



THE STATES assembled on Tuesday,
11th October, 1983 at 10.15 a.m. under
the Presidency of the Bailiff, Sir Frank
Ereaut.

All members were present with the exception of –

Senator John Le Marquand – out of the Island.

Senator Bernard Thomas Binnington – out of the Island.

Senator Anne Baal – out of the Island.

David John de la Haye, Deputy of St. Ouen – out of the Island.

Prayers.

Mr. Garth Lean, author.

The Deputy Bailiff welcomed to the Island Mr. Garth Lean, author of “God’s Politician”, the life history of William Wilberforce, the English reformer who campaigned for the abolition of the slave trade.

Subordinate legislation tabled.

The following enactments were laid before the States, namely –

1. Road Racing (Motor Vehicles Rally) (Jersey) Order, 1983. R & O 7226.
2. Telecommunications (Telephones) (Amendment No. 12) (Jersey) Order, 1983. R & O 7227.

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 5th October, 1983, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Education Committee, the leasing from Mr. Brian Garner of Flat No. 3, 87 Rouge Bouillon, St. Helier, for a period of one year with effect from 1st May, 1983, at an annual rent of £1,820, the property to be used as accommodation for Mr. J.R. McGhee, the full-time youth worker at Seaton Youth Centre. (The Committee rescinded its Act No. 2(b) of 10th August, 1983, which was notified to the States on 23rd August, 1983);
- (b) as recommended by the Education Committee, the leasing from Mr. Brian Garner of Flat No. 2, 87, Rouge Bouillon, St. Helier, for a period of one year with effect from 1st September, 1983, at an annual rent of £1,820, the property to be used as accommodation for Mr. D. Webb, a Scale 1 teacher of mathematics at Les Quennevais School.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. **Draft Harbours (Amendment No. 13) (Jersey) Regulations, 198 . P.133/83.**
Presented by the Harbours and Airport Committee.
2. **Computer development: transfer of funds. P.134/83.**
Presented by the Finance and Economics Committee. The States decided to take this subject into consideration on 25th October, 1983.
3. **Draft Motor Traffic (Amendment No. 14) (Jersey) Law, 198 . P.135/83.**
Presented by the Defence Committee. The States decided to take this subject into consideration on 25th October, 1983.
4. **Draft Road Traffic (No. 27) (Jersey) Regulations, 198 . P.136/83.**
Presented by the Defence Committee. The States decided to take this subject into consideration on 25th October, 1983.

Telephone receivers. Question and answer.

Deputy Maurice Clement Buesnel of St. Helier asked the Connétable of St. Lawrence, President of the Telecommunications Board, the following question –

“Following on the liberalisation of British Telecoms regulations regarding the installation of customers’ own telephone receivers, will the President state whether, subject to having similar safeguards concerning revenues and approved instruments, his Board will allow such installations in Jersey?”

The President of the Telecommunications Board replied as follows –

“My Board has, in recent months, been considering the possibility of providing a greater choice of telephone instrument and other apparatus to our customers. The Board has also considered allowing customers to buy some models.

I cannot today give a specific date from which this liberalisation will take place, but I can assure Deputy Buesnel and members of the House, that it is our intention to make these proposed changes within the next few months. I will advise the House in detail as soon as possible.”

Chief Officers. Questions and answers.

Senator John Philip de Carteret asked Senator John Clark Averty, President of the Establishment Committee, the following questions –

“The declared policy of the States carried out through the Establishment Committee has been for many years to appoint local people to top jobs. This has been the policy repeatedly put forward at elections by senior politicians who have been responsible for carrying out this policy as Committee Presidents.

Can the President answer the following –

1. On many occasions it has been said that the States must be run like a business, how then does he justify the appointment of a Chief Officer who it appears has no business experience?
2. Do I understand that the bringing over of Sir Derek Rayner, now Managing Director of Marks and Spencer, to explain the reasons and functions that he was carrying out for the Prime Minister in the English Civil Service, are being ignored by the Establishment Committee?
3. Is the President telling the public that there is no-one in Jersey who is capable enough to head his Department?
4. Can the President explain how the Children's Officer, Mr. C. Smith, served Jersey for over 10 years, has retired a little early and yet no-one is capable in the Department to take over?
5. Could the President tell the House what academic qualifications Mr. Smith has?
6. Could the President explain what qualifications Mr. Smith has that other local applicants do not possess?
7. Can the President explain how no-one it seems in Jersey is capable of carrying the post of Chief Officer, States Telecommunications?
8. Can the President tell the House when his Committee approved the appointment of a U.K. civil servant to head his Department, and when and why the postholder was given approval by his Committee to reside at the property at St. John?
9. Excluding the Income Tax Department and States Treasury, could the President tell the House how many local applicants have been appointed Chief Officers since he became President?

10. Is the President aware of the disquiet among civil servants about continual outside appointments and what does he intend to do about it?"

The President of the Establishment Committee replied as follows –

- 1.& The immigration policy of the States is that the
2. growth in Island population should be slowed down, but in such a way that the economy of the Island is not adversely affected. This is reflected in both the Housing and Control of Undertakings Laws, both of which are designed to inhibit immigration, but allow for consent to be issued to non-residents where benefits to the Island are likely to accrue.

It is within this framework that the Establishment Committee has worked and has always declared that it was working.

Generally speaking, this Island is well served by its workforce. But, as in any organisation, there is no room for complacency and where it appears to the Committee that a post is essential and no local candidates can be found to competently fill it, the balance of advantage between a diminution of Public Service and the recruitment of a non-resident has to be carefully weighed.

In order that a sense of proportion may be regained following recent, one-sided media coverage, there have been 666 civil service appointments during my Presidency, of which only 25, or under 4%, have been non-residents.

In the last two years, 318 civil servants have been appointed, only 6 of whom, or under 2%, have been non-residents.

The Public Service is not a business, but I am one of those who believes that the application of business principles – for example ascertaining the cost of a particular service, seeking value for money, is healthy for any organisation.

Proper management of resources is probably the most important business principle. Manpower is the States' largest single resource cost and the Establishment Committee is entirely satisfied that it is in the States' best interest at this time, to borrow a highly experienced person in this field.

Sir Derek Rayner, during his visit to Jersey, was quick to point out that Government was not a business, but that certain principles could be equally applied. His message and ideas are most certainly not being ignored. A number of Rayner-type scrutinies have been carried out and we hope to encourage more. It is particularly noteworthy that a number of Committees are re-examining their objectives and their methods of achieving them. Far from ignoring Sir Derek Rayner, the Committee has recruited a Chief Officer with considerable personnel experience in the service Sir Derek Rayner helped to reform.

3. As Senator de Carteret should well know, as he was a member of the Establishment Committee when the decision was taken to seek a U.K. civil service secondment, it is the unanimously held view of the Committee, and we understand Chief Officers, that the Island's best interests are served at this stage by such a secondment.

Public concern is currently focussing on aspects of appointments and training. Although much of this criticism is ill-informed, the Committee itself recognises that there is room for improvement. The new Chief Officer is particularly experienced, certainly far more than any known local resident, in these two facets of personnel work.

It should also be noted that the secondment is for only two years with provision for a third year extension. The Committee expect that at the end of this period an effective local appointment will be possible.

4. Again, as Senator de Carteret should well know, the Establishment Committee, in conjunction with the Education Committee, did have a succession plan for the Children's Department.

Succession plans can only be plans and in small departments cannot be designed to meet every circumstance unless excessive employees are employed to cover any eventuality.

This is not desirable because it is costly and demotivating for those employees with no real jobs to do unless unforeseen circumstances are encountered.

The Children's Department is a classic example where the intended successor is, for personal reasons beyond anyone's control, unable to take over and other potential successors are not yet ready.

The Children's Department is a vital one. It is regrettably true that some parents are unable or unwilling to cope with their children without specialist advice and assistance. Thankfully Jersey is a caring community and there must be few people indeed who believe that the Children's Department need not be properly led. My Committee is not among them.

Again, however, the Committee believes a limited contract appointment is the correct way of filling this vacancy so that a local resident can take over at the earliest opportunity.

5. Mr. Smith has a Diploma in Social Studies, University of London.
6. Mr. Smith had, at the time of his appointment, 13 years' practical experience in the U.K. and Jersey, and for nine of those years was Assistant Children's Officer, i.e. the deputy to the Children's Officer.

7. My Committee is not convinced that there is no-one in Jersey capable of assuming the post of Chief Officer, States Telecommunications. However, because the present incumbent is to leave shortly to become Treasurer, the Committee was persuaded to advertise simultaneously in the Island and the U.K. so that no time would be lost should there be no suitable local applicants.

As is customary, the local applicants will be interviewed first and an appointment made from among them if at all possible.

8. The Committee decided on 2nd March, when, incidentally, Senator de Carteret was still a member, to approach the Cabinet Office and seek a secondment. The full details of the secondment were formally ratified on 31st August.

In regard to housing, the Committee applied to the Housing Committee for the postholder to occupy the property in question. A consent was granted in his own name.

The States are involved in a number of U.K. civil service secondments, Agricultural Advisers being the most common. In all cases the States are required to offer free furnished accommodation. It must be remembered that we are not, in these circumstances, offering an 'applicant' a 'post'. We are borrowing them from their established employer for a limited period of time. If we are not prepared to see that these employees are not disadvantaged by the move, they simply will not come.

The State are fortunate to enjoy this facility.

It follows, that among the matters confirmed on 31st August was that the seconded Officer should live rent-free at St. John.

I do, however, express my apologies to the House for not informing them a fortnight ago that the postholder was already in residence. This was an oversight.

The fact remains, however, that the taking-up of residence was perfectly proper, the postholder having been granted Housing consent. The Proposition for the States to lease is necessary because of the amount of rental and because it is much more satisfactory for the States to be the tenant.

The Committee advertised locally and contacted 28 estate agents. The property is the most economic of the suitable properties available, which met Housing Committee requirements. Although the rent is high, the Land Officer confirmed to the Committee before any decision was taken that it was reasonable in current market circumstances.

9. Apart from the secondment of the Personnel Chief, only the Official Analyst has been recruited at Chief Officer level, from the U.K. during my term as President.

The heads of the Impôts Department, Planning Office, Viscount's Department, Fire Service, Public Works, Fort Regent, Income Tax and Treasury have all been local appointments during this period.

10. In my view, with the number of U.K. appointments over the past two years running at under 2% of total appointments, there is no reason for disquiet and I am not aware of any particular disquiet among civil servants.

My Committee, by the secondment referred to earlier, and in many other ways has shown its determination to train and appoint locally wherever possible. However, in a broad service where there are many specialisms which are not existent elsewhere locally this is not likely always to prove possible."

Children's Officer. Questions and answers.

Deputy Graham Douglas Thorne of St. Brelade asked Senator John Clark Averty, President of the Establishment Committee, the following questions –

- “1. (a) What age is Mr. C. Smith, the Children's Officer?
 - (b) How long has Mr. Smith been employed by the States of Jersey?
 - (c) What length of time did the Establishment Committee expect Mr. Smith to serve as Children's Officer, before retirement?
2. Could the Establishment Committee explain, in detail, what were the unexpected factors affecting other potential successors, as quoted in the Jersey Evening Post on Friday, 30th September, 1983?
3. What will Mr. Smith's pension be?
4. Will Mr. Smith, by early retirement, have a reduced pension?
5. What steps were taken to train a replacement for Mr. Smith, if any?”

The President of the Establishment Committee replied as follows –

- “1. (a) The Children's Officer will be retiring at age 60.
 - (b) The Children's Officer has been employed by the States for 21½ years.
 - (c) Any civil servant may exercise an option to retire, and the States may exercise such an option, at age 60. Employment beyond age 65 is permitted only in very exceptional circumstances.

2. As explained in reply to a question from Senator de Carteret, the planned successor, for personal reasons beyond anyone's control, is unable to take over. I would be happy to tell the Deputy privately and confidentially the full details.

Had the Children's Officer exercised his option to retire nearer the compulsory retirement age, it is likely that another planned successor would have been equipped to assume the post.

3. The Children's Officer is a Grade 14 Officer with a salary range of £14,919 to £16,683. All civil servants who qualify receive a retirement pension calculated by dividing the length of service by 60 and multiplying this figure by the average of their salary over the last three years. The Children's Officer's pension will be calculated on this basis and will be approximately £9,000.
4. It follows from the previous answer that the pension will be 5/60th lower than if the postholder had retired at age 65.
5. As stated earlier, a successor had been earmarked. A subsequent potential successor had also been earmarked for training over the next five years."

Secondment of Chief Executive Officer from U.K. civil service.

Senator Jane Patricia Sandeman asked Senator John Clark Averty, President of the Establishment Committee, the following questions –

- "1. Will the President give the annual total cost to the States of the secondment of an officer from the U.K. civil service to the post of Chief Executive Officer to the Establishment Committee – i.e. the salary, the States' contribution to the U.K. civil service Pension Fund, the rent allowance and any other financial emolument?

2. Will the pension contribution continue to be paid after the officer reaches the age of 60 – the normal retiring age of officers in the grade of assistant secretary in the U.K.?
3. What is the cost of electrical items bought on behalf of the Establishment Committee to complete the equipping and furnishing of Les Genottes?”

The President of the Establishment Committee replied as follows –

- “1. This secondment is on no better terms than all secondments of U.K. civil servants throughout the world.

The seconded Officer holds the risk of Assistant Secretary which commands a salary of £24,409 p.a. The pension contribution required is £4,882. The annual rent is £6,240 and the Social Security contribution is £800. Reasonable removal expenses will also be paid, as will limited health expenses until the postholder qualifies in 6 months’ time for Social Security benefit.

2. As is the case in Jersey, U.K. civil servants at this level may retire, or be retired, between the ages of 60 and 65. As long as the employment continues a pension contribution must be made and no pension is payable.
3. The precise cost is £1,178.70 plus a bill for ‘plumbing-in’ which has not yet been received.”

**Civil servants – sick leave and retirement on health grounds.
Questions and answers.**

Senator Jane Patricia Sandeman asked Senator John Clark Averty, President of the Establishment Committee, the following questions –

- “1. Will the President confirm that the sick leave allowance for civil servants is 6 months on full pay and 6 months on half pay in any four years?

2. Will the President say at which stage of sick leave, arrangements for retirement on health grounds are normally initiated?
3. What is the usual method of initiating retirement on health grounds and what are the Committee's requirements before retirement is granted on health grounds?"

The President of the Establishment Committee replied as follows –

- “1. Yes – provided the officer has at least 12 months service. In exceptional circumstances further periods of sick pay leave have been granted.
2. When there are reasonable grounds for assuming that ill-health is likely to permanently affect an officer's ability to carry out the duties of the post. This could be at any time during sick leave, or indeed while a person is at work, depending on the nature and seriousness of the illness.
3. Discussions will normally take place between the Establishment Committee and the Administering Committee. The matter will then be referred to the Medical Officer of Health to make enquiries and a recommendation. I know of no case where the advice of the Medical Officer of Health has not been followed, though there are cases where employees have exhausted their sick leave entitlement and suffered further ill-health necessitating sick leave and where the Medical Officer of Health does not believe the nature or seriousness of the illness justifies ill-health retirement.”

Self-catering accommodation. Questions and answers.

Senator Jane Patricia Sandeman asked Senator John Stephen Rothwell, President of the Tourism Committee, the following questions –

- “1. Will the President say when he intends to bring the Order concerning self-catering accommodation to the States?”
2. Will the President agree to send a copy of the present guidelines on self-catering accommodation to all States Members?”

The President of the Tourism Committee replied as follows –

- “1. It is the intention of the Committee to table the Order as soon as possible but this cannot be done until the Law Draftsman has drafted legislation to meet all the requirements of self-catering accommodation, and the draft has been approved by the Committee before presentation to the States. There have been several meetings at Officer level to discuss the suggestions made by the Law Draftsman on the implications of the Order and its consequential effects on existing legislation. The Committee wishes to see these problems resolved in the interests of good Government of the Island before presenting the Order to the States.
2. Yes, arrangements have been made for a copy of the present guidelines on self-catering to be sent to all States’ Members.”

Maintenance of States Dwellings: transfer of funds. P.137/83.

THE STATES commenced consideration of a Proposition of the Housing Committee regarding the transfer of funds to meet increased costs in the maintenance of States dwellings. After discussion, and on the proposition of Senator Richard Joseph Shenton, the Proposition was lodged “au Greffe”. The States decided to take this subject into consideration on 25th October, 1983.

Rouge Bouillon Sewer Reconstruction Phase 1.

THE STATES, adopting a Proposition of the Resources Recovery Board –

- (a) approved Drawing No. TS.742 showing the work to be carried out in connexion with the reconstruction of the Rouge Bouillon Sewer from the bottom of Queen's Road to Great Union Road;
- (b) authorised the Greffier of the States to sign the said Drawing on behalf of the States.

Rent Rebate Scheme.

THE STATES, having accepted an amendment of Senator Reginald Robert Jeune that for the words "Supervisory Committee" there should be substituted the words "Committee of Inquiry into Parish Rates", adopted a Proposition of Deputy Maurice Clement Buesnel of St. Helier and requested the Committee of Inquiry into Parish Rates to examine the introduction of a Parish Rate rebate scheme for the following categories of persons –

1. single person with maximum income of £3,000;
2. married couple with maximum income of £4,500;
3. single parent family with maximum income of £3,500 with a further allowance of £250 for each additional dependent child;
4. States' Loan mortgagee with a maximum income of £7,500.

Gambling (Licensing Provisions) (Amendment No. 6) (Jersey) Regulations, 1983.

THE STATES, in exercise of the powers conferred by Article 3 of the Gambling (Jersey) Law, 1964, as amended, made Regulations entitled the Gambling (Licensing Provisions) (Amendment No. 6) (Jersey) Regulations, 1983.

Seat Belt Publicity Campaign. Deferred Supply.

THE STATES, adopting a Proposition of the Finance and Economics Committee, acceded to its request for the following

supplementary vote of credit to be voted out of the General Reserve –

Defence Committee

Highway Codes and Road Safety

Expenses – seat belt publicity

campaign (1126)

£3,500.

Arrangement of Public Business.

THE STATES acceded to the request of the President of the Establishment Committee that the Propositions regarding ex gratia payments to public employees (P.131/83) and the lease of Les Genottes, St. John (P.132/83) be considered before the Proposition of the Public Works Committee regarding a supplementary vote of credit – premises (P.130/83) at the present Sitting.

Ex gratia payments to Public Employees. Deferred Supply. Commencement of debate.

THE STATES commenced consideration of the request of the Establishment Committee for an additional vote of credit for ex gratia payments to public employees and agreed the principle that such payments should be made.

Members present voted as follows –

“Pour” (42)

Senators

Vibert, Shenton, Jeune, Averty, de Carteret,
Horsfall, Ellis, Rothwell.

Connétables

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

Deputies

Mourant(H), Morel(S), Le Maistre(H), Quenault(B),
Perkins(C), Le Gallais(S), Roche(S), Le Brocq(H),
Le Quesne(S), Trinity, St. Martin, Filleul(H),
Vandervliet(L), St. Peter, Le Main(H), Farley(H),

Le Fondré(L), Rumboll(H), Grouville, St. Mary,
Wavell(H), Billot(S), Norman(C), St. John.

“Contre” (6)

Senator

Sandeman.

Connétable

St. Clement.

Deputies

Buesnel(H), Beadle(B), Thorne(B), Blampied(H).

Withdrawal of Strangers.

THE STATES, on the proposition of Senator Ralph Vibert,
ordered that “strangers do withdraw” under Standing Order 46(1).

Members present voted as follows –

“Pour” (32)

Senators

Vibert, Shenton, Jeune, Averty, Sandeman, Horsfall,
Ellis, Rothwell.

Connétables

St. Ouen, St. Mary, Grouville, St. Saviour,
St. Brelade, St. Martin, St. Peter.

Deputies

Mourant(H), Le Maistre(H), Perkins(C),
Le Gallais(S), Roche(S), Le Brocq(H),
Le Quesne(S), Trinity, St. Martin, Vandervliet(L),
St. Peter, Farley(H), Buesnel(H), St. Mary,
Wavell(H), Billot(S), Norman(C).

“Contre” (8)

Senator

de Carteret.

Connétable

St. Clement.

Deputies

Quenault(B), Le Main(H), Grouville, Beadle(B),
Thorne(B), Blampied(H).

**Ex gratia payments to Public Employees. Deferred Supply.
(Continuation of debate.)**

THE STATES then continued consideration of the request of the Establishment Committee for an additional vote of credit in the sum of £30,000 for ex gratia payments to public employees (5130).

Admission of strangers.

THE STATES allowed strangers to be admitted.

Ex gratia payments to Public Employees. (Conclusion of Debate.)

THE STATES, adopting the Proposition of the Finance and Economics Committee, acceded to its request for the following additional vote of credit to be voted out of General Reserve –

Establishment Committee

Ex gratia payment to public employees (5125)	£30,000.
--	----------

Members present voted as follows –

“Pour” (29)

Senators

Vibert, Shenton, Jeune, Averty, Horsfall, Ellis.

Connétables

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

Deputies

Mourant(H), Morel(S), Le Maistre(H), Quenault(B),
Le Gallais(S), Roche(S), Le Brocq(H),
Le Quesne(S), Trinity, St. Martin, Filleul(H),
Vandervliet(L), St. Peter, Grouville, Wavell(H),
Billot(S).

“Contre” (16)**Senators**

Sandeman, Rothwell.

Connétables

Grouville, Trinity, St. Peter, St. Clement.

Deputies

Perkins(C), Farley(H), Le Fondré(L), Buesnel(H),
St. Mary, Beadle(B), Thorne(B), Blampied(H),
Norman(C), St. John.

Les Genottes, St. John – lease.

THE STATES, adopting a Proposition of the Establishment Committee –

- (a) approved the leasing from Mr. Trevor Allan Coutanche of the furnished property Les Genottes, Les Landes, St. John, for a period of two years, with effect from 1st September, 1983, at an annual rent of £6,240, with an option to renew for a further period of one year with a rent review in accordance with the increase in the Jersey Cost of Living Index, the property to be occupied by Mr. J.J. Tobias, who had been seconded from the United Kingdom civil service as Chief Executive Officer, States' Personnel Department;
- (b) authorised the Greffier of the States to sign the necessary Agreement;

- (c) authorised the Treasurer of the States to pay the rent as it became due.

Members present voted as follows –

“Pour” (32)

Senators

Vibert, Jeune, Averty, Horsfall, Rothwell.

Connétables

St. Ouen, St. Mary, St. Saviour, St. John, Trinity, St. Lawrence, St. Martin, St. Peter, St. Clement.

Deputies

Mourant(H), Morel(S), Roche(S), Le Quesne(S), Trinity, St. Martin, Filleul(H), Vandervliet(L), St. Peter, Farley(H), Le Fondré(L), Grouville, St. Mary, Thorne(B), Wavell(H), Blampied(H), Billot(S), Norman(C).

“Contre” (6)

Senator

Sandeman.

Deputies

Quenault(B), Perkins(C), Le Brocq(H), Beadle(B), St. John.

Public Works Committee – Premises. Deferred Supply.

THE STATES, adopting a Proposition of the Finance and Economics Committee, acceded to its request for the following supplementary vote of credit to be voted out of the General Reserve –

Public Works Committee

Premises (2082)

£71,400.

Matter lodged.

The following subject was lodged “au Greffe” –

**Establishment Committee: vote of no confidence.
P.138/83.**

Presented by Senator Jane Patricia Sandeman.

THE STATES rose at 5.55 p.m.

R.S. GRAY,

Deputy Greffier of the States.