

PM/SC/261

COUNCIL OF MINISTERS

(82nd Meeting)

6th September 2017**Part A (Non-exempt)**

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

Senator A.K.F. Green, M.B.E, Deputy Chief Minister and Minister for Health and Social Services - 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  
 Senator A.J.H. Maclean, Minister for Treasury and Resources

In attendance -

Connétable J.M. Refault of St. Peter, Assistant Minister for Treasury and Resources (for items B1-B3)  
 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 B1-B4)  
 A. Rogers, Director of Financial Planning and Performance, Treasury and Resources Department (for items B1-B3)  
 P. Eastwood, Deputy Comptroller of Taxes – Policy, International and Transformation, Treasury and Resources Department (for item B1)  
 P. Bouteloup, Accounts Inspector – Income Tax, Treasury and Resources Department (for item B1)  
 P. Cockerham, Director – Revenue and Immigration, Customs and Immigration Department (for item B1)  
 S. Graves, Treasury and Resources Department (for item B1)  
 R. Jouault, Assistant Director – Social Policy, Department for Community and Constitutional Affairs (for item B5)  
 J. Norris, Policy Principal, Strategic Housing Unit, Department for Community and Constitutional Affairs (for item B5)  
 C. Stephenson, Director – HR Employment Relations and Organisational Development, Human Resources, Chief Minister’s Department (for item B4)  
 H. Gray, Manager - Reward, Human Resources, Chief Minister’s Department (for item B4)  
 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.

States business  
12.09.2017 and  
26.09.2017.  
1240/7/1(1)

A1 The Council, with reference to its Minute No. A2 of 12th July 2017, discussed with the Director – Corporate Policy, Chief Minister’s Department the list of public business scheduled for consideration by the States Assembly on 12th and 26th September 2017 and commented specifically on the undermentioned items as indicated:

12th September 2017:

**States Members’ Remuneration Review Body: implementation of pay recommendations (P.39/2017)**

The Council noted that the States were being asked - to remove the provision in Article 44 of the States of Jersey Law 2005 which prohibited States members from being paid at different levels; to apply a pay differentiation to the Chief Minister only from the election of the Chief Minister in May 2018; and to provide that any recommendation by the Review Body for a new scheme for differentiating the level of remuneration and expenses payable to elected members should only be implemented if a proposition having effect to such a recommendation had been adopted by the States. The Council recognised that, as an agreed position within the Council was not required, Ministers would therefore have a free vote.

**Draft Education (Amendment No. 3) (Jersey) Law 201- (P.56/2017)**

The Council, having noted that the amendment would amend Part 6 of the Education (Jersey) Law 1999 which contained provisions concerning behaviour and discipline within schools, accordingly supported the draft amendment.

**Draft Amendment (No. 33) to the Standing Orders of the States of Jersey (P.59/2017) and Amendment**

The Council noted that the amendments proposed were consequential upon the establishment of the office of Commissioner for Standards under the Commissioner for Standards (Jersey) Law 2017, recognised that, as an agreed position within the Council was not required, Ministers would therefore have a free vote.

**States of Jersey Budget 2017: allocation of funds for Parish infrastructure projects (P.61/2017)**

The Council noted that whereas funding had been allocated for the purpose of the States meeting their additional rates liability in 2017, no additional liability would arise and no payment could be made until ongoing work to resolve outstanding issues and to progress law drafting regarding the States paying rates had been completed. Consequently, the proposition of the Connétable of St. Helier sought the agreement of the States to request the Minister for Infrastructure to take the steps necessary to allocate the funding approved in the Draft Medium Term Financial Plan Addition 2017-2019 (P.68/2016) for the payment of rates by the States in 2017 to Parish infrastructure projects. Having noted that the Minister for Infrastructure was minded to accept the proposition, the Council noted the possibility that the project might be deferred by the proposer.

**Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.62/2017)**

The Council, having noted the basis of the proposition, recognised that, as an agreed position within the Council was not required, Ministers would therefore have a free vote.

**United Nations Convention on the Rights of the Child: compliance of draft laws and training of States of Jersey employees (P.63/2017)**

The Council noted that H.M. Attorney General considered part (a) of the proposition

to be premature as it sought legislative changes to be made to ensure that any draft laws lodged 'au Greffe' by Ministers took into account whether such laws would impact upon children's rights as specified in the Convention without the States having first considered the desirability of giving the Convention a similar status to the European Convention on Human Rights by incorporating it into legislation. It was noted that the Chief Minister was to discuss the matter with the proposer – Deputy L.M.C. Doublet of St. Saviour – in the first instance.

**Draft Act annulling the Motor Traffic (Cabs – Fares and Charges) (Jersey) Order 2017 (P.64/2017)**

The Council noted that the Order provided for a 4.6 per cent Retail Price Index (Taxi) rise (including a consolidated allowance for extras), in taxi-cab tariffs for the period 2014 to 2017 (calculated in conjunction with the States Statistics Unit). It was recognised that the proposer of the proposition – Senator S.,C. Ferguson – sought to allow the Jersey Taxi Drivers Association to continue to pursue its demand for an increase in excess of 7 per cent, plus a doubling of extras (for bags and additional passengers), through a commercial mediator. The Council agreed to reject the proposition.

**Draft Customs and Excise (Amendment No. 8) (Jersey) Law 201- (P.65/2017)**

The Council noted that the draft Law proposed an amendment to the principal Law such as to make provision for information regarding a ship or aircraft to be provided to the Agent of the Impôts in advance of its arrival in, or departure from, Jersey and not just on its arrival or departure. The Council accordingly supported the draft Law.

**Draft Road Traffic (No. 63) (Jersey) Regulations 201- (P.67/2017)**

The Council, having noted that the draft Regulations would amend and rectify a number of inconsistencies in the Road Traffic (Jersey) Law 1956, accordingly supported the Draft Regulations.

**Vote of Censure: Deputy A.D. Lewis of St. Helier (P.76/2017)**

The Council noted that the proposition of the Privileges and Procedures Committee followed its determination that Deputy Lewis had breached the Code of Conduct for Elected members by failing to maintain the integrity of the States. It was recalled that the Deputy, at a public hearing held on 1st August 2017, had exercised his right to address the Committee on the matter. The Council recognised that, as an agreed position within the Council was not required, Ministers would therefore have a free vote.

26th September 2017:

The Council noted the following items of public business scheduled for 26th September 2017:

**Brexit Information Report: July 2017 update (R.87/2017) In-committee debate**

**Draft Asian Infrastructure Investment Bank (Immunities and Privileges) (Jersey) Regulations 201- (P.68/2017)**

**Draft Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Amendment) (Jersey) Regulations 201- (P.69/2017)**

**Jersey Financial Services Commission: appointment of Commissioner (P.70/2017)**

**Draft Statutory Nuisances (Jersey) Regulations 201- P.71/2017)**

**States Assembly: selection and appointment of Ministers, Committees and Panels – return to secret ballots (P.73/2017) and Amendment**

**Draft Sea Fisheries (Trawling, Netting and dredging) (Amendment No. 4) (Jersey) Regulations 201- (P.74/2017)**

**Warwick Farm: feasibility study for incorporating the site into the St. Helier Country Park (P.75/2017)**

**Chief Minister: election by Island-wide vote of registered electors (P.78/2017).**