

**THE STATES assembled on Wednesday,
6th June 2001 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 Terence Augustine Le Sueur - out of the Island
Senator Paul Vincent Francis Le Claire - ill
Robert Lester Le Brocq, Connétable of St. Helier - out of the Island
Harry Hallewell Baudains, Deputy of St. Clement - out of the Island
Alastair John Layzell, Deputy of St. Brelade - out of the Island
Jacqueline Jeanette Huet, Deputy of St. Helier - ill
Francis Gerald Voisin, Deputy of St. Lawrence - out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier - ill

Prayers

**Draft Planning and Building (Jersey) Law 200 - P.50/2001
amendments - P.50/2001 Amd.; third amendments- P.50/2001 Amd.(3); comments- P.50/2001 Com.**

THE STATES resumed consideration of the Draft Planning and Building (Jersey) Law 200- and adopted article 108, having adopted an amendment of Deputy Celia Scott Warren of St. Saviour that in Article 108 -

paragraph (2) be deleted and the subsequent paragraphs be renumbered accordingly.

Members present voted as follows -

“Pour” (25)

Senators

Le Maistre, Bailhache, Syvret, Kinnard, Lakeman.

Connétables

St. Peter, Grouville, St. Martin, St. Ouen, Trinity, St. Clement, St. Brelade, St. Mary.

Deputies

S. Baudains(H), Trinity, Duhamel(S), Breckon(S), St. Martin, St. John, Vibert(B), G. Baudains(C), Dore (H), Scott Warren(S), Le Hérissier(S), Martin(H).

“Contre” (15)

Senators

Stein, Qu  r  e, Norman, Walker.

Conn  tables

St. Saviour, St. Lawrence, St. John.

Deputies

Routier(H), Le Main(H), Crowcroft(H), St. Peter, Dubras(L), St. Ouen, Farnham(S), Fox(H).

Change in Presidency

The Bailiff retired from the Chamber during consideration of the amendment of Deputy Celia Joyce Scott Warren to the Draft Planning and Building (Jersey) Law 200 - and Senator Pierre Fran  ois Horsfall O.B.E. took over the Presidency for the remainder of the consideration of the Draft Planning and Building. (Jersey) Law 200-.

Articles 109 to 113 were adopted.

Article 114 was adopted, the States having accepted an amendment of Deputy Celia Joyce Scott Warren of St. Saviour that after Article 113 there be inserted the following Article -

“ARTICLE 114

Persons who may appeal against grant of planning permission

(1) This Article applies to a decision by the Committee to grant planning permission on an application made to it in accordance with Article 9(1), if any person other than the applicant has made a submission to the Committee in respect of the decision prior to the Committee making its decision.

(2) For the purpose of paragraph (1), a person who has made a submission to the Committee includes a highway authority, Committee, or a body or person created by statute that has commented on the application as a result of the Committee’s compliance with Article 14, 15, 16 or 17.

(3) A decision to which this Article applies shall not have effect during the period of 28 days immediately after the decision is made.

(4) If during that period a person appeals in accordance with this Article the period shall be extended until either the appeal is withdrawn or is determined.

(5) When the appeal is determined the decision shall have effect, if at all, in accordance with the determination.

(6) The Committee shall serve a copy of the notice informing the applicant of the decision on each other person who made a submission to which paragraph (1) refers.

(7) The copy of the notice must -

(a) be served within 7 days of the decision being made; and

(b) be accompanied by a notice informing the person that the person may appeal against the decision or any part of it (including any condition of the planning permission) within 14 days of the service of the notice,

and that person, if aggrieved by the decision, may appeal to the Commission accordingly.

(8) On the appeal the Commission may -

(a) confirm the decision of the Committee; or

(b) order the Committee to vary its decision or any part of it (including any condition of the planning permission) as the Commission may specify; or

(c) order the Committee to cancel its decision to grant the planning permission.

(9) The Committee shall comply with an order made under paragraph (8)(b) or (c).”.

Subsequent Articles to be renumbered and any cross-references to be corrected.

Articles 116 to 118 were adopted, the States having accepted an amendment of Deputy Jeremy Laurence Dorey of St. Helier that in Article 117(1) -

After the words “the following notices -“ there be inserted the following sub-paragraph -

“(a) a notice served in accordance with Article 5(4);”

and the remaining sub-paragraphs be re-lettered accordingly.

and in Article 117(7), before the full stop at the end of the paragraph, there be inserted the words -

“, and Article 72 will not apply in this case”.

Article 22 was adopted, the States having accepted an amendment of Deputy Celia Joyce Scott Warren of St. Saviour that in Article 22(1) -

after sub-paragraph (a), there be inserted the following sub-paragraph -

“(b) to grant planning permission in circumstances in respect of which a right of appeal would lie under Article 114 in respect of that decision;”.

The subsequent sub-paragraphs to be designated as (c) and (d).

Article 106 was adopted, the States having accepted an amendment of Deputy Celia Joyce Scott Warren of St. Saviour that in Article 106 -

Paragraph (2) be deleted and there be substituted the following paragraph -

“(2) For the purpose of paragraph (1)(c) a person who has made a submission to the Committee includes any highway authority, Committee, or a body or person created by statute that has commented on an application as a result of the Committee’s compliance with Article 14, 15, 16 or 17.”.

Articles 119 to 131 were adopted.

The Bill having been adopted in second reading was lodged “au Greffe” (P.87/2001).

**Mont St. Clair, Belvedere Hill, St. Saviour and Mascot Motors Garage, Georgetown Park Estate
St. Clement: Exchange of land- P.76/2001**

THE STATES, adopting a proposition of the Planning and Environment Committee -

- (a) agreed the exchange of ownership of property as follows -
 - (i) the sale by the public of the property known as Mont St. Clair, Belvedere Hill, St. Saviour, (as shown hatched on Drawing No. 1780/01/25) to Mascot Motors Limited;
 - (ii) the purchase from Mascot Motors Limited of the land and buildings known as Mascot Motors Garage, Georgetown Park Estate, St. Clement (as shown cross-hatched on Drawing No. 1461/01/26) with an additional payment of £185,000 (one hundred and eighty five thousand pounds) by Mascot Motors Limited to the Public and with each party to be responsible for its own legal fees;
- (b) authorised the Treasurer of the States to receive any payment in connection with the exchange of the said land and buildings and all interests therein and the payment of any legal expenses from the Planning and Environment Committee's Vote of Credit C.0904 Acquisition of Land – Major Reserve'; and
- (c) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public.

**Jersey Consumer Council: appointment of Chairman - P.80/2001
Amendment**

THE STATES commenced consideration of a proposition of Senator Stuart Syvret concerning the Jersey Consumer Council: appointment of Chairman for a period of three years. The States commenced consideration of an amendment of the Industries Committee that for the words "three years" there be substituted the words "one year", which amendment was lodged "au Greffe" by the Deputy of St. John.

THE STATES rejected a proposition of the Connétable of St. Lawrence that the States move on to the next item on the Order Paper.

Members present voted as follows -

"Pour" (9)

Senators

Horsfall, Bailhache, Norman.

Connétable

St. Lawrence.

Deputies

St. Mary, S. Baudains(H), St. Peter, Farnham(S), Ozouf(H).

"Contre" (28)

Senators

Le Maistre, Stein, Syvret, Kinnard.

Connétables

St. Peter, Grouville, St. Martin, St. Ouen, St. Saviour, St. Brelade, St. Mary, St. John.

Deputies

Trinity, Duhamel(S), Routier(H), Grouville, St. Martin, St. John, Le Main(H), Crowcroft(H), Vibert(B), Dorey(H), Troy(B), Scott Warren(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H).

Two members abstained from voting.

THE STATES, adopting a proposition of Senator Stuart Syvret, referred to their Act dated 25th April 1995 regarding the establishment of a Jersey Consumer Council, and appointed Deputy Alan Breckon of St. Saviour as Chairman of the Jersey Consumer Council for a period of three years from 5th June 2001.

Members present voted as follows -

“Pour” (40)

Senators

Horsfall, Le Maistre, Stein, Bailhache, Syvret, Norman, Walker, Kinnard.

Connétables

St. Peter, Grouville, St. Martin, St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John.

Deputies

St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), St. Martin, St. John, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), G. Baudains(C), Dorey(H), Troy(B), Scott Warren(S), Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H), Martin(H).

“Contre” (0)

One member abstained from voting.

Public Employees Contributory Retirement Scheme: Committee of Management - Membership - P.82/2001

THE STATES, adopting a proposition of the Human Resources Committee, and in accordance with Regulation 3 (5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, as amended, approved the appointment of Mr. John Trevor Lodge Rosser as an employer representative on the Committee of Management for the period ending 31st December 2003, in place of Connétable Stanley John Le Cornu of St. Clement.

THE STATES rose at 3.58 p.m.

C.M. NEWCOMBE

Greffier of the States.