



**THE STATES assembled on Wednesday
3rd November 2010, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
William James Bailhache, Esquire.**

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

Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 12.21 p.m.)
Senator Sarah Craig Ferguson – en défaut
Connétable John Le Sueur Gallichan of Trinity – excused attendance (arrived in the Chamber at 11.05 a.m.)
Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.46 a.m.)
Deputy John Alexander Nicholas Le Fondré of St. Lawrence – en défaut
Deputy Tracey Anne Vallois of St. Saviour – en défaut
Deputy Deborah Jane De Sousa of St. Helier – ill

Prayers

Notification of lodged propositions

North of Town Masterplan (Revised) (P.103/2010): fourth amendment. Lodged: 3rd November 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.103/2010. Amd.(4).
Sustainable Transport Policy (P.104/2010): amendment. Lodged: 3rd November 2010. <i>Deputy of St. Mary.</i>	P.104/2010. Amd.

Draft Health Insurance Fund (Miscellaneous Provisions) (Jersey) Law 201- P.125/2010

THE STATES resumed consideration of the Draft Health Insurance Fund (Miscellaneous Provisions) (Jersey) Law 201- and rejected a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier that, in accordance with Standing Order 79(1), the matter should be referred to the Health, Social Security and Housing Scrutiny Panel.

Members present voted as follows –

POUR: 2

Deputy R.C. Duhamel (S)
Deputy P.V.F. Le Claire (H)

CONTRE: 45

Senator T.A. Le Sueur
Senator P.F. Routier
Senator T.J. Le Main
Senator B.E. Shenton
Senator F.E. Cohen
Senator J.L. Perchard
Senator A. Breckon
Senator A.J.H. Maclean
Senator B.I. Le Marquand

ABSTAIN: 0

Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

THE STATES resumed consideration of the principles of the Draft Health Insurance Fund (Miscellaneous Provisions) (Jersey) Law 201- and adopted a proposition of Deputy Edward James Noel of St. Lawrence to raise the défaut on Senator Philip Francis Cyril Ozouf.

Members present voted as follows –

POUR: 43

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A. Breckon
 Senator A.J.H. Maclean

CONTRE: 3

Senator T.J. Le Main
 Deputy G.P. Southern (H)
 Deputy of St. John

ABSTAIN: 0

Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

THE STATES resumed consideration of the Draft Health Insurance Fund (Miscellaneous Provisions) (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

POUR: 36

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand

CONTRE: 10

Senator T.J. Le Main
 Senator A. Breckon
 Connétable of St. John
 Connétable of St. Clement
 Deputy R.C. Duhamel (S)
 Deputy G.P. Southern (H)
 Deputy of St. John
 Deputy A.E. Jeune (B)

ABSTAIN: 1

Connétable of St. Lawrence

Senator F. du H. Le Gresley	Deputy T.M. Pitman (H)
Connétable of St. Helier	Deputy J.M. Maçon (S)
Connétable of Trinity	
Connétable of Grouville	
Connétable of St. Brelade	
Connétable of St. Martin	
Connétable of St. Saviour	
Connétable of St. Peter	
Deputy of St. Martin	
Deputy R.G. Le Hérissier (S)	
Deputy J.B. Fox (H)	
Deputy J.A. Martin (H)	
Deputy of St. Ouen	
Deputy of Grouville	
Deputy of St. Peter	
Deputy J.A. Hilton (H)	
Deputy P.V.F. Le Claire (H)	
Deputy of Trinity	
Deputy S.S.P.A. Power (B)	
Deputy S. Pitman (H)	
Deputy K.C. Lewis (S)	
Deputy I.J. Gorst (C)	
Deputy M. Tadier (B)	
Deputy of St. Mary	
Deputy A.T. Dupré (C)	
Deputy E.J. Noel (L)	
Deputy M.R. Higgins (H)	
Deputy A.K.F. Green (H)	

THE STATES, having been informed that the relevant Scrutiny Panel had indicated that it might wish to scrutinise the draft legislation, agreed that the continuation of the Second Reading of the Draft Health Insurance Fund (Miscellaneous Provisions) (Jersey) Law 201- should be deferred and the Chairman would confirm to the Assembly at the next meeting whether his Panel did wish to scrutinise it so that the Assembly could fix a date for the consideration of the Second Reading.

Reg's Skips Limited – Planning Applications (R.118/2010): compensation and further action P.130/2010

THE STATES commenced consideration of a proposition of Senator Ben Edward Shenton concerning the provision of compensation to the proprietors of Reg's Skips Limited (Reg's Skips Limited – Planning Applications (R.118/2010): compensation and further action P.130/2010) and, adopting an amendment by the Minister for Planning and Environment to paragraphs (a) and (b) of that proposition, agreed that after the words "to approve" there should be inserted the words ", and therefore provide the legal authority for,".

Members present voted as follows –

POUR: 32

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
Senator P.F.C. Ozouf

Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A. Breckon
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy A.T. Dupré (C)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

THE STATES rejected an amendment by the Deputy of St. John to paragraph (a) of the proposition that for the sum “£157,000.00” there should be substituted the sum “£249,000”.

Members present voted as follows –

POUR: 21

Senator T.J. Le Main
 Senator B.E. Shenton
 Senator A. Breckon
 Connétable of St. John
 Connétable of St. Lawrence
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)

CONTRE: 24

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary

ABSTAIN: 1

Senator F. du H. Le Gresley

Deputy K.C. Lewis (S)	Deputy R.C. Duhamel (S)
Deputy of St. John	Deputy J.B. Fox (H)
Deputy M. Tadier (B)	Deputy of St. Peter
Deputy of St. Mary	Deputy of Trinity
Deputy T.M. Pitman (H)	Deputy S.S.P.A. Power (B)
Deputy M.R. Higgins (H)	Deputy I.J. Gorst (C)
Deputy A.K.F. Green (H)	Deputy A.E. Jeune (B)
	Deputy A.T. Dupré (C)
	Deputy E.J. Noel (L)
	Deputy J.M. Maçon (S)

THE STATES, adopting an amendment by Senator Francis du Heaume Le Gresley to paragraph (a) of the proposition, agreed that for the words “to Mr and Mrs R. Pinel, (the proprietors of RSL), as compensation for costs incurred as set out in R.118/2010;” there should be substituted the words “to Reg’s Skips Limited being reimbursement of legal fees and other costs incurred until 25th February 2008, as set out in R.118/2010 and a further *ex gratia* payment of £50,000 to Mr and Mrs R. Pinel, the directors and beneficial owners of Reg’s Skips Limited, as compensation for pain and suffering caused by the failings in the processes and actions of the Planning and Environment Department over a 4 year period from 2004 to 2008”.

Members present voted as follows –

POUR: 40

Senator P.F. Routier
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)

CONTRE: 6

Senator P.F.C. Ozouf
 Senator J.L. Perchard
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Clement
 Deputy A.E. Jeune (B)

ABSTAIN: 1

Senator T.A. Le Sueur

Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

THE STATES resumed consideration of the proposition of Senator Ben Edward Shenton concerning the provision of compensation to the proprietors of Reg's Skips Limited (Reg's Skips Limited – Planning Applications (R.118/2010): compensation and further action – P.130/2010), as amended.

THE STATES, adopting paragraphs (a) (b) and (c) of the proposition of Senator Ben Edward Shenton, as amended, agreed –

- (a) to approve and therefore provide the legal authority for the making of an *ex gratia* payment of £157,000.00 to Reg's Skips Limited being reimbursement of legal fees and other costs incurred until 25th February 2008, as set out in R.118/2010 and a further *ex gratia* payment of £50,000 to Mr and Mrs R. Pinel, the directors and beneficial owners of Reg's Skips Limited, as compensation for pain and suffering caused by the failings in the processes and actions of the Planning and Environment Department over a 4 year period from 2004 to 2008;
- (b) to approve and therefore provide the legal authority for the making of an *ex gratia* payment of £3,347.00 to Mr C. Taylor (owner of Heatherbrae Farm, St. John), as compensation for costs incurred as set out in R.118/2010;
- (c) to request the Chief Minister, in consultation with the Minister for Treasury and Resources, to identify funds to meet the cost of the payments in (a) and (b) above;

Members present voted as follows –

POUR: 48

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of St. Helier

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

THE STATES, adopting paragraph (d) of the proposition of Senator Ben Edward Shenton, as amended, agreed –

- (d) to request the Minister for Planning and Environment to make provision in the new Island Plan to enable and encourage the sorting and recycling of inert waste on private land, in respect of both existing businesses and new entrants to the market;

Members present voted as follows –

POUR: 44

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton

CONTRE: 3

Connétable of St. Brelade
 Deputy S.S.P.A. Power (B)
 Deputy J.M. Maçon (S)

ABSTAIN: 1

Deputy of St. Mary

Senator F.E. Cohen
Senator J.L. Perchard
Senator A. Breckon
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Connétable of St. Ouen
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Connétable of St. John
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 of St. Martin
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy of Trinity
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. John
Deputy M. Tadier (B)
Deputy A.E. Jeune (B)
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)

THE STATES, adopting paragraph (e) of the proposition of Senator Ben Edward Shenton, as amended, agreed –

- (e) to request the Chief Minister to request the States Employment Board to investigate the poor actions of employees in the Planning Department as highlighted in R.118/2010 and take the necessary action, as appropriate.

Members present voted as follows –

POUR: 33

Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

CONTRE: 14

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of St. Saviour
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)

ABSTAIN: 1

Connétable of St. Lawrence

Minister for Planning and Environment: powers P.132/2010

THE STATES commenced consideration of a proposition of Deputy Roy George Le Hérissier of St. Saviour –

- (a) to request the Privileges and Procedures Committee, in consultation with the Minister for Planning and Environment, to examine the Minister's current powers with regard to planning applications so as to establish whether the extent of powers vested in that one individual should be reduced; and
- (b) to request the Privileges and Procedures Committee to report to the States with recommendations by 1st June 2011.

Adjournment

THE STATES adjourned, having agreed to reconvene on Thursday 4th November 2010, to continue its consideration of the proposition of Deputy Roy George Le Hérisier of St. Saviour entitled 'Minister for Planning and Environment: powers' (P.132/2010) and the outstanding items of public business.

THE STATES rose at 5.29 p.m.

L-M. HART

Assistant Greffier of the States