



**THE STATES assembled on Tuesday,
6th October 1998 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 –

Senator Vernon Amy Tomes – ill
Derek Ryder Maltwood, Deputy of St. Mary– out of the Island
Philip John Rondel, Deputy of St. John– out of the Island
Graeme Ernest Rabet, Deputy of St. Helier– out of the Island.
Robin Charles Hacquoil, Deputy of St. Peter– out of the Island
Kenneth William Syvret, Deputy of St. Ouen– out of the Island.

Prayers

The late Sir Frank Ereaut – letter from Home Secretary

The Bailiff informed the Assembly that His Excellency the Lieutenant Governor had received the following letter from the Home Secretary –

“28 Sep 1998

His Excellency General Sir Michael Wilkes KCB CBE
Office of the Lieutenant Governor
Jersey JE2 7GH

Dear General Wilkes,

I have learned with regret of the death of Sir Frank Ereaut who served as Deputy Bailiff and Bailiff of Jersey from 1969 to 1985. I should be grateful if you would convey my deepest sympathy to the States and to the people of Jersey.

Yours sincerely,

Signed Jack Straw”.

Newly elected Connétable of St. Clement– congratulations

The Bailiff, on behalf of the States, congratulated Stanley John Le Cornu, Deputy of St. Clement, on his election as Connétable of that Parish.

Delegation of l'Association des Membres de l'Ordre des Palmes Academiques, Section de la Manche

The Bailiff welcomed to the States a delegation of members of l'Association des Membres de l'Ordre des Palmes Academiques, Section de la Manche.

Matters presented

The following matters were presented to the States –

Immigration and Nationality Department: annual report 1997.

Presented by the Defence Committee.

Beauvoir, Rue de la Croiserie, Trinity: Committee of Inquiry (P.190/98) – report – P.205/98.

Presented by the Planning and Environment Committee.

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

The following matter was presented to the States on 29th September 1998 –

States of Jersey Law 1966, as amended – delegation of functions: public finances administration – R.C.44/98.

Presented by the Finance and Economics Committee.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 28th September 1998, 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 Harbours and Airport Committee, the lease to Huelin Renouf Shipping Limited of first floor office accommodation in the Freight Terminal, Jersey Airport (Letting No. B132) measuring 280 square feet, for a period of three years from 1st October 1998, at an annual rent of £2,240 (representing a rate of £8.00 a square foot), subject to annual rent reviews on 1st October throughout the term of the lease in line with the Jersey Retail Prices Index;
- (b) as recommended by the Harbours and Airport Committee, the lease to Emperor Europe Limited of two offices on the first floor office of the Freight Terminal, Jersey Airport (Letting No. B130) measuring 530 square feet, for a period of three years from 1st July 1998, at an annual rent of £4,240 (representing a rate of £8.00 a square foot), subject to annual rent reviews on 1st July throughout the term of the lease in line with the Jersey Retail Prices Index;
- (c) as recommended by the Public Services Committee, the sale to Pennymore Consulting Services Limited of approximately 585 square feet of land at the rear of the former Shanghai Restaurant, Millards Corner, St. Clement, for a consideration of £8,775, with the purchaser being responsible for all legal costs arising from the transaction, and with the transaction to be subject to restrictive covenants to be determined by the Department of Property Services;

- (d) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Peter Michael Rondel, of No. 71 Quennevais Park, St. Brelade, for the sale to him of an area of the verge, adjacent to his property, measuring approximately 291 square feet, for the sum of £500, subject to conditions that –
- (i) the existing wall would constitute the new boundary, with the purchaser to own the wall in its entirety, and rights to be granted to him onto the public's land in order to maintain the wall and gutter (the existing garden wall and pillar to remain as presently constituted);
 - (ii) Mr. Peter Michael Rondel to be responsible for the payment of the public's reasonable legal costs arising from the transaction; and
 - (iii) other contractual terms as required by the Law Officers' Department.

Matter noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 28th September 1998, 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 revised lowest of five tenders, namely that submitted by Syvret and Turner Limited in the sum of £958,600 in a contract period of 42 weeks for the extension and refurbishment of La Moye School, St. Brelade.

Matters lodged

The following matters were lodged “au Greffe” –

Draft Road Transport Lighting (Repeal) (Jersey) Law 1998 (Appointed Day) Act 199 – P.202/98.

Presented by the Defence Committee.

Draft Road Traffic (No. 50) (Jersey) Regulations 199 – P.203/98.

Presented by the Defence Committee.

Draft Policing of Parks (Amendment No. 13) (Jersey) Regulations 199 – P.204/98.

Presented by the Public Services Committee.

Electoral law reform – P.207/98.

Presented by the Legislation Committee.

Child care tax relief and child care allowance – P.208/98.

Presented by the Finance and Economics Committee.

Lodged on 29th September 1998 –

Housing Strategy 1998-2003 – P.201/98.

Presented by the Housing Committee.

Arrangement of public business for the present meeting

THE STATES confirmed that the following matter lodged “au Greffe” would be considered as the first item of matters lodged “au Greffe” under Public Business at the present meeting –

Le Geyt Centre: approval of drawings– P.196/98.

Lodged: 22nd September 1998.
Health and Social Services Committee.

THE STATES acceded to the request of the President of the Planning and Environment Committee that consideration of the proposition regarding La Fontaine Hotel, La Route de Beaumont, St. Peter: development in Aircraft Noise Zone 1 (P.187/98– lodged “au Greffe” on 8th September 1998) be deferred from the present meeting.

Arrangement of public business for the meeting on 20th October 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the meeting on 20th October 1998 –

Draft Community Provisions (Provisions relating to the introduction of the Euro) (Jersey) Regulations 199 – P.194/98.

Lodged: 22nd September 1998.
Finance and Economics Committee.

Draft Companies (Amendment No. 5) (Jersey) Law 199 – P.195/98.

Lodged: 22nd September 1998.
Finance and Economics Committee.

Assemblée Internationale de Parlementaires de Langue Française: Executive Committee – P.199/98.

Lodged: 22nd September 1998.
Senator J.A. Le Maistre.

Assemblée Internationale de Parlementaires de Langue Française: Executive Committee (P.199/98): amendment – P.200/98.

Lodged: 22nd September 1998.
Deputy P.J. Rondel of St. John.

Draft Road Transport Lighting (Repeal) (Jersey) Law 1998 (Appointed Day) Act 199 – P.202/98.

Lodged: 6th October 1998.
Defence Committee.

Draft Road Traffic (No. 50) (Jersey) Regulations 199 – P.203/98.

Lodged: 6th October 1998.
Defence Committee.

Draft Policing of Parks (Amendment No. 13) (Jersey) Regulations 199 – P.204/98.

Lodged: 6th October 1998.
Public Services Committee.

Child care tax relief and child care allowance – P.208/98.

Lodged: 6th October 1998.
Employment and Social Security Committee.

Victoria Avenue – pedestrian safety: petition – P.206/98

Senator Patricia Ann Bailhache presented to the States a petition on behalf of the family and friends of the late Christopher Cauvain and the public of Jersey praying that the Public Services Committee be requested to investigate and report back to the States on the measures necessary to ensure that pedestrians can cross Victoria Avenue in safety.

THE STATES referred the petition to the Public Services Committee and lodged “au Greffe” a proposition of

Senator Bailhache to the effect that the prayer of the petition be granted.

Jersey Airport Development Projects, Cost Management Report – questions and answers (Tape No. 470)

Senator Stuart Syvret asked Deputy James Thomas Johns of St. Helier, President of the Harbours and Airport Committee, the following questions –

“Would the President inform members –

- (a) when the report by Monk Dunstone Associates, entitled Jersey Airport Development Project, Cost Management Report, dated 4th October 1994 was presented to the Airport Development Project Management Group?
- (b) whether this report was made available to the Harbours and Airport Committee and, if so on which date?”

The President of the Harbours and Airport Committee replied as follows –

“After consultation and, I emphasize, with no disrespect intended to Senator Syvret, I propose to include the answers to both these questions in my response to his two previous questions left over from the meeting of 22nd September 1998.

Those answers, of necessity, are long and detailed. They have taken many officer-hours to compile. They will be presented to the States and published as an R.C. and I undertake to distribute them to members by post over the coming weekend in advance of publication. I hope that this will give members ample time to consider the contents before the meeting of 20th October 1998.”

Housing Strategy report 1998 – 2003 – questions and answers (Tape No. 470)

Senator Stuart Syvret asked Senator Corrie Stein, President of the Housing Committee, the following questions –

- “1. Sub-section 3.4(iv) – ‘(k) Category Applications’, of the Housing Strategy Report 1998 – 2003 states ‘the applicant must demonstrate that he will be making a significant financial (or other) contribution to the Island which will benefit the community as a whole’. Will the President provide a clear explanation, with examples, of what is meant by ‘or other’ contribution?”
2. The report goes on to state that ‘..... the Committee believes this policy of allowing limited entry to the Island to persons who will offer considerable social and/or economic benefits should continue’. Will the President provide members with a detailed definition of the phrase ‘considerable social and/or economic benefit’ as used in this context?”

The President of the Housing Committee replied as follows –

- “1. Regulation 1(1)(k) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, states that a formal consent shall be granted where, ‘the Committee is satisfied that consent can be justified on social or economic grounds’.

The Regulation clearly requires the Committee when considering an application made under Regulation 1(1)(k) to take into account the contributions, other than financial, which may be made by the applicant if allowed to take up residence in the Island and which will be of benefit to the community. Experience supports the view that someone with a record of contributing to the community in which they have lived will continue to make a contribution to the Jersey community when they move to the Island. These contributions could take many forms and include giving one’s time and expertise in such areas as sport, the Arts, business, information technology, entertainment and charitable ventures.

2. I believe the social benefit aspect has been largely answered in my response to the first part of the question.

‘Considerable economic benefit’ can be defined as an ‘above average’ advantage to the Island’s economy. The economic benefit deriving from 1(1)(k) applicants relies basically on a minimum level of contribution to tax revenues, currently £150,000 a year. However, economic benefit extends to the benefits arising indirectly from the expenditure by the applicant and his family and, in some cases, his business, on goods and services in the Island.

Social and financial benefits are linked where, on many occasions, (k) category residents have made substantial contributions to local charities and appeals, e.g. Opera House, M.R.I. scanner and the Battle of Britain Air Display.

- 1) Something of benefit can be defined as something to the advantage of the Island.
- 2) Economic can be defined as relating to the economy of the Island, i.e. the management of the resources, finances, income and expenditure of the Island.
- 3) Social can be defined as any matter relating to human society.

Weighbridge to Town Centre surface water link and storage tank – questions and answers (Tape No. 470)

Senator Stuart Syvret asked the Connétable of St. Helier, Vice-President of the Public Services Committee, the following questions –

- “1. Would the President inform members –
 - (a) of the total cost per month of the technical, legal and contractual advisors retained in connexion with the Weighbridge to Town Centre surface water link and storage tank?
 - (b) of the total cost to date of the technical, legal and contractual advisors?
2. Would the President provide members with an estimate of the final total cost of the technical, legal and contractual advisors?”

The Vice-President of the Public Services Committee replied as follows –

- “1. (a) The total cost per month is not a fixed amount. It varies, depending on the amount of involvement of the various advisors. Some of the more specialist advisors are called on only when their specialist advice is required.

The average cost per month is about £20,000.

- (b) The total cost paid up to the end of August 1998 for the technical, legal and contractual advisors is £1,303,748.

Some of these advisors have been dealing with technical issues since 1994, and claims and contractual issues since June 1995.

2. The final cost of these advisors cannot, at this stage, be estimated with any certainty, as it will depend on how long it takes to resolve the contractual claims.

It is estimated that the total cost at the end of 1998 is likely to increase to a total estimated cost of

£1,379,971.

The programme of submission of claims by the Contractor, Balfour Beatty Civil Engineering Limited, will not be completed until February 1999, and it will take some considerable time to analyse these claims. It will then depend on how long it takes to reach a resolution. Therefore, it is anticipated that this could take until the end of 1999, or possibly longer.

The total costs of advisors have been estimated to 31st December 1999 as about £1,619,971, in other words allowing an amount of £240,000 in 1999.”

Suspension of Standing Order No. 18(2)

THE STATES, adopting a proposition of the Planning and Environment Committee, suspended Standing Order No. 18(2) to enable the States to consider a proposition regarding the purchase of Le Coie Hotel, Janvrin Road, St. Helier, at this meeting.

Le Coie Hotel, Janvrin Road, St. Helier: purchase

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

- (a) authorised the purchase, on behalf of the public, from Seymours Limited, of the property known as Le Coie Hotel, Janvrin Road, St. Helier (as shown hatched on drawing No. 593/1) for £4,200,000 (four million two hundred thousand pounds) with each party to be responsible for its own legal costs in respect of the transaction;
- (b) authorised the leasing by the public to Seymours Limited of Le Coie Hotel, Janvrin Road, St. Helier (as shown on drawing No. 593/1), from the date of passing contract until the 30th November 1999, at a rental of £10 (ten pounds) for the purpose of operating a hotel business;
- (c) authorised the Greffier of the States to sign the lease in respect of Le Coie Hotel;
- (d) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contracts which might be found necessary to pass in connection with the acquisition of the said property and any interests therein;
- (e) authorised the payment or discharge of the expenses to be incurred in connection with the acquisition of the said property and all interests therein.

Le Geyt Centre, St. Saviour: approval of drawings- P.196/98

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

- (a) approved drawings Nos. 1498/01, 1489/02C, 1498/03C, 1498/04D, 1498/08A, 1498/09A, 1498/10A, 1498/15, 1498/16A, 1498/17A, 1498/18 showing the refurbishment and reconstruction work at Le Geyt Centre, St. Saviour;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Shops – Sunday trading – P.60/98 and P.85/98

THE STATES commenced consideration of a proposition of Deputy Alan Breckon of St. Saviour regarding the

Shops (Sunday Trading) (Jersey) Law 1960, as amended, and considered an amendment of the Connétable of St. Clement that for subparagraph (a) there should be substituted the following paragraph–

“(a) to enable shops having a retail sales area of less than 200 square metres to open on a Sunday between the hours of 6 a.m. and 10 p.m. in accordance with the terms of a trading permit issued by the Connétable of the parish concerned;”

After discussion the Connétable of St. Clement withdrew the amendment.

THE STATES resumed consideration of the proposition of Deputy Breckon and after discussion rejected the proposition –

“to agree, in principle, that the Shops (Sunday Trading) (Jersey) Law 1960, as amended, be repealed and replaced by a new Law containing, inter alia, provisions to the following effect –

(a) to enable shops –

(i) having retail sales areas of less than 300 square metres to open on a Sunday;

(ii) having retail sales areas of 300 square metres or more to open on a Sunday for a maximum of five hours between the hours of 10 a.m. and 5 p.m.,

in accordance with the terms of a trading permit issued by the Connétable of the parish concerned;

(b) to provide for the charging of permit fees of a variable amount linked to the rateable value of the premises concerned;

(c) to provide for special conditions to be attached to a permit restricting trade on Good Friday, Easter Sunday, Liberation Day and Christmas Day;

(d) to except certain transactions from the provisions of the Law;

(e) to make appropriate provision as to the rights of existing and future employees in relation to Sunday working;

(f) to provide penalties for non-compliance with the Law or with any condition attached to a trading permit,

and to charge the Legislation Committee to prepare the necessary legislation.”

Members present voted as follows –

“Pour” (3)

Senators

Norman.

Deputies

Dorey(H), Breckon(S).

“Contre” (40)

Senators

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

Connétables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), Le Geyt(S), Trinity, Pullin(S), Johns(H)
Duhamel(S), Layzell(B), Grouville, Huet(H), St. Martin, Le Main(H), Crowcroft(H), Vibert(B),
de la Haye(B), Le Cornu(C), Dubras(L).

Senator Frank Harrison Walker and Deputy Paul Francis Routier of St. Helier, having declared an interest in the matter, withdrew from the Chamber prior to the debate.

Provision of school milk: funding – P.128/98 (Revised) and P.186/98

THE STATES, having received an assurance from the President of the Finance and Economic Committee that the Committee would meet the cost of school milk until the end of the current year after which the appropriate funds would be inscribed in the Health and Social Services Committee budget, adopted a proposition of Senator John Stephen Rothwell regarding the provision of school milk.

THE STATES referred to their Act, dated 2nd December 1997, in which they noted that the Finance and Economics Committee was to undertake a review of the provision of school milk, in consultation with the Education, Health and Social Services and Employment and Social Security Committees, and would present recommendations to the States early in 1998, and that the Finance and Economics Committee would meet the cost of the provision of school milk from the general reserve until 28th February 1998, pending a decision by the States on the recommendations arising from the review, and requested the Finance and Economics Committee to continue to fund from the general reserve the provision of school milk to the Island's primary school pupils.

Members present voted as follows –

“Pour” (41)

Senators

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

Connétables

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

Deputies

H. Baudains(C), Coutanche(L), Le Geyt(S), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Dore
(H), Layzell(B), Breckon(S), Grouville, St. Martin, Le Main(H), Crowcroft(H), Vibert(B), de la Haye(I)
Dubras(L).

“Contre” (2)

Deputies

Le Sueur(H), Le Cornu(C).

Teaching of Jèrriais in primary schools – P.131/98

THE STATES, adopting a proposition of the Education Committee –

- (a) in accordance with Article 18(4) of the Public Finances (Administration) (Jersey) Law 1967, as amended, required the Finance and Economics Committee to grant a credit from the general reserve to the Don Balleine Trust of a maximum amount of £51,000 in the first year and £70,000 in the second year in order to fund a two-year programme to develop and test programmes of study for teaching Jèrriais to children aged 7-11;
- (b) required the Education Committee to undertake a full evaluation of the programme prior to seeking approval for the extension of the programme beyond the second year.

Members present voted as follows –

“Pour” (41)

Senators

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

Connétables

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

Deputies

H. Baudains(C), Le Sueur(H), Coutanche(L), Le Geyt(S), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, St. Martin, Le Main(H), Crowcroft(H), Vibert(B), de la Haye(B), Le Cornu(C), Dubras(L).

“Contre” (1)

Deputy

Dorey(H).

Adjournment

THE STATES adjourned until Wednesday, 7th October 1998.

THE STATES rose at 5.35 p.m.

G.H.C. COPPOCK

Greffier of the States.