



**THE STATES assembled on Tuesday,
17th February 1998 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

All members were present with the exception of –

Senator Vernon Amy Tomes – ill
Francis Herbert Amy, Connétable of Grouville – out of the Island
Derek Ryder Maltwood, Deputy of St. Mary – out of the Island
Shirley Margaret Baudains, Deputy of St. Helier – out of the Island.

Prayers

Royal visit – H.R.H. The Duke of York

The Bailiff informed the House of the forthcoming visit on 15th and 16th May 1998 of His Royal Highness The Duke of York to carry out a number of engagements, including opening the new Elizabeth Marina.

The Lord Mayor of London – visit

The Bailiff informed the House that there would be an extraordinary meeting on 15th April 1998 at 11 a.m. to welcome The Rt. Hon. The Lord Mayor of London, Alderman Richard Nichols, to be followed by a reception in the Old Library.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Road Traffic (Public Parking Places) (Amendment No. 35) (Jersey) Order 1998. R & O 9200

Road Traffic (Saint Helier) (Amendment No. 2) (Jersey) Order 1998. R & O 9201

Road Traffic (Saint Lawrence) (Amendment No. 10) (Jersey) Order 1998. R & O 9202

Matters presented

The following matters were presented to the States –

General reserve: grant of additional funds to 31st December 1997 – R.C.4/98.
Presented by the Finance and Economics Committee.

States of Jersey Law 1966, as amended – delegation of functions: police services – R.C.5/98.

Presented by the Defence Committee.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 26th January 1998, showing that in pursuance of Standing Orders relating to certain transaction in land, the Committee had approved –

as recommended by the Planning and Environment Committee, the extension of the lease from Victoria Holdings Limited of Flat No. 2, Victoria House, Victoria Street, St. Helier for a period of three month from 21st January 1998 at a rent equivalent to an annual sum of £9,075.93 for occupation by a contract employee of the States Treasury.

THE STATES noted an Act of the Finance and Economics Committee dated 9th February 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 Telecommunications Board, the lease from Mr. Michael David John Doublet of 14 Trinity Gardens, St. Helier, comprising ground and first floor warehouse accommodator (measuring approximately 1,250 square feet), together with a front yard/car parking area, on an internal repairing basis, for a period of nine years from the date of completion with the tenant having an option to break the lease at the end of the third and sixth year of the term upon giving six months' prior notice to the lessor, at a commencing annual rent of £7,500 with triennial reviews to an amount to be agreed between the parties representing the market rental value of the premises, subject to a two month rent-free period being granted to permit the Board to fit out the warehouse for operational purposes, on the basis that each party is to be responsible for its own legal costs;
- (b) as recommended by the Housing Committee, the lease to Messrs. Ralph Graham Jackson and Trevor Alan Mett, trading as J. and M. Removals, of 74 Colomberie, St. Helier, for a period of three years from 1st February 1998, at a commencing annual rent of £10,600, payable monthly in advance with a three-month rent-free period from the commencement of the lease, subject to rent reviews at the end of the second year in line with the Jersey Retail Prices Index, the lease to be on an internal repairing and insuring basis with the lessee being responsible for the building insurance premium, occupier's rate, electricity, telephone costs and with the lessor maintaining the structure of the property in a wind and watertight condition, and on the basis that the lessee would be responsible for the lessor's reasonable legal costs arising from the transaction;
- (c) as recommended by the Health and Social Services Committee, the lease to The Jersey Electricity Company Limited of electricity substations Nos. 446 and 472 located in the grounds of the Centra Stores and Laundry at Five Oaks, St. Saviour, for a period of 99 years at an annual rate of £1 for each of the two sites, the total sum to be paid in full at the commencement of the contract, and the granting, free of charge, to the company of the associated wayleave as found on wayleave plan No. 26H reference 446472, dated 2nd December 1997, on the basis that each party would be responsible for its own legal costs arising from the above-mentioned transactions;
- (d) as recommended by the Sport, Leisure and Recreation Committee, the lease to Les Mielles Tennis Club of the clubhouse and playing courts at Les Quennevais Sports Ground, for a period of 25 years from 1st May 1997, at an annual rent of £3,656 subject to annual review in line with the Jersey Retail Prices Index, with the lessee to make additional annual payments of £1,150 in respect of the repayment of monies expended by the lessor in establishing club facilities, with the lessor to be responsible for the upkeep and maintenance of the courts, and the lessee to be responsible for the maintenance and repair of the interior and exterior of the clubhouse, and the maintenance of the sanitary fittings, on the basis that each party would be responsible for its own legal fees arising from

the transaction. (The Committee rescinded sub-paragraph (e) of its Act No. 2 of 15th September 1997);

- (e) as recommended by the Public Services Committee, the entering into of a Deed of Arrangement with Mr. Steven John Traynor and Mrs. Margaret Joy Traynor, née Barette, in order to clarify the boundary between the property Les Talus, Mont Les Vaux, St. Brelade and land owned by the public of the Island which formed part of the Railway Walk, on the basis that the boundary had been agreed as the line of the existing wall and fence between the properties to a point where the wall finishes on the western side, the boundary from this point being a line from the end of the wall to the existing boundary stone on the roadside wall, with the wall and fence to remain the property of the public, and the public to have rights to enter onto “Les Talus” land in order to maintain and repair the wall and fence, on the basis that the owners of “Les Talus” would be responsible for the payment of the public’s reasonable legal costs arising from this transaction.

Matters lodged

The following matters were lodged “au Greffe” –

Draft Sea Fisheries (Inshore Waters) (Jersey) Regulations 199 – P.12/98.

Presented by the Agriculture and Fisheries Committee.

Draft Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 199 – P.13/98.

Presented by the Agriculture and Fisheries Committee.

Draft Sea Fisheries (Establishment and Regulation of Fisheries) (Jersey) Regulations 199 – P.14/98.

Presented by the Agriculture and Fisheries Committee.

Draft Sea Fisheries (Size Limits) (Jersey) Regulations 199 – P.15/98.

Presented by the Agriculture and Fisheries Committee.

Draft Police Force (Amendment No. 8) (Jersey) Law 199 – P.16/98.

Presented by the Defence Committee.

Draft Licensed Premises (Exclusion of Certain Persons) (Jersey) Law 199 – P.17/98.

Presented by the Defence Committee.

La Rocco Apartments, La Pulente, St. Brelade: development – P.18/98.

Presented by the Tourism Committee and referred to the Planning and Environment Committee.

Draft Petroleum-Spirit (Control) (Jersey) Regulations 199 – P.20/98.

Presented by the Defence Committee.

Draft Education (Jersey) Law 199 – P.21/98.

Presented by the Education Committee.

Draft Regulation of Undertakings and Development (Amendment No. 9) (Jersey) Regulations 199 – P.22/98.

Presented by the Finance and Economics Committee.

Draft Regulation of Undertakings and Development (Amendment No. 7) (Jersey) Law 1997 (Appointed Day) Act 199 – P.23/98.

Presented by the Finance and Economics Committee.

Draft Terms of Employment (Jersey) Regulations 199 – P.24/98.

Presented by the Employment and Social Security Committee.

Draft Social Security (Amendment No. 13) (Jersey) Law 1997 (Appointed Day) Act 199 – P.25/98.

Presented by the Employment and Social Security Committee.

Havre des Pas Bathing Pool, St. Helier– P.26/98.

Presented by Senator R.J. Shenton.

Millenium projects – P.27/98.

Presented by the Policy and Resources Committee.

Public Finances (General) (Jersey) Rules 1967: amendment – P.28/98.

Presented by Senator R.J. Shenton.

The following matter was lodged on 10th February 1998 –

Kensington Gate development, St. Helier– P.11/98.

Presented by Senator S. Syvret.

Arrangement of public business for the present meeting

THE STATES acceded to the request of the President of the Tourism Committee that the proposition regarding the operation of Chapter 2 jet aircraft, set down for debate at the present meeting, be withdrawn.

THE STATES acceded to the request of the President of the Planning and Environment Committee that the following matter lodged “au Greffe” on 3rd February 1998 be considered at the present meeting –

Rose Cottage, Coie Lane, St. Saviour’s Road, St. Helier: purchase– P.8/98.

Arrangement of public business for the next meeting on 3rd March 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 3rd March 1998 –

Draft Sea Fisheries (Inshore Waters) (Jersey) Regulations 199 – P.12/98.

Lodged: 17th February 1998.

Agriculture and Fisheries Committee.

Draft Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 199 – P.13/98.

Lodged: 17th February 1998.

Agriculture and Fisheries Committee.

Draft Sea Fisheries (Establishment and Regulation of Fisheries) (Jersey) Regulations 199 – P.14/98.

Lodged: 17th February 1998.

Agriculture and Fisheries Committee.

Draft Sea Fisheries (Size Limits) (Jersey) Regulations 199 – P.15/98.

Lodged: 17th February 1998.

Agriculture and Fisheries Committee.

Draft Police Force (Amendment No. 8) (Jersey) Law 199 – P.16/98.

Lodged: 17th February 1998.

Defence Committee.

Draft Regulation of Undertakings and Development (Amendment No. 9) (Jersey) Regulations 199 – P.22/98.

Lodged: 17th February 1998.

Finance and Economics Committee.

Draft Regulation of Undertakings and Development (Amendment No. 7) (Jersey) Law 1997 (Appointed Day) Act 199 – P.23/98.

Lodged: 17th February 1998.

Finance and Economics Committee.

Draft Terms of Employment (Jersey) Regulations 199 – P.24/98.

Lodged: 17th February 1998.

Employment and Social Security Committee.

Draft Social Security (Amendment No. 13) (Jersey) Law 1997 (Appointed Day) Act 199 – P.25/98.

Lodged: 17th February 1998.

Employment and Social Security Committee.

Havre des Pas Bathing Pool – P.26/98.

Lodged: 17th February 1998.

Senator R.J. Shenton.

Millennium projects – P.27/98.

Lodged: 17th February 1998.

Policy and Resources Committee.

Public Finances (General) (Jersey) Rules 1967: amendment – P.28/98

Senator R.J. Shenton

Jersey Mutual Insurance Society Incorporated: petition – P.19/98

The Connétable of Trinity presented to the States a petition on behalf of the Jersey Mutual Insurance Society Incorporated.

THE STATES referred the petition to the Legislation Committee and the Connétable of Trinity lodged “au Greffe” a proposition to the effect that the prayer of the petition be granted.

Waterfront Enterprise Board: administrative costs – questions and answers (Tape No. 429)

Senator Jean Amy Le Maistre asked Senator Pierre François Horsfall, President of the Policy Resources Committee, the following questions –

“1. Would the President inform members of –

(a) the total administrative costs of the Waterfront Enterprise Board (including salaries, rent, consultancy fees, etc.) since the Board was established?

(b) the breakdown of these costs in respect of 1997?

2. In response to a question in the States on 20th January 1998, the President identified the likely cost of La Frégate Café as £650,000. Would the President further inform members of the final cost of Les Jardins de la Mer, the steam clock and the surrounding area, together with the improvement work undertaken by WEB Limited around the Harbour area?

3. (a) Would the President inform members what sum of money, for capital projects, is available to the Waterfront Enterprise Board without further reference to the States?
- (b) Will projects which are partly or wholly funded by private enterprise require States' approval prior to any land being let or sold to such companies?
4. (a) A significant sum has been set aside by the Tourism Investment Fund for the leisure pool project. As a considerable amount of public money will be required for a large project to be built on public land, will a cost benefit exercise be undertaken and the results made available to members?
- (b) Will the States have the opportunity to consider the transactions negotiated on behalf of the States, either by the Property Services Department or the Waterfront Enterprise Board?"

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

- “1. Before I answer this and the following questions I should like to inform the House that the whole issue of questions relating to the activities of incorporated companies of which the States is the only or major shareholder has been put to the House Committee for its consideration. This is of relevance not only for the position of Waterfront Enterprise Board Limited but also for the future incorporation of Jersey Telecoms and Jersey Postal.

The answer to the Senator's first question is that the total administrative cost of WEB from 1993 to 1997 is £1,765,584 (inclusive of maintenance costs of completed projects). The total cost for 1997 within that total is £518,785 made up as follows –

Revenue expenditure 1997	£
Salaries and emoluments	201,128
Premises – capital projects	54,152
– administration	63,413
Transport	4,696
Supplies and services	58,911
Establishment expenses	77,857
Miscellaneous expenses	7,904
Consultancy expenses	39,713
Depreciation	<u>11,011</u>
Total expenditure	<u>518,785</u>

2. The final cost of Les Jardins de la Mer is £1,390,140. The final cost of the steam clock is £214,040. The final cost of the gardens surrounding the Steam Clock is £656,000.
- 3 (a). A sum of £20 million in share capital was approved by the States for the development of the Waterfront. This sum is made available to WEB in such proportions as the Finance and Economics Committee may decide. To date, of this sum £2.8 million has been made available to WEB.
- (b) The answer to the second part of the question is, yes. Projects which are partly or wholly funded by private enterprise will require States approval prior to any land being let or sold to such companies.
4. (a) The contribution to be paid by the States towards the cost of the leisure pool project will be capped at the sum already allocated by the Tourism Investment Fund Sub-Committee. However, the eventual contribution that is required to be paid will be dependent upon the cross subsidy that is achieved from the other commercial developments attached to the complex. An ‘open book’ method of assessment of the developers costs will therefore ensure that the

minimum contribution is paid for the leisure pool element of this project thus ensuring value for money is achieved.

WEB has responded to the request of the Tourism Committee and the Tourism Industry in promoting this development as part of the States investment in its tourism infrastructure. It is for the President of the Tourism Committee to respond to the question of whether the Island needs a leisure complex and whether the benefits which flow from such a project are worth the investment that is proposed. The Tourism Investment Fund Sub-Committee has always regarded this project as its number one priority. The States also indicated their support for the project when they granted the developer an indemnity clause in respect of the claim by Les Pas Holdings Limited to ownership of the land on which the leisure pool complex is to be constructed.

- (b) The answer to the second part of the question is, yes. The States will have the opportunity to consider the arrangements negotiated on behalf of the States, either by property services or by the Waterfront Enterprise Board.”

La Frégate Café – questions and answers (Tape No. 429)

Senator Jean Amy Le Maistre asked Senator John Stephen Rothwell, President of the Tourism Committee, the following questions –

- “1. Would the President inform members whether the lease of La Frégate Café was put out to tender or was it a negotiated lease?
2. What are the terms of the lease and the annual rental?
3. This project was always intended to be a commercial proposition, is the President satisfied that the rental represents a reasonable return on the capital employed?”

The President of the Tourism Committee replied as follows –

- “1. La Frégate Café was not put out to tender. There was a negotiated lease with the tenants of West Park Café who, at the time were in the middle of a three year lease agreement on West Park Café, due to terminate on 24th December 1997.

The Committee decided to offer the lease to the existing tenants of West Park Café as they were being displaced through no fault of their own; had invested in West Park Café in the belief that they would have many years trading there; and are widely experienced in the operation of beach side cafes.

2. The terms of the lease will be generally similar to those for West Park Café but no formal lease is yet in existence. The Department of Property Services are drawing up the documentation.

The rental agreed for La Frégate Café is currently £16,000 a year. The existing West Park Café commanded a rental of £12,900 in 1997. It has also been agreed that an independent assessment of trading will take place over the first year of operation and there will then be a rent review.

3. Rentals assessed for the operation of beach side cafés under the administration of Jersey Tourism take into account the high degree of seasonality, weather conditions and trading potential, not the capital cost.

The final cost of development of La Frégate is likely to be between £600,000 and £650,000.

The concessionaires operating La Frégate have provided all of the internal catering equipment plus the internal and external seating and tables. The concessionaires are also already aware that other ‘restaurants’ will be created over the next few years on the Waterfront.

The Tourism Committee considered it reasonable, when forcibly removing the concessionaires from a site and business which they had developed over previous years, and at significant cost in respect of purchasing equipment and refurbishing, to offer them the new replacement property. Equally it is reasonable to assess the trading ability of the new premises before setting the final base rent.”

Cedar Lodge, St. John– questions and answers (Tape No. 429)

Deputy Philip John Rondel of St. John asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following questions –

“Early in 1997 the Harbours and Airport Committee entered into a lease with Mr. and Mrs. Killip for the occupation of Cedar Lodge, St. John, by an Airport Fire Officer. Unfortunately, due to our Housing Regulations the officer had to vacate the property because he did not possess the necessary residential qualifications. In November 1997 an officer of the Property Services Department wrote to me stating that it was hoped that an acceptable agreement would be reached to terminate the lease at minimal cost to the public.

Will the President advise the Assembly –

- (a) Has this been accomplished and at what cost to the Island?
- (b) If the answer is no, what steps are now being taken to reimburse the owner of Cedar Lodge and when will a satisfactory conclusion be reached?”

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

“(a) I am able to advise the members of this House that following a meeting on 18th December 1997 between representatives of the Planning and Environment Committee, Mr. and Mrs. Killip and their respective lawyers, a negotiated settlement of £6,000 was agreed and paid to Mr. and Mrs. Killip towards outstanding costs and legal expenses incurred as a result of the Harbours and Airport Committee’s officer not being able to continue occupying Cedar Lodge, thus releasing the States from all obligation in respect of this property.

I can further advise that a claim has been registered with the States’ insurers in anticipation that there may be an opportunity of recovering a proportion of the settlement and reducing the cost to the public.

Mr. and Mrs. Killip were able to lease the property to another party. Whilst it might seem that legal costs could have been avoided, the reference of the matter to the Attorney General made it necessary for both sides to be properly advised.

- (b) As agreement has been reached, the Deputy’s second question needs no answer.”

Noisy jet aircraft – statement

The Connétable of St. Peter made a statement in the following terms–

“As Connétable of St. Peter and as a proud member of the States of Jersey Assembly I feel bound to place on record the genuine concern and disappointment felt by many of my parishioners at a recent decision of the Harbours and Airport Committee.

There are times, I regret, when one can understand the exasperation and even disillusionment of the electorate in the manner in which we conduct our affairs through our own States Committee system.

Last year this States Assembly voted overwhelmingly (2-1) to ban the use of the BAE 1-11 (the noisy jet) on the Jersey route. For many years this particular aircraft has been the cause of a level of noise pollution for many Island residents which was generally considered to be quite unacceptable. The parishioners of

St. Peter, and many others, were delighted just a few months ago on 20th May 1997, when this House, supported by the Harbours and Airport Committee, banned this particular aircraft from flying to our Island. This was a move in keeping with our increasing environmental awareness, and the Jersey image, particularly tourism and one which supports the growing number of quieter jets now in service. At the time we did accept that in exceptional circumstances a BAE 1-11 would be allowed in. Like many others I expected this to mean relief at the time of some emergency following a period of fog perhaps. Little was it supposed that it would be used to allow one airline out of 55 to use the BAE 1-11 regularly on 26 Saturday lunchtimes during this year, namely commencing 4th May to 24th October.

It seems extraordinary that this U-turn has happened and many of us begin to wonder what confidence can be placed in a decisive States' decision. Clearly the Jersey Transport Authority felt that it could issue a licence to one tour operator without appropriate consultation in spite of the States decision to ban the BAE 1-11. The Harbours and Airport Committee in response maintained that the ban remain unaltered. At this point pressure began to be placed on the Harbours and Airport Committee in the most questionable manner, talk of one Committee working against another thus suggesting that the Harbours and Airport Committee were out of order supporting a States decision, talk of hundreds of high spending tourists being denied holidays in Jersey, all emotive arguments to blur the fact that just one airline operator out of 55 had so far not found an alternative aircraft. I am bound to wonder how the 54 operators who presumably at greater expense have found aircraft to abide by the States decision are now feeling about the way we conduct our affairs.

I have no doubt as to the feelings of many of my parishioners, they are disappointed naturally and feel very let down by some of the people in this House. To please one airline who claims it was unable to do what 54 others have successfully done we have given the impression that States decisions are lightweight and changeable. To save the 1600 holidays this tour operator should have acquired a different aircraft. Frankly this U-turn demonstrates some weakness and sadly a lack of consideration for the local residents who for years suffered excessive noise and disruption from an unwelcomed aircraft. They have wrongly believed that the BAE 1-11 had gone for ever, these residents have been badly let down firstly by the Jersey Transport Authority and secondly by the Harbours and Airport Committee which failed to stand by a States decision."

First Tower Primary School, St. Aubin's Road, St. Helier – transfer of administration

THE STATES, adopting a proposition of the Planning and Environment Committee –

- (a) approved the transfer of administration from the Planning and Environment Committee to the Education Committee of First Tower Primary School, St. Aubin's Road, St. Helier, as shown on drawing No.584/1;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

Harbours (Amendment No. 27) (Jersey) Regulations 1998 – P.192/97

THE STATES, in pursuance of Article 4 of the Harbours (Administration) (Jersey) Law 1961, as amended, made Regulations entitled the Harbours (Amendment No. 27) (Jersey) Regulations 1998.

Health Insurance (Medical Benefit) (Amendment No. 48) (Jersey) Regulations 1998 – P.5/98

THE STATES, in pursuance of Articles 18 and 46 of the Health Insurance (Jersey) Law 1967, as amended, made Regulations entitled the Health Insurance (Medical Benefit) (Amendment No. 13) (Jersey) Regulations 1998.

Road Transport Lighting (Repeal) (Jersey) Law 199 – P.6/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Road Transport Lighting (Repeal) (Jersey) Law 199 .

Road Traffic (No. 48) (Jersey) Regulations 1998 – P.7/98

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 49 of the Road Traffic (Jersey) Law 1956, as amended made Regulations entitled Road Traffic (No. 48) (Jersey) Regulations 1998.

Crabbé explosives magazines, St. Mary: approval of drawings– P.9/98

THE STATES, adopting a proposition of the Defence Committee –

- (a) approved drawings Nos. 706-06/11/12/21/22/31 and 32, showing the construction of new explosives magazines at Crabbé, St. Mary;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Rose Cottage, Coie Lane, St. Saviour's Road, St. Helier: purchase- P.8/98

THE STATES, adopting a proposition of the Planning and Environment Committee –

- (a) approved the purchase on behalf of the public of the property known as Rose Cottage, Coie Lane, St. Saviour's Road, St. Helier, together with the garden and outbuildings as shown on drawing No. 585/1 from Mrs. Norah Sylvia Rayson, née Hopkins, for £129,500 (one hundred and twenty-nine thousand five hundred pounds), with the public being responsible for the payment of all reasonable legal costs; and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contract that it might be found necessary to pass in connection with the purchase of the said land and buildings and any interest therein;
- (c) authorised the payment or discharge of any expenses incurred in connection with the purchase of the property and any interests therein, and of the payment of all legal expenses from the Planning and Environment Committee's capital vote of credit 'Acquisition of Land – Major Reserve' (Vote No. C0904).

THE STATES rose at 11.07 a.m.

C.M. NEWCOMBE

Deputy Greffier of the States.