

COUNCIL OF MINISTERS

(94th Meeting)

4th September 2008PART A

All members were present, with the exception of Senator T.A. Le Sueur, Minister for Treasury and Resources, from whom apologies had been received.

Senator F.H. Walker, Chief Minister
 Senator W. Kinnard, Minister for Home Affairs
 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 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 -

Deputy J.A.N. Le Fondre, Assistant Minister for Treasury and Resources
 W.D. Ogley, Chief Executive, States of Jersey
 W.J. Bailhache Q.C, H.M. Attorney General
 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 14th July (Part B only), having been circulated previously, were taken as read and were confirmed. The Council amended the Minutes of the meeting held on 21st August 2008 (Parts A and B) to record that Deputy A.J. H. Maclean had been present at the meeting. Subject to the completion of the foregoing amendment, the Council approved the minutes of the meeting held on 21st August 2008 (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 Second Session of 2008.

The Council considered draft comments to the following propositions –

Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy. (P.103/2008 refers) – the Council, with reference to its Minute No. A3 of 21st August 2008, recalled that it had been minded to accept the Deputy of Grouville's proposal to zero rate food but that it wished to put forward a more appropriate alternatives to zero rating fuel in order to ensure that any benefit was targeted at those on lower incomes. The Council broadly endorsed the draft comment and delegated authority to the Chief Minister to approve a final draft for presentation to the States in the name of the Council.

Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy (P.103/2008) – amendments. (P.103/2008 Amd. refers) - the Council, with reference to its Minute No. A3 of 21st August 2008, concluded that the amendments proposed by Senator L. Norman would reduce the yield from the Goods and Services Tax (GST) and increase the cost of administration as a proportion of the tax raised. The Council broadly endorsed the draft comment and delegated authority to the Chief Minister to approve a final draft for presentation to the States in the name of the Council.

Bailiff of Jersey: cessation of dual rôle. Lodged: 9th July 2008. (P.112/2008 refers) – the Council broadly endorsed the draft comment and delegated authority to the Chief Minister to approve a final draft for presentation to the States in the name of the Council.

Planning and Environment: division into 2 ministerial offices. (P.114/2008 refers) – the Council, having acknowledged that Ministers regularly balanced competing responsibilities and interests within their respective portfolios, formed the view that the proposition, if adopted, could set an unhelpful precedent. It recalled that there had previously been calls from several quarters for the appointment of a Minister for Children. Although it was recognized that such an appointment would undoubtedly have merit, it was also recognized that any increase in the overall number of Ministers would have implications for the constitution of the States Assembly. Ultimately the Council concluded that the case for separating ministerial responsibility for planning and for environmental policy had not been made. It therefore resolved to oppose the proposition and noted that the Minister for Planning and Environment intended to present a suitable comment to the States prior to the commencement of the debate.

Draft Annual
Business Plan
2009:
amendments.
1038/1/1/64(1)

A3. The Council, with reference to its Minute No. B1 of 29th August 2008, considered amendments to the draft Annual Business Plan 2009, together with a series of draft comments and amendments intended to be presented either by the Council or by individual Ministers in response to the foregoing. It agreed the following courses of action –

Amendment (lodged by Deputy G.P. Southern)

Although the Council accepted the principle of the amendment, it nevertheless noted that it had assigned responsibility for processing a change of circumstances relating to the accommodation component of Income Support to the Housing Department. In fact responsibility for such matters had previously been transferred to the Social Security Department as part of transitional arrangements pending the introduction of Income Support.

Some reservation was expressed regarding the reference in the accompanying report to the need for the receipt of an application to be acknowledged within 5 working days. The Council was of the view that such a target could prove to be too onerous for the relevant department.

The Council recommended that the Chief Minister lodge an amendment to the Amendment in order that responsibility for introducing the minimum service level agreement sought by Deputy Southern could be assigned to the correct department. It further recommended that the Chief Minister should seek to clarify that the imposition of a 5 day response target might prove to be counterproductive, notwithstanding that the Social Security Department already aimed to acknowledge receipt of applications in the shortest possible timeframe.

2nd Amendment (lodged by Deputy G.P. Southern)

The Council concluded that it should oppose the amendment. It further endorsed a draft comment intended to be presented to the States Assembly by the Minister for Economic Development.

3rd Amendment (lodged by Deputy J.G. Reed)

Ministers formed the view that both part 1 and part 2 of the amendment lodged by Deputy Reed would prove overly restrictive and should therefore be opposed. There was broad acknowledgement and acceptance that unforeseen circumstances would arise from time to time and that these might require additional funding. For example, the ongoing criminal investigation into the historical delivery of child protection and welfare services in Jersey had not been foreseen and could not be funded from within agreed cash limits. Similar issues would inevitably affect timetables for progression of major policy initiatives. In relation to the proposal that all new policies, strategies and initiatives for all Departments identified in the 2009 Annual Business Plan be considered by the States, the Council formed the view that the established position, whereby all major policies, strategies and initiatives were referred to the States for consideration, remained the more proportionate way forward.

Notwithstanding the foregoing, the Council acknowledged that it would be helpful, at an early stage in each year, to provide the States Assembly with a summary of the major policy issues earmarked for consideration by the States during that year.

The Council broadly endorsed the draft comment and delegated authority to the Chief Minister to approve a final draft for presentation to the States in the name of the Council.

4th Amendment: Amendment (lodged by Senator F.E. Cohen)

The Council, having recalled its previous decision to pursue the introduction of the Vehicle Emissions Duty, decided that it should oppose the amendment. It broadly endorsed the draft comment and delegated authority to the Chief Minister to approve a final draft for presentation to the States in the name of the Council.

5th Amendment (lodged by the Public Accounts Committee)

Ministers recalled that a review of the possible expenditure reductions and other issues identified by the Comptroller and Auditor General (C&AG) in his report was already underway, notwithstanding that the C&AG had acknowledged that it might not be possible to pursue all the opportunities identified. The Council considered that it would be willing to present a report to the States on the potential expenditure reductions and associated issues; however, it considered that an action plan would effectively commit the Council to implementing all the possible reductions outlined, irrespective of any practical and / or political issues arising.

There followed a discussion concerning the proposal of the Public Accounts Committee to require the strengthening of the authority and responsibility of the Treasurer of the States as corporate head of finance. Although some degree of reservation was expressed in connexion with the implications for the organizational structure of the public service, the Council concluded that it was prepared to accept the amendment.

The Council noted and endorsed the intention Chief Minister to lodge 'au Greffe' a suitable amendment to the amendment lodged by the Public Accounts Committee.

6th Amendment (lodged by Deputy G.P. Southern)

The Council concluded that it should oppose the amendment. To that end, it broadly endorsed the draft comment and delegated authority to the Chief Minister to approve a final draft for presentation to the States in the name of the Council.

7th Amendment (lodged by Deputy G.P. Southern)

The Council concluded that it should oppose the amendment. To that end, it broadly endorsed the draft comment and delegated authority to the Chief Minister to approve a final draft for presentation to the States in the name of the Council.

8th Amendment (lodged by Deputy C.J. Scott-Warren)

The Council noted and endorsed the intention of the Minister for Health and Social Services to accept the amendment.

9th Amendment (lodged by Deputy R.G. Le Hérisier)

The Council noted and endorsed the intention of the Chief Minister to accept the amendment.

10th Amendment (lodged by Deputy J.G. Reed)

The Council noted and endorsed the intention of the Minister for Education, Sport and Culture to present a comment opposing the amendment.

11th Amendment (lodged by Deputy J.G. Reed)

Although the Council readily agreed that the underlying intention of the amendment was desirable, it formed the view that the method of funding proposed by Deputy Reed was less than appropriate.

The Council noted and endorsed the intention of the Minister for Transport and Technical Services to present a comment opposing the amendment.