

COUNCIL OF MINISTERS

(74th Meeting)

10th March 2011**PART A**

All members were present, with the exception of: Senator T.A. Le Sueur, Chief Minister; Senator P.F.C. Ozouf, Minister for Treasury and Resources; and, Senator A.J.H. Maclean, Minister for Economic Development, from whom apologies had been received.

Senator F.E. Cohen, Minister for Planning and Environment (Acting Chairman)
 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
 Deputy E.J. Noel, Assistant Minister for Treasury and Resources
 Deputy A.K.F. Green, M.B.E, Minister for Housing

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables
 Connétable J.M. Refault, Assistant Minister for Treasury and Resources
 W.D. Ogley, Chief Executive, States of Jersey
 J. Richardson, Deputy Chief Executive (for items B1 and B2)
 L. Rowley, Treasurer of the States (for items B1 and B2)
 C. Anderson, Team Leader – Comprehensive Spending Review (for items B1 and B2)
 J. Harris, Assistant Director Policy and Planning, Education, Sport and Culture Department (for item B3)
 C. Haws, Head of Financial Planning, Treasury and Resources Department (for items B1 and B2)
 J. Littlewood, Head of Finance, Education, Sport and Culture Department (for item B3)
 T. Mourant, Executive Officer, Education, Sport and Culture Department (for item B3)
 D. Peedle, Economic Advisor, Economics Unit (for item B4)
 K. Posner, Business Change Manager Education, Sport and Culture Department (for item B3)
 J. Morris, Policy and Research Manager
 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 meetings held on the following dates, having been circulated previously, were taken as read and were confirmed –

1st February 2010 (Part B only),

3rd February 2011 (Part A only),
10th February 2011 (Parts A and B) and
17th February 2011 (Parts A and B).

States
business.
1240/7/1(1)

A2. The Council, with reference to its Minute No. A1 of 4th March 2011, reviewed the list of public business scheduled for consideration by the States Assembly during the remainder of the First Session of 2011. Particular consideration was given to the propositions listed below.

Importation of Fireworks in 2007 for a Charity Event: investigation (P.21/2011)

The Council, having been advised that it had not been possible to complete a full factual comment in the time available, resolved to support the proposition on the understanding –

- (a) that production of the requested report was already well underway and
- (b) that its support for the proposition should in no way be taken to indicate any acceptance of liability on the part of the Ministers cited in P.21/2011.

Elected members' access to information: media releases (P.22/2011)

The Council noted that its comment had been presented to the States.

States Strategic Plan: annual debate on progress (P.27/2011)

The Council noted that its comment had been presented to the States.

Draft Island
Plan 2011.
868(37)

A3. The Council, with reference to its Minutes Nos. B2 of 11th February 2010 and B3 of 27th January 2011, recalled that consultation on the Island Plan White Paper had been followed in the latter part of 2010 by an examination in public and publication of a resulting report on the draft Island Plan by planning inspectors Mr. C. Shepley and Mr. A. Langton.

The Council, with the Chief Officer, Environment Department in attendance, received a presentation concerning the draft Island Plan 2011.

It was reported that the draft was now all but ready for lodging. Due account had been taken of the planning inspectors' report and the plan had been updated to reflect the most current data on housing supply and demand, on the needs of industry and on States workstreams for the coming years. Notwithstanding the foregoing, the over-arching objective of the draft Plan remained the same; the Plan would protect the Island's countryside and deliver urban regeneration.

The Council observed that a number of the larger sites earmarked for rezoning under Policy H1 had been removed from the revised draft Island Plan. It had become apparent not only that the support from the relevant parishes for the rezoning was lacking, but also that using States administered land would probably be the most expedient method of delivering a percentage of the affordable housing requirement. It was envisaged that around 100 or more homes could be built during the first 5 years of the life of the new Island Plan on land in the control of the States. The remaining requirement would be facilitated by the new Policy H3 – Affordable Homes, which would require that affordable homes be provided as a proportion of any new housing development applied for with effect from 2012 and which had been designed to incentivise developers to construct a notable number of new homes early in the life of the new plan. In recognising the potential benefits arising from the draft Policies H1 and H3, the Council acknowledged that

the achievement of appropriate value from States administered property would remain a critical factor in the generation of sufficient funds for the ongoing Capital Programme.

There followed a discussion of the car parking implications arising from the proposed policies on residential development. Given the prevailing public appetite for car ownership and usage, it was felt that a realistic revision of Supplementary Planning Guidance on residential parking provision and related input from the Connétables on residential parking provision in their parishes would be needed, as well as a review of the existing policy regarding the conversion of domestic garages to provide additional living space.

Clarification was sought as to the extent of any green field rezoning. The Council was advised that only a limited degree of small-scale rezoning would be proposed in the draft Island Plan and that the over-arching aim was to restrict development in the countryside. This policy objective had been reflected in the proposed absorption of the existing Countryside Zone within a single, simplified Green Zone.

In reviewing the other policies within the new draft Island Plan, the Council noted that the future needs of the Education, Sport and Culture Department had been recognised and that more sustainable mineral and waste management policies had been provided for. There was nevertheless a desire to see the requirements of the Health and Social Services Department set out more definitively.

The Council recommended that the Minister for Planning and Environment consider the following recommendations –

- (a) that the Comité des Connétables should be given a suitable opportunity for direct input on development briefs that would be produced for the specific new housing sites identified in the draft Plan;
- (b) that there should be a new or suitably enhanced section of the draft Plan that would acknowledge the specific emerging requirements of the Health and Social Services Department;
- (c) that, prior to the States debate on the draft Island Plan, efforts should be made to carry out an assessment of the number of under-utilised or unoccupied residential units in the Island; and
- (d) that, prior to the States debate on the draft Island Plan, States Members should be notified of the policy position to be adopted in the Minister's forthcoming Supplementary Planning Guidance on parking that would apply to developments to be considered under the new draft Island Plan.

Subject to the foregoing recommendations, the Council endorsed the draft Island Plan and recommended that the Minister for Planning and Environment proceed to lodge the draft 'au Greffe' in early course with a view to securing a debate on 21st June 2011 or as soon as practicable thereafter.

Sex Offenders
(Jersey) Law
2010:
amendment.
1392(2)

A4. The Council, with reference to its Minute No. B1(b) of 23rd July 2009, recalled that on 10th December 2010 the States had, in pursuance of Article 32 of the Sex Offenders (Jersey) Law 2010, made an Act entitled the Sex Offenders (Jersey) Law 2010 (Appointed Day) Act 2010 (P.175/2010 refers). It further recalled that, during the course of the debate on the Appointed Day Act, the Minister for Home Affairs had notified the States of his intention to lodge an amendment to the Law in early course in order to address several concerns that had

been raised.

The Council considered a report produced by the Chief Officer, Home Affairs Department and which was entitled: 'Sex Offenders (Jersey) Law 2010 – Amendments.'

Ministers noted that the Minister for Home Affairs intended to lodge a report and proposition to make certain technical amendments to the following Articles of the Sex Offenders (Jersey) Law 2010 –

- (a) **Article 5** – to amend the test to be applied in deciding the period for which a person would be subject to notification requirements and, in certain circumstances, to enable proactive removal of a requirement for an offender to remain subject to notification requirement;
- (b) **Article 8** – to introduce a requirement for a person subject to notification requirements, and who had left the Island for a period, to provide certain key information on their return; and
- (c) **Articles 19 – 22 and Articles 24 – 26** – to make certain changes to standardise appeal mechanisms and to take account of rights afforded by Article 6 of the European Convention on Human Rights concerning the right to a fair trial.

The Council noted and endorsed the intention of the Minister for Home Affairs to lodge 'au Greffe' the necessary amendment to the Sex Offenders (Jersey) Law 2010.