

COUNCIL OF MINISTERS

(7th Meeting)

19th March 2009PART 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
 (not present for items B2, B3, B4 and B5)
 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
 (not present for item B1)
 Deputy J.G. Reed, Minister for Education, Sport and Culture
 Deputy I.J. Gorst, Minister for Social Security
 (not present for item A2)

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables
 Senator P.F. Routier, Assistant to the Chief Minister
 (for items B1-B3)
 Deputy S. Power, Assistant Minister for Housing
 (for items B1-B3)
 Deputy J.A.N. Le Fondré, Assistant to the Chief Minister
 (for item A1)
 Deputy E.J. Noel, Assistant Minister for Treasury and Resources
 (for item A1)
 W.D. Ogley, Chief Executive, States of Jersey
 W.J. Bailhache Q.C., H.M. Attorney General
 M. Heald, Assistant Chief Executive (for items B1-B6)
 P. Bradbury, Director, Population Office (for items B1-B3)
 Ms. E. Walsh, Senior Assistant Law Draftsman (for items B1-B3)
 I. Black, Treasurer of the States (for items B4 and B5)
 K. Hemmings, Head of Decision Support, Treasury and Resources
 Department
 (for items B4 and B5)
 S. Lowthorp, Director, Goods and Services Tax, Treasury and Resources
 Department
 (for item A1)
 J. Morris, Policy and Research Manager
 (for items A1, B5 and B6)
 J. Nevitt, Personal Assistant to the Chief Minister
 M.N. de la Haye, 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 remainder of the First Session of 2009. Particular attention was paid to the following –

- (a) **Ministerial Government: review (P.181/2008)** – the Council concluded that it was not supportive of the proposition on the basis that the Privileges and Procedures Committee (PPC) had prepared a final report detailing the actions taken as a result of each recommendation arising from R.C.105/2007, which had been presented to the States by the previous PPC following its extensive review of Machinery of Government, and that the proposition would lead to a duplication of work. The Council accordingly approved the text of a comment to be presented to the States, and noted that the Minister for Treasury and Resources would be submitting a separate comment;
- (b) **Williamson Report: Implementation Plan - funding (P17/2009)** - the Council noted that the proposition had been lodged 'au Greffe' by the Minister for Treasury and Resources and that, consequently, the Minister for Health and Social Services would be unable to act as rapporteur for this item in the States;
- (c) **States Members' remuneration for 2009 (P.24/2009)** – the Council noted that it was understood that part (b) of the proposition (which sought notification to the States' Members' Remuneration Review Body that it should cease work on formulating recommendations on the level of remuneration for elected members for future years until the last quarter of 2009) was not to be pursued by the proposer;
- (d) **Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy (P.28/2009)** - the Council considered a draft comment to be presented to the States by the Minister for Treasury and Resources and discussed the rationale therefor with the Assistant to the Chief Minister and the Assistant Minister for Treasury and Resources, together with the Director, Goods and Services Tax, the Treasurer of the States and the Policy and Research Manager, Chief Minister's Department. The Council, by a majority, agreed the basis of its own comment and authorised the Chief Minister to finalise the wording thereof for presentation to the States in due course;
- (e) **Ex gratia compensation payment: Mr. and Mrs. R. Pinel (P.29/2009)** - the Council, having agreed that it was not supportive of the proposition, noted that in the event that it were to adopted it would be a matter for the Minister for Treasury and Resources to resolve;
- (f) **Payment of Statutory Notice payments: establishment of precedent (P.34/2009)** - The Minister for Social Security indicated his intention to seek to amend the date in part (b) of the proposition (which sought to establish an easily accessible and well-publicised system within the Social Security Department to deliver payments on a similar basis to all Jersey workers made redundant by insolvency from 1st December 2008, and to maintain this system of payments until the Employment (Amendment No. 5) (Jersey) Law 200- relating to redundancy came into force).

7th Meeting
19.03.09

Rôle of the unelected members of the States: review (P.5/2009) - report and proposition. 1240/6(56)

A2. The Council, with reference to its Minute No. A1(b) of 29th January 2009, considered reports on the forthcoming Review of the roles of the Bailiff, Attorney General and Solicitor General.

The Council considered the principles and appropriate process for conducting a review of the above-mentioned roles, including the draft terms of reference, a revised process and timescale for the appointment of members of the Review Panel, revised estimated costs of such a review, and a revised proposition to be presented to the States in due course, after consultation with the Privileges and Procedures Committee (PPC).

The Council accepted that it was implicit that the review would also encompass the role of the Deputy Bailiff.

Whereas it was recognised that a cost-effective approach was desired by States members generally, it was accepted that the review should not to be undertaken cheaply and that persons of appropriate standing should be appointed to the Review Panel. Contact with the Ministry of Justice and the Directorate of Judicial Offices for England and Wales had identified that it should be possible to commission an appropriate experienced retired senior member of the judiciary to chair the Review Panel, although it was recognised that the formal request would need to include the final approved terms of reference for the review and an indication of the timescale and budget available. Once a shortlist of those who might be appropriate had been compiled, details would be considered by a group comprising representatives of the Jersey Appointments Commission, the Council of Ministers and the Privileges and Procedures Committee, with any preferred candidate then being submitted to the States for approval.

The Council recognised that the process would inevitably require a few weeks to complete and was unlikely to be finalised by 31st March 2009. Consequently, it was considered reasonable that a prospective chairman would wish to know the final approved terms of reference before agreeing to be considered for the review and, in addition, would wish to have some input into the selection of potential local candidates for the Panel. Since the Chairman of the Panel could not be selected before the terms of reference were agreed by the States, it was agreed that the Chairman and the named local members of the Panel should be proposed to the States in a later separate proposition.

The Council accordingly approved in principle the basis of the first proposition which asked the States “to refer to their Act dated 4th February 2009 in which they agreed that an independent review should be conducted into the roles of the Bailiff, the Attorney General and the Solicitor General, and

- (a) to approve the draft terms of reference of the review as set out in the Appendix to the report of the Council of Ministers dated, and**
- (b) to approve the process for the appointment of the Chairman and members of the Panel as set out in the said report and to vary their decision of the 4th February in relation to the appointment process accordingly.”,**

and agreed that this should be forwarded to PPC for consideration. The Council authorised the Chief Minister to finalise the wording of the projet in due course and asked that it be lodged au’ Greffe’ on 31st March 2009 for consideration by the States on 12th May 2009.

63
7th Meeting
19.03.09