

COUNCIL OF MINISTERS

(20th Meeting)

17th September 2009**PART A**

All members were present, with the exception of: Senator F.E. Cohen, Minister for Planning and Environment; Senator A.J.H. Maclean, Minister for Economic Development; Senator B.I. Le Marquand, Minister for Home Affairs and Deputy I.J. Gorst, Minister for Social Security, from whom apologies had been received.

Senator T.A. Le Sueur, Chief Minister
 Senator P.F.C. Ozouf, Minister for Treasury and Resources
 Senator T.J. Le Main, Minister for Housing
 Connétable M.K. Jackson of St. Brelade, Minister for Transport and Technical Services
 Deputy R.C. Duhamel, Assistant Minister for Planning and Environment
 Deputy J.G. Reed, Minister for Education, Sport and Culture
 Deputy J.A. Hilton, Assistant Minister for Home Affairs
 Deputy A.E. Pryke, Minister for Health and Social Services

In attendance -

Connétable J. Le Sueur Gallichan of Trinity (item No. A3 only)
 Connétable G.F. Butcher of St. John (item No. A3 only)
 Connétable P.F.M. Hanning of St. Saviour (item No. A3 only)
 Connétable S.A. Yates of St. Martin (item No. A3 only)
 Connétable J. Gallichan of St. Mary (item No. A3 only)
 Deputy J.A.N. Le Fondre, 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
 D. Flowers, Director, Jersey Property Holdings
 C. Haws, Head of Financial Planning
 J. Marshall, Strategic Planning Manager
 J. Morris, Policy and Research Manager
 M.N. de la Haye, Greffier of the States
 I. Clarkson, Clerk to the Council of Ministers
 A-C. Heuston, States Greffe

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

Minutes A1. The Part A Minutes of the meeting held on 3rd September 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 Second Session of 2009. Particular attention was paid to the following items –

(a) **Vote of No Confidence: States Employment Board (P.142/2009) –**

it was noted that a comment was currently being finalised and would shortly be presented to the States by the Chief Minister on behalf of the Board; and,

- (b) **Wheel clamping: introduction of legislation (P.119/2009)** –the Minister for Transport and Technical Services advised the Council that he would seek to discuss the proposition with Deputy P.V.F. Le Claire.

Comité des
Connétables:
informal
discussion.
1444/1(26)

A3. The Council welcomed the Comité des Connétables for an informal discussion on the following matters –

- (a) **TETRA funding** – the meeting noted that the Home Affairs Department was responsible for limited enhancements to the TETRA system, which would increase each user's costs by 5%. It was agreed that a representative of the Connétables would be invited to attend any future meetings in respect of the TETRA system;
- (b) **Funding for parish housing schemes** – each parish was asked to indicate the time scale for its housing schemes to the Minister for Treasury and Resources. It was noted that the Minister would be as accommodating as possible in respect of assisting parishes to obtain financing;
- (c) **Options for financing affordable housing** – the Council agreed that full consideration should be given to the establishment of a scheme to enable buyers to purchase property subsidised by the parish, or the States, in perpetuity; and,
- (d) **Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.79/2009)** – the Council was content with the amendment proposed by the Connétable of St. Helier, and it was agreed that the report of the Corporate Services Panel should be requested as soon as possible.

Draft Annual
Business Plan
2010:
amendments.
447/1/1/4(1)

A4. The Council, with reference to its Minute No. B5 of 3rd September 2009, considered amendments to the draft Annual Business Plan 2010, together with a series of draft comments and amendments intended to be presented either by the Council or by individual Ministers in response to the foregoing. It agreed the following courses of action –

Amendment (lodged by Deputy G.P. Southern)

There was broad agreement that the recently published draft North of St. Helier Masterplan had been an important development and that the public and, ultimately, the States should be afforded the opportunity to express a view on it. Once the States had expressed its view on the draft Masterplan, the Council would take the necessary steps to ensure that a suitable source of funding could be put in place to take the preferred solution for delivery of a town park forward.

Deputy J.A. Hilton advised the Council of her intention to support the amendment.

The Council resolved to present a comment outlining its opposition to the amendment.

Amendment: Amendment (lodged by Deputy S. Pitman)

The Council, having noted the similarities between this amendment concerning delivery of a town park and that which had been lodged 'au Greffe' by Deputy Southern, resolved to present a comment outlining its opposition to the amendment.

2nd Amendment (lodged by Senator A. Breckon)

The Council recalled that the States had already adopted policies concerning delivery of social rented, first-time buyer homes and/or lifetime homes through the Island Plan 2002, which was presently under review. Ministers also expressed concern that the proposal, if adopted, would have negative implications for the proposed capital programme for 2010 to 2014 in that Jersey Property Holdings would be less likely to meet the States agreed target of achieving £4 million annually from disposal receipts.

The Council resolved to present a comment outlining its opposition to the amendment.

3rd Amendment (lodged by Senator B.E. Shenton)

The Council acknowledged the view of the Minister for Health and Social Services that the Carer's Strategy and the development of flexible long term care funding arrangements for all people requiring respite care would provide the most appropriate solution for the issue highlighted by Senator Shenton. It was further noted that the Amendment would cause an increase in overall expenditure in future years at a time when the States was facing a structural deficit.

Deputy J.A. Hilton advised the Council of her intention to support the amendment.

The Council resolved to present a comment outlining its opposition to the amendment.

On a related matter, the Council noted and endorsed the intention of the Chief Minister to lodge 'au Greffe' a further amendment to the Draft Annual Business Plan 2010 in accordance with Article 11(5) of the Public Finances (Jersey) Law 2005 to secure additional urgent investment in the approximate sum of £2 million for 2010. This sum would be required to mitigate risks in key, front line services.

4th Amendment (lodged by Senator S.C. Ferguson)

Although broad in principle support for the amendment was expressed, the Council noted that staff were already expected to help deliver improvements to service delivery across the States in the course of their normal duties. On that basis the Council resolved to present a comment accepting Part 1 of the amendment.

The Council was advised that discussions with the proposer of the 4th Amendment had taken place to clarify the intent of the latter part of that amendment. As a result, the proposer had reportedly been content to accept a further amendment to the 4th Amendment, to be lodged by the Chief Minister in accordance with Article 11(5) of the Public Finances (Jersey) Law 2005, which would provide a suitable accounting basis for the scheme and also to ensure that the manpower implications of the amendment would not be disproportionately onerous.

5th Amendment (lodged by Deputy C.F. Labey)

The Council noted a declaration of interest by Senator P.F.C. Ozouf.

Broad support for an Eastern cycle route was expressed, although Ministers generally considered that greatest benefit from a phased scheme could be derived by commencing construction at the St. Helier end of any agreed route.

Connétable M.K. Jackson confirmed that the Transport and Technical Services Department supported the principle of the amendment; however, he advised that the financial implications for the Car Park Trading Account would need to be assessed.

The Council resolved to present a comment to the States affirming its support for the proposition, subject to confirmation of the financial implications for the Car Park Trading Account.

6th Amendment (lodged by Senator A. Breckon)

It was reported that the Economic Development Department had produced a report summarizing the advantages and disadvantages of implementing a financial services ombudsman scheme. The Council recommended that the report be presented to the States in early course.

The Council, having acknowledged the potential economic implications of deferring progress on plant varieties legislation and that no provision had been made to meet the financial and manpower implications of a financial services ombudsman scheme, concluded that it should present a comment opposing the amendment, subject to confirmation that law drafting instructions for plant varieties legislation could realistically be delivered to the Law Draftsman during 2010.

7th Amendment (lodged by Connétable A.S. Crowcroft of St. Helier)

The Council acknowledged the relative importance of urban renewal projects and expressed regret that the effectiveness of the Urban Task Force in driving the urban renewal process forward had been relatively limited. It nevertheless considered that any such projects earmarked for progression and completion in 2010 could be presented to the Fiscal Stimulus Steering Group on an individual basis with a view to securing the necessary funding from the monies allocated to the Economic Stimulus Plan. On that basis the Council resolved to present a comment opposing the amendment.

9th Amendment (lodged by Deputy J.B. Fox)

The Council acknowledged the relative desirability of further enhancing odour control at the sewage treatment works at Bellozanne, St. Helier over and above the £500,000 allocated in recent years. It was nevertheless apparent that adopting the amendment would cause an increase in the capital expenditure allocation in 2010 without identifying equivalent savings, offsetting reductions in expenditure or an additional new source of income; accordingly it would increase the anticipated deficit facing the States.

The Council reluctantly resolved to present a comment to the States opposing the amendment. It nevertheless noted that the issue of investment in the sewage treatment works would be addressed as part of the forthcoming draft liquid waste strategy.

10th Amendment (lodged by Deputy S. Pitman)

The Council noted that the proposed amendment, if adopted, would result in a saving of approximately £11,000 per annum. It further noted that the Privileges and Procedures Committee had not yet commented on the amendment.

The Council agreed that it should present a brief comment advising that the amendment was a matter for the States Assembly to determine.

11th Amendment (lodged by Deputy T.M. Pitman)

The Council recalled that the Communications Unit played a key rôle in fulfilling the States' objective of connecting more closely with the public by explaining policy decisions to the public and the media and by assisting with public consultation. Since its inception, the Communications Unit had provided a centralized service to departments that had previously tended to manage their own communications activities and initiatives. The prevailing view of the Council was that disbanding the Communications Unit would not remove the demand from departments for expert communications support; accordingly an increase in the use of external consultants could be expected, the cost of which would have to be met by those departments. It was also apparent that adoption of the proposition would cause the States to incur redundancy costs.

The Council, having expressed its support for the staff employed within the Communications Unit and having acknowledged their high work rate, resolved to present a comment affirming its opposition to the amendment.

12th Amendment (lodged by the Minister for Education, Sport and Culture)

The Council concluded that removing D'Hautrée Site, St. Saviour's Hill from the schedule for disposal could be accepted in response to a firm undertaking from the Minister for Education Sport and Culture that a comprehensive and phased review of all of the department's current and future accommodation needs would be carried out by his department with assistance from Jersey Property Holdings. All the operational requirements of the Education, Sport and Culture Department would need to be assessed in the context of the pressing need to deliver significant efficiencies in asset utilization by releasing properties for disposal. It was further stipulated that the findings of the first phase, which would include all schools within the portfolio, would need to be reported to the Council no later than April 2010 so as to allow for relevant actions to be included within the Draft Annual Business Plan 2011.

The Council, having noted that the Minister for Education, Sport and Culture had given the firm undertaking in the specific terms outlined above, resolved to present a comment to the States accepting the amendment.

13th Amendment (lodged by Deputy M. Tadier)

The Council concluded that Library Chambers, 5 Library Place, St. Helier was not capable of providing suitable office accommodation in accordance with the draft Office Strategy being developed by Jersey Property Holdings. Having noted the specific use proposed by Deputy Tadier, the Council acknowledged that it would be open to a group of States Members to submit a proposal to Jersey Property Holdings offering to rent the property at a commercially viable rate. Nevertheless, the limitations of the existing building were such that selling the property was

thought most likely to deliver the greatest public benefit in support of the Capital Programme funding requirement.

The Council resolved to present a comment clarifying its opposition to the amendment.

16th Amendment (lodged by the Education and Home Affairs Scrutiny Panel)

The Council agreed that it should accept Parts 1 to 3 of the amendment; however, it noted the observation of the Minister for Education, Sport and Culture that achieving an objective review of the management structure of his department would probably require the involvement of external consultants. In turn, this would have financial implications for his department.

Turning to Parts 4 and 5, the Council acknowledged that the Home Affairs Department remained committed to the introduction of the draft Discrimination (Jersey) Law 200- and that, subject to the availability of spare law drafting time to facilitate the production of regulations concerning racial discrimination, it was thought likely that the draft Law could be implemented in 2011 at a cost of £100,000. Implementation at an earlier date would be unrealistic as additional consultation, law drafting and administrative work on matters including the constitution of a discrimination tribunal would need to be completed first.

In respect of Part 6, the Council formed the view that adopting that part of the amendment would require consequent reductions in, reprioritisation of or provision of additional funding for the proposed capital programme. Moreover, it was apparent both that the Scrutiny Panel had underestimated the cost of demolishing the Fort Regent Swimming Pool and that demolishing the Pool would not necessarily act as a catalyst for further development at Fort Regent. On that basis the amendment was not supported.

The Council resolved to present a comment to the States summarizing its position in respect of the amendment.

17th Amendment (lodged by Deputy D.J.A. Wimberley)

The Council opposed Parts 1, 5, 6, 7, 8 of the amendment on the basis that they would lead to duplication of effort and / or additional cost in the absence of a realistic and sustainable funding solution to cover that cost. It further resolved to oppose Parts 9 and 10 because the proposed changes to Part (f) of the proposition were considered unnecessary and potentially inappropriate.

Regarding its opposition to Part 7, the Council noted that its comment to Amendment No. 7 would outline a viable method of securing funding for urban renewal projects.

Parts 2, 3 and 4 were accepted by the Council.

The Council resolved to present a comment to the States clarifying its position in respect of the amendment.

18th Amendment (lodged by Deputy M. Tadier)

The Council concluded that it should oppose the amendment on the basis that the land had no operational value to the States and because its sale would generate a

20th Meeting
17.09.09

small financial return.

The Council delegated authority to the Chief Minister and the Minister for Treasury and Resources to approve final drafts of comments on the aforementioned amendments, for presentation to the States in the name of the Council.

Next meeting.

A5. The Council noted that its next meeting would be held on the morning of 30th September 2009.