

**THE STATES assembled on Tuesday,  
20th November 2001 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,  
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,  
was present**

All members were present with the exception of -

Henry George Coutanche, Connétable of St. Lawrence - out of the Island  
Michael John Touzel, Connétable of St. John - out of the Island  
Jacqueline Jeannette Huet, Deputy of St. Helier - out of the Island

Prayers

#### **Subordinate legislation tabled**

The following enactments were laid before the States, namely -

**Motor Vehicles (Construction and Use) (Amendment No. 3) (Jersey) Order 2001. R & O 161/2001.**

**Motor Vehicle Registration (General Provisions) (Amendment No. 9) (Jersey) Order 2001. R & O 162/2001.**

**Motor Cars (Driving Instruction) (Amendment No. 12) (Jersey) Order 2001. R & O 163/2001.**

**Post Office (Foreign Post Provisions) (Amendment No. 27) (Jersey) Order 2001. R & O 164/2001.**

**Post Office (General Provisions) (Amendment No. 48) (Jersey) Order 2001. R & O 165/2001.**

**Lodging Houses (General Provisions) (Amendment No. 8) (Jersey) Order 2001. R & O 166/2001.**

**Regulation of Undertakings and Development (Return of Employers) (Jersey) Order 2001. R & O 167/2001.**

**Pilotage (Dues and Fees) (Amendment No. 14) (Jersey) Order 2001. R & O 168/2001.**

**Royal Court (Amendment No. 18) Rules 2001. R & O 169/2001.**

#### **Matters presented**

The following matters were presented to the States -

**The Jersey Law Commission: report for 2000 - R.C. 36/2001.**  
Presented by the Legislation Committee.

**Overseas Aid Committee: annual report for 2000.**  
Presented by the Overseas Aid 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 7th November 2001 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 Education Committee, the lease to the Jersey Electricity Company Limited of Section Pillar No. 6604, located at St. Luke's Vicarage, Beach Road, St. Saviour, for a period of 99 years, deemed to have commenced from 1st April 1991, under the usual terms and conditions with the sum of £99 to be paid to the Committee upon commencement of the agreement, on the basis that, as the section pillar was a general facility for the area, the company would be responsible for both parties' legal costs arising from this transaction;
- (b) as recommended by the Harbours and Airport Committee, the lease to George Troy and Sons Limited of the Albert Pier Workshop (Letting No. A43/A43B) for a further period of three years, deemed to have commenced on 1st July 2001, at an annual rent of £7,327.80 subject to annual review, on the same terms and conditions as before;
- (c) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. John Baxter Marett of the three-bedroom property known as Mont St. Michel, New St. John's Road, St. Helier, for period of three years from 1st April 2001, at a commencing annual rent of £14,226 (representing a rate of £273.58 a week), payable quarterly in advance, with annual rent reviews in line with the Jersey Retail Price Index, on the basis of the lease being subject to three months' notice on behalf of the tenant Committee only, and with each party to be responsible for its own legal costs arising from this transaction;
- (d) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of electricity sub-station No. 48 and also section pillar 5628, located at Jardin des Carreaux, Queen's Road, St. Helier, for a period of 99 years, under the usual terms and conditions, with the sum of £99 to be paid to the Committee upon commencement of the agreement, with all wayleaves associated with this sub-station to be granted free of charge, on the basis that each party was to be responsible for its own legal costs arising from this transaction;
- (e) as recommended by the Home Affairs Committee, the lease to the Jersey Electricity Company Limited of electricity sub-station No. 285, located at H.M. Prison La Moye, St. Brelade, for a period of 99 years at an annual rent of £1, payable in a lump sum upon the passing of the contract, with all wayleave rights associated with the sub-station (as shown on Plan No. 06L, reference P1554, dated 23rd July 2001) to be granted free of charge, on the basis that each party was to be responsible for its own legal costs arising from this transaction.

### **Matters noted - acceptance of tender**

THE STATES noted an Act of the Finance and Economics Committee dated 7th November 2001, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Public Services Committee, by Act dated 1st October 2001, had accepted the lowest tender for the proposed reconstruction and upgrade of the existing rising main from Fauvic Pumping Station at Rue du Marais à la Cocque, Grouville across farmland to La Rue du Puits Mahaut (a distance of approximately 990 metres) namely that submitted by Jayen (Jersey) Limited in a sum of £298,084.80.

### **Matters lodged**

The following matters were lodged "au Greffe" -

**Draft Road Traffic (No. 52) (Jersey) Regulations 200 P.176/2001.**  
Presented by the Home Affairs Committee.

**Draft Public Service Vehicles (Fees) (Amendment No. 12) (Jersey) Regulations 200 P.177/2001.**  
Presented by the Home Affairs Committee.

**Draft Hire Cars (No. 11) (Jersey) Regulations 200 P.178/2001.**  
Presented by the Home Affairs Committee.

**Machinery of Government: the composition and election of the States Assembly - P.179/2001.**  
Presented by the Policy and Resources Committee.

**La Collette Fuel Farm, St. Helier: lease to Shell (UK) Limited and Esso Petroleum Company Limited - P.180/2001.**  
Presented by the Harbours and Airport Committee.

**Draft Public Finances (Administration) (Amendment No. 10) (Jersey) Law 200 P.181/2001.**  
Presented by the Finance and Economics Committee.

**Draft Jersey Potato Marketing Scheme 200- (Approval) (Jersey) Act 200- P.182/2001.**  
Presented by the Agriculture and Fisheries Committee.

#### **Draft Fishing Vessels (Safety Training) (Jersey) Regulations 200- P.140/2001 Amd.**

THE STATES noted that under Standing Order 22(3) Deputy G.C.L. Baudains of St. Clement had instructed the Greffier of the States to withdraw his proposed amendment to the Draft Fishing Vessels (Safety Training) (Jersey) Regulations 200- (P.140/2001 Amd. lodged "au Greffe" on 30th October 2001).

#### **Arrangement of public business for the next meeting on 27th November 2001**

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 27th November 2001 -

François Scornet: commemorative statue - P.116/2001.  
Lodged: 17th July 2001.  
*Senator P.V.F. Le Claire.*

François Scornet: commemorative statue (P.116/2001): comments - P.116/2001 Com.  
Presented: 13th November 2001.  
*Finance and Economics Committee.*

Draft Fishing Vessels (Safety Training) (Jersey) Regulations 200- P.140/2001.  
Lodged: 2nd October 2001.  
*Harbours and Airport Committee.*

Machinery of Government Implementation Plan: Special Committee - P.146/2001.  
Lodged: 9th October 2001.  
*Senator J.A. Le Maistre.*

Machinery of Government Implementation Plan: Special Committee (P.146/2001): Comments - P.146/2001 Com.  
Presented: 13th November 2001.  
*Human Resources Committee.*

Machinery of Government Implementation Plan: Special Committee (P.146/2001): Comments - P.146/2001 Com.(2).

Presented: 13th November 2001.

*Finance and Economics Committee.*

Committee of Inquiry: procedures for recruitment of Honorary Police Officers - appointment of members - P.148/2001.

Lodged: 9th October 2001.

*Deputy R.G. Le Hérissier of St. Saviour.*

Committee of Inquiry: procedures for recruitment of Honorary Police Officers - appointment of members (P.148/2001): Comments - P.148/2001 Com.

Presented: 13th November 2001.

*Human Resources Committee.*

Committee of Inquiry: procedures for recruitment of Honorary Police Officers - appointment of members (P.148/2001): Comments - P.148/2001 Com.(2).

Presented: 13th November 2001.

*Finance and Economics Committee.*

States members' income support and expense allowance: annual increases - P.160/2001.

Lodged: 23rd October 2001.

*House Committee.*

States members' income support and expense allowance: annual increases (P.160/2001): amendment - P.160/2001 Amd.

Lodged: 13th November 2001.

*Human Resources Committee.*

Draft Shipping (Jersey) Law 200- P.162/2001.

Lodged: 23rd October 2001.

*Harbours and Airport Committee.*

Draft Summer Time (Jersey) Act 200- P.168/2001.

Lodged: 13th November 2001.

*Legislation Committee.*

States members: part reimbursement of Class 2 social security contributions- P.169/2001.

Lodged: 13th November 2001.

*House Committee.*

Draft Amendment (No. 26) to the Tariff of Harbour and Light Dues- P.171/2001.

Lodged: 13th November 2001.

*Harbours and Airport Committee.*

Draft Amendment (No. 27) to the Tariff of Harbour and Light Dues- P.172/2001.

Lodged: 13th November 2001.

*Harbours and Airport Committee.*

Draft Boats and Surf-Riding (Control) (Amendment No. 21) (Jersey) Regulations 200 P.173/2001.

Lodged: 13th November 2001.

*Harbours and Airport Committee.*

Draft Harbours (Amendment No. 33) (Jersey) Regulations 200 P.174/2001.

Lodged: 13th November 2001.

*Harbours and Airport Committee.*

THE STATES noted that the following matter lodged “au Greffe” would be considered at the meeting on 4th and 5th December 2001 -

Budget 2002.

Lodged: 6th November 2001.

*Finance and Economics Committee.*

**La Sirène Guest House, St. Helier: *ex gratia* payment to proprietors - P.119/2001.**

THE STATES granted leave to Deputy A.S. Crowcroft of St. Helier to withdraw his proposition regarding La Sirène Guest House, St. Helier: *ex gratia* payment to proprietors (P.119/2001).

**Policy Report - question and answer (Tape No. 694)**

Senator Christopher Gerard Pellow Lakeman asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following question -

- “(a) Would the President explain to members the reasons for the resignation of Mr. Dewi Rees as a Appointed Director of the Jersey Growers’ Association?
- (b) Would the President explain the reason for the further delay in the Committee responding to questions posed by the Finance and Economics and Policy and Resources Committees regarding the Agriculture and Fisheries: policy report?
- (c) Would the President agree to set a date for debating the Agriculture and Fisheries: policy report 2001 (P.126/2001)?”

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

- “(a) I have spoken with Mr. Rees, who has made his reasons clearly known to the Chairman of the Jersey Growers’ Association and does not believe that any further discussion would be helpful to the development of the Association.
- (b) There have been several reasons for the delay in responding. At a meeting of the Policy and Resources and Finance and Economics Committees on 4th October 2001, attended by myself and the Vice-President of the Agriculture and Fisheries Committee and by the Chief Executive Officer of the Department, there was considerable discussion as to the extent of support for the policy proposals from the various sectors of the industries. It was made clear that before the Policy and Resources and Finance and Economics Committees decided whether they would support the policy proposals they wished to have a clearer indication of the industries’ views.

We have held a number of meetings with representatives of the various sectors of the industries to answer their questions and to explain further the policy proposals and their implications. Following a meeting with the Council of the Jersey Farmers’ Union on 18th October 2001 the Union has declared its full support for the policy proposals. With regard to the dairy industry a meeting with representatives of the industry took place on 31st October 2001. At that meeting there was detailed discussion of the industry’s Ten Point Plan. I am pleased to say that there was a very high level of agreement between the ten points and the policy proposals. The Agriculture and Fisheries Committee subsequently confirmed, at its meeting on 6th November 2001, that it agreed all the points in principle. The Fisheries Industry has also signalled its full agreement to the policy proposals. It is clear, therefore, that there is now a very high level agreement within the industries concerning the policy proposals.

On that basis I have now responded to the comments and questions from the Policy and Resources and Finance and Economics Committees and I expect further discussion with both Committees to discuss my responses as necessary and to address any additional questions or comments they may have.

- (c) It follows from my previous answer that the date for the debate depends on further discussions with the two other Committees. I would like to mention that the Presidents and Vice-Presidents of the Agriculture and Fisheries and Finance and Economics Committees had a very constructive meeting on 6th November 2001 to discuss a number of issues arising from the Policy Report, including funding. There is to be a further meeting on 21st November 2001 to continue these discussions. The Agriculture and Fisheries Committee wishes the debate to take place at the earliest possible date. If, as a result of these ongoing discussions, any amendments to the proposition are considered to be necessary, it is likely that the debate will be early in the next session.”

#### **Waterfront site - question and answer (Tape No. 694)**

The Deputy of St. John asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“On 12th December 1995, the States agreed to transfer parts of the west of Albert reclamation site to the Waterfront Enterprise Board (W.E.B.) for the purposes of their maintenance, management and landscaping and for the purposes of promotion of development subject to the prior approval of development proposals by the Planning and Environment Committee. Now that the Planning and Environment Committee has agreed the planning format for the waterfront area -

- (a) should the site not now be given over to W.E.B., for example by way of a lease, so that WEB can get on with their development of this site?
- (b) given that W.E.B. is a wholly owned States’ company, would the President indicate the Committee’s willingness to take this action and if not, would he explain to the Assembly why not?”

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

“(a) Yes.

- (b) The Policy and Resources Committee has met WEB representatives and has indicated its support for this action. The financial implications of the proposal are now, I understand, the subject of discussion between the Waterfront Enterprise Board and the Finance and Economics Committee. Any proposals will be submitted, in due course, to the States.”

#### **Funds of the Schools Bus Service and the objectives of the Information Systems Strategy - questions and answers (Tape No. 694)**

Deputy Roy George Le Hérisier of St. Saviour asked Senator Leonard Norman, President of the Education Committee, the following questions -

- “1. Would the President confirm that when administration of the Schools’ Bus Service was transferred to the Public Services Committee, the funds for that service remained with the Education Committee? If the answer is in the affirmative, would the President identify the sum in question and outline how these funds have been utilised by the Education Committee?
2. (a) To what extent have the objectives of the Information Systems Strategy ‘Putting Jersey’s Future First’ been met?
- (b) How is the success, or otherwise, of the Strategy measured?

(c) What steps are in place, or will be put in place, to ensure all objectives will be achieved?"

The President of the Education Committee replied as follows -

- “1. The administration of the School Bus Service was transferred to the Public Services Committee in January 1997 and the Education Committee’s Cash Limit for that year was agreed with the Finance and Economics Committee to exclude provision for the School Bus Service, therefore the funds for the school bus service did not remain with the Education Committee.
2. (a) The Vision of the Education Committee’s Information Systems Strategy is that ‘The Education Service will work in partnership with the local community, public and private sector organisations and the States of Jersey to prepare students and adults for the Information Society by improving learning skills and educational outcomes to create more effective and skilled Islanders’.

The implementation of the Strategy is supporting and transforming the teaching and learning processes in many and diverse ways for both teachers and students and the projects included in the Strategy have been met with support and enthusiasm from the schools and wider community.

The Audit and Risk Management Division of the Treasury has commissioned several independent audits in respect of the delivery of the Strategy. To date, all controls examined have been classified as ‘excellent’. One review specifically looked at ‘ensuring that there was a methodology of monitoring the achievement of the targeted outputs of the Strategy’ and found that all targets had been achieved within timescale and budget at that time. The implementation of the final phase will be subject to the same scrutiny, with several more audits planned for 2002.

Projects Boards which have accountability for individual project objectives, define specific targets within the Project Initiation Documents, which are endorsed by the Education Department’s ICT Forum as authorisation before expenditure. To date, all Phase 1 projects which include implementation of extensive local area networks in primary schools, secondary schools, Highlands College, youth centres, provision of notebooks to teachers, support of a library initiative and the development of the flagship Wide Area Network have all been signed off as successful. Extensive legal contracts defined in conjunction with the States Law Officers’ Department, ensure that suppliers deliver against pre-specified acceptance criteria.

- (b) There is no doubt that the Strategy is a success and is changing the way students learn and teachers deliver learning. Informal measures of success include support from all those who have benefited from the implementation of the Strategy and acknowledgement of its wider benefits being communicated to the staff in the Education Department’s ICT section almost daily. A Case Study is currently being prepared by a leading United Kingdom Information and Communications Company to celebrate the success of the IS Strategy in Jersey and to highlight it as best practice for other education authorities to follow.

The PRINCE project management methodology has been used internally, to plan and monitor the delivery of the Strategy, to ensure a consistent approach and a successful outcome for projects. Detailed Project Initiation Documents are specified with tangible outcomes which are monitored during and post implementation.

In addition to the published Strategy and project objectives, there is a separate list of targets relevant to the individual educational institutions linked to school development plans where appropriate. Each school has a School Development Plan in place which includes an action plan for ICT and is subject to VSSE (Validated School Self Evaluation) led by an OFSTED inspector who evaluates ICT.

Other success factors include the following -

all schools and Highlands College have advanced curriculum networks which facilitate the exploitation of communication technologies and independent learning systems;

all pupils in Jersey have their own personal e-mail account and are able to benefit from safe and secure access to the Internet which enables them to access information and curriculum resources from all around the world and engage in collaborative learning;

all full-time teaching staff have been equipped with a sophisticated notebook PC which allows them to develop the use of ICT in the context of the curriculum and utilise ICT as a key part of the learning experience for students;

youth clubs have public access PCs for community use with access to industry standard application software and the Internet;

the Library has mounted its catalogue on the Internet for external viewing and schools have access to the catalogue via their curriculum network Internet connexions.

The role of the Education Department's ICT Forum has been an important factor in ensuring on-going success, responsible for -

strategic leadership of the Strategy;

ensuring the implementation keeps on-track;

co-ordination and integration to ensure no gaps or overlaps;

monitoring agent of projects taking place;

re-focusing of Strategy if necessary;

establishment of policies and standards.

In order to measure the Strategy's success formally it will be necessary to wait until the implementation of the final phase is complete. Discussions have already taken place between officers of the Education Department and the Audit and Risk Management Division of the Treasury to agree the way forward to measure the success of the Strategy and its impact on learning.

The United Kingdom Government published a report this year which contains the most up to date findings on the use of ICT in schools and its impact on learning and pupil attainment. This information will be used by the Government with regard to setting standards for benchmarking and performance measurement in the future. Jersey will then be able to use these indicators to measure local performance and attainment and compare nationally. Although it may take some time for the performance indicators to be finalised in the United Kingdom and to fully assess the output of the Jersey Information Systems Strategy in such terms, local schools should feel confident from the findings reported so far, that they are well placed to achieve 'above national standards' in line with the top performing United Kingdom schools. It is very significant that all of the 'key factors' described within the report which correlate with high standards, have already been identified within our IS Strategy and implemented or developed in local schools.

- (c) The Strategy is being delivered through robust management arrangements and the Education Department's ICT Forum ensures that each initiative is adequately resourced and has the necessary commitment at all levels of the organisation.

As with Phase 1 of the Strategy, the PRINCE project management method will be utilised to ensure successful project delivery. Project Boards will be convened for each remaining project, to



specify requirements and agree solutions. A Project Initiation Document will need to be produced for each project, agreed by the Project Board and endorsed by the ICT Forum which will specify outcomes and objectives. Following authorisation by the ICT Forum the Project Manager from the ICT Section will conduct the tendering process and procure the solutions.

A 'Curriculum and Learning Development Group' is to be established for the final phase of the Strategy, to drive the development of training, e-learning and usage of the ICT provision and to monitor its effectiveness.

The achievement of the Strategy's vision is an essential and worthwhile investment in the community and our future but we must not stand still or Jersey will not be able to maintain its competitive edge in the commercial world. Work is currently underway to develop the Education Committee's next Information Systems Strategy to build on the successes and achievement of 'Putting Jersey's Future First' and which will require the continued support of the States if we are to continue to prepare students and adults for the Information Society."

### **Recent planning consents - questions and answers (Tape No. 694)**

Deputy Gerard Clifford Lemmens of St. Clement asked Senator Nigel Lewis Qu  r  e, President of the Planning and Environment Committee, the following questions -

- “1. With reference to Field 126 in St. Clement, I recently received a letter, dated 18th October 2001, from the Planning and Environment Department advising me that the Committee had decided to refuse planning permission for the construction of nine three-bedroomed houses, giving four reasons for that refusal. In the Jersey Evening Post on 9th November 2001 (only three weeks later) we were advised that consent had in fact been granted. Will the President -
  - (a) explain why, having refused planning permission for the construction of nine houses in Field 126 in St. Clement in October 2001, and having given four reasons for that refusal, the Committee has now reversed its decision?
  - (b) explain which, if any, of the four criteria that constituted the reasons for the original refusal have changed and, if so, how, and give details of any other material changes since the original refusal?
  - (c) state why a revised application was not submitted and advertised in the usual way so that any interested parties could have an opportunity to comment?
2. Would the President explain why he has not notified either myself or the Conn  table of St. Clement that planning permission has been granted for the development opposite La Mare car park, St. Clement or for the development by Le Riches Group at St. Luke's Shops, Inner Coast Road, St. Clement?”

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

- “1. (a) The Committee, having taken legal advice, and following a request from the landowner to reconsider the refusal of permission, took the view that it was unlikely to win an appeal in the Royal Court, despite its preference not to see development on the site. The reason for this is that the States had, in November 1987, designated the site in the Island Plan as part of the Built Up Area in which, generally, the principle of development is supported. Accordingly the potential developers of the site had been advised, by the Planning Department, that there were no policy grounds on which the principle of development could be refused. Indeed, an earlier application had been refused on detailed grounds and not on the principle of developing the site.
  - (b) There had been no material changes since the application was originally refused.
  - (c) There was no revised application. The owner's request was to reconsider the refusal of permission of

the original application. The proposal was therefore exactly the same as had been advertised when originally submitted, and the representations, which were taken into account by the Committee, had already been made.

2. The Committee's long standing policy regarding notification of decisions to interested parties is to give written notice at the same time as the decision notice is issued. We can only notify those who have made written representations on the application - we cannot guess who might be interested. In accordance with the Code of Practice on Public Access to Official Information, the development control and appeal agendas are publicised in advance of the meetings and often the press request and report information on decisions before we are able to send written notification of the decision to those persons who have expressed in writing their interest in the application. Officers always attempt to contact the applicant as soon as possible.

*'Seapoint' and adjoining properties, La Grande Route de la Côte, St. Clement*

The Committee's decision was only made on 8th November 2001, and was contingent on a minor revision being made to the plans. The Department will issue the permit when the revised plan is received, at which time those who made written representations will be notified in writing. Both Deputy Baudains and the Parish Secretary, who among others made written representations, will be notified in writing at that time.

*St. Luke's shops, La Grève d'Azette, St. Clement*

The Connétable was notified of the Committee's decision by letter dated 6th September 2001. Although we had received written representations from the Deputy on a previous application, we have no record of him making any written comments on this application."

#### **Court case costs - question and answer (Tape No. 694)**

The Deputy of St. John asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following question -

"Can the President inform the States as to the total costs to date of taking the case concerning the demolition of Janvrin's Farm to Law, including the Crown Officers' time?"

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

"It is not possible to give an accurate answer to this question at the present time. The external lawyers' bills have not yet been received or in some cases verified by the Court's taxation procedures. Furthermore, it would be inappropriate to answer the question while further legal process is possible and consideration is currently being given to the possibility of an application to the Judicial Committee of the Privy Council for leave to appeal."

#### **Mont Orgueil Castle - question and answer (Tape No. 694)**

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

"In reply to a question I put to the President on 9th October 2001 relating to Mont Orgueil Castle, he stated -

'All works at the castle continue to be carefully monitored; at present this is limited to archaeological investigation and the repair of the Medieval Great Hall roof.'

The President also gave an undertaking that the site, although not a Site of Special Interest, would be treated

as if it were such. It has been brought to my notice that new work has been carried out to an approximately 800 year old arrow window in the central mount passageway opposite the Guard Tower.

In light of the above, would the President inform members -

- (a) of the nature of the archaeological investigation, whether material removed during this exercise is being replaced and whether any openings that form part of the original Heritage Trust development plan are being created by this investigation?
- (b) when the above mentioned arrow window was damaged and an electricity cable run through it?
- (c) why irreparable damage to such an important monument continues despite the many assurances given, not least as recently as 9th October 2001?"

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

“(a) If the Deputy is referring specifically to the arrow slit, it was revealed as part of Dr. Rodwell’s recent archaeological examination of the castle, that the internal jambs of the arrow slit had been reconstructed, probably in the 1920s or 1930s, although the external face appears to be 13th century. I have been advised that further damage to this modern masonry was caused when Public Works installed cables about 30 years ago. Precise dates cannot be given due to the paucity of Public Works records. The modern masonry around the medieval window was unstable and has been removed. The Jersey Heritage Trust has retained this stone-work. The question of how to restore this feature will be determined as part of the Trust’s overall proposals for the castle, shortly to be published for consultation. No damage to historic fabric has occurred as part of this archaeological investigation.

On the more general point regarding the nature of the archaeological investigations carried out by Dr. Rodwell, these have been undertaken to enable the Heritage Trust and other interested parties to understand the evolution of the space known as the ‘Tudor Great Hall’ and the adjacent Guard Room, Long Passage and Medieval Great Hall roof. This has been particularly important given the public debate and the uncertainty about the history of this part of the castle. An understanding of the sequence of construction has necessitated the removal of some more recent blockages and infills from existing historic openings. This work has been undertaken with the full involvement and approval of staff of the Historic Buildings Section. The future treatment of these historic spaces, including the recently unblocked openings, has yet to be decided and will be guided by the conclusions of the Conservation Plan and subsequent consultation responses.

- (b) As I stated in the answer to part (a), Public Works cut a slot from the Guard Tower to the arrow slit and buried cables within the walls approximately 30 years ago.
- (c) There has been no irreparable damage to the Castle.”

#### **Public relations - question and answer (Tape No. 694)**

The Deputy of St. John asked Deputy Alan Simon Crowcroft, President of the Public Services Committee, the following question -

“Will the President confirm that the Committee is using a public relations company or similar agency? If the answer is in the affirmative -

- (a) will the President give details -
  - (i) of the name of the company and its directors?
  - (ii) of the company’s charges, particularly in relation to press releases and state how many have been

issued to date by the public relations company on behalf of the Committee?

- (iii) how long the Committee has been using these services?
  - (iv) confirm whether the public relations company was used in the recent bus dispute?
  - (v) which vote is used to pay the consultants?
- (b) given the tight budget restraints and cuts in services as reported in the media on 8th November 2001, does the President consider this is good use of tax payers' money?"

The President of the Public Services Committee replied as follows -

- “(a) The Public Services Committee has from time to time used an external organisation to assist with media and publications work.
- (i) The company currently used is Addendum Media. The Directors are Mr. G. Rankine and Mr. C. Kenyon.
  - (ii) The scale of charges for the services provided is commercially sensitive. Suffice it to say that the rates are very significantly less than rates paid by other States' Committees for various external public relations' consultants. In the past year the company's services have been used on 13 out of a total of around forty or so media releases. They have also been responsible for arranging four press conferences. The total cost of these services to date this year is £10,918.35.
  - (iii) The Committee has made use of the company from time to time during the past three years. The company was selected after considering the services available and the costs from a number of similar organisations.
  - (iv) Yes, the Company was used on the recent bus dispute.
  - (v) The funding of external assistance with media releases and press conferences is taken from the vote for the specific topic which the media work covers. For the more general items, such as the production of the Department's Business Plan, the work is charged to the Business Planning Budget which is part of the Committee's overall Cash Limit.
- (b) The Deputy is correct in his statement that there are tight budget restraints on the Public Services Committee. This is particularly so since the Committee has implemented its Service Review to achieve significant savings in both financial and manpower terms. The Committee publishes a media release after every meeting, and organises many press conferences and public meetings. The vast majority of this work is provided 'in house'. External public relations assistance is only sought on specific matters where the Committee considers such assistance to be necessary to ensure that it gets its message across to the public. Given the high public profile of the Committee's work, the complexity of many of the issues involved, and the fact that the bulk of this work is sourced without outside help, I believe that the Committee's expenditure on public relations does represent value for money.”

#### **Common management functions - question and answer (Tape No. 694)**

Deputy Roy George Le Hérisier of St. Saviour asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

“On 23rd October 2001, the Vice President advised the Assembly that his Committee had no plans further to amend the management structures at the Harbours and Airport. Would the President indicate whether steps have been taken to merge common management functions (such as Information Technology and Personnel) of the Harbours and Airport Departments? If the answer is in the negative, could he indicate whether he

intends to encourage a merging of functions and, if not, why not?"

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

"No. This is because -

1. These two trading areas are totally different in almost every way.
2. The Report of the Review Panel of the Machinery of Government in Jersey, 'the Clothier Review' suggests on page 55 that they be separate organisations.
3. They operate on different sites.
4. Both entities are undergoing change to make them more commercially focused and able to meet the brave new world post-Clothier.
5. The commercial and operational independence of each area is required to be able to react in a timely way to the needs of their respective customers.
6. Although both areas are currently accountable to the States through the Harbours and Airport Committee, this will change when accountability will be to a Minister, regulation by the Jersey Competition Regulatory Authority and wider accountability through transparency to the stakeholders.
7. The skills required in each department are very different. Commonality, as suggested by the Deputy, is on a very small scale. He mentions IT - in the Harbour this is financially centred, whereas at the Airport it pervades the whole operation on a highly specialised form. Personnel - the Airport has a team of two for 250 staff who work varied shift patterns, whereas the Harbour employs one post for 98 permanent staff."

#### **Common management functions - question and answer (Tape No. 694)**

Deputy Roy George Le Hérissier of St. Saviour asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, the following question -

"Would the President indicate whether steps have been taken to merge common management and administrative functions (such as Information Technology and Personnel) in the constituent Departments that fall under his Committee? If the answer is in the negative, could he indicate whether he intends to encourage a merging of functions and, if not, why not?"

The President of the Home Affairs Committee replied as follows -

"The Home Affairs Committee inherited a range of management structures in the departments which reported previously to the Defence Committee prior to December 1999. At that time, the Prison joined the Home Affairs 'family' and we also took operational responsibility for the Customs and Excise Department. Most of the constituent departments cater for their own IT and personnel needs by incorporating such responsibilities within the job descriptions of particular managers. From time to time, they do of course draw on the specialist advice available from the Centre, notably the Computer Services Department and States Human Resources Department. The only exception to this is the States of Jersey Police which, for operational reasons, scale and the particular personnel needs of the Force, have specialised IT and HR staff. The responsibility for the Committee's budget is already centralised with the Finance Director who reports to the Director Home Affairs. The Finance Director acts as 'banker' for all the departments' delegated budgets and as their financial adviser.

The Home Affairs Committee has already recognised that there might be potential for rationalising some of these functions. Consequently, it has allocated ten days in the Home Affairs Audit Committee's 2002 plan

for an audit of cross-Committee arrangements for finance, IT, HR and building management. This audit is scheduled for February/March 2002. However, bearing in mind the lack of dedicated support staff in its member departments, the Committee wishes to be satisfied that any recommendations to merge functions will not result in an unjustifiable net gain in staff numbers, thereby breaching the Human Resources Committee's guidelines and Finance and Economics Committee's desire for greater budgetary discipline. Furthermore, account must be taken of the changes which will inevitably flow from the reform of the machinery of government."

#### **International swimming competition facilities - question and answer (Tape No. 694)**

The Deputy of St. John asked Deputy Michael Edward Vibert of St. Brelade, President of the Sport, Leisure and Recreation Committee, the following question -

"On 13th November 2001 the President assured the Assembly that the Fort Regent pool would not be closed until a viable alternative was in place.

Can the President outline how the Committee will ensure that the international competition facilities currently available at Fort Regent pool will be replicated at other facilities once the pool is closed?"

The President of the Sport, Leisure and Recreation Committee replied as follows -

"On 27th July 1999 the States agreed to allocate £2 million to develop a conventional swimming pool alongside the leisure pool currently being built on the waterfront. The States agreed at this time that this new pool would replace the Fort Regent pool and that Fort Regent pool would close when this facility was operating. The lease, which has been signed by the operator, contains a clause, which requires SLR to close the Fort Regent pool down within six months of the Waterfront pool opening and operating satisfactorily.

The new pool will be 25 metres long with six lanes. It will have one metre and three metre diving boards which replicate the current diving provision at Fort Regent.

It is my Committee's intention that swimming competitions will take place at Les Quennevais pool when the Fort Regent pool closes. Les Quennevais is an eight-lane 25 metre facility. It has all the electronic timing equipment necessary for swimming competitions up to international standard. There are 164 seats in the spectator gallery. The Jersey Amateur Swimming Association has discussed their concerns about the limited space on poolside for competitors and officials. My Committee is currently undertaking a feasibility study to identify the best way to increase this space and I am confident that this can be achieved. The study will be considered by the aquatic working group which has been set up and comprises members representing the Jersey Amateur Swimming Association, Education, Schools and Sport Leisure and Recreation.

Currently there are approximately seven local galas held at Fort Regent each year. Two of these involve competitors from Guernsey. There are two main Open meets held at Easter and in the October half term which attract visiting swimmers. My Committee supports both these meets. I am confident that these galas can be accommodated very successfully at Les Quennevais."

#### **Introduction of work permits - P.107/2000**

**Comments - P.107/2000 Com.**

**Comments - P.107/2000 Com.(2)**

THE STATES rejected a proposition of Senator Paul Vincent Francis Le Claire that -

- (a) all persons who were not eligible for consent to lease or purchase residential accommodation in accordance with the provisions of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, and persons who were not ordinarily resident on the day of introduction of the scheme, should be required to obtain a work permit before taking up employment in the Island for the first time;

- (b) the Policy and Resources Committee should be charged, in conjunction with the Industries Committee and any other Committee involved, to bring forward proposals for the implementation of a work permit scheme compatible with the Island's international obligations and based on the general principles set out in the Appendix to the report of Senator Paul Vincent Francis Le Claire dated 23rd September 1999;
- (c) the work permit scheme, once implemented, should replace the current provisions on the engagement of locally qualified persons as defined in the Regulation of Undertakings and Development (Jersey) Regulations 1978, as amended, and to charge the Industries Committee to prepare the necessary legislation to implement the change.

Members present voted as follows -

**“Pour” (4)**

**Senators**

Le Claire.

**Deputies**

Breckon(S), G. Baudains(C), Martin(H).

**“Contre” (42)**

**Senators**

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

**Connétables**

Grouville, St. Helier, St. Martin, St. Ouen, Trinity, St. Saviour, St. Clement, St. Brelade, St. M St. Peter.

**Deputies**

H. Baudains(C), S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), Grouville, St. Marti St. John, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, St. Ouen, Dorey(H), Troy(B), Voisin(I) Scott Warren(S), Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H).

**Projet de Loi (200-) (Amendment) sur la Voirie - P.90/2001.**

**P.90/2001: rapport**

**P.90/2001: rapport (2)**

THE STATES commenced consideration of the Loi (200-) (Amendement) sur la Voirie and, after discussion, rejected the preamble.

Members present voted as follows on the preamble -

**“Pour” (13)**

**Senators**

Norman.

**Connétables**

St. Ouen, Trinity.

**Deputies**

Breckon(S), St. John, Vibert(B), G. Baudains(C), Dorey(H), Troy(B), Farnham(S), Le Hérisier(S)  
Ozouf(H), Martin(H).

**“Contre” (34)**

**Senators**

Le Maistre, Stein, Quérée, Bailhache, Syvret, Walker, Kinnard, Le Sueur, Le Claire.

**Connétables**

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

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), Grouvill  
St. Martin, Le Main(H), Crowcroft(H), St. Peter, Dubras(L), St. Ouen, Scott Warren(S), Fox(H), Bric  
(H).

**Draft Disability Transport Allowance (No. 2) (Jersey) Regulations 200 P.163/2001**

THE STATES, in pursuance of Articles 3 and 15 of the Disability Transport Allowance (Jersey) Law 1997, made Regulations entitled Disability Transport Allowance (No. 2) (Jersey) Regulations 2001.

**Unit 6, La Rue Grellier, La Rue des Prés Trading Estate sub-lease of warehouse - P.164/2001  
Comments - P.164/2000 Com.**

THE STATES, adopting a proposition of the Telecommunications Board -

- (a) approved the sub-leasing by the public from Abbey Plant Limited of warehousing/workshop accommodation at Unit 6, La Rue Grellier, Rue des Prés Trading Estate, St. Saviour, for a period of seven year and nine months from 1st December 2001 at an annual rent of £28,000 (representing a rate of £6.45 per square foot for the ground floor warehouse and £3.00 per square foot for the mezzanine floor offices) with the rent being reviewed on 25th March 2004 and 25th March 2007, in accordance with the increase in the Jersey Retail Price Index;
- (b) authorised the Greffier of the States to sign the necessary agreement; and
- (c) authorised the Treasurer of the States to pay the rent as it becomes due.

**Draft Criminal Justice (Anonymity in Sexual Offence Cases) (Jersey) Law 200- P.166/2001**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Justice (Anonymity in Sexual Offence Cases) (Jersey) Law 200-.

**Changes in Presidency**

The Bailiff retired from the Chair during consideration of the proposition of Senator Paul Vincent Francis Le Claire on the Introduction of Work Permits (P.107/2001) and the meeting continued under the Presidency of Miss Catherine Mary Newcombe, Greffier of the States.



THE STATES rose at 4.35 p.m.

**C.M. NEWCOMBE**

*Greffier of the States.*