

PM/SC/063

COUNCIL OF MINISTERS

(46th Meeting)

27th February 2013**PART A**

All members were present, with the exception of Deputy A.E. Pryke, Minister for Health and Social Services, from whom apologies for absence were received.

Senator I.J. Gorst, Chief Minister  
 Senator P.F.C. Ozouf, Minister for Treasury and Resources  
 Senator A.J.H. Maclean, Minister for Economic Development  
 Senator B.I. Le Marquand, Minister for Home Affairs (for items (A2 and B2))  
 Senator F. du H. Le Gresley, M.B.E., Minister for Social Security  
 Deputy R.C. Duhamel, Minister for Planning and Environment  
 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  
 Connétable J.M. Refault of St. Peter, Assistant Minister for Health and Social Services (for items A1, B1 and B2)

In attendance -

Senator P.F. Routier, M.B.E., Assistant to the Chief Minister  
 Senator Sir P.M. Bailhache, Assistant to the Chief Minister (for item B2 only)  
 Deputy E.J. Noel, Assistant Minister for Treasury and Resources  
 J.D. Richardson, Chief Executive, States of Jersey  
 T.J. Le Cocq, Q.C., H.M. Attorney General  
 M.N. de la Haye, Greffier of the States  
 L. Rowley, Treasurer of the States  
 I. Gallichan, Chief Officer, Housing Department (for item B1)  
 W. Gardner, Manager – Housing Transformation Programme (for item B1)  
 P. Bradbury, Director – Population Office (for item B1)  
 J. Hamon, Finance Director, Housing Department (for item B1)  
 A. Scate, Chief Executive Officer, Department of the Environment (for item B2)  
 K. Pilley, Director - Policy, Projects and the Historic Environment, Department of the Environment (for item B2)  
 R. Buchholz, Principal Planner, Island Plan Review, Department of the Environment (for item B2)  
 D. Gibaut, Chief Statistician, Chief Minister's Department (for item B2)  
 K. Whitehead, Senior Planner, Department of the Environment (for item B2)  
 M. Heald, Assistant Chief Executive, Chief Minister's Department (for item A2)  
 B. Taylor, Deputy Chief of Police (for item A2)  
 T. Dodd, Director of Transport, Transport and Technical Services Department (for item A2)  
 D. St. George, Manager – Transport Policy, Transport and Technical Services Department (for item A2)  
 J. Morris, Policy and Research Manager, Chief Minister's Department

L. De Oliviera, Policy and Research Officer, Chief Minister's Department  
A. Hamon, Policy and Research 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 29th January (Part B only) and 6th February 2013 (Part A and Part B), together with the Minutes of the Joint Meeting with the Scrutiny Chairmen's Committee held on 9th January 2013 (Part A only), having been previously circulated, were taken as read and were confirmed.

**Confidential:**  
**exemption**  
**3.2.1(a)(xiv)**  
Housing  
Transform-  
ation  
Programme:  
draft Report  
and  
proposition.  
1013/6(486)

A2. The Council, with reference to its Minute No. B1 of 4th October 2012, considered a report concerning a draft report and proposition entitled "The Reform of Social Housing" and the "Housing Transformation Programme Full Business Case."

It was noted that the Minister for Housing had decided to bring the principles of the proposed transformation for consideration by the States following meetings with the Political Steering Group established for the Housing Transformation Programme and consultation with individual Members of the States and the Health, Social Security and Housing Scrutiny Sub-Panel. The Council recognised that the Minister for Housing had consistently maintained that those on Income Support should be fully protected from any rent increases, and it was noted that consideration of the outcome of the Social Impact Assessment (which had been prepared with the support of the Social Security and Income Tax Departments) had led the Minister to propose a change to the implementation of the rent policy.

The change under the revised proposals envisaged that the 90 per cent market equivalent policy would in future apply only to new tenancies (i.e. for transfers, refurbishments and new-build), with the present hidden rent subsidy being progressively removed, although in such a way as to allow individual States tenants to plan for increases.

The Council also recognised that consultation with the 4 local Housing Trusts which would be regulated under the current proposals had identified changes to a draft regulatory enabling Social Housing (Jersey) Law. It was further noted that the Social Security Department had developed proposals for how Private Sector Income Support would be set following the establishment of the new rent policy under Regulations (which regulations were to be the subject of a separate report in due course).

Having noted that stakeholders (including Professor C. Whitehead, the Housing Trusts and the Health, Social Security and Housing Scrutiny Sub-Panel) wished to see definite proposals for new social housing as part of the Transformation package, the Council recognised that the response of the Minister for Housing was to include 434 new social units within development proposals for the new wholly States-owned body known as "Island Homes" (to be a Company Limited by Guarantee), as well as 203 new units for the existing Housing Trusts.

The Council further noted that Professor Whitehead had recommended that the proposed Strategic Housing Unit would be best located within the Chief Minister's Department.

Discussion included reference to the outstanding amount (c. £40 million) of maintenance required on States-owned social housing, as well as the policy in

respect of moving States' tenants to the Housing Trust sector, and whether there was a policy to encourage States' Tenants to move into the private sector where financially appropriate. The implications of the proposals on Income Support were considered and the Treasurer of the States confirmed that the potential situation whereby the projected additional rent to be paid by Income Support (up to £2 million annually in the period 2034-2043) might be exceeded could be managed. It was noted that the Minister for Social Security would shortly be presenting to the States a Report on "Private Sector Income Support housing limits."

The Minister for Housing confirmed his intention to seek advice regarding the need for the continued existence of the Rent Control Tribunal under the Dwelling-houses (Rent Control) (Jersey) Law 1946.

The Minister for Planning and Environment challenged the basis upon which it was envisaged that the new States-owned company would plan to invest £201.4 million (in real terms) in stock development and obtain proceeds from sales amounting to £147.1 million, involving building on new sites with a net gain of 434 units, refurbishing 578 units, and selling 300 units over a period of 20 years. It was suggested that a new, more comprehensive schedule would be desirable, so as to provide more clearly projected building costs, given that modern construction techniques might well enable savings on existing levels of cost to be delivered. The Minister for Housing emphasised that the present schedule, based on current costings, demonstrated the viability of the Full Business Case on a 'worst case' scenario.

It was agreed that consideration of matters such as the desirability of the onward sale of units produced with the support of States funding being restricted to first-time buyers accessing via the Affordable Housing Gateway was perfectly suited to the proposed Strategic Housing Unit. It was noted that the appointment of the Chairman and Board members for the new company would be undertaken with the oversight of the Jersey Appointments Commission.

The Council noted that the draft report and proposition would continue to be refined in order to provide clarity regarding, for example, the further work on the funding of social housing to be undertaken by the Treasury and Resources Department. The Council recognised that Ministers were generally strongly supportive of the report and proposition, subject to the Minister for Planning and Environment being satisfied regarding further clarification to be provided in respect of the 3 matters he had raised during the meeting relating to section 1.5.1 of the Full Business Case report. It was further agreed that references in the report to the new body being a 'Housing Association' should be amended to avoid confusion over the legal status of the body which would be a Company Limited by Guarantee.

The Council accordingly delegated authority to the Chief Minister and the Minister for Housing to finalise the projet for lodging 'au Greffe' in the name of the Council of Ministers on 4th March 2013.

The Council endorsed the appreciative sentiments expressed by the Minister for Housing in congratulating the Chief Officer of the Housing Department and the Housing Transformation Team, as well as the Political Steering Group, for their work on the way ahead for the Island's social housing service.

was given to the propositions listed below where indicated.

#### 5th March 2013

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

Having recalled that it had presented its comments on the proposition to the States on 19th November 2012, the Council recognised that it had set out therein its rationale for not supporting the proposal. The Council noted that early sight of the draft Environment Scrutiny Panel report on “Green Street Police HQ: Traffic and Parking” (due to be presented to the States on 28th February 2013) had revealed a number of adverse comments on the proposal to proceed with the relocation of Police Headquarters to the Green Street car park site in relation to perceived under-representation in material submitted with the planning application in respect of potential traffic and loss of parking issues. It was considered that it appeared that the Scrutiny Panel had based its review of any potential effect which the relocation project might have on traffic/parking to consideration of the effect on the immediate area, rather than – as the project team had done – on the situation in respect of traffic/parking distribution throughout the whole of the Town. Whilst it was recognised that the Scrutiny Panel had suggested “*that urgent consideration should be given to identifying whether there exists a viable engineering solution to the need to add additional floors of parking space to the existing [multi-storey] car park*”, it was confirmed that such an option had already been considered. The Council noted that, although there was some scope for financial savings to be made in the event that the addition of a half-floor to the car park were to be undertaken concurrently with the Police Relocation project, no funding was presently available for such an unscheduled car park project. However, the Council agreed that the feasibility for the construction of an additional half-floor of parking within the Green Street multi-storey car park should be further investigated so as to assess the cost and any impact on the development programme for the Police Headquarters project such that consideration of the matter by the States might be better informed, and directed that this work be undertaken.

##### **Committee of Inquiry: historical child abuse** (P.118/2012)

The Council recalled that it had considered this matter on 15th February 2013, on which date it had agreed, subject to any further advice received from H.M. Attorney General, to lodge ‘*au Greffe*’ a further draft amendment following discussions with Deputy M. Tadier and other interested parties. The Council noted that Deputy Tadier had subsequently (on 26th February 2013) lodged ‘*au Greffe*’ a further amendment which sought to insert, after the words “(as set out in Appendix 1 to the Report on the amendment of the Council of Ministers dated 5th February 2013)”, the words – “*except that in the Terms of Reference, in paragraph 13, for the words from ‘shall be examined by an independent expert’ through to ‘all the circumstances’ substitute the words ‘may be examined in a manner to be determined by the Committee.’*” The Council concluded that it did not support this further amendment and delegated to the Chief Minister authority to finalise a comment on its behalf for presentation to the States. The Council further considered that the adoption of its projet by the States would send a strong message of support to those who had suffered historical abuse.

##### **Draft Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 201-** (P.2/2013)

The Council, having noted that the Corporate Service Scrutiny Panel had presented a Report on its “Population and Migration Review – Part 2” on 19th February 2013, endorsed the proposition.

##### **Draft Control of Housing and Work (Transitional and Consequential**

**Provisions) (Jersey) Regulations 201-** (P.3/2102)

The Council endorsed the proposition.

**Code of Conduct for Elected members: Commissioner for Standards** (P.4/2013)

The Council, having noted that it would be left to each member of the Council to form their own view on the matter, endorsed the proposition.

**Draft Financial Regulation (Disclosure of Information) (Amendments) (Jersey) Regulations 201-** (P.7/2013)**Rate Appeal Board: appointment of members** (P.9/2013)

The Council endorsed the proposition, which it recalled had the full support of the Jersey Appointments Commission.

**HSBC Middle East (HBME): investigation** (P.10/2013)

The Council, having recalled that it appeared that it would be for the Jersey Financial Services Commission to undertake an independent enquiry into the matter if it considered it appropriate to do so, delegated to the Chief Minister authority to formulate a comment for presentation to the States on its behalf.

**Jersey Police Complaints Authority: appointment of members** (P.11/2013)

The Council endorsed the proposition.

**Jersey Overseas Aid Commission: appointment of non-States Commissioner** (P.14/2013)

The Council endorsed the proposition.

19th March 2013**Jersey Innovation Fund: establishment, funding and operation** (P.124/2012)**Green Initiative Fund: establishment** (P.12/2013)

The Council noted that comments on the proposal were to be prepared by officers of the Treasury and Resources, Transport and Technical Services, and Planning and Environment departments in due course.

**Draft Employment (Minimum Wage) (Amendment No. 9) (Jersey) Regulations 201-** (P.13/2013)**Draft Social Security (Amendment of Law No. 5) (Jersey) Regulations 201-** (P.15/2013)**Beach House, Green Island, St. Clement: grant of a right to access through the sea wall** (P.16/2013)**Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey) Regulations 201-** (P.17/2013)

The Council endorsed the draft regulations.

**Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 201-** (P.18/2013)

The Council endorsed the draft Law.

**Draft Residential Tenancy (Jersey) Law 2011 (Appointed Day) Act 201-** (P.19/2013)

**Draft Companies (Amendment No. 7) (Jersey) Regulations 201-** (P.20/2013)

**Channel islands Lottery: allocation of profits for 2012** (P.21/2013)

**Ratification of the Agreement for the Exchange of Information Relating to Tax Matters between the Government of Jersey and the Government of Brazil** (P.22/2013)

**Ratification of the Agreement for the Exchange of Information Relating to Tax Matters between the Government of Jersey and the Government of Latvia** (P.23/2013)

**Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 6) (Jersey) Regulations 201-** (P.24/2013)

**Minimum Wage: revised hourly rate from 1st April 2013** (P.25/2013)

**Independent Planning Appeals Tribunal; establishment** (P.26/2013)

The Council noted that comments on the proposal were to be prepared by officers of the Environment Department in due course.

**Island Plan 2011: wind-farms** (P.27/2013)

**Liberty Bus: reinstatement of Route 18 to Le Squez and Le Marais** (P.28/2013)

**Draft Amendment (No. 20) of the Standing Orders of the States of Jersey** (P.29/2013).