

COUNCIL OF MINISTERS

(98th Meeting)

27th November 2008PART A

All members were present, with the exception of: Senator F.H. Walker, Chief Minister; Senator P.F. Routier, Minister for Social Security; and Senator F.E. Cohen, Minister for Planning and Environment, from whom apologies had been received.

Senator T.A. Le Sueur, Minister for Treasury and Resources  
 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  
 Deputy G.W.J. de Faye, Minister for Transport and Technical Services  
 Deputy A.D. Lewis, Minister for Home Affairs

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables  
 Deputy A.E. Pryke, Assistant Minister for Planning and Environment  
 M. Heald, Assistant Chief Executive  
 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 29th August (Part B only), 4th September (Parts A and B) and 16th October 2008 (Parts A and B), having been circulated previously, were taken as read and were confirmed.

Senator P.F.C. Ozouf was not present for this item.

States business. 1240/7/1(1) A2. The Council reviewed the list of public business scheduled for consideration by the States Assembly on 2nd December 2008 and during the First Session of 2009. Particular attention was paid to the following -

- (a) **Draft Firearms (Amendment No.2) (Jersey) Law 200-** (P.162/2008 refers) – the Minister for Home Affairs reported that it would be appropriate for him to accept the 2nd Amendment lodged ‘au Greffe’ by the Comité des Connétables. He was nevertheless minded to oppose the 3rd Amendment lodged by Deputy F.J. Hill of St. Martin on the basis that it represented a disproportionate relaxation of controls on visitors to the Island.
- (b) **Speed limits – creation of a working group** (P.166/2008 refers) – the Minister for Transport and Technical Services advised that he was generally supportive of the proposition; and

- (c) **Traditional delivery of Christmas address** (P.168/2008 refers) – the Council noted the comment presented by the Privileges and Procedures Committee.

Senator P.F.C. Ozouf was not present for this item.

Tourism:  
proposal for a  
public private  
partnership.  
530/4(15)

A3. The Council, with M. King, Chief Officer, Economic Development Department in attendance, considered a report, dated September 2008 and prepared by the Economic Development Department, concerning the possible development of a public private partnership (PPP) for the purposes of marketing and promoting Jersey as a visitor destination.

The Council observed that the report recommended the formation of a PPP as a standalone organization, independent of government and established as a purpose trust, with a corporate governance model broadly similar to that of Jersey Finance Limited. Advice was to be sought from the Comptroller and Auditor General at an appropriate juncture in order that a suitable corporate structure would be put in place and that the degree of accountability to the States would be properly defined. The Council was advised that the PPP would be required to deliver an annual business plan, complete with a marketing and promotional programme, and its performance would be measured using a series of key performance indicators agreed with the Minister for Economic Development.

It was explained that the proposed PPP would be self-supporting in certain administrative functions, including finance, human resources and information technology. Although this would result in a requirement for some additional expenditure and employment of additional staff in the short to medium term, it was envisaged that the marketing and promotional activities of the new body would operate more efficiently than the existing arrangements. In turn it was anticipated that meaningful efficiency savings would be achievable in the longer term, in addition to the anticipated positive benefit for the tourism industry generally.

Clarification was sought regarding the level of industry support for the proposal and the extent to which private sector funding would be forthcoming in support of the proposed PPP. The Council was assured that all stakeholders consulted within the private sector had expressed support for the PPP proposal, to the extent that an additional industry contribution of £560,000 was anticipated for its first year of operation (over and above the £1,080,000 committed by the private sector during 2008 through joint marketing activities and advertising revenues).

**The Council endorsed the proposed formation of a Public Private Partnership, subject to agreement by the States Assembly and confirmation that satisfactory arrangements would be made for existing employees within Jersey Tourism.**

Safer St.  
Helier.  
561/1(16)

A4. The Council, with: I. Rogan, Planning, Performance and Partnership Manager, Home Affairs Department; G. Hutchinson, Monitoring and Evaluation Officer, Home Affairs Department; and C. Russell, Chairman, Safer St. Helier Community Partnership in attendance, considered a further progress report concerning the ongoing 'Safer St. Helier' initiative.

The Council was informed that the 4 individual community action groups formed during the course of the previous year had since merged to form the Safer St. Helier Community Partnership. During the latter part of 2007 and 2008, the

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Community Partnership had concentrated on supporting and nurturing a set number of individual proposals, and had managed to conduct objective evaluations of ongoing projects, with a view to ensuring that the finite resources available to the Partnership were targeted effectively and were not over-extended. Maintaining community ownership of the various projects had also been a key theme.

A number of specific initiatives had been progressed in the period 2007 – 2008. These included, but were not exclusive to: the extension of premises licence; the Q- Safe taxi marshal scheme; and the NITENET radio surveillance system. Progression of the extension of premises licence initiative, which was designed to mitigate the flow of patrons leaving licensed premises, had been affected by the apparent need to secure changes to the Licensing (Jersey) Law 1974, as amended; however, further progress was anticipated in 2009 alongside the ongoing review of the Law. It was also apparent that the Q-Safe scheme had markedly reduced the number of assaults at the Weighbridge taxi rank. An evaluation of the NITENET project had revealed that a majority of participants were satisfied with the scheme, although scope for further improvement had been identified.

On the matter of resource implications, the Council was advised that the Community Partnership had been particularly proactive in considering sustainable funding options for its projects. For example, it was in the process of finalizing a proposal to fund the Q-Safe marshal scheme through advertising on taxicabs in consultation with the Minister for Transport and Technical Services and other stakeholders.

**The Council noted and warmly endorsed the continued efforts of, and progress made by, all those concerned with the Safer St. Helier Community Partnership.**

On a related matter, the Council was informed that a green paper concerning reform of the Licensing (Jersey) Law 1974 would be published by the Economic Development Department in the coming weeks.

Ministerial  
government:  
review of the  
first 12  
months.  
465/1(77)

A5. The Council, with reference to its Minute No. A3 of 7th February 2008, recalled that it had submitted a detailed response to R.105/2007 entitled, 'Machinery of Government Review', as presented to the States by the Privileges and Procedures Committee (PPC) in November 2007.

The Council recalled that on 21st October 2008 the States Assembly had effectively implemented certain of the recommendations made in R.105/2007 by adopting the Draft States of Jersey (Amendment No. 5) Law 200- (P.122/2008 refers). It was advised that, in addition to the foregoing, the PPC had written to the Council requesting that it be provided with a progress report on a number of other recommendations listed in R.105/2007 for consideration by the Council.

The Council reviewed a draft response to the PPC, prepared by the Chief Minister's Department and noted that a majority of the recommendations had been actioned following its previous response. In relation to Recommendation 4, which concerned the Code of Conduct for Ministers, the Council observed that the reconstituted Council would be invited to review and, if necessary, to amend the Code of Conduct for Ministers at the beginning of its term of office.

**The Council approved the response to the Privileges and Procedures Committee.**

Consideration was subsequently given to the matter of the Code of Conduct for Elected Members and the extent to which the Privileges and Procedures

Committee had been successful in upholding the Code over the previous 3 years. Ministers formed the view that there had been a number of significant breaches of the Code of Conduct, and of the Standing Orders of the States of Jersey generally, over the period and that the PPC had tended to be less than successful in upholding appropriate standards of conduct and behaviour.

The Council was advised that the PPC had formulated a series of proposed amendments to Standing Orders which, if adopted, were thought likely to deliver a marked improvement in PPC's ability to address lapses in conduct or in behavioural standards generally; however, legal advice from the Law Officers' Department on the proposed changes remained outstanding and the PPC was not minded to lodge the draft amendments 'au Greffe' until such time as the requisite advice had been received.

**The Council noted the position and recommended that the reconstituted Council pursue a meeting with the reconstituted PPC early in 2009 to discuss the Standing Orders and the Code of Conduct for Elected Members in particular.**

The Policy and Research Manager was authorized to take the necessary action.

Review of  
States  
appointments.  
1240/6 (55)

A6. The Council considered a report, dated 12th November 2008, concerning appointments made by the States Assembly.

It was explained that the Privileges and Procedures Committee had requested that the Council review a list of appointments made by the States Assembly and, in each case, to form a view on whether the involvement of the States in that process remained appropriate.

Having recalled the system under which land transactions were noted or debated by the States Assembly in accordance with Standing Order 168, the Council considered whether it might be appropriate to recommend a similar system for States appointments. There was broad agreement that the process of seeking the prior approval of the States Assembly was entirely necessary and appropriate for certain proposed appointments including, but not exclusive to, the Greffier of the States and the Comptroller and Auditor General. Notwithstanding the foregoing, it concluded that the formal involvement of the Assembly in certain appointments was either superfluous or inappropriate following the transition to the ministerial system of government.

Deputy A.D. Lewis, Minister for Home Affairs reported that the ongoing development of proposals for a police authority were likely to have implications for the appointment process for the Chief Officer, States of Jersey Police.

**The Council approved the recommendations as outlined in Appendix 1 of the officer report.**

The Policy and Research Manager was authorized to take the necessary action.

Waterfront  
Enterprise  
Board: review  
of corporate  
governance.  
1443/10 (26)

A7. The Council considered a report, dated 24th November 2008 and published by Mr. C. Swinson, Comptroller and Auditor General (C&AG), concerning a review of the corporate governance of the Waterfront Enterprise Board Limited (WEB), together with a covering report produced by the Policy and Research Manager.

The Council was pleased to note that the C&AG had found that the WEB was now

in compliance with normal corporate governance practice. It further noted that the C&AG had recommended a thorough review of the WEB's Memorandum and Articles of Association be carried out and, in particular -

- (a) that the WEB should recruit a professional company secretary;
- (b) that the WEB should be accountable to a single Minister;
- (c) that the position of States Director (as enshrined in WEB's Memorandum of Association) should be discontinued;
- (d) that States members should not ordinarily be members of WEB's Board unless they served as representatives of the Sponsoring Minister;
- (e) that the Sponsoring Minister should be accountable to the States for oversight of WEB's activities;
- (f) that, where appropriate, the Sponsoring Minister's decisions in respect of the WEB should be recorded in the form of Ministerial Decisions;
- (g) that the Sponsoring Minister should be responsible for laying the WEB's annual report and accounts before the States formally when received.

It was reported that the Chief Executive was due to meet with the Director of Property Holdings and the Managing Director of the Waterfront Enterprise Board on 28th November 2008 to review the report and to continue discussions on a revised proposal for a body to replace the WEB.

**The Council endorsed all of the C&AG's recommendations in full and determined that they should be implemented alongside the development of revised proposals for a Jersey Enterprise Board to replace the existing WEB. It further determined that the revised proposals for a Jersey Enterprise Board, together with a suitably revised Memorandum and Articles of Association, should be presented to the reconstituted Council for consideration in the early part of 2009, pending the lodging 'au Greffe' of a suitable report and proposition.**

There followed a discussion concerning the existing membership of the board of the WEB. The Council noted that Deputy J.J. Huet of St. Helier's term of office as a States member was due to expire on 8th December 2008, although she would remain entitled to continue in her rôle as a States appointed director. In this regard it was agreed that Deputy Huet should be contacted and invited to formally clarify whether she was prepared to continue as a States appointed director of the WEB pending the formation of a replacement body to oversee development of the St. Helier Waterfront.

The Policy and Research Manager was authorized to take the necessary action.

A8. The Council recalled that on 1st August 2008 Deputy P.J.D. Ryan, Chairman of the Corporate Services Scrutiny Panel had written to the Chief Minister expressing concern that the only public policy statement on the remit and structure of the Corporate Management Board was that which had been included in the report accompanying Projet No. P.122/2001 entitled, 'Machinery of Government: proposed reforms'.

The Council considered a report concerning the future organization of the Corporate Management Board (CMB).

Ministers were advised that the CMB had recently conducted a review of the way it operated and had considered how it might further improve its effectiveness in fulfilling its various roles. Outcomes of that review had included the development of specific Terms of Reference for the CMB, together with an associated working structure.

The proposed Terms of Reference for the CMB were specified as follows –

- (a) to advise the Council of Ministers -  
on strategic plans and business plans  
on major strategies and policies, and
- (b) to provide corporate leadership to the organisation in delivering the policies and services decided by the States, the Council of Ministers and Ministers.

It was intended that the CMB would deliver on its Terms of Reference by -

- (i) ensuring that reports to the Council of Ministers on major plans, policies or cross cutting issues have been fully reviewed to ensure that the appropriate professional advice has been included and that as far as possible the implications for the public and for all departments have been considered and reported.
- (ii) ensuring effective and efficient allocation and management of resources, in line with policy goals and services.
- (iii) creating effective corporate working and partnerships to ensure that service delivery is focussed on meeting the needs of the public rather than protecting the interests of individual departments.
- (iv) monitoring and improving performance and accountability.
- (v) protecting and enhancing the organisation's reputation for professionalism, effectiveness, integrity and efficiency.
- (vi) communicating the States purpose, policy goals and vision to staff and other stakeholders.
- (vii) undertaking regular future scanning to identify major issues which could impact on the States or which need to be planned for.

**Having reviewed the membership of the CMB and the various levels of support offered to it through various sub-committees, the Council noted and endorsed the terms of reference and the working structure of the Board.**

Draft Budget  
Statement  
2009:  
amendments.  
1038/1/1/64(3)

A9. The Council, with I. Black, Treasurer of the States in attendance, considered amendments to the Draft Budget Statement 2009, as lodged 'au Greffe' by Deputies S.C. Ferguson of St. Brelade and J.G. Reed of St. Ouen, together with draft comments prepared by the Minister for Treasury and Resources.

Ministers noted that the second amendment proposed by Deputy Ferguson would, if adopted, transfer a significant proportion of additional financial support from the

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less well off in receipt of Income Support to those low to middle income earners paying tax at the marginal rate. **It concluded that the Minister for Treasury and Resources had already struck an appropriate balance between support for both groups in his original draft Budget Statement; accordingly the Council endorsed the draft Comment of the Minister for Treasury and Resources to the Draft Budget Statement 2009: second amendment.**

Turning to the amendments lodged by the Deputy of St. Ouen, the Council concluded with some concern that the third amendment would exacerbate unintended inequities and problems within the existing income tax legislation and would reduce revenues by an estimated £400,000 in 2010 and subsequent years. In relation to the fourth amendment, the Council was particularly concerned to note that the Deputy had proposed further withdrawals from the Consolidated Fund to further increase income tax thresholds. Ministers recalled that the Fiscal Policy Panel had recently published an update to its Annual Report in which it had warned against such action until such time as the extent of the economic slowdown and the underlying strength of the fiscal position became clearer.

**The Council endorsed the draft Comments of the Minister for Treasury and Resources to the third and fourth amendments to the Draft Budget Statement 2009.**

Further to the foregoing, the Minister for Treasury and Resources advised the Council that he was minded to lodge ‘au Greffe’ an additional amendment to the Draft Budget Statement in order that the States Assembly could consider whether the sum of £63,000,000 should be transferred from the Consolidated Fund to the Stabilisation Fund in 2009, in accordance with the recommendation contained the Fiscal Policy Panel in its recently published update to its Annual Report. **The Council noted and endorsed the Draft Budget Statement 2009: fifth amendment.**

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

A10. The Council, with reference to its Minute No. B2 of 4th September 2008, noted the current status of the criminal investigation into the historical delivery of child protection and welfare services in Jersey.

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

Assistant  
Ministers:  
informal  
discussion.  
1444/3 (16)

A11. The Council, with reference to its Minute No. A4 of 1st November 2007, welcomed a delegation of Assistant Ministers to the meeting for the purposes of holding an informal policy discussion on the rôle of Assistant Ministers within the Ministerial system of government. The delegation comprised –

Senator J.L. Perchard, Assistant Minister for Health and Social Services,  
Deputy J.B. Fox, Assistant Minister for Education, Sport and Culture,  
Deputy C.F. Labey, Assistant Minister for Education, Sport and Culture,  
Deputy J.A. Hilton, Assistant Minister for Housing,  
Deputy J.A.N. Le Fondre, Assistant Minister, Chief Minister’s Department, and  
Deputy I.J. Gorst, Assistant Minister for Treasury and Resources.

Matters discussed with or raised by the delegation included –

- (a) whether there should continue to be restrictions on the circulation of full Council agendas and Part B (confidential) minutes to Assistant

Ministers, notwithstanding the absence of collective responsibility;

- (b) whether the Council had struck an appropriate balance between open and confidential business on its agendas;
- (c) whether the strategic resilience of a Department was affected by the extent to which certain Assistant Ministers were being (or had been) permitted to shadow their respective Minister in the course of their normal duties, and
- (d) whether it was beneficial to allocate to particular Assistant Ministers specific roles and responsibilities within a ministerial portfolio.

**The Deputy Chief Minister thanked the delegation for attending and agreed that the matters raised should be put to the reconstituted Council for consideration at an appropriate juncture.**

Senator P.F.C. Ozouf was not present for this item.