

COUNCIL OF MINISTERS

(79th Meeting)

24th April 2008PART A

All members were present, with the exception of Senator W. Kinnard, Minister for Home Affairs and Senator B.E. Shenton, Minister for Health and Social Services, from whom apologies had been received.

Senator F.H. Walker, Chief Minister  
 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 T.J. Le Main, Minister for Housing  
 Senator F.E. Cohen, Minister for Planning and Environment  
 Deputy G.W.J. de Faye, Minister for Transport and Technical Services

In attendance -

W.D. Ogley, Chief Executive, States of Jersey  
 J. Morris, Policy and Research Manager  
 M.N. de la Haye, 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 meetings held on the following dates in 2008 were taken as read and were confirmed –

28th February (Parts A and B),  
 6th March (Parts A and B),  
 20th March (Part B only),  
 27th March (Parts A and B), and  
 1st April (Parts A and B).

States  
 business.  
 1240/7/1(1)

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

- (a) **Jersey Enterprise Board - proposed establishment (P.194/2007 refers)** – the Council, mindful of the fact that both the Master Plan for Esplanade Square, St. Helier (P.60/2008) were listed for debate on 3rd June 2008, agreed that it should seek to defer debate on P.194/2007 to 17th June 2008;
- (b) **Draft Goods and Services Tax (Amendment) (Jersey) Regulations 200- (P.42/2008 refers)** – the Council noted and endorsed the intention of the Minister for Treasury and Resources to present a

comment to the States Assembly outlining his firm opposition to the proposition;

- (c) **Working Party to Review Appropriateness of Departmental Structure** (P.49/2008 refers) – the Council recalled that the Comptroller and Auditor General was already engaged in a comprehensive and comparatively wide-ranging review of States expenditure. It was understood that consideration had been given to the structure of individual departments during the course of that review; accordingly the Council questioned whether there would be a substantial overlap between the ongoing review and that which was to be proposed by Deputy G.C.L. Baudains of St. Clement in P.49/2008. In any event, the Council formed the view that the terms of reference of the Public Accounts Committee were more appropriately suited to such a review than those of the Privileges and Procedures Committee. Further concerns were expressed regarding the likelihood of achieving a satisfactory review at no, or minimal, cost;
- d) **Draft Civil Aviation (Jersey) Law 200- (P.53/2008 refers)** – the Council noted that the draft Law was due to be debated on 13th May 2008. It further recalled that a briefing had been held for all States members outlining the need for urgent consideration of the draft Law; and,

**In relation to (c) above, the Council approved a comment to the proposition and requested that it be presented to the States Assembly as soon as possible.**

Parish rates:  
States’  
liability.  
1444/1(29)

A3. The Council considered a report, dated 17th April 2008, concerning payment to the parishes of rates on properties administered by the States.

The Council recalled that in 2005 the then Finance and Economics Committee had reported to the States Assembly on the matter. It had concluded that payment of Parish Rates on all States property could be expected to result in an additional cost to the States of an estimated £2.2 million from 2006/07 after the inception of the Island-Wide Rate. The Committee had also concluded that it should refrain from making a firm recommendation until the economic effects of the Fiscal Strategy were clearer and the Island-Wide Rate had been implemented. In 2006, and following the lodging ‘au Greffe’ by Connétable A.S. Crowcroft of St. Helier of an amendment to the Strategic Plan 2006 – 2011, the Minister for Treasury and Resources had constituted a working party charged with bringing forward firm recommendations on the possibility of the States paying rates on its properties. The working party, which had reported in February 2008, had been constituted as follows –

Deputy J.A.N Le Fondré (Chairman)  
Connétable A.S. Crowcroft of St. Helier  
Connétable S.A. Yates of St. Martin  
Mr. C. Spears  
Mr. D. Levitt

The Council noted the recommendation of the working party that Parish and Island-wide rates should be payable on all properties administered by the States. It was explained that the recommendation, if implemented, would have financial and other resource implications for the States and that it would not result in a net efficiency gain. Nevertheless, and in order to give effect to the relevant initiative under Commitment Six of the Strategic Plan, the Minister for Treasury and Resources had concluded that a report and proposition should be prepared to

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provide the States Assembly with a suitable opportunity to determine whether the recommendation of the working party should be adopted.

**The Council recommended that the Minister of Treasury and Resources proceed to lodge 'au Greffe' the draft report and proposition entitled, 'Parish Rates: the States' liability', in order that the States could determine the matter. To that end it also recommended that the report of the working party be presented to the States concurrently.**

Draft  
Residential  
Tenancy  
(Jersey) Law  
200-  
1018/7(1)

A4. The Council considered a report concerning development of the draft Residential Tenancy (Jersey) Law 200-.

It was reported that the Minister for Housing intended to propose the introduction of a new law to modernize existing regulation of tenancy agreements in the Island, in pursuance of Commitment 3 of the Strategic Plan 2006-2011. In this regard a white paper had been prepared which–

- (a) explained the development of the draft Law;
- (b) explained who would be covered by the draft Law;
- (c) highlighted proposed new obligations and procedures; and,
- (d) described the approach that might be adopted towards resolving issues arising from the recovery of tenants' deposits.

**The Council noted the white paper concerning the draft Residential Tenancy (Jersey) Law 200- and recommended that the Minister for Housing proceed to publish the white paper in early course.**

Child  
protection  
services:  
criminal  
investigation.  
835/3/4(19)  
839/41(9)

A5. The Council, with reference to its Minutes Nos. A7 of 6th March and A4 of 27th March 2008, noted the current status of the criminal investigation into the historic delivery of child protection services in Jersey.

The Council also noted that on 2nd March 2008 Senator W. Kinnard had advised the Chief Minister of her intention to withdraw from the advisory group formed to consider key political and administrative matters arising from the police investigation (Minute No. A1 of 28th February 2008 refers) due to a conflict of interest.