

COUNCIL OF MINISTERS

(4th Meeting)

29th January 2009**PART A**

All members were present.

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 F.E. Cohen, Minister for Planning and Environment
 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

In attendance -

Connétable K.P. Vibert, Chairman of the 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 (for a time)
 Mrs. J. Marshall, Strategic Planning Manager (for a time)
 J. Morris, Policy and Research Manager
 Mrs. A.H. Harris, Deputy Greffier of the States
 P. Monamy, Acting Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A and Part B.

States
 business.
 1240/7/1(1)

A1. 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) - **Voisinage and customary law: review (P1/2009)** - The Council considered that the rationale upon which the projet was based appeared to be flawed and, in any event, noted that a customary law such as voisinage could not be arbitrarily abolished in view of other rights it provided (such in respect of the support that neighbouring buildings afforded each other, given the potential effect that the demolition of one might have on the other). It was agreed that a comment on the report and proposition would be prepared in advance of the next scheduled Council of Ministers meeting;
- (b) - **Rôle of the unelected members of the States: review (P.5/2009)** - The Council agreed that it maintained acceptance of the principle of such a review being undertaken but expressed concern that the current financial situation of the Island precluded it. Having noted 2 amendments to the proposition, the Council authorised the Chief

Minister to finalise its comment, recognising that the Minister for Treasury and Resources had prepared a separate comment;

- (c) - **Energy from Waste facility: rescindment (P.8/2009)** - The Council discussed with the Assistant Minister for Transport and Technical Services, together with the Chief Officer and the Director of Municipal Services, Transport and Technical Services Department, the likely approach to be adopted for the debate and the principal points of contention. It was agreed that it was almost unthinkable that consideration should be given to cancelling the recently sanctioned contract for the provision of such a much-needed facility for now and for the future, and recognised that the potential costs of doing so were likely to exceed £60 million;
- (d) - **Woolworths employees: payment of statutory notice periods (P.9/2009)** - The Council recognised that this further project on the subject could lead to the negotiating position of the States being weakened. Having recognised the work which had been undertaken to date by the Minister for Social Security and his team, the Council decided that a preferable route by which to resolve the matter would be - as suggested by the Minister for Treasury and Resources - for legal assistance to the employees' to be funded by the States in order to secure their individual rights in the interests of determining once and for all the legal position.

Engagement
with Scrutiny.
1444/5 (4)

A2. The Council considered a report, dated 21st January 2009, prepared by the Strategic Planning Manager regarding Ministers' interaction with Scrutiny Panels.

The Council acknowledged that protocols and guidelines had been agreed between Scrutiny and the previous Council of Ministers. It was recognised that each of the 10 main Departments had a nominated Scrutiny Liaison Officer who had a close working relationship with their opposite number within the Scrutiny office. The Council noted that there existed a Scrutiny Code of Practice, which had been approved by the States in 2008, and which outlined the way in which Panels should operate and the expected conduct of members in a clear and comprehensive manner. The Council was mindful that close co-operation between the Executive and Scrutiny was to be encouraged and Ministers should meet with their respective Scrutiny Panels at least on a quarterly basis to discuss their work programmes. It was accepted that early engagement with Scrutiny was extremely important, particularly in relation to the Strategic Plan, Annual Business Plan and Budget.

The Council, having noted the framework for engaging with Scrutiny, accordingly accepted the importance for Ministers to meet realistic timescales when responding to recommendations arising from Scrutiny Reports.

The Council received the President and members of the Chairmen's Committee (Deputy M.R. Higgins, whose apologies for absence were received, being represented by the Deputy of Grouville, Deputy C.J. Labey) for discussion of the working relationship between Ministers and Scrutiny Panels and the Public Accounts Committee. The Chief Minister outlined the importance of maintaining good communications between those involved in order that each might assist the other to fulfil their respective roles.

The Meeting considered an initial outline timetable for propositions to be lodged 'au Greffe' in 2009 and the Chief Minister expressed the hope that this approach would assist Scrutiny in developing its programme of work for the year, which could then be notified to Ministers and the Council in due course. The Meeting

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also considered a plan and timetable relating to the Strategic Plan process, and the Chief Minister suggested that the forthcoming workshops could be of particular interest to Scrutiny members, as it was hoped that discussion at these events could serve to obviate the need for potential later amendments. The Meeting noted that the Strategic Plan currently being developed would build upon previous Plans and would contain a general outline of the perceived way ahead for longer-term aims, with some detail (but not excessively so) envisaged for inclusion in relation to relatively short-term aims. It was suggested that appropriate content was the key to a successful Strategic Plan and that the need for colleagues to work collaboratively was essential for the benefit of the Island.

The Meeting considered briefly the approach to be adopted for “Green” (options) and “White” (policy proposals) papers; access to Ministerial Decisions (it being agreed that there would be merit in each Department sending a copy of each decision made to the Chairman of the relevant Scrutiny body); and use of the Stabilisation Fund (which, it was noted, was on the list of work topics for Scrutiny).

The Chief Minister also outlined his institution of a monthly newsletter for States members which it was hoped would apprise all members of Executive activity and current developments.

The delegation, having expressed its appreciation of the invitation to meet the Council, then withdrew from the meeting.

Legislation
Advisory
Panel.
520/1 (2)

A3. The Council received an oral report from the Chief Minister regarding the Legislation Advisory Panel.

The Council agreed that the reconstituted Panel should be Chaired by Assistant Minister Deputy J.A.N. Le Fondré and, as before, the membership should include both Executive and non-Executive members of the States, as follows -

Connétable K.P. Vibert of St. Ouen
Senator S.C. Ferguson
Deputy A.E. Jeune of St. Brelade.

(For the time being there would remain one vacancy).

The Council noted the position.