

**THE STATES assembled on Tuesday,
12th October 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 with the exception of-

John Baudains Germain, Connétable of St. Martin - out of the Island
Paul Francis Routier, Deputy of St. Helier - out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely-

Social Security (Earnings Limit) (Jersey) Order 1999. R & O 9448.

Merchant Shipping (Small Ships Register) (Amendment No. 3) (Jersey) Order 1999. R & O 9499.

Pilotage (Dues and Fees) (Amendment No. 11) (Jersey) Order 1999. R & O 9450.

Road Traffic (Grouville) (Amendment No. 15) (Jersey) Order 1999. R & O 9451.

Matters presented

The following matters were presented to the States-

Welfare benefits: recommended rates from 1st October 1999 - R.C.38/99.
Presented by the Employment and Social Security Committee.

St. Helier Waterfront: conference hotel - rescindment (P.112/99) - comments - P.112/99 Com.
Presented by the Policy and Resources Committee.

St. Helier Waterfront: conference hotel - rescindment (P.112/99) - report - P.112/99 Rpt.(2)
Presented by the Tourism Committee.

Inn on the Park site: future use (P.126/99) - comments - P.126/99 Com.
Presented by the Planning and Environment Committee.

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

Jersey Post: report for 1998.
Presented by the Committee for Postal Administration.

Matters noted - land transaction

THE STATES noted an Act of the Finance and Economics Committee dated 4th October 1999 recording the following 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 Education Committee, the grant of permanent drainage rights to Mr. Mark Cameron Burke across both La Rue de Podêtre, St. Helier, and under the grounds of Haute Vallée School, for his proposed new house only (to be built within the boundary of his property known as St. Judes), for the sum of £3,000, with Mr. Burke being responsible for all the necessary landscaping and accommodation works, the payment of all costs and legal fees associated with these works, and the maintenance and upkeep of any part of the drainage system which solely served the new property for which planning permission had been granted.

Matters noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 4th October 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 the lowest tender for Phase IV of the refurbishment of Le Geyt Flats St. Saviour, namely that submitted by J.F. Marett and Son Limited in the sum of £1,325,000, in a contract period of 52 weeks.

Matters lodged

The following matters were lodged "au Greffe" -

Licensing (Jersey) Law 1974, as amended: 7th category (entertainment) licences. - P.151/99.
Presented by the Tourism Committee.

Draft Investment Business (Amendment) (Jersey) Law 1999 (Appointed Day) Act 199 - P.152/99.
Presented by the Finance and Economics Committee.

Draft Trade Marks (Jersey) Law 199 - P.153/99.
Presented by the Finance and Economics Committee.

States Legislation Programme 1999: Electronic Commerce Law - P.154/99
Presented by the Policy and Resources Committee.

La Sirene Guest House, St. Helier - P.155/99.
Presented by Deputy A.S. Crowcroft of St. Helier and referred to the Housing Committee.

St. Helier Waterfront Leisure Complex: lease to CTP Limited - rescindment - P.156/99.
Presented by Deputy A.S. Crowcroft of St. Helier and referred to the Policy and Resources, Finance and Economics and Tourism Committees.

Inn on the Park site, St. Helier: future use (P.126/99) - amendment - P.157/99.
Presented by Deputy T.A. Le Sueur of St. Helier.

Housing Committee: vote of no confidence - P.158/99.
Presented by Senator L. Norman.

The following matters were deemed to be lodged on 5th October 1999 -

Housing Strategy 1999 - 2003 - P.148/99.
Presented by the Housing Committee.

Committee of Inquiry: housing needs of young people - P.149/99.

Presented by Deputy T.J. Le Main of St. Helier.

Planning for Homes: rezoning of land for social rented and first-time buyer housing - P.150/99.

Presented by the Planning and Environment Committee.

Draft Trade Marks (Jersey) Law 199 - P.108/99

THE STATES granted leave to the President of the Finance and Economics Committee to withdraw the Draft Trade Marks (Jersey) Law 199 (P.108/99 lodged "au Greffe" on 27th July 1999), the Committee having lodged a revised proposition at the present meeting.

Housing Strategy 1998-2003 - P.201/98

THE STATES noted that in accordance with Standing Order 22(3) the President of the Housing Committee had instructed the Greffier of the States to withdraw the proposition on the Housing Strategy 1998 - 2003 (P.201/98 lodged "au Greffe" on 29th September 1998) the Committee having lodged a revised report and proposition on 5th October 1999 (P.148/99).

Arrangement of public business for the next meeting on 26th October 1999

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 26th October 1999 -

Housing Committee: vote of no confidence - P.158/99.

Lodged: 12th October 1999.

Senator L. Norman.

Planning for Homes: rezoning of land for social rented and first-time buyer housing - P.150/99.

Lodged: 5th October 1999.

Planning and Environment Committee.

Shops (Sunday Trading) (Amendment No. 3) (Jersey) Law 199 - P.106/99.

Lodged: 20th July 1999.

Deputy P.F. Routier of St. Helier.

Committees of the States: delegation of functions to sub-committees - P.122/99.

Lodged: 7th September 1999.

Deputy T.J. Le Main of St. Helier.

Committees of the States: delegation of functions to sub-committees (P.122/99) - comments - P.122/99 Com.

Presented: 28th September 1999.

Policy and Resources Committee.

Inn on the Park site, St. Helier: future use - P.126/99.

Lodged: 7th September 1999.

Deputy T.J. Le Main of St. Helier.

Draft Loi (199) (Amendement No. 13) sur l'Etat Civil - P.136/99.

Lodged: 21st September 1999.

Etat Civil Committee.

Shops: Sunday Trading - P.137/99.
Lodged: 21st September 1999.
Connétable of St. Lawrence.

Draft Fish Health (Jersey) Regulations 199 - P.138/99.
Lodged: 28th September 1999.
Agriculture and Fisheries Committee.

Draft Investment Business (Amendment) (Jersey) Law 1999 (Appointed Day) Act 199 - P.152/99.
Lodged: 12th October 1999.
Finance and Economics Committee.

Additional meeting

THE STATES agreed to meet on Tuesday, 2nd November 1999, if necessary, to complete the business set down for the next meeting.

Development of housing on the St. Helier Waterfront - question and answer (Tape No. 539)

Deputy Gerard Clifford Lemmens Baudains of St. Clement, asked Deputy Shirley Margaret Baudains, President of the Housing Committee, the following question -

“In view of the fact that plans have now been accepted for rental and first time buyer housing accommodation on the St. Helier Waterfront site, would the President advise members -

- (a) how much each unit of accommodation will cost in relation to the average price per unit on ‘brownfield’ sites?
- (b) whether conditions will be attached to the first time buyer section to prevent those buyers from selling early for profit?
- (c) what steps the Committee will be taking to ensure that the rental section is not allowed to deteriorate and become the ‘slum’ estate of the Island?”

The President of the Housing Committee replied as follows -

- “(a) Each unit of accommodation on the Albert Pier site will cost about £143,700 at current prices, exclusive of fees. There is no average price per unit for ‘brownfield’ sites but it is estimated that the unit cost for the proposed Le Coie development, based on current design, will be approximately £141,000 per dwelling. The developments provide different types and sizes of dwelling and so the Le Coie figure should be taken as an example only and is not strictly comparable with the Waterfront.
- (b) Conditions will be attached to restrict early onward sales which might generate excessive windfall profits but how exactly these will apply has not yet been agreed. As an example, at the Belle Vue development the Committee is entitled, in the event that the property is sold within the first ten years, to reclaim from the owners a proportion of the ‘subsidy’ which arose as a result of the Committee originally selling at below market value. In addition, during this ten year period any onward sale must be to a first-time buyer.
- (c) On behalf of all States’ tenants I strongly reject the implication in this question that designating an estate as social rented housing would result in that estate becoming a slum in the future. My Committee has, for quite different reasons, decided that the whole Albert Pier development should

be made available for sale and I will elaborate on this decision in a statement to be made later in this meeting.”

Le Squez and Le Marais estates - questions and answers (Tape No. 539)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Deputy Shirley Margaret Baudains, President of the Housing Committee, the following questions -

- “1. With regard to Le Squez Estate, would the President advise members -
 - (a) of the estimated cost of refurbishing the estate?
 - (b) of the estimated cost of rebuilding the estate?
 - (c) of the likely yield of units compared with the present number if the estate were rebuilt with rows of two storey terraced houses for first time buyers to preferred Housing Committee policy density for the site?
2. With regard to the low rise flats at Le Marais would the President advise members -
 - (a) of the estimated cost of refurbishing these units?
 - (b) of the estimated cost of replacing these units?
 - (c) of the approximate cost of replacing the existing units with two storey terraced houses, using the site to preferred Housing Committee policy density?
 - (d) whether there would be an increase or decrease in number of units on the site if it were redeveloped in this way?”

The President of the Housing Committee replied as follows -

“1.(a) The estimated cost of refurbishing Le Squez estate is £24,445,000.

(b) The estimated cost of rebuilding the estate is £28,747,000.

All costs are quoted at current prices, exclusive of fees and any allowance for future fluctuations.

(c) Assuming that the Planning and Environment Committee would allow a density of 80 habitable rooms to the acre, about 237 three bedroom houses could be built, compared to the existing 243 dwellings.

2.(a) The estimated cost of refurbishing the low rise flats at Le Marais, with tenants able to remain in occupation, is £4,875,000.

(b) The estimated cost of replacing the units is £6,055,000 plus a rehousing cost for 84 sitting tenants over a period of 15 months estimated at between £600,000 and £700,000.

(c) Assuming that the Planning and Environment Committee would allow a density of 80 habitable rooms to the acre, about 71 three bedroom houses with garages could be provided at a cost of about £9,370,000. The rehousing costs for sitting tenants would again be in the order of £600,000 to £700,000.

All costs are quoted at current prices, exclusive of fees and any allowance for future fluctuations.

(d) If the existing site occupied by the seven low rise blocks were developed at a density of 80 habitable

rooms to the acre there would be a decrease in the number of dwellings. However, although a lower number of dwellings could be provided they would be larger dwellings capable of housing larger families.”

Buildings of local interest - question and answer (Tape No. 539)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Nigel Lewis Quéree, President of the Planning and Environment Committee, the following question -

“Would the President advise members -

- (a) whether the owners of the properties designated as possible ‘buildings of local interest’ have been notified that their properties are on the B.L.I. list for St. Clement?
- (b) whether the owners have been advised of the conditions that apply either now or in the future as a result of that listing?
- (c) what is the legal effect of designation as a B.L.I., and does a procedure exist for appeal against such listing?”

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

- (a) The *Register of Buildings and Sites of Architectural, Archaeological and Historical Importance in Jersey* was first published, by the Committee as previously constituted, in 1992. It is entirely in accordance with the strategic policy of the States to protect the Island’s built heritage. The Register was re-published in January this year by the Committee and has been circulated widely.

The Register contains two clear grades of buildings - Sites of Special Interest (those which have been designated and those which it is proposed to designate) and Buildings of Local Interest.

S.S.I.s attract protection for their exterior and interior features and the designation process is governed by the Island Planning (Jersey) Law 1964, as amended, ‘by reason of the special archaeological, architectural, artistic, cultural, geological, historical, scientific or traditional interest’ (Article 9 (1)(c)).

B.L.I.s attract protection for their exterior features only and there is a general presumption in favour of their protection, in other words, change or modernisation will be carefully managed. Their protection is set out in the Committee’s Historic Buildings Policy.

The Committee has been concerned for some time that the owners of B.L.I.s may not be aware that their building has been included in the Register and has resolved to publish the list in the Jersey Gazette and in Parish Halls. This will happen as the Register is reviewed. The fact that a building is included in the Register will be disclosed during a property search.

The publication of the official notices for St John and St Clement, the first two Parishes to be reviewed, is imminent. The Committee is awaiting the completion of a leaflet explaining the implications of the inclusion in the Register as a B.L.I. This leaflet will be made available generally and, in particular, to the owners of the properties involved.

- (b) As mentioned, a leaflet explaining how B.L.I.s are selected, how the Department goes about registering them, Committee policy detailing the protection of these buildings and how owners of B.L.I.s can appeal against registration, is pending final publication.

The Built Environment chapter of the forthcoming Island Plan will incorporate revised policies relating to these buildings. In advance of the publication of this document, interim historic building policies were approved by the Committee in July 1998 and came into effect from that date.

These policies, together with a copy of the Historic Buildings Register, have been circulated to all professionals involved with buildings and development and were explained at a consultative meeting. They are also available in the reception of the Department of Planning and Building Services at South Hill, at the Public Library and in all Parish Halls. The policies will be circulated to individuals on request.

Policies regarding the replacement of original windows, doors and other historic external detail have been widely publicised in recent months.

- (c) Buildings of Local Interest are not designated - they are registered in the Planning and Environment Committee's Register of Historic Buildings. These buildings are afforded no formal legal protection but are protected by policy - as set out in the 1987 Island Plan, which was given full States backing. The States of Jersey reaffirmed its commitment to the protection of the Island's heritage in the Strategic Policy Review 1995, one of the objectives being -

“to protect the Island's special architectural and archaeological heritage”.

Buildings of Local Interest are also protected by virtue of the Committee-approved 1998 Interim Historic Building Policies which will be superseded by policies in the reviewed Island Plan.

Decisions to register buildings as Buildings of Local Interest are made solely on the basis of their architectural, historic or scenic interest and importance. Appeals against their registration may be considered but these should be limited to whether the building concerned possesses such architectural, historic or scenic interest. Appeals against registration may be made in writing for consideration by the Jersey Building Heritage Sub-Committee. Owners dissatisfied by a decision of the Sub-Committee may make a further appeal to the Planning and Environment Committee.

If the Committee concludes that a building does not meet the criteria for registration, it will remove the property from the Register and will not reconsider the matter for three years from the date of its decision.”

Capital investment by the Telecommunications Board - question and answers (Tape No. 539)

The Deputy of St. John asked the Deputy of Trinity, Vice-President of the Telecommunications Board, the following question -

“Jersey Telecoms recently announced their plan to invest £77m over the next five years with a confident claim that there would be “no burden on the public purse”. As this figure represents a considerable increase over the previous five year period, and in view of the fact that Jersey Telecoms is 100 per cent owned by the States of Jersey, would the President reassure members that this huge investment will be backed by a viable business plan?”

The Vice-President of the Telecommunications Board replied as follows -

“As a Trading Committee, the Board is commercially oriented. The forecast expenditure has been approved by the Board as part of its five year business plan and the predicted return on investment is in line with the ratios achieved in recent years.

I can assure members that individual elements of this forecast investment plan will be continuously reviewed and that no expenditure will be undertaken unless the Board considers it viable.”

Leisure complex on the St. Helier Waterfront - questions and answers (Tape No. 539)

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

- “1. In Paragraph 5.6 of the report accompanying the proposition on the St. Helier Waterfront leisure complex: terms of lease (P.92/99 adopted by the States on 27th July 1999), it is stated that Deloitte & Touche, in their report commissioned by W.E.B., predicted a trading surplus of £320,000 per annum for their scheme. Would the President confirm that this figure includes £750,000 of rental income which, if removed, turns this profit into a deficit of £430,000 per annum for the operation of the fitness and wet areas?”
2. If the answer to 1 is in the affirmative, would the President agree that the Committee’s report gives a misleading impression of the potential viability of the leisure complex scheme?”

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

- “1. I confirm that the predicted trading surplus estimated by Deloitte & Touche in 1996 included a figure of £740,000 in respect of catering and retail rents.

I would also point out that in a calculation to arrive at a figure for the predicted trading surplus of the complex, the rental income has to be included or else the figure is meaningless. In the same way expenditure related to that income also has to be included in the calculation. Should, for some reason, the income of £740,000 be deducted from the surplus figure, the costs must also be deducted. These costs include maintenance, management and utilities and are not separately identified in the report and are included in the figure of £1.22 million ‘other costs’ for the whole complex. This means that the calculation included in the question is not valid.

2. No, I do not agree that the Committee’s report gives a misleading impression of the viability of the leisure complex.”

Bellozanne incinerator - question and answer (Tape No. 539)

Deputy Paul Vincent Francis Le Claire of St. Helier asked the Connétable of St. John, President of the Public Services Committee, the following question -

“Would the President inform members of the remaining operational life expectancy of the Bellozanne incinerator and the likely cost of its replacement?”

The President of the Public Services Committee replied as follows -

“The remaining life of the current incinerator is predicted to be in the region of 8 to 10 years. Whilst the Committee does not have any detailed costings for a new plant at this stage, a plant conforming to all current environmental standards, with energy recovery, is anticipated to be in the region of £60 million.

My Committee considered the draft report on the Solid Waste Management Strategy Review at its meeting on 27th September 1999, and has set aside a full day on 22nd October 1999 to review the report and its findings to date in great detail. Following that meeting it is envisaged that the main recommendations, which include continued incineration, will be used as part of a public awareness campaign to promote the concept of waste minimisation and how the Island can best deal with the waste generated by modern society.”

Airport terminal building - question and answer - (Tape No. 539)

Senator Stuart Syvret asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

“Would the President inform members of -

- (a) the different options presently being considered by the Committee in respect of the possible redevelopment of the 1937 Airport building?
- (b) the estimated cost of each of these options?”

The President of the Harbours and Airport Committee replied in the following terms -

- “(a) The so-called 1937 building comprises not only the structure built in 1937 but also the additions made subsequently.

This building has a number of faults or problems, namely -

1. the intrusion of the building into the safety zone;
2. the state and quality of the structure and its cladding;
3. the presence of asbestos;
4. the inappropriate location of some of the occupants of the building.

My Committee has commissioned the States Architects Department to investigate these problems and to come up with long-term solutions. However, these problems and possible solutions are not being considered in isolation. The replacement of the Alpha Taxiway brings with it additional potential problems. The No. 4 Hangar, built in 1952, is very near to the end of its useful life, is in the way and this means that the Airport Fire Service and the Engineering Services Department will need relocating as well as the provision of replacement hangar space.

All of these matters were brought to the attention of the Committee in a recent preliminary report. What my Committee is looking for are long-term solutions set in the context of what the Airport should look like in the year 2020. The development of these solutions will continue until such time as the Committee is satisfied that the right answers have been found.

My Committee is not seeking a quick fix or a short-term answer. The Airport will be in operation for generations to come and nothing that we do should compromise the future efficient operation of the Airport. The officers of the Committee and those of the Public Services Committee have been instructed to use some lateral thinking when exploring all of the alternatives.

- (b) I am not prepared to give any guesstimate of potential costs at this stage. Only when we have agreed the optimum solution for the long-term will the question of cost be investigated along with the value for money options and the best method of funding.”

Service review of the Agriculture and Fisheries Committee - question and answer (Tape No. 539)

Senator Stuart Syvret asked Deputy Harry Hallewell Baudains of St. Clement, President of the Agriculture and Fisheries Committee, the following question -

“Would the President inform members -

- (a) of the key findings of the Agriculture and Fisheries Department, service review?
- (b) when he intends to make the service review document available to the public?”

The President of the Agriculture and Fisheries Committee, replied as follows -

“The President of the Policy and Resources Committee, when answering a question asked of him by the Senator on Tuesday 6th July 1999, stated that:-

‘While there is no general rule, the presumption is that it would be inappropriate to publish the full service review reports in advance of an implementation plan being drawn up and full consultation having been carried out with those employees most directly affected by the recommendations’.

It is for the Policy and Resources Committee, who commissioned the service review of the Agriculture and Fisheries Department, to decide when the findings should be made public. The current position is that the required drawing up of an implementation plan, and the way this plan is to be managed, and full consultation with those employees most affected by the service review recommendations, is expected to be completed by the time of the next meeting of the Policy and Resources Committee on Tuesday 19th October 1999. The Policy and Resources Committee has indicated that it would expect the service review report, and information on the implementation of the recommendations in the report, then to be made available to the public.

In the meantime I can say nothing more about the findings of the review other than that it highlighted areas for improvement and areas where changes could be made. Reference however is also made to areas of the Department’s activities which are already operating efficiently and effectively.”

Incident involving a group of Austrian students - question and answer (Tape No. 539)

Deputy Alan Simon Crowcroft of St. Helier, asked Senator Leonard Norman, President of the Education Committee, the following question -

“In the light of the recent incident where a group of nearly fifty Austrian teenagers were subjected to racist abuse and actual assault by a large number of young people in the streets of St. Helier would the President inform members of his Committee’s strategy for encouraging non-discrimination in local schools, and whether he believes more initiatives could be taken in this area of the curriculum?”

The President of the Education Committee replied as follows -

“In all of the Islands’ schools respect for others is promoted as an essential feature of living within a community. Indeed, schools could not function effectively without mutual respect between their members.

The Committee’s policy for the development of positive attitudes finds expression in the Curriculum Policy Statement, first published in 1992. This states -

‘Every learner is entitled to a curriculum which takes account of individual needs and starting points. This is provided irrespective of gender, ethnic and social background, age or disability.

In practice schools will -

treat every learner as an individual:

value and respect every individual;

challenge stereotypes and misconceptions to enable every learner to seek their own and others’ origins, culture and customs, differences and contributions in a positive light.

It is recognised that the promotion of equal opportunity and the elimination of discrimination is best achieved by education and persuasion rather than instruction and imperative.’

Against this background, the Education Service has developed a more detailed policy for equal opportunities; programmes of Personal and Social Education which focus on respect for every individual; a range of activities which promote positive attitudes to others including excellent examples of multicultural education and student exchange programmes.

Our headteachers, teachers and others working with young people, strive to instil appropriate and positive attitudes in our young people and will continue to develop innovative approaches in this respect.

However, I must impress upon Deputy Crowcroft that schools cannot be expected to remedy society's ills. We all carry a responsibility to promote and develop a community where, what he refers to as 'non-discrimination' but that I would prefer to refer to as 'mutual respect', is the norm."

Incident involving a group of Austrian students - questions and answers (Tape No. 539)

Deputy Alan Simon Crowcroft of St. Helier, asked Senator John Stephen Rothwell, President of the Tourism Committee, the following questions -

- “1. Would the President inform members what the total spend of his Committee is for European marketing in the current year, and what proportion of that sum is aimed at encouraging Austrian visitors to visit the Island?
2. Given that the students and teachers attacked ten days ago were on a pilot visit from a top Austrian grammar school, is the President concerned that his Committee's marketing in that country may have been significantly damaged by this episode?
3. Would the President advise members if his Committee proposes to express its regret to the visiting school and the authorities in Salzburg over what has taken place?”

The President of the Tourism Committee replied as follows -

- “1. The 1999 budget for marketing in continental Europe is £1,579,000.

The budget specifically for Austria £29,000. Over £100,000 has been spent in the Austrian market over the last five years.
2. Certainly our efforts to attract language students and schools will have suffered a setback. One of Jersey's main selling points is the warm welcome of the local population and the Island receives a high percentage of repeat visits. Experiences such as this will have an adverse effect on the likely return of these young visitors.
3. Jersey's representative in Austria contacted the teacher at the school as soon as we heard the news, to express the Committee's apologies and great concern over this incident. The teacher, Mr Kindlinger, is interested to know the steps that we will take to improve the situation. and I shall follow this up personally.”

Serious assaults and vandalism in St. Helier - questions and answers (Tape No. 539)

Deputy Alan Simon Crowcroft of St. Helier, asked Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee, the following questions -

- “1. In the light of recent reports in the media of serious assaults and vandalism in St. Helier, would the President inform members of the current strategy of the States of Jersey Police for preventing such behaviour?

2. Would the President inform members how many police officers, on average, are currently deployed both on foot and in vehicles in the St. Helier area -
 - (a) on Fridays and Saturdays between 9.00 p.m. and 3.00 a.m.?
 - (b) on other days between the same hours?
 and would he express these figures as a percentage of the total establishment of the Force?
3. Would the President accept that the presence of uniformed police officers on the beat is more effective than the presence of CCTV cameras as a way -
 - (a) ‘to develop partnership with the community’ (Strategic Aim 1, States of Jersey Police)?
 - (b) ‘to reduce anti-social behaviour in public places’ (Strategic Aim 3, States of Jersey Police)?
4. Would the President inform members how many investigations in the current year have been, or are being, directly assisted by CCTV recordings?”

The President of the Defence Committee replied as follows -

- “1. The strategy of the States of Jersey Police is based upon two of their well published strategic aims, that of working in partnership with the community and working to reduce public disorder. Earlier this year, senior officers met with members of the Outreach Youth Workers scheme and devised plans to both monitor, police and prevent disorder caused by young people, predominantly on Friday nights in the vicinity of the youth discos. This process has been highly successful in deterring and preventing incidents of disorders in this manner.

To implement such a strategy, the States of Jersey Police, working in conjunction with the St. Helier Honorary Police, attempts to maintain a high profile presence in identified key areas whilst maintaining the ability to be able to respond to occurrences anywhere in the island.
2. It is not strategically or tactically sound to reveal the extent of police operations in any particular area. Policing is a diverse and dynamic role which requires officers to be deployed to any number of areas requiring high levels of skill and training. I repeat that the Chief Officer deploys his officers according to the requirements of crime prevention, public order deterrents and reduction and road safety initiatives over a 24 hour period, 365 days a year.
3. It is clear from the question that the Deputy has failed to grasp either the strategic or tactical use of closed circuit television in St. Helier. Closed circuit television cameras do not replace police officers. They are there as a tool to be used by police officers to assist them in their duties. When incidents are identified by way of closed circuit television cameras, police officers respond to them to prevent the incident escalating to greater criminal activity. Patrolling police officers are always required and the use of technology assists in keeping our Island safe. I must emphasise that the use of closed circuit television is a significant aid to the States of Jersey Police, not a replacement for patrolling officers.
4. I will need further time to collate all the statistics involved and will bring the answer to the next sitting of the States.

St. Helier Waterfront housing - statement

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

“The Housing Committee has given further consideration to the occupancy of the proposed residential

development on the St. Helier Waterfront site, west of the Albert Pier.

The Committee has decided that there are considerable potential advantages in offering for sale the whole of this phase of the Waterfront development for the overall benefit of first-time buyers.

The Committee considers that a proportion, perhaps up to 25 per cent, of the dwellings should be made available to first-time buyers who are existing States tenants. These will vacate States rental accommodation which will in turn allow the Committee to assist families from the rental waiting list.

The greater proportion of the remaining dwellings will be offered to prospective purchasers who have been accepted on the Housing Committee's first-time buyer register with consideration being given to making available some of the dwellings to prospective purchasers who occupy family accommodation greater than their present needs and who are prepared and able to sell their existing home to a first-time buyer. This should encourage movement in the property market and, hopefully, release some family-sized homes that are badly needed.

Sale prices have not yet been set but by selling the whole of the development there may be advantages from a financial point of view in that, although initial cost plans indicate that some capital subsidy will be required, the overall subsidy payable is likely to be less than if a mixed development was pursued.

My Committee is anxious to make the best possible housing use of this prestigious site and believes that this allocation proposal offers housing opportunities for States tenants, first-time buyers and last time buyers who wish to move to smaller accommodation, as well as the prospect of a better return on what is a very large capital investment."

Future housing developments - statement

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

"The Housing Committee is fully aware of the acute housing problems faced by many Jersey residents and is attempting to address these problems in order to provide affordable accommodation in the short, medium and long term.

To do this the Housing Committee needs to work closely with other Committees of the States, private developers, individuals, trusts, businesses - indeed anyone who has a positive contribution to make - to improve the housing situation in Jersey.

The Housing Committee and the members of this Assembly are all well aware that this is a long process and they also know that they have a duty to protect the present and future public interest.

The Housing Committee is committed to an ambitious programme of building to provide both rental units and units for first time buyers and to carry out this programme the Committee is considering a variety of funding options.

In July this year, the States agreed to establish a Housing Development Fund and allow the Housing Committee to make use of capital borrowed from commercial sources to finance housing developments.

Until that States' decision, the only route to commercial borrowing had been via the use of Housing Trusts.

There has been general agreement for some time that the 1862 Law governing the constitution of Housing Trusts (the 'Loi (1862) sur les teneures en fidéicommiss et l'incorporation d'associations') provides an inadequate framework for modern housing associations. This was noted by the consultants PriceWaterhouseCoopers in their report to the Finance and Economics Committee last year.

There is no doubt that, with a firm States' resolution to stem unchecked population growth, the make-up

and demands of our Island community in 25 years time will be very different from those of today. In particular the health requirements for a higher proportion of elderly residents will form a greater part of our budgetary requirement.

The current Trust constitution does not allow for any use of Trust assets other than for the provision of further social housing units. Surplus funds arising at the end of a 25 year mortgage period must remain for redistribution at the discretion of the States in order to provide for maximum flexibility of application of funds. Such a change is not easily accommodated within the existing Trust constitution.

With this in mind, the Committee at its meeting of 4th October 1999 considered that -

‘The Trust should hold property on a leasehold rather than freehold basis, initially for a 25 year period in order to repay the mortgage, with possible 10 year extensions, whereby the States would retain ownership of the site and buildings until the development was paid off. The States could then decide whether to sell the development or to renew the lease with the Trust at a fair market rental.’

This type of arrangement is not dissimilar in principle to financial packages which have been agreed for the Airport and Morier House. Members should note that the States have an option to buy these properties back at a future date. The present agreement with the Trusts does not give the States the rights of ownership, even after millions of pounds in financial assistance has been given.

There has been extensive and ongoing discussion, including consultation with representatives of Housing Trusts and the Solicitor General as to the position with regard to surplus income received by Trusts after loans have been repaid. The Committee is anxious to protect and safeguard the public interest now and in the future.

Members will note that there is **no** suggestion that Trusts should be excluded from future developments. It is vexatious for the media and some Members to imply that the Housing Committee is no longer dealing with Housing Trusts. This is completely untrue. Nor is it true that, by following this proposed course of action, the present building programme will be held up. The Committee is confident that it can fulfil the building programme without delay, using the funding mechanism set out in P.84/99, and P.74/99 agreed by the States earlier this year.

In P.74/99 paragraph 7.2 it is stated that ‘The Committee is intending to proceed on the basis that Housing Trusts carry out some developments and the Committee others, but if the Committee wished to fund the whole of the building programme for 852 units from the Housing Development Fund it could do so provided a large enough facility was made available.’

P.84/99, at paragraph 3.6., provides that ‘The Housing Development Fund will provide a flexible mechanism which can accommodate the required building programme, whether it is undertaken by Housing Trusts, the Housing Committee or a combination of both. The Housing Development Fund will provide an adaptable and flexible funding mechanism for such future methods of delivering social housing as the States may agree’.

Finally, the Housing Committee must express its extreme disappointment at the level of uninformed comment which it has witnessed over the last few days. It had hoped to enter into civilised discussions with the existing Housing Trusts and the Finance and Economics Committee.

Indeed, in reference to the proposal that Housing Trusts hold property on a leasehold rather than on a freehold basis, Members should be aware that the draft Housing Committee Act (No. 3 of 4th October 1999) reads: ‘.....The Committee agreed that the proposal should be circulated, in the first instance and in confidence, to existing Housing Trusts for comment, subject to a letter being drafted between the President and officers and circulated to members prior to release’.

The premature disclosure of this matter to the media by the Chairman of the Jersey Homes Trust has achieved no purpose other than to worry the public unnecessarily.

The Committee will continue to work for the short, medium and long term interests of all residents of the Island and would like to reassure the Assembly that there is still a role for Housing Trusts in delivering the housing programme.”

Southampton University Hospitals Trust - statement

The President of the Health and Social Services Committee made a statement in the following terms -

“On behalf of the Health and Social Services Committee I am pleased to advise the States that agreement has been reached with Southampton University Hospitals Trust for the continuation of existing health care links for the year commencing April 2000. Whilst detailed contracts have yet to be finalised and signed, consensus has been reached on the way forward.

My Committee is pleased to report that significant savings have been made, particularly in respect of the cost of cancer services. The exact sum is commercially sensitive but can be measured in hundreds of thousands of pounds per annum. Discussions continue in respect of certain quality improvements and information, but we have no doubt these matters will be settled amicably.

I apologise to the people of Jersey if our efforts to secure improved value for money have caused anxiety. We are aware there are those who have criticised us on the grounds that my Committee should have consulted with the public before proceeding. It is difficult, however, to consult when information is still being collected which will enable rational options to be considered. Had appraisal of the options suggested that referrals to different United Kingdom hospitals would be likely, that would have been the time when my Committee would have tested its proposals with the Assembly. The public’s view on the matter, particularly in the absence of detailed information, is well known to the Committee, but the public should be reassured that our foremost concern has been to secure the highest quality of care possible, in the most appropriate place and at the best price, for the residents of Jersey.

After all the details of the contract have been agreed and signed off, my Committee will formally reply to the petition presented by the Deputy of St. Peter on 14th September 1999.”

Off-duty officers of the States of Jersey Police - statement

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

“I made this statement in order to clarify and hopefully end the malicious innuendo, gossip and rumour that is circulating in the media, some quarters of the population and regrettably some quarters of this Assembly, concerning a day trip undertaken by a group of officers of the States of Jersey Police to France on the 9th June this year.

On that occasion a group of police officers took a terminally ill colleague and his wife to France for a day out, in the knowledge that there would be few such opportunities in the future to express their liking and respect of him.

They went to St. Malo, onto Dinan for a meal and returned by ferry the same night. At the Gare Maritime, the group were in good spirits. The Deputy Chief Officer has been quoted as saying they were ‘boisterous’, they would say ‘cheerful’. They were not drunk, nor were they ‘alcohol fuelled’ as reported in the Jersey Evening Post. In fact a member of this Assembly met the group on their return to Jersey and can testify to their cheerful but sober demeanour.

At the Gare Maritime, a misunderstanding did occur between one member of the party and a French Immigration Officer over the production of a passport. This was reported via Jersey’s Immigration and Nationality Department to Police Headquarters some days later.

The States of Jersey Police are the most accountable of all States employees, and an internal enquiry was therefore commenced to establish the full facts. In the course of that enquiry it was established that no complaint was forthcoming from the French Authorities, in fact I have a letter from Commandant Foyard in St Malo expressing his surprise that such a small and meaningless incident should still be a matter to be raised, and reiterating that neither he nor his staff had any complaint to make.

I want to make it clear that both the States of Jersey Police and the Defence Committee will not shirk from investigating complaints against the police. This must be clear to members by the action taken earlier this year when a complaint against the Chief Officer was received and immediately and comprehensively investigated. There has been no cover up in this or any other case.

I regret that it has been necessary to make this statement in response to ill informed speculation emanating from this Assembly and the media. I hope very much that for the good name of the States of Jersey Police, and their colleague who is sadly no longer with us, that the matter will be regarded as closed.”

Committees of the States: access to meetings - P.53/99

THE STATES, commenced consideration of a proposition of Senator Stuart Syvret on Committees of the States: access to meetings and, adopting paragraph (1), agreed that members of the States should have a right of attendance as observers at meetings of Committees of the States or their sub-committees except when information that qualified as exempt under the Code of Practice on Public Access to Official Information was under discussion.

Members present voted as follows -

“Pour” (45)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Stein, Qu  r  e, Bailhache, Syvret, Kinnard.

Conn  tables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), S. Baudains(H), Le Geyt(S), Trinity, Pullin(S), Johns(H), Duhamel(S), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, St. John, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), Vibert(B), de la Haye(B), St. Peter, Dubras(L), G. Baudains(C), Le Claire(H).

“Contre” (5)

Senators

Norman, Walker.

Conn  table

St. Clement.

Deputies

St. Mary, St. Ouen.

THE STATES rejected paragraph (2) of the proposition that members of the public should have a right of

attendance as observers at meetings of Committees of the States or their sub-committees except when information that qualified as exempt under the Code of Practice on Public Access to Official Information was under discussion.

Members present voted as follows -

“Pour” (20)

Senators

Shenton, Rothwell, Quérée, Syvret, Kinnard.

Connétables

St. Lawrence, St. Ouen, Trinity.

Deputies

S. Baudains(H), Trinity, Johns(H), Layzell(B), Breckon(S), Grouville, St. Martin, Crowcroft(H), Viber (B), St. Peter, Dubras(L), Le Claire(H).

“Contre” (30)

Senators

Horsfall, Le Maistre, Stein, Bailhache, Norman, Walker.

Connétables

St. Mary, St. Brelade, St. Peter, Grouville, St. Helier, St. John, St. Saviour, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, Le Geyt(S), Pullin(S), Duhamel(S), Huet(H), St. John, Le Main(H), Blampied(H), Rabet(H), de la Haye(B), St. Ouen, G. Baudains(C).

Cycle Registration Scheme - P.86/99**Cycle Registration Scheme - (P.86/99): amendments - P.99/99**

THE STATES commenced consideration of a proposition of Deputy Terence John Le Main of St. Helier on a cycle registration scheme. After discussion Deputy Alan Simon Crowcroft of St. Helier proposed that the States move to the consideration of the next item on the Order Paper, which proposition was carried.

Members present voted as follows -

“Pour” (25)

Senators

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

Connétables

St. Lawrence, St. John, Trinity

Deputies

Wavell(S), Coutanche(L), S. Baudains(H), Le Geyt(S), Trinity, Johns(H), Duhamel(S), Layzell(B)
Grouville, St. Martin, Blampied(H), Crowcroft(H), Vibert(B), St. Ouen.

“Contre” (20)

Senator

Rothwell.

Connétables

St. Mary, St. Brelade, St. Peter, Grouville, St. Helier, St. Ouen, St. Saviour, St. Clement.

Deputies

H. Baudains(C), Le Sueur(H), St. Mary, Pullin(S), Huet(H), St. John, Le Main(H), Rabet(H), St. Peter,
G. Baudains(C), Le Claire(H).

Draft States of Jersey (Amendment No. 7) Law 199 - P.114/99

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

Draft Advocates and Solicitors (Amendment No. 2) (Jersey) Law 199 - P.130/99

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Advocates and Solicitors (Amendment No. 2) (Jersey) Law 199 .

The Year of the Jersey - 2001 - P.142/99

THE STATES, adopting a proposition of the Agriculture and Fisheries Committee, acknowledged the significant history of the Jersey breed of dairy cattle and the important position it has in today’s worldwide dairy industry and agreed that the year 2001 be designated The Year of the Jersey.

Members present voted as follows -

“Pour” (46)

Senators

Horsfall, Rothwell, Le Maistre, Stein, Bailhache, Syvret, Walker, Kinnard.

Connétables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, S. Baudains(H), Le Geyt(S), Trinity Pullin(S), Johns(H), Duhamel(S), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, St. John, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), Vibert(B), de la Haye(B), St. Peter, St. Ouen, G. Baudains(C), Le Claire(H).

“Contre” (0)

Public Employees’ Contributory Retirement Scheme : proposal to establish the scheme under a trust deed and rules - P.143/99

THE STATES, adopting a proposition of the Establishment Committee -

- (a) agreed in principle that the Public Employees Contributory Retirement Scheme should be established as a Trust and administered under a Trust Deed and Rules, instead of the present Regulations;
- (b) charged the Establishment Committee to prepare the necessary legislation to give effect to this proposal.

Jersey Financial Services Commission: appointment of chairman - P.144/99

THE STATES, having deliberated thereon in camera proceeded to vote in public assembly and, adopting a proposition of the Finance and Economics Committee, and in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, as amended, appointed Mr. Geoffrey Colin Powell, O.B.E. as Chairman of the Jersey Financial Services Commission with effect from 25th October 1999 until 31st May 2001, in place of Senator Frank Harrison Walker.

THE STATES rose at 5.13 p.m.

G.H.C. COPPOCK

Greffier of the States.