

**THE STATES assembled on Tuesday
3rd June 2008, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,
was present**

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

Senator Stuart Syvret – en défaut (défaut raised at 9.47 a.m.)
Deputy Peter Nicholas Troy of St. Brelade– en défaut (défaut raised at 9.47 a.m.)
Deputy Celia Joyce Scott Warren of St. Saviour– ill
Deputy Judith Ann Martin of St. Helier– en défaut
Deputy Patrick John Dennis Ryan of St. Helier– en défaut (défaut raised at 11.50 a.m.)

Prayers

Communications by the Presiding Officer

The Bailiff, on behalf of all members, welcomed students from St. Michaels School who were present in the Public Gallery.

Subordinate enactments tabled

The following enactments were tabled, namely –

Income Tax (Amendment of Law) (Jersey) Order 2008. <i>Minister for Treasury and Resources.</i>	R&O.66/2008.
Misuse of Drugs (Amendment of Schedule 2 to Law) (Jersey) Order 2008. <i>Minister for Health and Social Services.</i>	R&O.67/2008.

Documents presented or laid

Draft Crime (Disorderly Conduct and Harassment) (Jersey) Law 200- (P.55/2008): comments. Presented: 2nd June 2008. <i>Education and Home Affairs Scrutiny Panel.</i>	P.55/2008. Com.
Drainage Law: service of notices on owners (P.57/2008) – comments. Presented: 20th May 2008. <i>Minister for Transport and Technical Services.</i>	P.57/2008. Com.
Drainage Law: service of notices on owners (P.57/2008) – comments. Presented: 3rd June 2008. <i>Environment Scrutiny Panel.</i>	P.57/2008. Com.(2)
Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200 (P.61/2008): comments. Presented: 2nd June 2008. <i>Education and Home Affairs Scrutiny Panel.</i>	P.61/2008. Com.

Central European Time: referendum (P.62/2008) – comments. Presented: 28th May 2008. <i>Comité des Connétables.</i>	P.62/2008. Com.
Draft Non-Profit Organizations (Jersey) Law 200- (P.63/2008): comments. Presented: 30th May 2008. <i>Corporate Services Scrutiny Panel.</i>	P.63/2008. Com.
Draft Non-Profit Organizations (Jersey) Law 200- (P.63/2008): second amendments (P.63/2008 Amd.(2))– comments. Presented: 3rd June 2008. <i>Council of Ministers.</i>	P.63/2008. Amd.(2)Com.
School milk: continued funding (P.66/2008) – comments. Presented: 3rd June 2008. <i>Council of Ministers.</i>	P.66/2008. Com.
Managing Migration: New Mechanisms – Part 1, The Population Register and Jersey Names and Address Index (R.110/2007) – Report on the Summary of Responses. Presented: 3rd June 2008. <i>Chief Minister.</i>	R.110/2007. Rpt.
States’ Spending Review: Emerging Issues. Presented: 19th May 2008. <i>Comptroller and Auditor General.</i>	R.48/2008.
Land Transactions under Standing Order 168(3) – S13 South Pier Shipyard, South Pier, St. Helier– lease amendment. Presented: 20th May 2008. <i>Minister for Treasury and Resources.</i>	R.49/2008.
Sea Transport Policy: Report to the States. Presented: 23rd May 2008. <i>Minister for Economic Development.</i>	R.50/2008.
Employment Tribunal Members: extension of appointment. Presented: 27th May 2008. <i>Minister for Social Security.</i>	R.51/2008.
Code of Practice on Public Access to Official Information: Annual Report for 2007. Presented: 30th May 2008. <i>Privileges and Procedures Committee.</i>	R.52/2008.
Land Transactions under Standing Order 168(3) – (a) Grève de Lecq Café, Site No. 2– lease – surrender and renewal; (b) Disposal of 26 & 28 West Park Avenue, St. Helier, by way of deed of gift of the usufruct to Jersey Council on Alcoholism; (c) Flat 2, Hazelgrove, 73 Rouge Bouillon, St. Helier– lease; (d) St. Catherine (Old Lifeboat Building) SC14– lease to Jersey Canoe Club; (e) Exchange of land with Mrs. Yvonne Louise Stead, 65 Elizabeth Avenue, St. Brelade. Presented: 30th May 2008. <i>Minister for Treasury and Resources.</i>	R.53/2008.
Jersey Advisory and Conciliation Service: Board Members’ Report and Financial Statements for the year ended 31st December 2007. Presented: 30th May 2008. <i>Minister for Social Security.</i>	R.54/2008.

Land Transactions under Standing Order 168(3) – proposed acquisition of La Petite Mondine, School Road, St. Clement.
Presented: 2nd June 2008.
Minister for Treasury and Resources.

R.55/2008.

Jersey Law Commission: Report for 2007.
Presented: 3rd June 2008.
Chief Minister.

R.56/2008.

Notification of lodged propositions

Esplanade Quarter, St. Helier: Masterplan (P.60/2008)– amendments.
Lodged: 20th May 2008.
Connétable of St. Helier.

P.60/2008.
Amd.

Esplanade Quarter, St. Helier: Masterplan (P.60/2008)– amendments (P.60/2008 Amd.)– amendment.
Lodged: 27th May 2008.
Council of Ministers.

P.60/2008.
Amd.Amd.

Esplanade Quarter, St. Helier: Masterplan (P.60/2008)– amendments (P.60/2008 Amd.)– second amendment.
Lodged: 27th May 2008.
Minister for Transport and Technical Services.

P.60/2008.
Amd.Amd.(2)

Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200 (P.61/2008): amendments.
Lodged: 19th May 2008.
Deputy of St. Martin.

P.61/2008.
Amd.

Draft Non-Profit Organizations (Jersey) Law 200- (P.63/2008): second amendments.
Lodged: 20th May 2008.
Deputy R.G. Le Hérissier of St. Saviour.

P.63/2008.
Amd.(2)

Draft Public Elections (Amendment No. 3) (Jersey) Law 200 (P.65/2008): amendments.
Lodged: 27th May 2008.
Deputy G.P. Southern of St. Helier.

P.65/2008.
Amd.

Draft European Communities Legislation (Bluetongue) (Jersey) Regulations 200.
Lodged: 20th May 2008.
Minister for Planning and Environment.

P.71/2008.

Energy from Waste Facility: establishment and acceptance of tender.
Lodged: 20th May 2008.
Minister for Transport and Technical Services.

P.72/2008.

Energy from Waste Facility: funding.
Lodged: 20th May 2008.
Minister for Treasury and Resources.

P.73/2008.

Jersey Homebuy Housing: amendment to Island Plan Policy H1.
Lodged: 21st May 2008.
Minister for Planning and Environment.

P.74/2008.

Provision of land for lifelong dwellings (for people over 55) and first-time buyers: amendment to Island Plan (2002).
Lodged: 22nd May 2008.
Minister for Planning and Environment.

P.75/2008.

Integrated Coastal Zone Management Strategy. Lodged: 23rd May 2008. <i>Minister for Planning and Environment.</i>	P.76/2008.
Draft Supply of Goods and Services (Jersey) Law 200-. Lodged: 23rd May 2008. <i>Minister for Economic Development.</i>	P.77/2008.
Human Rights Committee and Statements of Compatibility. Lodged: 29th May 2008. <i>Deputy of St. Martin.</i>	P.78/2008.
Draft Proceeds of Crime (Enforcement of Confiscation Orders) (Jersey) Regulations 200-. Lodged: 29th May 2008. <i>Minister for Treasury and Resources.</i>	P.79/2008.
Draft Criminal Justice (International Co-operation) (Jersey) Regulations 200-. Lodged: 29th May 2008. <i>Minister for Treasury and Resources.</i>	P.80/2008.
Draft Drug Trafficking Offences (Enforcement of Confiscation Orders) (Jersey) Regulations 200-. Lodged: 29th May 2008. <i>Minister for Treasury and Resources.</i>	P.81/2008.
Draft Public Elections (Expenditure and Donations) (Jersey) Regulations 200-. Lodged: 30th May 2008. <i>Privileges and Procedures Committee.</i>	P.82/2008.
Draft Mental Health (Amendment No. 2) (Jersey) Law 200. Lodged: 2nd June 2008. <i>Minister for Health and Social Services.</i>	P.83/2008.
Draft Terrorism (Enforcement of External Orders) (Jersey) Regulations 200-. Lodged: 2nd June 2008. <i>Minister for Home Affairs.</i>	P.84/2008.
Draft Shipping (Amendment No. 2) (Jersey) Law 200. Lodged: 3rd June 2008. <i>Minister for Economic Development.</i>	P.85/2008.
Draft Companies (Takeovers and Mergers Panel) (Jersey) Law 200-. Lodged: 3rd June 2008. <i>Minister for Economic Development.</i>	P.86/2008.
Draft Limited Partnerships (Amendment) (Jersey) Law 200-. Lodged: 3rd June 2008. <i>Minister for Economic Development.</i>	P.87/2008.
Draft Income Support (Amendment of Law) (Jersey) Regulations 200-. Lodged: 3rd June 2008. <i>Minister for Social Security.</i>	P.88/2008.
Draft Income Support (Amendment No. 2) (Jersey) Regulations 200. Lodged: 3rd June 2008. <i>Minister for Social Security.</i>	P.89/2008.
Draft Food Costs (Offset of Average GST) Bonus (Jersey) Regulations 200-. Lodged: 3rd June 2008.	P.90/2008.

Minister for Treasury and Resources.

Historic Child Abuse Enquiry: Funding. P.91/2008.
Lodged: 3rd June 2008.
Minister for Treasury and Resources.

Brompton Villa, Belize House and Belize Cottage/Store, Great Union Road, P.92/2008.
St. Helier: proposed Deed of Arrangement.
Lodged: 3rd June 2008.
Minister for Treasury and Resources.

Tevielka, La Rue de la Haye du Puits, Grouville: proposed Deed of Arrangement P.93/2008.
for southwest boundary.
Lodged: 3rd June 2008.
Minister for Treasury and Resources.

Arrangement of Public Business

THE STATES rejected a proposition of the Chief Minister that the proposition of the Council of Ministers regarding the Esplanade Quarter, St. Helier: Masterplan (P.60/2008) should be taken as the first item of business at the meeting.

Members present voted as follows –

POUR: 19

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
Senator T.J. Le Main
Senator B.E. Shenton
Senator F.E. Cohen
Connétable of St. Lawrence
Connétable of St. Martin
Deputy R.C. Duhamel (S)
Deputy J.B. Fox (H)
Deputy G.W.J. de Faye (H)
Deputy of Trinity
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)
Deputy of St. Mary

CONTRE: 27

Senator L. Norman
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. John
Connétable of St. Saviour
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérisssier
(S)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy D.W. Mezbourian
(L)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy of St. John

ABSTAIN: 0

Written Questions

(see Official Report/Hansard)

The Minister for Home Affairs tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding Police Cadet training.

The Minister for Home Affairs tabled an answer to a question asked by Senator B.E. Shenton regarding political accountability.

The Minister for Home Affairs tabled an answer to a question asked by Senator J.L. Perchard regarding investigations into the conduct of the Deputy Chief Officer of the States of Jersey Police.

The Minister for Home Affairs tabled an answer to a question asked by Senator J.L. Perchard regarding the fragment found in February 2008 at Haut de la Garenne.

The Chief Minister tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the erection of a Ferris wheel on the Waterfront.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy I.J. Gorst of St Clement regarding road works at Rue de Maupertuis, St. Clement.

The Minister for Home Affairs tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding prosecutions for possession of machine guns.

The Minister for Home Affairs tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding media statements made by the Deputy Chief Officer of the States of Jersey Police.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the 'super-fill' at La Collette.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding electioneering by public employees.

The Minister for Home Affairs tabled an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding young offenders being placed at H.M.P La Moye.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the success of Greenfields.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding hospital waiting lists.

The Minister for Economic Development tabled an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the appointment of local Air Traffic Controllers.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the publication of a report into the resignation of Mr. S. Bellwood.

The Minister for Economic Development tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding payments to airlines to operate London routes.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the purchase of ferries by Jersey Heritage Trust.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding wage inflation.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding reductions in tax bills for those on marginal rates of income tax.

Oral Questions

(see Official Report/Hansard)

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Health and Social Services regarding a possible conflict between the role of Senator Perchard as Assistant Minister in charge of Children's Services and his membership of the Chief Minister's Advisory Group relating to the Haut de la Garenne affair.

Deputy S.C. Ferguson of St. Brelade asked a question of the Assistant Minister for Economic Development regarding the cessation of milk deliveries for all parishes outside St Helier.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding the purchase of amphibious vehicles operating to Elizabeth Castle by the Jersey Heritage Trust.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Chief Minister regarding the maintenance of the former Tourism Building.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Minister for Transport and Technical Services regarding the publication of the Hazard Review Group Phase 2 report on La Collette Fuel Depot and Jersey Gas Facility.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding tenders for the bus service contract.

The Deputy of St. Martin asked a question of the Minister for Health and Social Services regarding breast and prostate cancer screening programmes.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Assistant Minister for Home Affairs regarding the appropriateness of comments made by the Deputy Chief of Police at a press conference on the 23rd February 2008.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding the provision of nursery care for working mothers.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding the purchase of amphibious vehicles servicing Elizabeth Castle.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the establishment of a formal agreement with Disclosure Scotland as part of the Rehabilitation of Offenders Law.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Economic Development regarding visitor beds available in each of the last 5 years.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Transport and Technical Services answered questions without notice from members.

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

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Economic Development made a statement regarding a review of the Licensing (Jersey) Law 1974.

The Minister for Social Security made a statement regarding Income Support.

The Minister for Transport and Technical Services made a statement regarding the extension of the Connex

contract.

The Chairman of the Economic Affairs Scrutiny Panel made a statement about the Panel's review of employment and training opportunities in Jersey for young people.

The Chief Minister made a statement regarding the historic child abuse investigation.

The Chief Minister made a statement regarding the establishment of a Charities Commission.

Drainage Law: service of notices on owners P.57/2008

THE STATES, adopting a proposition of Senator Ben Edward Shenton lodged 'au Greffe' on 9th April 2008, agreed to request the Minister for Transport and Technical Services to rescind his Ministerial Decision made on 27th November 2007 in which he had agreed to vary the policy on the service of notices under the Drainage (Jersey) Law 2005 and that he would, from the date of the Ministerial Decision, consider serving a Notice on third party landowners for the benefit of private developers to enable those developers to lay sewers across the third party land if there was a demonstrable public gain, namely where a developer was able and willing to fund the connection of other surrounding properties to the public sewer network.

Members present voted as follows –

POUR: 40

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator P.F. Routier
Senator M.E. Vibert
Senator B.E. Shenton
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)

CONTRE: 5

Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Senator T.J. Le Main
Deputy R.C. Duhamel (S)
Deputy G.W.J. de Faye (H)

ABSTAIN: 2

Senator F.E. Cohen
Deputy J.J. Huet (H)

Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

Deputy Peter Nicholas Troy of St. Brelade, in accordance with the provisions of Standing Order 106(1)(c) declared an interest and withdrew from the Chamber for the duration of the debate.

Draft Regulation of Investigatory Powers (British Broadcasting Corporation) (Jersey) Regulations 200 P.59/2008

THE STATES commenced consideration of the Draft Regulation of Investigatory Powers (British Broadcasting Corporation) (Jersey) Regulations 200- and adopted the principles.

Members present voted as follows –

POUR: 32

Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator B.E. Shenton
Senator F.E. Cohen
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Brelade
Connétable of St. John
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

CONTRE: 9

Senator T.J. Le Main
Connétable of St. Mary
Connétable of St. Lawrence
Connétable of Grouville
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, and in pursuance of Article 42 of the Regulation of Investigatory Powers (Jersey) Law 2005, made Regulations entitled the Regulation of Investigatory Powers (British Broadcasting Corporation) (Jersey) Regulations 2008.

Esplanade Quarter, St. Helier: Masterplan P.60/2008

THE STATES commenced consideration of paragraph (1) of a proposition of the Council of Ministers entitled the 'Esplanade Quarter, St. Helier: Masterplan (P.60/2008).

THE STATES, having noted that, in accordance with Standing Order 34(1), the Connétable of St. Helier has informed the Greffier of the States that paragraph (ii) of his amendment relating to Esplanade Quarter St. Helier: Masterplan (P.60/2008) had been withdrawn, commenced consideration of amendments of the Connétable of St. Helier and, adopting an amendment to the amendment of the Council of Ministers, agreed that in paragraph (i) of the proposed conditions, after the words "regeneration of St. Helier" there should be inserted the words "and adjacent urban areas".

THE STATES, adopting an amendment to the amendments of the Minister for Transport and Technical Services, agreed that in paragraph (iii) of the proposed conditions for the words "such as West Park and Green Street roundabout are not decreased in the interests of increased vehicular capacity" there should be substituted the words "including West Park and Green Street roundabout are maintained or improved to optimise both pedestrian crossing facilities and vehicular capacity".

THE STATES, adopting amendments of the Connétable of St. Helier as amended, agreed that at the end of paragraph (1)(a) the following should be added—

“subject to the following conditions –

- (i) that the guaranteed payment to the States by the developer of £50 million and up to £25 million overage payments will be ringfenced for the regeneration of St. Helier and adjacent urban areas;
- (ii) that the roads bordering the Esplanade Quarter have high levels of service for pedestrians and cyclists, and the levels of service for pedestrians and cyclists in locations affected by the proposals, including West Park and Green Street roundabout are maintained or improved to optimise both pedestrian crossing facilities and vehicular capacity”.

THE STATES resumed consideration of paragraph (1) of the proposition of the Council of Ministers entitled 'Esplanade Quarter, St. Helier: Masterplan (P.60/2008), as amended.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 4th June 2008 to continue consideration of the proposition of the Council of Ministers entitled 'Esplanade Quarter, St. Helier: Masterplan (P.60/2008) and the outstanding items of public business.

THE STATES rose at 5.35 p.m.

M.N. DE LA HAYE

Greffier of the States