



**THE STATES assembled on Tuesday
19th November 2013, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Michael Birt.**

**His Excellency the Lieutenant Governor,
General Sir John McColl, K.C.B., C.B.E., D.S.O.
was present.**

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

Connétable Juliette Gallichan of St. Mary – absent on States business
Connétable Sadie Anthea Rennard of St. Saviour – ill
Deputy John Alexander Nicholas Le Fondré of St. Lawrence – absent on States business
Deputy Trevor Mark Pitman of St. Helier – excused attendance (arrived in the Chamber at 9.54 a.m.)
Deputy Susan Jane Pinel of St. Clement – excused attendance (arrived in the Chamber at 9.42 a.m.)
Deputy Kristina Louise Moore of St. Peter – ill

Prayers read by the Deputy Greffier of the States

Documents presented or laid

Dental Health Services: improvements (P.127/2013) – comments. Presented: 18th November 2013. <i>Minister for Social Security.</i>	P.127/2013. Com.
States Members' remuneration: proposed increase 2014 (P.128/2013) – comments. Presented: 19th November 2013. <i>Privileges and Procedures Committee.</i>	P.128/2013. Com.
<i>Ex Gratia</i> payment to Terry McDonald (P.130/2013): comments. Presented: 19th November 2013. <i>Minister for Home Affairs.</i>	P.130/2013. Com.
States Investment Strategies. Presented: 11th November 2013. <i>Minister for Treasury and Resources.</i>	R.139/2013.
Land Transactions under Standing Order 168(3) – (a) Bonne Nuit back leading light, Bonne Nuit, St. John – lease; (b) V26 Victoria Pier – lease; (c) Fields 800, 800A and 801, Claremont Road, St. Saviour – lease; (d) Peverell, La Grande Route de la Côte (A4) – acquisition of pavement; (e) Maison St. Louis Observatory Flat, Highlands Lane, St. Saviour – lease; (f) St. Mary's Country Inn, La Rue des Buttes, St. Mary – acquisition of land. Presented: 13th November 2013. <i>Minister for Treasury and Resources.</i>	R.140/2013.

Care Inspectorate Report of a follow-up inspection of services for looked-after children in the States of Jersey: September 2013. Presented: 13th November 2013. <i>Minister for Health and Social Services.</i>	R.141/2013.
States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Social Security and the Department for Social Security regarding the handling of an application for Income Support. Presented: 15th November 2013. <i>Privileges and Procedures Committee.</i>	R.142/2013.
Land Transactions under Standing Order 168(3) – 32 Oak Tree Gardens, St. Helier – sale. Presented: 19th November 2013. <i>Minister for Treasury and Resources.</i>	R.143/2013.
States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Planning and Environment regarding an appeal in respect of the issue of an Enforcement Notice and failure to respond to the applicant. Presented: 19th November 2013. <i>Privileges and Procedures Committee.</i>	R.144/2013.
Energy Policy. Presented: 14th November 2013. <i>Environment Scrutiny Panel.</i>	S.R.12/2013.
Car Parks Trading Fund. Presented: 19th November 2013. <i>Public Accounts Committee.</i>	P.A.C.3/2013.
Notification of lodged propositions	
Long-Term Care Scheme (P.99/2013): second amendment. Lodged: 19th November 2013. <i>Senator A. Breckon.</i>	P.99/2013. Amd.(2)
Long-Term Care Scheme (P.99/2013): third amendment. Lodged: 19th November 2013. <i>Deputy M. Tadier of St. Brelade.</i>	P.99/2013. Amd.(3)
Draft Budget Statement 2014 (P.122/2013): amendment. Lodged: 19th November 2013. <i>Deputy G.P. Southern of St. Helier.</i>	P.122/2013. Amd.
Draft Budget Statement 2014 (P.122/2013): second amendment. Lodged: 19th November 2013. <i>Connétable of St. Helier.</i>	P.122/2013. Amd.(2)
Draft Budget Statement 2014 (P.122/2013): third amendment. Lodged: 19th November 2013. <i>Deputy G.P. Southern of St. Helier.</i>	P.122/2013. Amd.(3)
Draft Budget Statement 2014 (P.122/2013): fourth amendment. Lodged: 19th November 2013. <i>Deputy J.H. Young of St. Brelade.</i>	P.122/2013. Amd.(4)

Draft Budget Statement 2014 (P.122/2013): fifth amendment. Lodged: 19th November 2013. <i>Deputy G.P. Southern of St. Helier.</i>	P.122/2013. Amd.(5)
Draft Social Security (Amendment of Law No. 6) (Jersey) Regulations 201- (P.138/2013): amendment. Lodged: 19th November 2013. <i>Deputy M. Tadier of St. Brelade.</i>	P.138/2013. Amd.
Draft Long-Term Care (States Contribution) (Jersey) Regulations 201- (P.140/2013): amendment. Lodged: 19th November 2013. <i>Senator A. Breckon.</i>	P.140/2013. Amd.
EU Taxation of Savings Income Agreements: replacement of the retention tax by automatic exchange of information. Lodged: 12th November 2013. <i>Minister for External Relations.</i>	P.150/2013.
Draft Taxation (Agreements with European Union Member States) (Amendment No. 2) (Jersey) Regulations 201-. Lodged: 12th November 2013. <i>Minister for External Relations.</i>	P.151/2013.
Law Officers' Department and members of the Law Society of Jersey: revised disciplinary process. Lodged: 13th November 2013. <i>Deputy R.G. Le Hérisier of St. Saviour.</i>	P.152/2013.
Referenda: revised procedures. Lodged: 13th November 2013. <i>Deputy R.G. Le Hérisier of St. Saviour.</i>	P.153/2013.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposers of the following propositions lodged "au Greffe" had informed the Greffier of the States that they had been withdrawn –

Law Officers' Department: revised disciplinary process. Lodged: 10th September 2013. <i>Deputy R.G. Le Hérisier of St. Saviour.</i>	P.109/2013.
Minister for Planning and Environment: Vote of No Confidence. Lodged: 5th November 2013. <i>Deputy of St. Martin.</i>	P.148/2013.

Written Questions

(see Official Report/Hansard)

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding Tamiflu.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the Energy from Waste Plant.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding Gardasil vaccines.

The Chairman of Privileges and Procedures Committee tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding access to the 2006 MORI poll results.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the treatment by the Police and the Court of the woman known as HG.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding a review of the HG case.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding HG and her departure from the Island.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding Civil Services and Public Sector codes.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the impact of Bulgarian and Romanian immigration to the Island.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the investigations into the starting-pistol incident at a secondary school.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the number of residents in Jersey with Entitled status (former (1)(1)(k) status) who are also French nationals.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the progress on the introduction of penalties for littering and dog fouling.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding procedures used by Income Tax to administer ITIS rates.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the Independent Judicial Appointments Commission.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the number of tenants re-charged for repairs.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Channel Islands Competition Regulatory Authority's review of heating oil prices.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a breakdown of Long-Term Incapacity Allowance benefits by percentage.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the chronology of key events in respect of the Planning application for the storage of asbestos.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the chronology of key events in respect of an application for storage of asbestos

Oral Questions

(see Official Report/Hansard)

Deputy T.A. Vallois of St. Saviour asked a question of the Chief Minister regarding the implementation of the recommendations contained within the Chapman Report of 2009.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Education, Sport and Culture regarding the reinstatement of the playground on Les Quennevais Playing Fields.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the procedure in place for when Courts ‘bound over’ convicted persons from Jersey to the UK.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the number of carers in receipt of the Income Support Carer’s component attached to level 3 impairment.

The Connétable of St. Helier asked a question of the Minister for Transport and Technical Services regarding the timetable for the completion of the engineering works at Ann Court.

Deputy J.H. Young of St. Brelade asked a question of the Minister for Planning and Environment regarding the appointment of a Planning Inspector to conduct an inquiry into the review of the Island Plan.

Deputy G.C.L. Baudains of St. Clement asked a question of the Chief Minister regarding support for his Ministers.

Deputy M.R. Higgins of St. Helier asked a question of the Assistant Chief Minister regarding the mandatory reporting of child abuse.

Deputy J.M. Maçon of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding an internal review into the serious incident at Le Rocquier School involving a starting-pistol.

Deputy M.R. Higgins of St. Helier asked a question of H.M. Attorney General regarding the adoption of new Crown Prosecution Service guidelines relating to the prosecution of very difficult child abuse cases.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for External Relations regarding challenges to the Chinese government on its continuing record of Human Rights abuses.

Deputy J.H. Young of St. Brelade asked a question of the Minister for Planning and Environment regarding the development of the Esplanade car park site by the States of Jersey Development Company.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Transport and Technical Services regarding the introduction of a ‘transfer’ fare by Liberty Bus.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Economic Development regarding domestic heating oil price increases to date since the report of the Jersey Competition Regulatory Authority in February 2012.

The Connétable of St. Helier asked a question of the Minister for Treasury and Resources regarding the future of the Central and Beresford Markets.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Economic Development answered questions without notice from members.

The Minister for Planning and Environment answered questions without notice from members.

Urgent oral question

Deputy G.P. Southern of St. Helier asked the following question of the Minister for Economic Development which the Bailiff had allowed in accordance with Standing Order 15 relating to urgent oral questions –

“In the light of the announcement by Flybe to cut its staff by almost 20% (including 35 in Jersey) has the Minister sought assurances from Flybe over the maintenance of essential flights to and from the Island and, if not, will he do so as a matter of urgency?”

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Chief Minister made a statement about public sector pay.

Public Sector Reform P.91/2013

THE STATES commenced consideration of a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement regarding reforming the public sector and rejected paragraph (a) of the proposition that a working party should be established to review how best to deliver the services the public expected in the most efficient manner and to report back to the States with its findings within one year.

Members present voted as follows –

POUR: 11

Senator A. Breckon
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérissier (S)
Deputy J.A. Hilton (H)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy G.C.L. Baudains (C)

CONTRE: 36

Senator P.F. Routier
Senator P.F.C. Ozouf
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Senator I.J. Gorst
Senator L.J. Farnham
Senator P.M. Bailhache
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Lawrence
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Martin
Connétable of Grouville
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy A.K.F. Green (H)

ABSTAIN: 0

Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

Following the rejection of paragraph (a), the Presiding Officer informed the Assembly that paragraph (b) of the proposition was deemed to have been withdrawn.

The Law Society of Jersey Disciplinary Panel: appointment of lay members P.104/2013

THE STATES, adopting a proposition of the Chief Minister, in accordance with Article 18(2) of The Law Society of Jersey Law 2005, appointed the following persons as lay members of the Disciplinary Panel of the Law Society of Jersey for a period of 5 years –

Mr. Paul John Battrick, M.B.E.
 Mr. Ian Berry
 Mrs. Annette Cullen
 Mr. (Patrick) David McGrath
 Professor Edward Sallis, O.B.E.
 Mrs. Deborah Ann Thompson.

Members present voted as follows –

POUR: 43

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of Grouville
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen

CONTRE: 2

Deputy S. Pitman (H)
 Deputy G.C.L. Baudains (C)

ABSTAIN: 1

Deputy M. Tadier (B)

Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

Commissioner for Standards: establishment P.107/2013

THE STATES, adopting a proposition of the Privileges and Procedures Committee –

- (a) agreed that a new position of Commissioner for Standards should be established in Jersey to investigate alleged breaches of the Code of Conduct for elected members and make recommendations to the Privileges and Procedures Committee following any such investigation;
- (b) agreed that the Commissioner for Standards should be made responsible for keeping the operation of the Code of Conduct and associated procedures under review and for making recommendations for change as necessary;
- (c) requested the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to the proposal.

Members present voted as follows –

POUR: 44

CONTRE: 1

ABSTAIN: 0

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence

Deputy of St. Ouen

Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of Grouville
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

Draft Shipping (Safety Codes – Yachts and Small Ships) (Jersey) Regulations 201- P.118/2013

THE STATES commenced consideration of the Draft Shipping (Safety Codes – Yachts and Small Ships) (Jersey) Regulations 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 9.

THE STATES, in pursuance of Articles 49 and 196 of the Shipping (Jersey) Law 2002, made Regulations entitled the Shipping (Safety Codes – Yachts and Small Ships) (Jersey) Regulations 2013.

Members present voted as follows –

POUR: 37

CONTRE: 0

ABSTAIN: 0

Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity

Connétable of St. Peter
Connétable of St. Lawrence
Connétable of St. John
Connétable of St. Ouen
Connétable of St. Martin
Connétable of Grouville
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérisssier (S)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)
Deputy G.C.L. Baudains (C)
Deputy of St. John
Deputy J.P.G. Baker (H)
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy R.J. Rondel (H)

Jersey Heritage Trust: amendments to Constitution P.119/2013

THE STATES, adopting a proposition of the Minister for Education, Sport and Culture, referred to their Act dated 25th May 1999, in which they approved a revised Constitution for the Jersey Heritage Trust, and to their Act dated 8th July 2003, in which they agreed that responsibility for the Trust should pass from the Finance and Economics Committee to the Education, Sport and Culture Committee, and agreed, in accordance with clause 11.2 of the Constitution of the Trust, that it be permitted to amend its constitution so that –

- (a) references in clause 4.2 and 5.3.1 to the “Education, Sport and Culture Committee” should be changed to the “Minister for Education, Sport and Culture”; and
- (b) clause 5.3.3 should be deleted with consequential re-numbering of the clauses which followed;
- (c) the words ‘three’ should be changed to ‘five’, and ‘seven’ should be changed to ‘nine’ in the existing clause 5.3.5;
- (d) in existing clauses 5.4. and 5.5 the word ‘seven’ should be changed to ‘eight’.

The Lord Portsea Gift Fund: revised rules and conditions P.126/2013

THE STATES, adopting a proposition of the Minister for Education, Sport and Culture, referred to their Act dated 25th May 1971 in which they established rules and conditions with regard to the administration of The Lord Portsea Gift Fund (“the Fund”), and to their Acts dated 3rd February 1981 and 13th May 1997 in which they amended the said rules and conditions; and agreed that –

- (a) subject to the grant of the applications referred to in (b), the rules and conditions of the Fund should be modified so as to be effective in accordance with the draft Constitution contained in Appendix 1 to the Report herein;
- (b) the Minister for Education, Sport and Culture should be requested to apply to the Royal Court –
 - (i) for an act of incorporation in respect of the Fund, pursuant to Article 4 of the *Loi (1862) sur les teneures en fidéicommiss et l’incorporation d’associations*;
 - (ii) for orders pursuant to Articles 10 and 17 of that Law authorising the modification of the rules and conditions applying to the Fund so that the whole was effective in accordance with the terms of the said draft Constitution.

Dental Health Services: improvements P.127/2013

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier entitled ‘Dental Health Services: improvements’ (P.127/2013).

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 20th November 2013 to continue consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier entitled ‘Dental Health Services: improvements’ (P.127/2013) and the outstanding items of public business.

THE STATES rose at 5.25 p.m.

A.H. HARRIS

Deputy Greffier of the States