

IC/SC/142
(Re-issued 29.05.13)

COUNCIL OF MINISTERS

(51st Meeting)

8th May 2013

PART A

All members were present.

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
 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
 Senator Sir P.M. Bailhache, Assistant to the Chief Minister
 Connétable J. Le S. Gallichan of Trinity, Chairman, Comité des Connétables
 S. Austin-Vautier, Acting Chief Executive, States of Jersey
 V. Cameron, Head of Health Protection Services, Health and Social Services Department (for item B2)
 S. de Gruchy, Secretary to the Comité des Connétables (for item A1)
 F. Glover, Senior Policy Officer, Environment Department (for item B2)
 D. Houseago, Director – Environmental Management and Rural Economy, Environment Department (for item B4)
 P. McCabe, Chief Pharmacist, Health and Social Services Department (for item B3)
 J. Moynihan, Director of Financial Services, Chief Minister's Department (for item B1)
 H. O'Shea, Hospital Director, Health and Social Services Department (for item B3)
 G.C. Powell, C.B.E, Adviser – International Affairs, Chief Minister's Department (for item B1)
 M. Smith, Senior Fisheries Inspector, Environment Department (for item B4)
 M.N. de la Haye, Greffier of the States
 T. Le Cocq, Q.C., H.M. Attorney General
 J. Morris, Policy and Research Manager
 I. Clarkson, Acting Clerk to the Council of Ministers

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

Comité des
 Connétables:
 discussion

A1. The Council, with reference to its Minute No. B8 of 20th September 2012, welcomed the under-mentioned Connétables to the meeting in order to discuss matters of mutual interest –

1444/1(63)

Connétable A.S. Crowcroft of St. Helier
Connétable J.Le S. Gallichan of Trinity
Connétable D.J. Murphy of Grouville
Connétable L. Norman of St. Clement
Connétable J.M. Refault of St. Peter
Connétable D.M. Mezbourian of St. Lawrence
Connétable J. Gallichan of St. Mary
Connétable P.J. Rondel of St. John
Connétable M.J. Paddock of St. Ouen
Connétable S.W. Pallett of St. Brelade
Connétable M.P.S. Le Troquer of St. Martin

Apologies were received from Connétables J. Gallichan of St. Mary and S. Rennard of St. Saviour.

The meeting considered the topics listed below.

Parish Rates: the States' liability' (P.40/2013 refers)

The meeting noted that the views of the Comité des Connétables and Connétable A.S. Crowcroft in his capacity as proposer of P.40/2013 were not fully aligned. Whereas the proposer was convinced of the validity of his proposition, the Comité held the view that the exact financial impact on the rate of each Parish, which might reduce or increase as a result, had not been made clear. Neither was the Comité clear on whether adoption of the proposition would affect the ratio of the domestic rate and non-domestic rate in the Island-wide rate.

The meeting noted that the Minister for Treasury and Resources was minded to present to the States a comment in which he would cite the need for –

- (a) any such change with significant financial consequences for the States to be factored into the next draft Medium Term Financial Plan;
- (b) consideration of relevant analysis undertaken by the last working party to consider the subject;
- (c) a clear understanding of the costs incurred and benefits accrued by St. Helier on account of being the Island's capital, having full regard to States funded infrastructure, regeneration and reclamation works ;
- (d) assessment of the impact on St. Helier ratepayers / taxpayers compared with ratepayers / taxpayers in other parishes;
- (e) compensatory measures to be put in place to address any resulting inequity.

The Council confirmed its intention to endorse the comment of the Minister for Treasury and Resources.

Chief Minister and Comité des Connétables: monthly meetings (P.51/2013 refers)

The Council noted and endorsed a draft comment of the Comité des Connétables, which confirmed the Comité's opposition to the proposition and its support for maintaining the status quo.

Result of the Referendum on Reform of the States Assembly

The meeting noted the outcome of the referendum held on 24th April 2013. It further noted that on 25th April the Privileges and Procedures Committee had agreed that the necessary law drafting instructions should be prepared and that it

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would wish to lodge *'au Greffe'* the necessary amendment to the States of Jersey Law 2005 in early course.

The meeting considered the question of whether, with effect from 2014 or as soon as possible thereafter, Connétables and Deputies should be elected on the same footing and in accordance with similar rules on disqualification from office. The prevailing view was that although the principle of similar rules for Connétables and Deputies was attractive, further research would be needed to understand the full range of implications arising.

The meeting noted that the referendum outcome had, for the foreseeable future, resolved the question of whether Connétables should remain in the States. It was therefore thought likely that consideration would need to be given in due course to the balance of public service provision between the States and the Parishes.

Emergency Planning

The meeting considered an oral briefing from the Acting Chief Executive regarding the Island's response to heavy snowfalls during the period 10th – 12th March 2013. It was noted that both the parishes and the States had generally performed to a high standard, with road clearance, school closure warnings and electrical power outage management having been among the notable successes. Learning points had nevertheless been identified. These included, but were not exclusive to, the need for a better command interface between the States and the parishes, a requirement for more detailed contact lists and scope to embrace the media more effectively. The meeting noted that the various learning points were to be actioned through the Emergency Planning Board in due course.

Rates and Income Support

The meeting recalled the previous discussion held on the issue of difficulties which sometimes arose whereby payments to individuals towards their liability to Parish Rates did not in due course translate to the payment being made to the relevant Parish Hall. It was clarified that the Minister for Social Security intended to respond to the Comité des Connétables once relevant data from all 12 parishes had been collected and reviewed. In the intervening period, the meeting was invited to note that the housing component of Income Support did not, and was not intended to, include an element for occupier rates. Although the household component would be relevant for the purpose of considering occupier rate payments, it was inherently difficult to identify a proportion of that component for the purpose of meeting the occupier rate liability because rates were not known in advance and rateable values varied widely. Attempts to resolve the issue would be further complicated by the fact that some parishes were not able to accept payments made by direct debit.

In light of the foregoing, the meeting considered the relative merits of discontinuing occupier rates and charging property owners only. It was acknowledged that discontinuing occupier rates would make collection easier. There was nevertheless a need to consider that owner and occupier rates components served different purposes, the latter providing for the occupier to contribute to the wellbeing of the parish. The scope for impact on the Housing Department and, potentially, the new States owned housing company would also need to be considered. In this regard, the Minister for Housing advised the meeting that he would consult his officers regarding the potential implications of such a proposal and report back to the Council in due course. It was noted that some social housing providers had previously indicated a willingness to incorporate the rates charge into their rents.

Draft Procureurs du Bien Public (Terms of Office) (Jersey) Law 201-(P.45/2013 refers)

The meeting noted the proposition.

The delegation withdrew from the meeting, having been thanked by the Council for their attendance.

States
business.
1240/7/1(1)

A2. The Council, with reference to its Minute No. A1 of 11th April 2013, noted the list of public business scheduled for consideration by the States Assembly during the remainder of the First Session 2013. Particular consideration was given to the propositions listed below where indicated.

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Draft Discrimination (Jersey) Law 201- (P.6/2013)

The Council reaffirmed its support for the proposition and noted the intention of the Minister for Social Security to address the matter of employment licences in his speech.

The Reform of Social Housing (P.33/2013)

The Council confirmed its endorsement of the proposition. Having noted the 5 amendments to the proposition and, having broadly approved draft comments to each of the amendments, the Council delegated to the Minister for Housing the necessary authority to finalise and present the same to the States in the name of the Council.

Manual Workers' Joint Council: Employers' Side membership (P.49/2013)

The Council endorsed the proposition.