

COUNCIL OF MINISTERS

(9th Meeting)

23rd April 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 (for item A2 only)
 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 (except for items A3 and A4)

In attendance -

W.D. Ogley, Chief Executive, States of Jersey
 W.J. Bailhache, Q.C, H.M. Attorney General
 J. Rogers, Acting Chief Officer, Transport and Technical Services Department (for item B1 only)
 C. Anderson, Director of Transport, Transport and Technical Services Department (for item B1 only)
 P. Staley, Law Draftsman (for items B2 and B4 only)
 M. Pinel, Head of Employee Relations (for item B3 only)
 K. Hemmings, Head of Decision Support, Treasury and Resources Department (for item B2 only)
 K. Power, Research and Project Officer, Chief Minister's Department (for item B2 only)
 J. Nevitt, P.A. to the Chief Minister
 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 5th March (Parts A and B), 19th March (Parts A and B) and 3rd April (Part B), having been circulated previously, were taken as read and were confirmed. The Council, having noted that the 3rd April (Part A) Minutes would be amended to acknowledge the attendance of H.M. Attorney General, authorized the Chief Minister to sign those amended Minutes in due course.

Matters arising.

A2. The Council considered the following matter arising from the Minutes of its meeting held on 3rd April 2009 –

Economic downturn: use of Stabilisation Fund (Minute No. B3 refers) – the

Council noted that the Skills Executive was continuing to review operational arrangements for the possible implementation of relevant aspects of the Economic Stimulus Plan (P.55/2009) and that any matters requiring additional consideration would be reported back to the Council in early course.

States
business.
1240/7/1(1)

A3 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) **Police Complaints and Discipline: extension to Honorary Officers conducting Parish Hall Enquiries (P.30/2009)** – the Council broadly endorsed the comment presented to the States by H.M. Attorney General;
- (b) **Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937 (P.41/2009)** – the Council concluded that, prior to taking any decision as proposed by Senator A. Breckon, it would be necessary to commission a review, to be undertaken by a suitably qualified person or persons, in order to ensure that the States would be sufficiently informed to fulfil its obligations under Article 22(2) of the Electricity (Jersey) Law 1937. On that basis the Council recommended that the Minister for Economic Development commission the necessary review and advise the States accordingly;
- (c) **Planning and Environment: division into 2 ministerial offices (P.47/2009)** – the Council, having made certain minor drafting amendments, approved a comment to P.47/2009 and requested that it be presented to the States Assembly forthwith.
- (d) **Child abuse compensation claims: freedom of expression for survivors (P.49/2009)** - the Council expressed broad sympathy and support for the underlying principle of the proposition. It nevertheless recognized that the proposition as drafted might cause practical difficulty in certain cases, including those involving future claimants who might wish to ensure that their own confidentiality would be maintained in respect of any settlement agreed. On that basis it concluded that the Chief Minister should make a statement to the States Assembly at the earliest opportunity outlining the position of the Council and how the matter might be resolved constructively. The Council also delegated to the Chief Minister the authority to approve a suitable comment and / or an amendment to P.49 for presentation or lodging 'au Greffe' in the event that subsequent discussions with the third party legal advisers advising the Health and Social Services Department warranted the provision of additional advice to the States Assembly; and
- (e) **Oral Questions with notice: extension to 2 hours (P.40/2009) and Oral Questions with notice: abolition of time limit (P.59/2009)**– the Council concluded that there was a need to strike an appropriate balance between the right of individual States Members to ask questions of the Executive and the need for the States Assembly to fulfil its other duties. It resolved to oppose the propositions and delegated to the Chief Minister authority to approve suitable comments for presentation to the States Assembly.

Engagement
with Scrutiny.

A4. The Council, with reference to its Minute No. A2 of 29th January 2009, received a delegation of the Chairmen's Committee comprising -

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1444/5(4)

Senator B.E. Shenton, President, Chairmen's Committee
 Senator S.C. Ferguson, Chairman, Corporate Services Scrutiny Panel
 Deputy R.G. Le Hérissier, Chairman, Education and Home Affairs Scrutiny Panel
 Deputy P.J. Rondel, Chairman, Environment Scrutiny Panel
 Deputy M.R. Higgins, Chairman, Economic Affairs Scrutiny Panel
 Mrs. K. Tremellen-Frost, Scrutiny Manager, States Greffe

Apologies were received from Senator A. Breckon, Chairman, Health, Social Security and Housing Scrutiny Panel.

The meeting considered the extent to which Scrutiny Panels should be permitted access to public and confidential Ministerial Decisions. It was clarified that the Chairmen's Committee, with reference to the Council's Minute No. A2 of 29th January 2009, had expected that individual departments would begin sending to the Chairman of the relevant Scrutiny body copies of each Ministerial Decision made. **The Council clarified that it was prepared to implement such a procedure for all Part A (non-confidential) Ministerial Decisions, notwithstanding the fact that all such Ministerial Decisions were published on the States of Jersey internet site. In addition, the Council agreed to consider a request of the Chairmen's Committee that the titles and numbers of all Part B (confidential) decisions be similarly forwarded.**

There followed a discussion concerning the extent to which Scrutiny Panels should consider both the quality of particular Ministerial Decisions in addition to the policies under which those Ministerial Decisions were made. In this regard, the Council recalled that on 7th February 2008 the Council as previously constituted had informed a delegation of the Privileges and Procedures Committee (PPC) that it looked forward to being apprised of the outcome of the 'What is Scrutiny?' conference held on 6th February 2008. The delegation was advised that the Council could not recall receiving a substantive update from the PPC. **In any event, the Council concluded that Part B Ministerial Decisions concerning the formulation of policy should be shared with relevant Scrutiny Panels in appropriate circumstances and on a confidential basis.**

The application of the Code of Practice on Public Access to Official Information to the Council's agenda was considered. **The Council agreed that at the conclusion of each meeting of the Council the Chief Minister should review items considered under the Council's Part B (confidential) agenda in consultation with the Chief Executive and sanction the transfer of items to the Part A minutes wherever appropriate.**

On the matter of whether the effectiveness of information exchange between Ministers and relevant Scrutiny Panels concerning ongoing work programmes could be improved, the prevailing view of the meeting was that there would be merit in Scrutiny Panels extending regular invitations to Ministers to brief them informally on status of their ongoing departmental work programmes.

The filming of public hearings hosted by Scrutiny was discussed. It was clarified that the Chairmen's Committee had referred its revised protocol for the taking of video footage of scrutiny hearings/meetings to the Privileges and Procedures Committee (PPC) for comment and that the PPC had recommended that the Chairmen's Committee lodge 'au Greffe' an amendment to the Code of Practice for Scrutiny Panels and the Public Accounts Committee, in accordance with Standing Order 143(f) of the Standing Orders of the States of Jersey.

The meeting noted that noted that individual Scrutiny Panels had begun to

formulate comments on the Draft Strategic Plan 2009 – 2014 for publication in the coming weeks. This prompted a discussion on the relative merits of scrutinizing the high-level objectives set out in the new draft Strategic Plan, particularly in a period of relative economic uncertainty. The Council considered that it had set out clearly the resources available to the States for the life of the draft Plan and that it had been also stated clearly where it proposed to direct those resources for the benefit of the Island. Nevertheless, the delegation was assured that due consideration would be given to any viable alternative proposals highlighted by Scrutiny.

The delegation withdrew from the meeting, having been thanked by the Council for its attendance.

The Strategic Planning Manager and the Policy and Research Manager were authorized to take the necessary action.

Deputy I.J. Gorst was not present for this item.

Waterfront
Enterprise
Board:
appointment of
non-States
directors.
1367/3(34)

A5. The Council, with reference to its Minute No. B9 of 5th March 2009, considered a draft report and proposition entitled, 'Waterfront Enterprise Board: Appointment of Directors', together with an accompanying report, dated 25th March 2009 and prepared by K. Power, Policy and Research Officer, Chief Minister's Department.

The Council observed that the proposition, if adopted, would approve the re-appointment of Jurat J.C. Tibbo and Mr. P.J. Crespel as directors of the Waterfront Enterprise Board (WEB) for a further period of 3 years, expiring on 31st August 2012, in accordance with the requirements of the Memorandum and Articles of Association of WEB. Both directors were due to conclude their existing terms of office on 28th August 2009.

Notwithstanding the terms of the draft proposition, it was anticipated that the nominees would be re-appointed on an interim basis only to ensure the continued operation of the Board pending development of the replacement States of Jersey Development Company.

The Council endorsed the draft report and proposition entitled, 'Waterfront Enterprise Board: Appointment of Directors' and recommended that the Chief Minister proceed to lodge the report and proposition 'au Greffe' in early course.