

**THE STATES assembled on Tuesday,
28th May 2002 at 9.30 a.m. under the
Presidency of the Greffier of the States,
Miss Catherine Mary Newcombe.**

**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 -

Thomas John du Feu, Connétable of St. Peter- out of the Island
Shirley Margaret Baudains, Deputy of St. Helier- ill.

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Diseases of Animals (Foot and Mouth - Restrictions No. 5A) (Jersey) Order 2002. R & O 40/2002.

Telecommunications (Telephones) (Amendment No. 35) (Jersey) Order 2002. R & O 41/2002.

Matters presented

The following matters were presented to the States -

Jersey Arts Trust: report and accounts for 2000.
Presented by the Education Committee.

Jersey Arts Trust: report and accounts for 2001.
Presented by the Education Committee.

Probation and After Care Service: annual report for 2001, business plan for 2002 and 5 year plan.
Presented by the Home Affairs Committee.

Fire and Rescue Service: annual report 2001.
Presented by the Home Affairs Committee.

Draft Barclays Private Clients International (Jersey) Law 200- (P.81/2002): comments - P.81/2002 Com.
Presented by the Finance and Economics Committee.

**Housing Committee Strategic Policy Report 2002 - 2006 (P.2/2002): second amendment (P.2/2002 Amd.(2))
comments - P.2/2002. Amd.(2).**
Presented by the Housing 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 15th May 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 Tourism Committee, the lease from the Crown in respect of the Island Foreshore, for a term of 99 years deemed to have commenced from 1st January 2000, at an initial annual rent of £4,500, with rent reviews every ten years, upwards only, based on a factor of 2.5 per cent a year or the equivalent increase in the prevailing level of the Jersey Retail Price Index, whichever was the lower. The lease was to contain a clause which prevented the Crown from offering the foreshore or any part thereof for sale or from accepting an offer to purchase the foreshore or any part thereof without the previous consent of the States of Jersey. Each party would be responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Health and Social Services Committee, the lease from Mr. Jock Campbell Russell and Mrs. Susan Joy Russell, née Wilford, of the two-bedroom "(j)" category property known as No. 3 Oakdale Cottage, La Rue des Buttes, St. John, for a period of three years from 1st March 2002 at an annual rent of £14,250, payable monthly in advance, with annual rent reviews in line with the Jersey Retail Price Index, on the basis that each party would be responsible for the payment of its own legal costs arising from this transaction, with no deposits to be paid.

Matters lodged

The following matters were lodged "au Greffe" -

Machinery of Government: proposed departmental structure and transitional arrangements (P.70/2002) - amendment - P.70/2002 Amd.

Presented by Deputy G.C.L. Baudains of St. Clement.

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

Presented by the Home Affairs Committee.

Draft Social Security (Amendment No. 15) (Jersey) Law 200- P.90/2002.

Presented by the Employment and Social Security Committee.

Victoria Chambers, The Esplanade, St. Helier: lease of 1st Floor office accommodation- P.91/2002.

Presented by the Industries Committee.

Field 574 and part of 573, Les Falaises de Fiquet, Beauport, St. Brelade: exchange of land- P.92/2002.

Presented by the Planning and Environment Committee.

Meetings of the States: restriction of the length of Question Time - P.93/2002.

Presented by Deputy A.J. Layzell of St. Brelade and referred to the Privileges and Procedure Committee.

Draft Island Planning (Amendment No. 8) (Jersey) Law 200 P.94/2002.

Presented by the Planning and Environment Committee.

Arrangement of public business for the present meeting

THE STATES agreed to defer consideration of the following matters from the present meeting to a later date -

Draft Rehabilitation of Offenders (Jersey) Law 2001 (Appointed Day) Act 200- P.63/2002.

Lodged: 30th April 2002.

Legislation Committee.

Draft Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 200- P.64/2002.

Lodged: 30th April 2002.

Legislation Committee.

THE STATES agreed to defer consideration of the proposition concerning "Narkunda" and "Chantemerle",

West Hill, St. Helier: transfer of administration (P.78/2002 lodged "au Greffe" on 14th May 2002) from the present meeting to 11th June 2002.

Arrangement of public business for the next meeting on 11th June 2002

THE STATES commenced consideration of matters to be considered at the next meeting on 11th June 2002 and adjourned discussion until after the lunch adjournment.

Referral of cases to the Jersey Advisory and Conciliation Service - question and answer (Tape No. 738)

Senator Paul Vincent Francis Le Claire asked Senator Terence Augustine Le Sueur, President of the Employment and Social Security Committee, the following question -

"Would the President inform members -

- (a) how many Jersey employers have been reported to the Jersey Advisory and Conciliation Service (JACS) for failing to provide their employees with contracts and agreements in accordance with the Terms of Employment (Jersey) Regulations 2001?
- (b) how many of these cases have been referred to the Terms of Employment Officer for action, how many has this officer referred to the police with a recommendation for prosecution, and how many prosecutions have there been?
- (c) if the answer to the last question is 'none', why his Department has not referred to the Attorney General for consideration of prosecution any cases of continuing failure by employers to comply with the Regulations?"

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

- "(a) I am advised by the Jersey Advisory and Conciliation Service that, during its first 13 months in operation, only a relatively small number of employees have specifically enquired about the lack of any written terms of employment. It often comes to light when JACS staff are dealing with other complaints. They estimate that of the 2,500 clients who have come for advice, about 200 of those were either unsure about their written particulars or did not appear to have been issued with any.
- (b) Although JACS has taken over many responsibilities from the previous Industrial Relations Advisory Officer, it is not a regulatory body which can refer individual cases to the Terms of Employment Officer. Members will appreciate that JACS is an independent, impartial service and that to be an enforcer or 'policeman' would compromise its role.

Indeed, as I indicated in my reply to Senator Stein at the last sitting of this Assembly, under the existing Terms of Employment (Jersey) Regulations it is basically only the employee or a person nominated by the employee for that purpose who can refer the omission to the Terms of Employment Officer.

If any alleged breach came to light, JACS staff would normally contact employers to establish their position, in order to resolve the dispute if possible. Where necessary, employers would be made aware of their obligations, and advice and support would be offered to ensure matters were put right. Where the matter is unresolved, JACS will advise the individual how to make a complaint to the Terms of Employment Officer. A pro-forma document has been devised to make the task easier for the individual.

I am advised that since January of this year 14 people have exercised this right, and these cases are currently in the hands of the Terms of Employment Officer for consideration. The Terms of Employment Officer does not initially set out to initiate a prosecution in the Courts, but will firstly make every attempt to educate employers to bring about voluntary compliance with the regulations.

During 2000 and 2001 I am advised that five cases were identified by the Terms of Employment Officer as suitable for referral to the States' Legal Advisers. Due to a number of legal reasons, no successful prosecutions have occurred.

- (c) The Terms of Employment Regulations which my Committee inherited do not provide any specific powers for the Employment and Social Security Department (or the previous Industrial Relations Committee) either to investigate alleged breaches or to refer matters to the Attorney General. The legal advice which the Committee has received has highlighted concerns both about the investigatory aspect and the enforceability of the current legislation. For this reason my Committee is strengthening and consolidating the Terms of Employment Regulations into the new Employment Law which I hope will come before the Assembly shortly. This will include provision for powers of investigation as well as a more effective enforcement through an Employment Tribunal. The new law will also set minimum standards so that any particulars are more meaningful."

Closure of the glasshouse units at the Howard Davis Farm - questions and answers (Tape No. 738)

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

- "1. In connexion with the closure of the glasshouse units at the Howard Davis Farm, will the President advise members -
- (a) whether savings have been made since the closure, and if the answer is in the affirmative, in what area have these savings been used?
 - (b) whether it is the Committee's intention to keep the glasshouses closed in future and if so, will the units be demolished or leased to the industry?
 - (c) how many jobs within the Department have been lost because of the closure, or have the personnel been re-trained for other duties?
2. Several years ago the Committee of the day installed a power plant at the Howard Davis Centre as a stand alone unit in the event of power failure. Will the President advise members of the cost of installing that power plant, the number of times it has been used in an emergency, and whether it is the Committee's intention to try and recoup some of its investment by selling this equipment?"

The President of the Agriculture and Fisheries replied as follows -

- "1.(a) It appears that the Deputy has been misinformed, as the glasshouse units have not been closed.

The Committee decided on 14th February 2002 that no new trials would be undertaken unless they had the full support of the industry or that they could result in environmental benefits for the Island, such as a reduction in the use of chemicals.

As a result of the Committee decision no new tomato trials are being undertaken this year. Also, I should state that some trial work is being undertaken for a commercial concern on a full cost recovery basis.

It is estimated that the consequent saving for this year will be of the order of £27,700. This saving is being used to address the Committee's funding needs for the year: for example to pay for the major service required by the Fisheries Vessel, the Norman Le Brocq.

- (b) It is the Committee's intention to consult with the industry and other stakeholders, to ascertain which elements of research and development are considered to be essential or important. There is also clear potential, which is currently being explored by the Department, for further Research and Development to be undertaken on a fully commercial basis. Any decision on the future of the glasshouses will be made after the commercial potential and the industry requirements have been

properly evaluated.

- (c) As a consequence of not undertaking some of the trials previously proposed for the industry it is estimated that 2.43 man-years of labour will not be required. Some of this relates to seasonal workers who will not therefore be recruited. Fully employed staff not required for these trials are being redeployed to other work with the main objective of reducing overtime in the other services provided by the Department.
2. In 1997 a standby power generator was installed by Jersey Gas at the same time as the Department's power supply was being modernised. The generator was provided at no extra cost.

The Department does not keep records of the number of times this generator has automatically operated. The generator is maintained and tested regularly. The Committee has no intention of selling this important back-up facility.”

Cost of a firearms certificate - question and answer (Tape No. 738)

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

“Prior to the debate on the draft Firearms Law in November 1999 the President, in his capacity as rapporteur for the draft law, circulated to members a document entitled ‘Draft Firearms Law at a Glance’ which referred to the effect of the new law on various categories of firearms users and twice contained the statement ‘Future: will have to obtain a firearms certificate from his Connétable. Cost £5.00. Length of certificate: five years’. The President also informed a well-attended public meeting held before the debate that the cost of the new firearms certificate would ‘effectively stay the same’. Would the President advise members what substantial changes have taken place since the debate to justify the 500 per cent increase in the cost of a firearms certificate as set out in Article 2(5) of the Firearms (General Provisions) (Jersey) Order 2001?”

The President of the Home Affairs Committee replied as follows -

“At the time of the debate on the new Firearms (Jersey) Law in 1999, it was the intention of the then Defence Committee that the fee for the grant and variation of a firearms certificate would remain the same as it had been under the 1956 Law.

Two years later, when the new law was ready to be introduced, the Home Affairs Committee asked the Comité des Connétables to indicate what it would regard as a suitable fee. (The Connétable is, of course, the issuing authority.)

At its meeting in September 2001, having considered that the fees for the grant, renewal or variation of a firearms certificate had not increased since 1st January 1993, and the fee for a Port d’Armes (at 25 pence) had never changed since its introduction in 1879, the Comité recommended to the Home Affairs Committee the following level of fees -

Grant, renewal or replacement of a firearm certificate	£25.00
Variation of a firearm certificate to increase the number of firearms to which the certificate relates (there is no charge if the number of firearms remains the same or if there is a reduction in the number of firearms held).	£10.00

In recommending these fees the Comité had regard to the longer period for which a certificate would be valid (an increase from three to five years) and that the administration mirrored that for the issue of a

driving licence for which the fee is also £25.00.”

Public access to the decision conference process - question and answer (Tape No. 738)

Senator Stuart Syvret asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following question -

“The Finance and Economics Committee has arranged for a ‘Decision Conference’ process to take place on 12th June 2002, at which major Committee Presidents and Chief Officers will discuss the States major capital projects programme and examine the 2004 revenue expenditure process.

Would the President inform members -

- (a) whether he personally would support opening the forthcoming ‘Decision Conference’ discussions to the public and journalists as observers?
- (b) if, as President of the organising Committee, he would seek the agreement of the relevant Committee Presidents in respect of making the meeting open to the public and making public the associated documentation?

Should answers to the above questions be negative, will the President provide a detailed explanation of the reasons for opposing public access?”

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

“(a) Under the Public Access to Official Information Code of Practice, information and meetings involving draft policy in the course of development are not normally open to the public. The ‘Decision Conference’ discussions clearly come under that category.

This meeting will not be making any decisions on the allocation of resources. It will be formulating proposals on the capital programme which will be put to the States in the Resource Plan. The States can, of course, accept, reject, or amend these proposals.

I believe that the public and media being present might constrain open and frank debate and lead to a reluctance to propose and consider radical options. For this reason most meetings of a similar nature in most democratic countries are not held in public. I therefore do not personally support opening the meeting as the question suggests.

- (b) Over the weekend I have sought the views of all the Presidents I could contact, and they are unanimously opposed to opening the meeting to the media and the public for similar reasons to my own.”

Pupils’ parking - question and answer (Tape No. 738)

Deputy Celia Joyce Scott Warren of St. Saviour, asked Senator Leonard Norman, President of the Education Committee, the following question -

- “(a) Would the President inform the Assembly of the reason why it has been and still remains the policy of the Committee not to allow pupils to park in school car parks?
- (b) What responsibility does the Committee have to those students who do have to park away from their school as a result of the above policy, given that those students who are under 18 are, in law, minors?
- (c) Does the President accept that with the majority of secondary schools located in the Parish of St. Saviour, this policy is in fact to the detriment of the parishioners of St. Saviour?

The President of the Education Committee replied as follows -

- (a) The Education Committee does not provide car parking facilities specifically for students, but, depending upon the amount of car-parking space which is available, individual schools and Colleges may make provision for a number of student vehicles to be parked within the school or college grounds. However, as all schools with sixth forms occupy restricted sites the amount of parking space available is inevitably limited.
- (b) The Education Committee has a duty of care for all students who are on school premises or engaged in activities which are authorised by the school. This duty of care does not extend to students travelling to and from school or at other times, although the Committee does provide crossing patrols close to several school entrances where there is a recognised risk to their safety.
- (c) The Committee's provision for car parking and that which is made by individual schools and colleges is not, of itself, detrimental to the parishioners of St. Saviour. However, it is accepted that inconsiderate parking by any individuals may well be a source of inconvenience to others."

Survey on household income in Jersey in 2002 - question and answer (Tape No. 738)

The Deputy of St. John asked Senator Terence Augustine Le Sueur, President of the Employment and Social Security Committee, the following question -

"On 10th May 2002 letters were sent to some households requesting information on household income in Jersey in 2002. It states in the letter that the researcher, and I quote, 'will be asking for income information about all the people living at the address not just yourself so it would be useful to have a salary or wage slip and any other relevant information handy when they call'.

- (a) would the President advise members of the estimated cost of this survey?
- (b) would the President explain why this survey is necessary given that this information would be available from other sources?
- (c) would he explain why the letter was posted in the United Kingdom although it was signed by the Head of Statistics?
- (d) is the President satisfied that this survey is not an intrusion into people's affairs, and does he agree that the survey may cause great difficulties in a household where the occupiers may keep their affairs separate for any number of reasons?
- (e) would the President explain whether the Committee gave detailed consideration to these questions before the survey was sanctioned?"

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

"Responsibility for the operational activities of the Income Distribution Survey rests with the Statistics Unit which comes under the authority of the Policy and Resources Department. These answers have been prepared with the help of information supplied to me by Mr. John Imber, a member of that Department and head of the Statistics Unit.

- (a) The survey is proposed to be undertaken in two parts, the first being a trial sample to ascertain whether any modifications are required before proceeding to a second phase involving a larger sample of the local population. The cost of the first phase is in the order of £30,000. The cost of the second phase has not yet been finalised pending a review of the first phase, but is expected to be of the order of £175,000. These costs need to be set in perspective against the magnitude of the sums to be considered in part (b) of this answer.
- (b) The survey is necessary for a variety of reasons, primarily connected with obtaining better information on which to base States' decisions. One example is the way in which any proposed new fiscal measures might impact upon the population. Another is the cost of any proposed Low Income Support System, which would impact primarily on the less well off, whose incomes are currently not

known in the required detail. The information required of households relates to both gross and net income, and would include such details as benefits in kind. Contrary to the question, the information is not already available from any other source. Had it been available, for example from the Income Tax Department, an income distribution survey of this form would not be necessary.

- (c) The letter to which the Deputy refers was posted in the United Kingdom because the research organisation carrying out the Income Distribution Survey is based in the United Kingdom. The sample was selected in the U.K. to guarantee confidentiality, and not even the Head of Statistics knows which households have been chosen. It is nevertheless his responsibility to assure clients that this is a bona fide survey being carried out officially on behalf of the States.
- (d) Yes. There is no doubt that the survey asks for a good deal of information that some people will regard as sensitive. That is why participation in the survey is voluntary. As with the census, the information gathered will be kept entirely confidential and no individual details will be disclosed. Occupiers of a dwelling who live separately, e.g. lodgers, are regarded as separate households and asked to respond separately.
- (e) As I have already said, the survey was carried out under the auspices of the Statistical Unit of the Policy and Resources Department. The design of a survey questionnaire is a matter for professionals, and a Steering Group has been set up, chaired by the Head of Statistics in the Policy and Resources Department, and involving officers from several departments having an interest in the subject. I can confirm that an officer from the Employment and Social Security Department does form part of that steering group and did review the questions. Although not a member of the steering group, I also received a copy of, and commented on, the draft questions before they were finalised."

Population policy - questions and answers (Tape No. 738)

Senator Stuart Syvret asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following questions -

- “1. Will the President inform the Assembly whether the Committee examined in detail alternative policy options when considering population issues prior to the production of the Committee’s draft Population Policy, and if so will he provide for the Assembly a detailed account of those options including a description of the advantages and disadvantages of each?
- 2. If the Committee did not undertake a detailed evaluation of alternative policy responses to the issues of population, will the President inform the Assembly why, and will he undertake to investigate and evaluate such alternative policy responses and make fully public the results?”

The President of the Policy and Resources Committee replied as follows -

- “1.(a) The Committee considered a wide range of issues, evidence and possible policy responses in preparing its draft Population Policy report that was published in March 2002. This included looking thoroughly at all the statistical scenarios based on expert advice. Given the ageing of the population over the next two or three decades, the Island faces an unsustainable future if the demographic profile is not satisfactorily balanced between those of working age and those who are not. The Committee was also very mindful, as clearly indicated in the draft report, that the majority of the aggregate increase in population between 1991-2001 was due to the number of births exceeding the number of deaths, a natural phenomenon that we have no option but to seek to manage in the best way we can.

The Committee’s analysis of all the issues surrounding population, and the evidence and considerations which underpin it, is a continuum. We have sought to weigh all the main relevant factors as work has proceeded and new information has emerged that we did not have before. The Committee did, however, reach an early view that the population policy set in 1997 (the objective of keeping the population at or below the 1995 level) was not viable as a policy option as it is subject to a number of factors beyond States control.

- (b) I have nothing to add to my first answer.

- 2.(a) The Committee has certainly not 'ignored' the findings and recommended policy options in 'Jersey into the Millennium'. In relation to population, that report recommended six policy options, at page 68. One of these was about responding to the Clothier Report because of the link between good governance and sustainability. One was about the need for a lifelong learning strategy. One was about the best way of monitoring population change between censuses. One was about developing a 'smart card'. These recommendations already form part of the Committee's basic policy, as indicated in the Committee's draft population policy and in other reports.

'Jersey into the Millennium' has two other recommended policy options on population. One of these is to evaluate and agree a series of measures designed to maintain sustainable growth without population growth. That task is of course at the heart of the work that has been in hand on population policy, but it now has to be coupled with the detailed results of the Census including in particular the projected ageing of the population. The other recommendation in 'Jersey into the Millennium' is to 'agree a population level no higher than 89,000'. That is, of course, an increase of some 1,800 persons over the 2001 census figure. The Committee does not agree that a policy of setting a size for the population is the right way to proceed because the States has not got the means to deliver it. This applies whether one is talking about setting, as a target, a higher figure than we actually now have, as the Environmental Adviser's report proposes, or a lower figure, as I know certain members, and others, would in theory like to see.

'Jersey into the Millennium' contains much interesting and important material on environmental issues. A good many of its proposals are already in, for example, the Island Plan and the Public Services Committee's work on waste management strategy. They have also been addressed in my Committee's work on population policy - including the crucial question of the interaction between housing and poverty, where the Environmental Adviser's report is absolutely right to say that a key focus of policy must be to break the cycle of poverty. Tackling this particular issue has many strands, none of them easy, but breaking down the two-tier housing system is one of them and that too is, of course, a key proposal in the draft population policy document.

'Jersey into the Millennium' is a valuable piece of work backing up a range of policy actions already in train, several of which are in the process of coming to this Assembly for debate and, I hope, approval.

- (b) The Committee is on the point of lodging its population policy proposals for debate by the States. These will reflect the very constructive public discussion that has taken place since the draft report was published in March. 2002 The proposals, and the report accompanying them, will have been the product of a good deal of work by a number of people, both officers and Committee members, who have all made their input. The task now is to have the States debate that I know many members are very keen to have, and not to have yet more reports."

Jersey Arts Trust - statement

Senator Leonard Norman, President of the Education Committee, made a statement in the following terms -

"I have the honour to present the Report and Accounts prepared by the Jersey Arts Trust for the years 2000 and 2001 which have been circulated to all members.

The Reports chart the successes of the Trust in important areas.

Firstly, the provision of important performance venues with the restoration of the Opera House, which has been faithfully restored and improved to provide a theatre in which our community may take justifiable pride, and the partial redevelopment of St. James as a flexible space for a variety of events.

Secondly, the Trust has, through providing grants for local individuals and small organisations supported performances, exhibitions and activities which have attracted audiences exceeding 20,000 people. These events include the Jersey Eisteddfod which, with almost 6,000 entries in a wide range of categories is one of the most successful of such events in the British Isles.

Thirdly working with a range of States and private organisations, the Trust has supported a diverse range of Festivals which have provided pleasurable experiences for residents and visitors alike.

Alongside this work, the Trust has developed its advisory work to develop the arts and crafts through its support to individual artists and event organisers and has promoted their efforts through its popular publication 'Artscene'.

Members will appreciate that the work of the Trust would be meaningless without all those who are actively engaged in the cultural life of our Island. This army of volunteers who work tirelessly in the arts deserve our thanks and appreciation. One of these is Sir Peter Crill who retired on 1st January this year after six years of devoted service as Chairman of the Trust.

It is regrettable that despite the tremendous efforts of so many, the Trust is confronted by major financial challenges as highlighted by Senator Bailhache in her recent responses to questions in this Chamber. At the root of these difficulties is the funding for the Opera House as yet to be satisfactorily resolved with the Finance and Economics Committee. I trust that the Trust will be relieved of this burden so that we may look forward to enabling the network of people, organisations and venues to continue to engage in and offer the best of cultural experiences for all."

Planning policies relating to tourism - statement

Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, made a statement in the following terms -

"On 30th April 2002 the Planning and Environment Committee lodged, after consultation, the proposed Jersey Island Plan 2002 for debate by the States on 25th June 2002. The Committee wished to allow sufficient time for political consideration of its contents in advance of the debate. Section 11 of the Plan sets out policy proposals which will provide a framework for land use planning decisions for Tourism in combination with policies set out in Sections 4, 5 and 6 of the Plan.

Following the lodging on 30th April 2002, the President and Chief Officer of the Tourism Committee met with the Planning and Environment Committee to discuss issues arising from the application of the prime sites policy. This policy has been in place since 1999 and is set out under Policy TR2 of the new Plan. The Tourism Committee with the President and Chief Officer of the Planning and Environment Committee then held a special meeting to consult on these issues with the Tourism Industry, represented by the Jersey Hospitality Association, the Jersey Chamber of Commerce and the Jersey Attractions Group. At that meeting it was agreed by both Committees that Mr. Martin Bralsford, President of the Jersey Chamber of Commerce and Acting Chairman of its Tourism Sub-Committee, would be requested to act in an independent capacity to advise on the commercial impact of the existing prime site policy and facilitate further discussion with members of the industry.

Last Thursday, 23rd May, Members of the Planning and Environment and Tourism Committees received a presentation from Mr. Bralsford setting out an objective evaluation of the prime site policy and its future contribution to sustaining a viable tourism industry in the Island as required and supported in the States' approved strategic policies.

The prime site policy was introduced in November 1999 by agreement between the Planning and Environment, Tourism, Finance and Economics and Housing Committees in response to the situation pertaining at that time. Speculative approaches from developers of private sector housing were causing serious concerns for the industry. The policy was designed to identify those properties which were of value to the future of the tourism industry and should be retained if viable, and those sites which could be released. Those latter sites have made a valuable contribution to the housing supply. In addition, removing tourism beds which were inappropriate to demand was of benefit to the industry as a whole.

Mr. Bralsford recognised that all concerned have a strong interest in maintaining a vigorous tourism industry which is essential for the future prosperity of the whole Island. He reminded us that the States strategic policies set out in '2000 and Beyond' also encourage a minimum of States control over business consistent with the interests of attaining a balanced economy, especially highlighting the potential contribution of tourism. The Chamber of Commerce accept that the prime site policy was well

intentioned and beneficial at the time. However, negative interventions in the market often create unpredictable and perverse outcomes. In this case, continuation of the prime site policy would not encourage the investment in the industry that other policies in the Island Plan are seeking to facilitate. The Committees were advised that at this critical and uncertain time for the industry it was preferable for market forces to be allowed to operate with the minimum of distortion from States interventions.

The Planning and Environment and Tourism Committees believe that the particular circumstances which created the need for the prime site policy have now abated. There is evidence that there will be a closer balance between the supply and demand for housing in the foreseeable future, with developments in train and the proposals in section 8 of the proposed Island Plan. The Committees have therefore decided to advise the States that the prime site policy will be discontinued forthwith. The Planning and Environment Committee also intends to lodge an amended draft of Section 11 of the Island Plan in time to allow the States debate to proceed as planned. The changes to the proposed policy will remove prime site policy TR2 and effect adjustments to other policies designed to ensure that the Plan's focus in this area is entirely positive in its effects. These policies are designed to facilitate new investment in the industry to the extent that that is possible within land use policies alone. The Tourism Committee will continue discussions on measures to further encourage the tourism industry.

Both Committees believe strongly that there is now an opportunity for a new beginning to build confidence in the future industry and ensure that the Island's unique natural, historic, cultural and environmental advantages can play their full part in sustaining our future. It is essential that all parties, including members of the industry, enter into the new spirit with enthusiasm and a positive expectation of the outcome. The Planning and Environment Committee has played its part and asks others to reflect that they might also.

On behalf of both Committees, I would like to thank Mr. Martin Bralsford for the considerable time and effort he has taken from his busy schedule to assist with the resolution of this difficult issue.

Machinery of Government: establishment of an Appointments Commission - P.52/2002 and comments

THE STATES commenced consideration of a proposition of the Policy and Resources Committee regarding the establishment of an Appointment Commission (P.52/2002) and, after discussion, deferred further consideration until later in the meeting.

Draft Housing (Amendment No. 10) (Jersey) Law 200 P.54/2002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Housing (Amendment No. 10) (Jersey) Law 2002.

Agent of the Impôts: appointment - P.79/2002

The Greffier of the States, in accordance with Article 4(2) of the Customs and Excise (Jersey) Law 1999 and Standing Order No. 46(2), ordered the withdrawal of Strangers and the closing of the doors of the Chamber in order that the appointment of the Agent of the Impôts be debated in camera.

THE STATES deliberated in camera a proposition of the Finance and Economics Committee and in accordance with Article 4 of the Customs and Excise (Jersey) Law 1999, the appointment of Mr. Stepher Cole as Agent of the Impôts with effect from 1st June 2002, and voted in public assembly by ballot.

THE STATES, after the lunch adjournment, were informed by the Deputy Bailiff of the result of the ballot as follows -

In favour	43
Against	0

Change in Presidency

The meeting resumed after the lunch adjournment under the Presidency of the Deputy Bailiff, Mr. Michael Cameron St. John Birt.

Connétable of St. Peter - attendance

Mr. Thomas John du Feu, Connétable of St. Peter, having returned to the Island following the lunch adjournment, was present for the remainder of the meeting.

Arrangement of public business for the next meeting on 11th June 2002

THE STATES resumed consideration of the arrangement of public business and confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 11th June 2002 -

Draft Road Traffic (No. 53) (Jersey) Regulations 200 2002 - P.66/2002.
Lodged: 14th May 2002.
Home Affairs Committee.

Draft Act amending further the Act of the States dated the 4th day of December 1990, establishing a Scheme to provide compensation for victims of crimes of violence - P.76/2002.
Lodged: 14th May 2002.
Home Affairs Committee.

"Narkunda" and "Chantemerle", West Hill, St. Helier: transfer of administration- P.78/2002.
Lodged: 14th May 2002.
Public Services Committee.

Optometrists (Ophthalmic Opticians): issue of written prescriptions.
Lodged: 14th May 2002 and referred to the Health and Social Services Committee.
Industries Committee.

Draft Community Provisions Dual-Use Items (Export Control) (Jersey) Regulations 200- P.86/2002.
Lodged: 21st May 2002.
Finance and Economics Committee.

Draft Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Jersey) Regulations 200- P.87/2002.
Lodged: 21st May 2002.
Finance and Economics Committee.

Victoria Chambers, The Esplanade, St. Helier: lease of 1st Floor office accommodation- P.91/2002.
Lodged: 28th May 2002.
Industries Committee.

Arrangement of public business: frequency of meetings

THE STATES, adopting a proposition of Senator Pierre François Horsfall, O.B.E., and in the light of the amount of business required to be considered during the current session, agreed to meet weekly until the end of the first session and, in order to complete consideration of major items of public business, to re-convene on the Wednesday immediately following a States' meeting if necessary.

Machinery of Government: establishment of an Appointments Commission - P.52/2002 and comments

THE STATES resumed consideration of the proposition of the Policy and Resources Committee and adopting the proposition, referred to their Act dated 28th September 2001 in which they approved the establishment of an independent Appointments Commission, comprising persons who were not members of the States, with

responsibility for ensuring that senior appointments to the civil service and autonomous and quasi-autonomous public bodies were properly made, and which as its first task would recommend to the States a person for appointment as Chief Executive and -

agreed that the Commission should be established on the basis of the 'Constitution and Terms of Reference' contained in Appendix 1 of the report of the Policy and Resources Committee dated 28th March 2002.

Members present voted as follows -

“Pour” (37)

Senators

Horsfall, Stein, Qu  r  e, Bailhache, Norman, Kinnard, Le Sueur, Lakeman.

Conn  tables

St. Martin, St. Ouen, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Clement, St. Helier.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Grouville, Huet(H), St. Martin, Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Dorey(H), Voisin(L), Scott Warburton(S), Le H  rissier(S), Fox(H), Bridge(H).

“Contre” (11)

Senators

Le Maistre, Syvret, Le Claire.

Conn  tables

Grouville, Trinity.

Deputies

Breckon(S), St. John, G. Baudains(C), Troy(B), Martin(H), Southern(H).

Draft Public Elections (Jersey) Law 2002 (Appointed Day) Act 200- P.59/2002

THE STATES, in pursuance of Article 75(2) of the Public Elections (Jersey) Law 2002, made an Act entitled the Public Elections (Jersey) Law 2002 (Appointed Day) Act 2002.

Draft Public Elections (Jersey) Regulations 200- P.60/2002

THE STATES, in pursuance of Articles 3, 7, 13, 20, 24, 32, 34, 43 and 72 of the Public Elections (Jersey) Law 2002, made Regulations entitled the Public Elections (Jersey) Regulations 2002.

Manual Workers' Joint Council: Employers' Side membership - P.65/2002

THE STATES, adopting a proposition of the Human Resources Committee, referred to their Act dated 9th November 1961 concerning the membership of the Manual Workers' Joint Council, and their Act dated 15th January 2002, in which they approved the Employers' Side for 2002, and appointed Mr. John Davic Richardson, Chief Executive Officer, Public Services Department, as a member with immediate effect, in place of Dr. Clive Jerry Swinnerton.

Change in Presidency

The Deputy Bailiff retired from the Chair prior to the consideration of the Draft Harbours (Administration) (Amendment No. 6) (Jersey) Law 200 and the meeting continued under the Presidency of Miss Catherine Mary Newcombe, Greffier of the States.

Draft Harbours (Administration) (Amendment No. 6) (Jersey) Law 200 P.71/2002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Harbours (Administration) (Amendment No. 6) (Jersey) Law 2002

Draft Gambling (Betting) (Amendment No. 13) (Jersey) Regulations 200 P.72/2002

THE STATES, in pursuance of Article 3 of the Gambling (Jersey) Law 1964, as amended, made Regulations entitled the Gambling (Betting) (Amendment No. 13) (Jersey) Regulations 2002.

Draft Gambling (Licensing Provisions) (Amendment No. 13) (Jersey) Regulations 200 P.73/2002

THE STATES, in pursuance of Article 3 of the Gambling (Jersey) Law 1964, as amended, made Regulations entitled the Gambling (Licensing Provisions) (Amendment No. 13) (Jersey) Regulations 2002

Draft Gambling (Pool Betting) (Amendment No. 2) (Jersey) Regulations 200 P.74/2002

THE STATES, in pursuance of Article 3 of the Gambling (Jersey) Law 1964, as amended, made Regulations entitled the Gambling (Pool Betting) (Amendment No. 2) (Jersey) Regulations 2002.

Draft Medicines (Amendment) (Jersey) Law 200- P.77/2002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Medicines (Amendment) (Jersey) Law 2002.

**Draft Barclays Private Clients International (Jersey) Law 200- P.81/2002
Comments - P.81/2002 Com.**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Barclays Private Clients International (Jersey) Law 2002.

THE STATES rose at 4.13 p.m.

M.N. DE LA HAYE

Deputy Greffier of the States.