



**THE STATES assembled on Tuesday,
27th April 1999 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**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 -

Mrs. Margaret Anne Le Geyt, Deputy of St. Saviour - out of the Island
Paul Francis Routier, Deputy of St. Helier - out of the Island

Prayers read by the Bailiff

Deputy Bailiff- forthcoming appointment

The Bailiff informed the Assembly that His Excellency the Lieutenant Governor had issued a statement announcing the appointment of Her Majesty's Attorney General, Michael Cameron St. John Birt Q.C., as Deputy Bailiff to succeed Francis Charles Hamon, Esquire with effect from February 2000.

The Bailiff, on behalf of the members of the States, congratulated the Attorney General on his appointment.

Subordinate legislation tabled

The following enactments were laid before the States, namely-

Court of Appeal (Civil) (Amendment No. 2) (Jersey) Rules 1999. R & O 9383.

Island Planning (Designation of Sites of Special Interest) (Saint John) (Jersey) Order 1999. R & O 9384.

Island Planning (Tree Preservation) (Saint Helier) (Amendment) (Jersey) Order 1999. R & O 9386.

Island Planning (Tree Preservation) (Saint Saviour) (Amendment) (Jersey) Order 1999. R & O 9387.

Investment Business (Client Assets) (Jersey) Order 1999. R & O 9385.

Public Rank Taxis (Fares and Charges) (Jersey) Order 1999. R & O 9388.

Telecommunications Board and Legislation Committee - Resignation of member

THE STATES noted the resignation of Deputy Shirley Margaret Baudains of St. Helier from the Telecommunications Board and the Legislation Committee.

Matters Presented

The following matters were presented to the States-

1998 Financial Report and Accounts.

Presented by the Finance and Economics Committee.

Data Protection: report for 1998.

Presented by the Finance and Economics Committee.

Agricultural loans: annual report - R.C.16/99.

Presented by the Agriculture and Fisheries Committee.

Nitrate and Pesticide Joint Working Party: report to 31st December 1998 - R.C.17/99.

Presented by the Agriculture and Fisheries Committee.

States of Jersey Law 1966, as amended: delegation of functions - harbours administration - R.C.18/99.

Presented by the Harbours and Airport Committee.

Public access to official information: code of practice (P.38/99) - comments - P.38/99.

Presented by the Establishment Committee.

Planning and Environment Committee: vote of no confidence (P.45/99) - comments - P.45/99.

Presented by the Planning and Environment Committee.

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

Telecommunications Board: Annual report and accounts for 1998.

Presented by the Telecommunications Board.

Matters noted- land transaction

THE STATES noted an Act of the Finance and Economics Committee dated 19th April 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 purchase from Le Riche Group Limited (parent company of Le Riches Stores Limited), of an area of land measuring 2,244 square feet situated at the junction of La Marquanderie, St. Brelade (shown on drawing No. 15/621/6) required for road widening for the sum of £10, with the Committee to be responsible for both parties' legal fees and the cost of the necessary accommodation works;
- (b) as recommended by the Public Services Committee, the acquisition from Mrs. Joan Marie Bisson, née Coutanche, of an area of land measuring 5,640 square feet situated at Meadowbank, La Rue des Prés Sorsoleil, St. Lawrence (shown on drawing No. P587/02), required for road widening and remedial works free of charge, with the Committee to be responsible for both parties' legal fees, the costs of the necessary accommodation works, and also the provision of drainage for the surface water from Mrs. Bisson's meadow adjoining the abovementioned area of land into the culvert;
- (c) as recommended by the Harbours and Airport Committee, the renewal of the lease to Dive and Ski of the bunker known as A3, Albert Pier, St. Helier Harbour, for a further period of three years from 1st January 1999, at an annual rent of £1,711.50 (representing a rate of £4.20 a square foot based on a letting area of 407.5 square feet) subject to annual review in line with the Jersey Retail Prices Index;
- (d) as recommended by the Sport, Leisure and Recreation Committee, the lease to the Jersey Table Tennis Association of an area of land (measuring 16,276 square feet) situated to the north of the running track within the F.B. Playing Fields, St. Clement, for a period of 99 years from the date of passing of the contract in the Royal Court, at a commencing annual rent of £2,500 payable annually in advance, with terms and conditions as agreed with the Director of Property Services, and on the basis that each party was to be responsible for its own legal costs incurred in the transaction;
- (e) as recommended by the Public Services Committee, the lease to Mr. Ronald John Rebourg of Field No. 15, Mont à la Brune, St. Brelade (measuring 0.20.0 vergées), for a period of three years from 1st February 1999, at an annual rent of £60 (based on a rate of £120 a vergée) to be paid annually in advance, on the basis that the tenant would be responsible for the maintenance and upkeep of the land during the period of the lease, and with each party being responsible for its own legal costs arising from the transaction;
- (f) as recommended by the Health and Social Services Committee, the renewal of the lease to Messrs. Derrick Gordon Le Cornu and David John Le Cornu of Fields Nos. 34, 37, 38 (eastern part) and part of 54, Grouville (together measuring 29.5 vergées), for a period of nine years from 25th December 1998, at a

commencing annual rent of £2,950, to be increased in line with the Jersey Retail Prices Index every three years from the commencement date, with all terms and conditions remaining as in the existing lease, on the basis that each party will be responsible for its own legal costs arising from the transaction;

- (g) as recommended by the Public Services Committee, the lease to Mr. Anthony George Benest, of Oak Farm, Five Oaks, St. Saviour, of the property known as Stonemason's Yard, Mont Mado, St. John, for a period of nine years from 1st November 1996 at a stepped annual rent as follows -

Year 1	£850
Year 2	£1,500
Year 3	£2,000
Year 4	£2,500
Year 5	£3,000
Year 6	£3,500
Year 7	£4,000
Year 8	£4,500
Year 9	£5,000

on the basis that the premises were to be used only for stone cutting and masonry work in connexion with the lessee's business and at no time were any part of the premises to be used as sleeping quarters, with the lessee to take out the necessary public liability insurance and not to be permitted to assign, sub-let part or any of the premises without the lessor's permission, which would not be unreasonably withheld, and on the basis that each party would be responsible for its own legal costs arising from the transaction;

- (h) as recommended by the Harbours and Airport Committee, the addition to the existing lease to the Jersey Electricity Company Limited of land associated with the Power Station, La Collette, St. Helier, of a further area of land south of the Power Station (Measuring 1,998 square metres) required for the extension of the Power Station, at no additional cost;
- (i) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Evelyn Marguerite Hefford, née Hervé, of the 'j' category property known as No. 17 Court Drive, La Route de la Haule, St. Lawrence, for a period of two years from 1st August 1998 with an option to extend the lease for a further one year to 31st July 2001, at a commencing annual rent of £12,938.72 (representing an increase of 4.7 per cent, to be revised in line with the Jersey Retail Prices Index as at 1st August 1999), with all terms and conditions to remain as in the original lease with an additional clause to be added giving both parties the option to break the lease upon giving at least three months notice in writing to that effect, and on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (j) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. John Menzies Scarborough of the property known as Briville, Rue de Tas de Geon, Trinity, for a period of two years from 1st February 1998, at an annual rent of £15,335, with all terms and conditions to remain as in the original lease, with an additional clause to be added giving both parties the option to break the lease upon giving at least three months' notice in writing to that effect, and on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (k) as recommended by the Health and Social Services Committee, the renewal of the lease to Miss Zoe Veronica D'Avoine of No. 9 Chevalier Road, St. Helier, for a period of three years from 25th December 1998 at a commencing annual rent of £6,500 to be reviewed annually on the anniversary of the commencement date of the lease in line with the Jersey Retail Prices Index, with all terms and conditions to remain as in the existing lease, and on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (l) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Jane Melanie Hiron, née Gouyette, of Field No. 768, Sous l'Eglise, St. Peter (known as Clos du Menage) for a period of two years from 1st February 1999 at a commencing annual rent of £300, to be increased annually in line with the Jersey Retail Prices Index, with all terms and conditions to remain as in the existing lease, and on the basis that each party would be responsible for its own costs arising from the transaction.

Matters noted -acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 19th April 1999, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Public Services Committee had accepted the lowest tender received for the construction of temporary law courts at the Lawn Block of the former d'Hautrée School, St. Saviour, namely that submitted by Mercury Construction (1996) Ltd. in the sum of £250,626.83 for a contract period of 12 weeks.

Matters Lodged

The following matters were lodged "au Greffe" -

Draft Protection of Children (Amendment No. 2) (Jersey) Law 199 - P.50/99.
Presented by the Legislation Committee.

Draft Parish Rate (Administration) (Amendment No. 9) (Jersey) Law 199 - P.51/99.
Presented by the Legislation Committee.

Draft Affiliation Proceedings (Prescription) (Jersey) Law 199 - P.52/99.
Presented by the Legislation Committee.

Committees of the States: access to meetings - P.53/99
Presented by Senator S. Syvret.

Housing strategy 1998 - 2003. (P.201/98): amendments and supplementary report - P.54/99
Presented by the Housing Committee.

Millennium licensing hours - P.55/99
Presented by Tourism Committee.

Draft Conservation of Wildlife (Jersey) Law 199 . (P.223/98): third amendments- P.56/99
Presented by Deputy G.C.L. Baudains of St. Clement.

Arrangement of public business for the next meeting on 11th May 1999.

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 11th May 1999 -

Public access to official information: code of practice - P.38/99
Lodged: 16th March 1999.
Special Committee on Freedom of Information.

Public access to official information: code of practice (P.38/99) - amendments - P.47/99.
Lodged: 13th April 1999.
Senator S. Syvret.

Public access to official information: code of practice (P.38/99) - comments - P.38/99.
Presented: 27th April 1999.
Establishment Committee.

Draft Parish Rate (Administration) (Amendment No. 9) (Jersey) Law 199 - P.51/99.
Lodged: 27th April 1999.
Legislation Committee.

Millennium licensing hours - P.55/99.
Lodged: 27th April 1999.
Tourism Committee.

THE STATES, on the proposition of Deputy Alan Simon Crowcroft of St. Helier, agreed to defer consideration of the proposition regarding the Jersey Heritage Trust: new constitution (P.44/99) set down for consideration at the present meeting until the next meeting.

Forms of subsidy available to tourism related undertakings in the European Union - question and answer (Tape No. 506)

Senator Stuart Syvret asked Senator John Stephen Rothwell, President of the Tourism Committee the following question -

“Would the President provide for the Assembly an explanation of all forms of subsidy available to tourism related undertakings in the European Union?”

The President of the Tourism Committee replied as follows -

“The subject of all forms of subsidy, grants and loans available in the European Union is highly complex and wide ranging. It encompasses support from the European Community, national governments, regional governments and local authorities, together with support from other sources, for example, lotteries in the member States. It is impossible to state accurately all the forms of funding benefiting tourism.

European Union policies providing financial support and incentives are not geared to a particular sector or industry. Rather they are targeted at broader objectives such as promoting economic and social development within the E.U.; helping regions which are relatively underdeveloped or hit by the decline of traditional industries; supporting human resources development through training and employment promotion schemes; fostering research and development; environment protection; safeguarding cultural heritage; supporting the special needs of small and medium sized enterprises etc.

The benefits to a particular section or industry from these E.U. schemes depends entirely on the extent to which its characteristics fit the policy objectives of the various programmes. In the case of tourism it is recognised that it offers great potential for growth and employment and, as a result, the range of aid schemes open to operators within this industry is extensive.

One of the responsibilities of the European Commission is to add a European dimension to tourism.

There is no single source of financial funding available through the E.U. but many individual sources, and programmes which most closely meet the objectives of the Commission have the greatest chance of receiving aid. There are four main areas of support -

mainstream funding (structural funds) - funds set aside for regional economic and social development in the E.U.;

programmes and actions specifically aimed at qualitative improvements in tourism administered by the Director General of the European Commission;

programmes and actions in other fields of policy - often requiring co-operative efforts between organisations in two or more Member States;

loans made through the E.I.B. (European Investment Bank).

A wide range of E.U. aid exists for both social and economic schemes within the tourism industry covering twelve major areas -

aid to investment;
human resources;
marketing;
support services;
co-operation between firms;
co-operation between regions;
inter university co-operation;
cultural events promoting tourism
environment

qualitative improvements for tourism;
research development and technology;
projects in third countries.

With the exception of the Structural Funds it is usually the Commission which selects the projects or actions to be supported.

In most cases E.U. funding is provided for new initiatives rather than established activities. The more innovative the project the better. Approval of funding will take into account whether the programme is likely to generate profit directly. Grants are calculated as a per cent of net costs, that is, after reduction of revenues.

In practice the category of support of E.U. financial aid varies from project to project and from member State to member State. Sometimes an individual may be the beneficiary, other times a company or larger organisation. In other cases it could be local authority or a consortium from both the public and private sector.

There are many different methods of submitting a request depending on the action and funding requested. Sometimes it is possible to make an application on a prescribed E.U. form whereas in other cases the applicant is given a set of guidelines within which the submission needs to be made. In some cases there may be a requirement for a call to public tender or restricted tendering.

Some of the E.U.'s actions envisage projects at specific 'moments' whereas others operate on a 'rolling' basis.

Those benefiting from E.U. financial support may be required to fulfil certain obligations and undertake certain responsibilities over and above carrying out the action as defined. These include publicising the fact that E.U. support has been made available, providing regular reports and audits; ceding certain rights and privileges on the results of the project or action to the E.U. and making the results of the project available for dissemination throughout the E.U.

The European Regional Development Fund (ERDF) is the most substantial source of Community aid for investment projects involving the creation or sustaining of jobs and for improved infrastructure related to the regional development. The aid is in the form of grants or soft loans and reaches the user through national or regional schemes which are themselves part of overall national strategies drawn up by each member state and agreed with the Commission in Brussels.

The national strategic plans are known as Community Support Frameworks (CSFs) or Single Programme Documents (SPDs). Most CSF and SPDs have special schemes for the tourism industry. Examples include -

improvement of hotels;

development of infrastructure for tourism promotions (e.g. golf courses, conference centres etc.;

restoration of cultural heritage;

promotion of rural tourism;

support for both setting up and upgrading of small and medium sized businesses operating in this sector;

modernising of organisations and equipment.

Projects are often in areas the E.U. classifies as within the Objective Region 1, 2, 5b and 6 which are -

1. for promoting the development of the less-developed regions (The Highlands and Islands of Scotland, Northern Ireland and Mersey in the U.K.);

2. for regenerating regions, or parts of the region, seriously affected by industrial decline;
- 5b. for developing rural areas;
6. a new provision has been agreed giving an Objective I treatment to certain unpopulated areas in Sweden and Finland.

A community initiative for every remote region (REGIS) can be a source of aid or investment for completing mainstream structural fund support in outlying regions such as Guadeloupe, French Guiana, the Canary Islands, the Azores and Madeira.

There are also new Community initiatives (SMEs) designed to provide grants to small and medium sized companies for a wide range of measures to improve competitiveness and include consultancy in helping to draw up business plans, networking of common services, training and facilitating access to additional financial packages.

There is a wide range of additional smaller programmes including the LEI (for companies started and run by women) and through a Euroleaders programme which is basically a human resources programme but also contributes towards a business plan for submission to venture capital companies.

The European Social Fund (ESF) is the structural fund assisting human resources development in E.U. and is one of the most suitable forms of aid for training and employment schemes and, like the investment aid packages, these programmes are integrated in member States. This is the only structural fund substantially accessible in all regions of the community to assist projects such as the training of the long term unemployed, those designed to help young unemployed people or women seeking equal opportunities and people at risk of exclusion from the world of work (for example the disabled) plus workers adapting to industrial change.

Other smaller schemes include Employment - Now, Employment - Horizon, Employment - Youthstart, ADAPT and Leonardo da Vinci programme putting emphasis on improving training systems and methodologies and promoting and enhancing a 'Community' feel to the activities in question. Projects related to distance learning and new technology have a prominent place in the scheme. Other schemes include the ERGO network supporting exchange of experience and dissemination of knowledge and best practice, the LEDA programme targeted at local employment projects and the EUROS database giving information on job vacancies in all sectors including tourism.

Assistance for marketing is available in many of the national and regional schemes with the help of EU structural funds. Other notable schemes include Interreg (cross-border projects), Leader (rural development) and a range of initiatives aimed at the development of regions affected by the decline of traditional economic activity such as fishing, defence, coal, steel and textiles.

In addition to financial aid the E.U. also offers support services. A number of prominent schemes such as -

JOPP scheme - to assist with joint ventures in Eastern Europe;

ECIP scheme to assist community firms and partners in Asia, Latin America or the Mediterranean countries;

BC-Net a computerised system for helping E.U. firms identify partners for business co-operation;

BRE - a scheme for publicising co-operation opportunities offered or sought by firms in other member states and third countries.

Europartenariat and Medpartenariat - schemes for encouraging business co-operation between firms in specific less developed areas of the EU and in non member Mediterranean countries respectively;

Interprise and Med-interprise fund the operating of schemes for encouraging business

opportunities between EU firms in specifically less developed regions of the EU and in non member Mediterranean countries.

The main schemes used to support regional co-operation are RECITE and PACTE which support and encourage the exchange of know-how and experience and are not available to private organisations.

The Intereg scheme for cross-border co-operation provides specific incentives for the creation of interregional bodies and support is available for understanding different language, legal and administration differences.

In regard to cultural events promoting tourism, the most significant schemes are the European City of Culture and the European cultural month which involve the designation of cities in rotation for a special display of their cultural values and achievements. The designation of cities is decided collectively by the ministers of cultural affairs on the basis of applications presented by individual member States for specific cities.

The Kaleidoscope programme provides an opportunity for funding of cultural events with a European dimension - including theatre, dance and music festivals. Partnership with similar organisations in two other member States is required.

The link between environmental protection and tourism has grown in recent years as is the conviction that tourism cannot flourish in a polluted environment. Community action in the field of the environment impacts significantly on tourism.

There are grants for environmental projects some of which are relevant to the tourism industry. A tourism facility (for example a camp site) planning to use innovative systems of energy saving, or the use of renewable energy sources, might well benefit from the Thermie Programme. Schemes employing alternative energy can apply for funding through the Biofuels schemes.

Projects concerning the preservation of the natural habitat threatened by pollution or other natural causes which are considered of Community-wide importance can apply to the LIFE programme.

Model projects aimed at improving the industry through the diversification of activities or counteracting the problems of seasonality, with emphasis on qualitative aspects, have been funded through the Community action plan for tourism.

Grants for research development and technology are available to industry as well as research institutes and the E.U. supports research and technical development projects under a wide range of headings, such as -

- information and communications technology;

- development of new materials and biological research.

The sectors to which the results of Research and Development aided by the EU are open-ended and there are significant benefits to the tourism industry.

Other sub programmes in respect of information technology and communication cover -

- distance learning training;

- supporting economic activity in urban or rural areas (especially electronic information and booking systems);

- facilitating the integration of disabled or aged persons into normal living of which going on holiday is an important aspect.

For projects involving a new application of multimedia technology, the Impact programme can be used. A network of tourism operators in different member states has already been assisted for a project consisting of a network of tourist information.

The MEDIA programme supports new development in the audio-visual industry on projects relating to alternative energy study, training and information.

A review of Community actions affecting tourism showed that the great majority of Community programmes and policies either now include a tourism dimension or have a significant impact on tourism-related activities. In this way Community policies affect directly or indirectly, European citizens, public authorities at various administrative levels, European enterprises and, in certain cases also, tourism interests in third countries.

The total amount provided for tourism schemes is estimated at £4.75 billion for the period 1994 to 1999. Apart from this amount there is in addition the funding of numerous tourist boards throughout the EU.

National Lottery

In the UK other significant sums have been made available through the national lottery which was launched in 1994 and raises money for a variety of good causes. In an average week about £65 million is spent on a weekly draw. For every £1 spent on the national lottery 28 pence is paid into the Lottery Distribution Fund. This means approximately £1 billion a year is available to support good causes.

Spending on good causes

These include the arts, sport, national heritage, charities and the Millennium Fund. Money is allocated equally between the five national lottery distributing bodies. These are -

- The Arts Council of England, Scotland, Wales and Northern Ireland;
- The Sports Councils;
- The National Lotteries Charities Board;
- National Heritage Lottery Fund;
- The Millennium Commission.

For example as at March 1999 the Arts Council had awarded 2099 projects a total of £991,979,342. Over the past few years, the UK government has invested in excess of £4 billion of Arts Council, Millennium Commission and Heritage Lottery Fund money into its tourism infrastructure. These include the following major new attractions planned for the Millennium and beyond.

Millennium Experience and Dome, Greenwich (£449 million)

The Millennium Experience and Dome is planned as the world's most exciting and ambitious millennial event, and will form the centrepiece of Britain's celebrations.

Landmark projects

These are capital projects funding by the Millennium Commission, other lottery funds, private and public sources and redevelopment funds.

Eden Project in Cornwall (£37 million)

Major new educational attraction exploring the possibilities for a sustainable future. A stunning sequence of glasshouses will contain various "biomes" from tropical rain forest to desert making this the largest single millennium project.

Earth Centre in Doncaster (£50 million)

A major educational state-of-the-art attraction exploring the possibilities for a sustainable future. To date £20.8 million has been used on phase I.

The Renaissance of Portsmouth Harbour (£40 million)

Creation of a new maritime leisure complex.

Royal Botanic Gardens Millennium Seed Bank in Sussex (£30 million)

The Seed Bank will collect a sample of every single species of UK flora, and many world-wide species and freeze them for conservation.

Norfolk and Norwich Millennium Project (£30 million)

Three primary facilities, namely a millennium library, a business and learning centre and a heritage attraction, creating a major new civic meeting place.

Tate Gallery of Modern Art, London (£50 million)

A new national gallery of modern art, enabling a permanent display as a corollary to the British Collection at Millbank.

Hampden Park Stadium, Glasgow (£23 million)

The stadium will provide the third largest sports and events venue in Glasgow after the SEEC and the Hilton.

Lowry Centre, Salford (£15.5 million)

The first purpose built Art Centre that combines visual and performing arts and will be home to the world's largest collection of paintings by L S Lowry.

Millennium Stadium, Cardiff (£46 million)

Construction of a new 75,000 seater stadium.

The Odyssey Project, Belfast (£45 million)

A project mixing education, entertainment and sporting activities in a major development including an IMAX cinema, indoor arena and science centre.

Bristol 2000 (£41.3 million)

A new cultural quarter including a concert hall, hands-on science museum and wildlife/botanical centre.

International Centre for Life, Newcastle (£55 million)

A science based venture which combines a high-tech visitor centre with research facilities and commercial developments enhancing Newcastle's world reputation in the field of genetic research.

Millennium Point, Birmingham (£50 million)

Interactive science and technology centre comprising the Discovery Centre, Technology Innovation Centre, University of the First Age, the Hub, Imax and shops.

National Space Science Centre, Leicester (£23 million)

A unique contribution to discovery, education, leisure and research in the next Millennium and the focus for UK work in space, with the Challenger Learning Centre and Research Centre.

I am aware that Senator Syvret has asked for all forms of funding within the EU and I am conscious that I have not provided all the details from the 15 member countries. As I said earlier the forms of funding differ in certain respects from country to country and region to region.

At the last meeting Deputy Routier wished to know the cost of providing the information in answer to Senator Syvret; so far it amounts to £1,000. If all the additional information is required it will involve very detailed research and the cost will be in the region of £10,000.

Application of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended - questions and answers (Tape No. 506)

Deputy Terence John Le Main of St. Helier asked Senator Frank Harrison Walker, President of the Finance and Economics Committee the following questions -

“1. Following the tightening of controls under the Regulation of Undertakings and Development (Jersey) Law, 1973 as amended, which came into force on 1st June 1998 would the President inform the Assembly -

(a) how many three year licence agreements have been approved by his Committee for

undertakings in the finance industry and for other businesses?

- (b) what are the numbers of locally qualified staff and the numbers of non-locally qualified staff involved in undertakings in the finance industry and in other businesses?
 - (c) are undertakings with three year licence agreements free to fill vacancies without further reference to his Committee, including advertising in the United Kingdom, or are they required to satisfy his Committee that the vacancy concerned cannot be filled from within the Island?
 - (d) are undertakings with three year licence agreements permitted to apply for additional staff within the three year period and, if so, would the President explain the basis on which such requests are approved and the terms on which staff may be recruited in these circumstances?
 - (e) what has been the impact of the tightening of controls on labour costs in percentage terms?
2. Would the President give members details of the revisions to the Committee's policy which were announced at the end of March 1999 and which are intended to ease the difficulties being encountered by small businesses that were expressed to him at a meeting held at the Town Hall on 22nd February 1999?
 3. Would the President explain what steps are taken by the Committee to assess the availability of staff in the Island when applications for skilled staff are being considered?
 4. Would the President inform the Assembly how many licences for new undertakings, or extensions to existing undertakings involving staff have been issued to undertakings in the finance industry and to other businesses, and what numbers of staff have been involved?

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

- “1.(a) 299 three year licence agreements have been negotiated since the tightening of the controls on 1st June, 1998 - an estimated 72 (24 per cent) of these are in respect of undertakings in the finance sector and the remainder, 227, are in respect of other businesses.
- (b) In December 1998 some 9,500 full time and part time staff were engaged by firms in the finance industry and a total of 32,400 staff were engaged by other businesses. There is no information available on the relative numbers of locally qualified and non-locally qualified staff engaged within these sectors at this time.

In relation to licence agreements the answer is, for the 227 finalised agreements so far -

an estimated 3,950 locally qualified staff and 776 non-locally qualified staff in the finance industry.

an estimated 7,580 locally qualified staff and 2,682 non-locally qualified staff in all other businesses.

- (c) Three year agreements contain an agreed proportion of local to non-local staffing typically in the region of 80 per cent - 20 per cent although the precise proportion does vary from sector to sector and from company to company. The Committee's policy is that the proportion of non-locals should be the same as or lower than the levels that have previously existed. Once an agreement has been reached, undertakings are free to fill vacancies within the terms of their individual staffing agreements without further reference to the Committee. However, all licence agreements contain a clause to the effect that there will be -

“a review of the position at the end of each twelve month period, where evidence will be required that the undertaking has made every effort to support the States objectives in relation to immigration and population policy agreed in November 1997 - particularly in relation to the need to identify local people to fill vacancies and additional jobs”.

If the Finance and Economics Committee is not satisfied that an undertaking has acted in accordance with this condition it is free to re-negotiate or revoke the agreement.

- (d) In the event that an undertaking with a three year licence agreement wishes to engage additional staff because of circumstances that were not known at the time the agreement was negotiated, the necessary application will be considered by the Finance and Economics Committee on its merits and in accordance with its published policy.
 - (e) The Finance and Economics Committee has no information available to it whereby it can provide even an estimate of any changes in labour costs since the tightening of the Law. However, the Committee is commissioning in conjunction with leading employer representative organisations, a survey into all the likely long term effects of the Regulation of Undertakings legislation, including the effect on labour costs.
2. The Committee has agreed that small businesses will now be able to enter into three year joint licence agreements providing them with the same flexibility as larger undertakings. Any existing undertaking is now able to apply to the Committee seeking recognition of its staffing establishment with a view to agreeing an overall staffing framework within which the business concerned can operate.

The Committee has also agreed that in some circumstances small businesses employing not more than two staff will be allowed special dispensation where there is clear evidence of hardship to the principal or principals sufficient to warrant a decision not in line with normal policy.

3. When applications for skilled staff are considered, applicants are required to provide evidence which satisfies the Committee that they have been unable to identify suitably skilled locally qualified staff through advertising, approaches to the Job Centre, or by training.
4. During the period 1st June, 1998 to 31st January, 1999 the Committee issued approximately 350 licences for new undertakings and an estimated 340 licences for additional/replacement staff in existing undertakings. Of these, some 22 of the 350 new licences were for new finance industry undertakings and 114 of the 340 licences related to additional/replacement situations in existing undertakings within the finance industry.

The total number of staff involved was approximately 1,070, of which only 40 were non-locally qualified. Of the total number of 1,070 staff, only 143 were engaged within the finance industry, and an estimated 16 of these were non-locally qualified. There is ample proof, despite suggestions to the contrary, that the finance industry is an excellent employer of local people providing a very high level of job opportunities to local people rather than to people outside the Island.”

Creation of additional jobs for the St. Helier waterfront development - questions and answers (Tape No. 506)

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

- “1. The Finance and Economics Committee has recently granted permission for the creation of up to 200 new jobs for new undertakings in the St. Helier Waterfront development. Whilst it is acknowledged that the Committee has the power to make this decision, would the President inform members of his reasons for not bringing this matter to the States for approval given the gravity of the decision?
2. What guarantees can the President offer members that the total number of jobs created in respect of the Waterfront development will not exceed 200?”

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

- “1. The Finance and Economics Committee is totally satisfied, following its discussions with the

Policy and Resources and Tourism Committees, that it was not necessary to approach the States on this matter, given the previous policy decisions made by the States in relation to the development of the St Helier Waterfront.

As the Senator will recall, the States have endorsed the long term strategic policy for the development of the St Helier Waterfront on a number of occasions since 1993 by -

- (1) agreeing a general development plan for the whole waterfront area including provision of a new luxury hotel and leisure and recreation facilities;
 - (2) giving specific approval for the siting of a new private luxury hotel overlooking the new marina;
 - (3) specifically designating land for recreational and/or leisure use to allow for the development of a new leisure pool and associated facilities;
 - (4) setting up WEB Limited as its agent with full responsibility for co-ordinating and promoting the implementation of the Waterfront Development Plan;
 - (5) providing capital to provide for the infrastructure and also for the development of a leisure swimming pool from funds made available from the Tourism Investment Fund.
2. The number of jobs for which in principle approval has been given is in fact a total of 400 - 200 for the hotel, and 200 for the undertakings involved in the leisure complex. This number was clearly outlined in the Committee's press release, which was also circulated to all States Members. Whilst the developers concerned have certainly indicated they are happy to operate within these total numbers, if for any reason they cannot, it would be up to them to approach the Finance and Economics Committee of the day to make their case. As in all applications under the Regulation of Undertakings legislation the Committee will take a decision based upon the merits of each case put forward."

Housing Committee's policy on population growth - question and answer (Tape No. 506)

Senator Stuart Syvret asked Deputy Shirley Margaret Baudains of St. Helier, President of the Housing Committee the following question -

"Would the President inform the Assembly whether the Committee accepts that limiting population growth is of central importance if the population is to be housed adequately?"

The President of the Housing Committee replied as follows -

"Yes, the Committee accepts that limiting population growth is of central importance if the population is to be housed adequately."

Recent meeting held to discuss population issues - question and answer (Tape No. 506)

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

"Would the President inform members -

- (a) of the outcome of the meeting recently hosted by the Committee to discuss population issues?
- (b) whether the Committee intends to call a similar meeting to which all States members will be invited?"

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

"(a) I was intending to make a statement to the Assembly today on the outcome of the meeting my

Committee held on Tuesday 20th April, but I am happy to make this statement in response to the Senator's question.

The Policy and Resources Committee decided to hold an all day meeting to discuss immigration and population policy. As the Assembly is aware the Committee has been given responsibility by the States to monitor the implementation of the population policy adopted in debate in November 1997, and also to consider what further action is called for (if any) to secure the population policy objectives then adopted. In preparing for the annual Strategic Policy Review, my Committee decided to put a day aside for a discussion of these matters.

The Policy and Resources Committee is also aware that there are a number of reports and propositions either before the States, or shortly to be presented to the States, all of which can be expected to give rise to a debate on immigration and population policy. The Housing Committee is to present a report and proposition on the housing strategy, the Finance and Economics Committee is proposing to bring forward a report and proposition on the Regulation of Undertakings and Development Law, and individual propositions are before the Assembly from Deputy Johns and Deputy Le Main.

The Committee decided that its discussion on these matters would be greatly assisted by the involvement of members of the Committees most directly involved with population policy issues, and members of the Finance and Economics, Employment and Social Security, Housing and Planning and Environment Committees were therefore invited to the meeting. In addition the proposers of the two private members propositions that are currently before the States and the President of the Defence Committee were also invited to attend.

At the meeting a consensus was reached on the following points to which the Policy and Resources Committee will now be giving further attention prior to completing its annual Strategic Policy Review and bringing the report to the States, namely that -

- (1) there is no practical alternative to the Regulation of Undertakings and Development Law in exercising the necessary control over the number of employment opportunities, upon which immigration and population growth ultimately depends.
- (2) the required level of control to be exercised over the number of employment opportunities calls for the Finance and Economics Committee to continue its present policy in the application of the Regulation of Undertakings and Development Law.
- (3) the Policy and Resources Committee should press ahead with plans for the introduction of a "smart card" which would provide information and enable the level and trends in the Island's population to be better monitored, and a firm timetable for its introduction to be set out.
- (4) the Housing Committee would review its housing strategy proposals in so far as they refer to population policy matters in the light of the discussion at the meeting.
- (5) notwithstanding the increase in the resident population that has occurred since 1995, the policy objective agreed by the States in 1995 and confirmed in 1997 - that the population figure in October 1995 of some 85,000 should not be exceeded - should remain the population policy until such time as the results of the economic model building exercise are available to test the policy options for achieving that objective.
- (6) there was no support for the suggestion from some quarters that population growth is acceptable provided it is only made up of persons on short term work or residence permits.
- (7) attention should be focused on the questions to be included in the census to be held in March 2001 to ensure that the right information is obtained.
- (8) as in other jurisdictions, work permits have a place when there is unemployment and the employment of local residents needs protection, but not as a means of controlling

the Island's population growth in circumstances where, if additional jobs are created and there are no local residents to fill the jobs, work permits would be expected to be granted.

- (9) greater emphasis should be placed on investment in information technology, investment in training and more flexible working practices to generally raise the productivity of the existing resident workforce.
- (b) The meeting will be minuted in the normal way and copies will be distributed to all States Members in due course.

The Committee will have regard to the views expressed when it prepares the relevant section of the Strategic Policy Review. It is the Committee's intention to call a meeting of States Members at that time but the subject of that meeting will not necessarily be limited to population.

Marketing of Jersey produce - questions and answers (Tape No. 506)

The Deputy of St. John asked Deputy Harry Hallewell Baudains, President of the Agriculture and Fisheries Committee the following questions -

“1. Would the President confirm -

- (a) whether it is normal practice for tomatoes produced in Jersey to be labelled with the Union flag rather than the Jersey flag, and large British stickers without an explanatory note showing the location of Jersey in the British Isles? If so, would he explain the reasons for adopting that practice?
- (b) that it is the Committee's policy to merge Jersey produce with produce from other parts of Britain? If so, how does the Committee propose to maintain the unique identity of Jersey's agricultural produce?”

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

- “(a) The British Tomato Growers Association was set up in 1998 to promote home grown tomatoes in the face of competition from imported fruit from such countries as Holland. A proposal was put forward by the marketing groups supported by all Island indoor tomato growers that, as British tomato growers, we should be members of this Association. It was agreed that membership should be taken up and a levy of £550 per acre is paid by all growers to support the very successful advertising campaign carried out in the United Kingdom. The Island is represented on the Board of the Association by one grower and one member of one of the marketing groups. Although tomatoes are the second most important product sent to the UK by Jersey (Jersey indoor tomatoes are marketed entirely in the UK), we are very small when compared to our competitors and joining in with a ‘buy home grown British’ campaign was seen by all to be a very sensible move.
- (b) No. All other produce exported from the Island is exported as Produce from Jersey under the ‘Genuine Jersey’ logo and this will continue particularly with regard to the Jersey Royal which can be truly credited as unique to Jersey. This initiative is supported by an extensive advertising campaign costing £970,000.”

Requests for additional staff for the Planning and Environment Committee - question and answer (Tape No. 506)

The Deputy of St. John asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee the following question -

“The President has acknowledged publicly that, during the period 1999-2001, the Planning and Environment Committee considers that it may need to create an additional 36 posts for activities as diverse as architects, non-conservation, to assistant ecologists. Would the President advise members

who currently carries out these many separate functions?"

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

"The information which the Committee provided to the Establishment Committee were preliminary forecasts for the period until 2001. They were not requests. The figures were based on two new factors expected to apply within this period .

Firstly, under the rules applicable to the Regulation of Undertakings and Development Law, on the assumption that this would be applied to the Committee during this period, it was assumed that registration would require an all inclusive head count. In other words, we would be required to include all full and part time contracts, trainees, special needs, seasonal contracts and other contracts. Under present Establishment Committee returns, different rules apply.

The present headcount of the three departments of Planning and Building Services, Environmental Services and Property Services is as follows -

- 51 established full time personnel,
- 3 established part time personnel,
- 3 professional trainees,
- 4 special needs,
- 7 temporary full time contracts,
- 1 temporary part-time contract,
- 7 seasonal contracts (less than 8 hours per week),
- 3 'j' category contracts,
- 1 secondment from States Computer Services,
- 10 local self employed consultants,
- 1 University planning student.

A total of 91 people currently serve the Committee under full and part-time arrangements.

Secondly, the figures submitted also included the preliminary suggestions from the draft phase 1 report of the service review carried out by Environmental Resources Management Ltd (ERM). ERM have advised that the personnel arrangements should, in general terms, be consolidated into approved manpower to ensure stability and long term security of the Committee's services. This accounts for a proportion of the numbers indicated to the Establishment Committee.

The service review also advanced a case for additional staff in Property Services which could lead to very substantial savings in revenue and capital expenditure for the States as a whole. This is an opportunity that the States should not dismiss without proper consideration.

The service review also considered environmental resources. When in 1994 the States decided to give strategic and co-ordinating responsibility for the environment to the Planning and Environment Committee, the proposition included an in-principle approval of providing adequate resources to enable the renamed Planning and Environment Committee to meet its responsibilities under the Island Planning (Jersey) Law 1964 and the additional responsibilities given for the environment (P.84/94). That decision has been addressed by our service review. It is now abundantly clear from the experience of the Policy and Resources Committee that the failure of the States to allocate resource priorities to match strategic requirements leads to a failure to achieve States' objectives. The service review has provided the Committee with baseline information to assess the resource implications of meeting these objectives. When this review is complete the Committee will discuss those matters with the appropriate resource Committees and will bring the matter back to the States.

Similarly, the service review considered the impact of increased numbers of planning and building applications together with increased expectations of both applicants and objectors from the planning process. If the trend for requests for hearings by Boards of Administrative Appeal on applications continues the resource implications are considerable. This is also a statutory function, and one which cannot be avoided. The service review has also considered the resource implications of greater transparency or openness in the applications process; a feature which members of the States have called for on a number of occasions. Reflecting increasing legal challenges, one of these posts is for a

legal officer (who would be based in the Law Officers' Department) .

The combined effect of consolidation of the existing people and changes in the delivery of services produces a forecast increase in our headcount of 36 people. Of this increase 25 consolidate existing contracts and other arrangements, nine at Planning and Building Services, 1 at Property Services and 15 at Environmental Services (*6 of these show the effect of 7 seasonal contracts, each of which is less than 8 hours per week - this would require only one FTE under Establishment Committee returns*). 11 would be new posts: five at Property Services, one at Environmental Services and five at Planning and Building Services, all over a two and half year period.

An important issue raised by the service review which remains to be addressed at a political level is the element of functional overlap which exists within the areas for which the Committee has responsibility. The Planning and Environment Committee service review is one of the few to have addressed this issue and to have included 'outside' political and departmental consultation. The Committee is willing to address the potential efficiency and effectiveness of the pooling of resources with other departments to achieve States' objectives. This remains a matter for the future.

In any event the Committee has not accepted ERM's service review suggestions. I advised the President of the Establishment Committee in a letter on 25th March 1999 that the Committee has instructed our chief officer to examine alternative options for carrying out these tasks . These options do include outsourcing . Until this report is received these manpower numbers remain only preliminary forecasts. They cannot in any, way at this time, be described as a request."

Implications of the proposed designation of part of the south coast as a Ramsar site - questions and answers (Tape No. 506)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Nigel Lewis Qu  r  e, President of the Planning and Environment Committee the following questions -

- “1(a) Having regard to his recently published comments regarding possible manpower requests of the Planning and Environment Committee, would the President advise members whether any of the proposed posts are related to the Committee's plans for the designation of part of the south coast as a Ramsar Site?
- (b) Does the designation of an area as a Ramsar site have any policing or regulatory implications? How do these implications (if any) compare with those arising from the designation of an area as an SSI?

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

- “1.(a) There is no relationship between the forecast of staffing for the period up to 2001 and the proposals for designation of part of the south east coast under the United Nations Convention on Wetlands of International Importance (the "Ramsar" convention).

The posts identified for Environmental Services resulted from a zero based budget assessment carried out by CAG Consultants in 1997 which has been accepted by Environmental Resource Management Limited (ERM) in the Committee's service review.

CAG compared the requirements for environmental management with the resources needed to achieve States' commitments and objectives. Jersey was compared with local authorities in the UK and abroad and it was concluded that Jersey needed at least a full time equivalent of 15 posts to achieve the environmental objectives set by the States in '2000 and Beyond' which are the responsibility of the Committee.

At present (as just outlined in the reply to the Deputy of St. John) the Committee has only four established posts for Environmental Services. The other people in the department are engaged under various forms of contract. The majority of the additional manpower forecast for Environmental Services is to consolidate resources as recommended by the service review to ensure its continuity. The Committee's intention is to return to the States to confirm the resource

needs of Environmental Services as indicated in the proposition which gave the Planning and Environment Committee strategic and co-ordinating responsibility for environmental policies.

There is an explicit request of the Planning and Environment Committee in '2000 and Beyond' (on page 32) "to produce a coastal zone management strategy". The forecast requirement relates to that decision of the States and not to the possible designation of a Ramsar site.

The Planning and Environment Committee has absolutely no other plans for the south coast, therefore there are no posts required.

- (b) There are no policing or regulatory implications of a Ramsar designation. This does not change existing regulatory regimes which are the responsibility of Committees other than Planning and Environment. Designation as a Ramsar site provides for the continuation of sustainable practices, the principle of 'wise use'. Such practices would also be consistent with the States' own policy of sustainability.

I am grateful to the Deputy for giving me this further opportunity to say very clearly and unambiguously that the Committee has confirmed on many occasions that there is no intention to designate as an SSI the area identified as a site for consideration under the Ramsar Convention. The Committee has on more than one occasion confirmed that the present Planning Law would create an unworkable situation with regard to a marine SSI. Indeed, the wording of the present Law is inconsistent with the principle of "wise use" of marine areas, as defined by the Ramsar Convention. There is, therefore, no intention to designate any areas as marine SSIs under the present legislation.

The Committee has also given an undertaking to consult on the proposed changes to the Island Planning Law and if ever in the future it should be considered necessary to propose the designation of a marine SSI, either on the south coast or anywhere else .

The second part of the Deputy's question relating to the implications of designating the area as an SSI therefore do not arise.

The future of the Rent Control Tribunal - statement

Deputy Shirley Margaret Baudains, President of the Housing Committee made a statement in the following terms -

"At the last States meeting when I proposed nominations for members of the Rent Control Tribunal for the coming year a request was made that I make a statement to the Assembly regarding the future of the Tribunal. This I am happy to do.

The States, at its meeting of 14th July 1998, adopted P.45/98 relating to the appointment of a Rent Officer in place of the Rent Control Tribunal subject to new legislation replacing the Dwelling Houses (Rent Control) (Jersey) Law, 1946, as amended, which was to be repealed.

Following my election as President of the Housing Committee on 8th December 1998, and the formation of my new Committee, we immediately decided to carry out a review of all Committee policies, laws and the previous Committee's Strategy Report (P.201/98).

We have given priority to the Strategy Report in order that States Members should have an early opportunity to debate matters relating to housing issues. Although accepting that the States had already approved in principle changes to the Rent Control Tribunal, we were strongly of the view that before putting proposed legislative changes to the States, it would be prudent to review this issue before proceeding further. This we are now doing and, following further discussions, I will either request the Department to continue preparing a brief for the Law Draftsman along the lines contained in P.45/98 or, alternatively, I will return to the States with revised proposals.

Taking over as President of the Committee at the time I did, and pursuing our policy of reviewing all

aspects of the Committee operations, has involved my Committee in many long hours of discussion. I am conscious of the delay since the States approved this particular projet, but I would point out that this matter has not been included in the current legislation programme and, therefore, even if my Department had forwarded a brief to the Law Draftsman it would not, unless given special priority, be considered by the States until at least later this year which would, of course, still have necessitated the appointment of a Rent Control Tribunal in the meantime.

I would like to assure the Assembly that my Committee will be reaching a decision within the next few months, following consultation with members of the existing Rent Control Tribunal.”

Jersey Kosovo Appeal

THE STATES, adopting a proposition of the Finance and Economics Committee, directed the Committee to make available to the Overseas Aid Committee up to £750,000 from the general reserve for the Jersey Kosovo Appeal, and agreed that the sum should be set aside for structured payments to be made as and when required, with a payment totalling £250,000 to be forwarded immediately to the Disasters Emergency Committee and UNICEF.

Health and Safety Appeal Tribunal: appointment of members.

THE STATES, adopting a proposition of the Employment and Social Security Committee, and in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law 1989, and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989, appointed the undermentioned as members of the Health and Safety Appeal Tribunal for a period of three years commencing 1st May 1999 -

Advocate Geoffrey Le Vesconte Fiott, Chairman
Advocate Charles Malcolm Belford Thacker, Deputy Chairman
Mr. David Le Marquand
Mr. John William Gollop

Agricultural Loans and Guarantees Advisory Board: appointment of members.

THE STATES, commenced consideration of a proposition of the Agriculture and Fisheries Committee regarding the appointment of members of the Agricultural Loans and Guarantees Advisory Board. After discussion, and on the proposition of the Deputy of Grouville, the proposition was lodged “au Greffe”.

Draft Act to establish a Scheme to make child care more available for low income families - P.42/99

THE STATES, adopting a proposition of the Employment and Social Security Committee, approved an Act establishing a Scheme to make child care more available for low income families.

Planning and Environment Committee: vote of no confidence - P.45/99

Planning and Environment Committee: vote of no confidence (P.45/99) - comments - P.45/99

THE STATES, rejected a proposition of Senator Richard Joseph Shenton that they had no confidence in the Planning and Environment Committee.

Members present voted as follows -

“Pour” (13)

Senators

Shenton.

Connétables

St. Mary, St. Peter, Grouville, St. Helier, St. Clement.

Deputies

St. Mary, S. Baudains(H), St. John, Le Main(H), Blampied(H), Rabet(H), G. Baudains(C).

“Contre” (36)

Senators

Horsfall, Rothwell, Le Maistre, Stein, Quérée, Bailhache, Syvret, Norman, Walker, Kinnard.

Connétables

St. Lawrence, St. Brelade, St. Martin, St. Ouen, St. John, Trinity, St. Saviour.

Deputies

Wavell(S), H. Baudains(C), Coutanche(L), Trinity, Pullin(S), Johns(H), Duhamel(S), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, Crowcroft(H), Vibert(B), de la Haye(B), St. Peter, Dubras (L), St. Ouen, Le Claire(H).

Adjournment

THE STATES then adjourned, having agreed that the outstanding items of public business should stand over until the next meeting on 11th May 1999.

THE STATES rose at 5.26 p.m.

G.H.C. COPPOCK

Greffier of the States.