

**THE STATES assembled on Tuesday,
30th January 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 -

Phillip Roy Cabot, Connétable of Trinity - excused
Shirley Margaret Baudains, Deputy of St. Helier - out of the Island
Jacqueline Jeannette Huet, Deputy of St. Helier - out of the Island
Phillip John Rondel, Deputy of St. John - out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely -

- Road Traffic (Public Parking Places) (Jersey) Order 2001. R & O 21/2001.**
- Road Traffic (Public Parking Places - Charges) (Jersey) Order 2001. R & O 22/2001.**
- Road Traffic (Saint Helier) (Amendment No. 8) (Jersey) Order 2001. R & O 23/2001.**
- Road Traffic (Saint Lawrence) (Amendment No. 14) (Jersey) Order 2001. R & O 24/2001.**
- Financial Services (Trust Company Business (Exemptions No. 6)) (Jersey) Order 2001. R & O 25/2001.**
- Financial Services (Trust Company Business (Exemptions No. 7)) (Jersey) Order 2001. R & O 26/2001.**
- Road Racing (Karts) (Jersey) Order 2001. R & O 27/2001.**

Legislation Committee - appointment of member

THE STATES appointed Senator Stuart Syvret as a member of the Legislation Committee.

Matters presented

The following matter was presented to the States -

Manpower report for the period 1st July 2000 to 30th September 2000 - R.C.8/2001.
Presented by the Industries Committee.

The following matters were presented on 23rd January 2001 -

States of Jersey Law 1966, as amended: delegation of functions - Children (Jersey) Law 1969, as amended - R.C.6/2001.

Presented by the Health and Social Services Committee.

States of Jersey Law 1966, as amended: delegation of functions - Opticians (Registration) (Jersey) Law 1962 - R.C.7/2001.

Presented by the Health and Social Services 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 12th January 2001 recording the approval decision of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

as recommended by the Health and Social Services Committee, the renewal of the lease from Jurat Arthur Philip Querée of the property known as Bamfield, La Route d'Ebenezer, Trinity, for a period of two years from 1st May 2000 at an annual rent of £16,500 (representing a rate of £317.31 a week), payable quarterly in advance, the annual rent to be subject to revision in line with the Jersey Retail Price Index, and with an option to extend the lease for a further one-year period subject to an upwards only rent review in accordance with the Jersey Retail Price Index, with all other terms and conditions to remain as contained in the existing lease, and on the basis that each party would be responsible for its own legal costs arising from this transaction.

THE STATES noted an Act of the Finance and Economics Committee, dated 12th January 2001 recording the approval in pursuance of Standing Orders relating to certain transactions in land, as recommended by the Housing Committee, with the support of the Planning and Environment Committee, of the purchase from Mrs. Susan Vivien Blair, née Richard, of No. 28 Columbus Street, St. Helier, a four-bedroom house, for the sum of £180,000, with each party to be responsible for its own legal fees, to be funded from Planning and Environment Committee Capital Vote C0904 - Acquisition of Land - Major Reserve.

Matters lodged

The following matters were lodged "au Greffe" -

Site of the former Fine Gems and Craft Centre, La Route du Ouest, St. Ouen - P.12/2001.

Presented by the Planning and Environment Committee.

Draft Road Traffic (No. 51) (Jersey) Regulations 200- P.13/2001.

Presented by the Public Services Committee.

Draft Terms of Employment (Jersey) Regulations 200- P.14/2001.

Presented by the Employment and Social Security Committee.

Commission Amicale: membership - P.15/2001.

Presented by Senator P.F. Horsfall.

Summerland site, Rouge Bouillon, St. Helier: use by States of Jersey Police- approval of drawing - P.16/2001.

Presented by the Home Affairs Committee.

Draft Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 200- P.17/2001.

Presented by the Home Affairs Committee.

Draft Petroleum Spirit (Storage) (Jersey) Regulations 200-P.18/2001.

Presented by the Home Affairs Committee.

Machinery of Government: responsibility for implementation procedures - P.19/2001.
Presented by Senator S. Syvret

The following matters were lodged on 23rd January 2001 -

Projet de Loi (200-) concernant la Police Honorifique de la Trinité - P.7/2001.
Presenté par le Comité de Législation.

Projet de Loi (200-) concernant la Police Honorifique de St. Jean - P.8/2001.
Presenté par le Comité de Législation.

Projet de Loi (200-) concernant la Police Honorifique de St. Laurent - P.9/2001.
Presenté par le Comité de Législation.

Projet de Loi (200-) concernant la Police Honorifique de Ste. Marie - P.10/2001.
Presenté par le Comité de Législation.

Channel Islands Lottery: future format and allocation of profits - P.11/2001.
Presented by the Gambling Control Committee.

Arrangement of public business for the next meeting on 13th February 2001

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 13th February 2001 -

Projet de Loi (200-) concernant la Police Honorifique de la Trinité - P.7/2001.
Logé au Greffe le 23 janvier 2001.
Comité de Législation.

Projet de Loi (200-) concernant la Police Honorifique de St. Jean - P.8/2001.
Logé au Greffe le 23 janvier 2001.
Comité de Législation.

Projet de Loi (200-) concernant la Police Honorifique de St. Laurent - P.9/2001.
Logé au Greffe le 23 janvier 2001.
Comité de Législation.

Projet de Loi (200-) concernant la Police Honorifique de Ste. Marie - P.10/2001.
Logé au Greffe le 23 janvier 2001.
Comité de Législation.

Channel Islands Lottery: future format and allocation of profits - P.11/2001.
Lodged: 23rd January 2001.
Gambling Control Committee.

Draft Road Traffic (No. 51) (Jersey) Regulations 200- P.13/2001.
Lodged: 30th January 2001.
Public Services Committee.

Draft Terms of Employment (Jersey) Regulations 200- P.14/2001.
Lodged: 30th January 2001.
Employment and Social Security Committee.

Commission Amicale: membership - P.15/2001.
Lodged: 30th January 2001.

Senator P.F. Horsfall.

Summerland site, Rouge Bouillon, St. Helier: use by States of Jersey Police- approval of drawing - P.16/2001.

Lodged: 30th January 2001.

Home Affairs Committee.

Financial Services Commission (Amendment No.2) (Jersey) Law 199- (P.62/98- - withdrawn.

THE STATES acceded to the request of Senator S. Syvret that the proposition regarding the draft Financial Services Commission (Amendment No. 2) (Jersey) Law 199- P.62/1998 lodged "au Greffe" on 31st March 1998) be withdrawn.

Procedures for determining school bus contracts - questions and answers (Tape No. 635)

Deputy Roy George Le Hérisssier of St. Saviour asked Deputy Alan Simon Crowcroft of St. Helier, President of the Public Services Committee, the following questions -

- "1. Would the President outline the procedures put in place to ensure that Value for Money (VFM) is obtained from the schools bus service?
2. Would the President outline the annual cost of the service and give the total number of individual journeys made?

The President of the Public Services Committee replied as follows -

- "1. When responsibility for the administration of the School Bus Transport Network was transferred from the Education Committee to the Public Services Committee in January 1998, a comprehensive review was undertaken in order to improve the efficiency and level of service of the operation. The service was extended to include all of the Island's secondary schools including the new Haute Vallée School and the loading figures per bus increased significantly without any major increase in cost or the number of vehicles required. (At the time of the transfer of the school bus service to Public Services, there were 47 vehicles operating morning and afternoon, carrying an estimated 1,440 children per day.) The service currently provides 57 buses (a.m.) and 49 buses (p.m.), and carries approximately 4,000 children per day.

The school bus service currently relies on a combination of services from Jersey Bus and Tantivy Blue Coach Limited each of whom provide approximately half of the buses required.

The cost of the buses provided by Jersey Bus is fixed as part of the Open Book arrangement between Public Services and Jersey Bus. This allows nominated persons access to the company's accounts so that it can be established that a fair rate of return is being obtained by Jersey Bus. The number of vehicles provided by Jersey Bus amount to approximately 50 per cent of the total number being used on the school network on a daily basis. Comparisons undertaken by officers of the Public Services Department indicate that the price charged for the service by Jersey Bus is similar to that being charged by school bus operators in the United Kingdom.

The other half of the school bus contract is let by competitive tender and the procedures involved in this exercise were the subject of questions put by Deputy Le Hérisssier of St. Saviour on 24th October last year. In the past, competitive tendering has been used successfully to reduce the price of the service, for example, the routes for Haute Vallée and Grainville, which were put out to tender in January 1999.

As only one tender was received for the three-year contract for the tendered services, and it was significantly higher than expected, the decision was taken to award the contract to Tantivy Blue Coach Limited. for the spring term 2001 only. When comparing costs for the spring term of 2000 to the spring

term 2001, the cost is approximately 21 per cent higher for the whole service.

It is recognised that increased value for money requires an improvement of the income stream. Steps have been taken to increase the income from the school bus service to offset expenditure. The ability of children to purchase tickets for individual journeys was recognised as creating difficulties in the maximising of the vehicle loadings. There was also evidence that not all tickets were being collected due to the large numbers of children boarding buses, especially in the afternoons. Accordingly at its meeting on 27th November 2000 the Committee agreed that daily tickets would not be available from April 2001. Tickets would also be increased in price, the 2.5 per cent target inflation figures being applied to termly passes.

The overall picture of value for money obtained from the school bus service since its transfer to the Public Services Committee is, to some extent, extremely encouraging. The Department has been able through the use of consultants in the early stages and currently through a full time co-ordinator to make efficiency savings and continuous improvements to the service, so that students are using the service in increasing numbers, their journeys are shorter and the buses are achieving much higher loadings than previously. However, the Committee recognises that due to the increased price of the tendered services, and also to the increased take-up of the service by school pupils, the service is unsustainable, and steps must be taken to reduce its cost, or to tailor the service to suit the funds available for it.

2. The cost of the school bus service in 2000 was £1,302,132.

The estimated number of individual journeys in 2000 was in the order of 737,200.

The Public Services Committee will be considering the future of the school bus service at its meeting on 5th February 2001 and I intend to make a statement to the States once the funding issue for the current year has been resolved.”

Work Permits - questions and answers (Tape No 635)

Senator Paul Vincent Francis Le Claire asked Deputy Maurice François Dubras, President of the Industries Committee, the following questions -

- “1. Would the President advise members -
 - (a) whether or not the Committee has discussed my proposition regarding the introduction of work permits (P.107/2000) which was referred to them on 11th July 2000?
 - (b) whether or not the Committee has received any advice from the Attorney General in respect of my work permit proposal?
2. If the answers to questions 1(a) and 1(b) are in the negative, would the President explain the reasons?”

The President of the Industries Committee replied as follows -

- “1.(a) The Committee has naturally touched on the issue of work permits in its ongoing review of the workings of the Regulation of Undertakings Law. Apart from noting the arguments in P.107/2000 it has also had regard to the considerations regarding work permits set out in the Policy and Resources Committee’s report attached to P.175/99. There, the Senator will recall, the point was made that work permits are essentially designed to protect the employment of local people when there is unemployment. That report went on to say, however, that they are not suitable for seeking to contain population growth where there are insufficient local people to fill the jobs available. That is the current position in Jersey as set out in R.C.8/2001 tabled at today’s meeting.

- (b) The Industries Committee has not itself received any advice from the Attorney General in respect of the Senator's proposals. But all members of the Committee are obviously cognisant of the letter of 1st June 2000 from the Attorney General to the Senator that the Senator circulated, the latter, circulated to all States members on 12th July. This letter referred, inter alia, to earlier legal advice from the Attorney General's office on the subject of work permits which I understand was drawn upon by the Policy and Resources Committee in its report P.175/99. The Attorney General's letter to the Senator underlined the legal complexity of the whole issue, but naturally did not dwell upon the basic economic point that work permits are for dealing with local unemployment, not local over-employment.
2. Not applicable - see the Answer to Question 1."

Implementation of the 'Clothier Report' - questions and answers (Tape No 635)

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

- “1. Does the Policy and Resources Committee believe that the principle of change to the Constitution of the Island of Jersey is sufficiently important that it cannot occur without the endorsement of the electorate?
2. If the answer to question 1 is in the affirmative how does the Committee intend to seek the participative changes required with and by the people to implement the changes as recommended by the 'Clothier Review'?
3. If the answer to question 1 is in the negative, has the Committee sought the views of the Attorney General and if so would the President make those known in full to this Assembly?”

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

“1. and 2.

There is no doubt that the Clothier Report recommendations, if implemented, will represent a major change in the governance of the Island. Sir Cecil Clothier and his team have made very clear their confidence that in making their recommendations they had taken very full account of the weight of public opinion. They had 'taken the pulse of the Island', in Sir Cecil's words. The response in the two weeks since the Report was published have, I believe, confirmed this.

But it is important that we consult on the Report itself.

The Policy and Resources Committee has, therefore, given careful thought how best to ensure that public opinion on the Clothier package is expressed and understood in the best manner possible. The Committee has announced its plans to invite public views. I am pleased by the reception these have received and I am confident that when the States come to debate the report in April members will be in no doubt as to public opinion on the package of changes proposed.

3. The answer to Question 1 is not in the negative.”

Timing of the debate on population and immigration matters - question and answer (Tape No 635)

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

“On 6th of June 2000 in reply to a question from myself asking when his Committee intended to request the Assembly to consider proposals on population and immigration control, the President stated the Committee

'is now aiming to submit a further report to the States by about the end of July. This will pave the way for a debate after the summer break.' ”

On 10th of October the President said in response to another question 'Being realistic, I hope that the Committee will be in a position to present a report to the Assembly shortly after Christmas.'

On 28th November in reply to supplementary questions to a question from the Deputy of St. John on population policy, the President indicated a report would be forthcoming early in 2001.

- (a) Can the President update the Assembly as to when a report on this vital issue is likely to be forthcoming?
- (b) can the President confirm the issue of population and immigration control is the top priority for his Committee and Department and would he inform the Assembly what resources are being allocated to this?"

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

My earlier replies were all given in good faith, and were based on an assumption regarding the availability of additional information, some of which arises directly from decisions taken by the States during the last population debate (1) to pursue the smart card concept and (2) to commission an economic model of the Island from the University of Strathclyde.

As far as the economic model is concerned, with hindsight the Policy and Resources Department and Strathclyde University were over-ambitious last summer about the time this work would take. As the Deputy is well aware, the Finance and Economics Committee, of which he is a member, and the Policy and Resources Committee, decided last summer to retain specialist economic consultancy advice and one of the specific objectives for the contract, endorsed by both Committees, was to examine all the economic implications arising from the population policy issue. The work done so far has made us appreciate even more the complexity and interlocking nature of all the issues on the ageing population, employment and so on. All members had the opportunity shortly before Christmas to hear the interim views of OXERA at first hand. I can confirm that my Committee will be receiving a presentation on the outcome of Strathclyde's work in March, and that OXERA will be reporting to us shortly after that with their first analysis of the impact of various population scenarios based on the Strathclyde model; the two are working together on this.

I am very pleased to say that the Smart Card project is also making very good progress. Several members were present on behalf of their Committees at a presentation on 25th January 2001 by De La Rue, who we commissioned to work on this project. The consultants have reported that a residence card option, with a number of applications and with the capacity to be developed for further applications, is perfectly feasible and have recommended that this would be the best Smart Card option for Jersey to adopt to meet its requirements and in the current state of technology. The Policy and Resources Committee has asked for the work on this to be taken forward as quickly as possible.

I feel confident that States members would wish to have all the relevant information arising from their previous decisions, and from the greatly strengthened economic advisory capacity that we now have, before reconsidering all the issues. The Policy and Resources Committee is firmly of the view that it must have all the information available before it can consider what recommendations it can make to the States. We have the resources in place to work on all the issues, but we must allow time for the analysis to be done and considered properly. There is no question of this issue being sidelined.

It is difficult to give the Deputy a firm date for bringing forward a further report because it does depend on the completion of highly technical work by others. However, it does not make sense to hold a States debate before we have the benefit of information arising from the Strathclyde Economic Model. While recognising that this work has taken longer than we thought it would, it is now nearly ready and Oxera are already drawing on Strathclyde's work and analysing the economic implications of different population scenarios.

I repeat my assurance that we will come to the Assembly as soon as we have the information necessary for an informed and constructive debate.”

Machinery of Government: responsibility for implementation procedures - P.19/2001

THE STATES, acceded to a request of Senator Stuart Syvret, and agreed to consider the proposition “Machinery of Government: responsibility for implementation procedures” at the next meeting on 13th February 2001.

Members present voted as follows -

“Pour” (28)

Senators

Le Maistre, Bailhache, Syvret, Kinnard, Le Claire, Lakeman.

Connétables

St. Peter, St. Helier, St. Martin, St. Saviour, St. Clement, St. Brelade, St. Lawrence, St. Mary, St. John.

Deputies

Duhamel(S), Breckon(S), Grouville, Le Main(H), Crowcroft(H), Vibert(B), G. Baudains(C), Troy(B), Scott Warren(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H).

“Contre” (17)

Senators

Horsfall, Stein, Quérée, Walker, Le Sueur.

Deputies

H. Baudains(C), Trinity, Routier(H), Layzell(B), St. Martin, St. Peter, Dubras(L), St. Ouen, Dorey(H), Voisin(L), Farnham(S), Ozouf(H).

Social Security Registration Cards: proof of identity - P.113/2000 - Report - P.113/2000 Rpt.

THE STATES commenced consideration of a proposition of Senator Paul Vincent Francis Le Claire regarding social security registration cards, and after discussion adopted a proposition of Deputy Jeremy Laurence Dorey of St. Helier to move to the next item on the order paper.

Members present voted as follows -

“Pour” (31)

Senators

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

Connétables

Grouville, St. Martin, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John.

Deputies

H. Baudains(C), St. Mary, Trinity, Routier(H), Layzell(B), Grouville, St. Martin, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Dorey(H), Ozouf(H), Bridge(H).

“Contre” (15)

Senators

Le Maistre, Syvret, Le Claire.

Connétables

St. Helier, St. Clement.

Deputies

Duhamel(S), Breckon(S), G. Baudains(C), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Le Hérisssier(S), Fox(H), Martin(H).

Draft Shops (Sunday Trading) (Amendment No. 4) (Jersey) Law 200- P.1/2001

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Shops (Sunday Trading) (Amendment No. 4) (Jersey) Law 200-.

Senator Frank Harrison Walker and Deputy Peter Nicholas Troy of St. Brelade declared an interest and withdrew from the Chamber prior to the consideration of this item.

Draft Shellfish (Underwater Fishing) (Jersey) Regulations 200- P.3/2001

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the fourteenth day of April 1884, made Regulations entitled the Shellfish (Underwater Fishing) (Jersey) Regulations 2001.

Senator Paul Vincent Francis Le Claire declared an interest and withdrew from the Chamber prior to the consideration of this item.

Bel Royal School Nursery: approval of drawings - P.5/2001

THE STATES, adopting a proposition of the Education Committee -

- (a) approved drawings nos. 3012:WD01, 02, 03 and 04 showing the proposed construction of a new nursery class at Bel Royal School, St. Lawrence;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Les Quennevais Dance Studio: approval of drawings - P.6/2001

THE STATES, adopting a proposition of the Sport, Leisure and Recreation Committee -

- (a) approved drawings Nos. 00-966-066A, 077A, 008, 009A, A3/007, A3/008, A3/009, A3/010 and 00200/01, showing the proposed extension to Les Quennevais Sports Centre, for the construction of a new Dance Studio, and internal alterations to showers and WCs;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

THE STATES rose at 11.15 a.m.

C.M. NEWCOMBE

Greffier of the States.