

PM/MH/151
Re-issued 24.05.17

COUNCIL OF MINISTERS

(74th Meeting)

10th May 2017

PART A (Non-exempt)

All members were present, with the exception of Deputy R.G. Bryans of St. Helier, Minister for Education, 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 (present for items B3-B5)
 Deputy S.G. Luce of St. Martin, Minister for the Environment
 Senator Sir P.M. Bailhache, Minister for External Relations (present for items B3-B5)
 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 (not present for items A1-A3 and B6)
 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
 Senator A.J.H. Maclean, Minister for Treasury and Resources (not present for items A2, A3 and B3)

In attendance -

Senator P.F. Routier, M.B.E., Assistant to the Chief Minister
 Deputy S.M. Wickenden of St. Helier, Assistant to the Chief Minister
 Connétable S.W. Pallett of St. Brelade, Assistant Minister for Economic Development, Tourism, Sport and Culture (not present for items B1-B3)
 Deputy S.M. Wickenden of St. Helier, Assistant to the Chief Minister
 J.D. Richardson, Chief Executive, States of Jersey
 Dr. M. Egan, Greffier of the States
 R.J. MacRae, Q.C., H.M. Attorney General
 R. Bell, Treasurer of the States (for items A1 and B1)
 A. Rogers, Director of Financial Planning and Performance, Treasury and Resources Department (for item B1)
 A. Scate, Chief Executive Officer, Department of the Environment and Lead for Public Sector Reform (for item B2)
 J. Williams, Programme Director eGov, Chief Minister's Department (for item B2)
 M. Sloan, Transformation Director, Treasury and Resources Department (for item B2)
 S. Duhamel, Policy and Strategic Director, Social Security Department (for item B3)
 M. MacGregor, Policy Principal, Social Security Department (for item B3)
 I. Clarkson, Policy Manager, Department of Economic Development, Tourism, Sport and Culture (for item B4)
 S. Turnbull, Medical Officer of Health (for item B6)
 M. Knight, Director of Public Health, Health and Social Services Department (for item B6)
 J. Rogers, Chief Officer, Department for Infrastructure (for item A1)

E. Littlechild, Director – Operations, Department for Infrastructure (for item A1)

P. Bradbury, Director - Corporate Policy, Chief Minister's Department

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.

Waste
Charging for
Non-
Household
liquid and
solid waste:
draft Drainage
(Jersey) Law
2005
(Appointed
Day) Act 201-
479/6(11)

A1. The Council, with reference to its Minute No. B4 of 8th March 2017, discussed with the Chief Officer, Department for Infrastructure (DfI), together with the Director – Operations, DfI, and with the Treasurer of the States and the Head of Financial Planning, Treasury and Resources Department in attendance, a report dated 2nd May 2017 concerning the Draft Drainage (Jersey) Law 2005 (Appointed Day) Act 201-, the purpose of which was to bring into force Article 4 of the Drainage (Jersey) Law 2005 on 1st September 2017, empowering the Minister for Infrastructure to prescribe fees and charges for - the provision of sewerage services or facilities; trade effluent discharge consents; and the provision of any other services, facilities or materials under that Law.

Having recalled the background to the present position, the Council recognised that the mechanisms for the introduction of non-householder liquid and solid waste charges differed. In respect of liquid waste, it was noted that currently charges only existed for both householders and non-householders in respect of tanker services, with the intention being to extend charging so as to encompass all liquid waste services provided to non-householders only. This would be achieved by means of bringing into force the provisions of Article 4 of the Law.

It was noted that the position was somewhat more complicated for solid waste charging as an amendment to the Law was required. The Council noted the proposal to partially introduce non-householder solid waste charges (other than those currently in operation) in the fourth quarter of 2018 and then to fully introduce such charges in the first quarter of 2019.

Having noted the proposed timetable for the introduction of liquid and solid waste charges for non-householders, the Council accordingly approved the draft Appointed Day Act and accompanying Report, and decided to lodge the projet 'au Greffe' on 12th May 2017 (or such other date to be determined by the Minister for Infrastructure), with a view to it being considered by the States Assembly on 18th July 2017.

The officers were directed to take the necessary action.

States business
23.05.17.
1240/7/1(1)

A2. The Council, with reference to its Minute No. A1 of 26th April 2017, discussed with the Director – Corporate Policy, Chief Minister's Department the list of public business scheduled for consideration by the States Assembly on 23rd May 2017 and commented specifically on the undermentioned items:

Future Hospital funding strategy (as amended) (P.130/2016 (Re-issue)(2)) and amendments

The Council noted that further to its Minute No. B8 of 26th April 2017, debate on the remaining parts of P.130/2016 had not resumed on 2nd May 2017 and had been deferred until 23rd May 2017. It was considered that the current funding proposal of the Minister for Treasury and Resources now represented an even more 'blended' solution, which was in line with the recent work of the Corporate Services Scrutiny Panel.

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Parish Rates: payment by the States of Jersey (P.12/2017)

The Council, having recalled that it had previously agreed that it was prepared to support the proposition pending further discussion on the rationale for moving the issue forward as to how those funds to be channelled to the Parishes might be applied to best effect, noted that the matter was still under consideration by the Connétable of St. Helier.

Draft Public Finances (Amendment No. 5) (Jersey) Law 201- (P.15/2017) and Amendment

The Council, having recalled that the draft Law proposed an amendment to the Public Finances (Jersey) Law 2005, which amendment would be a direct consequence in the event of the adoption by the States of P.130/2016 – ‘Future Hospital Funding Strategy’ (as amended on 18th January 2017), reiterated its support for the draft Law and the Amendment of the Minister for Treasury and Resources.

Jersey Sport: establishment (P.21/2017)

The Council, having noted that the adoption of the proposition would formally approve the establishment of Jersey Sport as an independent, grant-funded body and allow the transition of States Sport Development staff to the new body, accordingly supported the proposition.

Standing Orders: answers to questions (P.25/2017)

The Council, having noted that the proposition sought to make new provisions in relation to the responses to oral questions (asked by a member of the States to another member upon a public matter for which the other member had official responsibility – including Ministers, the Chairman of the Privileges and Procedures Committee, the Chairman of the Comité des Connétables and the Chairmen of Scrutiny Panels and others), recognised that, as an agreed position within the Council was not required, Ministers would therefore have a free vote.

Immigration (Amendment) (Jersey) Order 2017: extension to Jersey by Order in Council (P.26/2017)

The Council noted that it was being proposed that a request be made to the Privy Council for an Order in Council to: (a) transfer functions and powers under the Immigration Act 1971, the Immigration act 1988, the Immigration and Asylum Act 1999, the Immigration, Asylum and Nationality Act 2006 and the Immigration Act 2014 from His Excellency the Lieutenant Governor to the Minister for Home Affairs; (b) replace remaining references in those Acts to Committees of the states with references to the Minister for Home affairs; and (c) re-extending section 25(5) of the Immigration Act 1971 to Jersey so that the offence of assisting illegal entry applied to things done whether inside of outside of Jersey irrespective of the nationality of the person who did them. The Council accordingly supported the proposition.

Jersey Employment and Discrimination Tribunal: appointment of Chairman and members (P.28/2017)

The Council recalled that it had a single policy position on the proposition, such that all Ministers and the Assistant Minister for Social Security were bound by the principle of collective responsibility to support it, in accordance with the Code of Conduct and Practice for Ministers and Assistant Ministers (R.11/2015 referred).

Regulation of care workers’ employment standards (P.29/2017)

The Council, having noted that the proposition would affect the terms and conditions of care workers as agreed by them with their employer with the likely result being

higher fees in the domiciliary care market creating pressure on budgets for both Long Term Care and Income Support, agreed that the proposition should be rejected. The Council delegated to the Chief Minister responsibility for finalising the text of a comment on the proposition to be presented to the States Assembly.

Forthcoming
announcements.

A3. The Council, with reference to its Minute No. A2 of 26th April 2017, discussed with the Director – Corporate Policy, Chief Minister’s Department, a schedule of forthcoming announcements and communications.

The Council noted the following –

- (1) that a news release was to be issued during the week commencing 15th May 2017 regarding vetting and barring under the Disability Strategy;
- (2) that a news release was also to be issued shortly regarding the Control of Housing and Work Law; and
- (3) that media and other briefings would be provided in relation to the lodging ‘au Greffe’ of the Draft Drainage (Jersey) Law 2005 (Appointed Day) Act 201-.