

**THE STATES assembled on Tuesday,  
24th July 2001 at 9.30 a.m. under  
the Presidency of Michael Nelson de la Haye Esquire,  
Deputy Greffier of the States.**

**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 -

Gerard Clifford Lemmens Baudains, Deputy of St. Clement- out of the Island  
Peter Nicholas Troy, Deputy of St. Brelade- out of the Island  
Francis Gerald Voisin, Deputy of St. Lawrence- out of the Island  
Celia Joyce Scott Warren, Deputy of St. Saviour- out of the Island  
Lyndon John Farnham, Deputy of St. Saviour- out of the Island  
Jennifer-Anne Bridge - Deputy of St. Helier- excused.

Prayers

**Connétable of Grouville - re-election**

The President, on behalf of States' members, congratulated Mr. Francis Herbert Amy on his reelection as Connétable of Grouville.

**Human Resources Committee: resignation of President**

THE STATES accepted the resignation of the Deputy of Trinity as President of the Human Resources Committee.

**Human Resources Committee: vacancy in Presidency**

The President, in accordance with Article 28(3) of the States of Jersey Law 1966 as amended, gave notice that there was a vacancy in the office of President of the Human Resources Committee.

**Subordinate legislation tabled**

The following enactments were laid before the States, namely -

**Road Racing (Hill Climbs and Sprint) (No. 3) (Jersey) Order 2001. R & O 108/2001.**

**Diseases of Animals (Foot and Mouth - Restrictions No. 1C) (Jersey) Order 2001. R & O 109/2001.**

**Diseases of Animals (Foot and Mouth - Restrictions No. 8C) (Jersey) Order 2001. R & O 110/2001.**

**Gorey Fête (Jersey) Order 2001. R & O 111/2001.**

**Matters presented**

The following matter was presented to the States -

**Draft Marriage and Civil Status (Jersey) Law 200- (P.89/2001): - comments - P.89/2001 Com.**  
Presented by the Human Resources Committee.

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

### **Matters lodged**

The following matter was lodged "au Greffe" -

**Education Committee Capital Programme 2004-2010 and the establishment of a Development Fund - P.120/2001.**

Presented by the Education Committee.

### **Arrangement of public business for the next meeting on 31st July 2001**

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 31st July 2001 which would continue on 1st August 2001 if necessary -

Field 1114, La Grande Route de St. Jean, St. Helier: sale of organically grown food P.192/2000.

Lodged: 7th November 2000.

*Senator P.V.F. Le Claire.*

Field 1114, La Grande Route de St. Jean, St. Helier: sale of organically grown food (P.192/2000 report - P.192/2000 Rpt.

Presented: 24th April 2001.

*Planning and Environment Committee.*

Bus strategy - P.104/2001.

Lodged: 3rd July 2001 and referred to the Finance and Economics Committee.

*Public Services Committee.*

Bus Strategy (P.104/2001): amendment - P.104/2001 Amd.

Lodged: 17th July 2001.

*Industries Committee.*

Bus Strategy (P.104/2001): second amendments - P.104/2001 Amd (2).

Lodged: 17th July 2001.

*Deputy J.L. Dorey of St. Helier.*

Draft Motor Traffic (No. 7) (Jersey) Regulations 200- P.105/2001.

Lodged: 3rd July 2001.

*Public Services Committee.*

Trinity House, Bath Street, St. Helier: lease of office accommodation for the Employment Tribunal- P.106/2001.

*Employment and Social Security Committee.*

Financial assistance for the cost of ophthalmic and dental care for persons aged over 65: revisions to proposed scheme - P.107/2001.

*Employment and Social Security Committee.*

Financial assistance for the cost of ophthalmic and dental care for persons aged over 65: revisions to proposed scheme (P.107/2001) - comments - P.107/2001 Com.

*Finance and Economics Committee.*

50 La Colomberie and 1 Little Green Street, St. Helier: conditions of sale- P.110/2001.

Lodged: 17th July 2001.

*Public Services Committee.*

Draft Standard Chartered Bank (CI) Limited (Jersey) Law 200- P.111/2001.  
Lodged: 17th July 2001.  
*Deputy of St. Mary.*

Draft Gambling (Channel Islands Lottery) (Amendment No. 4) (Jersey) Regulations 200 P.112/2001.  
Lodged: 17th July 2001.  
*Gambling Control Committee.*

D'Auvergne playing field (former J.C.G. playing field), La Pouquelaye, St. Helier: development in the Green Zone - P.117/2001.  
Lodged: 17th July 2001.  
*Planning and Environment Committee*

Elizabeth Terminal: alteration and refurbishment - P.118/2001.  
Lodged: 17th July 2001.  
*Harbours and Airport Committee.*

THE STATES, adopting a proposition of the Connétable of St. Helier, agreed to meet at 9.00 a.m. on 3<sup>rd</sup> July 2001.

**Planning and Environment Committee's public relations advice - question and answer (Tape No. 665)**

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

“Would the President advise members -

- (a) whether the Planning and Environment Committee directly or indirectly employs a public relations adviser or consultant;
- (b) if so, who is this person or company, what are their terms of reference, conditions of employment and total cost to public funds since they were appointed, and how long have they been employed;
- (c) whether the terms of employment or contract extend to providing public relations or similar advisory services to Atkins Planning Consultants or any other consultants directly or indirectly in contract with the Planning and Environment Committee, and if so, what are the financial arrangements;
- (d) how the person or company was recruited and appointed and by whom?”

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

- “(a) The Oxford dictionary definition of Public Relations is “*to promote a favourable image*”, therefore the answer is no.

The Planning and Environment Committee has, for several years, been committed to improving the flow of information to the public about its policies and adopting effective methods of consulting with the public and receiving their opinions. This need has been increased following the adoption by the States of the Code of Practice on Public Access to official Information which has placed major demands on the department in providing the public, via the media, with information on a daily basis on its routine work, as well as major projects such as Architecture Week, urban renewal, the Waterfront Design Framework and the Island Plan. Since May 1998 the department has engaged professional assistance to co-ordinate such activity, a role now defined as Information Officer, to ensure this task is achieved. This prevents the diversion of professional staff from their core duties and has been very cost-effective.

Mrs. Katie Le Quesne, a freelance consultant, is currently contracted as Information Officer making available a number of hours per week to the Committee. The terms of reference are based on the previous paragraph; there is no contract of employment. She has the use of an office at South Hill and also works from home. A confidentiality agreement applies to protect States

privileged information.

(b)(c)(d) -

There is no public relations adviser or consultant, therefore no answer can be given.”

### **Sites for housing - questions and answers (Tape No. 665)**

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

- “1. The four Committees convened to address the Island’s Housing difficulties commissioned work to establish the true number of homes needed to meet the demands of locally qualified households and especially first time buyers. One of the main reasons for this work was to guide the Planning and Environment Committee as to the number of homes to be included in the Island Plan. It appears that the supply of homes in the draft Island Plan does not meet the known demand. One of the reasons given is the capacity of the construction industry. Would the President inform the Assembly -
  - (a) what instructions were given to W.S. Atkins as to how many homes they were to include in the Island Plan, and why;
  - (b) has the Committee obtained advice as to the impact on house prices of continuing not to meet demand?
2. In deciding which sites to put forward for re-zoning, could the President explain -
  - (a) how many (if any) other sites were considered by the Committee itself;
  - (b) what considerations were taken into account in deciding which sites to include and which sites not to include in the published list;
  - (c) will the list of all sites be published, and if not, why not?”

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

- “1.(a) No specific instructions were given to W. S. Atkins to provide for a given number of homes. The Project Brief for the Island Plan, approved by the Planning and Environment Committee in February 2000, set out the requirements for the consultancy, which included *inter alia*,

“to establish the likely requirement, and make adequate provision for, development (of all types) in order to meet essential economic and community requirements and to enhance the quality of life and economic and social well-being of the community”, and:-

“to appraise the suitability of land for essential development, as appropriate.”

This reflects the Strategic Aim of the States, which is “to provide adequate homes for all residents”.

Following a joint meeting of the Presidents and Vice-Presidents of the Policy and Resources, Finance and Economics, Housing and Planning and Environment Committees in August 1998, it had been decided to seek specialist advice to provide a sophisticated assessment of the Island’s housing requirements in all sectors.

Late in 1999 David Couttie and Associates were appointed to undertake the work.

In order to establish the likely requirement for homes W.S. Atkins were instructed to liaise with David Couttie and Associates.

- (b) The Committee has not obtained advice as to the impact on house prices of W.S. Atkins' suggested rate of provision of new houses.

The Committee has made it clear that it will seek to ensure that any new sites zoned for social-rented and first-time buyer housing will result in "affordable homes" through the use of planning obligations, occupancy conditions which limit sales and re-sales of homes to first-time buyers, and as a last resort, land acquisition.

- 2.(a) I have made it clear to members and to the public in our meetings in the Parish Halls, that we deliberately sought an objective appraisal of possible sites against certain criteria, to ensure that the best sites in planning terms were put forward in the consultation draft of the Island Plan. The evaluation was conducted by the Committee's consultants and agreed by the Committee for consultation purposes.

- (b) The sites (some 353 in total) were evaluated in two stages -

- (i) the degree of integration with the Built-Up Areas in accordance with the Spatial Strategy agreed by the Committee. Accordingly, sites that were not -

within St. Helier and the contiguous urban areas of St. Clement and St. Saviour;

on the edge of the Built-Up Area;

within an urban or key rural settlement;

on the edge of an urban or key rural settlement;

within a small rural settlement or Built-Up Area;

were excluded after the first stage.

- (ii) The shorter list of sites were evaluated and ranked against several criteria -

efficiency of land use;

accessibility (to schools, shops, bus routes, etc.);

minimising environmental impacts;

physical constraints and implementation difficulties.

The 15 sites proposed for Category A housing in the consultation draft of the Plan achieved the best results in the evaluation.

- (c) The Committee does not propose to publish the initial list of sites evaluated, nor the list remaining after stage one of the evaluation. Firstly many of the sites are wholly unsuitable for development, but perhaps more important, the Committee remains concerned to avoid speculation in sites which will only serve to push up the cost of land and the homes constructed on them.

The Committee does not consider there is any constructive purpose served by publishing the sites."

### **Change in Presidency**

The Deputy Greffier of the States retired from the Chair during the question put by Deputy P.F.C. Ozouf of St. Helier to the President of the Planning and Environment Committee and the meeting continued under the Presidency of the Bailiff.

## **Duplication of costs with the Parish of St. Helier- question and answer (Tape No. 665)**

Deputy Philip Francis Cyril Ozouf of St. Helier asked Deputy Alan Simon Crowcroft, President of the Public Services Committee, the following question -

“During last year’s St. Helier Parish Assembly for the setting of the parochial rate, there was much concern about the duplication of costs between the Public Services Committee and the Parish of St. Helier. Would the President inform the Assembly what actions have been taken by the Committee to seek to identify and eradicate such duplications?”

The President of the Public Services Committee replied as follows -

“Following concerns raised last year about the duplication of services between the Public Services Committee and the Parish of St. Helier, a joint meeting was held between the Department, Parish Officials and the Procureur in November 2000 to identify areas of commonality and how these could be progressed.

A further meeting took place in July this year between Officers from the Public Services Department and the Parish of St. Helier to discuss proposals in more detail and one area has been identified for a pilot scheme. Other areas highlighted where there is duplication in services include street cleaning, public toilets, parks and gardens and fleet maintenance.

As soon as the relevant financial information has been put together, further discussions will take place to determine the benefits for both Parish of St. Helier and Public Services Committee. This will be followed by a trial to evaluate any efficiency savings that might arise and how this initiative could be further developed.

The Parking Strategy will also give consideration to areas where there is a duplication in parking administration between the Committee and the Parish.”

## **Royal Visit**

The Bailiff informed the Assembly that a letter in the following terms had been received from Sir Robert Janvrin, Private Secretary to Her Majesty The Queen, following the visit of Her Majesty The Queen and His Royal Highness The Prince Philip to the Island on 13th July 2001 -

“It was in every respect a most memorable occasion and both Her Majesty and His Royal Highness were most grateful to you and all those who worked on the visit to ensure that the arrangements worked so smoothly throughout. This contributed to a very relaxed and informal day despite the full programme. They both appreciated the opportunity to meet and talk to a wide cross-section of those living on the Island, whether at Howard Davis Park or the schools, or at lunch and the agricultural show in the afternoon. The Queen has particularly asked me to express her gratitude to you and all the people of Jersey for the gift of a Jersey cow which will, in due course, be a most welcome addition to her herd at Windsor.”

The Bailiff also expressed thanks on behalf of the Assembly to all those who had contributed to the success of the Royal Visit.

## **Hautlieu School: approval of drawings - P.83/2001 P.83/2001: comments**

THE STATES, adopting a proposition of the Education Committee -

- (a) approved drawings Nos. 2982/12, 20, 23, 24, 29, 31, 46, 47, 53 to 55, 57 to 67, 69 to 74, 18248/D/101 to 103, 105, 107 and 109 specification 18248 showing the proposed construction of a new Hautlieu School, St. Saviour and

- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

**Draft Customary Law Amendment (Amendment) (Jersey) Law 200- P.98/2001**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Customary Law Amendment (Amendment) (Jersey) Law 200-.

**Drury Lane, St. Helier: acquisition of roadway- P.99/2001**

THE STATES, adopting a proposition of the Planning and Environment Committee -

- (a) approved the acquisition on behalf of the public of an area of roadway known as Drury Lane, St. Helier, measuring approximately 10222 square feet (950 m<sup>2</sup>) as shown on drawing No. 1841/01/24, and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) agreed that, as it was not possible to agree a fair and proper price with the owner or owners, whose identities were not known, the Planning and Environment Committee should be empowered, in exercise of the powers conferred by Article 4 of the Island Planning (Jersey) Law 1964, as amended, to acquire the land and any interest therein by compulsory purchase, in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended;
- (c) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contracts which it might be found necessary to pass in connection with the acquisition of the said land and all interests therein;
- (d) authorised the payment or discharge of the expenses incurred in connection with the acquisition of the said land, and all interests therein, from the Planning and Environment Committee's Capital Vote of Credit - "Acquisition of Land - Major Reserve" (Vote No. C.904).

**Welcome - Mr. Michael Wills, MP**

The Bailiff extended a welcome on behalf of all members of the States to Mr. Michael Wills MP Parliamentary Secretary, Lord Chancellor's Department, who was present in the private gallery.

**Adoption (Amendment No. 4) (Jersey) Law 1999- (Appointed Day) Act 200- P.100/2001**

THE STATES, in pursuance of Article 5 of the Adoption (Amendment No. 4) (Jersey) Law 1999 made an Act entitled the Adoption (Amendment No. 4) (Jersey) Law 1999 (Appointed Day) Act 2001.

**Projet de Loi (200-) (Amendement No. 2) sur les matières explosives- P.101/2001**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Loi (200-) (Amendement No. 2) sur les matières explosives

**Draft Marriage and Civil Status (Jersey) Law 200- P.89/2001**

**P.89/2001: comments; P.89/2001: comments (2); P.108/2001: amendment**

THE STATES commenced consideration of the draft Marriage and Civil Status (Jersey) Law 200- and adopted the Preamble.

Articles 2 to 6 and Schedules 1 and 2 were adopted.

Article 18 was adopted, the States having rejected an amendment of the Tourism Committee that -

- (a) for the heading to the Article there be substituted the heading “**Approved locations**”;
- (b) in paragraph (1) -
  - (i) for the words “approved premises” there be substituted the words “approved locations”,
  - (ii) in sub-paragraph (a), for the words “the premises approved” there be substituted the words “the location approved” and for the words “the premises are” there be substituted the words “the location is”,
  - (iii) in sub-paragraph (b), in clause (i), for the word “premises” where it first appears there be substituted the words “a location” and for the words “premises are” there be substituted the words “location is”,
  - (iv) in sub-paragraph (b), in clause (ii), there be inserted after the words “the premises” the words “and any other location”;
- (c) in paragraph (2) and in paragraph (3)(a), (c), (f) and (k) for the word “premises” there be substituted the word “locations”,

and revise the cross-heading preceding the Article accordingly.

Members present voted as follows **on the amendment** -

**“Pour” (16)**

**Senators**

Norman.

**Connétables**

St. Helier, St. Mary.

**Deputies**

H. Baudains(C), St. Mary, Breckon(S), Grouville, St. Martin, St. John, Crowcroft(H), Vibert(B), St. Peter, Dubras(L), Dorey(H), Le Hérissier(S), Martin(H).

**“Contre” (25)**

**Senators**

Horsfall, Le Maistre, Stein, Bailhache, Syvret, Kinnard, Le Sueur, Le Claire, Lakeman.

**Connétables**

Grouville, St. Martin, Trinity, St. Brelade, St. Lawrence, St. John, St. Peter.

**Deputies**

Trinity, Duhamel(S), Routier(H), Layzell(B), Huet(H), Le Main(H), St. Ouen, Ozouf(H), Fox(H).

Articles 7 to 17, and Article 19, were adopted.

Article 20 was adopted, the States having accepted an amendment of the Tourism Committee that -

in paragraph (5) there be omitted the words “and no music or reading that would ordinarily form part of a religious service”.

Members present voted as follows **on the amendment** -

**“Pour” (30)**

**Senators**

Horsfall, Stein, Bailhache, Syvret, Norman, Kinnard.

**Connétables**

St. Helier, St. Saviour, St. Brelade, St. Mary, St. John, St. Peter.

**Deputies**

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Breckon(S), Grouville, St. Martin, S John, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), Dorey(H), Le Hérissier(S), Fox(H) Martin(H).

**“Contre” (10)**

**Senators**

Le Maistre, Le Sueur, Le Claire, Lakeman.

**Connétables**

St. Martin, Trinity, St. Lawrence.

**Deputies**

Layzell(B), St. Ouen, Ozouf(H).

THE STATES granted leave to the Vice President of the Tourism Committee to withdraw the remaining amendments to the draft Law.

Articles 21 to 84 and Schedule 3 were adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Marriage and Civil Status (Jersey) Law 2001.

**Change in Presidency**

The Bailiff retired from the Chair for a time during consideration of the Draft Marriage and Civil Status (Jersey) Law 200-, and the Deputy Greffier of the States presided during this period.

THE STATES rose at 5.32 p.m.

**A.H. HARRIS**

*Assistant Greffier of the States.*