

THE STATES assembled on Tuesday,
16th April 1996 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Francis Charles Hamon, Esquire

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 -

Senator Nigel Lewis Quérée - out of the
Island
Iris Medora Le Feuvre, Connétable of St.
Lawrence - ill
Carlyle John Le Herissier Hinault,
Connétable of St. John - ill
Percy John Le Masurier, Deputy of St.
Ouen - out of the Island
John Nicolle Le Fondré, Deputy of St.
Lawrence - ill
Alastair John Layzell, Deputy of St.
Brelade - out of the Island.

Prayers read by the Deputy Bailiff

H.M. The Queen - 70th Birthday

The Deputy Bailiff informed the Assembly that
His Excellency the Lieutenant Governor had sent
the following message to the Private Secretary
to Her Majesty The Queen -

``I would be grateful if you will convey
the following message to Her Majesty The
Queen -

The Lieutenant Governor, Bailiff,

States and People of Jersey, with Humble Duty, send Your Majesty warmest congratulations and the continued expression of our loyalty and devotion on the occasion of Your Majesty's 70th Birthday.

May we also express the hope that it will not be too long before Your Majesty and His Royal Highness may be able to revisit the Island.

(Signed) Michael Wilkes
Lieutenant Governor of Jersey".

Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Road Traffic (Saint Peter) (Amendment No. 3) (Jersey) Order 1996. R & O 8923.
2. Civil Service Administration (Travelling Allowances) (Jersey) Rules 1950 (Amendment No. 12) (Jersey) Order 1996. R & O 8924.
3. Road Traffic (Public Parking Places) (Amendment No. 32) (Jersey) Order 1996. R & O 8926.

Public Services Committee - resignation of member

THE STATES noted the resignation of Senator Vernon Amy Tomes from the Public Services Committee.

Matters presented

The following matters were presented to the States -

1. Prison Board: report for 1995 - R.C.9/96.
Presented by the Prison Board.
THE STATES ordered that the said report be printed and distributed.
2. Regulation of Undertakings and Development: six-monthly manpower returns - R.C.10/96.

Presented by the Finance and Economics Committee.
THE STATES ordered that the said report be printed and distributed.

3. States of Jersey Police Force:
report for 1995.
Presented by the Defence Committee.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 4th April 1996, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Public Services Committee, the lease to Trou Trading Limited of 600 square feet of land at the eastern exit lane of the Pier Road multi-storey car park for use as a car wash, on an internal repairing and insuring basis, for a period of nine years from a date to be agreed, at an annual rent of £500 subject to annual review, plus ten per cent of the annual gross audited turnover of the car wash operation;
- (b) as recommended by the Health and Social Services Committee, the lease from Occupational Centres Limited of the first floor of 24 Lewis Street, St. Helier, on an internal repairing and insuring basis, for a period of nine years from a date to be agreed, at an annual rent of £5,000 payable quarterly in advance and subject to triennial review, on the basis of terms specified in the Committee's Act, dated 6th March 1996;
- (c) as recommended by the Planning and Environment Committee, and in accordance with an Act of the States dated 21st November 1995, the sale to the Parish of St. Brelade of Fields Nos. 93 and 94, St. Brelade (together measuring 5.76 vergées) for use as a cemetery for a consideration of £32,025, on the basis that the Parish would meet the legal costs of both parties and be responsible for the cost

of the accommodation works involved and the maintenance of the access road;

(d) as recommended by the Public Services Committee, the acquisition from Zoarces Investments Limited of 543 square feet of land at Bourne House, Francis Street, St. Helier, for a consideration of £10, with each side being responsible for its own legal costs, and subject to the consent of the Housing Committee being received in relation to agreed rights and servitudes on the Don Close development;

(e) as recommended by the Planning and Environment Committee, the entering into of a Deed of Arrangement with the undermentioned owners of property adjacent to Nos. 2 to 10 Halkett Place, St. Helier, in order to determine boundary lines and the ownership of walls, on the basis that the Committee would be responsible for the reasonable legal costs and surveying fees of each of the owners -

(i) Miss Marion Anthony re. No. 12 Halkett Place;

(ii) E.Y. Properties Limited re. Nos. 10/12 Queen Street;

(iii) Mr. Derek Mace Touzel re. Nos. 14 and 14½ Queen Street;

(iv) Stebenheath Properties Limited re. No. 25 Hill Street; and

(v) Gaudin and Company re. No. 27 Hill Street.

Matter noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 4th April 1996, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Education Committee had accepted the lowest of six tenders, namely that submitted by Stansell QVC Limited in the sum of £398,888.00 for the refurbishment and extension of Janvrin School, Mont Cantel, St. Helier.

Matters lodged

The following matters were lodged ``au Greffe" -

1. Draft Policing of Roads
(Amendment No. 8) (Jersey) Regulations
199 - P.53/96.
Presented by the Public Services
Committee.
2. Draft Construction (Safety
Provisions) (Amendment No. 4) (Jersey)
Regulations 199 - P.54/96.
Presented by the Employment and
Social Security Committee.
3. OTC site, La Route es Nouaux,
St. Helier - Phase II: approval of
drawings - P.55/96.
Presented by the Housing
Committee.
4. 3 Castle Street and 26 Seale
Street, St. Helier: exchange of land -
P.56/96.
Presented by the Housing
Committee.
5. St. Helier Waterfront Plan:
leisure pool - P.57/96.
Presented by the Planning and
Environment Committee.
6. 2 to 10 Halkett Place and 21 and
23 Hill Street, St. Helier,
development: financing - P.58/96.
Presented by the Planning and
Environment Committee.
7. Orillande, La Rue du Mont Capel,
St. Ouen: development in Green Zone -
P.59/96.
Presented by the Planning and
Environment Committee.
8. Belval Farm, La Rue de Fliquet,
St. Martin: development in Green Zone -
P.60/96.
Presented by the Planning and
Environment Committee.
9. Vocational Service for people
with special needs - P.61/96.
Presented by the Employment and
Social Security Committee.

10. Sea wall at Fauvic, Grouville:
repairs - P.62/96.
Presented by the Planning and
Environment Committee.

1. King's Garden, St. Saviour's
Road, St. Helier: purchase of land -
P.63/96.
Presented by the Planning and
Environment Committee.

The following matters were lodged ``au
Greffe" on 2nd April 1996 -

1. Misuse of Drugs: strategy and
implementation plan - P.51/96.
Presented by the Defence
Committee.

2. Projet de Règlements (199) sur
le tarif des honoraires des Jurés-
Justiciers - P.52/96.
Presenté par le Comité des
Finances et de l'Economie.

Stopford Road/Gas Works Gyrary Road Scheme:
purchase and sale of land - P.183/95. Withdrawn

THE STATES noted that the Vice-President of the
Planning and Environment Committee had withdrawn
the proposition relating to the Stopford
Road/Gas Works Gyrary Road Scheme: purchase
and sale of land (lodged ``au Greffe" on 12th
December 1995).

Arrangement of public business for the present
meeting

THE STATES acceded to the request of the
President of the Finance and Economics Committee
that consideration of the following matters,
which had been set down for debate at the
present meeting, be deferred to a later date -

Draft Drug Trafficking
(Miscellaneous Provisions) (Jersey) Law
199 - P.18/96.
Lodged: 30th January 1996.
Finance and Economics Committee.

Draft Drug Trafficking (Miscellaneous
Provisions) (Jersey) Law 199 (P.18/96):
amendment - P.50/96.

Lodged: 26th March 1996.
Finance and Economics Committee.

Draft Drug Offences (International
Co-operation) (Jersey) Law 199 - P.19/96.
Lodged: 30th January 1996.
Finance and Economics
Committee.

THE STATES confirmed that the following matter
lodged ``au Greffe" would be considered at the
present meeting -

Projet de Règlements (199) sur le tarif
des honoraires des Jurés-Justiciers. -
P.52/96.
Lodged: 2nd April 1996.
Comité des Finances et de
l'Economie.

Arrangement of public business for the meeting
on 30th April 1996

THE STATES confirmed that the following matters
lodged ``au Greffe" would be considered at the
meeting on 30th April 1996 -

Draft Teachers' Superannuation (Amendment)
(Jersey) Law 199 - P.26/96.
Lodged: 13th February 1996.
Education Committee.

Environmental Charter for Jersey -
P.39/96.
Lodged: 12th March 1996.
Policy and Resources Committee.

Draft European
Communities (Accessions) (Jersey)
Regulations 199 - P.40/96.
Lodged: 12th March 1996.
Policy and Resources Committee.

Draft Policing of Roads (Amendment
No. 8) (Jersey) Regulations 199 - P.53/96.
Lodged: 16th April 1996.
Public Services Committee.

Draft Construction (Safety
Provisions) (Amendment No. 4) (Jersey)
Regulations 199 - P.54/96.
Lodged: 16th April 1996.
Employment and Social Security
Committee.

OTC site, La Route es Nouaux,
St. Helier - Phase II: approval of
drawings - P.55/96.
Lodged: 16th April 1996.
Housing Committee.

3 Castle Street and 26 Seale Street,
St. Helier: exchange of land - P.56/96.
Lodged: 16th April 1996.
Housing Committee.

2 to 10 Halkett Place and 21 and 23
Hill Street, St. Helier, development:
financing - P.58/96.
Lodged: 16th April 1996.
Planning and Environment Committee.

Sea wall at Fauvic,
Grouville: repairs - P.62/96.
Lodged: 16th April 1996.
Planning and Environment
Committee.

Vocational Service for people with special
needs - P.61/96.
Lodged: 16th April 1996.
Employment and Social Security
Committee.

Conservation centre at La Mielle de Morville,
St. Ouen - questions and answers (Tape No. 332)

Deputy Philip John Rondel of St. John asked
Deputy Harry Hallewell Baudains of St. Clement,
Vice-President of the Planning and Environment
Committee, the following questions -

“On 23rd May 1995 the States adopted a
proposition of the Planning and Environment
Committee approving drawings for the
construction of a single-storey
conservation centre at La Mielle de
Morville, St. Ouen, the States having been
advised that the cost of construction would
be £76,016.

1. Would the President advise members of
the final cost of the construction and,
if the costs have increased from the
figure given to the States, explain the
reasons for the increase?
2. Have any other costs been incurred in
developing the conservation centre?”

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

1. The Frances Le Sueur Centre was opened in late January this year - ahead of schedule and well within the budgeted cost for this unique and vitally important project. The total cost for the whole project was £138,200.

The figure quoted by Deputy Rondel needs to be put into perspective -

When the drawings were approved by the States in May 1995 they were only voting on the plans, not on the project costs. The estimated construction cost of £76,016 was provided for information purposes, not for a vote.

The figure quoted was quite clearly for construction only - it was not total project costs. These additional expenses include site clearance, design, fitting-out and consultancy costs.

The Committee had sufficient resources within its budget to meet the needs of the project. In 1994 the States voted £50,000 for the first phase. Additional costs were met from existing votes and the Centre was completed by the end of 1995.

In 1995 the Finance and Economics Committee had agreed to recommend to the States £120,000 for the Centre in the 1996 budget. In the event this budget item was re-allocated because costs had already been met.

In the event, the project finished well ahead of schedule, providing a valuable resource from January this year.

2. During the course of the project general construction costs did increase from the tender estimate of £76,016 to

£98,602. This increase was required to incorporate minor changes in the design that reflected the changing rôle of the Planning and Environment Committee as co-ordinators of environmental policy.

The original specifications were upgraded to provide two significant investments that help ensure this unique Centre is a leading example of building practice with the needs of public, the needs of the environment and the need for long-term economic efficiency firmly in view -

It was agreed that £5,231 should be spent to provide improved access for disabled people. This takes the form of a timber ramp and bridge to allow efficient wheelchair access.

It was also agreed that £8,965 should be spent to invest in upgrading the environmental design. This included the fitting of solar panels and improving the specification of wall insulation. As a direct result of these environmental improvements to the original design, the costs to heat, light and power equipment are reduced and it is expected that such energy saving and cost-cutting methods will prove to be an investment rather than an expense in the long-term by paying back the costs of their introduction.

Additional architects' instructions for minor adjustments added a further £4,270 and £4,118 was required to supplement a shortfall in salvaged material from the OTC site bringing the total costs of construction to £98,602.

In addition, expenses for fitting-out the Centre added £18,271. Architects' fees totalled £12,497, £2,250 was paid in engineering fees and £6,641 was incurred on direct costs.

This total project cost of £138,262 is an investment in all accounts. It is an investment in environmental, financial

and community terms.

The environmental investment is clear - innovative design that fits in well with the environment of Les Mielles, the use of recycled materials, effective use of energy conservation measures and use of solar panel technology all make sound environmental sense.

In financial terms, the building is also a winner - architects have estimated that such a building would cost over £200,000 if built from scratch - over £50,000 of which was saved just from recycling OTC materials - not to mention the savings made by not having to use the 1996 budget allocation.

In public terms, the building is already a major success. The Centre has been open ten weeks and already more than 400 youngsters from schools and youth associations have used the facility to help understand the natural history of Jersey. In addition, a series of Sunday lectures on matters of environmental and historical interest has attracted a further 350 people. Other local groups are also using the facility for meetings.

It's not just the Committee that are convinced the project is a good investment - interviews have been given to journalists from Holland, Belgium, Switzerland and Austria. This international exposure will help advertise the Island as a destination for the 'green' tourist.

In fact, this unique project has been so positively regarded that it has been entered into no less than three national competitions - the Royal Institute of British Architects 1996 Award for Architecture, the Engineering Council 1996 Environment Award for Engineers and the Green Building of the Year Award.

In conclusion, the Frances Le Sueur Centre meets the needs of the public purse, the environment and the public.

It is a project that is already paying back dividends in terms of value to the community and will recoup some of the costs through innovative energy management. In all, it is a fitting example of good practice of which the States should be proud."

Leak of confidential information in the Jersey Evening Post - statement

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

``Members are aware that the contents of a highly confidential Committee document concerning the possible early retirement of a number of senior executives within the Public Services Department were leaked to, and published in, the Jersey Evening Post on Thursday, 7th March and that my Committee has taken a serious view of what was, we suspect, a malicious act involving a flagrant breach of trust.

I would like to state at the outset that I am acutely aware of the sensitivity of my position as Chairman of the Guiton Group, the parent company of the Jersey Evening Post, and as a director of the newspaper company itself. I speak this morning however entirely as President of the Establishment Committee and neither I nor my Committee regard my connections with the newspaper as directly relevant to this issue.

Much as I deplore it, leaks to the media of sensitive and confidential States information are, sadly, now almost accepted as inevitable and a regular feature of political life. This leak was, however, particularly serious in that it disclosed highly confidential information relating to named servants of the public who had every right to expect my Committee to offer them, and their families, full protection in this regard.

As soon as the offending article was published I wrote to the individuals concerned offering my sincere apologies and those of my Committee. I would like to repeat that apology publicly this morning. They should never have been put into this

position and I am extremely sorry that they were.

I am also extremely angry that the individual responsible for the leak so calculatingly breached the trust placed in him in what was, presumably, a deliberate attempt to sabotage the proposed restructuring of the Public Services Department. In so doing he put at risk that restructuring, with all the consequential benefits - which are considerable - that it would have to the department and to the taxpayer. Furthermore he put at risk the entire reputation and credibility of the Establishment Committee and with it our ability to perform the role entrusted in us by the States, which by its nature involves dealing with items of the utmost confidence on an almost everyday basis. He has also, of course, caused the finger of suspicion to be pointed at a number of completely innocent parties, particularly members of the Establishment Committee and certain staff within the Personnel Department. This is, in itself, quite shameful and I apologise to them for the embarrassment they have been caused and for my inability publicly to clear their name by identifying the source.

It is because we are so acutely aware of our responsibilities and indeed our obligations in this respect that my Committee has given the most serious consideration to resigning. However it is very late in the life of this States Assembly to be electing a new Establishment Committee, particularly with the next wage round about to begin, and there would be no point whatsoever in resigning and seeking re-election en bloc. I had hoped, in the time since the article was published, through one means or another, to be able to positively identify the person responsible, to name him personally, and if it was a member of my Committee, to resign and then offer myself for re-election. If successful I would then have nominated all my existing Committee less that member.

Unfortunately although I am very confident that I, and other members of my Committee, know who is responsible I have no positive proof and I have been persuaded, with no little reluctance, and despite the

encouragement of a number of senior Island figures, that to adopt the action I have just referred to without such proof would be dangerous and, in the highly unlikely event that we are wrong, grossly unfair. I have informed the person concerned of my belief that he is responsible. Sadly, but not surprisingly, he continues to deny it.

My Committee will not, therefore, be offering our resignation but we hope that by the vigorous reaction we have shown to this situation and our obvious intention not to meekly accept leaks of this nature we will have persuaded the person responsible, and others who engage in this practice, to think again of their duty, their responsibility, and the threat they pose to the integrity of this House and our ability to operate efficiently and effectively on behalf of the electorate. Ultimately they achieve little other than to bring shame upon themselves and to confirm that they are not worthy of the trust placed in them by the Island. They also bring the concept of open Government into disrepute.

This is particularly so in this instance as my Committee, in accordance with our normal practice, had, in any case, every intention of making a public announcement on the proposed voluntary early retirements and voluntary redundancy but only when the details had been finalised and agreed - which they had not been at the time of the leak - and in a way that was totally acceptable to the Public Services Committee and, most importantly, to the individuals concerned.

Finally I am confident that my Committee will be able to make an announcement on this matter very soon and the restructuring of the department will still be able to go ahead. If so, what I suspect was a deliberate attempt at sabotage will have been a complete failure."

Channel House, Green Street, St. Helier: lease of office accommodation and car parking - P.64/96

THE STATES commenced consideration of a proposition of the Telecommunications Board

regarding the lease of office accommodation and car parking spaces at Channel House, Green Street, St. Helier. On the proposition of Deputy Philip John Rondel of St. John the proposition was lodged ``au Greffe".

THE STATES decided to take this matter into consideration on 30th April 1996.

States members' remuneration: review - P.65/96

THE STATES commenced consideration of a proposition of the House Committee regarding States members' remuneration. On the proposition of Deputy Philip John Rondel of St. John the proposition was lodged ``au Greffe".

THE STATES decided to take this matter into consideration on 30th April 1996.

Road Traffic (Saint Helier) (Jersey) Order 1996: annulment - P.44/96

THE STATES rejected a proposition of Senator Patricia Ann Bailhache that the Road Traffic (Saint Helier) (Jersey) Order 1996 (R & O No. 8916) be annulled.

Members present voted as follows -

``Pour" (10)

Senators

Chinn, Bailhache, Tomes.

Connétables

St. Clement, Trinity, St. Martin.

Deputies

Norman(C), St. Peter, Pullin(S), Trinity.

``Contre" (36)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le Main, Le Maistre, Stein, Syvret.

Connétables

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

Ouen.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), Huelin(B), St. Mary, S. Baudains(H), Le Geyt(S), Walker(H), Crespel(H), Carter(H), Johns(H), Duhamel(S), Matthews(B), Routier(H), Dorey(H), Breckon(S), Grouville, Huet(H), St. Martin, St. John.

1 Newtown Buildings, David Place, St. Helier:
sale - P.46/96

THE STATES, adopting a proposition of the Health and Social Services Committee -

(a) approved the sale by the public to Miss Veronica Lanzon of the property 1 Newtown Buildings, David Place, St. Helier, for a consideration of £107,500 with the purchasers being responsible for all legal fees involved in the transaction;

(b) authorised the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the public;

(c) agreed that the proceeds of the sale should be used in accordance with the wishes of the late Mrs. E.J. Bailhache ``for the general welfare of persons elderly and/or blind or sick at the General Hospital".

Jersey Airport: lease to International Energy Group Investments Limited - P.47/96

THE STATES rejected a proposition of the Harbours and Airport Committee regarding the approval of the lease to International Energy Group Investments Limited of an area of land off L'Avenue de la Commune, St. Brelade, known as the St. Brelade's Garage site (Lettings Nos. L53, L53a and L65).

Members present voted as follows -

``Pour" (5)

Senators

Chinn, Bailhache.

Connétable

St. Martin.

Deputies

Norman(C), Johns(H).

``Contre" (36)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le
Main, Le Maistre, Stein, Syvret, Tomes.

Connétables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H),
Coutanche(L), Huelin(B), St. Mary,
S. Baudains(H), Le Geyt(S), Walker(H),
Pullin(S), Trinity, Carter(H), Duhamel(S),
Matthews(B), Routier(H), Dorey(H),
Grouville, Huet(H), St. Martin.

Deputy Alan Breckon of St. Saviour and Deputy
Philip John Rondel of St. John declared an
interest in the matter and withdrew from the
Chamber prior to the debate.

Le Squez School, St. Clement: approval of
drawings - P.48/96

THE STATES, adopting a proposition of the
Education Committee -

(a) approved drawings Nos. 2474-150, 151,
177, 186, 188-191, 195, 197-203, 203A
and 224 showing the construction of a
new primary school at Le Squez, St.
Clement; and

(b) authorised the Greffier of the States
to sign the said drawings on behalf of
the States.

Emergency Powers and Planning (Amendment)

(Jersey) Law 199 - P.49/96

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Emergency Powers and Planning (Amendment) (Jersey) Law 199 .

Règlements (1996) sur le tarif des honoraires des Jurés-Justiciers - P.52/96

THE STATES, by virtue of Article 7 of the Loi (1938) sur les honoraires des Jurés-Justiciers, adopted Regulations entitled the Règlements (1996) sur le tarif des honoraires des Jurés-Justiciers.

THE STATES rose at 4.10 p.m.

G.H.C. COPPOCK

Greffier of the States.