

Council of Ministers

(37th Meeting)

11th July 2023

Part A (Non-Exempt)

All members were present, with the exception of Deputy K.F. Morel of St. John, St. Lawrence and Trinity, Minister for Economic Development, Tourism, Sport and Culture, Deputy I. Gardiner of St. Helier North, Minister for Children and Education, Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter, Minister for Treasury and Resources, Deputy P.F.C. Ozouf of St. Saviour, Minister for External Relations and Financial Services and Deputy J. Renouf of St. Brelade, Minister for the Environment, from whom apologies had been received.

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister
Connétable R. Vibert of St. Peter, Assistant Minister for Children and Education (in lieu of the Minister)

Deputy C.F. Labey of Grouville and St. Martin, Minister for International Development

Deputy S.M. Ahier of St. Helier North, Assistant Minister for Treasury and Resources (in lieu of the Minister)

Deputy D.J. Warr of St. Helier South, Minister for Housing and Communities (for items A2, B1-B3 and part of items A3 and B4 only)

Deputy H.M. Miles of St. Brelade, Minister for Home Affairs

Deputy M.E. Millar of St. John, St. Lawrence and Trinity, Minister for Social Security

Deputy T.J.A. Binet of St. Saviour, Minister for Infrastructure

Deputy K.M. Wilson of St. Clement, Minister for Health and Social Services

In attendance -

Connétable M.K. Jackson of St. Brelade, Representative of the Comité des Connétables (not present for part of items A3 and B4)

Deputy A.F. Curtis of St. Clement, Assistant Chief Minister (for items A3 and B4 only)

M.H. Temple, K.C., H.M. Attorney General

R. Bell, Treasurer of the States

A. Scate, Chief Officer, Infrastructure and Environment Department (for items A3 and B4 only)

W. Millow, Deputy Greffier of the States

R. Summersgill, Comptroller of Revenue (for items A3 and B4 only)

Dr. M. Mathias, MBE, Director of Delivery and Improvement, Strategic Policy, Planning and Performance Department (for item B1 only)

T. Holvey, Chief Economic Adviser, Department for the Economy (for items A3 and B4 only)

G. Pearmain, Director of Financial Crime Strategy (for items A3 and B4 only)

O. Hasan, Change Team Financial Lead (for item B2 only)

E. Fitzgerald, Change Team (for item B2 only)

S. Duhamel, Associate Director of Social Security, Population and Housing Policy, Strategic Policy, Planning and Performance Department (for items A3 and B4 only)

H. de la Cour, Associate Director, Financial Crime Strategy (for items A3 and B4 only)

B. Herstein, Associate Director, Financial Crime Strategy (for items A3 and B4 only)

R. Johnson, Associate Director, Health Policy, Strategic Policy, Planning and Performance Department (for item B3 only)

A. de Bourcier, Head of Environmental and Consumer Protection, Infrastructure and Environment Department (for items A3 and B4 only)

N. Day, Head of Strategic Housing and Regeneration, Strategic Policy, Planning and Performance Department (for item B1 only)

P. Bradbury, Head of Ministerial Office

A. Hamon, Senior Policy Officer, Strategic Policy, Planning and Performance Department (for item B3 only)

K.L. Slack, Secretariat Officer, States Greffe

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

Welcome and perspective from the Parish of St. Peter.

A1. Connétable R. Vibert of St. Peter, accompanied by the Procureurs du Bien Public, the Chef de Police and members of the Parish Roads Committee, welcomed the members of the Council of Ministers to the Parish Hall and thanked them for attending.

The Connétable informed the Council that the oldest building in the Parish was the Church, of which parts dated back to 1053. It had been remodelled by the Victorians in 1898 at a cost of £3,500, according to a bill found at the back of a painting that had belonged to the current Connétable's great grandfather – who had also been the Connétable - but elements of the original chapel had fortunately been retained. Another building in St. Peter with historical links was the George Carteret pub, which had originally been built as a shop in 1818 and had advertised as a tailor in 1820, presumably to clothe the soldiers who occupied the nearby barracks. In 1832 the property had become the Alexandra Hotel, where General de Gaulle had dined in 1940 following his rescue from France by the Special Operations Forces and hours before he had given his famous speech on BBC radio.

St. Peter was the only Parish in the Island with 2 coastlines and an airport. It also had a Youth Club and a not for profit play group and pre-school. It had 2 developments for those aged over 60 years and the Connétable was proud of it as a thriving community for all ages. He indicated that, over the previous 2 years, there had been an increase in antisocial behaviour and work was being done to engage with the young people of the Parish in tandem with the Youth Service, but it was acknowledged that it could take some time to resolve the issue.

There had been a decline in the number of parishioners volunteering to join the Honorary Police, but increasing calls on their services to carry out late night speed checks in the Parish. Expenditure in 2022 had been within budget, despite road repairs costing £50,000, maintenance works to one of the homes for older parishioners in the sum of £250,000 and renovation works to the chapel. Parish rates raised £1 million and had only been increased by 4 per cent during 2023. The salaries for staff in the Parish had increased in line with the uplift awarded to civil servants and St. Peter was accredited as a living wage employer.

The Council was apprised of the drastic reduction in the budget for road repairs and of the cost of one repair during 2022 after the road had been dug up by 3 separate utility companies. It was noted that St. Peter had been the first Parish to have a green lane and that speeding was an issue in the Parish in common with other areas of the

Island. The Council was informed that the Honorary Police were working with the States of Jersey Police to address this.

The Chief Minister, Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, thanked the Connétable and members of the municipality for the warm welcome to the Parish.

Declarations of Interest.

A2. Declarations of interest were received from the following –

- Connétable M.K. Jackson of St. Brelade, who received a standing invitation to the Council of Ministers as the representative of the Comité des Connétables, in connexion with the discussion of the draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202- as part of items A3 and B4 to the extent that he was a member of the Environment, Housing and Infrastructure Scrutiny Panel. He withdrew from the meeting during the discussion; and
- Deputies K.L. Moore of St. Mary, St. Ouen and St. Peter, D.J. Warr of St. Helier South and T.J.A. Binet of St. Saviour, Chief Minister, Minister for Housing and Communities and Minister for Infrastructure, in their capacity as landlords, in connexion with the same Proposition.

Forthcoming business.

A3. The Council of Ministers discussed the following items of public business that were scheduled to be debated at the meeting of the States Assembly that was due to commence on Monday 17th July 2023 –

La Collette Waste Management Site – development plan (P.17/2023)

This Proposition and accompanying second Amendment, which had been lodged by the Minister for Infrastructure, requested the States Assembly to support a short to medium term plan to continue to manage and store hazardous and inert waste at La Collette Waste Management site and to request the Ministers for Infrastructure and the Environment to develop a long-term strategy for the management of such waste before the next review of the Island Plan.

It was noted that an Amendment to P.17/2023 had been lodged by the Connétable of St. Helier, the contents of which had been included within the Minister's second Amendment, by reference to the creation of a publicly accessible coastal walk and cycle path. An Amendment to the Minister's second Amendment had also been lodged by Deputy A.F. Curtis of St. Clement which, *inter alia*, included reference to the waste being essential or arising from small scale works and indicated that the maximum height of 4.5 metres should be temporary;

Draft EU Legislation (Information Accompanying Transfers of Funds) (Amendment) (Jersey) Regulations 202- (P.36/2023)

It was noted that these draft Regulations, which had been lodged by the Chief Minister, would amend the EU Legislation (Information Accompanying Transfers of Funds) (Jersey) Regulations 2017, to apply them to virtual assets and money or value transfers. This would enable the Island to comply with the international standards set by the Financial Action Task Force and introduce anti-money laundering measures. The Council was informed that there were only 6 virtual asset providers in Jersey, which had been consulted on the draft Regulations and had not raised any concerns. The Economic and International Affairs Scrutiny Panel had been briefed, as had interested parties, including Digital Jersey, the Jersey Financial Services Commission and the Jersey Funds Association;

Draft Employment (Amendment No. 13) (Jersey) Law 202- (P.38/2023)

The Council was informed that this draft Law, which had been lodged 'au Greffe' by the Minister for Social Security would, if approved, amend the Employment (Jersey) Law 2003 and the subordinate legislation made thereunder, to enable the

Minister to prescribe offsets against the minimum wage by Order, as recommended by the Employment Forum. Currently, the Minister set the minimum wage by Order, but the offset rates (which were those amounts prescribed in legislation which employers could deduct from an employee's wages for food and/or accommodation) were set by Regulations, which required the approval of the States Assembly. It was the view of the Employment Forum and the Minister that there was no rationale for this disjunct and that the Minister should be able to set all new rates linked to the minimum wage in a single process.

The opportunity was also being taken to make further amendments to the 2003 Law in relation to protected characteristics under the Discrimination (Jersey) Law 2013, as the latter had come into force after the former. The proposed Amendment would, therefore, encompass within the 2003 Law all of the current protected characteristics prescribed within the Discrimination Law;

New stamp duty rates (P.39/2023)

The Council of Ministers noted that this Proposition, which had been lodged by Deputy M.B. Andrews of St. Helier North, requested the Minister for Treasury and Resources to introduce legislative changes to reduce the extant upper stamp duty band for properties from £6 million to £5 million and to increase the rate payable on properties above that threshold to £12.00 per £100, or part thereof. It also sought the establishment of 2 new stamp duty bands for properties worth above £10 million to £15 million and properties exceeding £15 million in value, for which the rates payable would be £13.50 and £15.00 respectively on every £100 or part thereof;

Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202- (P.40/2023)

The Council of Ministers recalled that this Proposition, which had been lodged by the Minister for the Environment, would establish a scheme in connexion with the health and safety of rented dwellings and provide for the issuing of licences in respect of dwellings to be used as such. Connétable M.K. Jackson of St. Brelade withdrew from the meeting during discussion of this item;

Draft Proceeds of Crime (Financial Intelligence – Commencement of Amendment Regulations) (Jersey) Act 202- (P.42/2023)

The Council of Ministers was reminded that, in March 2022, the States Assembly had adopted the Proceeds of Crime (Financial Intelligence) (Amendment) (Jersey) Regulations 2022 to clearly define the status, role and function of Jersey's Financial Intelligence Unit. Work had been underway to establish a Governance Board under those Regulations and this draft Act, which had been lodged by the Chief Minister, would bring the Regulations into force;

States of Jersey Development Company Limited: Re-appointment of a Non-Executive Director (P.43/2023)

It was noted that this Proposition, which had been lodged 'au Greffe' by the Minister for Treasury and Resources, requested the States Assembly to re-appoint a non-Executive Director of the States of Jersey Development Company;

Whistleblowing – introduction of legislation (P.47/2023)

It was noted that this Proposition, which had been lodged by Deputy C.S. Alves of St. Helier Central, sought the agreement of the States Assembly that legislation relating to whistleblowing should be introduced and requested the Chief Minister, in consultation with the Council of Ministers, to bring forward such legislation for approval before the end of June 2024. It was noted that the Minister for Social Security had lodged an Amendment, which acknowledged the need for legal protection for whistle-blowers, transferred responsibility from the Chief Minister to

herself for introducing such legislation and extended the timeframe from June to December 2024;

Mortgage repayment assistance (P.48/2023)

This Proposition, which had been lodged by Deputy G.P. Southern of St. Helier Central, requested the Chief Minister and Minister for Treasury and Resources to liaise with local mortgage and credit providers to request them to support those consumers who were experiencing financial difficulty in making repayments by extending their mortgage term or moving them to interest only payments and ensuring that homes would not be repossessed until 12 months after a borrower had defaulted on a mortgage payment;

Entitlement to work – reduction in residency requirement (P.49/2023)

This Proposition, which had been lodged by Deputy R.S. Kovacs of St. Saviour, requested the Chief Minister to introduce a temporary scheme from September 2023 to grant any Registered individual, who had been ordinarily resident since December 2020, Entitled to Work status until December 2025 or whenever they had been resident for 5 years. It also sought to extend the foregoing to the individual's spouse, civil partner or eligible partner and requested the Chief Minister to consider reducing the period at which one became Entitled to Work from 5 years and to report back to the States Assembly on the viability of that proposal by the end of June 2024;

Supplementary Planning Guidance – parking strategy (P.50/2023)

The Council of Ministers noted that this Proposition of Connétable A.S. Crowcroft of St. Helier requested the Minister for the Environment to defer the approval of the draft Supplementary Planning Guidance on residential parking standards until a parking strategy had been developed, consulted upon and presented to the States Assembly for debate. It was recalled that the Guidance had been published for consultation in March 2023;

Financial support for local disasters (P.51/2023)

This Proposition of Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter requested the Minister for Treasury and Resources to bring forward a Proposition to establish financial support for Islanders impacted by local disasters and to ensure that sufficient funding for that purpose was included in the next Government Plan;

Support for parents of babies needing additional neonatal care (P.52/2023)

It was noted that Deputy Kovacs' Proposition related to the provision of support, including financial support, for parents who had preterm babies, or babies requiring additional neonatal care. It requested the Minister for Social Security to bring forward proposals relating to such provision before the end of June 2024. **The Minister indicated that an Amendment would be lodged**, extending the deadline to December 2024 and signalling that work in this regard would be included in her 2024 delivery plan; and

Negotiation of purchase for the site of the Seaside Café Grève de Lecq (P.53/2023)

Deputy Farnham's Proposition requested the Ministers for Treasury and Resources and Infrastructure to negotiate the purchase of the former Seaside Café and car park for use to benefit the public of the Island and to seek the Assembly's approval of the negotiated price by means of a Proposition for debate, prior to completing the purchase. The Council noted that an Amendment to P.53/2023 had been lodged by Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter.