

PM/SC/027

COUNCIL OF MINISTERS

(35th Meeting)

13th January 2016**PART A (Non-exempt)**

All members were present, with the exception of Senator I.J. Gorst, Chief Minister, Senator A.J.H. Maclean, Minister for Treasury and Resources and Deputy K.L. Moore of St. Peter, Minister for Home Affairs, from whom apologies for absence had been received.

Senator A.K.F. Green, M.B.E, Minister for Health and Social Services and Deputy Chief Minister - Chairman
 Senator L.J. Farnham, Minister for Economic Development, Tourism, Sport and Culture
 Deputy R.G. Bryans of St. Helier, Minister for Education
 Deputy S.G. Luce of St. Martin, Minister for the Environment
 Senator Sir P.M. Bailhache, Minister for External Relations
 Deputy A.E. Pryke of Trinity, Minister for Housing
 Deputy E.J. Noel of St. Lawrence, Minister for Infrastructure
 Deputy S.J. Pinel of St. Clement, Minister for Social Security
 Connétable J.M. Refault of St. Peter, Assistant Minister for Treasury and Resources
 Connétable D.W. Mezbourian of St. Lawrence, Assistant Minister for Home Affairs.

In attendance -

Senator P.F. Routier, M.B.E., Assistant Chief Minister
 Senator P.F.C. Ozouf, Assistant Chief Minister
 J.D. Richardson, Chief Executive, States of Jersey
 R.J. MacRae, Q.C., H.M. Attorney General
 J. Moynihan, Director of Financial Services (for item B1)
 G. Pearmain, Lead Policy Adviser: Private Wealth and Financial Crime, Financial Services Unit (for item B1)
 R. Bell, Treasurer of the States (for items B1-B3)
 R. Stevens, Director of Human Resources, States of Jersey (for item B3)
 C. Stephenson, Director of Employment Relations and Organisational Development (for item B3)
 M. Littler, Senior Employment Relations Manager, Human Resources Department (for item B3)
 H. Gray, Manager – Reward, Human Resources Department (for item B3)
 A. Scate, Chief Executive Officer, Department of the Environment and Lead for Public Sector Reform (for item B4)
 P. Bradbury, Director – Corporate Policy, Chief Minister’s Department (for item A1)
 R. Foster, Director of Estates, Department for Infrastructure (for item B5)
 M. King, Chief Executive Officer, Department of Economic Development, Tourism, Sport and Culture (for item B5)
 Advocate D. Woodside, Senior Legal Adviser, Law Officers’ Department (for item B5)
 D. Mills, Legal Adviser – Property, Law Officers’ Department (for item B5)
 D. Peedle, Economic Adviser, Chief Minister’s Department (for item B5)

M. James, Q.F.S.M., Chief Fire Officer, Home Affairs Department (for item B5)
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.

States business
19.01.2016.
1240/7/1(1)

A1. The Council, with reference to its Minute No. A3 of 9th December 2015, noted the list of public business scheduled for consideration by the States Assembly on 19th January 2016, and commented specifically on the following –

19th January 2016

Transcripts of ‘in camera’ debates: release to the Jersey Independent Care Inquiry (P.155/2015)

The Council noted that the Privileges and Procedures Committee had lodged ‘au Greffe’ an amendment to Deputy M.R. Higgins’ proposition seeking to ensure that, in the event that the States were to adopt the proposition, any transcripts so released would be “*made public by the States Assembly at the same time*”; it being envisaged that they would be uploaded to the States Assembly website. It was further noted that an amendment by Deputy Higgins sought to (i) correct an error in the date of one of the transcripts to be released under the substantive proposition; (ii) to add an additional transcript which had subsequently been identified; and (iii) to widen the number of people who could give evidence in respect of the proceedings of the States to the Jersey Independent Care Inquiry. Having noted that Ministers were being recommended to support the proposition, the Council agreed that Ministers should have a free vote in the matter in order that they might vote in accordance with their conscience.

Concessionary bus fares for the disabled: discussions with LibertyBus (P.140/2015)

The Council, having recognised that it was important - and clearly one of its policies - to remove barriers to mobility for as many people as possible in order to support increased social inclusion, accepted the proposition on the basis that the necessary research work required to develop the policy on concessionary bus passes was underway and was expected to be completed by May 2016.

Draft EU Legislation (Consumer Protection – Unfair Practices) (Jersey) Regulations 201- (P.134/2015)

The Council supported the draft Regulations, together with an amendment which sought to clarify 2 provisions contained therein: one relating to an aspect of consumer contracts and the other relating to powers of authorised officers.

Draft Policing of Roads (Amendment No. 9) (Jersey) Regulations 201- (P.138/2015)

The Council supported the draft Regulations, which it was noted had been promoted by the Connétable of St. Helier to enable the Parish to improve its policing of roads, in particular for the control of dog fouling.

La Collette Low Rise Development: direction to Andium Homes Limited (P.139/2015)

The Council noted that an important material public interest to be taken into consideration in relation to this matter, was ensuring the use of the land in Andium’s ownership in the best way to provide affordable housing for Island residents, in

recognition of the clear and compelling - and widely recognised - need for housing, particularly for those in most need. In the event that the scheme for the site were not to proceed as planned, Andium Homes Limited had clearly indicated that any significant reduction in the number of homes would render full redevelopment financially unsustainable, resulting in the likelihood that no funding request would ultimately be made to borrow from the Housing Development Fund, in respect of which the approval of the Minister for Treasury and Resources would be required. The Council concluded that it did not support the proposition and decided to present a comment to the States, the finalisation of which was delegated to the Ministers for Treasury and Resources, and Housing.

Draft Planning and Building (Amendment No. 7) (Jersey) Law 201-
(P.142/2015) and Amendments

The Council supported the draft Law. [*See also Minute A2 of this meeting*].

Jersey Law Commission: appointment of Commissioners (P.149/2015)

The Council supported the proposition and the nomination of the individuals proposed.

Minimum Wage: revised hourly rate from 1st April 2016 (P.150/2015)

The Council, having recalled that the Employment (Jersey) Law 2003 required that, in recommending a minimum wage, the Employment Forum was required to consult with employer and employee stakeholders and had to consider the economy of Jersey and competitiveness. This was considered to be the proper way to determine the minimum wage for the Island; with no interference from the States in the process in the manner suggested. It was agreed that it would be helpful for comparative explanatory information to be included which provided clarity regarding the terms “mean” and “median” figures. The Council accordingly approved a draft of its comments, which strongly opposed both parts of the proposition and, having delegated finalisation of the comment to the Minister for Social Security in conjunction with the Chief Minister, decided to present them to the States in due course.

Draft Road Works and Events) (Jersey) Law 201- (P.152/2015)

The Council supported the draft Law.

Gas Tariffs: reduction (P.154/2015)

The Council noted that the Chief Minister’s Department had recognised the need for further analysis of the local gas market in order to explain the findings of the first stage review which had been undertaken by the Jersey Competition Regulatory Authority. However, it was evident that careful consideration needed to be given to the States undertaking arbitrary price control – as advocated by the proposition - as it was recognised that the Assembly would then be setting itself up as regulator and would in future have to respond dynamically to changes in the market: it was not simply a case of setting a price and the States then having no further responsibilities in this area. The Council accordingly approved a draft of its comments, which rejected the proposition, and decided to present them to the States in due course.

States business
19.01.2016:
Draft Planning
and Building
(Amendment
No. 7) (Jersey)
Law 201-: to
be lodged ‘au
Greffe.’

A2. The Council discussed with the Chief Executive Officer, Department of the Environment a report, dated 18th December 2015, concerning proposed amendments to the Planning and Building (Jersey) Law 2005, the purpose of which was to seek the adoption by the States of minor changes to the Law in the interests of better regulating the planning and building processes.

The Council noted that of particular interest were amendments which would re-name the current Planning Applications Committee as the “Planning Committee” so as to avoid conflict with the acronym for the Public Accounts Committee. The change

410/99(1)

would also be reflective of the fact that the Planning Committee had a broader remit than solely the consideration of applications for planning permission. The proposed amendments also included the introduction of an ability to charge a fee for an application to vary or remove a condition previously attached to a planning permission. Other amendments would clarify that the Minister for the Environment would determine applications which had been subject to a Public Inquiry; render it a statutory requirement to explain any building approval granted contrary to building bye-laws; provide for the prosecution of anyone acting as a certifier of design who made a false statement; and provide clarification of types of sites of special interest.

It was recognised that most of the proposals did not give rise to financial or staffing implications as they reflected better practice to be carried out under existing resource allocations. The Council noted that the introduction of fees for renewal/variation of planning permissions would have implications for developments that the States of Jersey promoted which, for any reason, could not commence prior to the expiration of 5 years from the date of the original planning permission. It was recognised that, in some cases, such projects could be substantial. However, in order to avoid such unnecessary payments, it was advocated that consideration during project reviews should be given to the necessity of paying a fee to extend the life of a planning permission.

The Council, having noted that the projet was set down for consideration by the Assembly on 19th January 2016, agreed that it supported the Draft Planning and Building (Amendment No. 7) (Jersey) Law 201-.