

**THE STATES assembled on Wednesday,
15th September 2004 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of –

Senator Jean Amy Le Maistre– out of the Island
Senator Wendy Kinnard – ill
Thomas John du Feu, Connétable of St. Peter– ill
John Le Sueur Gallichan, Connétable of Trinity– out of the Island
Celia Joyce Scott Warren, Deputy of St. Saviour– ill
Jennifer-Anne Bridge, Deputy of St. Helier– out of the Island
Geoffrey John Grime, Deputy of St. Mary– out of the Island

Prayers read by the Greffier of the States

Environment and Public Services Committee – resignation of Committee

THE STATES accepted the resignation of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee, together with the members of the Committee.

Senator Philip Francis Cyril Ozouf made a statement in the following terms –

“Overnight I have been giving thought to how best to respond to the situation concerning the Environment and Public Services Committee.

As members will know, the Committee faces a vote of no confidence. There are obviously 20 members who have signed it and 33 who have not.

Members will understand when I say that I cannot agree with the assessment of the situation by the Deputy of St. Peter. The Deputy of St. Peter, in his proposition, raises other issues apart from the issue of the St. Pet application. Having spoken to a number of members who signed the confidence motion, it is clear that different members have signed for different reasons; one is that Planning does not listen to the States, and I understand the concern that members have about that; one member signed the proposition, they say, solely on the grounds of the Trinity Infill issue and before the Vice-President made her statement yesterday morning.

I have not made any comment about the Canavan report in public yet. I want to say that I have accepted the recommendations within the report and I thank Mrs. Canavan for her work. I also feel I should say to members that both Deputy J.A. Hilton and Deputy M.A. Taylor had offered to stand down over the affair after I returned from holiday just over a week ago. After consultation with other Committee colleagues, I made the decision not to accept their offer to stand down. I supported the Vice-President and Deputy Taylor; they have an extremely difficult job to do. Corrective action is in place to ensure a repeat could not occur. I also accept absolutely the mitigating circumstances that arrived at the Sub-Committee’s decision on the day.

I wish to state publicly that I believe that Deputy Hilton is an excellent Chairman of the Planning Applications Sub-Committee. As a relatively new member she has discharged her responsibilities with energy, passion and diligence. I believe that she should not resign over the affair, and I take full responsibility for that decision; the same is true for Deputy Taylor.

What is more significant and will be of concern to this Assembly is the situation with Senator E.P. Vibert. I must report that we have arrived at a situation where my fellow Committee members and I find it impossible to

discharge the Committee's responsibilities with Senator Vibert remaining on the Committee. There is nothing personal or any animosity towards Senator Vibert, but it is simply the case that, I believe, the Committee cannot discharge effectively its duties when one member of the Committee constantly is at variance with the rest of its membership. There is no individual issue, such as the issue of Trinity, or the issue of Buses, or planning applications, or the St. Peter decision, or the way the Scrutiny Panel has operated, or the Senators opposition to the Water Law or Waste Strategy, or turning up to meetings, but it is a series of issues over many months.

I say again, and it is not said with any sense of rancour, that I am deeply saddened by the situation, as I and my Committee colleagues, and indeed the department, have worked hard to find a way of compromising and harnessing Senator Vibert's undoubted energies and talents. I and the Committee have failed. I have no doubt that the Committee cannot survive as at present; to use the words of Geoffrey Howe, with one member of the team smashing the cricket bat before being asked to go out to pitch.

Senator Vibert has made it clear that he will not resign. This is further confirmed by information published on his website last night. Clearly, this situation and this state of affairs cannot continue. This Assembly needs a united Environment and Public Services Committee that is capable of getting through the enormous agenda of work it has. If the Committee fights the vote of no confidence and wins it, which I believe and I am confident it would, I will be unfortunately faced with the proposition of having to lodge a further proposition to remove Senator Vibert from the Committee. A vote of no confidence and a proposition to deal with Committee membership will inevitably take up to two days of this Assembly's time.

There is also now inevitably going to be a period of uncertainty. This period of uncertainty is something I am extremely worried about. Time is at a premium. There is an enormous agenda to deal with. The Committee has, this morning, launched the long awaited Waste Strategy which members will understand has itself a tight timetable. Public meetings are planned within the next two and three weeks. The Committee's other agenda of huge work is in train; the Transport Strategy; developing a Rural Economy; finalising the new property strategy; and preparing an amendment to the Planning Law.

On Monday, I completed a report to go to Committee next week to bring into force the new Planning Law at the beginning of next year with a replacement to the Planning and Appeals Commission and a proposal to bring in limited third party appeals at the beginning of 2006.

The Committee has work on the Parishes issues to deal with the Constables which I am confident it would find solutions for. It was finalising a memorandum of understanding with St. Helier on closer co-operation and further cost savings.

The Committee has an agenda of three years to complete in less than a year. Every week matters. This is quite apart from the day to day responsibilities of running the Planning, Public Services, Property and Environment Department. It is inevitable that this period of uncertainty will mean planning applicants will face delays in the determination of their applications irrespective of the fact that there is an option to deal with a vote of no confidence in another way. One application is the Island Site which is, as members will know, a long awaited issue.

I think the public of the Island deserve more than to see this Assembly spend two further days of bloodletting in fighting a vote of no confidence and if successful a proposition to remove Senator Vibert. I do have an alternative and that is to resign and stand again. In order to not only save this Assembly's time, but for the good order of government, I have decided to resign the Presidency and seek re-election of the current Committee without Senator Vibert. This Assembly needs a Committee that can deliver.

I will be guided by the Assembly; Standing Orders indicate that an Assembly may elect a new President and its Committee at its next meeting or before. I believe this decision is in the best interest of the Assembly and I am in the hands of members."

Environment and Public Services Committee – vacancy in Presidency

The Bailiff, in accordance with Article 28(3) of the States of Jersey Law 1966, as amended, gave notice that, following the resignation of Senator Philip Francis Cyril Ozouf, there was a vacancy in the office of President of the Environment and Public Services Committee.

Environment and Public Services Committee – appointment of President

THE STATES, adopting a proposition of Deputy Jeremy Laurence Dorey of St. Helier, agreed that the matter of fixing a date for the appointment of a President of the Environment and Public Services Committee be left over until 2.30 p.m. that day, following the lunch adjournment.

Members present voted as follows –

POUR: 28

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator E.P. Vibert
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Lawrence

Deputy of Trinity
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy J.A. Hilton (H)

CONTRE: 16

Senator S. Syvret
Senator P.V.F. Le Claire
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Mary
Connétable of St. Clement
Connétable of Grouville
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy T.J. Le Main (H)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisser
(S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Peter
Deputy G.W.J de Faye (H)

ABSTAIN: 0

Environment and Public Services Committee: vote of no confidence – P.160/2004 – withdrawn

THE STATES, following the resignation of the Environment and Public Services Committee, and in accordance with Standing Order 22(1), gave leave to the Deputy of St. Peter to withdraw his proposition regarding the Environment and Public Services Committee: vote of no confidence, (P.160/2004 lodged “au Greffe” on 14th September 2004).

Arrangement of public business for the next meeting on 28th September 2004

THE STATES, following the resignation of the Environment and Public Services Committee, confirmed that the following matters lodged “au Greffe”, being matters not presented by the Environment and Public Services Committee, would be considered at the next meeting on 28th September 2004 –

Health Insurance (Medical Benefit) (Amendment No. 59) (Jersey) Regulations 200- Lodged: 14th September 2004. <i>Employment and Social Security Committee.</i>	P.157/2004.
Le Marais, St. Clement- redevelopment of low rise Phase I. Lodged: 31st August 2004. <i>Housing Committee.</i>	P.145/2004.
Court and Case Costs: investigation. Lodged: 20th July 2004. <i>Deputy A. Breckon of St. Saviour.</i>	P.138/2004.
Channel Islands Lottery: allocation of profits. Lodged: 20th July 2004. <i>Economic Development Committee.</i>	P.136/2004.
Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning permit. Lodged: 20th April 2004. <i>Senator P.V.F. Le Claire.</i>	P.74/2004. <i>(re-issue)</i>
Fields 519, 520, 521, 524, 527 and 528, Trinity: Committee of Inquiry. Lodged: 14th September 2004. <i>Senator E.P. Vibert.</i>	P.156/2004.
Draft Fire Precautions (Designated Premises) (Amendment No. 2) (Jersey) Regulations 200- Lodged: 17th August 2004. <i>Home Affairs Committee.</i>	P.142/2004.
Assemblée Parlementaire de la Francophonie Executive Committee: membership. Lodged: 3rd August 2004. <i>Connétable of St. Ouen.</i>	P.140/2004.
Draft Extradition (Jersey) Law 2004 (Appointed Day) Act 200- Lodged: 14th September 2004. <i>Policy and Resources Committee.</i>	P.153/2004.
Draft Extradition (Designated Territories) (Jersey) Regulations 200- Lodged: 14th September 2004. <i>Policy and Resources Committee.</i>	P.154/2004.
Draft Postal Services (Jersey) Law 2004 (Appointed Day) Act 200- Lodged: 14th September 2004. <i>Economic Development Committee.</i>	P.159/2004.
Draft Mental Health (Amendment) (Jersey) Law 2004 (Appointed Day) Act 200- Lodged: 7th September 2004. <i>Health and Social Services Committee.</i>	P.148/2004.

Draft Act annulling the Island Planning (Designation of Sites of Special Interest) (No. 9) (Jersey) Order 2004 – P.109/2004
Comments

THE STATES commenced consideration of a proposition of Deputy Lyndon John Farnham of St. Saviour requesting them to adopt an Act annulling the Island Planning (Designation of Sites of Special Interest) (No. 9) (Jersey) Order 2004, and, after discussion and in accordance with their decision of 26th May 2004, regarding the closure of a debate, rejected a proposition of Senator Paul Vincent Francis Le Claire that the question be now put.

Members present voted as follows –

POUR: 18

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator R.J. Shenton
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. John

Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy of St. Ouen

CONTRE: 23

Senator S. Syvret
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator E.P. Vibert
Connétable of St. Martin
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

ABSTAIN: 1

Senator P.V.F. Le Claire

THE STATES, following further consideration, rejected the proposition of Deputy Lyndon John Farnham of St. Saviour requesting them to adopt an Act annulling the Island Planning (Designation of Sites of Special Interest) (No. 9) (Jersey) Order 2004.

Members present voted as follows –

POUR: 15

Senator L. Norman
Senator F.H. Walker
Senator P.V.F. Le Claire
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Brelade

CONTRE: 27

Senator S. Syvret
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Mary

ABSTAIN: 1

Deputy J.A. Bernstein (B)

Connétable of St. Clement
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy of St. John
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)

Connétable of St. Helier
Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains
(C)
Deputy P.N. Troy (B)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

The Connétable of St. Ouen and Deputy Patrick John Dennis Ryan of St. Helier declared an interest and withdrew from the Chamber prior to consideration of the proposition.

Representatives of Département de la Manche – welcome

The Bailiff, on behalf of all members, welcomed Monsieur Jacques Leprieur and a delegation from the Conseil Général de la Manche to the States.

Regulatory Reform – P.134/2004

THE STATES, adopting a proposition of the Policy and Resources Committee, agreed that States Committees should carry out a programme of regulatory audits of current and proposed legislation, to be co-ordinated by the Policy and Resources Committee, with a view to reducing the burden of legislation.

Members present voted as follows –

POUR: 38

CONTRE: 0

ABSTAIN: 0

Senator S. Syvret
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator E.P. Vibert
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary

Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains
(C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy G.W.J de Faye (H)

Environment and Public Services Committee – appointment of President

THE STATES, adopting a proposition of Senator Paul Vincent Francis Le Claire, agreed that the matter of the appointment of a President of the Environment and Public Services Committee be left over until its next meeting on 28th September 2004.

THE STATES rose at 4.20 p.m.

M.N. DE LA HAYE

Greffier of the States.