

Price : £1.50

THE STATES assembled on Tuesday,
14th May 1996 at 9.30 a.m. under
the Presidency of the Bailiff,
Philip Martin Bailhache, Esquire

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

All members were present with the exception of -

Jack Roche, Connétable of St. Saviour - ill
Carlyle John Le Herissier Hinault,
Connétable of St. John - ill
John Nicolle Le Fondré, Deputy of St.
Lawrence - ill
Paul Francis Routier, Deputy of St.
Helier - out of the Island
Imogen Stephanie Nicholls, Deputy of
Grouville - out of the Island
Jacqueline Jeannette Huet, Deputy of St.
Helier - out of the Island.

Prayers

Interception of Communications (Jersey) Law
1993: Second Report of the Commissioner -
R.C. 14

The Bailiff presented to the States the second
report of the Commissioner, Mr. Robert Harman,
Q.C., made under the Interception of
Communications (Jersey) Law 1993.

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

Education Committee - resignation of member

THE STATES noted the resignation of Deputy Jeremy Laurence Dorey of St. Helier from the Education Committee.

Deputy Dorey made a statement in the following terms -

``At the 8th May meeting of the Education Committee, I tried, unsuccessfully, to persuade other Committee members to retract our previous decision concerning staffing at d'Hautrée/St. Anne's.

Having said at the meeting that I would be unable to give the Committee public support for their decision, I later telephoned the President, and explained that this was an issue of conscience on which I felt obliged to resign from the Committee in order to be free to oppose its plans concerning the school. I wrote the same day, both to Deputy Pullin and to the Greffier of the States, to confirm my decision.

I felt then, and believe now, that the objections voiced by staff at our meeting with them on 1st May were unanswerable. The following points in particular required more consideration than I believe they received last Wednesday -

1. Staff had consistently been promised that they would move with what had always been referred to as `the relocated d'Hautrée School'.
2. Many staff had worked very hard, well beyond the call of duty, to help plan the move. Their hard work should be rewarded, not punished.
3. Other schools have moved to new sites, with altered catchment areas - particularly the new Janvrin School at Mont Cantel - without staff being put through a similar ordeal.
4. Staff would naturally be concerned at the risk implicit in a job interview: Interviewing is not an exact science, and mistakes have been known to happen. The stress involved for all staff could

not possibly be helpful to anyone.

5. It has been suggested that the Committee's decision will allow movement within the service, which might be generally beneficial. But the Committee already has the power to relocate any teacher within the service, or offer VER/Voluntary Redundancy. If there are professional development needs among d'Hautrée staff, this could be dealt with by these methods. There is no need for such a heavy-handed approach - especially when it seems likely to be expensive in terms of interview costs, and disruptive to every secondary school in the Island.
6. The Committee have suggested that the interviews will not be entirely 'open-market', since there will be a 'general presumption' of existing staff moving to the equivalent post at St. Anne's. In that case, there can be nothing to be gained from putting 42 staff through this process, if the vast majority of them will be moving with the school anyway.
7. Major disruption to staff can only be damaging to pupils, who will need every possible chance of continuity when they move to the Mont à l'Abbé site.
8. The best way of identifying and addressing any weaknesses at d'Hautrée will be from the direct observation of the headteacher. For this reason, it is preferable that the headteacher appointment, rather than being a secondment, should be made as a permanent appointment. This would give continuity to the school around the time of the move, and avoid the danger that the pupils may in effect have three different headteachers in as many years.
9. The new buildings will provide better resourced accommodation, but St. Anne's will still be an 11-16 school, providing the same curriculum as other 11-16 schools: There is no professional or educational reason why the immediate staffing needs of St. Anne's should be

different from those of d'Hautrée.

10. A new start is a wonderful thing, but not at the expense of throwing away everything of value that already exists. To try to erase all memories of d'Hautrée School, and the achievements of its pupils and staff, is wrong in principle, and will be a disaster in practice. Lasting, beneficial change is brought about by evolution, not revolution.

In summary, what the Committee are proposing is, quite simply, no way to treat decent staff. Set against all the many definite disadvantages, there are only hypothetical benefits - and not even many of those. The choice should be clear.

Matter presented

The following matter was presented to the States -

Manpower report for the period 1st July to 31st December 1995 - R.C.13.
Presented by the Establishment Committee.
THE STATES ordered that the said report be printed and distributed.

Matters lodged

The following matters were lodged ``au Greffe" -

Lodged on 7th May 1996

1. Draft Social Security (Amendment No. 12) (Jersey) Law 1996 (Appointed Day) Act 199 - P.76/96.
Presented by the Employment and Social Security Committee.
2. Draft Health Insurance (Amendment No. 10) (Jersey) Law 1996 (Appointed Day) Act 199 - P.77/96.
Presented by the Employment and Social Security Committee.

3. Draft Insular Insurance and Health Insurance (Investment of Funds) (Jersey) Act 1972 (Repeal) (Jersey) Act 199 - P.78/96.
Presented by the Finance and Economics Committee.

Arrangement of public business for the present meeting

THE STATES acceded to the request of the Vice-President of the Planning and Environment Committee that consideration of the following matter set down for debate at the present meeting be deferred to a later date -

Orillande, La Rue du Mont Capel, St. Ouen: development in Green Zone - P.59/96.
Lodged: 16th April 1996.
Planning and Environment Committee.

Arrangement of public business for the next meeting on 21st May 1996

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the meeting on 21st May 1996 -

Draft Drug Trafficking (Miscellaneous Provisions) (Jersey) Law 199 - P.18/96.
Lodged: 30th January 1996.
Finance and Economics Committee.

Draft Drug Trafficking (Miscellaneous Provisions) (Jersey) Law 199 (P.18/96): amendment - P.50/96.
Finance and Economics Committee.

Draft Drug Offences (International Co-operation) (Jersey) Law 199 - P.19/96.
Lodged: 30th January 1996.
Finance and Economics Committee.

Draft Advocates and Solicitors (Jersey) Law 199 - P.68/96.
Lodged: 30th April 1996.
Legislation Committee.

Projet de Loi (199) sur l'hypothèque des biens-fonds incorporels - P.70/96.
Lodged: 30th April 1996.
Comité de Législation.

Draft Social Security (Amendment

No. 12) (Jersey) Law 1996 (Appointed Day)
Act 199 - P.76/96.
Lodged: 7th May 1996.
Employment and Social Security
Committee.

Draft Health Insurance (Amendment
No. 10) (Jersey) Law 1996 (Appointed Day)
Act 199 - P.77/96.
Lodged: 7th May 1996.
Employment and Social Security
Committee.

Draft Insular Insurance and
Health Insurance (Investment of Funds)
(Jersey) Act 1972 (Repeal) (Jersey) Act
199 - P.78/96.
Lodged: 7th May 1996.
Finance and Economics
Committee.

2 to 10 Halkett Place and 21 and 23 Hill Street,
St. Helier - statement

The Vice-President of the Planning and
Environment Committee made a statement in the
following terms -

``At the last States' sitting members
approved a proposition of Senator Reginald
Robert Jeune referring back my Committee's
report and proposition (reference P.58/96
revised), with a request to my Committee to
bring to the House a report on the
estimated costs and the proposed financing
of the redevelopment, produced by the
States Auditors, Price Waterhouse.

The terms of reference which have been
accepted by my Committee are wide enough to
include all the matters raised by members
in debate as my Committee has taken the
view that they should not limit the terms
of reference in any way. The report will
help members of the States to -

1. understand the basis of the projected
costs of the building as set out in the
report to members of the States dated
16th April 1996;
2. assess whether the projected cost of
the building is consistent with the
nature and proposed use of the

building;

3. determine whether the proposed financing arrangements for the project are appropriate;
4. understand certain perceived inconsistencies between the financial information given to members of the States in a report to the States dated November 1995 and the financial information provided in the report dated 16th April 1996.

This report is also intended to help members of the States to determine in general terms whether the project provides value for money.

Detailed terms of reference for the production of this report are now presented to States members for their information and members will have received a copy of them today set out in a letter from Price Waterhouse dated 7th May, which has been acknowledged and accepted by my Committee.

This letter sets out the basis of the auditors' report on a number of detailed matters -

- (a) the construction cost of the basic building;
- (b) the special fitting out cost to Departments' requirements;
- (c) the project control;
- (d) the funding arrangements.

In view of the comprehensive nature of this report my Committee has been advised by Price Waterhouse that it will not be available until Friday, 31st May 1996. Therefore the earliest date that my Committee could request the States recommence consideration of the matter is 4th June.

Members will also recall that during the previous debate a number of allegations were made about the content of the specification for the redevelopment which has been issued to contractors currently tendering for the construction contract.

I can advise the House that these matters will be fully responded to once the tenders have been received from the three local construction companies involved. To do so now would prejudice the efforts of these local businesses, all of whom have incurred the cost of preparing tenders for this important project; and I would ask for members' continued co-operation in this respect.

Once the demolition contract is completed the site will be secured. Very limited legal costs have been incurred in respect of contractual agreements with the owners of adjacent buildings and no further costs will be incurred until the States decide on my Committee's proposition."

St. Luke's Vicarage, St. Helier: transfer of administration

THE STATES, adopting a proposition of the Housing Committee, approved the transfer of the administration of St. Luke's Vicarage, La Route du Fort, St. Helier, from the Housing Committee to the Education Committee.

Mail house: lease of warehouse accommodation at Beaumont, St. Peter

THE STATES, adopting a proposition of the Committee for Postal Administration -

- (a) approved the leasing by the public from the Channel Island Co-operative Society Limited of the ground floor warehouse at Beaumont, St. Peter, for the purpose of establishing a mail house facility, for a period of five years with effect from June 1996 at an annual rental of £56,000, reduced to £42,000 for the first year, the rental to be subject to review at the end of the third year of the term and to be increased or decreased to an amount representing the open market rental value;
- (b) authorised the Greffier of the States to sign the lease;
- (c) authorised the Treasurer of the States to pay the rent as it became due.

Jersey Airport: lease to Interlock Investments Limited

THE STATES, adopting a proposition of the Harbours and Airport Committee -

- (a) approved the lease to Interlock Investments Limited of an area of land off L'Avenue de la Commune, St. Brelade, known as the St. Brelade's Garage site (Letting Nos. L53, L53A and L65) comprising 3,600 square yards for a period of 21 years commencing 1st January 1997, at an annual rent of £80,000, subject to triennial review on 1st January;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public; and
- (c) authorised the Treasurer of the States to receive the rent as it became due.

Clinical waste incinerator: approval of drawings

THE STATES agreed to defer consideration of the proposition of the Public Services Committee regarding the clinical waste incinerator until 21st May 1996, Senator Stuart Syvret having withdrawn his proposal that the proposition be lodged ``au Greffe".

States members' remuneration: review - P.65/96 and P.74/96

THE STATES, having rejected an amendment of Deputy Philip John Rondel of St. John that in clause (i) of sub-paragraph (b) of the proposition for the figures £14,500 there should be substituted the figures £10,370, adopted a proposition of the House Committee and -

- (a) suspended Standing Order No. 44(1); and
- (b) referred to their Act dated 24th September 1991 regarding the provision of an annual allowance and income support for States members, and amended paragraph (2) of that Act, with effect from 1st January 1996, on a temporary

basis pending the report of an independent review body constituted in accordance with sub-paragraph (c), as follows -

(i) for the amount ``£10,000", substitute the amount ``£14,500";

(ii) for the amount ``£5,000", substitute the amount ``£6,250";

(c) agreed to appoint, on the recommendation of the House Committee, an independent States Members' Remuneration Board, comprising the following -

two former States members;

a representative nominated by the Jersey Trades Council;

a representative nominated by the Chamber of Commerce;

a representative nominated by the Institute of Directors (Jersey);

a representative nominated by the Standing Conference of Women's Organisations;

three members of the public not representing any particular organisation;

and to appoint a Chairman from among that number;

(d) approved the terms of reference of the States Members' Remuneration Board as follows -

(i) to review the method by which States members should be recompensed for expenses incurred in carrying out their duties and make recommendations thereon;

(ii) to review how the principle that `no one should be precluded from serving as a member of the States by reason of insufficient income' can best be achieved bearing in mind that the States have decided that `it may no longer be

practical for some members to follow a traditional pattern of paid employment in addition to their States work', and to make recommendations thereon;

(iii) to consider such other matters as the Board considers to be relevant and to make recommendations thereon;

(iv) to report to the House Committee as soon as practical.

Members present voted on the amendment as follows -

``Pour" (5)

Connétables

St. Mary, St. Brelade, Trinity.

Deputies

Trinity, St. John.

``Contre" (41)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le Main, Le Maistre, Stein, Quérée, Chinn, Bailhache, Syvret.

Connétables

St. Clement, St. Lawrence, St. Peter, Grouville, St. Helier, St. Martin, St. Ouen.

Deputies

Rumboll(H), Wavell(S), Norman(C), St. Peter, H. Baudains(C), Le Sueur(H), St. Ouen, Coutanche(L), Huelin(B), St. Mary, S. Baudains(H), Le Geyt(S), Walker(H), Crespel(H), Pullin(S), Carter(H), Johns(H), Duhamel(S), Matthews(B), Dorey(H), Layzell(B), Breckon(S), St. Martin

States members' income supplement: supplementary vote of credit - P.75/96

THE STATES, adopting a proposition of the

Finance and Economics Committee, acceded to the request for the following supplementary vote of credit to be voted out of the general reserve -

0614 House Committee -
States Members' Income
Supplement £81,000.

Matrimonial Causes (Amendment No. 9) (Jersey)
Law 199 - P.34/96

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Matrimonial Causes (Amendment No. 9) (Jersey) Law 199 .

Misuse of Drugs: strategy and implementation
plan - P.51/96

THE STATES, adopting a proposition of the Defence Committee, approved in principle the three year strategy and information plan to reduce the harm caused by the use of illegal drugs, as detailed in the report "Working Together Against Drugs" dated 28th February 1996 produced by the Presidents' Policy Group on the Misuse of Drugs.

St. Helier Waterfront Plan: leisure pool -
P.57/96

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

- (a) referred to their Act dated 10th November 1992 in which, in pursuance of Article 3 of the Island Planning (Jersey) Law 1964, they approved Map No. 3-92 as the development plan for the St. Helier waterfront area; and
- (b) designated under the said Article, 12 vergées of land, as shown on drawing No. 515/1, for leisure and recreation use to enable the construction of a leisure pool and associated facilities, public open space and car parking on the land.

Belval Farm, La Rue de Fliquet, St.
Martin: development in Green Zone - P.60/96

THE STATES, adopting a proposition of the Planning and Environment Committee, supported that Committee's intention to grant planning permission for the construction of an agricultural storage building with staff accommodation at Belval Farm, La Rue de Fliquet, St. Martin, as shown on drawing No. 494/1, the land being situated within an area designated as green zone on the Island Map, as amended 1-87.

King's Garden, St. Saviour's Road, St. Helier:
purchase of land - P.63/96

THE STATES commenced consideration of a proposition of the Planning and Environment Committee regarding the purchase of land known as King's Garden, St. Saviour's Road, St. Helier. After discussion Senator Richard Joseph Shenton proposed that the States move to the consideration of the next item on the order paper, which proposition was rejected, less than 20 members voting in support thereof.

THE STATES thereupon referred to their Act dated 10th November 1987, in which they had approved the Town Map as amended 2-87, and in particular the construction of a new road forming part of the proposed gyratory system in the area of Wellington Road, St. Saviour's Road and Stopford Road; and

- (a) approved the purchase on behalf of the public from the Jersey Gas Company Limited, for the purpose of constructing the said link road, of approximately 1,250 square metres of land, known as King's Garden (as shown on drawing No. 488/2) and any interests for the sum of £330,000 (three hundred and thirty thousand pounds) with the public being responsible for all reasonable legal costs and all agreed accommodation works; and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contract which it might be found necessary to pass in connexion with the purchase of the said land and all interests therein;
- (c) authorised the payment or discharge of the expenses incurred in connexion with

the purchase of the said land, and of all interests therein, from the Planning and Environment Committee's capital vote of credit - 'Acquisition of Land - Major Reserve' (Vote No. C0904).

Motor Traffic (Third-Party Insurance) (Amendment No 10) (Jersey) Law 199 - P.67/96

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Motor Traffic (Third-Party Insurance) (Amendment No 10) (Jersey) Law 199 .

Draft Licensing (No. 10) (Jersey) Regulations 199 - P.69/96

THE STATES commenced consideration of the draft Licensing (No. 10) (Jersey) Regulations 199 and adopted the Preamble.

Regulations 1 and 2 were adopted.

Regulation 3 was rejected, after the States had accepted an amendment of the Tourism Committee that in sub-paragraph (a) of paragraph (3) of the substituted Article 40, for the words ``between 09.00 hours and 23.00 hours when those premises are open for business" there should be substituted the words ``whenever intoxicating liquor is sold to persons who are not taking a meal on the premises".

Regulation 4 was rejected.

Regulations 5, 6, 7, 8, 9 and 10 were adopted.

The Bill was adopted, as amended, in Second Reading and lodged ``au Greffe" (P.79/96).

States meeting 4th June 1996

THE STATES decided not to meet on Tuesday, 4th June 1996.

THE STATES rose at 6 p.m.

G.H.C. COPPOCK

Greffier of the States.