

**THE STATES assembled on Tuesday,
5th June 2001 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 Jean Amy Le Maistre - out of the Island
Senator Terence Augustine Le Sueur - out of the Island
Senator Paul Vincent Francis Le Claire - ill
Robert Lester Le Brocq, Connétable of St. Helier - out of the Island
Harry Hallelwell Baudains, Deputy of St. Clement - out of the Island
Alastair John Layzell, Deputy of St. Brelade - out of the Island
Francis Gerald Voisin, Deputy of St. Lawrence - out of the Island

Prayers

H.R.H. The Duke of Edinburgh - 80th Birthday

The Bailiff informed the Assembly that the following message would be sent to His Royal Highness The Duke of Edinburgh on his 80th birthday -

“The Lieutenant-Governor, Bailiff, States and People of Jersey send Your Royal Highness warmest congratulations and the continued expression of our loyalty and devotion to the Crown on the occasion of Your Royal Highness’ 80th birthday.

We beg leave to say how greatly we look forward to receiving Her Majesty and Your Royal Highness on the occasion of Your forthcoming visit to the Island.”

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Diseases of Animals (Foot and Mouth - Restrictions No. 1A) (Jersey) Order 2001. R & O 91/2001.

Diseases of Animals (Foot and Mouth - Restrictions No. 4B) (Jersey) Order 2001. R & O 92/2001.

Diseases of Animals (Foot and Mouth - Restrictions No. 8A) (Jersey) Order 2001. R & O 93/2001.

Diseases of Animals (Foot and Mouth - Restrictions No. 9B) (Jersey) Order 2001. R & O 94/2001.

Housing Committee - appointment of member

THE STATES appointed Deputy Jeremy Laurence Dorey of St. Helier as a member of the Housing Committee.

Etat Civil Committee - resignation of member

THE STATES noted the resignation of Deputy Jennifer-Anne Bridge of St. Helier from the Etat Civil

Committee.

Matters presented

The following matter was presented to the States -

States of Jersey Fire and Rescue Service: annual report for 2000.

Presented by the Home Affairs Committee.

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

Matters lodged

The following matters were lodged "au Greffe" -

Appointments made by the States: review of procedures - P.85/2001.

Presented by Deputy R.G. Le Hérissier of St. Saviour.

Field 1418, St. Saviour, Trinity: development in the Green Zone - P.86/2001.

Presented by the Planning and Environment Committee.

Arrangement of public business for the next meeting on 19th June 2001

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 19th June 2001 -

Parish Rates Review - P.41/2001.

Lodged: 13th March 2001.

Legislation Committee.

Parish Rates Review (P.41/2001): comments - P.41/2001.Com.

Presented: 10th April 2001.

Human Resources Committee.

Committee of Inquiry: procedures for recruitment of Honorary Police Officers - P.67/2001.

Lodged: 24th April 2001.

Deputy R.G. Le Hérissier of St. Saviour.

Committee of Inquiry: procedures for recruitment of Honorary Police Officers (P.67/2001) - comments - P.67/2001 Com.

Presented: 22nd May 2001.

Finance and Economics Committee.

Committee of Inquiry: procedures for recruitment of Honorary Police Officers (P.67/2001) - report - P.67/2001 Rpt.

Presented: 29th May 2001.

Home Affairs Committee.

States members income support and expense allowance: annual increases - P.74/2001.

Lodged: 8th May 2001.

House Committee.

Draft Costs in Criminal Cases (Witnesses' Allowances) (Jersey) Regulations 200- P.78/2001.

Lodged: 22nd May 2001.

Finance and Economics Committee.

Fields 960, 961, 962 and 967A, St. Mary: rezoning for extension of La Gigoulande Quarry- P.79/2001.

Lodged: 22nd May 2001.
Planning and Environment Committee.

Hautlieu School: approval of drawings - P.83/2001.
Lodged: 29th May 2001.
Education Committee.

Draft Companies (Amendment No. 6) (Jersey) Law 200 P.84/2001 (re-issue).
Finance and Economics Committee.

States Auditors - further extension of contract - P.77/2001.
Lodged: 15th May 2001.
Finance and Economics Committee.
(Consideration in camera)

Jersey Financial Services Commission: appointment of Commissioner - P.81/2001.
Lodged: 22nd May 2001.
Finance and Economics Committee.
(Consideration in camera)

Allocation procedure for first time buyer dwellings - question and answer (Tape No. 653)

Deputy Philip Francis Cyril Ozouf of St. Helier, asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following question -

“Would the President inform the Assembly of the Committee’s policy in respect of deciding the allocation procedure for first time buyer dwellings?”

The President of the Housing Committee replied as follows -

“At its meeting on 11th April 2001 the Committee decided to re-introduce a first-time buyer waiting list in order to facilitate the allocation of homes for sale on sites over which the Committee has control. Subsequently advertisements were placed with the media in order to ensure that all persons eligible as first-time buyers would initially have an equal chance of registering on the list. Applicants were informed that, after the closing date of Monday 21st May 2001, a draw would take place of all applicants to establish the list. Thereafter all new applicants would simply add their names to the end of the list.

The draw has now taken place and all applicants will, within the next ten days, be advised in writing of their position. Allocations will be made, as homes for sale become available, on the following basis and by working down from the top of the list -

one bedroom dwellings will be allocated to single people and childless couples;

two bedroom dwellings will be allocated on the basis that half the dwellings will go to families with one child and the remainder to childless couples;

three bedroom dwellings will be allocated on the basis that $\frac{3}{4}$ of the dwellings will go to families with one or more children and $\frac{1}{4}$ will go to childless couples.

If applicants are unable to accept the offer made to them they may remain on the list for an offer at a future date. The Committee reserves the right to vary the allocation policy in the future should circumstances dictate.”

Redevelopment of Haut de la Garenne - question and answer (Tape No. 653)

The Deputy of St. Martin asked Senator Nigel Qu  r  e, President of the Planning and Environment Committee, the following question -

“On 8th December 1998, the States gave their approval, in principle, to the Committee’s proposition P.188/98 for the conversion and redevelopment of Haut de la Garenne, St. Martin, for the purpose of establishing a residential multi-purpose centre. Members also approved, in principle, the establishment of a Trust for the purpose of managing and operating the new centre on a self financing basis. Would the President up-date members on -

- (a) the work undertaken to convert and redevelop Haut de la Garenne?
- (b) the date when it is anticipated that the work will be completed and the premises will be ready to cater for visiting and locally organised groups?
- (c) the anticipated cost of the conversion and redevelopment of the property?
- (d) the work undertaken by the proposed Trust including the number of meetings it has held and whether there have been any changes in its membership?
- (e) when the Committee might present to the States its proposals for the constitution and membership of the Trust?”

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

“(a) Since the States approval work has progressed as follows -

Firstly, the services have been separated from Aviemore, the adjacent property, administered by the Education Committee. A new water supply and telephone ducts have been installed. Damp proof courses have been provided in the buildings, asbestos removed and timber treatment carried out. The field has been re-seeded. In preparation for development survey work has been completed. This phase has cost a total of approximately £89,000.

The persons selected by the Committee in 1999 to make up the Trust, referred to in these replies as the Steering Group, appointed their professional team to lead the project headed by the Director of Property Services. A scheme meeting their requirements was submitted for planning consent early in 2000 and development permission given in July 2000. In November 2000 the Trustees-to-be were requested to reconsider their scheme having received quantity surveyor costings. The revised scheme was completed in January 2001 which reduces the cost of the scheme within budget, and after consultation with the users, approved by the Steering Group for submission to the Planning and Environment Committee. At present the architect is producing the working drawings.

The new centre will provide 128 beds including leaders en-suite accommodation, two dining rooms, two meeting rooms, disabled facilities, a new lift to the first floor and is designed to meet the needs of the Education Committee and other users.

- (b) The current project timetable should, after tenders are obtained, enable a contractor to be appointed and commence on site at the end of September. It is anticipated the conversion will be completed by January 2003, enabling it to be opened in April 2003.
- (c) The revised scheme has an estimated cost of £2.2 million, excluding furniture and equipment for which the Steering Group intend to raise funds by appropriate means. This can be completed from the existing votes approved together with an amount for appropriate inflation increases which are recommended by Treasury officers.

From the information available to the Committee the Steering Group’s business plan will allow the new facility to eventually be financially self-supporting when operational. Therefore the only potential financial implication known is the need for (delete ‘a very’) modest pump-priming for preliminary setting-up costs and to allow the manager to be recruited three months prior to opening, during the period when there is no income stream.

- (d) The Steering Group has held eight formal meetings and two informal meetings since appointment by the Planning and Environment Committee late in 1999. In addition, regular meetings have taken place of the Steering Group’s working sub-groups - business plan, accommodation requirements,

funding. There have been no changes in membership and I am delighted to report that under the leadership of Michael Powell they remain fully committed to and excited by the challenge of the project.

- (e) The proposed constitution of the Trust has been drafted by the Solicitor General, and discussed and agreed with the Steering Group, subject to the Committee's approval. It is now ready to be forwarded to the Finance and Economics Committee for assessment of the financial implications prior to lodging with the States. It is planned that this would be at the same time as the States approval is sought to the drawings. The Committee intend that prior to the building contract being signed the Trust should be formally constituted. The timescale is dependent on the Finance and Economics Committee comments and States approval being given."

Public bus service and attendance at Committee meetings - questions and answers (Tape No. 653)

Deputy Gerard Clifford Lemmens Baudains of St Clement, asked Deputy Alan Simon Crowcroft of St. Helier, President of the Public Services Committee, the following questions -

- “1. Whilst applauding the Committee's refusal to give subsidies would the President assure members that he will actively investigate other possible schemes such as -

satellite bus stations in each parish, served by minibuses, (perhaps privately owned), providing a parochial service and culminating at a parish station;

larger buses, some being direct shuttles between those satellites and town, and others circulating the parish stations;

and return to members later this year with a statement as to what form future public transport will take in this Island?

2. With the cessation of bus Route 2C, the only service available to residents of Clos de Roncier (and Grouville Arsenal and Clos de la Bataille across the road in Grouville) is route 1B. However, the first 1B bus into town does not arrive at the Weighbridge until 10.25 a.m because an earlier bus prior to the 10.00 a.m. from Gorey Pier is not possible because the vehicle concerned is on the school run. Would the President agree -

- (a) that this is unacceptable to residents of that area needing to travel by bus to St. Helier for work?

- (b) that the sale of Pioneer, eliminating a competitor to take over the route, has precipitated this situation?

3. Would the President -

- (a) advise members on how many occasions in the last 18 months the bus problem has featured on the Committee's agendas?

- (b) state why Public Transport Services only warranted one line of 10 words in the recent Public Services Report and confirm that this highlights the lack of priority the Committee has given to this important issue?

- (c) state whether the low attendance at Committee meetings has delayed important policy matters such as the bus and taxi/cab issues bearing in mind that Committee members are allocated individual areas of responsibility?"

4. Would the President confirm that between 18th September 2000 and 19th March 2001 the Committee met 14 times and that during that period (listing only the major absences), one member missed six full meetings and part of two, another member missed five and part of four meetings, a third member missed four meetings and part of another four, and a fourth member missed three meetings?

The President of the Public Services Committee replied as follows -

1. As I have already indicated in the statement made in this Chamber on 22nd May this year, and in reply to questions on previous occasions, I expect the Committee's Bus Strategy to be finalised and lodged in the States in the near future, no later than July.

The strategy will encompass a wide range of proposals, including options for routes and vehicle types, which the Committee believes will address the transport needs of Jersey.

2.(a) Yes.

(b) Not necessarily.

3.(a) During the last 18 months, taken as from the 1st January 2000 to date, bus services, including both public bus Services and school bus services, have featured on Committee Agendas as specific Items on 42 occasions, 33 of these being public bus services and nine being school bus services as the prime topic. Clearly, discussion often covers both services.

(b) It would have helped if the Deputy had been more specific as to which Report he was referring. I would suggest that the number of occasions that bus services have featured on the Committee's agendas is sufficient evidence of the importance the Committee gives to this issue, and to public transport overall.

(c) I do not agree that important policy matters have been delayed by poor attendance at Committee Meetings. All Meetings have been quorate, and necessary decisions have been taken to progress issues where the required information has been available to enable such decisions to be taken on a sound basis.

4. I accept that the analyses of attendance at the Committee meetings presented by the Deputy in his question is of the right order, although from a similar analysis carried out by the Department the figures differ slightly. From that analysis the statistics are that one member missed six full meetings and part of three, not two; another member missed four in full and four in part not five in full and four in part. However, as I say, the order of magnitude of the Deputy's analysis is accepted.

Having said that, I am not sure of the point he is making. In my answer to Question 3(c) I stated that all Committee Meetings were quorate and decisions on policy matters have not been delayed by poor attendance at Committee Meetings."

Recommendations arising from the Review of the Machinery of Government - question and answer
(Tape No. 653)

Deputy Gerard Clifford Lemmens Baudains of St Clement, asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

"The President recently informed members that the working party on the Machinery of Government was leaning towards the Clothier recommendations. Would the President -

- (a) confirm that the tone of the meeting of States members held at the RJA&HS premises to discuss the Clothier proposals was one of leaning towards a modification of our present system rather than the Clothier proposals?
- (b) advise when members will receive the paper outlining the position arrived at during that meeting, as we were promised?"

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

- (a) No. The tone of the meeting was not leaning towards a modification of the present system.

For the purposes of this answer I have assumed that the Deputy is referring to the second meeting of States members that was held at the RJA&HS premises on 20th March 2001. At that meeting an agreement was reached on a set of criteria that could be used for the evaluation of good government, and several possible options for a system of government were identified for investigation by the Steering Group, but no conclusions were drawn.

- (b) An earlier meeting was held on 27th February, and I remind the Deputy that States members did in fact receive two papers arising from that meeting. These papers were distributed with the agenda for 20th March, and they were headed 'Parameters which Successful Change would Support/Provide' and 'The Current System - What is Right and Wrong'.

In connexion with the meeting held on 20th March, I do not recall a promise being made to States members that they would receive a paper outlining the position arrived at during that meeting, nor does the Policy and Resources Department have any record of such an undertaking being given at the meeting. However, the criteria agreed, together with the alternative systems of government, were taken forward and used as the basis for the work of the enlarged Steering Group.

I should like to take this opportunity to remind members that the Steering Group has now completed its evaluation of the identified options, and the Policy and Resources Committee has invited all States members to a further meeting at the RJA&HS premises on the afternoon of 12th June 2001. At this meeting States members will receive a report on the work that has been carried out by the Steering Group, and they will also be advised as to how the Policy and Resources Committee intends to proceed in this matter."

Policy on making loans - question and answer (Tape No. 653)

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

"In 2000 the Committee made a loan of £25,000 towards the production of the film The Crooked Mile. Would the President give members details of to whom the money was paid and the pay back time of this loan and what security was given against this money. Would he also explain if it is the Industries Committee's policy to make loans and if so, was this agreed by the States when setting up the Committee."

The President of the Industries Committee requested Deputy Lyndon John Farnham, Chairman of the Emerging Industries Board to reply and he replied as follows -

"The terms of reference of the Industries Committee, and its Strategic Development Boards, approved by the States in November 1999, included reference to grant-aiding new ventures.

The Committee, in considering a request for financial assistance from the locally resident producers of The Crooked Mile, a film made on location in Jersey in October 2000, decided that this venture was in line with its declared intention to develop a film industry in the Island. Instead of making a grant, it decided that it was in the best public interest to follow the normal practice adopted by Film Boards and Commissions elsewhere in making a loan to The Crooked Mile Limited. Under the terms of a legally binding production loan agreement, the company undertook that the Committee would be entitled to repayment of the loan out of the total receipts *pari passu* with the repayment to the co-financiers of the principal amount of finance provided and prior to the payment of any profit participation or payment to any party.

There is no specific pay-back period for the loan. This depends on progress on completion of all aspects of production and distribution."

Draft Planning and Building (Jersey) Law 200 - P.50/2001 amendments - P.50/2001 Amd.; third amendments- P.50/2001 Amd.(3); fifth amendments; comments- P.50/2001Com.

THE STATES resumed consideration of the Draft Planning and Building (Jersey) Law 200- and adopted articles 23 to 24.

Members present voted as follows -

“Pour” (21)

Senators

Stein, Quérée, Bailhache, Syvret.

Connétables

St. Martin, St. Ouen, St. Saviour, St. Lawrence, St. Mary, St. John.

Deputies

S. Baudains(H), Duhamel(S), Routier(H), Breckon(S), St. Peter, St. Ouen, Dorey(H), Scott Warren(S), Fox(H), Bridge(H), Martin(H).

“Contre” (5)

Deputies

Huet(H), St. John, G. Baudains(C), Troy(B), Farnham(S).

Article 25 was adopted.

Articles 26 to 29 were adopted.

Members present voted as follows -

“Pour” (26)

Senators

Horsfall, Stein, Quérée, Bailhache, Walker.

Connétables

Grouville, St. Martin, St. Ouen, St. Brelade, St. Lawrence, St. John.

Deputies

St. Mary, S. Baudains(H), Trinity, Routier(H), Breckon(S), Huet(H), Le Main(H), Vibert(B), St. Peter, St. Ouen, Dorey(H), Scott Warren(S), Le Hérissier(S), Fox(H), Bridge(H).

“Contre” (6)

Connétables

Trinity, St. Mary.

Deputies

St. Martin, St. John, G. Baudains(C), Troy(B).

Articles 30 to 38 were adopted.

Articles 39 to 49 were adopted.

Members present voted as follows -

“Pour” (33)

Senators

Stein, Quérée, Bailhache, Syvret, Norman, Kinnard, Lakeman.

Connétables

Grouville, St. Martin, St. Ouen, St. Brelade, St. Lawrence, St. John.

Deputies

St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), Breckon(S), Grouville, Huet(H), S Martin, Le Main(H), Vibert(B), St. Peter, St. Ouen, Dorey(H), Troy(B), Scott Warren(S), Le Hérissie (S), Fox(H), Bridge(H), Martin(H).

“Contre” (5)

Connétables

Trinity, St. Clement, St. Mary.

Deputies

St. John, G. Baudains(C).

Articles 50 to 51 were adopted.

Members present voted as follows -

“Pour” (35)

Senators

Horsfall, Stein, Quérée, Bailhache, Syvret, Norman, Kinnard.

Connétables

St. Peter, Grouville, St. Martin, St. Ouen, St. Brelade, St. Lawrence, St. Mary, St. John.

Deputies

St. Mary, S. Baudains(H), Trinity, Routier(H), Breckon(S), Grouville, St. Martin, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Troy(B), Scott Warren(S), Farnham(S), L Hérissier(S), Fox(H), Bridge(H), Martin(H).

“Contre” (4)

Connétables

Trinity.

Deputies

St. John, G. Baudains(C), Dorey(H).

One member abstained from voting.

Change in Presidency

The meeting resumed after the lunch adjournment under the Presidency of the Greffier of the States, Miss Catherine Mary Newcombe.

Article 52 was adopted, the States having accepted an amendment of the Agriculture and Fisheries Committee that in Article 52(4) -

that there be inserted after sub-paragraph (a), the following sub-paragraph -

“(b) where the building or place falls within the area of responsibility or concern of a Committee or a body or person created by statute, shall consult that Committee, body or person and shall take

into account any representations made;”

The subsequent sub-paragraph to be designated as (c).

Senator Jean Amy Le Maistre - attendance

Senator Jean Amy Le Maistre, having returned to the Island during consideration of Articles 53 to 56 of the Draft Planning and Building (Jersey) Law 200 -, was present for the remainder of the meeting.

Articles 53 to 56 were adopted.

Members present voted as follows -

“Pour” (31)

Senators

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

Connétables

St. Martin, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John.

Deputies

St. Mary, Breckon(S), Grouville, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Dorey(H), Troy(B), Scott Warren(S), Farnham(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H).

“Contre” (4)

Deputies

Duhamel(S), St. Martin, St. John, G. Baudains(C).

Articles 57 to 64 were adopted.

Members present voted as follows -

“Pour” (34)

Senators

Horsfall, Le Maistre, Quérée, Bailhache, Syvret, Norman, Kinnard.

Connétables

Grouville, St. Martin, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John.

Deputies

S. Baudains(H), Trinity, Routier(H), Breckon(S), Grouville, St. Martin, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Dorey(H), Troy(B), Scott Warren(S), Farnham(S), L Hérissier(S), Ozouf(H), Fox(H), Martin(H).

“Contre” (3)

Connétables

Trinity.

Deputies

St. John, G. Baudains(C).

Articles 65 to 74 were adopted.

Members present voted as follows -

“Pour” (31)

Senators

Horsfall, Stein, Qu  r  e, Bailhache, Syvret, Norman, Walker, Kinnard.

Conn  tables

St. Peter, St. Martin, St. Brelade, St. Lawrence, St. Mary, St. John.

Deputies

Trinity, Duhamel(S), Routier(H), Breckon(S), Grouville, St. Martin, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Dorey(H), Scott Warren(S), Ozouf(H), Fox(H), Bridge(H).

“Contre” (4)

Conn  tables

Trinity, St. Saviour.

Deputies

St. John, Troy(B).

One member abstained from voting.

Articles 75 to 105 were adopted.

Change in Presidency

The Greffier of the States retired from the Chair during consideration of Articles 83 to 105 of the draft Planning and Building (Jersey) Law 200- ,and the Bailiff resumed the Presidency.

Article 107 was adopted.

Members present voted as follows -

“Pour” (39)

Senators

Horsfall, Le Maistre, Stein, Qu  r  e, Bailhache, Syvret, Norman, Kinnard, Lakeman.

Conn  tables

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

Deputies

S. Baudains(H), Trinity, Duhamel(S), Routier(H), Breckon(S), Grouville, St. Martin, St. John, Le Main(H), Crowcroft(H), St. Peter, Dubras(L), St. Ouen, Dorey(H), Troy(B), Scott Warren(S), Farnham(S), Le H  rissier(S), Fox(H), Bridge(H), Martin(H).

“Contre” (1)

Deputies

Vibert(B).

THE STATES rose at 5.20 p.m.

C.M. NEWCOMBE

Greffier of the States.