

Council of Ministers

(18th Meeting)

29th November 2022**Part A (Non-Exempt)**

All members were present

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister
 Deputy C.F. Labey of Grouville and St. Martin, Minister for International Development
 Deputy K.F. Morel of St. John, St. Lawrence and Trinity, Minister for Economic Development, Tourism, Sport and Culture
 Deputy I. Gardiner of St. Helier North, Minister for Children and Education
 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter, Minister for Treasury and Resources
 Deputy P.F.C. Ozouf of St. Saviour, Minister for External Relations and Financial Services (for items A4-A6 and B2-B5 only)
 Deputy D.J. Warr of St. Helier South, Minister for Housing and Communities
 Deputy H.M. Miles of St. Brelade, Minister for Home Affairs
 Deputy J. Renouf of St. Brelade, Minister for the Environment
 Deputy M.E. Millar of St. John, St. Lawrence and Trinity, Minister for Social Security
 Deputy T.J.A. Binet of St. Saviour, Minister for Infrastructure
 Deputy K.M. Wilson of St. Clement, Minister for Health and Social Services

In attendance -

Connétable A.N. Jehan of St. John, Assistant Chief Minister
 Deputy A.F. Curtis of St. Clement, Assistant Chief Minister
 M.H. Temple, K.C., H.M. Attorney General
 L.-M. Hart, Greffier of the States
 S. Wylie, OBE, Chief Executive and Head of the Public Service, Government of Jersey
 R. Bell, Treasurer of the States
 T. Walker, Director General, Strategic Policy, Planning and Performance Department
 K. Briden, Director General, Justice and Home Affairs Department (for item B3 only)
 A. Scate, Director General, Infrastructure, Housing and Environment Department (for items A3-A4 and B1-B2 only)
 I. Burns, Director General, Customer and Local Services Department (for item B3 only)
 R. Summersgill, Comptroller, Treasury and Exchequer (for items A3, A5, B1 and B5 only)
 K. Murphy, Channel Islands Emergency Planning Officer (for item B3 only)
 D. Danino-Forsyth, Director of Communications, Office of the Chief Executive
 A. Hacquoil, Group Director, Strategic Finance, Treasury and Exchequer (for items A5 and B4-B5 only)
 S. Duhamel, Director, Strategic Policy, Planning and Performance Department

Dr. A. Muller, Director of Improvement and Innovation, Health and Community Services Department (for item B4 only)
A. Khaldi, Policy Director, Strategic Policy, Planning and Performance Department (for item B4 only)
Dr. B. Hertstein, Associate Director Financial Crime Strategy, Office of the Chief Executive (for item B1 only)
R. Johnson, Associate Director, Health Policy, Strategic Policy, Planning and Performance Department (for item B4 only)
A. Wilson, Deputy Director, Treasury and Exchequer (for items A5 and B5 only)
F. Fraser, Deputy Director, Treasury and Exchequer (for items A5 and B5 only)
A. Allan, Senior Manager, Immigration and Nationality, Jersey Customs and Immigration Service (for item B3 only)
P. Bradbury, Head of Ministerial Office
N. Day, Head of Strategic Housing and Regeneration, Strategic Policy, Planning and Performance Department (for items A4-A5, B2 and B5 only)
D. Le Marquand, Private Secretary to the Chief Minister (for items A5 and B5 only)
K.L. Slack, Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes. A1. The Minutes of the meetings of the Council of Ministers of 16th September (Part A only) and 11th October 2022 (Parts A and B), having previously been circulated, were taken as read and were confirmed. The Council requested some small amendments to the Minutes of the meetings of 18th and 31st October 2022 and it was agreed that these would be re-presented for approval.

The process for approval of the Minutes was explained to the Council.

Declarations of interest. A2. Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister, declared an interest in respect of item B5 relating to the twenty-third Amendment to the Government Plan. Deputy D.J. Warr of St. Helier South, Minister for Housing and Communities, declared an interest as a business owner in respect of item A6 regarding an additional bank holiday for the coronation of King Charles III.

Forthcoming business. A3. The Council of Ministers discussed the following items of public business which were scheduled to be debated by the States Assembly at the meeting that was due to commence on the afternoon of 12th December 2022 –

Draft Non-Profit Organisations (Amendment of Law) (Jersey) Regulations 202- (P.104/2022)

It was agreed that the Council should receive a further briefing on these draft Regulations, which had been lodged '*au Greffe*' by Deputy P.F.C. Ozouf of St. Saviour, Minister for External Relations and Financial Services and would make some minor amendments to the legislation relating to non-profit organisations. The Council noted that consultation had been underway over the foregoing years and in the past month the Association of Jersey Charities and individual non-profit organisations had been contacted to remind them that the draft Regulations would come into force shortly after being made. Deputy C.F. Labey of Grouville and St. Martin, Minister for International Development, informed the Council that, whilst the Jersey Overseas Aid Commission was not a charity, it was familiar with the requirements of the draft Regulations and could assist charities and organisations to understand what would be needed of them;

Draft Food (Jersey) Law 202- (P.105/2022)

The Council recalled that it had recently received a briefing on the draft Law, which had been lodged by Deputy J. Renouf of St. Brelade, Minister for the Environment. It was noted that the members of the Environment, Housing and Infrastructure Scrutiny Panel had been fully briefed on the draft Law and had signalled their support for it. The previous Minister for the Environment had undertaken an extensive public consultation on an early draft of the Law in 2019 and the delay in progressing the draft Law due to the COVID-19 pandemic had afforded valuable time to assess how Brexit was progressing and to make a few alterations as a consequence thereof.

**Action on
Vacant Homes
Report.**

A4. The Council of Ministers received and noted a paper, dated 24th November 2022, entitled 'Action on Vacant Properties Report' ('the Report'), which had been prepared by the Head of Strategic Housing and Regeneration, Strategic Policy, Planning and Performance Department, the Report itself and an accompanying PowerPoint presentation and heard initially from Deputy D.J. Warr of St. Helier South, Minister for Housing and Communities, in relation thereto.

The Minister informed the Council that the Report was in response to a Proposition of Deputy M. Tadier of St. Brelade, entitled 'Empty Property Tax' (P.48/2022 referred), which had been adopted by the States Assembly, as previously constituted, in April 2022. That Proposition had sought the introduction of an effective mechanism to discourage domestic properties from being left vacant for long periods and had requested the Minister for Housing and Communities to prepare an options paper. The Minister reminded the Council that one of its priorities within the Common Strategic Policy for 2023-2026 was to address housing and the cost of living and empty properties had been a pressing issue since 2015.

The Head of Strategic Housing and Regeneration indicated that data from the 2021 census showed that, on census day, a total of 4,027 of the 48,610 private dwellings in the Island had been vacant. This represented 8.3 per cent of the total local housing stock and was a 1.4 per cent increase from the 2011 census. However, she reminded the Council that the main purpose of the census was to measure people rather than properties and there was a variety of reasons why a property might be vacant on any particular day, including that it was between tenants or was in the process of being renovated. Moreover, the 2021 census had taken place at a time when there had been certain extant restrictions associated with COVID-19.

The proposed policy definition of a vacant home was noted to be any accommodation which was no one's sole or main residence, was not actively undergoing construction or renovation and remained unoccupied for a minimum period of 12 months. It was not possible to determine precisely from the census data how many homes were vacant, but once this definition was applied, the number of homes that might be considered vacant reduced to approximately 907, which aligned with figures obtained from the utilities companies. It was noted that, for the purpose of the census, a house that was not watertight was not recorded as 'vacant'.

Vacant homes could be an emotive issue for Islanders as a house could be empty, for example, because the owner had passed away, was in a care home, or had insufficient funds to refurbish it and let it out. There was currently, as aforementioned, a lack of clarity around the true extent of the number of vacant homes, so the first objective was to obtain a greater understanding of the situation and have the ability to monitor it in the future. Thereafter, the intention was to foster a community-led approach, which encouraged all Islanders, businesses and organisations to work in tandem to find a solution to the housing crisis. It was important that properties were not allowed to become neglected and derelict, which

could adversely impact the environment and by managing vacant homes, it would reduce the need for future developments on green fields and over-intensification of the Built-up Area.

The Council noted the 6 key actions to address vacant homes, which centred around the creation of an Empty Homes Service from January 2023, initially comprising one additional officer in the Housing Regeneration team, who would, *inter alia*, provide advice and guidance to Islanders, monitor vacant homes and support H.M. Receiver General to identify those properties which were vacant or without an owner. The intention was to develop legislative drafting instructions to enable the occupancy status of properties to be collected by means of the Parish rates declarations in the future, with the hope that a certain amount of data would be provided by Islanders, on a voluntary basis, in 2023.

Future options for consideration, which were set out in the Report but were not currently being implemented, included the introduction of new powers for the Minister for Housing and Communities to manage empty homes through empty dwelling management orders. Similar provisions contained within the United Kingdom's Housing Act 2004 were noted to have been successful in bringing empty homes back into use. It might also be appropriate in cases where all other options had been exhausted to use extant compulsory purchase powers for vacant properties if it was in the public interest to do so whilst, to disincentivise owners from keeping properties vacant, a new annual tax could be introduced or an additional charge could be levied through the Rates (Jersey) Law 2005.

Noting that the Report was due to be published on 30th November 2022, it was agreed that the Ministers for the Environment and Housing and Communities should meet with the Head of Strategic Housing and Regeneration to discuss possible timeframes for reviews, the feedback received during the meeting and to finalise the Report before its publication. The Council thanked the Head of Strategic Housing and Regeneration for her assistance.

Government
Plan
(P.97/2022) –
Amendments.

A5. The Council of Ministers discussed the following Amendments which had been lodged by backbench politicians in respect of the Proposed Government Plan 2023-2026 (P.97/2022) –

Fifth Amendment – Country Parks

This Amendment, which had been lodged by Connétable A.S. Crowcroft of St. Helier, sought a budget of £100,000 to provide the resources for a project board to undertake feasibility work in respect of a St. Helier Country Park, with the monies to be taken from the 'Emerging Projects' head of expenditure. Having discussed the Amendment, the Council decided to reject it but to include a line within the 'Emerging Projects' head of expenditure in order that it could be undertaken at a later juncture if required;

Sixth Amendment – Walking and Cycling Routes

This Amendment, which had also been lodged by the Connétable of St. Helier sought to ensure that the implementation of pedestrian and cycling facilities, overseen by a political steering group, be given a high priority in respect of the resources available from the Climate Emergency Fund. The Council was cognisant that the Connétable was already a member of the Future Places Ministerial Group, which included relevant Ministers. The Council decided that it wished to lodge an Amendment to the Amendment *inter alia* to make it clear that the establishment of an additional political oversight group would be otiose;

Seventh Amendment – St. Helier Conseil Municipal

The Connétable of St. Helier had also lodged this Amendment, which requested £100,000 from the 'Emerging Projects' head of expenditure to enable feasibility works to be undertaken and the preparation of proposals to establish a Conseil Municipal for St. Helier. It was proposed that the work would be undertaken by a project board. The Council discussed the Amendment and decided that it was not supportive thereof;

Thirteenth Amendment – Enhanced capital allowance

It was noted that this Amendment of Deputy S.G. Luce of Grouville and St. Martin sought to augment the capital allowances available to small and medium sized businesses from the current 25 per cent to 100 per cent in the fiscal year in which the qualifying capital investment was made. The sentiment behind the Amendment was acknowledged but it was felt that it was not sufficiently targeted and that further work was required. Accordingly, the Council decided to lodge an Amendment thereto;

Fourteenth Amendment – Residential Land Withholding Tax

This Amendment, which had been lodged by Deputy S.G. Luce of Grouville and St. Martin would introduce a new property tax, entitled the Residential Land Withholding Tax ('the Tax'), which would be recouped from non-resident owners of Jersey residential property when the property was sold. On completion of the sale, the Tax would be payable to the Treasurer of the States on behalf of the non-resident owner, who would then receive the balance of the proceeds of sale. It was noted that it was proposed that the Tax would only apply to residential and not commercial sales and it was believed that the intention behind the Amendment was to increase the supply of available houses on the market. However, it was possible that some of the homes might be tenanted and there were currently very few controls in place around tenure. It was also suggested that the proposed Tax at an initial rate of 30 per cent (increasing to 50 per cent by 1st January 2025) was punitive. The Council accordingly decided to reject the Amendment and to present Comments setting out the rationale;

Fifteenth Amendment – Off-Island medical treatment

The Council noted that this Amendment of Deputy R.J. Ward of St. Helier Central requested £734,000 from the Cabinet Office's head of expenditure, to extend the provision of travel for individuals accompanying patients off-Island to receive medical treatment. The Council was mindful that some vulnerable patients were already able to be accompanied at the expense of the Health and Community Services Department and decided to lodge an Amendment to the Deputy's Amendment, which signalled that it welcomed the Amendment, but proposed that rather than taking the monies from the Cabinet Office head of expenditure, some of the income from the Amendment of Deputy M.B. Andrews of St. Helier North, relating to increased *impôts* duty on tobacco should instead be used;

Seventeenth Amendment – Extend existing bus pass scheme to all students in full time education

This Amendment, which had been lodged by Deputy C.S. Alves of St. Helier Central, requested an extension of the existing provision to all full-time students who were aged 19 years and older. This would include students in full-time education undertaking Higher Education at Highlands College, colleges and universities in the United Kingdom or abroad, whilst the second part of the Amendment also extended the scheme to all trainees and apprentices (who accessed education through Highlands College and/or who received funding from the Skills Jersey Trackers Scheme). The Council considered whether it wished to lodge an Amendment to Deputy Alves' Amendment to restrict the scheme to those who were studying full-time in Jersey and used the bus to get to their place of learning and

decided to resolve this outside the formal setting of the meeting;

Twenty-fourth Amendment – St. Helier Urban Renewal Programme

The Council noted that the Connétable of St. Helier was seeking to create a new capital project head of expenditure containing £1 million, for the purpose of a St. Helier Urban Renewal project, including Havre des Pas. The Director General, Infrastructure, Housing and Environment Department, Mr. A. Scate, reminded the Council that there was an extant allocation for public realm improvements and there was no capacity to expand the public realm programme in 2023. The Future Places Ministerial Group, of which the Connétable was a member, determined the priority for improvements in Jersey's built environment. Accordingly, the Council decided to Amend the Connétable's Amendment.

In all cases where the Council of Ministers had agreed to amend an Amendment, responsibility for final approval was delegated to the relevant lead Minister(s) in conjunction with the Chief Minister.

Additional
Bank Holiday
for the
Coronation of
King Charles
III.

A6. The Council of Ministers, recalling that King Charles III was due to be crowned on Saturday 6th May 2023 and noting that an additional bank holiday had been proclaimed on Monday 8th May across the United Kingdom, was asked whether it was supportive of an additional bank holiday on the same day in honour of the coronation.

Deputy D.J. Warr of St. Helier South, Minister for Housing and Communities, indicated that he had concerns from a business perspective with regard to the number of bank holidays that already fell in May *inter alia* May Day and Liberation Day and questioned whether there would be merit in potentially combining one day, noting that employers were required to pay the wages to their staff.

All other Ministers signalled their support for an additional bank holiday on 8th May 2023.