

KS/MH/198

COUNCIL OF MINISTERS

(79th Meeting)

28th June 2017**PART A (non-exempt)**

All members were present, with the exception of Senator Sir P.M. Bailhache, Minister for External Relations, from whom apologies 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 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 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  
 Deputy S.M. Wickenden of St. Helier, Assistant to the Chief Minister (in attendance for items B2 – B7)

In attendance -

J.D. Richardson, Chief Executive, States of Jersey  
 Dr. M. Egan, Greffier of the States (in attendance for items B1 – B4 only)  
 R.J. MacRae, Q.C., H.M. Attorney General  
 P. Bradbury, Director - Corporate Policy, Chief Minister's Department  
 A. Scate, Chief Executive Officer, Department of the Environment (in attendance for items B1 and B4 only)  
 J. Rogers, Chief Officer, Transport and Technical Services Department (in attendance for item B1 only)  
 L. Magris, Director of Environmental Policy, Department of the Environment (in attendance for item B1 only)  
 E. Walsh, Acting Law Draftsman (in attendance for item B2 only)  
 D. Peedle, Chief Economic Advisor, Chief Minister's Department (in attendance for item B3 only)  
 S. Duhamel, Policy and Strategy Director, Social Security Department (in attendance for item B3 only)  
 G. Boyd, Senior Economist, Chief Minister's Department (in attendance for item B3 only)  
 S. Petrie, Director of Environmental Health, Department of the Environment (in attendance for item B4 only)  
 K.L. Slack, Committee Clerk

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

Minutes.

A1. The Minutes of the meetings of 8th February 2017 (Part A and Part B), 8th March 2017 (Part A and Part B), 9th March 2017 (Part A and Part B), 22nd March 2017 (Part A and Part B), 26th April 2017 (Part A and Part B), 28th April 2017 (Part A only), 10th May 2017 (Part A and Part B), 16th May 2017 (Part A only)

and 31st May 2017 (Part A and Part B), having previously been circulated, were taken as read and were confirmed.

States business  
04.07.2017.  
1240/7/1(1)

A2. The Council, with reference to its Minute No. A1 of 14th June 2017, discussed with the Director – Corporate Policy, Chief Minister’s Department, the list of public business scheduled for consideration by the States Assembly at its meeting on 4th July 2017 and commented, specifically on the following:

**Draft Official Publications (Amendment No.2) (Jersey) Law 201-** (P.32/2017)

The Council noted that the effect of this draft Law would be to enable the Jersey Gazette, which currently appeared in the Jersey Evening Post, in accordance with the provisions of the Jersey Gazette Act 1960, to be published online. Islanders would be able to see the Gazette entries for free and it would result in savings of up to £100,000 per annum. Mindful that some Islanders did not have access, in their homes, to computers, it was noted that portable devices would be available in the Parish Halls on which people would be able to view the Gazette. The Council supported the proposition.

**Draft Health Insurance (Performers List for General Medical Practitioners) (Amendment) (Jersey) Regulations 201-** (P.33/2017)

The Council noted that these draft Amendment Regulations would enable Foundation Year 2 trainee doctors, who were in the 2nd year of the post-graduate programme to enter into general practice. The legislation, as currently drafted, required a medical practitioner to be on the Performers List if they wished to access the Health Insurance Fund (‘the Fund’), for the purpose of claiming rebates for consultations and for prescription fees. There was currently no provision for Foundation Year 2 doctors to be on the List and, therefore, GP practices were reluctant to take them on a general practice placement as this would mean that they were unable to access the Fund. The draft Amendment Regulations would permit the Foundation Year 2 doctors temporary approval as Performers for the purpose of accessing the Fund. The Council supported the proposition.

**Draft States of Jersey (Transfer of Functions No.9) (Health and Social Services to Environment) (Jersey) Regulations 201-** (P.34/2017)

The Council noted that the budget for the environmental health function had been transferred from the Health and Social Services Department to the Department of the Environment in 2016. These draft Regulations would have the effect of transferring to the Minister for the Environment the relevant legislative functions administered by the environmental health team, *inter alia* the Food Safety (Jersey) Law 1966 and the Statutory Nuisances (Jersey) Law 1999. The Council noted that the Proposition would be presented by the Minister for Health and Social Services and indicated its support therefor.

**Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No.4) (Jersey) Regulations 201-** (P.36/2017)

The Council recalled that, in June 2016, the States of Jersey had approved an amendment to the Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 2001, in order to limit the length of net that could be set on a beach to 100 metres. A further amendment to these Regulations had been approved in November 2016, to allow the Minister to set the length of net by Order. The Council noted that these draft Amendment Regulations would, effectively, prohibit the setting of nets on the beach, by setting that number at zero, but would enable the Minister, by Order, to prescribe the times at which, and locations where nets could be set. The Council supported the Proposition.

**Draft Sea Fisheries (Inshore Waters) (Amendment No.3) (Jersey) Regulations 201-** (P.37/2017)

The Council recalled that, in June 2016, the States of Jersey had approved an amendment to the Sea Fisheries (Inshore Waters) (Jersey) Regulations 1998, in order to limit the number of hooks that could be set on a beach to 50. A further amendment to these Regulations had been approved in November 2016, to allow the Minister to set the number of hooks by Order. The Council noted that these draft Amendment Regulations would, effectively, prohibit the setting of hooks on the beach by setting that number at zero, but would enable the Minister, by Order, to prescribe the times at which, and locations where hooks could be set. The Council supported the Proposition.

**Draft Air Navigation (Rules of the Air) (Jersey) Regulations 201-** (P.40/2017)

The Council noted that these draft Regulations would give effect to the Standardized European Rules of the Air ('SERA'), which had been introduced across Europe. This would enable Jersey to retain common rules of the air with neighbouring jurisdictions, in order to facilitate air navigation. The Council supported the Proposition.

**Medium Term Financial Plan 2017 – 2019: amendment to funding for fee-paying schools.** (P.41/2017)

The Council recalled that, as part of the debate on the Medium Term Financial Plan Addition for 2017-2019, the States had approved minor adjustments to subsidies for the States and private fee-paying schools. Notwithstanding this approval, the endorsement in 2011 of P.72/2011 'Grant aided Schools: grants' required the Minister for Education to lodge, as a separate proposition, any changes to the current arrangements with the schools, as well as the benefits and deficiencies of any proposed change and to refrain from implementing any changes until the revised policy had been approved by the States Assembly. This Proposition would give effect to that requirement. The Council noted that the Education and Home Affairs Scrutiny Panel had been made aware of the Proposition and had not raised any concerns. The Council supported the Proposition.

**Draft Amendment (No.31) of the Standing Orders of the States of Jersey.** (P.43/2017)

The Council noted that this draft Amendment, which had been lodged by the Privileges and Procedures Committee, would make a number of amendments to Standing Orders and would *inter alia* give States members the ability to submit questions for answering by an Assistant Minister with delegated responsibility for a particular subject; would enable such an Assistant Minister to act as *rapporteur* in respect of propositions lodged by the Council of Ministers, or the Chief Minister; would enable proposers to name a colleague to act as *rapporteur* in their absence and would require all candidates for the position of Minister, or Chairman, to make a speech and take questions, irrespective of whether the position was contested. Council members were made aware that they could vote as they wished in respect of this Proposition.

**Draft Dormant Bank Accounts (Jersey) Law 2017 (Appointed Day) Act 201-** (P.49/2017)

The Council recalled that the States had adopted the Dormant Bank Accounts (Jersey) Law 2017 ('the Law') on 28th June 2016 and noted that it had received Royal Assent and been registered in the Royal Court during February 2017. The Draft Dormant Bank Accounts (Jersey) Law 2017 (Appointed Day) Act 201- would bring the majority of the Articles of the Law into force on 17th July 2017, thereby establishing the 'Jersey Reclaim Fund' and enabling the regime for the reporting and transfer of dormant bank accounts, by the banks, to come into operation.

It was intended that the remaining Article, Article 20, and associated provisions would be brought into force by a second Appointed Day in Autumn 2017. The Council noted the position and indicated its support for the Proposition.

Forthcoming  
announcements.

A3. The Council, with reference to its Minute No. A3 of 31st May 2017, discussed with the Director – Corporate Policy, Chief Minister’s Department a schedule of forthcoming announcements and communications and noted the following –

- (1) that planning applications in respect of the new hospital and the demolition of the former cable car station at Fort Regent were due to be submitted on 29th June 2017;
- (2) that Les Quennevais School would be closed on 29th and 30th June 2017 in order for work to be undertaken to repair the roof, which had buckled during the recent hot weather and was now allowing water ingress;
- (3) that the report of the Comptroller and Auditor General, in respect of the oversight of arm’s length organisations, was due to be released on 29th June 2017;
- (4) that the Independent Jersey Care Inquiry would publish its findings on 3rd July 2017; and
- (5) that enabling works on the La Collette flats were due to begin during the week commencing 3rd July 2017.