

PM/SC/352

COUNCIL OF MINISTERS

(95th Meeting)

6th December 2017**PART A (Non-exempt)**

All members were present, with the exception of Senator Sir P.M. Bailhache, Minister for External Relations; Deputy K.L. Moore of St. Peter, Minister for Home Affairs; and Deputy S.J. Pinel of St. Clement, Minister for Social Security, 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 (not present for items A1-A3, B2 and B3)
 Deputy R.G. Bryans of St. Helier, Minister for Education
 Deputy S.G. Luce of St. Martin, Minister for the Environment (not present for items A2, A3 and B7)
 Senator A.K.F. Green, M.B.E, Minister for Health and Social Services (not present for items A1, B2 and B3)
 Deputy A.E. Pryke of Trinity, Minister for Housing (not present for items A2 and A3)
 Deputy E.J. Noel of St. Lawrence, Minister for Infrastructure
 Senator A.J.H. Maclean, Minister for Treasury and Resources (not present for items A2 and A3)
 Deputy G.J. Truscott of St. Brelade, Assistant Minister for Social Security

In attendance -

Deputy P.D. McLinton, Assistant Minister for Health and Social Services (for item B7)
 R. Bell, Acting Chief Executive, States of Jersey and Treasurer of the States
 Dr. M. Egan, Greffier of the States
 R.J. MacRae, Q.C., H.M. Attorney General
 A. Daroy, Chief Operating Officer, Chief Minister's Department
 A. Rogers, Director of Financial Planning and Performance, Treasury and Resources Department (for items B1 and B7)
 S. Peat, Director of Digital and Telecoms Policy, Chief Minister's Department (for item B2)
 T. Harrison, Political Liaison Executive, Chief Minister's Department (for item B2)
 S. Cartwright, Chief Officer, Bailiff's Chambers (for item B4)
 R. Summersgill, Comptroller of Taxes and Competent Authority, Treasury and Resources Department (for item B5)
 T. Quérée, Legislation and Policy Manager, Treasury and Resources Department (for item B5)
 L. Walsh, Acting Law Draftsman, Chief Minister's Department (for item B6)
 J. Rogers, Chief Officer, Department for Infrastructure (for item B7)
 J. Garbutt, Chief Officer, Health and Social Services Department (for item B7)
 R. Foster, Director of Estates, Jersey Property Holdings (for item B7)

H. O'Shea, Managing Director, Health and Social Services Department (for item B7)_

B. Place, Director for Health Brief, Health and Social Services Department (for item B7)

R. Glover, Manager – Planning Performance, Department of the Environment (for item B7)

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

C. Keir, Assistant Director - Ministerial Support and Communications (for item B7)

P. Monamy, Clerk to the Council of Ministers

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

Minutes. A1. The Minutes of the meetings held on 20th and 21st September, and on 4th and 18th October 2017 (all Part B); and on 8th, 16th and 20th November 2017 (all Part A and Part B), having been previously circulated, were taken as read and were confirmed.

States business 12.12.2017. 1240/7/1(1) A2 The Council, with reference to its Minute No. A1 of 22nd November 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 December 2017 and commented specifically on the undermentioned items as indicated:

Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201-
(continuation of debate following approval of principles and referral to Scrutiny)
(P.66/2017) and Amendment

The Council recalled that the draft Law would introduce minimum health and safety standards with respect to rented dwellings, and provide an enforcement mechanism where such dwellings failed to reach the required standards. The Council supported the draft Law.

States Employment Board: living wage 2017 (P.72/2017)

The Council noted that the proposition of Deputy G.P. Southern of St. Helier sought the agreement of the States that the Chairman of the States Employment Board should, inter alia, (i) seek accreditation of the Board as a Living Wage employer; (ii) ensure that all directly-employed States of Jersey staff were paid at least the Jersey Living Wage by 1st June 2018; seek accreditation for all newly-contracted States of Jersey staff and staff whose contracts were renewed; and (iv) ensure that all contracted employees on States of Jersey premises were paid at least the Jersey Living Wage. Recognising that the Board was supportive of the Living Wage for employees (and that the Living Wage was already paid to all public sector employees, the Council noted that the difficult issue raised by the proposition was in relation to contractors whose staff worked on States of Jersey premises. The Council accordingly agreed that it was prepared to accept parts (i) and (ii) of the proposition and to invite the proposer to withdraw the remainder of the proposition, including those elements which sought to request the Minister for Treasury and Resources, as shareholder representative, to urge those incorporated bodies of which the States of Jersey were the sole shareholder to seek accreditation as Living Wage employers; and also the proposal that steps should be taken to ensure that the wage rates offered by contractors to the States were taken into consideration in the evaluation of tenders for goods and services issued by States' departments and other States bodies.

Draft Petty Debts Court (Miscellaneous Amendments) (Jersey) Regulations 201- (P.95/2017)

The Council noted that the draft Regulations were to be withdrawn and re-lodged 'au Greffe' for debate on 16th January 2018.

Draft States of Jersey (Appointment Procedures) (Jersey) Law 201- (P.97/2017)

The Council noted that the draft Law would bring into effect the decision of the States Assembly to support P.205/2009 – 'Appointments made by the States: revised procedures', which had been proposed by the Privileges and Procedures Committee, whereby a revised procedure would be introduced for certain appointments currently made by the States Assembly. The Council supported the draft Law.

Jersey Infrastructure Levy: approval in principle- (P.100/2017) and Amendment

The Council noted that the proposition sought the support of the States for the principle of introducing an infrastructure levy in Jersey, to ensure that those who benefitted from an increase in land value arising from the award of planning permission made a small contribution to offset the impact of that development on the Island community. The Council supported the proposition.

Draft Royal Court (Amendment No. 15) (Jersey) Law 201- (P.101/2017)

The Council noted that the Legislation Advisory Panel had previously considered possible amendments to the Royal Court (Jersey) Law 1948, including the removal of references to 'poor relief' which were otiose, although the wider review of the Law envisaged was not considered to be of a high priority. However, given that Deputy M. Tadier of St. Brelade had brought forward the present proposal, it was noted that the panel considered that it could be supported as the references to 'poor relief' were of no effect. The Council accordingly supported the draft Law.

Draft Employment (Minimum Wage) (Amendment No. 14) (Jersey) Regulations 201- (P.104/2017)

The Council noted that the Minister for Social Security, having accepted the unanimous recommendation of the Employment Forum regarding an increase by 4.5 per cent in the minimum wage rates to apply from 1st April 2018, had prepared the necessary draft Regulations, which the Council supported.

Draft Howard Davis Farm (Arrangements for further Abrogation of Covenant) (Jersey) Law 201- (P.105/2017) and Amendment

The Council noted that the draft Law would enable further abrogation of the covenant applicable to the gift of Howard Davis Farm and its associated land to the public by agreement with the trustees of The Howard Davis Farm Trust. Having noted that Deputy J.A. Le Fondré of St. Lawrence sought to amend the proposal such as to require all changes of use to be reported to the States, and to set a period within which members could lodge a proposition on the subject matter of the proposed change of use, the Council noted an amendment by the Minister for the Environment which sought to limit notification to changes of use with a financial impact greater than £50,000 a year and to limit the period for response to a notification to 15 working days. The Council supported the draft Law and the Minister's amendment.

Draft Statistics and Census (Jersey) Law 201- (P.106/2017)

The Council noted that the draft Law covered both the census and also the broader range of official statistics and how the statistics were collected, collated and published. The Council supported the draft Law.

Future Hospital: approval of preferred scheme and funding (P.107/2017) and Amendments

[See Minute No. B7 of this meeting].

Independent Jersey Care Inquiry Report: implementation of recommendations. (P.108/2017)

The Council noted that the Chief Minister would in due course propose that its response to the Final Report of the Independent Jersey Care Inquiry should be considered by the States Assembly in committee on 16th January 2018.

Draft Public Finances (Amendment No. 5) (Jersey) Law 201- (P.111/2017)

The Council noted that the draft Law sought the agreement of the States to amendments to the Public Finances (Jersey) Law 2005 which would be a direct consequence of the adoption of P.107/2017 – ‘Future Hospital: approval of preferred scheme. The Council supported the draft Law.

Forthcoming
announcements.

A3. The Council, with reference to its Minute No. A2 of 22nd November 2017, discussed with the Director – Corporate Policy, Chief Minister’s Department forthcoming announcements.

The Council noted that

- (a) consultation on proposals regarding Higher Education Funding would be launched on 11th December 2017;
- (b) the Chief Minister was due to address the Institute of Directors (IoD) lunch to be held on 7th December 2017;
- (c) consultation on the proposed Migration Policy would be launched on 7th December 2017;
- (d) details of the arrangements regarding Eco-parking Permits would be published by the Minister for Infrastructure during the week commencing 11th December 2017; and
- (e) the Policy on Foreshore would be published by the Minister for Infrastructure on 11th December 2017.