



**THE STATES assembled on Tuesday  
15th November 2016, at 09.30 a.m. under  
the Presidency of the Bailiff,  
William James Bailhache, Esquire.**

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

Connétable Juliette Gallichan of St. Mary – excused attendance (arrived in the Chamber at 10.34 a.m.)  
Connétable Sadie Anthea Le Sueur-Rennard of St. Saviour – en défaut (défaut raised at 9.51 a.m.)  
Deputy Jacqueline Ann Hilton of St. Helier – excused attendance  
Deputy Louise Mary Catherine Doublet of St. Saviour – excused attendance

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Prayers

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### **Filming in the Chamber**

THE STATES agreed that the media should be permitted to film the proceedings on Wednesday 30th November 2016, on the occasion of the departure of His Excellency the Lieutenant Governor, General Sir John McColl, K.C.B., C.B.E., D.S.O.

### **Retirement of His Excellency the Lieutenant Governor**

The Bailiff advised the Assembly of arrangements for the retirement of His Excellency the Lieutenant Governor, General Sir John McColl, K.C.B., C.B.E., D.S.O., that would include a special meeting of the Assembly at 9.30 a.m. on Wednesday 30th November 2016, followed by a farewell guard of honour in the Royal Square to which all members were invited.

### **Subordinate enactments tabled**

The following enactments were tabled, namely –

Lodging Houses (General Provisions) (Amendment No. 21) (Jersey) Order 2016. R&O.113/2016.  
*Minister for Housing.*

### **Documents presented or laid**

Zero-hours contracts (P.92/2016): comments. P.92/2016.  
Presented: 3rd November 2016. Com.  
*Health and Social Security Scrutiny Panel.*

Building a Safer Society: A Community Safety and Substance Misuse Strategy for Jersey 2016–2019. R.111/2016.  
Presented: 7th November 2016.  
*Minister for Home Affairs.*

Building a Safer Society: Annual Report 2015. R.112/2016.  
Presented: 7th November 2016.  
*Minister for Home Affairs.*

Statistics Users Group: appointment of Chairman and Panel Members. Presented: 8th November 2016. <i>Chief Minister.</i>	R.113/2016.
Foodbanks in Jersey 2016 usage report. Presented: 8th November 2016. <i>Minister for Housing.</i>	R.114/2016.
States of Jersey Law 2005: delegation of functions – Environment – Scheme of delegations – November 2016. Presented: 11th November 2016. <i>Minister for the Environment.</i>	R.115/2016.
Consultation Paper: introduction of a regulatory framework for affordable housing provision in Jersey. Presented: 14th November 2016. <i>Minister for Housing.</i>	R.116/2016.
Travel and Entertainment Expenses 2015: Ministers and Assistant Ministers. Presented: 14th November 2016. <i>Chief Minister.</i>	R.117/2016.
Land Transactions under Standing Order 168(3) – La Mare Fields – Fields 445, 447 and 448, La Route de St. Catherine, St. Martin – lease. Presented: 15th November 2016. <i>Minister for Infrastructure.</i>	R.118/2016.
Future Hospital Project: Interim Report of the Sub-Panel. Presented: 3rd November 2016. <i>Health and Social Security Scrutiny Panel.</i>	S.R.6/2016.
Corporate Services Scrutiny Panel – MTFP Addition for 2017–19 (S.R.5/2016) – response of the Minister for Treasury and Resources. Presented: 9th November 2016. <i>Minister for Treasury and Resources.</i>	S.R.5/2016. Res.
Travel and Accommodation Expenses Review. Presented: 10th November 2016. <i>Public Accounts Committee.</i>	P.A.C.2/2016.
<b>Notification of lodged propositions</b>	
Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.54/2016) – amendment. Lodged: 8th November 2016. <i>Deputy M. Tadier of St. Brelade.</i>	P.54/2016. Amd.
Zero-hours contracts (P.92/2016): amendment. Lodged: 8th November 2016. <i>Minister for Social Security.</i>	P.92/2016. Amd.
Ann Alice Rayner Fund: alteration of purpose. Lodged: 4th November 2016. <i>Minister for Treasury and Resources.</i>	P.116/2016.

Television Licence Fee: exemption for Jersey residents aged 75 and over. Lodged: 4th November 2016. <i>Deputy M. Tadier of St. Brelade.</i>	P.117/2016.
Jersey Police Complaints Authority: appointment of members. Lodged: 7th November 2016. <i>Minister for Home Affairs.</i>	P.118/2016.
Ratification of the Multilateral Competent Authority Agreement on the Exchange of Country-By-Country Reports. Lodged: 7th November 2016. <i>Minister for External Relations.</i>	P.119/2016.
Draft Opticians (Registration) (Amendment No. 2) (Jersey) Law 201-. Lodged: 7th November 2016. <i>Minister for Health and Social Services.</i>	P.120/2016.
Draft Opticians (Registration) (Amendment No. 2) (Jersey) Law 201- (P.120/2016): amendment. Lodged: 15th November 2016. <i>Minister for Health and Social Services.</i>	P.120/2016. Amd.
Jersey Overseas Aid Commission: re-appointment of Commissioner. Lodged: 11th November 2016. <i>Deputy of Grouville.</i>	P.121/2016.
Funding for Family Nursing and Home Care services – petition. Lodged: 15th November 2016. <i>Deputy G.P. Southern of St. Helier.</i>	P.122/2016.

### **Withdrawal of lodged propositions**

THE STATES noted that, in accordance with Standing Order 34(1), the proposers of the following propositions lodged “au Greffe” had informed the Greffier of the States that they had been withdrawn –

Draft Jersey Appointments Commission (Miscellaneous Amendments) (Jersey) Law 201-. Lodged: 19th May 2016. <i>States Employment Board.</i>	P.50/2016.
Draft International Criminal Court (Immunities and Privileges) (Jersey) Regulations 201-. Lodged: 22nd July 2016. <i>Chief Minister.</i>	P.72/2016.
Draft International Criminal Court (Remand Time) (Jersey) Regulations 201-. Lodged: 22nd July 2016. <i>Chief Minister.</i>	P.73/2016.

**Funding for Family Nursing and Home Care services – petition P.122/2016**

Deputy Geoffrey Peter Southern of St. Helier presented to the States a petition to request the Minister for Health and Social Services to maintain the present funding for Family Nursing and Home Care services until a funding-stream through the Long-Term Care (LTC) Fund and Income Support Personal Care Level 4 component was approved by the Assembly and put in place to cater for potential demand.

THE STATES referred the petition to the Minister for Health and Social Services and Deputy Geoffrey Peter Southern of St. Helier lodged “au Greffe” a proposition to the effect that the prayer of the petition be granted.

**Written Questions**

*(see Official Report/Hansard)*

- 9700 1. H.M. Attorney General tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the taking of breath samples from persons under the age of 18.
- 9701 2. The Minister for Infrastructure tabled an answer to a question asked by Deputy P.D. McLinton of St. Saviour regarding a scheme for the reporting of motoring collisions with domestic cats.
- 9702 3. The Minister for Education tabled an answer to a question asked by Deputy J.A.N. Le Fondré of St. Lawrence regarding the Partnership Agreement between the Department and private sector nursery-providers.
- 9703 4. The Minister for Infrastructure tabled an answer to a question asked by Deputy J.A.N. Le Fondré of St. Lawrence regarding traffic data for certain roads in St. Lawrence.
- 9704 5. The Minister for External Relations tabled an answer to a question asked by the Deputy of Grouville regarding the Brexit Working Group.
- 9705 6. The Minister for Health and Social Services tabled an answer to a question asked by Senator S.C. Ferguson regarding the Department’s use of agency social workers.
- 9706 7. The Chief Minister tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding television licences for residents aged over 75.
- 9707 8. The Minister for Infrastructure tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the site of the former swimming pool at Fort Regent.
- 9708 9. The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding applications for Income Support Personal Care Component Level 4.
- 9709 10. The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding measures to reduce the number of over- and under-payments in Income Support.
- 9710 11. The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the response to Recommendation 10 of ‘Living on Low Income’ (S.R.4/2016).
- 9711 12. The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the degree of success in reducing poverty.
- 9712 13. The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the funding of home care.

**Oral Questions**

*(see Official Report/Hansard)*

- 9717 1. The Deputy of St. Ouen asked a question of the Minister for Social Security regarding the provision of information relating to people with a zero-hours contract.
- 9713 2. Senator S.C. Ferguson asked a question of the Minister for Economic Development, Tourism, Sport and Culture regarding the grant provided to Jersey Rugby Club.
- 9718 3. Deputy K.C. Lewis of St. Saviour asked a question of the Chief Minister regarding the level of personal information required of Islanders by Jersey banks.
- 9719 4. Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding statements made during a Scrutiny Panel Hearing in relation to the use of food banks.
- 9699 5. Deputy J.A. Martin of St. Helier asked a question of the Minister for Health and Social Services regarding the site being proposed for the new Hospital.
- 9715 6. Deputy S.Y. Mézec of St. Helier asked a question of the Minister for Home Affairs regarding progress towards making the incitement of racial hatred a crime in Jersey.
- 9716 7. Deputy S.Y. Mézec of St. Helier asked a question of the Chief Minister regarding the potential publication of registers of beneficial ownership of companies.
- 9714 8. Senator S.C. Ferguson asked a question of the Minister for Health and Social Services regarding the laundry service at the Hospital.
- 9720 9. Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the effect of recent changes in benefits policy on the use of food banks.

**Oral Questions without notice**

*(see Official Report/Hansard)*

The Minister for External Relations answered questions without notice from members.

The Chief Minister answered questions without notice from members.

**Changes in Presidency**

The Bailiff retired from the Chamber following oral questions without notice and the meeting continued under the presidency of Dr. Mark Egan, Greffier of the States.

**Arrangement of public business for the present meeting**

THE STATES rejected a proposition of Senator Ian Joseph Gorst that, in accordance with Standing Order 77A, the proposition of Deputy Montfort Tadier of St. Brelade entitled 'Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States' (P.54/2016) be referred to the Privileges and Procedures Committee in order that it might decide whether to report upon it.

Members present voted as follows –

**POUR: 22**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator A.K.F. Green  
 Connétable of St. Helier  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Connétable of St. Saviour  
 Deputy of Trinity  
 Deputy E.J. Noel (L)  
 Deputy S.J. Pinel (C)  
 Deputy R.G. Bryans (H)  
 Deputy of St. Peter  
 Deputy A.D. Lewis (H)  
 Deputy of St. Ouen  
 Deputy S.M. Wickenden (H)  
 Deputy M.J. Norton (B)

**CONTRE: 24**

Senator P.M. Bailhache  
 Senator S.C. Ferguson  
 Connétable of St. Clement  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy J.A.N. Le Fondré (L)  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy of St. John  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy of St. Martin  
 Deputy R.J. Rondel (H)  
 Deputy S.Y. Mézec (H)  
 Deputy R. Labey (H)  
 Deputy S.M. Bree (C)  
 Deputy T.A. McDonald (S)  
 Deputy G.J. Truscott (B)  
 Deputy P.D. McLinton (S)

**ABSTAIN: 0**

**Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States  
 P.54/2016**

THE STATES commenced consideration of a proposition of Deputy Montfort Tadier of St. Brelade entitled ‘Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States’ (P.54/2016) and, adopting an amendment of Deputy Montfort Tadier of St. Brelade (P.54/2016 Amd.), agreed that after sub-paragraph (iii) the following new sub-paragraph would be inserted –

“(iv) the Speaker may, with the agreement of the Assembly, invite the Bailiff to attend and address the Assembly on ceremonial occasions, including Liberation Day;”

THE STATES resumed consideration of the proposition of Deputy Montfort Tadier of St. Brelade, as amended, and rejected the proposition –

- (a) to agree that –
- (i) from 1st January 2018 the Bailiff should cease to be President of the States;
  - (ii) the Bailiff should continue to be civic head of the Island;
  - (iii) the States should elect its Speaker from within the ranks of the Senators, Connétables and Deputies, and do so for the first time no later than the last Sitting of 2017; and
  - (iv) the Speaker may, with the agreement of the Assembly, invite the Bailiff to attend and address the Assembly on ceremonial occasions, including Liberation Day;
- (b) to instruct the Privileges and Procedures Committee to bring forward the necessary changes to the States of Jersey Law 2005 and Standing Orders of the States of Jersey.

Members present voted as follows –

**POUR: 13**

Connétable of St. Helier  
 Connétable of St. Brelade  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy of St. Peter  
 Deputy S.Y. Mézec (H)  
 Deputy R. Labey (H)  
 Deputy T.A. McDonald (S)  
 Deputy of St. Mary  
 Deputy P.D. McLinton (S)

**CONTRE: 31**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator L.J. Farnham  
 Senator A.K.F. Green  
 Senator S.C. Ferguson  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Connétable of St. Saviour  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Deputy of Grouville  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy K.C. Lewis (S)  
 Deputy E.J. Noel (L)  
 Deputy of St. John  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy R.G. Bryans (H)  
 Deputy R.J. Rondel (H)  
 Deputy A.D. Lewis (H)  
 Deputy of St. Ouen  
 Deputy S.M. Wickenden (H)  
 Deputy S.M. Bree (C)  
 Deputy M.J. Norton (B)  
 Deputy G.J. Truscott (B)

**ABSTAIN: 0**

THE STATES rose at 6.04 p.m.

**DR. M. EGAN**

*Greffier of the States*