

THE STATES assembled on Tuesday,  
3rd March 1992 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Peter Crill, C.B.E.

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All Members were present with the exception of -

Iris Medora Le Feuvre, Connétable of St.  
Lawrence - out of the Island.  
Leonard Picot, Connétable of Trinity - ill.  
Margaret Sylvia Rose Beadle, Deputy of St.  
Brelade - out of the Island.  
Graeme Ernest Rabet, Deputy of St. Helier -  
ill.  
Alan Payn Bree, Deputy of Grouville - out  
of the Island.

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Prayers

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Richard Winter Le Sauteur, Connétable of  
Grouville

The President of the Assembly referred to the  
impending retirement of the Connétable of  
Grouville and thanked him for his services to  
the Assembly.

Subordinate legislation tabled

The following enactments were laid before the  
States, namely -

1. Public Services (Conditions of  
Fitness) (Amendment No. 2) (Jersey)  
Order 1992. R & O 8342.
2. Motor Vehicles (Construction and

Use) (Amendment No. 26) (Jersey) Order  
1992. R & O 8343.

3. Broadcasting (Interest in  
Licensed Services) (Jersey) Order 1992.  
R & O 8344.

Public Lotteries: report for 1991. R.C.6

The Gambling Control Committee by Act dated 28th  
February 1992, presented to the States a report  
on Public Lotteries promoted and conducted  
during 1991.

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

Broadcasting Committee: report for 1991. R.C.7

The Broadcasting Committee by Act, dated 27th  
February 1992, presented to the States its  
report for the period 1st January 1991 to 29th  
February 1992.

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

Matters noted - financial transactions

THE STATES noted an Act of the Finance and  
Economics Committee dated 24th February 1992,  
showing that in pursuance of Standing Orders  
relating to certain transactions in land, the  
Committee had approved -

- (a) as recommended by the Public  
Services Committee, the renewal of the  
lease to the Sea Cadet Corps Jersey  
Unit No. 447 of Lewis Tower, St. Ouen,  
for a period of nine years commencing  
1st December 1991, at a total rent of  
£50;
- (b) as recommended by the Public  
Services Committee, the granting to the  
Jersey Electricity Company Limited of a  
contract wayleave at Lewis Tower, St.  
Ouen, free of charge, with each side  
being responsible for its own legal  
fees;
- (c) as recommended by the Public  
Services Committee, the purchase from

Antler Property (C.I.) Limited of 61 square feet of land at Bay View, La Grande Route des Sablons, Grouville, for the sum of £122, with the Committee being responsible for all legal fees and the cost of certain accommodation works;

- (d) as recommended by the Public Services Committee, the purchase from Mrs. Freda May Evans, née Sheldon, of 1428 square feet of land in Field 928, St. John, for the sum of £1,428, with the Committee being responsible for all legal fees and for the cost of any accommodation works required;
- (e) as recommended by the Public Services Committee, the acquisition from Mrs. Patricia Jacqueline Foott, née Emblem, Mrs. Marguerite Rosalie Moores, née Boustouler and Mr. Patrick Farrington, of 140 square feet of land at the property Ker Maria, La Route Orange, St. Brelade, free of charge, with the Committee being responsible for all legal fees and the cost of any accommodation works required;
- (f) as recommended by the Public Services Committee, the purchase from Mr. Donald Syvret Le Ruez of 178 square feet of land in Field 458, St. Peter, required for road improvement, for a consideration of £178 with the Committee being responsible for all legal fees and the cost of any accommodation works required;
- (g) as recommended by the Public Services Committee, the purchase from Mr. Piers Bois of 300 square feet of land in Field 459, St. Peter, required for road improvement, for a consideration of £300 with the Committee being responsible for all legal fees and the cost of any accommodation works required;
- (h) the lease from Miss Josephine Dorothy Hamon of a fully-furnished one-bedroomed flat at Newlands, La Haule Hill, St. Brelade, for a period of three years commencing 1st April 1992 at an annual rent of £6,760 plus an increase calculated in line with the

rise in the Cost of Living between March 1990 and December 1991, plus a further Cost of Living increase for the period between December 1991 and March 1992 and further annual Cost of Living increases in March 1993 and March 1994, for occupation by an essential employee;

(i) as recommended by the Tourism Committee, the lease of the following for a period of three years from 24th December 1991, with rents in 1993 and 1994 to be increased to reflect market conditions -

(1) the Old Station Café, Millbrook, to Mr. Dominico Ammirati and Mrs. Jean Ammirati, née Waddington at a rent of £3,000 for 1992;

(2) First Tower Kiosk, St. Helier to Mrs. Patricia Friel, née Thomas at a rent of £4,300 for 1992;

(3) Café Casino, Grève de Lecq to Mr. Charles Wagner at a rent of £3,000 for 1992;

(4) Driftwood Café, Archirondel, to Mr. Bertrand Pilz and Mrs. Jill Pilz, née Mackie at a rent of £5,500 for 1992;

(5) Colleen's Café, Grève de Lecq to Advocate David Fisher Le Quesne on a temporary basis in his capacity as the executor to the Will of the previous leaseholder Mrs. Bridget Carré, at a rent of £3,000 for 1992.

#### Matters lodged

The following subjects were lodged ``au Greffe" -

1. Draft Pilotage (General Provisions) (Amendment No. 4) (Jersey) Regulations 199 . P.25/92. Presented by the Harbours and Airport Committee.
2. Channel Islands Air Search: grant for replacement aircraft.

P.26/92.

Presented by the Finance and  
Economics Committee.

3. Draft Building Loans (Amendment  
No. 11) (Jersey) Law 199 . P.27/92.  
Presented by the Housing  
Committee.
4. Draft Petroleum-Spirit (Control)  
(Jersey) Regulations 199 . P.28/92.  
Presented by the Defence  
Committee.
5. Draft Licensing (No. 5) (Jersey)  
Regulations 199 . P.24/92): amendment.  
P.29/92.  
Presented by the Tourism  
Committee.

The following subjects were lodged on 25th  
February 1992 -

1. Housing: Strategy for the 90's:  
supplementary report. P.23/92.  
Presented by the Housing  
Committee.
2. Draft Licensing (No. 5) (Jersey)  
Regulations 199 . P.24/92.  
Presented by the Tourism  
Committee.

Housing: strategy for the 90's. P.142/91.  
Withdrawn

THE STATES noted that the President of the  
Housing Committee had withdrawn the proposition  
regarding a housing strategy for the 90's  
(lodged on 17th September 1991 and partially  
debated on 26th November 1991), the Committee  
having presented a revised proposition  
(P.23/92).

Draft Policing of Parks (Amendment No. 8)  
(Jersey) Regulations 199 . P.15/92

THE STATES acceded to the request of the  
President of the Public Services Committee that  
consideration of the draft Policing of Parks  
(Amendment No. 8) (Jersey) Regulations 199 .  
(Lodged on 18th February 1992) be deferred from  
the present Sitting.

Draft Policing of Beaches (Amendment No. 8)  
Regulations 199 . P.16/92

THE STATES acceded to the request of the President of the Tourism Committee that consideration of the draft Policing of Beaches (Amendment No. 8) (Jersey) Regulations 199 . (Lodged on 18th February 1992) be deferred from the present Sitting.

Projet de Loi (199 ) (Amendement No. 4) sur l'Instruction Primaire. P.18/92

THE STATES acceded to the request of the Vice-President of the Education Committee that consideration of the Projet de Loi (199 ) (Amendement No. 4) sur l'Instruction Primaire (lodged on 18th February 1992) be deferred from the present Sitting.

Island Plan: continued support P.20/92.  
Withdrawn

THE STATES noted that Stuart Syvret, Deputy of St. Helier had withdrawn his proposition asking the States to confirm their continued support for the Island Plan (lodged on 18th February 1992).

Arrangement of Public Business for the next Sitting on 17th March 1992

THE STATES confirmed that the following subjects lodged au Greffe should be considered at the next Sitting on 17th March 1992 -

Draft Licensing (No. 5) (Jersey)  
Regulations 199 . P.24/92.  
Lodged: 25th February 1992.  
Tourism Committee.

Draft Licensing (No. 5) (Jersey)  
Regulations 199 . (P.24/92): amendment.  
P.29/92.  
Lodged: 3rd March 1992.  
Tourism Committee.

Draft Pilotage (General Provisions)  
(Amendment No. 4) (Jersey) Regulations  
199 . P.25/92.  
Harbours and Airport Committee.

Channel Islands Air Search: grant for replacement aircraft. P.26/92.  
Finance and Economics Committee.

Draft Building Loans (Amendment No. 11) (Jersey) Law 199 . P.27/92.  
Housing Committee.

Draft Petroleum-Spirit (Control) (Jersey) Regulations 199 . P.28/92.  
Defence Committee.

Field 748, St. Lawrence. Questions and answers (Tape No. 126)

Deputy Shirley Margaret Baudains of St. Helier asked the Connétable of St. John, President of the Island Development Committee, the following questions -

1. "Will the President explain why the decision of his Committee to allow development on Field 748, La Rue de la Ville Emphrie, St. Lawrence, was made known to the press before being communicated to the Review Board and the complainants?"
2. Will the President give the House details of any other developments for which permission has been granted since 1987 on sites within a radius of half a mile of Field 748, with particular reference to sites in the sensitive landscape area of the agricultural priority zone, and will he indicate the extent of the development in each case?"

The President of the Island Development Committee replied as follows -

- "1. The Committee visited Field 748, La Rue de la Ville Emphrie, St. Lawrence, on 20th February 1992. This visit was made in order to examine the findings of the Review Board on site and in order to respond to their request to consider granting permission for development within four weeks from their letter of 4th February 1992.

The Committee duly determined what

course of action they intended to follow on site and in due course a letter left the Island Development Committee addressed to the States Greffe on 24th February informing them of the decision of the Committee.

On the evening of 20th February, the Jersey Evening Post contacted me to ascertain what decision the Committee had reached. The findings of the Review Board had recommended to the Committee that they -

'Consider granting permission for an appropriate degree of housing development to take place on this site.'

In this instance, because as far as the owner of the site was concerned the news was very much of a positive nature, I informed the press that the Committee were prepared to grant approval for a single house. I would have made no comment at all if Committee had considered that no development was favoured.

I apologise if any offence was caused in connexion with the release of this news, I can assure the House that none was intended, and it was merely my desire to set the owners mind at rest that encouraged me to release the information to the press.

2. In relation to the second part of the Deputy's question, I understand that she is particularly interested in new residential development and have therefore confined my research to new houses which were granted consent within the Sensitive Landscape Area of the Agricultural Priority Zone since 1987.

The Island Development Committee granted consent for four houses within Field 750 in 1990. The site measured 1307 square metres and was the subject of a proposition to the States for rezoning for Category A purpose in 1989. The States supported the proposition.



The Island Development Committee granted consent for three houses to replace an existing house at Norwood in 1991. The site measured 1,105 square metres and the support of the States was sought by the Island Development Committee in the same year for this scheme. This particular site lay within the Green Zone but I include it for information. The States supported the proposition.

In 1991, the Island Development Committee also granted consent for new housing development by the Parish of St. Lawrence on the playing field at the rear of St. Lawrence Arsenal. The site measured 3,100 square metres and consent was granted for eight flats and four houses. The site lay within the confines of the Village Settlement Area although it is identified in the Island Plan as also within the Sensitive Landscape Area of the Agricultural Priority Zone.

The Island Development Committee granted consent in 1983 for the construction of six houses in Field 749. The site measured 1969 square metres and was the subject of a proposition to the States for rezoning in 1983. The States supported the proposition. The pace of development on this site has been sporadic. There has therefore been some houses approved since 1987 within this site but all within the scope and limit of the original approval."

Long Beach and Puerto Seco, La Rue à Don, Grouville. Statement

The President of the Island Development Committee made a statement in the following terms -

``Two weeks ago my Committee decided to respond to the views expressed by Members during the debate on the Long Beach development and during the viewing of the model in the Old Library. My Committee believes that it has correctly judged the views of Members by deciding to require the applicant to reduce the maximum height of

the buildings to 30 feet.

The Committee's officers have informally discussed with the owner the best way to achieve this height reduction and the proposals were considered in detail by my Committee last Thursday which approved the outline scheme.

It is clear, however, following meetings between the owner's lawyer, the Attorney General and officers of my Committee, that this change can only be achieved by modifying the development permission under the procedure set out in Article 7 of the Island Planning (Jersey) Law 1964. My Committee has decided to put this into effect and will be serving formal Notice on the owner as soon as possible.

My Committee's modification of the development permission has been designed to achieve the reduction in height in a manner which maintains an appropriate design and at the same time to minimise the compensation which may be claimed.

Once the Notice of modification has been served the Law allows the owner of the site one month to submit a claim for compensation. He will have to prove loss and expenses and the Law also provides for arbitration in default of agreement. The Attorney General has advised my Committee that the owner is under an obligation to minimise any loss and expenses.

Once the notice of modification has been served this matter will be handled by the Attorney General as my Committee's legal adviser and no further public comment will be made by my Committee until the issues have been resolved.

This case has highlighted a limitation in our procedures under the Island Planning (Jersey) Law 1964. Both the United Kingdom and Guernsey's planning procedures provide for planning enquiries on major and controversial schemes. In my Committee's view such enquiries do provide for a wider public communication than our process of representations.

The production of a model for public viewing in this case has also been very

useful and demonstrates its potential benefit for the future.

We have, therefore, decided that as part of our review of the Island's Planning Law which is now being carried out by a local advocate, we will examine opportunities to improve and encourage public consultation on major developments, at an early stage.

I will report back to the House within the next few months with my Committee's proposals, with a view to our including them in a draft Law, which will, of course, ultimately require States' approval."

#### Greffier of the States: appointment

THE STATES, adopting a proposition of the Establishment Committee and in accordance with the provisions of Article 2(5) of the Departments of the Judiciary and the Legislature (Jersey) Law 1965, consented to the appointment of Geoffrey Henry Charles Coppock, Esquire, at present the Law Draftsman, to the office of Greffier of the States, with effect from 1st June 1992.

#### Amendment (No. 14) to the Tariff of Harbour and Light Dues

THE STATES, in pursuance of Article 6 of the Harbour and Light Dues (Jersey) Law 1947 as amended, approved Amendment (No. 14) to the Tariff of Harbour and Light Dues.

#### Administrative Decisions (Review) (Panel of Members) (Jersey) Act 1992. P.12/92

THE STATES, in pursuance of Article 5 of the Administrative Decisions (Review) (Jersey) Law 1982 adopted an Act entitled the Administrative Decisions (Review) (Panel of Members) (Jersey) Act 1992.

#### Drug Trafficking (Designated Countries and Territories) (Amendment) (Jersey) Regulations 1992. P.13/92

THE STATES, in pursuance of Article 18 of the Drug Trafficking Offences (Jersey) Law 1988 made Regulations entitled the Drug Trafficking

(Designated Countries and Territories)  
(Amendment) (Jersey) Regulations 1992.

Grouville Hospital site, Grouville: approval of drawings. P.14/92

THE STATES, adopting a proposition of the Housing Committee -

- (a) approved Drawings Nos. 3724/04B, 05, 06, 07B, 08C, 09, 10, 11, 12A and 1113/04, showing the development of the Grouville Hospital site to provide six three-bedroomed houses, six two-bedroomed bungalows and eight two-bedroomed flats;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Le Parcq de la Belle Fontaine, St. Martin: lease. P.17/92

THE STATES, adopting a proposition of the Housing Committee -

- (i) approved the lease from the Crown to the Housing Committee for a period of 99 years of Le Parcq de la Belle Fontaine, St. Martin, at a ground rent of £10,000 a year, subject to review in accordance with the prevailing market rentals every five years;
- (ii) approved Drawings Nos. 89-441/37-42 showing the redevelopment of Le Parcq de la Belle Fontaine to provide two two-bedroomed and three three-bedroomed houses;
- (iii) authorised the Greffier of the States to sign the said Drawings on behalf of the States;
- (iv) authorised the Solicitor General and the Greffier of the States to pass the necessary contracts.

Terms of Employment Officer: appointment. P.19/92

THE STATES, adopting a proposition of the Industrial Relations Committee and in accordance with Regulation 6(1) of the Terms of Employment

(Jersey) Regulation 1992 -

- (a) appointed Mr. Kenneth William Syvret as Terms of Employment Officer for a period of three years commencing 1st April 1992;
- (b) appointed Advocate David Eldon Le Cornu as Deputy Terms of Employment Officer for a period of three years commencing 1st April 1992.

Policing of Roads (Amendment No. 3) (Jersey) Regulations 1992. P.22/92

THE STATES, in exercise of the powers conferred upon them by the Order in Council of the twenty-sixth day of December 1851, Article 49 of the Road Traffic (Jersey) Law 1956 as amended, and the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957 as amended, made Regulations entitled the Policing of Roads (Amendment No. 3) (Jersey) Regulation 1992.

THE STATES rose at 10.40 a.m.

C.M. NEWCOMBE

Deputy Greffier of the States.