



**THE STATES assembled on Tuesday
6th July 2010, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
William James Bailhache, Esquire.**

**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 Paul Francis Routier – ill
Senator Philip Francis Cyril Ozouf – absent on States business (arrived in the Chamber 2.35 p.m)
Connétable Silvanus Arthur Yates of St. Martin – ill
Connétable Leonard Norman of St. Clement – absent on States business

Prayers read by the Deputy Greffier of the States

Subordinate enactments tabled

The following enactments were tabled, namely –

Royal Court (Amendment No. 10) Rules 2010. <i>Superior Number of the Royal Court.</i>	R&O.61/2010.
Service of Process (Amendment No. 2) Rules 2010. <i>Superior Number of the Royal Court.</i>	R&O.62/2010.
Advocates and Solicitors (Qualifying Examination) (Amendment No. 6) Rules 2010. <i>Superior Number of the Royal Court.</i>	R&O.63/2010.
The Law Society of Jersey (Disciplinary Proceedings) Rules 2010. <i>Superior Number of the Royal Court.</i>	R&O.64/2010.

Documents presented or laid

Samarès Nursery site, St. Clement: removal from draft Island Plan – petition (P.49/2010) – comments. Presented: 28th June 2010. <i>Minister for Planning and Environment.</i>	P.49/2010. Com.
Public Finances (Jersey) Law 2005: funding requests under Article 11(8) (P.64/2010) – comments. Presented: 2nd July 2010. <i>Public Accounts Committee.</i>	P.64/2010. Com.

Civil servants earning over £60,000 per annum: publication of salary bands (P.71/2010) – comments. Presented: 6th July 2010. <i>Chief Minister.</i>	P.71/2010. Com.
Human Rights Law: statements of compatibility (P.84/2010) – comments. Presented: 6th July 2010. <i>Council of Ministers.</i>	P.84/2010. Com.
Funding of long-term care: Green Paper – Response Summary. Presented: 24th June 2010. <i>Minister for Social Security.</i>	R.87/2010.
Employment Tribunal Side Members: extension of appointments. Presented: 29th June 2010. <i>Minister for Social Security.</i>	R.88/2010.
Criminal Injuries Compensation Board: Report and Accounts for 2009. Presented: 29th June 2010. <i>Minister for Home Affairs.</i>	R.89/2010.
States of Jersey Law 2005: delegation of functions – Housing Department. Presented: 29th June 2010. <i>Minister for Housing.</i>	R.90/2010.
Land Transactions under Standing Order 168(3) – Red Houses Car Park, La Rue Don, St. Brelade – lease. Presented: 30th June 2010. <i>Minister for Treasury and Resources.</i>	R.91/2010.
Postal Services in Jersey: Universal Service Obligation – Consultation Green Paper. Presented: 30th June 2010. <i>Minister for Economic Development.</i>	R.92/2010.
States Members Remuneration Review Body: recommendations for 2011. Presented: 2nd July 2010. <i>Privileges and Procedures Committee.</i>	R.93/2010.
Public Elections Working Party Report. Presented: 2nd July 2010. <i>Privileges and Procedures Committee.</i>	R.94/2010.
Tourism Public Private Partnership. Presented: 25th June 2010. <i>Economic Affairs Scrutiny Panel.</i>	S.R.8/2010.
Financial Review of the Jersey Heritage Trust. Presented: 6th July 2010. <i>Public Accounts Committee.</i>	P.A.C.3/2010.

Notification of lodged propositions

Income Support: eligibility for educational or training courses (P.66/2010) – amendment. Lodged: 6th July 2010. <i>Minister for Social Security.</i>	P.66/2010. Amd.
Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.73/2010) – amendment. Lodged: 25th June 2010. <i>Senator B.E. Shenton.</i>	P.73/2010. Amd.
Jersey Heritage Trust: service level agreement and funding requirements (P.75/2010) – amendment. Lodged: 6th July 2010. <i>Minister for Education, Sport and Culture.</i>	P.75/2010. Amd.
States becoming inquorate during a meeting: revised procedures (P.82/2010) – amendment. Lodged: 30th June 2010. <i>Privileges and Procedures Committee.</i>	P.82/2010. Amd.
Jersey Financial Services Commission: appointment of Commissioner (P.86/2010) – amendment. Lodged: 29th June 2010. <i>Minister for Economic Development.</i>	P.86/2010. Amd.
Foreign taxes and freight costs in prices of goods sold in Jersey. Lodged: 25th June 2010. <i>Deputy M.R. Higgins of St. Helier.</i>	P.89/2010.
Central Market Sub-Post Office facility: social and economic study of closure. Lodged: 28th June 2010. <i>Deputy S. Pitman of St. Helier.</i>	P.90/2010.
Comprehensive Spending Review: savings proposals – impact on employment of public sector staff. Lodged: 29th June 2010. <i>Deputy G.P. Southern of St. Helier.</i>	P.91/2010.
Financial and manpower statements in Propositions: revised procedures. Lodged: 30th June 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.92/2010.
Pension Scheme for States members. Lodged: 6th July 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.93/2010.
Draft Community Provisions (Mortality in Oysters) (Jersey) Regulations 201-. Lodged: 6th July 2010. <i>Minister for Planning and Environment.</i>	P.94/2010.
Jersey Arts Trust: appointment of Chairman. Lodged: 6th July 2010. <i>Minister for Education, Sport and Culture.</i>	P.95/2010.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

Havre des Pas Swimming Pool: retention of lifeguard service.

P.88/2010.

Lodged: 22nd June 2010.

Deputy P.V.F. Le Claire of St. Helier.

Health, Social Security and Housing Scrutiny Panel – appointment of Chairman

In accordance with the provisions of Standing Order 120(1), Deputy Geoffrey Peter Southern of St. Helier was nominated by Senator Alan Breckon as the Chairman of the Health, Social Security and Housing Scrutiny Panel.

There being no other nominations, the Deputy Bailiff declared that Deputy Geoffrey Peter Southern of St. Helier had been duly appointed as Chairman of the Health, Social Security and Housing Scrutiny Panel.

Written Questions

(see Official Report/Hansard)

The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of St. John regarding services to help the sufferers of combat stress related illnesses.

The Minister for Treasury and Resources tabled an answer to a question asked by Senator J.L. Perchard regarding the common investment fund.

The Minister for Planning and Environment tabled an answer to a question asked by Senator B.E. Shenton regarding planning decisions made under Article 19(3) of the Planning and Building (Jersey) Law 2002.

The Chief Minister tabled an answer to a question asked by the Deputy of St. John regarding the Magistrate’s contract.

The Minister for Social Security tabled an answer to a question asked by the Deputy of St. John regarding ‘cold calling’ by Health and Safety officers.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. John regarding staffing matters at the Airport.

The Minister for Treasury and Resources tabled an answer to a question asked by Senator A. Breckon regarding the Office Strategy.

The Minister for Treasury and Resources tabled an answer to a question asked by Senator A. Breckon regarding salaries for Jersey Post and Jersey Telecom Senior Management staff.

The Minister for Home Affairs tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding information relating to the suspension of the Chief Officer of the States of Jersey Police.

The Minister for Economic Development tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding anti-social behaviour at the Albert Quay.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding lifeguards at Havre des Pas bathing pool.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding consultations on potential job losses in the public sector.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the consultation on personal taxation.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of competition in the postal market.

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

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Comprehensive Spending Review proposals.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding respite facilities and the Four Seasons Health Care Group.

The Chairman of the Comité des Connétables tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the issue of warrant cards.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding annual grants to private schools.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the cost of processing a planning application.

The Minister for Home Affairs tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding rates of convictions for rape offences.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding Hospital Consultants and private practice.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. John regarding road works.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding the appointment of a landscape architect to design and deliver the Town Park.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. Mary regarding a report on peak oil and climate change.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. Mary regarding the discharge permit for the water outflow from the Jersey Electricity Company's power station.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Mary regarding States investment funds and BP.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Mary regarding the Comprehensive Spending Review proposals.

The Minister for Home Affairs tabled an answer to a question asked by Senator F. du H. Le Gresley regarding the cost of the suspension of the Chief Officer of the States of Jersey Police.

Oral Questions

(see Official Report/Hansard)

The following oral question was deferred from the meeting of 22nd June 2010, at the request of H.M. Attorney General and therefore was additional to the two oral questions which the Deputy of St. Mary had submitted for the present meeting –

The Deputy of St. Mary asked a question of H.M. Attorney General regarding the influence of the prosecution process by members.

Senator J.L. Perchard asked a question of the Minister for Education, Sport and Culture regarding the provision of Physical Education in primary and secondary schools.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding alleged anomalies in the construction of the Metropolitan Police Interim report.

Deputy G.P. Southern of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding measures to ensure that non-locally-owned non-finance businesses that conduct business in the Island pay tax in Jersey.

The Deputy of St. Martin asked a question of the Minister for Health and Social Services regarding the maintenance of clinical and operative skills of a surgeon during his suspension.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Home Affairs regarding an independent inquiry into the financial probity of the Haut de la Garenne Inquiry.

Senator B.E. Shenton asked a question of the Minister for Planning and Environment regarding the influence of the Parish Connétables in respect of planning matters.

The Deputy of St. John asked a question of the Minister for Economic Development regarding the recent events aboard the Commodore Clipper ferry.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Economic Development regarding appointments made at Jersey Airport over the last 3 years.

The Deputy of St. Mary asked a question of the Assistant Minister for Treasury and Resources regarding the consultation process for personal and business taxation.

Deputy J.A. Martin of St. Helier asked a question of the Minister for Transport and Technical Services regarding monitoring the current usage of the Route 18 bus.

Deputy S. Pitman of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the Central Market Post Office.

The Deputy of St. Mary asked a question of the Minister for Planning and Environment regarding the management of the expectations of planning applicants.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the return to duties of suspended police officers cleared of all disciplinary charges at a hearing on 23rd February 2010.

The Deputy of St. John asked a question of the Minister for Economic Development regarding Consultants employed at the Airport.

Deputy M. Tadier of St. Brelade asked a question of H.M. Attorney General regarding the dual role of Connétables as States Members and honorary police officers.

Deputy T.M. Pitman of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the implementation of a 30% Income Tax rate for those earning above £100,000.

Deputy M.R. Higgins of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the latest estimate of the tax revenue lost to the Treasury since the Zero Ten Tax regime was adopted.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding consultation with States employee representatives over the proposals for the first stage of the Comprehensive Spending Review.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Education, Sport and Culture answered questions without notice from members.

The Minister for Health and Social Services answered questions without notice from members.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Education, Sport and Culture made a statement regarding the Island Games 2015 bid.

The Minister for Education, Sport and Culture made a statement regarding the lifeguard service at Havre des Pas bathing pool.

Adjournment

THE STATES, adopting a proposition of the Deputy of St. John, agreed to adjourn for lunch.

Members present voted as follows –

POUR: 23

Senator B.E. Shenton
 Senator B.I. Le Marquand
 Connétable of St. John
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 13

Senator T.A. Le Sueur
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator F. du H. Le Gresley
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Saviour
 Deputy R.G. Le Hérisier (S)
 Deputy of St. Ouen
 Deputy P.V.F. Le Claire (H)
 Deputy T.A. Vallois (S)

ABSTAIN: 0**Statements on a matter of official responsibility**

(see Official Report/Hansard)

The Minister for Economic Development made a statement regarding the future of the JCRA.

The Minister for Economic Development made a statement regarding the resignation of the Airport Director.

Housing Development Fund: cost/benefit analysis P.61/2010

THE STATES commenced consideration of a proposition of Senator Alan Breckon concerning the production of a cost/benefit analysis in respect of the establishment of a Housing Development Fund and, adopting an amendment of the Minister for Treasury and Resources, agreed that after the words “present to the States within”, the words “3 months” should be replaced by “6 months”.

THE STATES, having resumed consideration of the proposition of Senator Alan Breckon, as amended, agreed to request the Minister for Treasury and Resources, in conjunction with the Minister for Housing, to produce and present to the States within 6 months full detailed accounts and a cost/benefit analysis of the establishment, operation and ongoing costs of the Housing Development Fund and its use and application for the benefit of Housing Trusts and Associations, with the analysis to show also the full level of financing and subsidies provided to these Trusts and Associations from the Housing Development Fund and any other source of public funding.

Members present voted as follows –

POUR: 46**CONTRE: 0****ABSTAIN: 0**

Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator B.E. Shenton
Senator F.E. Cohen
Senator A. Breckon
Senator S.C. Ferguson
Senator A.J.D. Maclean
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Connétable of St. Ouen
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. John
Connétable of St. Saviour
Connétable of St. Peter
Connétable of St. Lawrence
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. John
Deputy M. Tadier (B)
Deputy A.E. Jeune (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy A.K.F. Green (H)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

In accordance with Standing Order 106(1)(b) Deputy Andrew Kenneth Francis Green of St. Helier declared an interest but remained in the Chamber for the duration of the debate.

Public Finances (Jersey) Law 2005: funding requests under Article 11(8) P.64/2010

THE STATES commenced consideration of a proposition of the Minister for Treasury and Resources concerning funding requests under Article 11(8) of the Public Finances (Jersey) Law 2005, and seeking the agreement of the Assembly –

- (a) in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005 to amend the expenditure approval for 2010 approved by the States on 5th October 2009 in respect of the following departments to permit increased withdrawals from the Consolidated Fund to fund Court and Case Costs –
 - (i) Law Officers' – £2,396,760
 - (ii) Home Affairs – £2,017,000
 - (iii) Judicial Greffe – £3,013,300
 - (iv) Viscount's – £8,400
 - (v) Bailiff's Chambers – £300,000
 - (vi) Treasury and Resources – £764,540;
- (b) in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005 to amend the expenditure approval for 2010 approved by the States on 5th October 2009 in respect of the Chief Minister's Department to permit the withdrawal of up to an additional £6,000,000 from the Consolidated Fund for a voluntary redundancy scheme;
- (c) in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005 to amend the expenditure approval for 2010 approved by the States on 5th October 2009 in respect of the Treasury and Resources Department to permit the withdrawal of up to an additional £500,000 from the Consolidated Fund for the delivery of an improved procurement function across the States to generate annual realisable savings.

Changes in Presidency

The Deputy Bailiff retired from the Chamber during consideration of the Public Finances (Jersey) Law 2005: funding requests under Article 11(8) (P.64/2010) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

H.E. Mr. P. Waldeck, Ambassador for the Netherlands

The Presiding Officer, on behalf of all Members, welcomed His Excellency Mr. Pieter Waldeck, Ambassador of Her Majesty the Queen of the Netherlands to the Court of St. James, who was present in the public gallery.

Health, Social Security and Housing Scrutiny Panel – appointment of members

In accordance with the provisions of Standing Order 125(1), Deputy Geoffrey Peter Southern of St. Helier, Chairman of the Health, Social Security and Housing Scrutiny Panel, nominated the Connétable of St. Lawrence and Deputy Deborah Jane de Sousa of St. Helier as members of the Panel.

There being no other nominations, the Presiding Officer declared that the Connétable of St. Lawrence and Deputy Deborah Jane de Sousa of St. Helier had been duly appointed as members of the Health, Social Security and Housing Scrutiny Panel.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 7th July 2010 to continue consideration of the Public Finances (Jersey) Law 2005: funding requests under Article 11(8) (P.64/2010) and the outstanding items of public business.

THE STATES rose at 5.30 p.m.

A.H. HARRIS

Deputy Greffier of the States