

COUNCIL OF MINISTERS

(10th Meeting)

7th May 2009**PART A**

All members were present with the exception of Senator A.J.H. Maclean, Minister for Economic Development, from whom apologies had been received.

Senator T.A. Le Sueur, Chief Minister
 Senator P.F. Routier, Assistant Minister for Economic Development
 Senator P.F.C. Ozouf, Minister for Treasury and Resources
 Senator T.J. Le Main, Minister for Housing
 Senator F.E. Cohen, Minister for Planning and Environment
 Senator B.I. Le Marquand, Minister for Home Affairs
 Connétable M.K. Jackson of St. Brelade, Minister for Transport and Technical Services
 Deputy J.G. Reed, Minister for Education, Sport and Culture
 Deputy A.E. Pryke, Minister for Health and Social Services
 Deputy I.J. Gorst, Minister for Social Security

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables (for items A1, A4, A7 and B1)
 Deputy E.J. Noel, Assistant Minister for Treasury and Resources
 W.D. Ogley, Chief Executive, States of Jersey
 J. Richardson, Deputy Chief Executive
 I. Black, Treasurer of the States (for items A4, A5, B1, B2, B4 and B6 to B8)
 A. Scate, Chief Officer, Planning and Environment Department (for item B1 only)
 G.C. Powell, C.B.E., Adviser - International Affairs (for item A6)
 M. de Forest-Brown, Director- International Finance, Chief Minister's Department (for items A6 and B8)
 D. Flowers, Director of Property Holdings (for items A4, B1 and B3)
 D. Woodside, Legal Adviser, Law Officers' Department (for item B1 only)
 R. Foster, Assistant Director – Finance and Strategy, Treasury and Resources Department (for items A4, B2 and B3)
 M MacGregor, Tax Policy Advisor, Treasury and Resources Department (for item A5)
 J. Marshall, Strategic Planning Manager (for item B5)
 J. Mews, Finance Industry Development Executive, Chief Minister's Department (for item B8)
 J. Morris, Policy and Research Manager (for item A2)
 J. Nevitt, PA to the Chief Minister
 M.N. de la Haye, Greffier of the States
 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 23rd April 2009, having been circulated previously, were taken as read and were confirmed.

States
business.
1240/7/1(1)

A2. The Council reviewed the list of public business scheduled for consideration by the States Assembly during the remainder of the First Session of 2009. Particular attention was paid to the following –

- (a) **Williamson Report: Implementation Plan – funding (P.17/2009)** – the Council noted and endorsed the intention of the Minister for Treasury and Resources to seek leave of the States to debate the matter at the present meeting in accordance with the provisions of Standing Order 87(1).
- (b) **Review of the Roles of the Bailiff, Attorney General and Solicitor General: terms of reference (P.44/2009)** – the Council approved a comment to the amendment lodged ‘au Greffe’ by Deputy F.J. Hill, B.E.M. of St. Martin;
- (c) **Draft Housing (General Provisions) (Amendment No. 26) (Jersey) Regulations 200- (P.45/2009)** – the Council affirmed its support for the proposition and Deputy J.G. Reed maintained his dissent;
- (d) **Child abuse compensation claims: freedom of expression for survivors. (P.49/2009)** - the Council approved a comment to the proposition;
- (e) **Committee of Inquiry: Reg’s Skips Ltd. – Planning applications (P.50/2009)** – the Council, having noted the comment presented by the Minister for Treasury and Resources, resolved to support the proposition;
- (f) **Economic Stimulus Plan (P.55/2009)** – the Council, having been advised of indications that the Corporate Services Scrutiny Panel might be considering seeking a deferral of debate on P.55/2009, remained firmly of the view that it was vital to pursue a timely determination of the proposition for the benefit of the Island economy; and,
- (g) **Code of Conduct for elected members of the States: review (P.62/2009)** – the Council expressed support for the proposition.

On a related matter, the Council agreed that, where practical, any individual Ministers minded to oppose the view of the Council in respect of a report and proposition listed for public business in the States Assembly would notify the Council of their intention prior to the commencement of the relevant meeting of the States. It further agreed that Ministers should make every effort to be present in the States Chamber during meetings of the States.

Island Health
Check:
presentation.
1444/4(14)

A3. The Council received a presentation from Dr. R. Geller, Medical Officer of Health entitled, ‘Island Health Check’.

The Council was advised that a clear picture of the health challenges facing Jersey now and in the coming years was emerging. Particular issues included, but were not exclusive to, the high rate of alcohol consumption in the Island (although it was acknowledged that this was improving), levels of obesity and a comparatively high value of claims for Long Term Incapacity Allowance resulting from anxiety and depression. Nevertheless there were a number of notable successes, including an impressively low infant mortality rate and pre-school immunisation coverage,

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as well as low rates of MRSA infection.

The Council noted the position and resolved to consider constituting a Ministerial sub-group to progress cross-cutting issues identified during the drafting of the New Directions health strategy.

Haut de la
Garenne, St.
Martin:
building status.
835/3/4(19)
839/41(9)

A4. The Council, with reference to Minute No. B2, dated 4th September 2008 of the Council as previously constituted and with D. Flowers, Director of Property Holdings and R. Foster, Assistant Director – Finance and Strategy, Treasury and Resources Department in attendance, considered a further report concerning the status of the building known as Haut de la Garenne, St. Martin.

It was reported that following the submission in September 2008 of a previous report to the Council as previously constituted, an officer group comprised of staff from Jersey Property Holdings and from the Chief Minister's Department, the Economic Development Department and the Planning and Environment Department had met on 3 occasions to formulate recommendations to the Council regarding the possible future use of the building. Formal confirmation that there were no operational policing barriers to the redevelopment, disposal or demolition of the building had also been obtained from the States of Jersey Police.

The Council noted and endorsed the limited initial works already progressed by Jersey Property Holdings in order to facilitate possible short term uses of the building. Envisaged uses included accommodation for visiting military groups and seasonal lifeguards.

The Council acknowledged a recommendation from Jersey Property Holdings that substantial restoration of the building would be a viable way forward. In this regard, the Council expressed regret that the full extent of works required to restore the building to serviceable use (which had been valued at approximately £300,000) had reportedly been aggravated by the unhelpfully destructive manner in which the States of Jersey Police had conducted the search of the premises.

It was clarified that the United Kingdom Youth Hostel Association had affirmed its intention not to return to Haut de la Garenne; however, the Association had expressed its desire to continue operating in Jersey and that the Economic Development Department, acting in conjunction with Jersey Property Holdings, was actively working to facilitate the return of the Association at a suitable site. On a related matter, the Council noted that there remained a rôle for the Trustees of Haut de la Garenne.

The Council determined that it would not be appropriate to pursue demolition of the building. Moreover, and having been advised that the neighbouring property known as Avimore was no longer regarded as fit for its existing purpose, the Council considered that there might be merit in merging the 2 sites for the purposes of re-development or re-use.

The Council, having been apprised of a series of short and longer term options for the use of Haut de la Garenne, St. Martin, determined that restorative works at an estimated cost of £300,000 should be procured, to be funded from the sums drawn down from the Consolidated Fund in accordance with Project No. P.91/2008. It further endorsed the short term use of the building by visiting military groups, as accommodation for seasonal lifeguards and as a temporary headquarters for the British Legion Poppy Day. Finally, the Council directed Jersey Property Holdings to seek initial informal expressions

of interest from third parties interested in either operating, leasing or purchasing the existing property, possibly in conjunction with the neighbouring property known as Aviemore.

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

Environmental
taxes.
478/4(8)

A5. The Council, with reference to its Minute No. B1 of 3rd April 2009 and with I. Black, Treasurer of the States and M MacGregor, Tax Policy Advisor, Treasury and Resources Department in attendance, considered a draft green paper, dated 27th April 2009 and prepared by the Tax Policy Adviser, concerning environmental taxation and expenditure initiatives.

The Council recalled its intention to pursue funding sufficient to maintain existing expenditure, adjusted to address any shortfall in income affecting the Transport and Technical Services Department as a consequence of recent falls in recycled commodity prices, through the possible introduction of a revised low-level vehicle emissions duty coupled, if necessary, with a low-level rise in road fuel duty.

The Council, having made certain minor drafting amendments, approved the consultation paper concerning possible environmental taxation and expenditure initiatives. It further noted that the consultation paper would be published during the week beginning 11th May 2009 and that the consultation was intended to run for a period of 8 weeks.

Senator P.F.C. Ozouf and Connétable M.K. Jackson were not present for this item.

Tax
Information
Exchange
Agreements.
554(16)

A6. The Council, with reference to its Minute No. A2 of 3rd April 2009 and with G.C. Powell, C.B.E., Adviser - International Affairs, and M. de Forest-Brown, Director- International Finance, Chief Minister's Department in attendance, considered reports concerning ratification of a further series of Tax Information Exchange Agreements (TIEAs).

The Council, having recalled its previous recommendations to the Chief Minister that TIEAs be signed with the United Kingdom and with the Republics of France and Ireland, was pleased to note that the Chief Minister had signed the agreements on 10th, 23rd and 26th March 2009 respectively. It also noted that the Chief Minister was due to sign similar TIEAs with representatives of the governments of Italy, of Australia and of New Zealand in the next three months.

It was reported that the technical matter of when Jersey could be said to have completed its internal procedures, such that the Agreements could be deemed to have been brought into force, had been raised in respect of the TIEAs with Greenland and Finland. The Council noted that the matter was being considered by the Law Officers' Department.

There followed a discussion concerning ongoing negotiations with other jurisdictions. The Council was advised that negotiations with Canada and Spain had progressed to the point that the Department would be content to recommend that the Chief Minister sign a TIEA with those countries; however, it was understood that the foreign offices of both countries had raised the question of whether such an agreement could be signed with a non-sovereign nation state. The Council noted the position.

It was reported that implementation of the existing and newly agreed TIEAs was generating an additional and ongoing resource requirement for the Comptroller of

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Income Tax in the sum of £100,000. The Council acknowledged that appropriate provision would need to be made in the draft Annual Business Plan 2010.

The Council recommended that the Chief Minister proceed to lodge ‘au Greffe’ the necessary reports and propositions –

- (a) - to secure ratification of the TIEAs with the United Kingdom and with the Republics of France and Ireland and**
- (b) - to make the consequential amendments to the Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008.**

On a related matter, the Council endorsed a proposal that the Chief Minister delegate to the Deputy Chief Minister the authority to sign TIEAs following endorsement by the Council, should the Chief Minister be unable to attend the signing ceremony.

Liberation Day
2009: trading
rights.
411/1(4)

A7. The Council received an oral briefing from Connétable K.P. Vibert concerning arrangements for retail trading on Liberation Day.

The Council recalled that, as Liberation Day 2009 would fall on Saturday, both the 9th and 10th of May would be classified as Sundays for the purposes of the Shops (Sunday Trading) (Jersey) Law 1960, as amended (the Law). It further recalled that on 6th May 2009 the Minister for Economic Development had made a Ministerial Decision declaring that, in his opinion, Liberation Day 2009 would constitute an Island-wide festival for the purposes of the Law.

It was reported that the Comité des Connétables, whose members held responsibility for the issuing of Sunday trading permits in accordance with Article 4 of the Law, had not endorsed the concept of an Island-wide festival. In this regard, it was considered by the Comité that the unilateral decision of the Minister for Economic Development had not been particularly helpful in establishing the legal position for the benefit of traders and the wider public.

The Council concluded that the foregoing underlined the need for suitably revised Sunday trading legislation to be developed and lodged ‘au Greffe’ as soon as possible.

Senator P.F.C. Ozouf was not present for this item.

Carbon offset
scheme: States
of Jersey
participation.
1444/4(15)

A8. The Council received an oral report from the Chief Executive concerning the imminent launch of a carbon offset scheme by the Durrell Wildlife Conservation Trust.

It was reported that Durrell intended to launch the carbon offset scheme as an initiative in support of the States of Jersey Eco Active campaign to promote individual environmental responsibility. The Council was invited to endorse the scheme and to set an example by making an annual payment of £10,000 to Durrell in order to offset the carbon generated as a consequence of necessary trips incurred by representatives of executive departments of the States. It was clarified that the necessary funds would be sourced proportionately from individual departmental budgets.

The Council approved an annual carbon offsetting payment of £10,000 to Durrell Wildlife Conservation Trust.

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The Chief Executive and the Treasurer of the States were authorized to take the necessary action.

Senator P.F.C. Ozouf and Connétable M.K. Jackson were not present for this item.