

**THE STATES assembled on Tuesday,
4th March 2003 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,
was present**

All members were present with the exception of –

Senator Terence Augustine Le Sueur – out of the Island
Francis Herbert Amy, Connétable of Grouville – ill
Philip Francis Ozouf, Connétable of St. Saviour– ill
Celia Joyce Scott Warren, Deputy of St. Saviour– ill
Patrick John Dennis Ryan, Deputy of St. Helier– ill

Prayers

Welcome to newly elected Senator Edward Philip Vibert

The Bailiff, on behalf of members of the States, welcomed newly elected Senator Edward Philip Vibert.

Welcome – Senator Len Harris, Senator for Queensland, Australia

The Bailiff, on behalf of all members, welcomed to the States Senator Len Harris, Senator for Queensland, Australia.

War against Iraq – P.12/2003 and P.12/2003 Amd.

THE STATES were informed by the Bailiff that following their resolution adopted on 18th February 2003, concerning the War against Iraq, he had, as requested, transmitted the decision of the Assembly to the Lord Chancellor's Department through the official channels and had received confirmation from that Department that the letter had been forwarded to the appropriate authorities at the Foreign and Commonwealth Office.

Subordinate legislation tabled

The following enactment was laid before the States, namely –

Financial Services (Investment Business (Registration and Fees)) (Jersey) Order 2003. R&O 13/2003.

Matters presented

The following matters were presented to the States –

Public and private sector workflow projections. R.C.10/2003.

Presented by the Economic Development Committee.

Jersey Council for Safety and Health at Work: report for the period 1st July 2001 to 30th June 2002. R.C.11/2003.

Presented by the Employment and Social Security Committee.

The following matters were presented on 25th February 2003 –

Regulation of Undertakings and Development (Jersey) Law 1973: commentary on licences granted under Part II for the period to 31st December 2002. R.C.8/2003.

Presented by the Economic Development Committee.

States of Jersey Law 1966, as amended: delegation of functions – Housing Committee. R.C.9/2003.

Presented by the Housing Committee.

School Milk: provision for the years 2003, 2004 and 2005 (P.7/2003) – comments. P.7/2003.

Presented by the Finance and Economics Committee. Com.(2)
(*re-issue*)

Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200- (P.16/2003): comments. P.16/2003.

Presented by the Legislation Committee. Com.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 26th February 2003, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Harbours and Airport Committee, the lease to Aquamar Fisheries Limited of the small bunker room beneath Port Control, Victoria Pier, St. Helier Harbour, (Letting No. V32A–measuring 450 square feet), for the use of storing live fish, for 3years from 1st August 2002, at an annual rent of £1,872 (representing a rate of £4.16 a square foot), payable 6 months in advance, an subject to annual review;
- (b) as recommended by the Environment and Public Services Committee, the purchase from the John Clive Le Seelleur Trust of an area of land (measuring approximately 90 square feet) to the front of the property known as No. 40 New Street, St. Helier, which had been incorporated within the public footpath, for the sum of £90, and on the basis that the Committee would be responsible for both parties' reasonable legal costs arising from this transaction;
- (c) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Laurence John Goodall of the “(j)” category two-bedroom property known as Le Chatelet, Wellington Road, St. Saviour, for occupation by an Environmental Health Officer, for a period of 2 years from 1st August 2002, with an option to renew for a further one year, at an annual rent of £11,387.10, subject to annual increases in line with the Jersey Retail Price Index, on the basis that each party would be responsible for its own legal costs arising from this transaction; and,
- (d) as recommended by the Housing Committee, the sale to the Jersey Homes Trust of a strip of land running through the underground area immediately under the Jubilee Promenade (adjacent to the Albert Pier Housing car park, at the Waterfront, St. Helier), in order that it might be incorporated into the comprehensive sale of the Waterfront Housing Development, for a nominal consideration of £10, on the basis that the Committee would be responsible for both parties' reasonable legal costs arising from this

transaction.

Matters lodged

The following matters were lodged “au Greffe” –

Mont Orgueil development strategy: appointment of independent expert (P.19/2003) – amendment. <i>Presented by Deputy G.C.L. Baudains of St. Clement.</i>	P.19/2003. Amd.
Health and Safety Appeal Tribunal: appointment of member. <i>Presented by the Employment and Social Security Committee.</i>	P.22/2003. (re-issue)
Tax liability of essentially employed public sector employees. <i>Presented by the Deputy of St. John, and referred to the Policy and Resources Committee.</i>	P.23/2003.
Draft Water (Amendment No. 2) (Jersey) Law 200. <i>Presented by the Environment and Public Services Committee.</i>	P.24/2003.

The following matter was lodged on 25th February 2003 –

Public Employees Contributory Retirement Scheme Committee of Management: membership. <i>Presented by the Policy and Resources Committee.</i>	P.21/2003.
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Arrangement of public business for the present meeting

THE STATES confirmed that the following matter lodged “au Greffe” would be considered at the present meeting –

Manual Workers’ Joint Council: membership. Lodged: 18th February 2003. <i>Policy and Resources Committee.</i>	P.15/2003.
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THE STATES, adopting a proposition of Senator Jean Amy Le Maistre, agreed to defer consideration of the proposition of Deputy G.P. Southern of St. Helier concerning School Milk: provision for the years 2003, 2004 and 2005, (P.7/2003 lodged “au Greffe” on 28th January 2003) from the present meeting to a later date.

Members present voted as follows –

“Pour” (25)

Senators

Le Maistre, Norman, Walker, Le Claire, Lakeman, Routier, M. Vibert, Ozouf.

Connétables

St. Ouen, St. Brelade, St. John, St. Peter, St. Clement, St. Helier, St. Lawrence.

Deputies

Trinity, Duhamel(S), St. Martin, Dubras(L), Voisin(L), Farnham(S), Fox(H), St. Mary, St. Ouen, Tayl

(C).

“Contre” (23)

Senators

Syvret, Kinnard, E. Vibert.

Connétables

St. Martin, St. Mary, Trinity.

Deputies

Breckon(S), Huet(H), St. John, Le Main(H), Baudains(C), Dorey(H), Troy(B), Le Hérissier(S), Bridg (H), Martin(H), Southern(H), Bernstein(B), Ferguson(B), Grouville, St. Peter, Hilton(H), De Faye(H).

Arrangement of public business for the next meeting on 18th March 2003

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 18th March 2003 –

Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200-. P.16/2003.
Lodged: 18th February 2003.
Connétable of St. Martin.

Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200- (P.16/2003): P.16/2003.
comments. Com.
Presented: 25th February 2003.
Legislation Committee.

Field 126, La Grande Route de la Côte, St. Clement: construction of homes. P.17/2003.
Lodged: 18th February 2003, *and referred to the Environment and Public Services Committee.*
Deputy G.C.L. Baudains of St. Clement.

Public Employees Contributory Retirement Scheme Committee of Management: P.21/2003.
membership.
Lodged: 25th February 2003.
Policy and Resources Committee.

Issuing of Committee minutes to States members – question and answer (Tape No. 811)

The Deputy of St. John asked Senator Frank Harrison Walker, President of the Policy and Resources Committee the following question –

“In January 2003, the Policy and Resources Committee announced that it would no longer be issuing its Part B minutes to States members. I raised certain concerns at the time with the President and would seek the President’s confirmation whether the Policy and Resources Committee intends to bring a report and proposition to the States on this matter, or if not, the reasons why?”

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

“The Policy and Resources Committee is considering the entire issue of information dissemination to States members, the media and the public at its meeting this Thursday 6th March 2003.

It is the intention of the Committee to be transparent and to provide more information than has hitherto been the case. The Committee intends to ensure that States members, the media and the public are more fully and more accurately informed than ever before and it will be bringing forward proposals as to how it intends to do this in the very near future.”

Transfer of certain facilities from Fort Regent to Le Rocquier School site – question and answer (Tape No. 811)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee, the following question –

“Will the President advise members of any current plans the Committee might have with regard to transferring certain facilities from Fort Regent to Le Rocquier School site, and, should this be the case, would he provide details of consultation with residents, Parish Authorities, and other bodies to date?”

The President of the Education, Sport and Culture Committee replied as follows –

“The Education, Sport and Culture Committee is undertaking a Feasibility Study for the potential of Fort Regent Sport and Entertainment Centre to be transformed into a mixed-use development. The study will examine the market potential for a variety of uses. It will also undertake research on the likely displacement of existing Fort Regent User groups and detail the extent of this displacement and the potential options for relocation.

The second stage of the study will be to prepare an assessment of the re-provision of sports facilities to the Le Rocquier site. There will be consultation with all interested parties during this phase of the study. It is expected the study will commence in June 2003, and take 16 weeks to complete.”

Resident parking scheme – question and answer (Tape No. 811)

The Deputy of St. John asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following question –

“During recent months resident parking schemes have been put in place in St. Helier, and it is now illegal for non-residents to park in many of these areas without a permit. Will the President explain –

- (a) what provision has been made for the parking of vehicles which are servicing properties in the area?
- (b) what arrangements are there for visitors to park near the premises of persons living in these areas who are not in possession of a parking permit? and,
- (c) what arrangements are there for the collection of elderly people from their properties now that resident parking permits are required in these areas?”

The President of the Environment and Public Services Committee replied as follows –

“The trial Residents’ Parking Scheme covers several streets in the Stopford Road and St. Mark’s Road area. The trial runs from 4th November 2002, until 4th November 2003.

- (a) On every street in the trial Residents’ Parking Scheme in the Stopford Road area there are 2-hour paycard spaces where anyone may park, between 8am and 5pm Monday to Saturday. If a longer stay is essential and for a specific reason, the Connétable is empowered to issue temporary permits, which are for a fixed duration and which enable a vehicle to be parked in the Residents’ spaces.

- (b) The 2-hour paycard spaces provide for visitors. In the trial zone there are 44 paycard spaces.
- (c) The parking restrictions only prohibit parking, or, as legally defined, “waiting”, on-street, which means leaving the vehicle unattended. Collection and delivery of passengers, to “pick up” or “set down”, is permitted in the Residents’ areas, the paycard areas and even on yellow lines where there is a “prohibition of waiting”, provided the stationing of the vehicle does not compromise road safety, such as by blocking visibility or obstructing the footway, or cause inconvenience to other road users.”

Jersey Police Authority – questions and answers (Tape No. 811)

The Deputy of St. Martin asked Senator Wendy Kinnard, President of the Home Affairs Committee, the following questions –

- “1. With regard to Part E, page 9 of the Constitution of the States of Jersey, otherwise referred to as the ‘green sheets’, last printed on 7th February 2003, and which page refers to the constitution of the Jersey Police Authority, will the President advise members regarding –
 - (a) the position of the Chairman of the Jersey Police Authority, which appears to have been vacant since the retirement of the last Chairman in the Summer of 2001, and the steps taken since that time to appoint a replacement chairman, and when an appointment is likely to be made?
 - (b) the position of the 2 members of the Jersey Police Authority, appointed from the Home Affairs Committee, and the 2 members from the Comité des Connétables, which appear to be vacant, and the reasons for the delays? and,
 - (c) the position of the 2 Independent Members of the Jersey Police Authority, which appear to be vacant since the expiry of the term of office of the previous Members on 31st August 2002, and when appointments will be made in this respect?
2. On the 19th May 1998, the States approved the establishment of a Jersey Police Authority which has yet to be established by law.
 - (a) Will the President give the reasons for the delay in its legal establishment, and,
 - (b) will the President advise members of the steps the Committee will be taking to ensure that the Jersey Police Authority is functioning not only in accordance with the recommendations contained in P.184/1996 – “Police Services in Jersey: independent review”, adopted by the States on 5th November 1996, but also in accordance with P.49/1998 as amended.”

The President of the Home Affairs Committee replied as follows –

- “1. (a) The position of Chairman of the Jersey Police Authority remains vacant. Members will be aware of the great difficulties that have been experienced in finding a person of the right calibre who is willing to take on the post of Chairman with responsibility for moving the Authority forward. Since the last permanent Chairman retired, there have been 2 recruiting campaigns to identify willing volunteers. The first produced 2 suitable candidates as lay members, neither of whom was willing to take on the role of Chairman. A subsequent campaign in June 2002 resulted in no interest whatsoever. Outside of these campaigns, the Committee has sought, without success, to identify a suitable person who might want to take on the post. Eventually, an excellent candidate did come forward last autumn of his own volition. Having carried out his own enquiries into the role of the Jersey Police Authority and the responsibilities of the post, he remained unconvinced that the establishment of a Police Authority, as envisaged by P.49/1998, was necessary. Consequently, although wishing to actively maintain his interest in policing matters, he did not wish to pursue nomination for the post of Chairman. He reached these conclusions last autumn in the run up to the

elections. Since the formation of the present Home Affairs Committee in December 2002, new members have undertaken an induction process which included briefing on the difficulties experienced hitherto with the establishment of a Jersey Police Authority. I shall explain the steps that the Committee will now take in the answer to Question 2.

- (b) It will be apparent to Members that the activities of the Jersey Police Authority have been dormant for some time. The Home Affairs Committee has yet to nominate 2 members for reasons which will become clear in the answer to Question 2. Connétable Amy and Connétable Vibert, who is also the Vice-President of the Home Affairs Committee, are the current sitting members of the Jersey Police Authority but their continued appointments would need to be approved by the States assuming that they wished to continue as members.
 - (c) There are 2 prospective Independent Members whose names could be put forward for approval by the States and, again, I shall cover the timing of these appointments in my answer to Question 2.
2. (a) There are 3 principal reasons for the delay in the Police Authority's legal establishment and these have all been reported to the States on a previous occasion. Firstly, it lost its Chairman, Mr. Rumboll, due to illness. This was at a critical time in the development of measures to give the Jersey Police Authority legal identity and it has suffered from the loss of continuity ever since and the inability to find another Chairman. Secondly, the Authority's project officer left the post a year ago but the previous Committee was reluctant to recruit a replacement, mainly on the grounds of cost, until the position of Chairman had been resolved. Thirdly, the task of achieving legal establishment is more formidable than was first realised with over 50 pieces of primary legislation needing to be altered.
- (b) The new Home Affairs Committee is determined to see that the problems that have beset the Jersey Police Authority are resolved as soon as possible. The Committee needs to take stock of the reasons for the delay given in my previous answer, in particular the likelihood that the task in setting up the Jersey Police Authority was under-estimated at the outset and that insufficient resources were devoted to it. Time has moved on since the States resolved to establish a Jersey Police Authority and I believe, therefore, that the Committee also has to consider an Authority in the context of a Ministerial system of government. These are important issues which require careful thought by members. To inform that debate, I have asked for a position paper to be prepared for the Committee's consideration next month. Shortly after, I will undertake to bring a report to the States outlining proposals for the way forward."

Building work at the St. James Centre – questions and answers (Tape No. 811)

The Deputy of St. John asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following questions –

- “(a) Will the President inform members of the original estimated cost of renovating St. James Centre and whether there was any overspend in this regard, and, if so, by how much?”
- (b) In November 1994, when the States approved the lease of the former St. James' Church, Vicarage and gardens to the Jersey Arts Trust, certain concern was expressed by the then Connétable of St. Helier regarding the cost of ongoing maintenance works arising from the renovation of the buildings. Will the President confirm whether there is currently a water ingress problem with the windows of the St. James Centre building, and, if so, whether any remedial work will be taken and at what cost to the States, and whether there are any other maintenance works to be undertaken and the cost of such works, to the States, if so required.”

The President of the Environment and Public Services Committee replied as follows –

- “(a) The former Planning and Environment Committee published a report on the structural works and

conversion of the former St. James Church on 8th February 2000, following the Deputy's previous questions. As reported in RC. 2/2000 the works were undertaken by the Jersey Arts Trust and accountability for this project rests with the Finance and Economics Committee.

The former Planning and Environment Committee's report explained that its Director of Property Services was not appointed as Project Manager by the Arts Trust until the later stages of their contract when the Trust encountered major problems, with instructions to complete the contract containing additional costs.

After completion in November 2000, this project was subject to a Treasury audit report in which the cost was stated at £1.49 million. This amount exceeded the amount voted of £1 million but was consistent with the original estimated cost of £1.5 million. The project cost has since been finalised at a total of £1.53 million.

The majority of the additional cost (£307,000) incurred was attributable to the rectification of dry rot discovered within the roof structure during the course of the contract, details of which were published in R.C.2/2000.

- (b) There is a known problem of dampness to the window reveals of the former St. James Church the symptoms of which suggest the underlying cause may either be the result of penetrating dampness or condensation. The Department of Property Services is currently investigating the problem and the cost of remedial work is not yet known.

A planned maintenance survey was produced in 2000 estimating maintenance costs at St. James of £98,000 p.a. over a ten-year period including works which would normally be the tenant's responsibility of £38,000 p.a. The former Planning and Environment Committee, in requesting funds for this work, advised the Finance and Economics Committee that the Jersey Arts Trust have not been prepared to approve a draft lease for St. James which provides for tenants' liability.

A similar situation applies to the Opera House, where an annual cost of £77,500, including tenants' items of £40,000 needs to be provided for which the Jersey Arts Trust will not accept responsibility.

Similarly the Jersey Archive Centre which requires annual maintenance of £30,000 per annum, including £20,000 of tenants' items where the Jersey Heritage Trust have declined to accept the draft lease for the same reason.

In the interim, the Committee is in a very unsatisfactory position having been allocated a capital vote of only £75,000 in 2003 to cover the maintenance of all States properties which are in use by these 2 Trusts.'

Sale of Field 790, St. Peter to the Jersey Rugby Club– question and answer (Tape No. 811)

The Deputy of St. John asked Senator Leonard Norman, President of the Harbours and Airport Committee, the following question –

- “(a) During the recent States debate on Field 790, St. Peter, following which it was agreed that the field would be sold to the Jersey Rugby Club Limited for £11,000 and the public would be responsible for supplying and building a fence along the western boundary, the President was unable to provide details of the cost of the fence at the time.

Will the President inform members of the cost of supplying and erecting the fence and whether or not the funding is to come from the Committee's budget. If not, from which source will the funding be provided?

- (b) Will the President inform members if Field 790 had been independently valued and when, or if not, will

he give the reason why this was not carried out?

- (c) Will the President confirm whether any officer from the Airport Administration or Planning or Property Services Departments who were directly or indirectly involved in the negotiations regarding the sale of Field 790 had been a member of, or player for the Jersey Rugby Football Club at any time since negotiations began in 1993?
- (d) Will the President give details of the sale of Field 790, St. Peter. Will the land be sold to the Jersey Rugby Club or the Jersey Rugby Club Limited and will he give details in the event of the dissolution of either the Jersey Rugby Club or the Jersey Rugby Club Limited going out of business? What happens to the assets of the Club or the Limited Company?"

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

- “(a) I wrote to all Members on this subject last week and I reaffirm that the Committee has no wish nor requirement to create an additional fence.
- (b) The valuation of the field was made by the States’ Property Services Department which exists to offer such advice to States’ Departments. The Department provided professional advice and the Harbours and Airport Committee had no reason to employ outside consultants to do the same job.
- (c) No officer in Airport Administration has been involved directly or indirectly in the negotiations regarding the sale of Field 790.

I am not aware of the social arrangements or sporting prowess of officers of the Planning and Property Services Departments. However, I am advised that an officer of the Property Services Department who was a member of, and a player for, the Jersey Rugby Football Club until 2001, has been involved but was not responsible for making any decision in respect of the sale.

- (d) The land is being sold to the Jersey Rugby Football Club Limited.

A restrictive covenant is included in that sale agreement which prevents, in perpetuity, any form of development other than that associated with its permitted use as a sporting facility associated directly with the requirements of the Jersey Rugby Football Club. Should the ownership of the land change, the covenant would remain and could only be removed with the agreement of the States.

I am not aware what would happen to the assets of the Jersey Rugby Football Club Limited should it go out of business.”

Report of Children’s and Young People’s Services – question and answer (Tape No. 811)

Deputy Roy George Le Hérisier of St. Saviour asked Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee, the following question –

“With reference to the recent report on Children and Young People’s Services, and more specifically to the educational aspects contained in it, would the President indicate whether the follow-up action will identify where responsibility for the serious deficiencies lies, and if so, what action does the Committee propose to take?”

The President of the Education, Sport and Culture Committee replied as follows –

“The report referred to, entitled “Review of the Principles, Practices and Provision for Children and Young People with Emotional and Behavioural Difficulties and Disorders in the Island of Jersey”, was jointly commissioned by 3 Committees, namely, the former Education Committee, now the Education, Sport and Culture Committee, the Home Affairs Committee and the Health and Social Services Committee.

The author of the report, Dr. Kathie Bull, gave an introductory presentation of her findings to the 3 Committees, selected officers and others closely involved with the subject matter on 12th February 2003. Subsequently, the 3 Committee Presidents met on 19th February 2003, to consider the implications of the report and how work on its findings could be expedited. At that meeting, it was agreed that the Presidents would recommend to their respective Committees that they work together in order that this issue is dealt with in a corporate manner.

The Education, Sport and Culture Committee will consider the report for the first time on Wednesday, 5th March 2003, when Dr. Bull will be in attendance. I understand that the other 2 commissioning Committee will also be meeting in the near future with Dr. Bull. It is then proposed that there will be a joint meeting of all 3 Committees, as a further stage in the consideration of the report, when decisions will be taken on the actions to be pursued in relation to its conclusions and recommendations. A provisional action plan and timetable has been drawn up and this will be submitted to the 3 Committees for their approval. The President of the Health and Social Services Committee has outlined information regarding the action plan and timetable in his answer and therefore I do not intend to repeat it here.

In commissioning this comprehensive review by Dr. Bull, all 3 Committees involved and their advising officers recognised that the departmental delivery of services was not satisfactory and that deficiencies would be drawn out. The purpose of the review was to inform the Committees on the current situation and to identify where and how improvements could be made.

The report has brought into focus serious deficiencies in the existing system and the issue is to be dealt with as a matter of priority by the Education, Sport and Culture Committee to improve the provision of services to children and young people with emotional and behavioural difficulties.”

Report of Children’s and Young People’s Services – question and answer (Tape No. 811)

Deputy Roy George Le Hérisier of St. Saviour asked Senator Stuart Syvret, President of the Health and Social Services Committee, the following question –

“With reference to the recent report on Children and Young People’s Services, and more specifically to the health aspects contained in it, would the President indicate whether the follow-up action will identify where responsibility for the serious deficiencies lies, and if so, what action does the Committee propose to take?”

The President of the Health and Social Services Committee replied as follows –

“The question refers to the report by Dr. Kathie Bull concerning the provision of services for children and young people with emotional and behavioural difficulties. The report makes it clear that the present inter-departmental structure is failing to deliver the degree of care and attention these young people need. The report was commissioned by 3 Committees, namely the Health and Social Services, Education, Sport and Culture and Home Affairs Committees. The 3 Committee Presidents met recently to discuss how best to address the problems identified in the report. It was agreed that the 3 Committees would need to work closely together and the following draft timetable was agreed and will be considered by the Committees at their next meetings.

The 3 Committees are to consider the report as it relates to the services which each Committee provides. The dates are as follows – Education, Sport and Culture Committee meets on the morning of the 5th March 2003. The Health and Social Services Committee will discuss the report on the afternoon of the same day. The Home Affairs Committee will meet on the 10th March 2003. Thereafter a joint meeting of the 3 Committees will be called to consider strategic goals and a timetable of action.

Since January of this year, 6 separate working groups, made up of senior officers from the various departments, have been set up to produce detailed action plans for immediate change and three-phase planning around the long-term goal of integrating services. The action groups will report details of progress

and issues to be addressed to the panel of Chief Officers of the departments that commissioned the work. The 3 Presidents will also meet on a monthly basis to review progress towards the production of a detailed strategy to be agreed by the 3 Committees and for which States' approval will be sought, hopefully before the summer recess. This is a provisional timetable only at this stage as there is a great deal of complex work to be undertaken around the major changes proposed, and consultation with stakeholders, but the 3 Committees and their officers are committed to working together to achieve this timetable if at all possible.

The report identifies a significant range of shortcomings in state provision for children and young people with emotional and behavioural difficulties. The problems identified in the report cannot be regarded as anything other than serious; addressing them will require a clear commitment by the States. It must be noted that the 3 Committees concerned and their staff were all aware that failings existed within the service and regarded such failings as a serious matter. This is why the report was commissioned. Its findings do not represent the work of an externally driven investigation; the Committees and departments concerned invited the scrutiny. It is clear from reading the report that during its preparation the author received full and frank co-operation from all concerned. Its findings would not be so clear and comprehensive were this not the case. Staff who have been frank with the author in discussing difficulties they may have had in delivering the service are to be commended for their honesty.

As already stated, a draft timetable has been agreed by the 3 Presidents. The 3 Committees are to consider what action they may wish to take in responding to the issues raised by the report. Until the Committees concerned have determined their programme of action it is not possible to say whether they may wish to apportion responsibility. It is however a reasonable assumption that the Committees' priorities will be positive, constructive measures designed to provide high quality support and assistance to those children and families who may need it."

Report of Children's and Young People's Services – question and answer (Tape No. 811)

Deputy Roy George Le Hérissier of St. Saviour asked Senator Wendy Kinnard, President of the Home Affairs Committee, the following question –

“With reference to the recent report on Children and Young People's Services, and more specifically to the sections relating to the Young Offenders' Institution and Women's Wing at H.M. Prison, La Moye contained in it, would the President indicate whether the follow-up action will identify where responsibility for the serious deficiencies lies, and if so, what action does the Committee propose to take?”

The President of the Home Affairs Committee replied as follows –

“Since receiving Dr. Kathie Bull's introductory presentation regarding the “Review of the Principles, Practices and Provision for Children and Young People with Emotional and Behavioural Difficulties and Disorders in the Island of Jersey”, Committee members have been taking time to study the report and assimilate its findings and recommendations. The Home Affairs Committee will get its first opportunity to discuss the report directly with Dr. Bull on the 10th March 2003. She will also be meeting separately with the Health and Social Services Committee and the Education, Sport and Culture Committee. Shortly after, there will be a joint meeting of all 3 Committees principally to endorse the action plan and timetable outlined by the President of the Health and Social Services Committee in his answer.

The 3 Committees involved embarked upon this very detailed study upon the recommendation of their officers and in the full knowledge that deficiencies would be drawn out. Indeed, it would have been surprising if the opposite had been concluded by Dr. Bull. Far from being an inquiry, the purpose of the review was to engage an expert in the field to inform the Committees where improvements could be made. As Dr. Bull's report is at pains to point out, the causes of the present situation are complex and varied; financial, sociological and political factors are among them. The question infers that blame should immediately be apportioned as a counter-weight to the deficiencies that have been identified. So far as the services that the Home Affairs Committee is responsible for, I believe that they should be viewed as a key part of developing a solution to these problems rather than the cause of them. That is the approach that I shall

be recommending to the Home Affairs Committee.

Dr. Bull did not inspect the work of the Probation and After-Care Service as part of her Review. She did however discuss, with managers, the structures that were in place and how the Service interacted with the agencies which are the subject of her Review. There is no criticism of the Probation Service in Dr. Bull's Report.

There is one recommendation which directly affects the Jersey Probation and After-Care Service. This concerns the seconding of Probation staff into the proposed Youth Action Team and would also involve the Chief Probation Officer becoming a member of the Children's Executive. This recommendation is consistent with an objective outlined in the Probation and After-Care Service Five Year Plan for 2002 – 2006. The Probation Board is committed to working closely with other relevant agencies in order to ensure that provision for this difficult group of young people is improved."

Field 126, St. Clement– question and answer (Tape No. 811)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following question–

“Subsequent to the advertisement of a fresh planning application for Field 126, St. Clement, the Connétable wrote to the President on 29th January 2003, asking, among other things, if the Environment and Public Services Committee would give an assurance that no decision would be made on the current application until the proposition lodged by Senator C.G.P. Lakeman, P.98/2002, was debated.

In the absence of the giving of such an assurance, would the President –

- (a) confirm that the Committee will defer determination of the current planning application for Field 126 until either P.98/2002 or my proposition, P.17/2003, has been debated by this Assembly?
- (b) advise when the Committee will respond to my proposition (P.17/2003) lodged on 18th February 2003, which was specifically intended to permit the States to debate the matter in advance of the Committee's determination of the latest application?"

The President of the Environment and Public Services Committee replied as follows –

- “(a) A further application for the development of Field 126 was made on the 20th December 2002 (ref: P/2002/3109) and remains to be determined. The Committee's primary obligation is to the applicant to deal with this application as expeditiously as it can, having given proper consideration to all the relevant planning considerations. It would be unreasonable for the Committee to give an unqualified assurance that it would defer its decision until the States have debated either the Deputy's or Senator Lakeman's proposition, as the Committee has no control over when it will be debated. I should like to remind the States that the owner of the land has already waited for the Senator's proposition to be debated since June 2002.
- (b) The Environment and Public Services Committee will consider its response to the proposition on 12th March 2003, and its report will be circulated to States Members immediately thereafter and presented on 18th March 2003. On this basis, the matter could be debated on the 18th March 2003, or the 1st or 8th of April 2003.”

Draft Housing (General Provisions) (Amendment No. 18) (Jersey) Regulations 200- P.8/2003

THE STATES resumed consideration of the draft Housing (General Provisions) (Amendment No. 18) (Jersey) Regulations 200-, and adopted the Preamble and Regulations 1-5.

THE STATES, in pursuance of Articles 10 and 15 of the Housing (Jersey) Law 1949, as amended, made Regulations entitled Housing (General Provisions) (Amendment No. 18) (Jersey) Regulations 2003.

Jersey Heritage Trust: amendments to constitution – P.37/2002

Comments – P.37/2002 Com.

THE STATES, rejected a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement that the States refer to their Act dated 25th May 1999 in which they approved a new constitution for the Jersey Heritage Trust, and to request that the Trust, in accordance with the provisions of 11.2 of the Constitution, consider taking the necessary steps to amend its Constitution in the following manner –

- (a) in clause 3.2 for the words “*any other method that may seem appropriate to it*” substitute the words “*other methods that are appropriate*”;
- (b) in sub-clause 5.3.6 –
 - (i) after the words “*Jersey Heritage Trust shall*” insert the words “, *subject to the provisions of sub-clause 5.3.6.1 below,*”;
 - (ii) for the words “*Jersey Heritage Trust*” where they appeared for the second time substitute the words “*Jersey’s heritage*”; and
 - (iii) after the sub-clause insert the following sub-clauses –
 - “*5.3.6.1 At least three of the Trustees appointed for their skills and experience in accordance with the provisions of sub-clause 5.3.5 above shall be appointed for their independence and expertise in archaeology and history and nominations for these three positions shall be invited from English Heritage, the Society for the Protection of Ancient Buildings (SPAB), the Council for British Archaeology (CBA) or bodies with similar aims and purposes.*”
 - “*5.3.6.2 The Jersey Heritage Trust shall not exercise its powers under sub-clause 5.3.5 above to appoint or re-appoint as trustee any person who does not fulfil the requirements of sub-clause 5.3.6.1 above unless there are already at that time 3 persons so qualified on the board of trustees.*”;
- (c) in clause 5.7 delete all the words after the word “*shall*” where it appeared for the second time (including sub-clauses 5.7.1 to 5.7.3) and substitute the following words “*act bona fide in the best interests of Jersey’s heritage at all times*”; and
- (d) in sub-clause 5.11.1 for the words “*the permission of the Jersey Heritage Trust*” substitute the words “*valid reason*”.

Members present voted as follows –

“Pour” (18)

Senators

Syvret, Le Claire, E. Vibert.

Connétables

St. Mary, St. John, Trinity.

Deputies

Duhamel(S), Breckon(S), Huet(H), St. Martin, St. John, Le Main(H), Baudains(C), Le Hérissier(S), Southern(H), Bernstein(B), Ferguson(B), De Faye(H).

“Contre” (30)

Senators

Le Maistre, Norman, Walker, Kinnard, Le Sueur, Lakeman, Routier, M. Vibert.

Connétables

St. Martin, St. Ouen, St. Brelade, St. Peter, St. Clement, St. Helier, St. Lawrence.

Deputies

Trinity, Dubras(L), Dorey(H), Troy(B), Voisin(L), Farnham(S), Fox(H), Bridge(H), Martin(H), St. Mary S. Ouen, Taylor(C), Grouville, St. Peter, Hilton(H).

Senator Terence Augustine Le Sueur – attendance

Senator Terence Augustine Le Sueur, having returned to the Island, arrived in the Chamber during consideration of the proposition of Deputy Gerard Clifford Lemmens Baudains, of St. Clement, concerning the Jersey Heritage Trust: amendments to constitution, and was present for the remainder of the meeting.

Draft Fire Service (Amendment No. 5) (Jersey) Law 200 P.3/2003

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled Fire Service (Amendment No. 5) (Jersey) Law 200.

Simultaneous Electronic Voting: replacement for ‘appel nominal’ – P.10/2003

THE STATES, adopting a Proposition of the Privileges and Procedures Committee –

- (a) agreed that a system for simultaneous electronic voting should be introduced to replace the ‘appel nominal’ and that the Greffier of the States should, if requested to do so by any elected member of the States, announce the details of each member’s vote immediately after the result of the vote had been declared;
- (b) requested the Privileges and Procedures Committee to bring forward the necessary amendments to the Standing Orders of the States to give effect to the changes and requested the Committee, in consultation with the Environment and Public Services Committee, to take the necessary practical steps to bring into operation the new system as soon as was practicable.

Members present voted as follows –

“Pour” (39)

Senators

Le Maistre, Syvret, Walker, Kinnard, Le Sueur, Le Claire, Lakeman, Routier, M. Vibert.

Connétables

St. Mary, St. John, St. Clement, St. Helier, St. Lawrence.

Deputies

Trinity, Duhamel(S), Breckon(S), St. Martin, St. John, Le Main(H), Dubras(L), Baudains(C), Dorey(F), Troy(B), Voisin(L), Farnham(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H), Southern(H), Bernstein(B), Ferguson(B), St. Mary, S. Ouen, Taylor(C), Grouville, St. Peter, Hilton(H).

“Contre” (9)

Senators

Norman, E. Vibert.

Connétables

St. Martin, St. Ouen, St. Brelade, St. Peter, Trinity.

Deputies

Huet(H), De Faye(H).

Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) Act 200- P.14/2003

THE STATES, in pursuance of Article 114(2) of the Police Procedures and Criminal Evidence (Jersey) Law 2003, made an Act entitled the Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) Act 2003.

Manual Workers’ Joint Council: membership – P.15/2003

THE STATES, adopting a Proposition of the Policy and Resources Committee referred to their Act dated 9th November 1961, concerning the membership of the Manual Workers’ Joint Council, and appointed –

Deputy M.F. Dubras of St. Lawrence

Senator M.E. Vibert

Mr. J.D. Richardson, Chief Executive Officer, Public Services Department

Mr. A.J. Skinner, Director of Community and Social Services

as the States’ Representatives on the Employers’ Side of the Manual Workers’ Joint Council.

Adjournment

THE STATES adjourned, having agreed that the following outstanding matters of Public Business should stand over until their next meeting on 18th March 2003, at which they would be considered as the first items of business –

Draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200-. P.13/2003.

Lodged: 11th February 2003.

Harbours and Airport Committee.

Draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200- (P.13/2003): P.13/2003. Amd. amendments.

Lodged: 18th February 2003.

Deputy G.C.L. Baudains of St. Clement.

Construction Industry: grant of licences.

P.18/2003.

Lodged: 18th February 2003.
Economic Development Committee.

THE STATES rose at 5.40 p.m.

M.N. DE LA HAYE

Greffier of the States.