

**THE STATES assembled on Tuesday,
14th September 1999 at 9.30 a.m. under
the Presidency of Greffier of the States,
Geoffrey Henry Charles Coppock, Esquire**

All members were present with the exception of-

Senator Leonard Norman, out of the Island
Edwin Le Gresley Godel, Connétable of St. Mary - out of the Island
Kenneth Priaux Vibert, Connétable of St. Ouen - out of the Island
Carlyle John Le Herissier Hinault, Connétable of St. John - out of the Island
Terence Augustine Le Sueur, Deputy of St. Helier - out of the Island
Margaret Anne Le Geyt, Deputy of St. Helier - excused
Imogen Stephanie Nicholls, Deputy of Grouville - out of the Island
Jacqueline Jeannette Huet, Deputy of St. Helier - out of the Island
Terence John Le Main, Deputy of St. Helier - out of the Island
Ronald Winter Blampied, Deputy of St. Helier - out of the Island
Graeme Ernest Rabet, Deputy of St. Helier - out of the Island
Michael Edward Vibert, Deputy of St. Brelade - out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely-

Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 13) (Jersey) Order 1999. R & O 9428.

Civil Service Administration (General) (Jersey) Rules 1949 (Amendment No. 12) (Jersey) Order 1999 R & O 9429.

Gorey Fête (Jersey) Order 1999. R & O 9430.

Post Office (Foreign Post Provisions) (Amendment No. 24) (Jersey) Order 1999. R & O 9431.

Post Office (General Provisions) (Amendment No. 43) (Jersey) Order 1999. R & O 9432.

Battle of Britain Air Display (Jersey) Order 1999. R & O 9433.

Road Traffic (Saint Helier) (Amendment No. 7) (Jersey) Order 1999. R & O 9434.

Road Traffic (Saint Saviour) (Amendment No. 8) (Jersey) Order 1999. R & O 9435.

Road Racing (Motor Vehicle Rally) (Jersey) Order 1999. R & O 9436.

Matters presented

The following matters were presented to the States -

Alphonse Le Gastelouis: ex gratia payment (P.111/99); comments P.111/99 Com.
Presented by the Finance and Economics Committee.

Succession rights for children born out of wedlock - R.C.32/99.
Presented by the Legislation Committee.

Report of the Board of Administrative Appeal relating to the complaint by Token Limited against a decision of the Planning and Environment Committee - R.C.33/99.
Presented by the Special Committee to Consider the Relationship between Committees and the States.

A report into the States of Jersey service review programme - R.C.34/99.

Presented by the Policy and Resources Committee.

Genetically modified organisms (P.33/99): report - P.33/99 Rpt.

Presented by the Agriculture and Fisheries Committee.

Introduction of work permits (P.105/99): report - P.105/99.

Presented by the Policy and Resources Committee.

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

Immigration and Nationality Department: 1998 - Annual Report.

Presented by the Defence Committee.

Driver and Vehicle Standards Department: 1998 - Annual Report.

Presented by the Defence Committee.

States Audit Commission: The Proper Conduct of Government.

Presented by the Finance and Economics Committee.

The following matter was presented on 7th September 1999 -

Administrative Decisions (Review) (Jersey) Law 1982, as amended: report of the Administrative Appeals Panel regarding complaints received between 1st January and 31st December 1998 -R.C.31/99.

Presented by the Special Committee to Consider the Relationship between Committees and the States.

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

Matters noted - land transactions

THE STATES noted Acts of the Finance and Economics Committee dated 9th August 1999, 27th August 1999 and 6th September 1999 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

9th August 1999

- (a) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Peter Paul Foley and Mrs. Dolcie Phylliss Foley, née Le Gros, owners of the property known as "The Fairway", La Rue Horman, Grouville, for the purpose of enabling a prospective developer to purchase and develop the property with access rights over La Rue de la Poterie, which is a private road in public ownership, on the basis of terms and conditions set out in an Act, dated 14th June 1999, of the Housing Committee, and for a consideration of £10,000 with Mr. and Mrs. Foley to be responsible for both parties' legal fees arising from this transaction;
- (b) as recommended by the Planning and Environment Committee, the assignment from Mr. Brian Herbert Langlois and Mrs. Pearl Doreen Langlois, née Luce, to Mr. Martin John Barette and Mrs. Michelle Barette, née Birtwistle, of Fields Nos. 1609A and 1609B, 1610 and part of Field No. 1459 Le Mont Vautier, St. Ouen (for the purpose of grazing horses), at an annual rent of £300, with the lease due to expire on 28th September 2000, on the basis that Mr. and Mrs. Langlois were to be responsible for the public's reasonable legal costs arising from this transaction;
- (c) as recommended by the Sport, Leisure and Recreation Committee, the lease to the Jersey Archery Society of Field No. 91, Crabbé, St. Mary (measuring 4.08.07 vergées, including the levée and offset) for a period of nine years from 1st April 1999, at an annual rent of £200 payable six monthly in advance, to be reviewed annually at the end of each year of the term of the lease (1st April) in line with the Jersey Retail Prices Index, with terms and conditions as set out in a letter dated 21st June 1999 from the Director of Property Services, on the basis that each party would be responsible for its own legal fees.

27th August 1999

- (d) as recommended by the Planning and Environment Committee, the sale to the Parish of St. Brelade of

an area of land forming the spine roads and pavements at the Belle Vue housing development, for a consideration of £10, on the basis that the parish was to be permitted to name the roads, with the Committee to be responsible for both parties' reasonable legal costs arising from the transaction;

6th September 1999

- (e) as recommended by the Health and Social Services Committee, the renewal of the lease to Mrs. Jean Patricia Roche, née Geary, of the Flower Shop, at the General Hospital, with effect from 1st July 1998 until 31st May 2001, at an annual rent of £5,250 payable quarterly in advance, reviewed annually in line with the Jersey Retail Price Index or 10 per cent of gross takings if this were greater;
- (f) as recommended by the Public Services Committee, the purchase from Mr. Bruce Hepburn de la Mare of 131.835 square metres (1,419 square feet) of land within Field 203, Le Bourg, Grouville, detailed on drawing No. 726/31B, for a pumping station, for the sum of £1,419, with a further sum of £478 payable for the rent of 181.265 square metres of land (1,951 square feet), required for a temporary working area, for a period of 26 weeks, with the public being responsible for all reasonable legal costs and the agreed accommodation works, including the construction of a new entrance to Field 203.

Matters noted - acceptance of tenders

THE STATES noted an Act of the Finance and Economics Committee dated 27th August 1999, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

- (a) the Public Services Committee had accepted the lowest tender received for the Route de Maufant Foul Sewer Extension Scheme, (which would provide drainage to 51 properties which were not currently connected at a cost per property of £7,366) namely that submitted by M.J. Gleeson (Jersey) Limited in the sum of £375,678.03 in a contract period of 52 weeks;
- (b) the Public Services Committee had accepted the lowest tender received for the Goose Green Marsh Foul Sewer Upgrade Phase II, (which would cover the area from Tesson Mill to La Route de la Haule) namely that submitted by Jayen (Jersey) Limited in the sum of £238,474.70 in a contract period of 16 weeks.

Matters lodged

The following matters were lodged "au Greffe" -

Draft Road Traffic (No. 51) (Jersey) Regulations 199 - P.127/99.
Presented by the Defence Committee.

Draft Age of Majority (Jersey) Law 1999 (Appointed Day) Act 199 - P.128/99.
Presented by the Legislation Committee.

Draft Criminal Justice (Standard Scale of Fines) (Jersey) Regulations 199 - 129/99.
Presented by the Legislation Committee.

Draft Advocates and Solicitors (Amendment No. 2) (Jersey) Law 199 - P.130/99.
Presented by the Legislation Committee.

Draft Currency Notes (Variation of Maximum Amount of Issue) (Jersey) Regulations 199 - P.131/99.
Presented by the Finance and Economics Committee.

Parish Rate Appeal Board: appointment of members - P.132/99.
Presented by the Finance and Economics Committee.

Draft Housing (General Provisions) (Amendment No. 13) (Jersey) Regulations 199 - P.134/99.
Presented by the Housing Committee.

Draft Sea Fisheries (Ormers - Temporary Restrictions) (Jersey) Regulations 199 - P.135/99.
Presented by the Agriculture and Fisheries Committee.

The following matter was deemed to be lodged on 10th August 1999 -

Alphonse Le Gastelois: ex gratia payment - P.111/99.
Presented by Senator J.S. Rothwell.

The following matter was deemed to be lodged on 17th August 1999 -

St. Helier Waterfront: conference hotel - rescindment - P.112/99.
Presented by Deputy G.C.L. Baudains of St. Clement and referred to the Planning and Environment Committee.

The following matters were deemed to be lodged on 24th August 1999 -

Draft Electricity Link with France (Protection of Submarine Cables) (Jersey) Regulations 199 - P.113/99.
Presented by the Harbours and Airport Committee.

Draft States of Jersey (Amendment No. 7) Law 199 - P.114/99.
Presented by the Legislation Committee.

Greville Bathe Fund: appointment of trustees - P.115/99.
Presented by the Finance and Economics Committee.

Field No. 588, St. Ouen: Village Green and Dwellings - P.116/99.
Presented by Senator J.A. Le Maistre and referred to the Planning and Environment Committee.

The following matters were deemed to be lodged on 31st August 1999 -

La Mare Common Car Park, St. Clement: parking charges- P.117/99.
Presented by Senator R.J. Shenton and referred to the Public Services Committee.

Draft Community Provisions (Freezing of funds and prohibition on investment relating to the Federal Republic of Yugoslavia and the Republic of Serbia) (Jersey) Regulations 199 - P.118/99.
Presented by the Finance and Economics Committee.

The following matters were deemed to be lodged on 7th September 1999 -

Draft Licensing (No. 14) (Jersey) Regulations 199 - P.119/99.
Presented by the Tourism Committee.

Draft Stamp Duties and Fees (No. 2) (Jersey) Regulations 199 - P.120/99.
Presented by the Finance and Economics Committee.

Draft Proceeds of Crime (Designated Countries and Territories) (Jersey) Regulations 199 - P.121/99.
Presented by the Finance and Economics Committee.

Committees of the States: delegation of functions to sub-committees - P.122/99.
Presented by Deputy T.J. Le Main of St. Helier.

Cupressus Leylandii Trees - P.123/99.
Presented by Deputy T.J. Le Main of St. Helier and referred to the Planning and Environment Committee..

Draft Organisation for Economic Co-operation and Development (Immunities and Privileges) (Jersey) Regulations 199 - P.124/99.
Presented by the Policy and Resources Committee.

Draft European Bank for Reconstruction and Development (Immunities and Privileges) (Jersey) Regulations 199 - P.125/99.

Presented by the Policy and Resources Committee.

Inn on the Park site, St. Helier: future use - P.126/99.

Presented by Deputy T.J. Le Main of St. Helier.

Arrangement of public business for the present meeting

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

Field 961, St. Mary (part of): rezoning for an interim extension of La Gigoulande Quarry - P.95/99.

Lodged: 6th July 1999.

Planning and Environment Committee.

Draft Legislation (Amending Power) (Jersey) Law 199 - P.104/99.

Lodged: 20th July 1999.

Legislation Committee.

Draft Food Safety (Miscellaneous Provisions) (Jersey) Law 199 - P.107/99.

Lodged: 27th July 1999.

Health and Social Services Committee.

Alphonse Le Gastelois: ex gratia payment - P.111/99.

Lodged: 10th August 1999.

Senator J.S. Rothwell.

Alphonse Le Gastelois: ex gratia payment (P.111/99): comments - P.111/99 Com.

Presented: 14th September 1999.

Finance and Economics Committee.

Draft Electricity Link with France (Protection of Submarine Cables) (Jersey) Regulations 199 - P.113/99.

Lodged: 24th August 1999.

Harbours and Airport Committee.

Greville Bathe Fund: appointment of trustees - P.115/99.

Lodged: 24th August 1999.

Finance and Economics Committee.

Draft Community Provisions (Freezing of funds and prohibition on investment relating to the Federal Republic of Yugoslavia and the Republic of Serbia) (Jersey) Regulations 199 - P.118/99.

Lodged: 31st August 1999.

Finance and Economics Committee.

La Mare Common Car Park, St. Clement parking charges - P.117/99

THE STATES rejected a request of Senator Richard Joseph Shenton that the proposition on La Mare Common Car Park, St. Clement: parking charges (P.117/99 lodged “au Greffe” on 31st August 1999) be considered at the present meeting.

Members present voted as follows -

“Pour” (3)

Senator

Shenton.

Deputies

G. Baudains(C), Le Claire(H).

“Contre” (37)

Senators

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

Connétables

St. Lawrence, St. Brelade, St. Peter, Grouville, St. Helier, St. Martin, Trinity, St. Saviour, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Coutanche(L), St. Mary, S. Baudains(H), Trinity, Pullin(S), Johns(H)
Duhamel(S), Routier(H), Layzell(B), Breckon(S), St. Martin, St. John, Crowcroft(H), de la Haye(B),
St. Peter, Dubras(L), St. Ouen.

Arrangement of public business for the next meeting on 28th September 1999

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 28th September 1999 -

Genetically Modified Organisms - P.33/99.
Lodged: 2nd March 1999.
Deputy A.S. Crowcroft of St. Helier.

Genetically modified organisms (P.33/99): report - P.33/99 Rpt.
Presented: 14th September 1999.
Agriculture and Fisheries Committee.

Fantastic Tropical Gardens, La Dimerie, St. Peter: development in the Green Zone - P.109/99.
Lodged: 27th July 1999.
Planning and Environment Committee.

Field No. 588, St. Ouen: Village Green and Dwellings - P.116/99.
Lodged: 24th August 1999.
Senator J.A. Le Maistre.

Draft Licensing (No. 14) (Jersey) Regulations 199 - P.119/99.
Lodged: 7th September 1999.
Tourism Committee.

Draft Stamp Duties and Fees (No. 2) (Jersey) Regulations 199 - P.120/99.
Lodged: 7th September 1999.
Finance and Economics Committee.

Draft Proceeds of Crime (Designated Countries and Territories) (Jersey) Regulations 199 - P.121/99.
Lodged: 7th September 1999.
Finance and Economics Committee.

Draft Organisation for Economic Co-operation and Development (Immunities and Privileges) (Jersey) Regulations 199 - P.124/99.
Lodged: 7th September 1999.
Policy and Resources Committee.

Draft European Bank for Reconstruction and Development (Immunities and Privileges) (Jersey) Regulations 199 - P.125/99.
Lodged: 7th September 1999.
Policy and Resources Committee.

Draft Road Traffic (No.51) (Jersey) Regulations 199 - P.127/99.

Lodged: 14th September 1999.

Defence Committee.

Draft Age of Majority (Jersey) Law 1999 (Appointed Day) Act 199 - P.128/99.

Lodged: 14th September 1999.

Legislation Committee.

Draft Currency Notes (Variation of Maximum Amount of Issue) (Jersey) Regulations 199 - P.131/99.
Lodged: 14th September 1999.
Finance and Economics Committee.

Parish Rate Appeal Board: appointment of members - P.132/99.
Lodged: 14th September 1999.
Finance and Economics Committee.

Draft Housing (General Provisions) (Amendment No. 13) (Jersey) Regulations 199 -.P.134/99.
Lodged: 14th September 1999.
Housing Committee.

Draft Sea Fisheries (Ormers - Temporary Restrictions) (Jersey) Regulations 199 - P.135/99.
Lodged: 14th September 1999.
Agriculture and Fisheries Committee.

Introduction of work permits - P.105/99

THE STATES rejected a request of Deputy Paul Vincent Francis Le Claire of St. Helier that the proposition on the introduction of work permits (P.105/99 lodged "au Greffe" on 20th July 1999) be considered at the next meeting on 28th September 1999.

Members present voted as follows -

"Pour" (2)

Senator

Shenton.

Deputy

Le Claire(H).

"Contre" (35)

Senators

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

Conn  tables

St. Lawrence, St. Brelade, St. Peter, Grouville, St. Helier, St. Martin, Trinity, St. Saviour, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Coutanche(L), St. Mary, S. Baudains(H), Trinity, Pullin(S), Johns(H)
Duhamel(S), Routier(H), Layzell(B), St. Martin, St. John, Crowcroft(H), de la Haye(B), St. Peter, St.
Ouen, G. Baudains(C).

Southampton Hospital: Petition - P.133/99

The Deputy of St. Peter presented to the States a petition on behalf of Mr. Tony Sartin and other residents of the Island praying that the Health and Social Services Committee consult widely with the public of the Island and take their view into consideration before taking any decision which could adversely affect Jersey's long-standing relationship with Southampton Hospital.

THE STATES referred the petition to the Health and Social Services Committee and the Deputy of St. Peter lodged "au Greffe" a proposition to the effect that the prayer of the petition be granted.

Supervision of prisoners on life licences - question and answer (Tape No. 534)

The Deputy of St. John asked Deputy Henry George Coutanche, President of the Prison Board, the following question -

"Will the President inform the Assembly -

- (a) the category of prisoner who would be issued a life licence and the type of offence that such a prisoner would have committed?
- (b) how many life licences has the Probation and After-Care Service had to supervise during the previous five years?"

The President of the Prison Board replied as follows -

- "(a) Offenders subject to life licences are those who have been sentenced to life imprisonment by Courts in the British Isles including the Jersey Royal Court.

Sentences of imprisonment for life are mandatory for offences of murder. They can also be imposed as the maximum sentence in respect of other serious crimes, in certain circumstances. These other offences for which a life sentence can be imposed will vary slightly between the various jurisdictions, but in England and Wales include rape, arson with intent to endanger life, kidnapping, causing an explosion, and manslaughter due to diminished responsibility. The Law Officers' Department would be able to assist the Deputy further with this point.

Contrary to popular belief, sentences of life imprisonment continue until the death of the offender. However, the Home Secretary periodically reviews all life sentences after a period of time known as the 'tariff' has expired. The tariff is the period of imprisonment set by the Home Office, after consultation with the trial judge, as necessary to meet the requirements of retribution and deterrence.

The review concentrates on whether the tariff period, or the period since the last review, is sufficient to satisfy the requirements of retribution and deterrence and whether the degree of risk involved in release is acceptable. The safety of the public is always the overriding factor whenever the release of a life sentence prisoner is under consideration. Close relatives of victims are informed that the offender is being considered for release and are informed if the offender is released.

If it is decided to release a prisoner then he or she is released on life licence. As previously stated this is a form of conditional release from custody and the offender remains subject to recall to prison for the remainder of his or her life.

The Probation Service supervises offenders subject to life licence and reports on their progress to the Home Office periodically (usually every three months).

After a minimum period of five years the supervision requirement may be removed by the Home Office but this is by no means automatic. The offender remains subject to the licence however and can be recalled to custody. Supervision can also be re-imposed at any time should circumstances warrant such a course.

- (b) Over the last five years the Jersey Probation and After Care Service has supervised three prisoners on life licence. All are 'mandatory' life sentence prisoners, i.e. they were convicted of murder. Two of these offenders were sentenced by the Jersey Royal Court. The third was sentenced by a United Kingdom Crown Court as a teenager. His family moved to Jersey shortly afterwards and were established local residents by the time of his release. Probation Services in

the United Kingdom are supervising a number of other offenders on life licence who were sentenced in Jersey, but who have been resettled elsewhere.

The Jersey Probation and After Care Service is also involved in the preparation of reports for the Prison Service and the Home Office in respect of a number of other life sentence prisoners who remain in custody.

Statistics concerning life sentence prisoners and information concerning the procedures adopted in these cases are rightfully in the public domain. Members can be supplied on request with an extract from the Probation Officers' manual which covers the procedures I have outlined in more detail. However, I am sure members will appreciate that information concerning individual cases is more sensitive and has to remain confidential."

Dental health of local schoolchildren and fluoridation of the water supply (Tape No. 534)

The Deputy of St. John asked Senator Richard Joseph Shenton, President of the Health and Social Services Committee, the following questions -

1. Would the President advise members whether his Committee collates information about the dental health of local schoolchildren and, if so, would he inform members how the present figures compare with the independent figures produced for the Committee in 1987 by a team from the Birmingham Dental School who reported on children aged 5, 12 and 14 years old?
2. Will the President advise the Assembly if the Committee is to recommend adding fluoride to the water supply?"

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

1. The dental health survey was commissioned by the Public Health Committee in 1987 and carried out by a team from Birmingham University on Jersey school children aged 5, 12 and 14 years. The state of dental health was measured in terms of the average number of decayed, filled or missing teeth detected, known as the 'DMFT'.

The results in 1987 were as follows -

| | |
|-------------------------|----------------|
| In 5 year old children | 1.58 per child |
| In 12 year old children | 1.05 per child |
| In 14 year old children | 1.83 per child |

Similar surveys on the dental health of children in Jersey have subsequently been carried out by the Health and Social Services Committee in 1993, 1998 and 1999 in each case on a single year group. The surveys were carried out according to the standards of the British Association for the Study of Community Dentistry.

The results were as follows -

In 1993, the DMFT of 12 year old children was 1.46 per child;
In 1998, the DMFT of 5 year old children was 1.23 per child;
In 1998, the DMFT of 14 year old children was 1.93 per child.

However, I am advised that historical comparisons are difficult to make since diagnostic criteria for dental caries have changed since 1992."

2. I can advise the Assembly that the current Health and Social Services Committee has never considered the issue of whether or not fluoride should be added to the water supply."

The level of public spending in the Island - question and answer (Tape No. 534)

Senator Stuart Syvret asked Senator Frank Harrison Walker, President of the Finance and Economics

Committee, the following question -

“Would the President inform members of the level of public spending, expressed as a percentage of Gross Domestic Product, which has occurred in each of the years 1990 to 1998?”

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

“I am not able to provide an adequate response to the question raised by the Senator at today’s meeting, but I should be in a position to provide the information requested at the next meeting of the States”.

Research into the minimum budgetary requirements of households in Jersey - questions and answers
(Tape No. 534)

Senator Stuart Syvret asked Senator Patricia Ann Bailhache, Vice-President of the Employment and Social Security Committee the following questions -

“Would the Vice-President inform members -

- (a) of the key findings of the Centre for Research in Social Policy (CRSP) which has recently completed research into the minimum household budgetary requirements in Jersey?
- (b) of the methodology used by CRSP?”

The Vice-President of the Employment and Social Security Committee replied as follows -

“(a) The Centre for Research in Social Policy (CRSP) is part of Loughborough University and was commissioned by the Employment and Social Security Department, as part of the investigation into poverty issues, to conduct research into household budgetary requirements in Jersey. Following a pilot study to test their methodology, CRSP performed a full study which was presented earlier this year to the Employment and Social Security Committee and latterly to other interested Committees and Parishes.

The key findings of the research into budgetary requirements are essentially detailed budgets for different household types in Jersey ranging from single pensioners to married couples with children. The detailed budgets, their composition and cost would be impossible to list in an answer to a question, but are available to members who may be interested. Some further analysis is currently being undertaken on the report findings which should help in the development of the proposed low income support benefit. These budgets will help in -

- (i) the assessment of the adequacy of financial provision for vulnerable groups in Jersey;
 - (ii) the measurement of the extent of hardship amongst the Jersey population; and
 - (iii) the provision of information about living standards in Jersey to assist in policy making.
- (b) The methodology used by CRSP was adopted for use in Jersey from their “consensual minimum budget standards” methodology. This methodology brings together ordinary people living in their own particular circumstances to act as their own budget standards committees. In other words, the minimum living standards have been drawn up by a range of ordinary Jersey residents, rather than by academics or professionals. The research has a number of phases -
1. the participants develop a “case study” of the person for whom they are drawing up a budget based on agreed assumptions;
 2. task groups meet and draw up agreed lists of goods and services through a process of discussion and negotiations;
 3. these lists are then costed by researchers at agreed outlets;
 4. “check back” groups discuss the lists (uncosted) and deal with outstanding issues whilst testing the strength of the consensus;
 5. the lists are then adjusted and recosted to produce a final budget.”

Matters arising from the report of the Committee of Inquiry: Beauvoir, Trinity - questions and answers
(Tape 534)

Senator Richard Joseph Shenton asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following questions -

- “1. Will the President advise members if his Committee has considered formally the Report of the Committee of Inquiry: Beauvoir, Trinity (R.C.28/99), which was presented to the States on 6th July 1999, and -

- (a) generally, what progress has been made to consider and implement the recommendations made by the Committee of Inquiry?
 - (b) which of the changes recommended in the report are already contained within the revised draft legislation which is to replace the Island Planning (Jersey) Law 1964, as amended, and when will the draft Law be presented to the States?
 - (c) in the event that recommendations are not implemented in the revised draft legislation, what steps are being taken to ensure that they are?
 - (d) does the revised draft legislation provide for neighbours to be pro-actively consulted about planning applications?
2. Would the President advise the Assembly whether he accepts the findings of the Committee of Inquiry on page 22 of its report that ‘The complaints by neighbours of the development process therefore are justified’?
 3. Will the President advise members whether he regards the report of the Committee of Inquiry as indicating a criticism of some of the department's officers and, if so, what steps have been taken by way of formal disciplinary proceedings, or informal proceedings, to ensure that the officers will act on the Committee of Inquiry's findings?
 4. Will the President confirm that information is currently available to members of the public wishing to ascertain the extent, scope etc. of a proposed development, as advertised in the Jersey Evening Post, and confirm whether, in the event that the department's files are made available to potential objectors, any information is removed, deleted or edited prior to public inspection and, if so, what criteria are applied?
 5. Will the President state what resources the Department has for enforcement, and if these are regarded as sufficient?
 6. Will the President advise members of the risk assessment carried out by the Department in the discharge of its statutory duties?
 7. In the event of damages being awarded against the Committee as a result of an action in the Royal Court, would the President advise members of the source from which the damages are paid?”

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

“1(a) The Committee has discussed the report of the Committee of Inquiry.

Of the six recommendations:-

1. Public information

The Department has always sought to ensure that each application advertised has the full address of the property.

The new draft Planning and Development law, if approved by the States, will give the Committee new powers with regard to advertisement, including the requirement for applicants to provide site notices.

2. Objections

The Planning and Environment Committee and its Officers already provide many opportunities for objectors to discuss their concerns, so much so that we have been criticised for doing so. Objectors can, if they wish, address the Committee during site visits or at meetings, as well as submitting letters. In the case of Beauvoir it is important to note that there were no objectors during planning stages.

3. Consultation

The Committee of Inquiry's recommendation with regard to parochial comment implies that the Parishes are unclear about the nature of the consultation. There is nothing in the report to suggest why this recommendation is made. The Planning and Environment Committee believes that the Parishes are quite clear about the nature of the consultation and in the case of Beauvoir the Connétable wrote a very clear letter in support of the application.

4. Development Permits

Standard planning conditions on permits have always been clear. The Department is presently reviewing standard conditions, particularly as the new draft law, if approved by the States, will increase the scope of conditions. The Committee no longer uses conditions to allow construction to proceed while work on detail design specifications is still in progress.

5. Enforcement

The Planning and Environment Committee agrees with the recommendation that its powers of enforcement should be strengthened. The new draft Law includes provision for the Committee to stop work on site where there is a 'prima facie' breach of the Planning and Building Law subject to a provision for appeal.

6. Quality Assurance

The Planning and Environment Committee does not agree with this recommendation as it prefers to advise and work with applicants rather than reject applications for reasons which are capable of resolution.

I am pleased to have the opportunity to point out that the Planning and Environment Committee does not accept the Committee of Inquiry's view that the Beauvoir development has 'little merit'. The Committee of Inquiry's report incorrectly states that the Conservation Architect/Urban Designer of the Planning Department considered the approved development to '*have little architectural merit*'. The Planning and Environment Committee regrets that the Committee of Inquiry were not more precise in the detail drafting of its report.

(b) I have indicated in the previous answers which of the proposals were already included in the new draft law before the publication of the Committee of Inquiry's report. The new draft law will be published for wider consultation in a few weeks' time.

(c) the answer to part (a) sets out the Planning and Environment Committee's position in relation to all the recommendations. The Planning and Environment Committee recognises that the penultimate paragraph of the Committee of Inquiry report includes this statement '*it can be dangerous to draw general conclusions from particular examples*'.

(d) It remains normal practice for Planning Officers to consider the potential prejudice to neighbouring property arising from an application and to consult with neighbours accordingly. The new draft Law will provide for additional measures to assist neighbours and others to be aware of planning applications which may impact on them.

2. The Committee of Inquiry's report does not detail the complaints by neighbours referred to in the Senator's question, nor does the report set out a specific response to the questions posed in the Senator's original proposition of 15th September 1998.

The Planning and Environment Committee therefore considers that the Committee of inquiry has essentially agreed with the Planning and Environment Committee's own report published on 6th October 1998 which stated (para 4) '*The report will reveal some inconsistencies, however, no development control system can ever be perfect.....*'

At the outset the Planning and Environment Committee has recognised that on this

development mistakes of detail had been made, compounded by the failure to advertise one of the applications, and action was taken by the Committee in June 1998. If these are the complaints the Senator refers to, yes they are justified.

3. The Committee of Inquiry interviewed the staff involved with the development. Its report and findings do not contain any criticism of any individual officers.

The Planning and Environment Committee has not taken any steps referred to by the Senator. The Planning and Environment Committee immediately instituted procedural changes in June 1998 to help prevent the mistake of detail such as happened at Beauvoir occurring again. This is recognised in the Committee of Inquiry's report.

The fact that the Planning and Environment Committee has many thousands of satisfied applicants is testimony to the professionalism and high quality of the whole team.

4. All information relevant to a current planning application is made available to members of the public requesting access, in accordance with the requirements of the Planning and Building Control legislation.

For administrative convenience, planning files may also contain documents relating to the property which are not public, according to legal advice given to the Committee. For these reasons the files are not free for the public to browse.

5. The department has two Enforcement Officers who deal with Planning and Building Control Enforcement and related tasks. Their workload has increased over the years and additional resource is required. This has been confirmed by the service review.
6. A risk assessment of all the Planning and Environment Committee's activities was carried out by the Department in March 1998 as required by the States Treasury. I am told that of 66 risks identified the most significant risks identified were political which included the risk of a future Committee being appointed which abandoned States policies and set aside the ordered management of the environment. This would be a Committee that allowed personal politics or interest to dictate their decisions. The Department concluded that there wasn't the slightest chance of that happening in Jersey! The risks which are under the Committee's control have already been addressed and those outstanding form part of the service review.
7. If in the future an award was made against the Committee by the Royal Court, the Committee would have to request funding from the Finance and Economics Committee. This procedure was recently agreed as part of our cash limits settlement for the next three years. If in the unlikely event that there were a failing arising from negligence or misdeeds on behalf of a member of the Committee's staff or Committee members, rather than the loss arising from a deliberate decision of Committee, I am told that there is insurance cover in force which may offset the loss.

Victoria Avenue: pedestrian safety - statement

Senator Patricia Ann Bailhache made a statement in the following terms -

Members will recall that on 6th October 1998 I presented a petition to the States on behalf of the friends and family of the late Christopher Cauvain requesting the Public Services Committee to investigate methods to improve pedestrian safety on Victoria Avenue. The Committee presented its report to the States on 20th July 1999 (P.206/98 Rpt.). After consultation with the Cauvain family, it has been agreed that we welcome the narrowing of Victoria Avenue at four crucial crossing points and the laying of high skid-resistant material. As the first step in endeavouring to make the crossing of Jersey's busiest road a little easier, the widening of the central reservation with railings will help families with perambulators and wheelchair users.

As the pedestrian crossing counts had to be undertaken during the winter, doubling or even quadrupling the figure for the summer months does not exactly provide a near accurate figure. I doubt we can really gather true figures without a summer count, but believe this is unnecessary, as we are all

aware of the hazards.

Whilst this solution will give some comfort to the public, I believe that there are other forms of traffic control. As a Steering Group has been set up by the Public Services Committee after the recent traffic strategy debate I will reserve judgement on further solutions to the problems of traffic and people once the Public Services Steering Group reports back. Nevertheless, the Committee has investigated this matter and reported back to the States as requested in my proposition lodged "au Greffe" on 6th October 1999 (P.206/98) and I would therefore seek the leave of the Assembly to withdraw that proposition."

THE STATES granted leave to Senator Patricia Ann Bailihache to withdraw the proposition on Victoria Avenue: pedestrian safety (P.206/98 lodged "au Greffe" on 6th October 1998).

Information and Communications Technology - statement.

Senator Pierre François Horsfall, President of the Policy and Resources Committee made a statement in the following terms -

"I would like to inform the States of the action the Policy and Resources Committee and its officers have taken in developing an Island-wide Information and Communications Technology (ICT) strategy.

Members will recall that in May 1998 the States approved the setting up of an IS/IT strategic investment fund with an initial amount of £10 million and earlier this year Mr. Peter Griffiths was appointed as the IS/IT Strategy Adviser within the Policy and Resources Department.

Since that time a number of initiatives have been undertaken and progress made towards achieving the IS/IT strategic objectives.

With the approval of the Policy and Resources Committee, the IS/IT Strategy Adviser has established the Jersey Information Society Commission as a focal point for developing Information and Communications Technology policy and strategy.

The Commission is responsible for the development of an Island-wide strategic framework to lead Jersey into the information age. The ten members of the Commission consist of States members, public sector and industry representatives.

Four strategic priorities have been identified for the Commission -

- (a) to implement a 'government on-line' system to improve communications between the States and the community, and ensure a more efficient operation;
- (b) to encourage and support the growth of electronic business within and from the Island and develop information communications technology as an industry within its own right;
- (c) to provide electronic learning and training opportunities for the whole Island community so that school pupils and adults alike will have the resources and opportunities to learn about ICT and take advantage of the career opportunities it presents;
- (d) to develop a world-class telecommunications infrastructure which will provide the environment in which a fast, efficient and cost effective service can operate and cater for the demands of both the domestic market, and international business.

As members will be aware the Commission is being officially launched on Thursday 23rd September 1999, and members and representatives of industry have been invited to attend briefings on that date to hear full details of the Commission's activities and plans in place to achieve its objectives.

Agreement has also been reached between the Establishment and Policy and Resources Committees on the transfer of the States' Computer Services Department to the Policy and Resources Department. With the transfer, personnel in the Computer Services Department will be able to provide support and assistance for the IS/IT Strategy Adviser as well as ensuring that individual States' department ICT

strategies are aligned with the Island-wide strategy, including government on-line. The transfer of the Computer Services Department will be fully effective from 1st January 2000.

Work is underway on the preparation of enabling legislation for the conduct of electronic business within and from the Island. This is an area vital to the Island economy as, not only will the electronic business provide employment and commercial opportunities within its own right and support the policy objectives of diversifying the economy, it is also necessary for the continued success of Jersey as an international finance centre.

Legislation is currently being drafted on all aspects of electronic business. Laws, when enacted, will provide the environment in which electronic business can flourish and allow businesses to take advantage of the opportunities presented by a stable yet flexible regulatory framework, enabling the growth of this sector whilst maintaining the highest standards.

The IS/IT Strategy Adviser and certain members of the Commission are this week attending a global conference in New York on electronic business. This is a fiercely competitive area of business and it is imperative that the Island is aware of international developments and the latest trends within the marketplace. The IS/IT Strategy Adviser will be making a speech on Jersey's advantages as a centre for electronic business, and will report back on the outcome of the conference at the public launch of the Commission on the 23rd September 1999.

Another important issue being addressed is the approach of the turn of the century. The IS/IT Strategy Adviser has initiated an all-Island roadshow under the States 'Safeguard Jersey 2000' initiative. The roadshow will be visiting all of the Parishes over the period Thursday 30th September to Friday 15th October 1999 to give members of the public details of all the States activities which will be taking place over the millennium and the measures being put in place to safeguard the Island's vital services. At the exhibitions taking place in Parish Halls, there will also be the opportunity for people to air their concerns and have queries answered by representatives from the electricity, water and gas companies. All of the Parish Connétables are fully in support of this initiative and encouraging parishioners to attend.

I intend to update members on these exciting and significant matters as they develop and I hope to see as many States members as possible at the Commission launch briefing on 23rd September 1999, and at the public roadshows."

Convention on social security between the United Kingdom and Australia: amendments

THE STATES, adopting a proposition of the Employment and Social Security Committee, requested the Bailiff to inform the Secretary of State that it was the wish of the Assembly that the amendments, proposed in the draft Exchange of Notes, of the Social Security Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia should apply to Jersey.

Draft Community Provisions (Freezing of funds and prohibition on investment relating to the Federal Republic of Yugoslavia and the Republic of Serbia) (Jersey) Regulations 199 - P.118/99

THE STATES, in pursuance of Article 2 of the European Communities Legislation) (Jersey) Law 1996, made Regulations entitled the Community Provisions (Freezing of funds and prohibition on investment relating to the Federal Republic of Yugoslavia and the Republic of Serbia) (Jersey) Regulations 1990.

Field 961, St. Mary (part of): rezoning for an interim extension of La Gigoulande Quarry - P.95/99

THE STATES, adopting a proposition of the Planning and Environment Committee, agreed to rezone an area of land measuring approximately 1.4 vergées, shown hatched on Drawing No. 617/1, from the Sensitive Landscape Area of the Agricultural Priority Zone to land for stone quarrying as an extension of the Approved Quarry Site.

Senator Nigel Lewis Querée, President of the Planning and Environment Committee, declared an interest and withdrew from the Chamber prior to the consideration of this matter.

Draft Legislation (Amending Power) (Jersey) Law 199 - P.104/99

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Legislation (Amending Power) (Jersey) Law 199 .

Draft Food Safety (Miscellaneous Provisions) (Jersey) Law 199 - P.107/99

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Food Safety (Miscellaneous Provisions) (Jersey) Law 199 .

Greville Bathe Fund: appointment of trustees - P.115/99

THE STATES, adopting a proposition of the Finance and Economics Committee, approved the appointment of the undermentioned as trustees for the purpose of administering the income of the Greville Bathe Fund -

- (a) Jurat Sally Carolyn Ann Harrison, wife of Philip John Brayn Le Brocq, in place of Ernest William Herbert who, on 27th April 1999, ceased to hold the office of Jurat; and
- (b) Jurat Michael Arthur Rumfitt in place of Charles Leonard Gruchy who, on 15th March 1999, ceased to hold the office of Jurat.

Alphonse Le Gastelois: ex gratia payment - P.111/99

Comments - P.111/99. Com.

THE STATES commenced consideration of a proposition of Senator John Stephen Rothwell on Alphonse Le Gastelois: ex gratia payment and accepted a proposition of the Connétable of St. Helier that strangers do withdraw to enable the debate to be held in camera.

Members present voted as follows -

“Pour” (28)

Senators

Le Maistre, Stein, Bailhache, Syvret, Walker.

Connétables

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

Deputies

H. Baudains(C), Coutanche(L), St. Mary, S. Baudains(H), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Breckon(S), St. John, Crowcroft(H), de la Haye(B), Dubras(L), St. Ouen, G. Baudains(C), Le Claire(H).

“Contre” (7)

Senators

Horsfall, Rothwell, Kinnard.

Connétables

St. Peter, St. Clement.

Deputies

St. Martin, St. Peter.

The President having declared the result of the division Senator John Stephen Rothwell withdrew the proposition.

Draft Electricity Link with France (Protection of Submarine Cables) (Jersey) Regulations 199 - P.113/99

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 Electricity Link with France (Protection of Submarine Cables) (Jersey) Regulations 199 .

THE STATES rose at 2.46 p.m.

M.N. DE LA HAYE

Assistant Greffier of the States.