

**THE STATES assembled on Tuesday,  
10th September 2002 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,  
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,  
was present**

All members were present with the exception of -

Senator Terence Augustine Le Sueur - out of the Island  
Imogen Stephanie Nicholls, Deputy of Grouville - out of the Island  
Terence John Le Main, Deputy of St. Helier- out of the Island  
Kenneth William Syvret, M.B.E., Deputy of St. Ouen- out of the Island  
Celia Joyce Scott Warren, Deputy of St. Saviour- out of the Island

Prayers read by the Bailiff

#### **Subordinate legislation tabled**

The following enactments were laid before the States, namely -

**Tourism (General Provisions) (Amendment No. 9) (Jersey) Order 2002. R & O 70/2002.**

**Places of Refreshment (Registration) (Fees) (Jersey) Order 2002. R & O 71/2002.**

**Gorey Fête (Jersey) Order 2002. R & O 72/2002.**

**Road Traffic (Public Parking Places) (No. 2) (Jersey) Order 2002. R & O 73/2002.**

**Companies (General Provisions) (Jersey) Order 2002. R & O 74/2002.**

**Companies (Fees) (Jersey) Order 2002. R & O 75/2002.**

**Companies (Subsidiaries) (Transitional Provisions) (Jersey) Order 2002. R & O 76/2002.**

**Companies (Standard Table) (Amendment) (Jersey) Order 2002. R & O 77/2002.**

**Control of Borrowing (Amendment No. 11) (Jersey) Order 2002. R & O 78/2002.**

**Community Customs (Wine and Spirits) (Amendment) (Jersey) Order 2002. R & O 79/2002.**

**States of Jersey (Declaration by Candidate) Order 2002. R & O 80/2002.**

**Community Provisions (Zimbabwe - Restrictive Measures) (No. 2) (Jersey) Order 2002. R & O 81/2002.**

**Education (Discretionary Grants) (Amendment) (Jersey) Order 2002. R & O 83/2002.**

**Fire Precautions (Fees) (Jersey) Order 2002. R & O 84/2002.**

**Road Traffic (Trinity) (Amendment No. 4) (Jersey) Order 2002. R & O 85/2002.**

## **Road Traffic (Saint Brelade) (Amendment No. 12) (Jersey) Order 2002. R & O 86/2002.**

### **Tourism Committee - resignation of member and constitution**

THE STATES noted the resignation of Deputy Michael Edward Vibert of St. Brelade from the Tourism Committee.

THE STATES, in accordance with Article 28(2)(b) of the States of Jersey Law 1966, and on the proposition of Senator Jean Amy Le Maistre, member of the Tourism Committee, determined that the Tourism Committee should consist of the President and four other members of the States.

### **Agriculture and Fisheries Committee - resignation of member and constitution**

THE STATES noted the resignation of Deputy Roy George Le Hérissier of St. Saviour from the Agriculture and Fisheries Committee.

THE STATES, in accordance with Article 28(2)(b) of the States of Jersey Law 1966, and on the proposition of Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, determined that the Agriculture and Fisheries Committee should consist of the President and four other members of the States.

### **Health and Social Services Committee - appointment of member**

THE STATES appointed Mr. Kenneth Alan Le Brun, Connétable of St. Mary, as a member of the Health and Social Services Committee.

### **Matters presented**

The following matters were presented to the States -

#### **Committee of Inquiry into Building Costs: final report - R.C.32/2002.**

Presented by the Committee of Inquiry into Building Costs.

#### **Financial assistance for the cost of ophthalmic and dental care for persons aged over 65: extension of scheme (P.131/2002) - comments - P.131/2002 Com.**

Presented by the Finance and Economics Committee.

#### **States Resource Plan 2002 (P.132/2002): amendment (P.132/2002 Amd.)- comments - P.132/2002. Amd. Com.**

Presented by the Finance and Economics Committee.

#### **Haut de la Garenne: Incorporation of Trust, appointment of original Trustees, and lease of property to the Trust (P.147/2002) - comments - P.147/2002. Com.**

Presented by the Finance and Economics Committee.

#### **The Jersey Law Commission Report No. 3: the Law of Tutelles.**

Presented by the Legislation Committee.

#### **States Resource Plan 2002 (P.132/2002): amendment (P.132/2002 Amd.) – comments - P.132/2002 Amd.Com.(2)**

Presented by the Policy and Resources Committee.

#### **States Resource Plan 2002 (P.132/2002): amendment (P.132/2002 Amd) - amendment (P.132/2002 Amd.Amd.) - comments - P.132/2002 Amd.Amd.Com.**

Presented by the Policy and Resources Committee.

**States Resource Plan 2002 (P.132/2002): second amendment (P.132/2002 Amd. (2)) – comments - P.132/2002 Amd.(2) Com.**

Presented by the Policy and Resources Committee.

The following matters were presented on 30th July 2002 -

**Report by the Government Actuary on the financial condition of the Health Insurance Fund as at 31st December 1997 - R.C.27/2002.**

Presented by the Employment and Social Security Committee.

**Employment relations legislation - R.C.28/2002.**

Presented by the Employment and Social Security Committee.

The following matters were presented on 6th August 2002 -

**Cottage Homes Committee: transfer of functions to Housing Committee (P.104/2002) - comments - P.104/2002. Com.(2)**

Presented by the Human Resources Committee.

**Draft Public Records (Jersey) Law 200- (P.107/2002): comments - P.104/2002. Com.**

Presented by the Human Resources Committee.

The following matter was presented on 13th August 2002 -

**General Reserve: grant of additional funds to 30th June 2002 - R.C.29/2002.**

Presented by the Finance and Economics Committee.

The following matter was presented on 20th August 2002 -

**Haut de la Garenne, St. Martin: approval of drawings (P.57/2002)- comments - P.57/2002 Com.**

Presented by the Finance and Economics Committee.

The following matters were presented on 3rd September 2002 -

**Competition Law: progress report- R.C.30/2002.**

Presented by the Industries Committee.

**“Review of Consumer Protection in Jersey” report: response - R.C.31/2002.**

Presented by the Industries 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 2nd September 2002 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

- (a) as recommended by the Housing Committee, the sale to Mr. Andrew Alistair Colquhoun and Mrs. Margaret Kennedy Colquhoun, née Guild, of an area of land (measuring approximately 930 square feet) at the Bashford Housing Estate, St. Saviour (located within the garden of the property known as Ruxley, Longueville Road, St. Saviour), for a nominal consideration of £10, on the basis that Mr. and Mrs. Colquhoun would be responsible for both parties' legal costs arising from this transaction;

- (b) as recommended by the Public Services Committee, the purchase from Mr. Philip Cowan Sinel and Mrs. Iva de Jesus Sinel, née Camacho, of Field No. 1167a, St. Ouen (measuring 4,980 square feet), for the purpose of constructing an underground pumping station referred to as Bas du Marais Foul Sewer Extension (as shown on Public Services Department Drawing No. 768/004 dated July 2001), for a total consideration of £4,980, on the basis that the Committee would be responsible for both parties' reasonable legal fees arising from this transaction;
- (c) as recommended by the Health and Social Services Committee, the lease from Laprom Properties Limited of the undermentioned units of accommodation at No. 37A David Place, St. Helier, required for occupation by nursing staff, for a period of five years and 15 days from 17th August 2002 (until 31st August 2007), on the basis of rental payments being monthly in advance -
  - (i) Flat 1- at an annual rent of £9,360, subject to annual revision in line with the Jersey Retail Price Index; and
  - (ii) Flats 2, 3 and 4 - at an annual rent for each of £8,320, subject to annual revision in line with the Jersey Retail Price Index;

with each party to be responsible for the payment of its own legal costs in relation to this transaction and on the basis that no deposits were to be paid;

- (d) as recommended by the Health and Social Services Committee, a three-year internal repairing lease from Mr. Wayne Robert Meenagh and Mrs. Rani Ann Meenagh, née Vivian, of the property known as Swis Cottage, Savile Street, St. Helier, from 1st July 2002 at an annual rent of £17,000 (representing a rate of £326.92 a week) payable monthly in advance, subject to review in line with the Jersey Retail Price Index as at 1st July each year. All other terms and conditions were to remain as contained in the existing lease, with each party to be responsible for its own legal costs arising from the transaction and no deposits were to be paid;
- (e) as recommended by the Housing Committee, the sale to Mr. Roy Albert Anquetil and Mrs. Dilys Joa Anquetil, née Le Cornu, of a roadway (measuring five feet in width) which adjoined their property known as Le Petit Nicolais, Le Mont Millais, St. Helier, from the north-west, for a consideration of £2,500. It was recognised that the Committee administered the roadway, which served as a pedestrian access to Mr. and Mrs. Anquetil's property, as part of the Orchid Court Housing Estate. However, the roadway served no benefit to the public and it had been agreed that the public would be party to a contract which would rectify a number of minor encroachments on the northern boundary of the property and the necessary service rights. Mr. and Mrs. Anquetil were to be responsible for both parties' legal costs arising from this transaction.

### **Matters noted - acceptance of tender**

THE STATES noted an Act of the Finance and Economics Committee dated 7th August 2002, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Public Services Committee, by Act dated 8th July 2002, had accepted the lowest tender for the proposed foul sewer extension to Thistle Grove, St. Lawrence, namely that submitted by P. Trant (Jersey) Limited in the sum of £865,538.40 in a contract period of 30 weeks.

### **Matters lodged**

The following matters were lodged "au Greffe" -

**Draft Police Procedures and Criminal Evidence (Jersey) Law 200- (P.89/2002): amendment - P.89/2002. Amd.**  
Presented by the Home Affairs Committee.

**Machinery of Government: freedom of representation (P.142/2002) – amendment - P.142/2002. Amd.**  
Presented by the Policy and Resources Committee.

**Draft Licensing (Licence Fees) (Jersey) Regulations 200- P.150/200.**  
Presented by the Tourism Committee.

**Health and Social Care Modernisation Fund - P.151/2002.**  
Presented by the Health and Social Services Committee.

**Draft States Reform: Reorganization of Committees (Transitional Arrangements) (Jersey) Act 200- P.152/2002.**  
Presented by the Privileges and Procedures Committee.

**Draft Public Finances (Administration) (Amendment No. 11) (Jersey) Law 200-. P.153/2002.**  
Presented by the Finance and Economics Committee.

**Draft Health and Safety at Work (Construction) (Personal Protective Equipment) (Jersey) Regulations 200- P.154/2002.**  
Presented by the Employment and Social Security Committee.

**Draft Motor Traffic (No. 9) (Jersey) Regulations 200- P.155/2002.**  
Presented by the Home Affairs Committee.

**Draft Rehabilitation of Offenders (Jersey) Law 2001 (Appointed Day) Act 200- P.156/2002.**  
Presented by the Legislation Committee.

**Draft Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 200- P.157/2002.**  
Presented by the Legislation Committee.

**Projet de Loi (200-) concernant les serments des Connétables et des Centeniers - P.158/2002.**  
Présenté par le Comité de Législation.

**Draft Honorary Police (Amendment No. 2) (Jersey) Regulations 200- P.159/2002.**  
Presented by the Legislation Committee.

**Draft Copyright (Jersey) Law 200- - P.160/2002.**  
Presented by the Industries Committee.

The following matters were lodged on 13th August 2002 -

**States Resource Plan 2002 - P.132/2002.**  
Presented by the Policy and Resources Committee.

**Draft Amendment (No. 11) of Standing Orders Relating to certain Transactions in Land- P.133/2002.**  
Presented by the Privileges and Procedures Committee.

**Draft Jersey Advisory and Conciliation (Jersey) Law 200- P.134/200.**  
Presented by the Employment and Social Security Committee.

The following matters were lodged on 20th August 2002 -

**Public Employees Contributory Retirement Scheme: Committee of Management - appointment of member - P.135/2002.**  
Presented by the Human Resources Committee.

**Draft Public Holidays and Bank Holidays (Amendment No. 2) (Jersey) Law 200- P.136/2002.**  
Presented by the Finance and Economics Committee.

**Royde House, 21 Midvale Road, St. Helier: lease of accommodation - P.137/2002.**  
Presented by the Health and Social Services Committee.

**Draft Criminal Justice (Evidence of Children) (Amendment) (Jersey) Law 200- P.138/2002.**  
Presented by the Legislation Committee.

**Committee of Inquiry: procedures for allocation of residential property by Housing Trusts - P.139/2002.**  
Presented by Deputy S.M. Baudains of St. Helier.

The following matters were lodged on 27th August 2002 -

**States Resource Plan 2002 (P.132/2002): amendment - P.132/2002 Amd.**  
Presented by the Human Resources Committee.

**Draft Nursing and Residential Homes (Amendment) (Jersey) Law 200- P.140/2002.**  
Presented by the Health and Social Services Committee.

**Mains Drain Extension Scheme: Thistle Grove, St. Lawrence and St. John- P.141/2002.**  
Presented by the Deputy of St. John.

**Machinery of Government: freedom of representation - P.142/2002.**  
Presented by Senator S. Syvret.

**Planning and Building Core Service: strategy for future funding - P.143.2002.**  
Presented by the Planning and Environment Committee.

The following matters were lodged on 3rd September 2002 -

**Draft Boats and Surf-Riding (Control) (Amendment No. 23) (Jersey) Regulations 200- P.144/2002.**  
Presented by the Harbours and Airport Committee.

**Draft Pilotage (General Provisions) (Amendment No. 8) (Jersey) Regulations 200- P.145/2002.**  
Presented by the Harbours and Airport Committee.

**Draft Harbours (Amendment No. 34) (Jersey) Regulations 200- P.146/2002.**  
Presented by the Harbours and Airport Committee.

**Haut de la Garenne: Incorporation of Trust, appointment of original Trustees, and lease of property to the Trust - P.147/2002.**  
Presented by the Planning and Environment Committee.

**Draft Law granting an Act of Incorporation to the Association called "The Haut de la Garenne Trust" - P.148/2002.**  
Presented by the Planning and Environment Committee.

**Machinery of Government: election and removal of ministers and votes of no confidence in ministers - P.149/2002.**  
Presented by Senator S. Syvret.

### **Arrangement of public business for the present meeting**

THE STATES granted leave to Deputy Alan Breckon of St. Saviour to defer consideration of the proposition regarding the Office of Fair Trading: establishment (P.97/2002 lodged "au Greffe" on 11th June 2002) from the present meeting to a later date.

## **Abattoir, La Collette, St. Helier: transfer of administration (P.109/2002) - withdrawn**

THE STATES noted that the President of the Agriculture and Fisheries Committee had instructed the Greffier of the States to withdraw the proposition concerning the Abattoir, La Collette, St. Helier: transfer of administrator (P.109/2002) lodged "au Greffe" on 25th June 2002.

## **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 -

States Resource Plan 2002 - P.132/2002.

Lodged: 13th August 2002.

*Policy and Resources Committee.*

States Resource Plan 2002 (P.132/2002): amendment - P.132/2002 Amd.

Lodged: 27th August 2002.

*Human Resources Committee.*

States Resource Plan 2002 (P.132/2002): amendment (P.132/2002 Amd.) comments - P.132/2002 Amd.Com.

Presented: 10th September 2002.

*Finance and Economics Committee.*

Haut de la Garenne, St. Martin approval of drawings - P.57/2002.

Lodged: 23rd April 2002.

*Planning and Environment Committee.*

Haut de la Garenne, St. Martin: approval of drawings (P.57/2002)- comments - P.57/2002 Com.

Presented on 20th August 2002.

*Finance and Economics Committee.*

Public Employees Contributory Retirement Scheme: Committee of Management - appointment of member - P.135/2002.

Lodged: 20th August 2002.

*Human Resources Committee.*

Draft Criminal Justice (Evidence of Children) (Amendment) (Jersey) Law 200- P.138/2002.

Lodged: 20th August 2002.

*Legislation Committee.*

## **Arrangement of public business for the next meeting on 24th September 2002**

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 24th September 2002 -

Draft Planning and Building (Amendment) (Jersey) Law 200- - P.56/2002.

Lodged: 23rd April 2002.

*Planning and Environment Committee.*

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- P.89/2002.

Lodged: 28th May 2002.

*Home Affairs Committee.*

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- (P.89/2002): comments - P.89/2002 Com.

Presented: 11th June 2002.  
*Human Resources Committee.*

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- (P.89/2002): comments - P.89/2002 Com. (2).

Presented: 11th June 2002.  
*Finance and Economics Committee.*

Draft Crime (Going Equipped) (Jersey) Law 200- P.96/2002.  
Lodged: 11th June 2002.  
*Legislation Committee.*

European Convention for the Protection of Human Rights and Fundamental Freedoms: Individual Right to Petition - P.110/2002.

Lodged: 25th June 2002.  
*Policy and Resources Committee.*

Draft Civil Evidence (Jersey) Law 200- P.111/2002.  
Lodged: 2nd July 2002.  
*Legislation Committee.*

Meetings of the States in 2003: suspension of Standing Order 4(1) - P.124/2002.  
Lodged: 23rd July 2002.  
*Privileges and Procedures Committee.*

Draft Law Reform (Miscellaneous Provisions) (Jersey) Law 200- P.130/2002.  
Lodged: 23rd July 2002.  
Legislation Committee.

Planning and Building Core Service: strategy for future funding - P.143/2002.  
Lodged: 27th August 2002.  
Planning and Environment Committee.

THE STATES agreed that Planning and Building Core Service: strategy for future funding (P.143/2002 lodged au Greffe on 27th August 2002)) be considered immediately after the draft Planning and Building (Amendment) (Jersey) Law 200- (P.56/2002).

THE STATES noted that in accordance with Standing Order 22(3) Senator S. Syvret had instructed the Greffie of the States to withdraw the proposition regarding Machinery of Government: freedom of representation (P.25/2002 lodged "au Greffe" on 26th February 2002), having lodged "au Greffe" a revised proposition (P.142/2002) on 27th August 2002.

### **Additional meeting of the States**

THE STATES agreed that an additional meeting of the States should be held on Tuesday, 1st October 2002.

### **Swimming pool facilities - questions and answers (Tape No. 770)**

The Deputy of St. John asked Deputy Michael Edward Vibert of St. Brelade, President of the Sport, Leisure and Recreation Committee, the following questions -

1. Will the President inform the Assembly whether the Committee is aware of the number of meetings held between the new operator of the Waterfront Pool and the Jersey Swimming Club and, if so, would he give details of such meetings and advise the Assembly whether members of the Committee were in



attendance?

2. Assurances were given to the Assembly that the future of aquatics would be secure if Fort Regent's swimming pool was closed. Would the President confirm the assurance he gave at that time that there would be continuity in providing proper swimming pool facilities in the light of a letter to him from the Jersey Swimming Club dated 9th August 2002 and signed by the President and both Vice-Presidents of the Club which expresses extreme concern regarding future swimming pool provision?
3. Will the President indicate whether or not Les Quennevais pool will be used for major swimming events in future and if the answer is in the affirmative, give details and dates when proper spectator seating will be provided at that pool?"

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

- “1. I am aware that there have been a number of meetings between swimming clubs, WEB and the architects of the Waterfront pool since the States decision to include a 25 metre, six lane pool in the design. I am also aware that the new operator, Serco, has met with Jersey Swimming Club representatives at least once and that I was not present nor was any member of my Committee present at those meetings. In the light of concerns expressed by clubs a meeting was held with JASA on 4th September 2001. Further meetings have been arranged.
2. I can confirm that assurance.
3. Yes, in partnership with the Jersey Amateur Swimming Association discussions have taken place on which swimming galas will be held at Les Quennevais. A total of 164 proper spectator seats were provided for in the original building. The Sport, Leisure and Recreation Committee has recently obtained Planning Permission to install a further 238 seats poolside for galas. JASA has assured the Committee that this will be sufficient. Work will begin on this project in the near future.”

#### **Bus passes - question and answer (Tape No. 770)**

Senator Corrie Stein asked the Deputy of St. Peter, President of the Public Services Committee, the following question -

“Would the President inform members whether the contract entered into with the new bus operator, Connex Bus U.K. Limited, includes provision for the continuation of free bus passes for those people of pensionable age and the disabled when it begins operating on the first of October this year?”

The President of the Public Services Committee replied as follows -

“The short answer is yes. The new operator, Connex, will continue to honour the free bus travel passes issued by Jersey Bus, for senior citizen and Health Insurance Exemption recipients. Contrary to what is implied in Senator Stein's question, persons who have a disability do not have entitlement to free bus travel unless they qualify as a senior citizen or HIE pass holder.

In due course, hopefully by the end of this year, Connex will introduce a new, advanced pass system to replace the current passes.”

#### **School bus service - question and answer (Tape No. 770)**

The Deputy of St. John asked the Deputy of St. Peter, President of the Public Services Committee, the following question -

“At the last States Meeting on 26th July 2002, the President of the Public Services Committee gave members

an assurance that the school bus service problems had been resolved for all secondary schools and stated that a revised timetable would be produced in the next few weeks. What the President failed to tell members was that it would be at the expense of two primary school routes, namely St. Martin and Trinity. Will the President explain the Committee's rationale for removing school transport from primary States' schools and state whether parents from Trinity, St. Martin's and FCJ schools were consulted about stopping this service?"

The President of the Public Services Committee replied as follows -

"My statement on 26th July concerning the resolution of the school bus service for secondary schools was entirely correct. I was not aware that the service to the two primary schools and to FCJ could be in jeopardy. The service to FCJ and Trinity and St. Martin Schools was dependent upon detailed negotiations between Tantivy Blue Coach and Public Services Department's officers that had not at that time been completed.

Trinity and St. Martin schools had been informed before Christmas 2001 that the service was becoming non-viable. The information was communicated by the schools to parents either individually or by inclusion in the school newsletter. Only one objection to the service's removal was notified to PSD officers.

The pending improvements at Grainville School and the planning conditions attached thereto makes operation of a bus service to FCJ extremely difficult. Safe operation requires much increased supervision at the school, supervision that the former head teacher was not prepared to offer. Circumstances also changed at the Beaulieu end of FCJ operations. A request made by Tantivy Blue Coach for increased supervision at Beaulieu received a similar reaction. Under such circumstances, the service became increasingly hard to sustain.

Unfortunately, these difficulties were not communicated by the school to either the Board of Governors, the incoming head teacher or to parents for comment. When that situation became apparent, further discussions took place and as announced on 29th August, agreement has now been reached between the FCJ Board of Governors, Tantivy Blue Coach and the Public Services Department on supervision arrangements.

Members should recognise that the bus service to Victoria College and the Jersey College for Girls in particular is, by necessity, not designed for use by children of primary school age. It is however, now available to FCJ pupils following negotiated supervision agreements for a shuttle bus transfer from and to Beaulieu. However, in order to keep within the available budget, loadings on the school bus service are much tighter than ever before and no guarantee of a place (or priority) can be given to these primary school children. In normal circumstances, if a school bus is full, the alternative option is to catch a following scheduled bus to the Weighbridge and use a shuttle bus or walk to school. This is not a suitable, safe, or secure procedure for primary school aged children to undertake. It is incumbent, therefore, on parents of children of primary school age to make arrangements for transporting their children to and from school when school buses are full."

#### **School bus service - question and answer (Tape No. 770)**

Deputy Roy George Le Hérisser of St. Saviour asked the Deputy of St. Peter, President of the Public Service Committee, the following question -

"Would the President outline the public consultation process which will precede the granting of bus licences to the new operator?"

The President of the Public Services Committee replied as follows -

"The Motor Traffic (Jersey) Law 1935, as amended, makes provision for the Committee to grant omnibus

service licences, either on the basis of a tendering exercise or in response to an application from an operator for a licence.

Where licences are granted as the result of a tender process, then no public consultation is provided for in the Law. However, I would expect the Committee to invite comment and consult widely prior to inviting tenders.

In the case of applications to operate bus services, the Law sets out processes for notification and consultation and for appeals. The process for notice and consultation will depend to an extent on the nature of the application but the Committee must in all such cases consider any representations on or objections to applications and respond to them.

As Connex has been selected following a competitive tender process, no further public consultation process is involved.

Should Connex in the future wish to apply for an omnibus service licence to operate a new service, they will have to make an application to the Committee and the Committee will apply the processes for notification and consultation set out in the Law.”

#### **Appointment of police officers - question and answer (Tape No. 770)**

The Deputy of St. John asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, the following question -

“Will the President -

- (a) confirm that the two recently appointed Superintendents who have come over from the United Kingdom are on employed on a contract basis?
- (b) advise members of the terms of the contracts and whether or not a rent allowance of approximately £25,000 per annum per officer has been agreed?
- (c) confirm that 10 police constables have been recruited from the United Kingdom? If the answer is in the affirmative, would he -
  - (i) give details of the length of term of their contracts;
  - (ii) confirm that these officers will be entitled to rent allowances;
  - (iii) indicate the amount per officer per annum of any rent allowances?
- (d) advise whether the Committee is likely to assist any these officers to purchase homes within the Island prior to their 10 years' contract having been completed and prior to them having gained housing qualifications?
- (e) advise whether rent allowances are available to local officers and if not, would the President explain the rationale behind the Committee's thinking?
- (f) explain whether the Committee has considered that if no allowance is available to local officers, how they will avoid creating a divide within the States Police Force?”

The President of the Home Affairs Committee replied as follows -

“(a) Yes.

- (b) Five years and three years with no rent allowance.
- (c), (d), (e) and (f)  
No police constables have been recruited from the United Kingdom.”

**Photographing of properties in the parish of Trinity - question and answer (Tape No. 770)**

The Connétable of Trinity asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

“Would the President inform members -

- (a) if he is aware that members of his Department are photographing properties in the Parish of Trinity ‘to be able to compare with photographs taken several years ago’;
- (b) if all properties are to be photographed and if not, why not?
- (c) of the purpose of these photographs?
- (d) should current photographs reveal changes have been made to a property without planning permission having been granted, will the Committee be referring the cases to the Attorney General for consideration?
- (e) the cost of this exercise?”

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

- “(a) Officers of the Department are routinely involved in visiting and photographing sites and properties throughout the Island in fulfilment of the Committee’s statutory duties. This does include the Parish of Trinity.
- (b) Some of the properties which are subject to the Committee’s statutory responsibilities are presently being photographed where this is considered helpful and necessary for the Committee’s purposes.
- (c) Photographs do provide an important record for the purposes of assisting the Committee perform its statutory duties.
- (d) The Committee’s usual procedures for unauthorised development would apply. These include - removal of the unauthorised works by agreement, inviting and determining a retrospective application, serving compliance notices and as a last resort, authorising enforcement. Papers may also be referred to the Attorney General if there are grounds for doing so.
- (e) There is no ‘exercise’ - there is no extra cost. The taking of photographs is part of the normal duties of departmental staff when visiting sites in connexion with matters such as applications, recording historic buildings, environmental impact, complaints, bye-laws, policy and projects, enforcement etc. Photographs do allow economic use of staff and Committee time by reducing repeat visits.”

**Jersey Milk Marketing Board - questions and answers (Tape No. 770)**

The Deputy of St. John asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following questions -

- “1. In the Jersey Milk Marketing Board (JMMB) Annual Report, a loss of £566,000 is reported for 2002 with a further loss of £227,000 for 2001. Will the President confirm whether or not the Committee was

aware of the most recent losses when the Committee recommended to the Finance and Economics Committee that two large sums of money were required by the JMMB to carry out its exit strategy for cattle farmers?

2. On 19th March 2002, the President advised the Assembly -

‘The total amount of aid provided to the dairy industry in the calendar year 2001 was £1,914,538, comprising Direct Aid amounting to £917,966 and Indirect Aid amounting to approximately £996,572. With regard to indirect aid, there is a degree of estimation, because some services are shared between the dairy industry and the crop production sectors.’

Would the President give members details of the aid paid to the JMMB for 2001 and 2002 to date, both direct and indirect, including the exit strategy payments?”

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

“1. When, in February 2002, the Agriculture and Fisheries Committee supported the first request from the JMMB for funding to enable the Dairy Industry Restructuring Scheme the Committee was aware of the loss reported by the Board for 2001. It was also aware of the very difficult trading circumstances for Jersey Milk and of the deteriorating profitability for individual dairy farmers. It is fair to say that a crisis situation existed and the Committee therefore supported the request for emergency funding. At that time the Committee was not, of course, aware of the loss for 2002; the extent of the loss was not known until it was published in August 2002.

The Second Restructuring Scheme, for which the Finance and Economics Committee agreed funding in July, will, if fully subscribed, achieve its objective of reducing the total amount of milk license by a further 1.8m litres. The second scheme is a key element in reducing the level of milk production in the island to the level that Jersey Milk considers necessary in order to restore the industry to profitability.

2. I confirm that the figures quoted on 19th March 2002 for the calendar year 2001 are correct.

The question appears to assume that direct aid, indirect aid and the restructuring payments are paid to the JMMB. This is not correct. There is no States aid for the JMMB. Direct aid is paid entirely to individual dairy farmers; for administrative efficiency the payments are administered by Jersey Milk. There is no direct aid for the JMMB. Indirect aid comprises a range of services provided for individual dairy farmers. There is no indirect aid for the JMMB. Payments in connection with the Restructuring Scheme were made to individual dairy farmers. There were no payments to the JMMB.

Having made this clear, the figures requested for 2001 and 2002 are as follows -

	<b>2001</b> (full year)	<b>2002</b> (to 30th June)
Direct aid	917,966	420,049
Indirect aid	996,572	495,249

First Restructuring Scheme	nil	392,700
Second Restructuring Scheme	nil	350,000
		(budget)

### Fencing on the New North Quay - questions and answers (Tape No. 770)

Deputy Gerard Clifford Lemmens Baudains of St. Clement, asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following questions -

- “1. On 18th June 2002 members adopted the following proposition by 26 votes to 12 -

New North Quay, St. Helier: erection of fencing (P.88/2002) requested the Committee to ‘..... reconsider its decision to restrict access to parts of the New North Quay, St. Helier, through the erection of fencing, and to request the Committee to replace the fencing, if necessary, with fencing in a location that meets the needs of all port users including pleasure boat owners’.

Would the President explain what progress the Committee has made on this matter in the interim and would he give details of the various options the Committee has considered together with the conclusions it has reached?

2. On 23rd July 2002 I asked the President three questions. In 1(b) I asked (in relation to the New North Quay fencing) ‘what decisions the Committee had made as a result of P.88/2002 and the timetable involved’. He replied ‘A number of legal aspects required confirmation by the Attorney General and we are awaiting his responses’.

As the Committee was being asked to re-site, not remove the fencing, would the President give details of the legal aspects requiring confirmation and whether that advice has now been received and would he further advise members whether the Attorney General’s advice was sought before the present fencing was erected and if not, why not?

3. In question 1(c) of the same date, I asked the President to ‘give details of what alternative parking arrangements, if any, the Committee will implement in the short term to replace those lost by the present fence?’

The President replied ‘The spaces referred to by Deputy Baudains do in fact require, and have for some years, port parking permits. These permits are issued to shipping and freight staff working in the area. Thus in times when restriction was not necessary, these spaces were customarily used (evenings and weekends) by boat owners. The customary practice of allowing port parking spaces outside of the restricted area to be used by boat owners will continue. Thus boat owners will not be disadvantaged .....

- (a) Will the President confirm that approximately 22 parking spaces at the southern end of the quay were not restricted to permit holders at weekends and Bank Holidays and will he therefore agree that the first sentence of his answer is misleading?
- (b) With regard to the second sentence of his reply, will the President agree that whilst permits are issued to shipping and freight staff, they are also issued to Marine Traders and others who are now denied access?
- (c) The fencing has made around 50 parking spaces (to which boatowners had previous access) unavailable. On 3rd March the President wrote to the Deputy Harbourmaster ‘To the south of these

gates there are 47 car parking spaces. Parking for boat owners is very limited around the harbour. Where are we going to replace these 47 spaces?

In light of the above, would the President explain his statement 'Thus boatowners will not be disadvantaged'.

- (d) During the debate on P.88/2002, the President stated 'in a couple of months the two old warehouses next to the Sailors Rest will be demolished .....will be removed shortly and that area retained for parking for boatowners, the museum .....?'

The debate was three months ago and still there is no sign of demolition. Will the President explain why and also explain why the trolleys promised for the area have not arrived?

4. Will the President confirm that -

- (a) the gates to the New North Quay are now padlocked at night and at weekends, despite my asking in the debate that they would not be made operational until all the options had been properly evaluated by the Committee, and would he also confirm that some boatowners have found themselves trapped on the quay by this exercise?
- (b) the gates of the boat park at La Collette have recently been padlocked shut at weekends, and will he explain what he is hoping to achieve by this inconvenience to boatowners and will he also give details of those the Department forewarned of this closure?
- (c) three old cranes that had been parked on the New North Quay for many years were recently scrapped, and advise who undertook this work, how much it cost and how much the scrap realised?"

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

"1. Safety and security are the direct responsibility of the Harbourmaster as part of his operational duties and he has considered every possible option available to achieve adequate protection for the public and property, whilst maintaining the operational capability of the New North Quay. The Committee's responsibility is to ensure that the Harbourmaster has, in the execution of his duties, adequately balanced the needs of the different users of the harbour and the public. This the Committee has done.

2. There are a number of laws that are relevant, namely -

Harbours (Administration) (Jersey) Law 1961;

Health and Safety at Work (Jersey) Law 1989;

Maritime Security (Jersey) Law 1996;

Approved Code of Practice for Health and Safety in the Port of St. Helier Jersey dated 27th May 1999;

U.K. Marine Port Safety Code.

The Department was confident that it was complying with all of the relevant regulations and laws, but sought the confirmation that this was indeed the case in the light of the Deputy's proposition. The advice was not sought prior to the erection of the fencing because, as I previously stated, the Department was confident that it was complying with the law.

3.(a) My statement was certainly not intended to be misleading but factual. The 17 spaces at the south end of the New North Quay were able to be used by boat owners at weekends and on bank holidays,

although they were only able to be used by holders of port parking permits during the working week.

- (b) Port parking permits are issued to the organisations which operate within the port area. They are also issued to marine related businesses, who require access to the marinas and quays, but on the understanding that they are not abused.
- (c) As stated in my reply to (a), these spaces are primarily for the use of those people who work on the quay. It is only those spaces at the extreme south end of the quay that have been allowed to be used by boat owners on weekends and bank holidays. These particular spaces are the ones that will be replaced by the area freed up for boat owners around the small warehouse area. My reference to 47 spaces was misleading as, at that time, I did not fully appreciate the difference between the different sorts of parking areas and, of course, the majority being for the employees of Ferryspeed and Huelin Renouf will not have to be replaced.
- (d) The lease of the remaining tenants in the small warehouse ends at the end of December. I admit that the word 'couple' was unintentionally an understatement, for which I apologise. Demolition cannot take place until the site is vacated and agreement has been reached with the Planning and Environment Committee as to its eventual use. As soon as I received notification of these questions, I went to the New North Quay where I saw the trolleys in position as promised.

4.(a) The gates have been padlocked owing to the overzealousness of Ferryspeed. It was not the Committee's intention that this should happen when it did. However, the personnel gates have not been locked so boat owners should not have found themselves trapped on the quay by this exercise.

(b) There are two boat parks at La Collette. The small one contains boats on trailers that are easily removed. The gates on this park are bolted but not padlocked as a deterrent to those who do not have authorised access.

The south gates on the larger boat park have been padlocked to deter those who do not have authorised access. However, the Deputy should be aware that there is permanent access available through the boat hoist/fish quay area. This has been met with the approval of the majority of the boat owners using the boat park. One of the main reasons for locking the main gates is to deter illegal dumping of rubbish in the boat park, which was becoming a problem and was causing additional expense and unsightly.

(c) The three old cranes on the New North Quay were scrapped because they were becoming a potentially expensive liability to the department and occupied valuable commercial space, as their technology was out of date. The dismantling of a crane with a balanced jib is a specialised skill and should not be undertaken by people without the necessary skills. Sea Structures Limited, a specialist marine engineering company, were carrying out work on the ramp at No 5 berth, so the department negotiated with them to take them down and dispose of them. The negotiated price was £18,000 each. There is no value in the resulting scrap metal.

As a comparative cost, the potential suppliers of a new crane quoted £200,000 to take away four harbour cranes, ie £50,000 each, on the barge that would bring in the new unit.

Efforts to dispose of them by sale were unsuccessful."

#### **St. Helier Surface Water Link and Storage Tank Contract - question and answer (Tape No. 770)**

The Deputy of St. John asked the Deputy of St. Peter, President of the Public Services Committee, the following question -

"The Public Services Committee presented its report on the St. Helier Surface Water Link and Storage Tank Contract (R.C.14/2002) to the States on 17th April 2002. The report stated that the final cost of the project as at 14th January 2002 was £22,396,757.00. Would the President advise members -



- (a) whether this figure includes all costs, for example the cost of the elements of the twin culverts and pumping station at Elizabeth Marina?
- (b) what the cost of these two elements was?"

The President of the Public Services Committee replied as follows -

- “(a) The above figure includes all costs for the Surface Water Link and Storage Tank scheme. It does not include the cost of the culvert and pumping station at Elizabeth Marina, as they were totally separate and different schemes from the Surface Water Link and Storage Tank scheme. The culvert was an extension of the existing surface water culvert that previously discharged into the north-eastern corner of the area of the new Elizabeth Marina. This culvert carries surface water that comes from Grands Vaux, Vallée des Vaux and most of St. Helier, including the area now drained by the Surface Water Link from the Weighbridge to the Gas Works. The culvert had to be extended as a result of the construction of the new Marina and the trailer park along its eastern side, and now discharges outside the Marina. It was constructed as a twin box culvert, as part of the new Marina scheme. The surface water pumping station at the Elizabeth Marina is a scheme that was identified a considerable number of years ago, as part of the overall programme of reconstructing the sewer system of St. Helier. It was recognised that the coincidence of a severe rainstorm and a high tide posed a serious risk of flooding in St. Helier, as the surface water drainage system would not be able to discharge against the high tide. The purpose of the pumping station is to lift the very large flow of surface water over the high tide. The pumps in this station are the largest in the Island, and can pump 3,520 gallons per second.
- (b) The cost of these two elements was as follows. The extension of the surface water culvert cost £1,444,165.91. The pumping station structure and mechanical and electrical equipment cost £1,831,456.75.”

### **Committee of Inquiry into Building Costs - statement**

Senator Wendy Kinnard, President of the Committee of Inquiry into Building Costs, made a statement in the following terms -

“The Committee of Inquiry wishes to draw members’ attention to its Final Report R.C. 32/2002 which is published today.

As the Committee has completed its task, I should like to say a few words of thanks to all those individuals, and States and non States bodies who have given their time and expertise during the inquiry. The Inquiry into Building Costs has involved the tracking of the construction industry over a four year period. My fellow Committee members who are -

Deputy Michael Vibert, the Vice-President, and Deputies Alan Breckon, Kenneth Syvret and Harry Baudains, along with our Committee Clerk Margaret Marquis, have shown great dedication and determination to complete the task. I am extremely grateful to them as the Committee has not had an executive officer allocated to it to assist in the preparation of the reports.

The original terms of reference of the Committee of Inquiry were - ‘to investigate fully the cost of building projects in Jersey and to report back to the States with such recommendations (if any) as the Committee considered to be appropriate’.

The terms of reference were deliberately drawn wide and the study has proved to be a wide-ranging, complex task covering both macro and micro issues. The Committee’s proposals seek the co-operation of several Committees and other agencies outwith the States sector. The Committee of Inquiry advises, therefore, a single Committee should be given overall responsibility for ensuring the implementation of its recommendations.

Although a number of factors have been identified as contributing towards higher building costs, the Committee of Inquiry demonstrates conclusively that there is one underlying cause above all others responsible for recent very high rises in construction costs in the Island i.e. overheating of the industry, too much demand over supply. As such, the Committee believes it would be appropriate for the Finance and Economics Committee to take on this overarching role.

The Committee has produced two comprehensive reports being an interim report and this final report. This final report makes 38 recommendations, some of which address extra cost factors associated with transport, labour and material costs. The research has also identified considerable 'strategic costs', 'hidden costs', and 'culture costs'. Further recommendations therefore address these cost issues and provide some steps towards delivering best value for both the private and public sectors. The most significant cost factor identified over four years of tracking the industry is an inflation cost due to an overheated industry. The Committee of Inquiry believes that the decision to cap public sector capital spending will cool this overheating but considers that without the implementation of a clear strategy for the industry the measure runs the risk of becoming a blunt tool, possibly exacerbating the problems that already exist due to the cyclical nature of construction.

The Committee of Inquiry proposes a strategy requiring a corporate approach which it believes will deliver benefits and cost savings across the Island. 'No action' is not an option, 'over-reaction' poses unnecessary risks. The Committee proposes positive action, an agenda for change. It is now up to others, most notably the Finance and Economics Committee and the construction industry to implement the changes to ensure the long-term sustainability of the Island's construction industry. The solution is neither easy nor quick but we wish them well in achieving this goal."

#### **States Resource Plan 2002 - P.132/2002**

#### **Amendment - P.132/2002 Amd., comments, Amendment - amendments, second amendment**

THE STATES commenced consideration of the States Resource Plan 2002 (P.132/2002), and of an amendment of Senator Stuart Syvret that -

after paragraph (b)(i) of the proposition, there be inserted the following paragraph -

“(ii) to agree that an additional sum of £400,000 should be made available in 2003 to support the continued provision of an occupational health scheme in respect of all States' employees, and to charge the Finance and Economics Committee to identify an appropriate source of funding.”

and the existing paragraph (b)(ii) be renumbered as (b)(iii).

#### **Change in Presidency**

THE STATES re-assembled after the lunch adjournment under the Presidency of the Deputy Bailiff, Mr. Michael Cameron St. John Birt.

#### **States Resource Plan 2002 - P.132/2002**

#### **Amendment - P.132/2002 Amd., comments, Amendment - amendments, second amendment**

THE STATES resumed consideration of the amendment of Senator Stuart Syvret to the States Resource Plan 2002.

THE STATES rejected a proposition of Deputy Roy George Le Hérisier of St. Saviour that the amendment be referred back to Senator Syvret.

THE STATES, having resumed consideration of the amendment, rejected the amendment.

Members present voted as follows -

**“Pour” (13)**

**Senators**

Le Maistre, Stein, Syvret, Norman, Le Claire.

**Connétables**

St. Lawrence, St. Mary.

**Deputies**

Breckon(S), St. Martin, Troy(B), Le Hérissier(S), Martin(H), Southern(H).

**“Contre” (31)**

**Senators**

Horsfall, Bailhache, Walker, Kinnard, Lakeman.

**Connétables**

Grouville, St. Ouen, Trinity, St. Saviour, St. Brelade, St. John, St. Peter, St. Clement.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), St. John, Vibert(B), St. Peter, Dubras(L), G. Baudains(C), Dorey(H), Voisin(L), Farnham(S), Ozouf(H), Fox(H), Bridger(H).

THE STATES commenced consideration of an amendment of the Human Resources Committee that -

at the end of paragraph (b)(i) of the proposition, after the words “Table 4.4 totalling £366,269,000 in 2003”, there be inserted the words -

“except that for the said Table 4.4 there shall be substituted the revised Table 4.4 set out in the Appendix to the report of the Human Resources Committee dated 13th August 2002, showing revised cash limits for each of the non-trading committees, to support the continued provision of an occupational health scheme in respect of all States’ employees”.

THE STATES commenced consideration of an amendment of the Education Committee to the amendment of the Human Resources Committee that -

after the words “non-trading committees”, there be inserted the words “except the Education Committee”, and the revised Table 4.4 be amended accordingly.

Senator Stuart Syvret lodged the amendment “au Greffe” together with his own amendment that -

after the words “Education Committee”, there be inserted the words “and the Health and Social Services Committee”, and the revised Table 4.4 be amended accordingly.

THE STATES, in accordance with Standing Order No. 20(4) agreed to continue consideration of the amendment of the Human Resources Committee.

Members present voted as follows -

**“Pour” (28)**

**Senators**

Horsfall, Stein, Walker, Lakeman.

**Connétables**

Grouville, St. Ouen, Trinity, St. Saviour, St. Brelade, St. John, St. Clement.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), Layzell(B), Vibert(B), St. Peter, Dubras(L), G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Farnham(S), Le Hérisssier(S), Ozouf(H), Bridge(H).

**“Contre” (15)****Senators**

Le Maistre, Bailhache, Syvret, Norman, Kinnard, Le Claire.

**Connétables**

St. Lawrence, St. Mary, St. Peter.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, Fox(H), Martin(H), Southern(H).

The Deputy Bailiff, in accordance with Standing Order 21(2), disallowed a proposition of Senator Wendy Kinnard that the amendment of the Human Resources Committee be referred back to that Committee.

THE STATES adopted the amendment of the Human Resources Committee.

Members present voted as follows -

**“Pour” (30)****Senators**

Horsfall, Le Maistre, Stein, Quérée, Walker, Kinnard, Le Claire.

**Connétables**

Grouville, St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. Clement.

**Deputies**

H. Baudains(C), S. Baudains(H), Trinity, Routier(H), Layzell(B), Vibert(B), St. Peter, Dubras(L), G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Bridge(H), Southern(H).

**“Contre” (9)****Senators**

Bailhache, Syvret.

**Connétable**

St. Peter.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, Le Hérisssier(S), Fox(H), Martin(H).

THE STATES adopted the States Resource Plan 2002 as amended and -

- (a) agreed that -
  - (i) the total estimated States net revenue and capital expenditure in 2003 should not exceed the total estimated States income by more than £7,000,000;
  - (ii) the total estimated States net revenue and capital expenditure for 2004 and 2005 should not exceed the total estimated States income in order to produce balanced budgets;
- (b)(i) approved the cash limits for each of the non-trading committees as set out in Table 4.4 totalling £366,269,000 in 2003, except that for the said Table 4.4 there should be substituted the revised Table 4.4 set out in the Appendix to the report of the Human Resources Committee dated 13th August 2002, showing revised cash limits for each of the non-trading committees, to support the continued provision of an occupational health scheme in respect of all States' employees;
- (ii) agreed that total States net revenue expenditure should be increased by no more than 5% per annum for the years 2004 and 2005;
- (c) (i) approved the total allocation for capital expenditure of £50,000,000 each year for the years 2003 to 2005, as set out in Tables 5.1 and 5.6; in place, as appropriate, of the allocations approved by the States on 18th September 2001;
- (ii) approved the recommended programme of capital projects for 2003 as set out in Tables 5.1 and 5.4, to approve in principle the proposed programme for 2004 as set out in Tables 5.1 and 5.5, and to note the indicative proposals for 2005, as set out in Tables 5.6 and 5.7;
- (d) charged all Committees of the States to co-operate with the Policy and Resources and Finance and Economics Committees in the development of an appropriate process for a fundamental spending review of the total States net revenue expenditure for 2004 and 2005; and
- (e) approved the Legislation Programme for 2003 as set out in Appendix 15.

THE STATES adjourned until 9.30 a.m. on 11th September 2002.

THE STATES rose at 5.20 p.m.

**C.M. NEWCOMBE**

*Greffier of the States.*