

**THE STATES assembled on Tuesday,
23rd September 2003 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**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 –

Philip Francis Ozouf, Connétable of St. Saviour– ill
Kenneth Alan Le Brun, Connétable of St. Mary– out of the Island
Geoffrey William Fisher, Connétable of St. Lawrence– out of the Island
Daniel Joseph Murphy, Connétable of Grouville – out of the Island
Philip John Rondel, Deputy of St. John– out of the Island
Colin Hedley Egré, Deputy of St. Peter– out of the Island

Prayers read by the Deputy Greffier of the States

Connétable of Grouville – resignation

The Bailiff referred to the recent resignation of the Connétable of Grouville, Mr. Francis Herbert Amy, following injuries sustained in a car accident in France, and thanked him on behalf of the States for his services to the Island.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Hospital Charges (Long-Stay Patients) (Amendment No. 6) (Jersey) Order 2003.	R&O 91/2003.
Public Library (Jersey) Rules 2003.	R&O 92/2003.

Matters presented

The following matters were presented to the States –

Termination of Pregnancy (Jersey) Law 1997: report for 2002. <i>Presented by the Health and Social Services Committee.</i>	R.C.42/2003.
Meeting the cost of welfare in 2003 – 2005 (P.104/2003): comments. <i>Presented by the Employment and Social Security Committee.</i>	P.104/2003. Com.
A Tobacco Strategy for Jersey (P.109/2003): comments. <i>Presented by the Employment and Social Security Committee.</i>	P.109/2003. Com.(2)
Benefits paid by the Housing and Employment and Social Security Committees: protection (P.116/2003) – comments.	P.116/2003. Com.

Presented by the Employment and Social Security Committee.

Benefits paid by the Housing and Employment and Social Security Committees: P.116/2003.
protection (P.116/2003) – comments. Com.(2)
Presented by the Housing Committee.

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

Matters lodged

The following matter was lodged “au Greffe” –

Draft Transfer of Functions (Environment and Public Services Committee) (No. 2) P.134/2003.
(Jersey) Act 200-.
Presented by the Environment and Public Services Committee.

Arrangement of public business for the next meeting on 7th October 2003

THE STATES rejected a proposition of Senator Stuart Syvret that consideration of the proposition regarding the Migration Policy, (P.102/2003 lodged “au Greffe” on 8th July 2003), be not considered at the next meeting on 7th October 2003.

Members present voted as follows –

“Pour” (14)

Senators

Le Maistre, Syvret, Le Claire, E. Vibert.

Deputies

Breckon(S), Huet(H), Baudains(C), Scott Warren(S), Bridge(H), Martin(H), Southern(H), Ferguson(B)
Grouville, De Faye(H).

“Contre” (32)

Senators

Norman, Walker, Kinnard, Le Sueur, Lakeman, Routier, M. Vibert, Ozouf.

Connétables

St. Martin, St. Ouen, St. Brelade, St. John, St. Peter, St. Clement, Trinity.

Deputies

Trinity, Duhamel(S), St. Martin, LeMain(H), Dubras(L), Dorey(H), Troy(B), Voisin(L), Farnham(S),
Le Hérissier(S), Fox(H), Bernstein(B), St. Mary, St. Ouen, Ryan(H), Taylor(C), Hilton(H).

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 7th October 2003 –

Migration Policy. P.102/2003.
Lodged: 8th July 2003.
Policy and Resources Committee.

Migration Policy (P.102/2003): comments. Presented: 9th September 2003. <i>Housing Committee.</i>	P.102/2003. Com.
Draft Transfer of Functions (Economic Development Committee) (Jersey) Act 200-. Lodged: 12th August 2003. <i>Finance and Economics Committee.</i>	P.122/2003.
Draft Sea Fisheries (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 19th August 2003. <i>Economic Development Committee.</i>	P.123/2003.
Draft Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 200-. Lodged: 19th August 2003. <i>Economic Development Committee.</i>	P.124/2003.
Draft Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 200-. Lodged: 19th August 2003. <i>Economic Development Committee.</i>	P.125/2003.
Draft Licensing (No. 15) (Jersey) Regulations 200-. Lodged: 9th September 2003. <i>Economic Development Committee.</i>	P.130/2003.
Jersey Community Relations Trust. Lodged: 12th August 2003. <i>Policy and Resources Committee.</i>	P.120/2003.
Draft Policing of Parks (Amendment No. 14) (Jersey) Regulations 200-. Lodged: 16th September 2003. <i>Environment and Public Services Committee.</i>	P.132/2003.

Matters relating to the New North Quay – question and answer (Tape No. 854)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Leonard Norman, President of the Harbours and Airport Committee, the following question –

“Would the President advise members –

- (a) what progress has been made to date regarding the review of the New North Quay fencing arising from P.163/2002, which was withdrawn following an undertaken by the Harbours and Airport Committee that it would consider the matter further?
- (b) whether the Committee accepts that the New North Quay is now inconvenient for boat owners resulting in limited use, and inform members whether there has been a consequential unacceptable increase in the use of the La Folie area by boat owners?”

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

“(a) The Harbours and Airport Committee was advised at its meeting of 28th May 2003, that the cost of extending the fencing was estimated to be £57,331.83 and the Committee considered that any benefit in carrying out this work was unlikely to be justified by the cost.

However, the Committee requested that the views of the St. Helier Boat Owners' Association should be sought.

At the meeting of 26th June 2003, the Committee received a letter from the Association indicating that believed that the proposed fencing did not represent value for money and that if such funds were available they could be applied more usefully elsewhere.

The Committee decided to take no further action pending receipt of a Security Assessment which was to be undertaken by the Department of Transport Security Division as part of the forthcoming International Ship and Port Security Code implementation.

Once that report has been received and considered by the Committee, Deputy Baudains will be notified of the Committee's final decision.

- (b) The Committee is not aware of any particular inconvenience for any boat owner and certainly no representations to this effect have been made. No other area of the Harbour has been unduly affected by the current arrangements.”

Sale of units of accommodation at the Albert Pier Housing site – questions and answers (Tape No. 854)

Deputy Geoffrey Peter Southern of St. Helier asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following questions –

“1. Would the President –

- (a) explain the Committee’s change of policy on the sale of subsidised first time buyer units of accommodation at the Albert Pier Housing site?
 - (b) advise how many properties have been sold or are currently under offer since the change of policy?
 - (c) advise members whether the Housing Committee or the Jersey Homes Trust is the vendor for the sale of these properties?
2. Would the President inform members of the date on which the Committee intends to inform individual States tenants of the rent rises resulting from the decision to reduce the sums available through rent abatement arising from P.74/2003?”

The President of the Housing Committee replied as follows –

- “1. (a) I would like to correct an inaccuracy in this question. The apartments are being sold without any degree of subsidy in terms of first time buyer market valuation, the first time buyer restriction being accounted for within the purchase price.

The allocation policy applied in the allocation of first time buyer homes by the Committee, restricts the size of accommodation to be sold according to the applicant’s needs, for example, a single person would be offered no larger than a one bedroom unit.

All applicants on the first time buyer list, eligible under the policy for an offer of a two or three bedroom apartment, have been contacted and invited to view. After this exercise was completed some two-bedroom dwellings remained unsold and, in order to encourage the sale of these two bedroom apartments, the Committee made the decision to relax the allocation policy, for this particular development only, and to offer the apartments for sale to first time buyers generally.

In the Committee’s view, it would have been imprudent, because of the States investment in this site, to maintain a policy that in any way contributed to restricting the sales to willing first time buyers. It must be remembered that because of the unique nature of this site and consequently relatively high prices, many couples either with families or planning to have families would rather

wait for the opportunity to purchase one of the first time buyer houses likely to be constructed on the recently rezoned sites.

- (b) In view of the relatively short time period that has elapsed since this change in policy, no properties have actually been sold since that decision. However, seven of the remaining two bedroom apartments are currently under offer to first time buyers who would not have otherwise been eligible under the allocation policy. The main viewing, for those persons who have expressed an interest since the change in policy, was due to take place yesterday evening.

In total 31 of the 70 first-time buyer units on this site have been sold, and 15 are under offer. In addition 78 units have been sold to the Jersey Homes Trust.

- (c) The Housing Committee is the vendor for the sale of these properties.
2. Tenants will be notified of the changes to the terms of the Rent Abatement Scheme by circular letter on 6th October 2003.

In terms of the specific impact of P .74 /2003 on individual tenants, a letter will be sent to each tenant on 5th December 2003, showing the rent they will be due to pay from January 2004.”

Environment and Public Services Committee’s policy of the provision of pavements, the Urban Renewal fund and its future functioning – questions and answers (Tape No. 854)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following questions–

- “1. Would the President inform members –
 - (a) whether the Committee has a policy relating to the provision of pavements along main roads where none currently exist, and, if so, what this policy is?
 - (b) whether the Urban Renewal fund could be drawn on by the Parish of St. Clement, and not just by the Parish of St. Helier as has been the case in more recent years, for such matters as improved road safety, given the increasing urbanisation in St. Clement? If so, would the President state what process is required to access those funds?
2. Would the President inform members whether the Environment and Public Services Committee has any plans to split itself back into two Committees in advance of the split into two Ministries already agreed by the States, and if so, when will this occur?”

The President of the Environment and Public Services Committee replied as follows –

- “1. (a) Both the Sustainable Island Transport Policy and the Jersey Island Plan 2002 share the objective of improving pedestrian routes throughout the Island. My Committee requires developments on main routes to provide a roadside footpath where none currently exists, through the use of planning obligations where this is appropriate. There are also a number of ongoing minor schemes, to acquire land and construct roadside footpaths. However, there are currently no plans to establish footpaths on every main route, as my Committee does not have the substantial resources required to do so.
- (b) Although the majority of the urban issues facing the Island are most evident in the town area, the funding of projects from the Urban Renewal Programme has never been limited to St. Helier, for example funds have previously been allocated for improvements at Les Quennevais and St Aubin.

The main priority of the Urban Renewal Programme is to invest in the public realm of the town

centre to enhance the safety, ease of use, vitality and viability of St. Helier. This benefits the retail, service and tourism sectors of the economy, in reducing pedestrian accidents and in enhancing the quality of life for all Island residents who use town.

The Environment and Public Services Committee seeks to secure added value and has sought to invest the States capital funding through partnership. This approach will achieve greatest benefit with increasingly limited resources. Any road safety scheme would need to be considered relative to its contribution to urban regeneration. The Committee would consider any such proposal from urban parishes against existing commitments and programmes.

Where new developments generate the requirement for associated elements of public infrastructure, such as pavements and footpaths, my Committee will seek to secure these as an integral part of the development, for example Field No. 378/379 Deloraine Road. This may be achieved through the use of planning obligations, where this is appropriate.

2. The Committee has no such intention at the present time. The mandate given by the States to the Environment and Public Services Committee in P.70/2002 requires the integration and/or rearrangement of services between departments reporting to the former Planning and Environment and Public Services and other Committees as appropriate. This also requires consolidation of organisational arrangements, streamlining of processes and a fuller delegation of authority to produce two fully efficient, effective and economic departments. The object is to complete this task in advance of the ministerial system being introduced.

It would be premature to reach a conclusion before the Committee is satisfied that this task has been completed. Once the task is completed, if the Committee considers that there is the opportunity for a short period to revert to two Committees, it will want to discuss this with the Policy and Resources Committee before a recommendation is made to the States.

I therefore anticipate being in a better position to answer the Deputy's question during the middle of next year. However, I remain open to this possibility at this time."

Draft Licensing (Licence Fees) (Jersey) Regulations 200- P.127/2003

THE STATES, in pursuance of Article 11 of the Licensing (Jersey) Law 1974, made Regulations entitled the Licensing (Licence Fees) (Jersey) Regulations 2003.

Draft Costs in Criminal Cases (Witnesses' Allowances) (Amendment No. 6) (Jersey) Regulations 200 P.128/2003

THE STATES, in pursuance of Article 6 of the Costs in Criminal Cases (Jersey) Law 1961, made Regulations entitled the Costs in Criminal Cases (Witnesses' Allowances) (Amendment No. 6) (Jersey) Regulations 2003.

Parish of St. Peter: grant of a loan – P.129/2003

THE STATES, adopting a proposition of the Finance and Economics Committee –

- (a) authorised the granting of a loan to the Parish of St. Peter for the purpose of an extension to the St. Peter's Youth and Community Centre; and,
- (b) agreed that the loan was not to exceed £150,000, was to bear interest at a rate of 4% per annum and was to be payable over a period not exceeding 10 years on terms to be agreed with the Treasurer of the States.

Change in Presidency

The Bailiff retired from the Chair prior to consideration of the proposition of the Policy and Resources Committee regarding Fief de la Fosse: proposed agreement with Les Pas Holdings Limited, (P.117/2003 lodged 'au Greffe' on 29th July 2003), and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Fief de la Fosse: proposed agreement with Les Pas Holdings Limited – P.117/2003 Addendum and comments

THE STATES commenced consideration of the proposition of the Policy and Resources Committee concerning the Fief de la Fosse: proposed agreement with Les Pas Holdings Limited.

Senator Christopher Gerard Pellow Lakeman, Connétable Kenneth Priaulx Vibert of St. Ouen, and Deputy Maurice François Dubras of St. Lawrence declared an interest and withdrew from the Chamber prior to the consideration of this item.

THE STATES agreed that a transcript and a recording of the *in camera* debate would be released at the conclusion of all the legal proceedings regarding this matter.

The Greffier of the States, in pursuance of the decision of the States of 17th September 2003, and in accordance with Standing Order 46(1), ordered the withdrawal of strangers and the closing of the doors of the Chamber in order that the proposition be considered *in camera*.

After discussion, Senator Edward Philip Vibert sought leave to propose that the proposition be referred back to the Policy and Resources Committee, which leave was refused by the Greffier of the States as, in his opinion, the effect of such a proposition would have been to negative the question.

THE STATES resumed consideration of the proposition and rejected a proposition of Senator Paul Vincent Francis le Claire that the States do now adjourn.

Members present voted as follows –

“Pour” (10)

Senators

Syvret, Le Claire, E. Vibert.

Deputies

Duhamel(S), Breckon(S), Huet(H), St. Martin, Troy(B), Martin(H), Southern(H).

“Contre” (34)

Senators

Le Maistre, Norman, Walker, Kinnard, Le Sueur, Routier, M. Vibert, Ozouf.

Connétables

St. Martin, St. Brelade, St. John, St. Peter, St. Clement, St. Helier, Trinity.

Deputies

Trinity, Le Main(H), Baudains(C), Dorey(H), Voisin(L), Scott Warren(S), Farnham(S), Le Hérisier(S), Fox(H), Bridge(H), Bernstein(B), Ferguson(B), St. Mary, St. Ouen, Ryan(H), Taylor(C), Grouville

Hilton(H), De Faye(H).

The proposition of Senator Le Claire, having been rejected, the States resumed consideration of the proposition.

Adjournment

THE STATES then adjourned, having agreed to continue with the *in camera* consideration of the proposition of the Policy and Resources Committee concerning the Fief de la Fosse: proposed agreement with Les Pas Holdings Limited the following day, Wednesday 24th September 2003.

THE STATES rose at 5.40 p.m.

A.H. HARRIS

Deputy Greffier of the States.