

**THE STATES assembled on Tuesday,
22nd May 2001 at 9.30 a.m. under
the Presidency of the Greffier of the States,
Miss Catherine Mary Newcombe.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E, C.B.,
was present**

All members were present with the exception of -

Senator Paul Vincent Francis Le Claire - ill
Philip Francis Ozouf, Connétable of St. Saviour - out of Island
Stanley John Le Cornu, Connétable of St. Clement - ill
Maxwell Robert de la Haye, Connétable of St. Brelade - out of Island
Henry George Coutanche, Connétable of St. Lawrence - out of the Island
Robin Charles Hacquoil, Deputy of St. Peter - out of Island

Prayers

Harbours and Airport Committee - appointment of member

THE STATES appointed the Connétable of Grouville as a member of the Harbours and Airport Committee.

Human Resources Committee - appointment of member

THE STATES appointed Deputy J.L. Dorey of St. Helier as a member of the Human Resources Committee.

Matters presented

The following matters were presented to the States -

Report and Accounts 2000.

Presented by the Employment and Social Security Committee.

Jersey Financial Services Commission Annual Report for the period ended 31st December 2000.

Presented by the Finance and Economics Committee.

Mont St. Clair, Belvedere Hill, St. Saviour and Mascot Motors Garage, Georgetown Park Estate, St. Clement: Exchange of Land (P.76/2001) - comments - P.76/2001 Com.

Presented by the Finance and Economics Committee.

Regulation of Undertakings and Development (Jersey) Law 1973, as amended: Part III policy statement - R.C.20/2001.

Presented by the Industries Committee.

Committee of Inquiry: procedures for recruitment of Honorary Police Officers (P.67/2001) - comments - P.67/2001 Com.

Presented by the Finance and Economics Committee.

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited (P.72/2001) - comments - P.72/2001 Com.

Presented by the Finance and Economics 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 14th May 2001 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 entering into of a Deed of Arrangement with Sandringham Investments Limited in order to relinquish access rights held by the public in and across a certain private roadway established on part of the Sandringham Hotel site, Gloucester Street, St. Helier, for a consideration of £10;
- (b) as recommended by the Public Services Committee, the purchase from Royal London Mutual Insurance Society Limited of a strip of land (measuring 200 square feet) outside No. 11 Union Street, St. Helier, required for road widening purposes, for the sum of £200 (representing a rate of £1 a square foot), with the public being responsible for the reasonable costs of the vendor in relation to the transactions. (The Committee rescinded sub-paragraph (a) of its Act No. A3 of 26th February 2001 reported to the States on 13th March 2001, accordingly).

Matters noted - acceptance of tenders

THE STATES noted an Act of the Finance and Economics Committee dated 14th May 2001, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

- (1) the Public Services Committee had accepted the lowest separate tenders for foul sewer extensions to serve the undermentioned areas -
 - (a) **La Rue du Coin, St. Clement** -
 - Phase 1 - M.J. Gleeson (Jersey) Limited in the sum of £120,944.77;
 - Phase 2 - M.J. Gleeson (Jersey) Limited in the sum of £108,640.70;
 - (b) **Le Mont á la Brune, St. Brelade** - Jayen (Jersey) Limited in the sum of £1,051,314.60;
 - (c) **Les Platons, Trinity** - M.J. Gleeson (Jersey) Limited in the sum of £318,798.00.
- 2. The Public Services Committee had accepted the lowest tender for the reconstruction and upgrading of an existing pumping station and rising main serving the Victoria Village area of Trinity and St. Saviour, namely that submitted by Jayen (Jersey) Limited in the sum of £378,286.85.
- 3. The Home Affairs Committee had accepted the lowest fixed-price tender in respect of the first phase of the proposed redevelopment of the former Summerland factory site, Rouge Bouillon, St. Helier, namely that submitted by A.C. Mauger and Son (Sunwin) Limited in the sum of £862,978.00.

Matters lodged

The following matters were lodged “au Greffe” -

Draft Costs in Criminal Cases (Witnesses’ Allowances) (Jersey) Regulations 200- P.78/2001.

Presented by the Finance and Economics Committee.

Fields 960, 961, 962 and 967A, St. Mary: rezoning for extension of La Gigoulande Quarry- P.79/2001.

Presented by the Planning and Environment Committee.

Jersey Consumer Council: appointment of Chairman - P.80/2001.

Presented by Senator S. Syvret.

Jersey Financial Services Commission: appointment of Commissioner - P.81/2001.

Presented by the Finance and Economics Committee.

Public Employees Contributory Retirement Scheme: Committee of Management - membership - P.82/2001.

Presented by the Human Resources Committee.

Arrangement of public business for the next meeting on 29th May 2001

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 29th May 2001 -

Fireworks: restrictions on sale - petition - P.25/2001.

Lodged: 13th February 2001.

Deputy J.L. Dorey of St. Helier.

Fireworks: restrictions on sale - petition (P.25/2001): report - P.25/2001 Rpt.

Presented: 24th April 2001.

Home Affairs Committee.

Convent Court, Val Plaisant/David Place and Philips House, Victoria Street, St. Helier: deed of arrangement. P.62/2001.

Lodged: 10th April 2001.

Housing Committee.

Convent Court, Val Plaisant/David Place and Philips House, Victoria Street, St. Helier: deed of arrangement (P.62/2001): comments - P.62/2001 Com.

Presented: 15th May 2001.

Finance and Economics Committee.

Beresford House, Bellozanne, St. Helier: variation of terms of lease. P.66/2001 (re-issue).

Lodged: 17th April 2001.

Public Services Committee.

Draft Act further amending the Act of the States dated the 18th day of June 1991 establishing a Scheme to subsidise certain dental care. P.69/2001.

Lodged: 24th April 2001.

Employment and Social Security Committee.

Draft Public Holidays and Bank Holidays (No. 2) (Jersey) Act 200 P.70/2001.

Lodged: 24th April 2001.

Legislation Committee.

Draft Public Holidays and Bank Holidays (No. 2) (Jersey) Act 200. (P.70/2001) - comments. P.70/2001 Com.

Presented: 15th May 2001.

Finance and Economics Committee

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited - P.72/2001.

Lodged: 24th April 2001.

Deputy A. Breckon of St. Saviour.

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited (P.72/2001) - report - P.72/2001 Rpt.

Presented: 15th May 2001.

Public Services Committee.

Draft Public Order (Jersey) Regulations 200- P.75/2001.

Lodged: 15th May 2001.

Home Affairs Committee.

THE STATES acceded to the request of the President of the Home Affairs Committee that the draft Public Order (Jersey) Regulations 200- be considered as the first item of public business at the next meeting on 29th May 2001.

A study into the financial future of the Airport - question and answer (Tape No. 648)

The Deputy of St. Martin asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

“On 24th April 2001, the President informed members that the Oxford Economic Research Assistants (OXERA) was to carry out a study into the financial future of the airport in the near future. Would the President inform the Assembly of the anticipated cost of that study, and when the study is likely to be complete?”

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

“The OXERA study was commissioned by the Policy and Resources Committee at a cost of approximately £40,000. Work has started and I understand that it will be completed during the summer.”

Letter forwarded to the Director of the Jersey Heritage Trust - questions and answers (Tape No. 648)

The Deputy of St. Martin asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

1. During Question Time on Tuesday 27th March, the President confirmed that a confidential letter received by him (in October 1998) had been forwarded to the Director of the Jersey Heritage Trust against the wishes of the author. Would the President confirm that he did not personally forward the letter as it was forwarded, within a week of him receiving it, by a member of the Treasury. If the answer is in the affirmative, would the President explain why the author's consent was sought a week after the letter had actually been sent?
2. In an answer to a supplementary question the President stated that he had sought the opinion of the Solicitor General as to the merits of forwarding that confidential letter. Would the President advise members of the date he sought that opinion? If that opinion has only recently been sought, why was it not sought at the time of his receipt of the letter in October 1998?

3. When answering a supplementary question, the President alluded to the fact that other avenues were available to the author. To assist the author or any other public spirited person who might want to pass on confidential information, would the President advise what avenues he has in mind?
4. In view of the fact that the author wrote as a private individual and his letter contained valid concerns about potential waste of taxpayer's money being spent on Mont Orgueil Castle, would the President advise whether the Committee investigated his queries? If the answer is in the affirmative, what were the conclusions? If the Answer is in the negative, why not?
5. In answer to a further supplementary question the President, when referring to a circular distributed by Deputy Gerard Baudains in respect of work carried out at Mont Orgueil Castle claimed that the circular 'sadly contains many inaccuracies and in some respects were just plain wrong and I will be making a statement correcting that in the very near future'. Would the President advise members when he intends to make that statement?"

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

- “1. The letter, which was addressed to me as President of the Finance and Economics Committee, was passed to the Treasury with a request to investigate its contents in the normal way. I considered this to be a management matter upon which I required advice.

The letter was forwarded by the then Treasurer of the States to the Director of the Heritage Trust, to seek comments upon the points which were raised, so that the Finance and Economics Committee could give them proper consideration.

Although, as the Solicitor General has subsequently advised, there was no legal duty of confidentiality, the letter was forwarded on a confidential basis. The Heritage Trust wished to take action on the letter but regarded themselves as precluded from doing so because of the wish to maintain the confidentiality for which Mr. Green had asked. The Heritage Trust therefore asked if the letter could be released officially and the Treasurer accordingly asked Mr. Green to agree that the letter could be supplied to Mr. Day. Mr. Green refused and, in consequence, the Jersey Heritage Trust continued to respect the request for confidentiality and took no action upon the letter at that time.

I am informed and have satisfied myself that the contents of the letter are not directly material to the current disciplinary case and that the disciplinary proceedings against Mr. Green were not precipitated by the letter.

2. Opinion was sought of the Solicitor General on 20th February 2001. It was not sought at the time because it was not needed at the time. The Jersey Heritage Trust was prepared to respect the request for confidentiality and take no action on the letter unless it could be released to them officially. Since Mr. Green refused his consent, it could not be released officially and the Jersey Heritage Trust took no action at that time. As a result, there was nothing to seek advice on.
3. The information in Mr. Green's original letter was not confidential but was already in the public domain - as Mr. Green himself acknowledged in a second letter received by the Treasury on 22nd October 1998. If Mr. Green had concerns, he should, in my view, properly have addressed them to his employer, the Jersey Heritage Trust, through his line manager, the Director, or straight to the Board of Trustees, through the grievance procedure set out in his conditions of service. At no stage did he do this. The Solicitor General has advised that there is 'an implied term (in a contract of employment) that the employee will serve the employer with fidelity and in good faith ...'.

The Solicitor General also said, in her letter to me of 21st February 2001, 'I think that this can be distinguished from the 'whistle-blowing' cases, where an employee has disclosed impropriety or breach of the law on the part of the employer. There is no suggestion that Mr. Green is informing the Finance and Economics Committee that the Trust has broken the law. He is simply attempting to

dissuade the Committee from making monies available to the Trust.’ The Solicitor General has interpreted Mr. Green’s original letter as ‘seeking to frustrate the attempt which his employer, the Jersey Heritage Trust, is making to obtain a grant.’ She goes on to conclude that ‘... this is a breach of the implied term in his contract of employment ...’. She finally advised that ‘a person seeking to invoke the law on confidentiality must come to the court with clean hands and I doubt whether an employee who sought to make a letter confidential, because writing it was a breach of one of the terms of his employment, would be regarded by the court as having clean hands’.

The points raised in Mr. Green’s original letter were investigated at the time by the Treasury who addressed them to the Jersey Heritage Trust. I was entirely happy with the answers received and remain happy with them to this day. I believed then and still believe today that the only way open to my Committee to investigate the points raised in Mr. Green’s letter was to seek a response from the Jersey Heritage Trust which was the only body with the knowledge necessary to respond to his detailed points.

4. In conclusion, I would like to say that the matters between Mr. Green and his employer, the Jersey Heritage Trust, are currently subject to an appeal under the Heritage Trust procedures and I firmly believe it is not fair, either to Mr. Green or the Jersey Heritage Trust, to continue to air these matters in public. Accordingly, I regret that having given full responses to the questions asked, I am not prepared to answer any further questions on this matter, at least until the disciplinary procedure has been concluded.”
5. Members have now received a letter from me in response to the circular distributed by Deputy Gerard Baudains, which clearly spells out the inaccuracies in his document.

Rate of growth in the Island’s GDP and comparisons with European Union rates of GDP - question and answer (Tape No. 648)

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

“Will the President provide for the Assembly the following information -

- (a) the rate of growth in the Island’s GDP per capita for each of the years 1990 to 2000?
- (b) the average annual rate of growth in the Island’s GDP per capita for the period 1990 to 2000?
- (c) the rate of growth of GDP per capita in each European Union member state for each of the years 1990 to 2000?
- (d) the average annual rate of growth of GDP per capita in each European Union member state for the period 1990 to 2000?
- (e) the rate of growth in the European Union average GDP per capita for each of the years 1990 to 2000 and the average for this period?

and will he provide the information in a format that allows ready comparison?”

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

“The information on the Islands GDP will not be available until later in the year when National Accounts and Population estimates are produced. I am advised that is likely to be in September. Information for EU countries will be provided when 2000 data becomes available, but it is unlikely to be fully comparable with the Jersey figures.”

Part (g) of the anti inflation strategy - questions and answers (Tape No. 648)

Senator Stuart Syvret asked Deputy Maurice François Dubras, President of the Industries Committee the following questions -

“On 13th September 2000, the States approved an Anti-inflation Strategy. Part (g) of the proposition charged the Industries Committee -

‘to develop policies for the creation of a more competitive commercial environment in the Island and to this end to bring forward proposals for a competition policy which shall include specific measures to -

- (a) monitor and regulate monopolistic practices;
- (b) monitor and regulate restrictive trade practices;
- (c) monitor and regulate restrictive agreements;
- (d) monitor and regulate anti-competitive practices;
- (e) monitor and regulate mergers;
- (f) monitor and regulate cartels;

and to bring forward draft legislation for this purpose by the end of 2001;’

1. Will the President inform the Assembly whether the legislation necessary to monitor and regulate the above-described uncompetitive practices will be drafted and brought forward by the end of 2001?
2. Will the President confirm that part (g) of the Anti-inflation Strategy contained no specific exemptions and that the provisions of part (g) will apply to the legal profession?”

The President of the Industries Committee invited Deputy Philip Francis Cyril Ozouf of St. Helier, Chairman of the Competition Policy sub-committee to reply and he replied as follows -

- “1. The policy development necessary to form the basis for the Island’s first generic competition policy legislation is now well underway. As stated in anti-inflation strategy, this is one strand of a range of policies which the Industries Committee aims to put in place to create a more competitive commercial environment in the Island. Other key strands include the independent regulation of the utilities with the interest of consumers put first, the progressive liberalisation of the Island’s telecommunications market, to be followed gradually by liberalisation in all other utilities markets, and a strategy for consumer protection and representation which is now under study by a leading independent expert with special knowledge of Jersey.

The Industries Committees overarching objective of all this work is to make the Island’s markets work well for consumers, and that means better than now. Progress will be considerably enhanced now that the JCRA is set up and its first chairman appointed, Dr. McNutt, who, as we heard last week is a distinguished economist with a track record in this very field as former chairman of the competition authority of one of the EU member states. The Committee is also on the verge of appointing a Competition Policy Adviser after a comprehensive recruitment exercise. This person’s major task would be to assist the Committee in drafting the detail of the new competition legislation.

Our current intention, building on all these linked actions, is to issue a consultative document in the autumn in order to seek as much consensus as possible on the policy approach upon which a specific competition law can successfully and realistically be built for the first time. It is important to emphasise that this agenda is not straightforward: in the UK and EU competition law, and the

business culture that goes with it, has been evolving for decades, and we cannot expect to replicate this level of maturity in Jersey at a stroke.

We must keep our law simple, probably by adopting the basic ‘prohibition’ approach of the Treaty of Rome and now adopted by the UK in the Competition Act 1998, and by focusing in particular on abuse of dominance. This alone will be a challenging enough agenda and to be successful in practice, whatever we write in law, it will certainly need a much more commitment to an open economy than is perhaps now to be seen on all sides of the Assembly. Simply more regulation of business is of course only the second best to ensuring real competition, where markets and sectors are large enough to take them. It will also require a comprehensive attack on States imposed restrictive practices, of which there are many, which at present serve to limit competition. But, I am optimistic that the case for change will be unassailable, especially given the impetus already provided by last year’s States decision.

2. Specifically in answer to the Senator’s second question, at this stage I certainly do not envisage proposals being brought forward that would include specific exemptions, whether in relation to the public or the private sector. The Committee’s starting-point is that competition rules, to have any chance of being worthwhile and contributing towards the objective of making the Island’s market economy work well for, consumers, must apply across the board.”

Provision of sites for housing - question and answer (Tape No. 648)

Deputy Philip Francis Cyril Ozouf of St. Helier asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

“Numerous reports on the island housing stock have suggested that there is an insufficient supply to adequately house the population.

Could the President explain the number of new homes he intends to provide for in the forthcoming Island Plan split by -

- (a) use of existing and brown-field sites;
- (b) new re-zoned sites.”

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

“I am unwilling to answer these questions today as that would constitute a premature release of information.

As the Deputy and all States members know, the Committee has arranged a presentation of the Consultation Draft of the new Island Plan to all States members at 9.30 a.m. on Thursday. This will present proposals for new housing in the broader context of a comprehensive and integrated Plan for the Island over the next 10 years. No purpose is served in dealing with housing in isolation.

The presentation to members on Thursday, and the public release that follows, is only the beginning of a lengthy period of public debate on the Draft Plan’s merits, during which everyone, including individual members of the States, will have ample opportunity to make their views known. Further, when the Committee brings forward the Plan for debate, there will also be ample opportunity for Committees and individual members to debate the proposals. It will only be when the Plan is approved by the States that we will collectively know the answer to the questions.”

Provision of a corporate manpower information system - statement

The Deputy of Trinity, President of the Human Resources Committee, made a statement in the following terms -

“As members are aware in recent weeks there has been a fair amount of criticism regarding the inability of the Human Resources Committee to provide a corporate computer system that will provide accurate and consistent personnel and manpower information from all States’ departments. With this in mind I believe that it is right that I update the Assembly on why we are in this position and on what steps we are now taking in order to resolve the situation.

In 1989 the then Establishment Committee decided to introduce a corporate integrated payroll and personnel computer system provided by a company called CYBORG. The project was called MIMS, standing for the Manpower Information Management System and was set up to replace the existing UNIPAY payroll system. By 1995 the payroll elements of the system were implemented resulting in all States’ Departments being able to meet their requirements to pay employees. This system is still in use today paying the majority of States’ employees. Unfortunately the personnel elements of the computer system did not meet expectations. As a result of this, an independent review conducted by Price Waterhouse concluded that the main factors which led to the difficulties were the selection of the particular package, the absence of any real enthusiasm from Departments and the failure to produce a detailed specification. Clearly the complexity of the task was not appreciated.

In December 1995, as a result of this report, the then Establishment Committee decided to delay any further development on the personnel aspects of MIMS and to reconsider the strategy on the provision of a corporate personnel computer system. To this end, in December 1995, a new project was started, called MAPS, which stood for Manpower and Personnel Systems.

In 1996 the Service Review programme was initiated, with the Personnel function review starting in March of that year. The MAPS project board decided that much of the analysis work to be undertaken by the Service Review would have been duplicated and that therefore this aspect of the MAPS project should not commence until the review of the personnel function had been completed. Although some work was undertaken no major steps were taken until the Service Review was completed in December 1996.

In February 1997 the Project Board was informed that the MAPS budget request for £500,000 had been allocated a low priority in the IT decision conferencing. As a result of this no funds were made available until July 1998 when £30,000 was secured for the development of the strategy.

An independent consultant was appointed to develop this strategy and identify a suitable supplier. This report was delivered in December 1998. In summary, the key recommendation was that if the States’ administration considered itself to be corporate it should adopt a centralised single corporate Human Resources computer system with all departments sharing a common database and interfacing with the CYBORG payroll system. In January 1999 the MAPS project was allocated an initial budget of £500,000 to implement this strategy. (Subsequently, a further £300,000 was allocated).

Following a more detailed investigation into the selected suppliers software it became evident that although the payroll interface was technically possible the two systems would not work together efficiently. In the main this was due to the uniquely large number and complexity of the States of Jersey payroll runs that must be made on a regular basis.

It became evident that if a corporate HR system was required, which would also link efficiently to payroll, then it would have to be provided by the same supplier, in this case CYBORG. Furthermore, as part of the upgrade to resolve any potential Y2K ‘*Millennium Bug*’ problems with payroll, an upgraded CYBORG payroll system was installed which also secured the option of using the HR module free of charge. Following further investigation it was decided to proceed with this option, and although not without a significant number of problems, the end result was a pilot system being implemented in Public Services by mid 2000. The intention was then to use this model in all other departments.

Several issues then arose that have culminated in the Human Resources Committee deciding to revise its strategy. Firstly, the announcement that the CYBORG company, which in the meantime has been taken

over by a company called Meta4, no longer intended to provide some of the expected functions. Secondly, and more importantly, because of the federal nature of the States of Jersey, it was becoming obvious that it was almost impossible to implement the levels of computer security that were required between the various Committees and Departments.

It has become increasingly evident, and of course this may seem obvious in retrospect, that we set ourselves a near impossible task in trying to force a computer system that was designed to run for a unified corporate organisation into a system of government that cannot by any means be described as corporate or unified.

The Human Resources Committee has therefore adapted its strategy to recognise this fact. The MAPS project will now be sufficiently flexible. Departments must be part of a fully integrated corporate system where they will be allowed, within the boundary of the MAPS project, to provide information on a corporate basis in a consistent manner through a variety of non integrated computer systems residing locally within the various departments. For example, dealing with the reporting on sickness absence.

Although this latest strategy unfortunately moves away from the ideal of a fully corporate and integrated HR and payroll system, we believe, that that we shall still be able to provide meaningful and useful corporate manpower and personnel information. With the support of committees and departments the current plan is that these systems will be delivered and running, within the existing budget (of which £350,000 remains), by the end of this year.

I regret to say that in this modern Information Technology age, until such time as we are able to follow the principles identified in the Clothier Report, we will have little chance of acting corporately and delivering the information requirements we seek.

In my meeting with the Clothier Review Panel, I argued that the Human Resources Committee should have the full responsibility for all Human Resources staff throughout States' departments in order to provide a consistent and corporate service. Although this was not recommended in the Clothier Report, I believe that until this happens a fully corporate Human Resources information system, as would be expected to be the norm in any large private sector organisation, remains out of our reach."

New strategy for the Island's public bus services - statement

Deputy Alan Simon Crowcroft of St. Helier, President of the Public Services Committee, made a statement in the following terms -

"Members will be aware that the Public Services Committee has been developing a Service Level Agreement for the provision of the Island's public bus service. The original intention was to seek to enter into such an agreement with the current operator, Jersey Bus. Following extensive discussions between the Committee and Jersey Bus for the provision of a subsidy for the 11 routes to be cut at the end of the month, we have not been able to satisfy ourselves that the financial management of the company provided the assurance we needed that taxpayers' funds could properly be paid over to it for this purpose.

The problems we have faced in developing a satisfactory arrangement with the current operator have obliged the Committee to think afresh about how bus services should best be delivered in the Island in a way that puts passengers' interests first. This is essential if we are ever to encourage a genuine shift from private to public transport. It is, therefore, the Public Services Committee's intention to bring to the Assembly in the near future a proposal that will enable us to seek bids on a competitive basis for the operation of the Island's public bus services. We are confident that this will attract considerable interest from a wide range of experienced bus operators.

The tendering exercise will be open to all parties which can demonstrate appropriate experience in operating regulated public bus services. This naturally includes Jersey Bus should it wish to tender. The specification that we shall develop will be based on minimum standards of service to be provided and will invite prospective operators to put forward imaginative and innovative proposals. The basic objectives we

shall set for issuing a licence will be the primacy of passengers' interests and the importance to the Island of a sustainable transport strategy that actively encourages public transport. A licence will have to be offered for a sufficiently long period to give the successful operator the confidence to invest and obtain a return on that investment.

The licence we envisage will include strict performance monitoring arrangements in respect of the specified minimum service standards. Fares will need to be regulated independently, on the basis of clear, balanced criteria that ensure that services can be financed and a return on capital obtained, that prices are related to costs and that the wider interests of the Island from the environmental and social perspectives are met. Having discussed this with the Industries Committee, we consider that independent regulation of fares should be placed in the hands of the new Jersey Competition Regulatory Authority.

In order to progress this initiative, the Public Services Committee will be seeking urgent changes to the relevant legislation. The Committee has already been in touch with the Policy and Resources and the Industries Committees and I am very glad to be able to report their endorsement of the way forward I am announcing today. Joined-up arrangements will be put in place to ensure that all aspects of this important matter are addressed coherently and flexibly, including the need to commission expert advice on the minimum standards we should specify and how licence conditions should be structured. I am confident of widespread support from this Assembly and indeed the public generally, for it is high time we had the assurance of first-class, high quality bus services in the Island that go when and where passengers want and actively help us shift the balance decisively towards public transport.

It is regrettable that Jersey Bus seems determined to proceed with cutting services this summer, although I can advise Members that some local interest has been expressed in operating a service on the routes to be cut. The Committee will be monitoring the situation in the next few weeks when we know the full extent of the services to be cut by Jersey Bus.”

Draft Planning and Building (Jersey) Law 200 - P.50/2001; amendments - P.50/2001Amd.; second amendment - P.50/2001 Amd.(2); third amendments- P.50/2001 Amd.(3); fourth amendments- P.50/2001 Amd.(4); fifth amendments; sixth amendments; comments- P.50/2001Com.

THE STATES resumed consideration of the draft Planning and Building (Jersey) Law 200- and adopted Articles 3 and 4.

THE STATES commenced consideration of Article 5 and granted leave to Deputy Peter Nicholas Troy of St. Brelade to withdraw his amendment to Article 5(1) that-

there be inserted in sub-paragraph (a), after the words “the land”, the words “, except the drilling of a bore hole for the purpose of drawing water from land that is owned privately”.

Article 5 was adopted, the States having rejected an amendment of Deputy Peter Nicholas Troy of St. Brelade that in Article 5(2)-

sub-paragraph (d) be deleted and subsequent sub-paragraphs be designated as sub-paragraphs (d) to (i) accordingly.

Members present voted as follows on the amendment -

“Pour” (15)

Senators

Norman.

Connétables

Grouville, St. Helier, Trinity, St. Mary.

Deputies

St. Mary, Trinity, St. John, G. Baudains(C), Dorey(H), Troy(B), Farnham(S), Le Hérissier(S), Ozouf(H), Martin(H).

“Contre” (29)

Senators

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Walker, Kinnard, Le Sueur, Lakeman.

Connétables

St. Peter, St. Martin, St. Ouen, St. John.

Deputies

S. Baudains(H), Duhamel(S), Routier(H), Layzell(B), Grouville, Huet(H), St. Martin, Le Main(H), Crowcroft(H), Vibert(B), Dubras(L), St. Ouen, Scott Warren(S), Fox(H), Bridge(H).

and having accepted amendments of the Public Services Committee that in Article 5(1) that-

“In this Law” be deleted, and there be substituted -

“Except as provided by paragraph (5), in this Law”.

and that after paragraph (4) there be added the following paragraph -

“(5) In this Law ‘develop’ does not include -

- (a) an operation carried out within the boundaries of a road by the highway authority to maintain or improve the road; or
- (b) an operation carried out by a public or parochial authority to lay, place, inspect, repair or renew a sewer, a main, an underground line or cable, or any other underground apparatus.”.

Members present voted as follows on Article 5 as amended -

“Pour” (31)

Senators

Le Maistre, Stein, Quérée, Bailhache, Syvret, Norman, Walker, Kinnard, Le Sueur.

Connétables

St. Peter, St. Ouen, St. John.

Deputies

H. Baudains(C), Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Huet(H), St. Martin, Le Mair (H), Crowcroft(H), Vibert(B), Dubras(L), St. Ouen, Dorey(H), Scott Warren(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H).

“Contre” (7)

Connétables

Grouville, St. Helier, Trinity, St. Mary.

Deputies

St. John, G. Baudains(C), Troy(B).

Change in Presidency

The Greffier of the States retired from the Chair during consideration of the amendment of Deputy Peter Nicholas Troy of St. Brelade to Article 5(2) of the draft Planning and Building (Jersey) Law 200 ,and the Bailiff took over the Presidency.

Article 1 was adopted, the States having accepted an amendment of the Public Services Committee that in Article 1(1) -

after the definition “enforcement notice” there be inserted the following definition -

“ ‘highway authority’, in relation to a road that is repairable at the expense of the States or a Parish, means -

- (a) the Public Services Committee in relation to a main road;
- (b) the Roads Committee of the Parish in which the road is situated in relation to a by-road;”.

Articles 6 to 10 were adopted.

THE STATES commenced consideration of Article 11 and accepted an amendment of the Deputy Celia Joyce Scott Warren of St. Saviour that -

paragraph (1) be deleted and there be substituted the following paragraph -

“(1) The Committee shall by Order prescribe the manner in which -

- (a) an application for planning permission shall be publicized or otherwise notified; and
- (b) representations may be provided by members of the public.”.

and that there be inserted after paragraph (3) the following paragraph -

“(4) The Committee shall take into account in determining the application any representations provided by the public under this Article.”.

The subsequent paragraphs to be renumbered accordingly.

THE STATES rejected an amendment of Deputy Peter Nicholas Troy of St. Brelade that in Article 11(5) -

For the words “provides a person with a copy of it” there be substituted the words “allows a person access to view the application”.

Members present voted as follows on the amendment -

“Pour” (17)

Senators

Horsfall, Le Maistre.

Connétables

St. Ouen, Trinity, St. Mary.

Deputies

H. Baudains(C), S. Baudains(H), Trinity, Huet(H), St. Martin, St. John, St. Ouen, G. Baudains(C), Tr (B), Voisin(L), Farnham(S), Martin(H).

“Contre” (27)

Senators

Stein, Quérée, Bailhache, Syvret, Norman, Walker, Kinnard, Le Sueur.

Connétables

St. Peter, Grouville, St. Helier, St. John.

Deputies

Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Le Main(H), Crowcroft(H), Vibert(B), Dubras(L), Dorey(H), Scott Warren(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H).

Article 11 was adopted as amended.

Members present voted as follows on Article 11 as amended -

“Pour” (22)

Senators

Quérée, Walker, Kinnard, Le Sueur.

Connétables

St. Peter.

Deputies

H. Baudains(C), Trinity, Routier(H), Layzell(B), Grouville, Huet(H), Le Main(H), Crowcroft(H), Vibert (B), Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Voisin(L), Scott Warren(S), Fox(H), Bridge(H).

“Contre” (9)

Senators

Stein.

Connétables

Grouville, St. Helier, Trinity, St. Mary.

Deputies

St. John, Troy(B), Farnham(S), Martin(H).

Articles 12 to 14 were adopted, the States having accepted an amendment of Deputy Jeremy Laurence Dorey of St. Helier that in Article 14(5) -

the paragraph be deleted and the remaining paragraphs be renumbered.

and having accepted the amendment of the Public Services Committee that in Article 14 -

paragraph (6) be omitted.

Article 14 was adopted as amended.

Members present voted as follows on Article 14 as amended -

“Pour” (34)

Senators

Horsfall, Stein, Qu  r  e, Bailhache, Syvret, Kinnard, Le Sueur.

Conn  tables

St. Peter, Grouville, St. Helier, St. Ouen, Trinity, St. Mary, St. John.

Deputies

H. Baudains(C), S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville Huet(H), Le Main(H), Crowcroft(H), Vibert(B), Dubras(L), St. Ouen, Dorey(H), Troy(B), Scott Warrer (S), Le H  rissier(S), Fox(H), Bridge(H).

“Contre” (1)

Deputies

St. John.

Articles 15 to 17 were adopted, the States having accepted an amendment of the Planning and Environment Committee to Article 17 that -

for paragraph (1) there be substituted the following paragraph -

- (1) This Article applies in respect of an application for planning permission for development -
 - (a) that falls within the area of responsibility or concern of a Committee (other than the Harbours and Airport Committee or the Public Service Committee) or a body or person created by statute;
or
 - (b) that is development of a type or class, or within an area of the Island, in respect of which a body or person created by statute has informed the Committee that it has an interest or concern.

Article 18 was adopted.

Members present voted as follows -

“Pour” (38)

Senators

Horsfall, Le Maistre, Stein, Qu  r  e, Bailhache, Syvret, Walker, Kinnard, Le Sueur, Lakeman.

Conn  tables

St. Peter, Grouville, St. Helier, St. Ouen, St. Mary, St. John.

Deputies

H. Baudains(C), Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), Le Mair (H), Crowcroft(H), Dubras(L), St. Ouen, Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H), Martin(H).

“Contre” (3)

Deputies

St. John, Vibert(B), G. Baudains(C).

Articles 19 to 21 were adopted.

Arrangement of public business for 5th, 6th and 7th June 2001

THE STATES agreed to consider outstanding Articles of the draft Planning and Building (Jersey) Law 200- on 5th June 2001, and to set aside 6th June, and if necessary, 7th June 2001 to complete this item of business.

Housing Committee and Cottage Homes Committee - resignation of member

THE STATES noted the resignation of Deputy Philip Francis Cyril Ozouf of St. Helier from the Housing Committee and the Cottage Homes Committee.

THE STATES rose at 5.50 p.m.

M.N. DE LA HAYE

Deputy Greffier of the States.