

**THE STATES assembled on Tuesday  
27th September 2005, at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,  
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,  
was present.**

All members were present with the exception of –

Senator Richard Joseph Shenton – ill  
John Baudains Germain, Connétable of St. Martin– out of the Island  
Daniel Joseph Murphy, Connétable Grouville – out of the Island  
Peter Nicholas Troy, Deputy of St. Brelade– ill  
Celia Joyce Scott Warren, Deputy of St. Saviour– ill.

Prayers read by the Acting Dean of Jersey.

**Welcome to Dr. Rosemary Geller, Medical Officer of Health**

The Bailiff, on behalf of all members, welcomed to the States Dr. Rosemary Geller, recently appointed Medical Officer of Health, Health and Social Services Department.

**Subordinate legislation tabled**

The following enactments were laid before the States, namely –

Hospital Charges (Long-Stay Patients) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 99/2005.
Post Office (Foreign Parcel Post Provisions) (Jersey) Order 2005. <i>Committee for Postal Administration.</i>	R&O 100/2005.
Post Office (Foreign Post Provisions) (Amendment) (Jersey) Order 2005. <i>Committee for Postal Administration.</i>	R&O 101/2005.
Post Office (General Provisions) (Amendment No. 58) (Jersey) Order 2005. <i>Committee for Postal Administration.</i>	R&O 102/2005.
Post Office (General Provisions) (Amendment No. 59) (Jersey) Order 2005. <i>Committee for Postal Administration.</i>	R&O 103/2005.
Post Office (General Provisions) (Amendment No. 60) (Jersey) Order 2005. <i>Committee for Postal Administration.</i>	R&O 104/2005.

**Matters presented**

The following matters were presented to the States –

<b>Public Sector Manpower Report: June 2005.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>R.C.76/2005.</b>
<b>Speeding fines: allocation of funds to Parishes (P.156/2005) – comments.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>P.156/2005.</b> <b>Com.</b>
<b>Speeding fines: allocation of funds to Parishes (P.156/2005) – comments.</b> <i>Home Affairs Committee.</i>	<b>P.156/2005.</b> <b>Com.(2)</b>
<b>St. Helier Waterfront Development: height of buildings (P.158/2005)– comments.</b> <i>Presented by the Environment and Public Services Committee.</i>	<b>P.158/2005.</b> <b>Com.(2)</b>
<b>Goods and Services Tax: exempt or zero rated items (P.165/2005) – comments.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>P.165/2005.</b> <b>Com.</b>
<b>Development of Fostering and Adoption Services in Jersey (P.166/2005): comments.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>P.166/2005.</b> <b>Com.</b>
<b>Millennium Town Park: establishment of a Trust (P.169/2005) – comments.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>P.169/2005.</b> <b>Com.</b>
<b>Millennium Town Park: establishment of a Trust (P.169/2005) – comments.</b> <i>Presented by the Policy and Resources Committee.</i>	<b>P.169/2005.</b> <b>Com.(2)</b>
<b>Millennium Town Park: establishment of a Trust (P.169/2005) – comments.</b> <i>Presented by the Environment and Public Services Committee.</i>	<b>P.169/2005.</b> <b>Com.(3)</b>
<b>Draft Rates (Jersey) Law 200- (P.170/2005): comments.</b> <i>Presented by the Connétable of St. Martin.</i>	<b>P.170/2005.</b> <b>Com.(2)</b>
<b>Strategic Travel and Transport Plan (P.174/2005): comments.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>P.174/2005.</b> <b>Com.</b>
<b>Strategic Travel and Transport Plan (P.174/2005): amendment (P.174/2005 Amd.) – comments.</b> <i>Presented by the Environment and Public Services Committee.</i>	<b>P.174/2005.</b> <b>Amd.Com.</b>
<b>Strategic Travel and Transport Plan (P.174/2005): second amendment (P.174/2005 Amd.(2))– comments.</b> <i>Presented by the Environment and Public Services Committee.</i>	<b>P.174/2005.</b> <b>Amd.(2)Com.</b>
<b>Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 10) (Jersey) Regulations 200 (P.189/2005): comments.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>P.189/2005.</b> <b>Com.</b>
<b>Draft Public Employees (Retirement) (Additional Contributions – Amendments) (Jersey) Regulations 200- (P.190/2005): comments.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>P.190/2005.</b> <b>Com.</b>
<b>La Récolte des Fruits, St. Martin: removal of agricultural occupancy restriction (P.191/2005) – comments.</b> <i>Presented by the Environment and Public Services Committee.</i>	<b>P.191/2005.</b> <b>Com.</b>
<b>Draft States of Jersey (Amendment No. 4) Law 200 (P.193/2005): comments.</b>	<b>P.193/2005.</b>

THE STATES ordered that the said reports be printed and distributed.

**Matters noted – land transactions**

THE STATES noted an Act of the Finance and Economics Committee dated 22nd September 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Environment and Public Services Committee, the assignment to Mr. Stepher Thompson of the lease of premises at Nos. 19-24 Central Market, St. Helier (presently occupied by Mr. Ivan Wanless– trading as Ireson R.G.), with no change of use and on the same terms as the existing lease, with effect from the signing of the relevant documentation; and,
- (b) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Anthony Hugh Knight and Mrs. Patricia Carolyn Knight, née Frost, owners of La Pierre des Tra Milles, Le Grand Route de St. Martin, St. Saviour, to confirm that the 2 houses which had be constructed in the rear garden of La Pierre des Trais Milles in the 1980s might continue to partly drair through the rear garden to the Maufant Village Housing Estate, on the basis that Mr. and Mrs. Knigh would pay the public £1,000 for the grant of the drainage right and also that they would be responsible for both parties’ legal costs arising from the transaction.

**Matters noted – acceptance of tender**

THE STATES noted an Act of the Finance and Economics Committee dated 11th August 2005, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Health and Social Services Committee had completed a tendering exercise in respect of the Day Surgery Unit/A&E Extension Phase 1, and had agreed to accept the lowest alternative tender for the work, namely tha submitted by Camerons Limited for a sum of £5,206,002.00 in a contract period of 89 weeks.

**Matters lodged**

The following matters were lodged “au Greffe” –

<b>Draft Public Finances (Consequential Amendments) (Jersey) Regulations 200-.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>P.203/2005.</b>
<b>Greville Bathe Fund: appointment of trustees.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>P.204/2005.</b>
<b>Draft Postal Services (Jersey) Law 2004 (Appointed Day) (No. 2) Act 200-.</b> <i>Presented by the Economic Development Committee.</i>	<b>P.205/2005.</b>
<b>Draft Water Resources (Jersey) Law 200-.</b> <i>Presented by the Environment and Public Services Committee.</i>	<b>P.206/2005.</b>
<b>Public Finances (Jersey) Law 2005 (Appointed Day No. 2) Act 200.</b> <i>Presented by the Finance and Economics Committee.</i>	<b>P.207/2005.</b>
<b>Draft Public Finances (Transitional Provisions No. 1) (Jersey)</b>	<b>P.208/2005.</b>

**Regulations 200-**  
*Presented by the Finance and Economics Committee.*

**Draft Public Finances (Transitional Provisions No. 2) (Jersey) Regulations 200-** P.209/2005.  
*Presented by the Finance and Economics Committee.*

**Draft Public Finances (Transitional Provisions – States Trading Operations) (Jersey) Regulations 200-** P.210/2005.  
*Presented by the Finance and Economics Committee.*

**Housing Trading Organisation: establishment.** P.211/2005.  
*Presented by the Housing Committee.*

### **Arrangement of public business for the present meeting**

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that the following matter be not considered at the present meeting –

**Strategic Travel and Transport Plan.** P.174/2005.  
**Lodged: 30th August 2005.**  
*Environment and Public Services Committee.*

**Strategic Travel and Transport Plan (P.174/2005): comments.** P.174/2005.  
**Presented: 27th September 2005.** Com.  
*Finance and Economics Committee.*

**Strategic Travel and Transport Plan (P.174/2005): amendment.** P.174/2005.  
**Lodged: 13th September 2005.** Amd.  
*Deputy R.G. Le Hérissier of St. Saviour.*

**Strategic Travel and Transport Plan (P.174/2005): amendment (P.174/2005 Amd.) – comments.** P.174/2005.  
**Presented: 27th September 2005.** Amd.Com.  
*Environment and Public Services Committee.*

**Strategic Travel and Transport Plan (P.174/2005): second amendment.** P.174/2005.  
**Lodged: 20th September 2005.** Amd.(2)  
*Deputy M.F. Dubras of St. Lawrence.*

**Strategic Travel and Transport Plan (P.174/2005): second amendment (P.174/2005 Amd.(2))– comments.** P.174/2005.  
**Presented: 27th September 2005.** Amd.(2)Com.  
*Environment and Public Services Committee.*

Members present voted as follows –

POUR: 12

CONTRE: 34

ABSTAIN: 0

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator L. Norman  
Senator P.V.F. Le Claire  
Connétable of St. Peter  
Deputy R.C. Duhamel (S)

Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf

Deputy of St. Martin  
Deputy of St. John  
Deputy G.C.L. Baudains  
(C)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of St. Peter

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 Trinity  
Connétable of  
St. Lawrence  
Connétable of St. John  
Deputy of Trinity  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy F.G. Voisin (L)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérissier  
(S)  
Deputy J.B. Fox (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

THE STATES granted leave to the Deputy of St. Martin to defer consideration of the following matter set down for consideration at the present meeting to a later date –

**Speeding fines: allocation of funds to Parishes.** P.156/2005.  
**Lodged: 20th July 2005.**  
*Deputy of St. Martin.*

**Speeding fines: allocation of funds to Parishes (P.156/2005) – comments.** P.156/2005.  
**Presented: 27th September 2005.** Com.  
*Finance and Economics Committee.*

**Speeding fines: allocation of funds to Parishes (P.156/2005) – comments.** P.156/2005.  
**Presented: 27th September 2005.** Com.(2)  
*Home Affairs Committee.*

#### **Arrangement of public business for the next meeting on 25th October 2005**

THE STATES rejected a proposition of the Deputy of St. Martin that the following matter be not considered at the next meeting on 25th October 2005 –

**Draft Water Resources (Jersey) Law 200-.** P.206/2005.  
**Lodged: 27th September 2005.**  
*Environment and Public Services Committee.*

Members present voted as follows –

POUR: 21

CONTRE: 24

ABSTAIN: 0

Senator J.A. Le Maistre  
Senator F.H. Walker  
Senator P.V.F. Le Claire  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of Trinity  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)

Deputy of St. Martin  
Deputy of St. John  
Deputy G.C.L. Baudains  
(C)  
Deputy L.J. Farnham (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)

Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of St. Peter  
Deputy J.A. Hilton (H)

Senator S. Syvret  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of  
St. Lawrence  
Deputy of Trinity

Deputy J.J. Huet (H)  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy F.G. Voisin (L)  
Deputy R.G. Le Hérissier  
(S)  
Deputy J.B. Fox (H)  
Deputy J.A. Bernstein (B)  
Deputy of St. Mary  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy G.W.J. de Faye (H)

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 25th October 2005 –

**Scrutiny Panels: rescindment of decisions.** P.136/2005.  
Lodged: 28th June 2005.  
*Deputy G.C.L. Baudains of St. Clement.*

**Draft Terrorism (Amendment) (Jersey) Law 200-.** P.160/2005.  
Lodged: 9th August 2005.  
*Home Affairs Committee.*

**Driver and Vehicle Standards: proposed transfer to transport and technical services.** P.194/2005.  
Lodged: 6th September 2005.  
*Policy and Resources Committee.*

**Draft Corruption (Jersey) Law 200-.** P.198/2005.  
Lodged: 20th September 2005.  
*Home Affairs Committee.*

**Meetings of the States in 2006.** P.199/2005.  
Lodged: 20th September 2005.  
*Privileges and Procedures Committee.*

<b>Meetings of the States in 2006 (P.199/2005): amendment.</b> <b>Lodged: 20th September 2005.</b> <i>Deputy of St. Martin.</i>	<b>P.199/2005.</b> <b>Amd.</b>
<b>Jersey Police Complaints Authority: appointment of member.</b> <b>Lodged: 20th September 2005.</b> <i>Home Affairs Committee.</i>	<b>P.200/2005.</b> <i>(re-issue)</i>
<b>Criminal Justice Policy.</b> <b>Lodged: 20th September 2005.</b> <i>Home Affairs Committee.</i>	<b>P.201/2005.</b>
<b>Draft Public Finances (Consequential Amendments) (Jersey) Regulations 200-</b> <b>.</b> <b>Lodged: 27th September 2005.</b> <i>Finance and Economics Committee.</i>	<b>P.203/2005.</b>
<b>Greville Bathe Fund: appointment of trustees.</b> <b>Lodged: 27th September 2005.</b> <i>Finance and Economics Committee.</i>	<b>P.204/2005.</b>
<b>Draft Water Resources (Jersey) Law 200-</b> <b>Lodged: 27th September 2005.</b> <i>Environment and Public Services Committee.</i>	<b>P.206/2005.</b>
<b>Public Finances (Jersey) Law 2005 (Appointed Day No. 2) Act 200.</b> <b>Lodged: 27th September 2005.</b> <i>Finance and Economics Committee.</i>	<b>P.207/2005.</b>
<b>Draft Public Finances (Transitional Provisions No. 1) (Jersey) Regulations</b> <b>200-</b> <b>Lodged: 27th September 2005.</b> <i>Finance and Economics Committee.</i>	<b>P.208/2005.</b>
<b>Draft Public Finances (Transitional Provisions No. 2) (Jersey) Regulations</b> <b>200-</b> <b>Lodged: 27th September 2005.</b> <i>Finance and Economics Committee.</i>	<b>P.209/2005.</b>
<b>Draft Public Finances (Transitional Provisions – States Trading Operations)</b> <b>(Jersey) Regulations 200-</b> <b>Lodged: 27th September 2005.</b> <i>Finance and Economics Committee.</i>	<b>P.210/2005.</b>

**Chairmanship of the Harbours and Airport Committee and Marine Traders meetings – question and answer –**

The Deputy of St. John tabled a written question of Senator Leonard Norman, President of the Harbours and Airport Committee –

“Would the President inform members –

- (a) whether the Committee decided to change the chairmanship of the Harbours and Airport Committee and Marine Traders meetings and, if so, when was this agreed and by whom, who will continue to Chair

these meetings, when was this appointment effective, and what part, if any, does the Chief Executive/Harbourmaster now play at these meetings?

- (b) whether the appointment in (a) above followed consultation with Marine Traders and, if not, whether the Committee is satisfied that there is no conflict of interest involving this appointment?
- (c) what consideration, if any, was given by the Committee to the range of candidates and their qualifications suitable for the Chairmanship?
- (d) whether the Port Users, the Marine Traders and the Marine Users will be consulted in any new make-up of any new board being considered by the Harbours and Airport Committee for the incorporation of Jersey Harbours? and,
- (e) whether any negotiations have been held with prospective candidates regarding the new Chairmanship of the proposed new board and, if so, why have the States not been notified?"

The President of the Harbours and Airport Committee tabled the following written answer –

“(a), (b) and (c)

“No change has been made. When the Committee meets with any delegation the President of the Harbours and Airport Committee or, in his absence, the Vice-President, retains chairmanship of the meeting. The Chief Executive and Harbourmaster supports the Committee in the same way as every other Chief Officer;

- (d) the establishment of a new Board cannot and will not take place until incorporation is implemented. At the appropriate time, the Committee/Minister will aim to have any appointments made in line with the Jersey Appointments Commission’s procedures and in accordance with due process required by the States of Jersey;
- (e) No negotiations have taken place.”

### **Matters relating to the proposed development of a private hospital – questions and answers –**

Deputy Terence John Le Main of St. Helier tabled the following written questions of Senator Stuart Syvre President of the Health and Social Services Committee –

- “1. The President, when answering questions on 15th March 2005, informed members that the proposed private hospital scheme would require a *‘very, very substantial amount of public money’* and that would make the project unviable from a public interest point of view. Would the President inform members whether the company seeking to develop the private hospital ever approached the Committee for funding and, if so when?
2. On 21st June 2005, the President advised members that the private hospital scheme sponsors expected some services to be provided by the public sector on a shared basis *‘either free of charge or at a subsidised rate’*. Would the President provide members with details of these services and indicate whether or not these are already available at no cost?
3. In a report prepared by the Chief Executive Officer, Department of Health and Social Services, for the Policy and Resources Committee, it was stated that the PriceWaterhouseCoopers report on the proposed private hospital recommended that the only way in which the proposed private hospital was viable was through a *‘shared service agreement’* whereby the Jersey General Hospital clinical infrastructure, (intensive care facilities, radiology), was made available to the private hospital at marginal cost in return for benefits to the States. Would the President identify in the PWC report exactly where it states that any services are requested by the private hospital proposers at marginal cost?



4. On 21st June 2005, the President advised the States that it would share the risks of the private hospital scheme should it proceed with the project as a partnership arrangement. Would the President identify for members where the public would be sharing the risks, be it financial or otherwise?
5. Would the President inform members whether any requests were made by the developers to meet or to provide any assistance for the project while the PriceWaterhouseCoopers specialist team was compiling its feasibility study and report for the developers of the private hospital and if so, whether any response was made or consideration given to possible benefits from shared services of the private hospital and the General Hospital?
6. Would the President inform members whether any arrangements are currently in place for public sector salaried consultants to spend time earning fees in private practice using the facilities of the General Hospital and, if so, what percentage of their contracted weekly working hours are spent treating social patients? Is a charge made for the use of the facilities at the General Hospital by salaried consultants on this basis?
7. Is the Committee satisfied that there are enough medical facilities available in the Island to cope with any emergency/disaster/scenario which would have a large local impact, such as a hurricane or tsunami and, if not, does the Committee consider there is, therefore, some merit in developing a private hospital project in partnership?"

The President of the Health and Social Services Committee tabled the following written answers –

- “1. I can confirm that the Health and Social Services Committee has never been formally approached by the developers of the private hospital for funding. Needless to say, within the Health and Social Services Department there is sufficient collective wit, intelligence and clinical expertise to work through what the broad costs of such a private hospital would be.

Rather than approaching the Health and Social Services Committee, the developers of the private hospital have chosen to use press statements, ‘flyers’ to States members and letters in the local news paper as a means of establishing a dialogue with the States of Jersey.

The rationale for my statement that the proposal would require ‘a very, very substantial amount of public money’ is contained within my response to Question 2559 of Tuesday 21st June 2005.

2. This is a somewhat confused and impenetrable question; thus I have struggled to comprehend what the Deputy is asking of me. Specifically, I struggle to understand what he means when he asks me to provide members with details ‘of these services and indicate whether or not these are available at no cost’. The question is somewhat nonsensical as of course all of our services are a cost to the public purse.

To be helpful, I think the Deputy is struggling to ask the question; what are the clinical infrastructure costs and what are the non-clinical infrastructure costs which a private hospital facility would want to be provided ‘either free of charge’ or ‘at a subsidised rate’? These services include 24/7 emergency medical cover, estates management, intensive care facilities and hotel services (linen and laundry, portering, catering and cleaning) and a pro rata cost of Health and Social Services management.

3. The term ‘marginal cost’ used by me in answer to Question 2559 is my term, and is not used in the PriceWaterhouseCoopers report. It is clear from the PWC report that the developers would look to use Jersey General Hospital facilities, such as intensive care, as and when they were used by the private hospital. The private hospital would not look to buy ‘stand-by time’; in other words, all the costs of having the facilities available 24/7 whether they are used or not. The cost of the ‘stand-by time’ is a key component of the overall cost of a hospital service to the public purse. It follows that the developers are not prepared to pay the full cost of the service (including, that is, ‘stand-by time’). If they were, then they would establish the Stafford Hotel as a separate stand-alone private facility, which clearly, they are not prepared to do.

4. I refer the Deputy to my answer to the written Question number 2559 of Tuesday 21st June 2005.
5. I can confirm that senior officers of the Health and Social Services Department met with representatives of the developers to provide assistance. The representatives of the developers were given a number of documents to inform their business proposals and a dialogue was established in 2003; a dialogue which culminated in a minuted meeting between representatives of the developers and senior officers of the Health and Social Services Department, which took place on 8th October 2003. I can further confirm that the senior officers of the Health and Social Services Department 'understood' the 'possible benefits from shared services'. This 'understanding' of these senior officers was, frankly, that these benefits were spurious.
6. I can confirm that arrangements exist by which consultants employed by the Health and Social Services Committee may undertake private practice using the facilities of the States of Jersey (for which the States of Jersey levies a charge for their use). Such consultants are subject to the 'Code of Conduct for Private Practice' which has, as its overriding principle, 'the provision of services for private patients should not prejudice the interests of HSS (Health and Social Services) or disrupt HSS services' (page 2) Any breach of the code is a potentially disciplinary offence.

The percentage of a consultant's contractual responsibilities to public patients depends on the individual consultant's contractual relationship with the States of Jersey, as some consultants work full-time for the States of Jersey, and do not practice private medicine, and some consultants work on a part-time basis. If the Deputy has a specific query about any individual consultant's clinical timetable, then he should write to me and I will furnish the full details.

The fact that these arrangements are in place will come as little surprise to the community as quite literally thousands of private patients receive care from consultants employed by the Committee each year, and have done so for countless years.

7. The Deputy implies that we should have available an additional 34-40 acute beds, (my estimate because the PWC report does not even mention the number of beds which the private facility would have available), and some limited step-down facilities, (provided from a private hospital), in the event that Jersey is struck by a tsunami. I find it extremely difficult to believe that this is a serious question.

Notwithstanding this, I wish the Deputy to know that the Committee has a Major Incident Plan in the event of an incident which would involve a multitude of casualties. This Major Incident Plan is kept under constant review by the Major Incident Steering Group which comprises an Accident and Emergency Consultant, doctors and nurses from other supporting clinical departments, a senior public health doctor, and appropriate managers. The Major Incident Plan will allow the Health and Social Services Committee to be able to bring on line at very short notice additional capacity, both within the Health and Social Services Department and within the States of Jersey more broadly, to meet any of the emergency scenarios which the Plan anticipates. Thus, no private facilities are required in this regard.

Further, the States of Jersey has established an Emergencies Council which is chaired by the Bailiff. This powerful Council is comprised of emergency planners, Presidents of appropriate Committees, and senior officers and clinicians. The remit of the Emergencies Council is to plan Island-wide responses to major catastrophic events which would impact harmfully upon the population.

If such a cataclysmic event such as a hurricane, tsunami or major nuclear incident occurred then an international response would be required to come to the aid of the Island; again, the work of the Emergency council has this consideration as part of its remit."

### **Implementation of the electronic Parish electoral register system – question and answer**

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senator Frank

Harrison Walker, President of the Policy and Resources Committee –

“Would the President inform members of the progress regarding implementation of the electronic Parish electoral register system and when completion is expected so that it will become operational. Will the Committee be seeking any recompense from the suppliers of the system for the delays and inconvenience experienced, if any?”

The President of the Policy and Resources Committee tabled the following written answer –

“The work on the implementation of the electronic Parish electoral register system is being overseen by the Computer Services Department on behalf of the Parishes, and is expected for completion by the end of November 2005. The actual implementation date is a matter for decision by the Parishes, but it is unlikely that they will seek to introduce the new system during the current election period.

Work on the electoral register project began in 2003, and there have been some delays in progress due to a number of factors, including staff changes at the suppliers and at Computer Services, whilst the Parishes have at times been obliged to concentrate on more urgent tasks, such as the five-year renewal of driving licences.

It is unfortunate that there have been delays in the project, as it would have been highly desirable for the new system to have been in place in time for the current round of elections. Nonetheless, the project is now nearing completion, and once in place it should provide the Parishes with a reliable and efficient recording system that will help to save staff time, as well as preventing electoral fraud. The project has made good use of the recently introduced Jersey Land and Property Index, and the applications developed during this process will be of future benefit in providing a common address and information system for both the Parishes and the States.

Whilst the Committee accepts that there have been delays, it does not intend to seek recompense from the suppliers as it considers that the system has been delivered in accordance with the functional specification.”

### **Benefits of projects on the Waterfront – question and answer**

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senator Frank Harrison Walker, President of the Policy and Resources Committee –

“During the debate on 14th September 2005, on P.114/2005 – Waterfront Enterprise Board: renewal of ten-year working limit, members were circulated with papers which included a checklist of which projects brought certain benefits. Would the President provide information for each of the boxes marked as ‘confirmed’ on this checklist by explaining precisely how the alleged benefit of each accrues and what evidence is available to substantiate those claims?”

The President of the Policy and Resources Committee tabled the following written answer –

“Yes, I am pleased to provide further information on the benefits that will accrue from the Castle Quay, Les Jardins, and Esplanade Square projects on the St. Helier Waterfront.

For ease of reference, I have taken each development in turn and, where appropriate, have listed the benefits that are expected to accrue –

(a) Castle Quay

Encourage 2% Economic Growth – In the short to medium term, the phased development of this project will sustain construction activity in the Island, including jobs and the supply of materials, against a falling base of public spending. The evidence for this is derived from a range of sources, including the States budget, States Surveyor’s reports, and research by the Jersey Construction Council.

In the long term the development will contribute towards the maintenance and growth of the tourism industry against its falling base. The evidence for this has been taken from Jersey Tourism research and socio-economic reports/projections from PriceWaterhouseCoopers.

Develop Tourism – In the medium to long term, the nature and content of the mix in this development will contribute towards developing the tourism industry. The evidence is taken from the results of exit surveys conducted by Jersey Tourism.

Broad Range of Dwellings – This phased development contains significant numbers of one, two and three-bedroom residential units, ranging from under £200,000 to luxury, and these units will all be available for purchase by local residents.

Develop Cultural, Leisure and Recreational Facilities – This development is proposed to include an art gallery, dining terrace, jazz club, and wintergarden (namely, a glass-covered, landscaped, open public courtyard that will be available for public events).

Invest in Infrastructure – It is proposed that the development will include two public squares, parking for marina users, and a satellite police station serving the waterfront.

Innovative and Intelligent Land Use – The need for travel by car will be reduced by the creation of high density housing with roof gardens in a central location. The project will also enable public access to the waterfront at ground floor level, together with open public areas, whilst maximising the return to the public in the monies received as a result of developing the site.

Protect Rural and Historic Environments – Efficient use of the waterfront land in a sustainable location will reduce development pressure on rural areas and historic areas of town centre.

Housing on Brownfield Sites in Sustainable Locations– This development proposes the use of reclaimed land in a location that will be close to both work and recreational facilities.

Wider Range of Jobs and Activities – The development is anticipated to generate jobs in the construction, leisure and hospitality sectors. Evidence from Highlands College indicates that there is an increasing demand for non-finance jobs.

(b) Les Jardins

Encourage 2% Economic Growth – As with Castle Quay, the development of this project will sustain construction activity in the short to medium term, including jobs and the supply of materials, against a falling base of public spending. The evidence for this is derived from a range of sources, including the States budget, States Surveyor's reports, and research by the Jersey Construction Council research.

In the long term the development will contribute towards the maintenance and growth of the tourism industry against its falling base. The evidence for this has been taken from Jersey Tourism research and socio-economic reports/projections by PriceWaterhouseCoopers.

Develop Tourism – In the medium to long term, the development will create an urban resort consisting of self-catering accommodation and a spa, together with indoor and outdoor children's and adult leisure activities.

Develop Cultural, Leisure and Recreational Facilities – This development will include indoor and outdoor recreational facilities, together with the restoration of West Park Pool as a water activity centre.

Invest in Infrastructure – This development will include extensive, publicly accessible open space maintained at the cost of the investor, as well as the creation of a water activity centre for the Parish of St Helier.

Innovative and Intelligent Land Use – High density housing, combined with holiday accommodation, will reduce the need for travel by car. The project will also enable public access to the waterfront at ground floor level, together with open public areas, whilst maximising the return to the public in the monies received as a result of developing the site.

Protect Rural and Historic Environments – As for Castle Quay.

Housing on Brownfield Sites in Sustainable Locations– As for Castle Quay.

Wider Range of Jobs and Activities– As for Castle Quay.

(c) Esplanade Square

Encourage 2% Economic Growth – As for Castle Quay and Les Jardins.

Support Development of the Finance Industry – Market research and, more recently, pre-letting discussions with financial institutions and associated industry tenants, indicates that businesses in the finance sector have a strong desire to improve and, in some cases, expand their operational workspace in order to improve efficiency.

Market research also supports the need to create a distinct, focused, international identity for the industry in Jersey, as is being done in competing jurisdictions around the world. It is planned that the scheme should include a business school/international corporate training centre, delivered in association with Highlands College and the Sir John Cass Business School of the City of London. Their involvement is evidence of the need and potential viability of this element.

Invest in Skills – This development is proposed to include an international corporate training centre and business school.

Innovative and Intelligent Land Use – Esplanade Square will be a modern, efficient and large-scale commercial development located on a major road network, away from the historic buildings, narrow streets and pedestrian areas of the central area of the town. Below ground parking will enable the creation of open areas, whilst still maximising return to the public.

Protect Rural and Historic Environments – As for Castle Quay and Les Jardins.

Housing on Brownfield Sites in Sustainable Locations– As for Castle Quay and Les Jardins.

Wider Range of Jobs and Activities – The development is anticipated to generate skills and so jobs for local people in the high value finance and associated sectors.

In general terms, therefore, it is anticipated that these three developments will bring a wide range of benefits to the community.

In addition to the detailed research highlighted above, it should also be pointed out that there has been significant general research into retail and housing. It should also be noted that the developments will be phased over a period of approximately 10 years, thereby minimising any sudden changes in construction activity during this period.”

### **Display of election posters and boards – question and answer**

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Would the President inform members whether the Committee is monitoring the display of election posters and boards in terms of their positioning for purposes of road safety and for compliance with planning requirements and, if so, whether any have been found to be in breach of the foregoing requirements and, if so, what action the Committee is taking in this respect, if any?”

The President of the Environment and Public Services Committee tabled the following written answer –

“I can confirm that the Environment and Public Services Committee, through the Department, is actively monitoring election posters and boards. Although this form of advertising is not exempted under the Advertisement Regulations, successive Committees have considered it both impractical and unreasonable to expect election candidates to apply for permission, particularly since charges were introduced in 1997.

However, the Committee fully acknowledges that the health and safety of both road users and pedestrians is paramount and cannot be compromised. If any material is considered to compromise road safety in any way, the relevant candidate is contacted and advised. Guidelines on what the Committee considers to be reasonable advertising have been drawn up and circulated to candidates who have requested advice.

The guidelines will be reviewed following the senatorial elections.

The Department will chase candidates who fail to remove election posters within a reasonable period after the election, although this has rarely been necessary. Furthermore, at a time when the States is actively encouraging the public to use its vote, it seems perverse to restrict advertising and put bureaucratic barriers in the way of election candidates.

Guidance which has been circulated to all candidates is as follows –”

#### ENVIRONMENT AND PUBLIC SERVICES COMMITTEE

##### ELECTION ADVERTISING ON AREAS UNDER THE ADMINISTRATION OF THE DEPARTMENT

1. It is requested that, wherever possible these posters should contain clear text, so as not to distract road users. It is suggested that posters should not be smaller than A3 size or larger than 600mm x 450mm.
2. Posters should be mounted on heavy duty card or boards. All Banners and posters should be very well secured to ensure that they can withstand the force of high winds and will not constitute a hazard to motorists/pedestrians.
3. Candidates are requested not to erect their posters on the lamp standard numbers along Victoria Avenue and the Esplanade, listed on the attached sheet, as these are regularly used by charitable and amateur events and are pre-booked with the department.
4. Posters and Banners are not to be attached to traffic light poles.
5. All banners and posters must be erected in such a manner that they do not obscure the visibility of motorists and/or pedestrians at junctions/crossing points.
6. The Department is unable to grant permission to candidates for the erection of banners around the centre of town on its overhead wire system/eye bolts as the erection of Christmas decorations is due to commence prior to the election date.
7. When erecting banners on private land, the candidates are asked to seek the agreement with the landowner and ensure that they do not encroach on the highway or footpaths.
8. The siting of banners and their size should be appropriate for the location.

9. Any static banner measuring more than 2m x 1m will require permission from the Department to ensure that all safety measures have been complied with and that their location will not constitute a hazard to motorists and pedestrians.
10. Candidates are asked to ensure that during the erection and dismantling of posters and/or banners every consideration should be given to their own safety, as well as that of other pedestrians/road users.
11. It is requested that all advertising posters and/or banners are taken down within 2 days after the election date.

ADVERTISING POSTERS – SITES – PERMISSION FORM

Event:

From: // 2005 To: // 2005

Road Name	Location	Column N <sup>o</sup>	✓
La Route de Liberation	West of pedestrian crossing	200	
La Route de Liberation	West of pedestrian crossing	202	
Esplanade	Opposite Patriotic Street	14	
Esplanade	Opposite Patriotic Street	15	
Victoria Avenue	West Park Junction	22	
Victoria Avenue	West of West Park Junction	23	
Victoria Avenue	West of West Park Junction	24	
Victoria Avenue	West of West Park Junction	25	
Victoria Avenue	East of First Tower Junction	49	
Victoria Avenue	East of First Tower Junction	50	
Victoria Avenue	East of First Tower Junction	51	
Victoria Avenue	West of First Tower Junction	58	
Victoria Avenue	West of First Tower Junction	60	
Victoria Avenue	West of First Tower Junction	61	
Victoria Avenue	East of Rue de Galet	71	
Victoria Avenue	East of Rue de Galet	72	

Victoria Avenue	East of Rue de Galet	73	
Victoria Avenue	West of Rue de Galet	84	
Victoria Avenue	West of Rue de Galet	85	
Victoria Avenue	West of Rue de Galet	91	

### **Members' parking provision – question and answer**

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Deputy Roy George Le Hérisier of St. Saviour, President of the Privileges and Procedures Committee–

“Would the President inform members –

- (a) whether the Committee was consulted in connection with the further reduction in the provision of members parking at Snow Hill from ten places to six and the proposed transfer of the balance of this parking provision to Sand Street car park? and,
- (b) whether the Committee supports this transfer?”

The President of the Privileges and Procedures Committee tabled the following written answer –

“The Committee was not consulted on the recent changes to members’ parking arrangements at Snow Hill and Sand Street car park, although it subsequently received a number of complaints from members regarding the revised arrangements. On the basis that individual members of the Assembly do not appear to have been consulted on the changes, the Committee has some difficulty in supporting the action taken by the Environment and Public Services Committee.

The Committee acknowledges that the Environment and Public Services Committee has responsibility for the provision of parking facilities for members in accordance with decisions of the Assembly; however, it has requested that the Environment and Public Services Committee consult with members, and additionally with the Privileges and Procedures Committee, before any such decisions are taken in future.”

### **ITIS as applied to those persons with income tax arrears – question and answer**

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee–

“Would the President inform members whether the Committee has made any provision under the proposed Income Tax Instalment System for those taxpayers on relatively modest incomes who have income tax arrears and, if so, what these are, what maximum rates of tax will be chargeable in these cases, and how the proposals protect such persons from going further into debt?”

The President of the Finance and Economics Committee tabled the following written answer –

“Those with tax arrears who are judged by Income Tax Office staff to be in genuine hardship or who have found themselves in difficult financial circumstances because of exceptional events beyond their control will be treated with due care and consideration and an acceptable solution found to ensure that, whilst the tax arrears are gradually paid off, no undue additional financial hardship is imposed by Income Tax on those



already in genuine difficulty.

In all cases the Comptroller will ensure that unnecessary worry and concern is avoided amongst those who find themselves in such circumstances.

However, if any taxpayer claiming hardship tries to mislead Income Tax Office staff, pretending that they are in genuine hardship when in reality it is their own possibly extravagant lifestyle that is the reason they do not want to pay their tax arrears, they will receive no sympathy whatsoever and will be required to pay off their tax arrears as laid down at Article 41C(9).

Article 41C(9) outlines the maximum effective rate of tax that an individual with tax arrears can have imposed upon him to collect these tax arrears. They are as follows –

- (i) Where an employee has arrears of tax for one year of assessment – 25%
- (ii) Where an employee has arrears of tax for two years of assessment – 30%
- (iii) Where an employee has arrears of tax for three years of assessment or more – 35%.

The Finance and Economics Committee acknowledges that in this first year of the introduction of ITIS there may well be additional cases of hardship, and has confirmed to the Comptroller of Income Tax its desire that the Comptroller and his staff should recognise this and act sympathetically, but within the principles of the Law, in such cases. However, the Committee is also firmly of the view that in the long term the introduction of ITIS should reduce the incidence of hardship and ease the problems currently faced in making a large annual payment.”

### **Comparisons with finance and accounting practices at Jersey Airport – question and answer**

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Leonard Norman President of the Harbours and Airport Committee –

“Would the President advise members whether the Committee has considered comparisons for Jersey Airport with other airports in the world, particularly with regard to finance and accounting practices relating to –

- (a) the treatment and use of cash surpluses;
- (b) the funding of capital spending from income;
- (c) the writing off of capital spending in the year it is spent; and,
- (d) the funding of capital spending without borrowing;

and, if not, would the President undertake to carry out such a comparison and report back to the States?”

The President of the Harbours and Airport Committee tabled the following written answer –

“Jersey Airport regularly compares itself with U.K. airports of a similar size and with similar passenger numbers. It is also aware of the capital funding mechanisms used by these airports.

The Deputy will be aware that the whole issue of the capital funding requirement of the Airport and how it is to be financed has been the subject of a States debate, (P.198/2002: Future Funding of Jersey Airport). As a result, a package of funding measures have been put in place, and as stated in my response to a very similar question asked recently by the Deputy, these include commercial borrowing, government grant and the use of the Trading Fund. The future funding proposals have also been the subject of a separate review by PriceWaterhouseCoopers in 2004 – ‘Financial viability of Jersey Airport’. This has all resulted from Jersey Airport, as any commercial business would do, undertaking longer term financial planning and as a consequence being aware of the financial issues it faces. It has then taken early and constructive steps to deal

with these issues for which it should, I suggest, be commended.

I am perplexed as to what point the Deputy is trying to make when he lists the finance and accounting practices he does. From reports in the local press on 20th September 2005, it would appear he believes that if the Airport were to change its account reporting procedures it could reduce its passenger charges by £3.5 million. I would welcome the opportunity of learning from the Deputy how this might be achieved.

The reality is that Jersey Airport is subject to the Public Finances (Administration) (Jersey) Law 1967, as amended, which requires it to account in a certain way. A key issue is the absence of depreciation in the accounts. However, this does not mean that the Airport does not maintain a depreciation schedule of its assets; it does. The absence of a depreciation charge in the accounts is balanced by the fact that all trading surpluses are transferred to the Trading Fund. The sole purpose of the Trading Fund is to fund future capital requirements, as is a depreciation reserve. This source of funding is, as stated earlier, just one element of the funding mechanisms used. External borrowing has been undertaken and a significant commitment has been given by the States to fund 'below ground works'.

These mechanisms are precisely those available to other Airports and indeed, all other businesses. In addition, limited companies also have the ability to raise equity capital.

The decision on how to fund any particular project is based on value, estimated life cycle and cost."

#### **Oral questions –**

**1. The Deputy of St. John of the President of the Harbours and Airport Committee:**

"As a result of an aircraft crash in October 2004, what liability, if any, does the Committee have to reinstate any damage caused to property such as granite walls, to clean contaminated soil and water supplies, caused by the attendance of the emergency services and the use of fire fighting and rescue equipment, including foam?"

**Senator L. Norman (President of the Harbours and Airport Committee):**

"Thank you, Sir. The Airport Rescue and Fire Fighting Service attended the tragic fatal crash to which the Deputy refers. To the best of my knowledge and understanding they caused no damage to private property. The States of Jersey Rescue and Fire Fighting Service also attended, but obviously I cannot speak for them. For an authoritative answer on the liability issue, legal advice would be required, but my understanding is that any claim for damages caused by the emergency services would be referred to the States Insurer."

**1(a) The Deputy of St. John:**

"I'm really surprised that the President is not fully aware of what damage was caused. In a written response 2 weeks ago, when I put a question in response about any damage which fire fighting foam had caused to the water supply in the area, the President had said in a written response – he had claimed under (b) – that he was not aware of any supplies having been contaminated. Sir, I have made enquiries of Health Protection and they had notified the Airport at the time, and since – on 2 occasions– that water contamination at Alexandre Farm had occurred. Does the President stand by his written comments on 13th September 2005, and his comments again today, that he is not aware of any contamination?"

**Senator L. Norman:**

"I haven't used the word 'contamination' this morning but of course I stand by my answers of last week: this morning's question appeared to be about damage. Certainly, the Airport Fire Service and indeed the States Fire Service attended, dealt with the tragic incident and then left the scene, which was then taken over by the Environmental Protection Investigation officers who dealt with any remaining contamination."

**1(b) Senator P.V.F. Le Claire:**

"It's very unfortunate surroundings for these questions but unfortunately the issue really is a question of, if

the water has been contaminated, property owners in that area, what recourse do they have? Is the Harbours and Airport Committee itself attempting to remedy... or provide water supplies to those properties, or will they have to seek recourse through the courts?"

**Senator L. Norman:**

As far as I'm aware, no claim for any compensation, mediation or anything else has been received the Airport Authority or anybody else."

**1(c) Senator P.V.F. Le Claire:**

"A follow-up question if I might, Sir. In earlier circumstances where there were pollution incidents resulting in fire fighting foam entering water supplies, what did the Committee do in relation to those contamination issues that it's not doing in relation to this?"

**Senator L. Norman:**

"The incidents to which I assume the Senator is talking about was the discovery in the early 1990s of some chemical in the fire fighting foam which has been used for a number of years for training purposes and escaped into the St. Ouen's Bay area, and what happened there has been extremely well documented and the reaction of the Harbours and Airport Committee at the time has been extremely well documented, when the chemical in there would not break-down as was expected. Initially, the Airport provided bottled water for those whose principal water supply had had this contaminant in it and also provided a connection to mains water for those people. Of course, since those days the type of foam used has been changed substantially. The foam used today is non-toxic; in this particular instance it was used on an air crash, where the main priority is of course to attempt to save life rather than worry about the environment – and I'm sure that no-one would argue about that. The foam used today is virtually non-toxic and of course it is highly diluted. As I say, no claim for any compensation has been received from any land owner in the area."

**1(d) The Deputy of St. John:**

Given the President's earlier response that he would have to get legal advice on my question, could he get that advice and notify the members of that advice please."

**Senator L. Norman:**

"I'm totally happy to refer the Deputy's question to the Attorney General, Sir."

**1(e) Senator P.V.F. Le Claire:**

"As there has been a history of the Harbours and Airport Committee taking the responsibility to issue bottled water and connecting residents who had found contamination through mains drains from the previous incident, subsequent to that and since this disaster, residents have found that where their wells weren't contaminated before, they now contain both of the contaminants. Is the Harbours and Airport Committee prepared to supply bottled water and mains drain connections now to people who have found that their waters are contaminated, or is their recourse through the courts?"

**Senator L. Norman:**

"I'm really not sure that I quite understand the question but, as far as I am aware, no contamination to drinking water has been caused by the incident described in the question of Deputy Rondel. I wonder if I could just clarify, Sir. Is the Deputy talking about the potable water supply at Alexandre Farm, because the owner of that farm was offered connection to mains drains many years ago by Jersey Airport but chose not to accept it? "

**The Deputy of St. John:**

"Yes Sir, it is Alexandre Farm. But years ago he didn't have contamination: he's now got contamination which has come about in the last 18 months since the original offer was made, and the contamination now has come about in part since the last air crash – since when there has been monitoring – and the previous air crash, Sir."

**2. Deputy G.C.L. Baudains of St. Clement of the President of the Environment and Public Services**

**Committee:**

“Would the President confirm that on 4th May 2005, the Committee approved access for a new development (ref: P/2005/0301) onto Rue de Jambart and, if so, whether this meets the minimum safety standards regarding visibility splays and requires the reduction of a substantial traditional granite wall to 900mm.?”

**Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):**

“Thank you, Sir. I’m afraid the Deputy may be confused about the dates in his question. The Planning Sub-Committee granted permission on 29th June for the construction of 2 homes in the grounds of Jambart House, Jambart Lane, St. Clement. This followed the submission of revised plans following an earlier application for 3 dwellings which, following a site visit, the Sub-Committee considered to be over-development of the site. A letter of 4th May 2005 from Public Services to the applicant, copied to Planning, indicated that there were no objections to the access proposals, given that traffic calming measures will be constructed in Jambart Lane. The proposals involve the reduction in height of the wall from 1.2 metres to 0.9 metres (that is 4 feet to 3 feet) to provide visibility splays which the Sub-Committee considered acceptable.”

**2(a) Deputy G.C.L. Baudains:**

“Is the President aware that the entrance in the granite wall has already been made, but, of course, the reliance on the traffic calming measures under which it was made are no longer valid, simply because there are no traffic calming measures that have yet been decided? Could the President confirm that if those traffic calming measures do not take place, the visibility splays will be substandard?”

**Senator P.F.C. Ozouf:**

“I would agree that, if the traffic calming measures were not to be implemented, then the visibility lines would be substandard. But, of course, as the Deputy will know and this Assembly will know (because we have discussed it on numerous occasions), traffic calming measures will be implemented on Jambart Lane. They are a specific condition of the development of Jambart Lane. So they will happen. The Committee was aware of the timing of the development of these properties. I understand the Deputy’s point about the opening having been made, but these houses will be completed at or around the same time as the development in Jambart Lane, which will of course coincide because the traffic calming must be completed. So, no, I am totally happy that the traffic calming measures will be implemented in order to reduce the normal visibility splays.”

**2(b) Deputy G.C.L. Baudains:**

“Would the President confirm that, at the present time, there is no agreement on traffic-calming measures and that in fact the developers have put a sum of money with the Committee as the planning gain for these traffic-calming measures which has a time limit on it and, if that time expires, then the money will go to charity and there will be no traffic calming measures?”

**Senator P.F.C. Ozouf:**

“I would need to just correct the Deputy. It is not planning gain, it is a planning condition or planning obligation as part of the development is concerned. I state clearly and without hesitation that the fact is that the traffic calming measures, which have yet to be finally consulted on with the parochial authority, will happen. They are a condition. They will happen and I can’t really say any more than that.”

**3. The Deputy of St. John of the President of the Harbours and Airport Committee:**

“Does the Harbours and Airport Committee receive the proceeds from the surcharge placed on taxis at the airport?”

**Senator L. Norman: (President of the Harbours and Airport Committee):**

“I suppose the true answer is we wish, but, no, Sir, of course the Committee does not. The surcharge made by taxis at the harbour and the airport, the fares collected at those places, is part of the tariff approved by the Home Affairs Committee and is for the benefit of the taxi drivers, Sir.”

**3(a) Deputy R.G. Le Hérisier of St. Saviour:**

“Would the President confirm was it ever the plan that the surcharge would be used for the vast number of bollards that he has recently installed at the airport?”

**Senator L. Norman:**

“If, of course, we were able to collect additional fees from the taxi drivers, that would enable us to extend the number of bollards which currently are at the airport. Once we had run out of space there, I can see an excellent spot for them down the middle of the Albert Pier, Sir.”

**3(b) The Deputy of St. Martin:**

“I don’t know if you would allow a supplementary from me, but it is to do with the coaches and the buses collecting at the airport. Is it the intention that there may be a surcharge placed on coaches who collect passengers at the airport?”

**Senator L. Norman:**

“No, there is absolutely no intention to charge the public bus service, Sir, and the coaches, taxis and private cars already pay for using the pay car park.”

**3(c) The Deputy of St. Martin:**

“The concern we have from coaches or coach drivers and coach companies is that they have to pay to enter to pick up passengers where taxis don’t. I think the question really is does the President think that is fair? Does he not think it is time now that maybe an overall surcharge was made for coaches, in line with that of taxis?”

**Senator L. Norman:**

“All vehicles, with a few minor exceptions, like those collecting for the disabled hotels and so on – all vehicles, private vehicles, coaches, taxis, whatever they are – anyone who uses the pay car parks pays for the use of those car parks. In 2002, the Harbours and Airport Committee had a proposition approved by the States which did include collecting a contribution from the taxi drivers for the creation and the maintenance of the facilities which are provided for them. For 2 reasons the Committee hasn’t been able to do that. One is the technology to do that is somewhat expensive, because, as members know, there is free vehicular access to the airport, therefore there would have to be some sort of reading equipment. Also, when we were doing this work, we discovered the existence of this airport surcharge. We felt that, until that was resolved, it would be unreasonable to put an additional burden on the travelling public. In 2003, the Home Affairs Committee did send an Act to the Harbours and Airport Committee saying that they would wish to see this removed and would be doing so when they next reviewed the tariff, but that has, to my understanding, not yet happened.”

**3(d) The Deputy of St. John:**

“A level playing field was always meant to be in place by the Harbours and Airport Committee. Will the President explain why a coach picking up tourists who have to go into the half hour car park area or hour car park area have to pay per head of tourists on the coach and yet a taxi driver doesn’t? Also, in his response on the 13th, was it given to mislead the House, because in his response under (a) he mentions that a surcharge is in place on the taxis. Was that done to mislead the House?”

**Senator L. Norman:**

“I thought my answers of a fortnight ago, or whenever it was, were a model of clarity. Certainly there was no intention of misleading. I am sorry if the Deputy was unable to understand what I thought was a very clear answer, Sir.”

**3(e) The Deputy of St. John:**

“And the level playing field, please?”

**Senator L. Norman:**

“Well, as I also explained in that answer, there is a level playing field, inasmuch as that everybody, with a few minor exceptions, who use the pay car parks do pay. No one is getting a subsidy in that area.”

**4. Deputy G.C.L. Baudains of St. Clement of the President of the Environment and Public Services Committee:**

“At 5 p.m. on the evening before the first States’ sitting after the summer recess, members were emailed a letter from the President advising that members’ Snow Hill parking was now reduced from 11 places to 6 by setting aside 5 spaces for Jurats. Would the President give full details of the consultation undertaken, if any, including that involving the 5 places for Jurats?”

**Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):**

“In November of last year, my Committee was tasked by the States to provide parking facilities for States members. Initially, the provision was made available in both Snow Hill and Sand Street. In the States’ debate last year, I gave an undertaking that these arrangements would be reviewed after 6 months, and this was done in June 2005. On 24th June 2005, I emailed all States members, attaching a memorandum, outlining proposed changes to States members’ parking provision. In the email I stated that the Environment and Public Services Committee proposed to reduce the overall provision in line with the maximum actual uses following an analysis undertaken in the previous 6 months. The Committee was becoming increasingly embarrassed by the low usage at Snow Hill when members of the public, particularly on non-States’ days, were having to have long queues. In that email I requested feedback from members and asked them to vote yes, no or maybe. I received 16 replies. Given the response in comparison to the total States’ membership, I felt that the Committee got it about right. One member who did agree with the proposals was in fact the President of the Privileges and Procedures Committee. He stated that he was in agreement with the matters, and I am surprised to read his written answer today. The need for additional Jurat spaces has long been identified, and the Committee and I felt that this was an ideal opportunity to provide them with spaces in the closest car park, given that they often need to carry papers, etc. Spaces at Vine Street are at a premium. Jurats provide a completely honorary service to the public, and allowing them to park in a convenient location, I am sure, is the least that we should do. I would say that the public has been grateful for the additional shoppers’ parking at Snow Hill, and I have made it clear that all the dedicated spaces were utilised by States members, that if all the spaces in the basement of Sand Street were used, then members would be able to park in the upper floors. I would say in conclusion, Sir, that this is a sensitive issue which the public has expressed concern about. We need to keep the matter constantly under review, and we will continue to do so.”

**4(a) Deputy R.G. Le Hérisier of St. Saviour:**

“Would the President concede that there is all the difference in the world between my individual view, based on the fact that I don’t use the spot, and the views of the Committee representing States members?”

**Senator P.F.C. Ozouf:**

“I do understand that, Sir. He is the President, but of course I will say that he made his view known. I absolutely have to say that we did not consider making changes until after the States had finished sitting in July. What we didn’t want was a situation where there would be a sea of empty spaces in Snow Hill right the way through the summer period. A number of members had expressed dissatisfaction with that situation. It is not a sensible use of resources and something needed to be done about it.”

**4(b) The Deputy of St. John:**

“I concur with what the President is saying to a point, but is the President aware that, having moved States members etc. down to Sand Street, some parking spaces in fact have permanent trailers left in them when they are supposed to be full of people with mobility problems?”

**Senator P.F.C. Ozouf:**

“I think the Deputy is raising the sensitive issue of Shopmobility, and I too understand the concern that members of the public and indeed people with walking difficulties have had there. The issue with Shopmobility is quite clear. We gave them a number of spaces for the purpose of their clients using their buggies. What happened is that we found – and it is a fantastic service that Shopmobility are doing – that people are going to Shopmobility in taxis because they haven’t got cars. So the total requirement for Shopmobility spaces is less than we thought. Shopmobility, being very helpful and being sensible, over a period of time were issuing permits on a 3-hour basis for people with walking difficulties not using Shopmobility spaces. So those spaces in the basement of Sand Street car park were almost turning into

disabled spaces. Now, we have come to an accommodation with Shopmobility – we keep it under constant review – that on non-States’ days people with walking difficulties can use those spaces. We are going to continue to monitor this matter, but it is sensible that we use the best use of resources. States members need more parking spaces on States meeting days and they don’t need them on non-States’ meeting days, but we have got to try and find a solution which is acceptable to the public, which makes sense from a financial point of view and I wish States members sometimes wouldn’t give me such a hard time about these things.”

**4(c) Deputy G.C.L. Baudains:**

“Given the public condemnation of members’ parking arrangements at Sand Street and little adverse comment about Snow Hill – at least I haven’t heard it – why does the President consider that reducing Snow Hill allocation but expanding Sand Street allocation is such a good idea. Surely all that will happen now is that the public will now see empty Jurats’ parking spaces instead of empty States members’ parking spaces? Will the President explain the public perception advantage? Whilst he is on his feet, does he not agree that the usual usage of Snow Hill during sittings was about 11 spaces and that it is now too low, especially given the fact that he himself had to park in a Jurat’s space for the last sitting?”

**Senator P.F.C. Ozouf:**

“First of all, I am not sure whether I will ever convince Deputy Baudains of anything but let us be quite clear. Snow Hill is the most used shopper car park in St. Helier. It is always and regularly full on rainy days, on summer days and on winter days. That is not the case for Sand Street. Sand Street rarely fills. So the point of allocating spaces and having a sea of empty spaces in one of the most popular car parks in Jersey for privileged States members is not exactly what we want to have to see. So I am afraid I stand by the decision to move States members’ car parking from a premium parking space of Snow Hill into the less used Snow Hill spaces. In respect of Jurats, Jurats have had a, rightly in my opinion, longstanding request for additional spaces. I do note that Jurats have not been taking up all of the spaces in Snow Hill. We will monitor this and we will allocate permanent Jurats’ spaces to the level that is demanded. I have to say I confess I parked in a Jurat’s space. I did not realise. Because I came back from holiday, I did not realise that in fact there were specified Jurats’ spaces. I think that Jurats’ spaces are not being used to the full extent and we will convert them to States members to allow a couple more, but the overall provision in Snow Hill is better, and public perception is better as a result of it.”

**4(d) The Deputy of St. Martin:**

“I am tempted to maybe charge the Senator with driving without due care and attention if he didn’t see a ‘J’ on the car parking space, but will he give an undertaking that he will re-look at the situation, because I think at the moment the balance has got wrong again? Maybe if it could be just 11 spaces so there weren’t any allocated for the Jurats, so in fact the Jurats and the States members could then share? Maybe he would re-look again.”

**Senator P.F.C. Ozouf:**

“The Environment and Public Services Committee always listens, we always react to circumstances and we will constantly keep the matter under review. We will review the matter again at the end of the year, when we will ask the new States how many permits they need and we will allocate permits according to the demand that is required, having regard to the needs of disability drivers, having regard to the needs of shopper parking. I would just say one thing in conclusion, which is one thing we have been thinking about, is that we may well move some States members up to Pier Road, if that is what they also wanted to do for States members. Pier Road is another car park that never fills, and that is a further option. The most important thing is that States members are not seen to take away public parking spaces, and I would just repeat the fact that even though we have found this provision, it has not reduced one single space available to the public both in Sand Street or Snow Hill. We have moved existing official parking elsewhere, and I hope the public is listening.”

**4(e) The Deputy of St. Peter:**

“Would the President confirm that the sum of £62,801 has been spent on modifying the basement of Sand Street for disabled parking, and would he also give this Assembly the logic behind moving 4 spaces for disabled people upstairs on to the 4th floor?”

**Senator P.F.C. Ozouf:**

“I would confirm, justify and stand accountable for the decision of spending £60,000 of car parking revenue to set up Shopmobility. That is exactly what we did, and rightly so, because it is a fantastic service which many Islanders and visitors are using. I think there is an issue about this Shopmobility versus blue badge parking. There is clearly a difference. We have provided Shopmobility with what they want. The difficulty we have is that blue badge holders are not finding spaces around town. They are not finding spaces around town because I suspect there are problems with the allocation of permits. We see all too often and hear all too often feedback of people getting into disabled spaces and jumping out of their cars without having certainly the visual image of somebody requiring spaces. There is an issue about disabled parking. That is causing us difficulties because there isn't sufficient disabled parking for legitimate blue badge holders. It is not a case of putting blue badge holders on the 4th floor. Blue badge holders park for free in car parks wherever they like. They park on the street for free wherever they like. They of course park for free in specific disabled spaces. I understand the comments that the Deputy is making, but it is not quite the fact to say that we are moving disabled spaces. I am going to be meeting again with the representatives of disabled drivers to try and find solutions. I suspect in the longer term the only solution is going to be to clamp down on the issue of disabled parking. That is the real problem that we have got to deal with and that is what I am going to have to try and tackle. In the meantime, we are going to try and put more disabled spaces, specific disabled spaces as opposed to general ones, in car parks for people. We are trying our best.”

**5. Deputy R.G. Le Hérissier of St. Saviour of the President of the Harbours and Airport Committee:**

“What criteria and exercises, such as value for money reviews and cost/benefit analyses, if any, has the Committee applied in assessing the projects proposed for the south side of the airport; what real benefits will accrue from the acceptance of the Belgravia proposal, if any; and are Committee members bound by an undertaking of confidentiality in respect of any negotiations with interested parties in this respect?”

**Senator L. Norman (President of the Harbours and Airport Committee):**

“The Committee has for several years recognised the need for an additional hangar to meet the needs of commercial and general aviation and we are very pleased that this might soon become a reality. Jersey Airport will benefit directly from rental income and increased use. There is a significant demand from aircraft owners who currently keep their aircraft off-Island. Other local aviators will benefit from the provision of hangarage as well as maintenance and engineering facilities. The operating company will provide alternative employment opportunities and pay Jersey income tax. The facility will provide a dedicated headquarters for a proposed helicopter and rescue service. The Island will also benefit from competition being created in the air charter business, and it is possible that this development will be the catalyst for a new regular air service from Jersey to central London. Normal rules of confidentiality apply to the commercial negotiations currently taking place.”

**5(a) The Deputy of St. Ouen:**

“What efforts have been made by the Committee to consult with other Committees, such as the Economic Development Committee and Property Services, to ensure that any development at the airport will provide the greatest benefit to the Island?”

**Senator L. Norman:**

“Certainly Property Services are involved in the negotiations, as we would expect. I am not sure if the Economic Development Department and Committee have been involved. I don't think so, because this has been a long-term ambition of the Harbours and Airport Committee to get this much needed facility, Sir.”

**5(b) Deputy R.G. Le Hérissier:**

“Would the President define what he terms ‘*the normal rules of confidentiality*’ and, secondly, would he define the various proposals that have been brought forward, for example the proposal based on the aviation museum?”

**Senator L. Norman:**



“As with the normal courtesies of commercial negotiation, we don’t discuss what the financing arrangements are, what rentals we are looking for or what length of lease we are looking for until negotiations have been completed. Otherwise that would put the States at a disadvantage. So it is the normal courtesies and sensible commercial decision making by the Committee. As for other opportunities, as I said in answers a couple of weeks ago, there are further opportunities near this proposed hangar for additional hangarage facilities for private aviators and also possibilities for a proposal and idea that has been put to us for an aviation museum, a proposal which I described a fortnight ago as ambitious and exciting. The Committee would very much like to see that come to fruition, Sir.”

**5(c) The Deputy of St. Ouen:**

“As we have just heard that there is an alternative proposal and the President has described it as ‘*exciting*’, would the President give assurances that both projects are able to be accommodated on the airport site and that the siting of the Belgravia proposal, as known, will not have a negative effect on the other proposal currently being spoken about?”

**Senator L. Norman:**

“As I made it clear, again in my answers a fortnight ago, the 2 proposals are not mutually exclusive and I would hope that those who have an interest in one or other of the proposals, the 3 proposals – there is private hangarage involved as well – would be talking to each other so that the optimum use of the land and the facilities can be made.”

**5(d) Deputy R.G. Le Hérisier:**

“Would the President acknowledge that his Committee is there to represent the public interest and if, for example, an alternative or a complementary proposal like the aviation museum seemed to be very suitable in terms of the broader tourism product, for example, would he agree that it is his Committee’s rôle not simply to act as some kind of passive referee to the process but to see what can be done to blend the 2 projects together for the greater good of the Island?”

**Senator L. Norman:**

“Yes, Sir.”

**6. The Deputy of St. Martin to the President of the Finance and Economics Committee:**

“On 19th January 2005, the States approved P.211/2004, ‘Share transfer properties stamp duty’, which charged the Committee to prepare the necessary administration for consideration by the Assembly in 2005 to give effect to the proposals. Will the President give an update on the progress and confirm whether legislation will be presented for consideration this year?”

**Senator T.A. Le Sueur (President of the Finance and Economics Committee):**

“My Committee remains committed to bringing forward legislation which shall make share transfer in relation to property transactions liable to stamp duty. This is, however, a more complex area than we at first thought and for which we had budgeted no manpower. We have now taken on additional resources to deal with that, but that person was only recently appointed. The work is in hand, and I am confident that the proposals will still be lodged by the end of this year, although in fact, because of the nature of the number of items down for debate, it is unlikely that they will be debated this year, but it is our intention, I do confirm, that we will lodge them before the end of this session.”

**6(a) The Deputy of St. Martin:**

“Does that mean that if the law is progressed this year it will be implemented next year, so that in future all people who buy through share transfer will have to pay stamp duty?”

**Senator T.A. Le Sueur:**

“At this stage, Sir, until the law is drafted, it is impossible for me to say when the law will come into effect or what its terms will be. All I can give is an undertaking that we will progress this with all haste.”

**Urgent Oral questions –**

THE STATES noted that, in accordance with Standing Order 14C relating to urgent oral questions, the Bailiff had approved the following question to the President of the Environment and Public Services Committee by the Deputy of Grouville –

**7. The Deputy of Grouville of the President of the Environment and Public Services Committee:**

“Will the President explain to the Assembly the history of Committee decisions in respect of the property known as Fauvic Barn, Bel Air, Route des Sablons, Grouville and will he inform the Assembly of the current position in respect of applications and permissions relating to this property?”

**Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):**

“By way of background, of course, I do welcome the opportunity to explain to the Assembly this important matter. Members will be aware that Senator Shenton had indicated an intention in the media to lodge today a vote of no confidence in my Committee concerning this matter. I think it is, therefore, important that members have the opportunity of hearing the background and the position of the current application.

Bel Air was formerly a farm house and outbuildings situated between the Grande Route des Sablons and the Royal Bay of Grouville, about 250 metres north of La Hurel slipway. Over the last 30 to 40 years has been gradually developed, with a house facing the sea, a house to the north and the redevelopment of 2 outbuildings in the yard, which were completed in 1993 and 1995. The original main house, Bel Air and the dower Bel Air Cottage are separate dwellings. There are 2 remaining outbuildings undeveloped, one of which, called Fauvic Barn, is the subject of a current application. Vehicular access from the Grande Route des Sablons for 4 of the houses is gained between the main house and Fauvic Barn. The access has restricted visibility in both directions. It is extremely dangerous.

Turning to the listing of the property, it was surveyed in 1996, 1999 and again in 2000. The file is clear that the main house and the dower cottage are listed as a Building of Local Importance (BLI). It was far from clear whether or not any of the outbuildings were included in the listing. No site map was included in the file. Furthermore, having inspected the historic building file, the reason given for the listing is architectural. In other words, Bel Air is listed not for any historical matters; it is only listed for architectural importance. The site is also in the Built-Up Area. As I have explained, there is a long history of planning applications for other outbuildings and other bits of Bel Air within this former farmstead. There have been 2 previous applications in relation to Fauvic Barn, this particular outbuilding. There have been 2 applications to convert the barn into a 2-bedroom dwelling. The first was submitted in May 1997. It was refused in September of that year, under the departmental delegated powers. It was refused for the following reasons: (1) the proposal visually degrades and fails to preserve the building's architectural character; (2) the proposal fails to make adequate provision for external amenity space for the proposed dwelling; (3) the available frontage on to the highway is of insufficient length to enable a satisfactory road junction with adequate visibility splays. The second application, which was submitted in January 2001, was also refused under delegated powers, 3 months later in March of the same year. The reasons for the refusal were essentially the same. I understand that the owner of the outbuilding, who lives in one of the newer houses, then offered the property for sale. In June 2004, a property search was received which documented all of the planning history. On 14th July 2004, the Department received a new application from the prospective purchaser to convert the outbuilding into a 2-bedroom dwelling. These proposals were on similar lines to the 2 schemes which had previously been refused. The applicant was advised that the application was unacceptable for all of the previous reasons. On 6th May 2005, amended plans were submitted for the demolition of the building and the construction of a new 2-storey dwelling. The application was referred to the Planning Sub-Committee to address the principle of what was now being requested. A number of representations had been made suggesting that the building itself should be also included in the Building of Local Importance listing (BLI), together with other matters. The Sub-Committee decided to defer the matter and requested the Heritage Advisory Panel to compile a report on the listing. The Sub-Committee also referred the matter up to the full Environment and Public Services Committee. The matter was discussed by the Heritage Advisory Panel on 13th June 2005 under ‘Any Other Business.’ The minutes stated *‘The building is of interest and clearly forms part of the former farm group and therefore should be included in the existing registration.’* The matter was then considered by

the full Environment and Public Services Committee on 7th July 2005. The Committee was advised of the view of the Heritage Advisory Panel; reviewed a departmental report; and considered the representations received. Notwithstanding the comments of the Heritage Advisory Panel, the Committee decided that the existing access was so unsafe that it agreed the principle of redevelopment, albeit that the Committee was not satisfied with the design of the replacement. Whilst the applicant had been advised of this decision, no permit has been issued and the Department is in fact yet to receive a revised scheme.

After comments from various parties, including the Constable of Grouville, at the beginning of September, whilst I was out of the Island, the Vice-President instructed the Department to put the whole matter on hold. Senator Shenton informed me that he lodged a vote of no confidence during the early hours of Friday morning. That was at a meeting on Friday I had concerning the Waterfront Enterprise Board (WEB) in fact. I discussed it with him after the conclusion of that meeting and undertook to immediately undertake to review the files personally. He indicated at that stage that he would be prepared to withdraw the vote of no confidence if the Committee would agree to simply reconsider the matter. I spent most of Friday and Monday reviewing all of the files and yesterday I interviewed all the relevant officials and indeed the applicant himself. I endorsed the earlier decision of the Vice-President that no further decisions would be made until the matter was reconsidered by the full Committee. In addition, I have set out some new instructions. Having noted that there was no information from the Heritage Advisory Panel concerning the Occupation relevance, I have asked that the file is sent back with a request for a full documented account of the Occupation significance.

The other matter which has been put into the public domain, and which I think is relevant to the question, is the issue of the status of the applicant. It has been suggested that there may have been some impropriety, in that the applicant was an employee of Public Services. Planning and Building Services have for many years exercised a protocol for its staff. They are required to submit a written declaration with the application, stating that they will take no part in it, nor seek to influence any person involved with the consideration of the application. All planning staff applications go to the Planning Sub-Committee or the full Committee. This does not however cover staff outside of the Planning Department, according to the code of conduct. The applicant was an employee in the Architects Department of Public Services about 9 years ago. On completion of his training, no permanent post was made available to him. He was retained on a full-time 2-year contract until December 2003. In December 2003, he became self-employed and, whilst he did some work for some States' contracts on a limited, part-time basis, for a substantial period of the time between December 2003 and July 2005 he did not work for the States. He was appointed to a permanent vacancy in the Department on 1st July 2005. It has to be said that, during all the material times of consideration of the application, save for that meeting on 7th July, he was not an employee of the Department. In fact, even though he was employed on 1st July, the papers were sent out to the Committee before that. Even though I have explained that he was not technically an employee, I understand the sensitivity in dealing with staff applications within a joint Committee, even though they are completely separate. I conducted interviews with the case officer and the applicant yesterday in the presence of the Deputy Chief Executive of the Civil Service, and I have to say to members I am entirely satisfied, having reviewed the files and discussed it with officials, that there has been absolutely no impropriety whatsoever. In fact, I would say that the members of the Committee were not aware of the status of this individual within Public Services. If it had been an employee of the Planning Department, then the code of conduct states that it would go to the full Committee; and that is exactly what happened in this case. In fact, it went to the full Committee and members were not aware of the relationship. In other words, it has been treated as though it had been a full member of the Planning Department, even though of course the Committee were not informed of the relationship.

I have to say that it is deeply regrettable that a Senator and a member of this Assembly has suggested that there has been some problem in the way the application was determined. Of course, I would say that it must be said that all planning applications, contentious planning applications, are made by politicians. In this case, this application was determined, it was referred from a Sub-Committee up to the full Committee and the decision was made by a full Committee. It is the Committee that stands accountable for those decisions and I, as President, stand accountable for that decision making process. But I would say it cannot be right that a senior States member would cast unsubstantiated suggestions of impropriety in the way that has happened against a member of staff.

In summary, to the initial question, the matter had already been put on hold by the Vice-President at the beginning of September when difficulties and information had arisen with the application. We have now asked for more information concerning the Occupation significance of the property. This information will be reconsidered by the full Committee as soon as all of this information has been received, and I hope that that is going to be certainly within the next 2 to 3 weeks. I express the hope that this information assists members in understanding some of the background and that they are better informed, and I am ready to answer any questions on the matter.”

**7(a) The Deputy of Grouville:**

“Given the historical and cultural value of the barn and the fact that no substantial advice other than of interest value was given by the Heritage Advisory Panel, would the President be seeking to review the effectiveness of the working arrangements of the Heritage Advisory Panel?”

**Senator P.F.C. Ozouf:**

“The Heritage Advisory Panel is the consultee that we have concerning all historic matters, and those of course deal with architectural matters and they deal with cultural matters etc. I take full responsibility for the workings of that Panel and I take full responsibility for the advice received. It appears on this occasion, with the benefit of hindsight, that the Committee was not informed, and that is our own problem. We were not aware of, I think, all of the relevant Occupation matters concerning this property. We are seeking, as soon as that issue has been drawn to our attention, to redress that. I am confident that the Heritage Advisory Panel, which consists of a wide group of people, including a member of the Société Jersiaise, will be giving us a full report now that we have asked for it. In addition, I am going to be writing to the Société Jersiaise to see if they can shed any light on some of the issues, because I would say that I am already aware of some fogginess in the relevance of it. It is suggested that the former Bailiff, Sir Peter Crill’s boat was hidden in this barn and, after having confirmed that, it is not the case. There is certainly some important Occupation relevance of it and we must be clear of it, but I would just say one other thing. Of course, this building with its historical significance has been in existence since the end of the Occupation. In my answer, I explained that previous Planning Committees have of course also given effectively permission for demolition of outbuildings, which could have been used for exactly the same purposes as the moment. I just make that point, not in a criticism but perhaps just to explain to members the fact that we are not the only ones to perhaps not have understood the Occupation significance of it.”

**7(b) Deputy G.C.L. Baudains of St. Clement:**

“I thank the President for his comprehensive explanation, but I seek just a clarification of one issue, and that is the current status of this barn. I am not quite clear. The Committee has, as I understand it, given in principle permission for demolition. Does this mean that any future application can rely on that or can the Committee, or has the Committee, withdrawn that aspect?”

**Senator P.F.C. Ozouf:**

“The Committee effectively agreed the principle of redevelopment at its meeting of 7th July, but no permit has been issued, and certainly the Committee at that meeting put forward various different conditions to that. I don’t particularly want to have to go into some of the detail of this, but there are other issues concerning the application which are not exactly as it appeared when the Committee considered it on the 7th. So there is a problem with the application, and that needs to be considered. It is not only the Occupation relevance that needs to be considered. It is nothing dramatic, but there are issues of dimension and scale which have been raised and which were drawn to the attention, rightly so, of the Vice-President and, for those reasons alone, the issued would have to be referred back to the Committee. No permit has been issued. That was the Vice-President’s instruction. That is my instruction. It will not have a permit issued. The Constable of Grouville contacted the Department because there was a suggestion, I think, at one stage that there would have to be a permit to put scaffolding on the road in order to commence some sort of redevelopment. Nothing will happen effectively until the Committee has reconsidered the application, and we will have to wait to see what the Committee thinks when it has got new information.”

**7(c) Deputy G.C.L. Baudains:**

“Is it not the case that once an indication has been given that the Committee would agree to demolition,

really the idea of extending the Building of Local Importance (BLI) status on it or whatever would be a fruitless exercise?"

**Senator P.F.C. Ozouf:**

"I don't think so. The issue of the Building of Local Importance listing is, of course, that we have got an inherited position of something which is quite unclear. Not only, I think, do we need to consider very carefully the Occupation relevance of the whole group of these buildings, but we need to consider to what extent the actual Building of Local Importance designation goes. It is unfortunate that there is a lack of clarity in exactly what is in the Building of Local Importance designation and what isn't. The Deputy of Grouville's earlier question is whether or not there are lessons to be learnt about the Historic Buildings Register. Yes, there are and we have been working very hard in the last few months. Members will perhaps be aware – I think I made a statement to the States – that we have removed responsibility for the maintenance of the buildings register to the Jersey Heritage Trust. We have got some separation between the lobbyists, between the person that maintains it and the decision making Committee. That is along (dare I say it) U.K. lines. We are in the process of clarifying the whole relationship with the Historic Buildings Section. They have done a great deal of work. They have done a lot of good work, but clearly there are some opportunities for improvement that we are identifying."

**7(d) The Deputy of St. John:**

"Some clarification, if I may, from the Attorney General, if it is at all possible? Given that the President has said that verbal permission has been granted (or that is the way I am receiving it), could the Attorney General say if the Committee have given an indication that there is a likelihood that this will be passed, could the applicant accept that, not having had it in writing, as a way forward?"

**H.M. Attorney General:**

"I was going to say, Sir, that, with great respect, I am not prepared to answer it. The position is that the advice which would be given to the Committee at the relevant time would take into account all the facts as presented to the Law Officers by the Committee and I am not prepared to answer that question on the floor of the Assembly today."

**Senator P.F.C. Ozouf:**

"May I just respond to the question that the Deputy raised, because I think I can assist him? The issue is that, whilst an agreement to redevelop was agreed in principle, it is of course subject to conditions, conditions on the presentation of particulars, dimensions, etc., and those have not been fulfilled, and we haven't got a permit, and that is important. But, apart from that, of course we would take all relevant factors into consideration, including legal advice, in making any reconsideration."

**7(e) The Deputy of Grouville:**

"Given the President's response to my earlier question regarding the Heritage Advisory Panel and the sensitivity of the staffing issues that he has highlighted, would he not agree that an independent investigation from a U.K. planning inspectorate would be a prudent course of action at this time, and could he confirm that this measure will be taken and, if so, when?"

**Senator P.F.C. Ozouf:**

"I am going to go on in fact to make a statement in a few minutes that the Committee has appointed the former Chief Executive of Planning Inspectorate to undertake a root and branch review of the Planning Department in preparation for ministerial government. That individual – I am not going to steal the thunder of my statement – is a very eminent person in relation to planning inspectorate. I discussed with him last week the identification of a number of case studies where he could examine the whole of the process. I am very happy (and I think it would be a good thing because this is an excellent case study) for me to present this particular case to him for his review. I do understand the concern. As always, planning is an important area, a difficult area, and there are always lessons to be learnt, and clearly there are lessons to be learnt here. The most important thing I would say here is that the moment that problems emerged, I was out of the Island and the Vice-President wisely took the decision to put the whole matter on hold so that it didn't progress any further."

**7(f) Deputy J.A. Hilton:**

“Just a point of clarification. Can the President confirm that he said earlier that, on 13th June, the Heritage Advisory Panel met to consider the Building of Local Importance designation of the barn and gave a positive recommendation to the Committee that the barn should be included in the listing? If that is the case, can he confirm that 3 weeks later, on 7th July, the full Committee still agreed the principle of demolition despite that recommendation?”

**Senator P.F.C. Ozouf:**

“It is not at all surprising that I think the Heritage Advisory Panel considered the matter, and I confirm that their minute states, under ‘Any Other Business’ and there wasn’t a very detailed report based upon the file, which I have with me. They did consider that the buildings – the whole of the site – should be included in the Building of Local Importance listing. Of course, that was also the listing of the buildings which were previously demolished in the early 1990s, although I haven’t got pictures of them. Certainly that is the case. On the other side, we do have a very important issue concerning access, and of course Planning – as Deputy Hilton will know better perhaps than anybody – is a balance of decision. The balance of decision on this occasion was that redevelopment of this site would improve dramatically a traffic issue. I don’t know whether members know the site very well, but I have been there twice in the last few days and it must be one of the most dangerous accesses I think I have ever seen. It is on a busy road. It is horrendous. I think I am even seeing Deputy Baudains nodding in agreement, which is unusual for us. It is extremely dangerous. Now, that, I think, in weighing the Committee’s consideration, the Committee took regard to the safety issue of the access, which is not only for this property but for 3 other properties against the issue of perhaps a borderline BLI listing. I think that is important. But Deputy Hilton is absolutely right, the Heritage Advisory Panel did suggest that it should be included for the Building of Local Importance listing. What is not there is of course a documented account of the Occupation relevance, and that is what we have been asked to do. I am confident that they will do that now they have been asked, and I am confident that the Committee will give careful consideration to that.”

**7(g) Deputy J.A. Hilton:**

“Does the President feel that possibly some lack of information to the Committee may be due in part to the fact that the Historic Buildings Section in the Planning Department has been latterly reduced to one member of staff?”

**Senator P.F.C. Ozouf:**

“The Deputy is absolutely right to point out that the Historic Buildings Section has been reduced to one member of staff. She might go on to say the circumstances of that. That is that the Director of Historic Buildings and Design, for his own personal reasons, relinquished his post and we were sorry to see him depart. What we have been doing since his departure is using the resources we have available; where necessary we stand ready to call in expertise from outside the Island to assist us where we are not staffed; and what I would also say is that such is the importance of the historic buildings function that it is my view that we should not replace that person with somebody with a split responsibility (because that individual has responsibility for not only the Historic Buildings Section but also Design as well) and my intention, and this is what is going on at the moment, is to recruit somebody with specific expertise at a high level for Historic Buildings and somebody at Design. Effectively there wasn’t enough resources to deal under the existing structure with the work that has been available. I hope in saying that, that reinforces the absolute importance of the Committee being fully up to staff in relation to advice from the Historic Buildings Section. It is clearly important.”

**7(h) The Deputy of Grouville:**

“I am not sure in the last question that he answered of mine if the President confirmed when the U.K. planning inspectorate is over and can we have his assurance that no decisions will be made until this file has been reviewed?”

**Senator P.F.C. Ozouf:**

“I would be happy to do that, as I am going to go on with the statement to say. This individual was in Jersey last week. He is going to come back in, I think it is, 10 days’ time to conduct the review. This one will be at the top of the pile in terms of case review for him, in addition to all the other things he is going

to do. I would also be perfectly happy to give the undertaking that until he has considered that matter independently the Committee will not take a decision. I suspect it is going to take 2 to 3 weeks before we get that full report. Indeed, in my statement, I am saying that there is going to be full publication of that individual's report, and no doubt this will be included in that. I hope that gives members comfort. I would just in conclusion, say that this matter was on hold prior to the intervention of Senator Shenton on Friday. I am saddened about the fact that no attempt was made to check with me or the Department by the Senator, who I wish a speedy recovery and I am sorry he is not here to debate these issues with us, but I am sorry that he didn't take the trouble to check out the facts. I think if he had known what I have explained now, then I think he may have taken some comfort from it. I hope members will take some comfort from the independent review."

**The Deputy of Grouville:**

"Could I thank the President for his very comprehensive reply."

**The Bailiff:**

"Very well, that concludes Question Time."

**Security in car parks – statement**

The President of the Environment and Public Services Committee made a statement in the following terms –

"Deputy J-A. Bridge has lodged a report and proposition (P.202/2005) charging the Committee to consult with the Home Affairs and Health and Social Services Committees and erect physical barriers in multi storey car parks in order to reduce the risk of suicide. I was disappointed that the Deputy has taken this step because there is much that all three Committees are doing to reduce such suicides and attempted suicides. Most of the work is being done behind the scenes. This is a tragic issue which needs dealing with in a sensitive manner. The Deputy also expresses the hope that the proposition is not debated. I am giving this statement in the hope that the Deputy will withdraw the proposition.

I can assure the Deputy of the following facts –

The Committee will as part of any specification for new car parks include the provision of barriers on the upper levels and look at every opportunity to make the car park more secure for the general public. As far as existing car parks are concerned, the Committee has already completed the installation of barriers at Pier Road and work at Sand Street is currently being undertaken as part of the wider refurbishment project.

Quotations are being obtained from the contractor undertaking the work at Sand Street for the remaining multi storey car parks – Green Street, Minden Place and Patriotic Street and it is the Committee's intention that this remaining work will be completed by the end of the year.

The Environment and Public Services Committee and its Officers have been involved in the Suicide Prevention Strategy Steering Group since its inception in late 2002 and have carried out all recommendations made by that group which appertain to multi storey car parks. The Steering Group is a multi disciplinary agency and comprises officers from Home Affairs, Health and Social Services and Environment and Public Services Committees as well as other agencies such as the Samaritans and the Youth Service.

The £35,000 budget quoted by Deputy Bridge in her report referred to an approved allocation from the Car Park Trading Account. This money was not specifically for the erection of barriers in car parks but was to be allocated for the reduction of suicides in the Island as a whole as recommended by the Strategy Group. This was to show the commitment of the Committee to reducing suicides and attempted suicides within the Island. Unfortunately, £35,000 is not sufficient to fund barriers on all car parks.

Samaritan posters have been placed in the majority of staircases in the multi storey car parks and recent

evidence from the U.K. suggests that this type of publicity significantly reduces the number of occurrences.

CCTV coverage has been improved and staff observing and patrolling car parks alerted to identify those persons who may be exhibiting behaviour indicative of a potential suicide incident.

In summary, if the objective of this proposition is to ensure barriers are being erected, I can say this is being done and I hope the work will be completed by the end of this term. The Committee is fully supportive of the Strategy Group. I hope that this information is sufficient to persuade Deputy Bridge to withdraw her report and proposition.”

### **A review of the Planning Department – statement**

The President of the Environment and Public Services Committee made a statement in the following terms –

“In July 2005, I announced the decision to undertake a major review of the planning process.

I am pleased to advise members that we have appointed Mr. Chris Shepley, retired Chief Executive of the U.K. Planning Inspectorate. As Chief Executive he was responsible for managing the planning appeals process in England and Wales. He was also past President of the Royal Town Planning Institute. Mr. Shepley has a long-standing career in planning and has held a number of senior appointments at local government level running large planning departments.

The review commenced last week when Mr. Shepley undertook interviews in the Planning Department as well as meeting leading industry representatives.

The review will be thorough. It will review all procedures within the department.

The Terms of Reference state –

“The Planning function is one of the most controversial areas of decision making and is widely regarded as one of the most challenging political portfolios. Over the past few years there have been a number of highly contentious planning applications which have attracted considerable scrutiny. It is vital the Planning authority enjoys high levels of confidence within the States and with the public of the Island. In preparing for the transition from Committee to Ministerial government, the existing Committee would like to undertake a thorough review of the planning processes and procedures to ensure that the system is well founded for the new incoming Minister. In addition, the new Planning and Building Law 2002 Law will come into effect 2006. This introduces provisions for third party appeals.”

The Scope of Review covers all divisions –

- Development Control
- Historic Buildings
- Building Control
- Policy and Projects.

The output will be a detailed report outlining the overall performance of the Division, any weaknesses in procedure, and recommendations for change. It will provide a framework for development into the future to ensure the system can operate effectively under the new system of Government and new Planning Law.

I am happy to provide any member with a copy of the Terms of Reference.

In addition I hope that a number of States members will also have an opportunity to meet Mr. Shepley when he is conducting his next series of interviews during week commencing 10th October 2005. I would encourage members to express their views on the planning process and how they would like to see it operate in the future as we move into Ministerial government and when the new planning law is introduced.



This review is important. It is designed to ensure the new Planning and Environment Ministry is fit for purpose. It will also provide the States, applicants and members of the public with a Ministry in which they can have confidence in.”

### **St. Helier Waterfront Development: directions to W.E.B. Ltd.– P.159/2005**

#### **Comments**

THE STATES noted that consideration of the proposition of Senator Richard Joseph Shenton concerning St. Helier Waterfront Development: directions to W.E.B. Ltd. would continue to be adjourned until his return to the Chamber.

### **Draft Rates (Jersey) Law 200- P.170/2005**

#### **Comments**

THE STATES commenced consideration of the draft Rates (Jersey) Law 200-, and adopted the preamble.

Members present voted as follows –

POUR: 43

CONTRE: 2

ABSTAIN: 0

**Senator J.A. Le Maistre**

**Senator S. Syvret**

**Senator F.H. Walker**

**Senator W. Kinnard**

**Senator T.A. Le Sueur**

**Senator P.F. Routier**

**Senator M.E. Vibert**

**Senator P.F.C. Ozouf**

**Connétable of St. Ouen**

**Connétable of St. Saviour**

**Connétable of St. Brelade**

**Connétable of St. Mary**

**Connétable of St. Peter**

**Connétable of St. Clement**

**Connétable of St. Helier**

**Connétable of Trinity**

**Connétable of St. Lawrence**

**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 T.J. Le Main (H)**

**Deputy M.F. Dubras (L)**

**Deputy G.C.L. Baudains**

**(C)**

**Deputy J.L. Dorey (H)**

**Deputy F.G. Voisin (L)**

**Deputy L.J. Farnham (S)**

**Deputy R.G. Le Hérissier**

**(S)**

**Deputy J.B. Fox (H)**

**Deputy of St. John**

**Deputy of St. Ouen**

**Deputy J-A. Bridge (H)**  
**Deputy J.A. Martin (H)**  
**Deputy G.P. Southern (H)**  
**Deputy J.A. Bernstein (B)**  
**Deputy S.C. Ferguson (B)**  
**Deputy of St. Mary**  
**Deputy P.J.D. Ryan (H)**  
**Deputy M.A. Taylor (C)**  
**Deputy of Grouville**  
**Deputy of St. Peter**  
**Deputy J.A. Hilton (H)**  
**Deputy G.W.J. de Faye (H)**

THE STATES adopted Article 1.

THE STATES adopted Articles 2 to 14.

Members present voted as follows –

**POUR: 37**

**CONTRE: 2**

**ABSTAIN: 0**

**Senator J.A. Le Maistre**  
**Senator S. Syvret**  
**Senator F.H. Walker**  
**Senator W. Kinnard**  
**Senator T.A. Le Sueur**  
**Senator M.E. Vibert**  
**Senator P.F.C. Ozouf**  
**Connétable of St. Ouen**  
**Connétable of St. Saviour**  
**Connétable of St. Brelade**  
**Connétable of St. Peter**  
**Connétable of St. Clement**  
**Connétable of St. Helier**  
**Connétable of Trinity**  
**Connétable of St. Lawrence**  
**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 T.J. Le Main (H)**  
**Deputy G.C.L. Baudains**  
**(C)**  
**Deputy L.J. Farnham (S)**  
**Deputy R.G. Le Hérissier**  
**(S)**  
**Deputy J.B. Fox (H)**  
**Deputy J-A. Bridge (H)**  
**Deputy J.A. Martin (H)**  
**Deputy J.A. Bernstein (B)**  
**Deputy S.C. Ferguson (B)**  
**Deputy of St. Mary**  
**Deputy P.J.D. Ryan (H)**  
**Deputy M.A. Taylor (C)**

**Deputy of St. John**  
**Deputy of St. Ouen**

**Deputy of Grouville**  
**Deputy of St. Peter**  
**Deputy J.A. Hilton (H)**  
**Deputy G.W.J. de Faye (H)**

THE STATES adopted Articles 15 to 19.

Members present voted as follows –

POUR: 38

CONTRE: 4

ABSTAIN: 0

**Senator J.A. Le Maistre**  
**Senator S. Syvret**

**Deputy of St. Martin**  
**Deputy of St. John**  
**Deputy G.C.L. Baudains**  
**(C)**  
**Deputy of St. Ouen**

**Senator F.H. Walker**  
**Senator W. Kinnard**  
**Senator T.A. Le Sueur**  
**Senator M.E. Vibert**  
**Senator P.F.C. Ozouf**  
**Connétable of St. Ouen**  
**Connétable of St. Saviour**  
**Connétable of St. Brelade**  
**Connétable of St. Mary**  
**Connétable of St. Peter**  
**Connétable of St. Clement**  
**Connétable of St. Helier**  
**Connétable of Trinity**  
**Connétable of St. Lawrence**  
**Connétable of St. John**  
**Deputy of Trinity**  
**Deputy R.C. Duhamel (S)**  
**Deputy A. Breckon (S)**  
**Deputy J.J. Huet (H)**  
**Deputy T.J. Le Main (H)**  
**Deputy M.F. Dubras (L)**  
**Deputy F.G. Voisin (L)**  
**Deputy L.J. Farnham (S)**  
**Deputy R.G. Le Hérissier**  
**(S)**  
**Deputy J.B. Fox (H)**  
**Deputy J-A. Bridge (H)**  
**Deputy J.A. Martin (H)**  
**Deputy J.A. Bernstein (B)**  
**Deputy S.C. Ferguson (B)**  
**Deputy of St. Mary**  
**Deputy P.J.D. Ryan (H)**  
**Deputy M.A. Taylor (C)**  
**Deputy of Grouville**  
**Deputy of St. Peter**  
**Deputy J.A. Hilton (H)**  
**Deputy G.W.J. de Faye (H)**

THE STATES commenced consideration of Article 20 and adopted an amendment proposed by the Connétable of St. Ouen on behalf of the Policy and Resources Committee that in paragraph (1) for the words “1st March”, there be substituted the words “1st April”, the Bailiff having granted leave under Standing Order 18(2) for the amendment to be moved without notice.

THE STATES adopted Article 20, as amended, together with Articles 21 to 30.

THE STATES adopted Articles 31 to 48.

Members present voted as follows –

POUR: 31

CONTRE: 1

ABSTAIN: 0

**Senator F.H. Walker**  
**Senator W. Kinnard**  
**Senator T.A. Le Sueur**  
**Senator M.E. Vibert**  
**Senator P.F.C. Ozouf**  
**Connétable of St. Ouen**  
**Connétable of St. Brelade**  
**Connétable of St. Peter**  
**Connétable of St. Clement**  
**Connétable of St. Lawrence**  
**Connétable of St. John**  
**Deputy of Trinity**  
**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 J.L. Dorey (H)**  
**Deputy R.G. Le Hérissier**  
**(S)**  
**Deputy J-A. Bridge (H)**  
**Deputy J.A. Martin (H)**  
**Deputy G.P. Southern (H)**  
**Deputy J.A. Bernstein (B)**  
**Deputy of St. Mary**  
**Deputy of St. Ouen**  
**Deputy P.J.D. Ryan (H)**  
**Deputy M.A. Taylor (C)**  
**Deputy of Grouville**  
**Deputy of St. Peter**  
**Deputy J.A. Hilton (H)**

**Deputy of St. John**

THE STATES commenced consideration of Articles 49 to 59 and adopted an amendment proposed by the Connétable of St. Ouen on behalf of the Policy and Resources Committee that in Article 52, paragraph 1(a), for the words “1st March”, there be substituted the words “1st April”, the Bailiff having granted leave under Standing Order 18(2) for the amendment to be moved without notice.

THE STATES adopted Article 49 to 51, Article 52 as amended, and Articles 53 to 59 together with the Schedule.

Members present voted as follows –

POUR: 31

CONTRE: 2

ABSTAIN: 0

**Senator L. Norman**  
**Senator F.H. Walker**

**Deputy of St. John**  
**Deputy of St. Ouen**

**Senator T.A. Le Sueur**  
**Senator P.F.C. Ozouf**  
**Connétable of St. Ouen**  
**Connétable of St. Brelade**  
**Connétable of St. Peter**  
**Connétable of St. Clement**  
**Connétable of St. Lawrence**  
**Connétable of St. John**  
**Deputy of Trinity**  
**Deputy R.C. Duhamel (S)**  
**Deputy A. Breckon (S)**  
**Deputy of St. Martin**  
**Deputy T.J. Le Main (H)**  
**Deputy M.F. Dubras (L)**  
**Deputy G.C.L. Baudains**  
**(C)**  
**Deputy J.L. Dorey (H)**  
**Deputy R.G. Le Hérissier**  
**(S)**  
**Deputy J.B. Fox (H)**  
**Deputy J-A. Bridge (H)**  
**Deputy J.A. Martin (H)**  
**Deputy G.P. Southern (H)**  
**Deputy J.A. Bernstein (B)**  
**Deputy of St. Mary**  
**Deputy P.J.D. Ryan (H)**  
**Deputy M.A. Taylor (C)**  
**Deputy of Grouville**  
**Deputy of St. Peter**  
**Deputy J.A. Hilton (H)**  
**Deputy G.W.J. de Faye (H)**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Rates (Jersey) Law 200-.

Members present voted as follows –

POUR: 36

CONTRE: 2

ABSTAIN: 0

**Senator L. Norman**  
**Senator F.H. Walker**  
**Senator W. Kinnard**  
**Senator T.A. Le Sueur**  
**Senator P.F. Routier**  
**Senator P.F.C. Ozouf**  
**Connétable of St. Ouen**  
**Connétable of St. Brelade**  
**Connétable of St. Peter**  
**Connétable of St. Clement**  
**Connétable of St. Helier**  
**Connétable of St. Lawrence**  
**Connétable of St. John**  
**Deputy of Trinity**  
**Deputy R.C. Duhamel (S)**  
**Deputy A. Breckon (S)**  
**Deputy J.J. Huet (H)**

**Deputy of St. John**  
**Deputy of St. Ouen**

**Deputy of St. Martin**  
**Deputy T.J. Le Main (H)**  
**Deputy M.F. Dubras (L)**  
**Deputy G.C.L. Baudains**  
**(C)**  
**Deputy F.G. Voisin (L)**  
**Deputy R.G. Le Hérissier**  
**(S)**  
**Deputy J.B. Fox (H)**  
**Deputy J-A. Bridge (H)**  
**Deputy J.A. Martin (H)**  
**Deputy G.P. Southern (H)**  
**Deputy J.A. Bernstein (B)**  
**Deputy S.C. Ferguson (B)**  
**Deputy of St. Mary**  
**Deputy P.J.D. Ryan (H)**  
**Deputy M.A. Taylor (C)**  
**Deputy of Grouville**  
**Deputy of St. Peter**  
**Deputy J.A. Hilton (H)**  
**Deputy G.W.J. de Faye (H)**

**Draft Public Employees (Retirement (Additional Contributions – Amendments) (Jersey) Regulations 200-  
P.190/2005**  
**Comments**

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Public Employees (Retirement (Additional Contributions – Amendments) (Jersey) Regulations 2005.

**Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 10) (Jersey) Regulations 200- P.189/2005**  
**Comments**

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 10) (Jersey) Regulations 2005.

**Draft Consumer Safety (Jersey) Law 200- P.137/2005**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Consumer Safety (Jersey) Law 200-.

**Change in Presidency**

The Bailiff retired from the Chair during consideration of the draft Consumer Safety (Jersey) Law 200-, (P.137/2005 lodged “au Greffe” on 5th July 2005), and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

**St. Helier Waterfront Development: height of buildings– P.158/2005**  
**Comments**

THE STATES commenced consideration of a proposition of Deputy Alan Breckon of St. Saviour concerning the St. Helier Waterfront Development: height of buildings, and then adjourned.

### **Adjournment**

THE STATES adjourned, having agreed to reconvene the next day, Wednesday 28th September 2005, in order to continue consideration of the proposition of Deputy Alan Breckon of St. Saviour concerning the St. Helier Waterfront Development: height of buildings, (P.158/2005 lodged "au Greffe" on 2nd August 2005), together with the outstanding matters of public business.

THE STATES rose at 5.30 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*