land, with the Committee to meet its own legal costs, and to contribute £100 per parcel towards the fees incurred by the prospective purchasers in seeking legal advice and agreeing the terms of the deed of sale -

Mr. Stephen Turner and Mrs. May Sundown
Turner, née Summers

Mr. Arthur William Coutanche Hermes

Mr. Dennis Frank Andrews and Mrs. Denson
Sonia Margaret Andrews, née Jehan

Mr. Mark Anthony Hill and Mrs. Les Favieres
Moreen Katherine Hill, née Canning

Mr. Douglas Allan Brown Newlands

Mr. David Vincent Haywood and Girassol
Mrs. Ruth Ester Adams, née Le Ruez

Matters lodged

The following matters were lodged "au Greffe" -

Les Ormes Farm, Field 773, La Route de la Blanche Pierre, St. Lawrence: development in the green zone - P.82/2000.

Presented by the Planning and Environment Committee.

Attendance Allowance Board: appointment of members -P.83/2000.

Presented by the Employment and Social Security Committee.

De La Salle College, Beaulieu Convent School and FCJ Primary School: loans - P.84/2000.

Presented by the Education Committee.

H.M. Prison La Moye: construction of Control Room - approval of drawings - P.85/2000.

Home Affairs Committee.

Oak Tree Gardens, St. Helier (Old Elysée Estate) : Phase III - approval of drawings - P.86/2000.

Presented by the Housing Committee.

Cannon Street and Lemprière Street housing development: sale to Jersey Homes Trust - P.87/2000.

Presented by the Housing Committee.

Le Rocquier School: Field Nos. 131 and 131A, La Rue du Pontlietaut, St. Clement- proposed change of use - P.88/2000.

Presented by the Planning and Environment Committee.

Projet de Loi (200) (Amendement No. 8) réglant la procédure criminelle P.89/2000.

Presented by the Comité de Législation.

Incorporation of Jersey Post and Jersey Telecoms: revised approach - P.90/2000.

Presented by the Policy and Resources Committee.

The following matter was deemed to be lodged on 30th May 2000 -

Maritime boundary between France and Jersey and Agreement concerning Fishing in the Bay of Granville - P.81/2000.

Presented by the Policy and Resources Committee.

Arrangement of public business for the next meeting on 20th June 2000

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 20th June 2000 -

Draft Friendly Societies (Immovable Property) (Jersey) Law 200 - P.71/2000.

Lodged: 16th May 2000.

Legislation Committee.

Draft Amendment (No. 20) of the Standing Orders of the States of Jersey - P.76/2000.

Lodged: 16th May 2000.

House Committee.

Draft Amendment (No. 20) of the Standing Orders of the States of Jersey (P.76/2000): amendment - P.79/2000.

Lodged: 23rd May 2000.

Deputy J.L. Dorey of St. Helier.

Maritime boundary between France and Jersey and Agreement concerning fishing in the Bay of Granville -P.81/2000.

Lodged: 30th May 2000.

Policy and Resources Committee.

Les Ormes Farm, Field 773, La Route de la Blanche Pierre, St. Lawrence: development in the greer zone - P.82/2000.

Lodged: 6th June 2000.

Planning and Environment Committee.

Attendance Allowance Board: appointment of members -P.83/2000.

Lodged: 6th June 2000.

Employment and Social Security Committee.

H.M. Prison La Moye: construction of Control Room - approval of drawings - P.85/2000

Lodged: 6th June 2000.

Home Affairs Committee.

Oak Tree Gardens, St. Helier (Old Elysée Estate): Phase III- approval of drawings - P.86/2000.

Lodged: 6th June 2000.

Housing Committee.

Cannon Street and Lemprière Street housing development: sale to Jersey Homes Trust - P.87/2000.

Lodged: 6th June 2000.

Housing Committee.

Le Rocquier School: Field Nos. 131 and 131A, La Rue du Pontlietaut, St. Clement- proposed change of use - P.88/2000.

Lodged: 6th June 2000.

Planning and Environment Committee.

Cost of building sites on land rezoned by the States - question and answer (Tape No. 585)

The Deputy of St. John asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

“On 2nd November 1999 the States rezoned a number of areas of land for development for social rented and/or first time buyer homes. Would the President advise members whether any ceiling has been placed on the price to be paid for building sites or have market forces been allowed to prevail?”

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

“The Planning and Environment Committee has no powers under the Island Planning (Jersey) Law 1964, as amended, to place a ceiling on the price to be paid for building sites.

In line with the States decision to zone five sites in the Island for social rented and/or first time buyers the Committee has approved development briefs and is currently awaiting applications from developers.”

Teachers' Superannuation Fund - questions and answers (Tape No. 585)

The Deputy of St. John asked Senator Leonard Norman, President of the Education Committee, the following questions -

- “1. Would the President advise members whether the Committee is empowered to distribute funds from the Teachers' Superannuation Fund after a teacher has resigned from his/her post?
2. Does the Committee have any plans to appoint independent trustees to administer the Teachers' Superannuation Fund?”

The President of the Education Committee replied as follows -

- “1. Yes.
2. No.”

Sculpture at the entrance to the Elizabeth marina - question and answer (Tape No. 585)

The Deputy of St. John asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

“Since the Public Sculpture Trust erected the golden ball tidal movement sculpture at the Elizabeth Marina entrance, the ball has barely moved. Would the President advise members when this unit will be fully operational?”

The President of the Harbours and Airport Committee replied as follows -

“The Harbours and Airport Committee supported the Public Sculpture Trust’s project by providing and preparing a site for the sculpture, but the Committee is not responsible for its operation and maintenance. The company responsible for the maintenance contract was due in the Island yesterday to fit a wind gauge to the sculpture and to re-commission it. The extreme weather conditions over the Christmas period caused some damage, which has now been repaired, and the ball was parked until such time as the wind gauge could be fitted. Hopefully it will be rising and falling with the tide in the very near future.”

Removing obstacles to aeronautical safety - questions and answers (Tape No. 585)

The Deputy of St. Peter asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following questions -

“1. In the consultation document which it circulated to all States Members on 11th April 2000, the Committee gave in Appendix D a list of obstacles to aeronautical safety which should be removed, but expressed the opinion that Jersey Airport Limited, after incorporation, should not be liable for any of the costs or financial obligations of removing them.

Would the President give the Assembly a full and fair estimate of the cost of removing each of these obstacles?

2. Would the President confirm that the ten obstacles listed are set out in considered order of priority for removal?”

The President of the Harbours and Airport Committee replied as follows -

“1. I am unable to give a full and fair estimate of costs for removing each of these obstacles because that level of planning and estimating has not been carried out. I can summarise the situation with regard to each of them.

1. Top part of 1937 building - approximately £9m.
2. Hangar No.4 - approximately £4m.
3. Fairfield, Rue des Landes - approximately £175,000
4. St Peter’s Football stand and lighting poles - the stand is now marked as an obstacle and the poles would be several hundred pounds.
5. Bradford Farm - the chimneys are the obstacle and are marked as such - costs not known.
6. The Pines, Route de Beaumont - no cost as it is the intention of the new owner to demolish this property and construct something lower which does not constitute an obstacle.
7. Sous L’Eglise, Rue du Presbytère - between £25,000 and £30,000.

- 8 & 9. Bylands and Newholme, Rue Rose - the States will be asked later in the year to become 'willing buyers' from a 'willing seller' and the cost will depend on negotiations which would take place.
 10. The possible re-alignment of the footpath, the construction of a cycle track, the acquisition of a field and substantial grading works to remove the obstacle will be between £150,000 and £200,000.
2. No, they are not set out in an order of priority for removal."

Use of private security firms - question and answer (Tape No. 585)

Senator Paul Vincent Francis Le Claire asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

"Would the President give members the names of private security firms which provide supplementary security at the Island's Harbours and at the Airport. Would he also inform members of the cost involved at -

- (a) St. Helier Harbour;
- (b) other harbours;
- (c) the Airport?"

The President of the Harbours and Airport Committee replied as follows -

"Two companies are employed to conduct different security operations at the Harbour and the Airport, namely -

Aviation Defence International Limited
Securicor (Jersey) Limited

However, I am not prepared to divulge the nature of the security arrangements in place at the different locations for obvious reasons. Nor am I prepared to disclose figures of cost as this would compromise commercial confidentiality."

Procedures used in the recruitment of chief officers - questions and answers (Tape No. 585).

Senator Paul Vincent Francis Le Claire asked the Deputy of Trinity, President of the Human Resources Committee, the following questions -

- "1. In a recent letter to all States members the President stated that no written brief had been given to the consultants employed to 'head hunt' a chief executive for the Policy and Resources Committee. Would the President inform members if this absence of a written brief is normal procedure?
2. Would the President inform members what, if any, safeguards are in place to prevent job descriptions for States employees being designed, and candidates selected, on the basis of a particular political agenda?"

The President of the Human Resources Committee replied as follows -

- “1. Whilst no written brief was provided to the consultants employed to conduct an executive search for the chief executive of the Policy and Resources Committee, terms of reference were confirmed at extensive meetings held between Deloitte and Touche and the then Chief Adviser to the States and the Chief Executive of the States’ Personnel Department.

It was agreed that, as this was an important, new and crucial role, it would be appropriate to follow a different procedure on this occasion and engage the assistance of ‘head hunters’. The consultants chosen to fill this position had carried out the service review of the Policy and Resources Department, were in possession of the relevant job description which had been before the States and, therefore, were knowledgeable about the Department and the requirements of the job.

I therefore believe that the process undertaken was appropriate in these special circumstances and any further written brief was superfluous.

2. All civil service job descriptions are prepared by the administering department and submitted to the Human Resources Department for quality assurance. These job descriptions are then submitted to an independent Evaluation Board made up of experienced and trained evaluators drawn from public sector departments. For senior appointments, an independent job evaluation consultant is also present. The job description is then used as the basis for the recruitment and selection process.

For senior positions recruitment and selection procedures provide for selection panels to include members who are independent of the administering Committee/Department to ensure objectivity and fairness.

There is no question of job descriptions being designed or candidates selected on the basis of a ‘particular political agenda’. In my view the inference of the question impugns the integrity of members of this Assembly. It also impugns the integrity of all chief officers and other senior officers involved in any selection or appointment process. The Senator may, on reflection, consider that he should not have asked this question. If he had doubts surely by now - he has been in the States for some months - he would know that he could simply have approached my Department or myself.”

Internet betting - question and answer (Tape No. 585)

Senator Paul Vincent Francis Le Claire asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“Would the President agree to make available to all members copies of both letters sent to the Committee’s Chief Executive by the Financial Services Commission in relation to internet betting together with any other advice that has been received to date from the Financial Services Commission?”

The President of the Policy and Resources Committee replied as follows -

“Yes”

Consideration of the proposition on population policy - question and answer (Tape No.585)

Deputy Michael Edward Vibert of St. Brelade asked Senator Pierre François Horsfall, President of the Policy and Resources Committee the following question -

“Would the President advise members when the Committee intends to request the Assembly to consider the proposals on population and immigration control?”

The President of the Policy and Resources Committee replied as follows -

“Shortly. We are working on putting together further information and analysis so that a debate can take place on the basis of the fullest possible information. This includes an analysis of the Government Actuary’s Department’s latest projections, both on numbers and on the age structure of the Island’s population, and of the relationship between population and inflation.

The Committee has very recently discussed this and is now aiming to submit a further report to the States by about the end of July. This will pave the way for a debate after the summer break.”

The price of Jersey Royal new potatoes - questions and answers (Tape No. 585)

Deputy Philip Francis Cyril Ozouf of St. Helier asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee the following questions -

“1. On 4th April 2000 the President was asked whether the transferring of vital price control and co-ordination into the hands of competitors posed a direct and substantial threat to the well-being of the agricultural industry.

Would the President justify the answer he gave then in the light of the recent dramatic fall in Jersey Royal potato prices?

2. Would the President inform the Assembly whether the Committee has received details of the likely overall shortfall of money that farmers will require to break even in 2000 and, if so, would he provide these details to members and indicate what action the Committee intends to take in these circumstances?”

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

“1. The price of Jersey Royal potatoes is affected by a number of factors. Principally, the need to clear the crop within a limited timescale contributes significantly to the price that it commands on the market at any particular time during the season. In addition, I am advised by those who are marketing the Jersey Royal that the recent fall in price was also attributable to the quality of the potatoes at that time. The continuing period of wet weather in April and May (104.7 mm in April on 19 days and 92.4 mm in May on 14 days) resulted in a significant problem known as ‘wet rot’. The potatoes affected are frequently not able to be detected during the harvesting and packing processes and are only evident when consignments arrive at the market place.

I am pleased to report that this problem has been largely overcome. However, the price is not expected to recover significantly due to the anticipated increase in tonnage of United Kingdom supplies coming onto the market.

2. It is premature to identify the overall financial returns to growers as a result of this year’s season as there is still some time to go before the final position will be known. As in previous years, the Committee will be keeping the matter under review in discussion with members of the marketing organisations and with growers’ representatives.”

Vehicle testing - statement

Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, made a statement in the following terms -

“The Home Affairs Committee has now given careful consideration to the subject of roadworthiness of vehicles and in particular goods vehicles. It has decided against the introduction of a compulsory MOT-style examination for private cars. In respect of goods vehicles it has considered three options -

- (i) a mandatory annual test for goods vehicles over five years of age after first registration in the Island;
- (ii) the introduction of an Operators’ Licensing Scheme which would control maintenance standards and the provision of suitable operating premises;
- (iii) to carry on with and increase, the level and focus of roadside checks.

The Committee has decided to increase the frequency of roadside checks and adopt a hard line with those operators whose goods vehicles are found to be in a dangerous and unroadworthy condition. The operators of all major fleets have been notified of the Committee’s decision.

This programme will be closely monitored by the Driver and Vehicle Standards Department for a period of 12 months, when the Committee will review the results and may give further consideration to other options.

In the meantime the Committee will not hesitate to recommend prosecutions against the operators of vehicles which are in such a condition as to endanger the lives of other road users.”

Draft Magistrate’s Court (Miscellaneous Provisions) (Amendment No. 8) (Jersey) Law 200 - P.69/2000

THE STATES commenced consideration of the draft Magistrate’s Court (Miscellaneous Provisions) (Amendment No.8) (Jersey) Law 200- and adopted the preamble.

Members present voted as follows -

“Pour” (39)

Senators

Horsfall, Stein, Quérée, Bailhache, Walker, Kinnard, Le Sueur.

Connétables

St. Mary, St. Peter, Grouville, St. Helier, St. Martin, Trinity, St. Saviour, St. Clement, St. Brelade, St. Lawrence.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, St. Martin, Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Dorey (H), Troy (B), Voisin (L), Scott Warren (S), Le Hérissier (S), Ozouf (H), Fox (H), Bridge (H).

“Contre” (2)

Senators

Syvret, Le Claire.

Articles 1 to 5 were adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Magistrate’s Court (Miscellaneous Provisions) (Amendment No. 8) (Jersey) Law 200 .

Draft Maintenance Orders (Enforcement) (Amendment) (Jersey) Law 200 - P.72/2000

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Maintenance Orders (Enforcement) (Amendment) (Jersey) Law 200 .

Draft Statutory Nuisances (Jersey) Law 1999 (Appointed Day) Act 200 - P.73/2000

THE STATES, in pursuance of Article 19 of the Statutory Nuisances (Jersey) Law 1999, made an Act entitled the Statutory Nuisances (Jersey) Law 1999 (Appointed Day) Act 200 .

Church of England: Draft Ecclesiastical Offices (Age Limit) (Channel Islands) Order 200 - P.74/2000

THE STATES, adopting a proposition of the Legislation Committee, requested the Bailiff to inform the Secretary of State that it was the wish of the Assembly that the draft Ecclesiastical Offices (Age Limit) (Channel Islands) Order 2000, which would have the effect of applying to Jersey the Ecclesiastical Offices (Age Limit) Measure, 1975, be applied to Jersey.

States members income support and expense allowance: increase for 2001 - P.75/2000. (P.75/2000): amendment - P.78/2000

THE STATES commenced consideration of a proposition of the Finance and Economics Committee concerning States members income support and expense allowance: increase for 2000 and adopting paragraph (a) agreed to suspend Standing Order No. 44(1) to enable them to discuss a matter in which they had a direct pecuniary interest.

THE STATES commenced consideration of paragraph (b) and accepted an amendment of Deputy Alan Simon Crowcroft of St. Helier that for the words “1st January 2000” there should be substituted the words “1st January 2001”. After discussion, Senator Christopher Gerard Pellow Lakeman proposed that the States move to the consideration of the next item on the order paper, which proposition was rejected.

Members present voted as follows -

“Pour” (24)

Senators

Le Maistre, Stein, Quérée, Bailhache, Syvret, Norman, Kinnard, Le Sueur, Lakeman.

Connétables

St. Helier, St. Martin, St. Brelade, St. Lawrence.

Deputies

S. Baudains(H), Breckon(S), Grouville, St. Martin, Crowcroft(H), G. Baudains(C), Dorey (H), Scott Warren (S), Fox (H), Bridge (H), Martin (H).

“Contre” (27)

Senators

Horsfall, Walker, Le Claire.

Connétables

St. Mary, St. Peter, Grouville, St. John, Trinity, St. Saviour, St. Clement.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Huet(H), St. John, Vibert(B), St. Peter, Dubras(L), St. Ouen, Troy (B), Voisin (L), Farnham (S), Le Hérisier (S), Ozouf (H).

THE STATES, adopting a proposition of the Finance and Economics Committee, as amended -

- (a) agreed to suspend Standing Order No. 44(1);
- (b) agreed that for paragraph 3 of their Act dated 14th July 1998 as amended by an Act dated 8th December 1998, with regard to the provision of an expense allowance and a minimum income for elected members of the States there should be substituted the following paragraph -

“3. The amounts of income support, allowable income and expenses allowance shall be increased with effect from 1st January 2001 by 2.5 per cent.”

Members present voted as follows -

“Pour” (28)

Senators

Horsfall, Quérée, Walker, Le Claire.

Connétables

St. Mary, St. Peter, Grouville, St. Helier, St. Martin, St. John, Trinity, St. Saviour, St. Clement, St. Brelade.

Deputies

St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Huet(H), St. John, Dubras(L), St. Ouen, Troy (B), Voisin (L), Farnham (S), Le Hérissier (S), Ozouf (H).

“Contre” (22)

Senators

Le Maistre, Stein, Bailhache, Syvret, Norman, Kinnard, Le Sueur, Lakeman.

Connétables

St. Lawrence.

Deputies

H. Baudains(C), S. Baudains(H), Breckon(S), Grouville, St. Martin, Crowcroft(H), St. Peter, G. Baudains (C), Dorey (H), Scott Warren (S), Fox (H), Bridge (H), Martin (H).

Change in Presidency

The Greffier of the States assumed the Presidency after the lunch adjournment, during the consideration of the proposition of the Finance and Economics Committee on States members income support and expense allowance: increase for 2000 and the meeting continued under his Presidency.

Jersey Heritage Trust: appointment of chairman - P.77/2000

THE STATES, adopting a proposition of the Finance and Economics Committee, approved the appointment of Jurat Philip John de Veulle as the Chairman of the Jersey Heritage Trust for a period not exceeding four years, with effect from 25th July 2000, in place of Mr. Donald George Filleul, O.B.E.

Draft Conservation of Wildlife (Jersey) Law 2000 (Appointed Day) Act 200 - P.80/2000

THE STATES, in pursuance of Article 26(2) of the Conservation of Wildlife (Jersey) Law 2000 made an Act entitled Conservation of Wildlife (Jersey) Law 2000 (Appointed Day) Act 200 .

THE STATES rose at 3.49 p.m.

G.H.C. COPPOCK

Greffier of the States.