

PM/MH/022

COUNCIL OF MINISTERS

(15th Meeting)

9th January 2019**PART A (Non-Exempt)**

All members were present.

Senator J.A.N Le Fondré, Chief Minister  
 Senator S.Y. Mézec, Minister for Children and Housing  
 Senator L.J. Farnham, Minister for Economic Development, Tourism,  
 Sport and Culture  
 Senator T.A. Vallois, Minister for Education  
 Deputy J. Young, Minister for the Environment  
 Senator I.J. Gorst, Minister for External Relations  
 Deputy R.J. Renouf of St. Ouen, Minister for Health and Social Services  
 Connétable L. Norman of St. Clement, Minister for Home Affairs  
 Deputy K.C. Lewis of St. Saviour, Minister for Infrastructure  
 Deputy C.F. Labey, Minister for International Development  
 Deputy J.A. Martin of St. Helier, Minister for Social Security  
 Deputy S.J. Pinel of St. Clement, Minister for Treasury and Resources

In attendance -

Connétable R. A. Buchanan, Assistant Chief Minister  
 C. Parker, Chief Executive, States of Jersey  
 Dr. M. Egan, Greffier of the States  
 R.J. MacRae, Q.C., H.M. Attorney General  
 T. Walker, Director General for Strategic Policy, Performance and  
 Population (for item B2)  
 M. Rogers, Director General for Children, Young People, Education and  
 Skills (for item B2)  
 D. McMillan, Children's Commissioner for Jersey (for item B2)  
 A. Heaven, Director of Children's Policy (for item B2)  
 F. Le Gros, Legal Adviser, Law Officers' Department (for item B2)  
 T. Murphy, Policy Adviser to the Children's Commissioner (for item B2)  
 J. Rogers, Director General for Growth, Housing and Environment (for  
 items B3 and B4)  
 C. Madden, Chief of Staff (for item B4)  
 D. Scott, Director, Department of Economic Development, Tourism,  
 Sport and Culture (for item B4)  
 I. Burns, Director General for Customer and Local Services (for items  
 B5 and B6)  
 R. Johnson, Director, Social Policy, Strategic Policy, Performance and  
 Population (for item B8)  
 P. Bradbury, Interim Ministerial Support Unit  
 S. Hardwick, Director of Communications  
 P. Monamy, Acting Clerk to the Council of Ministers

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

Minutes. A1. The Minutes of the meeting held on 22nd November 2018 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

States Business A2. The Council, with reference to its Minute No. A1 of 28th November 2018, 15.01.2019 and discussed with Mr. P. Bradbury, Interim Ministerial Support Unit, Office of the 29.01.2019 Chief Executive, the list of public business scheduled for consideration by the States 1240/7/1(1) Assembly on 15th and 29th January 2019 and commented specifically on the following:

15th January 2019

**Draft Financial Regulation (Miscellaneous Provisions No. 5) (Jersey) Law 201- (P.138/2018)**

The Council supported the draft Law, which would amend those laws by which the Jersey Financial Services Commission (JFSC) regulated financial service businesses.

**Draft Financial Regulation (Miscellaneous Provisions) (Amendment of Laws) (Jersey) Regulations 201- (P.139/2018)**

The Council supported the draft Regulations, which would amend the regulatory laws under which financial service businesses provided information to the Jersey Financial Services Commission (JFSC).

**Draft Alternative Investment Funds (Amendment) (Jersey) Regulations 201- (P.140/2018)**

The Council supported the draft Regulations, which would render the Alternative Investment Funds (Jersey) Regulations 2012 consistent with the Collective Investment Funds (Jersey) Law 1988.

**Draft Public Employees (Pension Scheme) (Miscellaneous Amendments) (Jersey) Regulations 201- (P.141/2018)**

The Council supported the draft Regulations, which would allow further flexibility for transition members of the 'final salary' Public Employees Contributory Retirement Scheme (PECRS) moving to the 'career average' Public Employees Pension Fund (PEPF).

**Draft Air Navigation (Rules of the Air) (Amendment) (Jersey) Regulations 201- (P.142/2018) and Amendment**

The Council supported the draft Regulations and Amendment, which would amend the principal Regulations so as to update and complete the common rules of the air and operational provisions regarding services and procedures in air navigation.

**Children (Jersey) Law 2002: repeal of Article 79 (P.144/2018)**

The Council supported the proposition of Deputy M.R. Le Hegarat of St. Helier, which sought to repeal Article 79 of the Children (Jersey) Law 2020 so as to realise children's rights in respect of 'lawful chastisement' as set out in the United Nations Convention on the Rights of Children. [*See also Minute No. B7 of this meeting*].

29th January 2019:

**Rejection of Planning Application relating to Retreat Farm, La Rue de la Frontière, St. Mary and Rue des Varvots, St. Lawrence: rescindment of Ministerial Decision (P.100/2018) and Amendment**

The Council rejected the proposition of Deputy S.M. Wickenden of St. Helier, which sought the rescindment of Ministerial Decision MD-PE-2018-0060 relating to Retreat Farm and referral to the Planning Committee for its consideration. It was

noted that the proposition was considered unable to be delivered legally, given that the Minister for the Environment had determined the application in accordance with Article 12 of the Planning and Building (Jersey) Law 2002. The Greffier of the States undertook to provide the Bailiff for his information a copy of the departmental note on the proposition which had been prepared by Growth, Housing and Environment.

**Draft Amendment (No. 37) to the Standing Orders of the States of Jersey**  
(P.103/2018)

The Council noted that the Amendments promoted by the Privileges and Procedures Committee (PPC) sought to make provision for propositions to be referred to a scrutiny panel or to a review panel automatically upon lodging 'au Greffe', subject to some exceptions. The Council noted that because an agreed position within the Council was not required, Ministers would have a free vote in respect of this proposition.

**Draft Revenue Administration (Jersey) Law 201-** (P.122/2018)

The Council supported the draft Law, which it noted would form an important part of the ongoing tax modernisation programme, enabling administrative steps (such as the commissioning of a new Taxes computer system) to proceed. The Council further noted the proposal that joint consultation would be undertaken with the Corporate Services Scrutiny Panel during the 6-week lodging period.

**Draft Damages (Jersey) Law 201-** (P.131/2018)

The Council supported the draft Law, which would address 2 issues relating to awards of damages to those who suffered long-term injuries and required care for years into the future, if not for the rest of their lives. [*See also Minute No. B8 of this meeting*].

**Draft Cybercrime (Jersey) Law 201-** (P.134/2018)

The Council, with reference to its Minute No. B1 of 19th September 2018, maintained its support for the draft Law, which would bring Jersey up to date in its treatment of crime involving computers and data storage.

**Jèrriais: promotion by the Public Sector** (P.143/2018)

The Council opposed the proposition of Deputy J.M. Maçon of St. Saviour, which sought to rebrand all signage, departmental headings, publications and materials used by the Public Sector in Jersey into Jèrriais with an English translation below. The Council considered that such a move would cause confusion on a number of levels amongst staff, officers and the general public. It was agreed that an appropriate alternative would be to retain signage and other materials used by the Public Sector in English but to acknowledge the Island's heritage by incorporating where possible a small Jèrriais translation below in consultation with L'Office du Jèrriais. It was considered that this step could be applied to the naming of government buildings and departments, official letter headed paper and business cards and any other appropriate media such as the Jersey Tourism website, monuments and public recreational parks and gardens. Having noted that it had been confirmed by the Deputy that he had not intended the proposition to capture road signs, officers were directed to further discuss the matter with him.

**Credit-related checks** (P.145/2018)

The Council noted that the proposition of Deputy J.M. Maçon of St. Saviour sought to require the Jersey Financial Services Commission (JFSC) to consult over whether to make rules requiring lenders to consider rental payment history and Parish rate payment history when assessing a borrower's creditworthiness - including for mortgages - with relevant legislation to be brought forward by the Minister responsible by the end of 2019. The Council agreed that it welcomed the constructive contribution to the debate, which it considered should be seen in the

context of the States' strategy for improving home affordability. The Council supported measures which improved access to and the affordability of housing, with the intention of the Chief Minister being to establish a Housing Policy Development Board to consider challenges in the housing market and make recommendations for policy development. Further, the Council considered that the Deputy's proposal could be considered as part of the work of the Board in the context of a series of broader recommendations to improve the affordability of and access to housing. The Council also agreed that the question as to how mortgage lenders considered rental payment history should be incorporated into consideration over the wider process of introducing consumer lending regulation.

**Andium Homes: authorisation of loan to develop the Ann Court site (P.146/2018)**

The Council noted that the proposition of the Deputy of St. Martin sought to request the Minister for Treasury and Resources to sign a Ministerial Decision to release the entire loan funding requested by Andium Homes to develop the Ann Court site in accordance with Planning Permit P/2017/0730. [*See also Minute No. B2 of this meeting*].

**Jersey Overseas Aid Commission: appointment of non-States Commissioner (P.147/2018)**

The proposition of the Minister for International Development sought the appointment of a non-States Jersey Overseas Aid Commissioner for a period of 3 years.

**States Assembly Diversity Forum: establishment (P.135/2018)**

The Council noted that Senator T.A. Vallois had discussed the proposal with Deputy L.M.C. Doublet of St. Saviour and that discussions were to be held in due course with the Chairman of the Privileges and Procedures Committee (PPC) regarding the possibility of establishing a permanent body under the auspices of that Committee.

**Draft European Union (United Kingdom Exit – Miscellaneous Amendments) (Jersey) Regulations 201- (P.148/2018)**

The Council, having noted that the draft Regulations would effect essential amendments to a number of pieces of legislation as a consequence of the withdrawal of the United Kingdom from the European Union, accordingly supported the draft Regulations.