



**THE STATES assembled on Tuesday,
17th March 1998 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

All members were present with the exception of –

Senator Vernon Amy Tomes – ill
Jack Roche, Connétable of St. Saviour– ill
Kenneth Priaulx Vibert, Connétable of St. Ouen– excused
Michael Adam Wavell, Deputy of St. Saviour– out of the Island
Margaret Anne Le Geyt, Deputy of St. Saviour– out of the Island

Prayers

The Lord Mayor of London – visit

The Bailiff informed the House that the extraordinary meeting of the States to be held on 15th April 1998 to welcome The Rt. Hon. The Lord Mayor of London would commence at 10 a.m., not 11 a.m. as previously stated.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Regulation of Undertakings and Development (Return of Employers) (Jersey) Order 1998. R. & O 9215

Banking Business (List of Registered Persons) (Jersey) Order 1998. R & O 9216

Telecommunications (Telephones) (Amendment No. 29) (Jersey) Order 1998. R & O 9217

Road Traffic (Saint Helier) (Amendment No. 3) (Jersey) Order 1998. R & O 9218

Road Traffic (Saint Lawrence) (Amendment No. 11) (Jersey) Order 1998. R & O 9219

Road Traffic (Public Parking Places) (Amendment No. 36) (Jersey) Order 1998. R & O 9220.

Housing Committee - resignation of member

THE STATES noted the resignation of Deputy Frederick John Hill of St. Martin from the Housing Committee.

Matters presented

The following matters were presented to the States –

Magistrate's Court – practice and procedures: working party report – R.C.7/98.
Presented by the Legislation Committee.

The Jersey Law Commission: report for 1997 – R.C.8/98.
Presented by the Legislation Committee.

Housing: States rental waiting list as at 1st January 1998 – R.C.9/98.
Presented by the Housing Committee.

Manpower report for the period 1st July 1997 to 31st December 1997 – R.C.10/98.
Presented by the Establishment Committee.

States of Jersey Law 1966, as amended – delegation of functions: aircraft dues – R.C.11/98.
Presented by the Harbours and Airport Committee.

States of Jersey Law 1966, as amended – delegation of functions: air navigation – R.C.12/98.
Presented by the Harbours and Airport Committee.

Airport development project: costs – R.C.13/98.
Presented by Harbours and Airport Committee.

Emergencies Council: report for the period ending 31st December 1997 – R.C.14/98.
Presented by the Emergencies Council.

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

Matters noted – land transaction

THE STATES noted an Act of the Finance and Economics Committee, dated 9th March 1998, recording the following decision of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land –

as recommended by the Public Services Committee, the renewal of the lease to the National Trust for Jersey of the property known as Le Catel Fort, St. Mary, for a period of three years from 25th December 1997, at rent of £50 for the three-year term, subject to the conditions specified in an Act, dated 23rd March 1997, of the Public Services Committee, including the payment by the lessee of both parties' reasonable legal costs arising from the transaction.

Matter noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 9th March 1998, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Public Services Committee had accepted the lowest of four tenders, namely that submitted by Barhale Construction Plc in the sum of £638,313.90, for Phase II of the Oxford Road Surface Water Separation Project.

Matters lodged

The following matters were lodged “au Greffe” –

Draft Jersey Mutual Insurance Society, Incorporated (Alteration of Rules) (No. 5) (Jersey) Law 199 – P.39/98.
Presented by the Legislation Committee.

Draft Statutory Nuisances (Jersey) Law 199 – P.40/98.
Presented by the Health and Social Services Committee.

Draft Milk (Sale to Special Classes) (Jersey) Regulations 199 – P.41/98.
Presented by the Employment and Social Security Committee.

Draft Drug Trafficking Offences (Designated Countries and Territories) (Amendment) (Jersey) Regulations 199 – P.42/98.
Presented by the Finance and Economics Committee.

Draft Drug Offences (International Co-operation) (Enforcement of Overseas Forfeiture Orders) (Amendment) (Jersey) Regulations 199 – P.43/98.
Presented by the Finance and Economics Committee.

Draft Companies (Amendment No. 4) (Jersey) Law 199 – P.44/98.
Presented by the Finance and Economics Committee.

Rent Officer: appointment – P.45/98.
Presented by the Housing Committee.

Les Jardins des Carreaux, Queen’s Road, St. Helier: transfer of road– P.46/98.
Presented by the Housing Committee.

Social security: reciprocal agreements – P.47/98.
Presented by the Employment and Social Security Committee.

Housing (Jersey) Law 1949: amendments – P.48/98.
Presented by the Housing Committee.

Policing of the Island – P.49/98.
Presented by the Defence Committee.

Draft Shellfish (Underwater Fishing) (Jersey) Regulations 199 – P.50/98
Presented by the Agriculture and Fisheries Committee.

Draft Road Transport Lighting (Repeal) (Jersey) Law 199 – P.51/98
Presented by the Defence Committee.

Draft Acts annulling certain Road Traffic Orders relating to public parking places – P.52/98
Presented by Deputy A.S. Crowcroft of St. Helier.

Arrangement of public business for the present meeting

THE STATES acceded to the request of the President of the Finance and Economics Committee that the following matter lodged “au Greffe” be deferred from the present meeting –

Draft Regulation of Undertakings and Development (Amendment No. 9) (Jersey) Regulations 199 – P.22/98.

Lodged: 17th February 1998

Finance and Economics Committee.

THE STATES granted leave to Deputy Alan Simon Crowcroft of St. Helier to withdraw his proposition regarding the adoption of Acts annulling certain Road Traffic Orders relating to public parking places (P.31/98 – lodged “au Greffe” on 24th February 1998), which had been set down for debate at the present meeting. A revised proposition had been lodged “au Greffe” – P.52/98.

Arrangement of public business for the next meeting on 31st March 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting

on 31st March 1998 –

Draft Jersey Mutual Insurance Society, Incorporated (Alteration of Rules) (No. 5) (Jersey) Law 199 – P.39/98.

Lodged: 17th March 1998

Legislation Committee.

Draft Milk (Sale to Special Classes) (Jersey) Regulations 199 – P.41/98.

Employment and Social Security Committee.

Draft Drug Trafficking Offences (Designated Countries and Territories) (Amendment) (Jersey) Regulations 199 – P.42/98.

Lodged: 17th March 1998

Finance and Economics Committee.

Draft Drug Offences (International Co-operation) (Enforcement of Overseas Forfeiture Orders) (Amendment) (Jersey) Regulations 199 – P.43/98.

Lodged: 17th March 1998

Finance and Economics Committee.

Draft Companies (Amendment No. 4) (Jersey) Law 199 – P.44/98.

Lodged: 17th March 1998

Finance and Economics Committee.

Les Jardins des Carreaux, Queen's Road, St. Helier: transfer of road– P.46/98.

Housing Committee.

Social security: reciprocal agreements – P.47/98.

Lodged: 17th March 1998

Employment and Social Security Committee.

Draft Shellfish (Underwater Fishing) (Jersey) Regulations 199 – P.50/98

Lodged: 17th March 1998

Agriculture and Fisheries Committee.

Draft Road Transport Lighting (Repeal) (Jersey) Law 199 – P.51/98

Lodged: 17th March 1998

Defence Committee.

Draft Acts annulling certain Road Traffic Orders relating to public parking places – P.52/98

Lodged: 17th March 1998

Deputy A.S. Crowcroft of St. Helier.

Strategic policy debates

The President of the Policy and Resources Committee informed the Assembly that the Committee would request the States, at the appropriate time, to debate the two Parts of the 1998 Strategic Policy Review on 16th and 30th June 1998 respectively.

St. Helier Yacht Club– questions and answers (Tape No. 433)

Senator Leonard Norman asked Senator Jean Amy Le Maistre, President of the Sport, Leisure and Recreation Committee, the following questions –

- “1. Would the President explain why his Committee decided to make a grant of £60,000 to the St. Helier Yacht Club – a club which has some 3,000 members contributing £80,000 a year in subscriptions and £50,000 a year in bar profits – for improvements to their clubhouse which is, in any event, leased from the States?
2. Would the President say why the application for the grant was not passed to the Advisory Council for Sport, Leisure and Recreation for advice as is the usual practice?”

The President of the Sport, Leisure and Recreation Committee replied as follows –

- “1. In answering the question may I first of all remind the Assembly that the use of lottery profits in support of various projects identified by the Sport, Leisure and Recreation Committee, was first agreed by the States on 21st January 1992. This decision was re-affirmed by the States on 7th October 1997.

The guidelines and criteria were clearly laid out and one of the main purposes was to encourage voluntary clubs and associations to invest in their facilities, thereby raising the standards of provision in line with those which are now found in neighbouring islands and countries. One of the most important guidelines is that those applying for such funds must demonstrate that they have been prepared to raise a significant part of the finance through their own efforts.

On 6th March 1997, the Sport, Leisure and Recreation Committee approved, in principle, an application from the St. Helier Yacht Club for funding from lottery profits, to assist the club in building a new chart room, which would be used for route planning, lectures, navigation and as a race office for major sailing events.

The estimated cost of the project at that time was £45,000 and the club requested a grant of £22,500, which represented 50 per cent of the total project cost and is consistent with the guidelines applied by the Committee for requests of this type.

The criteria used when assessing requests for funding from lottery profits focuses on the benefit that the new facility will have in developing the sport and attracting more members. The past record of the club is taken into account in terms of management and the overall benefit to the community. A key aspect of this project is the provision of a teaching area to improve skills in safety at sea.

A revised application together with comprehensive and detailed explanations was considered by the Committee at its meeting held on 5th February 1998. The club had experienced a considerable number of design and structural engineering modifications and Planning Department requirements which had all resulted in a significant increase in the cost of the project. The revised total cost was estimated at £121,800 and the club requested funding in the sum of £60,000.

The need for the new facility had been emphasised during the recent hosting of the Island Games, the Lombard Yacht Race, the Course des Iles, the Powerboat Championships, the X99 Championships, etc. The facility would also have been beneficial for safe passage planning for the La Rochelle, Cork and Starmanche races.

The club undoubtedly has a large membership and fulfils a very important role in the support which it offers its members in a variety of ways and very importantly, an awareness of the safety aspects of sea sports. It has also played a leading role in developing water sports and in attracting major sailing events to the Island.

The club is well managed and very successful in all that it undertakes. As I stated at the outset, the purpose of lottery profits is to encourage clubs and associations to invest in facilities in order to serve the community in a more effective way.

The alternative method of funding, bearing in mind that the premises belong to the public, would have been for the Harbours and Airport Committee, who is the landlord, to fund the entire project and presumably recover some of the cost through an increase in the rent over a long period of time.

2. When the States decided that clubs and associations should benefit from lottery profits, the responsibility was given to the Sport, Leisure and Recreation Committee to administer the funds available.

In recent years, the Advisory Council has not been involved in assessing projects funded from lottery profits as the decisions are based on the criteria and guidelines which are set out in the Information Pack which is available to applicants. The advice of the Advisory Council would have been sought if there had been a need to prioritise the projects. This has not been necessary in recent years but if the Advisory Council wishes to comment on all the requests for this type of funding, I am sure that my Committee would be very happy to pass on the information relating to all applications and to seek their advice.”

Housing subsidies – questions and answers (Tape No. 433)

Deputy Shirley Margaret Baudains of St. Helier asked Senator Corrie Stein, President of the Housing Committee the following questions –

- “1. Will the President inform the Assembly –
 - (a) What are the maximum rent subsidies allowed for one, two and three bedroom houses and flats?
 - (b) (i) When allocating funds to Housing Trusts, does the Committee require that rents charged by the Trusts should be at the same level as the Housing Committee’s fair rents?
 - (ii) Do any Housing Trusts charge rents that are in excess of the fair rent and, if so, who pays the differential between the fair rent and the rents charged?
 - (c) Would the President advise members of the total amount of subsidies paid to the Housing Trusts for each of the years 1990 to 1997 and the amounts in total by which States housing, private sector housing and housing trusts are rent subsidised or rent rebated to subsidise housing costs?”

The President of the Housing Committee replied as follows –

- “1. The maximum rent subsidies allowed are as follows –
 - (a) One bedroom flat : £86.00 a week
 - Two bedroom flat : £102.00 a week
 - Three bedroom flat : £117.00 a week
 - One bedroom house : £98.00 a week
 - Two bedroom house : £122.00 a week
 - Three bedroom house : £137.00 a week

The average rent subsidy payable is £55.00 a week.

- (b) (i) The Committee, in granting interest subsidies to Housing Trusts, requires the Trusts to set rents which do not exceed the Committee's fair rents.

However, in 1993, it was anticipated by the previous Housing and Finance and Economics Committees that Housing Committee rents would, on average, increase by about 5 per cent a year and the loan repayment plans for Housing Trusts were based on this assumption. In the event, the Housing Committee did not raise its rents by more than 2.5 per cent a year for several years and Les Vaux Housing Trust increased rents above Housing Committee rents in order to maintain its agreed loan repayments.

Since early 1997 the Committee has offered Trusts an additional interest subsidy if it can be demonstrated that they need to increase their rents above the Committee's fair rent limit in order to meet loan repayments.

- (b) (ii) Les Vaux Housing Trust only charges rents in excess of the Committee's fair rents at St. Saviour's Crescent, which was acquired in 1993. While understanding how this has arisen, the Committee is not prepared to allow the situation to continue and, on 3rd March 1998, advised the Trust accordingly. The Committee is currently awaiting a response from the Trust.

The Jersey Homes Trust purchased La Folie Estate, with sitting tenants, in early 1997 on the basis of the gross income generated by the existing rent roll. Four two-bedroom houses have rents which currently exceed the Committee's fair rents limit but the rents have been "frozen" by the Trust and will be brought within the Committee's fair rent limit by 1999.

Housing Trusts currently provide nearly 350 dwellings for rent to those in housing need and of these, there are 20 at St. Saviour's Crescent and La Folie which have rents set at a higher level than the Housing Committee's fair rent. In these cases, the tenant pays the difference between the fair rent and the rent charged.

- (c) (i) Up until 1993, Housing Trusts were funded directly by the States through low interest loans repayable over varying periods of time. Since 1993, all Trusts have been required to obtain funds from private sources with the Housing Committee generally offering an interest subsidy to meet repayment of all interest above four per cent on the capital sum borrowed.

The interest subsidy paid in each year is as follows –

1993	:	£19,950
1994	:	£84,425
1995	:	£111,925
1996	:	£156,991
1997	:	£321,516

- (c) (ii) The sums paid in respect of rent abatement to States tenants in each year since 1990 are as follows –

1990	:	£6.22 million
1991	:	£7.14 million
1992	:	£8.98 million
1993	:	£10.02 million
1994	:	£10.39 million
1995	:	£10.46 million
1996	:	£10.81 million
1997	:	£11.91 million

The sums paid in respect of rent rebates to private tenants in each year since 1990 are as follows –

1990	:	£0.08 million
1991	:	£0.56 million
1992	:	£1.17 million
1993	:	£2.36 million
1994	:	£3.34 million
1995	:	£3.97 million
1996	:	£4.40 million
1997	:	£4.89 million

Out of the £4.89 million paid in rent rebate to private sector tenants in 1997, £251,060 was paid to Housing Trust tenants.”

Decision conferencing – questions and answers (Tape No. 433)

Deputy Philip John Rondel of St. John asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following questions –

- “(a) (i) Would the President advise members of the cost to the States of –
- (i) employing the experts and
 - (ii) the cost in Civil Service man power time in preparing and conducting the strategic planning and resources allocation forum for agreed strategic objectives held on 5th and 6th March 1998 and the estimated costs of the remaining decision conferencing programme for 1998?
- (b) Is the President happy that the criteria for decision conferencing produced by this forum are the right ones?”

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

- “(a) (i) The contract with ICL Local Government Systems for the States members forum on 5th and 6th March, 1998 was in the sum of £6,600. This included the training of five local officers in the software used, the provision of four briefing sessions to States members, the provision of four facilitators for the Thursday syndicate sessions and one facilitator for the Friday plenary session, and the production of an audit trail report.
- (ii) The cost in civil servant manpower time cannot be established as the research and administrative tasks in relation to the forum were undertaken by officers employed within the Office of the Chief Adviser as part of their normal duties. The only other civil servants used were those who acted as ‘analysts’ in the syndicate workshops on Thursday, 5th March.

The contracted cost of the remaining three corporate decision workshops planned for this year is £8,400. (The revenue cash limits workshop at £4,000, the capital workshop at £2,750, and the law drafting workshop at £1,650).

- (b) The purpose of the States strategic policy objectives ranking exercise on 5th and 6th March was not to establish the criteria to be used in decision workshops. The criteria to be used, as in previous years, will be those derived from the Island wide strategic aims and objectives which were agreed by the States in 1995 when debating the '2000 and Beyond' report.

The intention of the workshop on 5th and 6th March was to involve as many States members as possible in an exercise that many members have seen a need for, and that is the priority ranking of the key objectives approved by the States in 1995. The contribution that each non-trading Committee or selected activity makes to the achievement of the agreed States objectives was also examined.

After an interesting and useful day and a half of discussion and debate, I felt that the majority of States members present considered the exercise to have been useful in that it clearly signalled that further work needs to be undertaken by members on the Island's strategic objectives to make them more focused and more clearly defined. It was suggested that this should be undertaken through a workshop of States members and chief officers later this year as a prelude to work being commenced on the sequel to '2000 and Beyond' which it has been suggested should be presented for debate in the States in 1999. My Committee will shortly be considering this suggestion in the light of the views expressed at the forum, and I will be reporting back to States members on what we propose to do.

Many members who attended the workshop spoke of the value of such meetings for sharing views with their colleagues and for learning more of what Committees are doing. This in itself is of considerable value. In addition a number of important lessons were learnt for the future from which the necessary long-term strategic planning process should benefit."

Chief Adviser's post – questions and answers (Tape No. 433)

Deputy Philip John Rondel of St. John asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following questions –

"Would the President inform the Assembly of the progress made by his Committee in determining criteria for the appointment of an officer to replace the Chief Adviser?"

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

"Members will receive today a draft report on this matter, as promised at the workshop held on 13th January 1998."

New French electricity link – questions and answers (Tape No. 433)

Deputy Philip John Rondel of St. John asked Deputy Derek Ryder Maltwood of St. Mary, Vice President of the Finance and Economics Committee, the following questions –

"In April 1997 the Guernsey Evening Press showed a plan of a proposed route through Jersey of the new electricity power link from France to Jersey and Guernsey. So far, similar information has not been published in Jersey and The Jersey Electricity Company Limited has declined to produce a detailed preferred route.

- (a) Would you give details of the proposed route through Jersey of the new French-Jersey-Guernsey power link, or advise members when that information will be made available?
- (b) Would you advise members what steps will be taken to minimise the disruptive effects of the works necessary within the Island to complete the link?"

The Vice-President of the Finance and Economics Committee replied as follows –

“(a) Firstly can I say that any map published in the Guernsey Evening Press last year was only schematic and not cartographically accurate. As the Deputy has been told previously by both the Chairman and Mr. Liston, the Managing Director, The Jersey Electricity Company is unable to give details of the preferred route for the cables until such time as the six month programme of geological research has been completed and the results evaluated. Next month, April, the company will have determined its preferred route, which will be the shortest distance possible that meets the technical requirements for soil stability, minimises the impact of laying cables on access to roads and properties, maximises the opportunity to remove existing overhead cables and their supporting poles along the route and also avoids as much as possible the need to cross private land and main roads.

During next month the company will be consulting all the Connétables of the parishes, through which it is proposing to lay the cables, and when this has been done, the route will be published.

(b) In a normal year The Jersey Electricity Company Limited (the JEC) lays about 25 kilometres of cable in the ground as part of its ongoing commitment to reliability of supply and its commitment to minimising the visual impact of the distribution system. Its record of reliability of supply is consistently amongst the three most reliable systems in the world. With 90 per cent of the network being underground, the JEC creates the lowest environmental impact and the company is committed to reducing this year on year.

The new cables will be laid over a two year period, 1999 and 2000, so there will not be any more cable laying activity than there would be in any normal year. Every effort will be made to minimise the effect on residents along the route. The cable will be laid at the rate of 250 metres a week and road closures will be limited to 500 metres at a time. The maximum disturbance at any point will be two weeks.

In accordance with the company's normal procedures, advance notice will be published in the media and all residents along the route will receive written notice two weeks in advance.

In 1996 the JEC commissioned an Environmental Impact Assessment on the whole project. This was accepted by the Planning and Environment Committee and the company will uphold the commitments to best practice made therein.”

Personal statement by the Connétable of St. Helier– ‘Picnic in the Park’

Robert Lester Le Brocq, Connétable of St. Helier, made a statement in the following terms–

“I have sought the permission of you, Sir, to make a statement about the position of the Parish authorities regarding a proposal by a local radio station to hold a ‘picnic’ in the People’s Park. There has been much misinformation and emotion. Members of this House have criticised without knowledge of the facts and I feel that it is incumbent upon me to clarify the situation once and for all.

In May 1993, the Public Services Department received a letter from the radio station saying that they would very much like to stage a Picnic in the Park/Concert at Howard Davis Park. The anticipated

attendance would be 300 people between 12 and 4 p.m. In June 1993, Public Services confirmed they were prepared to proceed with the event subject to a £500 deposit to be held against any labour or replacement costs which may have been incurred through damage.

Several thousand people attended the event and there were few problems of any significance. However the radio station acknowledged their need to provide additional toilet facilities, first aid backup and a litter clearing detail. Complaints were received by Tourism regarding noise levels.

In May 1994, the radio station requested of the Public Services Department permission to use Howard Davis Park again and Public Services Department responded positively subject to revised terms and conditions particularly regarding litter and glass.

Unfortunately, in 1994 there were problems which led in May 1995 to an application to the Parish of St. Helier for permission to use the People's Park for the event. In the letter to the Parish the radio station said that they had read and accepted the conditions of use for Parish Parks. In May 1995, the Town Surveyor advised that the People's Park had an area of approximately 9.4 vergées compared with Howard Davis Park with an open space of some 15.6 vergées. He was also concerned as to the sale of alcohol or the park.

Due to various reasons the picnic did not take place until August 1995 in the People's Park. Terms and conditions were drawn up and the radio station confirmed that they were happy to follow the guidelines as laid down. No deposit was requested. Some complaints were received regarding noise, litter was identified as a problem as were the lack of toilet facilities.

In November 1995, the Connétable corresponded with the radio station and referred to a meeting with the Parish Roads Committee and confirmed that they could again use the People's Park, but terms and conditions for its use would have to be agreed upon. A meeting was called for 6th June 1996 to be attended by representatives of the radio station, the Parish of St. Helier, the Honorary and States Police Environmental Health, Social Security, Ambulance and Fire Service. Terms and conditions were agreed upon, including the provision of public liability insurance cover.

Police reports after the 1996 event showed that conditions had not been complied with. The live music ended later than it should have. Some stewards were not easily recognisable as stewards and were seen to be consuming beer from cans. The food stall was not supplied with fresh water. The cell phone numbers of the organisers were not made available to the Honorary Police. The radio station failed to supply sufficient litter bins around the park. Vehicles on the park did not have drip mats beneath them and there were more vehicles than anticipated. Four toilet facilities had been requested, but only two supplied. Glass packaging was prevalent, when it was clearly stated that this was not to be. Trees were damaged on the banking and the planned layout was not correct in detail. On this occasion there were few incidents to report but the lack of toilet facilities did cause many public nuisances.

In February 1997, the radio station again requested use of the Park for a July event. A further meeting was called in June 1997, of all relevant parties. Terms and conditions were prescribed and agreed on 13th June 1997. The Town Surveyor's Department further mentioned their concern re. the envisaged problems of glass. The picnic took place in July 1997. After the event a follow-up meeting took place at which the Connétable together with personnel from the radio station, States and Honorary Police, Parish Parks and Gardens and the Town Surveyor's Department attended.

The meeting highlighted similar problems as in past years together with a number of arrests being made (5) on the parks and in the town (7) directly related to the event. Glass and litter was a considerable

problem and yet again the problems of insufficient toilet facilities had not been remedied by the organisers. I expressed my grave concern over the consumption of alcohol in the park and was of the opinion that any future event should be alcohol free, and perhaps this could be controlled by fencing the area and having specific entry points at which people would be checked before entry on to the park.

The representative from the radio station said that they would be unwilling to hold the event without a beer tent and that such a move may encourage picnickers to bring in more alcohol. He was of the opinion that the problems has been exaggerated.

The present position is that the Parish has sent to the radio station terms and conditions with which the organisers would have to comply and, if satisfactory assurances are received that the conditions can be met, the Parish will be prepared to reconsider its decision.”

Airport Development Project: costs – statement

The President of the Harbours and Airport Committee made a statement in the following terms –

“On 23rd February, I led a delegation from the Airport Development Steering Group to discuss with the Finance and Economics Committee our report on unforeseen costs as the development nears its completion. It was agreed that, having been granted a further £2.17 million in final settlement, the Harbours and Airport Committee would report to the States to account for these additional costs. R.C.13/98 which has been placed on members’ desks today contains the more detailed costings which accompany this statement.

On behalf of my Committee I wish to thank the Finance and Economics Committee for their help in this matter.

There are three reasons for the extra costs –

- (a) Russell Wilson International (RWI) going ‘en désastre’;
- (b) the condition as found of the 1937 building;
- (c) asbestos removal.

(a) Russell Wilson International

Appointed in October 1994, RWI were the Consultant Structural and Services Engineers for the project. In December 1995, work started on the new Departures Hall – the first phase of the project – and in February 1996, RWI were declared ‘en désastre’. Their replacement company, Rust Consulting Limited, quickly identified severe shortcomings in the RWI design of the Departures Hall and, faced with a choice between delaying the project for an estimated four months to redesign the whole building, or of carrying on and adapting the original design as work progressed, the then Committee was advised that the latter option would be more cost effective and agreed to carry on. The building, now named after the late Deputy John Le Fondré, was completed in time to be opened just two days after the 60th anniversary of the opening of the original 1937 Jersey Airport, i.e. on 12th March 1997. The extra costs of completion of the hall include such items as contractor’s claims, additional steelwork and the redesign of both the steelwork and the mechanical and electrical services. The amount of the additional costs involved reflects the total inadequacy of the original

RWI designs and the effort to make up the delay – effort that was vital if the Airport's operations were to proceed without severe disruption to the 1997 season.

(b) The 1937 building

Both the original records and the early subsequent drawings gave no indication of the degree of inadequacy found when, after two surveys of the building, work began on this stage of the project. When uncovered, such unmarked defects as wooden support columns and concrete floor foundations which were double thickness in some areas and non-existent in others, caused major re-flooring construction. Given the decision to retain the 1937 building, the Committee of the day and all subsequent Committees, had no choice but to rectify any found or potential defect to ensure the soundness of the structure, the safety of the public and of the 300 staff who use it. R.C.13/98 identifies the major defective items and the cost of putting them and the building in sound order.

(c) Asbestos removal

Asbestos had been found during the initial stage of design and surveys and allowances made in the costings for the refurbishment of both the 1966 'link' building and the 1937 building. However, as work progressed, hidden areas revealed much more extensive use of asbestos sheeting and fire-proofing material than was apparent on inspections in both sections. Significant delays resulted as approved removal methods were costed and carried out under new, stringent health and safety regulations.

Whilst the aforementioned discoveries were not too surprising, the finding of the more dangerous, white asbestos after demolition of the old Arrivals Hall had begun, was completely unanticipated. Not found anywhere else on the Island in this form to our knowledge, this material was painted onto the outside surfaces of internal walls and, therefore, was hidden from inspection from either inside or outside the building. Only efficient air monitoring picked up the presence of the first traces as the internal walls began to be broken up. The subsequent delay and costs of removal and disposal are shown in Appendix B of R.C.13/98.

Speaking personally for a moment, I have been involved almost from the start. I joined the Harbours and Airport Committee on my election in late 1993. Because, I believe, of my technical background and because I was the new boy on Committee – and didn't know any better than to be flattered to be asked – I agreed to join Senator Len Norman who was to chair the Steering Group to oversee the whole project on behalf of the Committee. Midway through that States term in 1995, Senator Norman left when he became the President of the new Education Committee, leaving me to chair the Steering Group. Deputy Percy Le Masurier joined me from the Committee until his retirement in 1996, since when Connétable Carl Hinault has been my colleague and wise counsellor on the Group. The permanent Steering Group is completed by the Airport Director, Mr. Mike Lanyon, to whom the Project Manager, Mr. Toni Mizolek and the Design Team Co-ordinator, Mr. Jon Kempster, Principal Architect from Public Services, report.

These are the people who have seen the project through to near completion. I am very proud to have served with them, every one. What this team has produced, in association with many other consultants, contractors, sub-contractors and all of their staff, permanent and temporary, I will argue to the end of my days is of massive benefit and credit to the Island. In its new Airport, Jersey can boast – and we don't

boast enough, I believe – to be leading the way in many areas of airport design. As is inevitable with new systems, there have been and will be hiccups. We are working continually to reduce inconveniences to the travelling public to a minimum. But, unlike the constant carping from much of the local media, the trade magazines are full of praise and the pile of complimentary letters in Toni Mizolek's and Mike Lanyon's files grows ever larger.

It is my great pleasure to be able to use this opportunity to thank publicly, on behalf of my Committee, all the hundreds of people who have played any part in the achievement that is the new Jersey Airport. I congratulate every member of staff for their efforts and patience in working through long, long periods of constant noise and disruption in their working environment; and I thank the travelling public for their forbearance over the last four years since we began.

A final word. The three causes of the extra costings identified in R.C.13/98 were entirely unforeseeable when we began. I ask members to note that, excluding the total of these items which, together, constitute an additional nine per cent on the budget figures agreed with the Finance and Economics Committee, this very large, very complex project in Jersey terms, was brought in ON BUDGET."

Agricultural loan repayments – resignation of President of the Agriculture and Fisheries Committee – statement

The President of the Agriculture and Fisheries Committee made a statement in the following terms –

"Prior to nominating the members of my Committee in December 1996, I visited the Department of Agriculture and Fisheries, in order to familiarise myself with the workings of the Department. As part of that process, I asked to see recent Committee Minutes.

A Committee Act of 25th November 1996 aroused my concern, since it stated, in part, that –

'The Committee considered the following instances of persons who had fallen into arrears with their agricultural loan repayments –

- (a) J.A. Le Maistre, La Maison de la Trappe, Millais, St. Ouen.'

The Minutes also stated that Mr. Le Maistre was no longer farming, and recorded the sum which was outstanding on loans. The figures mentioned are personal and are not relevant in the context of this statement. The discovery of that Committee Act caused me to feel obliged to withdraw my invitation to Senator Le Maistre to be a member of the new Committee. However, the statement that Senator Le Maistre 'had fallen into arrears with (his) agricultural loan repayments' was incorrect. He was not in fact in arrears at all.

Following that meeting of the Committee, the Chief Officer caused to be drawn up a formal notice requiring repayment of the sum outstanding. That notice was signed and dated 28th November 1996. Unfortunately, it was never received by Senator Le Maistre. The copy of the notice, which was to have been sent to a member of staff at the States Treasury, was also not received. The likelihood, therefore, is that the notice was never actually sent. The Department's file shows that a letter was sent to Senator Le Maistre on 7th November 1996, enquiring whether he was still in farming. Senator Le Maistre states that this letter too was never received.

More importantly, an earlier letter dated 15th November 1995 from the Department to Senator Le Maistre had been received. Following that letter, Senator Le Maistre believed that there was an agreement in place for him to repay loans in December 1996 and February 1997. That agreement was duly honoured.

From the perspective of Senator Le Maistre, therefore, as the end of 1996 approached, he had an agreement to repay outstanding agricultural loans in December 1996 and February 1997. It came therefore as a bolt out of the blue when, on seeking election to the Agriculture and Fisheries Committee, it was put to him that he was in default of his obligations. The confusion resulted in Senator Le Maistre, under protest, agreeing to my withdrawal of his name from my list of nominations to the Committee. This caused some surprise in the States, since members will be aware that a President's printed list of nominations is not often altered at the last minute.

There can be no doubt that Senator Le Maistre was done an injustice. A succession of errors resulted in the Senator being presented with an untrue allegation which he was at the time unable to rebut. I have no hesitation in making this public acknowledgement of the wrong suffered by Senator Le Maistre as a result of the recorded decisions of the Committee as previously constituted. The Minutes of 25th November 1996 were in error in describing Senator Le Maistre as someone who had fallen into arrears with his agricultural loan repayments. I very much regret that the subsequent confusion led to the Senator's name being withdrawn from the list of candidates for election to my Committee.

I take this opportunity to apologise to the Senator for the embarrassment which he suffered as a result of my decision or as a result of the Committee Act on which that decision was based.

At this point, I wish to place on record my unwavering faith in the professionalism, loyalty and integrity of officers at the Department. When things go wrong, it is the President's duty to shoulder the blame. I have therefore tendered to the Bailiff my resignation from the Presidency of the Committee."

Agriculture and Fisheries Committee – vacancy in Presidency

In accordance with Article 28(3) of the States of Jersey Law 1996, the Bailiff gave notice that there was a vacancy in the office of President of the Agriculture and Fisheries Committee.

School bus service – statement

The President of the Finance and Economics Committee made a statement in the following terms –

“Late last week I received a copy of a legal opinion from the Attorney General to the effect that the funding of the School Bus Service through increased car parking charges was probably ultra vires.

In the circumstances the Finance and Economics Committee has authorised additional funding of £800,000 from the General Reserve to cover the cost of the School Bus Service for 1998. For 1999 and future years either alternative methods of funding will need to be found or funds will need to be included in the Revenue Budget.

The Finance and Economics Committee will be discussing this and other related issues with the Public Services Committee in the near future.”

Car parking charges - statement

The President of the Public Services Committee made a statement in the following terms –

“The Public Services Committee accepts the view expressed by the Attorney General in his letter, dated 11th March 1998, that the three Orders – the Road Traffic (Saint Helier) (Amendment No. 2) (Jersey) Order 1998 (R. & O. 9201), the Road Traffic (Saint Lawrence) (Amendment No. 10) (Jersey) Order 19 (R. & O. 9202) and the Road Traffic (Public Parking Places) Amendment No. 35) (Jersey) Order 19 (R. & O. 9200), introducing new car parking charges from 1st March 1998 were ultra vires because pa of the justification for the increases was the need to raise money to run the school bus service.

Having reconsidered the position the Committee has today made three new Orders introducing the same charges as previously introduced. The basic change being an increase in car parking charges from 20 pence to 35 pence an hour. The justification for this is that, even without the need to raise funds for th school bus service, there is sufficient car park related work which must be funded. This includes concrete degradation work at the Green Street Car Park costing £2.1 million– of which £800,000 is still to be found; the extension of the Green Street Car Park to provide an additional 250 spaces (£3.6 million); and the provision of a 900 space car park at Gas Place (£14 million minimum).

The Public Services Committee took the decision that the need for this car park related work fully justifies the increases. Many suggestions have been received to modify the new proposals and the Committee gives an undertaking that it is prepared to review these within the next two months. This review will need to have full regard for the new arrangements following the decision of the Attorney General which might result in all income from car parking charges being available to the Committee for the provision of car parking facilities. This would amount to £2.8 million in a full year”

Health Services Disciplinary Tribunal: appointment of members

THE STATES, adopting a proposition of the Employment and Social Security Department, and in pursuance of Articles 1 and 36 of the Health Insurance (Jersey) Law 1967, as amended, appointed as members of the Health Services Disciplinary Tribunal, for a period of three years commencing on 1st January 1998, the following –

Advocate David Eldon Le Cornu – Chairman
Conrad Edwin Coutanche – Deputy Chairman
Mrs. Ruth Janet Syvret
Philip Rolph Daubeney
Mrs. Patricia Anne Henwood
Colin Henry Letto
Richard Ernest William Spears.

97-109 Bath Street, St. Helier: purchase– P.206/97

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

- (a) approved the designation of an area of land known as 97-109 Bath Street, St. Helier, bounded by Bath Street, Robin Place, Gas Place and Oxford Road, as shown on drawing No. 528/3, for use as a public open space with car parking underground and approved the said drawing as a development plan in accordance with Article 3 of the Island Planning (Jersey) Law 1964, as amended;
- (b) authorised the purchase on behalf of the public of the area of land shown on drawing No. 528/3 measuring 2.8 vergées and any interest therein from Talman Limited for the purpose described in sub-paragraph (a) at a fair and proper price to be agreed by the Finance and Economics Committee and, in the event of it not being possible to agree to a fair and proper price with the owner of the said land, authorised the Planning and Environment Committee, in exercise of the powers conferred by Article 4 of the Island Planning (Jersey) Law 1964, as amended, to acquire the said land and any interest therein by compulsory purchase in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended;

- (c) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contract that it might be found necessary to pass in connection with the acquisition of the said land and any interest therein.

Members present voted on paragraph (a) as follows –

“Pour” (38)

Senators

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

Connétables

St. Clement, St. Lawrence, St. Brelade, St. Helier, St. Martin, St. John, Trinity.

Deputies

H. Baudains(C), Coutanche(L), St. Mary, S. Baudains(H), Trinity, Pullin(S), Johns(H), Routier(H), Dorey (H), Layzell(B), Grouville, Huet(H), St. Martin, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), Vibert(B), Le Cornu(C), St. Peter, Dubras(L), St. Ouen.

“Contre” (2)

Connétable

St. Mary.

Deputy

St. John.

Members present voted on paragraphs (b) and (c) as follows –

“Pour” (40)

Senators

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

Connétables

St. Clement, St. Lawrence, St. Brelade, St. Peter, St. Helier, St. Martin, St. John, Trinity.

Deputies

H. Baudains(C), Coutanche(L), St. Mary, S. Baudains(H), Trinity, Pullin(S), Johns(H), Routier(H), Dore (H), Layzell(B), Grouville, Huet(H), St. Martin, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), Vibert(B), Le Cornu(C), St. Peter, Dubras(L), St. Ouen.

“Contre” (2)

Connétable

St. Mary.

Deputy

St. John.

Deputy Terence Augustine Le Sueur of St. Helier, having declared an interest in the matter, withdrew from the Chamber prior to the debate.

Kensington Gate development, St. Helier– P.11/98

THE STATES rejected a proposition of Senator Stuart Syvret requesting the Finance and Economics Committee to reconsider its recent decision to grant a licence for the Kensington Gate development, St. Helier, under Part III of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, and instead to reject the application.

Members present voted as follows –

“Pour” (18)

Senators

Shenton, Rothwell, Stein, Bailhache, Syvret, Kinnard.

Connétables

St. Mary, St. Peter, Grouville, StHelier.

Deputies

Le Sueur(H), S. Baudains(H), Breckon(S), Huet(H), St. John, Le Main(H), Blampied(H), St. Ouen.

“Contre” (28)

Senators

Horsfall, Le Maistre, Quérée, Norman, Walker.

Connétables

St. Clement, St. Lawrence, St. Brelade, St. Martin, St. John, Trinity.

Deputies

H. Baudains(C), Coutanche(L), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Dorey(H), Layzel (B), Grouville, St. Martin, Rabet(H), Crowcroft(H), de la Haye(B), Le Cornu(C), St. Peter, Dubras(L).

La Rocco Apartments, La Pulente, St. Brelade: development– P.18/98

THE STATES, adopting a proposition of the Tourism Committee, requested the Planning and Environment Committee to reconsider its decision to reject an application for a proposed building extension at La Rocco Apartments, La Pulente, St. Brelade, a property which is situated on land designated as Green Zone on the Island Map 1-87, as amended, and instead to grant permission for an extension to provide six self-catering units specifically designed for disabled persons.

Members present voted as follows –

“Pour” (30)

Senators

Shenton, Rothwell, Le Maistre, Stein, Bailhache, Norman, Walker.

Connétables

St. Lawrence, St. Mary, St. Brelade, Grouville, St. Helier, St. Martin, St. John, Trinity.

Deputies

H. Baudains(C), Coutanche(L), S. Baudains(H), Routier(H), Dorey(H), Breckon(S), St. Martin, St. John, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), de la Haye(B), Le Cornu(C), Dubras(L).

“Contre” (13)

Senators

Quérée, Syvret, Kinnard.

Connétable

St. Clement.

Deputies

Pullin(S), Johns(H), Duhamel(S), Layzell(B), Grouville, Huet(H), Vibert(B), St. Peter, S. Ouen.

Adjournment

THE STATES then adjourned, having agreed that the remaining items of public business would be considered as the first items of matters lodged “au Greffe” listed under Public Business at the next meeting.

THE STATES rose at 6.10 p.m.

G.H.C. COPPOCK

Greffier of the States.