

PM/SC/256

COUNCIL OF MINISTERS

(27th Meeting)

6th September 2012**PART A**

All members were present, with the exception of Senator I.J. Gorst, Chief Minister; Senator A.J.H. Maclean, Minister for Economic Development; Deputy P.J.D. Ryan, Minister for Education, Sport and Culture; Deputy A.E. Pryke, Minister for Health and Social Services; and Deputy R.C. Duhamel, Minister for Planning and Environment, from whom apologies had been received.

Senator B.I. Le Marquand, Deputy Chief Minister - Chairman  
 Senator P.F.C. Ozouf, Minister for Treasury and Resources  
 Senator F. du H. Le Gresley, M.B.E., Minister for Social Security  
 Deputy K.C. Lewis, Minister for Transport and Technical Services  
 Deputy A.K.F. Green, M.B.E, Minister for Housing  
 Deputy R.G. Le Hérissier, Assistant Minister for Education, Sport and Culture (present for items A1, B2 and B3)  
 Connétable J.M. Refault, Assistant Minister for Health and Social Services  
 Deputy J.P.G. Baker, Assistant Minister for Economic Development (present for item No. B2)

In attendance -

Senator Sir P.M. Bailhache, Assistant to the Chief Minister (present for items A2, A3 and B1)  
 Deputy E.J. Noel, Assistant Minister for Treasury and Resources (for items A1, A3, B2 and B3)  
 Connétable J.LeS. Gallichan of Trinity, Chairman, Comité des Connétables  
 J.D. Richardson, Chief Executive, States of Jersey  
 Miss P. Staley, Law Draftsman (for item A2)  
 Ms. J. Garbutt, Chief Officer, Health and Social Services (for item A3)  
 Ms. R. Williams, Head of System Redesign and Delivery, Health and Social Services (for item A3)  
 Mrs. L. Rowley, Treasurer of the States (for item B3)  
 K. Hemmings, Head of Decision Support, States Treasury (for item B3)  
 D. Bannister, Group Chief Executive Officer, Harbours and Airport (for items A1 and B2)  
 M. King, Chief Officer, Economic Development department (for items A1 and B2)  
 J. Norris, Policy and Research Officer  
 M.N. de la Haye, Greffier of the States  
 T.J. Le Cocq, Q.C., H.M. Attorney General  
 C. Keir, Communications Manager (for items A1, A3 and B1-B3)  
 P. Monamy, Clerk to the Council of Ministers

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

States  
business.

A1. The Council, with reference to its Minute No. A2 of 20th July 2012, noted the list of public business scheduled for consideration by the States Assembly

during the first and second meetings of the Second Session of 2012. Particular consideration was given to the propositions listed below.

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**Draft Residential Tenancy (Amendment) (Jersey) Law 201-** (P.67/2102)

The Council, having recalled that the amendment represented a general ‘tidying-up’ of the legislation in line with the requirements of the Privy Council, endorsed the draft Law.

**Committee of Inquiry: resignation of the Comptroller and Auditor General** (P.68/2012)

The Council noted that the Chief Minister, together with the Chairman of the Public Accounts Committee, were currently working towards a short-term solution to fill the post of Comptroller and Auditor General. Having considered a draft comment on the proposition and the amendment thereto, the Council agreed to oppose the proposition and delegated to the Deputy Chief Minister authority to finalise its comment, subject to the incorporation of the views which had been expressed by Council members. Senator F.duH. Le Gresley asked that his dissent from the Council’s decision and comment be recorded. (Senator P.F.C. Ozouf and Deputy R.G. Le Hérissier declared a conflict of interest and withdrew from the meeting).

**Incorporation of Ports of Jersey** (P.70/2012)

The Council discussed with the Group Chief Executive Officer, Harbours and Airport, together with the Chief Officer, Economic Development Department, the outline strategy to be adopted when the matter came before the States, including the emphasis to be placed on the ‘in-principle’ nature of the authority being sought for the Minister for Economic Development to take the necessary action to prepare for incorporation, the target date for which was 1st January 2015. The Council endorsed the proposition. (N.B. The remainder of this item is minuted under ‘Part B’ of these Minutes).

**Protection of Freedoms Act 2012: extension of provisions to Jersey by Order in Council** (P.71/2012)

The Council noted that the Proposition related to improvements which had been made in the United Kingdom in relation to the vetting and barring scheme which provided information, including criminal records checks, on prospective employees and voluntary workers who might be working with children and vulnerable adults. The Council endorsed the proposition of the Chief Minister.

**Draft Price Indicators (Amendment) (Jersey) Regulations 201-** (P.72/2012)

The Council noted that the Draft Regulations had been proposed as a result of the decision by the States on 2nd November 2011 when a proposition by Senator A. Breckon had been adopted by a large majority. (P.146/2011) The proposition was as follows –

*“to request the Minister for Economic Development to bring forward for approval the necessary legislation to introduce a requirement for all retailers of road fuel to display the price of road fuel on sale so that it is clearly visible to passing motorists from the adjacent roadway.”*

The Council further noted that the Minister for Economic Development had also taken the opportunity to propose some additional unrelated amendments to the Regulations. The Council endorsed the draft Regulations. (Senator P.F.C. Ozouf declared a conflict of interest).

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**Use of electronic devices in the States Chamber: trial (P.73/2012)**

The Council endorsed the proposition.

**Jersey Appointments Commission: appointment of Chairman (P.75/2012)**

The Council noted that the currently longest-serving Commissioner was being proposed for appointment as Chairman until 23rd February 2014 to replace the former Chairman who had resigned on 18th June 2012, on the basis that a new Chairman would be selected for a 4-year term later in the summer. The Council, having noted that it might be appropriate for a review of the work of the Appointments Commission to be undertaken in due course, endorsed the proposition of the Chief Minister.

Legislation  
Programme  
2012: Quarter  
3 update.  
422/23/1(17)

A2. The Council discussed with the Law Draftsman her report, dated 29th August 2012, concerning a Quarter 3 update in respect of the Legislation Programme 2012.

The Council noted information regarding Legislation Programme projects which (1) had started since the last report and (2) had been completed (lodged 'au Greffe' or made) since the last report.

It was also noted that the drafting team's time for the remainder of 2012 was almost to be wholly taken up in completing the following drafts for lodging 'au Greffe' or making –

- Control of Housing and Work – implementing subordinate legislation
- Debt Relief (Developing Countries) Law
- Intellectual Property (Unregistered Rights) – implementing subordinate legislation
- Gambling Law – implementing subordinate legislation
- Budget 2013 – implementing Laws
- Social Security Law – revision of benefits in kind and replacement for invalid care allowance.

The Council was informed that discussions were commencing with Chief Officers in order to prioritise the allocation of drafting time, having first regard to projects that had to be completed by mid-2014. It was noted that progress on some matters had stalled as a consequence of the sponsor department not providing further instructions when requested by the draftsman. It was considered that in some cases it appeared that the department concerned did not have the capacity to progress certain legislative matters. It was noted that agreement had now been reached with the Corporate Management Board whereby departments would in future ensure that they were properly resourced in order to deal promptly with any law drafting work they commissioned. It was also noted, however, that any significant upturn in the need for the services of the law drafting team would undoubtedly necessitate the provision of extra law drafting resources.

The Law Draftsman offered to facilitate access by departments and others to a States' Law Drafting intranet site which indicated the status and progress of law current drafting requests.

“A new way  
forward for  
Health and  
Social  
Services”:  
report and  
proposition.

A3. The Council, with reference to its Minute No. B2 of 31st May 2012, discussed with the Chief Officer and the Head of Service Redesign and Delivery, Health and Social Services, the final draft report and proposition entitled: “A new way forward for Health and Social Services”, which was to be lodged 'au Greffe' by the Council.

The Council received a presentation from the Head of Service Redesign and

1446/1(89)  
1064/3(26)

Delivery which outlined the proposition and the basis of the report which had been produced following extensive consultation with the public and other stakeholders. It was noted that the report concluded that community services required to be enhanced and expanded immediately in order to provide care for the increasing older adult population and to relieve pressure on the hospital. The hospital was already operating at an occupancy level which was above best practice; and it was considered that increasing this further would impact on patient safety and would quickly lead to increases in waiting lists and operations being cancelled. It was noted that if the pressure on hospital services was not relieved, the hospital would become an emergency-only facility and this would then undermine its ability to function as a hospital. It was considered that staff morale would decrease and retention of staff would be even more difficult; vacancies would increase as careers in Jersey became increasingly less attractive. The Council noted that stigma associated with mental health would increase; as would sickness levels and incapacity benefit claims, and it was considered that this would impact across States Departments.

Also of concern was that more children would need to be cared for in residential settings, and children with behavioural problems would not be identified and treated early. It was considered that this would impact for the rest of their lives, and would reduce their ability to lead productive, satisfying lives – including being able to work, form relationships and be good parents themselves. The Council noted that if changes to health and social care were not introduced in the next 3 years, there was a real possibility that funding would not be sufficient to provide the range of services that Islanders deserved. This would mean that either services would need to be rationed or closed, taxation would need to increase, Islanders would have to pay for services as they used them or mandatory health insurance would be required. It was recognised that none of these options would be palatable for Islanders – especially those who had paid tax and social security contributions their whole lives.

The Council of Ministers confirmed its conclusion that Jersey needed to -

- implement the redesign of health and social care services in Jersey by 2021 as outlined in the Report; and
- develop, by 2014:
  - proposals to develop a new model of Primary Care;
  - proposals for the priorities for investment in hospital services and detailed plans for a new hospital (either on a new site or a rebuilt and refurbished hospital on the current site); and
  - proposals for a sustainable funding mechanism for health and social care.

The report emphasised that service redesign on the scale envisaged had never before been proposed by a States of Jersey Department, and it presented a unique opportunity to offer Islanders a world-class health and social care system for the future, which was accessible, affordable and appropriate, but, above all, safe.

The Council noted that those various Ministerial departments most closely involved with the project had provided input into the draft report and proposition, and it was suggested that it would be desirable for details of the potential effect of the proposal within the 3-year period covered by the Medium Term Financial Plan (MTFP) to be provided to States members in advance of the debate of the H&SS proposals which it was hoped would be held on 23rd October 2012. Additionally, it was agreed that the outline business cases for each of the major elements of the proposals should be uploaded to the relevant website a week or so after the formal lodging 'au Greffe' of the projet. It was agreed that arrangements should be made

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for the final version of the report and proposition to be provided to the relevant Scrutiny Panel or Panels prior to lodging and for close engagement to be entered into with the members concerned from the outset.

Having addressed a number of points raised by Senator Le Gresley, the Council noted the close collaboration which had taken place with the Consumer Council regarding the use of results from its recent survey in advance of their formal publication. The H&SS team also undertook to review the percentage figures ascertained regarding the reported high use of the hospital's accident and emergency facilities by non-urgent patients who chose not to visit their own general practitioner (G.P.).

The Council delegated to the Deputy Chief Minister, as assisted by members of the Ministerial Oversight Group, authority to approve any final revisions to the report, and accordingly approved the projet for lodging 'au Greffe' on 11th September 2012.

The Assistant Minister for Health and Social Services expressed appreciation on behalf of the Minister for all the work which had been undertaken by the Chief Officer and the H&SS team, and this was endorsed by the Council.