

PM/MH/037

COUNCIL OF MINISTERS

(98th Meeting)

24th January 2018**PART A (Non-exempt)**

All members were present, with the exception of Senator Sir P.M. Bailhache, Minister for External Relations; Deputy A.E. Pryke of Trinity, Minister for Housing; and Senator A.J.H. Maclean, Minister for Treasury and Resources, 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 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 E.J. Noel of St. Lawrence, Minister for Infrastructure
 Deputy S.J. Pinel of St. Clement, Minister for Social Security
 Connétable J.M. Refault of St. Peter, Assistant Minister for Treasury and Resources

In attendance -

Senator P.F. Routier, M.B.E., Assistant to the Chief Minister
 C. Parker, Chief Executive, States of Jersey and Head of the Public Service
 Dr. M. Egan, Greffier of the States
 R.J. MacRae, Q.C., H.M. Attorney General
 I. Burns, Chief Officer, Social Security Department (for items B1 and B2)
 K. Morel, Policy Principal, Social Security Department (for items B1 and B2)
 D. Newman, UK Discrimination Law Expert (for items B1 and B2)
 J. Donovan, Chief Education Officer, Education Department (for item B3)
 C. Walwyn, Chief Operating Officer (Education), Education Department (for item B3)
 P. Bradbury, Director - Corporate Policy, Chief Minister's Department
 P. Monamy, Clerk to the Council of Ministers

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

States business
 30.01.2018 and
 20.02.2018.
 1240/7/1(1)

A1. The Council, with reference to its Minute No. A3 of 10th January 2018, discussed with the Director – Corporate Policy, Chief Minister’s Department the list of public business scheduled for consideration by the States Assembly on 30th January, and gave preliminary consideration to the list for 20th February 2018, commenting specifically on the undermentioned items as indicated:

30th January 2018:

Jersey Electricity plc: referral of stand-by charges to the Channel Islands Competition and Regulatory Authorities (P.88/2017) and Amendment

The Council, with reference to its Minute No. B8 of 4th October 2017, recalled that the proposition and amendment had been lodged ‘au Greffe’ by the Deputy of Grouville, who sought to persuade the States to request the Minister for Treasury and Resources, as shareholder representative, to ask Jersey Electricity plc not to impose stand-by charges on commercial customers who generated their own power from 1st November 2017, until the opportunity had been provided to the Channel Islands Competition and Regulatory Authorities (CICRA) or other qualified body to undertake further research into the implications of such a charge and to report on any findings to the States. Having noted the 3 components which comprised the proposition as amended by the proposer, the Council agreed that it was minded to accept parts (a), (b), (d) and (e), whilst rejecting part (c). This was on the basis that a review of the company’s proposed charge was considered to be required, although by a body other than CICRA. It was recognised that, once such review had been undertaken, there would be a requirement for research to be undertaken into the implications of the proposed charge. It was accepted that the Minister for the Environment, in his capacity as Chairman of the Energy Executive, was committed to carry out a review of the Electricity (Jersey) Law 1937 in order to ensure that it was fit for purpose and that it future-proofed the Island’s current energy aspirations and as new technology and storage and distribution systems became commercially available. The Committee agreed that an Action Plan to facilitate the development of the renewable energy sector in Jersey could be developed once the cost of stand-by generation had been established by the review to be undertaken and policy determined. The Council considered, however, that full economic regulation of Jersey Electricity plc by CICRA would be pre-emptive (and potentially costly, with limited effect and be too wide-ranging) given that a review of the 1937 Law was to be undertaken. The Council considered that such a substantial step should only be taken in the event that the Island’s Energy Plan aspirations could not be achieved through updating and extension of the 1937 Law supported by appropriate policy levers. The Council confirmed its rejection of part (c) of the proposition and decided to comment on the proposition and amendment accordingly.

Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201-
(P.91/2017) and Amendments (continuation of debate following approval of principles and referral to Scrutiny)

The Council noted that the draft Law, lodged ‘au Greffe’ by the Chief Minister, sought to provide for a range of legislative changes to the principal Law, including –

1. allowing for same-sex couples to get married and for couples in a civil partnership to convert their civil partnership to that of a marriage;
2. providing safeguards which protected the right of religious officials and religious organisations to choose not to marry same-sex couples (these arrangements being broadly reflective of the arrangements in the United Kingdom);
3. allowing couples more choice over the location of their wedding (e.g. open-air venues) and over the content of their wedding (e.g. hymns and religious readings);
4. allowing couples more choice over who married them by providing that marriage celebrants might start to practice in Jersey, thus allowing for humanist weddings, etc. (providing that they were authorised by the Superintendent Registrar);
5. providing improved control against sham and forced marriage;
6. streamlining the processes associated with giving notice to get married and registering a marriage;

7. amending the Gender Recognition (Jersey) Law 2010 such that there was no 'spousal veto', allowing the Court in Jersey to issue a gender recognition certificate to an individual who was married regardless as to whether their spouse had consented to the issue of such a certificate.

It was noted that the Corporate Services Scrutiny Panel was reviewing the proposed changes and had called-in the draft legislation in due course. It was expected that a number of key issues might arise during the States debate, including –

- (a) a conscience clause;
- (b) the use of Parish Churches; and
- (c) the role of Parish registrars.

The Council agreed that further consideration should be given to the possibility of amending P.91/2017, which it was noted was unlikely to be taken in to consideration by the States until Thursday, 1st February 2018, and the Chief Minister was delegated with responsibility for determining whether an amendment should proceed.

E-Petitions: introduction (P.123/2017) and Amendment

The Council noted that the proposition, lodged 'au Greffe' by the Privileges and Procedures Committee (PPC), sought the agreement of the States in principle that a system for enabling people to petition the States Assembly by electronic means should be introduced. It was further noted that Deputy S.Y. Mézec of St. Helier had lodged 'au Greffe' an amendment seeking the acceptance of e-petition signatures based on the States' digital identification system to be introduced as part of the e-Government programme. The Council agreed that, on the basis that the States' digital I.D. system might not be operational and adopted by a majority of the population for a number of years, it favoured the acceptance of e-petition signatures being based on IP (Internet Provider) addresses as proposed by PPC, and it accordingly supported the unamended proposition. The Council recalled that, as an agreed position within the Council was not required, Ministers would have a free vote on the draft Law.

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

The Council noted that the draft Law, lodged 'au Greffe' by the Privileges and Procedures Committee (PPC), sought the agreement of the States to a revised procedure in relation to certain appointments currently made by the States which necessitated the lodging 'au Greffe' of a proposition. It was recognised that the proposal would bring into effect the decision of the States Assembly on 2nd February 2010 to adopt P.205/2009, requiring in relation to certain appointments the presentation of a report outlining the appointment being made on the basis that this would not be confirmed until a period of at least 2 weeks after the report's presentation.

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

The Council, with reference to its Minute No. A3 of 10th January 2018, recalled that the Chief Minister – on 18th January 2018 - had requested that the Council's response to the Final Report of the Independent Jersey Care Inquiry (P.108/2017 - lodged 'au Greffe' on 31st October 2017) should be considered by the States Assembly in Committee on 31st January 2018. The Council supported the proposition, although it was noted that no vote would be taken at the end of the in committee deliberations.

20th February 2018:

The Council agreed to give further consideration to the following items in particular -

States Employment Board: living wage 2017 (P.122/2017)

Hospital catering department: cancel relocation to an offsite location – petition (P.124/2017).

Forthcoming
announcements.

A3. The Council, with reference to its Minute No. A4 of 10th January 2018, discussed with the Director – Corporate Policy, Chief Minister’s Department forthcoming announcements.

The Council noted that -

- (a) the Minister for the Environment indicated that an announcement would be made on Monday, 29th January 2018 regarding work currently being undertaken to secure ‘Plastic-free Shoreline’ status for the Island; and
- (b) the Minister for the Environment also indicated that work was being progressed on a response to the open letter previously published in the Jersey Evening Post regarding the perceived shortcomings of the plans to date for the Future Hospital.