

PM/MH/250

COUNCIL OF MINISTERS

(24th Meeting)

2nd September 2015**PART A (Non-exempt)**

All members were present, with the exception of Senator Sir P.M. Bailhache, Minister for External Relations and Senator L.J. Farnham, Minister for Economic Development, from whom apologies for absence were received.

Senator I.J. Gorst, Chief Minister
 Senator A.J.H. Maclean, Minister for Treasury and Resources
 Senator A.K.F. Green, M.B.E, Minister for Health and Social Services
 Deputy A.E. Pryke of Trinity, Minister for Housing
 Deputy E.J. Noel of St. Lawrence, Minister for Transport and Technical Services
 Deputy S.J. Pinel of St. Clement, Minister for Social Security
 Deputy S.G. Luce of St. Martin, Minister for Planning and Environment
 Deputy R.G. Bryans of St. Helier, Minister for Education, Sport and Culture
 Deputy K.L. Moore of St. Peter, Minister for Home Affairs
 Deputy M.J. Norton of St. Brelade, Assistant Minister for Economic Development

In attendance -

Senator P.F. Routier, M.B.E., Assistant Chief Minister
 Senator P.F.C. Ozouf, Assistant Chief Minister
 Connétable J.M. Refault of St. Peter, Assistant Minister for Health and Social Services (for item B1)
 Deputy T.A. Vallois, Assistant Minister for Treasury and Resources (for item B2)
 J.D. Richardson, Chief Executive, States of Jersey
 M.N. de la Haye, O.B.E., Greffier of the States
 R.J. MacRae, Q.C., H.M. Attorney General
 J. Garbutt, Chief Executive Officer, Health and Social Services (for item B1)
 B. Place, Future Hospital Project Director (Health Brief), Health and Social Services (for item B1)
 R. Bell, Treasurer of the States (for item B2)
 R. Stevens, Human Resources Director, States of Jersey (for item B3)
 V. Page, Policy and Research Officer
 C. Keir, Assistant Director - Ministerial Support and Communications
 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 meeting held on 22nd July 2015 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

MTFP 2016-
2019:
Amendments –
lodging ‘au
Greffé.’
447/1/1/10(1)

A2. The Council, with reference to its Minute No. A1 of 8th July 2015, recalled that the Draft Medium Term Financial Plan (MTFP) 2016-2019 included provision for intended transfers from the Strategic Reserve to fund a Redundancy Provision totalling £20 million across 2016 and 2017 in order to supplement the sum of £2 million which had already been identified in 2015.

It was recognised that at the time of lodging ‘au Greffé’ the Draft MTFP 2016-2019, the initial Voluntary Release Scheme (Voluntary Redundancy (VR) and Voluntary Severance (VS)) had only recently closed and applications received had not then been assessed. The Council noted that it was now clear that significantly more funding than the £2 million initially set aside for redundancy funding in 2015 would be required; the current estimate being in the region of between £5 million and £6 million for applications received under the June 2015 scheme.

The Council, in the interests of fairness to those who had successfully applied to the scheme and in order to expedite the essential reform required to change the way in which the States delivered their services and to contribute towards the £70 million ‘people savings’ required by 2019, considered a proposal by the Minister for Treasury and Resources for amendments to accelerate the transfer from the Strategic Reserve in order to allow the redundancy scheme to progress in 2015.

It was noted that the revised proposal was to transfer £4 million from the Strategic Reserve in 2015 and £16 million in 2016, rather than as originally proposed £10 million in each of the years 2016 and 2017, and for a Central Contingency Allocation for a Redundancy provision amounting to £20 million to be provided in 2015 and 2016 instead of in 2016 and 2017. It was recognised that the total sum for redundancy payments would remain the same but would simply be delivered earlier than previously proposed.

The Council recalled that in accordance with Article 9(2)(ca) of the Public Finances (Jersey) Law 2005, it could only vary the MTFP if it were to be satisfied that the expenditure proposed was urgent and could not be funded from existing allocations. On that basis, the final amount to be transferred in 2015 would be subject to the confirmation of further requests for applicants in 2015 and the anticipated cost of any additional successful bids with the transfer matching the total anticipated cost in 2015.

The Council, having considered draft amendments to the “Medium Term Financial Plan 2016-2019 (P.72/2015)” and to the “Independent Jersey Care Inquiry: Amendment to Medium Term Financial Plan 2013-2015 (P.75/2015)”, accordingly approved the said amendments and decided to lodge the relevant projets ‘au Greffé’ in due course. The Council, with regard to the proposed amendment to “Strategic Reserve Fund: funding for Independent Jersey Care Inquiry and transfers from and to the Consolidated Fund (P.76/2015)”, agreed that this projet should be lodged ‘au Greffé’ by the Minister for Treasury and Resources in due course.

The Greffier of the States was directed to take the necessary action.

States Business
08.09.2015
1240/7/1(1)

A3. The Council, with reference to its Minute No. A2 of 10th June 2015, noted the list of public business scheduled for consideration by the States Assembly on 8th September 2015, and commented specifically on the following –

Immigration, Asylum and Nationality Act 2006 and Immigration Act 2014: extension of certain sections to Jersey (P.64/2015)

The Council supported the proposition.

Greville Bathe Fund: appointment of Jurat (P.66/2015)

The Council supported the proposition.

Draft Intellectual Property (Registered Rights) (Miscellaneous Provisions) (Jersey) Law 201- (P.69/2015)

The Council, having noted that the Law would amend registered rights laws in Jersey, enabling compliance with the Trade Related Aspects of Intellectual Property Rights Agreement (TRIPS) and enabling the extension to the Island of other significant international conventions, recognised that it would also create a more responsive mechanism for updating registered rights laws in future. The Council accordingly endorsed the draft Law.

States of Jersey Complaints Panel: renewal of membership (P.71/2015)

The Council supported the proposition.

La Collette Low Rise: protection of open space - petition (P.78/2015)

The Council noted that a 'counter petition' had been received from the La Collette Low Rise Association which urged the Minister for Planning and Environment not to delay the application for the redevelopment of the site. The departmental response was noted, commenting that the proposal emphasised the positive aspects of the proposed modern and well-designed development which would result in much needed and high quality affordable housing. It was recognised that Andium Homes had ensured that the area of open space available over the site would be increased, providing more usable and improved open public spaces, whilst also providing increased private amenity space for the residents to enjoy. The Council also noted that the comment presented by the Minister for Planning and Environment focussed solely on the process leading to the proposed development. The Council accordingly agreed to comment on the proposition and, with the exception of the Minister for Planning and Environment (who did not participate in the decision), supported the rejection of the proposition and authorised the Minister for Housing to finalise the comment on its behalf.

Draft Public Employees (Contributory Retirement Scheme) (Miscellaneous Amendments) (Jersey) Regulations 201- (P.79/2015)

The Council supported the draft Regulations.

Draft Air and Sea Ports Incorporation (Transfer) (Jersey) Regulations 201- (P.80/2015)

The Council supported the draft regulations.

Draft Air and Sea Ports (Incorporation) (Jersey) Law 201- (Appointed Day) Act 201- (P.81/2015)

The Council supported the draft Appointed Day Act.

Ports of Jersey Limited: approval of first Board and Terms of Office (P.68/2015)

The Council supported the proposition.

Ex Gratia payment to Mr. Roy Boschat (P.82/2015)

The Council, having noted the views of the Minister for Home Affairs and of the States of Jersey Police in the matter, concurred that the States Assembly was not the correct forum for the pursuit of claims against the States, which should be pursued through the formal court process, it being recognised that Mr. Boschat had

not availed himself of the opportunity to bring a claim before the court within the prescribed time period. The Council accordingly rejected the proposition, noting that a final ruling was awaited from the Bailiff as to whether the debate should be deferred, given that a related Court hearing was due to be held shortly.

Draft Veterinary Surgeons (Amendment No. 2) (Jersey) Law 201- (P.83/2015)
The Council supported the draft Law.

Draft Residential Tenancy (Deposit Scheme) (Amendment) (Jersey) Regulations 201- (P.84/2015)
The Council supported the Amendment to the principal Regulations.

Jersey Overseas Aid Commission: appointment of non-States Commissioner (P.85/2015)
The Council supported the proposition.

Jersey Employment and Discrimination Tribunal: appointment of lay members (P.88/2015)
The Council supported the proposition.

Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) (No. 3) Act 201- (P.92/2015)
The Council supported the draft Appointed Day Act.