



**THE STATES assembled on Tuesday
17th May 2011, at 09.30 a.m. under
the Presidency of the Bailiff,
Michael Cameron St. John Birt Esquire.**

**His Excellency the Lieutenant Governor,
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,
was present.**

All members were present at roll call with the exception of –

Connétable Alan Simon Crowcroft of St. Helier – en défaut (défaut raised at 9.42 a.m.)
Deputy Anne Enid Pryke of Trinity – ill

Prayers read by the Greffier of the States

Liberation Day – thanks

The Bailiff, on behalf of all members, thanked those involved in the organisation of the recent Liberation Day celebrations.

Students from Les Quennevais – welcome

The Bailiff, on behalf of all members, welcomed Year 11 students from Les Quennevais School who were present in the public gallery.

Subordinate enactments tabled

The following enactments were tabled, namely –

Royal Court (Amendment No. 12) Rules 2011. <i>The Superior Number of the Royal Court.</i>	R&O.56/2011.
Magistrate's Court (Service of Summons) Rules 2011. <i>The Superior Number of the Royal Court.</i>	R&O.57/2011.
Community Provisions (Restrictive Measures – Côte d'Ivoire) (Amendment No. 2) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.58/2011.
Community Provisions (Restrictive Measures – North Korea) (Amendment No. 4) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.59/2011.

Cycle Tracks (Amendment No. 2) (Jersey) Order 2011. <i>Minister for Transport and Technical Services.</i>	R&O.61/2011.
Pedal Cycles (Amendment) (Jersey) Order 2011. <i>Minister for Transport and Technical Services.</i>	R&O.62/2011.
Gorey Fête (Jersey) Order 2011. <i>Minister for Transport and Technical Services.</i>	R&O.63/2011.
Community Provisions (Restrictive Measures – Syria) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.64/2011.

Documents presented or laid

Goods and Services Tax: exemption or zero-rating for foodstuffs, domestic energy and fuel (P.36/2011) – comments. Presented: 13th May 2011. <i>Minister for Treasury and Resources.</i>	P.36/2011. Com.
Goods and Services Tax: exemption or zero-rating for foodstuffs, domestic energy and fuel (P.36/2011) – comments. Presented: 16th May 2011. <i>Corporate Services Scrutiny Panel.</i>	P.36/2011. Com.(2)
Goods and Services Tax: exemption or zero-rating for foodstuffs, domestic energy and fuel (P.36/2011) – comments. Presented: 16th May 2011. <i>Council of Ministers.</i>	P.36/2011. Com.(3)
Parish Assemblies: information pack (P.60/2011) – comments. Presented: 16th May 2011. <i>Comité des Connétables.</i>	P.60/2011. Com.
Standing Orders: selection and appointment procedures (P.61/2011) – comments. Presented: 13th May 2011. <i>Privileges and Procedures Committee.</i>	P.61/2011. Com.
Standing Orders: selection and appointment procedures (P.61/2011) – comments. Presented: 16th May 2011. <i>Council of Ministers.</i>	P.61/2011. Com.(2)
States of Jersey Prison Service: H.M. Prison La Moye – Annual Report 2010. Presented: 6th May 2011. <i>Minister for Home Affairs.</i>	R.50/2011.
Land Transactions under Standing Order 168(3) – (a) La Marquanderie Hill, St. Brelade – proposed acquisition of section of pedestrian footpath; (b) La Grande Maison Cottages 1, 2 and 3, St. Catherine, St. Martin – acquisition of drainage rights across St. Agatha, Archirondel, and proposed disposal of strip of land adjoining St. Agatha; (c) Hue Street Car Parks Site, St. Helier – proposed sale. Presented: 6th May 2011. <i>Minister for Treasury and Resources.</i>	R.51/2011.

Fort Regent Political Steering Group: Interim Report. Presented: 11th May 2011. <i>Minister for Education, Sport and Culture.</i>	R.52/2011.
Tourism Development Fund: Annual Report 2010. Presented: 12th May 2011. <i>Minister for Economic Development.</i>	R.53/2011.
Electoral Commission: possible options. Presented: 13th May 2011. <i>Privileges and Procedures Committee.</i>	R.54/2011.
States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Planning and Environment regarding refusal of retrospective planning permission for the construction of a wall in the Countryside Zone. Presented: 16th May 2011. <i>Privileges and Procedures Committee.</i>	R.55/2011.
States of Jersey Complaints Panel: report for 2010. Presented: 17th May 2010. <i>Privileges and Procedures Committee.</i>	R.56/2011.
Review of Benefit Levels (S.R.3/2011): response of the Minister for Social Security. Presented: 13th May 2011. <i>Minister for Social Security</i>	S.R.3/2011. Res.
Review of Benefit Levels (S.R.3/2011): response of the Minister for Housing. Presented: 13th May 2011. <i>Minister for Housing.</i>	S.R.3/2011. Res.(2)
Notification of lodged propositions	
States of Jersey Development Company Limited: appointment of Chairman and Non-Executive Directors (P.32/2011) – amendment. Lodged: 17th May 2011. <i>Minister for Treasury and Resources.</i>	P.32/2011. Amd.
Island Plan 2011: approval (P.48/2011): sixth amendment (P.48/2011 Amd.(6)) – amendment. Lodged: 6th May 2011. <i>Deputy of St. Mary.</i>	P.48/2011. Amd.(6) Amd.
Island Plan 2011: approval (P.48/2011): eleventh amendment (P.48/2011 Amd.(11)) – amendment. Lodged: 10th May 2011. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.48/2011. Amd.(11) Amd.
Island Plan 2011: approval (P.48/2011): fourteenth amendment (P.48/2011 Amd.(14)) – amendment. Lodged: 10th May 2011. <i>Deputy of St. Mary.</i>	P.48/2011. Amd.(14) Amd.

Island Plan 2011: approval (P.48/2011): fifteenth amendment (P.48/2011 Amd.(15)) – amendment. Lodged: 10th May 2011. <i>Deputy K.C. Lewis of St. Saviour.</i>	P.48/2011. Amd.(15) Amd.
Island Plan 2011: approval (P.48/2011): nineteenth amendment (P.48/2011 Amd.(19)) – amendment. Lodged: 10th May 2011. <i>Deputy of St. Mary.</i>	P.48/2011. Amd.(19) Amd.
Island Plan 2011: approval (P.48/2011): thirtieth amendment (P.48/2011 Amd.(30)) – amendment. Lodged: 10th May 2011. <i>Deputy of St. Mary.</i>	P.48/2011. Amd.(30) Amd.
Island Plan 2011: approval (P.48/2011): thirty-seventh amendment (P.48/2011 Amd.(37)) – amendment. Lodged: 10th May 2011. <i>Deputy of St. Mary.</i>	P.48/2011. Amd.(37) Amd.
Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) – amendment. Lodged: 10th May 2011. <i>Deputy of St. Mary.</i>	P.48/2011. Amd.(38) Amd.
Salaries over £100,000: process for review and scrutiny (P.59/2011) – amendment. Lodged: 12th May 2011. <i>Deputy R.G. Le Hérissier of St. Saviour.</i>	P.59/2011. Amd.
Draft Social Security (Amendment No. 20) (Jersey) Law 201- (P.64/2011): amendment. Lodged: 6th May 2011. <i>Senator F. du H. Le Gresley.</i>	P.64/2011. Amd.
Pensions: survivor's benefit. Lodged: 10th May 2011. <i>Senator F. du H. Le Gresley.</i>	P.70/2011.
Draft Health Insurance (Medical Benefit) (Amendment No. 4) (Jersey) Regulations 201-. Lodged: 10th May 2011. <i>Minister for Social Security.</i>	P.71/2011.
Grant aided Schools: grants. Lodged: 11th May 2011. <i>Senator B.E. Shenton.</i>	P.72/2011.
North St. Helier Masterplan. Lodged: 11th May 2011. <i>Minister for Planning and Environment.</i>	P.73/2011
Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 11) (Jersey) Regulations 201-. Lodged: 12th May 2011. <i>States Employment Board.</i>	P.74/2011.

Roads and Pavements: legal liability in case of negligence. P.75/2011.
Lodged: 13th May 2011.
Deputy of St. Martin.

Machinery of Government: review. P.76/2011.
Lodged: 16th May 2011.
Council of Ministers.

Hand-held Devices in the States Chamber: trial. P.77/2011.
Lodged: 17th May 2011.
Privileges and Procedures Committee.

Composition of the States: further debates before the outcome of the Electoral Commission. P.78/2011.
Lodged: 17th May 2011.
Deputy T.M. Pitman of St. Helier.

Draft Income Tax (Amendment No. 38) (Jersey) Law 201-. P.79/2011.
Lodged: 17th May 2011.
Minister for Treasury and Resources.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

North of Town Masterplan (Revised). P.190/2010.
Lodged: 21st December 2010.
Minister for Planning and Environment.

Economic Affairs Scrutiny Panel – appointment of Chairman

In accordance with the provisions of Standing Order 120(1) the Deputy of Grouville was nominated by Senator Alan Breckon as the Chairman of the Economic Affairs Scrutiny Panel.

There being no other nominations, the Bailiff declared that the Deputy of Grouville was duly appointed as the Chairman of the Economic Affairs Scrutiny Panel.

Economic Affairs Scrutiny Panel – appointment of members

In accordance with the provisions of Standing Order 125(1) the Deputy of Grouville, Chairman of the Economic Affairs Scrutiny Panel, indicated that she wished to have a Panel of 4 members, including the chair, and nominated the following 2 elected members as members of the Panel –

The Deputy of St. Mary
Deputy Jeremy Martin Maçon of St. Saviour

There being no further nominations, the Bailiff declared the nominees duly elected.

Written Questions

(see Official Report/Hansard)

The Chief Minister tabled an answer to a question asked by Deputy A.E. Jeune of St. Brelade regarding the States Employment Board and the policy relating to vacant posts.

The Minister for Social Security tabled an answer to a question asked by the Deputy of St. John regarding senior citizens' long-term care.

The Minister for Planning and Environment tabled an answer to a question asked by Senator B.E. Shenton regarding planning applications.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. John regarding barriers at Bonne Nuit.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. John regarding the report on P.97/2010.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Mary regarding training for Ministers.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Mary regarding the co-operation of the former Chief Officer of the States of Jersey Police with the Napier Inquiry.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding the prediction of tidal surges.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding street works.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy D.J. de Sousa of St. Helier regarding an investigation into mental health services.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. John regarding hoists at the Harbour.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the residential status of senior officers.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding 1(1)(k) residents in Jersey.

H.M. Attorney General tabled an answer to a question asked by Senator F. du H. Le Gresley regarding gambling permits.

Oral Questions

(see Official Report/Hansard)

The following 2 oral questions were deferred from the meeting of 3rd May 2011, at the request of the Minister for Planning and Environment, and therefore were additional to the oral questions submitted for the present meeting –

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Planning and Environment regarding pre-application advice given in respect of removing Field 528, St. Saviour, from the Green Zone.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Planning and Environment regarding the establishment of a Coastal National Park.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Treasury and Resources regarding the £21 million departmental underspends.

The Deputy of St. Mary asked a question of the Chairman of the Public Accounts Committee regarding debates on the Public Accounts Committee's report on the 'Accounts of the States of Jersey for the year ended December 31st 2009' and their update report.

Senator S.C. Ferguson asked a question of the Minister for Planning and Environment regarding visits to listed Jersey houses to document the interiors.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Planning and Environment regarding damage by a developer to properties or the foundations of neighbours who had objected to the development.

Deputy J.A.N. Le Fondré of St. Lawrence asked a question of the Minister for Treasury and Resources regarding the administration costs of GST exemptions in respect of food and fuel.

Deputy K.C. Lewis of St. Saviour asked a question of the Assistant Minister for Treasury and Resources regarding the use of an area of the demolished former d'Hautrée school site to construct a new Good Companions centre.

Deputy S. Pitman of St. Helier asked a question of the Minister for Education, Sport and Culture regarding vandalism at Springfield Stadium.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the investigation and evidence-gathering by the States of Jersey Police in relation to a drugs case.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Minister for Planning and Environment regarding the publication of revised new standards for residential development.

Deputy A.E. Jeune of St. Brelade asked a question of the Minister for Home Affairs regarding domestic violence towards men in Jersey.

Deputy M. Tadier of St. Brelade asked a question of the Chairman of the Comité des Connétables regarding warrant cards.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Treasury and Resources regarding the establishment of a private sector rival to *Ship2me*.

The Deputy of St. Martin asked a question of the Chief Minister regarding the recommendations of the 'Review of the Roles of the Crown Officers'.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Chief Minister regarding the workings of the HAY Evaluation system.

The Deputy of St. Mary asked a question of the Minister for Treasury and Resources regarding tax harmonisation.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Economic Development regarding the introduction of a code of conduct for debt collection agencies.

Deputy G.P. Southern of St. Helier asked a question of the Assistant Minister for Health and Social Services regarding Valerie Band House.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Housing regarding maintenance issues at La Collette Flats.

Deputy A.E. Jeune of St. Brelade asked a question of the Assistant Minister for Health and Social Services regarding the Head of Nursing for Emergency and Unscheduled Care's contract.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Education, Sport and Culture answered questions without notice from members.

In accordance with Standing Order 64(8), the Assistant Minister for Health and Social Services answered questions without notice from members in the Minister's absence.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Chief Minister made a statement about racial intolerance in Jersey.

Esplanade Quarter: deferment of works P.24/2011

THE STATES commenced consideration of a proposition of the Deputy of St. John regarding the deferment of works associated with the Esplanade Quarter (P.24/2011) and rejected paragraph (a), that during the current period of ongoing economic recovery, the development of the Waterfront and Esplanade Quarter should be implemented in phases, in which each successive phase was managed in accordance with the requirements of the States of Jersey Development Company as set out in section 8 of the report accompanying the proposition entitled 'Property and Infrastructure Regeneration: the States of Jersey Development Company Limited' (P.73/2010 adopted by the States on 13th October 2010, as amended).

Members present voted as follows –

POUR: 23

Senator T.A. Le Sueur
 Senator P.F.C. Ozouf
 Senator F.E. Cohen
 Senator A. Breckon
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Peter
 Connétable of St. Lawrence

CONTRE: 27

Senator P.F. Routier
 Senator T.J. Le Main
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Martin

ABSTAIN: 0

Deputy R.C. Duhamel (S)	Connétable of St. Saviour
Deputy of St. Martin	Connétable of St. Clement
Deputy J.B. Fox (H)	Connétable of St. Mary
Deputy J.A. Martin (H)	Deputy R.G. Le Hérisssier (S)
Deputy of St. Ouen	Deputy G.P. Southern (H)
Deputy of Grouville	Deputy of St. Peter
Deputy K.C. Lewis (S)	Deputy J.A. Hilton (H)
Deputy I.J. Gorst (C)	Deputy P.V.F. Le Claire (H)
Deputy of St. John	Deputy S.S.P.A. Power (B)
Deputy M. Tadier (B)	Deputy S. Pitman (H)
Deputy A.T. Dupré (C)	Deputy A.E. Jeune (B)
Deputy E.J. Noel (L)	Deputy of St. Mary
Deputy A.K.F. Green (H)	Deputy T.M. Pitman (H)
	Deputy T.A. Vallois (S)
	Deputy M.R. Higgins (H)
	Deputy D.J. De Sousa (H)
	Deputy J.M. Maçon (S)

THE STATES rejected paragraph (b) of the proposition of the Deputy of St. John that the underground road agreed as part of the Esplanade Quarter Masterplan should not be constructed in any early phase of development and that any proposals for significant modification to La Route de la Libération should be brought to the States for approval before the commencement of such works, and to request the Chief Minister, in accordance with Article 22a of the Articles of Association of the Waterfront Enterprise Board Ltd., to give directions to this effect to the company (or to its successor company).

Members present voted as follows –

POUR: 20

Senator T.A. Le Sueur
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Brelade
 Connétable of St. John
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 30

Senator P.F. Routier
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)

ABSTAIN: 0

Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy M. Tadier (B)
Deputy A.E. Jeune (B)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)

**Goods and Services Tax: exemption or zero-rating for foodstuffs, domestic energy and fuel
P.36/2011**

THE STATES commenced consideration of a proposition of Senator Alan Breckon regarding the exemption or zero-rating for foodstuffs, domestic energy and fuel from Goods and Services Tax (P.36/2011).

Changes in Presidency

The Bailiff retired briefly from the Chamber during consideration of the proposition of Senator Alan Breckon entitled 'Goods and services tax: exemption or zero-rating for foodstuffs, domestic energy and fuel' (P.36/2011) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States, until his return.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 18th May 2011 to continue consideration of the proposition of Senator Alan Breckon entitled 'Goods and services tax: exemption or zero-rating for foodstuffs, domestic energy and fuel' (P.36/2011) and the outstanding items of public business.

THE STATES rose at 5.36 p.m.

M.N. DE LA HAYE

Greffier of the States