



**THE STATES assembled on Tuesday,
19th January 1999 at 10.15 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

All members were present with the exception of –

Senator Corrie Stein – out of the Island
Senator Patricia Ann Bailhache – out of the Island
Kenneth Priaulx Vibert, Connétable of St. Ouen– ill
Margaret Anne Le Geyt, Deputy of St. Saviour– excused

Prayers

Tribute to the late Mr. W.G. Perchard, former member of the States

The Bailiff paid tribute to the late Mr. William George Perchard, former Senator and Deputy of St. Helier.

THE STATES observed one minute's silence as a mark of respect.

Special Committee to consider the relationship between Committees and the States

In accordance with Article 28(3) of the States of Jersey Law 1966, the Bailiff gave notice that there was a vacancy in the office of President of the Special Committee to consider the relationship between Committees and the States.

Matters presented

The following matters were presented to the States –

International Conventions and Agreements – progress report for the period 1st April 1998 to 30th September 1998 – R.C.2/99.

Presented by the Policy and Resources Committee.

The Beaulieu Convent School Trust: Act of incorporation (P.265/98): report – P.265/98 Rpt.

Presented by the Legislation Committee.

Grouville Bay Hotel site – development (P.2/99) – report – P.2/99 Rpt.

Presented by the Planning and Environment Committee.

The following matter was presented to the States on 5th January 1999 –

Year 2000 date change: report – R.C.1/99.

Presented by the Establishment Committee.

The following matters were presented to the States on 12th January 1999 –

Housing modifications for disabled people (P.259/98): comments – P.259/98 Com.

Presented by the Finance and Economics Committee.

Falles Holdings Limited: Hideaway and La Maison des Pres, land to the north of Rue des Pres, St. Saviour (P.219/98) – report – P.219/98 Rpt.

Presented by the Planning and Environment Committee.

Falles Holdings Limited: Hideaway and La Maison des Pres, land to the north of Rue des Pres, St. Saviour (P.219/98) – comments – P.219/98 Com.

Presented by the Finance and Economics Committee.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 11th January 1999, 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 Public Services Committee, the sale to Mr. Brian Frederick Beadle and Mrs. Carol Luce Beadle, née Warr, an area of land (measuring 8,290 square feet) in Field No. 816 St. John, for the sum of £8,290, on the basis that it had been agreed to place a covenant on the land to be sold requiring Mr. and Mrs. Beadle, their heirs or successors to keep the land as a formalised garden area and free from weeds, and to ensure that the land would never be built upon or sold separately from the remainder of the property, with Mr. and Mrs. Beadle to be responsible for both parties' legal costs arising from the transaction;
- (b) as recommended by the Sport, Leisure and Recreation Committee, the lease to Messrs. Stephen John Chatfield, Denis Peter Chandler and Richard John Baudains, jointly, of 9,280 square feet of land to the east of the main Cricket Pavilion at Les Quennevais Playing Fields, for a period of nine years from 1st January 1997, at a commencing annual rent of £500 payable half-yearly in advance, with triennial reviews in line with the Jersey Retail Prices Index from 1st January 2000, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Harbours and Airport Committee, the renewal of the lease to George Troy and Sons Limited of the north end of the Albert Pier Maintenance Shed (designated A34B), measuring 1,380 square feet, for a period of three years from 1st July 1998 at an annual rent of £6,521.13, with the rent to be subject to annual review on 30th June each year in line with the Jersey Retail Prices Index;
- (d) as recommended by the Public Services Committee, the purchase from G.R. Langlois (1991) Limited of an area of land (measuring 551 square feet) at Le Chemin des Maltières, Grouville, for a consideration of £551, on the basis that the vendor would be responsible for the construction of a new retaining wall on the new boundary line and the Committee would be responsible for the cost of the construction of the footpath, with wayleave rights to be granted to the Company in order to establish a sewer pipe under the footpath, subject to agreed conditions as set out in a report, dated 30th June 1998, from the Director of Property Services, and with the Committee being responsible for both parties' reasonable legal fees to a maximum of £500 arising from the transaction;

- (e) as recommended by the Public Services Committee, the purchase from Mr. Roy Gordon Sainsbury Brown and Mrs. Loveday Amy Brown, née Pallot, of an area of land (measuring 30 square feet) at Le Chemin des Maltières, Grouville, for a consideration of £30, on the basis that the Committee would be responsible for the cost of the construction of the footpath, with vehicular access to be granted over the land, and that the Committee would be responsible for both parties' reasonable legal fees arising from the transaction;
- (f) as recommended by the Planning and Environment Committee, the grant to Channel Islands Welding Limited (the lessee of the warehouse at La Rue Durell, La Collette, St. Helier) of the right to create a third opening in that building onto La Rue Durell, for a consideration of £500;
- (g) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Le Squez Holdings Limited in order to clarify the boundaries between Le Squez Primary School and Fineprice Supermarket and, in addition, the boundary with land administered by the Housing Committee at Maison d'Azette, St. Clement, as follows–
 - (i) a triangular piece of land to the rear of the garages at Maison d'Azette, comprising approximately 108 square feet to be sold to Le Squez Holdings Limited for the sum of £10, which was to form the new boundary, with the public retaining the usual rights for the purposes of gaining access on to the land to be sold for maintenance and repair purposes, and also that any over hangings currently established were to remain in place;
 - (ii) Le Squez Holdings Limited to own the kerb stones and walls which lead in a southern direction to the entrance of the Fineprice Supermarket in their entirety and to be granted the usual rights of access for the purposes of gaining access for repair and maintenance;
 - (iii) the existing east wall of Le Squez Primary School playing fields, towards Fineprice Supermarket, to be wholly owned by the public and administered by the Education Committee, with the public being granted the usual rights for the purposes of gaining access for repair and maintenance;
 - (iv) the gate to be relocated to a more secure position and to remain locked at all times except from 7.45 a.m. to 5.30 p.m. Monday to Friday during school term time only, and children only to be allowed to pass through the gate entrance if accompanied by an adult;

on the basis that each party would be responsible for its own legal costs arising from the transaction, with S.G. Benest and Son Limited to be a party to the agreement, and with all other terms and conditions to be as stated by the Law Officers' Department.

Matters lodged

The following matters were lodged "au Greffe" –

Draft Police Force (Amendment No. 7) (Jersey) Law 1998 (Appointed Day) Act 199– P.4/99.
Presented by the Defence Committee.

Draft Adoption (Amendment No. 4) (Jersey) Law 199– P.5/99.

Presented by the Health and Social Services Committee.

Projet de Loi accordant un Acte d'incorporation à l'Association dite "The Beaulieu School Trust" – P.6/99.
Presented by le Député de la Trinité.

Draft Investment Business (Jersey) Law 1998 (Appointed Day) Act 199 – P.7/99.
Presented by the Finance and Economics Committee.

Draft Investment Business (Amendment) (Jersey) Law 199 – P.8/99.
Presented by the Finance and Economics Committee.

Draft Collective Investment Funds (Amendment) (Jersey) Law 1998 (Appointed Day) Act 199 – P.9/99.
Presented by the Finance and Economics Committee.

Elizabeth Terminal: lease of office accommodation to C.I. Handling Limited – P.10/99.
Presented by the Harbours and Airport Committee.

Wessex Medical School Trust: grant of funds – P.11/99.
Presented by the Finance and Economics Committee.

Waterfront Enterprise Board Ltd.: appointment of director – P.12/99.
Presented by the Policy and Resources Committee.

Review of the machinery of Government: terms of reference and membership – P.13/99.
Presented by the Policy and Resources Committee.

The following matters were lodged "au Greffe" on 5th January 1999 –

Draft Law Reform (Disclosure and Conduct before Action) (Jersey) Law 199 – P.1/99 (revised).
Presented by the Legislation Committee.

Grouville Bay Hotel site – development – P.2/99.
Presented by the Connétable of Grouville.

The following matter was lodged "au Greffe" on 12th January 1999 –

An elected President of the States – P.3/99.
Presented by Senator S. Syvret.

THE STATES referred the proposition to the Policy and Resources Committee.

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 –

Nuclear shipments: petition – P.102/95.
Lodged: 25th July 1995 and referred to the Policy and Resources Committee.
Senator S. Syvret.

Nuclear shipments: petition (P.102/95) – report – P.76/97.
Presented: 20th May 1997.
Policy and Resources Committee.

Electoral law reform – P.207/98.
Lodged: 6th October 1998, amendment and second amendments considered on 3rd November 1998 and

third amendment considered on 17th November 1998.

Legislation Committee.

The Inn on the Park: site of special interest – P.237/98.

Lodged: 17th November 1998.

Deputy T.J. Le Main of St. Helier.

Draft Parish Rate (Administration) (Amendment No. 8) (Jersey) Law 199– P.256/98.

Lodged: 1st December 1998.

Legislation Committee.

Committees of the States: reorganisation – Industry Committee – P.258/98.

Lodged: 1st December 1998.

Policy and Resources Committee.

Draft Finance (Jersey) Law 199 – P.260/98.

Lodged in Second Reading on 2nd December 1998.

Finance and Economics Committee.

Grouville Bay Hotel site – development – P.2/99.

Lodged: 5th January 1999.

Connétable of Grouville.

THE STATES acceded to a request of the Connétable of Grouville that the proposition “Grouville Bay Hotel site – development” (P.2/99) be taken as the first item of public business at today’s meeting.

Arrangement of public business for the next meeting on 2nd February 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 2nd February 1999 –

Falles Holdings Limited: Hideaway and La Maison des Pres, land to the north of, Rue des Pres, St. Saviour– P.219/98

Lodged: 3rd November 1998.

Senator R.J. Shenton.

Falles Holdings Limited: Hideaway and La Maison des Pres, land to the north of Rue des Pres, St. Saviou (P.219/98) – report – P.219/98 Rpt.

Presented: 19th January 1999.

Planning and Environment Committee.

Falles Holdings Limited: Hideaway and La Maison des Pres, land to the north of Rue des Pres, St. Saviou (P.219/98) – comments – P.219/98 Com.

Presented: 19th January 1999.

Finance and Economics Committee.

Oakfield Playing Field: construction of school – P.255/98.

Lodged: 24th November 1998.

Planning and Environment Committee.

Draft Financial Services Commission (Amendment No. 3) (Jersey) Law 199 – P.261/98.

Lodged: 8th December 1998.
Finance and Economics Committee.

The Beaulieu School Trust: Act of Incorporation – P.265/98.
Lodged: 8th December 1998.
Deputy D.L. Crespel of Trinity.

The Beaulieu School Trust: Act of Incorporation – P.265/98 Rpt.
Presented: 19th January 1999.
Legislation Committee.

Projet de Loi accordant un Acte d'incorporation à l'Association dite "The Beaulieu School Trust" – P.6/99.
Lodged: 19th January 1999.
Député D.L. Crespel of Trinity.

Draft Law Reform (Disclosure and Conduct before Action) (Jersey) Law 199 – P.1/99 (revised).
Lodged: 5th January 1999.
Legislation Committee.

Draft Police Force (Amendment No. 7) (Jersey) Law 1998 (Appointed Day) Act 199– P.4/99.
Lodged: 19th January 1999.
Defence Committee.

Draft Adoption (Amendment No. 4) (Jersey) Law 199– P.5/99.
Lodged: 19th January 1999.
Health and Social Services Committee.

Draft Investment Business (Jersey) Law 1998 (Appointed Day) Act 199 – P.7/99.
Lodged: 19th January 1999.
Finance and Economics Committee.

Draft Investment Business (Amendment) (Jersey) Law 199 – P.8/99.
Lodged: 19th January 1999.
Finance and Economics Committee.

Draft Collective Investment Funds (Amendment) (Jersey) Law 1998 (Appointed Day) Act 199 – P.9/99.
Lodged: 19th January 1999.
Finance and Economics Committee.

Elizabeth Terminal – lease of office accommodation to C.I. Handling Limited – P.10/99.
Lodged: 19th January 1999.
Harbours and Airport Committee.

Wessex Medical School Trust – grant of funds – P.11/99.
Lodged: 19th January 1999.
Finance and Economics Committee.

Waterfront Enterprise Board Ltd.: appointment of director – P.12/99.
Lodged: 19th January 1999.
Policy and Resources Committee.

Projets withdrawn under Standing Order No. 17(6)

THE STATES noted that, in pursuance of Standing Order 17(6), the following matters, which were lodged ‘‘au Greffe’’ had been withdrawn –

Decision conferencing procedure review – P.193/97.
Lodged: 9th December 1997.
Senator R.J. Shenton.

Mr. Barrie R. Cooper: petition – P.195/97.
Lodged: 9th December 1997 and referred to the Policy and Resources Committee.
Deputy J.L. Dorey of St. Helier.

Draft Stamp Duties and Fees (Jersey) Regulations 199 – P.210/98

THE STATES granted leave to the President of the Finance and Economics Committee to withdraw the Draft Stamp Duties and Fees (Jersey) Regulations 199 . (P.210/98– lodged au Greffe on 20th October 1998).

Procedure for capital projects – questions and answers (Tape No. 490)

Deputy Evelyn Mabel Pullin of St. Saviour asked Senator Frank Harrison Walker, President of the Finance and Economics Committee the following questions –

‘‘Following the recommendations in ‘Committee of Inquiry – Elizabeth Marina, St. Helier Report’ (R.C.50/98) –

(a) Would the President confirm that the States Treasury has now tightened up its proceedings over capital projects and would he identify exactly what has been done?

(b) Would the President inform the Assembly –

whose responsibility it is to select members of the P.70/90 Group and to clarify their roles and responsibilities;

what level and type of information is now to be available to them and what do they now pass to the Committees involved?

(c) Would the President inform the Assembly –

what action is now to be taken by Committees before major works are put in hand;

who now has the responsibility for ensuring that there is properly resourced project management;

who will be responsible for appointing a Project Manager and for defining his terms of employment?

- (d) What will now be the role of the States in assessing whether projects proceed or not, and who will be responsible for bringing this information to the Assembly?"

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

- “(a) The Finance and Economics Committee, through the Capital Projects Review Sub-Committee established in early 1998, requested the States Treasury to carry out a full and comprehensive review of existing procedures, resulting in the revision of the Code of Directions governing all aspects of the control of capital expenditure. The Committee has also introduced Total Cash Limits which will ensure that the total projected costs of projects will be reported and agreed by the States before the development has commenced. Additional resources will be allocated to support the project appraisal process, including risk assessments, to ensure that accurate projected out-turn costs are available when projects are debated by the States.
- (b) The administering Committee is responsible for the formation of the P.70/90 Project Group in accordance with Code of Direction No. 8– the Control of Capital Expenditure. Their roles and responsibilities have been clarified within guidance notes to the revised Code of Direction. The Code now requires the appointment of an independent member for major projects.

The following information must now be forwarded to the Project Group and Chief Officer of the administering Committee –

A monthly cost statement assessing the probable final cost and progress of each project.

A quarterly cash flow forecast showing the expected pattern of payments to the end of the project.

A listing of all variations exceeding £1,000 with brief explanations.

Details of requests for extensions to the contract period in conjunction with explanations.

A report containing all the above information must be submitted to the administering Committee on a quarterly basis.

In addition, each administering Committee is required to submit progress reports to the Capital Projects Review Sub-Committee at six-monthly intervals.

- (c) From 1st January 1999, any project put forward for consideration by administering Committees will require a feasibility study, including accurate costings and a risk assessment prepared by an external professional consultant.

My Committee will not release funds for the feasibility study until a complete and fully

comprehensive project brief has been prepared. which satisfies new guidelines laid down by the Policy and Resources, Planning and Environment and Public Services Committees. These procedures should satisfy States members that future projects put forward for decision conferencing show accurate forecast out-turn costs.

It is the responsibility of the Public Services Department to ensure that project management is properly resourced when the project budget for supervision and administration is compiled. On appointment, the architect or engineer has a responsibility to confirm that such resources are sufficient to maintain adequate site management and provide systems for the reporting of information, financial and otherwise, which ensure full compliance with the Code of Directions. The Project Group subsequently has a responsibility to report any inadequacies in project management to the administering Committee.

The decision to appoint a Project Manager is either on the advice of the Public Services Department, or at the request of the administering Committee. Appointments are made by the Public Services Department with defined terms and conditions of employment. My Committee has requested the Capital Projects Review Sub-Committee to review these project management procedures, and the need for independent project managers.

- (d) The Policy and Resources Committee is responsible for assessing whether projects proceed to decision conferencing before their inclusion in the Annual Resource Plan, which is subject to States approval at all times.’

Tourism industry – questions and answers (Tape No. 490)

Deputy Philip John Rondel of St. John asked Senator John Stephen Rothwell, President of the Tourism Committee, the following questions –

- “(a) Would the President inform members of the total number of hotel beds remaining within the tourism industry for 1999 and how do the numbers compare with those of 1989;
- (b) given that the Tourism Committee’s revenue estimates for 1999 are not significantly different from those of previous years, would the President inform members what steps the Committee intend to take to reverse the apparent decline in this very important industry and will it seek to obtain more funding from the States for the purpose;
- (c) would the President give details of what medium to long-term planning is being put in place by the Committee?

The President of the Tourism Committee replies as follows –

- “(a) In 1989 there was a total of 24,552 bed spaces in hotels, guest houses and holiday villages. Added to this were 2,300 campsite spaces and 260 self-catering beds.

As at 1st January 1999 there are 17,975 bed spaces in hotels, guest houses and holiday villages, 1,250 campsite spaces and an increase of 497 self-catering beds.

Whilst the total number of beds has reduced it has to be recognised that some have been lost to provide increased private baths and showers to bedrooms and there are examples of major investment in registered premises, including additional beds and the provision of leisure facilities and refurbishment of existing bedroom accommodation, leading to increased tariff yield, extended periods of operation and businesses which will provide for the needs of the tourism industry in years ahead.

In the future Jersey Tourism will be referring to the number of rooms available, as is the case in many other destinations, as this can often be more relevant than the number of beds available. Premises can be 100 per cent full in terms of rooms occupied, if doubles are used as singles (conference business etc.), yet would only show a 50 per cent occupancy of 'beds'.

Currently there are 8,573 bedrooms in registered hotels, guest houses and holiday villages.

(b) I would answer questions (b) and (c) together as they are inextricably linked.

I have already referred to the decline in the number of beds but also referred to investment which is taking place to provide a better quality product generally.

The Tourism Committee is working aggressively to ensure the long-term future of the tourism industry and this includes –

1. working ever more closely with the various sectors which make up the diverse tourism industry of the Island so that tourism policies are in fact shared visions;
2. in full consultation with the industry and States departments producing a strategic plan. Work on this important matter has already started and will include –
 - (a) identifying what types of projects are needed in line with this strategy;
 - (b) identifying specific projects for consideration for States investment;
 - (c) analysing and prioritizing these projects;
 - (d) surveying Jersey residents for their views on these projects.
3. importantly the department has been working to develop event-led tourism enhancing further our reputation for such events as the Jersey Garden Festival, Jersey International Food Festival, Jersey Jazz Festival and the World Music Festival;
4. working increasingly with the Sport, Leisure and Recreation Committee to develop sports tourism on the Island. An Island Corporate Games is already planned. Also with the Jersey Arts Trust to attract out of season business to the Island;
5. re-focusing our Tourism advertising to reflect more fully those existing elements of our Island which make us unique and are prized by visitors. I refer to the environmental initiatives, Green Lanes, cycle network and to our superb historical sites, Elizabeth Castle, Mont Orgueil also

Jersey Museum, the new Maritime Museum and to the many other attractions in which we can be so proud, the Jersey Zoo to name but one. We are selling what is 'real', yet different, about Jersey to attract a broad range of visitor in a way which is totally sustainable in the long-term;

6. working closely with WEB Ltd., other States departments and the private sector to ensure the development of top quality facilities which will serve the industry both in the short-term and well into the future. Specifically I refer to the development of a new leisure complex and 4/5 star hotel on the Waterfront;
7. within the tourism strategy we will be exploring additional ways in which we could assist the industry including a study on the feasibility of grants or loans. All this will be aimed to increase quality, competitiveness and sustainable growth for the Island's tourism industry. The Committee has appointed the Deputy of St. Ouen and the Development Director, Nigel Philpott to address this issue. Any such initiatives could, of course, require significant funding and providing my Committee produces acceptable proposals we would hope to receive strong support from the States to demonstrate their commitment to the industry and the role tourism plays in enhancing the quality of facilities available for local people;
8. in respect of funding, in addition to the £8 million budget for 1999, I must refer to the Tourism Investment Fund. This initial £10 million fund is now totally committed having assisted in the development of such projects as the Maritime Museum, the 'First Impressions' enclosure at the Jersey Zoo, La Fregate Café and a ramp for the disabled at St. Brelade. The £8.4 million balance is ear-marked for the development of the Leisure Pool complex. I believe that it is essential considering the ever increasing competitiveness of International tourism to look for future top-ups to this fund bearing in mind the massive funding available to competing destinations in all Member States throughout the European Union and in the United Kingdom from the National Lottery.'

Regulation of Undertakings and Development Law (Tape No. 490)

Senator Jean Amy Le Maistre asked Senator Frank Harrison Walker, President of the Finance and Economics Committee the following questions –

- “1. The report 'Regulation of Undertakings and Development: six-monthly manpower returns' that the Finance and Economics Committee presented to the States on 3rd November 1998 (R.C.47/98) shows an increase of 1643 persons working full-time and 1039 persons working part-time during the period 30th June 1997 to 30th June 1998. Does the Finance and Economics Committee consider that such an increase will inevitably lead to greater demands for housing and increased pressures on health, education and other social services?
- 2.(a) In reply to questions asked of the President of the Planning and Environment Committee on Tuesday 20th October 1998 the States were informed that since 1996 planning approvals had been granted for a total of approximately 859,100 square feet of office accommodation. Would the President inform the States the total of square feet of office accommodation for which licences have been granted under Part III of the Regulation of Undertakings and Development (Jersey) Law 1973 as amended, during the same period;

- (b) when considering applications under Part III of the Law, does the Finance and Economics Committee consider the long term impact on employment as well as the immediate pressure on the construction industry, before issuing licences? What research, if any, is undertaken or assurances sought from applicants to ensure that new developments will not result in additional pressures for more staff in the future;
 - (c) how many licences did the Finance and Economics Committee refuse during 1998 for luxury accommodation, offices and any other buildings, and what were the total areas in each category?
- 3.(a) Is the President satisfied that the controls currently being exercised by the Committee are meeting the States Strategic Policy objectives set out in the Strategic Policy Review 1995 Part I– ('2000 and Beyond');
- (b) would the President inform the States whether targets have been set by his Committee in respect of the total number of people employed full time and part time for the December 1998, March and June 1999 quarters?'

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

- “1. Following decisions made by the States in November 1997, the Regulation of Undertakings and Development Law was tightened up with effect from 1st June 1998. Furthermore, with effect from 31st March 1998 the manpower survey of employers has been carried out on a quarterly basis, as opposed to every six months.

In considering the figures contained in the manpower returns for 30th June 1998 account must be taken of the fact that the changes to the Law had only just been implemented on 1st June. For this reason I am sure members will agree that it would be wrong to draw any conclusions on the success or otherwise of the tightening up the Law from these figures. The manpower survey presently being undertaken for 31st December 1998 will allow meaningful comparisons to be drawn on six months' operation of the amended regime. Comparisons with figures for periods prior to the tightening of the Law however are also affected by the fact that the enforcement of the completion of manpower returns is far more rigorous than in the past.

The figures quoted by Senator Le Maistre certainly confirm that the States made the right decisions in November 1997 with regard to population and immigration policy. Furthermore, the Finance and Economics Committee is well aware that if population levels are allowed to increase unchecked there will inevitably be greater demands on housing, and increased pressure on health, education, and other social services and this is reflected in the policy approach of the Committee.

- 2.(a) Approvals were granted for approximately 385,200 square feet of office accommodation between 1st January 1996 and 20th October 1998.
- (b) Part III of the Regulation of Undertakings and Development Law was implemented to help take the pressure off the limited resources of the Island by controlling the level of building work and thereby the number of immigrant building workers. In considering applications for development, the Committee is required to have regard for the current economic climate, and evidence of inflationary cost pressures arising from an overheated economy, in deciding whether to grant a licence for

development.

With particular regard for the States population and immigration policy, the Committee in 1998 consulted with representatives of the construction industry, and decided that it could not advocate the control of private sector building work by the prioritisation of development licence applications. The Committee accepted the view of the construction industry and related professional bodies that the control of building work in the private sector should be in response to the general lowering of the heat in the economy rather than any attempt to control directly the level of private building work. The Committee was also of the view that, as the engagement of additional staff and the filling of vacancies by non-locally qualified persons, was subject to licence under Part II of the Law, adequate controls could be exercised over the construction industry for the foreseeable future.

The Committee does not seek assurances from applicants to ensure that new developments will not result in additional pressures for more staff in the future because Part III of the Law is concerned with development, and is not in place to control the engagement of additional staff by undertakings. The question of additional staffing is addressed by virtue of Part II of the Regulation of Undertakings and Development Law.

(c) Whilst I am unclear as to what the exact definition of the term 'luxury' accommodation is, an examination of the relevant files shows that the Finance and Economics Committee did not refuse any applications in 1998 in respect of the provision of office accommodation, etc. Some applications relating to the proposed conversion of hotels or guest houses into lodging houses were refused.

3.(a) I am fully satisfied that the Finance and Economics Committee is doing everything it possibly can to implement the population and immigration policies of the States in accordance with the guidelines laid down in November 1997.

(b) The Finance and Economics Committee has not set specific targets in respect of the total number of persons engaged in the Island on a full time and part-time basis because there is no logical reason for it to do so. The Committee believes that the measures it has introduced will reduce the demand for labour within the Island. However, whether or not this actually proves to be the case will only be revealed by the findings of future manpower surveys. In this respect the first manpower survey to provide meaningful comparative data is that currently being undertaken for 31st December 1998. I can assure members that the results of this survey will be made available as soon as possible."

Education administrative service – questions and answers (Tape No. 490)

Senator Stuart Syvret asked Senator Leonard Norman, President of the Education Committee the following questions –

“1. Would the President inform the Assembly if any additional cost has been incurred as a result of the recent reclassification of the Education Directorate. If the answer is affirmative, would he explain to the Assembly what this additional cost is and why it has arisen and, if negative, would he inform the Assembly of any measures adopted to bring about savings?

2. Have any additional posts been created within the establishment of the Education Department as a

result of the reclassification exercise? If the answer is affirmative would the President explain to the Assembly what these new posts are?

3. Would the President inform the Assembly of the cost of the administrative service to the Education Services during the last five years, and would he express the amount both in financial terms and as a percentage of the Education Committee's budget?"

The President of the Education Committee replied as follows –

- “1. I assume that by the phrase ‘reclassification of the Education Directorate’ the Senator is referring to the restructuring of the senior management team of the Education Department. This restructuring has resulted in a net saving of £53,000.

This saving has been achieved because when the present Director of Education was appointed, his previous post was deleted from the establishment and, as part of the restructuring of the senior management team, the responsibilities formerly exercised by that post have been allocated to other senior staff.

2. No.
3. The cost of the administrative service over the last five years is as follows –

	£		Per cent of budget
1994	1,015,600	or	1.87
1995	1,028,000	or	1.98
1996	1,035,000	or	1.93
1997	1,189,000	or	2.07
1998	1,203,600	or	1.98

Over a long period and certainly throughout the 1990s, the cost of administration as a percentage of total expenditure has been within the range of 1.93 per cent to 2.07 per cent.

The Service Review recently completed by Coopers and Lybrand commented –

‘Although we have not carried out a post by post analysis of the Education Department headquarters staff we find no evidence to suggest that it is more generously staffed than comparator Local Education Authorities on the mainland ... if anything the establishment is surprisingly tight given the range of functions for a department carrying out all the functions of a mainland Local Education Authority together with many of those of the Department for Education and Employment in London.’ ”

Committee's policy of employing former civil servants as consultants (Tape No. 490)

Senator Stuart Syvret asked Deputy David Leon Crespel, President of the Establishment Committee the following question –

“Will the President provide for the Assembly a full explanation of his Committee’s policy in respect of employing former civil servants as consultants, with particular regard to former chief officers?”

The President of the Establishment Committee replied as follows –

“The Establishment Committee’s policy in respect of the re-employment of retired employees is clearly set out in the Personnel Policy Manual which is issued to all States Departments. The policy reads as follows –

‘It is States policy to give people who are not receiving an occupational pension preference in filling public sector job vacancies.

However, there may be exceptional circumstances, e.g. the particular experience of a person receiving an occupational pension compared with other applicants, when it might be appropriate to employ such a person.

In that situation approval must first be sought from the Establishment Committee.

Any applicants who receive an occupational pension must be informed, if shortlisted for a job vacancy, of the procedures necessary to gain approval for their employment.

The policy does not apply to part-time posts of less than 20 hours a week’.

Hence, the normal policy of the Establishment Committee is not to employ retired civil servants and chief officers as consultants.

However, where very specific and highly important work needs to be done, and the Committee is not able to find an alternative employee or consultant to do that work, the Committee will, on occasion, enter into a consultancy contract with a retired civil servant or chief officer. Such occasions are very rare and, where they arise, are normally restricted to contracts not exceeding one year in duration.

I should point out here, however, that my Committee is in the process of reviewing the whole issue of the employment of retired personnel. The States Population and Immigration Policy requires that we maximise the use of our locally qualified manpower. This implies that employers, in both the private and public sectors, should make greater use of retired personnel. At its last meeting on 11th January, 1999, my Committee considered a paper which recommends that retired personnel be allowed to continue working in the public sector, under certain conditions. Given the important strategic considerations of this recommendation for the Island as a whole, my Committee has decided to consult with the Policy and Resources Committee before finalising its approach. In this connection I should add that it is the policy of the Finance and Economics Committee in applying the Regulation of Undertakings to encourage and give favourable treatment to applications involving the employment of retired persons wishing to work over the normal retirement age. This clearly gives a signal to local employers that they should maximise the use of this source of manpower.”

Senator Stuart Syvret asked Deputy Jeremy Laurence Dorey, President of the Public Services Committee the following questions –

“1. Would the President inform the Assembly of –

- (a) the total cost of the construction of the reclamation site at La Collette D, including site preparation the construction of walls, professional fees etc.;
- (b) the predicted lifespan of the site when it was opened;
- (c) the proportion of the site which will have been filled by the end of 1998, and its predicted lifespan based on the current rate of fill;
- (d) the total additional capital costs i.e. ash pits;
- (e) the annual cost of maintaining and staffing the site?

2. Would the President also inform the Assembly of –

- (a) The estimated annual tonnage of glass which is dumped at La Collette D, the proportion of total annual landfill which this represents, and the estimated annual cost of glass tipping?
- (b) the estimated value of lost dumping charges which would otherwise be payable for the landfill space occupied by glass;
- (c) the estimated annual cost of incinerating the proportion of glass which is mixed with general domestic refuse, in terms of the fixed and variable costs of the Bellozanne incinerator;
- (d) the estimated annual tonnage and cost of 3/8” aggregate or similar (e.g. blinding concrete) used by the Public Services Department during the past four years (1994-1998)?

3. Would the President explain to the Assembly –

- (a) whether he considers the Island’s landfill site to be a resource of primary importance to the Island;
- (b) why his Department continues to use virgin mineral resources of 3/8” aggregate when a local company has expressed its willingness to produce the same from crushed glass;
- (c) whether he considers his Committee’s refusal to allow the recycling of glass to be consistent with presenting Jersey as a ‘model of sustainability’?”

The President of the Public Services Committee replied as follows –

“1.(a) The total amounts paid to the end of 1998 for construction of La Collette Phase D projec amounted to £26,350,000. This includes all professional fees. Due to the requirement to construct the

Jersey Electricity Company cooling water culvert outside the main contract, the final figure is yet to be agreed. It is expected, however, that the final figure will be within the original vote of £26,550,000;

- (b) at the time of design in 1992/93 tipping to the existing landfill site west of the Albert Pier was estimated to be 170,000 cubic metres per annum, giving a predicted lifespan for the new reclamation site of 20 years;
- (c) the site has been operational for 3½ years, but it must be stressed that infill has varied significantly over that time. The last three years has shown a significant increase in the volume of material delivered to the site and further calculations have been made to assess the rate of fill and remaining life of the site. At the end of 1998, the total volume of material infilled including ash and glass, taking into account the secondary aggregate exported from the site, amounted to 702,607 cubic metres. This figure represents 20.66 per cent of the original 3.4 million cubic metres site capacity. Based on the original estimate for the rate of fill at 170,000 cubic metres per annum the remaining life of the site is 15.86 years. Based on the 1998 infill rate of 263,724 cubic metres, the remaining life of the site is 10.2 years. It should be noted however that these figures are based on the volume of the site level with the outer sea wall. The majority of the site is due for landscaping to a level of two metres above the sea wall and a central hill constructed. Until the final design is known it is not possible to estimate the increased volume that will be gained from this superfilling process. However it is anticipated to be considerable;
- (d) additional capital costs are as follows –

ash pits	£388,243
lining of the outer sea wall as fill progresses	£46,620
establishment of new entrance with wheel wash and Weighbridge facilities	£152,159

these figures are to the end of 1998;

- (e) the cost of maintaining and staffing the site for the year 1998 taken to the end of November was £285,271.
- 2.(a) In 1998 5,260 loads of glass were delivered, each load being approximately one tonne. It should be noted, however, that volume (rather than weight) is the critical factor for life of the site and the final volume after crushing must be used when determining the impact of landfilling glass. Based on recent tests, the volume of glass infilled after crushing in 1998 was 3,939 cubic metres, representing 1.5 per cent of the total 1998 infill volume. The costs incurred by the Department for processing glass in 1998 were estimated to be in the order of £20,000;
- (b) based on recent volumetric calculations the charges for material delivered to site are in the order of £3 per cubic metre. Having determined the volume of glass infilled in 1998 after crushing to be 3,939 cubic metres, the estimated value of lost landfill space was approximately £11,800.

- (c) accurate information of this sort is not really available. In order to provide details to the House, hand sorting of incoming refuse would be required on a regular basis to obtain a realistic estimate of glass mixed in with the refuse.

Based on a visual inspection of the ash residue after incineration, the volume of glass mixed with incoming refuse is considered to be very small having taken into account the volumetric reduction of the combustible waste during the incineration process;

- (d) the use of aggregate in concrete is a complex issue and a standard size is not used. For the majority of concrete a graded product is used from 20mm (3/4'') down to dust.

Without extensive research of all transactions with the major concrete producers in the Island, identification of grades etc. it is not possible to give detailed tonnages of concrete that would have been used for bulk purposes as opposed to structural use.

The actual tonnage of blinding concrete used by Public Services Department, as opposed to use by contractors working on its behalf, is extremely small, however, certainly less than 6,000 tonnes a year."

3.(a) Yes.

- (b) To date, two local companies have expressed a willingness to recycle glass. However previous proposals to produce aggregate have not gone beyond the crushing phase. The majority of aggregate used by Public Services Department is in the form of concrete, this predominately being purchased from one of the two main suppliers in a ready mixed form.

To consider using crushed glass would require the incorporation of this material into the supply chain of ready mixed concrete before the concrete can be readily useable by the Department.

Members will be aware that my Committee is currently undertaking a Solid Waste Management Strategy Review that will examine the generation of all wastes, how they are currently processed and what alternatives may exist. The review will include the operation of the La Collette Reclamation Site and the impact of infilling glass. In conjunction with this review, I have requested my officers to seek proposals from interested parties to recycle glass, these proposals being reviewed with the consultants whilst developing alternative strategies for disposing of the Island's waste into the next millennium.

- (c) My Committee, as described in the answer to the previous question, has not refused to allow recycling. Previous Committees have rejected the proposals to recycle glass on the basis of cost, the level of subsidy being far in excess of the operational costs involved in crushing and infilling glass.

If there is to be a long-term commitment to recycling glass, the successful contractor must demonstrate that he has researched the market for such a product and is offering a durable business proposition. This must take market forces into account, and provide the Island with a long-term sustainable alternative to the use of primary aggregates if taxpayers' money is to be used to offer financial support to this proposition.

Capital programme 2000 – 2003 – statement

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

“As members are aware the Policy and Resources Committee lodged ‘au Greffe’ on 24th November, 1998 a report and proposition asking the States to approve the recommended priority order of capital projects for the years 2000 to 2002. This was a revision of the recommended priority order of capital projects included in the States Resources Plan, 1998 (P.112/58) which had been debated on the 1st July, 1998 and referred back to the Policy and Resources Committee for reconsideration.

It was the Committee’s intention that the report and proposition would be debated by the States early this year. However, in the light of the comments made during the Budget debate and in the report of the Committee of Inquiry on the Marina, concerning the procedures for dealing with the Capital Programme, the Policy and Resources Committee has decided that States members should have more comprehensive and more up to date information regarding the Capital Projects in the Capital Programme for the Year 2000 to 2002 before they are asked to debate the recommended priority order of those projects. In addition, the Committee is hopeful that this year it will be possible for the debate on the Capital Programme as part of the Resources Plan to be in a form that will allow the Capital Programme to be formally confirmed, and that the procedural difficulties that have arisen at the time of the Budget in recent years can be avoided in future. In order to achieve this amendments to the Public Finances Law are being progressed by the Finance and Economics Committee.

The Policy and Resources Committee wishes to ensure that when the new Capital Programme comes before the States for approval it will incorporate the latest information on the likely cost of the projects in the Programme, that Committees will have presented to the States sufficient information relating to the individual projects to enable States members to fully understand what is envisaged, and that individual projects will have been subject to a process of financial evaluation by the Treasury. In addition, having regard to the Capital Project procedures agreed by the Capital Projects Review Sub-Committee, the results of feasibility studies to be undertaken in respect of individual projects will also be available. With this in mind, the Policy and Resources Committee has come to the conclusion that the debate on the Capital Programme for the Year 2000 to 2002 should be deferred and should take place in June/July when the Resource Plan document is prepared and the information to which I have referred can be made available. The Resource Plan will also extend the Capital Programme to 2003.

In the meantime the report and proposition lodged by the Committee will have indicated to members the recommended priority the Committee has given to the Capital Projects in the light of the views expressed during the debate on the 1st July 1998 while continuing to have regard for the priority ranking determined by the Decision Conference Workshop held earlier that year. Subject to the further information that is to be obtained in respect of individual projects, and the updating of the likely cost, the Committee does not envisage the priority order changing significantly when it is debated in June/July. What will be different is that States members will have more information on the actual projects and more accurate estimates on the full lifetime costs of the projects. The States would also see the Capital Programme in relation to the resource allocations generally and would be better able to gauge the impact of its decisions in all areas. The States would also be able to view the Capital Programme against the background of the progress being made in achieving the States population policy objectives.

The Policy and Resources Committee believes that, in the light of the concerns that have been expressed within both the States and the Island generally concerning the way in which the States manages the Capital Programme, its decision to defer the debate on P.254/98 with a view to agreeing a firm Capital Programme for the years 2000 to 2003 in the debate on the Resource Plan in June/July is the most sensible way forward. The Committee believes that this will make for better decision making and the more effective use of the resources available to the States.”

Inn on the Park – statement

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

“The Planning and Environment Committee has been impressed by the support shown in recent weeks for the retention of the Inn on the Park, known to many Islanders as West Park Pavilion. Members will be aware that the Committee is currently considering an application to demolish the building and replace it with apartments.

Because of radical alterations to the building in 1986, very little of the original 1930s building remains. For that reason the Committee has felt unable to designate the building as a site of special interest on architectural or historic grounds. However, the Planning Law also allows for the creation of an SSI on cultural grounds.

The term cultural interest is not defined in the Law. The Committee has decided, therefore, to serve a notice on the owner stating its intention to designate the building a site of special interest. This will allow all those with an interest in the building to make representations. Those representations will then be considered by the Committee and will enable it to reach a properly balanced decision.

This process does not guarantee that the Inn on the Park will eventually be protected by SSI status but will allow the arguments for designation to be discussed within the framework of the Planning Law using a procedure which is fair to the developer – who wishes to replace the building – and those Islanders who wish it to be saved.”

THE STATES acceded to a request of Deputy Terence John Le Main of St. Helier and, in view of the Statement made by the President of the Planning and Environment Committee, agreed that consideration of the proposition The Inn on the Park: site of special interest (P.237/98) be deferred from this meeting to a later date.

Housing Strategy 1998 – 2003 (P.201/98) – statement

The President of the Housing Committee made a statement in the following terms –

“On 17th November 1998, the President of the Policy and Resources Committee made a statement to the Assembly regarding the report of the Housing Committee, as previously constituted “Housing Strategy 1998 – 2003” (P.201/98).

The President set out a timetable for actions, which included publication of the Residential Land

Availability Review in January 1999, and subsequently the preparation by the Planning and Environment Committee of a report and proposition on the options for meeting housing needs, to be lodged 'au Greffe' by the end of January 1999. It was proposed that a meeting of the four Committees, Policy and Resources, Finance and Economics, Planning and Environment and Housing, would take place on the 9th December 1998, and that a date in February would be set for debate of the Housing Strategy.

In the event, due to the resignation of the previous Committee and election of a new Committee, the scheduled full Committee meeting did not take place. Despite the change that has taken place in the Presidency and Membership of the Housing Committee, I would like to make it absolutely clear that my Committee and I are in full agreement that the previous Committee's efforts to obtain more land for housing both to rent and purchase should continue to be vigorously pursued.

If the Planning and Environment Committee does not bring forward a proposition on the options for meeting housing needs to the States before the end of February 1999, I can assure you, and all those persons who have been waiting patiently for the opportunity to either rent or purchase first-time buyer homes, that my Committee will take appropriate action.

I also wish to inform the Assembly that the Housing Committee intends to withdraw paragraph (4) of the proposition and, following discussions with the Finance and Economics Committee, will bring forward alternative proposals for the funding of social rented housing.

The alternative proposals will continue to include the use of Housing Trusts, subject to certain conditions being met. Whilst Housing Trusts have made a significant contribution to the provision of social rented housing, other avenues will also be explored. The Committee hopes to be in a position to seek a date for debate of a revised Housing Strategy in late April 1999.

The Committee has decided that it would prefer to retain the rental stock currently under its control, and will as soon as possible, bring a report and proposition to the States seeking additional funding to allow the retention of Westley Court, Westley Lodge and Maison Le Fondré. At this time the Committee does not propose to pursue the sale of Liberation Court or St. Thomas' Villas.

Arrangements are being made for a meeting of the four Committees to take place in the first week of February 1999, at which time the shortfall in supply of accommodation for both first-time buyers and those seeking rental accommodation will be addressed."

Grouville Bay Hotel site – development – P.2/99

Grouville Bay Hotel site – Development (P.2/99) – report – P.2/99

THE STATES, adopting a proposition of the Connétable of Grouville requested the Planning and Environment Committee, when considering the application by Dandara Island Homes Limited, under Article 6 of the Island Planning (Jersey) Law 1964, as amended, for development permission in respect of the Grouville Bay Hotel site to ensure that best use is made of the site area and that the new building is constructed no higher than the present hotel building on the north and south-east sides and no higher than two stories elsewhere on the site.

Members present voted as follows –

“Pour” (34)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Syvret, Kinnard.

Connétables

St. Mary, St. Peter, Grouville, St. Helier, St. Martin, St. John, Trinity, St. Saviour, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, S. Baudains(H), Trinity, Routier(H)
Dorey(H), Breckon(S), Grouville, Huet(H), St. Martin, Le Main(H), Rabet(H), Vibert(B), de la Haye(B)
St. Ouen, G. Baudains(C).

“Contre” (13)

Senators

Quérée, Norman, Walker.

Connétables

St. Lawrence, St. Brelade.

Deputies

Pullin(S), Johns(H), Duhamel(S), Layzell(B), St. John, Blampied(H), Crowcroft(H), Dubras(L).

Parish Rate (Administration) (Amendment No. 8) (Jersey) Law 199– P.256/98

THE STATES commenced consideration of the draft Parish Rate (Administration) (Amendment No. 8) (Jersey) Law 199 and adopted the Preamble.

Members present voted as follows –

“Pour” (30)

Senators

Horsfall, Norman, Kinnard.

Connétables

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

Deputies

H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, Pullin(S), Johns(H), Duhamel(S), Routier(H)
Dorey(H), Layzell(B), Breckon(S), Grouville, Huet(H), Blampied(H), Vibert(B), de la Haye(B), Dubras
(L), St. Ouen.

“Contre” (6)

Senators

Le Maistre, Syvret.

Connétables

St. Helier.

Deputies

Trinity, Le Main(H), Rabet(H).

Articles 1 and 2 were adopted.

Senator Frank Harrison Walker and Deputy Philip John Rondel of St. John declared an interest in the matter and withdrew from the Chamber prior to the debate.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Parish Rate (Administration) (Amendment No. 8) (Jersey) Law 199 .

Senator F.H. Walker and the Deputy of St. John having declared an interest in this matter, withdrew from the Chamber before consideration of this item.

Finance (Jersey) Law 199 – P.260/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Finance (Jersey) Law 199 .

Next Meeting

THE STATES agreed that they would meet on Tuesday 2nd and Wednesday 3rd February 1999 to consider the matters lodged under Public Business.

Adjournment

THE STATES then adjourned, having agreed that the outstanding items of public business should stand over until Tuesday, 2nd February 1999, when they would be taken as the first item of matters lodged under Public Business.

THE STATES rose at 5.27 p.m.

G.H.C. COPPOCK

Greffier of the States.