

COUNCIL OF MINISTERS

(2nd Meeting)

18th December 2008**PART A**

All members were present, with the exception of Senator F.E. Cohen. Minister for Planning and Environment and Senator J.L. Perchard, Minister for Health and Social Services, from whom apologies had been received.

Senator T.A. Le Sueur, Chief Minister
 Senator P.F.C. Ozouf, Minister for Treasury and Resources
 Senator T.J. Le Main, Minister for Housing
 Senator A.J.H. Maclean, Minister for Economic Development
 Senator B.I. Le Marquand, Minister for Home Affairs
 Connétable M.K. Jackson, Minister for Transport and Technical Services
 (except for items A7 and A8)
 Deputy J.G. Reed, Minister for Education, Sport and Culture
 Deputy I.J. Gorst, Minister for Social Security
 Deputy J.A. Martin, Assistant Minister for Health and Social Services
 Deputy A.E. Pryke, Assistant Minister for Planning and Environment

In attendance -

W.D. Ogley, Chief Executive, States of Jersey
 W.J. Bailhache Q.C, H.M. Attorney General
 J. Morris, Policy and Research Manager
 J. Marshall, Strategic Planning Manager (for items A1 and A2)
 C. Keir, Communications Manager (for item A7)
 P. Bradbury, Director, Population Office (for item A8)
 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 only.

Work
 programme for
 2009.
 1444/3(19)

A1. The Council, with J. Marshall, Strategic Planning Manager in attendance, considered a report, dated 8th December 2008 and prepared by the Strategic Planning Manager, concerning the Council's outline work programme for the 1st quarter of 2009.

There was broad agreement among Ministers that effective prioritisation of the work programme would be key to the success of the Council and, ultimately, of the States Assembly in the coming months. Although much had been achieved in the previous 3 years, it was considered that the finite resources of the States of Jersey had, from time to time, been stretched in laudable but occasionally frustrated attempts to deliver on an ambitious programme. On balance the Council favoured the pursuit of a particularly focussed work programme with even greater thoroughness than had hitherto been achieved.

The Council noted that the outline work programme would be further refined in the coming days in order to reflect the current status of a number of emerging and

ongoing policy matters. Such matters would include the review of the Island Plan 2002 and the proposed Esplanade Square development. It was nevertheless clear that the primary body of work to be completed in the short term would be the development of the draft Strategic Plan 2009 – 2014.

Individual Ministers undertook to discuss further their departmental business plans with their respective chief officers in order to identify matters appropriate for detailed consideration by the Council and by the States Assembly. Those policy issues that required further public consultation in order to progress would also be identified.

The Council noted the outline work programme for the 1st quarter of 2009.

Strategic Plan:
proposed
process.
1444/1 (41)

A2. The Council, with J. Marshall, Strategic Planning Manager in attendance, considered a report, dated 8th December 2008, concerning the proposed process for development of the draft Strategic Plan 2009 – 2014.

It was noted that the timetable for lodging the new Strategic Plan was fixed by law, thereby creating a very tight schedule which would require the involvement of other States members, Scrutiny and the public to be carefully planned and administered. Within this tight timetable it was anticipated that issues of long term significance would be identified but that it might not be possible in the time available to fully develop all the specific policy measures to address those matters successfully. It was suggested that the Council's workshop time, as scheduled for January 2009, would be used to identify specific issues, which would be tackled in a co-ordinated manner.

In the first instance, it was intended that Ministers and Assistant Ministers would be invited to attend a session on 22nd December 2008 at which they would be invited to identify 10 policy objectives that they believed the States needed to achieve or to deliver on in the coming 3 years. These would be prioritised by the Ministers and Assistant Ministers during the course of the session. Officers would then review the prioritised list and assess the resource implications of the same, in order to inform subsequent stages of the strategic planning process.

The Council resolved to consider fully the prevailing economic climate when considering which policy matters to prioritise; however, it also determined that it should also give commensurate weight to environmental and social factors.

The Council endorsed the proposed process and timetable for production of the draft Strategic Plan 2009 – 2014.

Ministerial
decisions:
recording.
1444/1 (42)

A3. The Council considered a report, dated 11th December 2008 and prepared by M. Heald, Assistant Chief Executive, concerning the recording of Ministerial Decisions.

It was recalled that the process for recording Ministerial Decisions had been outlined to the States Assembly in October 2005 (R.C. 80/2005 refers). Further supplementary guidelines for the recording of Ministerial Decisions had been presented to the States by the Council on 4th December 2006 (R.93/2006 refers). Ministers and senior officers were expected to follow this guidance in the preparation and the approval of all Ministerial Decisions.

A review of the Ministerial Decision recording process had been commissioned by the Council in July 2008, in response to the identification of certain issues with the

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efficiency and effectiveness of the recording process. The Council was advised that this review was effectively complete and that a full report would be presented to it for consideration in January 2009.

Ministers were advised that they were entitled to expect provision of clear and relevant written advice from officers whenever they were requested to make a Ministerial Decision. In the case of decisions on more significant matters it was to be expected that the written advice provided would have been endorsed by the relevant Accounting Officer prior to submission to the Minister.

There followed a discussion on the matter of access to Ministerial Decisions by other States Members and by members of the public. The Council concluded that there was scope to improve access to Ministerial Decisions, both in terms of making relevant documentation more readily accessible on the States of Jersey web site and in making decisions searchable by date, by Minister or by other key category. In this connexion the Council noted that the report to be presented in January 2009 would address this issue.

The Council noted –

- (a) - the guidelines regarding the recording of Ministerial Decisions, and**
- (b) - that a report summarizing the outcome of the review of the Ministerial Decisions process would be presented to the Council for consideration in January 2009.**

States
members:
induction.
1240/9/1 (26)

A4. The Council considered a report, dated 23rd October 2008 and prepared by the Policy and Research Manager, concerning the ongoing induction programme for States Members.

The Council recalled that it was established practice for newly-elected States members to be given an induction to the work of the States Assembly and to their new rôle as a States Member. In 2006 this programme had been extended to include sessions hosted by Ministers and their respective departments so as to provide new members with an overview of the main challenges facing the States. It was recommended that similar sessions be held during the current induction programme.

It was proposed that briefing sessions on Island-wide issues be held on the morning of Monday 12th January and the afternoon of Tuesday 13th January 2009. These sessions would be sub-divided into 4 broad subject areas, as follows –

- (a) economy,
- (b) environment,
- (c) social, and
- (d) Chief Minister's Department and international affairs.

The Council agreed that the proposed sessions should help new members to take a corporate approach to their work from the outset and to develop a fuller understanding of the States as an organisation and their rôle within it. They would also provide an opportunity for members to meet officers and to share ideas and information to allow as broad an input as possible into the Strategic Plan. The Council noted that it was envisaged that each of the briefings would be followed by a 'Question and Answer' session. Departments could then offer more detailed

discussions of specific issues to interested parties after the briefing sessions.

The Council approved the programme of briefings as outlined in the officer report. It further determined that the Chairman of the relevant Scrutiny Panel should be invited to attend each of the 4 sessions.

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

Questions to
Ministers
without notice.
1444/1 (9)

A5. The Council considered a memorandum from the Greffier of the States, dated 3rd November 2008, concerning questions to Ministers without notice.

The Council recalled that Standing Orders allowed for a period of 30 minutes at every States meeting for oral questions to Ministers without notice. Standing Order 64(6) required the Greffier to consult with the Chief Minister over the creation of a rota of Ministers, which he would distribute to Members subsequently. The Chief Minister was required to answer at every other meeting for the second 15 minute period and, in practice, this would mean that all other Ministers would have a turn at every sixth meeting.

Standing Orders did not set out any fixed order for Ministers to be listed and it was suggested that this should be in alphabetical order of ministerial office. On that basis the Greffier had proposed the following rota -

Date	1st question period	2nd question period
20th January	Economic Development	Chief Minister
3rd February	Education, Sport and Culture	Health and Social Services
24th February	Home Affairs	Chief Minister
10th March	Housing	Planning and Environment
24th March	Social Security	Chief Minister
31st March	Transport and Technical Services	Treasury and Resources
28th April	Economic Development	Chief Minister
12th May	Education, Sport and Culture	Health and Social Services
19th May	Home Affairs	Chief Minister
2nd June	Housing	Planning and Environment
16th June	Social Security	Chief Minister
30th June	Transport and Technical Services	Treasury and Resources
14th July	Economic Development	Chief Minister

The Council noted that Standing Order 64(7) provided that if a Minister was to be absent on a day on which he or she was due to answer questions then the rota could be altered providing that at least two working days notice was given to Members. If a Minister was unavoidably absent on the day itself without prior warning then an Assistant Minister or another Minister could answer on behalf of the absent Minister.

The Council endorsed the proposed rota for questions without notice.

States
members:
quarterly
presentations.
1444/1 (43)

A6. The Council considered a report, dated 1st December and prepared by the Policy and Research Manager, concerning quarterly presentations to States members.

The Council recalled that the Council as previously constituted had endorsed a series of presentations for all States members, delivered on a quarterly basis, at which individual Ministers had made presentations on the work of their respective departments and on emerging policy issues. It was recommended that consideration be given to continuing the programme for the period 2009 – 2011 on

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at least a quarterly basis.

The Council determined that a series of 4 presentations should be delivered per year. **To that end it approved the following dates for presentations in 2009 –**

24th February

28th April

14th July

3rd November

It was agreed that the first and second presentations should be delivered by the Chief Minister and the Minister for Treasury and Resources respectively.

Public
information/
communi-
cations.
1444/1 (10)

A7. The Council, with C. Keir, Communications Manager in attendance, considered a report, dated 11th December 2008 and prepared by the Communications Manager, concerning the rôle of the Communications Unit.

The Council considered that the key terms of reference for the Communications Unit were –

- (a) to engage Islanders in government policy-making;
- (b) to assist the Council and Ministers to ensure that States Members were informed of their work and that Members received information before it was communicated to others;
- (c) to explain government policies effectively to the media and to the public; and
- (d) to manage communications within and between departments of the States.

The Council agreed that people in Jersey should expect to be granted access to high quality, consistent information about the way the Island was governed and how money was spent so that issues were honestly presented, widely debated and clearly understood. Although the Ministerial form of government had brought new ways of working, and although the flow of information between the Executive and people in Jersey through the media had been suitably adapted in response, it was acknowledged that delivery of public information was being affected by ongoing and rapid change in media organizations and the communications industry as a whole. Ministers were invited to note the pace of change and to consider seeking advice from the Communications Unit on a regular basis.

The Council was pleased to note that refinement of the formal consultation system was helping to encourage constructive public participation in policy development. Notwithstanding the foregoing, it concluded that there was scope to increase departmental understanding of the concept of green and white consultation documents and to ensure that those documents were compiled using plain English wherever possible.

Ministers were invited to note the importance of delivering a clear and consistent message when engaging with the public on policy matters that affected more than one sphere of Ministerial responsibility.

The Council decided that Ministers should decide on the best course of action for informing the media about important or newsworthy Ministerial Decisions and could either arrange for a news release to be prepared and distributed or for a prompt media briefing to be held. It was agreed that this would ensure that all

media organisations were given the same opportunity to report key decisions and initiatives.

The Council was advised that the Communications Unit would circulate copies of its Part A agenda to the media before each Meeting. It was proposed that a regular briefing with the Chief Minister and any other Minister, who had a particular matter under discussion at the Meeting, as well as appropriate senior officers, would take place. This would generally be scheduled on the morning after each Council meeting and would provide the media with an important opportunity to keep in touch. It was agreed that relevant Ministers' should set aside sufficient time for such a briefing and if the Chief Minister was unavailable, the Deputy Chief Minister should attend in his place.

The Council noted the position.

Connétable M.K. Jackson was not present for this item.

Migration
Advisory
Group.
1444/6 (8)

A8. The Council, with reference to its Minute No. A3 of 15th December 2008, recalled that it had been provisionally minded to reconstitute the Migration Advisory Group and to appoint Senator P.F. Routier, Assistant Minister, Chief Minister's Department as chairman of the Group.

The Council, with P. Bradbury, Director, Population Office in attendance, considered a report, dated 11th December 2008, concerning the proposed re-establishment of the Migration Advisory Group (MAG).

It was submitted that the MAG had made significant progress in the period 2006 – 2008. In addition to providing a forum for applications under the Housing (Jersey) Law 1949 and the Regulation of Undertakings and Development (Jersey) Law 1973 to be considered in a coordinated manner, the group had overseen implementation of the report and proposition entitled 'Migration – Monitoring and Regulation', as lodged 'au Greffe' by the then Policy and Resources Committee in 2005 (Projet No. P.25/2005 refers). In particular the group had overseen development of the draft Draft Register of Names and Addresses (Jersey) Law 200-, the draft Migration (Jersey) Law 200- and of associated consultation documents. The Council was invited to reconstitute the MAG in order that coordinated implementation of migration policy development could continue.

The Council reconstituted the Migration Advisory Group as follows –

**Senator P.F. Routier, Assistant Minister, Chief Minister's Department
(Chairman)**

Senator T.J. Le Main, Minister for Housing

Senator A.J.H. Maclean, Minister for Economic Development.

The Council noted that the 1st meeting of the MAG would be held on 14th January 2009. It further noted that other Ministers, including the Ministers for Planning and Environment and for Social Security, would be invited to attend meetings of the Migration Advisory Group whenever relevant policy matters were due for discussion.

Connétable M.K. Jackson was not present for this item.

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Assistant
Ministers and
Comité des
Connétables:
engagement.
1444/1 (26)

A9. The Council considered a report, dated 1st December 2008 and prepared by the Policy and Research Manager, concerning meetings with Assistant Ministers and with the Comité des Connétables.

The Council recalled that the Machinery of Government Review conducted by the Privileges and Procedures Committee had been published in November 2007(R.105/2007 refers). Among the recommendations made by that Committee was a suggestion that the Council should review how it liaised with the Comité des Connétables and that the rôle of Assistant Minister should be enhanced. In response the Council as previously constituted had sought to meet with the Comité and with Assistant Ministers on a regular basis.

The Council determined that meetings with the Comité des Connétables and with Assistant Ministers should be arranged on a quarterly basis; accordingly it agreed that each of the respective groups should be invited to attend on 4 meeting dates in 2009. In the event that it proved more practical for the Council to attend a meeting of the Comité des Connétables, Ministers agreed that this option should be pursued.

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

On a related matter, the Council noted the Chief Minister's intention to meet with Senator B.E. Shenton, President of the Chairmen's Committee in early course to discuss arrangements for scrutiny of the draft Strategic Plan and other matters of interest. It further noted that the possibility of extending regular invitations to the Chairmen's Committee to attend meetings of the Council would be discussed.