

**THE STATES assembled on Tuesday,
21st November 2000 at 9.30 a.m. under
the Presidency of the Greffier of the States,
Miss Catherine Mary Newcombe.**

All members were present with the exception of -

Senator Christopher Gerard Pellow Lakeman - out of the Island
Jacqueline Jeannette Huet, Deputy of St. Helier - out of the Island
Jeremy Laurence Dorey, Deputy of St. Helier - out of the Island
Celia Joyce Scott Warren, Deputy of St. Helier - excused.

Prayers

Tourism Committee - resignation of member

THE STATES noted the resignation of Deputy Judith Ann Martin of St. Helier from the Tourism Committee.

Health and Social Services Committee - appointment of member

THE STATES appointed Deputy Judith Ann Martin of St. Helier as a member of the Health and Social Services Committee.

Matters presented

The following matters were presented to the States -

Television licence fees: rebate for senior citizens over 75 (P.187/2000): report - P.187/2000 Rpt.
Presented by the Finance and Economics Committee.

Draft Criminal Justice (Compensation Orders) (Jersey) Regulations 200- (P.206/2000): addendum - P.206/2000 Rpt.
Presented by the Legislation Committee.

Manpower report for the period 1st April 2000 to 30th June 2000 - R.C. 39/2000.
Presented by the Industries Committee

Draft Competition Regulatory Authority (Jersey) Law 200- (P.191/2000): amendments (P.209/2000) - comments - P.209/2000 - Com.
Presented by the Industries Committee.

Draft Competition Regulatory Authority (Jersey) Law 200- (P.191/2000): second amendments (P.210/2000) - comments - P.210/2000 - Com.
Presented by the Industries Committee.

Draft Competition Regulatory Authority (Jersey) Law 200- (P.191/2000): third amendments (P.211/2000) - comments - P.211/2000 - Com.
Presented by the Industries Committee.

Committee of Inquiry: Pioneer Coaches Ltd., Town 'Hoppa Bus' Service (P.172/2000): report - P.172/2000 Rpt.
Presented by the Public 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 13th November 2000 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 Housing Committee, the entering into of a Deed of Arrangement with the Jersey Homes Trust in order to alter the boundary alignment at House No. 4, situated at the junction of La Route des Quennevais and Le Clos Don, St. Brelade to allow the Trust to maintain the external wall of House No. 4, as follows -
 - (i) the sale to the Jersey Homes Trust of an area of land (measuring 131.4 square feet) for the sum of £10;
 - (ii) the purchase from the Jersey Homes Trust of an area of land (measuring 483.3 square feet) for the sum of £10;
 - (iii) each party to be responsible for its own legal fees in connexion with the conveyances and 50 per cent each of Professional Hi-Tech Services' fees in connexion with the production of a plan showing the revised co-ordinate points to accompany the deed of sale; and
 - (iv) the erection on the proposed boundary by the Jersey Homes Trust, at its own cost, of a fence similar to that which would have been erected on the subject boundary line, with all existing terms and conditions relating to the boundary to remain the same;
- (b) as recommended by the Housing Committee, the entering into a Deed of Arrangement with the Jersey Homes Trust in order to grant to the trust a right of access with or without workmen, materials, ladders and scaffolding onto Le Clos Don, St. Brelade and the adjoining landscaped strip of land in order to repair, replace, maintain and upkeep the south boundary wall, being bound to carry out the work as quickly as possible and to cause the least inconvenience possible to the public and residents of Le Clos Don, and to reinstate any damage caused by the road to the state that existed before the work was undertaken, the right of access being conditional upon two weeks' notice being given to the Housing Committee, except in the case of an emergency, with the public not to lose its right to build up to the boundary between the Trust's land and the public land as a result of the arrangement, and on the basis that each party would pay its own legal fees in connexion with the Deed of Arrangement;
- (c) as recommended by the Harbours and Airport Committee, the leases to Mr. Ronald Alexander Kirk and Mrs. Elaine Sandra Kirk, née Ward, of St. Catherine Café and associated Flat (STC3), St. Martin, for a period of five years from 7th July 2000, at commencing annual rents of £16,000 and £8,900 respectively, to be increased annually in line with the Jersey Retail Price Index, with the terms of the leases to be similar to those previously in place, but with the lessee being clearly responsible for the internal repairs, maintenance, decoration of internal areas, payment of occupancy costs including parish rates and responsibility for maintenance and repair of exterior walls, fences, installations, plant and machinery (excluding structural repairs and alterations which would remain the responsibility of the Landlord), and on the basis that the lessee was to be responsible for the payment of all legal fees incurred in the transaction and the signing and production of the leases;
- (d) as recommended by the Harbours and Airport Committee, the assignment of the following leases with effect from 1st October 2000 -
 - (i) to De La Haye Fish Enterprise Limited from C and C Fisheries Limited, warehouse accommodation V12L and V12J (measuring 1,083 square feet), Victoria Pier, St. Helier; and
 - (ii) to C and C Fisheries limited from De La Haye Fish Enterprise Limited, warehouse accommodation V12M (measuring 722 square feet), Victoria Pier, St. Helier;
- (e) 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, La Croix, Trinity, for a period of two years from 1st May 2000 at an annual rent of £16,500 (representing £365.38 a week), payable quarterly in advance, the annual rent to be subject to revision in line with the Jersey Retail Price Index as at 1st May 2001, with all other terms and conditions to remain as contained in the existing lease;

- (f) as recommended by the Health and Social Services Committee, the lease from Arradon Holdings Limited of the property known as 14 Byron Road, St. Helier, for a period of two years from 1st March 2000, at an initial annual rent of £18,700 to be reviewed annually in line with the Jersey Retail Price Index.

Matters noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 13th November 2000, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Home Affairs Committee, by Act dated 5th October 2000, had accepted the lowest tender for the construction element of the new Prison Control Room within HM Prison La Moye, St. Brelade, namely that submitted by B and C Contractors Limited in the sum of £638,607.00 in a contract period of 44 weeks, subject to that Committee's request for additional funding in the sum of £203,816 to cover increased costs arising from inflation for the overall project.

Matters lodged

The following matters were lodged "au Greffe" -

Housing Regulations: reduction in residence period - P.212/2000.

Presented by the Housing Committee.

Draft Housing (General Provisions) (Amendment No. 14) (Jersey) Regulations 200- - P.213/2000.

Presented by the Housing Committee.

Public Employees Contributory Retirement Scheme Committee of Management: membership - P.214/2000.

Presented by the Human Resources Committee.

Parish Rate Appeal Board: appointment of member - P.215/2000.

Presented by the Finance and Economics Committee.

Draft Electronic Communications (Jersey) Law 2000 (Appointed Day) Act 200- - P.216/2000.

Presented by the Industries Committee.

50 Colomberie and 1 Little Green Street, St. Helier: conditions of sale - P.217/2000.

Presented by the Public Services Committee

Arrangement of public business for the present meeting

THE STATES acceded to the request of the President of the Employment and Social Security Committee to defer consideration of the proposition on Employment legislation (P.99/2000 lodged "au Greffe" on 20th June 2000) from the present meeting to a later date.

Public Employees (Contributory Retirement Scheme) Committee of Management: relationship - P.202/000 - withdrawn

THE STATES granted leave to the President of the Human Resources Committee to withdraw the proposition concerning the Public Employees (Contributory Retirement Scheme) Committee of Management: membership (P.202/2000 lodged "au Greffe" on 7th November 2000) having lodged a revised proposition at the present meeting.

Arrangement of public business for the next meeting on 28th November 2000

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 28th November 2000 -

Draft Competition Regulatory Authority (Jersey) Law 200- -P.191/2000.
Lodged: 7th November 2000.
Industries Committee.

Draft Competition Regulatory Authority (Jersey) Law 200- (P191.2000) : amendments - P.209/2000.
Lodged: 14th November 2000.
Deputy M.E. Vibert.

Draft Competition Regulatory Authority (Jersey) Law 200- (P.191/2000): amendments (P.209/2000) - comments - P.209/2000 - Com.
Presented: 21st November 2000.
Industries Committee.

Draft Competition Regulatory Authority (Jersey) Law 200- (P191.2000): second amendments - P.210/2000.
Lodged: 14th November 2000.
Deputy J.L Dorey.

Draft Competition Regulatory Authority (Jersey) Law 200- (P.191/2000): second amendments (P.210/2000) - comments - P.210/2000 - Com.
Presented: 21st November 2000.
Industries Committee.

Draft Competition Regulatory Authority (Jersey) Law 200- (P191.2000): third amendments - P.211/2000.
Lodged: 14th November 2000.
Deputy A. Breckon.

Draft Competition Regulatory Authority (Jersey) Law 200- (P.191/2000): third amendments (P.211/2000) - comments - P.211/2000 - Com.
Presented: 21st November 2000.
Industries Committee.

Former d’Hautrée School, St. Saviour: designation for use as Magistrate’s Court - P.207/2000.
Lodged: 7th November 2000.
Legislation Committee.

Comptroller of Income Tax: appointment - P.201/2000.
Lodged: 7th November 2000.
Human Resources Committee.
(to be considered in camera)

Income tax legislation: relief on second mortgages (P.109/2000) - withdrawn

THE STATES having rejected a proposition of Senator Paul Vincent Francis Le Claire that the proposition on income tax legislation: relief on second mortgages (P.109/2000 lodged “au Greffe” on 4th July 2000) be considered at the next meeting granted leave to Senator Le Claire to withdraw the proposition.

Recent public order disturbances - questions and answers (Tape No. 620)

The Deputy of St. John asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs

Committee, the following questions -

- “1 (a) With the considerable public order disturbances at First Tower over Hallowe’en, would the President advise members whether it is the public’s responsibility to employ a private security company to protect their premises and/or livelihood, or may the community rely on its police force to respond to calls to deal with public disorder offences?
 - (b) Would the President advise members what action the Committee proposes taking in order to avoid a repeat of this annual problem?
2. Would the President advise members whether the Committee is prepared to show the public video footage of the violence which occurred over the weekend of 3rd and 4th November 2000 in Liberation Square, St. Helier, in order that they might help identify criminals in a similar manner to the opportunities given to the public in the United Kingdom?”

The President of the Home Affairs Committee replied as follows -

- “1(a) I very much regret the Deputy of St. John’s suggestion that the States Police fail to respond to calls to deal with public disorder. At Hallowe’en, no call was received at Police Headquarters from Mr. and Mrs. Stansfield whose house at First Tower was the target of eggs thrown by youngsters. Nor were the Police alerted to the problems which Mr. and Mrs. Stansfield claimed they had experienced for many years.

It follows from what I have said that all law-abiding members of the community are entitled to protection but the Police cannot provide protection if it is not requested.

- (b) The Chief Officer of the States Police has written to Mr. and Mrs. Stansfield offering protection for Hallowe’en 2001. Meanwhile, the issue of public disorder by young people is already being discussed by an officer group working within the Crime and Community Safety Strategy.
2. Although my initial reaction was to ask for the footage to be released, I was advised that publication of the video footage could identify youths who even in court would not normally be identified and would in any event breach the sub judice rule.”

Number of eating houses within Beresford Market (Tape No. 620)

The Deputy of St. John asked Deputy Maurice François Dubras of St. Lawrence, President of the Industries Committee. the following question -

“Having taken over responsibility for the Trading Standards Department and the Central and Beresford markets,

- (a) would the President explain the rationale behind allowing three separate eating houses to be established in the Beresford market(s)?
- (b) as rents within both markets are kept artificially low so as to keep the markets vibrant, does the President not consider that having three eating houses within the Beresford market constitutes unfair competition to similar establishments outside the curtilage of the markets who have to pay the full market rate for rentals in the private sector?”

The President of the Industries Committee replied as follows -

- “(a) Generally speaking, we have few applicants to take over vacant tenancies in the market.

The premises trading as Jenny’s has been a cafe for 20 years, previously trading as the Greedy Baby.

The premises trading as Sharkeys was previously run as a ladies’ clothes shop but was unsuccessful. As a result of poor trading figures no one applied to take it initially and it was eventually converted into a cafe in 1997 as that was the only application received. This was well

before the Industries Committee took over responsibility for the Market.

The premises at the north end of the Beresford Market traded for many years in fruit and vegetables. When this closed recently and the vacancy was advertised, there were only two applicants, one of which was for organic fruit and vegetables and the other for coffee and cakes. Unfortunately the applicant for organic produce withdrew so we were again left with only one applicant.

The transfer of tenancies can hardly be driven other than by market forces. If people judge they can make a return from a given trade, I do not think it is for my Committee to say they should not be allowed to try. And if we have good competition in cafes, if nothing else, at least that is a very good thing.

- (b) I am grateful to the Deputy of St John for raising this broader question, for I have been thinking about it too since we took over the responsibility for markets at the beginning of this year. The position, however, is not wholly straightforward. On the one hand, rental comparisons taken in isolation could lead to the view that there is possibly some unfair 'competition' here (depending on what means by that); on the other hand, the market is closed in the evening, on Sundays and on Thursday afternoons.

My Committee agrees with the Deputy that it is highly desirable that the Central Markets be a vibrant public market place and, to this end, my Committee has begun to grapple with these issues and we have put in hand a review of the way the markets are operated. Any changes resulting from this, to the extent that they involve the position of tenants, could not come into effect at the earliest until after 2004, when the current six year tenancy agreements or any successor agreements for all current market tenants come to an end. We hope to be able to issue a consultation document on this subject in the new year."

Procedures for the appointment of members of Audit Committees - questions and answers (Tape No. 620)

Deputy Roy George Le Hérisier of St. Saviour asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, asked the following questions -

- "1. Would the President inform members whether the Committee specifies the procedures to be followed by other Committees when appointing members to their Audit Committees and, if so, would the President -
- (a) give details of those procedures, including the time frames to be adhered to for each step of the process?
 - (b) inform the Assembly whether any reforms of current procedures are under consideration by the Committee?
2. If the answer to (b) is in the negative, does the Committee have any plans to introduce standard procedures to be applied by other Committees when appointing Audit Committees?"

The President of the Finance and Economics Committee requested Deputy P.F.C. Ozouf of St. Helier, to reply on his behalf as follows -

- "1.(a) Whilst the Finance and Economics Committee has always been supportive of departmental Audit Committees, it has been up to individual Committees as to whether they have an Audit Committee or not. The Finance and Economics Committee has not, therefore, had a role in specifying procedures or time frames for appointing members to departmental Audit Committees.

The Audit Commission has, as part of its terms of reference, a co-ordinating role with regard to the work carried out by Audit Committees. However neither it nor the Finance and Economics Committee have the authority to insist that a department form an Audit

Committee or influence its membership.

It is the case that the Audit Commission have seen active in promoting the formation of new audit committees by -

revising the terms of reference for Audit Committees;

identifying suitable individuals for Audit Committee membership;

encouraging Departments to set up Audit Committees.

- (b) The Hepworth Report recommended that all Committees should be scrutinised by an Audit Committee. However, it was also recommended that the number of Audit Committees be rationalised to make most efficient use of scarce resources. The Finance and Economics Committee agrees with the Audit Commission that it would be sensible to await the publication of the Clothier Report to identify the future structure of States Committees before more Audit Committees are created.
2. Under Hepworth recommendations, the Auditor General will appoint Audit Committees, therefore it is envisaged that he/she will also produce procedures as described by Deputy Le Hérisier.”

The Review of the Machinery of Government- question and answer (Tape No. 620)

Deputy Roy George Le Hérisier of St. Saviour asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following questions -

- “1. Would the President advise members what mechanisms the Committee is putting in train so that appropriate public consultation takes place regarding the recommendations of the Review of the Machinery of Government?
2. How will the final decisions be taken as to the recommendations of the Review of the Machinery of Government?”

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

- “1. I can inform the Assembly that I am now expecting the Review Panel to publish its report very early in the New Year. The Policy and Resources Committee will, at that point, decide how best to take forward the process of giving effect to the Panel’s recommendations and the process will depend on the nature of those recommendations. There will certainly be a good deal of consultation and discussion on the subject with the members of this Assembly. There has been a great deal of public consultation already by the Panel and I am not in a position now to say what more there should, or could, be. I think we need to see the recommendations first.
2. The final decisions on Review Panel’s recommendations will clearly need to be a matter for the States. But it is too early to speculate exactly how we shall best move towards reaching the point where these decisions are taken”.

Former Motor Traffic Garage Site, Pier Road, St. Helier: transfer of administration - P.142/2000

THE STATES, adopting a proposition of the Public Services Committee -

- (a) approved the transfer of administration of the former Motor Traffic Garage Site, Pier Road, St. Helier, as shown on drawing number 642/1, from the Public Services Committee to the Sport, Leisure and Recreation Committee;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

Draft Amendment (No. 21) of the Standing Orders of the States of Jersey - P.184/2000

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966, as amended, made a Standing Order entitled the Amendment (No. 21) of the Standing Orders of the States of Jersey.

Draft Amendment (No. 22) of the Standing Orders of the States of Jersey - P.186/2000

THE STATES, in pursuance of Articles 27 and 36B(3) of the States of Jersey Law 1966 as amended, made a Standing Order entitled the Amendment (No. 22) of the Standing Orders of the States of Jersey.

Television Licence Fees: Rebate for Senior Citizens over 75 - P.187/2000, Comments - P.187/2000 Com., Report - P.187/2000 Rpt.

THE STATES rejected a proposition of Senator Corrie Stein requesting them to -

- (a) agree that citizens aged 75 and over, resident in Jersey and living in domestic accommodation, should receive a free television licence, subject to application; and
- (b) charge the Finance and Economics and the Employment and Social Security Committees to make arrangements for the proposal to be implemented from 1st January 2001.

Members present voted as follows -

“Pour” (16)

Senators

Stein, Bailhache, Kinnard, Le Claire.

Connétables

Grouville, St. Mary.

Deputies

S. Baudains(H), Duhamel(S), Breckon(S), St. John, Crowcroft(H), G. Baudains(C), Troy(B), L Hérissier(S), Bridge(H), Martin(H).

“Contre” (32)

Senators

Horsfall, Le Maistre, Quérée, Syvret, Norman, Walker, Le Sueur, Lakeman.

Connétables

St. Peter, St. Helier, St. Martin, St. Ouen, St. John, St. Saviour, St. Clement, St. Lawrence.

Deputies

H. Baudains(C), St. Mary, Trinity, Routier(H), Layzell(B), Grouville, St. Martin, Le Main(H), Vibe(B), St. Peter, Dubras(L), St. Ouen, Voisin(L), Farnham(S), Ozouf(H), Fox(H).

Changes in Presidency

The meeting resumed after the lunch adjournment under the Presidency of the Bailiff during consideration of the proposition of Senator Corrie Stein on Television Licence Fees: Rebate for Senior Citizens over 75 (P.187/2000).

Senator Christopher Gerard Pellow Lakeman - attendance

Senator Christopher Gerard Pellow Lakeman, having returned to the Island during consideration of the proposition of Senator Corrie Stein on Television Licence Fees: Rebate for Senior Citizens over 75 (P.187/2000) was present for the remainder of the sitting.

Draft Gambling (Betting) (Amendment No. 11) (Jersey) Regulations 200- - P.189/2000, Comments - P.189/2000 Com.

THE STATES, in pursuance of Article 3 of the Gambling (Jersey) Law 1964, as amended, made Regulations entitled the Gambling (Betting) (Amendment No. 11) (Jersey) Regulations 2000.

Draft Gambling (Licensing Provisions) (Amendment No. 12) (Jersey) Regulations 200 - P.190/2000, Comments - P.190/2000

THE STATES, in pursuance of Article 3 of the Gambling (Jersey) Law 1964, as amended, made Regulations entitled the Gambling (Licensing Provisions) (Amendment No. 12) (Jersey) Regulations 2000.

Trinity House, Bath Street, St. Helier: lease of accommodation for the Jersey Advisory and Conciliation Service - P.193/2000

THE STATES, adopting a proposition of the Employment and Social Security Committee -

- (a) approved the leasing by the public from Alanrod Investments Limited of 1,200 square feet of third floor office space at Trinity House, Bath Street, St Helier, for the purpose of accommodating the Jersey Advisory and Conciliation Service, for a period of nine years commencing on 1st December 2000, with the option for the lessee to terminate the lease at the end of the sixth year, at an initial annual rental of £21,600 to be reviewed at three-yearly intervals to open market rental value, and a proportion of the service charge for the communal areas, insurance, repair and maintenance of the property and of the management charges with each party being responsible for its own legal fees in relation to this transaction;
- (b) authorised the Greffier of the States to sign the lease on behalf of the public, and;
- (c) authorised the Treasurer of the States to pay the rent as it becomes due.

Draft Amendment (No. 24) to the Tariff of Harbour and Light Dues - P.194/2000, Amendment

THE STATES, in pursuance of Article 6 of the Harbours and Light Dues (Jersey) Law 1947, as amended, approved the draft Amendment (No. 24) to the Tariff of Harbour and Light Dues having accepted amendments to the draft scheme of the Harbours and Airport Committee that in the proposed new Section B4

for the amount “£205.40” in sub-paragraph (i) there should be substituted the words “an amount equal to the product of £205.40 and the overall length of the ship”;

and in the proposed new Section B.5 -

for the amount “£197.90” in sub-paragraph (a)(x) there should be substituted the words “an amount equal to the product of £197.90 and the overall length of the ship”.

Draft Amendment (No. 25) to the Tariff of Harbour and Light Dues - P.195/2000, Amendment

THE STATES commenced consideration of the Harbours and Airport Committee of a proposition concerning

the draft Amendment (No. 25) to the Tariff of Harbour and Light Dues and of an amendment presented by Deputy Philip Francis Cyril Ozouf of St. Helier, which amendment was lodged "au Greffe" by Deputy Ozouf.

THE STATES acceded to the request of the Deputy of St. Mary, President of the Harbours and Airport Committee, that further consideration of this matter be deferred to a later date.

Draft Financial Services (Extension) (Jersey) Law 2000 (Appointed Day Act) Act 200- - P.197/2000

THE STATES, in pursuance of Article 19(2) of the Financial Services (Extension) (Jersey) Law 2000, made an Act entitled the Financial Services (Extension) (Jersey) Law 2000 (Appointed Day Act) Act 2000.

Draft Fire Service (Amendment No. 4) (Jersey) Law 2000 (Appointed Day) Act 2000 - P.198/2000

THE STATES, in pursuance of Article 4(2) of the Fire Service (Amendment No. 4) (Jersey) Law 2000 made an Act entitled the Fire Service (Amendment No. 4) (Jersey) Law 2000 (Appointed Day) Act 2000.

THE STATES rose at 15.54 p.m.

M.N. DE LA HAYE

Deputy Greffier of the States.