



**THE STATES assembled on Thursday
17th July 2014, 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 Philip Francis Cyril Ozouf – en défaut (défaut raised at 10.40 a.m.)
Senator Lyndon John Farnham – en défaut (défaut raised at 11.06 a.m.)
Connétable John Le Sueur Gallichan of Trinity – en défaut (défaut raised at 10.26 a.m.)
Connétable John Edward Le Maistre of Grouville – ill
Deputy Edward James Noel of St. Lawrence – en défaut (défaut raised at 9.47 a.m.)
Deputy Michael Roderick Higgins of St. Helier – excused attendance (arrived in the Chamber at 11.42 a.m.)
Deputy James Patrick Gorton Baker of St. Helier – en défaut (défaut raised at 9.47 a.m.)
Deputy Kristina Louise Moore of St. Peter – ill
Deputy Samuel Yves Mézec of St. Helier – en défaut (défaut raised at 9.51 a.m.)

Prayers read by the Greffier of the States

Documents presented or laid

Sea Transport Policy: Direction to the Harbour Master concerning ferry services. R.99/2014.
Presented: 17th July 2014.
Minister for Economic Development.

Jersey Gambling Commission: 2013 Annual Report and Accounts. R.100/2014.
Presented: 17th July 2014.
Minister for Economic Development.

Health and Social Services Integrated Care Records Programme. P.A.C.2/2014.
Presented: 17th July 2014.
Public Accounts Committee.

Island Plan 2011: revised draft revision – approval P.37/2014

THE STATES resumed consideration of the revised draft revision of the Island Plan 2011 (P.37/2014) as amended and, adopting an amendment of Deputy Roy George Le Hérissier of St. Saviour (P.37/2014 Amd.(2)), agreed that after the words “the revised draft revision to the Island Plan 2011” there should be inserted the words –

“except that –

- (a) the following site be removed from the list of sites to be zoned for Category A housing at Policy H1: Category A affordable housing sites (on page 245):
‘7. Longueville Nurseries, New York Lane, St. Saviour (1.5 acres/3 vergées)’;
- (b) the revised draft revision to the Island Plan 2011 and the Proposals Map be further amended in such respects as may be necessary consequent upon the adoption of (a);”.

Members present voted as follows –

POUR: 25

Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy J.A.N. Le Fondré (L)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy T.A. Vallois (S)
 Deputy J.M. Maçon (S)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy S.Y. Mézec (H)

CONTRE: 15

Senator P.F. Routier
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator P.M. Bailhache
 Connétable of Trinity
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy of St. John

ABSTAIN: 1

Deputy R.C. Duhamel (S)

THE STATES, adopting an amendment of the Deputy of St. Martin (P.37/2014 Amd.(3)), agreed that, after the words “the revised draft revision to the Island Plan 2011” there should be inserted the words –

“except that –

- (a) in the preamble to Policy H5, at paragraph 6.117 (on page 250), after the words ‘the States of Jersey Affordable Housing Gateway’ there should be inserted the words ‘, with the exception of F.402, St. Martin.’;
- (b) for Policy H5 (on pages 251 and 252) there should be substituted the following policy –

‘Policy H5**Affordable housing in rural centres**

The Minister will support the provision of affordable housing to support the viability and vitality of Jersey’s rural settlements.

The site listed below and shown on the Island Proposals Map, is zoned for the purpose of providing 80% Category A social rent affordable housing and 20% Category A affordable housing for purchase. This will be regulated through the award of planning permission and planning obligation agreements. Planning permission for other forms of development will not be approved.

1. Glasshouse site, Field 785, St. Ouen (1.5 acres/3.5 vergées);

Access to Category A affordable homes provided on this site shall be controlled and managed through the States of Jersey Affordable Housing Gateway and all social rent affordable homes shall be managed by a States of Jersey approved registered social landlord.

Where necessary, the site will be acquired by the States on behalf of the public, if needs be by compulsory purchase, in order to ensure that it is brought forward for the development of Category A affordable homes.

The site listed below and shown on the Island Proposals Map, is zoned for the purposes of providing affordable housing for purchase, subject to the preparation and adoption of a village plan (including a full consideration of alternative sites) by the Minister for Planning and Environment:

2. Field 402, St. Martin (1.5 acres/3.5 vergées);

Access to affordable homes provided on this site shall be controlled and managed through The St. Martin's Housing Association.

The potential number and type of homes that could be provided on these sites will be considered in development briefs to be issued, as supplementary planning guidance, by the Minister for Planning and Environment.

Other housing development proposals to support the viability and vitality of Jersey's rural settlements will be permitted, provided that the development:

1. is appropriate relative to the existing character of the village; and
2. is well-related to the existing Built-up Area and local facilities, services and infrastructure and where provision for education, leisure, recreation, local shopping, and other community facilities is adequate or can be provided, where required, to meet the needs arising from the proposals.'

- (c) the revised draft Island Plan 2011 and the Proposals Map be further amended in such respects as might be necessary consequent upon the adoption of (b);”.

Members present voted as follows –

POUR: 24

Senator P.F. Routier
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator L.J. Farnham
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour

CONTRE: 19

Senator P.F.C. Ozouf
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator P.M. Bailhache
 Connétable of St. Helier
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)

ABSTAIN: 2

Senator A. Breckon
 Connétable of St. Lawrence

Deputy J.A. Martin (H)	Deputy T.A. Vallois (S)
Deputy of St. Ouen	Deputy A.K.F. Green (H)
Deputy of Grouville	Deputy J.M. Maçon (S)
Deputy J.A. Hilton (H)	Deputy G.C.L. Baudains (C)
Deputy J.A.N. Le Fondré (L)	Deputy R.G. Bryans (H)
Deputy E.J. Noel (L)	Deputy N.B. Le Cornu (H)
Deputy of St. John	Deputy S.Y. Mézec (H)
Deputy J.P.G. Baker (H)	
Deputy J.H. Young (B)	
Deputy S.J. Pinel (C)	
Deputy of St. Mary	
Deputy of St. Martin	

In accordance with Standing Order 106(1)(b), the Connétable of St. Martin and the Deputy of St. Martin declared an interest, but remained in the Chamber for the duration of the debate on Amendment 3.

THE STATES rejected an amendment of the Connétable of St. Ouen (P.37/2014 Amd.(4)) that, after the words “the revised draft revision to the Island Plan 2011” there should be inserted the words “except that –

- (a) there be added to the list of sites to be zoned for Category A housing at Policy H5: Affordable housing in rural centres (on page 20):
 - ‘3. Field 622, St. Ouen (1.8 acres/4 vergées);’;
- (b) the revised draft revision to the Island Plan 2011 be further amended in such respects as may be necessary, including the Proposals Map, consequent upon the adoption of (a);”.

Members present voted as follows –

POUR: 17

Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Martin
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy A.K.F. Green (H)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy N.B. Le Cornu (H)

CONTRE: 25

Senator P.F. Routier
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator L.J. Farnham
 Connétable of St. Helier
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Brelade
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy of Grouville
 Deputy J.A.N. Le Fondré (L)
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

Deputy G.C.L. Baudains (C)
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy R.J. Rondel (H)
Deputy S.Y. Mézec (H)

In accordance with Standing Order 106(1)(b), Senator Lyndon John Farnham declared an interest, but remained in the Chamber for the duration of the debate of this amendment.

THE STATES commenced consideration of an amendment of Deputy John Hilary Young of St. Brelade (P.37/2014 Amd.(8)), and, adopting an amendment of the Minister for Planning and Environment, agreed that, for the words “over-60s” wherever they appeared, there should be substituted the words “over-55s”.

THE STATES, adopting an amendment of Deputy John Hilary Young of St. Brelade, as amended, agreed that after the words “the revised draft revision to the Island Plan 2011” there should be inserted the words –

“except that –

- (a) on page 254, for the heading above paragraph 6.132, there should be substituted the heading ‘Provision of sheltered housing, lifelong dwelling homes for over-55s and housing to meet special requirements’;
- (b) in paragraph 6.134, after the words ‘requirement for’, there should be inserted the words ‘sheltered housing, lifelong dwellings for over-55s and’;
- (c) in paragraph 6.135, before the word ‘located’ there should be inserted the word ‘normally’;
- (d) after paragraph 6.135, there should be inserted an additional paragraphs 6.136 and 6.137 as follows (and subsequent paragraphs renumbered accordingly) –

‘6.136 It is essential that the importance of maintaining the network of familial and community support enjoyed by people living in their particular community, wherever it is in the Island, not just in the rural centres, is recognised in making provision for new homes to meet the needs of an ageing society. With an emphasis on supporting people to live in their own homes, support networks will become increasingly important for people’s quality of life and their care. The Minister for Planning and Environment will, in partnership with the Strategic Housing Unit over the lifetime of the Plan, review the need for sheltered housing, lifelong dwellings for over-55s and housing to meet special requirements. The Minister will work with relevant stakeholders, including the parochial authorities throughout the Island, to ensure that lifelong dwellings for over-55s, sheltered housing and special needs are provided to meet the community’s needs. This can be provided for in the Built-up Areas under the existing provisions of the Plan, and elsewhere in partnership with the parishes, either through Local Development Plans or Village Plans (at Proposal 14 and 15 respectively), where a specific emphasis and scope can be given to the need for, and provision of, specific sites to provide homes close to the local supporting infrastructure, that meet the needs of an ageing society within an existing community.

6.137 Where, in response to local need, Local Development Plans or Village Plans includes specific proposals by the parochial authorities for the development of sheltered housing, lifelong homes for over-55s and housing to meet special requirements outside the existing Built-up Area boundary, this will require the approval of the States to the rezoning of the land as part of a further revision of the Island Plan during the Plan period.’;

(e) for Policy H7 on page 255 there should be substituted the following policy –

‘Policy H7

Sheltered housing, lifelong dwellings for over-55s and housing to meet special requirements

Proposals for sheltered housing, lifelong dwellings for over-55s and housing to meet special requirements, including the specific needs of those with disabilities, and including residential care and nursing homes, will be permitted provided that the development –

1. meets a local area, parish or Island-wide need;
2. is sited within the Built-up Area boundary;
3. complies with other policies of the Island Plan.’;

(f) After Policy H7 there should be inserted a new Proposal H4 as follows –

‘Proposal H4

The Minister for Planning and Environment will, in partnership with the Strategic Housing Unit over the lifetime of the Plan, review the need for sheltered housing, lifelong dwellings for over-55s and housing to meet special requirements. The Minister will work with relevant stakeholders, including the parochial authorities throughout the Island, to ensure that sheltered housing, lifelong dwellings for over-55s and housing to meet special requirements are provided during the Plan period to meet the community’s needs.’ ”.

THE STATES adopting the Island Plan 2014, as amended, agreed to refer to their Act dated 29th June 2011 in which they approved, as amended, the Island Plan 2011, and approved, in accordance with Article 3(1) of the Planning and Building (Jersey) Law 2002, the revised draft revision to the Island Plan 2011, as amended.

Members present voted as follows –

POUR: 40

CONTRE: 0

ABSTAIN: 4

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 L.J. Farnham
 Senator P.M. Bailhache

Senator A. Breckon
 Deputy of Grouville
 Deputy G.C.L. Baudains (C)
 Deputy S.J. Pinel (C)

Connétable of St. Helier
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 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 G.P. Southern (H)
 Deputy of St. Ouen
 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 M. Tadier (B)
 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 of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)
 Deputy S.Y. Mézec (H)

Mayor of Funchal, Madeira – welcome

The Bailiff, on behalf of all members, welcomed Dr. Paulo Cafôfo, Mayor of Funchal and Councillor Dr. Andreia Caetano, who were present in the public gallery.

Draft Road Traffic (No. 60) (Jersey) Regulations 201- P.30/2014

THE STATES commenced consideration of the Draft Road Traffic (No. 60) (Jersey) Regulations 201- and rejected a proposition of Deputy Robert Charles Duhamel of St. Saviour that, in accordance with Standing Order 85, the Assembly move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 8

Senator A. Breckon
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy G.P. Southern (H)

CONTRE: 30

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.H. Maclean

ABSTAIN: 0

Deputy M. Tadier (B)
 Deputy G.C.L. Baudains (C)
 Deputy J.P.G. Baker (H)
 Deputy of St. Mary

Senator F. du H. Le Gresley
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy J.A. Hilton (H)
 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 M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

THE STATES, having resumed consideration of the Draft Road Traffic (No. 60) (Jersey) Regulations 201-, adopted the principles.

Members present voted as follows –

POUR: 40

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
 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. John
 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)

CONTRE: 4

Deputy M. Tadier (B)
 Deputy G.C.L. Baudains (C)
 Deputy J.P.G. Baker (H)
 Deputy N.B. Le Cornu (H)

ABSTAIN: 1

Deputy G.P. Southern (H)

Deputy J.A. Martin (H)
 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 M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)
 Deputy S.Y. Mézec (H)

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

THE STATES adopted Regulation 3.

Members present voted as follows –

POUR: 38

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. John
 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 Hérisier (S)
 Deputy J.A. Martin (H)
 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)

CONTRE: 4

Deputy M. Tadier (B)
 Deputy G.C.L. Baudains (C)
 Deputy J.P.G. Baker (H)
 Deputy N.B. Le Cornu (H)

ABSTAIN: 1

Connétable of St. Lawrence

Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)
 Deputy S.Y. Mézec (H)

THE STATES, in pursuance of the Order in Council of 26th December 1851 and Article 92 of the Road Traffic (Jersey) Law 1956, made Regulations entitled the Road Traffic (No. 60) (Jersey) Regulations 2014.

Members present voted as follows –

POUR: 37

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. John
 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 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 M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John

CONTRE: 4

Deputy M. Tadier (B)
 Deputy G.C.L. Baudains (C)
 Deputy J.P.G. Baker (H)
 Deputy N.B. Le Cornu (H)

ABSTAIN: 1

Connétable of St. Lawrence

Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy R.J. Rondel (H)
Deputy S.Y. Mézec (H)

Changes in Presidency

The Bailiff retired briefly from the Chamber during consideration of the Draft Road Traffic (No. 60) (Jersey) Regulations 201- (P.30/2014) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, O.B.E., Greffier of the States, until his return.

Maternity leave: rights of employees P.104/2014

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier –

- (a) to agree that pregnant employees should have the right to 26 weeks of statutory maternity leave without having to work for an employer for a qualification period, and that they should be able to return to their previous job following their maternity leave;
- (b) to agree that the period for which a maternity allowance was payable should be increased from 18 weeks to 26 weeks; and
- (c) to request the Minister for Social Security to bring forward for approval the necessary amendments to legislation to give effect to the proposal.

Adjournment

THE STATES adjourned, having agreed to reconvene on Friday 18th July 2014 to continue consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier entitled ‘Maternity leave: rights of employees’ (P.104/2014) and the outstanding items of public business.

THE STATES rose at 5.33 p.m.

M.N. DE LA HAYE, O.B.E.

Greffier of the States