

PM/SC/285

COUNCIL OF MINISTERS

(30th Meeting)

4th October 2012**PART A**

All members were present.

Senator I.J. Gorst, Chief Minister (not present for item B1)
 Senator P.F.C. Ozouf, Minister for Treasury and Resources (not present for item B1)
 Senator A.J.H. Maclean, Minister for Economic Development
 Senator B.I. Le Marquand, Minister for Home Affairs
 Senator F. du H. Le Gresley, M.B.E., Minister for Social Security
 Deputy R.C. Duhamel, Minister for Planning and Environment
 Deputy A.E. Pryke, Minister for Health and Social Services
 Deputy K.C. Lewis, Minister for Transport and Technical Services
 Deputy A.K.F. Green, M.B.E, Minister for Housing
 Deputy P.J.D. Ryan, Minister for Education, Sport and Culture

In attendance -

Senator P.F. Routier, M.B.E., Assistant to the Chief Minister (for items A2, B1 and B2)
 Senator Sir P.M. Bailhache, Assistant to the Chief Minister (for items A2, B2, B5 and B6)
 Deputy E.J. Noel, Assistant Minister for Treasury and Resources (for items A2, B1 and B5)
 M. King, Acting Chief Executive, States of Jersey
 P. Bradbury, Director – Corporate Policy, Chief Minister’s Department (for item B4)
 Ms. R. Johnson, Assistant Director - Ministerial Support, Health and Social Services Department (for item B4)
 J. Mews, Director – Finance Industry Development, Economic Development Department (for item B2)
 Mrs. L. Rowley, Treasurer of the States (for item A2 and B2)
 W. Gardiner, Programme Director, Transport and Technical Services Department (for item A2) and Manager - Housing Transformation Programme, Housing Department (for item B1)
 I. Gallichan, Chief Officer, Housing Department (for item B1)
 J. Turner, Director – Finance and Information, States Treasury (for item B5)
 M. Heald, Assistant Chief Executive, Chief Minister’s Department (for item B5)
 G.C. Powell, C.B.E., Adviser – International Affairs, Chief Minister’s Department (for item B6)
 R. Jouault, Managing Director – Community and Social Services, Health and Social Services Department (for item A2)
 M.N. de la Haye, Greffier of the States
 T.J. Le Cocq, Q.C., H.M. Attorney General
 Ms. S. Rodgers, Assistant Project and Policy Officer, Chief Minister’s Department
 P. Monamy, 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 17th and 24th September 2012 (both Part B only), having been previously circulated, were taken as read and were confirmed.

States
business.
1240/7/1(1)

A2. The Council, with reference to its Minute No. A1 of 6th September 2012, noted the list of public business scheduled for consideration by the States Assembly during the remainder of the Second Session of 2012. Particular consideration was given to the propositions listed below.

9th October 2012

Incorporation of Ports of Jersey (P.70.2012)

The Council, having recalled that it had previously endorsed the proposition, noted that subsequent to the reference of the matter back to the Minister, further information had been provided to all States members, with the Minister for Economic Development having either met, or having agreed to meet all those who had expressed an interest in discussing the matter with him. Having noted a number of matters raised by Council members, it was recognised that these would be fully addressed during the debate which, it was noted, would constitute a new debate, starting afresh with the proposition being proposed by the Minister and all States members having the opportunity to address the Assembly;

Historic Abuse Redress Scheme: approval by the States Assembly (P.80/2012)

The Council discussed with the Managing Director - Community and Social Services, Health and Social Services; together with Advocate B. Lacey, Partner and Advocate M. Cook, Senior Associate, Mourant Ozannes (Historic Abuse Redress Scheme lawyers), a draft of its comment on P.80/2012 (which proposition had been lodged 'au Greffe' by Deputy M.R. Higgins) which was to be presented to the States shortly. It was recognised that, to date, 128 claims for compensation had been received and were being processed. The claims were at various stages: many claims remained at the initial stage of investigation and the gathering of relevant documentation; a number of claimants had either seen, or had appointments to see, the Scheme psychiatrist for the preparation of relevant reports; the Scheme lawyers were in negotiations over settlement on a number of claims; and 5 claimants had entered into settlement agreements. It was emphasised that the Scheme had been designed to provide an alternative and efficient means of providing fair financial compensation to the victims, rather than requiring that the victims resort to legal proceedings. It was recognised that any such proceedings would by their nature be adversarial and public and many victims had expressly stated that they wished to avoid resorting to such legal proceedings if possible. Further, there was a major problem in relation to a victim pursuing legal proceedings in that there was a time limit within which claims would have to have been brought, and legal advice indicated that that time period had long expired, leaving the victims in effect without a legal remedy. The Council was concerned to note that a total of 16 claims did not fit the parameters of the Scheme and further noted that the Scheme lawyers were seeking to work with the relevant claimants, or their lawyer, to address any issues which may have arisen. The Council agreed that it was unlikely that, as sought by the proposition, deferring the full and final settlement of claims under the Scheme, so that the States Assembly could further debate the terms of the Scheme, would benefit victims in any way. It was recognised that many victims sought closure and their claims were currently being processed in order to seek to provide that for them, and some had already received full and final settlement under the Scheme. Whereas the Council reiterated its

commitment to bring back a report to the Assembly in due course detailing the outcome and costs of the Historic Abuse Redress Scheme once all claims had been resolved under it, it did not believe that it would be appropriate for the Scheme to remain open and that it should remain closed to new applicants from 30th September 2012 as previously announced. The Council agreed that it would be desirable for further approaches to be made to Deputy Higgins in order to discuss the complexities of the matter, and it was further agreed that it would be appropriate for a briefing to be provided to all members of the States on Monday, 8th October 2012. The Chief Minister was accordingly authorised to finalise the text of the Council's comment for presentation to the States in due course;

Draft Social Security (Amendment No. 20) (Jersey) Law 2012 (Appointed Day) Act 201- (P.81/2012)

The Council endorsed the draft Appointed Day Act.

Jersey Police Complaints Authority: appointment of Chairman and members (P.83/2012)

The Council endorsed the proposition.

23rd October 2012

Health and Social Services: A New Way Forward (P.82/2012)

The Council endorsed the proposition.

Draft Health Care Registration (No. 4) (Jersey) Regulations 201- (P.84/2012)

The Council endorsed the draft Regulations.

PECRS: Committee of Management – appointment of members (P.87/2012)

The Council endorsed the proposition.

Gambling
legislation:
forthcoming
lodging 'au
Greffé' –
noted.
729(1)
729/2(1)
729/3(1)

A3. The Council noted that the Minister for Economic Development would shortly be lodging 'au Greffe' (on 8th October 2012) the following items -

- (a) Draft Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations 201-;
- (b) Draft Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations 201-; and
- (c) Draft Gambling (Jersey) Law 2012 (Appointed Day) Act 201-.

Having noted the background, purpose and effect of the proposals, the Council recognised that as the new regime to be governed by the Gambling (Jersey) Law 2012 was broadly permissive, the States were being asked to approve Regulations which would capture certain types of gambling activity that would otherwise be permitted without regulatory supervision. It was noted that these included ancillary providers of gambling services to licensed businesses; and charitable and membership gambling.

The Council also recognised that the draft Regulations would not govern commercial gambling, namely companies which offered gambling services directly to the public, as these were governed by the provisions in the new Law and were not directly affected by the Regulations.