

COUNCIL OF MINISTERS

(69th Meeting)

24th January 2008**PART A**

All members were present, with the exception of Senator T.J. Le Main, Minister for Housing, from whom apologies had been received.

Senator F.H. Walker, Chief Minister
 Senator W. Kinnard, Minister for Home Affairs
 Senator T.A. Le Sueur, Minister for Treasury and Resources
 Senator P.F. Routier, Minister for Social Security
 Senator M.E. Vibert, Minister for Education, Sport and Culture
 Senator P.F.C. Ozouf, Minister for Economic Development
 Senator B.E. Shenton, Minister for Health and Social Services
 Senator F.E. Cohen, Minister for Planning and Environment
 Deputy G.W.J. de Faye, Minister for Transport and Technical Services

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables (for a time)
 Deputy J.A. Hilton, Assistant Minister for Housing
 W.D. Ogley, Chief Executive, States of Jersey
 J. Morris, Policy and Research Manager (for a time)
 A.H. Harris, Deputy Greffier of the States
 I. Clarkson, 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 13th December 2007, having been circulated previously, were taken as read and were confirmed.

States
 business.
 1240/7/1(1)

A2. The Council reviewed the list of public business scheduled for consideration by the States Assembly during the First Session of 2008. Particular attention was paid to the following items –

- (a) **Establishment of a Working Party to examine the operation of Third Party Planning Appeals (P.188/2007)** – it was reported that Deputy C.J. Scott Warren had notified the States Greffe of her intention to withdraw the proposition; and
- (b) **Jersey Enterprise Board – proposed establishment (P.194/2007)** – the Council, with reference to its Minute No. B3 of 13th December 2007, noted that this proposition was provisionally due to be debated on 26th February 2008, however, during the most recent States meeting the Corporate Services Scrutiny Panel had signalled its intention to review the proposition. The Chief Minister clarified that the Corporate Services Scrutiny Panel had been in possession of an earlier draft of the report and proposition for a number of months. In view of the foregoing the Chief Minister expressed his disappointment that the Panel had elected to refrain from commencing

a review of the proposal at an earlier date. The Council noted the disappointment expressed by the Chief Minister and agreed that it should seek to defer debate on P.194/2007 until 1st April 2008.

Discussion of this item continued under the Council's Part B (confidential) agenda.

Ministerial
absences:
reporting.
1444/3(15)

A3. The Council considered a report produced by the Policy and Research Manager concerning arrangements for reporting Ministerial absences.

The Council recalled that on 15th January 2008, Deputy G.C.L. Baudains of St. Clement had tabled a question in the States Assembly concerning the ability of States members and the public to establish who retained responsibility for a department during a period in which the appointed Minister was absent. In response the Chief Minister had agreed to discuss with the Council the possibility of publishing cover arrangements for major holiday periods.

It was clarified that in cases where a Minister was out of the Island, States members were generally well aware that they were able to contact the relevant Assistant Minister directly. Alternatively, the Minister's department would be in a position to advise any States member of the Minister designated by the Chief Minister to discharge the functions of the absent Minister.

The Council concluded that the existing arrangements for reporting of Ministerial absences were satisfactory and should continue.

Connétable K.P. Vibert was not present for this item.

Legislation
Programme.
422/23/1(17)

A4. The Council, with reference to its Minute No. A5 of 26th January 2006, recalled that it had requested biannual written updates concerning the status of the legislation programme.

The Council, with Ms. P. Staley, Law Draftsman in attendance, considered the updated legislation programme.

It was reported that 20 programme items had been completed in the last quarter of 2007. These included a significant number of items required in order to maintain effective regulation of the finance industry. Immediate priorities included completion of items required to facilitate the introduction of the Goods and Services Tax on 1st May 2008. The Law Draftsman's Office continued to make available a contingency fund for urgent and unforeseen items, although the balance of the fund, which stood at 42 contingency days, had been affected by a previous deficit and by a requirement to prepare the Collective Investment Funds (Unregulated Funds) (Jersey) Order 200-. Further to the foregoing, it was anticipated that proposals to amend existing legislation concerning public elections and proposed amendments to the Standing Orders of the States of Jersey following consultation on the Machinery of Government Review (R.105/2007 refers) might require the use of a number of the remaining contingency days.

The Council was advised that the number of full time draftsmen available to progress items had been reduced temporarily to 3.5 officers following the departure of an Assistant Law Draftsman in November 2007. A suitable replacement had nevertheless been found and it was intended that the new draftsman would commence employment in April 2008.

Ministers enquired as to the effectiveness both of the process by which law drafting instructions were provided to the Law Draftsman and of the process by

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which individual departments reviewed outstanding items within the legislation programme for which law drafting instructions had not yet been provided. In respect of the former, it was clarified that the Law Draftsman would be most grateful to receive regular updates regarding the forthcoming law drafting priorities of individual departments. Regarding the latter, Ministers were invited to ensure that their respective departments reviewed their outstanding items within the legislation programme objectively and that they considered carefully whether any of those items could be withdrawn.

The Council noted the position and thanked the Law Draftsman for her report.

Jersey College for Girls, Victoria College and associated preparatory schools: new capital heads of expenditure. 1446/1(50)

A5. The Council, with reference to Ministerial Decision No. MD-TR-2007-0133, made by the Minister for Treasury and Resources on 10th December 2007, considered a report, dated 14th January 2008 and produced by Mr. K. Hemmings, Head of Decision Support, Treasury and Resources Department, concerning a proposal to create 2 new capital heads of expenditure to be known as –

- (a) Jersey College for Girls Drama Extension (FXA034), and
- (b) Victoria College – Extension and Alterations (FXA036).

Ministers were advised that Victoria College, Jersey College for Girls and their associated preparatory schools had forecast a total under-spend in excess of £1.2 million for 2007. The surplus had been attributed to funds accumulated from parental fee income in a balance sheet account, Receipts in Advance (RIA), to meet the anticipated cost of pension increases following changes to the Teachers Pension Scheme introduced in 2007. Following a request from the above schools, the Minister for Treasury and Resources had approved both the use of Receipts in Advance in the sum of £783,152 for appropriate expenditure and the transfer of a total of £802,625 to capital heads of expenditure to fund specific projects. It was nevertheless the case that in accordance with Treasury Financial Direction 3.6, the approval of the Council of Ministers was required to create two new capital heads of expenditure within Property Holdings to accommodate the transferred capital sums.

The Council, having endorsed the decision of the Minister for Treasury and Resources, approved the creation of the 2 new capital heads of expenditure FXA034 and FXA036.

The Head of Decision Support was authorized to take the necessary action.