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THE STATES assembled on Tuesday,
21st August, 1990 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire.

His Excellency the Lieutenant Governor,
Air Marshal Sir John Sutton, K.C.B.,
was present.

All Members were present with the exception
of -

Enid Clare Quénauld, Connétable of St.
Ouen - out of the Island.
Carlyle John Le Herissier Hinault,
Deputy of St. John - out of the
Island.
Henry George Coutanche, Deputy of St.
Lawrence - ill.
Thomas James Jordan, Deputy of St.
Brelade - out of the Island.

Prayers

H.M. Queen Elizabeth, The Queen
Mother - 90th Birthday

The Deputy Bailiff informed the
House that the following message had been
received from Her Majesty Queen Elizabeth,
The Queen Mother, in response to the
greetings sent on her 90th birthday -

``I send my sincere thanks to your
Excellency and to the Bailiff, the
Members of the States of Jersey and

the People of Jersey for your kind message of good wishes on my birthday.

Elizabeth R."

Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Health Insurance
(Pharmaceutical Benefit) (General Provisions) (Amendment No. 32)
(Jersey) Order 1990. R & O 8084.
2. Road Traffic (Grouville)
(Jersey) Order 1990. R & O 8085.
3. Road Traffic (Saint Clement) (Amendment No. 5)
(Jersey) Order 1990. R & O 8086.
4. Road Traffic (Saint Helier)
(Amendment No. 10) (Jersey) Order 1990. R & O 8087.
5. Road Traffic (Saint Peter)
(Amendment No. 9) (Jersey) Order 1990. R & O 8088.
6. Road Traffic (Saint Saviour) (Amendment No. 7)
(Jersey) Order 1990. R & O 8089.
7. Road Traffic (Public Parking Places) (Amendment No. 17)
(Jersey) Order 1990. R & O 8090.
8. Battle of Flowers
(Amendment) (Jersey) Order 1990. R & O 8091.
9. Royal Court (Amendment No. 5) Rules 1990. R & O 8092.
10. Social Security (Earnings Limit) (Jersey) Order 1990. R & O 8093.
11. Consumer Protection (Safety of Furniture and Furnishings) (Amendment) (Jersey) Order 1990. R & O 8094.

Contingencies vote of credit: Public Services Committee

THE STATES noted an Act of the Finance and Economics Committee dated 6th August 1990, informing the House that it had made available to the Public Services Committee the sum of #97,000 from the contingencies vote of credit to carry out urgent repairs to the roof of Beresford Market.

Regulation of Undertakings and Development: report for 1989. R.C.19

The Finance and Economics Committee by Act dated 6th August 1990, presented to the States a report on the operation of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, for the year 1989.

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

Matter noted - financial transaction

THE STATES noted an Act of the Finance and Economics Committee dated 6th August 1990, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Public Health Committee had accepted the lowest of three tenders for Stage 2 of The Limes development, namely that submitted by Mark Amy Limited in the sum of #4,102,607 in a contract period of 125 weeks for the construction of 15 one-bedroomed units of sheltered housing accommodation, one two-bedroomed unit of accommodation for occupation by a qualified warden and a residential nursing home for 30 residents with associated communal facilities and landscaping.

Matters lodged

The following subjects were lodged au Greffe on 7th August 1990 -

1. Draft Companies (Jersey)

Law 199 . P.114/90.
Presented by the Finance and
Economics Committee.

2. Draft Road Traffic (No. 37)
(Jersey) Regulations 199 .
P.115/90.
Presented by the Defence
Committee.
3. Draft Terms of Employment
(Jersey) Law 199 . P.116/90.
Presented by the Industrial
Relations Committee.
4. Policy and Resources
Committee: future strategy
(P.107/90) - amendment. P.117/90.
Presented by Deputy D.J. de la
Haye of St. Helier.

The following subjects were lodged on 14th
August 1990 -

1. Draft Trusts (Amendment
No. 2) (Jersey) Law 199 .
P.118/90.
Presented by the Finance and
Economics Committee.
2. Postal Headquarters.
P.119/90.
Presented by the Committee for
Postal Administration.

Draft Family Allowances (Amendment
No. 4) (Jersey) Law 199 . P.96/90.
Withdrawn

THE STATES noted that the President
of the Social Security Committee had
withdrawn the draft Family Allowances
(Amendment No. 4) (Jersey) Law 199 (lodged
on 17th July 1990) as a revised draft would
be lodged at a later date.

Draft Road Traffic (No. 37) (Jersey)
Regulations 199 . P.115/90

THE STATES acceded to the request of
the President of the Defence Committee that
the draft Road Traffic (No. 37) (Jersey)

Regulation 199 (lodged on 7th August 1990)
be considered at the present Sitting.

Ceramic lined chimneys. P.113/90

THE STATES acceded to the request of Senator John Stephen Rothwell that the proposition regarding ceramic lined chimneys be considered as the first item of Public Business at the present Sitting.

Communications consultants.
Statement

The President of the Policy and Resources Committee made a statement in the following terms -

``As members will be aware, each year there are many articles and supplements about Jersey that appear in influential newspapers and magazines published in the United Kingdom and elsewhere. The Policy and Resources Committee believes it is important that those concerned should be better informed about the Island for, while there is much about the Island that we should feel justly proud, information about the Island is often not conveyed to the outside world in a balanced way.

The Policy and Resources Committee therefore has decided to appoint a firm of communications consultants to assist in securing the best possible media coverage for the Island. After assessing a number of consultancies and finally interviewing a short list of three, the Committee has selected the London based Watts Group Plc. This firm has considerable experience in the field of corporate public relations, and indeed their Chairman was President of the Institute of Public Relations last year and is author of many books on communications.

The Committee would hope to obtain the co-operation of all Committees in ensuring that the consultants are well briefed on current issues. With this

in mind one of the consultants' first jobs will be to meet with the Presidents of Committees and other representatives of the Island community to obtain a clear picture of the message the Island would wish to convey to the outside world, both generally and on specific issues."

Draft Housing (General Provisions)
(Amendment No. 9) (Jersey) Regulations
199 . P.103/90

THE STATES acceded to the request of Deputy Francis Hedley Morel of St. Saviour that consideration of the draft Housing (General Provisions) (Amendment No. 9) (Jersey) Regulations 199 (lodged on 31st July 1990) be deferred from the present Sitting to a later date.

St. Ouen's Bay sand extraction.
P.112/90

THE STATES acceded to the request of Senator Richard Joseph Shenton that consideration of the proposition regarding sand extraction at St. Ouen's Bay (lodged on 31st July 1990) be deferred from the present Sitting to a later date.

Ceramic lined chimneys. P.113/90

THE STATES commenced consideration of a proposition of the Finance and Economics Committee regarding the replacement of certain ceramic lined chimneys.

THE STATES, having rejected an amendment of Deputy Shirley Margaret Baudains of St. Helier that in paragraph 2 for the sub-paragraphs (a) and (b) there should be substituted the following sub-paragraphs -

- ``(a) in the light of an agreement already concluded with Norman Limited that the company will reimburse the States with the sum of £250 per householder, to pay a sum not exceeding £1,500 to each such householder, except

householders referred to in sub-paragraph (b), this sum to comprise an amount of £500 and an amount of £1,000 or the cost where the chimney is replaced with a Selkirk ceramic chimney, if the replacement cost is less than £1,000;

- (b) to pay to any householder who has already received an ex gratia payment from Norman Limited, an amount to be agreed by the Finance and Economics Committee with the householder concerned.",

and, having accepted an amendment of Deputy Alan Payn Bree of Grouville that in paragraph 2, sub-paragraph (b), for the figures ``#1,500" there should be substituted the figures ``#2,000" and for the words ``five years" there should be substituted the words ``ten years", adopted the proposition and -

1. approved the granting out of public monies of financial assistance to those householders who since 1981 have purchased defective ICL ceramic chimney flues supplied by Norman Limited and who have removed such chimneys on or after 21st December, 1989;
2. agreed -
 - (a) in the light of an agreement already concluded with Norman Limited that the company will reimburse the States with the sum of #250 per householder, to pay the sum of #500 to each such householder who has not already received an ex gratia payment from Norman Limited;
 - (b) to make, on application, a loan of up to a maximum of #2,000 at a rate of four per cent a year, repayable over ten years, to any such householder who replaces the defective chimney with a Selkirk ceramic chimney;

(c) that applications
from householders must be
received by the Island
Development Committee no later
than 1st October 1990;

3. agreed that the Finance and
Economics Committee be empowered
to vary the provisions of
paragraph 2 of this proposition in
any case where it is satisfied
that genuine hardship would arise;

4. authorised the Finance and
Economics Committee and the
Treasurer of the States to make
the necessary monies available.

Members present voted on the amendment of
Deputy Shirley Baudains as follows -

``Pour" (15)

Senators

Shenton, Baal, Rothwell, Carter,
Stein.

Connétables

St. Peter, St. Clement, St. Lawrence.

Deputies

Norman(C), Buesnel(H), Bailhache(H),
Rabet(H), Baudains(H), Grouville,
Clarke-Halifax(S).

``Contre" (34)

Senators

Jeune, Binnington, Horsfall, Ellis, Le
Main, Brooke, Le Maistre.

Connétables

St. John, St. Helier, St. Mary, St.
Ouen, St. Saviour, Trinity, St.
Martin, Grouville.

Deputies

de la Haye(H), Morel(S), Le
Gallais(S), Roche(S), Trinity,
Vandervliet(L), R. Rumboll(H),
Beadle(B), Wavell(H), Blampied(H),
Billot(S), St. Peter, St. Martin,
Baudains(C), C. Rumboll(H), Le
Sueur(H), St. Ouen, Huelin(B), St.

Mary.

Licensing (Jersey) Law 1974: review.
P.60/90

THE STATES commenced consideration of a proposition of the Tourism Committee regarding the review of the Licensing (Jersey) Law 1974.

Paragraphs 1 to 7 were adopted.

Paragraph 8 was referred back to the Committee.

Paragraphs 9 to 12 were adopted.

Paragraph 13 - "that provision should be made for a small number of Late Night Entertainment Licences;" was rejected.

Members present voted as follows on paragraph 13 -

"Pour" (15)

Senators

Ellis, Baal, Rothwell, Le Main,
Carter, Stein.

Connétable

St. Helier.

Deputies

Vandervliet(L), Beadle(B), Norman(C),
St. Martin, Buesnel(H), C. Rumboll(H),
Bailhache(H), Rabet(H).

"Contre" (27)

Senators

Jeune, Horsfall, Brooke, Le Maistre.

Connétables

St. John, St. Peter, St. Clement, St.
Lawrence, St. Mary, St. Ouen, St.
Saviour, Trinity, St. Martin.

Deputies

de la Haye(H), Roche(S), Trinity,
Wavell(H), Blampied(H), Billot(S), St.
Peter, Baudains(C), Le Sueur(H), St.
Ouen, Huelin(B), Baudains(H),
Grouville, Clarke-Halifax(S).

Paragraphs 14 to 24 were adopted;

Members present voted on paragraph 19 as follows -

``Pour" (26)

Senators

Shenton, Jeune, Horsfall, Baal,
Rothwell, Le Main, Carter, Stein.

Connétables

St. Peter, St. Helier.

Deputies

Morel(S), Le Gallais(S),
Vandervliet(L), R. Rumboll(H),
Blampied(H), Billot(S), Norman(C), St.
Peter, St. Martin, C. Rumboll(H), Le
Sueur(H), St. Mary, Bailhache(H),
Rabet(H), Baudains(H), Clarke-
Halifax(S).

``Contre" (18)

Senators

Brooke, Le Maistre.

Connétables

St. John, St. Clement, St. Lawrence,
St. Mary, St. Ouen, St. Saviour,
Trinity, St. Martin.

Deputies

Roche(S), Trinity, Beadle(B),
Baudains(C), Buesnel(H), St. Ouen,
Huelin(B), Grouville.

Paragraph 25 was withdrawn as paragraph 13 (relating to the provision of a small number of Late Night Entertainment Licences) had been rejected.

Paragraph 26 was adopted, the States having accepted an amendment of the Education Committee that in the fourth, fifth and sixth lines of the paragraph, for all the words in parentheses, there should be substituted the following words ``(where the Licensing Assembly is satisfied that adequate provision exists for the proper accommodation of such persons)";

Members present voted as follows on paragraph 26 as amended -

``Pour" (23)

Senators

Ellis, Baal, Rothwell, Le Main,
Carter.

Connétables

St. Helier, St. Lawrence, St. Saviour.

Deputies

Morel(S), Le Gallais(S), R.
Rumboll(H), Beadle(B), Billot(S),
Norman(C), St. Peter, St. Martin, C.
Rumboll(H), Le Sueur(H), St. Ouen, St.
Mary, Bailhache(H), Rabet(H), Clarke-
Halifax(S).

``Contre" (20)

Senators

Shenton, Jeune, Horsfall, Brooke, Le
Maistre, Stein.

Connétables

St. Peter, St. Clement, St. Ouen,
Trinity, St. Martin.

Deputies

Roche(S), Trinity, Vandervliet(L),
Blampied(H), Baudains(C), Buesnel(H),
Huelin(B), Baudains(H), Grouville.

THE STATES, adopting paragraphs 1 to 7, 9
to 12, 14 to 24 and 26 as amended, agreed -

AIMS

1. to support the principle that tighter controls should be introduced, aimed at reducing alcohol abuse and unsocial and disorderly behaviour in public places;
2. to support the view of the Tourism Committee that there should be no significant increase in the number of Taverner's Licences currently operating in the Island;
3. to support the view of the Tourism

Committee that the Licensing Law should aim for an atmosphere of relaxation and good

order for civilised drinking.

ADMINISTRATION

4. that the States' Committee responsible for administering the Licensing Law should continue to be the Tourism Committee;
5. that the Liquor Licensing Assembly should comprise only three Jurats;
6. that there should be a right of appeal against the decisions of the Licensing Assembly by applicants for liquor licences, and that the appeals should be heard by the Superior Number of the Royal Court;
7. that the Licensing Assembly should have discretion to attach or modify conditions of licences notwithstanding any other provisions of the Licensing Law, allowing flexibility to determine the times or days of opening for particular premises and other conditions;
9. that, in order to ensure proper consideration of applications, an applicant for a licence should be present, or represented, at the relevant Parish Assembly. Failure to appear should cause the application to fall;
10. that the Connétables should satisfy themselves that the beneficial owners of companies operating licensed premises are fit and proper persons for the purpose;
11. that employees and principals of the licensed trade should not be proposers and seconders of licence applications;
12. that only constructional alterations affecting public rooms where alcohol is sold or consumed or increasing the occupancy of hotels and guest houses holding

liquor licences should require the approval of the Licensing Assembly;

CATEGORIES OF LICENCE AND CONDITIONS

14. that in the case of all licensed premises bona fide staff engaged in their employment after the premises are closed should be permitted to consume alcohol for a maximum period of 30 minutes after closing;

15. that, on premises holding Club Licences, alcohol should only be served to club members and their bona fide guests, not other members of the public;

16. that sea transport companies should be permitted to serve alcohol, free of duty, provided the vessel has cleared the pierheads and has an ultimate destination outside of the Bailiwick and similarly for inbound vessels;

PERMITTED HOURS

17. that, in order to protect the hours of rest for residents and to ensure adequate policing, strict controls should continue to be exercised over the opening hours of licensed premises;

18. that drinking up time should be permitted and that there should be some time lapse between permitted times for sale of alcohol, consumption of alcohol and closure of premises;

19. that permitted hours for pubs (Taverner's Licences), and public bars operating under the aegis of Comprehensive and Entertainments Licences, should be altered to the following -

sale and supply of alcohol until 11 p.m.

consumption until 11.20 p.m.
closure of premises 11.30 p.m.

20. that the permitted hours for the sale of alcohol to the public partaking of meals on premises holding Comprehensive Licences, other than in public bars, should be -

sale and consumption of alcohol until 1 a.m.
closure of premises 1.30 a.m.

21. that Off Licence premises should be permitted to open at 6 a.m. on weekdays but should not sell liquor until 8 a.m.;

22. that Off Licence premises should be permitted to sell liquor between 8 a.m. and 1 p.m. on Sundays, subject to the Connétables' Sunday Trading Permits;

23. in the case of an Entertainments Licence relating to a theatre only (not cinema), that the permitted opening hours should be extended to one hour after the end of the final performance or 1.30 a.m. the following day, whichever is the earlier, with a 1 a.m. restriction on sales and a 1.20 a.m. restriction on consumption;

24. that the hours for other premises holding Entertainment Licences should be -

restriction on the sale of alcohol 1 a.m.
restriction on consumption of alcohol 1.20 a.m.
closure of premises 1.30 a.m.

26. that the minimum age for the consumption of intoxicating liquor on licensed premises should remain 18 years but that persons under the age of 18 should be permitted to enter some public bars (where the Licensing Assembly is satisfied that adequate provision exists for the proper

accommodation of such persons) during the day, up until 6 p.m., provided they are accompanied by an adult person (over the age of 18 years) specifically responsible for them and do not purchase or consume alcohol, except with a meal as the Law allows at present.

Senator Bernard Thomas Binnington and Deputy David John de la Haye of St. Helier, having declared an interest in the matter, withdrew from the chamber prior to the debate.

Senator John William Ellis, having declared an interest in that part of the debate concerning Category 6 - Off Licences, withdrew from the chamber prior to the debate of that item.

Adjournment

THE STATES then adjourned, having agreed to defer further consideration of the review of the Licensing (Jersey) Law 1974 and the other outstanding items of Public Business until Tuesday, 28th August 1990.

THE STATES rose at 6.20 p.m.

R.S. GRAY

Deputy Greffier of the States.