

**THE STATES assembled on Tuesday,
22nd February 2000 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E.,
was present**

All members were present with the exception of -

Carlyle John Le Herissier Hinault, Connétable of St. John - ill
Derek Ryder Maltwood, Deputy of St. Mary - out of the Island
Shirley Margaret Baudains, Deputy of St. Helier - out of the Island
David Leon Crespel, Deputy of Trinity - out of the Island
Paul Francis Routier, Deputy of St. Helier - out of the Island
Edward Philip Vibert, Deputy of St. Helier - ill

Prayers

H.M. Attorney General - welcome

The Bailiff, on behalf of all members of the States, welcomed to the Assembly Mr. William James Bailhache who was attending the States for the first time since taking office as H.M. Attorney General.

Liberation Day - extraordinary meeting of the States

The Bailiff informed the Assembly that there would be an extraordinary meeting of the States on 9th May 2000 on the occasion of the fifty-fifth anniversary of the Liberation.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Pet Travel Scheme (Pilot Arrangements) (Jersey) Order 2000. R & O 13/2000.

Rabies (Importation of Dogs, Cats and other Mammals) (Amendment No. 3) (Jersey) Order 2000. R & O 14/2000.

Matters presented

The following matters were presented to the States -

States Members' expense allowance and minimum income - R.C.7/2000.
Presented by the Finance and Economics Committee.

States Rental Waiting List - R.C.8/2000.
Presented by the Housing Committee.

Births, Marriages and Deaths in 1999: statement - R.C.9/2000.
Presented by the Etat Civil Committee.

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 14th February 2000 showing that, in pursuance of Standing Orders relating to certain transactions in land, the Treasurer of the States, on the recommendation of the Public Services Committee, had approved under delegated powers the purchase from Mrs. Elizabeth Frances Le Provost, formerly Cousins, née Montier, of an area of land adjacent to the Bunker at l'Étacq, St. Ouen, for the sum of £1,000, with the Committee to be responsible for both parties' reasonable legal fees in relation to this transaction.

Matters noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 14th February 2000, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Public Services Committee had accepted the lowest tender submitted for the foul sewer extension at La Vallée de St. Pierre (St. Peter's Valley), namely that submitted by Jayen (Jersey) Limited in the sum of £309,833.00.

Matters lodged

The following matters were lodged "au Greffe" -

Jersey Aero Club relocation: grant of funds - P.20/2000.
Presented by the Harbours and Airport Committee.

Former Postal Headquarters site, Mont Millais, St. Helier: sale to Jersey Homes Trust - P.21/2000.
Presented by the Housing Committee.

Jersey Electricity Company Limited: appointment of directors - P.22/2000.
Presented by the Finance and Economics Committee.

Draft Water Pollution (Jersey) Law 200 - (P.15/2000): amendments - P.23/2000.
Presented by Deputy J.L. Dorey of St. Helier.

Bailiff's Consultative Panel: States members - P.24/2000.
Presented by Senator P.F. Horsfall.

Draft Water Pollution (Jersey) Law 200 - (P.15/2000): second amendments - P.25/2000.
Presented by the Public Services Committee.

Arrangement of public business for the next meeting on 7th March 2000

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 7th March 2000 -

Draft Water Pollution (Jersey) Law 200 - P.15/2000.
Lodged: 8th February 2000.
Public Services Committee.

Draft Water Pollution (Jersey) Law 200 . (P.15/2000): amendments- P.23/2000.
Lodged: 22nd February 2000.
Deputy J.L. Dorey of St. Helier.

Draft Water Pollution (Jersey) Law 200 - (P.15/2000): second amendments - P.25/2000.

Lodged: 22nd February 2000.
Public Services Committee.

Special Needs Employment Service: Acorn Enterprises Limited and Oakfield Industries Limited - P.16/2000.

Lodged: 8th February 2000.
Employment and Social Security Committee.

Jersey Aero Club relocation: grant of funds - P.20/2000.

Lodged: 22nd February 2000.
Harbours and Airport Committee.

Former Postal Headquarters site, Mont Millais, St. Helier: sale to Jersey Homes Trust - P.21/2000.

Lodged: 22nd February 2000.
Housing Committee.

Jersey Electricity Company Limited: appointment of directors - P.22/2000.

Lodged: 22nd February 2000.
Finance and Economics Committee.

Bailiff's Consultative Panel: States members - P.24/2000.

Lodged: 22nd February 2000.
Senator P.F. Horsfall.

Introduction of legislation to regulate housing trusts - question and answer (Tape No. 571)

Deputy Lyndon John Farnham of St. Saviour, asked Deputy Terence John Le Main, President of the Housing Committee, the following question -

“In light of the Committee's stated intention to introduce specific legislation in relation to the regulation of Housing Trusts, would the President reassure members that this matter is to be given priority and indicate when the Committee expects the new legislation to be in place?”

The President of the Housing Committee replied as follows -

“The Committee will be entering into further consultation with Housing Trusts and other parties, as well as obtaining advice from the Law Officers, before preparing instructions for the Law Draftsman to produce a new Law to regulate Housing Trusts. These processes are likely to take several months but the Committee anticipates being ready to issue detailed instructions to the Law Draftsman before the end of 2000.

The Committee applied in 1999 for law drafting time in 2001 for the regulation of Housing Trusts and, under the decision conference process, time has provisionally been allocated in that year.

Assuming that the law drafting process is completed during the first part of 2001 and, subject to States' approval, new legislation could be in place by the end of that year.”

Issues relating to States' tenants - questions and answers (Tape No. 571)

The Deputy of St. John asked Deputy Terence John Le Main, President of the Housing Committee, the following questions -

“1. Would the President inform members -

- (a) of the balance owed to the Committee in rent arrears at the end of January 2000 and of the measures being taken to collect these arrears?
 - (b) of the action being taken against tenants who have substantial arrears and do not see paying their rent as a priority?
2. Would the President inform members whether it is the policy of the Committee to allow tenants to rent property when away on extended holidays whilst permitting other people to occupy the property during their absence from the Island?
 3. Would the President advise members of the measures that are in place to combat fraud by States tenants and by those in the private sector who claim rent rebate?
 4. Would the President inform members -
 - (a) who is responsible for clearing a property administered by the Committee of personal effects and rubbish when the tenant moves?
 - (b) if the answer to (a) is "the tenant", does the Committee subsequently charge tenants who vacate a property without clearing it?"

The President of the Housing Committee replied as follows -

"1(a) The Housing Committee has nearly 4,600 tenants who paid £13.46 million in rent in 1999 and who will be expected to pay in the region of £14.13 million in rent during 2000. Of these, over 88 per cent are either up to date or in advance with their rental payments. As at the end of January 2000, there were 550 tenants in arrears, owing a total of £505,708, which represents 3.76 per cent of the annual rental income of £13.46 million.

The following is a summary of the measures taken by the Department to reduce and recover rent arrears -

- (i) a tenant failing to pay their rent by the end of their regular payment period is sent a letter enquiring whether there has been an oversight;
- (ii) if this does not result in prompt settlement, a second letter is sent and an appointment made with an Arrears Officer;
- (iii) if there is no response or no improvement in payment, a home visit is made;
- (iv) persistent offenders, and those where large arrears have occurred over a long period of time, are seen on a regular basis by Housing Department officers, with the majority signing up to regular arrears repayment plans;
- (v) arrears repayment plans are monitored on a weekly or monthly basis as appropriate and tenants are telephoned immediately if they fail to keep to their agreement;
- (vi) where appropriate, arrangements are made with employers and the parish for rent payments to be made from wages or benefits directly to the Housing Department;
- (vii) a debt collector is employed specifically to call weekly on 30 tenants who persistently fall behind with their rental payments;

Despite these measures, during the last twelve months it has been necessary for 89 tenants to be taken to the Petty Debts Court for recovery of rent arrears.

The Housing Committee does not wish to cause homelessness or break up families but nevertheless, the eviction of tenants from States rental accommodation for non-payment of rent remains an option that the Committee will use as a last resort. It has already been necessary to pursue this action against one tenant this year, the first for 18 months.

In summary the Committee will continue to take all reasonable steps to recover rent arrears and to reduce the incidence of non-payment of rent.

- (b) Many of the steps outlined in my answer to Question 1(a) above are also used to ensure that tenants who have substantial arrears continue to pay their weekly rental and arrears. Whilst the Committee will often enter into agreements with tenants to pay off their rent arrears over a period of months or sometimes a couple of years, tenants who do not see the payment of their rent as a priority will not be tolerated by the Committee.

The Committee offers all possible help and assistance to tenants who find themselves in financial difficulties, but the Committee expects tenants to take their responsibilities under the tenancy agreement seriously. Tenants who fail to see the payment of their rent as a priority will find that the Committee will, as a last resort, pursue their eviction from States Rental accommodation for non-payment of rent.

2. The Committee does not allow tenants to permit other people to occupy their property whilst they are away from the Island.

Clause 1(b)(iv) of the Committee's Tenancy Agreement makes it clear that -

The tenant shall not take in any lodger, not assign, nor transfer the tenancy, under-let or part with the possession of the whole or part of the premises.

3. The Housing Audit Committee's report entitled 'Review of Rent Rebates and Abatements' was presented to the Housing Committee in 1998 and contained the following summary -

'The States currently operate a very low cost approach to the administration of the Rent Rebate/Abatement schemes. Documentation normally contains the minimum of information to be supplied by applicants and the level of verification and ongoing checking is extremely limited.

The States expend over £16 million a year on the two schemes and it is felt that the level of verification for such a large sum is inappropriate and should be increased in accordance with the various recommendations. This should include the appointment of two full-time officers in the Rebate/Abatement section which would incur an estimated annual cost of £40,000 to £50,000. This is however only 12 per cent of the estimated benefit savings of £330,000 which could accrue from increased verification work.'

The Housing Committee welcomed this report by the Housing Audit Committee and agreed with the sentiments contained within it. The Committee has been implementing the report's recommendations over the past two years and has appointed an additional full-time officer on a contract basis to assist with more stringent verification procedures. The Department has amended its documentation in accordance with the report's recommendation and more extensive disclosure of the applicant's financial situation is now required.

The Committee is pleased to report that a saving of £786,000 has been made against the 1999 budget for the rental subsidy schemes, shared almost equally between the public and private sector schemes. Whilst some of this saving can be attributed to increases in tenants' incomes, there is little doubt that a significant proportion of this saving has been achieved by the implementation of the increased verification procedures mentioned above.

The Department has also forged close links with the parish authorities and the Employment and Social Security Department to ensure that information concerning fraudulent claims uncovered by one Department or parish is passed on to other relevant bodies. The Committee has also clearly benefited from the increased vigilance by these bodies.

In the past, the Department has only managed to carry out a limited number of home visits to verify the circumstances of claimants receiving rental subsidies. The Committee is, however, still concerned that some applicants are falsifying information given to the Department in connexion with rental subsidy claims and, has therefore, recently agreed to employ the services of a Fraud Investigation Officer. This officer will carry out extensive investigations into suspected cases of abuse of the rental subsidy schemes, of which the Department has a list of over 50 cases where further investigation is necessary.

The Committee can assure members that abuse of the rental subsidy schemes will not be tolerated and all possible efforts will be employed to ensure that public funds are only granted to genuine claimants. Furthermore, the Committee can assure all genuine claimants that whilst rigorous verification of claims will continue, this process will not become onerous on the vast majority of bona fide claimants.

4.(a) The tenant is responsible for clearing the property.

(b) Yes. When a tenant joins the Committee's transfer list, they are visited by the Void Property Officer. They are advised of the items that need to be repaired in the property prior to their departure, for which they are responsible and for which they will be recharged if such repairs are not carried out. In addition, they are advised that they must clear the property of any personal effects and/or rubbish. Tenants are recharged if items are left behind which require removal.

Tenants are advised again by letter of their responsibilities in respect of repairs and removal of items when they are pre-allocated accommodation and indeed again when they are asked to collect keys for the same.

Finally, a person returning keys to their former home, will be required to sign a declaration confirming that the accommodation has been left in a clean and tidy condition and that no personal effects and/or rubbish have been left behind. This document clearly indicates that a charge will be incurred if the Department has to remove personal items and for the costs incurred in repairing damage to the property, over and above fair wear and tear."

Development of the Sunshine Hotel site - questions and answers - (Tape No. 571)

The Deputy of St. John asked Deputy Terence John Le Main, President of the Housing Committee, the following questions -

"1. Would the President inform members -

- (a) of the estimated cost of the proposed sculptural aluminium roof for the proposed development on the Sunshine Hotel site?
- (b) whether the Committee has sought to compare the cost of this type of roofing with the cost of a more traditional tile or slate roof?
- (c) if the answer to (b) is in the negative, would the President undertake to make this comparison and report back to the Assembly?

2. Would the President give members, in percentage terms, a breakdown of the overall cost of the development and, in particular, of the cost of the car park for 38 vehicles?"

The President of the Housing Committee replied as follows -

- “1. For the information of members unfamiliar with this project, the Housing Committee has approved a scheme to develop the Sunshine Hotel and cottage sites with a development comprising 4 x 1-bedroom flats, 26 x 2-bedroom flats, 8 x 3-bedroom flats and 4 x 4-bedroom maisonettes with associated semi-basement parking and external landscaped areas. The scheme will be submitted shortly to the Planning and Environment Committee for planning approval.

In answer to the specific question asked by the Deputy about the proposed roof structure, the cost of the roof covering and structure for the sculptural aluminium roof proposed for the Sunshine Hotel and cottage sites is estimated at £467,238.00. This estimated amount has been based upon known costs of a similar type of roof design, structure and covering. By comparison, the cost of a traditional pitched timber trussed roof structure with slate or similar coverings over the same area is estimated to be £347,659.00.

The difference between the two costings is £119,579.00 which indicates in the first instance that the proposed aluminium covered sculptural roof is 30 per cent more expensive than the traditional timber trussed pitched roof. It must, however, be noted that the proposed sculptural roof has gained an additional 3,360 square feet of habitable floor area which is the equivalent of 3.5 2-bedroom flats. To gain the equivalent floor area with a traditional pitched roof design would have necessitated a much taller building. The advice received from the Planning Department to date has been that this approach would not have been acceptable.

Moreover, equating the £119,579.00 additional costs for the proposed sculptured roof into gained floor area equivalent to 3.5 flats represents building costs of £39,900 per flat. Building costs for an average two bed flat unit are currently between £95,000 and £99,000 per unit. The additional monies spent on the proposed roof design is therefore well compensated for by the habitable areas gained.

The Committee believes that it will be able to maximise the yield of the site and create quality urban homes through this innovative design.

2. The current estimated cost of the overall development is as follows:-

<i>Percentage analysis of overall cost</i>	<i>£</i>	<i>Represents per cent of overall cost</i>
Demolition and site clearance	120,000.00	2.19
Piled foundations	318,652.00	5.83
Basement parking (including refuse and caretaker facilities)	836,000.00	15.28
Frame, upper floors, stairs, external walls	876,553.00	16.03
Roof structure and covering	467,238.00	8.54
Windows and external doors	302,790.00	5.54
Internal walls, partitions, doors (including tenant	409,729.00	7.49

stores and bin stores)		
Internal finishings (walls, floors, ceilings)	618,443.00	11.31
Fittings and furnishings	126,000.00	2.30
Plumbing, heating and electrical services	623,012.00	11.39
Lift installations	139,000.00	2.54
Preliminary items (plant, scaffold, insurance etc)	372,019.00	6.80
External works, utility services and drainage	135,000.00	2.47
Allowance for abnormal site conditions/other contingencies	125,000.00	2.29
Estimated cost (excluding site acquisition, fees, fluctuations and risk)	5,469,436.00	100.00

It should be noted that these preliminary costings have been prepared from current drawings prepared by the architect and are based upon current building costs obtained on a competitive tendering basis. However, the scheme is still being developed and changes are inevitable as further detailed design work is undertaken.

Payment of welfare to persons who are out of the Island on extended holidays - question and answer (Tape No. 571)

The Deputy of St. John asked the Connétable of St. Mary, Chairman of the Comité des Connétables, the following question -

“As the Parish Connétables are responsible for administering welfare, would the Chairman inform members -

- (a) if it is possible for people who are away from Jersey on extended holidays to claim welfare?
- (b) if the answer to (a) is affirmative, does the Comité have any plans to amend the operation of the welfare scheme to address this issue?”

The Chairman of the Comité des Connétables replied as follows -

“The answer is ‘No’, a person away from Jersey on an ‘extended holiday’ cannot claim welfare.

However there may be an exceptional situation where some assistance would continue to be given to a person away from the Island for an extended period and each case is treated on its merits.

All applicants are required to inform the parish of any change in circumstances and this includes

temporary absences from home such as admission into hospital, or any other change of address. Most applicants attend on a weekly basis to collect welfare from their Parish Hall and those intending to go on holiday, usually for a couple of weeks, will normally advise the parish so that arrangements can be made for the payment of welfare during that absence. Those most likely to be in receipt of welfare paid by cheque, direct debit or standing order are pensioners, and those on long term sick leave or with mobility problems who would be unable to attend the Parish Hall to collect their welfare.”

Underground car park on the St. Helier Waterfront - question and answer (Tape No. 571)

Senator Paul Vincent Francis Le Claire asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“Would the President give members a comprehensive breakdown of -

- (a) the total capital cost of the new underground car park on the St. Helier Waterfront recently completed for the Waterfront Enterprise Board;
- (b) the estimated on-going operating and maintenance costs of the car park;
- (c) the estimated annual income that will be generated by the operation of the car park?”

The President of Policy and Resources replied as follows -

- “(a) The total cost of the Waterfront car park was £5,536,275. In addition, the waterfront gardens and promenade above cost £2,300,000;
- (b) the total estimated cost in 2000 for the operation and maintenance of the car park (not including the gardens above) is £76,000;
- (c) the potential annual income to be generated by the operation of the car park is £287,000 as a four hour short-stay car park. Pending further developments on the waterfront, consideration is being given to making the car park open to full day parking during the summer months. This would significantly enhance the income.

Other than the £15,000 maintenance charge, these figures exclude the 150 spaces which have been transferred to the Harbours and Airport Committee for marina use.”

Assaults on women - question and answer (Tape No. 571)

Senator Paul Vincent Francis Le Claire asked Deputy Alastair John Layzell, President of the Home Affairs Committee, the following question -

“Would the President give members statistics for the last 12 months on -

- (a) the number of assaults on women, excluding domestic incidents, reported to the police?
- (b) the number of persons charged in relation to these incidents?”

The President of the Home Affairs Committee replied as follows -

“I can provide the Senator with figures for the year 1999. 20 grave and criminal assaults were reported against women. In all these cases charges were brought. 161 common assaults were reported against women of which around a quarter involved another woman. People were charged in around 75 per cent of these cases. 38 indecent assault on women were reported, of which 16 were cancelled because of

insufficient evidence. That left 22. Of these, there were nine detections and 13 cases remain unsolved.

Although any level of assaults is to be regretted, it might help members to know that there has been a levelling off in both grave and criminal assaults against men and women and common assaults since 1996. The number of common assaults in 1999 did not differ significantly from 1996. For grave and criminal assaults the figures are even more encouraging; the only significant yearly increase occurred between 1993 and 1994. Since then, there has been no significant increase in the recorded level of grave and criminal assaults.”

Monitoring of noise levels in bars and nightclubs - question and answer (Tape No. 571)

Deputy Alan Simon Crowcroft of St. Helier asked Senator Terence Augustine Le Sueur, President of the Employment and Social Security Committee, the following question -

“Would the President advise members if the Committee is willing to request the officers of the Health and Safety Inspectorate to take steps to monitor sound levels in the Island’s bars and nightclubs to ensure that the permitted levels are not being exceeded and, if necessary, to take appropriate action to safeguard the hearing of clients and staff, especially the hearing of the Island’s young people?”

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

“The Health and Safety at Work (Jersey) Law 1989 places general duties on employers to safeguard the health and safety of their employees and others who might be affected. Employers who run nightclubs where noise could be damaging to hearing are therefore legally bound to comply with the Law and should be addressing this issue as a matter of course.

The Health and Safety Inspectorate is a small unit of three inspectors whose first priority has to be the investigation of accidents at work. There are approximately 1,500 a year. They also have to respond to complaints and requests for advice and guidance. Thereafter, the workload is prioritised on a risk related basis with high risk areas being targeted for an inspection. It would be impossible with such a small resource to monitor every possible work activity in Jersey on a regular rather than a targeted basis.

Where specific incidents are brought to their attention, the Department’s inspectors, as I have said, do respond, and indeed recently served an improvement notice on one nightclub where concerns had been raised. This has led to investigations on the wider issues and the inspectors will be following them up with the nightclub industry and other interested parties.

I would add that an assessment of noise exposure is a difficult issue. It cannot be monitored simply by visiting a nightclub and measuring the noise level using a sound level meter. In order to identify whether the accepted levels are being exceeded, it would be necessary for sound levels to be measured over a period of time, taking into account these factors -

the sound levels;

the average exposure measured over the time period that a person is exposed;

the protection afforded by personal protective equipment.

However, members can be assured that we are addressing this particular problem, difficult though it may be, and that investigations are already underway.”

Easter school-based holiday playscheme - question and answer (Tape No. 571)

Deputy Jeremy Laurence Dorey of St. Helier asked Senator Leonard Norman, President of the Education

Committee, the following question -

“Would the President inform members of the current and projected levels of supply and demand for the Easter school-based holiday play schemes, and the criteria used for prioritising applications?”

The President of the Education Committee replied as follows -

“For 2000, the Easter Holiday play schemes are based in 11 schools, offering a total of 612 places, of which 512 had been taken up by 16th February. At that date, vacancies existed for primary age children at St. Luke’s, St. Martin’s, La Moye and St. Peter’s and, for younger secondary age children, at Hautlieu.

Applications are processed in the order in which they are received with priority given to the children of single working parents, families where both parents work or families in needy circumstances.”

Scholarship scheme for higher education students - question and answer (Tape No. 571)

Deputy Jeremy Laurence Dorey of St. Helier asked Senator Leonard Norman, President of the Education Committee, the following question -

“Would the President explain to members why the introduction of the new Jersey Scholarship scheme for financial support with further degrees should apparently entail a significant reduction in the actual level of funds available in this area?”

The President of the Education Committee replied as follows -

“The Jersey Scholarship scheme represents an improvement on earlier arrangements for funding higher degree programmes. The scheme now supports access to high status institutions throughout the world, ensures that scholars are well focussed and have a clear understanding of the purpose of their study and its relationship to career aspirations.

The Jersey Scholarship scheme falls within the expenditure generally made by the Education Committee to support students in higher education. Next year the Education Committee will be required to find a one per cent saving on its non-staff costs and it is estimated that the introduction of the Jersey Scholarship will make a 0.6 per cent saving on grants expenditure - less in fact than what is required in this area - an indication of the Education Committee’s continuing commitment to ensuring that all students, including our most able, have the opportunity to fulfil their potential.”

Application of the Regulation of Undertakings and Development Law - question and answer (Tape No. 571)

Senator Stuart Syvret asked Deputy Maurice François Dubras, President of the Industries Committee, the following question -

“Would the President inform the Assembly whether the Committee is administering the Regulation of Undertakings Law in a manner that is compatible with the strategic policies of the States in respect of the need to limit population growth?”

The President of the Industries Committee replied as follows -

“Yes”.

Increase in airport charges and the proposed incorporation of the Airport - questions and answers (Tape No. 571)

Senator Stuart Syvret asked Senator Leonard Norman, Vice-President of the Harbours and Airport Committee, the following questions -

- “1. Would the Vice-President provide for the Assembly a detailed explanation of the proposed increases in airport charges being considered by the Committee?”
2. Would the Vice-President inform the Assembly of the present situation in respect of the proposed incorporation of the airport, and in particular, will he inform members of the most recent financial projections for this venture?”

The Vice-President of the Harbours and Airport Committee replied as follows -

1. “Following the States’ decision on 3rd November 1998, the Harbours and Airport Committee notified airlines that the passenger load supplement would increase by £1.50 on 1st April 1999 and by £1.50 on 1st April 2000. Additionally, airlines were notified that there would be an increase in the region of the cost of living; the Committee is applying 2.5 per cent this year. Members will recall that the most recent cost of living figure was 4.4 per cent.

During 1999, considerable expenditure was required on security systems at the Airport and a similar sum will be spent in 2000. In order to cover the cost of this expenditure, which is in a non-profit making account, a 55p per passenger increase is necessary on the existing charge of £1.41 a passenger. The 1999 passenger charge totals £7.39 per arriving passenger and the proposed figure will probably be £9.55 for 2000.

The Harbours and Airport Committee considered airport dues during its January meeting and will consider the matter further during its February meeting. Changes for 2001 and beyond will be discussed during the summer to enable consultation with the airlines in August.

2. The Committee is expecting a financial viability report in the middle of March and is planning to bring a report and proposition regarding incorporation to the States in the summer.”

Proposed code of practice on ‘whistle-blowers’ - questions and answers (Tape No. 571)

Senator Stuart Syvret asked Deputy Maurice François Dubras, Vice-President of the Human Recourses Committee, the following questions -

- “1. Would the Vice-President provide for the Assembly a detailed explanation of the purposes and scope of the proposed code of practice on ‘whistle blowing’ which is in the process of being prepared for the Committee by the Human Resources Department?”
2. Does the proposed code deal with the issue of ‘public interest disclosures’. If so would the Vice-President explain to the Assembly the proposed mechanism for assessing what constitutes the ‘public interest’?”
3. Will staff representative organisations be consulted during the drafting of the code?”

The Vice-President of the Human Resources Committee replied as follows -

- “1. High standards of conduct have always been required of employees in the public service of the state. I believe all members will agree that standards in the Jersey public service are very high indeed. Tribute has been paid by members on many occasions.

The Establishment Committee as previously constituted, with the involvement of a small working party of its senior officers and some Chief Officers, has developed a progressive human resource strategy, building on existing good practice. They determined that a core value of the organisation

must be the promotion of ethical conduct.

As members will know, the States Audit Commission has also recommended the development of a States of Jersey Code of Corporate Governance - one part of which was that 'the Establishment Committee will issue appropriate guidance to all Committees on a code of conduct for staff'.

The Human Resources Committee has accepted the recommendation of the Audit Commission and will be starting detailed work later this year as set out in our Business Plan, shortly to be published.

I cannot say at this stage what the proposed code will entail, but it is inevitable that it will include provisions on the disclosure by States employees of information which may have come to their knowledge in their official capacity.

2. It will be a matter for the Human Resources Committee, in consultation with others, to deal with the issue of 'public interest disclosures' as part of a code for the States of Jersey as an employer. We shall consult the United Kingdom's Public Interest Disclosure Act, which came into force on 2nd July 1999, and obviously be guided by that document when determining our approach. That Act does not attempt to define what constitutes 'public interest', but does set out the circumstances in which disclosures would be protected under the Act.

In the same way as the United Kingdom Act applies to both private and public sector employers, and is incorporated in the Employment Rights Act of 1996, if it were contemplated that the matter of public interest disclosure should apply to both private and public employers in Jersey, then it is our impression that it would be a matter for the Employment and Social Security Committee.

3. Staff representative organisations will most certainly be consulted during the drafting of the proposed code, as is our usual practice."

Pet travel scheme - statement

Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, made a statement in the following terms -

I wish to make a statement in connection with a proposed new Pet Travel Scheme that the Agriculture and Fisheries Committee is introducing with effect from 28th February 2000.

Members will be aware that Jersey, like the remainder of the British Isles, has applied strict quarantine laws in order to prevent the spread of rabies. However, in 1999 the United Kingdom announced that it wished to remove the requirement for quarantining pet cats and dogs travelling from the countries of the European Union and certain other specified countries. The Agriculture and Fisheries Committee decided that it wished to parallel these arrangements and officers of the Department have been working closely with the Law Draftsman to prepare the necessary legislative provisions. In addition, officers have been in regular contact with the Ministry of Agriculture, Fisheries and Food to ensure that our approach mirrors that adopted by the United Kingdom.

The original intention was that a pilot scheme would come into force in April 2000. However, in early December 1999 the United Kingdom government announced that it was bringing the commencement date forward to 28th February 2000. Since that time, we have sought to meet this revised deadline and I am pleased to say that, with the active co-operation of all those involved, the Committee was able to make the necessary Orders which will bring this Scheme into force next Monday.

Under the terms of these new arrangements, the Agriculture and Fisheries Committee will be able to license certain carriers to bring dogs and cats to the Island under certain conditions. Emeraude Lines has indicated that it would wish to be an approved carrier, and officers of the Department have been working closely with staff of this company to ensure that the arrangements applied by the ferry company will

satisfy the Committee that it would be appropriate to issue a licence to them. However, as a result of difficulties caused through the acceleration of the implementation date, including the late receipt or, in some instances non-availability, of certain of the documents from the United Kingdom that will need to be utilized by approved carriers, it has not been possible to finalize these arrangements to enable the Committee to issue a licence to Emeraude Lines. However, I am confident that the ferry company will be in a position to commence operating the scheme sometime during next month and the date will be announced in due course. In the meantime, people will be able to bring their pet dogs and cats into the Island from the Continent via the United Kingdom. I would strongly advise owners of pets intending to use this route to seek advice in order to avoid unnecessary delays or difficulties that may arise during the early stages of the implementation of the pilot scheme.

One further difficulty that has arisen is that the legislation enacted by the United Kingdom does not make any provision for a cat or dog being taken to that country from the Continent via Jersey. This omission has been pointed out to the officials of the Ministry of Agriculture, Fisheries and Food and we have received assurances that appropriate legislative changes will be made in the very near future to overcome this difficulty. However, all those who are wanting to move their pet dogs and cats to the United Kingdom within six months of having arrived in Jersey from the Continent are advised to contact officers of the Agriculture and Fisheries Department first to confirm that it would be appropriate to do so.

I will not delay the Assembly any further by setting out in detail the provisions of the new scheme. Officers of the Department have been discussing with the various Veterinary Practices in the Island how it will operate. I would, therefore, strongly recommend that anyone who wishes to take their pet dog or cat to the Continent and subsequently bring it back into the Island should speak first either to one of the local Vets or to officers at the Agriculture and Fisheries Department. Members who wish to discuss the details of the scheme are invited to contact the Department or to speak to me or Deputy Peter Troy who is Chairman of the Animal Welfare Panel.

Finally, I would want to point out that the Committee has taken a cautious approach to the introduction of these changes, in the light of the continuing concerns over the potential importation of rabies. There will, therefore, continue to be restrictions similar to those applying in the United Kingdom on the manner in which cats and dogs can be brought into the Island from the Continent.”

Old Street, St. Helier: purchase - P.201/99 (re-issue)

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

- (a) agreed, in the event of the Royal Court ordering the extinguishment of the road under the Extinguishment of Roads (Jersey) Law 1972, to approve the purchase from the Parish of St. Helier of the northern section of Old Street, St. Helier, as shown hatched on Drawing No 585/1, for a consideration of £138,000 (one hundred and thirty-eight thousand pounds) with the public being responsible for the vendor's legal fees associated with the transfer of land and the extinguishment of the road; and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any necessary contracts in connexion with the said purchase;
- (c) authorised the payment or discharge of any expenses incurred in connexion with the said purchase from the Planning and Environment Committee's Capital Vote of Credit - Acquisition of Land - Major Reserve (Vote No. C0904);
- (d) authorised the transfer of the administration of the road, once purchased, from the Planning and Environment Committee to the Finance and Economics Committee.

Members present voted as follows -

“Pour” (37)

Senators

Quérée, Bailhache, Syvret, Walker, Kinnard, Le Sueur, Le Claire, Lakeman.

Connétables

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

Deputies

H. Baudains(C), Layzell(B), Breckon(S), Huet(H), St. Martin, Le Main(H), Crowcroft(H), M. Vibert(B), St. Peter, St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), I Hérissier(S), Ozouf(H), Fox(H), Bridge(H).

“Contre” (2)

Deputies

Duhamel(S), St. John.

Union Street and Lemprière Street car parks: transfer of administration - P.14/2000

THE STATES, adopting a proposition of the Public Services Committee -

- (a) authorised the transfer of administration of the car park serving Cyril Le Marquand House, Lemprière Street, St. Helier, as shown hatched and marked ‘A’ on Drawing No. 585/1A, from the Public Services Committee to the Finance and Economics Committee;
- (b) authorised the transfer of administration of the public car park situated at the junction of Union Street and Lemprière Street, St. Helier, as shown hatched and marked ‘B’ on Drawing No. 585/1A, from the Public Services Committee to the Finance and Economics Committee; and
- (c) permitted the Public Services Committee to retain any parking fees collected whilst the public car park is still in operation.

Draft Borrowing Control (Amendment No. 5) (Jersey) Law 200 - P.4/2000

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Borrowing Control (Amendment No.5) (Jersey) Law 200 .

Draft Registration of Business Names (Amendment No. 2) (Jersey) Law 200 - P.5/2000

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Registration of Business Names (Amendment No. 2) (Jersey) Law 200 .

Draft Collective Investment Funds (Amendment No. 2) (Jersey) Law 200 - P.6/2000

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Collective Investment Funds (Amendment No. 2) (Jersey) Law 200 .

Draft Insurance Business (Amendment No. 2) (Jersey) Law 200 - P.7/2000

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Insurance Business (Amendment No. 2) (Jersey) Law 200 .

Draft Investment Business (Amendment No. 2) (Jersey) Law 200 - P.8/2000

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Investment Business (Amendment No. 2) (Jersey) Law 200 .

Draft Arbitration (Jersey) Law 1998 (Appointed Day) Act 200 - P.9/2000

THE STATES, in pursuance of Article 51 of the Arbitration (Jersey) Law 1998, made an Act entitled the Arbitration (Jersey) Law 1998 (Appointed Day) Act 2000.

Draft Arbitration (Amendment) (Jersey) Law 1999 (Appointed Day) Act 200 - P.10/2000

THE STATES, in pursuance of Article 4 of the Arbitration (Amendment) (Jersey) Law 1999, made an Act entitled the Arbitration (Amendment) (Jersey) Law 1999 (Appointed Day) Act 2000.

Projet de Loi (200) (Amendement No. 4) sur la propriété foncière- P.11/2000

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Loi (200) (Amendement No. 4) sur la propriété foncière.

Manual Workers Joint Council: Employers' Side membership - P.12/2000

THE STATES adopting a proposition of the Human Resources Committee, and in accordance with their Act dated 9th November 1961 concerning the membership of the Manual Workers' Joint Council, approved the nomination of the six representatives of the States to serve as members of the Employers' Side of the Council, as follows -

Mr. Philip Roy Cabot, Connétable of Trinity
Deputy David Leon Crespel of Trinity
Deputy Robin Charles Hacquoil of St. Peter
Deputy Maurice François Dubras of St. Lawrence
Mr. Graham Edward Jennings, Chief Executive, Health and Social Services Department
Dr. Clive Jerry Swinnerton, Chief Executive Officer, Public Services Department.

Estate of E.M. Bailhache: sale of 78 New Street, St. Helier - P.13/2000

THE STATES, adopting a proposition of the Health and Social Services Committee -

- (a) approved the sale by the public to Shafique Limited, of the property, 78 New Street, St. Helier, as shown on Drawing No. 637/1 for a consideration of £180,000 with each party being responsible for its own legal fees;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public.

Administrative Decisions (Review) (Jersey) Law 1982, as amended: Administrative Appeals Panel - membership - P.18/2000

THE STATES, adopting a proposition of the Special Committee to consider the relationship between Committee and the States, and in accordance with Article 5 of the Administrative Decisions (Review) (Jersey) Law 1982, as amended, approved the appointment of the Administrative Appeals Panel, from whom Members of Boards of Appeal are chosen, for the period ending 31st March 2003, namely -

Chairman

Mr. Reginald Robert Jeune, C.B.E.

Deputy Chairmen

Advocate Geoffrey Le Vesconte Fiott
Mrs. Carol Elizabeth Canavan

Members

Mr. William John Morvan

Mr. Patrick Edward Freeley
Miss Christine Vibert
Mr. David James Watkins
Mrs. Lorna Jean King, M.B.E.
Mr. John Geoffrey Davies
Mr. Peter George Farley
Mr. Thomas Siouville Perchard
Mrs. Mary Le Gresley

Greffier of the States: appointment - P.17/2000 (consideration in camera)

The Bailiff, in pursuance of Article 4 of the Departments of the Judiciary and the Legislature (Jersey) Law, 1965, as amended and in accordance with Standing Order 46(2), ordered the withdrawal of strangers and the closing of the doors of the Chamber in order that the appointment of the Greffier of the States be considered in camera.

THE STATES, having deliberated thereon in camera, proceeded to vote in public assembly and adopting a proposition of the Human Resources Committee, and in accordance with the provisions of Article 2(5) of the Departments of the Judiciary and the Legislature (Jersey) Law 1965, consented to the appointment of Miss Catherine Mary Newcombe, at present Deputy Greffier of the States, to the office of Greffier of the States with effect from 1st October 2000 until 27th October 2002.

THE STATES rose at 12.43 p.m.

G.H.C. COPPOCK

Greffier of the States.