



**THE STATES assembled on Tuesday,
2nd February 1999 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

All members were present with the exception of –

Senator John Stephen Rothwell – ill
Malcolm Pollard, Connétable of St. Peter – ill
James Thomas Johns, Deputy of St. Helier – out of the Island

Prayers read by the Bailiff

HRH The Princess Royal – visit

The Bailiff informed the Assembly of the forthcoming visit of Her Royal Highness The Princess Royal on 6th and 7th May 1999.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

- Island Planning (Tree Preservation) (Saint Helier) (Jersey) Order 1999. R & O 9348.**
- Island Planning (Tree Preservation) (Saint Peter) (Jersey) Order 1999. R & O 9349.**
- Island Planning (Tree Preservation) (Saint Saviour) (Jersey) Order 1999. R & O 9350.**
- Banking Business (General Provisions) (Amendment No. 4) (Jersey) Order 1999. R & O 9351.**
- Post Office (General Provisions) (Amendment No. 42) (Jersey) Order 1999. R & O 9352.**
- Road and Sand Racing (Jersey) Order 1999. R & O 9353.**
- Immigration (Hotel Records) (Jersey) Order 1999. R & O 9354.**

Special Committee to consider the relationship between Committees and the States – appointment of President

THE STATES appointed Senator Richard Joseph Shenton, O.B.E., as President of the Special Committee to consider the relationship between Committees and the States.

Employment and Social Security Committee – resignation of member

THE STATES noted the resignation of John Baudains Germain, Connétable of St. Martin, from the Employment and Social Security Committee.

Matters presented

The following matters were presented to the States –

Welfare Benefit Rates: recommended rates from 1st January 1999 – R.C.3/99.
Presented by the Employment and Social Security Committee.

Regulation of Undertakings and Development: quarterly manpower report as at 30th September 1998 – R.C.4/99.
Presented by the Finance and Economics Committee.

An elected President of the States (P.3/99): report – P.3/99 Rpt.
Presented by the Policy and Resources Committee.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 25th 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 Health and Social Services Committee, the lease from Mr. Michael Seamus Patrick Morvan, of the property known as Uplands Cottage, St. John's Road, St. Helier, for a period of one year from 4th January 1999, at an annual rent of £19,999.99 payable quarterly in advance, with an option to renew for a further two years at a revised annual rent in line with the Jersey Retail Prices Index as at 4th January 2000 and 2001 respectively, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (b) as recommended by the Tourism Committee, the lease to Mrs. Sheila Fagan, née Needham, of a certain area of land (including a concrete bunker) known as Café Casino, Greve de Lecq, St. Ouen, for a period of three years from 25th December 1997, at an annual rent of £3,242 subject to annual review in line with the Jersey Retail Prices Index, on the basis that the lessee would be responsible for all repair and maintenance of the property, and the lessor would be responsible for insurance of the premises but not the café building constructed by the lessee, and that all other terms and conditions would be as in the existing lease, with each party being responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Jocken Patrick Henderson Bell and Mrs. Debbie Kay Henderson Bell, née Le Feuvre, the owner of No. 8 Clos de Noirmont, St. Brelade, in order to perfect their title to the property as follows–
 - (i) to confirm that the existing Ronez split-block wall should belong entirely, without offset, to the owners of No. 8 Clos de Noirmont;
 - (ii) to confirm that any parts of the roof, guttering and down-pipe might remain as presently established;
 - (iii) to confirm that the owners of No. 8 Clos de Noirmont were to be afforded a right of access onto the necessary parts of the grassed area belonging to the public, in the north of and coextensive with their property, in order to maintain and upkeep both the northern boundary wall and necessary parts of the north gable of their property, including those overhanging parts of the roof, guttering and down-pipe, with these rights of access to be granted on the usual terms and conditions;

- (iv) to confirm that in exercising such rights of access, the owners of No. 8 Clos de Noirmont would be subject to the following restrictions affecting the use of the grassed area belonging to the public –
 1. the owners of each property within Clos de Noirmont would have the right to make use of the various open areas retained by the public, with each owner being charged with contributing a 26th share towards the costs relating to the maintenance and upkeep of these open areas and of the drainage system established beneath the same; and
 2. that various open areas retained by the public within Clos de Noirmont would be kept free of vehicles and other obstructions;
- (v) to confirm that the abovementioned terms were subject to a consideration of £500 being paid to the public in consideration of granting these rights and that it had been agreed that the legal expenses incurred by the public were to be met by Mrs. Patricia Jean Tanguy, née Blondel, the previous owner of No. 8 Clos de Noirmont, St. Brelade;
- (d) as recommended by the Health and Social Services Committee, the entering into a Deed of Arrangement with Mr. Christopher Edward Lloyd and Mrs. Christine Mary Lloyd, née Riches owners of the property known as Camden, Westmount, St. Helier, in order to clarify new and existing boundaries with the properties known as Overdale Hospital and the William Knott Day Centre, as detailed in a letter, dated 8th January 1999, from the Director of Property Services, on the basis that each party would be responsible for its own legal costs incurred in the transaction.

Matters noted – acceptance of tenders

THE STATES noted an Act of the Finance and Economics Committee, dated 25th January 1999, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that –

- (a) the Public Services Committee had accepted the lowest of three tenders, namely that submitted by P. Trant (Jersey) Limited in the sum of £356,819.10 for the Tower Road, St. Helier, Foul Water Extension and Surface Water Separation Scheme, in a contract period of 16 weeks, (which would provide drainage to 12 existing houses which were not currently connected – at an average cost per unit of £29,734.93);
- (b) the Public Services Committee had accepted the lowest of four tenders, namely that submitted by P. Trant (Jersey) Limited in the sum of £661,522.80 for the Great Union Road Sewer Separation Scheme (which formed part of the on-going programme of surface water separation for St. Helier) in a contract period of 40 weeks;
- (c) the Public Services Committee had accepted the lowest of three tenders, namely that submitted by Jayen (Jersey) Limited in the sum of £463,842.05 in a contract period of 35 weeks for Contract 732– Foul Sewer Extension – La Ville es Normans, Trinity, (which would provide drainage for approximately 32 properties– at an average cost per unit of £14,495.06).

Matters lodged

The following matters were lodged “au Greffe” –

Draft Health Insurance (Medical Benefit) (Amendment No. 49) (Jersey) Regulations 199– P.14/99.
Presented by the Employment and Social Security Committee.

Field 413 (part of), La Longue Rue, St. Martin: rezoning for residential development– P.15/99.

Presented by the Planning and Environment Committee.

Tourism Investment Fund: grant of funds for construction of Les Creux Bowls Clubhouse – P.16/99.
Presented by the Finance and Economics Committee.

Field 921, Rue à Georges, St. Mary: residential development within the agricultural priority zone– P.17/99.
Presented by Senator L. Norman and referred to the Policy and Resources Committee.

Review of Machinery of Government: terms of reference and membership (P.13/99) – amendment – P.18/99.
Deputy J.L. Dorey of St. Helier.

Review of Machinery of Government: terms of reference and membership (P.13/99) – second amendments – P.19/99.
Senator S. Syvret.

Review of Machinery of Government: terms of reference and membership (P.13/99) – third amendments – P.20/99.
Senator S. Syvret.

Arrangement of public business for the next meeting on 16th February 1999

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at their next meeting on 16th February 1999 –

Mains drains – connection to all properties: petition – P.108/97.
Lodged: 22nd July 1997 and referred to the Public Services and Finance and Economics Committees.
Deputy F.J. Hill of St. Martin.

Mains drains – connection to all properties: petition (P.108/97): report – P.179/97.
Presented: 18th November 1997.
Public Services Committee.

Mains drains – connection to all properties: petition (P.108/97): report – P.103/98.
Presented: 19th May 1998.
Policy and Resources Committee.

Draft Agricultural Marketing (Amendment No. 6) (Jersey) Law 199– P.253/98.
Lodged: 24th November 1998.
Agriculture and Fisheries Committee.

Draft European Communities (Treaty of Amsterdam) (Jersey) Regulations 199 – P.263/98
Lodged: 8th December 1998.
Policy and Resources Committee.

Lease of land at Five Oaks to Telecommunications Board – P.264/98.
Lodged: 8th December 1998.
Health and Social Services Committee.

Review of the Machinery of Government: terms of reference and membership – P.13/99.
Lodged: 19th January 1999.
Policy and Resources Committee.

Review of Machinery of Government: terms of reference and membership (P.13/99) – amendment – P.18/99.
Lodged: 2nd February 1999.
Deputy J.L. Dorey of St. Helier.

Review of Machinery of Government: terms of reference and membership (P.13/99) – second amendments – P.19/99.

Lodged: 2nd February 1999.

Senator S. Syvret.

Review of Machinery of Government: terms of reference and membership (P.13/99) – third amendments – P.20/99.

Lodged: 2nd February 1999.

Senator S. Syvret.

Draft Health Insurance (Medical Benefit) (Amendment No. 49) (Jersey) Regulations 199– P.14/99.

Lodged: 2nd February 1999.

Employment and Social Security Committee.

Tourism Investment Fund: grant of funds for construction of Les Creux Bowls Clubhouse – P.16/99.

Lodged: 2nd February 1999.

Finance and Economics Committee.

Capital projects – question and answer (Tape No. 492)

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

“Will the President provide members with a list of all those capital projects which have gone over budget during the period 1990 to the present day, and will he include in his answer the original estimated cost of each project, the actual final cost of each project or in those cases where this is not known, the most recent projection of the likely final cost?”

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

- “1. Capital projects may go over budget for a number of reasons including inflationary increases which have in the past been provided from the general reserve. However, with the introduction of total cash limits for capital projects, an allocation for inflation will be included within the amount voted for each project.
2. Members will find on their tables a schedule which shows that since 1990 an amount of £44 million has been provided for capital projects to fund increases other than inflation.
3. Although this is a very substantial sum the major overspends have been on projects which have already attracted a great deal of publicity. The West of Albert, St. Helier Surface Water Link, the Marina and Airport projects account for £27 million of the £44 million noninflationary increases.
4. This leaves a balance of £17 million on a total expenditure over the period of £274.4 million on the projects in question (6.2 per cent).
5. These figures clearly illustrate the need for the actions already taken by my Committee over the last two years. These actions will lead to much more accurate information and a very substantial reduction in overspends on capital projects.”

Nationalities of children in schools – questions and answers (Tape No. 492)

The Deputy of St. John asked Senator Leonard Norman, President of the Education Committee, the following questions –

- “(a) How many different nationalities of children are educated in States schools;
- (b) what percentages of children speak English when starting school;
- (c) what is the Committee's policy with regard to the use of indigenous languages for advertising school enrolment details in the local news media and for conduct of school lessons?”

The President of the Education Committee replied as follows –

- “(a) Fourteen different nationalities of children are taught in Jersey schools;
- (b) in excess of 99 per cent of children speak English, with varying degrees of proficiency, when they start school;
- (c) I am sure that the Deputy is not intending to refer to our indigenous language which is English as he will be aware that all our advertisements are placed using our indigenous language.

However, recognising that many members of our Portuguese community do not speak English, we also place information concerning school admission procedures in Portuguese.

All lessons, apart from those in foreign languages, where the ‘target’ language is used, are taught in English. There are also after school lessons, provided by teachers employed by the Portuguese Government, which are held in Portuguese. The purpose of these lessons is to maintain the children’s cultural links with Portugal.”

Charges for planning and building applications – question and answer (Tape No. 492)

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

“When charges for planning and building applications were first introduced the President advised that there would also be a reduction in the waiting time for decisions for applications. Would the President advise members –

- (a) what reductions in waiting time have been achieved;
- (b) what is the reason for recent increases (some by as much as 50 per cent) in charges for planning and building applications?”

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

- “(a) The States considered the introduction of charges before the present Committee took office. The charges have been successfully implemented.

When the States approved the principle of introducing charges on 24th May 1994, the report of the then Island Development Committees report (P.54/94) set out the following arguments for their introduction –

it was equitable for the developer to pay a proportion of the cost of the service

it would deter frivolous, repeat and speculative applications

it would improve the quality of applications

it would enable the allocation of additional funds by the Finance and Economics Committee for environmental purposes (this was also part of the proposition approved).

In this report to the States the then Island Development Committee did undertake 'To give consideration to including a minimum time limit, although this has to be treated with caution as delays often occur where improvements in design can be negotiated with applicants.'

I am not aware that my predecessor or I ever advised the States that there would be a reduction in time taken to determine applications. The previous Committee made a commitment to introduce a code of practice, which would include a target of eight weeks. The code was introduced on 1st January 1997.

The first chart shows that there has been a significant increase in the number of applications over the past four years. The rate of rejections suggests that there may have been a reduction in the number of purely frivolous or speculative applications.

Despite the increase in numbers, the second chart shows that there has been a year on year improvement in the speed in dealing with applications. This performance significantly exceeds United Kingdom performance standards for planning authorities of 60 per cent in eight weeks. This is achieved despite a much higher number of applications per officer (each Jersey officer deals on average with three times the number of applications that an equivalent officer in the United Kingdom deals with) and Jersey provides a combined planning and building control system.

The Planning and Environment Committee is generally pleased with this measure of performance, but is concerned about the volume of work which the department has to deal with and the resultant pressure on the professional staff. In addition, whilst the Committee wishes to provide a reasonably speedy service, it is the quality of the service and the quality of the outcomes which is uppermost in our considerations.

- (b) The report approved by the States in 1994 stated 'the level of fees should be limited to a maximum of 50 per cent of the cost of application processing'. The fee scale set in 1996 proposed fees which reflected about 40 per cent of the cost of the service. That scale included concessions for small dwellings, agricultural and domestic types of applications. Applications for adaptation for disabled persons and other exceptional cases were exempted from fees.

With the agreement of the Finance and Economics Committee, the Committee has been able to allocate additional revenue expenditure, equivalent to the income from the charges, for environmental purposes. This is in line with the proposition agreed by the States. For example, this has allowed the Committee to make over £250,000 grants to owners of historic buildings.

Last year, during discussion over the 1999 cash limit, it became clear that the Committee could not sustain its commitment to the environment or historic buildings, whilst maintaining the Committee's statutory services, without an increase in revenue. The £150,000 increased income from charges, which was highlighted in the Committee's budget for 1999, represents approximately 10 per cent of the cost of processing applications and brings the total charges up to the 50 per cent of cost agreed by the States in 1994.

The fees remain weighted in favour of the domestic and small dwellings, with the commercial applications bearing the full impact of the increases."

Facilities for customers awaiting taxis at the airport – questions and answers (Tape No. 492)

Deputy Terence John Le Main of St. Helier asked the Deputy of St. Mary, President of the Harbours and Airpo Committee, the following questions –

- “(a) Would the President agree that there is much public disquiet over the lack of cover at the Airport for customers awaiting taxis at the designated rank?
- (b) Would the President inform members what progress has been made towards achieving a decent area

under cover for awaiting customers?

- (c) Would the President confirm that, when building a shelter for customers awaiting taxis, there is a requirement for elderly persons to be able to sit and would he confirm that seats will be included in the taxi shelter?"

The President of the Harbours and Airport Committee replied as follows –

“(a) Yes.

- (b) The mission statement of the Airport is ‘To become the most customer friendly airport in the British Isles by the year 2000’. That clearly puts customer care as our second highest priority behind safety, which I am sure everyone will agree, is and will be at all times our number one priority.

I am delighted that Deputy Le Main has asked these questions, because the answers will demonstrate just how seriously my Committee takes the question of customer care.

At our very first meeting at the Airport we discussed this issue of a covered waiting area for taxis along with the facilities for waiting bus passengers. The latter had been addressed by Deputy Johns’ Committee and a larger covered bus passenger facility has been ordered and will be installed as soon as it arrives. As regards the facilities for taxis passengers, the position is as follows –

1. the waiting taxis have been repositioned closer to the building;
2. the Airport Director has been instructed –
 - (i) to manage the flow of arriving passengers who wish to take a taxi to their destination;
 - (ii) to address the provision of a covered area for waiting passengers, so that they can wait with their baggage trolleys in an orderly queue out of the wind and rain;
 - (iii) to bring to the Committee as soon as possible solutions to the problems.
- (c) I note the excellent point about seating for the elderly and I can assure the Deputy that the matter will be addressed and had taken account of. However, the Committee are not architects and it is not possible at this point to guarantee that it will be practical to install adequate seating but, if it is, then we will do so.”

Television licence fee for visually impaired persons – question and answer (Tape No. 492)

Deputy Terence John Le Main of St. Helier asked Senator Frank Harrison Walker, President of the Committee for Postal Administration, the following question –

“Would the President agree that it is inappropriate that persons registered as blind and living alone should receive as a concession only £1.25 discount on the television licence fee, and would his Committee consider ways and means within the Postal Department to subsidise licence fees for the small number of residents who are registered blind or visually impaired and report back to the States?”

The President of the Committee for Postal Administration replied as follows –

“As Deputy Le Main is aware, Jersey Post has already investigated this issue in some detail, the results of which were made available in Jersey Post’s letter to him, dated 15th January 1999.

Jersey Post acts as agents for the BBC in running the TV licence facility in Jersey. The discount of £1.25 is a discount negotiated between the BBC and the British Government many years ago. We are not

permitted by the BBC to provide TV licences for fees lower than those given by the BBC.

We have made representation to the BBC over the past three years that the present discount of £1.25 is less than appropriate. Their response was that they did not feel it was their role to subsidise licences and this was better suited to the welfare authorities, or other national or local government departments.

Several individuals in Jersey already receive support for funding all or part of their licence fee from either their parish, or from local charities. Further support is available from the Royal National Institute for the Blind and also from the Jersey Blind Society.

It is not Jersey Post's role to subsidise or provide welfare payments, which would be the effect of paying such fees as TV licences. Even if this were felt to be appropriate, there could be equally valid claims from other members of the public such as the deaf, physically impaired and also those who are on welfare or income support.

Should Deputy Le Main believe that these licences should be paid for, or otherwise subsidised by the public of the Island, then I believe he should take it up with those bodies which are responsible for welfare."

Provision of social housing – questions and answers (Tape No. 492)

Deputy Terence John Le Main of St. Helier asked Deputy Shirley Margaret Baudains of St. Helier, President of the Housing Committee, the following questions –

- “1. In respect of the former Postal Headquarters site at Mont Millais, would the President confirm –
 - (a) that her Committee has decided, in principle, that the Jersey Homes Trust will not be asked to develop the site;
 - (b) that over £600,000 has already been spent by her Committee on the Jersey Homes Trust Scheme – over £300,000 each on site enabling works and professional fees;
 - (c) if a member of her Committee has approached property speculators and developers, offered them the site and asked them to submit a purchase price for the site;
 - (d) if the answer to (c) is in the affirmative, on whose authority was this done and were other Committee members also aware;
 - (e) that the Jersey Homes Trust is ready to invite tenders for the construction of social housing on the site;
 - (f) that the Jersey Homes Trust in its scheme is meeting the desperate need for units of accommodation for families with children on this site as identified by officers in her department and recommended by them as very urgent?
2. Would the President inform members whether she is aware that the Jersey Homes Trust is unable to pursue any further projects due to all the uncertainty about the intentions of her Committee and when she and her Committee plan to meet the Housing Trusts and their representatives?
3. Would the President confirm that her Committee will not be following the recommendations of the PricewaterhouseCoopers report and, if so, what are her proposed alternatives in funding social housing?
4. What comfort can the President offer to WEB Limited as to her Committee's intentions for the 150 unit Waterfront housing scheme, who will carry out the development and who will pay for it?”

The President of the Housing Committee replied as follows –

- “1(a) No. The Committee has decided that where projects are at an advanced stage, and this includes the Postal site, and where trusts have been heavily involved by previous Committees in developing schemes, the trusts, subject to certain conditions, should continue with those projects. Accordingly, the Committee has every intention of working with the Jersey Homes Trust in developing the Postal site.
- (b) The total sum expended is closer to £550,000. It would have been necessary to carry out the enabling works whether a scheme of houses or flats is chosen, and this currently accounts for about £200,000. Nearly £350,000 has been expended on professional fees.
- (c) No Committee member has been given authority to speak or act on behalf of the Committee in any negotiations with developers on this or any other site.

I cannot speak for previous Committees but this Committee operates collective responsibility and is seeking to work together to the benefit of those in need of housing in this Island.

It is true that as politicians we are as accessible to developers as we are to any other members of our community but, to the best of my knowledge, no member, under my Presidency, has entered into any negotiations.

Negotiations are not conducted by individual members of my Committee without express authority. Such authority has not been given.

- (e) The Jersey Homes Trust is very nearly ready to invite tenders for this project but will not do so until it receives confirmation from the Housing Committee that it wishes the current scheme for 27 three-bedroom houses, four two-bedroom houses, 12 two-bedroom flats and two one-bedroom flats to proceed.
 - (f) Yes, the current proposal to provide predominantly three-bedroom houses on the Mont Millais site would help to meet the desperate need of some of the larger families with young children on the Committee's waiting and transfer lists.
2. I wish to reassure all Housing Trusts that, subject to certain conditions being met, they will continue to play an important part in the provision of social rented housing for the foreseeable future. For example, most recently my Committee has agreed that the Jersey Homes Trust should act jointly with the Waterfront Enterprise Board as the developer for the Waterfront Social Housing Scheme which will, subject to the approval of the States for the transfer of land, be funded from private sources with the help of the standard housing trust interest subsidy.

My Committee intends to meet with the trusts and their representatives within the next few weeks.

3. The Committee, like the previous Housing Committee, has decided not to follow all the recommendations of the PricewaterhouseCoopers report.

Housing Trusts in our view are one vehicle but not the only one and currently the Committee is looking into other options.

Nevertheless the Committee will continue to support current Housing Trust policy – where this appears to offer best value, while at the same time investigating other methods of providing social rented housing to meet the predicted demands.

The Committee is working with the Finance and Economics Committee in examining alternative methods of funding social rented housing and intends to bring new proposals to the States as soon as possible.

4. The answer to this question is covered in the answer to Question 2.”

Funding for social housing – question and answer (Tape No. 492)

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

“On 19th January 1999 the President of the Housing Committee, in a Statement to the Assembly, said ‘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.’ –

- (a) would the President inform members whether funds in the region of £150 million are available to meet the aims and objectives of the Housing Committee, and could he confirm that officers at the Treasury have agreed ‘in principle’ to allow the Housing Committee to borrow funds to provide 900 units of social housing from the private sector or banks;
- (b) would the President inform members of the cost of producing the PricewaterhouseCoopers report on Housing Association Trusts, which was commissioned by his Committee?”

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

“(a) Discussions have taken place with the Housing Committee in order to find a workable solution to the funding problems related with the predicted need for social rented housing in the Island. Although specific funding has not been allocated to meet the aims and objectives of the Housing Committee, the Finance and Economics Committee has indicated its willingness to consider and discuss all options and alternatives available to the States to ensure that the housing requirements are addressed.

All funding options available to the States are currently being considered and the principle of the States borrowing as part of a package of measures has not been dismissed. All proposals on the way ahead in funding terms will need to be sanctioned by the States prior to their implementation.

I cannot, however, confirm that £150 million is available as my Committee is concerned at the effect such a sum would have on our ability to fund other essential social projects. The PriceWaterhouseCoopers report which my Committee has accepted clearly indicates that there are more cost effective solutions available to this Assembly.

- (b) The report commissioned by the Finance and Economics Committee from PriceWaterhouseCoopers was NOT a review of Housing Associations; it was a full review of all the funding options available to the States for the provision of social rented housing.

One of the alternatives considered as part of the work was the provision of social rented housing by Housing Trusts. The final report by the consultants included a section providing advice and recommendations in relation to the Regulation and Constitutions for Housing Trusts.

The final cost of the full report was £31,250.”

Genetic modified organisms – questions and answers (Tape No. 492)

Deputy Alan Simon Crowcroft of St. Helier asked Deputy Harry Hallelwell Baudains of St. Clement, President o

the Agriculture and Fisheries Committee, the following questions –

- “1. Would the President inform the Assembly whether research into GMOs (Genetically Modified Organisms) is being carried out in Jersey, or elsewhere, on our behalf and, if so, by whom, for what purpose, for how long and at what cost is the research being conducted?
2. Would the President further inform the Assembly whether there have been any transgenic constructs or other genetic modifications of the Jersey Royal potato? If so –
 - (a) what other species was involved?
 - (b) have experimental releases of genetically modified Jersey Royals taken place in Jersey or elsewhere?
 - (c) have the details of the research been made available for public perusal?
 - (d) has there been any independent monitoring of this research?
 - (e) is the President aware that the majority of United Kingdom consumers do not want genetically modified food and that local research into them could adversely affect Jersey's export trade in Royals?”

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

“Research into genetically modifying the Jersey Royal potato has been undertaken at the Institute of Arable Crop Research (IACR), Rothamsted Research station since 1991, following a proposition lodged “au Greffe” on 5th February 1991, and subsequently approved by the States.

The purpose of this research is to eliminate the need for use in the Island of plant protection products to control the damaging pest – potato cyst nematode (commonly known as eelworm).

This work is only part of a suite of projects all with the same objectives.

The present contract is due for completion during 1999 with the production of the desired construct. To date the research has cost £660,552.

- (a) The final construct will involve only Jersey Royal’s own genes, the research has identified and deployed the plants’ own defence proteins. All previous constructs have remained at Rothamsted or been totally destroyed.
- (b) No experimental releases of genetically modified Jersey Royals have taken place. All material is still at Phase 1 glasshouse containment under strict security.
- (c) Yes, the media have been kept abreast, and details of progress has been presented at farmers’ meetings.
- (d) The work was independently audited in 1993 by Dr. Denis Piggott who was an eminent biotechnologist in the medical field having worked for Imperial Cancer Research.

The fact that this work is undertaken at Rothamsted has the very obvious advantage that the work is continually reviewed by groups of co-workers, who are engaged in a wide range of research work.

- (e) While accepting there may be some consumer resistance at the moment, research should not affect our present marketing and it will be many years before we have a saleable product.

In the House of Lords report of the Select Committee on The European Communities entitled EC

Regulation of Genetic Modification in Agriculture there is much common sense.

I would quote from the summary of that report –

‘Biotechnology in general and genetic modification in particular offer great potential benefits to agriculture, industry, consumers and even to the environment. We consider that GM technology may offer much to organic systems, for example through reduced inputs.

Once the regulatory process has ensured safety, the success or failure of the technology must be left to consumer choice in the marketplace. The two issues involved in providing choice are the supply of GM and non-GM products and labelling.’

Also we have direct contact with the Head of Biotechnology Controls in the Department of Environment, Transport and Regions – who are directly responsible for approving the field growth of GM crops in the United Kingdom and rest of the EU. Nothing will be allowed to happen in Jersey that is not approved by both EU and United Kingdom regulations, bearing in mind the marketability of the end product. Customer acceptability will be of paramount importance.

The Committee of Agriculture and Fisheries did not obtain EU recognition for the Jersey Royal without undertaking an obligation to protect this unique variety. At the same time the Committee of Agriculture and Fisheries would be failing in its duty if it did not take every step to actively pursue lines of development that ensure the Jersey Royal remains not only unique but is capable of being produced in a sustainable system.

The far-sightedness of the States in commencing this work eight years ago is to be commended.”

La Collette II reclamation site– question and answer (Tape No. 492)

Senator Stuart Syvret asked Deputy Jeremy Laurence Dorey of St. Helier, President of the Public Services Committee, the following question –

“Would the President inform the Assembly whether the infill of the La Collette II reclamation site has been mechanically compacted as infilling has progressed?”

The President of the Public Services Committee replied as follows –

“When the La Collette II facility opened a meeting was held with all interested parties to agree on the method of infilling. Following a criticism of the method of infilling employed on the west of Albert site, it was agreed that filling of the area identified for industrial use would be closely monitored. The services of a Geotechnical Engineer have been employed to advise on the most appropriate method and degree of superfilling, in order to achieve the necessary bearing pressure for industrial use.

As an alternative to the superfilling process, Dynamic Compaction was considered. This essentially requires large quantities of graded stone to be placed on the site in layers and compacted into the surface. This option was rejected on the basis that it would require the recycled stone to be infilled into the site and would use up valuable tipping space. Another form of Dynamic Compaction involves an operation rather similar to pile-driving, except that the aim is to compact the ground rather than penetrate it. It was felt that this option would have entailed unacceptable levels of disruption to residents of the area.

The method actually chosen, superfilling, effectively amounts to compacting the ground by weighing it down, then removing the superfill to the tip head as the site progresses.

Part of the area not identified for industrial use will have a hill constructed, thereby providing the required compaction to this area of the site.

It is estimated that by utilising the superfilling process, approximately 100mm of compaction can be achieved. Based on the area infilled to the end of December 1998, the additional volume created through this process is approximately 7320m³.”

Standard of service rendered by lawyers – questions and answers (Tape No. 492)

Senator Stuart Syvret asked the Deputy of Grouville, President of the Legislation Committee, the following question –

“On 22nd September 1998, I asked the President questions concerning what consumer protection mechanisms are available to members of the public in respect of legal services rendered by lawyers and, in particular, my question (2) asked how this compared and contrasted with the service provided by lawyers in the United Kingdom. The President was unable to provide a detailed answer on that occasion because of time constraints.

Is the President now in a position to provide a detailed answer to that question?”

The President of the Legislation Committee replied as follows –

“It appeared to my Committee that Senator Syvret was content with the answers given to him on 22nd September 1998. He did not ask for more information and, therefore, further research was not undertaken.

However, I am shortly to chair a Working Party which will examine the recommendations made in the report of the Jersey Consumer Council on legal charges and practices which was presented to the States on 22nd September 1998 and referred to the Legislation Committee.

It is envisaged that this body will examine in detail the consumer protection mechanisms available to members of the public in respect of legal services, and may well compare and contrast these with services provided by lawyers in the United Kingdom.”

States meetings – statement

The Deputy of St. Mary, President of the House Committee, made a statement in the following terms–

“Following on from the discussion at the last States meeting as to how the States can get through its business in the most effective way without causing too much disruption to Committee meetings, the House Committee has met with the Bailiff, the Greffier and the Deputy Greffier.

The outcome of that meeting is that the Committee proposes that as much time as possible should be available to debating the projets brought before this Assembly on the due date. Therefore we should start the meetings at 9.30 a.m. as at present, break for lunch between 1.00 p.m. and 2.00 p.m. and continue until 6.00 p.m., if necessary.

If there are still a substantial number of propositions to be debated at 6.00 p.m., then the President should adjourn the meeting until 9.30 a.m. on the following Tuesday. However, if it is thought that the outstanding items can be accommodated within the order of business of the next scheduled States meeting, then those items so carried forward would be debated first at the next meeting (in which event Standing Order 5(1) would be suspended).

The reasons for the House Committee preferring to adjourn business to the intervening Tuesday rather than continuing on the following day (Wednesday) are based on practical considerations –

1. Several Committees meet on a Wednesday, whereas only Policy and Resources meets on a Tuesday.
2. Those Committees would have insufficient time to rearrange their timetables, which may include the attendance of people from within or outside the Island.
3. The Policy and Resources Committee, on the other hand, would have a week in which to rearrange its meeting.
4. Executive Committees do have time critical decisions to take on occasions which could have adverse effects if postponed.

My Committee will be pleased to receive the comments of members on these suggestions before bringing formal proposals to the States.”

Nuclear shipments: petition – P.102/95.

Nuclear shipments: petition (P.102/95) – report – P.76/97

THE STATES, adopting a proposition of Senator S. Syvret agreed to take all appropriate steps to oppose nuclear shipments into and out of La Hague nuclear reprocessing plant unless it could be demonstrated that they pose no significant threat to public safety or the environment of the Channel Islands or the livelihood of Channel Islanders.

Members present voted as follows –

“Pour” (45)

Senators

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

Connétables

St. Lawrence, St. Mary, St. Brelade, Grouville, St. Helier, St. Martin, St. Ouen, St. John, St. Sav
St. Clement.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), S. Baudains(H), Le Geyt(S), Trinity, Pullin(S),
Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, St. John, Le Main(H),
Blampied(H), Rabet(H), Crowcroft(H), Vibert(B), de la Haye(B), Dubras(L), St. Ouen, G. Baudains(C).

“Contre” (3)

Connétable

Trinity.

Deputies

Dorey(H), St. Peter.

Electoral law reform – P.207/98

THE STATES resumed consideration of the proposition of the Legislation Committee concerning electoral law reform, as amended at their meeting on 3rd November 1998.

THE STATES approved in principle the recommendations of the Franchise Working Party in relation to –

- (a) franchise and residence qualifications (Recommendations 2 and 3) except that in sub-paragraph (b) of Recommendation 3 after the word “date” there were inserted the words “and resident again in the Island for a minimum of six months immediately preceding that date”.

THE STATES rejected the recommendations in sub-paragraph (b) in relation to provisions as to disqualification (Recommendations 4, 5 and 6);

Members present voted as follows –

“Pour” (20)

Senators

Shenton, Horsfall, Le Maistre, Quérée.

Connétables

St. Lawrence, St. Mary, St. Brelade, Grouville, St. Ouen, Trinity.

Deputies

Le Sueur(H), Coutanche(L), St. Mary, Le Geyt(S), Trinity, Pullin(S), Duhamel(S), Grouville, Blampie (H), Crowcroft(H).

“Contre” (26)

Senators

Stein, Bailhache, Syvret, Norman, Walker, Kinnard.

Connétables

St. Helier, St. Martin, St. John, St. Saviour, St. Clement.

Deputies

H. Baudains(C), Routier(H), Dorey(H), Breckon(S), Huet(H), St. Martin, St. John, Le Main(H), Rabet(F), Vibert(B), de la Haye(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C).

THE STATES approved, in principle, the recommendations in relation to –

- (c) electoral return forms; (Recommendations 9, 10 and 11);

Members present voted as follows –

“Pour” (38)

Senators

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

Connétables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, Le Geyt(S), Trinity, Pullin(S), Duhamel(S), Routier(H), Dorey(H), Layzell(B), Breckon(S), Grouville, St. Martin, Blampied(H), Rabet

(H), Crowcroft(H), Vibert(B), de la Haye(B), St. Peter, Dubras(L), St. Ouen.

“Contre” (10)

Connétables

St. Mary, Grouville, St. Helier, St. Martin, St. Saviour, St. Clement.

Deputies

Huet(H), St. John, Le Main(H), G. Baudains(C).

- (d) the compilation and content of the electoral register (Recommendations 12 to 14, 16 to 18 and 20);
- (e) public elections procedure (Recommendations 21, 22, 24 and 25); except that in Recommendation 24 for the word “Saturday” there was substituted the word “Wednesday”;

Members present voted as follows –

“Pour” (45)

Senators

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

Connétables

St. Lawrence, St. Mary, St. Brelade, Grouville, St. Helier, St. Martin, St. Ouen, St. John, Tri
St. Saviour, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, Le Geyt(S), Trinity, Pullin(S),
Duhamel(S), Dorey(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, Le Main(H), Rabet(H),
Crowcroft(H), Vibert(B), de la Haye(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C).

“Contre” (3)

Deputies

Routier(H), St. John, Blampied(H).

- (f) postal voting (Recommendations 28, 30 and 31);

THE STATES approved in principle that –

- (g) the Electoral Register computer system should be capable of producing the Register both in alphabetical order of the names of persons on the register and in street order of the addresses of such persons;
- (h) the entitlement to a postal vote should be extended to include persons prevented from voting on polling day on religious grounds or because of scheduled working arrangements.

THE STATES, adopting a proposition as amended of the Legislation Committee, received the report of the Franchise Working Party appointed by the Legislation Committee on 14th February 1997, and approved, in principle, the recommendations in relation to –

- (a) franchise and residence qualifications (Recommendations 2 and 3) except that in sub-paragraph (b) of Recommendation 3 after the word “date” there shall be inserted the words “and resident again in the

Island for a minimum of six months immediately preceding that date”.

- (b) electoral return forms; (Recommendations 9, 10 and 11);
- (c) the compilation and content of the electoral register (Recommendations 12 to 14, 16 to 18 and 20);
- (d) public elections procedure (Recommendations 21, 22, 24 and 25); except that in Recommendation 24 for the word “Saturday” there shall be substituted the word “Wednesday”;
- (e) postal voting (Recommendations 28, 30 and 31);

and approved in principle that –

- (f) the Electoral Register computer system should be capable of producing the Register both in alphabetical order of the names of persons on the register and in street order of the addresses of such persons;
- (g) the entitlement to a postal vote should be extended to include persons prevented from voting on polling day on religious grounds or because of scheduled working arrangements.

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

THE STATES, adopting a proposition of the Policy and Resources Committee referred to their Act dated 11th September 1996, which charged the Policy and Resources Committee to investigate issues regarding the reorganisation of States Committees; received the progress report dated 16th November 1998 of that Committee; and charged the Policy and Resources Committee to take immediate steps to promote the formation of an Industry Committee with responsibility for –

- (i) the licensing and regulatory functions of the Committee for Postal Administration under the Post Office (Jersey) Law 1969, as amended, and the Telecommunications Board under the Telecommunications (Jersey) Law 1972, as amended;
- (ii) the functions of the Finance and Economics Committee under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended;
- (iii) the functions presently discharged by the Trade and Industry Sub-Committee of the Finance and Economics Committee;
- (iv) the safeguarding of consumer interests functions of the Finance and Economics Committee in respect of the Jersey Electricity Company under Article 31 of the Electricity (Jersey) Law 1937, as amended and of the Public Services Committee in respect of The Jersey New Waterworks Company Limited under Article 14 and Part VII of the Water (Jersey) Law 1972, as amended;
- (v) developing further the consolidation of the responsibilities of the Industry Committee as set out in the progress report.

Members present voted as follows –

“Pour” (34)

Senators

Horsfall, Stein, Quérée, Bailhache, Norman, Walker, Kinnard.

Connétables

St. Lawrence, St. Helier, St. Ouen, St. John, Trinity, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, Trinity, Pullin(S), Duhamel(S), Routin(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C).

“Contre” (14)**Senators**

Shenton, Le Maistre, Syvret.

Connétables

St. Mary, St. Brelade, Grouville, St. Saviour.

Deputies

S. Baudains(H), Le Geyt(S), Dorey(H), St. John, Blampied(H), Rabet(H), de la Haye(B).

THE STATES then adjourned until Wednesday, 3rd February 1999.

THE STATES rose at 5.29 p.m.

G.H.C. COPPOCK

Greffier of the States