

COUNCIL OF MINISTERS

(3rd Meeting)

15th January 2009**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 T.A. Le Sueur, Chief Minister
 Senator P.F.C. Ozouf, Minister for Treasury and Resources
 Senator F.E. Cohen, Minister for Planning and Environment (with the exception of item B3)
 Senator J.L. Perchard, Minister for Health and Social Services
 Senator A.J.H. Maclean, Minister for Economic Development
 Senator B.I. Le Marquand, Minister for Home Affairs
 Connétable M.K. Jackson of St. Brelade, Minister for Transport and Technical Services
 Deputy J.G. Reed, Minister for Education, Sport and Culture
 Deputy I.J. Gorst, Minister for Social Security
 Deputy S. Power, Assistant Minister for Housing

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables
 W.D. Ogley, Chief Executive, States of Jersey
 W.J. Bailhache Q.C, H.M. Attorney General
 M. Heald, Assistant Chief Executive
 J. Morris, Policy and Research Manager
 J.D. Richardson, Chief Officer, Transport and Technical Services Department (for item B1)
 W. Gardiner, Director – Waste Strategy Project, Transport and Technical Services Department (for item B1)
 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: 21st October (Part A only); 27th November (Parts A and B); 28th November (Parts A and B); 15th December (Part A only) and 18th December 2008 (Part A only) 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 2009. Particular attention was paid to the following –
- (a) **Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989 (P.176/2008) and the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989 (P.177/2008)** – the Council noted that, with the exception of the States of Jersey Police Association, representatives of the affected employees had indicated their

opposition to the proposed raising of the minimum retirement age for uniformed service personnel;

- (b) **La Pouquelaye old school site: provision of youth and community facilities (P.187/2008)** – The Council was advised that the Minister for Treasury and Resources had provisionally reached agreement with Connétable A.S. Crowcroft of St. Helier on a compromise proposal that would secure efficient and effective youth and community uses for the property; accordingly the Connétable had been invited to consider withdrawing his proposition; and
- (c) **Rôle of the Unelected Members of the States: review (P.5/2009)** – the Council acknowledged that consideration of the unelected members had not received a similar degree of consideration as other matters raised at the conclusion of the review of the machinery of government conducted by Sir C. Clothier and published in January 2001. The Council resolved to give further consideration to the proposition at a subsequent meeting.

Criminal trials:
corroboration
of evidence.
1015/5(23)

A3. The Council, with reference to Minute No. B3, dated 16th October 2008, of the Council as previously constituted, received a consultation paper, dated December 2008 and published by the Jersey Law Commission, concerning the corroboration of evidence in criminal trials.

Ministers recalled the current requirement in Jersey Law for a judge to give a corroboration warning to juries in cases where the evidence relied upon that of an accomplice, in sexual cases, and in cases where the complainant was a child. They further recalled that the position in Jersey replicated neither that of England and Wales nor that of Scotland. Having learned of this potential anomaly, the Council had decided that it should take an informed decision on the matter of whether a change to the existing requirement was warranted. In this regard, the Council was pleased to note that the Law Commission had responded quickly to the request to review the matter.

The Council noted the consultation paper. It further noted that the Commission had requested responses to the paper be forwarded to it no later than 31st January 2009.

Ministerial
decisions:
presentation on
the business of
government.
1445(8)

A4. The Council received a presentation, delivered by H.M. Attorney General, concerning the business of government and the recording of ministerial decisions.

Ministers were reminded of their status as a corporation sole, and of the legal and administrative implications of that status. The importance of efficient, effective, equitable and proportionate public administration was both acknowledged and explored in some detail, as were the potential remedies available to the public in the event that the standard of administration fell below that which could be expected. Particular emphasis was given to the constituent factors of unreasonableness and to the manner in which Ministers might wish to consider and execute decisions during their term of office.

Consideration was given to the matter of whether the existing decision recording system was providing a consistent and sufficiently detailed account of how policy issues were being determined. In this regard, the Council recalled that it was due to receive a report outlining the findings of the review of the decision recording process at its next scheduled meeting.

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The Council, having acknowledged the importance of the key issues raised by the Attorney General, determined that a similar presentation should be made to Assistant Ministers and to Chief Officers. Further to the foregoing, individual Ministers resolved to review the decision making and recording processes within their respective departments in conjunction with their Chief Officers.

Communication
with States
Members:
newsletter.
1448 (19)

A5. The Council noted and endorsed the intention of the Chief Minister to publish a monthly newsletter, to be circulated to all States Members, advising of current and planned policy initiatives and key dates concerning the same.