



**THE STATES assembled on Wednesday
28th September 2016, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
Timothy John Le Cocq, Esquire.**

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

Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.56 a.m.)
Senator Lyndon John Farnham – en défaut (défaut raised at 10.27 a.m.)
Senator Sir Philip Martin Bailhache – absent on States business
Deputy Louise Mary Catherine Doublet – ill

Prayers read by the Greffier of the States

Documents presented or laid

Tourism Development Fund: Annual Report 2015. R.100/2016.
Presented: 28th September 2016.
Minister for Economic Development, Tourism, Sport and Culture.

Office of the Comptroller and Auditor General – Annual Report and Accounts for the R.101/2016.
year ended 31 December 2015 and Annual Accounts for the year ended
31 December 2014.
Presented: 28th September 2016.
Comptroller and Auditor General.

Swiss Ambassador – welcome

The Presiding Officer, on behalf of all members, welcomed His Excellency Mr. Dominik Furgler, the Swiss Ambassador to the United Kingdom, who was present in the Bailiff's Gallery.

Draft Medium Term Financial Plan Addition for 2017 – 2019 P.68/2016

THE STATES resumed consideration of the proposition of the Council of Ministers entitled 'Draft Medium Term Financial Plan Addition for 2017 – 2019' (P.68/2016) and an amendment of Deputy Geoffrey Peter Southern of St. Helier (P.68/2016 Amd.) that: (1) after the words "in Summary Table B," there should be inserted the words "except that the net revenue expenditure of the Education Department shall be increased for 2018 and 2019 by £240,000 and £480,000 respectively by not pre-empting through a States' decision the proposed review of terms and conditions for teachers"; and (2) after the words "as set out in Summary Table C" there should be inserted the words "except that the total proposed central contingency allocation for 2018 be decreased by £240,000 and by £480,000 in 2019".

THE STATES rejected paragraph (1) of the amendment of Deputy Geoffrey Peter Southern of St. Helier (P.68/2016 Amd.) that after the words "in Summary Table B," there should be inserted the words "except that the net revenue expenditure of the Education Department shall be increased for 2018 and 2019 by £240,000 and £480,000 respectively by not pre-empting through a States' decision the proposed review of terms and conditions for teachers".

Members present voted as follows –

POUR: 17

Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of St. John
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Hilton (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy of St. John
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.Y. Mézec (H)
 Deputy R. Labey (H)
 Deputy S.M. Bree (C)
 Deputy T.A. McDonald (S)
 Deputy of St. Mary
 Deputy P.D. McLinton (S)

CONTRE: 27

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator A.K.F. Green
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of Grouville
 Connétable of Trinity
 Deputy of Grouville
 Deputy of Trinity
 Deputy E.J. Noel (L)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)
 Deputy of St. Ouen
 Deputy S.M. Wickenden (H)
 Deputy M.J. Norton (B)
 Deputy G.J. Truscott (B)

ABSTAIN: 2

Connétable of St. Saviour
 Deputy J.A.N. Le Fondré (L)

Senator Lyndon John Farnham, in accordance with the provisions of Standing Order 106(b), declared an interest not being of a direct financial nature and remained in the Chamber for the duration of the debate.

Following the rejection of paragraph (1) of the amendment of Deputy Geoffrey Peter Southern of St. Helier (P.68/2016 Amd.), the Deputy Bailiff informed the Assembly that paragraph (2) of the same amendment was deemed to have been withdrawn.

THE STATES commenced consideration of an amendment of Deputy John Alexander Nicholas Le Fondré of St. Lawrence (P.68/2016 Amd.(4)).

Arrangement of public business for the current meeting

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed that, when it resumed following the lunchtime adjournment, the Assembly would continue that day's meeting until 6.30 p.m.

Draft Medium Term Financial Plan Addition for 2017 – 2019 P.68/2016

THE STATES resumed consideration of the proposition of the Council of Ministers entitled 'Draft Medium Term Financial Plan Addition for 2017 – 2019' (P.68/2016) and, adopting an amendment of Deputy John Alexander Nicholas Le Fondré of St. Lawrence (P.68/2016 Amd.(4)), agreed that after the words "Summary Table B", there should be inserted the words "save that, in relation to the Education

Department's provision for user pays in Appendix 1 and Appendix 2, the introduction of Nursery Education Fund means-testing shall apply in respect of all providers of such education,".

Members present voted as follows –

POUR: 27

Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy J.M. Maçon (S)
 Deputy R.J. Rondel (H)
 Deputy of St. Ouen
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy S.M. Bree (C)
 Deputy M.J. Norton (B)
 Deputy T.A. McDonald (S)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)

CONTRE: 13

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator A.K.F. Green
 Connétable of St. Martin
 Deputy of Trinity
 Deputy E.J. Noel (L)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy S.Y. Mézec (H)

ABSTAIN: 4

Deputy G.P. Southern (H)
 Deputy M. Tadier (B)
 Deputy M.R. Higgins (H)
 Deputy P.D. McLinton (S)

THE STATES commenced consideration of an amendment of Senator Sarah Craig Ferguson (P.68/2016 Amd.(10)) that: (1) after the words "Summary Table B", there should be inserted the words –

“except that the revenue head of expenditure of the Department of the Environment shall be increased by £100,000 in 2017 to fund the production of a Long-Term Development Plan for St. Brelade's Bay, in accordance with decisions of the States on the sixth amendment to the Island Plan 2011: revised draft revision – approval (P.37/2014) presented by Deputy J.H. Young of St. Brelade on 16th July 2014 and the thirteenth amendment to the Island Plan 2011: approval (P.48/2011) presented by Deputy A.E. Jeune of St. Brelade on 22nd June 2011, and the subsequent inclusion of reference to that plan in the Island Plan (as amended), as recommended in the report of the 2011 Island Plan Interim Review, published July 2014, and on the basis of the funding agreed by the Council of Ministers arising from the second amendment to the Medium Term Financial Plan 2013 – 2015 (P.69/2012) presented by Deputy J.H. Young of St. Brelade on 6th November 2012, and the revenue head of expenditure of the Department of Economic Development, Tourism, Sport and Culture shall be reduced by £50,000 in 2017”;

and (2) after the words "Summary Table C" there should be inserted the words –

“except that the total proposed central contingency allocation for 2017 be decreased by £50,000”.

THE STATES rejected paragraph (1) of an amendment of Senator Sarah Craig Ferguson (P.68/2016 Amd.(10)) that after the words “Summary Table B”, there should be inserted the words –

“except that the revenue head of expenditure of the Department of the Environment shall be increased by £100,000 in 2017 to fund the production of a Long-Term Development Plan for St. Brelade’s Bay, in accordance with decisions of the States on the sixth amendment to the Island Plan 2011: revised draft revision – approval (P.37/2014) presented by Deputy J.H. Young of St. Brelade on 16th July 2014 and the thirteenth amendment to the Island Plan 2011: approval (P.48/2011) presented by Deputy A.E. Jeune of St. Brelade on 22nd June 2011, and the subsequent inclusion of reference to that plan in the Island Plan (as amended), as recommended in the report of the 2011 Island Plan Interim Review, published July 2014, and on the basis of the funding agreed by the Council of Ministers arising from the second amendment to the Medium Term Financial Plan 2013 – 2015 (P.69/2012) presented by Deputy J.H. Young of St. Brelade on 6th November 2012, and the revenue head of expenditure of the Department of Economic Development, Tourism, Sport and Culture shall be reduced by £50,000 in 2017”.

Members present voted as follows –

POUR: 13

Senator S.C. Ferguson
 Connétable of St. Saviour
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.Y. Mézec (H)
 Deputy R. Labey (H)
 Deputy T.A. McDonald (S)

CONTRE: 31

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator A.K.F. Green
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Deputy G.P. Southern (H)
 Deputy of Trinity
 Deputy E.J. Noel (L)
 Deputy of St. John
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy of St. Ouen
 Deputy S.M. Wickenden (H)
 Deputy S.M. Bree (C)
 Deputy M.J. Norton (B)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)
 Deputy P.D. McLinton (S)

ABSTAIN: 0

Following the rejection of paragraph (1) of the amendment of Senator Sarah Craig Ferguson (P.68/2016 Amd.(10)), the Deputy Bailiff informed the Assembly that paragraph (2) of the same amendment was deemed to have been withdrawn.

THE STATES commenced consideration of an amendment of Deputy Kevin Charles Lewis of St. Saviour (P.68/2016 Amd.(11)) and, adopting an amendment to that amendment by the same proposer, agreed that in paragraph (1) the words “all properties previously affected by pollution from the Airport Fire Training Ground (except for those where a legally-binding agreement is entered into with the States of Jersey or the Ports of Jersey in relation to water supply following such pollution) shall continue until such time as water from all the boreholes and wells supplying such properties have been declared (on an individual basis) safe”, should be deleted and the following words should be inserted –

“the properties previously affected by pollution from the Airport Fire Training Ground (except for those where a legally-binding agreement is entered into with the States of Jersey or the Ports of Jersey in relation to water supply following such pollution) shall continue for each of them until such time as water from the boreholes and wells supplying each such property has been declared safe”.

THE STATES resumed consideration of an amendment of Deputy Kevin Charles Lewis of St. Saviour (P.68/2016 Amd.(11)) (as amended): (1) to agree in principle that the payment of recurring water charges (“water rates”) or the cost of supplying drinking water, as appropriate, attributable to the properties previously affected by pollution from the Airport Fire Training Ground (except for those where a legally-binding agreement is entered into with the States of Jersey or the Ports of Jersey in relation to water supply following such pollution) should continue for each of them until such time as water from the boreholes and wells supplying each such property had been declared safe for drinking purposes in respect of such pollution (that declaration to be made by the Minister for Health and Social Services in accordance with the Appendix to the report accompanying this amendment), and in consequence thereof, after the words “as set out in Summary Table B,” there should be inserted the words –

“except that the net revenue expenditure of the Department for Infrastructure shall be increased each year by an amount to be calculated by the Treasury and Resources Department sufficient to cover the payments in relation to such water supply”; and

(2) after the words “as set out in Summary Table C”, there should be inserted the words –

“except that the total proposed central contingency allocation shall be decreased each year by an amount to be calculated by the Treasury and Resources Department to cover the amounts identified in paragraph (1) above”; and

(3) after paragraph (d) there should be inserted a new paragraph as follows –

“(e) to request the Minister for Treasury and Resources to seek to increase the dividend payments from Ports of Jersey by an amount sufficient to cover the payments in relation to water supply set out in paragraph (a)(i).”.

THE STATES rejected paragraph (1) of an amendment of Deputy Kevin Charles Lewis of St. Saviour (P.68/2016 Amd.(11)) (as amended) to agree in principle that the payment of recurring water charges (“water rates”) or the cost of supplying drinking water, as appropriate, attributable to the properties previously affected by pollution from the Airport Fire Training Ground (except for those where a legally-binding agreement is entered into with the States of Jersey or the Ports of Jersey in relation to water supply following such pollution) should continue for each of them until such time as water from the boreholes and wells supplying each such property had been declared safe for drinking purposes in respect of such pollution (that declaration to be made by the Minister for Health and Social Services in accordance with the Appendix to the report accompanying this amendment), and in consequence thereof, after the words “as set out in Summary Table B,” there should be inserted the words –

“except that the net revenue expenditure of the Department for Infrastructure shall be increased each year by an amount to be calculated by the Treasury and Resources Department sufficient to cover the payments in relation to such water supply”.

Members present voted as follows –

POUR: 19

Senator S.C. Ferguson
 Connétable of St. Saviour
 Connétable of St. John
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy of St. John
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.Y. Mézec (H)
 Deputy A.D. Lewis (H)
 Deputy of St. Ouen
 Deputy R. Labey (H)
 Deputy S.M. Bree (C)
 Deputy T.A. McDonald (S)
 Deputy G.J. Truscott (B)

CONTRE: 26

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator A.K.F. Green
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of Grouville
 Connétable of Trinity
 Deputy of Grouville
 Deputy of Trinity
 Deputy E.J. Noel (L)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy S.M. Wickenden (H)
 Deputy M.J. Norton (B)
 Deputy of St. Mary
 Deputy P.D. McLinton (S)

ABSTAIN: 0

The Connétable of St. Peter and Deputy John Alexander Nicholas Le Fondré of St. Lawrence, in accordance with the provisions of Standing Order 106(b), declared an interest not being of a direct financial nature and remained in the Chamber for the duration of the debate of the amendment of Deputy Kevin Charles Lewis of St. Saviour (P.68/2016 Amd.(11)) (as amended). The Connétable of St. Brelade, in accordance with the provisions of Standing Order 106(a), declared an interest and withdrew from the Chamber for the duration of the debate of the amendment of Deputy Kevin Charles Lewis of St. Saviour (P.68/2016 Amd.(11)) (as amended).

Following the rejection of paragraph (1) of the amendment of Deputy Kevin Charles Lewis of St. Saviour (P.68/2016 Amd.(11)) (as amended), the Deputy Bailiff informed the Assembly that paragraphs (2) and (3) of the same amendment were deemed to have been withdrawn.

Changes in Presidency

The Deputy Bailiff retired from the Chair prior to the consideration of the amendment of Deputy Kevin Charles Lewis of St. Saviour (P.68/2016 Amd.(11)) (as amended), and the meeting continued under the Presidency of Dr. Mark Egan, Greffier of the States, until the vote on the amendment had been concluded, at which point the Deputy Bailiff returned to the Chair.

Draft Medium Term Financial Plan Addition for 2017 – 2019 P.68/2016

THE STATES resumed consideration of the proposition of the Council of Ministers entitled ‘Draft Medium Term Financial Plan Addition for 2017 – 2019’ (P.68/2016) and commenced consideration of an amendment of Deputy Geoffrey Peter Southern of St. Helier (P.68/2016 Amd.(3)) that –

- (1) after the words “Summary Table B”, there should be inserted the words “except that the Social Security Department’s proposed net revenue expenditure shall be reduced by £8.3 million in 2018 and £16.8 million in 2019 in respect of a reduction in the level of the States Grant to the Social Security Fund”;
- (2) after the words “Summary Table C”, there should be inserted the words “except that Central Allocation – Pay, PECRS and Workforce Modernisation shall be increased by £800,000 in 2018 and £1.8 million in 2019” in respect of increased States employer contributions; and
- (3) paragraph (c) should be replaced with the following –
 - “(c) to approve in principle the increase in the social security employer’s contributions (including class 2 contributions) between the standard earnings limit and the upper earnings limit by 2% in 2018 and a further 2.5% in 2019 to raise a total of £7.8 million in 2018 and £18.0 million in 2019, with the necessary proposition to be brought forward by the Minister for Social Security so that it can be debated by the States Assembly in time for the increases to be implemented;”.

Adjournment

THE STATES adjourned, having agreed to reconvene on Thursday 29th September 2016 to continue consideration of the proposition of the Council of Ministers entitled ‘Draft Medium Term Financial Plan Addition for 2017 – 2019’ (P.68/2016) and associated amendments, and the outstanding items of public business.

THE STATES rose at 6.31 p.m.

DR. M. EGAN

Greffier of the States