

STATES OF JERSEY

Environment Scrutiny Panel

THURSDAY, 26th MARCH 2009

Panel:

Deputy P.J. Rondel of St. John (Chairman)

Deputy D.J.A. Wimberley of St. Mary

Connétable J.M. Refault of St. Peter

Mr. M. Haden (Scrutiny Officer)

Mr. M. Orbell (Scrutiny Officer)

Witnesses:

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services)

Deputy K.C. Lewis of St. Saviour (Assistant Minister for Transport and Technical Services)

Mr. C. Sampson, Director of Municipal Services

Mr. C. Dodd, Streetworks Manager

Mr. J. Rogers, Director of Waste Management

Ms. C. Anderson, Director of Transport

Ms. E. Littlechild, Finance Director

Deputy P.J. Rondel of St. John (Chairman):

Good morning, ladies and gentlemen. Who is going to start with the presentation?

The Connétable of St. Brelade:

Well, Deputy, Chairman, if I may just thank you for the invitation once again to

Transport and Technical Services for allowing us to present to you. We look forward

to doing so. I think it probably best if I go straight into Caroline, who is the expert on

these things.

Ms. C. Anderson:

I am probably going to hand over because John and Ellen should lead on this. We have explained if it is okay with the Scrutiny Panel that we will take funding pressures first and then Chris and Carl will do the Highways Law, which will allow the rest of us to disappear off. So, John, do you want to lead on this?

Mr. J. Rogers:

Yes. Good morning. What we have done is we manage the Island's assets and infrastructure pretty much. What we have put in front of you there is a sheet of paper which shows you our effective shortfall for maintenance, and this covers areas of liquid waste, infrastructure which is highways and sea defences, and elements like the esplanade tunnel if that goes ahead. That is on the capital side, and on the revenue side it shows us effectively how much we are not spending that we need to spend. This is all in addition to our existing cash limit. From the visit we saw last week, I think you can see that we are managing the infrastructure as best we can, but we do not have the capital to maintain it at a certain level. Just to add to that, we did an external verified risk register last week where we came up with 50 risks in the high risk and high probability area, which are mainly related to capital and capital spend.

The Deputy of St. John:

Right, any questions, gentlemen?

The Connétable of St. Peter:

Not so far, thanks.

The Deputy of St. Mary:

Yes. Are we talking about these figures here on this sheet, because they are very high level, sort of basic information?

Mr. J. Rogers:

Yes.

The Deputy of St. Mary:

“La Collette phase 3 landfill, department waste”, and then it has got “2014, £10 million.” Am I reading that right?

Mr. J. Rogers:

Yes.

The Deputy of St. Mary:

“2015, £10 million. Future, £30 million.” How is the cost ... I do not quite see how capital landfill £10 million is explained.

Mr. J. Rogers:

That is very much a rough estimate based on what would happen when La Collette 2 fills up and we need another waste disposal site.

The Deputy of St. Mary:

This is the future, this is post La Collette? Oh, phase 3.

Mr. J. Rogers:

Yes, this is post La Collette, it is La Collette phase 3.

The Deputy of St. Mary:

Right, I see, okay. It is a rough ...

Mr. J. Rogers:

Yes, and it is not a definite “going to be” La Collette phase 3. It was just a terminology to iron out the issue that I think on the last landfill before La Collette was built the capital funding was not in place and we built a big mountain, and we are just trying to avoid that by forward planning.

The Deputy of St. Mary:

So it is in here?

The Deputy of St. John:

Yes, on that particular point, your costings, given that you obviously have dumping charges, you will still be running in the red even with dumping charges? Is that how I am reading it? And, therefore, you will not be increasing your dumping charges to cover the ...?

Mr. J. Rogers:

That is one potential option, but again that is going to be an additional charge and it is something which, because it is so far in the future ... we have got a capital allocation of £750,000 from 2011 to do the feasibility and the full scoping of that in terms of what is the best solution, because the solution may not be land reclamation at sea. It

might be another one, utilising one of the quarries or there are quite a few options available, but that scope has not been defined and I think when this was built up, it was a very different perspective based on the Island's growth and the Island's potential versus what has happened now with the issues of the current economic climate.

The Deputy of St. John:

The areas that have been identified for land reclamation, i.e. at St. Brelade, for instance - I know it is a small one - has that fallen by the wayside or is that still in the offing?

The Connétable of St. Brelade:

Fallen by the wayside.

The Deputy of St. John:

In total? Because it was agreed by the States that that would be an area that would be refilled; in the days of Constable Kinnard we agreed it.

The Connétable of St. Brelade:

It has been rejected wholeheartedly by the residents, Chairman, and I think it is very unlikely that it will resurface.

The Deputy of St. John:

Because ...?

The Connétable of St. Brelade:

The need is not ... in parking terms, the need is not identified. The problem with St. Aubin's is a free parking problem and effectively it is down to traffic management. We have noted in the area where there are charges made there are very often spaces. The issues arise during the evenings and at weekends where it is not regulated or policed, so until that situation throws up there is a pressing need for reclamation I do not think it is even worth considering, and I strongly suspect that as time goes on that should a reclamation be put in place at St. Aubin's it would not stand up financially, so I see little point in pursuing it.

The Deputy of St. John:

Okay, right, sorry. Questions, anybody else, on that area? I am going to move forward then on to Esplanade tunnel. I know it is all up in the air at the moment.

The Connétable of St. Brelade:

Well, sort of. [Laughter]

The Deputy of St. John:

Right. Are you happy in your own minds that this will happen, given the current climate, this will happen in the next 5 years?

The Connétable of St. Brelade:

Your guess, Mr. Chairman, is as good as ours in that and perhaps we have to await future developments.

The Deputy of St. John:

Okay.

Mr. C. Sampson:

Just to update you on that, we have been working closely with W.E.B. (Waterfront Enterprise Board) and with Harcourt and the lawyers to get the legal documentation prepared. The development agreement and the infrastructure works agreement have gone this week to Harcourt for them to have a look at that. They have now got to come back to W.E.B. to confirm that they are happy with those and there is then a timetable which has been set up subject to Harcourt's comments on that, with a view to try and getting it ... overall, the decision has to go through Scrutiny and onwards through to the States Assembly. They are aiming to try and get that before the summer recess, but it really does depend entirely on Harcourt's comments now.

The Deputy of St. John:

Yes. Your Finance Director it will be, I should think, should answer this. Given that you are working for Harcourt basically on this, are they picking up your bills? Are they getting them paid?

Mr. C. Sampson:

We have got a position at the moment where we have got some outstanding debts with Harcourt which we are still chasing up.

The Deputy of St. John:

Outstanding for how long?

Mr. C. Sampson:

Since the middle of last year, some of them.

The Deputy of St. John:

So last June, 9 months. Are we talking about a lot of money?

Mr. C. Sampson:

Yes, we are.

The Deputy of St. John:

Can we be told how much, please?

Mr. C. Sampson:

About £180,000.

The Connétable of St. Brelade:

Not a lot, a lot. Just a lot.

Mr. C. Sampson:

It is a lot.

The Connétable of St. Brelade:

I am glad you think it is a lot.

Mr. C. Sampson:

I think it is a lot. The process is that under the heads of terms, which was the initial agreement which Harcourt and W.E.B. signed up, there was a clause in there which agreed for any of W.E.B.'s agents, which we are, to be recompensed for any work which we do. Now, in order to develop the highways agreement and the development agreement we have had to employ some lawyers and some engineering experts. We are paying their bills and then we are invoicing those bills on to Harcourt. Now, they were paying those up until about June of last year and we have now got these outstanding invoices. We have now effectively stopped work, from our point of view, until we get any further payment on those. It is hoped that the sending of the development agreement and the highways agreement off to Harcourt to have a look at will unlock that process. It was a bit of a chicken and egg. They did not want to spend any more money on developing the agreements until they had seen them, so W.E.B. have decided ... they have now sent those agreements to them. They will have a look at them and if Harcourt are happy with those and between W.E.B. and Harcourt they are happy to progress with the project, then it will then go through the timetable of going through Scrutiny, the States, et cetera, the whole thing, with a view to the final decision coming back to the States, and they are aiming for the last session before the summer recess. But it is a tight programme and I would hope that within that process, once Harcourt and W.E.B. really start their negotiations, then we will recover our monies.

The Deputy of St. John:

I have concerns here, given that only this week the Prime Minister of one of the Bahamas, Grand Bahamas, Mr. Ingram, has raised concerns about 250 million euro ...

I say this week, it is in the last 4 weeks, has raised concerns about a 250 million euro contract that seems to have been suspended over there, after it being signed in the last couple of years. I sincerely hope that your accounts department is looking around the world where Harcourt are doing business, and were you aware of the problems within the Bahamas within your department?

Mr. C. Sampson:

I was not, personally. I mean, just to be sure, the development arrangement is between W.E.B. and Harcourt. T.T.S. are acting as the Highway Agency in this instance and we are acting in partnership with W.E.B. to ensure that whatever W.E.B. and Harcourt bring forward meets the requirement of the Highway Agency. So, that is to say that whatever they put forward, at the end of the day when we adopt it, because they will become public roads, is that we will be satisfied with what we get.

The Deputy of St. John:

Yes, but are W.E.B. going to be paying your bill if Harcourt do not? This is what I want know.

Mr. J. Rogers:

I think ... is W.E.B. actually the client and is Harcourt their contractor?

Mr. C. Sampson:

They are development partners between W.E.B. and Harcourt. They have not employed a contractor to do the work as such, so that W.E.B. and Harcourt are the development partners and we are acting as the Highway Agency.

The Connétable of St. Peter:

Sorry, through the Chair, when you are sending out invoices are you sending them through to W.E.B. and then ...?

Mr. C. Sampson:

No, we are sending them to Harcourt.

The Connétable of St. Peter:

So, you are actually working directly for Harcourt in that respect?

Mr. C. Sampson:

No, we are acting as the Highway Agency. We are not actually working for Harcourt. The reason we are billing Harcourt is because that is the way it was set up in the development agreement which was signed between W.E.B. and Harcourt.

The Deputy of St. John:

Any other questions?

The Connétable of St. Peter:

Just contractually, I am just not clear on what the contractual arrangement is, where the liabilities really do fall. Do they fall to W.E.B. equally as well as Harcourt?

Mr. C. Sampson:

Which liability, the financial liability?

The Connétable of St. Peter:

Yes.

Mr. C. Sampson:

For the outstanding monies?

The Connétable of St. Peter:

Yes.

Mr. C. Sampson:

We are trying to get the money back by direct negotiations with Harcourt. If that fails then we will be going back to W.E.B. and asking W.E.B. to help us get those monies, as it is W.E.B.'s development partner.

The Deputy of St. John:

Can I have your view, please, on what the department - or the Minister - what is the department's view on bad debt and when do you stop working for somebody if there is a bad debt? In my case and probably as a businessman, 9 months is a bad debt. What is your view, please, on bad debts and when do you stop working for them?

The Connétable of St. Brelade:

Very rapidly, Chairman.

Ms. E. Littlechild:

There is a States policy on chasing a bad debt, so it is the Treasury's function to chase any bad debts that are over 90 days, and what happens is we get an update on that and then it is for the department to decide whenever those debts should be provided for. With regards to Harcourt, they are late payers and we have, certainly last June with the first piece of work, managed to recover all those funds and I am confident that we will be able to do that again.

Mr. C. Sampson:

We did have some issues last June as well about late payment and we basically said we are not doing any further work, and they brought all their payments up to date. We have now stopped doing any work with them and we are hopeful that by the process which is now happening, in terms of moving the negotiations forward between W.E.B. and Harcourt, that that will again give Harcourt some more confidence in the deal and then we will be able to recover our monies, but we are stopped now, in effect.

The Deputy of St. John:

That does not bode well for business in the future, in this place at the start of the process, given that we have not even got a spade in the ground, shall I say. Right ...

The Connétable of St. Peter(?):

I think I just need to record I share your concerns.

The Deputy of St. Mary:

Can I ask other ...?

The Deputy of St. John:

Yes, carry on.

The Deputy of St. Mary:

To move to a slightly different area, the infrastructure agreement, what does that cover, briefly? What is it about in regard to the tunnel?

Mr. C. Sampson:

I believe the development agreement ... yes, okay. The development agreement is a high level agreement between Harcourt and W.E.B. As the Highway Agency, we need to ensure that that agreement provides us with exactly what we want, so what we have had to do is have a signed agreement set up which has actually met ... it was called the highway works agreement; it is now called the infrastructure works agreement. What it covers, it ensures that T.T.S. gets everything to our standards. Now, in terms of what it covers, it covers all the new and amended above-ground roads and infrastructure. It covers the tunnel and it covers all the below-ground structures, so the basement box as we would call it, and up to the podium slab, which is the slab which, when the buildings are built above it, everything above it is then covered by the development agreement.

The Deputy of St. Mary:

Right. It only appears to cover the end result. It is the finished product we are talking about. We are not talking about the process, how this is done.

Mr. C. Sampson:

I know. There are 2 things. There is a specification which tells them what they have to do and to what standard and that is called ... it has been termed T.T.S.D. (Transport and Technical Services Department) requirements, but it is basically a specification of what they must do and what standard they build to. The infrastructure works agreement refers to that specification but then tells them how they must do it. It gives them the process of what they must do and what they can do and what they cannot do.

The Deputy of St. Mary:

Right, but you see the process, is it the process of how much cement there is in the concrete mix, which means it is part of the end product, or is it how do you do the mixing to make sure that no dust impacts on the Hotel de France, you know, that is the sort of distinction I mean.

Mr. C. Sampson:

Right, well, yes. The first scenario is included in the specification. The specification will tell you what type of concrete, what mix, where you place it. The infrastructure works agreement gives us the controls to ensure that when they are carrying out their work, it is carried out to our requirements, and our requirements include the effect of the works on the surrounding buildings, businesses, et cetera. It includes everything to do with traffic management, how they construct it, when they construct it. It gives us this number of staged sign-offs within that. It is a standard agreement which a U.K. (United Kingdom) Highway Agency would be using if they were working with a developer, so it is no different. In U.K. Highway Agency terms it is called a section

278 agreement, but we have sort of scaled that back down to Jersey requirements and it has ended up being called the infrastructure works agreement.

The Deputy of St. Mary:

Is there a price tag attached to this specification, sorry? Is this I.W.A. (infrastructure works agreement) like a part of a budget process or is it ...?

Mr. C. Sampson:

You mean the value of the work that it covers?

The Deputy of St. Mary:

Yes, or is that just Harcourt's business and you do not go there?

Mr. C. Sampson:

From our point of view, from T.T.S.'s point of view, we are not getting involved at all in the finances. The actual financial deal is between W.E.B. and Harcourt and all we are ensuring is that they actually deliver the bits which we want to an actual required and agreed standard. So we are not involved at all in the finances.

The Deputy of St. Mary:

I am concerned with not so much whether the road will stand up to what it is supposed to stand up to, which would probably be your main concern, I am concerned with - and there is a big cost element here which Harcourt might not wish to bear, obviously might wish to minimise - the cost of doing the job properly in terms of process, in terms of how they remove the spoil, for instance, which could turn out to

be very expensive depending on who is regulating and how the compliance is done and so on. So is that part of the works agreement or is that another body that is going to look after that?

Mr. C. Sampson:

No, any works which relate to what are known as the highway works, the highway works embodies everything which the Highway Agency will come into contact with. Those highway works are specified in the T.T.S.D. requirements, which is the specification, and that covers everything which T.T.S.D. look after. There is also a lot of blanket clauses in there which say - they are in most agreements - they have to comply to all existing regulatory statutory compliances. What we are aiming to do with both the development agreement and the highways agreement is provide a very tight document which ensures that we get what it says on the tin. We spent probably 18 months, nearly 2 years, developing those agreements with our legal advisers to ensure that we get that. We are very, very close to completing those documents but we have had to stop the final completion because of the problem with the payment. But the documents which have gone to Harcourt have gone now with a health warning to say that should they and W.E.B. decide to carry on with the process, i.e. they agree on the terms of development agreement, the highway infrastructure works agreement, then we will then complete the very last phase of those.

The Deputy of St. John:

When did the papers get sent?

Mr. C. Sampson:

It was early this week, I think it was possibly Monday or Tuesday.

The Deputy of St. John:

It is only in the last few days.

Mr. C. Sampson:

Literally the last few days.

The Connétable of St. Peter:

A bit of a practical question, Chris, if I may. I am just looking at your capital expenditure here. You have got the Esplanade tunnel maintenance, which is what we are talking about coming on stream in 2012, but I see La Collette phase 3 does not kick in until 2014, your budget provision there. My concern is with the dig out, if we do go for the underpass, are we not looking at a much sooner requirement for La Collette phase 3?

Mr. C. Sampson:

If the Esplanade Quarter goes ahead the actual volume of excavation is equivalent to 3 years' filling at La Collette; so it will bring that date forward, yes, a lot quicker.

The Deputy of St. Mary:

By 3 years.

Mr. C. Sampson:

The volume is approximately 3 years' filling. What we do not know at this stage is how quickly they are going to dig that out. There is a total period for the highway works to be completed by, it is 36 months from the signing of the leases. So effectively once the leases are signed and they are on site there is a 3-year period where they complete all the highway works. That means the whole basement block is dug, the podium slabs completed, all the loads are done and all the cars are running on the new network. So they could decide to just dig it out in stages, dig out and produce ... or they could decide to do a mass excavation in the first year. Now, we have not got that information yet off them. They have got to provide that information for our approval but if it goes ahead, and the timings are still very much unknown, in answer to your question it could definitely bring forward the filling period or the replacement timing for La Collette 3.

The Connétable of St. Peter:

Coming back to your budget, in 2014 you have got provision for La Collette phase 3. Does that take into account the fact it is going to come forward by 3 years?

Mr. J. Rogers:

Can I interject here? This programme was based on the original programme for the Esplanade. Now, what that meant was in 2017 La Collette 2 would be filled so we have planned that so that we could get the new site built prior to that fill. What is likely going to happen ... well, the potential thing is the Esplanade may be delayed or the scope may change, which will bring these figures - the big figures - further back.

The Deputy of St. John:

While we are talking on that infill, John, surely there is aggregate below this tunnel, those surely are not going into La Collette. Those can be recycled, can they not?

Mr. J. Rogers:

They will be recycled, yes.

The Deputy of St. John:

Therefore, your fill time should be 3 years. Most of the aggregates will be new granite basically that they are taking out.

Mr. J. Rogers:

It is very difficult because a lot of it is previously filled ground and our experience from the fill that came out of the Dandara site, the recent site, there was quite a lot of ash contamination within there which limits the ability to recycle. In addition, some areas had been stripped bare of stone so, again, there was very little opportunity for recycling but some was recycled. We have taken an estimate of what we can achieve and it is a conservative one. I think that is a prudent way for this scale of infrastructure to deal with.

The Deputy of St. Mary:

Can I just check on the dates? You said La Collette 2 will be full in 2017. Does that include the tunnel excavation?

Mr. J. Rogers:

That was the worst case scenario with ...

The Deputy of St. Mary:

So that is as fast as possible with the tunnel?

Mr. J. Rogers:

Yes. From then until now I think the world has changed and that will be extended.

The Deputy of St. Mary:

So in fact these are all quite generous?

Mr. J. Rogers:

Yes.

The Deputy of St. John:

On that point then, John, recently we have had reports that climate change, et cetera, or the increase in tides going from, I think, 59 centimetres to over a metre in the next 100 years, although it has been super filled, the La Collette, is there no view of looking at that being super, super filled given the additional more recent reports that have just come out? Have you been looking at that?

Mr. J. Rogers:

We have. Chris, can I hand over to you on that?

Mr. C. Sampson:

Yes. On overall climate change the sea defence strategy - we review it every 5 years - is we are at a point now we are about to do our 5-year review. Last year there was an inter-governmental panel on climate change that met in Paris and what they do, they meet every 3 years and they up ... what they do is they bring together all the information, all the studies which have been done in that period and they amend their position on climate change. At that point, with the information that they had, HR Wallingford, who is our consultant working with us on it, they reviewed our current sea defence strategy and looked forward in terms of what we would need to do. What they are saying is basically: "Yes, sea level is rising; yes, we are going to have some problems in the future." The problems being probably raising sea defences up but there is nothing immediate which we have to do in the next 10 years. What we need to do is be aware of it and over those 10 years we need to be working towards raising some of the lower areas and just being aware of that. What has recently happened in I think it was Copenhagen, I think you were referring to it ...

The Deputy of St. John:

It was somewhere in recent weeks anyway.

Mr. C. Sampson:

In recent weeks there has been another study which has come out. Now, the reality is there will be more studies coming out over the next 2-3 years and what we really need to do at this stage is wait for those studies to come out, to be verified, to go into the next round of the inter-governmental panel on climate change and we will take those views there. There is certainly nothing immediate which we have to worry about based on the knowledge ... I mean, even if they were exactly right, 59 to a metre, we

are talking about that much. The actual rise in sea level is not the issue which we need to worry about, it is more about the increased storminess, the increased frequencies of the high tides, the increased intensity of the rainfall, and those are the things which cause us ... will cause us the problems in the near future. But, going back to your original question at La Collette, once it is ... we have got the actual armouring system at the moment, once it is full you have then got a solid mass, you are then going to super fill. It is an area, in truth, which will put itself right. We do not have any issues there.

The Deputy of St. Mary:

On climate change, we have done sea defences but as part of your programme does Wallingford advise on variations in possible scenarios and differences in risk and the consideration that if you have a very big problem with a lowish risk you still have to take that into account, and to what degree you have to take that into account because 59 centimetres going up to a metre is one interpretation of what might happen?

Mr. C. Sampson:

No, there are a number.

The Deputy of St. Mary:

It is a middling interpretation, there are some quite horrific scenarios out there being seriously talked about. So I just wondered what Wallingford's approach is, and obviously the department's approach, to this kind of risk in terms of the possible variation in scenarios.

Mr. C. Sampson:

I think all we can do is take the most up-to-date information we have got. The panel on climate change is bringing together all the world's scientists and knowledge at that time. Now, Wallingford took a view on, at that point, what the risks were to Jersey in terms of our sea defences, our sea defence programme. What they said is we have been prudent over the last few years, we have done, since 2002, quite a heavy sea defence programme and we have reinforced what we have got. That came out in the storms we had last March. While we had some parapet walls knocked down in the Avenue and bits and pieces, we had no serious collapses. So what they are saying is: "What you have done is fine, you are going to have some problems potentially over the next 0 to 30 years, you need to be aware of those." Now, we have taken that on board. There is another piece of work which is happening now, just as we speak, is that they are now doing their 5-year review of the sea defence strategy based on that knowledge. So in terms of risks and probabilities they are going to use those risks and probabilities to advise us on what areas of work we should be working on over the next 5 years with our sea defence strategy, as long as we get the money to do it.

The Deputy of St. John:

Can we move on, because I see we are halfway through your time. Liquid waste strategy. I am looking at the figure for 2014 onwards you start investing at £10 million per annum and so forth. Given that we are doing this ... over 25 years, Minister?

The Connétable of St. Brelade:

Twenty years.

The Deputy of St. John:

Twenty years, and those figures, are they achievable? Given how the States keep on cutting your budget year on year, are we going to have to extend that to 25 or 30 years to get it all done? That is what concerns me somewhat.

The Connétable of St. Brelade:

We would like to be able to give a categoric answer to that, Chairman, but I think it is impossible to do so. In effect, with the present scenario over the next couple of years we all know that funding is going to be extremely tight and we do not quite know what the States income is going to be. Clearly we have to try and put some programme together to deal with the ageing infrastructure and we can only use the best information available on the day once again. So, clearly we would like 20 years but I think you quite rightly suggest that it may have to drift in all practicality.

The Deputy of St. John:

While I am on that point, firstly can I thank you, Minister, and your Chief Officer and Acting Chief Officer and John Rogers here for the good instructive day we had out with you around the sewage works, et cetera, last week and I think it opened the eyes of the panel. Thank you on that particular point. Getting back to the agenda, John, have you got any questions or ...?

The Connétable of St. Peter:

No.

The Deputy of St. Mary:

Simply, again take it as read that the risk of doing what the Minister just said about: “Well, maybe it will have to drift”, that we will obviously have to consider when we review or whatever the process is going to be, what the risks are with allowing this expenditure to drift.

Mr. J. Rogers:

Substantial is the simple answer to that.

The Deputy of St. Mary:

Which concerns me, of course.

Mr. J. Rogers:

Yes.

The Deputy of St. Mary:

As it concerns everyone.

The Deputy of St. John:

Because it has already been drifting for some time and we have to put a lot more pressure on yourselves, and the Minister in particular will have to put a lot more pressure on his colleagues, to make sure these things happen and they stay at the top of the to do list.

The Connétable of St. Brelade:

In effect, Chairman, you can see what has been achieved in the last few years. The capping off of the vessels in Bellozanne valley has reduced the smell impact quite considerably. In an ideal world one would rebuild all those but it is just not going to be achievable and we have to look, I think, to what is going to be achievable within the restricted funds that may be available over the next few years.

The Deputy of St. John:

I noticed when we were down there last week a number of derelict properties were boarded up. Are they in your portfolio or do they come under the property portfolio?

Mr. J. Rogers:

They are under property. There is one which is on the site which I believe is still under our control. The rest are within property.

The Deputy of St. John:

Seeing them derelict, they would be better demolished than just leaving them standing boarded up.

Mr. J. Rogers:

There is one ... but that is only recent, someone moved out about 6 months ago.

The Deputy of St. John:

I see, okay. Right, any other questions, gentlemen, on that area?

The Connétable of St. Peter:

No, thank you very much.

The Deputy of St. John:

Right, we will move on to the other presentation.

The Connétable of St. Brelade:

Do you want to mention the revenue side of things, Chairman?

The Deputy of St. John:

Sorry. My apologies, yes, yes. Yes, your revenue from your transport, I note you are putting your parking charges up. In your press release here I know you say that they are going up by R.P.I. (Retail Price Index) 3.2, in fact, in your statement you released on 25th, yesterday. Given that we are in a difficult time I am surprised that you are going for an increase at this time.

The Connétable of St. Brelade:

Yes, this has taken quite a bit of heart-searching. I might just ask Caroline to explain the reasons why we have done this and why we have dropped back to 3.2.

Ms. C. Anderson:

Yes. You will know that we run a car park trading fund which operates on trading principles and there the income covers the policing, maintenance and provision of car parks. We have a 25-year model on that that shows that, excluding Anne Court, we can provide replacements, maintenance and ongoing revenue charges if we continue to increase car parking charges by cost of living. That cost of living is now R.P.I.(Y)

index, which excludes G.S.T. (Goods and Services Tax) just to be clear. We normally base it on the September quarter. So it is year-on-year September and we put it up 1st February. When we got to that and brought that to the Minister, the Minister was uncomfortable that it was over 4 per cent ... I keep forgetting that figure ... 4.9 per cent. So we had an ongoing discussion over a month or so with the Minister thinking about how we could cushion that to the public, feeling that that was too high. What we have gone for is, taking it to the December quarter, in fact we are less than what is required to maintain the fund. We have lost a quarter between the September and December 2007 quarter. So we have gone December, a year-on-year December quarter, which brought us down to the 3 per cent. But we did feel that although that was less than what was required to maintain the fund, we did feel that an increase was required. Freezing charges is really very difficult. In fact we have been talking about bus fares that we have frozen, and you really do get into a cycle of it being incredibly difficult then to go back and increase them. So I absolutely take your point, it is exactly the point the Minister made but we came to a compromise, if you like, that was less than the cost of living that we required. We have not increased season tickets either, trying to increase the relative incentive for people to go to season tickets rather than scratch cards, and felt that if we then required that lost quarter's income we could do it when the economy was healthier.

The Deputy of St. John:

Could we not have taken the money from the strategic reserve given that the Minister said that he wanted to hold figures down and, therefore, money would get into the economy from that direction?

The Connétable of St. Brelade:

Yes, I think there are 2 sides to this. There is a policy to get people out of their cars and on to public transport. Now, I do not think it is fair to subsidise car parking, which was effectively what was happening. In truth the car parking charge levels, at U.K. (United Kingdom) levels, are pretty low. Now, as was mentioned, the bus charges issue is another which we will have to consider seriously. The bus charges have been frozen for too long and in commercial terms it is extremely difficult to exist on that basis. We have a bus service which some alleged to be unsatisfactory in the country areas, while the mainstream, the number 15 routes, works well, we just have not got the funding to deal with a request that comes from all quarters in the inner parts of the Island. So, I am very keen to develop the bus service but have not got the funds to do it and with a frozen charging structure it is impossible. We need to consider reviewing the charging structure, in my eyes, so that we can - by 2010 - consider how we are going to review the whole new bus contract which will come on line in 2011.

The Deputy of St. John:

Through your seat on the Council of Ministers, Minister, have you not asked for the car park on the waterfront to be handed over from W.E.B. to your department, thereby increasing your revenue? But given that W.E.B. was set up to make projects happen, they were not set up to be running these businesses.

The Connétable of St. Brelade:

I am going to pass this over to Chris as he knows all about it.

Mr. C. Sampson:

I can answer you on that. The land where the Esplanade car park is on at the moment was transferred to W.E.B. in 1995 when W.E.B. was set up, so that is actually W.E.B. land.

The Deputy of St. John:

Can I stop you there? W.E.B., it is States land because we own 100 per cent of W.E.B. I have concerns here because there are a number of items that will be coming up in the next few months where W.E.B. are actually claiming to be private owners; in fact, it is our land.

Mr. C. Sampson:

I would agree.

The Deputy of St. John:

Should you not be advising your Minister to actually ... once projects are completed, that gets ... your tunnel, for instance, that you were talking about earlier would be handed over to you to run, so why have W.E.B. not handed over this car park to your particular department? Therefore, you should be advising him, in my mind, to make a claim that W.E.B. hand this back to the States of Jersey.

Mr. C. Sampson:

Well, perhaps if I change my wording. W.E.B. are administering that bit of land, of States land. If the ... and what happened in 1995, the administration of that land passed to W.E.B. There was discussion and agreement between W.E.B. and T.T.S.

that T.T.S. would use that bit of land for a public car park up until the time where W.E.B. needed it for development. T.T.S. paid for the development of the site, it was about half a million pounds at the time, and has since had the benefit of the income of that site.

The Deputy of St. John:

I think we are talking at cross purposes. The new multi-storey car park. **[Interruption]** The car park I am talking about, the new one opposite Maritime House.

Mr. C. Sampson:

The waterfront one, sorry. That was again ... I mean, that was land which was passed to W.E.B. to administer. W.E.B. funded by their development deals the construction of that car park. It was not funded by T.T.S. or the car park trading account, and I cannot remember the cost but I would imagine it would have been about 7-10 million to construct in sort of today's figures. So that came under W.E.B.'s administration and on that basis they take the income for it. It will be a long time before that income pays for that outlay. But in terms of whether T.T.S. would take that on as part of the car park trading account, if that was a decision to be made, then I am sure it would, but currently the way it is set up is as part of W.E.B.'s income.

The Deputy of St. John:

Yes, I am aware where the money goes. That is why I am a bit concerned because I think that should be underneath your remit but ...

Mr. C. Sampson:

We would be very happy to have it plus the income, I am sure.

The Connétable of St. Brelade:

I think the Chairman was saying will it go to the bus station, as the Vice-Chairman just indicated.

The Deputy of St. John:

Yes, for sure, because at the end of the day it seems ludicrous that we put a body in place to take on the responsibility of developing this area with a view to handing it back to the States once it has been developed and yet it is not happening. All we are doing is being able to fund super wages for the staff within these departments and there is no benefit to the Island in real terms because they can charge what they like. I mean, we are seeing it with our Transport Centre that we are going to be financing yet again people sitting in plush offices who are not actually at the coalface like you chaps are doing, and girls. I have got real concerns. I would like to think that the Minister would be taking this up seriously with these ...

The Connétable of St. Brelade:

The Minister is similarly concerned, Chairman, over this, particularly with the bus station at this stage, in that there are indications that charges will significantly increase. Clearly all that will do is impinge on the standard of bus service to the general public, so clearly there are further discussions to be had on this.

The Deputy of St. John:

Thank you. Are there any other comments on the revenue?

The Deputy of St. Mary:

Particularly in the light of the proud announcement a couple of days ago that W.E.B. was doing very nicely, thank you.

The Deputy of St. John:

But I must reiterate my real concerns about the increase in parking charges given that people in certain parts of the Island have no alternative but to use vehicles because we have not got a bus service for people in two-thirds of the Island. That is a real concern. I hope you take that on board. I cannot tell you you have to reduce it because it is not in our remit. Right, we will have the second part of your presentation.

Mr. C. Sampson:

Okay. Well, Carl and I are going to do that. These people are going to leave now. They have seen it all before and heard it before so ...

The Deputy of St. John:

The following people are about to leave the meeting. It is still being recorded, I presume. Caroline Anderson, John Rogers and ...?

Ms. E. Littlechild:

Ellen Littlechild.

Mr. C. Sampson:

While Carl is just setting up, I will sort of give a brief instruction. As discussed when we gave you the presentation on the highways, the highways laws, which give us the powers to do things in and around the highways, are out of date and need revising. They need revising for a number of reasons, but the key reason really is that the existing laws do not give us the powers we need to ensure that we can maintain the integrity of the system. Now, a lot of that relates to our relationships with the highways ... sorry, with the utilities, but when you actually look at the laws, they are outdated, they are ... I would go as far as to say archaic in some areas. There are other benefits beside just how we deal with the utilities, and Carl has got a detailed presentation which he will show you the majority of that. What we identified probably 2 to 3 years ago was that these laws need revamping. Carl was taken off his current ... or his day-to-day job to actually work on that and it is a very long process. These laws have been in place a long time. We had to look at the laws, look at recommendations for how we can move those forward. We then had to do consultations and we have done a lot of consultations with the parishes, because obviously the parishes are highway authorities, the same as us, and these laws affect them. Some of the benefits which we hope to gain from those the parishes will gain as well. So there has been a lot of discussion with the parishes. We got to a position where we invited all the Constables and their road committees to come along and have a look at Carl's previous presentations. We set up a working group with the road committees. We then got to a position where the Comité have agreed the position which we have got to. We have then gone out to consultation with the utilities and then taken it back to the Comité, and just a couple of weeks ago Carl went back to the Comité and they were happy with the proposals and we are now in a

position where we are actually starting law drafting. Now, Carl will run you through that and I know, John, you have seen this probably a number of times. I apologise for that, but for the Chairman and Deputy Chairman I think it is worth just running through that. The presentation is really in 2 halves. There is the ... and it is up to yourselves how far you want to go. The first presentation is ... or the first half is really an expansion on what I have just told you and it gives you a road map and gives you the overall briefing. The second half is the detailed issues which have come up at consultation and what we are doing about those, so I think if we go through the first half and we will see where we get to and we can decide from there whether we want to expand on that. So, if I can pass over to Carl who has done all the work on this, I have to say, done a sterling job.

The Deputy of St. John:

How long does it take, Carl?

Mr. C. Dodd:

The presentation? Well, as little as sort of 15 minutes.

The Deputy of St. John:

Okay, because that is what you have, I think.

Mr. C. Dodd:

Yes. **[Laughter]** So, perhaps just to give you a bit of background to the law drafting proposal. Before I do I will perhaps just define street works for you all. Basically, street works are all aspects of road maintenance, the work we carry out as highway

authorities, but also works carried out by what we call statutory undertakers like the utility companies have a statutory right to dig up the road and put their apparatus in, but they are all termed street works. But by no means in terms of our own sort of regulation of activities in road works is it limited to street works. There are activities that disrupt the flow of traffic, like maintenance to properties or roadside walls or the erection of scaffolding, for example, works of this kind have an impact on the road network and require some form of regulation. In terms of our own role, T.T.S. is obviously the custodian of the main road network and, therefore, sort of tends to form the focal point of co-ordination activity. We have a monthly co-ordination meeting with the utility companies and we invite other sort of agencies like Connex to ensure that we have got a sort of full picture of what the implications of carrying out works on the road is going to mean. We also work very closely with St. Helier for obvious reasons. We generally provide the benchmark for standards and policies. As Chris said, there are 13 highway authorities in the Island, but we tend to set the policies; albeit there is not a formal arrangement, they tend to sort of become the benchmark. The day-to-day sort of problems that we encounter: poor work planning ... I will just go through quite quickly. Certainly in the past, and things are improving, but we get late notice of works so that we do not have the adequate time to actually plan them and work with the utility company to ensure that, you know, the work ...

The Deputy of St. John:

Late notice, is that not frowned upon by your department?

Mr. C. Sampson:

Very much so.

Mr. C. Dodd:

Well, it is, but what I would say is that the current legal situation means that although we can be, you know, frustrated by the situation and verbalise our disapproval, there is very little in the way of teeth of what we can do about it.

The Connétable of St. Brelade:

I think you will realise, Chairman, as we go through the presentation it will become apparent why we are trying to create a new ... **[Laughter]**

The Deputy of St. John:

Okay. Well, why I am putting the question now is because 10 years ago when I was on the ... well, you(?) were vice president of the day. We had the same problems then and I just want to know why it is 10 years down the line and we still have not got that resolved.

Mr. C. Dodd:

Well, what I would say is things ... in many ways there has been progress, but I think now is the time to progress because we have worked very hard at the utilities, but that does not mean to say that we do not need a law to create, you know, a foundation to that progress. So, yes, we can have difficulties with late notice and having to chase a utility for information. In the past we have had problems with poor consultation and publicity. We very much relied on utilities to do their work professionally, to speak to people that were going to be impacted by the street works and to, you know, carry out that consultation business. Sometimes in the past, in good faith they may have

said they have done it and it turns out that it has not been complete and problems arise subsequently. Poor safety, you know, we have street works inspectors go out and audit street works sites and obviously there is an ongoing struggle to ensure that standards are kept high, and at present, again, the law does not really give us what we would wish to have in terms of powers to oversee that.

Mr. C. Sampson:

Can I just add there that poor example of signing/lighting/gardening was actually our own drainage department, so, you know, we are actually going ... I mean, that was a photo taken by our inspectors regulating ourselves, so we are not, you know, above ...

Male Speaker:

It is across the board.

Mr. C. Sampson:

It is, yes.

The Deputy of St. Mary:

Sorry, just a quick one - I know it is anticipating - in the new law will the regulatory function be somebody else? Because that is so important what you just said.

Mr. C. Sampson:

It will not be. I mean, we have not got facility to ... I mean, it is split within department and it is split within directorates. It is actually split in locations, but in terms of ... we have not got the facility ... I mean, we as the ... my section in our

infrastructure will be the regulators, but we will be regulating the utilities but in John Rogers' section we will have a drainage section so we do not have to regulate those but ...

The Deputy of St. Mary:

I just wanted to know what the position would be, as you plan.

Mr. C. Dodd:

Okay. Just to continue on some of the problems we encounter, poor traffic management, things like, for example, the incorrect use of traffic control signals. You all will have encountered situations where you get to a set of traffic signals, nothing is coming the other way, and the timings are inappropriate for the time of day, particularly in the working week. Inadequate signage, ignoring working ... so agreements we have come to when they should be working. Obviously we try to ensure that rush hour periods are not worked on but where possible and things like that, so we can have problems like that where our instructions are not being fully followed through by contractors working on behalf of utility companies. Also, you have an issue particularly with the quality of the works in terms of workmanship, how they dig trenches, whether they undercut the road, how they subsequently reinstate them, and there is an ongoing obviously struggle to ensure that reinstatement standards are kept high. Yes, we do have a problem with them not supervising their own staff or their contractors. In terms of long-term problems, there is in excess of 5,000 square metres of trenching the roads a year in Jersey. We know from research in the U.K. and beyond that utility trenches can reduce the life of a road somewhere around 30 per cent, so it can consequently lead to premature maintenance and early

replacement costs. Also, we have a problem with things like line markings not being replaced and loss of special surfacing, high friction surfacing, at junctions and it is not subsequently put back. Also excavations on newly resurfaced roads, that is something that is probably quite political in one sense; it is very noticeable. All these things lead to a general decline in the appearance and neatness(?) of the Island's roads and the public, you know, notice that and I think it can very much make an area look less ... well, it can make it seem perhaps prematurely run down, if you like. Remit of the new law: the current legislation is dated; in fact, some of it sort of stems back to the beginning of last century, and piecemeal in many ways and it favours utility rights at present over highway authority powers. Existing procedures are fragmented and in some ways co-ordination in terms of the law between highway authorities is made more difficult than it should be. The benefits of having the new law is that we will be able to have a new, comprehensive law that covers all the issues that we face today as opposed to, you know, 50 years ago or 100 years ago and provides clear guidance both in terms of our own powers and the limitations on power utility companies, but also how us ourselves as highway authorities inter-relate and co-ordinate. I believe that the new law will definitely help to create clarity and help us to take on our roles more effectively. The reason for the law now, partly ... I mean, really the laws are very old, existing laws, but we do have increasing volume of street work activity and potential disruption from large-scale developments like possibly the underpass means that we need to get our house in order before we take on such projects in many ways. Also there is ageing utility apparatus within the Island; the network of utility apparatus, a lot of it was put in 100 years ago. Quite a lot of it does sort of ... it is timing out and will need replacing, and that means a large volume of street works. I think the public expect better service. They want to see works done more effectively

and at a more suitable time, so we need the powers to co-ordinate that and to control that. Also, in terms of public spend, they do not like to see the roads being dug up and so we need to have a framework which is accountable and enables us to control that better. Possibility of utility deregulation, and certainly in the telecoms sector where I think there is a general level of responsibility among existing utility companies, that we work well with them on the whole, but that is not to say that that situation will continue in the future. So we do need that statutory back-up. The law does provide new powers and possible cost recovery measures. It will help us as highway authorities to work together and things like that, but it is certainly not about, for example, reducing the authorities of the parishes. We will continue to have 13 highway authorities. And it is not about increasing workload or administration. We are very careful to make sure that it is not creating sort of additional workload but that it is, you know, suitable for the Island. We have done quite a few things to date, and I think Chris has sort of outlined and perhaps I do not need to go through it particularly, other than to say that we have very much tried to work co-operatively as highway authorities, not just T.T.S. but to work with the parishes to identify joint requirements and we have formed a working group to do that. We have gone through a pre-drafting consultation with the utility companies to reduce the need to subsequently change things. We really want to get it right before we go forward to law drafting. All of those basic requirements of the law now have been identified and effectively we are ready to sort of start developing the instruction for the Law Draftsman. So, what follows? When the instructions are ready then the Minister obviously has to approve it and that will enable law drafting to start around early April, so quite soon. There will be a drafting process, and then we will have a statutory consultation again with all the stakeholders and we will be coming back to yourselves as well to discuss the

law in further detail. Then, obviously, we have got final amendments to make. The aim, actually, is to get to the States some time in the first quarter of 2010.

The Deputy of St. John:

In reality, what do you think your slippage will be, of getting it to the States?

Mr. C. Dodd:

Well, we have managed to keep to a pretty good programme and I think that those dates are realistic.

The Deputy of St. John:

For you, but with law drafting? Because they have got so much on their plate.

Mr. C. Dodd:

Well, we have kept in reasonably good contact in terms of letting them know when we are ready. I have had no feedback to suggest that they would be unable to start law drafting at that stage but, you know, obviously that is something we need to keep on top of.

Mr. C. Sampson:

If I can just add, Chairman, when we started this process we had sort of 3 perhaps concerns about time. One was law drafting. We made our bid in 2006 for law drafting and it has been kept in the programme, and since Carl has been working on it we have been in constant contact with them, so we are okay with that part of it. The second issue really is our concern as how this process would affect the parishes and

the Constables. Now, by a lengthy period of consultation and explaining, and as Carl said as part of the presentation, we are not trying to take anything away from the parishes, I think if anything what we do is enhance them. By consultation we have now got sign-off on those. And the third really was the utility companies because from the beginning we are taking away powers, we are making them do what we want to do rather than what they want to do. Now, while the utilities are not over the moon about what we are doing they have, over the last 3 to 4 years, been almost working to the principle of what we are doing anyway. It is only where we come to an issue where we say look: "Right, do that" and they say: "No, we are not doing it" we have got no teeth where the law will allow us to do that. So I think the industry is not hugely removed from what these laws are going to be doing, but it will do, it will give us the teeth to do it and it will ensure that we have got a modern set of laws which adequately reflect everything we are doing now anyway. I think from where we stand now there are not very many impediments now in terms of getting it through. The law drafting is a relatively short period of the overall process. It is then just taking it through the approvals process. In principle, the consultations which we have done should prevent any delays to that hopefully.

The Deputy of St. John:

One final question, slightly further back in your presentation: with all your rebuilding of roads, et cetera, you are hoping to do, until you get around are you considering putting any weight restrictions on vehicles given that every extra tonne carried by some of these big vehicles is shortening the life of our roads by X?

Mr. C. Sampson:

Well, there is a current weight restriction on vehicles' co-axle and that is something which is regulated by T.T.S. via the D.V.S. (Driver and Vehicle Standards) Department. In terms of are we able to reduce that, I mean, it is not part of the remit of this part of the law but it is certainly something which we could consider. If we do not get the additional funding for the highways which is listed in the bottom part of this capital then our ability to strengthen those to take those is going to be very limited. Some of the examples we showed you in our very quick walkabout, that is Island-wide and if we do not get the additional monies then I think we are going to have to think of other measures, and one of those measures could well be reduction in weight of vehicles.

The Connétable of St. Peter:

An item came up in the Comité des Connétables, probably worth mentioning - Mike, you were there as well - about a milk collection facility that has been proposed and using P30 tractors to haul around very large milk trailers, if you like.

The Connétable of St. Brelade:

I think if I can come in on that. I think there is a great desire from the point of view of the Comité des Connétables that the large tractors that are at present utilising the Island roads are causing untold damage and likewise I understand that those vehicles causing most damage are vehicles such as demolition lorries where the axle weight exceeds what it should be. I think the D.V.S. Department will be paying attention to that. In fact, it is paying attention to that but it may be in broad terms we have to decide on a way forward because clearly the infrastructure is suffering as a result.

The Connétable of St. Peter:

To carry on with my point there, Minister, the point I was going to make with regard to the sort of P30 tractor units with regards trailers is that there appears to be a willingness within the Island for businesses to look at reducing their costs by reducing the number of vehicles they are putting on the road, but what they are doing, they are putting heavier number of vehicles which is doing far more damage. Really this needs to come back through the Minister to the D.V.S. Department to see whether any restrictions can be put on that to prevent this sprawl of P30 tractor units which quite clearly is an advantage for businesses and once they see that that will spread quite rapidly. So that is one point there with regard to those tractor units, and generally P30 vehicles. The other one is, as you raise it, the large turbo tractor issues and the amount of machinery they carry around on the back and the speed they use, but that is probably not for today, but that is another issue that the Comité des Connétables are looking at and licensing of.

Mr. C. Sampson:

We are getting an increasing number of complaints from all Constables, all areas, where a lot of the roadside banks are now getting pushed out further and further if ... I mean, we have got a particular issue at the moment with one resident who is right next to a route where there is a new ... I am not sure if it is some packaging type shed where they have got now a load of these tractors coming past at certain times of the year and it is becoming a bigger issue. I mean, the weight is not necessarily an issue on the main roads but in time the smaller parish roads which were never designed or constructed to take those will start suffering similar distress. So it is something which I am pleased to hear the Comité is taking up. But it is definitely becoming ... and

certainly the last couple of years we are getting more and more complaints from all quarters on it.

The Deputy of St. John:

You are the department responsible for D.V.S. so I would be looking to your department to put some action in place on that because it has been raised by the Constables, we have raised it, and we would like to see something brought forward to us in the not too distant future but you have got to have some recommendations in trying to reduce the amount of damage being caused because at the end of the day it is the taxpayer who has got to pick up the damage to put profit in these people's pockets.

Mr. C. Sampson:

We will take that on board. If there is a sort of view to do it and we can discuss it with the Minister. The idea is while we have got law drafting time there is no better time than to do it now. So I think the time is right for perhaps a decision on that and we can have some discussions on that.

The Deputy of St. Mary:

I have a note on here, a spider diagram on my notes, saying costs recovery in the middle because I think it is what you have been talking about. It is a very important area. I have got here landfill, we did not talk about how you could recover more costs of ... you have got these huge bills coming up for La Collette 3, potential bills, and the question arises, could you not recover some of that? I know the charges have gone up for La Collette, dumping charges, or they went up some time ago, but are they at the

right level? You have got final waste disposal cost recovery there. You have got all kinds of issues and particularly then, in relation to this law, is cost recovery built into the way that you are going to constrain the utilities from digging things up whenever they want?

Mr. C. Dodd:

I can go through the detailed articles of the law; there is set recommendations about that. I believe you have received it. But in terms of cost recovery there are a number of items which provide within the law provision to introduce regulation allowing cost recovery in a number of areas, in particular overheads would be one where obviously we provide a service effectively for the utility companies in co-ordinating them, it involves employing myself. We have street works inspectors who go out and audit, it is all our costs and there is currently no cost placed back on the utility companies for that activity or that service, so the law can give provision for the introduction of regulation allowing that probably in the form of a permit charge. One of the main features of the law is the introduction of street work permits to regulate street works as opposed to other current situations where utilities merely give notice that they are going to do some work, but the presumption is that they can do the work, which is their legal right at present. The second area, which is significant I guess, is, as I stated, that the effect of trenching is that it reduces the life of the roads considerably, possibly around 30 per cent, even possibly 40 per cent in some situations. There is a thought that in the future possibly you could introduce a trenching charge. Certainly there are provisions within U.K. law to introduce something of that kind. There is a great deal of interest among the County Surveyors Society to push that, although it is not at present a current priority of the present government. The County Surveyors

Society is certainly interested in pursuing that. I think one of the issues at present is coming up with a charge which is justified on engineering grounds so that you can somehow relate the damage of a given trench to the network and how to price it properly. So, possibly once that work is done and it has been proven to work in the U.K. then we would look at it. So our law will have provision to introduce a trench charge should it be acceptable politically and it has sort of been demonstrated that it works elsewhere.

The Deputy of St. John:

Within all of your presentation here I did not see anything that would put the onus on, where possible, the companies, the utility companies, to try and take their services out of our road services and put them into the land nearby by arranging wayleaves with the various land owners. I know in the past I have seen the Water Board run all the way from Le Plateau(?) all the way to the airport with the main ... right the way through people's land. Is there no way we can encourage ...

The Connétable of St. Brelade:

This does occur and it is encouraging. Clearly these days with the value of roads having increased it has become more cost effective for that to take place and certainly, as you know, recently a drain was rerouted through a field alongside the main road. Wearing parish hats, the other day Water Works took a water feed through a bit of parish land as opposed to the road, so I think wherever it can be done it is certainly encouraged. I do not know what our policy is with regard to that.

Mr. C. Dodd:

There is not a specific recommendation that would give some specific power to force them to do that but the new law will allow us to create an environment in which the requirement of working the road are more onerous and therefore, to some extent, more expensive on occasion. Certainly in terms of the requirement for consultation and publicity, the reinstatement standard and things like that, the introduction of permits does give a broad range of power so when a utility wants to work you can set permit conditions. I suppose it is possible that in doing so you can include certain provisions as to the routing of services in ... the problem with Jersey is that often options are limited.

The Deputy of St. John:

I am aware of utilities using the roads because it is convenient because they just do not want to arrange the wayleaves with the property owners alongside the road. Should we say St. John's Church or Melbourne right the way down to St. Lawrence, you have got land all down one side just by the utility companies, for instance, arranging a wayleave which, all right, they have got the inconvenience of doing that. They could do that if we were to be putting a charge of some description in for them opening up our main road. Therefore, they would be looking at the alternative. Instead of digging up the main road they would actually go and see the landowners and pay them a percentage or a few bob just to go through their land.

The Deputy of St. Mary:

What you are doing here by making sure that people pay the true costs of what they are doing is you are making the markets work better. So what you are saying is that if you impose the real cost which they have been getting away with up until now, they

have it for nothing, and when you deregulate it is going to be more important because the deregulated company is even more keen on its bottom line, but if you make the market work by allocating the costs correctly then the market will sort it. They all find out whether it costs more to have a wayleave than to dig up one of the public's roads. You have to cut all the costs.

The Connétable of St. Brelade:

I think one of the issues we are conscious are connection charges, and this was the issue raised in the States this week over the trenching out in the leverage(?) of the hole there were 4 access requirements; 2 gas ones, one water one and a burst water main. Now, clearly I would expect the utility companies to be making a direct charge to their client for those connections and it is the client that has to pay these places as user pays. Clearly in a burst water main or damaged main situation probably more difficult for them to re-charge, and maybe that is something we will have to consider how to charge, but access not so easy. Maybe the onus needs to be put more on the developer, forward planning, in these sort of situations because it strikes me that, with a parish hat, this has been the biggest problem. Suddenly you get a requirement for a new electricity main or gas connection and there is very little can be done about it.

The Deputy of St. John:

I agree with you. Wearing my parish hat as well, there ought to be nowadays, I believe, an opening for convenience charge which comes back to the Highway Authority, that or T.T.S., rather than the utility company getting the reward from the property owner. Take me to a hole, but burst I think is one of those that one would have to take on board if there was no alternative. But the other 3 openings were

openings of convenience, convenience for the home owners, and I believe in those cases it would be quite appropriate and I think politically acceptable to levy an appropriate opening charge on them which, depending on the age of the road in terms of when it was last resurfaced, could be quite squingy(?) and that would make me think about openings of convenience a little bit more closely.

Mr. C. Sampson:

On those particular openings, though, Constable, because they were in a road which was only recently resurfaced there is much higher level of repair to the road once those connections come through. So instead of just being, in very simple terms, one thin layer of tarmac it is a much thicker one. Now those costs are passed directly to the person who is having that done so it is a matter of user pays. If I just take on sort of broadly the point about where we are going to re-cost, historically the service companies have a statutory right to go down the road. They went down the road because, as the Chairman said, it was the easiest route to go. The situation over the last 2 to 3 years, probably more than that, 4 to 5 years, we have tightened up a lot on when they can go into the road, how they can go on to the road, whether they are able to and the timing of it. It has forced them to start thinking a little bit wider. A lot of the ... not a lot but some of the newer routes, replacements or redevelopments are starting to go through fields, whatever, and they are taking that as it is ... while it is more difficult to arrange in terms of wayleaves, et cetera, it is the cheaper route. As the Deputy Chairman said, it is the market forces taking account now. In terms of the charging system for the road we could ... or the overall charging, when we looked at the options for bringing this new law in we had the option to bring charging through immediately. Now we have put it into primary legislation as an option but the view

we took was that if we had just been charging in straightaway the service companies are going to pass it on to the end user at the end of the day and we have difficulty in getting the law through. So what we have done is we have taken a staged approach. It is the same staged approach Guernsey has taken as well inasmuch that in the primary legislation which is not there now ... in the new primary legislation there is an option to charge. If the service companies, once we get the position, are not doing what we want them to do, the stick we have got is that we can go straight in and put into new regulation which then places charging on them. It is an option ... the reality is if they work with us and they work to the requirements of the law we should not have to go to the charging, but if they carry out proper planning and, for instance, they know our road resurfacing programme, the embargoes are now going to be 3 years. If they come with proper planning, do all their works in response to the resurfacing programme, the road gets resurfaced, the only time they can go into that road is promoting(?).

The Deputy of St. Mary:

Can I just ask a quick one about this slide and the one before about the timing of Scrutiny's intervention? It seems to me ... it is quite small print but I did not see the word Scrutiny on the previous slide so that means we are coming in after the Law Draftsman. I would suggest that is too late.

Mr. C. Dodd:

Well, obviously we have not started drafting yet.

The Deputy of St. Mary:

We have a programme here where it suggests that Scrutiny have a crack before it goes to the Law Draftsman. That would seem to be sensible given the sort of issues we are talking about.

The Connétable of St. Brelade:

It is not on that one, but it is on the following slide, is it not?

The Deputy of St. Mary:

But it is after the Law Draftsman has drafted it which is, in my view, a tiny bit ... anyway we should be at this level.

Mr. C. Dodd:

It will be distributed to the ... before drafting anyway we will certainly have distributed to the actual recommendations which will be translated into the drafting instructions, so ...

The Deputy of St. Mary:

But I am suggesting there might be a process between this and the Law Draftsman.

Mr. C. Sampson:

This is really why we are here today to some extent is that you have heard the recommendations. The recommendations get turned into sort of law drafting and as part of that process they come to you. Just click on the next slide.

Mr. C. Dodd:

I do have printouts of this.

Mr. C. Sampson:

The third one down there, the draft law is completed. It goes to parishes(?), to then Scrutiny, 6-week period. You obviously comment on that in the normal way and then the law, once it gets finalised it then goes to the next stages.

Mr. C. Dodd:

Effectively there are 3 interventions possible.

The Connétable of St. Peter:

But we are doing it, Daniel, before it goes ... it is part of the general consultation process we are involved in there. Then it goes to the Law Draftsman and we give the final amendments, then it goes to the officer for review.

The Deputy of St. Mary:

But I would have thought that with the sort of issues we were talking about here, with those sorts of issues it would be wise for us to consult on like what is in here or the principles so that we can influence that, otherwise we are faced with a law and then it has to dig up the law. It is a little bit like digging up the road.

The Connétable of St. Brelade:

It will be scrutinised before the law comes into force.

The Deputy of St. Mary:

Nobody says that, we come in after law drafting.

The Connétable of St. Brelade:

But that is law drafting draft.

Mr. C. Dodd:

That is just the draft.

The Deputy of St. Mary:

Yes, I know, but even so the ...

The Deputy of St. John:

We have got to start off with something.

The Connétable of St. Brelade:

We are happy to take feedback from this meeting this morning once you have considered this.

The Deputy of St. John:

As long as we are in the loop.

Mr. C. Dodd:

The philosophy is definitely to get all this sorted out before we actually put it into paper.

Mr. C. Sampson:

What I am saying is if you have got any comments, I mean, the recommendations are the result of the sort of fairly lengthy consultation and those recommendations will go through into draft law. But if you have got any comments on those whatsoever, you can let us have those and they will be built into the draft law.

The Deputy of St. Mary:

I will throw my main concern in now if I may about cost recovery. Again it is the same issue. You mentioned a couple of areas, like the reinstated costs and the cost of ... yes, H.R.s(?). But I have always felt that a congestion is a major factor particularly when I see people sticking up scaffolding in the road and you see it quite often in Old St. Peter's Main Road, a few cones and everybody ... suddenly it is a one-way road, and this is a main road so they are held up for 5 minutes or whatever. That cost is borne by the public. It is not borne by the person who has commissioned that scaffolding or dug a hole and it should be, and it is quite easy to work out as well, you just multiply the number of vehicles by the times, and you have got an additional charge. That encourages them to be neat and quick in what they are doing and not ... it does not really matter how ...

Mr. C. Dodd:

The current recommendations include also ... our philosophy is to make this law future proof as we can bearing in mind that we seem to do this sort of exercise about every 50 years in terms of highway legislation. We were very much of the view that we should make it as future proof and as flexible as possible. So there are provisions in there, for example, of the introduction of late occupation charging which is

something they do in the U.K. which is ... and also in additional lane rental which means that someone gets charged by the day that they are in the road. Something which you probably could more appropriately apply to the major routes of our class one network as opposed to ... so that is included again through the introduction of regulation. Those would be quite complex schemes so it is not something we can sort out the detail for now, but I think by putting it into regulation it means that the law can go forward smoothly.

The Deputy of St. Mary:

The only other concern is the regulation, this upgrading of the regulation. It really worries me that it appears that you are going to have regulation of the street works themselves and the signage and so on, and the actual ... the quality presumably has to be T.T.S. but the regulation of yourselves, I find that very hard to take.

Mr. C. Sampson:

It is a very small area of the overall department. We have got sections of the department who do work on the roads and they are in-house labour.

The Deputy of St. Mary:

Because you are regulating the utilities you may as well regulate yourself; that is what you are saying?

Mr. C. Sampson:

Yes.

Mr. C. Dodd:

But equally, for example, with respect to individual parishes they also will be in the same position where the law gives them the power to inspect and carry out audits on utilities but they also are, in one regard, utilities in their own right. They go out and they mend the roads and cause disruption, so they will have to take the same approach that we do really and being effectively best practice leading the way.

The Deputy of St. Mary:

That is a possible future issue.

The Deputy of St. John:

Thank you very much for covering those points. Before you gentlemen leave, Minister, Conway Street, I notice that we laid a nice pavement. It may not be your department, it may be one of the parishes, but I ... and then we see a development digs it up, rakes up the footings below it and now I see it is either States or parish having to reinstate it. Is somebody getting paid and billed for this?

Mr. C. Sampson:

Conway Street is part of the street works or the urban renewal programme and the idea in the urban renewal programme, as it says, it is renewal of the urban area. At the time a decision was taken to widen the footpaths to make it more public friendly, there was a site, which is the site which has been developed, had been sitting there empty ... not empty but it had been undeveloped for a number of years. They put in 2 or 3 planning applications and it did not go forward. So we went forward and did the widening, the granite footpath, et cetera. Now as has happened in quite a number of

other areas where we have done that, what follows on is the regeneration of that area, so we then had almost as soon as we finished, the planning application was put through and agreed, and probably 3 or 4 months after they started work ... as soon as the sort of site started we went down and saw them and we said to them ... I mean, I wrote specifically to them: "Any repairs, maintenance, et cetera, will all be down to you." They were happy with that. So they completed the works. They did do an element of protection. They were considering taking up all the paving slabs and putting them back but they elected to leave them there and what they are now doing is paying us to replace them.

The Deputy of St. John:

As long as we are getting reimbursed that is fine.

The Connétable of St. Brelade:

In a similar vein I might just draw attention to the fact that the Connétable of St. Helier wishes to regenerate La Motte Street and a similar situation there. In fact, it could go ahead pretty well with that but there is a new development about to take place on the old Central Park restaurant site and I have suggested that we will embark on the scheme but not until that development is done because we would have exactly the same scenario occurring. It does seem ludicrous. But it is not to say that there will not be piecemeal redevelopments as time goes on and the infrastructure, I think, must be protected in all cases.

The Deputy of St. John:

On those items, thank you very much, gentlemen. Before you go, Minister, I notice your improved bus service for the summer. Did we have a timetable with us by any chance? I notice you managed to get an extra bus in St. Brelade. **[Laughter]** St. John, St. Mary and Trinity, et cetera, would have loved to have an extra bus.

The Connétable of St. Brelade:

Well, Mr. Chairman, we have to move.

The Deputy of St. John:

It is probably the wrong moment to discuss this but we should ...

The Connétable of St. Brelade:

I am very conscious, Chairman, of the requirement for serving the country parishes and I think we need, or the Island needs to decide how to fund the better service or perhaps incentivise the operators to provide a better service, and this seems to be an element that is missing in the present contract. The present contract is well run within the parameters of the contract, but there are some missing elements. Clearly the whole thing is down to cost and if it can be demonstrated ... and Connex are coming to meet the Comité in the next week or 2, I have set that up so I can get views from the various Connétables as where they feel a route can be justified and what we need, as T.T.S., to hear is there will be sufficient passengers on that route because that is the crux. If it does not pay it cannot be operated.

The Deputy of St. John:

I hear what you are saying, Minister, but I have real concerns about this £50,000 increase on the Transport Centre which is obviously going to impact on the actual services given by the department or by Connex in the medium to long term. It is not going to go down, it is going to keep on increasing, and once again is there no way that that centre can be transferred out of W.E.B. into the hands of the States of Jersey or ...

The Connétable of St. Brelade:

As I indicated before, I agree with your sentiments entirely. We will be corresponding with W.E.B. to see what can be achieved.

The Deputy of St. John:

Any other questions, Vice Chairman?

The Deputy of St. Mary:

No, I think that is all right, thank you.

The Connétable of St. Peter:

Just in closing on the items, W.E.B., as you well know on 1st April I will be on the W.E.B. board so you will not be getting your money. **[Laughter]** But try by all means.

The Deputy of St. Mary:

There was another question, Chairman. Going back to the excavation for the underpass, possible underpass, roughly how many tonnes are we talking about?

Mr. C. Sampson:

The figure that comes to mind is 400,000 but I will need to check.

The Deputy of St. Mary:

That is only a ballpark, it is hundreds of thousands.

Mr. C. Sampson:

It is, yes.

The Deputy of St. Mary:

I was wondering what the charge per tonne at the moment is down at La Collette 2?

Mr. C. Sampson:

I think Mr. Rogers could answer that question.

The Deputy of St. Mary:

I had it in my mind but did not ask him.

Mr. C. Sampson:

I can arrange for John to provide you ...

The Deputy of St. Mary:

There is a cost recovery element there too, is there not?

Mr. C. Sampson:

In terms of income to the department, tipping income is part of our revenue budget and it is a variable which can trip us up every year. It is a variable we have got no control of. If the industry is not doing any big dig-outs for whatever reason we will not get that income. Now, on the basis that we are going to be having slow down in the construction industry no doubt because of the credit crunch, less developments will go through planning, the less bigger schemes will come through, less material will come through the door and less revenue we will receive. So we are going to have balance that off against not doing something else within our revenue budget.

The Deputy of St. Mary:

But also you then save from having to fix a quarry or extend the reclamation site or whatever you would otherwise have to do so it is balanced, is it not? In a sense that money is ...

Mr. C. Sampson:

The reality is we are going to have to create somewhere else for our inner waste in the next 5 to 10 years anyway. But if, for example, it was not the Esplanade Quarter and there was an upturn in the economy and there was 3 or 4 other developments which came through ... Castle Quay is another one. That was another big dig out. It might not be the Esplanade Quarter which brings forward the replacement of the reclamation site. It may be that Esplanade Quarter does not go ahead but it may be you have 2 or 3 other big developments in the next 2 to 3 years. I mean, that unfortunately is completely out of our control.

The Deputy of St. John:

While you are on that particular area, the dumping ... will there be any free dumping allowed for on the Esplanade Quarter?

Mr. C. Sampson:

No.

The Deputy of St. John:

Finally, can it be recorded that as of yesterday Constable Refault is a member of the W.E.B. board and therefore in any future panel meetings the Constable will have to declare an interest and, in part, have to leave while that item is being discussed.

The Connétable of St. Brelade:

I hear what the Chairman says and look forward to the panel and the department having a good relationship with W.E.B. on that basis. **[Laughter]**

The Deputy of St. John:

Thank you, gentlemen, for your time and this part of the meeting is closed at 11.02 a.m.