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

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

Senator Leonard Norman – en défaut

Senator Wendy Kinnard – en défaut (défaut raised at 9.36 a.m.)

Senator Paul Francis Routier – excused (arrived in the Chamber at 10.02 a.m.)

Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 10.14 a.m.)

Senator Terence John Le Main- en défaut (défaut raised at 9.49 a.m.)

Connétable Thomas John du Feu of St Peter – excused

Connétable John Le Sueur Gallichan of Trinity- en défaut (défaut raised at 11.13 a.m.)

Deputy Judith Ann Martin of St. Helier- en défaut (défaut raised at 10.58 a.m.)

Deputy Patrick John Dennis Ryan of St. Helier- en défaut

Deputy Carolyn Fiona Labey of Grouville – excused (arrived in the Chamber at 10.07 a.m.)

Prayers read by the Greffier of the States

### Esplanade Quarter, St. Helier: Masterplan-rescindment P.97/2008

THE STATES resumed consideration of a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement concerning the rescindment of the Esplanade Quarter, St. Helier Masterplan, and rejecte paragraph (a) of the proposition which referred to their Act dated 4th June 2008, in which they approved paragraph (1) of the proposition relating to the Esplanade Quarter, St. Helier: Masterplan, and to their Act date 5th June 2008, in which they approved paragraph (2) of the proposition, and requested them to agree to rescind their decision to approve paragraph (1) of the said proposition.

Members present voted as follows -

POUR: 9	CONTRE: 31	ABSTAIN: 0

Senator S. Syvret
Connétable of St. Clement
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy J.A.N. Le Fondré
(L)
Deputy S. Pitman (H)
Deputy I.J. Gorst (C)

Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf Senator T.J. Le Main

Senator B.E. Shenton Senator F.E. Cohen Senator J.L. Perchard Connétable of St. Mary Connétable of St. Helier Connétable of Trinity Connétable of St. Lawrence Connétable of Grouville Connétable of St. Brelade Deputy J.J. Huet (H) Deputy C.J. Scott Warren **(S)** Deputy J.B. Fox (H) Deputy S.C. Ferguson (B) Deputy of Grouville Deputy of St. Peter Deputy J.A. Hilton (H) Deputy G.W.J. de Faye (H) Deputy P.V.F. Le Claire (H) Deputy D.W. Mezbourian (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy A.J.D. Maclean (H) Deputy of St. John Deputy of St. Mary

THE STATES rejected paragraph (2) of the proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement which referred to their Act dated 4th June 2008, in which they approved paragraph (1) of the proposition relating to the Esplanade Quarter, St. Helier: Masterplan, and to their Act dated 5th June 2008, in which they approved paragraph (2) of the proposition, and requested them to agree to rescind their decision to approve paragraph (2) of the said proposition.

Members present voted as follows –

POUR: 9 CONTRE: 31 ABSTAIN: 0

Senator S. Syvret
Connétable of St. Clement
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy J.A.N. Le Fondré
(L)
Deputy D.W. Mezbourian
(L)

Deputy S. Pitman (H)

Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf Senator T.J. Le Main

Senator B.E. Shenton

Senator F.E. Cohen Senator J.L. Perchard Connétable of St. Mary Connétable of St. Helier Connétable of Trinity Connétable of St. Lawrence Connétable of Grouville Connétable of St. Brelade Deputy J.J. Huet (H) Deputy C.J. Scott Warren Deputy J.B. Fox (H) Deputy S.C. Ferguson (B) Deputy of Grouville Deputy of St. Peter Deputy J.A. Hilton (H) Deputy G.W.J. de Faye (H) Deputy P.V.F. Le Claire (H) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy A.J.D. Maclean (H) Deputy of St. John Deputy I.J. Gorst (C) Deputy of St. Mary

THE STATES recalled that Senator Leonard Norman and Deputy Patrick John Dennis Ryan of St. Helier, ir accordance with the provisions of Standing Order 106(1)(a), had declared an interest and withdrawn from the Chamber for the duration of the debate.

## Documents presented or laid

Waterfront Enterprise Board Ltd: removal of States Directors and Chairman from office (P.98/2008) – comments.

P.98/2008. Com.

Presented: 3rd July 2008. *Council of Ministers*.

## **Notification of lodged propositions**

Esplanade Quarter Masterplan, St. Helier: development agreement– approval by the States.

P.111/2008.

States.

Lodged: 3rd July 2008. Senator J.L. Perchard.

## Comptroller and Auditor General: re-appointment P.101/2008

The Bailiff, in accordance with Article 41(2) of the Public Finances (Jersey) Law 2005, and Standing Order No. 82), ordered the withdrawal of strangers and the closing of the doors of the Chamber in order that the appointment of a Comptroller and Auditor General could be debated 'in camera'.

THE STATES, having considered the matter 'in camera', proceeded to vote in public assembly and, adopting a proposition of the Chief Minister, and in accordance with Article 41 of the Public Finances (Jersey) Law 2005 appointed Mr. Christopher Swinson, O.B.E. as Comptroller and Auditor General for a period of 5 years with effect from 1st October 2008.

Members present voted as follows –

POUR: 32 CONTRE: 0 ABSTAIN: 0

Senator S. Syvret

Senator F.H. Walker

Senator W. Kinnard

Senator T.A. Le Sueur

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator B.E. Shenton

Senator F.E. Cohen

Senator J.L. Perchard

Connétable of St. Mary

Connétable of St. Clement

Connétable of Trinity

Connétable of St. Brelade

Deputy J.J. Huet (H)

Deputy G.C.L. Baudains (C)

Deputy C.J. Scott Warren (S)

Deputy J.B. Fox (H)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy S.C. Ferguson (B)

Deputy of St. Ouen

Deputy of Grouville

Deputy of St. Peter

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

Deputy J.A.N. Le Fondré (L)

Deputy D.W. Mezbourian

(L)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy S. Pitman (H)

Deputy I.J. Gorst (C)

Deputy of St. Mary

## Waterfront Enterprise Board Ltd: removal of States Directors and Chairman from office P.98/2008

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier concerning the removal of the States Directors and Chairman from the Waterfront Enterprise Board Ltd. and rejected a proposition of Deputy Guy William John de Faye of St. Helier that, in accordance with Standing Orde 85(1), the Assembly should move to consideration of the next item of business on the order paper.

Members present voted as follows –

POUR: 7 CONTRE: 31 ABSTAIN: 0

Senator F.H. Walker

Connétable of Grouville Connétable of St. Saviour Deputy J.J. Huet (H) Deputy J.B. Fox (H) Deputy of Grouville

Deputy G.W.J. de Faye (H)

Deputy of St. Mary

Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator P.F.C. Ozouf Senator T.J. Le Main Senator B.E. Shenton Senator F.E. Cohen Senator J.L. Perchard Connétable of St. Clement Connétable of Trinity Connétable of St. Brelade Deputy R.C. Duhamel (S) Deputy A. Breckon (S)

Deputy of St. Martin

Deputy G.C.L. Baudains (C)

Deputy P.N. Troy (B)

Deputy C.J. Scott Warren

(S)

Deputy R.G. Le Hérissier

(S)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy of St. John

THE STATES resumed consideration of the proposition of Deputy Geoffrey Peter Southern of St. Heliel concerning the removal of the States Directors and Chairman from the Waterfront Enterprise Board Ltd. and rejected a proposition of Deputy Guy William John de Faye of St. Helier that, in accordance with Standing Orde 80, Standing Order 103(1) should be suspended to allow him to speak again in the debate.

THE STATES rejected paragraph (a) of the proposition of Deputy Geoffrey Peter Southern of St. Helier whice referred to their Act dated 28th March 2006, in which they appointed Senator Paul Francis Routier, Senator James Leslie Perchard and Deputy Jacqueline Jeannette Huet of St. Helier as States Directors of the Waterfrom Enterprise Board Limited until 31st March 2009, and to their Act dated 19th July 2006, in which they appointed Mr. Francis Gerald Voisin as a non-States Director and Chairman of the company until 20th August 2009, and appointed Jurat John Claude Tibbo and Mr. Peter Joseph Crespel as non-States Directors until the same date, and —

(a) in accordance with the provisions of Article 30(b) of the Articles of Association of the company and having noted the resignation of Senator James Leslie Perchard as a Director on 11th June 2008, sought to remove all the remaining States Directors from office.

Members present voted as follows -

POUR: 8 CONTRE: 29 ABSTAIN: 2

Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy G.P. Southern (H)
Deputy D.W. Mezbourian (L)
Deputy S.S.P.A. Power (B)
Deputy of St. John

Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator M.E. Vibert Senator P.F.C. Ozouf Senator T.J. Le Main Senator B.E. Shenton Senator F.E. Cohen Senator J.L. Perchard Connétable of St. Helier Connétable of Trinity Connétable of St. Brelade Deputy J.J. Huet (H) Deputy P.N. Troy (B) Deputy C.J. Scott Warren (S) Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy J.A. Martin (H) Deputy S.C. Ferguson (B)

Deputy of St. Ouen

Senator P.F. Routier Connétable of Grouville

Deputy of Grouville Deputy of St. Peter Deputy J.A. Hilton (H) Deputy G.W.J. de Faye (H) Deputy P.V.F. Le Claire (H) Deputy of Trinity Deputy A.J.D. Maclean (H) Deputy K.C. Lewis (S) Deputy of St. Mary

THE STATES adopting paragraph (b) of the proposition, agreed that Mr. Francis Gerald Voisin should b removed as a non-States Director and Chairman of the company.

Members voted as follows -

Deputy P.V.F. Le Claire (H) Deputy D.W. Mezbourian (L) Deputy S.S.P.A. Power (B) Deputy K.C. Lewis (S) Deputy of St. John Deputy of St. Mary

**POUR: 22 CONTRE: 15 ABSTAIN: 2** 

Senator B.E. Shenton Senator J.L. Perchard Connétable of Trinity Connétable of Grouville Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy of St. Martin Deputy G.C.L. Baudains (C) Deputy P.N. Troy (B) Deputy R.G. Le Hérissier (S) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of St. Ouen Deputy of Grouville Deputy of Trinity Deputy of St. Peter Deputy A.J.D. Maclean (H) Deputy J.A. Hilton (H)

Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf Senator T.J. Le Main Senator F.E. Cohen Connétable of St. Helier Connétable of St. Brelade Deputy J.B. Fox (H) Deputy S.C. Ferguson (B) Deputy G.W.J. de Faye (H) Deputy J.J. Huet (H) Deputy C.J. Scott Warren (S)

THE STATES adopting paragraph (c) of the proposition, requested the Greffier of the States to notify the company of the decision.

THE STATES recalled that Senator Leonard Norman and Deputy Patrick John Dennis Ryan of St. Helier, ir accordance with the provisions of Standing Order 106(1)(a), had declared an interest and withdrawn from the Chamber for the duration of the debate.

#### **Change of Presidency**

The Bailiff retired from the Chamber during consideration of the proposition of Deputy Geoffrey Peter Southern entitled 'Waterfront Enterprise Board Ltd: removal of States Directors and Chairman from office (P.98/2008 lodged 'au Greffe' on 13th June 2008) and the meeting continued under the presidency of Mr. Michael Nelsor de la Haye, Greffier of the States.

## Arrangement of public business for future meetings

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88 (3) –

## 8th July 2008 (continuation meeting)

Energy from Waste Facility: establishment and acceptance of tender.

P.72/2008.

Lodged: 20th May 2008.

Minister for Transport and Technical Services.

Energy from Waste Facility: funding.

P.73/2008.

Lodged: 20th May 2008.

Minister for Treasury and Resources.

Jersey Homebuy Housing: amendment to Island Plan Policy H1.

P.74/2008.

Lodged: 21st May 2008.

Minister for Planning and Environment.

Strategy for Inclusive Vocational Day services and employment.

P.102/2008.

Lodged: 17th June 2008.

Deputy I.J. Gorst of St. Clement.

In accordance with Standing Order 32, the Assembly approved the proposition of the Minister for Economic Development to move the following item to 8th July 2008 from 15th July 2008, in order to reduce the amount of public business at that meeting –

Draft Supply of Goods and Services (Jersey) Law 200-.

P.77/2008.

Lodged: 23rd May 2008.

Minister for Economic Development.

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment) (Jersey)

P.36/2008.

Regulations 200- second reading.

Lodged: 6th March 2008.

Minister for Economic Development.

(principles adopted on 29th April 2008)

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment) (Jersey)

P.36/2008.

Com.

Regulations 200- (P.36/2008): comments.

Presented: 1st July 2008.

Environment Scrutiny Panel.

Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200.

P.61/2008.

Lodged: 21st April 2008.

Minister for Home Affairs.

Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200 (P.61/2008):

P.61/2008.

Com.

comments.

Presented: 2nd June 2008.

Education and Home Affairs Scrutiny Panel.

Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200 (P.61/2008):

P.61/2008.

amendments.

Amd.

Lodged: 19th May 2008. *Deputy of St. Martin.* 

Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200 (P.61/2008): amendments (P.61/2008 Amd.) – comments.

P.61/2008. Amd.Com.

Presented: 30th June 2008. *Minister for Home Affairs*.

Flu pandemic funding.

P.67/2008.

Lodged: 13th May 2008.

Minister for Treasury and Resources.

Flu pandemic funding (P.67/2008): comments.

P.67/2008.

Com.

Presented: 1st July 2008.

Health, Social Security and Housing Scrutiny Panel.

P.70/2008.

Goods and Services Tax: receipts.

Lodged: 13th May 2008.

Deputy G.P. Southern of St. Helier.

15th July 2008

Draft Customs and Excise (Amendment No. 6) (Jersey) Law 200.

P.54/2008.

Lodged: 7th April 2008.

Minister for Home Affairs.

Draft Customs and Excise (Amendment No. 6) (Jersey) Law 200 (P.54/2008):

P.54/2008. Amd.

amendments.

Lodged: 1st July 2008.

Minister for Home Affairs.

P.75/2008.

Provision of land for lifelong dwellings (for people over 55) and first-time buyers: amendment to Island Plan (2002).

Lodged: 22nd May 2008.

Minister for Planning and Environment.

Provision of land for lifelong dwellings (for people over 55) and first-time buyers:

P.75/2008.

amendment to Island Plan (2002) (P.75/2008) – amendment.

Amd.

Lodged: 20th June 2008.

Minister for Planning and Environment.

Draft Proceeds of Crime (Enforcement of Confiscation Orders) (Jersey) Regulations 200-

P.79/2008.

Lodged: 29th May 2008.

Minister for Treasury and Resources.

Draft Criminal Justice (International Co-operation) (Jersey) Regulations 200-.

P.80/2008.

Lodged: 29th May 2008.

Minister for Treasury and Resources.

Draft Drug Trafficking Offences (Enforcement of Confiscation Orders) (Jersey)

P.81/2008.

Regulations 200-.

Lodged: 29th May 2008.

Minister for Treasury and Resources.

Draft Public Elections (Expenditure and Donations) (Jersey) Regulations 200. Lodged: 30th May 2008. Privileges and Procedures Committee.	P.82/2008.
Draft Public Elections (Expenditure and Donations) (Jersey) Regulations 200 (P.82/2008): amendments. Lodged: 1st July 2008. Deputy R.G. Le Hérissier of St. Saviour.	P.82/2008. Amd.
Draft Public Elections (Expenditure and Donations) (Jersey) Regulations 200 (P.82/2008): second amendments. Lodged: 2nd July 2008. Senator L. Norman.	P.82/2008. Amd.(2)
Draft Mental Health (Amendment No. 2) (Jersey) Law 200. Lodged: 2nd June 2008. Minister for Health and Social Services.	P.83/2008.
Draft Terrorism (Enforcement of External Orders) (Jersey) Regulations 200 Lodged: 2nd June 2008. <i>Minister for Home Affairs</i> .	P.84/2008.
Draft Shipping (Amendment No. 2) (Jersey) Law 200. Lodged: 3rd June 2008. Minister for Economic Development.	P.85/2008.
Draft Companies (Takeovers and Mergers Panel) (Jersey) Law 200 Lodged: 3rd June 2008. Minister for Economic Development.	P.86/2008.
Draft Limited Partnerships (Amendment) (Jersey) Law 200 Lodged: 3rd June 2008. Minister for Economic Development.	P.87/2008.
Draft Income Support (Amendment of Law) (Jersey) Regulations 200 Lodged: 3rd June 2008. Minister for Social Security.	P.88/2008.
Draft Income Support (Amendment No. 2) (Jersey) Regulations 200. Lodged: 3rd June 2008. Minister for Social Security.	P.89/2008.
Draft Food Costs (Offset of Average GST) Bonus (Jersey) Regulations 200 Lodged: 3rd June 2008. Minister for Treasury and Resources.	P.90/2008.
Historic Child Abuse Enquiry: Funding. Lodged: 3rd June 2008.  Minister for Treasury and Resources.	P.91/2008.
Brompton Villa, Belize House and Belize Cottage/Store, Great Union Road, St. Helier: proposed Deed of Arrangement. Lodged: 3rd June 2008.  Minister for Treasury and Resources.	P.92/2008.
Tevielka, La Rue de la Haye du Puits, Grouville: proposed Deed of Arrangement for	P.93/2008.

southwest boundary.

Lodged: 3rd June 2008.

Minister for Treasury and Resources.

Draft Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 200-.

P.95/2008.

Lodged: 5th June 2008.

Minister for Treasury and Resources.

Draft Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 200- (P.95/2008):

P.95/2008. Amd.

amendment.

Lodged: 12th June 2008.

Deputy I.J. Gorst of St. Clement.

NOTE: Because of the requirement for a 6 week lodging period the Draft Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 200- (P.95/2008) cannot be debated before Thursday 17th July 2008. If other business on 15th July 2008 is completed before 17th July, the Minister for Treasury and Resources has indicated that he will seek the agreement of the Assembly, under Standing Order 26(7), to reduce the lodging period in order that this matter can be debated at that meeting.

Committee of Inquiry: Toxic Incinerator Ash Dumping in the St. Helier Waterfront Land

P.96/2008.

Reclamation Schemes. Lodged: 10th June 2008.

Senator S. Syvret.

Rent Control Tribunal: appointment of Chairman and Members.

P.106/2008.

Lodged: 23rd June 2008.

Minister for Housing.

Vote of No Confidence: the Bailiff of Jersey.

P.107/2008.

Lodged: 25th June 2008.

Deputy S. Pitman of St. Helier.

Social Security Tribunal: appointment of members.

P.108/2008.

Lodged: 26th June 2008.

Minister for Social Security.

Draft Companies (Amendment No. 9) (Jersey) Law 2008 (Appointed Day) Act 200.

P.109/2008.

Lodged: 1st July 2008.

Minister for Economic Development.

Draft Referendum (Adoption of Central European Time) (Jersey) Act 200-.

P.110/2008.

Lodged: 1st July 2008.

Chief Minister.

Esplanade Quarter Masterplan, St. Helier: development agreement– approval by the States.

P.111/2008.

Lodged: 3rd July 2008.

Senator J.L. Perchard.

NOTE: Because of the requirement for a 2 week lodging period the Esplanade Quarter Masterplan, St. Helier: development agreement—approval by the States (P.111/2008) cannot be debated before Thursday 17th July 2008. If other business on 15th July 2008 is completed before 17th July, Senator James Leslie Perchard has indicated that he will seek the agreement of the Assembly, under Standing Order 26(7), to reduce the lodging period in order that this matter can be debated at that meeting.

Draft European Communities Legislation (Implementation) (Bovine Semen) (Jersey) P.43/2008. Regulations 200. Lodged: 14th March 2008. Chief Minister. Human Rights Committee and Statements of Compatibility. P.78/2008. Lodged: 29th May 2008. Deputy of St. Martin. Human Rights Committee and Statements of Compatibility (P.78/2008): comments. P.78/2008. Presented: 30th June 2008. Com. Privileges and Procedures Committee. Human Rights Committee and Statements of Compatibility (P.78/2008): comments. P.78/2008. Presented: 1st July 2008. Com.(2) Council of Ministers. Human Rights Committee and Statements of Compatibility (P.78/2008): amendment. P.78/2008. Lodged: 24th June 2008. Amd. Chairmen's Committee. 9th September 2008 Draft Water (Amendment No. 3) (Jersey) Law 200. P.58/2008. Lodged: 11th April 2008. Minister for Planning and Environment. Draft European Communities Legislation (Bluetongue) (Jersey) Regulations 200. P.71/2008. Lodged: 20th May 2008. Minister for Planning and Environment. Integrated Coastal Zone Management Strategy. P.76/2008. Lodged: 23rd May 2008. Minister for Planning and Environment. Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy. P.103/2008. Lodged: 17th June 2008. Deputy of Grouville. Goods and Services Tax: exemption for fruit, vegetables and milk. P.104/2008. Lodged: 17th June 2008. Deputy S. Pitman of St. Helier. Draft Water Resources (Jersey) Law 2007 (Appointed Day) Act 200-. P.105/2008. Lodged: 20th June 2008. Minister for Planning and Environment.

THE STATES rose at 5.41 p.m.

Greffier of the States