

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 23rd MAY 2006

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The Roll was called and the Dean led the Assembly in Prayer.

WITHDRAWAL OF LODGED PROPOSITIONS

1. The Bailiff:

In accordance with Standing Order 34(1), Deputy Southern has informed the Greffier of the States that the following propositions lodged au Greffe are to be withdrawn: Employment Legislation Petition (Projet 214/2005) and Milk Subsidy for Delivery to Special Classes (Projet 145/2005). In accordance with Standing Order 34(1) the Minister for Planning and Environment has informed the Greffier that the following proposition is to be withdrawn: Draft Water Resources (Jersey) Law 200- (Projet 206/2005) in the name of the Minister. In accordance with Standing Order 34(1) Deputy Le Claire has informed the Greffier the following proposition lodged au Greffe and set down for consideration at the present meeting is to be withdrawn: Composting Facilities (Projet 258/2005) in the name of Deputy Le Claire.

1.1 Deputy P.N. Troy of St. Brelade:

I have an amendment to the Water Law: it has been withdrawn obviously so my amendment falls away. Can I ask the Senator, will he be re-lodging it in the same format and can he give an explanation as to why he is withdrawing the Water Law, Sir?

Senator F.E. Cohen (The Minister for Planning and Environment):

I am not sure whether it will be in exactly the same format yet. At the moment I am in consultation with the Deep Groundwater Group. I will be making a statement later this morning which will clarify the issue.

1.2 Senator S. Syvret:

Is it possible to seek from the Environment Scrutiny Panel some kind of indication as to when all of the prevarication over the Island's waste disposal crisis is going to end? This issue is in great danger of bringing this Assembly into disrepute. I have worked extensively in this Assembly as a Back-Bencher for many years and have brought a variety of propositions and amendments but I always had the courtesy to colleagues, in recognition of the public interest, not to use the lodging of such amendments and propositions to delay important decisions that this Assembly has to make on behalf of the community. The waste disposal situation in the Island is nearing crisis. The composting issue has to be addressed as, indeed, does the incinerator. I really think we have got to end all of this indecision and we have got to make a decision one way or another. Now, if Members do not like the composting, if they do not like the incinerator location, then they can vote that way but we cannot continue with this prevarication.

The Bailiff:

Was that a question for the Chairman of the Panel?

Deputy R.C. Duhamel of St. Saviour (Chairman, Environment Scrutiny Panel):

The terms of reference for the latest waste management review are clearly set out. The timetable for bringing the report to the House has been indicated on a previous debate and opportunity that

we are intending to try, as far as possible, to finish that particular review by the end of July. There are other issues waiting in the wings, P.45 being one of them, about the location of any facilities. The issues are well within the remit of the House. But that said, Sir, we are doing what we have intended to set out to do and we will do it in as short a time frame as possible.

Senator S. Syvret:

Is the Deputy saying that this matter then is unlikely to be debated and decided upon therefore, this side of the summer recess? If so, I think that is completely unacceptable and I will certainly be exploring with the Greffe and others ways in which we can overcome this problem.

Deputy R.C. Duhamel:

It is quite clear, Sir, that the Minister of Health has not read the terms of reference in the Environment Scrutiny Panel's forthcoming review which are pretty clear.

1.3 Connétable A.S. Crowcroft of St. Helier:

I do not know if it is a point of order to ask your advice on or it should be referred to the President of the PPC (Privileges and Procedures Committee). Could someone clarify for Members the freedom of Back-Benchers to withdraw propositions when they feel there is sufficient grounds for doing so? I would cite possibly the proposition entitled *The People's Advocate* which was withdrawn by Senator Syvret without ever being debated.

Senator S. Syvret:

That proposition was not holding up crucial decisions on the part of the community.

The Bailiff:

I think the position is quite clear and that is that Members have a right under Standing Order 34 to withdraw any proposition or amendment that has not been formally proposed.

Senator S. Syvret:

Still on that subject, I have another question which is important. I would be grateful if either the Constable of St. Helier or the Chairman of the Environment Scrutiny Panel could clarify precisely what it is they are going to be doing with their proposed waste separation trial, because it has been reported - whether this is accurate or not, I do not know - to the Environmental Health Department that they intend to start using people to sort through undifferentiated domestic waste. If that is the case, that is going to be completely unacceptable from a health protection point of view or from a health and safety of work point of view. So, I would be grateful if those 2 Members could clarify now for this Assembly precisely what it is they are proposing to do.

The Bailiff:

Constable of St. Helier, we cannot allow a debate to continue on this but if the Constable wishes to deal very quickly with that?

The Connétable of St. Helier:

I think the Senator has clearly heard a rumour. There is nothing before the House and there is nothing currently being proposed by the Parish to do what he says so I suggest perhaps he should talk to me first before he brings matters up like this in the States.

The Bailiff:

Deputy, is this something to do with the withdrawal of lodged propositions, is it?

1.4 Deputy J.A. Hilton of St. Helier:

I was just wanting to ask the Chairman of the Environment Scrutiny Panel the justification for using £5,000 of his budget to support the zero waste trial in St. Helier.

The Bailiff:

Having allowed these questions to go on probably too long, I will ask the Chairman to reply to that and then we will draw this to a close.

Deputy R.C. Duhamel:

As yet no monies have been paid out to anybody but I would remind the House of the terms of reference to the forthcoming waste review, which read as follows: “Waste management review terms of reference: (1) to quantify the composition of waste within the residential and commercial collections (mainly because the department’s statistical figures do not relate to the Jersey figures); (2) to investigate the practicality and cost implications of reusing or recycling in excess of 32 per cent from the waste stream; (3) to investigate European and international markets for recycled goods and recyclable materials; (4) to examine existing technology for the treatment of food waste with green waste in a composting facility; (5) to examine systems and policies to encourage the public to play a more active role in recycling.” Sir, these terms of reference were advertised. I have received no comments from individual States Members who are complaining at this stage. I would have thought had concerns been forthcoming from those Members then they would have gone through the normal channels and I would have had something on file. As yet, I do not at the moment but I am happy that the House reappraise themselves of the terms of reference.

Senator S. Syvret:

Could the Deputy answer the question, please, Sir.

Deputy R.C. Duhamel:

The Deputy has answered the question. He said no monies have been paid for anything as yet.

The Bailiff:

The Chairman of the Scrutiny Panel can be questioned by Members on this and other matters at the proper time on the Order Paper.

QUESTIONS

2. Written Questions.

2.1 WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY SENATOR J.L. PERCHARD REGARDING COSTS AND INCOME IN CONNECTION WITH COMPOSTING OPERATIONS:

Question

Would the Minister –

(a) provide a breakdown of the total costs relating to the Department’s green waste composting operation for 2005 including the cost of the disposal of all material, depreciation of plant and machinery and all other associated costs?

(b) inform members of the value, in monetary terms, of the Department’s compost sales for 2005?”

(b) The income from the sale of compost in 2005 was £52,255. 75% of this income was for fully matured PAS100 soil improver and 25% was for the sale of mulch.

3. Oral Questions

3.1 Deputy J.A.N. Le Fondré of St. Lawrence of the Minister for Transport and Technical Services regarding projected traffic increases arising from development of sites on the use of certain roads:

What, if any, is the projected increase in traffic (in volume and maximum queue length) arising from the H2 sites in St. Ouen, St. Peter, St. Brelade, and St. Lawrence, and that arising from all other development, either completed or approved since 1st January 2005, on the use of St. Peter's Valley, La Route de la Haule (between Beaumont and Bel Royal), Rue de Haut, Victoria Avenue, and Mont Félard?

Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

I thank the Deputy for his question but I do point out to you, both the Deputy and the House, that this would have been more satisfactorily dealt with as a written question, because I have some fairly complex details relating to what has been asked. I hope the House will not mind if I forward those details to the Deputy and try and get through them as briefly as possible.

The Bailiff:

Minister, you are going to be cut-off and chopped-down after 90 seconds.

Deputy G.W.J. de Faye:

Indeed. Roughly speaking, the anticipated trips from the Bel Royal development is 97; St. Peter's village, 58; Rue des Cosnets, St. Ouen is 32; Rue de la Sergente, St. Brelade, is 22 - a total of 209 extra trips out between 8.00 and 9.00 in the morning. Some 2,080 vehicles head towards St. Helier in the morning peak hour along Route de la Haule, the inner road and Rue de Haut. Of the 209 predicted trips from the above H2 sites, about 75 per cent could be expected to head towards St. Helier along those roads; that is about 157 extra trips - a 7.5 per cent increase. Even without allowing for private developments, an increase of 7.5 per cent can be expected to produce a greater than 7.5 per cent increase in traffic use at peak times, but to accurately predict the effect on queue lengths is difficult, as people will adjust their journey times and their travel modes. This will tend to reduce queue lengths but increase the time period over which they occur. Traffic modelling work has been carried out as part of the planning process for the Bel Royal development, and this was based on the effect of that particular development on existing traffic flows.

3.1.1 Deputy J.A.N. Le Fondré:

Could, very briefly, the Deputy give us the factor that is used to apply to traffic coming out of the new estates? For example, if you have a housing estate of 100 houses, predominantly of family 3 and 4-bedroom houses (i.e. roughly 200 adults) how many cars are expected to come out at peak hours? In other words, is it 50, 100, 150?

Deputy G.W.J. de Faye:

I can give the Deputy an indication of how those calculations are made. The Bel Royal development is currently assuming 129 units, and therefore the modelling calculation has estimated that that will produce 97 cars. St. Peter's Village is 72 units; it is anticipated that 58 vehicles will undertake a 8.00-9.00 a.m. peak time trip. Rue des Cosnets in St. Ouen is 35 units of

accommodation, and there it has been assumed that 32 vehicles will be involved in early morning traffic, and Rue de la Sergente in St. Brelade has a development of 27 units, and it is anticipated that that will involve 22 vehicles. Clearly, all these have to be estimates, because the department has no precise idea of who will buy a car; when and how they will use it.

3.1.2 Deputy S. Power of St. Brelade:

Can I dispute the calculations that the Minister is coming up with? I think there must be some fundamental mistake in the way his officers are calculating. He referenced - I am speaking specifically for the La Moye area; he referenced 27 units of accommodation which are coming up for completion. Can I tell the Minister that there are something like 60 units of accommodation coming up for completion in the La Moye area, if P.190 to P.192 are approved, and therefore his figures are completely wrong.

Deputy G.W.J. de Faye:

I am grateful to the Deputy for that information. These are the figures that were supplied to me by the department, and if there is an error, I shall look into it.

3.1.3 Deputy S. Power:

I wonder if the Minister could advise. During the explanation that he was giving, he was giving us figures that were estimates of the amount of traffic that would occur from certain densities of building. Could he tell us how those estimates were arrived at - was it basically guesswork, or is there some scientific analysis?

Deputy G.W.J. de Faye:

It is probably most accurate to describe it as educated guesswork, although it is supported by a level of scientific analysis, in the sense that the department's traffic division has the capacity to monitor what traffic emanates from existing developments and has done so. Therefore the department has a reasonably accurate guide as to how housing developments produce traffic; roughly at what times of day people exit developments and return to their homes in the evening. Having said that, yes, of course, every calculation is an estimation, and nothing can be expected to be precisely accurate. But I think these figures are as accurate as they can be, clearly with the exception of the error that Deputy Power feels exists in one of them.

3.1.4 Deputy I.J. Gorst of St. Clement:

The Minister has estimated extra car flows on the H2 sites. If I am not mistaken, the question also asked for all other developments in these Parishes. Does he have the figures available for that as well, please?

Deputy G.W.J. de Faye:

Beyond the Bel Royal development; St. Peter's Village; Rue des Cosnets, St. Ouen; Rue de la Sergente, St. Brelade; I regret to inform the Deputy that I do not have further figures to hand, but I am happy to supply them.

3.1.5 Deputy C.H. Egré of St. Peter:

Would the Minister agree that with the current prices for houses, both for first-time buyer and private purchase, that the potential for 2 cars being used per unit is very high? As a consequence, these figures perhaps should be modelled against the Jersey model rather than a U.K. one?

Deputy G.W.J. de Faye:

I think I would agree that the potential for purchase of 2 cars per family unit is quite high.

3.1.6 Deputy S.C. Ferguson of St. Brelade:

Is the Minister aware that much of the scientific analysis requires standing at the roadside, counting cars, and that there is a considerable use of U.K.-comparable statistics. Does the Minister not feel that it is surprising that in this sophisticated day and age, there has not been an overall traffic analysis of the west of the Island, given the problems that there are coming from the west in the mornings and going home in the evenings?

Deputy G.W.J. de Faye:

I believe that the methods of calculation are slightly more sophisticated than the Deputy points out. I am not particularly surprised that a traffic analysis has not been carried out in relation to the west of the Island perhaps in the way the Deputy expects; what has surprised me, though, has been the utter incapability of the States to grapple with the Beaumont - Bel Royal bottleneck problem over the last number of decades. We have always known this was the major area of difficulty, and frankly Members should cast their eye backwards towards those people who were responsible for planning, who clearly failed utterly to deal with the planning implications that have existed for many, many years, where developments took place in the west of the Island without the slightest attention being made to how the road traffic situation would be sorted out. That, indeed, has surprised me.

3.2 Deputy D.W. Mezbourian of St. Lawrence of the Minister for Transport and Technical Services regarding mitigation of the impact of traffic volume on certain roads arising from the completion developed sites:

What measures, if any, are being introduced to mitigate the impact of traffic volume in St. Peter's Valley, La Route de la Haule, Rue de Haut, Victoria Avenue and Mont Félard arising from the completion of developments approved in St. Peter, St. Mary, St. Ouen, St. Brelade and St. Lawrence since January 2005, and what effect will those measures have on traffic at both peak and off-peak times?

Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

Measures are under consideration and being developed through the Sustainable Travel and Transport Strategy. The essence of that plan will be to cause a reduction in the number of trips made by private car and a corresponding increase in the number of trips made by more sustainable modes of transport. Consistent with this is a development in St. Peter's Village which was required to contribute £30,000 towards a cycle route between Les Quennevais and St. Peter's Village, and the Transport and Technical Services Department has recommended that the developer at Bel Royal makes a significant contribution towards a public transport subsidy. Whilst I appreciate that many car users in the west would wish to see the capacity of the junction at Beaumont increased, this is difficult to achieve, because not only the junction but the road itself between Bel Royal and Beaumont is overloaded at peak times, so a new road system would be needed, not just an improved junction at Beaumont. My department will be studying the implications of this, but it is more likely that the answer lies with addressing the demand to use our roads rather than the possibilities of building more road capacity. I refer Members back to my previous comments about

the missed opportunity in earlier Island Plans to solve this issue, and I would also point out that the original gyratory schemes that have been proposed for that particular area will simply not work because of the bottleneck that exists in the narrow road between Bel Royal and Beaumont.

3.2.1 Deputy I.J. Gorst:

I am pleased to hear that in these particular developments at Beaumont there will be a planning gain regarding public transport. Does the Minister have any indication of how long he would expect this gain to last?

Deputy G.W.J. de Faye:

I would very much hope that all planning gains would last on a fairly permanent basis. Certainly I am aware the installation of bus stops is already existent in the plans that I have seen. It is worth pointing out, although this is probably more the area of the Minister for Environment and Planning, that in fact one of the benefits of the H2 site at Bel Royal is it is very proximate to an extremely well-serviced bus route on the southern road, and also a bus route to its northern extension. That is one of the reasons why it is considered to be a highly appropriate development site, because of the very proximate availability of public transport services.

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

Would the Minister outline what progress in initiatives, as we have seen recently by parents taking school children in minibuses to - I believe - Victoria College have been encouraged; and are there any more coming forward to help reduce the impact these new additions to our society are having?

Deputy G.W.J. de Faye:

I am not entirely directly aware of the circumstances to which the Deputy refers about transporting children to Victoria College, but I would have to make the comment that if any of these services were being charged for, it would be a requirement under the law for the driver to hold an appropriate Public Service Vehicle licence. However, I welcome any initiatives that encourage car sharing or perhaps slightly larger than car vehicle sharing, because it all helps to reduce traffic congestion.

3.2.3 The Deputy of St. Peter:

Would the Minister confirm that some time ago the Goose on the Green car park was used as a form of park and ride facility, where people parked their cars and took the buses, but once his department, not under his control but under a former Committee's control, charged for the facility at Goose on the Green car park, this facility is no longer available to them? Would he please look at these sorts of initiatives that used to exist and do something about it please?

Deputy G.W.J. de Faye:

I have already looked at this issue as part of our all-consuming remit under transport and I will certainly review the situation. My understanding is that that practice is still continuing despite the imposition of a parking fee. The advantage that exists, clearly, is that running along that particular section of the main southern route of the Island is one of the highest frequency levels of bus operation anywhere in the Island, and I am very happy to look again at that particular issue and see how it may be developed.

3.2.4 Deputy A.D. Lewis of St. John:

Would the Minister agree that as in other places around the world, people living out in the western Parishes simply just get up a bit earlier, will take the healthy option and get on their bike?

Deputy G.W.J. de Faye:

I have been very happy to issue instructions to people to get on their bikes in various circumstances. **[Laughter]** It is a thoroughly healthy and worthwhile mode of transport, and I do look forward and indeed have plans of projects in the pipeline to increase our bicycle network around the Island.

3.2.5 Deputy C.J. Scott Warren of St. Saviour:

Can the Minister say if there will be sufficient drivers available to be able to increase the number of buses in use at peak times, in line with the increasing numbers of residents, particularly in the western Parishes?

Deputy G.W.J. de Faye:

I think it is fair to respond to the Deputy by saying there is never really a shortage of drivers for buses. The question is the addition of extra rolling stock to a fleet and the complicated balance that has to be struck between the very heavy demand for capacity at peak time, which then falls off to virtually zero for most of the day. That is a difficult balance that has to be struck, because one might easily double the existing fleet size to, say, 100 vehicles, which would make a reasonable dent in the number of cars travelling into town, but I have to say not a particularly significant one. The question then becomes what exactly does the Transport Minister do with 100 buses and 100 drivers between 9.30 a.m. and 3.30 in the afternoon, when there is a very low level of demand for those services.

The Bailiff:

May I just say to all Members that if Members keep their red lights permanently illuminated, I assume that they have forgotten to turn them off and they do not get called. **[Laughter]**

3.2.6 Deputy S. Power:

I feel admonished. Can I ask the Minister if the statistic of 1,400 cars per hour travelling through the intersection of Victoria Avenue going east and First Tower is still an accurate statistic? Can he undertake to carry out accurate traffic counting exercises on St. Peter's Valley, La Route de la Haule, La Rue de Haut, Victoria Avenue and Mont Felard between 7.00 a.m. and 9.00 a.m.?

Deputy G.W.J. de Faye:

I am not quite sure how a chamber courtesy breaks down here, Sir, but I feel that Deputy Power has rather jumped the gun, because that was a response I was about to give to a question put to me Deputy Le Fondré that will come up in a little while. If the Deputy forgives me, I will perhaps not respond to him and respond to Deputy Le Fondré, who to all intents and purposes got his question in first.

3.3 Deputy S. Pitman of St. Helier of the Minister for Education, Sport and Culture regarding transportation by school coaches not fitted with seat belts:

Would the Minister for Education inform members whether children as young as reception age are being transported by school coaches which are not fitted with seat belts and, if so, what action he intends to take to address the situation, and also who would be liable in the event of an injury resulting from such a coach being involved in a road traffic accident?

Senator M.E. Vibert (The Minister for Education, Sport and Culture):

All minibuses which are owned or leased by provided schools are fitted with seat belts, which must be used when transporting children. However, for many school visits, the schools will hire coaches through local companies which are not fitted with seat belts. These vehicles are licensed to carry passengers including young children. If a child was injured as a result of a coach being involved in a road traffic accident, the normal conditions in respect of an insurance claim would apply. I will be asking the new Transport and Technical Services Minister to revisit draft proposals dated October 2001, which proposed that all charabancs/PSV (Passenger Service Vehicles) vehicles, would have to be fitted with seat belts. Unfortunately, that proposal has not been brought forward by Transport and Technical Services as yet.

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

May I ask the Minister for Education, Sport and Culture to undertake an investigation to verify that parents who are transporting children to private schools and public schools in minibuses are both licensed and suitably equipped to carry those children in safety; and where they show good practice, that practice is encouraged to help reduce the impact of the traffic upon our system?

Senator M.E. Vibert:

By law - the Road Traffic Law of the Island - all children up to the age of 14 must wear a seat belt. Therefore, anyone carrying children up to the age of 14 must ensure that they are wearing a seat belt. The only exception is at the moment for charabancs PSV/vehicles, and I would urge the Transport and Technical Services Minister to look at this issue anew, because it seems to me to be an anomaly that for some reason charabancs, PSV vehicles are exempted from the general rule regarding seat belts for children under 14.

3.3.2 Deputy J.A. Martin of St. Helier:

The question is to the Minister for Education. My question is, would he not undertake to stop from today any schools under his care from using coaches that do not have seat belts for children under 14? Because especially very young children, Sir, do not even need to be in a road traffic accident. If the coach or vehicle stops suddenly, they could be seriously injured. I feel a bit of buck-passing here, Sir. It is down to the Education Minister to make sure all his school children are travelling safely in Jersey, and he could stop this practice tomorrow.

Senator M.E. Vibert:

I will not stop it tomorrow, because I feel that school trips are an integral part and a very valuable part of a child's education. Of course, when children of any age travel on our public bus service, there are no seat belts on buses and they travel on them, and I have no indication that the risk is such that I should take immediate action. It is an issue which I believe needs to be looked at and considered - in the sense of whether it is children or anyone else - if there are laws about seat belts they should apply. Perhaps there are good reasons; I will endeavour to find out through Transport and Technical Services why coaches (charabancs) are exempt from seat belt legislation. There may be some safety reasons involved in that; I do not know. Now the issue has been brought yet again to my attention, I will look into it.

Deputy S. Pitman:

When will the Minister be asking the Minister for Transport and Technical Services to ensure seat belts are fitted?

Senator M.E. Vibert:

I just did, Sir.

3.4 Senator B.E. Shenton of the Chief Minister regarding absence from Strategic Plan 2006-2011 of specific statement on implications for States manpower resources:

The Strategic Plan 2006-2011 (P.40/2006) does not provide a specific statement on any implications for the manpower resources of the States as required in accordance with Standing Order 21. As this is required for any amendment to the Plan, would the Chief Minister explain why no such statement has been included and what action, if any, he plans to take to redress this matter?

Senator F.H. Walker (The Chief Minister):

I thank the Senator for his question. Pages 16-18 of the draft Strategic Plan contain a detailed resources statement by the Minister for Treasury and Resources. This sets out the overall financial framework within which the Strategic Plan will be delivered, including revenue expenditure, of which manpower costs form a major part. The actual detailed costs and manpower numbers will be given in the statements accompanying the Annual States Business Plan and in individual policies when they are brought to the States for approval. I do accept, however, that this could have been made more explicit in the resources statement, and I will be asking the Council of Ministers to consider making an amendment to this effect when it meets on Thursday.

3.4.1 Deputy R.G. Le Hérissier of St. Saviour:

Would the Chief Minister not acknowledge that deriving manpower figures from what are essentially aspirational figures, i.e. figures that are based on hope and aspiration, is a very strange way on which to base a manpower statement?

Senator F.H. Walker:

If they were based on hope and aspiration, I would. The fact is they are not. They are based on considerable thought and detailed planning.

3.4.2 Deputy R.G. Le Hérissier:

Would the Chief Minister confirm that when members are required to make a statement, there must be money within the system in order to pay for the proposed addition to service or change in service? Would he guarantee that the money is available to pay for what is outlined on pages 16 and 18?

Senator F.H. Walker:

Yes, Sir.

3.5 Connétable G. W. Fisher of St. Lawrence of the Minister for Transport and Technical Services regarding projected total construction cost of pumping station on H2 development on Fields 848, St. Lawrence:

In respect of the requirement for a pumping station on the H2 development on Field 848 and adjacent fields in St. Lawrence, what is the projected total construction cost of the pumping station, the approximate amount to be paid by the developer to fund ongoing maintenance; over what period will such maintenance be funded, and what is the approximate amount required to fund the replacement of the pumps at the end of the maintenance period?

Deputy G. W. J. de Faye (The Minister for Transport and Technical Services):

Detailed design of the pumping station has not yet been carried out, and therefore it is difficult to give an estimated cost. However, it is expected to be in the order of £750,000. As part of the planning obligations, the developer will be required to provide a commuted sum to cover the ongoing maintenance of the station. The requirements for these commuted sums is apparently under review within the department, but at present the sum required to cover these costs will be in the order of £150,000, which will cover the maintenance of the station for a period of 15 years. At the end of that period it is likely that the pumps and control panel will require replacing, and therefore the developer will be required to pay a commuted sum to cover these costs. This sum is likely to be of the order of £250,000. In all cases of commuted sums, officers at the Treasury will be asked to calculate the exact figures immediately before the development commences, and the developer will have to pay before commencement of works.

The Connétable of St. Lawrence:

I thank the Minister for his answer, Sir.

3.6 The Connétable of St. Helier of the Chief Minister regarding the resignation of the Managing Director of the Waterfront Enterprise Board:

Would the Chief Minister explain in detail the circumstances leading up to the resignation of the Managing Director of the Waterfront Enterprise Board (WEB) and indicate what impact, if any, this has on the timetable for the development of the St. Helier Waterfront?

Senator F.H. Walker (The Chief Minister):

I am advised that the Managing Director of the Waterfront Enterprise Board was approached by a prospective employer based outside the Island, and he received an offer of employment which he has decided to accept. The departure of the Managing Director will not have any impact on the timetable for the further development of the St. Helier Waterfront. During his time in the Island, the Managing Director has fulfilled his brief to the full, and it is largely thanks to his efforts that the Island is about to benefit so significantly from the development of the new Radisson Hotel, the Island site, Centre Parcs development and other much needed residential and office accommodation. I am grateful to the Managing Director for his valuable contribution to Jersey during his period of office.

3.6.1 Deputy R.G. Le Herissier of St. Saviour:

Would the Chief Minister say whether in his post-resignation interview the Managing Director has reflected upon his period here, and what lessons has he learnt from managing WEB during that period?

Senator F.H. Walker:

We have not yet held the exit interview. That will be held closer to the expiry of the Managing Director's period of notice.

3.6.2 The Connétable of St. Helier:

Would the Chief Minister outline the process for finding a new managing director for WEB and confirm whether he will be doing this in consultation with the Urban Task Force?

Senator F.H. Walker:

There will certainly be consultation with the Urban Task Force. The actual process for the recruitment of the new managing director of WEB has to be given further thought, because there are new aspects in play. The Waterfront itself has moved on. We have the question of the

regeneration of St. Helier, and of course we have the States Property Strategy as well, all of which have come into being since the Managing Director was recruited, and so it is possible, just possible, that we may be seeking to recruit someone for a somewhat different job to that held by the outgoing executive.

3.6.3 Deputy F.J. Hill of St. Martin:

I would like to ask the Chief Minister was the Managing Director subject to a contract whereby he could terminate his employment at any given time?

Senator F.H. Walker:

Yes, Sir. He has to give a period of notice; he has given a period of notice, which has been accepted by the board of WEB, and will work out that period.

3.6.4 Deputy J.B. Fox of St. Helier:

I wonder if the Chief Minister would give assurances that with the departure of the Managing Director, the facilities for young people will not be delayed in any way. The Managing Director played an important co-ordination part with many, many different organisations to bring this to the fore, and I would just like to seek reassurance that this will not delay the important facilities that are currently being considered.

Senator F.H. Walker:

Yes, Sir, I can give that assurance.

3.7 Deputy S. Power of the Minister for Economic Development regarding the status of the OXERA study on trade links with France:

Would the Minister inform members of the current status of the OXERA study on trade links with France that was commissioned last year by the former Economic Development Committee?

Senator P.F.C. Ozouf (The Minister for Economic Development):

I am pleased to advise that the first draft of the report has been formulated and is currently being reviewed by the Economic Adviser and OXERA. The report will be available for publication in the next few weeks.

3.7.1 Deputy S. Power:

Could I ask a supplementary question of the Minister? Can I ask the Minister to confirm that the first draft was sent to his department last February, and that in the intervening period, could he confirm to the House what is the delay in producing the final version?

Senator P.F.C. Ozouf:

I think the Deputy meant 'last' as in February 2006. I repeat, the first draft is being reviewed by the Economic Adviser and by OXERA, and I am to receive my first copy in the forthcoming number of days.

3.7.2 Deputy G.P. Southern of St. Helier:

Will the Minister answer the question? How long has he had this draft report?

Senator P.F.C. Ozouf:

The Minister has not had the report. The Economic Adviser and OXERA have the first draft; the Minister has not got his first report.

3.8 Deputy R.G. Le Hérissier of the Chief Minister regarding the availability of the services of the Communications Unit:

Would the Chief Minister inform members whether the services of the Communications Unit are available to all States Departments?

Senator F.H. Walker (The Chief Minister):

The Communications Unit has been tasked with developing and leading a communications strategy for the States of Jersey. This strategy covers a wide range of activities, including the organisation of public consultations, the management of the new States website, and internal communications with the public sector workforce. In addition, and in order to help the States achieve its objective of reconnecting with the public, the Communications Unit does provide a service to all States departments. However, all this can only be achieved within the available resources. Whilst the Unit is in a position to provide general advice to all States departments, additional requests for specific assistance have to be prioritised and assessed according to the Unit's workload.

3.8.1 Deputy R.G. Le Hérissier:

Would the Chief Minister inform the House as to who carries out this prioritisation?

Senator F.H. Walker:

It is the Manager of the Communications Unit in consultation with the Chief Executive.

3.8.2 Deputy R.G. Le Hérissier:

Would the Chief Minister not acknowledge that it seems rather strange that the Communications Unit, despite many assertions to the contrary when it was established, seems to be spending most of its time working for the Executive? Would he not think he would be politically advised to ensure that it gives much more support to Scrutiny and that the work is divided much more along that particular line?

Senator F.H. Walker:

That was never the intention. I am sure the Deputy himself would wish to think about the statement he has just made, given that he was President of the Privileges and Procedures Committee when the Communications Unit undertook a huge amount of work on behalf of that Committee, work which it also continues to do on behalf of the current PPC.

3.8.3 Deputy R.G. Le Hérissier:

I am totally confused. Is the Chief Minister therefore saying that the Communications Unit is able to offer services to both sides of government in terms of the Executive and Scrutiny; it is doing so at the moment in terms of PPC; and therefore it would be very simple to do so in terms of Scrutiny; and he supports that it should offer services to Scrutiny and not be the exclusive preserve of the Executive?

Senator F.H. Walker:

If the House wishes to considerably increase the budget and the manning of the Communications Unit, then it can provide the sort of full service to the entire House, including Scrutiny, that the Deputy seems to be suggesting. That was never the proposal in the first place. If he wishes to

change it, I suggest he puts that proposal to me, and it will be prioritised along with all the other requests for funding and manpower requirement.

3.8.4 Deputy J.A. Martin:

Yes, I think the Minister may have answered, but in a totally different way round. When I attended the Council of Ministers with the Chairmen's Committee - this is minuted - the Chief Minister did say that Scrutiny would be allowed to use the Communications Unit if they provided all services from their own meagre budget. Is that not correct, Sir?

Senator F.H. Walker:

I do not ever recall referring to Scrutiny's budget as meagre, nor do I believe it is. Sir, the fact is the Communications Unit will work for any part of the States' machine, given the time and the resources to do so. Now, if Scrutiny requires the extended use of the Communications Unit, then it will require additional resource, and I think I have already made that clear in my response to Deputy Le Hérisier.

3.8.5 Deputy G.P. Southern:

Is the Minister saying that the media department is responsible to all aspects of government, and has he not also said that Scrutiny is part of government?

Senator F.H. Walker:

I believe I have already answered that question, probably twice.

3.9 The Deputy of St. Peter of the Minister for Transport and Technical Services regarding valuation of land for pumping station at H2 development site, Field 848, St. Peter:

In respect of the requirement for a pumping station on the H2 development, Field 848 in the Parish of St. Peter, what method has been used to value the land (a car park) upon which the pumping station is to be constructed, what is the value, does the value reflect a full commercial amount, how long will the car park be out of commission and what are the dimensions of any excavations?

Deputy G.W.J de Faye (The Minister for Transport and Technology Services):

May I congratulate the Deputy of St. Peter on his joint operations with the Constable of St. Lawrence on this issue. **[Laughter]** It must be joined-up government. The area of land on which it is proposed to site the pumping station is to remain in public ownership and not sold to the developer. The car park is also in the shoreline zone in the Island Plan, which effectively precludes, or presumes against a new development where a gap would be lost in terms of view. Siting of the station at this location will result in the loss of a number of car parking spaces to allow for a small switch gear enclosure and access for maintenance vehicles. The developer is therefore to be asked to pay a commuted sum to cover the loss of income from those car parking spaces over a period of 10 years. That sum is £8,000, and has been based on the loss of 4 spaces for 6 months of the year for a 10-year period at the current monthly season ticket value, assuming 75 per cent occupancy. It is accepted that this is not the full commercial value; however, allowance has been made for the fact that a significant public benefit will be realised with the construction of the pumping station. It is likely that during construction of the station, the majority of the car park will be out of service for a period of 10-12 months; however, the developer will be expected to cover the loss of income from the car park while construction is taking place. Alternative car parking is available in the nearby Goose Green car park, although car parking charges, in response to an earlier question made by the Deputy of St. Peter, will of course be under review. With regard to the

dimensions of any excavations, detailed design has not yet been carried out, but an exact size of the structure cannot be given; however, it is roughly going to be in the order of 12 metres by 7 metres, and will be an underground structure.

3.9.1 The Deputy of St. Peter:

Would the Minister outline what the public benefit is with regard to this pumping station and the loss of 4 parking spaces and the loss of the whole car park for a year, in the fact that it is a requirement - a planning requirement upon the developer - to provide a pumping station to mitigate flooding in their development, which will return a great profit?

Deputy G.W.J. de Faye:

Well, my perception of what the public benefit is - I think it would be reasonably clear not just to me, but to other Members - is that that particular area has a general history of intermittent flooding, and I have been assured over a series of reports by hydraulics experts who have worked on the development in advisory capacity, that the pumping station and its capacity will totally mitigate any flooding threat to that area. Flooding threats have already existed; that it can now be brought to an end I think is a benefit to the public.

3.9.2 The Deputy of St. Peter:

Can the Minister explain how this pumping station is going to mitigate the flooding of the car park? There are photographs taken recently of the car park being flooded to a level of approximately 1½ feet. I am a little bit concerned how this system is going to work, if it is.

Deputy G.W.J de Faye:

I have not seen those photographs myself, and I am not directly aware of the car parking flooding threat. The flooding I am talking about is the flooding that goes on in the fields to the north of the car park and the main road, which has been a cause of concern to local residents for many years. I am no expert, and do not claim to be an expert on hydrology and pumping operations in particular, but all the explanations given to me so far are in my opinion entirely satisfactory and indicate that a pumping station of this nature will fix the problem.

3.10 The Connétable of St. Lawrence of the Minister for Planning and Environment regarding the total number of units of accommodation completed or subject to planning applications in 5 Parishes since 1st January 2005:

In relation to all 5 parishes of St. Brelade, St. Lawrence, St. Mary, St. Ouen and St. Peter, what is the total number of units of accommodation that have been approved, that have been completed or that are presently the subject of planning applications since 1st January 2005?

Senator F.E. Cohen (The Minister for Planning and Environment):

I regret that I am unable to provide this information today. Extracting the information from the Planning Department's computerised application monitoring system requires a unique report to be produced by a computer specialist. I have given instructions that the report be prepared, and will provide the Connétable with the information as soon as it is available. I have instructed that this work be regarded as a priority.

3.10.1 Deputy I.J. Gorst:

Is it possible to ask the Minister to provide the same report for St. Clement?

Senator F.E. Cohen:

I will do so.

3.10.2 Deputy J.A.N. Le Fondré:

[Aside] I think I am right in saying that the foreword to the Island Plan 2002 states that the Plan presents both a vision and a framework which will enable an holistic approach to planning and development. In fact the introduction states that the Plan plays a major role in the Island's strategic and local planning. How does not monitoring the level of development occurring as it is approved by the department fit in with the definition of strategic planning? How is the department able to demonstrate its competence to deal with planning matters when it fails on such a simple and strategic point in monitoring the building that is going on in the Island on a proactive basis?

Senator F.E. Cohen:

Monitoring is not just a question of monitoring the empirical numbers; it is a question of monitoring the generality of applications and balancing the applications, and I have made no secret of the fact that I am now working with the Minister for Housing in relation to a complete reassessment of the requirements for housing, where they should be located, tailoring the consents to meet those requirements. I am also reviewing carefully the H3 and H4 sites and looking at establishing a method of the Parishes delivering some of their own homes in a cost efficient manner.

3.10.3 Deputy J.A.N. Le Fondré:

Is the fact that the department has not been able to, or does not in the past monitor the overall trend of developments, it would appear, in the Island, one of the reasons that the Minister of Transport was not able to provide the traffic impacts on other developments occurring in the Island other than the H2 sites? Again, perhaps, could those numbers be provided to Transport for when they update their review?

Senator F.E. Cohen:

As far as monitoring the empirical evidence is concerned, I think I have answered that it is not the only issue that needs to be taken into account, and I will be looking very carefully at having a proper balance of development, and that will include producing some statistical figures. But, bear in mind that the Planning for Homes document in 2005 clearly looked into our requirements. We now clearly know what is required for the next 5 years and I will be balancing consents accordingly.

3.10.4 Deputy S. Power:

Can I ask the Minister, in relation to the Constable of St. Lawrence's question, that when he instructs his computer to produce the information that he has agreed, that he also includes those developments on approved areas H1, H2 sides? So, at the consultation stage and unofficially at planning application stage.

Senator F.E. Cohen:

Yes, I will do so.

3.10.5 The Deputy of St. Peter:

Will the Minister agree that the provision of this new statistic, based on the questions asked by the Constable of St. Ouen will help him make an objective assessment in what he is trying to achieve in developments out in the West?

Senator F.E. Cohen:

We most certainly will, and that is why I have instructed that this work be carried out as a top priority. I will report back as soon as I have the necessary statistical information.

3.10.6 Deputy S.C. Ferguson:

Given that the department has input into a very sophisticated mapping system, surely the planning maps should also be produced to show the effect of where the developments are going to be. This would be a useful adjunct to the bare statistics. Picture the planning maps that are available. If you have a map of the Island with all the developments on it, does the Minister not think that would help in his overall holistic review of the Island requirements?

Senator F.E. Cohen:

I think in relation to the Digimap, the Digimap is a photographic map, so I do not think it would be appropriate to include proposed schemes in a photographic map. There are already maps at the department that show proposed sites, that I look at quite regularly. But I am quite prepared to discuss this with the Deputy and to try and find out exactly what she would require, and produce such a map.

3.11 Deputy J.A.N. Le Fondré of the Minister for Transport and Technical Services regarding latest figures for peak hour traffic statistics on certain roads:

What are the latest departmental figures in respect of peak hours, which I have identified as 7.45 a.m. to 9.00 a.m. in the morning and 5.00 p.m. to 6.00 p.m. in the evening, and off-peak hours traffic volume in numbers and maximum queue lengths in St. Peter's Valley, La Route de la Haule between Beaumont and Bel Royal, Route de Haut, Victoria Avenue and Mont Félard?

Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

I regret that due to the way statistics are collated, I do not have a precise match to the Deputy's timing requirements. However, from 8.00 a.m. to 9.00 a.m., 1,200 cars travel along Route de la Haule between Beaumont and Bel Royal east-bound. Between 9.00 a.m. and 10.00 a.m. the number drops to 940 and between 5.00 p.m. and 6.00 p.m. in the afternoon, the number is 920. La Route de la Haule between Beaumont and Bel Royal west-bound, Route de la Haule, 8.00 a.m. to 9.00 a.m., 950 vehicles; 9.00 a.m. to 10.00 a.m., 910; and from 5.00 p.m. and 6.00 p.m., 1,130. St. Peter's Valley by Tesson Chapel, south-bound, 8.00 a.m. to 9.00 a.m., 730 vehicles, 9.00 a.m. to 10.00 a.m., 320; 5.00 p.m. to 6.00 p.m., 350. St. Peter's Valley, Tesson Chapel, north-bound, 8.00 a.m. to 9.00 a.m., 290 vehicles, 9.00 a.m. to 10.00 a.m., 240; 5.00 p.m. to 6.00 p.m., 530. Sir, if you forgive me, I would not carry on all the way through these figures, but I will pass the contents of this over to Deputy Le Fondré.

3.11.1 Deputy J.A.N. Le Fondré:

I was just going to ask could you give the figures once from Le Mont Félard, please?

Deputy G.W.J. de Faye:

On a certain lengthy question basis, I am happy to cover that, Sir. Le Mont Félard, south-bound, 8.00 a.m. to 9.00 a.m., 380; 9.00 a.m. to 10.00 a.m., 200; 5.00 p.m. to 6.00 p.m., 260. Le Mont Félard, north-bound, 8.00 a.m. to 9.00 a.m., 150; 9.00 a.m. to 10.00 a.m., 220; and 5.00 p.m. to 6.00 p.m., 240.

3.11.2 Deputy S. Power:

Could I ask the Minister as to when this information was collated and this information, to what period does it relate in terms of collection?

Deputy G.W.J. de Faye:

I regret I cannot tell the Deputy the precise time that this figures were collated, in terms of the dates or month of the year. They have been presented to me simply as the latest figures available.

3.11.3 Deputy I.J. Gorst:

Given the Minister's answer and his previous answers, that his department thinks there are no traffic engineering solutions to this congested area, does he retain confidence in his department's guidelines used by planning regarding traffic flow and density guidelines for new developments, and will he undertake an urgent review?

Deputy G.W.J. de Faye:

I regret that I appear to have quite seriously misled Deputy Gorst. There are, of course, engineering solutions to any problem. It simply depends on how much money you want to throw at an engineer. Yes, there are traffic engineering solutions to the problem down at Bel Royal-Beaumont, and one of them would be to build an enormous dual carriageway along the beach to relieve the flow on the main coast road. But, yes, traffic solutions and engineering solutions exist. I am sure that we could construct a highly effective tunnel or underpass to go right under Goose Green and come out somewhat along the Inner road. The question is, are these at all feasible, and is it something that we would ever wish to pursue? I suggest no. What I can assure the Deputy, is that I will strive, along with my department, to find sensible and reasonable solutions to these problems.

3.11.4 Deputy I.J. Gorst:

Given the outrageous suggestions of the Minister regarding possible solutions, will he then answer remainder of the question?

Deputy G.W.J. de Faye:

I am deeply sorry, Sir, but I have forgotten the remainder of the Deputy's question. **[Laughter]**

3.11.5 Deputy I.J. Gorst:

Will he undertake to review the current guidelines issued to the planning department regarding traffic flow and density for new developments? Thank you.

Deputy G.W.J. de Faye:

Yes, I am very happy to undertake that task.

3.11.6 Deputy R.G. Le Hérisier:

Would the Minister not accept that, given our continuing addiction to the motor car, that there is no real solution to this problem other than declining population growth? If faced with growing population growth, shifting people more to public transport, which means a more attractive public transport system. Sir, could he tell us, does he agree with our sentiments? Secondly, when will the transport strategy be out with a new approach?

Deputy G.W.J. de Faye:

The transport strategy is due to be published in the next few weeks. I agree largely with the Deputy's sentiments. However, I think it is worthwhile informing the House of, for example, the scale of the problem that faces the Transport and Technical Services Department, and to accept that public transport services can only go so far to assist. For example, in peak time in the morning between 8.00 a.m. and 9.00 a.m., over 8,000 vehicles travel into St. Helier. This contrasts with the roughly 750 to 800 people who use Connex Buses at that precise same time. The Connex fleet is roughly 45 to 50 vehicles. It does not take a mathematician of great stature to work out that even if I quadrupled the size of that fleet, I would still be only dealing with roughly 3,000 passengers, or obviously roughly 8 times the 750 currently carried. The cost of rolling stock would be very substantial. What I would do with 20 bus vehicles for the rest of the day is a matter that I barely wish to consider, and even if every one of those represented the removal of a car driver from the roads, we would still have over 5,000 vehicles coming into St. Helier. Our traffic situation is a problem of very substantial proportions, but I do hope to address it as best as we can.

3.11.7 Deputy J.A.N. Le Fondré:

Both the Minister and the previous speaker made reference to the draft traffic strategy. If I recall correctly, there was a proposal to require lower levels of parking in new estates, which appears to be in order to implement the level of car ownership. Is the Minister likely to continue with this policy, and if so, does he seriously expect us to believe, given that these are generally family estates, that a 17-year-old, having just passed his or her driving licence, is not going to want a car, and if they cannot park it outside the house, is not going to just park it either on the road to the estate or on the public roads in the vicinity. In other words, it would just then shift the problem around and increase congestion on the estate as well as on the roads. I will add briefly that I do support the principle of addressing car usage, but I do not think the solution is car ownership.

Deputy G.W.J. de Faye:

I broadly agree with the sentiments of the Deputy. That will be an aspect of the policy that I will be looking at. It has, in fact, been in place for some time and some developments, as I am sure Members will be aware, have been constructed with limited parking provision, and in some cases, virtually no parking provision at all, quite deliberately to see what impact this has. It may well be a strategy that is relevant for certain developments, particularly those possibly in the town area. It may be an aspect of planning and planning advice that is wholly inappropriate for other types of development. But I will revisit the matter and give it my due consideration.

3.12 Deputy R.G. Le Hérissier of the Chairman of Privileges and Procedures Committee regarding the cost of the proposed survey of voters in the last election:

Would the Chairman inform Members of the cost of the proposed survey into, among other things, the reasons for people not voting in the last elections and how the results will be followed up?

Connétable D.F. Gray of St. Clement (Chairman of Privileges and Procedures Committee):

The Privileges and Procedures Committee (PPC) has begun considering how to go about bringing forward proposals on the further composition and election of the States. In its initial discussion, PPC recognised that this is likely to be a very controversial issue and one where it may be difficult to achieve any political consensus. The Committee also decided it would be ill-advised to bring forward any proposals without a proper analysis of the problem which any proposal is designed to solve. One of the problems the Committee feels must be addressed is the issue of low turnouts. The Committee has sought advice from the Statistics Unit and the Communications Unit on the appropriate way to go about this research. A number of professional organisations in the U.K. and Jersey have been asked to provide proposals by the end of May on how they would undertake a survey on these issues. The Committee will consider the various proposals put forward in early June or make a final choice at that stage. As the Committee is currently awaiting proposals and will make a choice based partly on cost, I hope that Members will appreciate that I would prefer not to give any public information of the sort of cost that we are expecting although I would be happy to talk to Members privately on a confidential basis about this. I would simply say that we recognise that a properly conducted survey that will have the necessary credibility is needed, and we are realistic about the cost that will entail. Once the results of the survey have been received, the Committee will assess whether there is any clear indication of measures that could be brought forward to increase turnout. It would be premature to suggest what these measures might be until the analysis has been received. Once proposals have been put forward later this year by the Committee and considered by the States, it is likely that the Committee will recommend that a referendum of the overall package be organised before any proposals are implemented.

3.12.1 Deputy R.G. Le Hérissier:

I have been slightly caught by the word “referendum”. Would the chairman acknowledge, therefore, that the survey, in a sense, amounts to a referendum? Would he further acknowledge that there is liable to be a high degree of public cynicism in that the people whose answers are most needed for the survey (i.e. the non-voters) are those who are probably going to be the least likely to participate?

The Connétable of St. Clement:

Well, one would hope, as it is going to be professionally organised, it will cover the voters and non-voters in a professional manner. I cannot remember what the other question was.

3.12.2 Deputy R.G. Le Hérissier:

I assume, Sir... does it amount to a referendum?

The Connétable of St. Clement:

No, Sir, because a referendum, we hope, will bring out as many electors as are on the electoral register. Obviously, a survey will not cover that sort of scope.

3.12.3 Deputy G.P. Southern:

Has the Chairman given any consideration to the introduction of compulsory voting, Australia-style, or linking the right to vote with the unique identifier attached to migration registration policy?

The Connétable of St. Clement:

That might be a result of the survey conducted, but at this time, that has not been considered.

3.12.4 The Deputy of St. Martin:

Would the Chairman not consider that really what he is doing is really a re-run of what has already happened and really is a considerable waste of time? If so, could he also tell us how much this is likely to cost the taxpayer?

The Connétable of St. Clement:

Well, as far as the latter question is concerned, I think I answered that by saying that at this stage we would prefer not to reveal that because that is part of the consultation, part of the proposals that we are getting from the various organisations. We did not feel the MORI poll, which I think the Deputy is referring to, covered the areas. Much of that poll was about the system of government, and this has now been addressed with the machinery of government changes. So, I do not think what we are proposing covers that area.

The Bailiff:

We come then to a question by the Deputy of St. Peter. Deputy Pitman has indicated that she would like to put her question to the Minister of Education as a written question, so we come then to the question after.

Senator T.J. Le Main:

May I ask a question of the Deputy? Whether it is right that as her husband is very much involved, that she should be asking questions of this nature of the Minister of Education? In view of her very close interest in the matter, whether it is correct? I feel a little bit uneasy about it, Sir.

Deputy S. Pitman:

Yes, there is no conflict of interest. This is a community service and I am concerned mainly of the welfare of youth workers in the service, and also young people who use the service. I see no conflict of interest.

Senator T.J. Le Main:

But, Sir, I believe there is a conflict of interest. Her husband is a youth worker and the questions relate to youth work and I would take a step backwards if it was me. I believe that it is a conflict of interest and it should not happen.

The Bailiff:

Senator, the questioner has withdrawn the question as an oral question and is going to resubmit it as a written question. I am sure she will take into account the points that you have made and take advice if necessary. Then, if the question is put as a written question, you may raise the matter as a point of order or of privilege in due course.

Senator M.E. Vibert:

Just interesting on that information to Members, I was looking at the Standing Order on the conflict of interest as regarding written questions and it does not seem to be as broadly drawn as those regarding debates. I have asked the Privileges and Procedures Committee, of which I am a Member, to re-look at that Standing Order.

3.13 The Deputy of St. Peter of the Minister for Planning and Environment regarding basis for valuation of land for pumping station at H2 development site at Field 848, St. Peter:

In respect of the requirement for a pumping station on the land, a car park on the H2 development, field 848 in the Parish of St. Peter, are any actions being taken to ensure that the value being attributed is a full and commercial amount? Are any conditions being imposed on the developer requiring nearby properties to be surveyed before construction works, and will property owners be indemnified for any damage to their properties arising from construction works?

Senator F.E. Cohen (The Minister for Planning and Environment):

The development of category A homes on the zoned land at Bel Royal will require appropriate flood mitigation measures to ensure the proposed development will not be susceptible to future flooding and will not result in flooding to existing properties. The surface water pumping station is an integral and essential part of the proposed flood mitigation measures. You will significantly reduce the current and future risk of flooding to existing properties bordering the marsh area to the south of the proposed housing site. If it is approved, it will be a substantial benefit to the community and would be provided at no capital cost to the public. The best position for the station is nearest the outfall, as it only benefits upstream areas. This is why the Transport and Technical Services (TTS) Department regard the site in the public car park as the optimum location. The station will involve the loss of 3 or 4 existing parking spaces. TTS has indicated that the developer should pay the commuted sum of £8,000 to cover the permanent loss of 4 parking spaces, and that there will be an additional charge for the loss of any spaces during construction. If the application is approved, it will be TTS who will design the pumping station and will be responsible for contracting out the work. The applicant will simply fund the construction, including design and contract management fees as well as 15 years maintenance and replacement of the pumps. It is understood that this is the usual practice for TTS to incorporate provisions in its contracts which address potential issues affecting nearby properties, including noise, dust, vibration, lorry movements, hours of work, et cetera, and indemnities against damage to other properties.

3.13.1 Deputy R.G. Le Hérissier:

In the light of all the issues that have arisen around site H2 and given the fresh eyes that the Planning Minister has been able to bring to this situation, would he have grave doubts about the development proposed?

Senator F.E. Cohen:

This is subject to current application and it is subject to a debate. I think it will be inappropriate for me to comment further at this stage.

3.14 The Connétable of St. Helier of the Minister for Transport and Technical Services regarding cessation of operations at the temporary La Collette composting site:

Would the Minister inform Members whether he will cease operations at the temporary La Colette composting site, in view of the public complaints made from the residents and workers in the vicinity over their concerns of ill health, for a further 2 years until an odour free facility can be provided and if not the reasons why?

Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

While I understand the concerns of the residents of Le Havre des Pas, unless I receive clear proof of health problems being caused by the temporary La Collette composting site, I do not propose to

cease the composting operation until the new composting facility is in operation. I have said in responses to other questions that I accept that there are complaints regarding odours emanating from the site. Regarding the concerns of ill health being caused, I am guided by the advice of the Health and Social Services Department, which is that there is no proof of a link between the ill health claims and the composting operation. Ceasing the present composting at La Collette would require an alternative disposal route for 12,000 tons of green waste per year. If left to the individual people who produce it to dispose of it, I believe that this would be an unsatisfactory solution where it could result in piles of unsightly, smelly, decomposing green waste around the Island. This would create eyesores and nuisances and probably leachate problems. Some people already use home composting successfully but they would still have material that could not be readily dealt with by home composting systems. For example, branches of trees and shrubs, hedge cuttings and other large items. The option of putting the green waste in the Bellozanne incinerator would also be a totally unsatisfactory solution. The incinerator is already struggling to cope with the quantities of waste that it presently receives due to the frequent breakdowns of the aging plant. There are already large stockpiles of shredded bulky waste at Bellozanne, which the incinerator has been unable to keep up with. Priority is always given in the incinerator to receiving putrescible waste - that is waste containing food - so that any stockpiles do not contain smelly, biodegradable waste, which would be a hygiene and health hazard. Therefore although it might seem that simply stopping composting at La Collette would be a solution to the smell problem, it would just result in moving the problem somewhere else. On that basis, I regret that I cannot agree to cease the composting operation at La Collette.

3.14.1 The Connétable of St. Helier:

Could the Minister account for the delay in the Department of Vehicle Standards (DVS) returning a Health and Nuisance questionnaire sent out by the Parish to all business in La Collette last week? Could he confirm what distance his department is situated from the composting site, and confirm whether it is within the safe operating limit as recommended by the environment agency?

Deputy G.W.J. de Faye:

I cannot confirm the details of the progress of the survey and I have not personally measured the distance from the composting operations to the DVS Department, but I understand it is in the order of 300 metres. My understanding is that even under the latest reports the safety limit under U.K. guidelines for anyone working nearby - or at least the recommended safety limit, because it is quite safe to work there - is 250 metres. That is based on calculations of the micrograms of aerosol spongiforms per cubic metre. All the evidence suggests that distances down to 200 or 150 metres are quite safe and, as I have been publicly quoted previously, I again direct Members' attention to Transport and Technical Services staff who work on the site without any significant protection of any description. They appear to suffer no ill effects. Their sickness rate is exactly the same on average as all our other outdoor workers and I have no foundation whatsoever for suggestions that there is any form of health hazard associated with the composting of green waste.

3.14.2 Deputy J. A. Martin:

Could the Minister inform the House - sorry, I cannot remember the exact tonnage that is down at the composting site now - but could he tell us what there was when it first opened down at La Collette and the difference of what there is now? Secondly, the Minister states there he has no conclusive proof that there is a health problem, but he also must admit he has no conclusive proof that this is not causing people a health problem.

Deputy G.W.J. de Faye:

I have no conclusive proof that there is a man on the moon or that there is not a man on the moon. That is one of the reasons why conclusive proof is so important in determining an issue. Currently, there appears to be no proof whatsoever of a linkage between personal health problems of certain residents who live in a nearby location and the composting operation itself. Indeed, all the indications that have been provided so far by the Health and Safety experts - who, incidentally are professional people whose careers are dedicated to finding out where health problems may or may not exist, people who often culminate careers over discoveries of this nature: those experts have found no linkage whatsoever. I reiterate something that I have said previously, that is the nearest residence to the composting operation is 750 metres away. That is 3 times more than the current recommended limits for a composting site of this nature. As to the tonnages, well, clearly, when the site was first operated there was no green waste on it at all. It was simply a large concrete slab. I cannot give the Deputy an accurate breakdown as to the precise amount of tonnage on the site at any one time but I am sure if she takes, say, 12,000 tons a year as a round figure, and divides by 12, she will get a rough estimate that we probably in any one month have about 1,000 tons on the site.

3.14.3 The Connétable of St. Helier:

It was unclear from the Minister's answer about the status of the questionnaire which, as I said, has been sent to all businesses at La Collette. Has he seen the questionnaire? Could he say when the questionnaire will be returned by his staff working in DVS?

Deputy G.W.J. de Faye:

I have not seen the questionnaire and I am unable to respond to the Constable's question because I do not know what datelines or deadlines have been set for its return.

3.14.4 Deputy R.C. Duhamel:

The Minister told the House at a previous question time that he had not read the Herr *et al* Report which outlined the health hazards of bio-aerosols produced on open windrowing composting sites. Has he taken the opportunity in the intervening 2 weeks to read that report?

Deputy G.W.J. de Faye:

Again, I may have slightly misled the House when I responded to the Deputy's previous question. When he asked me had I read the report, I had the assumption that he meant had I read the report all the way through, which I have not. However, I had read the relevant elements of the report that relate to this issue. In response to his latest question, no, I still have not read the whole of the report but I am aware of the relevant sections of it that relate to composting issues.

3.14.5 Deputy J. A. Hilton:

Does the Minister think it is ironic? The Constable of St. Helier makes much of the odour beginning experienced by the residents of Le Havre des Pas when under the terms of his zero-waste trial in St. Helier he proposes dumping thousands of tons of black bin rubbish at Westmount to be hand-sorted by employees yet to be identified, supported by a £5,000 donation from the Environment Scrutiny Panel?

Deputy G.W.J. de Faye:

Most of what the Constable of St. Helier achieves has an ironic element to it. I am grateful to the Deputy for the information she has provided because I have to say that I know absolutely nothing about what the Constable has been planning until I received a notification in the post only

yesterday, indicating this so-called zero waste scheme of which still I am aware of very little detail. I am somewhat surprised and taken aback that it appears that no-one in my department has been involved in this in any way. I to some extent welcome the initiatives that the Constable appears to be making in terms of progressing the recycling and re-use, but I really would hope that he simply would not do this as a frolic of his own. I do not know to what extent this comes within the ambit of the Environment Scrutiny Panel, who themselves are struggling with composting, and I find the current situation somewhat confusing and to some extent a little alarming. Because, quite frankly, having unqualified workers delving around in household waste bags that could be full of anything from putrescible waste to used needles has all sorts of potential health hazards. The Minister for Health has already indicated his very serious concerns about adopting what, I am afraid to say, to all intents and purposes is a rather foolhardy approach to recycling.

The Connétable of St. Helier:

Can I make a point of order, please?

The Bailiff:

Yes.

The Connétable of St. Helier:

Deputy Hilton has alluded to a paper that was sent out to Deputies yesterday. Further to Deputy Fox's phone call to me, that has been withdrawn. There are no detailed plans before the Parish Assembly or before the Deputies and I think Deputy Hilton's allegations are misleading.

3.14.6 Senator P.F.C. Ozouf:

Could the Minister say whether he has been consulted about the setting-up of a working party to deal with composting issues at La Collette? Is he also disappointed that the suggestion has been made to set up this working party at the 11th hour, 6 months after Deputy Le Claire's proposition was lodged before this Assembly?

Deputy G.W.J. de Faye:

I find the sudden emergence of a so-called working party quite extraordinary, not only because of the amount of time that has been in place for such a working party to have been set-up previously, but also it appears that the subject matter of that working party is an issue of disposal of green waste to be dealt with by the agricultural industry that was tried and tested many years ago and proved to be an absolute disaster when the whole project just turned, literally, to compost and pollution and leachate problems in water courses. Why it has emerged now, I do not know. Why it has not been considered as part of the ongoing scrutiny process that started many, many weeks ago - and I am looking forward to a conclusion shortly from the Scrutiny Panel that are investigating composting - why suddenly we have this brand new departure, I do not understand and I think all those involved can only look at their position and whether it may even be or not be in the interest of good government.

3.14.7 Senator J.L. Perchard:

Would the Minister agree that after the elections in October/November this year a lot of new Members were elected to this House and are able to bring with them expertise, most of it in his case he has chosen to ignore with regard to the agricultural community and the opportunity for composting in a rural environment despite his claim last week, Sir, that is was news to him? There

is an opportunity. Will the Minister recognise that his belligerence over the siting of a composting plant at La Collette is becoming ridiculous and it is now time to look at the serious alternative of locating state-of-the-art, modern composting facilities well disguised in the countryside operated by partnership - public sector or private sector, I am not worried. But the opportunity to turn back from La Collette is a real one, and will he not recognise it?

Deputy G.W.J. de Faye:

I will be happy to discuss all of those issues with the Senator at such time as this meeting comes to a close. But, clearly, he covers such an all-encompassing wide-ranging series of questions there, it would be entirely inappropriate to deal with it at this time.

Senator P.F.C. Ozouf:

Point of Order. Is a Senator not required to declare in an interest in a matter which he may have, and would this Senator not confirm that in fact it is a company of which he is a director [approbation] which is a potential composting recipient? Indeed, I understand that it is the company in which he is a shareholder which was the subject of a meeting on Saturday morning. Does he not believe, or would you not rule, Sir, that there is a requirement to declare such an interest?

The Bailiff:

I do not think I am willing to give a ruling on the hoof, Senator, but I shall give Senator Perchard the opportunity to reply to that if he wishes to do so.

Senator J.L. Perchard:

Yes, Sir, it is quite typical of the level this debate has gone to. It is no longer about the rights or wrongs of this issue. It is no longer about the rights of this issue; it is about point-scoring and it is very unfortunate that Senator Ozouf should want to score points over me. There are alternatives. I have an interest in the countryside. Members can see that I have interests in the countryside by going to the bookshop. I am a director of 3 farms. It is inevitable. I have no interest personally in targeting my business to make compost. It is the fact that the rural community is able, contrary to what Deputy de Faye says, well able to undertake a composting operation on behalf of the States very simply and very economically. Just one further point, Sir, if I may? Because I do find that we are losing our way here, in the sense that it is no longer about what is right or wrong. The Department of Transport and Technical Services - formerly Public Services - have not got a terribly good record when it comes to composting themselves.

The Bailiff:

Senator, I am sorry, I cannot allow you to go further into that. You were asked on the question of declaration of interest and I said earlier that I was not willing to make a ruling on this, but I will draw your attention and the attention of Members to Standing Order 106(2), which says that a Member of the States asking an oral question who has a financial interest in the subject matter of the question must declare the interest. I do not know whether there is a financial interest or not; I do not know, but I draw that to the attention of the Members.

Senator S. Syvret:

On a further point of order, can I ask that the PPC Committee consider this issue? The Senator is a shareholder in Jersey Royal and one of the prime likely beneficiaries of any move to composting to

the countryside. The Senator is shaking his head, but I am afraid it is an absolutely cast-iron conflict of interest. It simply is not acceptable conduct and I really think he can see the need to look at it.

The Bailiff:

Senator, may I repeat that Standing Order 106(2) does not prevent a Member from asking an oral question if he has a financial interest. What it requires is that the financial interest must be declared. Well, that completes the oral questions which have been set down for answer.

4. Questions to Ministers without notice - The Minister for Social Security

The Bailiff:

We come now to questions to Ministers without notice. The first question period relates to the Minister for Social Security and I invite Members to put questions to him.

4.1 Deputy J.J. Huet of St. Helier:

I would like to know, would the Minister advise us if there are any methods in place which will check identities of people coming into our Island from the U.K. or elsewhere to work when they go and get a social security card? Because from what I can understand, the British government seems to have slightly lost control of its prisoners, whether it be illegal immigrants; rapists, murderers; they do not seem to have any control of their lists at all, and I am worried that these people will end up in Jersey, and we have got no control either. I would like to know that nobody can just walk in and say their name is Joe Bloggs and it is somebody that is really on the 'Wanted List' in the U.K. I feel that we must protect our people here and I would like an assurance that we have got that covered and that we have no paedophiles, rapists, murderers or illegal immigrants working in Jersey.

Senator P.F. Routier(The Minister for Social Security):

I will do my best, Sir. The current procedure that we have in place at Social Security does require people to provide photographic I.D. when they come to register if it is a new registration. That is all people. Non-E.U. people would be required to have a work permit so, illegal immigrants should not really be able to register because they would have to have work permits from the Immigration Department for them to register at Social Security, so we would not permit that. If, for instance, somebody was to come into the department and not have a work permit, what the department would do is to phone the Immigration Department while that person was in the building and at the desk, and make comment to them so that there would be some immediate connection with the Immigration Department. We do have a really good liaison with the Immigration Department on these issues. With regard to people being refused access to a registration card if they have a criminal record coming from the U.K., that is an issue which is being debated. We have had a few questions within the House with regard to people coming into the Island and I do not believe there is much more that we can do than the Police are doing.

4.2 Deputy P.V.F. Le Claire:

I wonder if the Minister for Social Security could outline any plans or considerations in respect of pensions being linked to pay rises, as is being considered in the United Kingdom?

Senator P.F. Routier:

One of the very wise things that my predecessor did was to ensure that pensions are linked to earnings increases. It is quite a big issue for the U.K. because they have not linked their pensions to earnings in the past and they now realise the error of their ways. Our pensions in Jersey are considerably higher than the U.K. because we have maintained that link. So I do not believe there is any need to do that.

The Bailiff:

Minister for Housing, I think I must put you at the bottom of the list if there are Back-Benchers who wish to ask questions, first of all. Deputy of St. John?

4.3 Deputy A.D. Lewis of St. John:

In the light of the recent meeting held between the States of Guernsey and Jersey's Health Departments, at which there was discussed the issue of co-operation between both Islands, does the Minister have any plans to do the same between his department and his counterparts in Guernsey? If not, would he consider doing so?

Senator P.F. Routier:

My department and my relationship with the Minister of Social Security is quite strong. We do have contacts on a very regular basis and in fact, I met with both the Minister and the Chief Officer only 2 months ago, and we do have a very good working relationship and we do share ideas regularly.

4.4 Deputy G.P. Southern:

Before I commence my question, can I ask whether there is a difference between a Minister being refused the right to ask a question and an Assistant Minister being given the next slot?

The Bailiff:

I think the practice, Deputy, which has been developing, is that Ministers are, of course, permitted to question other Ministers, but if there are, and I use the word in a very broad sense, Back-Benchers who wish to question Ministers, they should be given priority.

Deputy G.P. Southern:

Thank you, Sir, for that clarification. What consideration has the Minister given to the position of those Jersey residents who served in the Armed Forces, in light of the disadvantage that gives them in terms of their pension, ultimately, and in terms of their contribution record for such benefits as long-term incapacity allowance? What consideration will he, in his wide-ranging review of income support, give to the position of such people?

Senator P.F. Routier:

If the Deputy has a specific issue with regard to the people in the Armed Forces, I could probably respond to that far better than to a very general question that has been made. My understanding is that we do support people with credits to their social security to a certain amount, but that when it does come... I do recognise that when people are in the Armed Forces, they are paying contributions to the U.K. system. It is the same as when anybody goes to work outside of Jersey; they pay contributions to the social security system of the country in which they are working. So, that is the situation, and I hope they recognise that when they make that decision to leave the Island and make contributions to a different system. But when they do come to claim a pension in later

years, their contributions that they have made in Jersey will be taken into consideration and also the contributions they have made in another country. But if the Deputy does have a specific issue that he wishes to raise with me, I would be very happy to address it.

4.5 Senator B.E. Shenton:

The inflation rate for pensioners is running higher than the core inflation rate. We read about high increases in electricity prices. In the U.K. there is a non-means tested winter fuel allowance. Has the Minister any plans to bring that in, in Jersey?

Senator P.F. Routier:

Comparing the benefits between the U.K. and Jersey is always a very difficult thing to do. When you go through the lists of the non-means tested benefits in the U.K. compared to the benefits we have in Jersey, for instance, their Christmas bonus is £10 whereas ours is roughly £80, from memory. Our pension rate is a lot higher than it is in the U.K., and so people need to take the whole picture into consideration. The new income support will have a component which will cover the cost of heating for those on income support. People who are on pensions - certainly, if their pension is not sufficient for them to be able to afford heating - well, certainly, the income support system will have to be in a position where it does recognise that and support people to that amount. I hope that answers your question.

4.6 Deputy A. Breckon of St. Saviour:

Are we quorate?

The Bailiff:

I was just putting the same question to the Greffier myself. The Greffier tells me we are just quorate. The next question is Deputy Breckon.

Deputy A. Breckon:

In view of the recent announcement in the U.K. regarding the minimum hourly rate of pay, could the Minister say if it is under review in Jersey, if there will be any consultation on this; if it is under review, who by, and from when the information will be in the public domain?

Senator P.F. Routier:

Was that about minimum rates of pay as opposed to minimum wage, because there is a slight difference? Well, certainly, minimum wage will be reviewed and consulted upon during the next few months. The Employment Forum will be going out to consultation and their recommendation will come to me in the autumn to announce a figure which would come into operation from April of next year. The minimum wage increases do apply generally from 1st April of each year and we will take into consideration the consultation which the Employment Forum undertakes.

4.7 Deputy R.G. Le Hérissier:

Would the Minister tell us what progress has been made in reference to the introduction of insurance for long-term residential care? Separately, Sir, has he had any feedback as to the financial support provided to deaf people or to the carers of deaf people, and if so, what is he doing about it?

Senator P.F. Routier:

Yes, Sir, the long-term care issue is certainly something which we will be addressing in the department. It is an issue which we really need to get to grips with over the next couple of years; really, because the major bulge in demographics which will come into effect is something that will happen in about 7 or 8 years. We really need to plan for it for that period and obviously, after that period it gets even more important. But, we are working together with the Health and Social Services Department to come forward with a long-term care issue. There are obviously, besides the policy about that care should be provided... there is also the mechanism fund that needs to be looked at. We have currently gone through a fiscal debate of how social security contributions should be increased or not increased at the present time. Once the fiscal debate is completed and all those implications from that have taken place over a number of years, we will then be in a position, if need be, to perhaps look at using social security as a mechanism for the funding. But, at the present time, the need needs to be identified in conjunction with Health and Social Services and we need to be sure that we have a mechanism for funding it. With regard to the issues regarding deaf people, they will be considered along with all disabilities within the review we are doing of income support.

4.8 The Deputy of St. Martin:

Has the Minister met with the Minister for Home Affairs to discuss the issue of prisoners at La Moye being able to receive their prescriptions at the same cost as members of the general public and, if so, what progress has been made?

Senator P.F. Routier:

I have not met with the Minister for Home Affairs. I have not had a request to do that, as such. But, if that is an issue, certainly I will do that.

4.9 The Deputy of St. Martin:

Is the Minister aware of the implications of the Wool Report which did make the suggestion that the Health Minister and the Minister for Home Affairs discuss the issue of prescriptions?

Senator P.F. Routier:

I have to say I was not aware of that. It had not been drawn to my attention but certainly, as it has now, I will look into it.

Senator S. Syvret:

By way of information, could I just inform the Assembly that I recently agreed with the Minister for Home Affairs and Health and Social Services would take on responsibility for prisoners' health care. So, that is going to be done between the 2 departments.

The Deputy of St. Martin:

Could I just clarify the situation? The issue is separate. It is social security for prescriptions, not the health care; the actual payment of prescriptions, which I believe comes under Social Security.

Senator P.F. Routier:

It just occurs to me that depending on the length of the term that the prisoner was serving, if the contributions into the system have not been paid, it is the same as with anybody else; they would be unlikely to be able to qualify for prescriptions to be covered. It would only be a short-term prisoner who would then be in a position to claim off Social Security.

4.10 Senator T.J. Le Main:

Seeing I am recognised as a man of wisdom and vision [Laughter] many of you will have seen - I am answering the question leading up to the question, Sir - many of you will have seen 25 years ago when I attempted in this Assembly to have a PAYE and in 1988 I took a proposition to this Assembly seeking photographs on social security cards, which was accepted by this Assembly I withdrew it on the floor of the House. But nothing ever happened up until right now, which I am very pleased about. The question is that one of the reasons for seeking clarification and a photograph was that the police were able to access the amount of criminally convicted crooks who were arriving on the Island; are these photographs available to Immigration and to the police in their daily business of running their activities? That is the question.

Senator P.F. Routier:

All that our department does is to require a certified photograph of somebody coming to register at Social Security. It has to be, obviously - whether it is a forgery or whatever - down to the provider of that information - to that certificate or passport or identity card - to verify it. I can only rely on that, Sir.

The Bailiff:

Thank you. That concludes the first question period.

5. Questions to Ministers without notice - The Minister for Planning and Environment

The Bailiff:

We come now to the second question period of the Minister for Planning and Environment.

5.1 Deputy D.W. Mezbourian:

Is the Minister satisfied that the Island's current water resources are sufficient to cover anticipated demand in the foreseeable future?

Senator F.E. Cohen (The Minister for Planning and Environment):

I will be making a statement shortly - today - in relation to the Water Resources Law and I am conducting a complete review of the Water Resources Law and propose to bring a new law back to the House as soon as possible that will cover all issues relating to protecting our water resources.

5.2 The Deputy of St. Martin:

Could I ask the Minister when the property known as La Falaise St. Martin was built? Who were the people who formed the opinion that the property could be demolished and why was the property considered to be of little or no architectural value?

Senator F.E. Cohen:

The property known as La Falaise was built some time after 1911. There is a bit of a history to this. The property was reviewed by the Historic Advisory Panel, who initially thought that it may be connected with the breakwater constructed between 1847 and 1856. There was even a suggestion that it may have been linked to the great Scottish engineer, James Walker. I went to have a look at

it with the Director of Planning and I had doubts immediately as to its claimed age. Additional work was carried out and a set of plans was discovered in the archive. The plans are dated, approved 22nd April 1911. The plans include foundation drawings, so clearly, while the plans are labelled “Reconstruction”, it was a total rebuild. I looked at the advice given and I was told that the Historic Advisory Panel had regarded this as a marginal case. Having considered the fact the building was built post-1911, and the fact that I did not see it had any architectural, cultural or historic merit, I decided that I would not list it and that I would be prepared to consider its replacement, but only on the basis that it would be replaced with a traditional Jersey house, with very careful detailing of wooden windows, et cetera. It may be interesting to note that I have recently changed the Historic Advisory Panel and formed a new group, the Ministerial Registration and Listing Advisory Group, which significantly increases the heritage advice available to me.

Deputy G.C.L. Baudains of St. Clement:

I believe my question has just been answered, Sir.

5.3 The Connétable of St. Lawrence:

In respect of the development of Field 848 and adjacent fields in St. Lawrence, could the Minister confirm whether a full ecological and environmental assessment has been undertaken on the marsh and in addition, of any impact of the development on groundwater levels as opposed to surface water flooding matters?

Senator F.E. Cohen:

As I mentioned earlier, this is the subject of a current application and shortly will be the subject of a debate. I can assure everyone that all matters in relation to environmental impact and the water flooding risk are being very carefully looked at and I have asked for further information from the engineers who were commissioned by the developers to prepare the assessments.

5.4 The Deputy of St. John:

I understand that the Island Plan is currently being reviewed. Could the Minister indicate as to when the new Plan is likely to be published and within it, would the Minister consider creating a category of land zoning specifically designated for sheltered housing for the elderly?

Senator F.E. Cohen:

The review of the Island Plan is a key element of the Strategic Plan. We would be moving forward very shortly but we will be reviewing sections of the Island Plan rather than the whole document. As far as sheltered housing is concerned for the elderly, this is a very important matter. It is a matter I regularly discuss with the Minister for Housing. We are building-up a policy together in relation to this and we will be looking very shortly at approaching the Parishes to ask the Parishes to propose suitable sites. I am very keen to give the Parishes the opportunity of delivering sheltered homes at the most economical cost possible and the best way of that being achieved is by the Parishes selecting the sites themselves but I will be working very closely on this, as I have said, with the Minister for Housing.

5.5 Deputy A. Breckon:

I would like to ask the Minister if he would care to comment on whether he thinks that the new hotel and the block of flats on the Waterfront deliver world-class architecture on the Waterfront which result in pride and inspiration for the Island.

Senator F.E. Cohen:

I have very little confidence in the architectural merits of many of the buildings currently on the Waterfront. That is precisely why I have spent so much time looking at ways to try and improve matters. I think with the announcement that I am going to make shortly you will see that hopefully those are the bad old days and we will moving to very much better buildings and I hope it will place Jersey with those buildings on the world architectural stage.

5.6 Deputy J.A.N. Le Fondré:

Speaking in general terms to the Minister, and given the reservations of the Minister for Transport and Technical Services as expressed earlier this morning in respect of parking provision, for example, on H2 sites, would the Minister agree that such provision should be reviewed and preferably increased on sites where an application has not yet been determined and for also other forthcoming projects?

Senator F.E. Cohen:

Yes, I most definitely would agree with that. My design policies, which are now in version 5, cover this very clearly. I am very keen to see that future developments have garages for all homes and proper and adequate parking provision. However, I must stress that when I am dealing with applications that are current and that came in before the implementation of my new design policies, I am really unable to move the goalposts. I am doing everything I possibly can to try and improve issues like design in relation to schemes that are already in progress and to improve parking but it is very much a matter of negotiation. But I can assure you, on fresh schemes, this will be something we will looking at very carefully and ensuring significant improvement in this area and in many others; design, space, space about and size of rooms being particularly important issues.

5.7 Deputy S.C. Ferguson:

With regard to sheltered housing, would the Minister not agree that it is not best sociological practice to isolate the elderly in geriatric ghettos? Sheltered housing should be part of a balanced development with a wider age range. Will he be applying guidelines to make sure this happens?

Senator F.E. Cohen:

I am afraid I am not an expert on the sociological implications of sheltered housing. All I can say is that I will be working and working very closely with the Minister for Housing to ensure that we deliver the best possible sheltered homes as quickly as possible at the best possible and most affordable price but I am unable to say, at this stage, what the exact structure of those sheltered housing developments will be.

5.8 Deputy C. F. Labey of Grouville:

Given the great concern with both the aesthetic and possible health issues pertaining to the telephone masts, can the Minister confirm if there is going to be a co-ordinated approach to granting applications to existing, current and future telephone companies?

Senator F.E. Cohen:

I think that the health issues have been resolved pretty clearly. The ICNIR (International Conference on Non Ionising Radiation) limits show if transmissions are at the ICNIR limits, it is a safe transmission. However, we are dealing with transmission levels of a tiny fraction over the ICNIR maximums, so I do not believe that there is a significant health risk in relation to these

masts. There is a significant aesthetic risk in relation to these masts, however. I have taken an approach recently that encourages mast applicants to favour wooden telegraph poles hollowed out, so that the aerial itself is concealed and wherever possible, I will be encouraging that type of mast to be used. There are many issues relating to masts, most particularly how to most effectively encourage mast-sharing and I am endeavouring, as much as possible, to try and limit the number of new structures. I have, however, made it very clear within my department that I do not wish to pass new legislation.

5.9 Deputy R.G. Le Hérissier:

Given the anecdotal information that there is a surplus of flats, some of which have gone to speculative buyers and which have remained, therefore, unoccupied, would the Minister inform the House how he balances supply and demand, so we do not get into another situation where, helter-skelter, a glut of a certain kind of housing is created while pressure is put on other parts of the housing market?

Senator F.E. Cohen:

The Planning for Homes document clearly covers the requirements for new housing over the next 5 years. This was only published in 2005. At the end of the day though, a great deal of this sort of control is down to market forces and developers will largely only develop flats and houses that they consider they have a ready market for. We can see in the Planning for Homes document very clearly where the demand is and we can see that, by and large, with the present sites approved in general that we have sufficient homes approved for the next 5 years.

5.10 Connétable M.K. Jackson of St. Brelade:

At the risk of labouring the point, could the Minister assure Members that he will, in short time in conjunction with TTS (Transport and Technical Services), devise a mechanism for analysing the effect of increased traffic emanating from new developments in the west and use this information prior to granting planning permission?

Senator F.E. Cohen:

Yes, I can give such an assurance but the model is very much something that is run by TTS but I know this is something that concerns the Minister for Transport greatly and I am sure this will be progressed to the Connétable's satisfaction in the coming months.

5.11 The Deputy of St. Peter:

Is the Minister aware of the problems associated in the St. Ouen's Bay area with regards to pollution caused by the airport fire ground, namely Pfos (perfluoro-octane sulfonate), and if he is aware, would it be possible for an environmental assessment to be made on the effect on the area in conjunction with both Health and the Ministry of Transport and Technical Services?

Senator F.E. Cohen:

No, I am not aware of the details of this situation although I am aware of the generality. I think it would be far more sensible if I provided a detailed response to the Deputy in the coming days after I have obtained the necessary information from my department.

5.12 Deputy G.P. Southern:

Notwithstanding his answer when he suggested that the Planning for Homes document 2005 was providing sufficient sites for sufficient houses for the population, does the Minister not accept that the recent increase in house prices - especially in 3-bedroom houses and above - is inevitable given that as the economy recovers, there will be increased demand and he is unlikely to meet that demand and keep house price inflation down?

Senator F.E. Cohen:

The provision of 3-bedroom homes is very clearly an important issue and there is considerable pressure to provide more 3-bedroom homes. However, at the end of the day, it is necessary to ensure that applications for houses have the least damage inflicted upon the environment, are as well-designed as possible and provide space about, good quality of design and local relevance in their design and those are the areas that I am concentrating on. But, generally, it is the developers who will drive forward developments either quickly or slowly, as they see demand.

5.13 Connétable D.J. Murphy of Grouville:

Some 3 months ago, I asked a question of the Minister with regard to people putting in applications on properties for building where the owner had not given his consent. He promised me he would look into it at that time. Can you tell me what steps he has taken to ensure that the owners are, in fact, made part of the application process? Thank you.

Senator F.E. Cohen:

Other than exceptional circumstances - and I mean very exceptional circumstances - I have given very clear instructions to the department that they are not to progress any applications that do not have the consent of the landowner and I have been very firm on this.

The Bailiff:

That concludes the second question period with notice.

PERSONAL STATEMENT

The Bailiff:

We now come to J; Personal Statements and Deputy Le Claire wishes to make a personal statement.

6. Deputy P.V.F. Le Claire:

Following detailed discussion with the Environment Scrutiny Panel, other States Members, the Connétable of St. Helier and representatives of the agricultural industry, I have decided to withdraw P.258/2005 - "Composting Facilities" - in its current form. I will be establishing a working party to explore fully the opportunities for composting to be undertaken either wholly by or in partnership with the private sector. The working party will include local residents, rural economy businesses and States Members. I still firmly believe that it is wrong for a centralised composting facility to be operated at La Collette and that the environmental and nuisance and health problems that are being caused by the current operation must be addressed urgently. I will report back to the Assembly by lodging a new proposition within one month and before Members are asked to debate P.45/2006 - "Solid Waste Strategy Locations for Proposed Facilities."

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Bailiff:

The Minister for Planning and Environment will make a statement regarding the Draft Water Resources (Jersey) Law.

7. Senator F.E. Cohen (Minister for Planning and Environment):

The Draft Water Resources (Jersey) Law 200- was lodged by the former Environment and Public Services Committee on 27th September 2005 and it was currently scheduled for debate on 6th June. I have decided to withdraw this item and not to proceed with the debate on 6th June for the following reasons. Firstly, I wish to await the outcome of the work currently being carried out by the Deep Groundwater Advisory Group which was set up by the Environment and Public Services Committee towards the end of 2005. This group has been tasked to look into the evidence relating to the theory that Jersey's deep groundwater resources originate in France and also to advise on the relative contribution to the Island's water resources that deep groundwater resources could make. The work to determine the theory of water from France is proceeding to its experimental drilling phase but due to the level of public expenditure involved, I will not be sanctioning this step until I can gain an assurance from all group Members that they will accept the results of these tests as the definitive resolution of this question. The cost of this experimental process will be just over £50,000 and even though some of this cost will be met by a contribution of £20,000 from Jersey Water, I will not begin the work until I am assured it will lead to a firm conclusion one way or the other. However, I do reserve the right, in the event, to proceed with this important Law if there is an undue delay by the Deep Groundwater Advisory Group in producing their report. Secondly, I am seeking advice from an independent U.K. based consultant who has many years experience in the management of water resources on the appropriate exemption thresholds for the purposes of the draft Law. I recognise the importance of this issue because below the threshold level, abstraction licences will not be required. When the Deep Groundwater Advisory Group and the consultants' reports are to hand and have been evaluated, I will be re-lodging the draft Law in my own name as Minister for Planning and Environment and it may well contain some amendments. I will inform the Assembly as to the timetable as soon as these matters have been resolved.

7.1 Senator S. Syvret:

Can the Minister give the Assembly an absolute assurance that the Deep Groundwater Advisory Group will base its research and its conclusions on demonstrable repeatable science as opposed to paganism and witchcraft?

Senator F.E. Cohen:

I am being most careful to ensure that these tests are carried out on a proper scientific basis. The current proposal is that 2 locations will be chosen by the local water experts. We will drill to a specified depth. The bores will be lined. The water abstracted will be tested to determine its isotopic signature and the isotopic test result will indicate the origin of the water. It is a proper, well-recognised and properly conducted scientific approach.

7.2 Deputy P.N. Troy:

The Minister will be aware of my amendment to the Law which requested exemption limits to be raised from 3 cubic metres to 20 cubic metres. I note that an independent consultant is being employed. Can he advise why that was not done before the Water Law was drafted; and secondly,

as he has intimated to me that he is perhaps inclined to raise the exemption limit, can he explain why he might just not accept my amendment of 20 cubic metres?

Senator F.E. Cohen:

I am not sure why the work was not carried out before. I have looked very carefully at the abstraction thresholds and I have asked for some work to be carried out by my department. I am looking at significantly increasing the abstraction levels although I cannot commit to that at this stage and I cannot commit to the exact figure of the threshold but I would expect it to be very significantly more than the proposal in the draft Law that I am withdrawing today.

Deputy P.N. Troy:

Can I congratulate the Minister on reviewing my amendment favourably, Sir, but give him notice that I may still maintain it if he does not bring the figure up to the level that I proposed.

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

The Bailiff:

Now we come to a second statement by the Minister for Planning and Environment regarding the appointment of an Architectural Supremo.

8. Senator F.E. Cohen (The Minister for Planning and Environment):

It gives me great pleasure to report that I have appointed an Architectural Supremo to advise me on design issues for the Waterfront. I have appointed Hopkins Architects of London, recently voted one of the world's top 5 most admired architects by his peers. The practice is run by Sir Michael Hopkins. Hopkins Architects have a reputation for creating buildings that combine innovation and popular public appeal often in a sensitive setting. They consistently win major international awards and most notably were awarded the RIBA's (Royal Institute of British Architects) Royal Gold Medal. Hopkins work across all architectural sectors including master planning in urban regeneration but have become best known for landmark buildings such as Glyndebourne Opera House in Sussex, Portcullis House at Westminster, the Mound stand at Lord's cricket ground, the Welcome Trust Headquarters and the Aviemore Children's Hospital. They are also working on several major international projects including a business village in Dubai, campuses at Yale and Princeton Universities and an office, retail and restaurant tower in Tokyo. Sir Michael Hopkins is a Fellow of the American Institute of Architects, the Royal Institute of Architects in Scotland, the Royal College of Art, Nottingham University, London Guild Hall University, University of East Anglia and he is a Royal Academician. He has served as President of the Architectural Association, as a Royal Fine Art Commissioner and as a Member of the London Advisory Committee to English Heritage. Sir Michael has served as a Member of the RIBA Council and as a trustee of the British Museum. The appointment delivers the opportunity of world-class architecture on the Waterfront bringing pride and inspiration to the Island. Hopkins will work on all aspects of the Waterfront proposals including the building developments, the design and creation of properly integrated public spaces and landscaping. The majority of the cost of Hopkins' work will be passed on to the developers. However, some costs will have to be met by my department from within existing budgets. Hopkins' work has already begun and directors visited the Island last week. I will be meeting them again later this week as this is a project in which I intend to maintain a close personal involvement. All new buildings on the Waterfront, of whatever height, will be subject to the scrutiny of Hopkins. I will only consider processing developers'

proposals if they have achieved the support of Hopkins. However, providing developers are prepared to accept the requirement for exceptional architecture, I do not envisage this appointment resulting in any significant delays. This is a very exciting appointment and I am very much looking forward to encouraging the commissioning of buildings on our Waterfront of exceptional quality.

8.1 Deputy J.B. Fox:

I wonder if an eminently well-known opportunity has taken place but I was just curious to know who was also on the short list, if he is able tell us, it would just interesting to know.

Senator F.E. Cohen:

I think it would be inappropriate to list the other candidates who I interviewed but if the Deputy would care to look at the Architects' Journal list of the top 100 Architects in the world that was published very recently, all of those who I considered were in the top 10.

8.2 Deputy J.A. Martin:

The Minister mentions that the majority of cost will be passed on. Could he tell us what the cost is? Could he also tell us how long Hopkins will be retained by the States of Jersey and in his second but last paragraph, he states: "I will only consider permitting developers' proposals if they have achieved the support of Hopkins." Surely, Sir, can this not be challenged in the Royal Court?

Senator F.E. Cohen:

I will deal with some of those points in reverse order, I am sorry. As far as challenges are concerned, the Planning Applications Panel and/or the Minister will make the decisions. Hopkins Architects will act as advisers to me as Minister because the intention is to achieve world-class design. The only way we are able do that is if we have a world-class architect advising us on whether proposals meet those criteria. I am very keen to try and encourage developers of significant buildings themselves to engage internationally acclaimed architects for their proposals and I hope that this appointment will encourage them to that end. As far as the costs are concerned, I cannot say presently what the total costs will be. The initial stages will involve some visioning which will not be a terribly - comparatively - expensive operation and the costs of the visioning will be born by the department but the significant element of the costs of engaging Hopkins will be passed on to the developers on a project by project basis. As far as how long they will be commissioned for, we can break it at any time we wish. However, my intention is to retain them right the way through. The objective of this appointment is to deliver world-class buildings. That comprises 2 elements. The first is the design and the approval; and the second is the delivery of the buildings themselves and we certainly do not want to risk any dumbing-down, so my intention is that the architectural adviser will work with the department until the doors of the building open and bear in mind the architectural adviser will not just be looking at the individual buildings but will be looking at the general landscaping, public spaces at the integration of public spaces and at what those public spaces contain. We will also be looking at what I hope will be a significant cultural addition to the Island and the Waterfront.

8.3 The Deputy of St. Peter:

The Minister mentioned his concern about the current buildings on the Waterfront. In his visioning process, will a blind eye be given over what we have there at the moment or will his new advisor be able to advise on the future or lack of future of some of the buildings that currently exist?

Senator F.E. Cohen:

This answer is somewhat speculative because the intention of delivering a world-class Waterfront is primarily to deliver buildings from which Islanders derive pride and inspiration. If we are successful in doing that and I sincerely believe we will be, the effect should be to drive-up the land values of the existing buildings to a level where the present buildings do not constitute the most economic use of that land and that will be our best chance, for example, to see a redevelopment of some of the much-hated buildings like the cinema and others.

8.4 Deputy C.J. Scott Warren of St. Saviour:

Does the Minister agree that with hindsight such a high calibre architectural practice should have been engaged for the Waterfront many years ago?

Senator F.E. Cohen:

I think in the past, previous Committees and Presidents have been hopeful that developers would do this themselves, however, the schemes that have been proposed, particularly in the last year, did not generally seem to meet with much public acclaim and it is from that that I reached this position of seeking to appoint an internationally acclaimed architect.

8.5 Deputy K.C. Lewis of St. Saviour:

Notwithstanding the appointment of Sir Michael Hopkins, which in my humble opinion is a good one, does the Minister not think that with such a large development, such as the Waterfront, the normal practice would be an international competition where major companies are invited to submit plans which would be of little or no cost to the people of Jersey and with a panel of world-class architects sitting as judges. Does he not agree this would have been the best practice?

Senator F.E. Cohen:

I am afraid that was not an option. We have a situation where the Waterfront Enterprise Board have development partners. I was not in a position to dictate that the developers and WEB should enter into some form of competition. What I have chosen to do is to take a different approach, which is to control the design that they are likely to get approval for and to try and seek some holistic overview of the totality of the Waterfront and to ensure there is some synergy between the development schemes. The concept of a competition would really only have worked if the whole of the Waterfront had gone out for competition and that would clearly have involved the 3 large developers getting together and being one which is not the case.

8.6 Deputy G.P. Southern:

Can the Minister explain what advantage it is to Jersey to drive-up site prices? Surely driving-up site prices just produces more expensive buildings.

Senator F.E. Cohen:

It does not. We are talking about building a Waterfront that, I have repeatedly said, will hopefully deliver our pride and inspiration to the Island. That means high-quality buildings that are expensive to construct. If the development is successful and those buildings themselves are successes, the area around them will be improved in perception and in economic value and it is that that will hopefully deliver improved usage of the existing allocated space.

8.7 Deputy G.C.L. Baudains:

Would the Minister agree that bringing in yet another party could have the potential for further complicating the tension that appears to exist between 2 States bodies with different remits for the same area, i.e. Planning and WEB? How is he going to deal with that?

Senator F.E. Cohen:

Clearly a very important question. The relationship between the Planning Department and the Waterfront Enterprise Board is a very important relationship for the Waterfront to succeed. However, injecting into the process an architectural adviser of the level of Sir Michael Hopkins, I think should put the design issues beyond doubt. I am seeking to avoid the constant argument of the developer claiming something is a good proposal in design terms and the Planning Department and/or WEB feeling that it may be something other. We will now have somebody who will be able to advise us on the design element whose opinion is beyond doubt and that is the purpose. So, I hope that it will lead to an improvement in the working relationship between the Waterfront Enterprise Board and the Planning Department but it is very important that the developers and the Waterfront Enterprise Board understand that the design levels have been significantly raised as of today and no-one is going to get anywhere if proposals are put forward that are not of the standard that will be required by Sir Michael Hopkins, his team and by the Planning Department who they are advising.

The Bailiff:

That concludes the 10 minute question period of the Minister.

NOTIFICATION OF LODGED PROPOSITIONS

9. The Bailiff:

Before we move to Public Business, may I draw the attention of Members to 2 propositions lodged au Greffe? First, the Draft Jersey College for Girls (Removal of Covenants from Former Site) (Jersey) Law 200- (P.62/2006), a revised version of which I hope has now been circulated to Members. Secondly, the Draft Sexual Offences, (Jersey) Law 200- (P.63/2006) lodged by the Minister for Home Affairs.

The Deputy of St. Peter:

Before we commence Public Business, Sir, could I just make an observation? It concerned me greatly that during the first period of question time for the Minister of Social Security that we only managed just to stay quorate for the majority of that question time. I think that reflects badly on the House.

PUBLIC BUSINESS

10.1 Draft Planning and Building (Jersey) Law 2002 (Appointed Day) Act 200- (P.46/2006)

The Bailiff:

We now come to Public Business and the first item is the Draft Planning and Building (Jersey) Law 2002 (Appointed Day) Act debate which commenced on 16th May. As Members may recall, the

Act has been proposed and Deputy Scott Warren has spoken. Do any other Members wish to speak on the draft now?

10.1.1 Deputy D.W. Mezbourian:

Members will recall not only the words last week of Deputy Scott Warren when she spoke on this proposition but will remember too, the strength of feeling with which she addressed her concerns. Those concerns will be shared, I believe, by a number of Members. We are told in P.46 that it is not intended to enact 2 of the provisions contained in the Planning and Building (Jersey) Law 2002, predominately because there are insufficient resources available to the Minister. The provisions that are not to be introduced at this juncture are those for third party appeals and the powers to remedy dangerous structures. Deputy Scott Warren, while broadly supporting the Law, may perhaps feel justifiably aggrieved that the provision relating to third party appeals will not be enacted at this juncture. My concern is what seems to be an almost casual disregard for 2 provisions that have been endorsed by the States Assembly. We are told that it is intended that these provisions will be introduced as resources permit but this is unlikely to be in the foreseeable future. I do not believe that we should accept without question such an assertion and, therefore, ask that the Minister provides us with his definition of the foreseeable future. This Law has taken a considerable time to reach this stage and to delay enactment would be unfortunate. It is much needed. However, our serious consideration must be given to those who would be affected by our not enacting these 2 provisions now or in the foreseeable future. Deputy Scott Warren used the word “shameful” to describe the manner in which the wishes of successive States Assemblies have been disregarded. The Deputy’s sentiments will be shared by those of us who believe that the decisions reached in this Chamber are paramount. Regretfully, Sir, I cannot support this proposition on the principle that a decision made by the Assembly is not being delivered by the Minister today and indeed, will not be delivered in the foreseeable future.

10.1.2 Deputy G.C.L. Baudains:

Unlike one or 2 previous speakers who recall what was said last week, I welcome this legislation. In fact, it answers the criticism that has been made by several people that were making submissions to the review of the planning process that I am currently heading up. However, I do have a couple of concerns. Deputy Scott Warren and others have highlighted the issue of third party appeals and the Minister promised to look into this during the presentation he kindly gave last week. But regarding that presentation, Sir, I do not know if it was the short notice that caused the problem but I was disappointed that, out of the 8 Members who attended, only 2 were new Members, Deputy Power and Le Fondré, if I remember correctly. This proposition was lodged in 2001 and debated in April 2002, some time ago, Sir, so while some Members have long memories and recall what they are voting in force today, I hope Members who were not in the House at that time have taken the trouble to go to the Bookshop and take out P.87 of 2001 because otherwise, they will not really know what it is they are voting into force today. I would hate to think, Sir, that we were about to repeat the situation that appeared to pertain during the debate of the 2002 Island Plan when it became aware, I think, that the majority of Members had not studied fully. I mentioned concerns, Sir, and the ones I have relate to the new appeal procedure. We do not yet know how user-friendly and reasonable the new Royal Court procedure is going to be and I personally have doubts that it will be as user-friendly as some imagine it is going to be. Secondly, Sir, some finalisation is still required. There are Orders to be made by the Minister such as to do with informing the public of applications and as Orders in this House are not debated and we do not yet know what the Minister has in mind, there is some concern there. But overall, the update of the 1964 Law is long overdue and I welcome it.

10.1.3 Senator M.E Vibert:

I have considerable sympathy with Deputy Scott Warren and anybody who is very concerned about third party appeals and I can understand their concern. Unfortunately, what I cannot agree is the way they appear to be approaching it by seeking to oppose what is being proposed today. I do not think that it does any service to people who want the new Planning and Building Law or nine-tenths of it - most of it - introduced, to be opposing it. This Appointed Day Act was lodged on 13th April. I would have thought a way forward would have been to seek to amend it to take out the exception that has been built-in which is a third party planning appeal and the States could have debated whether they wanted the full Law or this Law without the third party appeals discussed and brought-in today. Without that action being taken, as far as I can see, it is either a question of accepting the Appointed Day Act of the Draft Planning and Building (Jersey) Law with all the good for the public that it contains such as putting up notices of applications on actual sites where building is taking place and all the very many other excellent provisions of it or dismissing it all because it does not contain the third party appeals that Deputy Scott Warren and others wish it to contain. I think half a loaf or nine-tenths of a baguette is far better than not having any at all and I think it is a case very much where the States will be cutting-off their nose to spite their face if they rejected this because there were no third party appeals. I would urge all Members, including those who would like to see the third party appeals, that the way to go is not to reject the bringing-in of the whole Law but to seek to get third party appeals reintroduced, if that is their wish, as soon as possible. I am afraid, in my view, this is a wrong attitude to take. We should be welcoming this long needed, excellent Law coming in and personally, I have never supported the concept of third party appeals as proposed because I never thought it was possible to afford it. I did support it and I am pleased that a route through the Royal Court has been found. I think it is a way forward to see how that works and I think it would be a big mistake on behalf of the States, for the public, to delay bringing in the rest of the excellent provisions of this Law because of the objection to one part of it not being brought in.

10.1.4 Deputy G.C.L. Baudains:

On a point of order, surely it is not possible to amend an Appointed Day Act. The people either have the choice of voting for or against it or bringing the motion to the previous position.

The Bailiff:

It is a proposition and I cannot see any reason why it should not be amended like any other proposition, Deputy.

10.1.5 Senator P.F.C. Ozouf:

I, like the 2 previous speakers, was in the Assembly in 2001 when this Law was originally lodged and I think I was here for part of the debate in 2002. Now, I have no wish to lecture new States Members and there is a very important thing for new Members, and old Members - and I do not regard myself as an old Member still - but Members should recall this sad, sorry state of affairs. The debate that we had in 2002 was an example of the bad old days of the States when propositions would come before this Assembly; this was in the twilight of that period. It was interesting how it got through but the proposition would be agreed without the agreement of the accompanying resources. I do not think that the Assembly today... I hope this Assembly would never pass a law and not put the appropriate resources in place because that is exactly what happened. Not to the tune of tens of thousands of pounds but hundreds of thousands of pounds. A law was passed and not only was Deputy Scott Warren amendments concerning third party appeals going to cost a lot of money but there was also the establishment of a Planning Appeals Commission, a new evolution of an appeal system completely independent from anything that we had seen previously and it was going to cost hundreds of thousands of pounds. It is a very sad state of affairs, as Deputy Baudains and as Senator Vibert have pointed out, that the Planning Law - on which this Assembly delegates

now to the Minister - was passed in 1964. It had a number of amendments. It is past its sell-by date. It was past its sell-by date when I arrived in this Assembly in 1999. It was being consulted on in 1999. Many things which many Members which would wish to see, such as the putting-up of notices on a property which is subject to a development, the opening-up of planning meetings to members of the public and a whole raft of necessary reforms to improve the planning system... But because of the issue of resources - because this Assembly passed something which was, at the time, unaffordable and was still unaffordable today - it has never been bought into force and I hope that this Assembly - that this current Assembly - would never make such a decision again. Deputy Scott Warren speaks with considerable passion about third party appeals and all Members, I am sure, respect Deputy Scott Warren's passion about the issue of third party appeals. As the previous Environment and Public Services President, I had to answer numerous questions and there have been numerous propositions on the issue of third party appeals. It was my previous Committee that bought forward amendments that were capable of bringing this Law into force removing the expensive burdensome Planning Appeals Commission and putting the appeal system back to the Royal Court. Deputy Baudains asks important questions about how the appeal system to the Royal Court will now work. It is simplified. It does not mean, for example, that only advocates can appear on behalf of applicants but we changed the Law. This Assembly has sanctioned, for example, that other professions can take appeals to a different kind of less formal court sitting in relation to hearing planning appeals. All of these issues should bed-down before we take the next step of planning, of dealing with third party appeals and I would remind Deputy Scott Warren that it was the former Vice-President of Environment and Public Services, Deputy Dorey who, I think, I recall seconded her motion on third party appeals, that worked tirelessly in the last few months to find a solution, an affordable solution to bring in third party appeals in the actual debate. I would also remind Deputy Scott Warren that it is not quite right to say that nothing has been dealt with about resources. I am reminded... I think it was Deputy Scott Warren herself that brought an amendment to the States Business Plan, second amendment of P.151 of 2001 that was debated by this Assembly in September of last year on the issue of resources where she sought to amend the resource plan to give the then Committee the money for the third party appeals. That debate was had. We had a debate about third party appeals and it was rejected because States Members decided that there were other reasons or other matters that should be funded. I am happy to give way to the Deputy if she wishes.

Deputy C.J. Scott Warren:

On a point of order, it was rejected, I accept that. But that was because it was so difficult to get the resources issue information given to me until the last minute, when I brought it. I did not have time to alter it and there was too much money being asked to come out of P and R's budget and Members did say that had I asked for the money not all from the P and R Budget but from Planning and Environment's then budget, they would have supported it.

Senator P.F.C. Ozouf:

The Deputy makes her case brilliantly because we did have a debate about resources and it is not right, I would say respectfully to Deputy Mezbourian, that this Assembly has considered, on a number of occasions, the issue of resources. The previous Committee was questioned on it and there has been a debate and it would be entirely wrong for the Planning Minister to attempt to bring in an important part of a law without the resources to do that. We allocate resources on an annual basis. The next opportunity to put resources into the Planning and Environment Department's budget will be in the forthcoming Resource Plan and then, of course, in the new arrangements we have under the Finance Law. At that point, if Members are persuaded that there is a good enough case for third party appeals and for it to be funded, and the States agree that together with all the other priorities, then that is the time to bring in third party appeals. But what we should not be

doing, I would respectfully say to Members, is holding up the rest of the provisions of this important law which has been lying on our Statute book as an embarrassment to this Assembly for something of the order of 4 years. There are not even that many Members, when I look around the Assembly, that were there in 2002. It is a disgrace that this Law was not brought into force. Today we have an opportunity of bringing in the vast majority of the provisions of this Law. There is a debate to be had about the funding of third party appeals but that, with respect to Members, is not an issue for today. We need to support the Planning Minister, bring in this Law and then we will further debate about third party appeals, not reject the proposition.

Deputy C.J. Scott Warren:

On a point of clarification, I would say that there were 2 States Assemblies that decided this. It is not really for us to decide. The decision was already taken by a previous States Assembly.

Senator P.F.C. Ozouf:

My issue was about resources, not the issue of the Law. That is the point. It is a 2-part item. It is the Law and resources. We have decided the Law, not the resources, with respect.

10.1.6. Deputy S. Power of St. Brelade:

I listened as well to Deputy Scott Warren last year. I was in a car listening to the States debate on AM in Southampton when I heard the debate and I was impressed with her passion as well. Like Deputy Mezbourian, I do not understand why this Law has been brought forward today without any provision for funding or the timescale on the funding. For that reason, I will be opposing this today. I will not be supporting it, I should say. I thought it might be useful for Members, much as Senator Syvret referenced Ireland last week on the smoking ban, I would like to post some examples of the Irish Planning Appeal system as it works at the moment and has worked since 1964. The system is independent. The system is designed to be fair and impartial and the system is open. We are bringing forward a planning law at the moment that, in my view, lacks some elements of natural justice and that is one of the reasons why I cannot support it. In Ireland, and I will give Members, I do not want to speak for very...

The Bailiff:

Deputy, I am sorry, but can I just make it clear that the Assembly is debating whether or not to bring into force the Planning and Building (Jersey) Law 2002 on 1st July subject to certain exceptions. What is not before the Assembly are alternative methods of planning, controls, alternative methods of planning appeals, all that kind of thing. It is a very narrow debate on an Appointed Day Act and Deputy Scott Warren is perfectly entitled to raise the point that she did and other Members similarly but it is not a re-opening of the debate on the 2002 Law.

Deputy S. Power:

In that case, I do not intend say what I was going to say but I will not be supporting it. Thank you.

10.1.7 Deputy J.A.N. Le Fondré:

I, too, would like to support what was said by Deputy Scott Warren last week and Deputy Mezbourian and others this week. Okay, I am a new Member but I do not think it is acceptable for a law to be enacted in such a piecemeal fashion. At the end of the day, the States have previously debated and approved the Law. Indeed, it is my understanding that it has been confirmed again today that they have approved third party appeals on no less than 2 occasions. While I do fully

support the Minister and I do have the fullest confidence in him, I am less than impressed with the actions of his department. It does not really matter whether I agree with the principle of third party appeals or not, although, in this instance, I do rather generally support the idea. What I feel most strongly about is that the States have previously agreed the principle and, therefore, it is not for someone else to try and change that decision in this way. In this respect, I rather feel this is an eleventh-hour attempt to derail an earlier States decision. To my mind, the States set the policy and it is up to the department to prioritise its activities to meet that policy. The States have previously stated that they consider third party appeals to be an important part of the planning strategy. If this means that the department has to streamline or even prioritise procedures, then so be it. It is not for the department to challenge the decision of the States in this way and I do urge the Minister, in his summing up, to give a timescale for when the outstanding parts of the Law will be brought back to this House if the Law is not enacted today. That said, and I may be in the minority, I would like to follow Deputy Scott Warren's lead and others and to vote against the Law being enacted in this way. Make no mistake, I do this with huge reluctance as many of the other parts of the Law have been long awaited especially the greater involvement of the public in a whole host of areas. However, I do not agree to this attempt at circumventing a decision previously agreed in this manner. I do not support the approval of the Appointed Day Act.

10.1.8 Deputy J.B. Fox:

This is one of those difficult ones. I was on the Planning and Environment Committee when it was first introduced as part of the overall improvements to the 1964 Law and we went through a very long and complex and, at times, painful procedure. In the Fundamental Spending Review, it was left to me to take it to seek the funding that was available at that time. It did not make that funding in many areas. Third party appeals at the initial point, just as a historical value, did not have any significant identification of funding to bring it into being. It was only subsequently that it turned out that it was going to be a lot of funding. There are a tremendous amount of good points in this Law that need to be enacted and that is where we have been through the process; recognising that it is not able to fund everything and it has been through a priority process and that is the point. As much as we would like to have everything included in the funding streams, on this occasion the principle has been recognised for third party appeals but it has not got through the funding process but it is holding up a very important Law, or the enactment of a very important Law, which benefits the whole of the community. I am not going to go through it because we have been reminded it is not the place today. It is a reality that we have got to accept. Yes, I would like to know as well an indicated timescale but I do not think the Minister is in a position that he is able to do that to be quite honest with you. That is why, even last week with my Proposition 34 on the Bellozanne sewerage works, you have got to accept that you are in the hands of a government system that has to take into account, priorities and sometimes these priorities are going to take a while longer. Yes, it is open to Deputy Scott Warren to bring back a proposition if things go too long, et cetera, but I wish that on this occasion she could see her way to bring in the very important parts of this Law. If this proposition fails today, I suspect it could be many years before it will come back which, I think, would be bad government and bad for the Island. Thank you, Sir.

Deputy C.J. Scott Warren:

A point of clarification which is...

The Bailiff:

No, Deputy, this is the third point of clarification that you sought to bring.

Deputy C.J. Scott Warren:

I do believe it is because the Deputy, the former speaker, spoke about a prioritisation process with resources but the resources were not requested at the President's meeting last year.

10.1.9 Deputy J.A. Martin:

Just to follow on briefly from Deputy Fox there. He says that if this Law is not enacted and the Appointed Day is not brought in today, it will be many, many years before this could come back. For you, Sir, it has always been my opinion if somebody wants something done, to train their mind on finding the resources. If this Law is not passed today, we can bet, Sir, that somehow these resources for third party appeals will be found very quickly. Now, I think we do have in the report, and it is only a very small report because it is covering the whole Planning Law, I think we have the ex-President of Planning's preferred version of third party appeals which is through the new rules of the Royal Court. We know, Sir, that Senator Ozouf was never in favour of third party appeals. He has never hidden this fact but this House, not only once, twice voted through third party appeals in the way Deputy Scott Warren had researched and, as I say, this House had decided to do it. The other thing here is the power to remedy dangerous structures is a massive, massive part of the Law that is being missed out today and, again, unlikely to be happening in the foreseeable future. As I say, Sir, I cannot support this on the principle that it will, in fact, make an absolute joke of Back-Benchers bringing in amendments to major policy plans and again, when their law comes back, these amendments have not been carried through. So, on the principle alone, I see nothing wrong with the planning, the new Building and Planning Law but I will not support it, I will not be bamboozled into believing that these will come forward one day and that the only reason is resources. I say to the Planning Minister: "The Law is good, find the resources and respect the 2 previous decisions of this House." Thank you, Sir.

10.1.10 Deputy G.P. Southern:

Yes, the previous speaker but one, Deputy Fox, mentioned priorities and perhaps I will give him a priority. How about the priority that this House is supreme as we were reminded just last week by our Chief Minister and this House has said not once but twice... **[Interruption]** Go away and please do not interrupt me, Senator Ozouf, I did not interrupt you through the Chair. Sir, I did not interrupt him, I would be grateful if he did not interrupt me, thank you. This House, not once but twice, has instructed that the third party appeal mechanism should be put into the Law; has instructed now, a Minister to go away and come back and deliver. We are told: "Oh, we cannot find the resources." No, that is not the case. We cannot find the will. That is the issue. We can find resources for some Fancy Dan architectural consultant to get the Minister out of between a rock and a hard place. Sir Michael Hopkins: we can find the funding for that for an indefinite period but, oops, we cannot squeeze the budget to find the funding for - I do not know - Mrs. Le Brun down the road who is having an eyesore built 50 yards away from her kitchen window to come in and say: "I object to that." We cannot find that. What is working here? What is working here, big man, little man? That is what is working. We cannot find the funding for that. We cannot find the funding for that; we cannot squeeze the budget at all because we do not want to. We do not want to listen; we do not want to deliver for this House and that is what is happening here. I urge Members to reject this motion and, by golly, will some funding be found? It will. They will be back. We have to give this Minister a very clear message, a very clear lead: "Take it away, bring it back, mend it with the funding and then we will pass it."

10.1.11 Senator T.J. Le Main:

I am disappointed with a couple of the last speakers who claim to represent the ordinary people of this Island. This legislation, this approval - by approving this today, you will help ordinary people. There will be opportunities. I attended a meeting last night at St. Brelade where people were crying out for issues such as putting notices on developments taking place, so more people understand the

issues. By voting against this today, you will be not supporting good practice and honest representation for people. It really is important this Planning Law is updated and people given a real opportunity to be able to listen into planning decisions being made, to having, as I say, the issues of boards placed on properties and developments around this Island. Yes, I do sympathise with what Deputy Scott Warren is going through but let us make a real effort to approve this today, so that we can give the people of this Island a real opportunity to be in early there on all these issues and then later on, then the Deputies and others that feel so aggrieved about the issues about the funding, then we fight for the funding, or they fight for the funding at a later date. It really is, I think, quite unbelievable not to support this Appointed Day Act today. A good practice for the people of this Jersey, who are going to have a real opportunity with the majority of what is proposed today, to have a real input and a real understanding of what is going to be a much better Law. I urge Members to really consider it. If you really believe about open government and about transparency and all those issues, then you must support it today. I urge Members to support it and to follow the other point of Deputy Scott Warren at a later date.

10.1.12 Senator B.E. Shenton:

Senator Le Main argues that it is okay for the public to be in early there. I would argue that where the failure is that we should be there completely. As I understand it, in 2001, Deputy Scott Warren bought successful amendments to the Planning and Building Law which gave third party and neighbours a full-scale right of appeal. This decision set up a Planning Appeals Commission that was later scrapped in favour of the Royal Court and introduction of new rules. Deputy Scott Warren and the Director of Planning visited Dublin to find out how third party appeals are dealt with there. The Deputy realised that necessary resources to implement a full scale provision in Jersey would never be forthcoming and following this realisation, she arranged several meetings with the former Deputy Jerry Dorey, the Solicitor General and others to see if there was a way forward. It was Deputy Dorey who came up with the suggestion of limiting the distance from a site. He then became Vice-President under Senator Ozouf's Committee. Deputy Maurice Dubras, the previous President, is on record as being supportive of limited third party appeals provision. During the debate on the P.47 Amendments last year, the Environment and Public Services Committee said that it was about to consider and bring similar provisions during the year. However, Senator Ozouf did ask Deputy Scott Warren to withdraw her amendments and then he made it clear to her that he thought the States had made a mistake when they supported third party appeals. It is not, therefore, surprising that Senator Ozouf did not request funds for limited third party appeals at the President's meeting last year for the allocation of the funds for the department for this year. The estimated cost is £170,000. The Chief Minister has stated on numerous occasions that the Assembly has the ultimate authority, yet here we have a situation whereby the authority of the House has been ignored because the Minister's predecessors and his department did not appear to agree with it. I predict that this may just be the start. At present, Members are scuttling around bringing amendments to the Strategic Plan, yet Ministers will make excuses for policies if they do not agree with them. I will be voting against this proposition in support of Deputy Scott Warren unless the Minister for Planning gives certain assurances that third party appeals will be brought to this House within a reasonable period of time.

10.1.13 Deputy G.W. J. de Faye:

A young lad and his dad went into a bicycle shop and the boy looked around and there were dozens of bicycles. There were some strange ones without crossbars that looked highly dangerous. There were bicycles with bells on, some with hooters on, some had panniers. Some came equipped with pumps and some had extra fittings over the rear of the wheel to carry things on the back, and in the front window was a fantastic bicycle with drop handlebars, the pump, the water bottle, the hooter, the derailleur gears and shed loads of gear cogs that looked as though it could get up to 21 different

gear selections. The little lad would dearly love to have that super-duper bike but his dad looked at him looking at it and said: "Sorry, son, that is not in the bike budget. You are going to have to pick one that is not as expensive as that." So, the boy was faced with a stark choice. "Do I stand here and insist on having the bike with the wingding gear shifts, the water bottle, the pump, the hooter, the lights [**Laughter**] or shall I just go for a bicycle?" I suggest to Members the same applies to this piece of legislation. Let us take the bicycle and see how it rides and when we want to stick on the derailleur gears, the lights and all the rest of the accoutrements that some Members would dearly like to add-on to the bicycle in due course, well, we will do it in due course but in the meantime, please, let us pass this legislation and get on with it.

10.1.14 Deputy K.C. Lewis:

I am a little mystified by the statement: "We are nearly there." We are nowhere near there yet. It is like saying someone is slightly dead or a bit pregnant. You either are or you are not and we are not there, so I will be opposing this.

10.1.15 The Deputy of St. Martin:

It is quite interesting. I was in the House when we voted for it and I thought we voted for the Rolls Royce-type of bicycle and I think we have every expectation to expect that. Also, Deputy Le Fondré mentioned piecemeal legislation. I feel unless we really vote against this today, we will never get the third party and any other provisions coming through. I have been in the House a long time and I know a number of times we voted for something and it has been forgotten. Now, what I would ask is to seek an assurance from the Minister that if he can guarantee these provisions which will be coming forward, I think it says in the foreseeable future, if he can tell me when that foreseeable future is and if it is going to be some time next year, then I will quite happily vote for it but unless it is, I will not vote for it.

10.1.16 Deputy R.G. Le Hérisier:

I think the analogy with the bicycle, heart-rending though it was to some of us, was utterly fallacious because it is not a question of whether you want a basic bike versus a more sophisticated one, it is a question that a review took place of what was wrong with planning and a certain set of proposals were voted on by the States in order to bring planning into the 21st Century, not at a Rolls Royce level, at a level that met the standards of the 21st Century and that is where the third party fell into it. So the whole notion that to take a rudimentary bike for the moment and do not look at the Roll Royce is utterly misleading. I think, Sir, the other issue that has not been looked at is the whole issue of appeals. Some Members have done yeoman work like the Deputy of St. Martin, for example, and religiously put cases before the Admin Review Board but we know ultimately, despite the excellent people involved who we will be looking at later today and other things, we know ultimately it has no teeth. The real issue, Sir, is the lack of appeal and if somebody does get a decision and they feel very, very aggrieved - not only in terms of third parties but if, for example, a simple issue like a UVPC window, they do not agree with it - it is utterly unrealistic, of course, to expect them to take it to appeal. It is simply, in terms of money and time and effort expended and so forth, utterly counter-productive. It is this feeling of impotence in the face of the system. So, it is not only an issue of third party appeals, Sir, it is an issue of appeals and appeals that stick and there is no doubt the message we should have got, because of the large number of cases that go to the Admin Review Board that essentially involve planning, is that people are deeply frustrated. That is not only a question, Sir, of getting a people-friendly and a cost-friendly... in other words, almost a cost-nothing system for third party appeals, it is getting this for appeals. I am like other Members, Sir, like Senator Shenton and the Deputy of St. Martin if the Minister, given his fresh approach... because I am utterly unconvinced by the former President's views of what occurred, I think a smoke and mirror job occurred and I think the Deputy,

Sir, was sidelined and some sort of compromise was worked out behind the scenes in order to somehow keep people quiet. I think, Sir, if the Minister can give a very strong promise that there will be proposals brought forward looking at the whole appeal process, let alone that of third party appeals, I will be inclined to support this but only in those circumstances.

10.1.17 Senator F.H. Walker:

Whatever the merits and whatever the views people may have - Members may have - of the position we find ourselves in today, it makes absolutely no sense whatsoever to vote against this Appointed Day Act and Members have to think about who will suffer if they do and I will come back to that in a second. It has been suggested in the debate that this is an attempt by the Planning Minister presumably, and perhaps others, to derail the States process - States procedures. It has even been suggested that it undermines the authority of this Assembly. It does nothing of the kind whatsoever. This is a simple question - a relatively simple question - of resources and as Deputy Fox said, we cannot do it all. Some of the Members at least saying the resources should have been found, are also those Members who say we should find additional resources for the prison, additional resources for the police force, additional resources for the hospital, we cannot do it all. We have to prioritise and that is what has happened in this case. It is nothing more sinister than that. It is nothing more fundamental than that. It is a question of prioritisation and that is exactly where we are at. Now, I would say to those who oppose the Appointed Day Act, keep the pressure on, of course, keep the pressure on and many Members have said we need some information, we need some dates, we need a timescale from the Minister. Keep that sort of pressure on, yes, of course, but whatever you do, do not vote against this Appointed Day Act. What will you achieve if you do? You will not bring in third party appeals as a result of it, you will not. All you will achieve is that you will lose the very significant benefits of the rest of the Planning Law which this Assembly is also signed up to, so where is the advantage to the public of voting against that? Where is it? I simply cannot find it anywhere at all. I just do not understand it in any shape or form. Now, all you will achieve, you will not get third party benefits in any quicker; what you will achieve is that you deny the public the benefits of the rest of the Planning Law. You will be doing the public a disservice by forcing them to live with the totally unacceptable constraints of the existing Planning Law for a further - unknown at this point - period of time. Frankly, I am astonished that Members would want to go down that route and if Members think they are giving the Planning Minister a kicking here or the Council of Ministers or something, they are sadly, sadly disillusioned. The people you will be giving a kicking to will be the public you are here to serve.

The Bailiff:

The adjournment is proposed. If Members agree, we will adjourn and reconvene at 2.15 p.m.

LUNCHTIME ADJOURNMENT

PUBLIC BUSINESS (continued...)

The Greffier of the States (in the Chair):

Very well. I do apologise for keeping Members waiting but I think the Bailiff will be with us shortly. I think it is wrong to keep the States waiting any longer. He has been inadvertently tied-up in a matter that is taking longer than he anticipated. The debate continues on the Appointed Day Act. Does any other Member wish to speak?

10.1.18 The Deputy of St. Peter:

I attended a meeting at planning with the Minister of Planning and Environment some weeks ago prior to this debate. At that meeting, it was made clear this was a very important proposition that should get through, so we can get the benefit of all of the good side. Brought up was the fact that we do have a problem with third party appeals. I was in 2 minds, at that particular point, as to how I would vote during this debate but I have to say, the reassurances given at that time by the Minister to Deputy Scott Warren that he would work closely with her to bring forward third party appeals with all the facts that were needed because he did not have them at the time, reassured me and I would encourage Members, on that basis, to vote for this proposition, so that we can get all the good parts of this Law in place on the reassurance from the Minister in his summing up that he will follow what he told us he would do at that meeting.

10.1.19 Senator L. Norman:

Clearly, there is an area of frustration, even an air of exasperation, particularly coming from that part of the House in which Deputy Scott Warren sits and that is because all of us - or at least the substantial majority of us - accept the will to have third party appeals but on the other hand or at least, the substantial majority of us support the remainder of the Law which will come into effect if this Appointed Day Act is agreed this afternoon. If we reject this Appointed Day Act, then the whole Law itself goes back and sits on a shelf and will gather dust for years. If we accept the Appointed Day Act, the Law is undoubtedly approved but also, if we do approve the Appointed Day Act, it will bring us closer to the day when third party appeals become a reality because if we accept this Act we do not have to wait for the Minister to come along and bring another Appointed Day Act. Deputy Scott Warren or someone else can bring her own Appointed Day Act to introduce the articles which allow for third party appeals and then we can have a proper debate on that particular issue. We do not have to wait for the Minister and I think that would be a much more mature way of proceeding.

10.1.20 The Deputy of St. John:

I have been listening with great interest, a newcomer to this debate, and there has been some strong arguments put on both sides as to whether we should pass this Appointed Day Act today or not. I have been faced recently in St. John with a situation I inherited from the former Minister for Drains on an issue that a particular parishioner was getting very frustrated with - and is still quite frustrated with - and referred the matter to the Board of Administrative Appeal and the Greffe was very helpful in pointing the lady elsewhere. It ended up in the Scrutiny Panel for the Environment's lap and she has had lots and lots of communication, lots of running around and she cannot find a way to properly appeal for what is a fairly minor infraction, but a very frustrating one, apropos of planning. However, the irony of it is that had a notice been posted on the site about the development itself in the first place, we would not be in this mess with this particular case now. So, I would urge Members to think about that. There are some good things in this policy, in this Act, that will prevent that type of situation and I would urge Members to consider that. However, I am torn. If the Minister can assure us today that he will give serious consideration to a third party appeals process and some kind of timescales he has my support and possibly the support of many others in this House. But it is still a concern and I am yet to hear that he can assure the House that that is the case. So, I wait with interest to hear summing up. Thank you, Sir.

10.1.21 Deputy J. Gallichan of St. Mary:

Like the previous speaker, I find myself torn by this question. On the one hand, I fully understand the merits of the aspects of the Law that would be implemented by this proposition if carried but on the other hand, I share the concerns expressed by earlier speakers. Not necessarily, I hasten to add, over the benefits or otherwise of third party appeals but on the principle that something distinctly adopted by this House is being left out of the Law as it would be implemented. How far will I go on a matter of principle? That really depends on how much comfort the Minister's closing words can afford me. His assurance that finding funds to implement the remaining elements will be prioritised might help but as a Member of the Council of Ministers, can he perhaps reassure me even further than that? After all, the Draft Strategic Plan, section 4.7.2 says under the heading of What We Will Do: "Implement Planning and Building (Jersey) Law 2002 and associated secondary legislation in 2006." It does not say anywhere "part of". This is a part of a plan which I have been assured personally and collectively is fully-funded. Can the Minister confirm that this full funding is really in place and that it extends to this piece of legislation? If so, then by implication, the foreseeable future, which is quoted in the report accompanying the proposition, must be at some point in the next 5 years. Can he perhaps offer some assurance that he will bring this matter into his department's Business Plan and the States' Business Plan in the very shortest of order? Of course, if the full funding cannot be guaranteed, then much more serious questions than just this particular piece of legislation need to be answered urgently. Thank you, Sir.

10.1.22 Senator W. Kinnard:

I thought I would just say a few words in the debate mainly because I think Deputy Scott Warren would expect me to do so. For my sins, those Members who have not been in this House as long as I have been will not know that I was the Chairman of the Tribunals Working Party and the other 2 members of that working party were, in fact, Senator Ozouf and Deputy Scott Warren. So, when I say: "For my sins" I do not say that lightly [Laughter] However, the job was to try and come to some sort of compromise position to move things forward and all I would say is that what we have before us today in the Appointed Day Act does not go as far as I believe that we really anticipated matters would go at the conclusion of the deliberations of that Working Party. I believe that at that point there was an assumption that the third party appeals would be bought into force with this new slim-down approach in the Royal Court. However, having said that, I am aware that there are great difficulties, particularly at the moment as we are all aware, with funding various aspects of the work that we wish to achieve but what I would say is that I would like to hear an assurance from the Minister that he will look into this issue very deeply and I am more than happy to provide him with the background information that was looked at by the Tribunal. It did go into this in some detail and also looked at some of the costings and if we receive an assurance from the Minister that he would look into this in great detail and not just leave it for the blind on the back-burner, then I would be content to say to Members that we should vote in favour of the Draft Planning and Building (Jersey) Law today, the Appointed Day Act - that is in front of us - because there are so many other aspects of the Law that are very important that will be of benefit to the community. I certainly am quite happy, as I say, to give any assistance that I can to the Minister on this particular issue and I am sure that other Members of the Council of Ministers will do also. I do not know whether the Minister can give us any sort of timescale that he might be in a position to bring this forward but I think, at least, what I would be looking for from him today is a real commitment that this is an issue that will be looked at and not just ignored because I do agree with Members around the House. It has been back time and time again and we have really got to grapple with it and it is not an ideal situation but I think we have held this Law back now far too long. Okay, on a point of principle, people can seek to draw a line in the sand but I do not really think that is going to be a very constructive way of moving things forward. I do believe the most constructive way forward is to approve what we have before us today and certainly, other Members of the House ought to put as much pressure, I think, on the Minister to bring this issue back in the earliest possible course that he

possibly can and I certainly will be one of those who will be keeping an eye on how this develops. Thank you, Sir.

10.1.23 Deputy P.V.F. Le Claire:

I supported Deputy Scott Warren on both occasions that she brought her third party appeal amendments to this Law. However, listening to the arguments that have been made today, I think we are getting nowhere and the actual obstruction of this Law, because one part is missing, has been fought as a rearguard action for the last 3 years or so anyway and I think the words of the Chief Minister really still echo in my head from this morning. We are really saying to the public that we do not really care. We are sending out the wrong message. So, I want both. I want both what is offered today and I also want third party appeals, so I want to support the Minister for Planning today and I can do so, and I will support and I have supported and I will continue to support third party appeals. So, in order for me today to support and vote in accordance with the supporting gesture, I would like to ask one question which has been asked by the last 2 speakers to be answered in reply. It is not often that in such a lengthy debate the Ministers or the proposers address questions that are put to them by Members during their speeches but I would like this addressed or I am not going to vote in support of it. I would like to ask the same questions. First of all, does he support third party appeals? If so, when will he go to get the money and what is the earliest opportunity, once you have sought that money, if he is successful in achieving it, in his view, that that can come back to the States and thereby we can support it? Otherwise I will not be able to support it this afternoon and I would say to Deputy Scott Warren, I support the Deputy 100 per cent in everything she has done in this area but I would also urge other Members that are in the balance, I think the majority of Members are going to support this today so let us all get behind it and support it. But when it comes back for third party appeals, let us stand behind our principles as well and support them.

10.1.24 Deputy R.C. Duhamel:

It quite clearly states in the report on page 3 that although the provisions for third party appeals is supported in concept, it does say that it is intended that these provisions will be introduced as resources permit but this is unlikely to be in the foreseeable future. So, it is there in black and white, it is unlikely in the foreseeable future. I rise, Sir, because I would like to express my concerns along the lines of a number of other speakers. This House has had an example and perhaps, if we can say, a number of examples whereby we have made decisions in principle and then for whatever reason, we have parked them, put them on the shelf, put them in the dustbin or whatever, until a later stage and until propositions have been sought by the Members to remedy the situation. The most notable in the not too distant past was over the Agri-Environment Scheme. It was agreed by this House in total, it was set down as a principle that we all endorsed in this House but no monies were forthcoming until the Scrutiny Panels of the day looked into the issue and the proposition was bought by ex-Senator Shenton or Deputy Shenton to remedy the situation. My concern, Sir, is that despite the assurances that we may or may not get from the Minister for the Environment about how much he does support third party appeals, it is quite clear within the body of the report - because the report has been written by the Minister in contact with his officers in his Department - that had there been an opportunity to implement these third party appeals in a sensible timeframe, then indeed perhaps those assurances would have been appended to the report. They are not, Sir. It does say, and I have to reiterate, that this is unlikely to be in the foreseeable future. So, I think I do not support piecemeal government. I think if this House does make decisions in principle with the intention of following through with the financing of those decisions, then we should get our act together, do the whole thing in one piece and I do subscribe to the viewpoint that has been put forward by a number of Members that perhaps the best way to proceed, notwithstanding that there a whole load of goodies within the rest of the Law that we would like to

have. In short order the best way forward is to not vote for the proposition and to ask the Minister to come forward very, very quickly with a properly sorted package to fund the things that this house has decided upon.

10.1.25 Deputy I.J. Gorst:

It appears to me that every speaker so far has said that they are happy with what is in this Appointed Day Act. Words like: “addressing long needed issues”. We have just heard there are lots of goodies. What we are being asked today is to support this Appointed Day Act. We are not being asked whether we agree with third party appeals or not, whether there is funding for third party appeals or not. I am of the view that we ought to investigate third party appeals and bring forward that Appointed Day Act and find the necessary funding in early course. But that is not what this Appointed Day Act is about and, therefore, I urge Members to support this Act to bring forward all the good that the members of the public wish to see in this changed Planning Law 2002. Thank you.

10.1.26 Deputy J.J. Huet:

I was not going to speak but the last speaker said this Appointed Day Act, and I am saying in my mind this Appointed Day Act did include third party appeals. This Chamber, this Assembly gave those instructions and I still am not going to change. I believe if we are told and it is voted on and we agreed it we should not change it and that is what we are doing here. Thank you, Sir.

The Greffier of the States (in the Chair):

I will call on the Minister to reply.

10.1.27 Senator F.E. Cohen:

I met Deputy Scott Warren and others recently and told her very clearly that I am wholeheartedly in favour of third party appeals. I have committed to form a group with Deputy Scott Warren to examine the feasibility of the speedy implementation of third party appeals. I have also committed myself to appealing in a robust manner to Treasury for adequate resources. If I am able to obtain the resources I will bring forward proposals to this House within 6 months to introduce third party appeals next year. If I cannot obtain the necessary resources I am committed to working with Deputy Scott Warren on finding an interim solution. I will now try and answer some of the points raised. Firstly, Deputy Scott Warren, as I have mentioned, referred to her concern - her valid concern - that the Law presently does not include third party appeals and, as I have just said, I have committed myself to dealing with that as stated. Deputy Mezbourian raised the issue of dangerous structures. This also has resource implications but again I will work as speedily as possible to try and find a way of bringing this forward again, if possible, within 6 months. Deputy Baudains was the person who suggested that I hold a briefing and I would like to thank him for that suggestion. It was very much at the last minute. It was a very good idea and I appreciated those Members who turned up at short notice to be briefed on the new Law. Senator Vibert understood the issues relating to third party appeals and raised the significant importance of the other measures in the Law. Senator Ozouf raised the issue of the peculiarity of passing a Law without the allocation of the resources and reminded the House that the resources bid had failed and he noted how the Law had dragged on for nearly 4 years. Deputy Power said that he would not support the Law and quoted briefly from the principles of Irish law. I am afraid I know little of this. Deputy Le Fondré felt the department should not have brought the Law forward in this way but I have explained the way I propose to approach third party appeals. Deputy Fox clarified the funding issues and regarded that the general principles of the Law would benefit the Island as a whole. Deputy Martin said we should concentrate on finding the resources. She made the point that my predecessor,

Senator Ozouf, she felt was against third party appeals. I would like to reiterate that I am very much in favour of third party appeals. Deputy Southern clearly has some strange views on architecture [Laughter] and referred to my newly appointed supreme, Sir Michael Hopkins as a Fancy Dan. I will leave it to him to comment if he wishes to do so directly to Deputy Southern. Page 4: Senator Shenton usefully recited the history and highlighted the resources issue again and he wanted an assurance from me. I hope he will be satisfied that I have given him the necessary assurances. Deputy de Faye brought up the very interesting comparison of a boy in a bicycle shop wanting the very best bicycle and clearly we all want the very best Law. It appears at this stage that the delivery of that is destined to be divided into 2 parts. The Deputy of St. Martin said that he expected a Rolls Royce Law. Deputy Le Hérisier recited many of the concerns of others, but he was generally concerned about the whole appeals mechanism and he wanted a promise. I hope he feels that I have given him the necessary assurance. Deputy Hill also said that he supported the Law if I gave a commitment and I hope he also will feel that I have given an appropriate and robust commitment. Senator Walker supported the Law and identified the issues of the new Law as being fundamentally important. He raised the issues of choices in resources and clearly there are always choices in the allocation of resources, but as I have said I will be making robust appeal to Treasury for the necessary resources to implement third party appeals. The Deputy of St. Peter raised the importance of the Law and commented on the reassurances I had given at the recent meeting. Senator Norman again raised the importance of the remaining elements of the Law and identified that there were no disadvantages that he could see in implementing the Law as presently proposed. The Deputy of St. John raised an issue relating to another provision of the Law: that of posting notices and pointed out how, in relation to a particular issue that he is involved with, if the new Law had been in place the difficulties of his parishioner would have been significantly lessened. The Deputy of St. Mary raised the principle that an implied commitment was given in the strategy to implement the whole of the Law and Senator Kinnard asked for an assurance which I hope she will feel that I have given her. Deputy Le Claire wanted timescales. I hope he will feel that I have given him that. Deputy Duhamel referred to the report attached to the proposition. I hope that the assurances I have given to him will be sufficient. Deputy Gorst offered his support. While this may not be ideal in the way it is being delivered and it may not have everything we would all wish for, it certainly is a great deal better than the present situation. I simply do not have the resources within my budget to allocate to implementing third party appeals as most of us would like and it is all very well Deputy Southern raising the issue of some funds having been found for the appointment of an architectural advisor on the Waterfront but that is a few thousand pounds and this is a 6 figure sum every year and a significant 6 figure sum every year. So I do not really feel that they are comparable. In conclusion I would urge Members to support the proposition and I move the proposition.

The Greffier of the States (in the Chair):

Yes. The Appel has been called for. Members are in their designated seats. The vote is for or against the Draft Planning and Building (Jersey) Law 2002 Appointed Day Act and the Greffier will open the voting.

POUR: 37		CONTRE: 13		ABSTAIN: 0
Senator S. Syvret		Deputy R.C. Duhamel (S)		
Senator L. Norman		Deputy A. Breckon (S)		
Senator F.H. Walker		Deputy J.J. Huet (H)		
Senator W. Kinnard		Deputy C.J. Scott Warren (S)		

Senator P.F. Routier		Deputy J.A. Martin (H)		
Senator M.E. Vibert		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy of Grouville		
Senator B.E. Shenton		Deputy J.A. Hilton (H)		
Senator F.E. Cohen		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Martin		Deputy D.W. Mezbourian (L)		
Connétable of St. Ouen		Deputy S.S.P.A. Power (B)		
Connétable of St. Saviour		Deputy S. Pitman (H)		
Connétable of St. Mary		Deputy K.C. Lewis (S)		
Connétable of St. Peter				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Brelade				
Deputy of St. Martin				
Deputy G.C.L. Baudains (C)				
Deputy P.N. Troy (B)				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy of St. Peter				
Deputy G.W. de Faye (H)				

Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy A.J.H. Maclean (H)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

10.2 Channel Islands Lottery: allocation of profits for 2005 and 2006 (P.41/2006)

The Greffier of the States (in the Chair):

Very well. The Assembly now comes to P.41, Channel Islands Lottery: allocation of profits for 2005 and 2006. The Greffier will read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to agree that the total Jersey portion of the profits of the Channel Islands Lottery from 2005 should be paid to the Association of Jersey Charities for the benefit of the community and the charitable needs of the Island, with 20 per cent of profits from 2006 being transferred to the Lottery Accumulated Fund and the balance of 80 per cent to the Association of Jersey Charities.

10.2.1 Senator P.F.C. Ozouf (The Minister for Economic Development):

So, could I ask for one of my able Assistant Ministers to be rapporteur? Deputy Maclean, who has responsibility for gambling to be rapporteur, please.

10.2.2 Deputy A.J.H. Maclean, (Assistant Minister of Economic Development):

This proposition is in 2 parts. The first asks the States to award the full year's lottery profits for 2005 to the Association of Jersey Charities. The second relates to the future profits for 2006. Members will be aware from the Public Lottery Report presented on 11th April as R32 that the Jersey profits from the Channel Islands Lottery in 2005 was £412,805. This is a significant increase on the previous year's total of £257,871 and I would like to say that perhaps a vote for the former EDC (Economic Development Committee), who should be congratulated for this significant increase and I would just like to mention that as a point. The States have for many years supported the Association of Jersey Charities in this way and it was the intention of the former EDC that the Association should benefit again from the profits from 2005. However, on the eve of Ministerial government, the former EDC believed that the new States Assembly should determine the allocation of profits. We, therefore, recommend that the 2005 profits are again awarded to the Association of Jersey Charities with the support of Members today. The second part of the proposition deals with profits arising from sales in 2006. Again, it is proposed the profits should be awarded to the Association of Jersey Charities but we wish to sound a note of caution. This Assembly has already voted in favour of extending the National Lottery and, as a consequence, it is likely that the Channel Islands Lottery may be wound-up during the next few years. Officials are currently holding discussions with their U.K. counterparts to determine how this might be concluded. The second part of the proposition also includes a retention of 20 per cent from 2006

profits - this is using powers under Article 4(5) of the Gambling Channel Island Lottery Regulations 1975 - and that this retained sum should be transferred to the Accumulated Fund. The retention is proposed for 2 purposes. The first is to ensure that all financial liabilities of the Channel Island Lottery can be met if it is wound-up. The second purpose is to ensure that even after the Channel Island Lottery is discontinued, if indeed this does happen, the States will have access to a sum of money that can be distributed to good causes until such time as the source and direction of good causes money from the big lottery fund is in fact confirmed. In this way we can ensure that all liabilities are met and as well as providing a short-term - an important short-term lifeline for the Association of Jersey Charities - a lifeline that we believe should not be needed but which will provide comfort and a safety net until such time as all details of the National Lottery extension have been agreed. We can also confirm that the Chairman of the Association of Jersey Charities has been consulted in connection with this and is supportive in principle with the proposal. So, I move the proposition to the Assembly but would, of course, be delighted to take any questions should there be any.

The Greffier of the States (in the Chair):

Is the proposition is seconded. **[Seconded]**

10.2.3 Senator P.F. Routier:

Firstly I need to declare that as President of Jersey Mencap and Chairman of Les Amis that both organisations have benefited from the Association of Jersey Charities grants, so I just make that clear right at the outset. But I will speak. The proceeds of the lotteries over the years has done such a great amount of good work in the Islands because of the availability of these funds and it is really, I believe, very important to continue along that vein to ensure that the charities do have access to those sort of funds. When the Deputy was proposing the proposition he started off by saying this was in 2 parts. I believe practically it is in one part. There is only one decision we can be making here. It is all rolled up into... there are a couple of things in there but we do not have the option of voting on one and then the other so I will just perhaps make that particularly clear as well. It is rather a take it or leave it situation. It is the 20 per cent issue which I will need some reassurance on of how the Accumulated Fund is going to be used. The wording in the proposition does say that the Accumulated Fund is to be used at the Minister's discretion and then it does not go on to give any indication how that money will be allocated and on what purposes, what causes and how people will make applications for those funding. So, before I am able to support this proposition fully I really need to have a bit more meat on the bone with regard to what those funds will be used for. If it was perhaps for sport I would perhaps be very supportive of that or any other community issues, which are obviously outside of the make up of the Association of Jersey Charities. During the proposer's opening remarks he also mentioned about the States having already made a decision on the National Lottery. I am not sure that the States itself has made a decision on that. It was only just a comment really I make about that. So really, for me to support this, I would like to get more meat on the bones of how the Accumulated Fund is to be used.

10.2.4 Senator M. E. Vibert:

Going on from that, one question I have got is how much is in the Accumulated Fund. I would just like to know at what sort of levels we are talking about. Also, I agree it is a concern there is no mention if there is any criteria for these funds or whether it is purely open to the discretion of the Assistant Minister in this case. One thing I would urge is there is mention here of the National Lottery possibly in 2008 and 2009 and I would hope I would receive some assurance that consideration has already been given when - I hope when rather than if - the National Lottery comes to the Island how the profit from that should be used when it arrives. At the moment we give all the profits from the Jersey Lottery, apart from next year - the Channel Islands Lottery - to

the Jersey Association of Charities. Of course, in the U.K. it is not just charities that benefit. There are many other good causes that benefit and, though the Association of Jersey Charities does sterling work it does not represent all charities and all other good causes in the Island and I would like to be reassured that, in looking towards the National Lottery coming to the Island, thought has been given as to what profits could be used for and how they will be distributed in future because I think we will need a new mechanism for that.

10.2.5 Deputy P.V.F. Le Claire:

I would just like to ask the Assistant Minister, while supporting the proposition today and also agreeing with most Members', I am sure, accolades - deservedly so - for the Association of Jersey Charities, has thought been given - I am sure it has, but I would like to ask anyway - to the fact that if and when the National Lottery extends its services to the Channel Islands - which I wholeheartedly support - will there be, as I understand, having looked into this years ago, the ability for distribution of profits to various causes and various funds to school projects - to children - and not necessarily just charities? Has thought been given, not only in pursuing the National Lottery for all of the benefits that it will bring to the Channel Islands, but also in preserving the local lottery because it is not one form of gambling that normally occurs in any outlet of gambling and in the United Kingdom, although you can purchase the National Lottery, you can also purchase other lottery tickets for other causes? So, has thought been given to perhaps dovetailing the Channel Islands Lottery into an Association of Jersey Charities Lottery that would continue to attract players and would continue to attract funds to be distributed among the Island, with people in Jersey knowingly buying a ticket that would contribute, if they play, to the benefit of local charities.

10.2.6 Deputy K.C. Lewis:

I welcome the preservation of supporting funds for the Association of Jersey Charities. Would the Assistant Minister expand on the timetable of 2008/2009 and could he confirm that we are actually in talks with our Guernsey counterparts or is Jersey going it alone?

10.2.7 Deputy C.J. Scott Warren:

I firstly should declare that I am the leader of the local charity Triumph Over Phobia, which is a member of the Association of Jersey Charities. The profits from the local lottery are vital to the work of local charities and I certainly would welcome the potentially higher amounts that our charities could have if we are able to sign-up to the National Lottery. I would also like the question about the 20 per cent being transferred answered as well but, in general, I certainly support this. Thank you.

10.2.8 Deputy G.W.J. de Faye:

I think Members can be greatly relieved that the worthy Assistant Minister is not a doctor because it appears that he would take your pulse and then advise that perhaps you should stockpile some of those pills alongside your bedroom table because you may be wanting to use a rather large number of them in a few months time. This seems to have been the approach given to our own long-running, hugely successful lottery. It strikes me as though it has had a rather terminal diagnosis from the Economic Development Ministry, which I think is sad. We have yet to see what developments may emerge from the National Lottery. It could be you; it could be us. But there is a difference, I think, between participating in a very large lottery like that where we are potentially one of the many, many beneficiaries and who quite knows what the share-out is likely to be for the Island in the future? I have not seen those statistics yet. But there is no question that if you run your own lottery then you decide totally what to do with the profits. Now, I have no real argument

with the way that the Assistant Minister has decided to divvy-out the available money in this current proposition. What I am a little concerned about, and I would wish to encourage the Assistant Minister because he clearly seems to be a man who does not mind a flutter and is up for the occasional roll of the dice. We have seen very recently his tremendous enthusiasm for reinvestigation of the casino in the Island. So, I have to say I need to record a sense of disappointment that that same enthusiasm has not percolated into taking our own Jersey Lottery perhaps on to its next stage of development. I would quite like to see a report on whether there any mileage in investing in new technology and putting the Jersey Lottery on the internet, for example. So we are not just simply exploiting a local market, but we could have a substantial lottery operation. Has that been looked at? I do not know. But I know that the Assistant Minister, a man of Deputy Maclean's stature, is the sort of chap who would make a real fist of that type of investigation. I would like to see the Jersey Lottery continue. After all, my grandad won it once [Laughter] under the most bizarre of circumstances, I have to say, because he lost the wallet with the ticket in it and, fortunately, the whole lot all came back and it was the first time I have ever seen what is known as a champagne fountain in my entire life and I remain hugely impressed by the opportunities that lotteries allow. So, please, may I plead with the Assistant Minister in his doctoring role to our own lottery, please do not necessarily call in the local padre to administer the last rites just yet. Can we just see what mileage there may be for a new revamped Jersey Lottery - one that is good for the Island and one where we can deal with all the profits and do not have to divvy them out to anyone else?

10.2.9 The Connétable of St. Lawrence:

I have, potentially, a number of conflicts but I do not think I am really conflicted. Firstly, as Assistant Minister for Economic Development - along with my colleague, Deputy Maclean, - but I have no direct involvement in the gambling issues. I was the previous Chairman of the Association of Jersey Charities, I am a member of the Lions' Club, which is a member of the Association. I am also a trustee Maison des Landes Hotel, which is also a member of the Association. But I do not think I have any direct conflicts. But I thought it might be useful to just explain about the Association of Jersey Charities for those who perhaps are not totally aware. As it says in the report, there are about 200 member charities and as Senator Vibert quite rightly says not every charity in the Island is a member, but the vast majority I think are. The ones that are members range from nationally known charities down to very small charities and the smaller ones probably are the ones that need the help most because they usually have specific objectives and have few people helping and find it difficult to raise money themselves. They are the ones that probably benefit most and what happens is that if a member charity wishes to apply for a grant that charity applies for a grant of up to £20,000 in any one year and the officers of the Association then review and vet the grant quite rigorously and then it is taken to the membership of the Association as a whole who then make the decision as to whether the grant is given or not. So, the Association, I think, is quite well run. It fulfils a useful role in society in that it oils the wheels of many charities and it does not cost the tax payer a bean to do it and, therefore, I think it is also worth bearing in mind that the Association itself really has no other funds other than the funds it receives from the Lottery. It was started in 1971, I think, and at the time the objective was purely that it should act as a liaison between charities and represent generally charities' interests. But once it started receiving a share of the profits from the lottery it was then able to make grants. So, I think it does a useful job and it certainly keeps quite a number of charities in our Island doing their thing which is important. Thank you.

The Bailiff:

I call upon the rapporteur to reply.

10.2.10 Deputy A.J.H. Maclean:

I would like to just address a few of the valuable points raised by Members. I will try and take it in order where I possibly can. Senator Routier quite rightly pointed out that, although the proposition I referred to is in 2 parts, it is in fact a package that we are looking at. Essentially, it is the profits from both 2005 and 2006. The only additional issue is the question of the 20 per cent retention as far as the Accumulated Fund is concerned. Leading on to that point Senator Routier asked a valuable question about the Accumulated Fund and how it, in fact, would be used. As I mentioned in my address at the beginning, the purpose of the Accumulated Fund and the reason that we want to put 20 per cent into it is to allow us somewhat of a buffer through the transitional period should indeed the National Lottery be adopted by the Assembly here at some point in the future. It is a number of years away in any event. It would have to be approved by Members in this Assembly. Before we could get to that stage it is necessary for the license to be awarded from the U.K. That is going out to tender fairly shortly but it is likely to be later this year before it is known so we are looking at 2008 or 2009. As far as the Association of Jersey Charities is concerned, they would benefit in due course from funds within the Accumulated Fund in a similar way to what occurs at the moment. It would be the intention I believe and the advice that would come from the Public Lotteries Board that advises the Minister - or the Assistant Minister in this instance - for worthy causes for the lottery funds and the Accumulated Fund would be treated in exactly the same way. It is simply there and the retention is simply proposed as a surety to see us through the transitional period if necessary. Senator Vibert asked the question about the Accumulated Fund and its current status. There is at the present moment in time £133,920 held within this Fund and I am advised that this Fund is not sufficient for the necessary purposes given so it is suitable security over the transitional period that I have referred to. The National Lottery: it has been mentioned by various Members about the differentials between the National Lottery and the Jersey Lottery. It should be pointed out that from preliminary research that has been taken to date the Jersey Lottery accounts for or produces, as I mentioned earlier on, £412,000, which is significantly up on last year and I think that goes to answer Deputy de Faye's point that he raised in his usual entertaining fashion referring to doctors and pills. I am somewhat concerned that he may not have taken the necessary pills to allay his own confusion over the issue. **[Laughter]** It is without doubt that the National Lottery, if it were indeed to be voted by this Assembly into the benefit of the Island, that it would contribute significantly more - probably 3 times as much in terms of revenue for local charities and I have to say that the funds coming in would be treated and we would, indeed, have a very clear say on the use of the funds that are allocated by the national U.K. body. They would come to Jersey and we would take advice from the Public Lotteries Board as to how that money was going to be allocated. That is a decision that clearly would need to be taken at a later date and would form part of any future debate on the National Lottery. I think I have answered Deputy Lewis's question with regard to timetable a moment ago. He also raised the point about Guernsey. As far as I am aware Guernsey are not involved in the discussions as far as we are concerned. We have been in preliminary discussions with the U.K. authorities ourselves with regard to the National Lottery. I am sure Guernsey though, as part of the Channel Islands Lottery will, indeed, be having similar discussions. Deputy Scott Warren talked about the profits being vital. I hope I have answered the question related to the Accumulated Fund. I would like to thank my colleague from Economic Development - the Connétable of St. Lawrence - for explaining a little bit more in terms of detail of the Association of Jersey Charities and the good uses that the funds that are raised are put to, which I think all Members would agree are extremely welcomed by charities in the Island. I hope that I have answered all the questions that were raised by all Members and, Sir, I move the proposition to the Assembly.

Deputy P.V.F. Le Claire:

Sorry, I did ask one question. I wondered if the Assistant Minister would be courteous enough to ask me to put it to him again so he could maybe perhaps address it if he would be so minded.

The Bailiff:

Sorry, you have a question which was unanswered or...

Deputy P.V.F. Le Claire:

Yes, Sir, I did ask whether or not, given that we are giving the money and the profits over from the Jersey Lottery to the Association of Jersey Charities and guaranteeing them the money, in effect, with this proposition to basically continue to honour the obligations that they will make over the next 2 years, whether or not thought has been given to transferring the entire operation over to the Association of Jersey Charities so it becomes an Association of Jersey Charities Lottery?

Deputy A.J.H. Maclean:

I apologise to Deputy Le Claire for not answering the question. I think at this particular stage it is probably not the most appropriate way to go. We are considering, over the course of the next few years, as to whether we will be adopting the National Lottery. I think at that particular point how we deal with and administer the considerable funds that we are likely to raise through the National Lottery it would be at that point an appropriate time to consider.

Deputy P.V.F. Le Claire:

What I was asking, Sir, was whether or not we cannot continue to have the Jersey Lottery in addition to the National Lottery so we would have, in effect, 2 opportunities for people to contribute to local charities.

Deputy A.J.H. Maclean:

I think, Deputy Le Claire, it would meet the same aims because we would get considerably more money through the National Lottery route. There would be an opportunity for members of the public in Jersey to buy lottery tickets. I think we would be duplicating our effort if we went down that route.

The Bailiff:

Well, I put the question. Those Members in favour of adopting the proposition kindly show. Those against? The proposition is adopted.

10.3 Assemblée Parlementaire de la Francophonie Executive Committee: membership (P.50/2006)

The Bailiff:

Next to P50, Membership of the Executive Committee of the Assemblée Parlementaire de la Francophonie and I ask the Greffier to read the proposition. Connétable, the proposition has been amended by you. Would you like the proposition read, as amended?

Connétable K.P. Vibert of St. Ouen:

If possible, yes please, Sir.

The Bailiff:

Very well.

The Greffier of the States:

The States are asked to decide whether they are of opinion to appoint the following to the Executive Committee of the Jersey Branch of the Assemblée Parlementaire de la Francophonie. The Connétable of St. Brelade, Deputy Sean Power of St. Brelade, the Deputy of St. Mary, the Connétable of St. Helier.

10.3.1 The Connétable of St. Ouen:

Jersey has been a full member of the APF (the Assemblée Parlementaire de la Francophonie) since 1980 and is hoping to host the European Assembly in the Island in 2009. With the aim to promote more actively our international persona, the APF is a perfect vehicle to achieve this. The Executive Committee, which this proposition is aiming to make up, is active in maintaining links at a political level with the heads of French-speaking parliaments across Europe. In particular, contacts that have been made and nurtured over the years have been found to be very helpful in educating other jurisdictions about the propriety of our financial sector and the level of regulation that exists. They have also been of value in the context of discussions with France. Certainly, Sir, it is my experience that Jersey's representatives are well-received in the European region and are able to make a wide range of contacts and a real contribution to the debates. It is also an excellent opportunity to meet with and relate to some senior European parliaments and can only lead to an enhancement of Jersey's profile with countries such as France, Belgium, Switzerland, Luxembourg and the like. The European Regional Assembly was last held in Jersey in 1994 and, as I said earlier, Sir, is next planned for hosting in 2009. In the meantime, the Presidents' Conference which was held here in 2000 is next to be held here in 2007. So there are no predetermined numbers to the Executive Committee and the prerequisite is mainly about the ability to be able to read and speak French to a reasonable level. Before I move on to make the proposition, Sir, I would like to take this opportunity to thank the 3 retiring Members who did not seek re-election to the States at the end of 2005: former Deputy Bridge and the former Deputy of St. John - who I was going to say was Deputy of Drains, but that has already been said for me this afternoon - were active members of the previous Committee and the former Senator Le Maistre had served on the APF for over 20 years, having served as President for many of those years. The contacts he achieved through the APF have in a large part led to the present strengthening of Jersey's links with France and I would like to take this opportunity of expressing this Chamber's gratitude to him for his work with the APF. **[Approbation]** So, I would like to propose the Connétable of St. Brelade, Deputy Power of St. Brelade, Deputy Gallichan of St. Mary and the Connétable of St. Helier to be members of the Executive Committee.

The Bailiff:

Thank you. Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? I accordingly put the proposition. Those Members in favour or adopting it kindly show. Those against. The proposition is adopted.

10.4 Administrative Appeals Panel: membership (P.51/2006)

The Bailiff:

We come, finally, to Administrative Appeals Panel Membership, P.51. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with article 5.2 of the Administrative Decisions Review (Jersey) Law 1982 to appoint the following persons as Members of the Administrative Appeals Panel from whom Members of Boards of Administrative Appeal are chosen for a further period of 3 years. Chairman: Mrs. Carol Elizabeth Canavan; Deputy Chairman: Mr. Nigel Peter Edgar Le Gresley; Advocate Richard John Renouf; Members: Mr. John Geoffrey Davies, Mr. Peter George Farley, Mr. Patrick Edward Freeley, Mrs. Mary Le Gresley, Mr. Thomas Siouville Perchard, Miss. Christine Vibert, Mr. David James Watkins.”

10.4.1 The Connétable of St. Clement:

I think, and I am sure the Members of the Assembly would also agree, that we should publicly thank all members of the panel for their past service - very valuable service - to the community. **[Approbation]** The Committee are particularly pleased that the Chairman, the Deputy Chairman and members have agreed to allow their names to go forward to serve for another 3 years and there are full details of who they are in the proposition. The Panel provide an important service to the community for which they receive no remuneration. As is stated in the report attached to his proposition, when the amendments to this law, which were approved in February are sanctioned by Privy Council and registered in the Royal Court, the system will be further strengthened and provide a more effective means for aggrieved members of the public to seek a remedy. I propose the proposition, Sir.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition of the PPC? Then I put the proposition. Those Members in favour of adopting it kindly show. Those against. The proposition is adopted.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

So that concludes the public business on the Order Paper and we come to the arrangement of public business for future meetings. Mr. President?

11. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):

In addition to the list on the pink sheets, there were 3 projets lodged today: P.61, P.62 and P.63. I understand that P.61 a date will be proposed by Deputy Southern so that I would like to propose that, in addition to the list, that P.62 and 63 are listed for 4th July.

The Bailiff:

Well, thank you. I am sure the Greffier will make a note of that, President. I do not think we need to resolve anything today.

11.1 Senator M.E. Vibert:

I just wanted to ask about 6th June if I may, Sir, that I notice that down is P.59, the Aqua Splash swimming pool complex lodged by the Constable of St. Helier. I have no problem dealing with it that day but I understood that all private Members' propositions had to be referred to the Council of Ministers or the Ministers concerned and I wonder if it can be done in that time.

11.2 Senator P.F.C. Ozouf:

Sir, as a matter of principle P.59 and P.60 are both being lodged today. I doubt that I have... I do not think I am alone in not having even seen a copy of the Aqua Splash swimming pool. No doubt it is in our pigeon holes at home but I have not seen it and I think it is quite wrong to table this in 2 weeks' time. Surely the Constable could wait 2 weeks and move these to 20th June.

11.3 The Connétable of St. Helier:

I did not table them for 2 weeks' time but if they are on the list I am quite happy for them to be taken off the list and dealt with when the relevant Ministers have had a chance to report on them.

The Bailiff:

Very well. Well, they will be provisionally put down for 20th June.

The Connétable of St. Helier:

If that suits the Ministers, Sir, yes.

The Bailiff:

Very well. P.59 and P.60 are deleted.

11.4 Senator B.E. Shenton:

I would like to move proposition P.55 until after the strategic plan has been debated and maybe move it to 4th July.

The Bailiff:

Sorry, P.55 is what?

Senator B.E. Shenton:

To get planning approval by the States because it refers to the one in 3 years time.

The Bailiff:

So you wish to remove it from the list for 6th June and table it later on 4th July. Very well. Well, that removes 55, 59 and 60 from the Order Paper.

11.5 The Connétable of St. Helier:

Amendment 4 to P.40, the fourth amendment for strategic plan was lodged early due to an administrative error and I would formally like to withdraw it. I will be submitting a revised amendment in due course.

The Bailiff:

Very well. The fourth amendment is withdrawn. I am sorry, Deputy Southern?

11.6 Deputy G.P. Southern:

If I may crave the Assembly's indulgence, I circulated a note earlier today to the effect that I have produced the Economic Affairs Scrutiny Panel Report on the incorporation of Jersey Post in good time, I thought, to have a debate on 6th June, which is the schedule which I was responding to. Unfortunately, Standing Order 26 says that a minimum lodging period of 6 weeks applies to the following propositions: any proposition lodged by a Scrutiny Panel. Now, I have lodged a proposition containing the main recommendations so that we can have an orderly and full debate on the Post Office incorporation. However, they should officially wait 6 weeks. There is, however, Standing Order 26(7) which says: "The States may reduce a minimum lodging period if they are of the opinion that the proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate." I seek the advice of the House obviously but I would urge you to suggest that it probably is important enough that we debate incorporation of Postal in a timely manner with the information as appropriate and that I would ask the House to accept that in this particular case I would like to put a hurry-up on and remove the 6 weeks lodging period and that 2 weeks will suffice if the House wishes so that we can go ahead with the debate on 6th June.

11.7 Deputy P.V.F Le Claire:

I must say I am not certain as to what... the report was only finished yesterday. I know the Deputy and the Scrutiny Committee has been working very hard all day yesterday to produce it but I just wondered, not having had a chance to read it today, whether or not there are implications for pensions because from the Committee of Management perspective, Deputy Troy and myself have a duty of care in respect of States employees' pensions and I know that the incorporation so far has been put before the Committee of Management and to approve this in 2 weeks may not give us the opportunity to just have regard for that. I wondered if perhaps if the Chief Minister is satisfied then I will be satisfied, but I cannot speak at this time as the person been assigned from the Chamber that I am satisfied at this stage, I am afraid.

11.8 Senator P.F.C Ozouf:

I do not believe that there is any cause for concern by Deputy Le Claire in relation to pensions issues. There are recommendations about the funding of it but that is something that we can deal with in the debate. I wanted to say, Sir, that I agreed with Deputy Southern's proposal to table this. I think this is the only elegant way to deal with the situation that we have got a Scrutiny Report which is for the Assembly for our part and the Assistant Minister with responsibility for postal and I know the Treasury and Resources Minister will attempt in the earliest possible course to give the Assembly our own report and Treasury and Resources report on the Scrutiny review. We will attempt to do that within the next 7 to 10 days. We will attempt to get that report in the hands of Members with our own comments certainly at the very latest the weekend before the States sitting so that Members can read our own report together with the Scrutiny Report and then we can have the debate on 6th June and hopefully go on to debate the incorporation on postal. So, I would, for my part, support Deputy Southern's as the only way we can get on and deal with the incorporation which has now been lasting, I think, about 5 years.

11.9 Senator F.H. Walker (Chief Minister):

Well, Sir, I do not think I have got anything really to ... this microphone. The scrutiny report on the pensions, I do not think there are any issues and I do not see any reason why the debate should not go ahead on 6th June and I do think that Deputy Southern and his Panel have proposed the right way forward.

11.12 Deputy P.N. Troy:

I would support that, Sir. As far as I am aware there are no issues on the pension side. I believe that all parties to the pension agreement are satisfied and that there is not any problem in that area.

The Bailiff:

Are Members content then to allow P.61 to be debated on 6th June? Perhaps I may say from the chair that I hope that the Privileges and Procedures Committee might perhaps have a look at the phraseology of Standing Order 26(7) because it is a matter, of course, for the Assembly to decide what is a matter of such urgency and importance that it would be prejudicial to Jersey not to debate it. But that seems a rather heavy phraseology for the decision that the Assembly has just taken and if the Standing Orders are too restrictive then it seems to me that the PPC might look at them rather than strain the meaning of words set out in the Standing Orders.

11.13 Senator M.E. Vibert:

Can I raise one other issue? I just wanted to ask - perhaps I am missing something - is Deputy Breckon going ahead with P.227 at the next sitting?

11.14 Deputy A. Breckon:

That was the last date. This is a hangover from 1999 so I think everybody is aware of it, Sir. **[Laughter]**

Senator M.E. Vibert:

Can I say, I think we are well aware of it? My understanding was and I thought it was that because the new PPC had been charged with looking at the issues about the make up of the States etc. that this would not be brought forward until PPC had had a chance to do it but Deputy Breckon, of course, has brought it forward. But I do not believe the new PPC has commented on it.

Deputy A. Breckon:

I did give an assurance that if PPC had come forward with something that was not dissimilar I would withdraw it. That has not happened so the debate is set.

11.15 Senator P.F.C. Ozouf:

Sir, may I test the mood of the Assembly? I think that PPC are busy working on the issues of the composition of the States and it is, while Back Benchers have a right to put forward propositions, it is a matter for the States to decide the timing of a proposition and for my part I can see that there is a proposition before us but we do not have the benefit of the properly constituted and elected Privileges and Procedures Committee and, therefore, I do not think that we should take it on 6th June when we have other important business. I suspect that it is not going to be the best use at this time of this Assembly's time and so I would move, Sir, that we do not debate P.227 until Privileges and Procedures have concluded their work and we have the benefit of their conclusions.

Deputy J.J. Huet:

When would that be, Sir?

Deputy A. Breckon:

Can I say that, as an individual Member, I understood that I had previously requested a date and it was a case of 3 strikes and you are out so I think what Senator Ozouf said is out of order.

The Bailiff:

Well, I was just seeking clarification from the Greffier on that very point, Deputy. My understanding was that on the third occasion a Member is entitled to have his proposition debated but I am not sure that this is the third time that you have asked for a debate, is it?

Deputy A. Breckon:

It is the last possible date, Sir, which I have done that to give comfort to the new PPC which are not all new Members to come forward with something and they have not done so, so technically it would be the second, but it is the last occasion that it could be debated because I think there was a 6 month time bar as well.

Senator P.F.C. Ozouf:

Could it not be moved that we debate it at the last possible opportunity? Surely we should be seeing PPC's conclusions before having a debate in a complete vacuum.

The Bailiff:

Well, Senator, you can propose anything that you like, so long as it is in order and I just want to be satisfied that it is in order. I think the position is, Deputy, that if you have only made 2 requests for the date then technically the proposition is not out of order. The third time you will be affected by the '3 strikes and you are out' rule.

Deputy A. Breckon:

Time bar, Sir. I am aware that Senator Ozouf will not have enough boards to support all the candidates if it is on the same day but at the same time [Laughter] I would seek, Sir, that it is taken at the earliest opportunity and the PPC is not constituted entirely of new Members. Members have a view on this issue. It is not new. It goes back to 1999.

Senator P.F.C. Ozouf:

Yes. Can I move, with the nod of the Chairman of Privileges and Procedures, for perhaps 26th September 2006 when PPC might well have come forward with the conclusions?

The Bailiff:

I do not know that you can propose a date beyond the existing Session, Senator, but you can certainly propose that the proposition be not be debated on 6th June and then it will be a matter for the Deputy to find another date.

Senator P.F.C. Ozouf:

I will do that then if I may, Sir.

The Bailiff:

You propose that and is that seconded? [Seconded] Well, do you wish to say anything more, Deputy Breckon before I put the matter to the vote?

Deputy A. Breckon:

It is not a new issue and if the Senator is proposing that I will ask for the Appel on that.

The Bailiff:

Very well. Well, the vote is for or against the proposition of Senator Ozouf that Projet 227 be not debated on 6th June and I ask the Greffier to open the voting.

POUR: 27	CONTRE: 23	ABSTAIN: 0
Senator S. Syvret	Senator B.E. Shenton	
Senator L. Norman	Connétable of St. Martin	
Senator F.H. Walker	Connétable of St. Peter	
Senator W. Kinnard	Connétable of St. Helier	
Senator P.F. Routier	Deputy R.C. Duhamel (S)	
Senator M.E. Vibert	Deputy A. Breckon (S)	
Senator P.F.C. Ozouf	Deputy J.J. Huet (H)	
Senator F.E. Cohen	Deputy of St. Martin	
Connétable of St. Ouen	Deputy C.J. Scott Warren (S)	
Connétable of St. Saviour	Deputy R.G. Le Hérisier (S)	
Connétable of St. Mary	Deputy J.B. Fox (H)	
Connétable of St. Clement	Deputy J.A. Martin (H)	
Connétable of Trinity	Deputy G.P. Southern (H)	
Connétable of St. Lawrence	Deputy S.C. Ferguson (B)	
Connétable of Grouville	Deputy J.A. Hilton (H)	
Connétable of St. John	Deputy P.V.F. Le Claire (H)	
Connétable of St. Brelade	Deputy J.A.N. Le Fondré (L)	
Deputy G.C.L. Baudains (C)	Deputy D.W. Mezbourian (L)	
Deputy P.N. Troy (B)	Deputy of Trinity	
Deputy of St. Ouen	Deputy S.S.P.A. Power (B)	
Deputy P.J.D. Ryan (H)	Deputy S. Pitman (H)	
Deputy of Grouville	Deputy K.C. Lewis (S)	

Deputy of St. Peter		Deputy of St. John		
Deputy G.W. de Faye (H)				
Deputy A.J.H. Maclean (H)				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

Senator P.F.C. Ozouf:

Are we also agreeing that Deputy Southern's proposition is at the top of the list?

The Bailiff:

We have not been asked to decide that yet but certainly yes, do Members agree that the proposition of the Economic Affairs Scrutiny Panel be placed at the top of the list for debate?

11.16 Deputy J.G. Reed of St. Ouen:

There is one issue that I am not sure if I have broached it at the right time but obviously the fact that P.63, which is the draft Sexual Offences Law has been lodged today. Could I ask that it be referred to Health and Social Services and possibly Education for their comments?

Senator W. Kinnard:

They have been consulted and they do not wish to comment further.

The Deputy of St. Ouen:

Sorry, Sir, the fact is that I would like to make a request that those Committees comment. Surely their comment will be, if they choose not to comment, a written response which says: "No comment"?

The Bailiff:

Well, it is a matter for...

Senator W. Kinnard:

There are comments and indeed they are in the report if the Deputy takes the time to read it.

The Bailiff:

Well, if the comments are there, Deputy, and the comments are there, are they not?

The Deputy of St. Ouen:

No, obviously it has only been just presented today, one has not had a chance to read it.

The Bailiff:

No, of course, but the Minister is telling you that the comments are there so I think on that basis they cannot really be referred for further comments.

Senator W. Kinnard:

To be absolutely clear: on the Equalisation of the Age of Consent the comments are in there and they do not wish to comment further. On the Abuse of Trust provisions there are initial comments and I am expecting that throughout the 6-week period that the Law is lodged that other comments may well come in. But, in fact, they have initially been consulted and, you know, we are open to further consultation on the Abuse of Trust provisions, just to make that clear.

The Bailiff:

Senator Shenton, may I just be clear that my understanding of your request is correct and that is that Project 55 is to be withdrawn from the list for 6th June and you will seek a date at a later stage. Is that right?

11.17 Senator B.E. Shenton:

I would like to move it to 4th July, I think, if possible.

The Bailiff:

4th July, yes.

Deputy J.A.N. Le Fondré:

Just to clarify a point, Sir, PP.227 which is Deputy Breckon's proposition, has that just now been taken off the Order Paper or is there a date that...

The Bailiff:

It has been taken off the Order Paper for the time being. Very well, are the Members prepared to agree those arrangements for public business? Very well that concludes the matters on the Order Paper.

ADJOURNMENT

The Bailiff:

The Assembly stands adjourned until 6th June 2006.