

**THE STATES assembled on Tuesday,
11th April 2000 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 -

Kenneth Priaux Vibert, Connétable of St. Ouen - out of the Island
Terence John Le Main, Deputy of St. Helier - out of the Island
Robin Charles Hacquoil, Deputy of St. Peter - out of the Island
Jeremy Laurence Dorey, Deputy of St. Helier - absent
Peter Nicholas Troy - Deputy of St. Brelade - out of the Island

Prayers read by the Bailiff

Review Panel on the Machinery of Government in Jersey - welcome

The Bailiff, on behalf of the members of the States, welcomed to the Assembly Sir Cecil Clothier K.C.B., Q.C., Chairman, and the members of the Review Panel on the Machinery of Government in Jersey.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Termination of Pregnancy (General Provisions) (Amendment) (Jersey) Order 2000. R & O 35/2000.

Road Traffic (Public Parking Places) (Amendment No. 39) (Jersey) Order 2000. R & O 36/2000.

Matters presented

The following matters were presented to the States -

Draft Road Traffic (No. 51) (Jersey) Regulations 200 (P.40/2000): amendments (P.43/2000)- report - P.43/2000 Rpt.

Presented by the Home Affairs Committee.

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

Probation and After-Care Service: annual report for 1999.

Presented by the Home Affairs Committee.

The Millennium Town Park: a report for the States of Jersey.

Presented by the Planning and Environment Committee.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 3rd April 2000 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 Mrs. Jane Christmas, née Ridley, of an area of land (measuring 315 square feet) at Près de la Gare, La Grande Route des Sablons, Grouville, for the sum of £10, for the purpose of road widening (scheduled to take four weeks) and the construction of a footpath, with the Committee to pay the vendor's reasonable legal fees arising from this transaction;
- (b) as recommended by the Public Services Committee, the purchase from Mr. Kenneth Hudson and Mrs. Alison Hudson, née Jenkins, of an area of land (measuring 615 square feet) at Cedar Lodge, La Grande Route des Sablons, Grouville, for the sum of £10 for the purpose of road widening (scheduled to take eight weeks) and the construction of a footpath, with the Committee to pay the vendor's reasonable legal fees arising from the transaction, together with a single payment in the sum of £9,250 as compensation for the loss of use of the existing single garage;
- (c) as recommended by the Public Services Committee, the purchase from Mrs. Patsy Le Saint, née Lawton, of an area of land (measuring 76 square feet) at Vicq Farm, La Grande Route des Sablons, Grouville, for the sum of £76, representing a rate of £1 a square foot, for the purpose of road widening (scheduled to take four weeks) and the construction of a footpath, with the Committee to pay the vendor's reasonable legal fees arising from the transaction;
- (d) as recommended by the Public Services Committee, the entering into of a deed of arrangement with Demie Holdings Limited in order to clarify the boundaries between the properties known as Captain Hornblowers and the Dunes/Demi des Pas Hotel, St. Clement, and the land in public ownership at Le Dicq Promenade, approval having been given (Planning Permit 489/FA dated 17th April 1998) for the demolition of the existing restaurant and the construction of a new single-storey beach café and four-storey residential development, terms and conditions having been agreed as detailed in a letter, dated 16th February 2000, from the Director of Property Services, with Demie Holdings Limited to pay the sum of £1,000 in respect of this transaction, in addition to all the Committee's reasonable legal fees;
- (e) as recommended by the Public Services Committee -
 - (i) the purchase from Mr. Graham Brian de Zille and Mrs. Alison Rose de Zille, née Chard, of an area of land (measuring 1,292 square feet) situated in Field No. 270, adjacent to Le Canibut, St. John, currently leased by Mr. Stephen Roy Alexander Labey, for the sum of £10 for the purpose of constructing a pumping station as part of Contract No. 728 - Le Douet Foul Sewer Extension 46B;
 - (ii) the lease from Mr. and Mrs. de Zille of an area of land (measuring 4,677 square feet) in the same location, to form a temporary access and working area during the 24-week construction period for a further sum of £953.20 as disturbance/inconvenience and payment of rent;

with the Committee to be responsible for both parties' reasonable legal costs arising from the transaction.

Matters lodged

The following matters were lodged "au Greffe" -

Draft Separation and Maintenance Orders (Amendment No. 2) (Jersey) Law 200 - P.46/2000.
Presented by the Legislation Committee.

Projet de Loi (No. 6) (200) concernant la charge de Juge d'Instruction. - P.47/2000.

Presented by the Comité de Législation.

Draft Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 200 - P.48/2000.

Presented by the Legislation Committee.

Draft Maintenance Orders (Facilities for Enforcement) (Jersey) Law 200 - P.49/2000.

Presented by the Legislation Committee.

Draft Act amending the Act of the States dated the 27th day of April 1999 establishing a scheme to make child care more available for low income families - P.50/2000.

Presented by the Employment and Social Security Committee.

Draft Food and Drugs (Amendment No. 3) (Jersey) Law 200 - P.51/2000.
Presented by the Health and Social Services Committee.

Draft Piercing and Tattooing (Jersey) Law 200 - P.52/2000.
Presented by the Health and Social Services Committee.

Television licence fees: rebate for senior citizens - P.53/2000.
Presented by Senator C. Stein.

Draft Diseases of Animals (Amendment No. 5) (Jersey) Law 200 - P.54/2000.
Presented by the Agriculture and Fisheries Committee.

Draft Financial Services (Extension) (Jersey) Law 200 - P.55/2000.
Presented by the Finance and Economics Committee.

Mrs. C.A. Glazebrook: 'g' category housing consent - P.56/2000.
Presented by Senator J.A. Le Maistre and referred to the Housing Committee.

Arrangement of public business for the next meeting on 2nd May 2000

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 2nd May 2000 -

Minimising material and social deprivation: low income support - P.44/2000.
Lodged: 4th April 2000.
Employment and Social Security Committee.

Commission Amicale: membership - P.45/2000.
Lodged: 4th April 2000.
Policy and Resources Committee.

Draft Act amending the Act of the States dated the 27th day of April 1999 establishing a scheme to make child care more available for low income families - P.50/2000.
Lodged: 11th April 2000.
Employment and Social Security Committee.

Draft Food and Drugs (Amendment No. 3) (Jersey) Law 200 - P.51/2000.
Lodged: 11th April 2000.
Health and Social Services Committee.

Draft Piercing and Tattooing (Jersey) Law 200 - P.52/2000.
Lodged: 11th April 2000.
Health and Social Services Committee.

Draft Diseases of Animals (Amendment No. 5) (Jersey) Law 200 - P.54/2000.
Lodged: 11th April 2000.
Agriculture and Fisheries Committee.

Mrs. C.A. Glazebrook: 'g' category housing consent - P.56/2000.
Lodged: 11th April 2000.
Senator J.A. Le Maistre.

Performance management for chief officers - question and answer - (Tape No. 576)

Deputy Roy George Le Herissier of St. Saviour, asked the Deputy of Trinity, President of the Human Resources Committee, the following question -

“Would the President inform members -

- (a) whether he considers the performance management system for chief officers to be working effectively?
- (b) how the effectiveness of this programme is measured?
- (c) of the direct costs of this programme?”

The President of the Human Resources Committee replied as follows -

“(a) I am pleased to inform members that I do indeed consider the performance management system for chief officers to be working effectively.

For some five years now, each chief officer has engaged in an annual performance review and appraisal with his or her President, with a consultant appointed by the Human Resources Committee in attendance to support the process. The review focuses on three elements -

first, a review of the chief officer’s performance against objectives set for the previous year;

second, the setting of performance objectives for the next year, against which the chief officer will be assessed 12 months later; and,

third, training and development needs, if any, of the chief officer are discussed and noted for future action.

Performance objectives set for chief officers in this process include strategic, resource utilisation and corporate objectives.

We are currently amending the process. With effect from December 2000, when the next reviews are due, the process will include, in addition to performance objectives, an assessment of the chief officer’s performance in terms of the competencies which have been identified as important for chief officers to have if they are to do their jobs effectively, as well as specific outputs relevant to the services provided by the department.

- (b) Each objective set for a chief officer has specific performance measures which have to be achieved and this is done as part of the review process. From December of this year, when the reviews are next due to take place, those performance measures, for example in terms of time, quality, resources, planning, etc., will be made much more specific and challenging.

The effectiveness of this programme is constantly under review, and our consultant and chief officer regularly discuss the value of the process with Committee Presidents and chief officers. They appear to be content with the process at this stage in its development which is subject to continuing improvement.

My chief officer receives copies of the reports which are produced from the performance and appraisal reviews and performs a quality assurance role in this respect. Given that we are soon to move to a more competency based system, training in the assessment of competencies has been arranged for all Committee Presidents who have chief officers reporting to them.

- (c) The direct costs of this programme are approximately £30,000 a year.”

Complaints referred to a Board of Administrative Appeal - question and answer (Tape No. 576)

Senator Jean Amy Le Maistre asked the Deputy of St. Ouen, President of the Special Committee to consider relationships between Committees and the States, the following question -

“In the report of the Administrative Appeals Panel presented to the States on 8th February 2000 it was stated that three cases where complaints had been referred to a Board of Administrative Appeal were outstanding at the end of 1999.

Would the President inform members -

- (a) of the current position of these three cases and of the number of new cases where complaints have been referred to a Board and are still outstanding at the present time?
- (b) the date on which each of these applications was made?
- (c) when each Board is expected to meet?”

The President of the Special Committee to consider relationships between Committees and the States replied as follows -

- “(a) At the end of 1999 there were seven cases referred to the Greffier of the States awaiting decisions, four of which are still at present under consideration or under negotiation between the complainant and the relevant Committee. As the Senator correctly states there are three cases ready for hearing - that is, the relevant papers are prepared and have been submitted. Dates for a hearing have been agreed in two cases, namely 18th April 2000 for a complaint against a decision of the Finance and Economics Committee and 18th May 2000 for a complaint against the Planning and Environment Committee. The third complaint is also one against a decision of the Planning and Environment Committee. 12 available dates in March and April were submitted to the Department of Planning and Building Services on 1st March 2000, none of which were convenient to that Committee. Further dates for May were submitted and a hearing for one case, as stated above, has been fixed for 18th May 2000. Further dates have been submitted and a response is awaited.
- (b) The dates on which the complaints were made are, in the order mentioned in (a) above, 4th November 1999, 7th December 1998 and 22nd January 1999.
- (c) I have provided the answer to part (c) of the question at (a) but I would add that no delays in the administration of the complaints has occurred since December 1999 - I cannot speak for any earlier delays. My Committee was appointed on 14th December 1999. The term of office of the then current Panel ended on 31st December 1999. New Panel members had to be found in order to reconstitute the Panel. This was done by 18th January 2000 when the Committee agreed the names of persons to be invited to form the Panel and, after confirmation and acceptance by each of the invitees, a proposition was lodged “au Greffe” on 8th February 2000. The Panel was appointed by the States on 22nd February 2000. A joint meeting of the Committee and Panel members was held on 10th March 2000 to determine procedures. As I have already stated dates for hearings were submitted to the relevant Committees and dates for two hearings have been arranged.”

Draft Transfer of Functions (Industries Committee) (Jersey) Act 200 - P.38/2000

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966, as amended, and all other powers enabling them in that behalf, made an Act entitled the Transfer of Functions (Industries Committee) (Jersey) Act 2000.

Assemblée Parlementaire de la Francophonie: Executive Committee - P.41/2000

THE STATES, adopting a proposition of Senator Jean Amy Le Maistre, appointed the following to the Executive Committee of the Jersey Branch of the Assemblée Parlementaire de la Francophonie -

Senator Jean Amy Le Maistre - Chairman
Senator Pierre François Horsfall
Kenneth Priaulx Vibert, Connétable of St. Ouen
Carlyle John Le Hérisssier Hinault, Connétable of St. John
Deputy Philip John Rondel of St. John
Deputy Terence John Le Main of St. Helier
Deputy Robin Charles Hacquoil of St. Peter.

Fort Regent redevelopment - P.181/99

THE STATES, adopting a proposition of the Sport, Leisure and Recreation Committee -

- (a) approved in principle the redevelopment of Fort Regent into a modern community health and sports centre, as described in the report of the Sport, Leisure and Recreation Committee accompanying the proposition and illustrated in drawing Nos. 9909 AL01-07;
- (b) charged the Sport, Leisure and Recreation Committee to bring back to the States full details of the proposed redevelopment.

Members present voted as follows -

“Pour” (37)

Senators

Horsfall, Le Maistre, Stein, Bailhache, Norman, Walker, Kinnard.

Connétables

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

Deputies

H. Baudains(C), S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Huet(H), St. Martin, Vibert(B), Dubras(L), St. Ouen, G. Baudains(C), Voisin(L), Scott Warren(S), Farnham(S), L. Hérissier(S), Fox(H), Bridge(H).

“Contre” (8)

Senators

Syvret, Le Sueur, Le Claire, Lakeman.

Deputies

Grouville, St. John, Crowcroft(H), Ozouf(H).

Draft Firearms (Amendment No. 2) (Jersey) Law 200 - P.2/2000 P.2/2000 Rpt.

THE STATES commenced consideration of the draft Firearms (Amendment No. 2) (Jersey) Law 200- and, after discussion, rejected the preamble.

Members present voted as follows -

“Pour” (16)

Senators

Le Maistre, Le Claire.

Connétables

St. Peter, Grouville, St. Helier, Trinity, St. Saviour.

Deputies

H. Baudains(C), Duhamel(S), Huet(H), St. Martin, St. John, St. Ouen, G. Baudains(C), Scott Warren(S), Le Hérissier(S).

“Contre” (24)

Senators

Horsfall, Bailhache, Syvret, Norman, Kinnard, Le Sueur.

Connétables

St. Mary, St. John, St. Clement, St. Brelade, St. Lawrence.

Deputies

St. Mary, S. Baudains(H), Trinity, Routier(H), Layzell(B), Breckon(S), Grouville, Vibert(B), Dubras(L),
Farnham(S), Ozouf(H), Fox(H), Bridge(H).

Draft Gambling (Betting) (Amendment No. 11) (Jersey) Regulations 200 - P.39/2000

THE STATES commenced consideration of the draft Gambling (Betting) (Amendment No. 11) (Jersey) Regulations 200- and, after discussion, rejected the preamble.

THE STATES rose at 3.58 p.m.

G.H.C. COPPOCK

Greffier of the States.