

Council of Ministers

(8th Meeting)

23rd April 2024**Part A (Non-Exempt)**

All members were present, with the exception of Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter, Minister for External Relations, from whom apologies had been received.

Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter, Chief Minister
 Connétable R. Vibert of St. Peter, Minister for Children and Families
 Connétable A.N. Jehan of St. John, Minister for Infrastructure
 Deputy C.F. Labey of Grouville and St. Martin, Minister for International Development
 Deputy S.G. Luce of Grouville and St. Martin, Minister for the Environment
 Deputy K.F. Morel of St. John, St. Lawrence and Trinity, Minister for Sustainable Economic Development (not present for part of items A2 and B1)
 Deputy M.R. Le Hegarat of St. Helier North, Minister for Justice and Home Affairs
 Deputy R.J. Ward of St. Helier Central, Minister for Education and Lifelong Learning
 Deputy S.Y. Mézec of St. Helier South, Minister for Housing
 Deputy L.V. Feltham of St. Helier Central, Minister for Social Security
 Deputy E.M. Millar of St. John, St. Lawrence and Trinity, Minister for Treasury and Resources
 Deputy T.J.A. Binet of St. Saviour, Minister for Health and Social Services

In attendance -

Connétable M.K. Jackson of St. Brelade, Representative of the Comité des Connétables
 Deputy C.S. Alves of St. Helier Central, Assistant Chief Minister
 Deputy M.R. Scott of St. Brelade, Assistant Minister for Sustainable Economic Development
 Deputy R.E. Binet of Grouville and St. Martin, Assistant Minister for Health and Social Services
 Deputy A. Howell of St. John, St. Lawrence and Trinity, Assistant Minister for Health and Social Services
 M.H. Temple, K.C., H.M. Attorney General
 L.-M. Hart, Greffier of the States
 Dr. A. McLaughlin, Interim Chief Executive and Head of the Public Service, Government of Jersey
 I. Cope, Chief Statistician and Director of Statistics and Analytics, Cabinet Office (for part of items A2 and B1 only)
 R. Johnson, Director, Health Policy, Strategic Policy, Planning and Performance Department (for part of items A2 and B1 only)
 N. Fox, Head of Policy, Strategic Policy, Planning and Performance Department (for part of items A2 and B1 only)
 N. Day, Head of Strategic Housing and Regeneration, Strategic Policy, Planning and Performance Department (for items A3 and B2 only)
 P. Bradbury, Head of Ministerial Office

B. Markwell-Sales, Business and Governance Officer to the Council of Ministers, Cabinet Office
T. Mourant, Private Secretary to the Chief Minister
K.L. Slack, Senior Secretariat Officer, States Greffe

Note: The Minutes of this meeting comprise Parts A and B only

Declarations of interest.

A1. Declarations of interest were received from the following, in connexion with the discussion of the Residential Tenancy Law, in their capacity as landlords –

- Connétable R. Vibert of St. Peter, Minister for Children and Families;
- Deputy S.G. Luce of Grouville and St. Martin, Minister for the Environment;
- Deputy K.F. Morel of St. John, St. Lawrence and Trinity, Minister for Sustainable Economic Development;
- Deputy T.J.A. Binet of St. Saviour, Minister for Health and Social Services;
- Deputy R.E. Binet of Grouville and St. Martin, Assistant Minister for Health and Social Services; and
- Deputy A. Howell of St. John, St. Lawrence and Trinity, Assistant Minister for Health and Social Services.

Deputy C.F. Labey of Grouville and St. Martin, Minister for International Development, also declared an interest to the extent that she was the reversionary owner of a property and fields.

Forthcoming business.

A2. The Council discussed the following items of public business, which were scheduled to be debated by the States Assembly at the meeting on 30th April 2024 –

Pay Gap Reporting (P.13/2024)

The Council recalled that it had previously discussed the proposition of Deputy L.M.C. Doublet of St. Saviour and had expressed the wish to present comments, encouraging Members of the States Assembly to reject the proposition, whilst clarifying the rationale for adopting that stance.

Subsequently, 2 amendments had been lodged by Deputies H.L. Jeune of St. John, St. Lawrence and Trinity and M.B. Andrews of St. Helier North. The former proposed the introduction of an action plan which identified the causes of the gender pay gap, whilst the latter sought the introduction of mandatory annual reporting on gender pay for all local businesses with 50 or more employees.

The Council heard from officers, who advised that the amendments on an action plan would not stand well alone in the event that the proposition was rejected. Ministers agreed and also did not support the amendment to make reporting mandatory. Accordingly, they instructed officers to arrange for the comments on P.13/2024 to be presented; and

In Vitro Fertilisation (IVF) Funding (P.20/2024)

The Council heard from the Director, Health Policy, Strategic Policy, Planning and Performance Department, in connexion with this proposition of Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter, relating to funding for *in vitro* fertilisation (IVF). The Council was in agreement that, as proposed by Deputy Stephenson, the current means-tested model should be replaced, as it imposed an unrealistically low income threshold.

However, the proposition also requested that any new funding model should reflect the National Institute for Health and Care Excellence (NICE) clinical guidance and the Council was informed that the NICE guidance currently stipulated that women

up to the age of 40 years should be offered 3 full cycles of IVF and women aged between 40 and 42 years, one full cycle. It was noted that only 3 of the 42 local integrated care boards offered 3 full cycles of IVF and that Jersey should adopt an approach over which it had control, whilst adhering to good clinical standards. The Council was also informed that the proposition, if adopted, could cost the Government a further estimated figure of between £600,000 and £650,000 *per annum* and the source of funding for such additional expenditure had not been identified.

Having discussed the proposition at some length, the Council supported Deputy T.J.A. Binet of St. Saviour, Minister for Health and Social Services, in lodging an amendment to P.20/2024, which removed reference to NICE clinical guidance, but proposed that any new access criteria for IVF locally would accord with good clinical standards, having been the subject of consultation.

Residential
tenancy law.

A3. The Council, with reference to Minute No. B1 of 1st February 2022, of the Council, as previously constituted, received and noted a paper, entitled ‘Residential Tenancy Law: the way forward’, an accompanying PowerPoint presentation of the same name and a draft statement from Deputy S.Y. Mézec of St. Helier Central, Minister for Housing, in connexion with proposed work to produce a revised Residential Tenancy Law (RTL). The Council noted that the Minister wished to publish his statement on 23rd April, in advance of a public hearing with the Environment, Housing and Infrastructure Scrutiny Panel on 24th April 2024.

Deputy Mézec reminded the Council that the former Minister for Housing and Communities had launched an extensive consultation, seeking views on proposals for a new RTL in April 2023. Certain, more complex, elements, which had been contained within that White Paper, had since been de-scoped in order to enable the more significant and time sensitive changes to be delivered at pace. As a consequence, legislative drafting instructions had been prepared to enhance the security of tenure for tenants, introduce rent stabilisation measures, establish a Housing Tribunal and regulate fees and charges. Deputy Mézec indicated that stakeholders, including the Chair of the Jersey Landlords’ Association and the Citizens’ Advice Bureau, had been apprised of the changes that had been made since the original consultation and he was hopeful that the draft law could be prepared before the end of 2024.

The Council signalled its support for the statement to be made by the Minister for Housing and thanked him for the update.