

PM/SC/326

COUNCIL OF MINISTERS

(37th Meeting)

15th November 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 and Deputy A.K.F. Green, M.B.E, Minister for Housing, from whom apologies were received. Apologies for absence were also received from Connétable J.LeS. Gallichan of Trinity, Chairman of the Comité des Connétables.

Senator B.I. Le Marquand, Deputy Chief Minister - Chairman
 Senator P.F.C. Ozouf, Minister for Treasury and Resources (present for item B4)
 Senator F. du H. Le Gresley, M.B.E., Minister for Social Security
 Deputy R.C. Duhamel, Minister for Planning and Environment (not present for items A2 and A6)
 Deputy A.E. Pryke, Minister for Health and Social Services
 Deputy K.C. Lewis, Minister for Transport and Technical Services
 Deputy P.J.D. Ryan, Minister for Education, Sport and Culture
 Senator L.J. Farnham, Assistant Minister for Home Affairs
 Deputy J.P.G. Baker, Assistant Minister for Economic Development
 Connetable J.M. Refault of St. Peter, Assistant Minister for Housing

In attendance -

Deputy E.J. Noel, Assistant Minister for Treasury and Resources
 J.D. Richardson, Chief Executive, States of Jersey
 M.N. de la Haye, Greffier of the States
 H. Sharp Q.C., H.M. Solicitor General
 A. Heaven, Head of Health Improvement, Health and Social Services Department (for items B1 and B2)
 M. Heald, Assistant Director, Jersey Property Holdings (for item B3)
 J. Rogers, Chief Officer, Transport and Technical Services Department (for item B3)
 B. Taylor, Deputy Chief of Police (for item B3)
 T. Dodd, Acting Director of Transport, Transport and Technical Services Department (for item B3)
 Mrs. L. Rowley, Treasurer of the States (for item B4)
 Ms. W. Martin, Director – Tax Policy, States Treasury (for item B4)
 Ms. K. O'Brien, Acting Deputy Comptroller of Taxes, Treasury and Resources Department (for item B4)
 S. Le Marquand, Director – Legal Status and Revenue, Customs and Immigration Department (for item B4)
 S. Austin-Vautier, Chief Officer, Home Affairs Department (for item A6)
 Ms. G. Hutchinson, Executive Officer, Community Safety and Criminal Justice, Home Affairs Department (item A6)
 Ms. S. Rodgers, Assistant Project and Policy Officer, Chief Minister's Department
 C. Keir, Communications Manager, 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 October (Part A only), 18th October (Part A and Part B), 24th October (Part A and Part B) and 29th October 2012 (Part A 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. A4 of 1st November 2012, noted the list of public business scheduled for consideration by the States Assembly during the remainder of the Second Session 2012. Particular consideration was given to the propositions listed below where indicated.

20th November 2012

Ratification of the Agreement for the exchange of information relating to Tax Matters between the Government of Jersey and the Government of the Republic of Austria (P.85/2012)

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 5) (Jersey) Regulations 201- (P.86/2012)

Draft Debt Relief (Developing Countries) (Jersey) Law 201- (P.91/2012)

The Council recalled that this matter related to the issue of so-called “vulture funds” and would provide for the repayment of a percentage of a country’s debt, unless such repayment were to be challenged by the country concerned.

Police Station Relocation: review of decision (P.92/2012) and amendment

The Council discussed with the Assistant Director, Jersey Property Holdings, together with the Chief Officer, and the Acting Director of Transport, Transport and Technical Services Department; and the Deputy Chief Police Officer, a draft comment on this proposition and related amendment. The Council decided to give further consideration to its proposed comment at its next meeting. *[The remainder of the discussion of this item is recorded under ‘Part B’ of these Minutes].*

Draft Royal Court (Amendment No. 13)(Jersey) Law 201- (P.93/2012)

The Council noted that this matter had emanated from the Legislation Advisory Panel and concerned the introduction of provisions to enable the Bailiff (of Jersey) to appoint one or more Jurats of the Royal Court of Guernsey to sit as Jurat(s) of the Royal Court of Jersey.

Draft Incorporated Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.94/2012)

Draft Separate Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.95/2012)

Draft Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.96/2012)

Old Age Pension: increase for 2012 (P.97/2012)

The Council recalled that the Minister for Social Security had previously indicated that his department would shortly announce proposals to grant a 1.4 per cent increase in Old Age Pensions from April 2013, together with a change in the formula for the calculation of future increases in order to ensure that they were higher than hitherto, and also a move to reviewing Old Age Pension levels in January of each year, instead of in October. The Council noted that these measures

would achieve the aims sought by Deputy G.P. Southern in his proposition and recognised that the Minister for Social Security had presented a comment thereon to the States.

Draft Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations 201- (P.98/2012)

Draft Gambling (Charitable and membership Gambling Services) (Jersey) Regulations 201- (P.99/2012)

Draft Gambling (Jersey) Law 2012 (Appointed Day) Act 201- (P.100/2012)

Reform Day: 28th September 1769 (P.107/2012)

The Council noted that the Minister for Education, Sport and Culture (ESC) had, in conjunction with the Jersey Heritage Trust, formulated a comment on those parts of this proposition relevant to ESC. The Council, having agreed to adopt a low-key approach to the proposal, delegated to the Deputy Chief Minister authority to finalise its comment in relation to those parts of relevance to the Council.

Jersey Appointments Commission: appointment of Commissioner (P.108/2012).

The Council decided to recommend to the Chief Minister that this proposition should be deferred until 11th December 2012, pending further consideration on the future role and membership of the Commission.

4th December 2012

Draft Budget Statement 2013 (P.102/2012) **and amendment**

[Discussion of this item is recorded under 'Part B' of these Minutes].

Draft Finance (2013 Budget) (Jersey) Law 201- (P.103/2012)

Draft Income Tax (Amendment No. 41) (Jersey) Law 201- (P.104/2012)

Draft Goods and Services Tax (Amendment No. 4) (Jersey) Law 201- (P.105/2012)

Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012)

Following the recent decision of the Minister for Planning and Environment to approve the current planning application for the site, the Council agreed to request the Chief Minister to give further detailed consideration to a comment on the proposition at its next meeting.

Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201- (P.101/2012)

The Minister for Social Security indicated that the proposed Regulations would amend the Social Security (Jersey) Law 1974 so as to –

- introduce a new benefit, home carer's allowance, which replaces invalid care allowance;
- make further amendments connected with the introduction of insolvency benefit;
- revise an existing, and create a further, condition of eligibility for adoptive parent grant and create a further condition of eligibility for survivor's pension.

Income Tax: Report on Personal Income Tax Assessments (P.106/2012)

The Council noted the intention of the Minister for Treasury and Resources to comment on the proposition in due course.

Draft Alternative Investments Funds (Jersey) Regulations 201- (P.109/2012)

Draft Financial Services (Amendment of Law No. 4) (Jersey) Regulations 201- (P.110/2012)

Commissioner of appeal for Taxes Office: appointment (P.116/2012)

Jersey Heritage Trust: appointment of Chairman (P.117/2012)

11th December 2012

Draft Intellectual Property (Unregistered Rights) (Jersey) Law 2011 (Appointed Day) Act 201- (P.111/2012)

Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Jersey) Regulations 201- (P.112/2012)

Tourism Shadow Board: establishment (P.113/2012)

Draft Fire Precautions (Amendment No. 2) (Jersey) Law 2012 (Appointed Day) Act 201- (P.114/2012)

The Deputy Chief Minister (in his capacity as Minister for Home Affairs) outlined the improvement in fire safety precautions provided for by the Amendment.

Draft Fire Precautions (Designated Premises) (Jersey) Regulations 201- (P.115/2012)

The Deputy Chief Minister (in his capacity as Minister for Home Affairs) outlined the improvement in fire safety precautions provided for by the Amendment, which would in future also encompass premises in multiple occupancy.

Connétables and other parish officials: explanatory document and new legislation (P.119/2012).

The Connétable of St. Peter, in the absence of the Chairman of the Comité des Connétables, reported that the Comité considered Deputy Higgins' proposition to be unreasonable, particularly in view of the short timescale (6 months) within which part (a) envisaged the explanatory document should be produced. However, it was further reported that the Comité had nevertheless established a group to examine the matter, with a view to identifying a preferred methodology by which all the Connétables could work towards informing their parishioners of the legal powers and roles, etc. of honorary officials involved in the administration, governance and policing of parishes. The Council recognised that the Connétables did not support part (b) of the proposition – the production of new legislation in English to consolidate by re-enactment all existing legislation, and to codify customary provisions where necessary, in relation to the roles and responsibilities of the parish officials and bodies referred to in part (a) – which the Council accepted would be an enormous task; both time-consuming and expensive. The Council agreed to consider draft comments at its next meeting, and to invite the Chief Minister to give consideration as to whether it would be appropriate that he, rather than the Council, should present a comment on part (b) of the proposition.

Draft Repatriation of Prisoners (Jersey) Law 2012 (Appointed Day) Act 201- (P.121/2012)

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The Deputy Chief Minister (in his capacity as Minister for Home Affairs) indicated that the Law would be brought into force on the 1st January 2013; however, international arrangements needed to be in place before foreign prisoners could be repatriated. In relation to Europe, the Island had applied for the relevant Council of Europe Convention to be extended to Jersey.

Draft Health Insurance (Amendment No. 14) (Jersey) Law 2012 (Appointed Day) Act 201- (P.122/2012).

Meetings in
2013: possible
move to
Wednesdays.
1444/1(64)

A3. The Council considered dates for its meetings in 2013.

It was agreed that, rather than the Council continuing to meet fortnightly at 9.30 a.m. on a Thursday, during the week that the States was not meeting, consideration should be given to meeting on the Wednesday of those weeks. As at present, it was envisaged that meetings would usually be held in the Meeting Room on the 9th floor of Cyril Le Marquand House.

The Council also agreed that Ministers should reserve the whole day for meetings on the basis that normal Council business would be conducted during the morning, with the afternoons dedicated to strategic matters, as necessary.

Quarterly
presentations
to States
members.
1444/1(43)

A4. The Council, with reference to its Minute No. A7 of 24th November 2011, approved a schedule of lunchtime presentations to States members in 2013, as follows -

29th January	Minister for Education, Sport and Culture
19th February	Minister for Economic Development
14th May	Minister for Treasury and Resources
16th July	Minister for Health and Social Services
22nd October	Minister for Home Affairs
10th December	Minister for Planning and Environment.

The Policy and Research Manager was authorised to take the necessary action.

Questions to
Ministers
without notice.
1444/1(9)

A5. The Council considered a paper, dated 22nd October 2012, from the Greffier of the States concerning questions to Ministers without notice.

The Council recalled that Standing Orders allowed for a period of 30 minutes at every States meeting, within which oral questions without notice could be put to 2 Ministers. Standing Order 64(6) required the Greffier to consult with the Chief Minister over the creation of a rota of Ministers, which he would distribute to States members subsequently. The Chief Minister was required to answer at every other meeting for the second 15 minute period and, in practice, this would mean that all other Ministers would have a turn at every sixth meeting.

Standing Orders did not set out any fixed order for Ministers to be listed and it was recalled that the alphabetical order of Ministerial office had previously served as the starting point from which the rota should be devised. On that basis the Greffier had proposed the following rota -

Date	1st question period	2nd question period
<u>1st Session 2013</u>		
15th January	Social Security	Chief Minister
29th January	Transport and Technical Services	Home Affairs
19th February	Treasury and Resources	Chief Minister
5th March	Education, Sport and Culture	Health and Social Services
19th March	Economic Development	Chief Minister

16th April	Housing	Planning and Environment
30th April	Social Security	Chief Minister
14th May	Transport and Technical Services	Home Affairs
4th June	Treasury and Resources	Chief Minister
18th June	Education, Sport and Culture	Health and Social Services
2nd July	Economic Development	Chief Minister
16th July	Housing	Planning and Environment

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10th September	Social Security	Chief Minister
24th September	Transport and Technical Services	Home Affairs
8th October	Treasury and Resources	Chief Minister
22nd October	Education, Sport and Culture	Health and Social Services
5th November	Economic Development	Chief Minister
19th November	Housing	Planning and Environment
3rd December	Social Security	Chief Minister
10th December	Transport and Technical Services	Home Affairs.

The Council noted that Standing Order 64(7) provided that if a Minister was to be absent on a day on which he or she was due to answer questions then the rota could be altered providing that at least 2 working days notice was given to Members. If a Minister was unavoidably absent on the day itself without prior warning then an Assistant Minister or another Minister could answer on behalf of the absent Minister.

The Council endorsed the proposed rota for questions without notice.

‘Building a Safer Society’: Annual Report 2011.
561/1(16)

A6. The Council discussed with the Chief Officer, Home Affairs Department and the Executive Officer, Community Safety and Criminal Justice, Home Affairs Department the latter’s report concerning the ‘Building a Safer Society’ (BaSS) Annual Report for 2011.

It was recalled that BaSS was founded on a commitment to invest in early intervention which evidence suggested played a large part in reducing crime, the fear of crime, and the harm caused by illegal drugs; and also on diversionary activities, which helped people to reach their full potential and promoted social inclusion; as well as – in the event that a crime had been committed – responding appropriately, ensuring that offenders understood the consequences of their actions and minimising the harm to the victim. The Council further recalled that, in the period 1998-2004, BaSS had been preceded by the Crime and Community Safety Strategy and the Substance Misuse Strategy.

The Council, having noted a number of Key Performance Indicators (KPIs), recognised that during 2011 there had been a significant reduction in recorded crime, a significant decrease in the number of young people coming before court and a decrease in arrests by the police. It was pleased to note that this situation had endured into 2012 as this meant that there were proportionally fewer victims of crime and fewer people feeling vulnerable and disillusioned.

It was agreed that the ‘Q-Safe’ Taxi Marshal Scheme in particular had been highly successful in reducing the level of disorder in the area of the Weighbridge and the hope was expressed that funding would continue to be provided for the scheme. The “Prison! Me! No Way!!!” initiative was also identified as a highly successful privately-operated programme.

The Council, having endorsed the expression of appreciation from the Home Affairs Department of the efforts of the contributions towards BaSS activities provided by the voluntary sector, further endorsed the BaSS Annual Report for 2011 and agreed that it should be presented to the States by the Minister for Home

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Affairs forthwith.

Human Rights
analysis of
new
legislation:
Law Officers'
Department.
1444/4(27)

A7. The Council considered a letter, dated 23rd October 2012, from H.M. Attorney General outlining a proposal to provide enhanced human rights analysis of new laws adopted by the States.

The Council recognised that recent additional staffing provision in the Law Officers' Department had enabled the Attorney General to provide fuller information on human rights implications in the advice given to a Minister who was required to make a statement of compatibility, under the Human Rights (Jersey) Law 2000, for a new law and to include this information in the Royal Assent memoranda. The Council noted that it was now, therefore, also feasible to make some of that information available to States members and to the general public as part of the Report on the draft Law.

The Council, having recognised the need to ensure that the new arrangements did not impact upon the deadlines for lodging draft Laws 'au Greffe', agreed that it would be desirable for a short summary of the human rights implications of new laws to be included in projets in future, and Ministers agreed to implement the new arrangements with immediate effect.