

PM/MH/084

COUNCIL OF MINISTERS

(42nd Meeting)

16th March 2016**PART A (Non-exempt)**

All members were present, with the exception of Deputy E.J. Noel of St. Lawrence, Minister for Infrastructure, from whom apologies for absence had been received.

Senator I.J. Gorst, Chief Minister
 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
 Senator A.K.F. Green, M.B.E., Minister for Health and Social Services
 Deputy K.L. Moore of St. Peter, Minister for Home Affairs
 Deputy A.E. Pryke of Trinity, Minister for Housing
 Deputy S.J. Pinel of St. Clement, Minister for Social Security
 Senator A.J.H. Maclean, Minister for Treasury and Resources

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
 M.H. Temple, Q.C., H.M. Solicitor General
 G. Hutchinson, Executive Officer – Community Safety and Criminal Justice, Department for Community and Constitutional Affairs (for item B2)
 H. Miles, Policy Director – 1001 Critical Days and Early Years Taskforce, Department for Community and Constitutional affairs (for item B2)
 A. Scate, Chief Executive Officer, Department of the Environment and Lead for Public Sector Reform (for item B3)
 W. Peggie, Director – Environment and Deputy Chief Officer for Planning and Environment (for item B3)
 S. Petrie, Interim Head of Environmental Health, Health and Social Services Department (for item B3)
 R. Stevens, Director of Human Resources, States of Jersey (for item B4)
 D. Drieu, Senior Manager – Organisational Development, Chief Minister’s Department (for item B4)
 P. Bradbury, Director – Corporate Policy, Chief Minister’s 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.

Minutes and
Notes.

A1. The Minutes of the meetings held on 27th January 2016 (Part A and Part B), together with the Notes of a Meeting of Ministers held on 29th January 2016, having been previously circulated, were taken as read and were confirmed.

States business
22.03.2016.
1240/7/1(1)

A2. The Council, with reference to its Minute No. A2 of 10th February 2016, and with the Director – Corporate Policy, Chief Minister’s Department in attendance, noted the list of public business scheduled for consideration by the States Assembly on 22nd March 2016, and commented specifically on the following –

Social Security Tribunal: appointment of Deputy Chairmen and re-appointment of members (P.11/2016)

The Council supported the proposition.

Income Support Medical Appeal Tribunal: appointment of Deputy Chairmen (P.12/2016)

The Council supported the proposition.

Social Security Medical Appeal Tribunal: appointment of Deputy Chairmen (P.13/2016)

The Council supported the proposition.

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

The Council considered draft comments on the proposition, which sought the agreement of the States to request the Minister for Treasury and Resources to give directions to Andium Homes Limited not to proceed with the current plans in relation to the redevelopment of La Collette Flats, “*whether or not planning permission has been granted*” and “*to further direct the company to resubmit revised plans which include the retention of the existing green space (currently designated as Protected Open Space) on the site between La Collette Low Rise and Green Street.*” The Council recalled that the report accompanying the proposition referred to an earlier proposition (P.78/2015) which, having been adopted by 22 votes to 19, had requested “*the Minister for Planning and Environment to ensure that any redevelopment of La Collette Low Rise upholds and maintains the Protected Open Space status of the existing green space on the site between La Collette Low Rise and its border with Green Street.*” Whereas the Council had, in its comments on P.78/2015, outlined the importance of delivering new and better homes, during the debate and in the comments of the Minister for Planning and Environment, it had been made clear that any application was a matter for determination under the established planning process. It was noted that, in the event, the planning application had been approved on 10th December 2015, by the Planning Applications Committee, which had asked Andium Homes to consider how ‘Block D’ of the proposed development would address the adjacent Rope Walk, but had made no comment at all on the issue of amenity space. It was recognised that the relevant Planning Permit and Planning Obligation Agreement had been prepared in draft and awaited issue, following which the Permit would remain provisional for a statutory period of 28 days in order to allow time for any Third Party Appeals to be submitted. The Council reiterated its concern that it was not appropriate for the States Assembly to make decisions inconsistent with the adopted Island Plan 2011 (Revised 2014), which governed both public and private development, and which could not be subject to any challenge. The Council also re-emphasised that another material public interest to be taken into consideration was the use of the land owned by Andium Homes in the best way in order to provide affordable housing for the population, especially for those most in need. The Council delegated to the Minister for Treasury and Resources, together with the Minister for Housing, authority to finalise its comment for presentation to the States prior to the debate on P.139/2015.

[Senator P.F. Routier, having declared an interest, withdrew from the meeting and took no part in the discussion or resolution of this item].

Draft Children’s Property and Tuteurs (Jersey) Law 201- (P.156/2015) and amendment

The Council supported the draft Law and amendment.

Draft EU Legislation (Veterinary Checks – Imports from Third Countries) (Jersey) Regulations 201- (P.5/2016)

The Council supported the draft Regulations.

Draft EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 201- (P.6/2016)

The Council supported the draft Regulations.

Draft Aircraft (Registration) (Amendment) (Jersey) Law 201- (P.7/2016)

The Council supported the draft Law.

Public Elections: electronic voting (P.10/2016)

The Council expressed concern that it would be unrealistic to commit to the introduction of both electronic voter registration and voting systems - particularly electronic voting - by 2018, given the extensive work required to research and trial such systems and to ensure that they were safe and secure. It was recognised that there were substantial, and as yet unaddressed, concerns regarding security and privacy through online/electronic voting which alone could take longer than 2 years to satisfactorily address. The Council noted that the Privileges and Procedures Committee (PPC) had lodged ‘au Greffe’ an amendment to Deputy G.P. Southern’s proposition which sought to substitute “as soon as practicable” for “2018”; and that Deputy Southern – who had indicated that he was prepared to accept that amendment - had lodged an amendment to the amendment to add: “(c) and to report progress to the States annually.” Additionally, the Comité des Connétables had presented comments which outlined its expectation that, in the event that the States decided to proceed with the changes envisaged, the States would provide funding to cover the costs arising for the computer system used to prepare the electoral registers and to administer the Public Elections (Jersey) Law 2002, which it was noted also provided for the public election of Procureurs du Bien Public and Centeniers in the Parishes, as well as members of the States Assembly. The Council recognised that support of the amendment by PPC would provide flexibility in the event that electronic voter registration were to be ready for introduction before electronic voting – given that it was understood that PPC was committed to pursuing the introduction of electronic voter registration in time for the 2018 public elections - as it would not be a requirement for both systems to be introduced concurrently. The Council delegated to the Chief Minister, in conjunction with the Assistant Chief Minister – who was to attend a forthcoming meeting of PPC at which the subject was to be discussed – authority to finalise its comment for presentation to the States Assembly prior to the debate on P.10/2016.

Forthcoming announcements.

A3. The Council, with reference to its Minute No. A1 of 24th February 2016, discussed with the Director – Corporate Policy and the Assistant Director – Ministerial Support and Communications, Chief Minister’s Department a schedule of forthcoming announcements/communications for the period 16th to 25th March 2016.

Notable amongst these events were Fostering and Adoption Awards; the publication by the Statistics Unit of the Housing Needs survey; and the launch of the Housing Strategy.

The Council noted that the Digital Adviser to the Prime Minister of Estonia would be visiting the Island on 22nd March 2016, and that a meeting had been arranged at 9.30 a.m. for Ministers and Chief Officers to receive a presentation from the Adviser. This would be followed that afternoon by an opportunity for States members to meet the Adviser.

The Council also noted the circumstances which were expected to lead to the publication of adverse comment in relation to the apparent ‘detention’ of the Condor vessel “Liberation” by the Maritime and Coastguard Agency in Poole following concerns which had been raised during an inspection of the vessel.

The Minister for External Relations outlined a proposal to amend the current Double-Taxation Agreement with the United Kingdom, which would accord with measures to be referred to in the forthcoming Budget Statement by H.M. Chancellor of the Exchequer.

The Council noted that advice continued to be received on a daily basis regarding the risks associated with the likelihood of refugees in France to attempting to use Jersey as a means of entering the United Kingdom illegally.

The Council recognised that the timetable for the finalisation of the Medium Term Financial Plan 2016-2019 Addition was likely to become apparent at a meeting scheduled to take place during the week commencing 21st March 2016.