



**THE STATES assembled on Tuesday,
20th January 1998 at 10.15 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

All members were present with the exception of –

Senator Corrie Stein – out of the Island
Carlyle John Le Hérisssier Hinault, Connétable of St. John– excused
Shirley Margaret Baudains, Deputy of St. Helier– out of the Island.

Prayers

Tribute to the late The Very Reverend T.A. Goss, the former Dean of Jersey

The Bailiff paid tribute to the late The Very Reverend T.A. Goss, the former Dean of Jersey.

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

Tribute to the late Mr. J.P. Le Sueur, former Connétable of St. John

The Bailiff paid tribute to the late Mr. John Pepin Le Sueur, the former Connétable of St. John.

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

Royal visit – H.R.H. The Princess Royal

The Bailiff informed the House of the forthcoming visit of Her Royal Highness The Princess Royal on 23rd July 1998 to launch the Animal Health Trust.

Churchill Award for Courage – Atlantic Rowing Race

The Bailiff reminded the Assembly that there would be a presentation of the Churchill Award for Courage to the three Atlantic Rowers in the Old Library at 12.30 p.m.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Public Rank Taxis (Fares and Charges) (Amendment) (Jersey) Order 1997. R & O 9188.

Evidence (Television and Video Recordings) (Jersey) Rules 1997. R & O 9189.

Amendment (No. 20) to the Tariff of Harbour and Light Dues. R & O 9190.

Termination of Pregnancy (Fee) (Jersey) Order 1998. R & O 9191.

Education Committee – resignation of member

THE STATES noted the resignation of Deputy Paul Francis Routier of St. Helier from the Education Committee.

Matters presented

The following matters were presented to the States –

States of Jersey Law 1966, as amended – delegation of functions: health and social services – R.C.1/98.
Presented by the Health and Social Services Committee.

States of Jersey Law 1966, as amended – delegation of functions: termination of pregnancy – R.C.2/98.
Presented by the Health and Social Services Committee.

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

The following matter was presented to the States on 30th December 1997 –

States Members Remuneration Board: report – R.C.42/97.
Presented by the House Committee.

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

Matters noted – land transactions

THE STATES noted Acts of the Finance and Economics Committee, dated 8th and 22nd December 1997, 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 Harbours and Airport Committee, the lease to Aurigny Air Services Limited of Freight Bay No. 6 (Airport Letting B135), comprising 1,440 square feet for a period of nine years from 1st January 1998, at an annual rent of £6,924.14 (representing a rate of £4.81 a square foot), subject to annual review in line with the Jersey Retail Prices Index on 1st January throughout the term of the lease, on the basis that each side will be responsible for its own legal costs associated with the transaction;
- (b) as recommended by the Housing Committee –
 - (i) the granting to Messrs. Christopher Biggs and Richard Francis Helier Tyler and Mrs. May Baxter, née Bramwell, of a wayleave in order to connect dwellings being constructed on the site known as Le Reve, Pontac, St. Clement, and a property known as Marsh Villa, Pontac St. Clement, with Messrs. Biggs and Tyler and Mrs. Baxter to be responsible for carrying out all relevant works to connect up the three properties to the main water supply, and all costs incurred (including those of the Jersey New Waterworks Company Limited relating to the establishment of any future maintenance and upkeep of the water pipes and other relevant apparatus);
 - (ii) having noted that during the construction of Sydney Crill Park, St. Clement, the boundary wall had been constructed on an incorrect boundary line and had encroached on land belonging to the owners of Le Reve, the inclusion within the abovementioned wayleave of confirmation that the boundary wall between Le Reve and the adjacent landscaped area and footpath belonging to the public and forming part of the Sydney Crill Park housing estate was party owned, on the basis that each party would be responsible for its own legal fees associated with this element of the transaction;
- (c) as recommended by the Harbours and Airport Committee, the renewal of the lease to Mr. Richard Peter Bonney of Field No. 188, St. Peter (measuring 4.23.0 vergées), for a period of three years from 1st July 1997, at an annual rent of £500, subject to annual review in line with the Jersey Retail Prices Index, on the basis that each side would be responsible for its own legal costs

associated with the transaction;

- (d) as recommended by the Public Services Committee, the lease to the Jersey Electricity Company Limited of part of Field No. 1250, La Rue de la Garenne, Trinity (measuring 26 square feet), for a period of 99 years required for the construction of a transformer at Substation No. 328 to serve the Becquet Vincent Pumping Station, at an annual rent of £1, plus the granting of wayleave rights to the Company, in perpetuity and free of charge, in respect of the adjacent piece of land in order to repair, replace, maintain and upkeep the electricity cable, on the basis that each party would be responsible for its own legal costs associated with the transaction;
- (e) as recommended by the Harbours and Airport Committee, the lease to Jersey European Airways Engineering Limited of an area of land (measuring approximately 120 square feet) adjacent to and west of Departures Gate No. 10, Jersey Airport, for a period of nine years from the date of placement of the building to be erected until 30th June 2005, for an annual ground rent of £150 (representing a rate of £1.25 a square foot), with the Company to meet the costs of the building, its installation and all services and to apply cladding in keeping with that of the Passenger Pier, on the basis that each party will be responsible for its own legal costs associated with the transaction;
- (f) as recommended by the Housing Committee, the sale to Mr. Philip John Rondel and Mrs. Gwendoline Elizabeth Rondel, née Morgan, of approximately 100 square feet of land at 74 Stopford Road, St. Helier, for the sum of £10, with Mr. and Mrs. Rondel to be liable at their own expense to construct a new granite-faced wall to a minimum height of five feet with the outer face of the wall being on the line of the proposed new southern boundaries and with the owners to be granted rights of access to initially build and then repair and maintain the said wall, and on the basis that they would be responsible for both parties' legal costs associated with the transaction;
- (g) as recommended by the Health and Social Services Committee, the assignment from Mr. Paul Gerard Byrne to Mr. Hugh Peter Jones and Mrs. Amanda Jacqueline Jones, née Double, of the remainder of the nine year lease of Flat 3, Le Boulevard, La Grande Route des Sablons, Grouville, until 29th September 2005, at a passing annual rent of £7,338, the assignment to be effective from a date to be effective from a date to be agreed between the parties;
- (h) as recommended by the Planning and Environment Committee, the entering into a Deed of Arrangement with –
 - (i) Marson Investments Limited and Sonmar Property Holdings Limited, in respect of the property Earls Court, Le Mont Millais, St. Helier; and
 - (ii) Mr. William John McCarthy and Mrs. Maureen Rose McCarthy, née Guegan, in respect of 4 Jardin du Soleil, Le Mont Millais, St. Helier;

in order to enable essential rock stabilisation work to take place, involving the creation of new boundary lines between the Clarence Court site and the said properties, the agreement (whereby the rock face and its liabilities were to become public property) being subject to a consideration of £10 in each case and with the private owners' reasonable legal costs being met by the Committee;

- (i) as recommended by the Tourism Committee, the lease to Mr. Attilio Pirozzolo and Mrs. Brenda Pirozzolo, née Evans, of the West Park Café, St. Helier, for a period of three years from 25th December 1994, at an annual rent of £12,900, subject to annual review in line with the Jersey Retail Prices Index;
- (j) as recommended by the Tourism Committee, the lease to Mrs. Linda Culkin, née Munroe, of the First Tower Kiosk, St. Helier, for a period of three years from 25th December 1994, at an annual rent of £4,300 subject to annual review in line with the Jersey retail Prices Index;
- (k) as recommended by the Tourism Committee, the lease to Mr. Peter Kubeck of the Old Station Café, St. Helier, for a period of three years from 25th December 1994, at an annual rent of

£5,400 subject to annual review in line with the Jersey Retail Prices Index;

- (l) as recommended by the Tourism Committee, the lease to Mr. Bertrand Pilz of the Driftwood Café, Archirondel, St. Martin, for a period of three years from 25th December 1994, at an annual rent of £5,500 subject to annual review in line with the Jersey Retail Prices Index;
- (m) as recommended by the Tourism Committee, the lease to Mrs. Anne Huelin, née Gibbins, and Mr. Peter Gibbins, of the Le Braye Café, St. Ouen, for a period of three years from 25th December 1994, at an annual rent of £13,000 subject to annual review in line with the Jersey Retail Prices Index;
- (n) as recommended by the Tourism Committee, the lease to Advocate David Fisher Le Quesne, in his capacity as executor of the estate of the late Mrs. Bridget Carré, née Kelly, of Colleens Café, Grève de Lecq, St. Ouen, for a period of three years from 25th December 1994, at an annual rent of £3,000 subject to annual review in line with the Jersey Retail Prices Index;
- (o) as recommended by the Tourism Committee, the lease to Mr. Brian Fagan and Mrs. Sheila Fagan, née Needham, of the Café Casino, Grève de Lecq, St. Ouen, for a period of three years from 25th December 1994, at an annual rent of £3,000 subject to annual review in line with the Jersey Retail Prices Index;
- (p) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of an area of land (measuring approximately 1,900 square feet) adjacent to the existing terminal station at Archirondel, Rue de la Côte, St. Martin, at an annual rent of £2,000, the lease to run consecutive to the existing 99 year lease for the adjacent terminal building and to be subject to the same terms and conditions as the existing lease;
- (q) as recommended by the Health and Social Services Committee, the lease to Mr. Eric Gerald Le Feuvre of the one-bedroom ground floor flat, Salem House, St. Lawrence, for a period of two years from 6th May 1996, with an option to renew for a further year, at an annual rent of £6,184.45, subject to annual review in line with the Jersey Retail Prices Index;
- (r) as recommended by the Public Services Committee, the lease to the Jersey Electricity Company Limited of electricity sub-station No. 111, Bellozanne Treatment Works, Bellozanne Valley St. Helier, for a period of 99 years at an annual rent of £1 payable at the commencement of the lease with all monies payable on the passing of the contract and with each party being responsible for its own legal costs associated with the transaction, on the basis that the Company was also to be granted free of charge the necessary wayleave rights in accordance with wayleave plan No. 20J (ref SS111) dated 23rd January 1997;
- (s) as recommended by the Public Services Committee, the purchase from Fontenelles Holdings Limited of 293 square feet of land at Longbeach, Grouville/St. Martin, for a consideration of £10, with the Committee being responsible for all reasonable legal costs associated with the transaction and the cost of the accommodation works involved in the construction of the footpath;
- (t) as recommended by the Harbours and Airport Committee, the granting to the Bosdet Foundation of a wayleave across Field No. 48, St. Brelade, to enable connection to the main drainage system on L'Avenue de la Commune, for a payment of £10, subject to the Foundation obtaining all the necessary planning permissions, carrying out and paying for all works involved, meeting the Committee's legal costs and bearing any future costs in connexion with any re-designing, re-routing or re-building of drains that might be required in order to meet any future development;
- (u) as recommended by the Harbours and Airport Committee, the assignment from Mr. Douglas Arthur Thompson to C and C Fisheries of the unexpired portion of the lease of accommodation in the Fish Processing Warehouse, Victoria Pier, St. Helier Harbour (designated Unit V12L) with effect from 1st November 1997, on the basis that each party would be responsible for its own legal costs associated with the transaction;
- (v) as recommended by the Harbours and Airport Committee, the renewal of the lease to JCS

Yachting (1992) Limited (Jersey Cruising School) of office accommodation (measuring 490 square feet) in the 'Port Users' Building on the New North Quay, St. Helier Harbour, for a period of three years: from 25th November 1997, at an annual rent of £7,723.25 (representing a rate of £15.76 a square foot), subject to annual review, on the basis that each party would be responsible for its own legal costs associated with the transaction;

- (w) as recommended by the Harbours and Airport Committee, the renewal of the lease to J.H. Jaffe and Company Limited of the Old Shell House, La Folie, St. Helier Harbour, comprising 510 square feet of storage and general internal areas (at a rate of £5.00 a square foot), 725 square feet of office accommodation (at a rate of £9.00 a square foot), and 1,594.5 square feet of car parking space (at a rate of £2.00 a square foot), for a period of three years from 1st November 1997, at a fixed annual rent of £12,775 payable quarterly in advance, on the basis that each party would be responsible for its own legal costs associated with the transaction;
- (x) as recommended by the Public Services Department, the entering into with the Jersey New Waterworks Company Limited and Charles Le Quesne (1956) Limited (the original donor of the land) of a Deed of Arrangement so as to vary the terms of the lease on the property La Rosière Quarry, La Rosière Headland, Corbière, St. Brelade, in order to allow the construction of the proposed Osmosis plant, the agreement to be passed "sans fountiture ni garantie" on the part of the public and with the Jersey New Waterworks Company Limited to indemnify the public against any claims made for the breach of the Covenant on the land.

Matters lodged

The following matters were lodged "au Greffe" –

Le Rondin Farm, La Route de la Trinité, Trinity: sale – P.1/98.
Presented by the Agriculture and Fisheries Committee.

St. Helier Waterfront area: acquisition of contested interest– P.2/98.
Presented by the Policy and Resources Committee.

Industrial Disputes Tribunal: appointment of Deputy Chairman – P.3/98.
Presented by the Legislation Committee.

The following matters were lodged on 16th December 1997 –

Draft Convention on Social Security between the Government of the United Kingdom and the Government of the Slovak Republic – P.196/97.
Presented by the Employment and Social Security Committee.

Draft Parish Rate (Administration) (Amendment No. 7) (Jersey) Law 199 – P.197/97 (Revised).
Presented by the Legislation Committee.

The following matters were lodged on 30th December 1997 –

Draft Criminal Justice (Evidence and Procedure) (Jersey) Law 1997 (Appointed Day) Act 199 – P.198/97.
Presented by the Legislation Committee.

FCJ Convent, St. Saviour: purchase– P.199/97.
Presented by the Education Committee.

The Anchorage and the Quarry, Gorey Pier, St. Martin: transfer of administration– P.200/97.
Presented by the Public Services Committee.

La Chasse, La Rue du Rectorat, St. Peter: development in Aircraft Noise Zone 1– P.201/97.

Presented by the Planning and Environment Committee.

Draft Financial Services Commission (Amendment) (Jersey) Law 199 – P.202/97.
Presented by the Finance and Economics Committee.

La Collette: lease of land to The Jersey Electricity Company Limited – P.203/97.
Presented by the Harbours and Airport Committee.

Les Creux/La Moye Farm, St. Brelade: rezoning of land – P.204/97.
Presented by the Planning and Environment Committee.

Draft Gambling (Gaming and Lotteries) (Amendment No. 13) (Jersey) Regulations 199 – P.205/97.
Presented by the Gambling Control Committee.

97-109 Bath Street, St. Helier: purchase– P.206/97.
Presented by the Planning and Environment Committee.

States members income support and expense allowance – P.207/97.
Presented by the House Committee.

La Collette: lease of land to Ronez Limited – P.208/97.
Presented by the Harbours and Airport Committee.

Decision conferencing procedure: review – P.193/97

Senator Richard Joseph Shenton made the following statement –

“At its meeting on Tuesday, 6th January 1998, the Policy and Resources Committee agreed that it would accept my proposition requesting the Committee, in consultation with the Finance and Economics Committee, to review the Decision Conferencing procedure, in order to ensure that the States can debate during the Spring Session the results of that process, and to report back to the States with its recommendations.

I understand that the Policy and Resources Committee has already embarked on the review and will report back to the States. Provided that the President of the Policy and Resources Committee can confirm that this is the case I am happy to await the report.”

St. Helier Waterfront area: acquisition of contested interest– P.171/97

The President of the Policy and Resources Committee withdrew the proposition regarding the acquisition of contested interest in the St. Helier Waterfront area (P.171/97– lodged “au Greffe” on 11th November 1997) having lodged a revised proposition at the present meeting (P.2/98).

Arrangement of public business for the present meeting

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

Draft Finance Law 199 – P.191/97.
Lodged in Second Reading: 3rd December 1997.
Finance and Economics Committee.

Draft Convention on Social Security between the Government of the United Kingdom and the Government of the Slovak Republic – P.196/97.
Lodged: 16th December 1997.
Employment and Social Security Committee.

Draft Parish Rate (Administration) (Amendment No. 7) (Jersey) Law 199 – P.197/97 (Revised).
Lodged: 16th December 1997.

Legislation Committee.

Draft Criminal Justice (Evidence and Procedure) (Jersey) Law 1997 (Appointed Day) Act 199 – P.198/97.

Lodged: 30th December 1997.

Legislation Committee.

FCJ Convent, St. Saviour: purchase– P.199/97.

Lodged: 30th December 1997.

Education Committee.

The Anchorage and the Quarry, Gorey Pier, St. Martin: transfer of administration– P.200/97.

Lodged: 30th December 1997.

Public Services Committee.

Draft Financial Services Commission (Amendment) (Jersey) Law 199 – P.202/97.

Lodged: 30th December 1997.

Finance and Economics Committee.

Draft Gambling (Gaming and Lotteries) (Amendment No. 13) (Jersey) Regulations 199 – P.205/97.

Lodged: 30th December 1997.

Gambling Control Committee.

La Collette: lease of land to Ronez Limited – P.208/97.

Lodged: 30th December 1997.

Harbours and Airport Committee.

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

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

Draft Probate (Jersey) Law 199 – P.178/97.

Lodged: 18th November 1997.

Legislation Committee.

La Chasse, La Rue du Rectorat, St. Peter: development in Aircraft Noise Zone 1– P.201/97.

Lodged: 30th December 1997.

Planning and Environment Committee.

Le Rondin Farm, La Route de la Trinité, Trinity: sale – P.1/98.

Lodged: 20th January 1998.

Agriculture and Fisheries Committee.

St. Helier Waterfront area: acquisition of contested interest– P.2/98.

Lodged: 20th January 1998.

Policy and Resources Committee.

Industrial Disputes Tribunal: appointment of Deputy Chairman – P.3/98.

Legislation Committee

La Frégate Café – questions and answers (Tape No. 426)

Deputy Alan Simon Crowcroft of St. Helier, asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following questions –

- “1 (a) Would the President inform members whether it was the intention of the Waterfront Enterprise Board that La Frégate Café should be a replacement for the West Park Café?
- (b) Is the Waterfront Enterprise Board satisfied that La Frégate Café is large enough to be able to

service adequately those using the waterfront promenade and the beach at West Park?

(c) What is the cost to date of La Frégate Café?

2. Would the President inform members what advice the Waterfront Enterprise Board and its architects took from experts on access for disabled people in producing its plans for La Frégate Café and Les Jardins de la Mer?"

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

- “1 (a) At a public meeting held over a weekend in January 1995 there was an overwhelming demand that the West Park Café be demolished and replaced by a more modern and more appropriate structure in Les Jardins de la Mer.

This demand received support from the Tourism Committee, the Tourism Investment Fund Sub-Committee and the Planning and Environment Committee of the day, £250,000 was contributed from the Tourism Investment Fund towards the replacement café.

Whether or not the current Tourism Committee, who administer the West Park Café, wish to have it retained is a matter for the Committee and not the Waterfront Enterprise Board whose function in all respects of its development brief is to provide for others to administer. WEB therefore will take careful note of what those who will run the various areas see as their future requirements.

- (b) The facilities and dimensions of La Frégate Café were agreed with the Planning and Environment Committee and with the Tourism Committee who received full presentations before work began. Those dimensions have not changed one inch since then.

Thus the brief for La Frégate was to replace the West Park Café. At that time Tourism had in hand proposals for the construction of a conservatory so that some indoor seating could be provided. This conservatory was to hold 24 seats. WEB have more than doubled that provision in La Frégate where 56 can be accommodated within the café, plus the same amount of outdoor seating as currently exists at West Park. Service to the beach and gardens customers is fully provided for from a servery, the design of which is acceptable to the present experienced concessionaire.

The Waterfront Enterprise Board are satisfied that La Frégate is in the long term large enough to be able to service those using the promenades and the beach. If the Tourism Committee considers it to be commercially prudent to keep open both cafés for the coming season then WEB can have no objections. It is entirely a matter for the Tourism Committee. WEB simply point out that in the fullness of time there will be more restaurants and cafés, both in the Leisure Complex and on the Marina frontage and this will relieve any pressure on West Park and La Frégate. La Frégate and Les Jardins de la Mer must be seen in the context of the development of the whole of the West of Albert.

- (c) The contract for the construction of La Frégate was let after competitive tender on 5th December 1996 at a price of £519,000.

At that time the contract allowed for an internal mezzanine floor which was omitted because disabled could not access that area. To meet these concerns, WEB identified a special lift system but this solution was abandoned after the Fire Service disallowed more than one chair-borne customer at a time. Administration and stores for the café were then transferred to the upper floor, making space on the ground floor sufficient to ensure that disabled people could also enjoy those facilities. There is now, of course, no first floor refreshment area with a beautiful view of the bay. These changes were a major part of the increased cost of the development and resulted in a postponement of the proposed spring opening date to the middle of the summer.

This change affected the structural design of the café. The structural changes that had to be made, together with the addition of a warm air heating system to allow the café to open all year round, inevitably lead to a major increase in costs.

The final account for the café is still subject to negotiation and agreement between the parties but will be between £600,000 and £650,000.

The highly complimentary publicity that La Frégate has generated in the United Kingdom and international press has been substantial and this must assist in the promotion of Jersey as a tourist destination.

2. Throughout the process of planning and constructing the café, WEB consulted fully with the Planning and Tourism Departments. In confirming this consultation process the Director of Planning has recently written to the Managing Director of WEB to confirm –

‘that the preliminary drawings for the café were shown to the President and Vice-President of the Planning and Environment Committee, together with Mr. John Young and myself, prior to the application being made, and that the subsequent applications both in principle and detail were dealt with in accordance with normal procedures and both were determined by the Committee rather than under delegated powers.’

Mr. Thorne goes on to say ...

‘I can also confirm, as far as disabled access is concerned, that we consulted with the Jersey Disabled Access Group before development permission was granted.’

Furthermore on this aspect of consultation the Jersey Access Group has also written to the Managing Director of WEB and I quote ...

‘I was outraged to hear Deputy Crowcroft on the radio this morning claim that WEB did not consult with the disabled. My Group appreciated the efforts which your staff made to consult us on the question of disabled access to La Frégate. As a wheelchair user myself who has visited the café, I found every effort had been made to meet our needs.

The majority of disabled people here in Jersey are very pleased with the results so far seen at Les Jardins de la Mer and La Frégate Café.

I hope that this incident will not deflect you and your Board from continuing to consult us on the exciting projects to be built on the Waterfront.

Yours sincerely,

Jacinta Krigu
Secretary
Jersey Access Group’.

As has been explained, WEB’s brief to the consultants for both the gardens and the café was to make the fullest provision possible for the disabled. Three months delay and increased costs on the construction of the café were caused by the need to deal with concerns from the disabled about the mezzanine floor which, at the end of the day, was omitted and the interior of the café redesigned to meet these concerns.

The Jersey Access Group, with whom WEB has always consulted, is recognised by the Planning and Environment Committee as the body responsible for consultation on the needs of the

disabled being provided for within new buildings. Indeed, a member of the Planning Department attends the group's meetings to advise on all new developments. It is difficult to know what more the Board could have done to meet the needs of the disabled other than to consult with their accredited representatives.

WEB intends to continue to consult fully with this group in respect of its continuing developments and will not be deflected from this practice."

Sites of special interest – questions and answers (Tape No. 426)

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

- “1. Will the President advise members how many properties are designated as Sites of Special Interest in Orders made by the Committee under Article 9 of the Island Planning (Jersey) Law 1964, as amended?
2. How many properties are designated as Sites of Special Interest on the Register of Buildings of Architectural and Historical Importance in Jersey maintained at the Planning and Building Services Department?
3. What are the categories of properties on the Register and how are these determined?
4. Given that grants of up to £10,000 are available for SSI's would the President inform members how many property owners received grant aid in 1997?
5. Does the Committee intend to present a report and proposition to the States on SSI's before the making of further Orders under the Planning Law, and if so, when is this likely to occur?”

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

- “1. There are 163 properties so designated, not including geological and ecological SSIs.
2. The 163 properties indicated above are shown in the Register as designated SSI's.

There are a further 705 properties which are proposed to be designated as Sites of Special Interest although this number is under review. Deputy Rondel may be aware that a programme for the designation of these buildings was commenced in 1992 starting with an Order relating to properties within the Parish of St. John. However, that Order was annulled by the States on the instigation of the then Senator Jeune on the grounds that it was unfair to make such designations without first introducing a scheme of grant aid. The Committee's scheme for repair grants to historic buildings is now in operation and the programme for the designation of Sites of Special Interest has therefore been resumed.

3. There are now only three categories of historic building within the Committee's Register, first published in 1992, which is currently being comprehensively reviewed. It had become clear that the five separate categories identified in the Register, led to unnecessary complication and confusion. In the interest of simplicity, those categories have now been reduced to only three designated Sites of Special Interest, proposed Sites of Special Interest, and Buildings of Local Interest. I know that this simplification will be welcomed by all those involved in the planning

process. My officers, under the direction of The Jersey Building Heritage Sub-Committee, are now reviewing every property within the 1992 Register to ensure that the allocation of properties within these categories is appropriate and that buildings are only included if they are of sufficient merit. The overall number of properties within the Register is likely to be significantly reduced. The revised Register will be re-published from Spring of this year, on a Parish by Parish basis, commencing with the Parishes of St John and St Ouen.

In essence the difference between the two categories can be explained as follows –

Buildings or structures which are of considerable intrinsic value because of their archaeological, architectural, artistic, cultural, historical or traditional interest will be included in the SSI grade. These buildings are broadly equivalent to listed buildings in England. In the past, considerable reliance had been placed on the criteria for the selection of listed buildings which had been evolved in the UK. However, the evolution of Jersey's architectural heritage is in many respects different from that in England and it is now felt that the use of the UK guidelines is not entirely appropriate. The criteria for the selection of SSIs are therefore being recodified and will be published before the Order for SSIs in St. John is made.

Buildings of Local Interest are those which are important for their external form, detail and materials and for the visual contribution they make to their surroundings. Individual buildings in this category may not themselves be of outstanding architectural or historic interest, but form distinctive features in the town or countryside, and add collectively to the special character of the Island.

4. I am pleased to say that there has been considerable interest in the grant scheme which enables financial assistance to be given to the owners of properties which are already designated as SSIs or are proposed to be designated. Eight grants were made during 1997, varying from £551 to £10,000. At the end of the year a further twelve grant applications had been agreed in principle and were under detailed negotiation.

5. My Committee does not intend to present a further report and proposition to the States on SSIs as I believe there is no requirement or necessity to do so. The designation programme has already been suspended for four years pending the introduction of the grant scheme. My Committee now intends to resume this programme urgently in order to satisfy the States' own strategic objectives and wider international obligations with regard to the protection of the Island's special architectural and archaeological heritage."

Car parking charges – question and answer (Tape No. 246)

Deputy Jeremy Laurence Dorey of St. Helier, asked Senator Vernon Amy Tomes, President of the Public Services Committee, the following question –

“Would the President inform members –

- (a) whether it has been decided that the school bus service is to be funded from increased car parking charges, and

- (b) whether the Committee intends that any of the income from car parking charges will be available

for funding any future new car park construction?”

The President of the Public Services Committee replied as follows –

- “(a) I can confirm to the House that following detailed discussions with the Finance and Economics Committee, my Committee approved an increase in car parking charges from 20p to 35p an hour for all existing car parks and 35p for up to two hours for a number of previously free car parks in order to provide sufficient funds for the School Bus Service and future new car park construction.
- (b) The introduction of these increased charges will generate additional income in the order of £1.2m of which £800,000 will fund the School Bus Service. The balance will be used to finance the extension and development of Green Street Multi Storey car park.”

Parish Rate Law – statement

The Connétable of St. Clement, on behalf of the Supervisory Committee, made a statement in the following terms –

“On 4th February 1997, the President of the Legislation Committee made a statement regarding the fixed rateable value legislation which would replace the Parish Rate (Administration) (Jersey) Law 1946, as amended. The President informed the States that work on this Law had been deferred by the Legislation Committee until such time as greater uniformity and realistic assessment were introduced by the Parish Assessment Committees.

I am pleased to inform the States that significant progress has been made towards a greater uniformity in rate assessments throughout the Island. The Supervisory Committee has met with the chairmen of all Assessment Committees and in 1998 there will be changes in the method of assessment for certain types of property. I will mention specific areas in due course but I believe it will be helpful to summarise briefly the provisions of the Parish Rate Law.

Parish rates are levied on property owners and occupiers and the rate is applied in the payment of the general and welfare expenses of that Parish. Returns are made annually by all property owners and the Assessment Committee of the Parish assesses the rental value of all property in accordance with the provisions of the Law. Thus, whilst similar properties in different Parishes should have a similar assessed rental value, the actual amount paid in rates will vary according to the financial requirements of each Parish.

In recent years considerable concern has been expressed at the variation in assessed rental values for similar properties between Parishes and the Committee expects this to be addressed in 1998. However it will not mean that the same amount of rates will be paid for similar properties in different Parishes as the amount paid will be determined by the Parishes’ budgetary requirements.

Owner occupied residential property – this is one area where assessments have lagged behind actual rents. Whilst Parishes have sought to bring these closer to market rents by substantial increases, there has not been a rental guideline which all Parishes could follow. The Housing Committee is the major landlord in the Island and has, for a number of years, operated a system of maximum rents for its properties. Thus comparable States rental properties across the Island have a comparable rent. The Supervisory Committee has agreed that in 1998, to achieve greater uniformity in owner occupied residential assessments, the States fair rents will be used as a basis for comparison by all Parishes when determining assessed rental values. The result will be that the assessments for some properties will increase significantly because they are currently under assessed. This change will be applied by all Parishes in 1998 and will not be phased in over a period of years. The Committee recognises that the States fair rentals are currently below the market rents for properties but believes they provide a

reasonable guideline for 1998.

Agricultural land and buildings – The Supervisory Committee has reviewed the rental values applied to agricultural land and buildings. In 1997 there was a variation in the rates used across the Island and the Chairmen of the Assessment Committees have been asked to agree an appropriate range of rental values for agricultural land and buildings which will be applied by all Assessors in 1998.

Hotels and guest houses – two legal opinions have been received which confirm that, in the absence of comparable rental values, the profits method is the appropriate method for determining the assessed rental value of an hotel or guest house. The Parish Rate Appeal Board has applied a profits method to determine a number of hotel and guest house appeals in 1997. The Committee has been advised by the Attorney General that the Board was appointed under the Parish Rates Law to decide on appeals and therefore if the Board decides to assess hotels on the profits method and an Assessment Committee assesses on another basis it will be going against the body charged with responsibility under the Law and will therefore be behaving irresponsibly and will be inviting an appeal on its assessment. The Supervisory Committee agrees that, in the absence of comparable market rents, the profits method should be applied to determine hotel and guest house assessments in 1998 throughout the Island. Representatives of the Chairmen of Assessment Committees will shortly be meeting the Board to discuss the formula applied in 1997 with a view to seeking a simple and practical formula to apply Island-wide in 1998.

Building sites – in accordance with the legal opinion received, which was applied by the Parish Rate Appeal Board to determine four appeals in 1997, building sites will in future be assessed on contractors method which is in effect capital cost. Property owners may be asked to supply additional information including an architects certificate showing the cost of building work undertaken as at 1st January. The assessors will apply a net return of 4 per cent in 1998.

Moorings and berths – a legal opinion was received in 1997 that the moorings and berths in St. Helie Harbour were susceptible to rates. The Harbours and Airport Committee has claimed exemption from parochial rates under the Merchant Shipping and Harbour and Light Dues legislation but this has not yet been clarified. In the absence of this information and based on the legal opinion received moorings and berths will be assessed for rates in 1998 throughout the Island.

Substantial properties – the Supervisory Committee has received two legal opinions which indicate that the ‘contractors method’, i.e. capital cost, should be applied to determine the assessed rental value of a substantial property where there are no comparable market rents. The Parish Rate Appeal Board has applied this method to determine one appeal in 1997 but the appellant is seeking a Court ruling on the Boards decision. The Assessment Committees will therefore continue to assess substantial properties by comparison with other properties in the Parish pending the outcome of the Courts decision.

Property Schedule – following the 1996 appeals the Parish Rate Appeal Board recommended that the Property Schedule should be amended so that not only is sufficient information disclosed for residential properties but also appropriate information for commercial properties. The Committee is grateful to Deputy Maltwood for chairing a group of Assessors and Parish officers to review this form. Following discussions with assessors a number of changes were proposed and, in October 1997, the Supervisory Committee made an Order prescribing the new form. I am aware that, having now received the 1998 Property Schedule, a number of people have queried the inclusion of certain questions for example those relating to central heating and double glazing. These questions have been included in an attempt to provide better information for the Assessors as the rental value of a property will be affected by a number of factors including its size, position, and amenities. The Supervisory Committee accepts that the present form may need further changes and that additional information may be required on certain properties for example building sites and hotels and guest houses. The Committee will therefore review the Property Schedule later in the year.

The Jersey Parish Rate Law dates from 1946 and is based on the 1836 United Kingdom Law. It is therefore dated and not ideal for the end of the 20th century. However, it is the law and the Supervisory Committee is seeking to apply the Law as it stands, warts and all. Because of a lack of uniformity in the past some ratepayers may expect significant changes in the assessed rental value of their property in 1998. Increases in assessed rental values in future years cannot be ruled out as the Law requires assessments to be based on the market rent which a property might reasonably achieve, if let. The cost of the Parish budget will therefore be redistributed between rate payers according to current market rents for properties. The actual rates bill will depend upon the Parish budget but the cost of running a Parish increases each year as cost of living increases are absorbed.

The States have approved the principle of a new Rates Law based on fixed rateable values and this is included in the 1999 law drafting programme. The 1946 Law will therefore take us into the next millennium and the Assessors and Supervisory Committee will seek to apply the existing Law until such time as it is changed by the States.

The Supervisory Committee is confident that the measures outlined above will be a significant step towards achieving uniformity in rating throughout the Island in 1998 and, in seeking to apply the Law as it stands, the Parish Assessors have the full support of the Supervisory Committee, whose duty it is to promote uniformity in the principles and practice of rating throughout the Island.”

Finance (Jersey) Law 199 – P.191/97

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

Convention on Social Security between the Government of the United Kingdom and the Government of the Slovak Republic – P.196/97

THE STATES, adopting a proposition of the Employment and Social Security Committee, requested the Bailiff to inform the Secretary of State that it was the wish of the Assembly that the Convention on Social Security between the Government of the United Kingdom and the Government of the Slovak Republic and the Supplementary Convention should apply to Jersey.

Parish Rate (Administration) (Amendment No. 7) (Jersey) Law 199 – P.197/97 (Revised)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Parish Rate (Administration) (Amendment No. 7) (Jersey) Law 199 .

Criminal Justice (Evidence and Procedure) (Jersey) Law 1997 (Appointed Day) Act 1998 – P.198/97.

THE STATES, in pursuance of Article 9 of the Criminal Justice (Evidence and Procedure) (Jersey) Law 1997, made an Act entitled the Criminal Justice (Evidence and Procedure) (Jersey) Law 1997 (Appointed Day) Act 1998.

FCJ Convent, St. Saviour: purchase– P.199/97

THE STATES, adopting a proposition of the Education Committee –

- (a) approved the purchase from D’Houet Limited of the property known as FCJ Convent, Deloraine Road, St. Saviour (as shown on drawing No. 592/1) so that it might be incorporated into an form part of Grainville School, for £1,100,000 and with each party paying its own legal costs;

- (b) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contract which might be found to be necessary in connexion with the purchase of the said property and any interests therein.

Deputy Alastair John Layzell of St. Brelade, having declared an interest in the matter, withdrew from the Chamber prior to the debate.

The Anchorage and The Quarry, Gorey Pier, St. Martin: transfer of administration– P.200/97

THE STATES, adopting a proposition of the Public Services Committee, approved the transfer of administration from the Public Services Committee to the Planning and Environment Committee of the property known as The Anchorage and the Quarry, Gorey Pier, St. Martin.

Financial Services Commission (Amendment) (Jersey) Law 199 – P.202/97

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Financial Services Commission (Amendment) (Jersey) Law 199 .

Gambling (Gaming and Lotteries) (Amendment No. 13) (Jersey) Regulations 1998– P.205/97

THE STATES, in pursuance of Article 3 of the Gambling (Jersey) Law 1964, as amended, made Regulations entitled the Gambling (Gaming and Lotteries) (Amendment No. 13) (Jersey) Regulations 1998.

La Collette, St. Helier: lease of land to Ronez Limited– P.208/97

THE STATES, adopting a proposition of the Harbours and Airport Committee –

- (a) approved the lease to Ronez Limited for a period of 21 years, commencing on the day the lease is passed before the Royal Court, of an area of land adjacent to the Victoria Pier, La Collette, St. Helier, measuring 12,970 square feet, as shown designated LC2, on drawing No. LC12069 comprising –
- (i) 6,610 square feet of land currently leased by Ronez Limited and used to house four cement silos; and
 - (ii) 6,360 square feet of land to be used to house an additional silo and tanker filling hut;
- at an annual rental of £16,213 (representing a rate of £1.25 a square foot); the rental to be subject to triennial review in line with open market value;
- (b) on the commencement of the aforementioned contract lease, accepted the surrender by Ronez Limited of the unexpired portion of the existing lease referred to in clause (i) of subparagraph (a), which is due to expire on 30th September 1998;
- (c) authorised the Attorney General and the Greffier of the States to pass the necessary contracts before the Royal Court;
- (d) authorised the Treasurer of the States to receive the rent as it became due.

THE STATES rose at 12.29 p.m.

G.H.C. COPPOCK

Greffier of the States.