

**THE STATES assembled on Tuesday,
19th October 2004 at 9.30 a.m. under
the Presidency of Senator
Jean Amy Le Maistre.**

All members were present with the exception of –

Senator Paul Francis Routier – out of the Island
Thomas John du Feu, Connétable of St. Peter– ill
Geoffrey William Fisher, Connétable of St. Lawrence– out of the Island
Maurice François Dubras, Deputy of St. Lawrence– out of the Island
Geoffrey John Grime, Deputy of St. Mary– out of the Island
Carolyn Fiona Labey, Deputy of Grouville – out of the Island
Jacqueline Ann Hilton, Deputy of St. Helier– ill.

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Civil Service Administration (Salaries) (Amendment No. 24) (Jersey) Order 2004. <i>Policy and Resources Committee.</i>	R&O 124/2004.
Mental Health (General Provisions) (Amendment) (Jersey) Order 2004. <i>Health and Social Services Committee.</i>	R&O 125/2004.
Mental Health (Review Tribunal) (Procedure) (Amendment) (Jersey) Order 2004. <i>Health and Social Services Committee.</i>	R&O 126/2004.
Lodging Houses (General Provisions) (Amendment No. 11) (Jersey) Order 2004. <i>Housing Committee.</i>	R&O 127/2004.

Matters presented

The following matters were presented to the States –

Responding to Drug use in Jersey: Scrutiny Panel Report. <i>Presented by Deputy J.L. Dorey of St. Helier.</i>	S.R.1/2004.
Public Sector Manpower Report: June 2004. <i>Presented by the Finance and Economics Committee.</i>	R.C.47/2004.
States Members' parking: withdrawal of provision (P.152/2004) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.152/2004. Com.(2)
Draft Amendment (No. 27) to the Standing Orders of the States of Jersey (P.171/2004): amendment (P.171/2004 Amd.) – comments. <i>Presented by the Privileges and Procedures Committee.</i>	P.171/2004. Amd.Com.
Draft Amendment (No. 27) to the Standing Orders of the States of Jersey	P.171/2004.

(P.171/2004): second amendments (P.171/2004 Amd.(2)) – comments. Amd.(2) Com.
Presented by the Privileges and Procedures Committee.

Draft Amendment (No. 27) to the Standing Orders of the States of Jersey P.171/2004.
(P.171/2004): third amendments (P.171/2004 Amd.(3)) – comments. Amd.(3) Com.
Presented by the Privileges and Procedures Committee.

THE STATES ordered that the said reports be printed and distributed.

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 14th October 2004, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Environment and Public Services Committee, the assignment of lease to Premier Service Marine Engineering of the ground site currently known as The Quarry, Gorey Pier, Gorey Pier Road, St. Martin for a period of 99 years at a commencing annual rent of four per cent the estimated rental value of the completed development, rising to six per cent of the estimated rental after 15 years. The first payment of rent would be due 18 months after the lease commencement date in order to allow for demolition and the construction period. The rent would be reviewed on the fifth anniversary of the commencement date and thereafter every five years. The property was to be used for the redevelopment of the site as a mixed use site for marine workshop and residential units in accordance with plans yet to be approved by the Environment and Public Services Committee. Each party was to be responsible for its own legal costs arising from the transaction;
- (b) as recommended by the Environment and Public Services Committee –
 - (i) the sub-lease by Avo Shocks International Limited to Sonnic Cleaning Services Limited of premises (measuring 3,684 square feet with an additional yard area of 775 square feet) at Unit 5, La Rue Gosset, La Collette, St. Helier, for a period of nine years from 25th September 2004, on the basis that the public's reasonable professional fees arising from the transaction would be met; and
 - (ii) the assignment of the lease from Channel Islands Welding Limited to Edmondson Electrical Limited, of a gross internal area of 3,915 square feet with an external yard and store (measuring 160 square feet), for a period of nine years, at an annual rent of £34,250, subject to the conditions contained in the report of the Director of Property Services dated 14th September 2004, on the basis that the public's reasonable surveyor's fees of £100 arising from the transaction would be met; and,
- (c) as recommended by the Environment and Public Services Committee, the lease to Mr. Charles Richard Lee of Field No. 87, La Route des Quennevais, St. Brelade (measuring approximate 4.30.00 vergées), to be used for agricultural purposes only, for a period of three years from 1st July 2004, at an annual rent of £200 payable on 1st January each year, on the basis that the Committee retained the right to recover a strip of the field along the main road for the creation of a cycle track, with each party to be responsible for its own legal costs arising from the transaction.

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Matters lodged

The following matters were lodged “au Greffe” –

Draft States of Jersey Law 200- (P.124/2004): amendments. P.124/2004.
Presented by Deputy S.C. Ferguson of St. Brelade. Amd.

Jersey Airport: Fireground Remediation – Deed of Settlement. P.176/2004.

Presented by the Harbours and Airport Committee.

Draft Restriction on Smoking (Sales of Cigarettes to Children) (Amendment)
(Jersey) Regulations 200-. P.177/2004.
Presented by the Health and Social Services Committee.

States Auditors: further extension of contract. P.178/2004.
Presented by the Finance and Economics Committee.

Arrangement of public business for the next meeting on 26th October 2004

THE STATES granted leave to Deputy Celia Joyce Scott Warren of St. Saviour to withdraw the following matter, which had been set down for consideration at the next meeting on 26th October 2004 –

Jersey Post Headquarters canteen: rescindment of permission. P.174/2004.
Lodged: 12th October 2004.
Deputy C.J. Scott Warren of St. Saviour.

Bus Service: rescindment of decisions relating to concessionary fares and adult fares after 8.00 p.m.– P.150/2004

THE STATES commenced consideration of a proposition of Deputy Roy George Le Hérissier of St. Saviour concerning the Bus Service: rescindment of decisions relating to concessionary fares and adult fares after 8.00 p.m., and, following discussion, adopted a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement that, in accordance with a decision of the States on 26th May 2004, regarding the closure of a debate, the question be now put.

Members present voted as follows –

POUR: 27

Senator W. Kinnard
Senator T.A. Le Sueur
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Ouen

Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)

CONTRE: 10

Senator S. Syvret
Senator F.H. Walker
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator P.F.C. Ozouf
Deputy J.J. Huet (H)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy G.P. Southern (H)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

Deputy of St. Peter

THE STATES, adopting paragraph (a)(i) of the proposition, requested the Environment and Public Services Committee to rescind its decision to remove senior citizen concessionary fares in rush-hour travel, namely from the commencement of the morning service until 09.00 a.m. and between 5.00 p.m. and 6.00 p.m.

Members present voted as follows –

POUR: 34

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of St. Peter

CONTRE: 11

Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. John
Deputy J.J. Huet (H)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

THE STATES, adopting paragraph (a)(ii) of the proposition, requested the Environment and Public Services Committee to rescind its decision to impose a £2 minimum fare for adults on all travel after 8.00 p.m.

Members present voted as follows –

POUR: 31

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator E.P. Vibert
Senator R.J. Shenton

CONTRE: 13

Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. John
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy F.G. Voisin (L)

ABSTAIN: 1

Deputy J.L. Dorey (H)

Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
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.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Peter

Deputy L.J. Farnham (S)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

THE STATES, adopting paragraph (b) of the proposition, charged the Environment and Public Service Committee to prepare a revised Bus Transport Strategy and to present it to the States for approval within 3 months.

Members present voted as follows –

POUR: 26

Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
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 C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of St. Peter

CONTRE: 19

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Helier
Connétable of St. John
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy S.C. Ferguson (B)
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

**Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning permit – P.74/2004 (re-issue)
Comments, Addendum to Comments (2)**

THE STATES commenced consideration of a proposition of Senator Paul Vincent Francis Le Claire concerning Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning permit, asking them to agree to request that the Environment and Public Services Committee –

- (a) rescind its decision to grant permission to Mr. C. Gallichan, Woodside Farms, La Hocquarderi Trinity, to form a temporary access to Field 527, culvert stream, form a new natural filling reservoir and fill the valley to raise Fields 519, 520, 521, 524 and 528, Trinity to upgrade soil quality and manageability;
- (b) present to the States without delay a report setting out the background to the application and, in particular, setting out the manner in which it was publicised and which politicians took part in the process and the application; and,
- (c) take steps to bring into effect as soon as possible measures that would require all planning applications to be publicised through the posting of notices on the application site to enable neighbouring residents and other interested parties to be informed of applications and to be able to submit objections within a reasonable time.

THE STATES, following consideration, adopted a proposition of the Connétable of Trinity that, in accordance with a decision of the States on 26th May 2004, regarding the closure of a debate, the question be now put.

Members present voted as follows –

POUR: 31

Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy of St. Peter

CONTRE: 6

Senator S. Syvret
Senator M.E. Vibert
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Ouen
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

THE STATES then granted leave to Senator Paul Vincent Francis Le Claire to withdraw the proposition.

Shadow Public Accounts Committee: appointment of member – P.163/2004

THE STATES, adopting a proposition of Deputy Sarah Craig Ferguson of St. Brelade, referred to their Act dated 7th July 2004, in which they agreed that the composition of the Shadow Public Accounts Committee should be amended to include 2 additional States members, not being Presidents of Committees or members of the Finance and Economics Committee or Privileges and Procedures Committee, with the additional members being appointed by the States on the nomination of the Shadow Chairman of the Committee, and –

appointed the Connétable of Grouville as a member of the Shadow Public Accounts Committee for the period ending 27th January 2005.

Car parking charges: allocation of additional income to the funding of transport initiatives – P.147/2004

Comments and Amendments

THE STATES commenced consideration of a proposition of the Environment and Public Services Committee concerning car parking charges: allocation of additional income to the funding of transport initiatives, and rejected an amendment of Deputy John Benjamin Fox of St. Helier that in paragraph (a), after the words “to agree that” there be inserted the words “, following the presentation to the States of a comprehensive parking strategy, to include the provision of Residents’ Parking Schemes in St. Helier and other built up areas of the Island, and”, and that for the words “such as” there be substituted the words “, including the provision of a ‘Hoppa’ type bus serving the town area.”.

Members present voted as follows –

POUR: 10

Senator P.V.F. Le Claire
Connétable of St. Helier
Deputy R.C. Duhamel (S)
Deputy of St. John
Deputy T.J. Le Main (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)

CONTRE: 29

Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Connétable of St. John
Deputy of Trinity
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy R.G. Le Hérisier (S)
Deputy J-A. Bridge (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)

ABSTAIN:

Deputy of St. Peter
Deputy G.W.J. de Faye (H)

THE STATES, adopting a proposition of the Environment and Public Services Committee –

- (a) agreed that, following the implementation of the necessary legislative changes to allow the raising of income from parking charges in excess of the sums required to maintain and operate the Car Parking Trading Fund, any additional income raised in this way should be allocated to the Environment and Public Services Committee for the funding of transport initiatives such as the bus service and highway maintenance; and,
- (b) charged the Finance and Economics Committee, in consultation with the Environment and Public Services Committee, to take the necessary practical steps to implement the proposal.

Members present voted as follows –

POUR: 21

Senator F.H. Walker
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Helier
Connétable of Trinity
Connétable of St. John
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy R.G. Le Hérisssier (S)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

CONTRE: 17

Senator W. Kinnard
Senator P.V.F. Le Claire
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Peter

ABSTAIN: 1

Deputy C.J. Scott Warren
(S)

Draft Road Traffic (Amendment No. 3) (Jersey) Law 200 P.146/2004

THE STATES commenced consideration of the draft Road Traffic (Amendment No. 3) (Jersey) Law 200, and adopted the preamble.

Members present voted as follows –

POUR: 21

Senator F.H. Walker
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Helier
Connétable of St. John
Deputy of Trinity

CONTRE: 14

Senator W. Kinnard
Senator P.V.F. Le Claire
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Clement
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)

ABSTAIN: 0

Deputy J.J. Huet (H)
Deputy T.J. Le Main (H)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Peter

Articles 1 and 2 were adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Road Traffic (Amendment No. 3) (Jersey) Law 200.

Adjournment

THE STATES then adjourned, having agreed that outstanding matters of public business should stand over until its next meeting on Tuesday 26th October 2004, at which they would be taken as the first items of public business.

THE STATES rose at 6.07 p.m.

M.N. DE LA HAYE

Greffier of the States.