

Council of Ministers

(34th Meeting)

6th June 2023

Part A (Non-Exempt)

All members were present, with the exception of Deputy K.F. Morel of St. John, St. Lawrence and Trinity, Minister for Economic Development, Tourism, Sport and Culture, from whom apologies had been received.

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister (for items A1-A3, B1, part of item B3 and items B4-B11 only)

Deputy C.F. Labey of Grouville and St. Martin, Minister for International Development

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 A3 and B4-B11 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 (for a time)

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 M.K. Jackson of St. Brelade, Representative of the Comité des Connétables (for items A3 and B2-B11 only)

Connétable R. Vibert of St. Peter (for items B8-B9 only)

Connétable A.N. Jehan of St. John, Assistant Chief Minister (for items A1-A2 and B1-B6 only)

Deputy S.M. Ahier of St. Helier North, Assistant Minister for Infrastructure (for items A3 and B2-B11 only)

Deputy A.F. Curtis of St. Clement, Assistant Chief Minister (for items A3 and B2-B11 only)

Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter, Assistant Chief Minister

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity, Assistant Minister for the Environment (for a time)

M.H. Temple, K.C., H.M. Attorney General

L.-M. Hart, Greffier of the States (for items A1-A3 and B1-B8 only)

S. Wylie, OBE, Chief Executive and Head of the Public Service, Government of Jersey

R. Bell, Treasurer of the States (for a time)

Professor H. Mascie-Taylor (for part of items A3 and B7 only)

A. Scate, Chief Officer, Infrastructure and Environment Department (for items B2-B3 only)

R. Sainsbury, Chief Officer, Children, Young People, Education and Skills Department (for items B8-B9 only)

I. Burns, Chief Officer, Customer and Local Services Department (for item B6 only)
C. Bown, Temporary Chief Officer, Health and Community Services Department (for part of items A3 B7 only)
K. Nutt, Head of Service, External Relations (for part of items A3 and B7 only)
R. Summersgill, Comptroller of Income Tax, Treasury and Exchequer, (for part of items A3 and B7 only)
C. Madden, Strategic Director, Assurance and Risk, Cabinet Office (for item B5 only)
A. Hacquoil, Group Director, Strategic Finance, Treasury and Exchequer (for items B4 only)
S. Duhamel, Associate Director of Social Security, Population and Housing Policy, Strategic Policy, Planning and Performance Department (for items B1 and B6 only)
R. Johnson, Associate Director, Health Policy, Strategic Policy, Planning and Performance Department (for part of items A3 and B7 only)
E. Littlechild, Group Director, Operations and Transport, Infrastructure and Environment Department (for items B2-B3 only)
S. Devlin, Chief Social Work Officer, Children, Young People, Education and Skills Department (for items B8-B9 only)
E. Walker, Interim Associate Director of Engagement and Participation, Children, Young People, Education and Skills Department (for items B8-B9 only)
P. Bradbury, Head of Ministerial Office
M. Gavet, Head of Risk, Treasury and Exchequer (for item B5 only)
K. Pearson, Head of Economic Analysis, Department for the Economy (for item B1 only)
B. Harvey, Head of Operations, Infrastructure and Environment Department (for part of items A3 and B7 only)
M. MacGregor, Senior Policy Officer, Strategic Policy, Planning and Performance Department (for item B6 only)
M. Viney, Senior Policy Officer, Strategic Policy, Planning and Performance Department (for item B6 only)
N. Stocks, Senior Policy Officer, Strategic Policy, Planning and Performance Department (for item B1 only)
S. Fitzgibbon, Lead Engineer – Coastal Engineering, Infrastructure and Environment Department (for item B2 only)
K.L. Slack, Secretariat Officer, States Greffe (items A1-A3, B1-B3 and B7-B11)
L. Lister, Secretariat Officer, States Greffe (items B4-B6)

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

- Minutes. A1. The Minutes of the meeting of 25th April 2023 (Parts A and B), having previously been circulated, were taken as read and were confirmed.
- Declarations of interest. A2. Declarations of interest were received from the following –
- Connétable M.K. Jackson of St. Brelade, who received a standing invitation to the meetings of the Council, in connexion with items B2 and B6 to the extent that he owned a property in St. Aubin and was on the board of Maison St. Brelade;
 - Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister, in connexion with item B6, relating to the upper earnings limit with respect to

- social security contributions; and
- Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter, Minister for Treasury and Resources, in connexion with item B6 to the extent that he was the Chair and Director of Jersey Cares Limited, which was under contract to the Government of Jersey.

Forthcoming
business.

A3. The Council of Ministers discussed the following items of public business that were scheduled to be debated at the meeting of the States Assembly that was due to commence on 14th June 2023 –

Health and Community Services Interim Board (P.19/2023)

This Proposition, which had been lodged by the Minister for Health and Social Services and was subject to her own Amendment, related to the establishment of an interim, non-statutory, Advisory Board to improve governance and oversight of the Health and Community Services Department. It was noted that a further Amendment had been lodged by Deputy L.V. Feltham of St. Helier Central to reduce the initial appointment of the Board to 18 months to reduce exposure to risks and limit any costs that might occur in the event that the structure of the Board was deemed unfit for purpose or it did not achieve its stated aims;

Draft Stamp Duties and Fees (Amendment of Law – No.6) (Jersey) Regulations 202- (P.22/2023)

These Regulations, which had been lodged by the Chief Minister, would enable the Viscount to charge for certain services undertaken by the Insolvency Team and which were subject to Practice Directions, namely applications for aid in bankruptcy and insolvency matters, *dégrèvement* applications and assisting Jurats with applications for *remise de biens*. The revenue raised would offset the cost of the administration of those functions;

Draft Domestic Abuse (Jersey) Law 2022 (Appointed Day) Act 202- (P.23/2023)

It was noted that this Act, which had been lodged by the Minister for Home Affairs, would bring into force the Domestic Abuse (Jersey) Law 2022, which had been adopted by the States Assembly on 28th April 2022 (P.69/2022 referred) and was a positive move forward;

Draft Social Security (Amendment of Law No. 18) (Jersey) Regulations 202- (P.24/2023)

The Council noted that these Regulations, which had been lodged by the Minister for Social Security, would make 2 changes to the Social Security (Jersey) Law 1974 ('the Law'). The Law currently required all calculations relating to contribution factors to be rounded up, but Regulation 2 would provide that they would be dealt with according to the usual rules on rounding, so could also be rounded down where the third decimal place was lower than 5. This reflected what already happened in practice. Regulation 3 would amend Article 15 of the Law relating to short term incapacity allowance and delete the words 'for any period in which he or she works'. People who claimed short term incapacity allowance were currently prevented from undertaking any work at all whilst in receipt thereof. The removal of the aforementioned words would introduce flexibility into the system and enable claimants to undertake various forms of work as part of a return to work plan. It was noted that the Health and Social Security Scrutiny Panel had presented Comments on P.24/2023 and was broadly supportive thereof;

Draft F.B. Playing Fields (Jersey) Law 202- (P.27/2023)

This Proposition, which had been lodged *au Greffe* by the Minister for Infrastructure would, if approved, validate the existing buildings on the F.B. Fields and preserve the condition of use of the fields as playing fields for the enjoyment of Islanders. It also provided for future development and modernisation in line with the condition

of use and the granting of leases and licences, to enable the creation of a community open recreation active space. The Council was informed that the extant covenants on the F.B. Fields were extremely restrictive and the draft Law would enable the Government to relocate the buildings, redevelop and create leases whilst respecting the intention behind the original gift. The family, which had gifted the Fields, had been consulted and was in agreement and the Deputies of St. Clement and the Connétable had received a briefing;

Removal of compulsory independent taxation for existing married couples and civil partnerships (P.32/2023)

It was noted that this Proposition, which had been lodged by Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter, requested the Minister for Treasury and Resources to ensure that joint taxation remained available for any married couples and civil partners, who currently completed a joint tax return and wished to continue to do so. It was recalled that upcoming legislation would require all married couples and civil partners to be independently taxed from the 2025 year of assessment, but only 2.4 per cent of people in that category had elected to move to independent taxation to-date and Deputy Farnham was of the view that the proposed change could prove unsettling for some couples and some concerns had been raised at the Personal Tax Community Helpdesk events that had been held.

The Council recalled that it had prepared a Comment to present on P.32/2023, but that Deputy Farnham had decided to defer the debate on his Proposition to the meeting that was scheduled to commence on 4th July 2023;

Provision of a free hopper bus service for Active card holders to Springfield stadium (P.33/2023)

The Council noted that this Proposition, which had been lodged by Deputy R.J. Ward of St. Helier Central, asked the Minister for Infrastructure to instruct LibertyBus to provide free access to the Town Hopper bus for Active Card holders who were travelling to Springfield gym to use the exercise facilities, for an initial trial period to the end of the year. Ministers were informed that there was no evidence that anyone wished to take the bus to attend the gym and when a Hopper Bus had been operational to Fort Regent, none of the gym goers had used it. Moreover, many people attended gyms in early morning or after work when the Hopper Bus was not operational. The Council therefore agreed to oppose the Proposition;

Provision of carpets in Andium Homes properties (P.34/2023)

This Proposition of Deputy Ward requested the Minister for Social Security to provide special payments to any Andium Homes tenants who required carpets in new rentals and would be eligible for a loan for this purpose and to cancel any outstanding loan payments for that purpose and to work in conjunction with the Minister for Treasury and Resources and Andium Homes to review the policy relating to the provision of flooring as standard in all properties and the reuse of carpets after cleaning. It was noted that the Minister for Social Security had lodged an Amendment to P.34/2023, which *inter alia* removed the element of the Proposition relating to the cancellation of outstanding debts as it would set a dangerous precedent and involved the Minister for Housing and Communities in reviewing the aforementioned policy with all social housing providers, with which they agreed. The Council agreed that the policy required review and that there was the need for some pragmatism; and

The Grindadrap Festival in the Faroe Islands – condemnation of the hunting of sea mammals (P.35/2023)

The Council noted this Proposition of Deputy Farnham, which requested the Chief

Minister to write to the United Kingdom Government, condemning the annual Grindadrap festival in the Faroe Islands, during which sea mammals were indiscriminately hunted and killed and asking the Government to transmit that view on to the Government of the Faroe Islands. The Council agreed to support the Proposition, as amended, whilst being concerned about the precedent and the implications for the Island's external relations.