

Price : £2.00

THE STATES assembled on Tuesday,
17th March 1992 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

All Members were present with the exception of -

Senator Anne Baal - ill.
Senator Antony Beresford Chinn - out of the
Island.
John Pepin le Sueur, Connétable of St.
John - out of the Island.
Leonard Picot, Connétable of Trinity - ill.
Alan Payn Bree, Deputy of Grouville - out
of the Island.

Prayers

Distinguished visitors welcome

The Bailiff welcomed to the States Mr. Goncalves
Nuno Dos Santos, Head of the Emigration
Department in Madeira, and his adviser Mr.
Virgilio Delgado Teixeira, and Councillor Morris
Barton, Leader of the County Council in the Isle
of Wight.

Connétable of Grouville - welcome

The Bailiff, on behalf of the Members of the
States welcomed to the Assembly the newly
elected Connétable of Grouville, Mr. Francis
Herbert Amy.

Deputy G.E. Rabet of St. Helier -
welcome

The Bailiff, on behalf of the Members of the

States welcomed Deputy Graeme Ernest Rabet of St. Helier to the States after his recent illness.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Amendment (No. 14) to the Tariff of Harbour and Light Dues
R & O 8348
2. Milk and Dairies (General Provisions) (Jersey) Order 1992
R & O 8349
3. Misuse of Drugs (Designation) (Amendment No. 2) (Jersey) Order 1992
R & O 8350
4. Misuse of Drugs (General Provisions) (Amendment No. 3) (Jersey) Order 1992 R & O 8351
5. Income Tax (Purchased Life Annuities) (Amendment) Order 1992
R & O 8352
6. Banking Business (List of Registered Persons) (Jersey) Order 1992
R & O 8353
7. Road Traffic (Grouville) (Amendment No. 7) (Jersey) Order 1992
R & O 8354
8. Road Traffic (St. Clement) (Amendment No. 7) (Jersey) Order 1992
R & O 8355
9. Motor Vehicle (Construction and Use) (Amendment No. 27) (Jersey) Order 1992 R & O 8356
10. Health Insurance (Pharmaceutical Benefit List) (Amendment No. 11) (Jersey) Order 1992 R & O 8357.

Social Security Committee - appointment of member

THE STATES appointed Francis Herbert Amy, Connétable of Grouville as a member of the Social Security Committee.

Committee for Postal Administration -

appointment of member

THE STATES appointed Francis Herbert Amy, Connétable of Grouville as a member of the Committee for Postal Administration.

Housing Strategy for the 90's: supplementary report (P.23/92). P.36/92

The Finance and Economics Committee by Act dated 9th March 1992 presented to the States their comments on the Housing Strategy for the 90's supplementary report.

Agricultural loans: report for 1991.
R.C.8

The Agriculture and Fisheries Committee, by Act dated 5th March 1992, presented to the States a report on the Agricultural Loans and Guarantees Fund for the year ending 31st December 1991 and commenting on the operation during 1991 of the Agriculture (Loans and Guarantees) (Jersey) Law 1974, as amended, and the Agricultural (Loans) (Jersey) Regulations 1974, as amended.

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

Dwelling Houses Loan Fund: statement for 1991.
R.C.9

The Housing Committee, by Act dated 28th February 1992, presented to the States a statement showing the financial position of the Dwelling Houses Loan Fund as at 31st December 1991.

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 9th March 1992, 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 grant to the Jersey Electricity Company Limited of a wayleave through the grounds of Plat Douet School from Plat Douet sub-station to a point in Rue des Prés opposite the pedestrian access to the

school, for the purpose of laying a cable, with the company being responsible for all legal fees;

- (b) as recommended by the Public Health Committee, the renewal of the lease to Mr. Barry Clement Rondel of Field 1547, Westmount, St. Helier, for a period of one year from 1st January 1992 at an annual rent of £60;
- (c) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of an area of land at St. Luke's Vicarage, La Route du Fort, St. Helier for a period of 99 years from 1st April 1991 at an annual rent of £1 with the company being responsible for all legal costs;
- (d) as recommended by the Housing Committee, the sale to Miss Susan Ann Short of 371 square feet of land at the front of 14 Aquila Close, St. Helier for the sum of £371, and 202 square feet of land at the side of 14 Aquila Close, St. Helier for the nominal sum of £10, with Miss Short being responsible for all existing rights granted by the public to other owners in the Aquila Close area and for all legal costs incurred;
- (e) as recommended by the Housing Committee the sale to the Parish of St. Helier, of an area of land measuring approximately 1,980 square feet at Windsor Road, St. Helier, required for road widening, for a consideration of £10, with the Parish of St. Helier being responsible for all legal costs incurred;
- (f) as recommended by the Housing Committee, the sale in perpetuity to Dagar Holdings Limited of the right of access over part of the site of the Beau Vallon Hotel, Trinity Road, St. Helier, for the sum of £5,000, with each side being responsible for its own legal costs;
- (g) as recommended by the Housing Committee, a Contrat de Transaction between the public of the Island and Dagar Holdings Limited in order to extinguish the rights of Dagar Holdings Limited to draw water from the site of the Beau Vallon Hotel, Trinity Road,

St. Helier, with each side paying its own legal costs;

(h) as recommended by the Public Services Committee, a Contrat de Bornement between the Public of the Island, as the owner of land in Field 398, St. Brelade and Mrs. Collette Le Boutillier Cooke, née Benest, the owner of the adjoining property, Sea Braes, La Route du Petit Port, St. Brelade, in order to allow a wall to be erected between the properties, with Mrs. Cooke being responsible for all legal costs involved.

Matters lodged

The following subjects were lodged "au Greffe" -

1. Draft Food and Drugs (Amendment) (Jersey) Law 199 P.31/92
Presented by the Public Health Committee
2. Maternity Rights: code of practice P.32/92
Presented by Senator Corrie Stein
3. Draft Shell-Fish (Underwater Fishing) (Jersey) Regulations 199 P.33/92
Presented by the Agriculture and Fisheries Committee
4. Projet de Règlements (1992) sur le Marquage d'Oeufs P.34/92
Presented by the Agriculture and Fisheries Committee
5. Clos du Fort Phase II: development P.35/92
Presented by the Housing Committee
6. Projet de Loi (199) (Amendement No. 4) sur l'Instruction Primaire P.37/92
Presented by the Education Committee
7. Field 748, St. Lawrence: development P.38/92
Presented by Deputy Shirley Margaret Baudains of St. Helier

8. Lawyers' Fees P.39/92
Presented by Senator Richard Joseph Shenton
9. Social Security Convention with Barbados P.40/92
Presented by the Social Security Committee
10. Health Care Protocol with Barbados P.41/92
Presented by the Public Health Committee.

The following subject was lodged on 10th March 1992 -

Haut de la Garenne, St. Martin:
redevelopment P.30/92
Presented by the Housing Committee.

Haut de la Garenne, St. Martin: redevelopment.
P.177/91. Withdrawn

THE STATES noted that the President of the Housing Committee had withdrawn the proposition relating to the redevelopment of Haut de la Garenne, St. Martin (lodged on 19th November 1991), the Committee having presented a revised proposition at the present Sitting (P.30/92).

Projet de Loi (199) (Amendement No. 4) sur l'Instruction Primaire. P.18/92. Withdrawn

THE STATES noted that the President of the Education Committee had withdrawn the Projet de Loi (199) (Amendement No. 4) sur l'Instruction Primaire (lodged on 18th February 1992), the Committee having presented a revised Projet de Loi at the present Sitting (P.37/92).

Establishment Committee: support for policies P.65/91. Withdrawn

THE STATES noted that Senator Richard Joseph Shenton had withdrawn his proposition asking the States to continue their support for the present policies of the Establishment Committee regarding manpower growth (lodged on 22nd April 1991). Paragraphs (2) and (3) adopted on 24th September 1991.

Arrangement of Public Business for the next Sitting on 31st March 1992

THE STATES confirmed that the following subjects lodged ``au Greffe" should be considered at the next Sitting on 31st March 1992 -

Draft Food and Drugs (Amendment) (Jersey)
Law 199 P.31/92
Public Health Committee

Maternity Rights: code of practice
P.32/92
Senator C. Stein

Draft Shell-Fish (Underwater Fishing)
(Jersey) Regulations 199 P.33/92
Agriculture and Fisheries Committee

Projet de Règlements (1992) sur le
Marquage d'Oeufs P.34/92
Agriculture and Fisheries Committee

Clos du Fort Phase II: development
P.35/92
Housing Committee

Projet de Loi (199)
(Amendement No. 4) sur l'Instruction
Primaire P.37/92
Education Committee

Social Security Convention
with Barbados P.40/92
Social Security Committee

Health Care Protocol with Barbados
P.41/92
Public Health Committee

Housing: strategy for the 90's:
supplementary report P.23/92
Lodged: 25th February 1992
Housing Committee

Housing: Strategy for the
90's supplementary report (P.23/92):
comments P.36/92
Finance and Economics Committee

Housing: strategy for the
90's (P.142/91): petition P.172/91
Lodged: 5th November 1991
Senator C. Stein

Housing: strategy for the
90's (P.142/91): report on petition
(P.172/91) R.C.29/91
Presented: 19th November 1991
Housing Committee

Blue Horizon Holidays. Questions and answers (Tape No. 127)

Senator Terence John Le Main asked Senator Richard Joseph Shenton, President of the Tourism Committee the following questions -

- ``1. Can the President inform the House whether a significant number of complaints have been received in the last five year period in relation to Blue Horizon Holidays and can he give any statistics of these complaints?
2. If the answer to Question 1 is in the affirmative, will the President give an assurance that all such complaints are being investigated with a view to their being satisfactorily resolved?
3. Will the President undertake to consider the introduction of legislation designed to protect the interests of customers dealing with firms which are not members of A.B.T.A.?"

The President of the Tourism Committee replied as follows -

- ``1. There has been a significant number of complaints about Blue Horizon Holidays in recent years. Senator Le Main is aware of the numbers. He was a member of the Tourism Committee until 15 months ago and he discussed the subject with a Jersey Tourism manager recently. I cannot see what is to be gained by making the figures public.
2. Yes, all complaints were pursued and concluded as well as possible - not necessarily to the satisfaction of the complainant.
3. Yes, the new Tourism Committee will consider whether there is a need for legislation to protect customers of non A.B.T.A. members, but will give no guarantee at this stage about the outcome of that consideration."

States housing rental structure. Questions and answers (Tape No. 127)

Senator Corrie Stein asked Deputy Leonard Norman of St. Clement, President of the Housing Committee the following questions -

1. Will the President advise on which States rental dwellings the maximum rent structure presently applies?
2. Will the President explain the basis on which the Housing Committee decides to which States rental dwellings the maximum rent or the fair rent applies?
3. Will the President give details of the number of States rental tenants who were in arrears of rent both in January and February for the years 1990, 1991 and 1992, together with the number of tenants who were in arrears for less than six weeks and more than six weeks during those periods?
4. Will the President confirm that the proposal that the Social Security Committee should take into consideration the reduction in rental subsidies (earned income allowance and child allowance) when recommending the levels of family allowance to be paid in each year, will be in place before the existing subsidies are withdrawn?"

The President of the Housing Committee replied as follows -

1. The 'maximum rent' structure presently applies to the following estates -

Clos de Quennevais
Grasett Park
Rosemount Estate
St. Peter's School Estate
Elysée Estate

Town Mills
Westmount Park Estate (except bedsitters)
Nicholson Park (except bedsitters)
De Quetteville Court (older part of estate only).

2. The reason for certain States rental properties (currently 514 units, approximately 12 per cent of stock) having 'maximum' rents as opposed to 'fair' rents is entirely historical.

All estates completed since 1974 have had their rents assessed by comparison with fair market rents in the private sector. Many properties built before 1974 have not been assessed in this way, and their rents have significantly lagged behind fair rents due to -

- (i) their rents not being increased at all between 1970 and 1973; and
- (ii) various formulae agreed to bring their rents into line with fair rents since that time failing to achieve this.

However, when significant modernisation is carried out on properties with 'maximum' rents - e.g. new kitchens, window replacement, cladding, new heating systems - the Committee transfers properties affected onto the 'fair' rent structure. Actual rent paid by the tenant is determined mainly by the terms of the Rent Abatement Scheme.

Some properties previously on the maximum rent structure have been transferred to the fair rent structure as a result of maximum rent catching up with fair rent in accordance with States approved formula referred to above.

- 3. I regret that I cannot present the information requested entirely in the way Senator Mrs. Stein requests, because it does not exist in that form. However, the following should help her and others understand the current and recent position in relation to our tenant arrears.

Figures do not exist for 1990, other than in 4,500 individual paper files.

Figures for 1991 and 1992 show the following -

1991 1992

End January	547	449	tenants 5
			weeks or
End February	540	432	more in
			arrears

It is not possible to give meaningful

figures for tenants in arrears of less than five weeks' rent. Tenants opt to pay rent weekly, fortnightly, and monthly by standing order. Any figures which we may retrieve from our computer (e.g. all tenants owing one or two weeks rent) could be misleading unless linked to the way those tenants normally pay their rent.

4. If the States approve the proposition on 31st March, then clearly it will be in place immediately."

Scallop fishing. Questions and answers (Tape No. 127)

Senator Terence John Le Main asked Senator John Stephen Rothwell, President of the Agriculture and Fisheries Committee the following questions -

1. What stage has the Committee reached in deciding whether or not to allow controlled diving for shellfish under licence?
2. If the answer to the above question is in the affirmative, when will licences be issued?
3. Is it correct that dredging for scallops and other fishing methods which are taking place around the shores of Jersey is ruining the sea floor and destroying marine life?"

The President of the Agriculture and Fisheries Committee replied as follows -

1. During 1991 the Committee instructed work to be done on this issue. The Committee -
 - (a) established that the Sea Fisheries (Establishment and Regulation of Fisheries) Jersey Regulations 1986 may be used to set up diving concessions under licence;
 - (b) sought and gained approval in principle from Her Majesty's Receiver General;
 - (c) made preliminary approaches to the Harbour Department in relation to the safety and practicability of such operations;

- (d) agreed conditions with the Fishermen's Association and the Sea Fisheries Advisory Panel by which a system may operate.
- 2. The Committee will be accepting applications for licences when final approval has been given by the Crown Officers.

The Crown Officers were requested to confirm the Committee's powers in respect of this issue in December 1991. On receipt of this reply notices will be given in the local Gazette that the Committee will receive applications for a shellfish concession.

- 3. Any fishing method destroys marine life to a greater or lesser extent. Scallop dredging does disturb the sea bed to a certain degree but trawling and in particular beam trawling which involves the dragging of heavy steel chains on the sea bed is likely to be much more damaging to the sea bed than scallop dredging. However both the United Kingdom and French Governments have few restrictions on this activity.

I should like to point out that Jersey has been a forerunner in the conservation of the sea bed by legislating for trawling free zones in areas around the coast. For example in the bays of St. Aubin, Grouville, St. Catherine and St. Brelade trawling is prohibited. Further to this a vessel may use only one trawl in Jersey waters thus excluding all the vessels (some as small as 10m long) that use twin beam rigs. There are to my knowledge no such restrictions in the coastal waters of the United Kingdom and France."

Sites of special interest. Questions and answers
(Tape No. 127)

Senator Reginald Robert Jeune asked Deputy Harry Hallewell Baudains of St. Clement, Vice-President of the Island Development Committee the following questions -

- 1. Would the President explain to the Assembly the procedure for designating buildings as sites of special interest under Article 9 of the Island Planning (Jersey) Law 1964, as amended?

2. How many buildings are already designated as sites of special interest and in what parishes are they located?
3. What arrangements (if any) are in progress for designating further buildings as sites of special interest; how many buildings are involved (parish by parish); and what stage have the arrangements reached?
4. Does the Committee intend to provide different grades of designated building; if so, how many grades will there be, what will be the criteria for the different grades, and what will be the practical effect of grading so far as the potential development or refurbishing of such buildings is concerned?
5. Would the President confirm that it is the Committee's intention to designate buildings on a parish by parish basis?
6. In that event, and given that the power of the States under the Subordinate Legislation (Jersey) Law 1960, as amended, to annul Orders allows the States only to annul an entire Order, and not part of the Order, would the President undertake to present to the Assembly for its approval a list of buildings proposed to be designated as sites of special interest before Orders are made under Article 9 of the Island Planning (Jersey) 1964 Law, as amended?"

The Vice-President of the Island Development Committee replied as follows -

1. The Senator's questions have to a very large extent been answered in the Island Development Committee's report 'The Protection of Jersey's Architectural Heritage' which I presented to the States on 4th February with an accompanying list of all the proposed sites of special interest. My replies, therefore, will draw from this document which was intended to be a clarification of the Island Development Committee's policies and which was in fact generated by Senator Jeune's remarks to the Committee at a meeting held at his request to discuss informally the

question of sites of special interest on 27th August 1991.

The Island Planning (Jersey) Law 1964 as amended and in particular Article 9 of the Law as amended, gives the Island Development Committee powers to designate by order sites of special interest. Insofar as these apply to the built heritage, they may be designated because of the special architectural, historical or traditional interest attaching to them.

In making an order, the Committee must -

- (a) show which one or more of the special interests referred to in the Article attaches to that building;
- (b) describe the building with sufficient particularity that it may be identified;
- (c) distinguish between land and buildings.

Before making the order the owner must be notified 28 days in advance, along with persons having an interest in the property, and they are entitled to make representations which must be taken into account.

The Committee is also obligated to consult with persons or bodies appropriate as having special knowledge or interest in buildings. The Committee has fulfilled that obligation by appointing a consultant recommended by English Heritage to undertake a survey of the Island; by appointing a local representative group, known as the Historic Buildings Advisory Panel -

Mr. D. Barlow
Mr. M. Boots
Mr. F. Le Gresley
Mr. G. Myers
Mr. D. Le Sueur
Miss J. Arthur
Mr. H. Stuart-Williams
Mr. M. Day

by appointing a professional member of staff with widely-based international conservation expertise, and by setting

up the Jersey Building Heritage Sub-Committee to deal with current issues and procedures.

When an order is made, the Island Development Committee must serve a notice on the owner, and persons with an interest in the building. That notice must then be registered in the Public Registry of Contracts. The procedure is demanding on time, expertise and resources, as it needs objectivity, consultation and accuracy. The work commenced in 1987 in the department, and is expected to continue for another two years before all orders have been made.

2. Orders have been made in a limited way until now, in two batches; one concerned with key buildings and terraces in St. Helier, the other with Gorey Pier.

137 buildings are listed in St. Helier (1972)

27 buildings are listed in St. Martin (1974) (1990)

1 building is listed in St. Saviour (1972)

1 building is listed in Grouville (1984)

3. Following the production of a comprehensive list of buildings worthy of protection, the Committee decided to progress (as was envisaged) with the designation of those buildings which had been listed as Grade 1 in the list. Photographs and descriptions have been made and boundaries identified. All the owners of those buildings selected by Committee have now received notices of intention to designate as sites of special interest. The numbers involved are as follows -

St. Helier (outer)	20
St. Helier (inner)	209
St. Brelade (including St. Aubin)	94
St. Clement	17
Grouville	51
St. John	42
St. Lawrence	38
St. Martin (including Gorey)	38
St. Mary	29
St. Ouen	37

St. Peter	35
St. Saviour	35
Trinity	36
TOTAL	= 681

Thus the total number of buildings to be listed in Jersey which will benefit from statutory protection is approximately two per cent of all the Island's buildings. The Committee understands that this is somewhat less than the percentage of those in England which are listed.

The arrangements have been progressed over a five year period, since the States approval of the Island Plan. The designation procedure is in effect completed up to the stage of placing the orders. The Committee has approved for designation all those buildings on the list supplied to Members, and each owner has been notified. The draft Order for the Parish of St. John is complete and ready to be placed in the States, and further parishes will be completed regularly over a two year period.

The reason for the time-consuming final stage is that each order has to be legally verified in respect of ownership and boundaries which involves both officer and advocate visits to site and Registry checking of title. The major factor dictating the pace is the availability of only one part-time officer within the department to undertake the administrative preparation.

4. No the Committee does not intend to differentiate by grade those buildings designated as sites of special interest. This is in accordance with the provisions of the Law.

The confusion possibly experienced by the Senator is in those buildings which are to be designated as sites of special interest and those listed for protection which occur on the Departmental Register of Buildings of Architectural and Historical Importance. The sites of special interest operate under Article 9 of the Law, whereas the Departmental Register operates as an advisory document in support of Island Plan objectives and

the Planning Law in general. In situations where a building on the Departmental Register may be under threat, the Island Development Committee is prepared to consider designating such a building as a 'spot-listing' to be able to protect it from demolition or abuse.

The criteria for the Departmental listing are quite extensive and are detailed in the report which was supplied to members last month. If, however, there are further questions on this issue I can elaborate with reference to that report.

Insofar as the practical effect of grading is concerned, there must be a presumption against demolition of buildings which are sites of special interest, although sensitive conservation of these buildings will be encouraged and changes in use considered on their merits. The departmental list is an indication of the buildings which are considered worthy of protection and for which planning policies will guide towards imaginative conservation solutions which will allow the Island's built heritage to flourish and be kept in good order for future generations. The loss of so many buildings of architectural and historical merit to the Island over the last 25 years must be a source of regret to all Members of this House, and it is urgent and essential to protect our built heritage from further unnecessary loss.

5. Yes we will.
6. It is difficult to understand, given the painstaking procedures involved, the Senator's request for the States to approve buildings on the list. The States could offer further objective criteria to the process of designation. The mandate for the Island Development Committee to undertake the listing procedures is explicit in the Law, and is unequivocally supported in the States approved Island Plan.

Policy BE5 of the Island Plan states that 'The Committee will designate and publish a list of sites of special interest covering buildings of architectural and historic importance'.

The Policy and Resources Committee Strategic Policy Report 1991 makes explicit recognition of 'a need to ensure the preservation of all historic buildings and the Island's heritage generally', (although the suggested means of achieving this through the Heritage Trust are in contradiction of the task with which the Island Development Committee is presently charged). The Policy Report Law drafting priorities for 1992-1993 include both sites of special interest orders and conservation area orders.

It seems clear that the States has been consistent in its acknowledgement of the central role that the Island Development Committee must continue to play in the protection of the heritage. It is inevitable that personal interest may affect the judgement of individuals who may feel that listing imposes obligations upon them, although the number of representations made by owners in response to notices of intention is very small indeed. Approval by the States could be seen as 'the one that matters' and could put members under quite unfair pressure, and could result in listing procedures becoming primarily a political activity, whereas at present there is a carefully constituted balance between professional input, public representation through the Committee and representation by the individual.

The presentation to the States' Members of the 'Protection of Jersey's Architectural Heritage' report and the full list of proposed sites of special interest opens the way for informed involvement of all Members if they wish, and any representation will be given full and sympathetic consideration by the Jersey Building Heritage Sub-Committee.

Finally, there is a review of the Planning Law in progress at this present time. If the Senator or Members of the House should feel that changes should be considered, then of course the Committee would be anxious to consider any representation which would contribute towards improvement of the Law and the effective protection of Jersey's architectural heritage.

The Island Development Committee has invested heavily in the five years of preparation to list buildings since the Island Plan was approved, and wishes to proceed with the making of orders parish-by-parish in the next two year period. I hope that the Senator and the House will feel able to give full support to the completion of the important work. It is my intention to lay the first order, for the Parish of St. John, before the House in the near future, and subsequently on a regular basis until the task is complete.

In conclusion therefore it is the Island Development Committee's opinion that the present structure of decision making is well-balanced, and to introduce an additional step into the approval procedure would not be an appropriate way of handling this sensitive matter."

States housing developments: property prices.
Questions and answers (Tape No. 127)

Deputy Maurice Clement Buesnel of St. Helier asked Deputy Leonard Norman of St. Clement, President of the Housing Committee the following questions -

1. Is the President aware that across the breadth of the United Kingdom, two-bedroomed terrace and bungalow type houses, together with garages, built to 'N.H.B.C.' or 'Foundation Fifteen' standards, are being developed and sold at prices ranging from £37,000 to £45,000?
2. Will his Committee undertake to review as a matter of urgency why both building and land costs in Jersey are so much higher, so that a figure of £90,000 for a States loan house is now the accepted lowest price of a modest new property in Jersey?
3. Could the President also say what negotiations if any, have taken place with the Island Development Committee to supply and release land for low-cost housing development, and what steps his Committee intends to take to ensure that Island residents are not subjected to undue speculative forces from within the construction industry, to bid up

land and building costs?"

The President of the Housing Committee replied as follows -

1. I am aware that in the United Kingdom purchase prices for residential properties vary from region to region, and that in parts of that country small properties are available at prices considerably lower than similar properties in Jersey.

There has been a significant drop in the value of domestic properties in the United Kingdom which has caused serious hardship to many. I am relieved that similar problems have not occurred in Jersey.

2. In 1987 the Housing Committee presented to the States the report of a working party which had been appointed to look into the question of building costs in the Island. The working party consisted of representatives of both the private and public sectors at non-political level.

Among the conclusions of the working party were the following -

- (i) 'The working party found nothing to suggest that the relatively high cost of building in the Island was as a result of any of those involved in the industry making an unreasonably high level of profit'.
- (ii) 'Building costs in the Island can, in general, be justified given the peculiar circumstances facing those importing materials into the Island - the lack of opportunities for economy of scale in an Island of Jersey's size, specific requirements of the Island's planners. etc.'

The report itself highlighted specific problems faced in the industry, including the following -

- (i) haulage and shipping costs;
- (ii) double handling and storage costs;
- (iii) limited size of orders;

- (iv) the need to stock a wide range of items (20,000 to 30,000 different items);
- (v) the non-standardisation of specification largely caused by architects and planners wishing to achieve variation in design.

Certain recommendations were made by the working party - e.g. the need for fixed price tendering, more standardisation of specification for States' loan properties, and these have been taken on board by the Island Development and Housing Committees.

The price of States' loan properties is affected by a variety of factors, and these were also highlighted in the report.

- (i) Land zoned for this purpose is invariably not good building land. Open fields with good ground conditions and all services close at hand rarely, if ever, feature in zoning proposals. Land fitting this description and available for development has normally been developed long ago. New sites usually suffer from problems which add to the cost of development - poor ground conditions, lack of services, etc.
- (ii) The minimum specification of the Island Development Committee for a States' loan house is high. For example, for a three-bedroomed house, the property must include the following -
 - (1) minimum space of 930 square feet;
 - (2) garage;
 - (3) heating package;
 - (4) double glazing.
- (iii) External landscaping requirements of the Island Development Committee also add to costs - not only in terms of the provision of hard and soft landscaping features,

parking, etc., but also in the variation of external house detail designed to make our estates more attractive.

Although this report was submitted in 1987, there is nothing to suggest that these general considerations have noticeably changed. We have, however, seen a significant reduction in tender prices in recent years following far more competition in the building industry for housing contracts.

Land values in States' loan developments cannot be said to be excessive. Properties built for around £90,000 to £100,000 have unserviced plot values of around £15,000 to £18,000. At approximately 16 per cent to 18 per cent of total cost, this cannot be said to be unreasonable and would compare favourably with the cost of land in the United Kingdom for similar properties. Plot values for category 'B', or upper market properties, are determined by market forces as indeed they should be.

My Committee keeps these issues under constant review, and will continue to do so.

3. My Committee has been discussing future housing requirements and land availability with the Island Development Committee since we took office in December 1990.

Our report 'Housing: Strategy for the 90's', highlighted the shortfall in sites to meet known housing requirements, and the States, on 26th November 1991, approved our proposition 'to agree that sufficient sites need to be found to meet the requirements identified in the Island Plan, and revised in accordance with subsequent census data, for the period 1986-1995'.

Since then, I am aware that the Planning Department has spent considerable time attempting to identify suitable sites for rezoning for category 'A' housing. This exercise remains unfinished - it is not an easy task. I am satisfied that the Island Development Committee is treating it with urgency.

More generally, our Strategy Report explained what it sees as the causes of the Island's housing problems and put forward recommendations for resolving these problems. The only way we will see the end of the worst symptoms of the imbalance in the demand and supply of housing (e.g. high rents, unreasonable landlord practices, high prices, waiting lists, etc.), is to increase supply whilst continuing to restrict demand. Our proposals are designed to do just that. Many have already been approved by the States and are in the process of implementation (e.g. changes to the States' loan and rent control schemes); others (e.g. harmonisation of private and public rent subsidy schemes) will be debated in a fortnight's time."

Island Plan and Long Beach, Gorey. Questions and answers (Tape No. 127)

Senator Terence John Le Main asked Deputy Harry Hallewell Baudains of St. Clement, Vice-President of the Island Development Committee the following questions -

1. The Island Plan recognized Gorey Village and the Pier as one of a number of places in the Island of such importance that they require a level of protection over and above that provided by the normal planning controls. They are designated conservation areas. The Island Development Committee is to prepare special studies for the designated conservation areas. Will the President confirm that no further development of this area will be allowed until such time as the special study has been prepared and accepted by the States?
2. Will the President state what mechanisms, if any, he proposes to introduce to improve the handling of objections from the public and to allow the public to make representations at every stage of the planning process; in particular will he state whether it is proposed that a public enquiry should be held on each and every occasion that a planning application is made which deviates in any respect from the spirit and intention of the Island Plan?

3. In his statement to the States on Tuesday, 3rd March 1992, the President revealed that his Committee had negotiated a reduction of the ridge height for the development at Long Beach, Gorey, from a total height of 38 feet at the highest point to 30 feet at the highest point. Would he explain how such a significant drop in ridge height was achievable without in any way diminishing the number of flats that are being created? Would he further explain why he did not negotiate for the development to include a gap in the site in order to prevent a complete infill of what was formerly open space? And finally would the President confirm that, in view of the fact that the drop in ridge height will not in any way alter the configuration of the Long Beach development - in other words the development will still consist of the same number of flats as were allowed in the development approval granted in 1991 - the States will not be paying any compensation whatsoever to the developer?"

The Vice-President of the Island Development Committee replied as follows -

“1. The first part of the question the Senator is asking is a good one that requires careful and deep consideration by my Committee. I will try to give the Senator an initial reply.

The Island Development Committee has strong sympathy for the sentiments behind the question. The Island Plan did identify 13 individual areas of the Island as designated conservation areas. Policy BE4 states -

‘The Island Development Committee will prepare special studies for the designated Conservation Areas which will identify the features which make up the character of the area, show how improvements can be made, and indicate development opportunities. Encouragement and assistance will be given for their implementation.’

My Committee has to advise the House of its disappointment that insufficient

progress has been made in implementing this Policy. Often, from public comment, the impression is gained that the Island Development Committee has vast resources to achieve its demanding tasks. Our conservation team is very small. With a modest increase it is hoped we could progress with this important work much more rapidly.

However, the second part of the question is not practical. In the interim I regret that I cannot give the assurance the Senator seeks for the following reasons -

- (a) An embargo on all development as the Senator proposes would prevent owners from carrying out any work on their properties, even that which is fully justified. It would also prevent improvements. Imagine an owner of a garage in a dilapidated state in Gorey, say, wishing to tidy up his premises - is it sensible to embargo his work?
- (b) We have a legal duty to process applications and to refuse to do so without reason would be contrary to Law.

My Committee is not aware of any particular development within the conservation area of Gorey Village and Pier as giving rise to any public disquiet. If the Senator is referring to Long Beach then I remind him this is outside the area. The reason why it was excluded was because the group of buildings including the betting shop, the Beach Hotel and the former Malibu were all poor quality buildings and the Island Development Committee wanted to see them improved.

It would also be unfair to treat one conservation area differently from another. This can only be carried out properly by the proper application of the Island's Planning Law.

I anticipate that to complete all studies properly, given a small additional resource would take two or three years and we will try to achieve this objective. It is not reasonable to embargo all developments, these will continue to be subject to very tight

scrutiny by my Committee.

2. This is a complex issue, one deserving of careful study. My Committee announced its intention two weeks ago to review the Planning Law and examine the process and opportunity for public representations. This cannot be achieved in two weeks. The Senator asks if we propose that all applications that deviate from the Island Plan will be referred to a public enquiry. The answer is no. There are hundreds of occasions every year where planning applications deviate from the Island Plan and are rejected by my Committee. Do you wish to remove the power for the Island Development Committee to reject them? I am sure you do not.

On a more supportive note there is a need to have a process to deal with those controversial developments which are the exception - probably no more than five a year. The difficulties we anticipate is how to identify them and at what stage of planning would an enquiry take place. Who would initiate the request for any enquiry? How can we guard against spurious requests? You will already be aware of the two stages of planning - planning and development applications. We have been advised that in Law it is difficult for the Island Development Committee to sustain a change after planning permission has been given. The Long Beach development has highlighted this. Objections were made too late in the process, after planning permission was given. One idea we are investigating is to extend the period of objection from two-three weeks and allow States' Members to bring a proposition to the States to invoke a States enquiry in that time. The Island Development Committee would then consider the application in accord with normal planning criteria and if minded to approve would refer to the enquiry. Decision-making will require professional expertise as well as lay representation which will have manpower implications. There are many possibilities how this might be done.

My Committee would welcome any ideas the Senator and other Members of the House have, and will give them full consideration. We will try to bring these proposals forward at the earliest

opportunity but will not rush to introduce ill-considered schemes.

3. Since my President's statement to the House on 3rd March 1992 on Long Beach the Planning Department have drafted a notice of modification under Article 7 of the Island Planning (Jersey) Law 1964 which has been forwarded to the Attorney General for his approval. The effect of this modification is to limit the height of the development to 30 feet. The reduction of the ridge height to 30 feet was achieved by a redesign of not only the roof but sections of the 1st floor. That is to say that not only the ridge height was reduced but so too was the eaves height. The number of flats within the scheme may not have been reduced in number but there is every possibility that there will actually be a reduction in the floorspace within the top flats. Detailed drawings have not yet been submitted in connexion with this aspect of the scheme so my Committee cannot be absolutely firm on that point. If the notice is approved by the Attorney General and is served by today (which we hope it will be) the States will be liable to a claim for compensation being submitted within 30 days. The Island Development Committee expect that the amount of compensation will be minimal. Members of the House will also have received a letter from the President of Island Development Committee clarifying the statement and providing further information. You will understand how my Committee has felt inhibited in its public comments by the compensation issue.

I would like to remind members of the essential matters -

The objections were received after planning permission had been given. As I have already advised you it is virtually impossible for my Committee in Law to resist granting a development consent after previously approving planning permission.

The majority of the objections made to my Committee referred to the height of the buildings, whilst a small minority to 'the open view'. The House needs to

know that during the negotiations with the owner, which took place immediately following the States debate on 18th February, the Island Development Committee raised both the issue of the building's height and the reworking of the site plan in order to retain the open aspect of the site. This second part was abandoned because of both the works that had taken place on site which could not be reversed at that time and because of the financial implications. The height was the major concern of most States' Members which is why my Committee decided to modify consent. The implications of modifying the permit to restore open space would have reduced the 14 flats which were approved to five units, a loss of nine units to the Island. I remind the Senator that these are (a)-(h) housing units. The potential claim for compensation which also could arise was estimated at potentially exceeding £2 million. As I have demonstrated, my Committee did investigate the 'open view' modification requested but it would have been irresponsible to have put into effect such a modification.

In these circumstances if we had modified extensively in the way the Senator now requests, it is likely the applicant would have successfully appealed to the Royal Court and had the decision overturned as well as incurring compensation.

This would have hardly been in the Island's interests."

Distinguished visitor - welcome

The Bailiff welcomed to the States Mr. Marmaduke Hussey, Chairman of the British Broadcasting Corporation.

Free movement of European Community nationals.
Question and answer (Tape No. 127)

Deputy Maurice Clement Buesnel of St. Helier

asked Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee the following question -

“31st December 1992 is the date set by the European Community by when it is envisaged that the internal market will have been completed, allowing for the free movement of goods, persons, services and capital. (This in accordance with Article 8A of the Treaty).

Jersey forms part of the Common Travel Area and European Community nationals exercising their rights of free movement will be free to enter Jersey from the United Kingdom mainland and the Republic of Ireland without immigration control.

In the light of this, does the Defence Committee intend bringing in any measures to restrict the entry of undesirables or destitute passengers transiting via the United Kingdom to the Islands to seek work?”

The President of the Defence Committee replied as follows -

“I confirm that 31st December 1992 is the date set by the European Community for the completion of the internal market. It is my understanding that notwithstanding this agreed timetable, H.M. Government has always maintained that the most effective method for it to control illegal immigration and the movement of drugs is at its borders, and that this is not in contravention of the Treaty.

Jersey, although not an EC member, has for all practical purposes to follow the line adopted by H.M. Government given the existence of the common travel area (CTA) and the consequent freedom of movement in the CTA for all travellers irrespective of nationality.

The CTA has existed for a long time and there has since its inception been freedom of movement within it for all nationalities. This has benefitted Island residents and particularly our Tourism industry; to introduce a frontier control, which is what the Deputy appears to be suggesting, would be in conflict with the principle of the CTA.

Passengers of all nationalities, including British citizens, are regularly screened at

all domestic points of entry and where cases of destitution are discovered, the appropriate action is taken. (This can be presentation at court or the obtaining of funds from a relative to pay for the return fare to the mainland).

There is no evidence at present that the United Kingdom is being used by undesirable or destitute EC nationals to transit to Jersey, and the Defence Committee has no plans to introduce extra controls at its domestic points of entry.

No doubt the Deputy will recall that at the States debate on 17th December 1991 the Policy and Resources Committee was given the task of preparing the Protection of Employment Opportunities Law for implementation should the States see fit. I am informed that the Policy and resources Committee is giving active consideration to this matter."

Public Employees Contributory Retirement Scheme: Committee of Management Membership

THE STATES, adopting a proposition of the Establishment Committee and in accordance with Regulation 3(2) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, approved the appointment of Deputy D.L. Crespel as a Member of the Committee of Management for the remainder of the period ending 31st December 1994, in place of Senator Corrie Stein.

Manual Workers' Joint Council: Employers' Side Membership

THE STATES, adopting a proposition of the Establishment Committee and in accordance with an Act of the States dated 9th November 1961 concerning the membership of the Manual Workers' Joint Council, approved the nomination of Deputy M.A. Wavell to serve as a Member of the Employers' Side, in place of Deputy F.H. Walker.

Licensing (No. 5) (Jersey) Regulations 1992. P.24/92 and P.29/92

THE STATES, in pursuance of Article 92 of the Licensing (Jersey) Law 1974, as amended made Regulations entitled the Licensing (No. 5) (Jersey) Regulations 1992.

Pilotage (General Provisions) (Amendment No. 4)
(Jersey) Regulations 1992. P.25/92

THE STATES, in pursuance of Article 2 of the
Pilotage (Jersey) Law 1988 made Regulations
entitled the Pilotage (General Provisions)
(Amendment No. 4) (Jersey) Regulations 1992.

Channel Islands Air Search: grant for
replacement aircraft. P.26/92

THE STATES, adopting a proposition of the
Finance and Economics Committee agreed to make a
grant of £40,000 to the Channel Islands Air
Search towards the cost of a replacement
aircraft.

Building Loans (Amendment No. 11) (Jersey) Law
1992. P.27/92

THE STATES, subject to the sanction of Her Most
Excellent Majesty in Council adopted a Law
entitled the Building Loans (Amendment No. 11)
(Jersey) Law 1992.

Petroleum-Spirit (Control) (Jersey) Regulations
1992. P.28/92

THE STATES, by virtue and in exercise of the
powers conferred on them by the Order in Council
of the fourteenth day of April 1884 made
Regulations entitled the Petroleum-Spirit
(Control) (Jersey) Regulations 1992.

THE STATES rose at 12.05 p.m.

R.S. GRAY

Greffier of the States.