

**THE STATES assembled on Tuesday,
9th November 1999 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E.,
was present**

All members were present.

Prayers

Lord Bassam of Brighton - visit

The Bailiff informed the States that the Lord Bassam of Brighton, Parliamentary Under-Secretary of State at the Home Office, would make an official visit to the Island on 25th and 26th November 1999.

Newly-elected Connétable of St. Brelade

The Bailiff, on behalf of the members of the States, congratulated Mr. Maxwell Robert de la Haye, former Deputy of St. Brelade, on his election as Connétable of St. Brelade.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 1st November 1999 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 Health and Social Services Committee, the lease from Mr. Eric Gerald Le Feuvre of the two-bedroom property known as La Maisonette, Salem House, La Rue de Bas, St. Lawrence, for a period of two years from 1st August 1999 at an annual rent of £9,620 payable quarterly in advance, to be reviewed on 1st August 2000, with an option to renew for a further 12 months, at which time the rent would again be reviewed in line with the Jersey Retail Prices Index, and on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Eric Gerald Le Feuvre of the one-bedroom property known as The Garden Flat, Salem House, La Rue de Bas, St. Lawrence, for a period of two years from 6th May 1999, at an annual rent of £7,500 payable quarterly in advance, to be reviewed on 6th May 2000 with an option to renew for a further 12 months, at which time the rent would again be reviewed in line with the Jersey Retail Prices Index, and on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (c) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Eileen Mary Renouf, née Pallot, of the three-bedroom property known as Teramar, Mont au Prêtre, Trinity Hill, St. Helier, for a period of three years from 1st April 1999, with an option to renew for a further two years, at a commencing revised annual rent of £10,864 payable quarterly in advance, to be reviewed on 1st April 2000 and 1st April 2001 in line with the Jersey Retail Prices Index, and on the basis that each party would be responsible for its own legal costs arising from this transaction;

- (d) as recommended by the Health and Social services Committee, the renewal of the lease from Mr. Derek Horsfall and Mrs. Eileen Doris Horsfall, née Chapman, of the three-bedroom property known as Holly Tree House, La Grande Route de St. Jean, St. Helier, for a period of two years from 1st August 1999, with an option to renew for a further 12 months, at an increased annual rent of £16,544 payable quarterly in advance, to be reviewed on 1st August 2000 and 1st August 2001 in line with the Jersey Retail Prices Index, and on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (e) as recommended by the Harbours and Airport Committee, the renewal of a wayleave agreement with Mr. Stuart Francis Collings in respect of Field No. 747, St. Peter, for the purposes of establishing a single landing light in a hedgerow outside the eastern boundary of the airfield, for a period of nine years from 1st January 2000 at an annual rent of £110, to be reviewed annually on 1st January in line with the Jersey Retail Prices Index, with the terms and conditions remaining unaltered, and on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (f) as recommended by the Harbours and Airport Committee, the lease to Emperor Europe Limited of 204 square feet of storage space known as Letting No. B146 within the Airpor Freight Terminal Building, Jersey Airport, for the period from 1st September 1999 to 30th June 2001, at an annual rent of £1,499.40, to be reviewed on 1st July 2000 in line with the Jersey Retail Prices Index, and on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (g) as recommended by the Public Services Committee, the sale to Dunnell's Wine Merchants Limited of an area of land measuring 465 square feet situated to the north of Beaumont Pumping Station, St. Peter, for the sum of £12,000 and on the basis that the purchaser would be responsible for the legal costs of both parties in respect of this transaction;
- (h) as recommended by the Health and Social Services Committee, the assignment of the lease of the flower shop at the General Hospital, St. Helier, from Mrs. Jean Patricia Roche, née Geary, to Miss Kay Marie Smith, from 1st November 1999 until 30th June 2001, on the basis that Miss Smith paid a premium in the sum of £15,000 to Mrs. Roche in relation to the goodwill of the business;
- (i) as recommended by the Public Services Committee, a Deed of Arrangement with Mrs. Gabrielle Habin, née Fielding, and Pizza Express (Jersey) Limited (guaranteed by Pizza Express Plc), granting the right to alter the existing southern and western boundary at the former Buccaneer Beach Bar, adjacent to St. Brelade's Promenade Park, St. Brelade, to form a continuation of the granite rockery and create a new extrace/exit, as detailed in a report dated 4th October 1999 from the Director of Property Services, for the sum of £15,000 on the basis that Pizza Express (Jersey) Limited would be responsible for the legal costs of both parties in respect of this transaction subject to all terms and conditions being met.

Matters noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 1st November 1999, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Housing Committee had accepted a negotiated tender for Phase II of the refurbishment works at Grasett Park, St. Saviour, namely that submitted by Hacquoil & Cook Limited for the sum of £3,530,000 in a contract period of 72 weeks.

Matters lodged

The following matters were lodged "au Greffe" -

Fort Regent: redevelopment - P.181/99.

Presented by the Sport, Leisure and Recreation Committee.

Budget 2000.

Presented by the Finance and Economics Committee.

Establishment of a Home Affairs Committee (P.174/99): amendment - P.182/99.
Presented by the Prison Board.

Draft Defence Committee (Change of Name) (Jersey) Act 199 - P.183/99.
Presented by the Defence Committee.

Arrangement of public business - Committees of the States: delegation of functions to sub-committees - P.122/9

THE STATES acceded to a request of Deputy Terence John Le Main of St. Helier that consideration of the proposition on Committees of the States: delegation of functions to sub-committees (P.122/99 lodged "au Greffe" on 7th September 1999) be deferred from the present meeting to a later date.

Arrangement of public business - Draft Firearms (Jersey) Law 199 - P.96/99

THE STATES rejected a proposition of Senator Leonard Norman that consideration of the Draft Firearms (Jersey) Law 199 (P.96/99 lodged "au Greffe" on 6th July 1999) be deferred from the present meeting to a later date.

Members present voted as follows -

"Pour" (25)

Senators

Rothwell, Le Maistre, Bailhache, Norman.

Connétables

St. Mary, St. Peter, Grouville, St. Helier, St. Martin, St. Ouen, St. John, Trinity, St. Clement.

Deputies

Coutanche(L), Le Geyt(S), Trinity, Duhamel(S), Routier(H), Grouville, St. Martin, St. John, Rabet (H), Crowcroft(H), Vibert(B), Le Claire(H).

"Contre" (26)

Senators

Shenton, Horsfall, Stein, Quérée, Syvret, Walker, Kinnard.

Connétables

St. Lawrence, St. Saviour, St. Brelade.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), St. Mary, S. Baudains(H), Pullin(S), Johns(H), Layzell(B) Breckon(S), Huet(H), Le Main(H), Blampied(H), St. Peter, Dubras(L), St. Ouen, G. Baudains(C).

The Bailiff having declared the result of the appel nominal, the States acceded to a request of Deputy Alastair John Layzell of St. Brelade, member of the Defence Committee, that consideration of this matter be deferred from the present meeting to the next meeting on 16th November 1999 when it would be taken as the first item of matters lodged "au Greffe" listed under Public Business.

Arrangement of public business for the next meeting on 16th November 1999

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 16th November 1999 -

Draft Harbours (Amendment No. 30) (Jersey) Regulations 199 - P.159/99.

Lodged: 19th October 1999.

Presented by the Harbours and Airport Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 19) (Jersey) Regulations 199 - P.160/99.

Lodged: 19th October 1999.

Presented by the Harbours and Airport Committee.

Draft Amendment (No. 22) to the Tariff of Harbour and Light Dues - P.161/99.

Lodged: 19th October 1999.

Presented by the Harbours and Airport Committee.

Draft Gambling (Licensing Provisions) (Amendment No. 11) (Jersey) Regulations 199 - P.164/99.

Lodged: 26th October 1999.

Presented by the Gambling Control Committee.

Jersey Financial Services Commission: appointment of Commissioners - P.166/99.

Lodged: 26th October 1999.

Presented by the Finance and Economics Committee.

Industries Committee: terms of reference and transfer of functions - P.176/99.

Lodged: 26th October 1999.

Presented by the Policy and Resources Committee.

Draft Amendment (No. 19) of the Standing Orders of the States of Jersey - P.179/99.

Lodged: 2nd November 1999.

Presented by the House Committee.

Crime and Community Safety Strategy: 1999 to 2009 - P.167/99.

Lodged: 26th October 1999.

Presented by the Defence Committee.

Substance Misuse Strategy: 1999 to 2004 - P.168/99.

Lodged: 26th October 1999.

Presented by the Health and Social Services Committee.

Population policy - P.175/99.

Lodged: 26th October 1999.

Presented by the Policy and Resources Committee.

Population policy (P.175/99): amendments - P.178/99.

Presented: 2nd November 1999.

Presented by Deputy J.T. Johns of St. Helier.

Additional meetings

THE STATES agreed to meet on Wednesday, 17th November 1999 and Thursday, 18th November 1999, if necessary, to complete consideration of the matters set down for the next meeting on 16th November 1999.

Reorganisation of the Department of Planning and Building Services - question and answer (Tape No. 459)

The Deputy of St. John asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

“In replying to my question of 26th October 1999 about the reorganisation of the Department of Planning and Building Services, the President advised members that ‘the change was made possible by the Chief Executive Officer negotiating agreement with the two postholders’, and that ‘the changes were made with the prior agreement of the Establishment Committee’. As he omitted to answer my question fully, would the President confirm whether or not all usual recruitment procedures were followed and, if not, would the President explain why?”

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

“My answer of 26th October 1999 clearly explained the circumstances of the change of role of two senior professionals in the Department of Planning and Building Services.

The procedures which were adopted complied with the guidelines set out in the States Personnel Department Policy Manual.”

Development of a village green on Field 588, St. Ouen - question and answer (Tape No. 459)

Senator Jean Amy Le Maistre asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

“On 28th September 1999 the States supported the proposition concerning the creation of a village green and two dwellings on Field 588 in St. Ouen.

As it is now over one month since that decision, would the President inform the States whether the Committee has considered the matter and, if so, what is the outcome of such consideration?”

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

“Due to the pressure of other business the Committee has still to consider the matter - it is on the agenda for its meeting on Thursday of this week.

There is, of course, nothing to prevent the Parish of St. Ouen and the owner of the field joining forces now to make a joint application.”

Shops: Sunday Trading - P.137/99

THE STATES commenced consideration of a proposition of the Connétable of St. Lawrence on Shops: Sunday Trading and rejected a proposition of Senator Stuart Syvret that the matter be referred back.

Members present voted as follows on the proposition of Senator Syvret -

“Pour” (19)

Senators

Horsfall, Rothwell, Syvret, Norman.

Deputies

St. Mary, S. Baudains(H), Duhamel(S), Routier(H), Breckon(S), Grouville, Huet(H), St. Martin, St John, Blampied(H), Rabet(H), Crowcroft(H), Vibert(B), St. Peter, Le Claire(H).

“Contre” (30)

Senators

Shenton, Le Maistre, Stein, Quérée, Bailhache, Kinnard.

Connétables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), Trinity, Pullin(S), Johns(H), Layzell(B), Le Main(H), Dubras(L), St. Ouen, G. Baudains(C).

THE STATES, adopting a proposition of the Connétable of St. Lawrence agreed, in principle, that the Shops (Sunday Trading) (Jersey) Law 1960, as amended, be repealed and replaced by a new Law containing, inter alia, provisions to the following effect -

- (a) to limit the opening of shops, in accordance with the terms of a trading permit issued by the Connétable of the parish concerned, by -
 - (i) prohibiting the opening of shops with a retail sales area in excess of 2,000 square feet in St. Helier and in excess of 3,000 square feet in other parishes;
 - (ii) permitting the opening of certain types of shop in St. Helier, with a retail sales area of 2,000 square feet or less, where the predominant use falls within certain defined categories or a special purpose, for a specified length of time according to the size of the retail sales area;
 - (iii) permitting the opening of shops with a retail sales area of 3,000 square feet or less in parishes excluding St. Helier, where the predominant use falls within certain defined categories or a special purpose, for a specified length of time;
- (b) to provide that shops will have to satisfy the 'predominant use' or the 'special purposes' test as defined in the legislation, together with the retail sales area 'test', before being granted a permit to trade on Sunday;
- (c) to provide for the charging of permit fees of a variable amount linked to the retail size area of the premises;
- (d) to provide for special conditions to be attached to a permit restricting trade on Good Friday, Easter Sunday, Liberation Day and Christmas Day;
- (e) to exempt certain transactions from the provisions of the Law, namely -
 - (i) intoxicating liquors for consumption on the premises at which they are sold; and
 - (ii) meals or refreshments for consumption at the shop at which they are sold;
- (f) to permit the Connétable, in his absolute discretion, to issue a permit for the sale of such other goods as may be specified in the permit in respect of some particular event;
- (g) to provide penalties for non-compliance with the Law or with any condition attached to a trading permit;

and charged the Legislation Committee to prepare the necessary legislation.

Members present voted as follows -

“Pour” (29)

Senators

Shenton, Le Maistre, Stein, Quérée, Bailhache, Syvret, Kinnard.

Connétables

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

Deputies

Wavell(S), H. Baudains(C), S. Baudains(H), Pullin(S), Johns(H), Layzell(B), St. Peter, Dubras(L), S Ouen, G. Baudains(C).

“Contre” (16)

Senators

Horsfall, Rothwell, Norman.

Deputies

Coutanche(L), Trinity, Breckon(S), Grouville, Huet(H), St. Martin, St. John, Le Main(H), Blampied (H), Rabet(H), Crowcroft(H), Vibert(B), Le Claire(H).

Senator Frank Harrison Walker declared an interest in the subject matter of the proposition and withdrew from the Chamber prior to its consideration.

U.N. Convention on Wetlands of International Importance : designation of south and east coastal area - P.139/99

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

- (a) agreed that the coastal area to the south and east of the Island of Jersey shown shaded on Map No. 1 attached to the report dated 16th September 1999 of the Planning and Environment Committee, should be designated as a Wetland of International Importance under the terms of the Convention on Wetlands of International Importance, as amended, (“the Ramsar Convention”), which applies to Jersey; and authorised the Greffier of the States to sign the said Map;
- (b) charged the Planning and Environment Committee to prepare a formal application under the terms of the Ramsar Convention for the designation of the area and to request the Bailiff formally to transmit the application to the Home Office through the official channel;
- (c) charged those Committees of the States with administrative responsibilities for activities taking place in the area to be designated (including the Tourism, Agriculture and Fisheries, Planning and Environment, Harbours and Airport and Public Services Committees) to conduct their activities in that area in compliance with the conservation principles of the Ramsar Convention as outlined in the report of the Planning and Environment Committee dated 16th September 1999 and as described more fully in the Convention reproduced in Appendix 1 of that report.

Members present voted as follows -

“Pour” (30)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Stein, Quérée, Bailhache, Syvret, Kinnard.

Connétables

St. Lawrence, St. Mary, St. Peter, St. Helier, St. Ouen, St. John.

Deputies

Wavell(S), Coutanche(L), Trinity, Pullin(S), Johns(H), , Routier(H), Layzell(B), Breckon(S), Grouville, Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Le Claire(H).

“Contre” (14)

Senator

Norman.

Connétables

Grouville, St. Martin, Trinity, St. Saviour, St. Clement, St. Brelade.

Deputies

H. Baudains(C), Huet(H), St. Martin, St. John, Le Main(H), Rabet(H), G. Baudains(C).

Adjournment

THE STATES then adjourned, having agreed that the remaining items of public business would be considered as the first items of matters lodged “au Greffe” listed under Public Business at the next meeting after consideration of the Draft Firearms (Jersey) Law 199 (P.96/99 - lodged “au Greffe” on 6th July 1999).

THE STATES rose at 5.47 p.m.

G.H.C. COPPOCK

Greffier of the States.