



**THE STATES assembled on Wednesday
11th September 2013, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Michael Birt.**

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

Senator Francis du Heaume Le Gresley – en défaut (défaut raised at 9.51 a.m.)
Deputy Geoffrey Peter Southern of St Helier – en défaut (défaut raised at 9.51 a.m.)
Deputy John Alexander Nicholas Le Fondré of St. Lawrence – en défaut (défaut raised at 10.03 a.m.)
Deputy Shona Pitman of St. Helier – en défaut (défaut raised at 10.24 a.m.)
Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 10.24 a.m.)
Deputy Michael Roderick Higgins of St. Helier – en défaut
Deputy Stephen George Luce of St. Martin – ill
Deputy Richard John Rondel of St. Helier – ill

Prayers

Draft Public Finances (Amendment No. 4) (Jersey) Law 201- P.73/2013

THE STATES resumed consideration of Articles 9 to 12 of the Draft Public Finances (Amendment No. 4) (Jersey) Law 201- (P.72/2013) and rejected a proposition of Deputy John Hilary Young of St. Brelade that, in accordance with Standing Order 83(1)(a) the matter should be referred back to the Minister for Treasury and Resources in order that further information relating to the proposition could be provided to the Assembly.

Members present voted as follows –

POUR: 15

Senator A. Breckon
Senator S.C. Ferguson
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy J.A. Hilton (H)
Deputy J.A.N. Le Fondré (L)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy J.M. Maçon (S)
Deputy G.C.L. Baudains (C)
Deputy J.H. Young (B)

CONTRE: 32

Senator P.F. Routier
Senator P.F.C. Ozouf
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Senator I.J. Gorst
Senator L.J. Farnham
Senator P.M. Bailhache
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Lawrence
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour

ABSTAIN: 0

Deputy R.G. Le Hérisssier (S)
 Deputy of Grouville
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

THE STATES adopted Article 9.

THE STATES adopted Article 10.

Members present voted as follows –

POUR: 30

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.G. Le Hérisssier (S)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

CONTRE: 12

Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. John
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)

ABSTAIN: 2

Deputy R.C. Duhamel (S)
 Deputy J.H. Young (B)

THE STATES adopted Article 11.

THE STATES adopted Article 12.

Members present voted as follows –

POUR: 30

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.G. Le Hérisier (S)
 Deputy of Grouville
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

CONTRE: 14

Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)

ABSTAIN: 0

THE STATES commenced consideration of Articles 13 to 17 and, adopting an amendment of the Minister for Treasury and Resources, agreed that in Article 13, the number (1) at the beginning of the Article should be deleted and paragraph (2) should be deleted.

THE STATES adopted Articles 13 (as amended) to 17 inclusive.

THE STATES adopted Article 18.

THE STATES commenced consideration of Article 19 and rejected an amendment of the Corporate Services Scrutiny Panel that in the inserted Article 56A –

- (a) in paragraph (3) –
 - (i) for the word “Minister” there should be substituted the word “States”,
 - (ii) at the end, the words “on a proposition signed by the Chief Minister and the Minister for Treasury and Resources and lodged by the Chief Minister” should be added;
- (b) in paragraph (4) the words “by the Minister” should be deleted;
- (c) in paragraph (5) for the words “Before appointing a member of the Panel, the Minister” there should be substituted the words “Before signing a proposition under paragraph (3), the Chief Minister and Minister for Treasury and Resources”;
- (d) paragraph (6) should be deleted;
- (e) in paragraph (7) –
 - (i) the words “The Minister shall appoint” should be deleted,
 - (ii) after the words “a member of the Panel” there should be inserted the words “shall be appointed”;
- (f) in paragraph (8) –
 - (i) the words “The Minister may appoint” should be deleted,
 - (ii) after the words “a person” there should be inserted the words “may be appointed”;
- (g) in paragraph (9) for the word “Minister” there should be substituted the words “Chief Minister”;
- (h) after paragraph (9) there should be inserted the following paragraph –

“(10) If a member of the Panel resigns, the Chief Minister shall notify the States of the resignation at their next meeting.”;
- (i) in paragraph (10) for the words “the Minister” there should be substituted the words “the States, on a proposition lodged by any member of the States,”;
- (j) paragraph (11) should be deleted;
- (k) in paragraph (12) for the word “Minister” there should be substituted the words “Minister for Treasury and Resources”;
- (l) In paragraph (13) for the words “The Minister” there should be substituted the words “The Chief Minister and the Minister for Treasury and Resources”.

and that the paragraphs in Article 56A should be renumbered accordingly.

Members present voted as follows –

POUR: 13

Senator S.C. Ferguson
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy J.A.N. Le Fondré (L)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)

CONTRE: 31

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.G. Le Hérissier (S)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy J.P.G. Baker (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

ABSTAIN: 0

THE STATES adopted Article 19.

THE STATES adopted Articles 20 to 23.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Public Finances (Amendment No. 4) (Jersey) Law 201-.

Members present voted as follows –

POUR: 35

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst

CONTRE: 6

Senator S.C. Ferguson
 Deputy of St. Ouen
 Deputy J.A.N. Le Fondré (L)
 Deputy M. Tadier (B)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)

ABSTAIN: 0

Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

Jersey Appointments Commission: re-appointment of member P.79/2013

THE STATES, in accordance with Article 18(7) of the Employment of States of Jersey Employees (Jersey) Law 2005, which was concerned with the re-appointment of Commissioners to the Jersey Appointments Commission, re-appointed Mr. Julian Rogers, as a Commissioner of the Jersey Appointments Commission until 23rd February 2014.

Draft Adoption (Amendment No. 6) (Jersey) Law 201- P.80/2013

THE STATES commenced consideration of the Draft Adoption (Amendment No. 6) (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

POUR: 36

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand

CONTRE: 3

Connétable of St. Martin
 Deputy of St. Ouen
 Deputy G.C.L. Baudains (C)

ABSTAIN: 0

Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 and 2.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Adoption (Amendment No. 6) (Jersey) Law 201-.

British Nationality Act (H.M. Armed Forces Exemption) Bill: extension to Jersey P.81/2013

THE STATES, signified, pursuant to Article 31(1)(a) of the States of Jersey Law 2005, that they agreed that the provisions of the British Nationality Act 1981 (H.M. Armed Forces Exemption) Bill of the United Kingdom Parliament should, when the Act came into force, extend to Jersey as summarised in the report of the Chief Minister dated 12th June 2013.

Commissioners of Appeal for Taxes Office: re-appointment of members P.83/2013

THE STATES, in accordance with Article 10 of the Income Tax (Jersey) Law 1961, as amended, approved the appointment of the following as Commissioners of Appeal for the Taxes Office for the periods stated –

Mr. Philip Barber (3 years)
 Ms. Jacqueline Collins (4 years).

Draft Customs and Excise (Amendment No. 7) (Jersey) Law 201- P.85/2013

THE STATES commenced consideration of the Draft Customs and Excise (Amendment No. 7) (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

POUR: 35**CONTRE: 1****ABSTAIN: 0**

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

Deputy G.C.L. Baudains (C)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 to 5.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Customs and Excise (Amendment No. 7) (Jersey) Law 201-.

Planning Appeals: revised system P.87/2013

THE STATES commenced consideration of a proposition of the Minister for Planning and Environment concerning a revised Planning Appeals system and rejected an amendment of Deputy John Hilary Young of St. Brelade that –

in paragraph (a) for the words “new Planning Appeals process” there should be substituted the words “Planning Appeals Tribunal”; after the word “established” there should be inserted the words “with full jurisdiction”; after the words “points of law arising from such appeals” there should be inserted the words “which would be determined by the Royal Court;” and the words “with the new system consisting of an independent Inspector considering the case along with all the material evidence and reporting findings to the Minister for Planning and Environment who would then determine the appeal” should be deleted;

and that in paragraph (c) –

- (a) for the words “of independent Inspectors to consider appeal cases and advise the Minister as appropriate” there should be substituted the words “by the States of a panel of members to fulfil the responsibilities and duties of the Planning Appeals Tribunal, the panel to comprise a legally qualified Chairman, a Deputy Chairman and ten other persons including qualified and experienced Planning Inspectors and other suitable persons with appropriate skills and experience from whom individual tribunals would be drawn;”;
- (b) for the words “and appointing an Inspector with appropriate skill and experience to consider each appeal” there should be substituted the words “and, in consultation with the Chairman of the Planning Appeals Tribunal, appointing Tribunal members from the panel with appropriate skills and experience to determine each appeal;”;

and that in paragraph (d) –

for the words “the new appeals system should be designed to allow appeals to be considered either on the basis of written representations or by means of an Appeal Hearing” there should be substituted the words “the procedures of the Planning Appeals Tribunal should permit the appellant the option of an appeal to be determined on the basis of written representations or by means of an appeal hearing held by three members of the panel, subject to the overriding discretion of the Chairman of the Planning Appeals Tribunal to determine which appeals procedure is appropriate for each appeal;”;

and that in paragraph (e) –

- (a) for the words “process and engage the required Inspectors as appropriate” there should be substituted the words “Planning Appeals Tribunal”;
- (b) for the words “the Minister for Planning and Environment” there should be substituted the words “the Chief Minister”;

and that after paragraph (e) there should be substituted a new paragraph as follows –

- “(g) to agree that the Chairman of the Planning Appeals Tribunal should publish an annual report of the work of the tribunal;”;

and the existing paragraph (f) should be renumbered as paragraph (g);

and that in paragraph (f) –

- (a) the words “detailed proposals on the structures and procedures for the new appeals process together with” should be deleted;
- (b) for the words “new appeal process” there should be substituted the words “Planning Appeals Tribunal”;
- (c) after the words “to be established” there should be inserted the words “no later than July 2014”.

Members present voted as follows –

POUR: 12

Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. John
 Connétable of St. Brelade
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy J.P.G. Baker (H)
 Deputy of St. Mary

CONTRE: 24

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Martin
 Deputy R.C. Duhamel (S)
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy S.J. Pinel (C)
 Deputy R.G. Bryans (H)

ABSTAIN: 0

THE STATES, adopting an amendment of Deputy Roy George Le Hérissier of St. Saviour to the proposition of the Minister for Planning and Environment entitled ‘Planning Appeals : revised system’, agreed that after paragraph (a) there should be inserted a new paragraph as follows –

- “(b) to agree that, notwithstanding the introduction of the new appeal system, the current system of ‘requests for reconsideration’ shall also be continued for decisions made by planning officers under delegated powers, with the reconsideration of the application being undertaken by the Planning Applications Panel whose decision in these cases shall be final (subject always to the normal appeal process);”

and the remaining paragraphs should be renumbered.

Members present voted as follows –

POUR: 24

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator F. du H. Le Gresley
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Brelade
 Connétable of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy J.A.N. Le Fondré (L)
 Deputy S.S.P.A. Power (B)
 Deputy E.J. Noel (L)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

CONTRE: 13

Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of St. Clement
 Deputy R.C. Duhamel (S)
 Deputy J.A. Martin (H)
 Deputy K.C. Lewis (S)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)

ABSTAIN: 0**Arrangement of public business for the present meeting**

THE STATES rejected a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement that the meeting should adjourn.

Members present voted as follows –

POUR: 13

Senator A. Breckon
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Brelade
 Deputy R.G. Le Hérissier (S)
 Deputy S.S.P.A. Power (B)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy of St. Mary

CONTRE: 25

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Martin
 Deputy R.C. Duhamel (S)
 Deputy J.A. Martin (H)

ABSTAIN: 0

Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy K.C. Lewis (S)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)
Deputy S.J. Pinel (C)
Deputy R.G. Bryans (H)
Deputy of St. Peter

Planning Appeals: revised system P.87/2013

THE STATES resumed consideration of a proposition of the Minister for Planning and Environment entitled 'Planning Appeals: revised system' (P.87/2013) and, adopting the proposition, as amended –

- (a) agreed that a new Planning Appeals process to replace the present appeal provisions in the Planning and Building (Jersey) Law 2002 should be established to determine appeals against decisions made under the Planning and Building (Jersey) Law 2002 entirely on their merits, with the exception of deciding points of law arising from such appeals, with the new system consisting of an independent Inspector considering the case along with all the material evidence and reporting findings to the Minister for Planning and Environment who would then determine the appeal;
- (b) agreed that, notwithstanding the introduction of the new appeal system, the current system of 'requests for reconsideration' should also be continued for decisions made by planning officers under delegated powers, with the reconsideration of the application being undertaken by the Planning Applications Panel whose decision in these cases would be final (subject always to the normal appeal process);
- (c) agreed that applicants for planning permission should be able to require a decision to be made if an application had not been determined within an identified timescale;
- (d) agreed that appropriate mechanisms and procedures should be established with the agreement of the Jersey Appointments Commission to permit the appointment of independent Inspectors to consider appeal cases and advise the Minister as appropriate, with the Judicial Greffe administering the appeal process and appointing an Inspector with appropriate skills and experience to consider each appeal;
- (e) agreed that the new appeal system should be designed to allow appeals to be considered either on the basis of written representations or by means of an Appeal Hearing and that a fee could be charged for each appeal;
- (f) requested the Minister for Treasury and Resources to allocate funding from a source to be identified by that Minister for the years 2014 and 2015 for the Judicial Greffe to administer the process and engage the required Inspectors as appropriate, with the Minister for Planning and Environment then being accountable for public finance and manpower purposes;

- (g) requested the Minister for Planning and Environment to bring forward for approval by the States detailed proposals on the structures and procedures for the new appeals process together with the necessary draft amendments to the Planning and Building (Jersey) Law 2002 to enable the new appeal process to be established.

Members present voted as follows –

POUR: 35**CONTRE: 2****ABSTAIN: 0**

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Brelade
 Connétable of St. Martin
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

Senator P.M. Bailhache
 Deputy J.H. Young (B)

Arrangement of public business for future meetings

THE STATES, adopting a proposition of the Chief Minister, agreed, in accordance with Standing Order 26(7), to reduce the minimum lodging period applied to his proposition entitled ‘Draft Security Interests (Amendment of Law) (No. 2) (Jersey) Regulations 201-’ (P.96/2013) which had been lodged ‘au Greffe’ on 15th August 2013, in order that the matter could be debated on 24th September 2013.

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) –

24th September 2013

Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Amendment) (Jersey) Law 201-. P.84/2013.
Lodged: 2nd July 2013.
Chief Minister.

Public Elections: Single Transferable Voting System (STV) and an Alternative Voting System (AV). P.86/2013.
Lodged: 17th July 2013.
Deputy M. Tadier of St. Brelade.

Public Elections: Single Transferable Voting System (STV) and an Alternative Voting System (AV) (P.86/2013) – comments. P.86/2013.
Presented: 4th September 2013. Com.
Comité des Connétables.

Sunstone Holdings Ltd. and De Lec Ltd. – *ex gratia* payments to investors. P.90/2013.
Lodged: 26th July 2013.
Senator A. Breckon.

Justice policy and resources: responsibility. P.92/2013.
Lodged: 31st July 2013.
Chief Minister.

Draft Motor Vehicle Registration (Amendment No. 4) (Jersey) Law 201-. P.95/2013.
Lodged: 9th August 2013.
Minister for Transport and Technical Services.

Draft Security Interests (Amendment of Law) (No. 2) (Jersey) Regulations 201-. P.96/2013.
Lodged: 15th August 2013. (re-issue)
Chief Minister.

Zero-hours contracts: regulation. P.100/2013.
Lodged: 27th August 2013.
Deputy G.P. Southern of St. Helier.

8th October 2013

Chief Minister and Chairman of Comité des Connétables: monthly meetings. P.51/2013.
Lodged: 16th April 2013.
Deputy M. Tadier of St. Brelade.

Chief Minister and Chairman of Comité des Connétables: monthly meetings (P.51/2013) – comments. P.51/2013.
Presented: 13th May 2013. Com.
Comité des Connétables.

Chief Minister and Chairman of Comité des Connétables: monthly meetings (P.51/2013) – comments. Presented: 13th May 2013. <i>Council of Ministers.</i>	P.51/2013. Com.(2).
Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 6) (Jersey) Regulations 201-. Lodged: 16th August 2013. <i>Minister for Economic Development.</i>	P.97/2013.
Draft Income Support (Miscellaneous Provisions) (Jersey) Regulations 201-. Lodged: 27th August 2013. <i>Minister for Social Security.</i>	P.101/2013.
Committee of Inquiry: planning applications by the Channel Islands Co-operative Society Ltd. Lodged: 28th August 2013. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.102/2013.
Jersey Law Commission: appointment of Commissioner. Lodged: 3rd September 2013. <i>Chief Minister.</i>	P.103/2013.
The Law Society of Jersey Disciplinary Panel: appointment of lay members. Lodged: 3rd September 2013. <i>Chief Minister.</i>	P.104/2013.
States of Jersey Complaints Panel: appointment of members. Lodged: 9th September 2013. <i>Privileges and Procedures Committee.</i>	P.106/2013.
Jersey Mutual Insurance Society Incorporated: alteration of fundamental rules – petition. Lodged: 10th September 2013. <i>Deputy J.A.N. Le Fondré of St. Lawrence.</i>	P.108/2013.
<u>22nd October 2013</u>	
Committee of Inquiry: costs for local businesses. Lodged: 27th June 2013. <i>Senator A. Breckon.</i>	P.82/2013.
Public Sector Reform. Lodged: 26th July 2013. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.91/2013.
Composition and election of the States Assembly: reform – proposal 1. Lodged: 2nd August 2013. <i>Senator P.F.C. Ozouf.</i>	P.93/2013.
Composition and election of the States Assembly: reform – proposals 1, 2 and 3 (P.93/2013, P.94/2013 and P.98/2013) – comments. Presented: 10th September 2013. <i>Privileges and Procedures Committee.</i>	P.93/2013. P.94/2013. P.98/2013. Com.

Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) – amendment. P.93/2013.
Amd.
Lodged: 3rd September 2013.
Senator L.J. Farnham.

Composition and election of the States Assembly: reform – proposal 2. P.94/2013.
Lodged: 2nd August 2013.
Deputy T.M. Pitman of St. Helier.

Composition and election of the States Assembly: reform – proposals 1, 2 and 3 (P.93/2013, P.94/2013 and P.98/2013) – comments. P.93/2013.
P.94/2013.
Presented: 10th September 2013. P.98/2013.
Privileges and Procedures Committee. Com.

Composition and election of the States Assembly: reform – proposal 2 (P.94/2013) – amendment. P.94/2013.
Amd.
Lodged: 3rd September 2013.
Senator L.J. Farnham.

Composition and election of the States Assembly: reform – proposal 3. P.98/2013.
Lodged: 19th August 2013.
Deputy G.P. Southern of St. Helier.

Composition and election of the States Assembly: reform – proposals 1, 2 and 3 (P.93/2013, P.94/2013 and P.98/2013) – comments. P.93/2013.
P.94/2013.
Presented: 10th September 2013. P.98/2013.
Privileges and Procedures Committee. Com.

Draft Public Employees (Contributory Retirement Scheme) (Commutation of Small Pensions) (Amendments) (Jersey) Regulations 201-. P.105/2013.
Lodged: 6th September 2013.
States Employment Board.

Commissioner for Standards: establishment. P.107/2013.
Lodged: 9th September 2013.
Privileges and Procedures Committee.

19th November 2013

Long-Term Care Scheme. P.99/2013.
Lodged: 22nd August 2013.
Minister for Social Security.

THE STATES rose at 5.48 p.m.

A.H. HARRIS

Deputy Greffier of the States