

COUNCIL OF MINISTERS

(72nd Meeting)

6th March 2008**PART A**

All members were present.

Senator F.H. Walker, Chief Minister (for a time)  
 Senator W. Kinnard, Minister for Home Affairs  
 Senator T.A. Le Sueur, Minister for Treasury and Resources  
 Senator P.F. Routier, Minister for Social Security  
 Senator M.E. Vibert, Minister for Education, Sport and Culture  
 Senator P.F.C. Ozouf, Minister for Economic Development  
 Senator T.J. Le Main, Minister for Housing  
 Senator B.E. Shenton, Minister for Health and Social Services (for a time)  
 Senator F.E. Cohen, Minister for Planning and Environment  
 Deputy G.W.J. de Faye, Minister for Transport and Technical Services

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables  
 W.D. Ogle, Chief Executive, States of Jersey  
 J. Morris, Policy and Research Manager (for a time)  
 M.N. de la Haye, Greffier of the States (for a time)  
 I. Clarkson, Clerk to the Council of Ministers

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

Minutes

A1. The Minutes of the meeting held on 7th February 2008 (Parts A and B), having been circulated previously, were reviewed by the Council. It requested that one minor and inconsequential amendment to Minute No. A5 be made.

The Council authorized the Chief Minister to sign the amended minutes of 7th February 2008.

Senator F.H. Walker and Senator B.E. Shenton were not present for this item.

Matters arising.

A2. The Council noted the following matter arising from the Minutes of its meeting held on 7th February 2008 –

**Ministerial Government: review of the first 12 months (Minute No. A3)** – the Privileges and Procedures Committee was due to receive correspondence from the Chief Minister confirming the Council's position on the recommendations.

Senator F.H. Walker and Senator B.E. Shenton were not present for this item.

States business.  
1240/7/1(1)

A3. The Council noted the list of public business scheduled for consideration during the remainder of the First Session of 2008. Particular attention was paid to the following –

- (a) **Code of Practice for Scrutiny Panels and the Public Accounts Committee (P.198/2007)** – the Council recalled that it supported a clear majority of the provisions of the draft Code;
- (b) **Draft Taxation (Land Transactions) (Jersey) Law 200-(P.185/2007)** – The Council noted that the draft Law had been drafted in accordance with a previous decision of the States Assembly that legislation to introduce stamp duty on share transfer transactions involving immovable residential and commercial property in Jersey should be prepared for debate by the States. It was reported that the Corporate Services Scrutiny Panel had advised the Minister for Treasury and Resources informally of its intention to commence a review of the draft Law in accordance with Standing Order No. 72;
- (c) **Jersey Charities Commission: Feasibility Study (P.28/2008)** – the Council agreed that it was sympathetic to the concept of undertaking a feasibility study into the creation of a Jersey Charities Commission; however, it was also keen to ensure that appropriate and proportionate mechanisms for the regulation of charities were put in place during 2008. The Chief Minister resolved to further review the proposition in consultation with the Chief Executive and with a view to determining the detailed implications arising; and
- (d) **Jersey Enterprise Board Limited: proposed establishment (P.194/2007)** – the Council was advised that although the proposition was provisionally due to be debated by the States on 1st April 2008, it was understood that the Corporate Services Scrutiny Panel would not be able to complete its work by that date.

Resident  
population:  
measurement.  
FILE

A4. The Council, with reference to its Minute No. A5 of 12th January 2006 and with: Dr. D. Gibaut, Head of Statistics; S. Davies, Statistical Officer; and K. Guegan, Assistant Statistician in attendance, considered a report concerning measurement of Jersey's resident population.

The Council acknowledged that calls for the next census to be brought forward from 2011 had arisen recently in the context of: the Imagine Jersey 2035 consultation; the ongoing Island Plan review process, and the recent consultation on development of a migration policy. Moreover, a response by the Health, Social Security and Housing Scrutiny Sub-Panel to a consultation paper issued by the Minister for Planning and Environment on rezoning land for life-long retirement and first time buyer homes had also been indirectly critical of the States decision, made in January 2006 (P.275/2005 refers), to move to a 10 year census cycle. Matters had been brought to a head by the decision of Deputy C.F. Labey of Grouville to lodge 'au Greffe' a report and proposition entitled 'Census of Island's population' (P.32/2008 refers), in which the Deputy called on the Chief Minister to bring forward the date of the next census of the Island's population as a matter of urgency and priority, to better inform the population debate and enable accurate forward planning.

The Council was advised that the imminent Housing Needs Survey 2007 would provide sufficiently reliable data to facilitate an objective, evidence-based assessment of housing need. More than 10,000 Island households had been surveyed in late 2007 and an excellent response rate had been achieved. Indeed, the sheer volume of responses was such that the results obtained were considered to be particularly representative, robust and accurate. Ministers were advised that the published report would include a detailed breakdown by tenure and size of

dwellings. Other issues would be addressed, including affordability, first-time buyer issues and housing for older people.

Clarification was sought regarding the feasibility of commissioning a scheduled census in either 2009 or 2010. The Council was advised that it might well be possible to bring forward the date of the next census by one year; however, the resulting resource implications would be significant. Preparatory work leading to the commencement of a census would take between 15 and 18 months to complete. Some 250 trained enumerators and support staff would be required, as would appropriate support from the Information Services Department (ISD) for development of necessary IT infrastructure. The cost of the 2011 Census had been estimated at approximately £500,000, of which £200,000 would be required in 2010. In the event that the Council was minded to carry out a census in late 2009 or 2010, the funding profile would need to be brought forward correspondingly, as would the hiring of staff and ISD support. In turn this would affect the cash limits set for other departments of the States.

The Council considered whether the statistical information generated by bringing forward the planned census would be sufficient to justify the resource implications for the Statistics Unit and for the States as a whole. It noted that both the range and the depth of social and economic statistics produced by the Statistics Unit had increased greatly as a consequence of the States' decision to hold the next Jersey population Census in 2011. Reallocation of financial resources and officer time had allowed for the successful development of initiatives, including the Jersey Annual Social Survey and Energy Trends. It had also allowed the Statistics Unit to plan to repeat previous projects, such as the income distribution survey last conducted in 2002. A decision to bring forward the 2011 Census would have significant negative consequences for the Unit's ongoing programme of work.

The Council concluded that existing population measures were sufficiently robust and that the imminent Housing Needs Survey 2007 would provide sufficiently reliable data to facilitate an objective, evidence-based assessment of housing need. Moreover, it noted that a population census would not be designed to answer specific questions regarding housing need. **It therefore resolved to oppose P.32/2008 and instructed the Policy and Research Manager to prepare, in consultation with the Statistics Unit, a comment to the proposition for subsequent consideration and approval by the Chief Minister on behalf of the Council.**

**On a related matter, the Council considered that all States members would benefit from a presentation on the robustness of the current and projected population measures and the relative importance of a census in this regard; accordingly the Statistics Unit was requested to liaise with the Chief Minister's Department with a view to organizing a suitable presentation in the latter part of March 2008.**

Jersey Annual  
Social Survey  
2007: key  
findings and  
implications.  
1133/3(10)

A5. The Council, with reference to its Minute No. A4 of 22nd March 2006 and with: Dr. D. Gibaut, Head of Statistics; S. Davies, Statistical Officer; and K. Guegan, Assistant Statistician in attendance, considered the key findings of, and implications arising from, the Jersey Annual Social Survey 2007.

The Council was advised that the 2007 survey, which had been published in February 2008, had achieved a highly credible response rate of 46 per cent from a total sample size of over 3,400 households.

Key findings and implications arising from the results of the survey were

summarised by category.

### **Economic Development**

Ministers were pleased to note the consistently slightly higher rates of economic activity identified during the period 2005 – 2007, and that the rate of unemployment had reduced to 1.4 per cent (using the internationally comparable (ILO) measure of unemployment). It observed that around one in ten persons above current retirement age remained economically active and that 70 per cent of females with dependent children were currently employed, with nearly half of those not in employment planning to return to work in the next two years. A degree of concern was expressed at the fact that over half of those employed in the electricity, gas and water sector were over 45 years of age.

Flexible working hours and the cost and availability of childcare had been cited as key factors affecting the ability of parents to return to work. The proportion of parents of dependent children who were *lone*-parents was found to be 4 times higher in States/Parish rental than in owner-occupied accommodation. Overall, the number of lone-parents had apparently increased since the 2001 Census.

### **Police**

Ministers were gratified to learn that a greater proportion of the public than in 2005 regarded the town centre as being either very safe or fairly safe after dark. It was also noted that minority ethnic groups appeared to show more positive attitudes to the police in comparison with Jersey-born residents. Anti-social behaviour, drug-dealing and street violence and disorder had been identified by the public as priority issues, although at a neighbourhood level the top 3 problems identified had been anti-social behaviour, speeding motorists and vandalism or graffiti.

### **Health**

The Council noted that the public reaction to the smoking ban had been positive. It also noted that around half of respondents reported doing less than the recommended level of physical activity per week and that nearly twice the proportion of those in States/Parish rental accommodation rated their health as “Poor” compared to other tenure types.

### **Internet**

The Council observed that three-quarters of people enjoyed internet access at home, with half doing so every day. Of those who accessed the internet, 80 per cent had used it to order goods, book travel or accommodation. Half of those who used the internet spent between £50 and £1,000 in the previous three months, with 10 per cent having spent over £1,000.

### **Communicating with the States of Jersey**

Rates of engagement of adults, and younger adults in particular, through public consultations had been limited in the previous twelve month period. The survey had also identified a willingness on the part of a number of Islanders to communicate with States departments by email or the internet, rather than by telephone. Ministers noted that responses received tended to indicate poor awareness among Islanders of the range of services provided by the States of Jersey.

### **Road Safety**

Although speed billboards had been identified as the method best suited to controlling speed in the Island, the Council noted that significant support had been expressed for introducing both fixed penalty notices and a penalty points system for certain driving offences, as well as for legislation to ensure that people banned from driving in the UK or other countries were also banned from driving in Jersey.

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There was a less positive response to the suggestion that drivers should take refresher courses in both theory and practical after a fixed length of time.

The Council noted that over half of people felt that caravans, wider lorries and longer lorries should be banned. A small but noteworthy number of people had spontaneously suggested that 4-wheel-drive motor vehicles should also be banned.

#### **Transport and Technical Services**

The condition of town pavements and main roads, the availability of cycle and motorcycle parking and the management of road-works were all regarded as having improved since 2005, although the latter was still rated poorly, on average, overall. Services which showed little or negative change and had relatively poor ratings included the cleanliness of public toilets and Island-wide recycling facilities.

**The Council noted the findings of the survey and agreed that individual Ministers and their respective Chief Officers should consider the reported findings in detail. Any significant observations concerning the findings, and their implications for current and future policy, were to be forwarded by departments to the Policy and Research Manager, in order that a report could be presented to the Council for consideration on 24th April 2008.**

**Regarding the forthcoming 2008 survey, Ministers were encouraged to consult with their chief officers regarding topics for possible inclusion and to ensure that any suggestions were forwarded to the Statistics Unit in early course.**

The Council warmly congratulated the officers of the Statistics Unit for having produced a particularly informative and relevant social survey.

Seat belt  
legislation.  
1083/21(4)

A6. The Council, with reference to its Minute No. A4 of 7th February 2008, considered a report on the available evidence in support, or otherwise, of the introduction of legislation for the compulsory wearing of rear seatbelts.

Ministers recalled that, following the Council's discussion of the matter on 7th February, Deputy P.V.F. Le Claire of St. Helier had lodged 'au Greffe' a proposition entitled, 'Rear Seat Belts and Child Booster Seats' (P.27/2008 refers), in which he had contended that the States should introduce rear seat belt and child seat legislation, by Order, under the Road Traffic (Jersey) Law 1956.

The Council considered information concerning the physical consequences for passengers involved in road traffic collisions. As available data concerning road traffic collision injuries in Jersey was limited, the Council reviewed statistical information sourced from other jurisdictions, including the United Kingdom, the United States of America and Spain. During the course of its deliberations, the Council considered the extent to which injuries could be directly attributed to the act of wearing a seat belt while being involved in a collision. It noted that wearing seat belts tended to give rise to a greater frequency of certain less fatal types of injuries in car crashes but that passengers wearing seat belts tended to suffer fewer head injuries.

Consideration was also given to the question of whether compulsory seat belt legislation would constitute a disproportionate infringement of the civil liberties of Islanders.

**The Council endorsed the report presented and agreed that it should support P.27/2008.**

Deputy G.W.J. de Faye informed the Council of his intention to oppose the proposition lodged by Deputy P.V.F. Le Claire.

Child  
protection  
services:  
criminal  
investigation.  
835/3/4(19)  
839/41(9)

A7. The Council considered matters arising from the ongoing criminal inquiry into aspects of historic child care provision in Jersey. **The Council reaffirmed its full and unqualified support for the police inquiry and further affirmed its resolve to ensure that the police received all the resources necessary to complete a full and thorough investigation.**

There followed a discussion concerning the reported leaking of an internal e-mail sent by Senator B.E. Shenton to the Council concerning the manner in which the States of Jersey Police and the Home Affairs Department had managed certain matters arising from the criminal inquiry. Having agreed that it was critically important to ensure that the police investigation was allowed to continue without hindrance, the Council expressed regret that the relevant e-mail had been made public.

Discussion of this item continued under the Council's Part B (confidential) agenda.