

COUNCIL OF MINISTERS

(17th Meeting)

23rd July 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
 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 A.E. Pryke, Minister for Health and Social Services
 Deputy S. Power, Assistant Minister for Housing
 Deputy I.J. Gorst, Minister for Social Security

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables (except for items A4 and B6)
 W.D. Ogley, Chief Executive, States of Jersey
 T. le Cocq, Q.C., H.M. Solicitor General (for items A2, A3 and B1 to B6)
 Dr. R. Geller, Medical Officer of Health (for item B3)
 S. Austin-Vautier, Chief Officer, Home Affairs Department (for item A3)
 A. Scate, Chief Officer, Planning and Environment Department (for item B2)
 K. Pilley, Assistant Director – Policy and Projects, Planning and Environment Department (for item B2)
 R. Buchholz, Project Manager – Island Plan Review, Planning and Environment Department (for item B2)
 I. Dyer, Directorate Manager, Health and Social Services Department (for item A3)
 I. Rogan, Planning, Performance and Partnership Manager, Home Affairs Department (for item A3)
 G. Hutchison, Monitoring and Evaluation Officer, Home Affairs Department (for item A3)
 Dr. R. Geller, Medical Officer of Health (for item B3)
 M. Long, Emergency Planning Officer (for item B3)
 J. Morris, Policy and Research Manager
 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 meeting held on 9th July 2009, having been circulated previously, were taken as read and were confirmed.

Senator A.J.H. Maclean and Deputy I.J. Gorst were not present for this item.

States
business.
1240/7/1(1)

A2. The Council reviewed the list of public business scheduled for consideration by the States Assembly during the Second Session of 2009. Particular attention was paid to the following items –

- (a) **Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937 (P.41/2009)** – the Council noted that the Minister for Economic Development had discussed terms of reference for a review of electricity prices with Senator A. Breckon and was awaiting confirmation that Senator Breckon was content with the same;
- (b) **Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.79/2009)** – it was agreed that the proposition should be deferred to 6th October 2009 so that the Corporate Services Scrutiny Panel could conduct a comprehensive review of the proposal; and
- (c) **Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others (P.104/2009)** –Senator B.I. Le Marquand advised the Council of his intention to report to the States the outcome of the ongoing investigation into the circumstances surrounding Operation Blast. He further submitted that it might be more appropriate for the Assembly to consider whether to constitute a Committee of Inquiry once the outcome of the ongoing inquiry was known. The Council noted the position.
- (d) **Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- (P.111/2009)** – the Council noted that it would receive a presentation on the draft Law at its meeting on 3rd September 2009; and,
- (e) **Rôle of the Unelected Members of the States: Review - Appointment of Chairman and Members (P.118/2009)** – it was reported that efforts to secure a chairman and panel members to conduct the review were ongoing and that there was good reason to believe that a suitable chairman would be identified before the end of August 2009.

Discussion continued under the Council's Part B (confidential) agenda.

Building a
Safer Society
Strategy:
Annual Report
2008.
561/1(16)

A3. The Council, with: S. Austin-Vautier, Chief Officer, Home Affairs Department; I. Dyer, Directorate Manager, Health and Social Services Department and Chairman of the Community Safety Partnership; I. Rogan, Planning, Performance and Partnership Manager, Home Affairs Department; and, G. Hutchison, Monitoring and Evaluation Officer, Home Affairs Department in attendance, considered the Building a Safer Society (BaSS) Annual Report 2008.

The Council recalled that the BaSS strategy had the following three strategic priorities, each with their own key objectives, as follows –

1. To create a safer environment by reducing crime, public disorder and anti-social behaviour.
2. To provide people with opportunities to develop their potential as lifelong learners and active and responsible members of society.
3. To reduce the Harm Caused by Drugs, Alcohol and Solvents.

Development and implementation of BaSS had been carried out by way of an evidence based approach, with rigorous performance monitoring. Harm reduction and community safety remained at the heart of the strategy. A range of departments, including Home Affairs, Housing, Health and Social Services, Education, Sport and Culture, the Judiciary and the Children's Executive, had contributed towards the delivery of the strategy and had worked in partnership with the Island community to deliver meaningful benefits in accordance with Commitment Three (promotion of a safe, just and equitable society) of the previous Strategic Plan 2006-2011.

The Council was pleased to note a number of the particular successes achieved as a result of coordination or direct input from the BaSS strategy. These included, but were not exclusive to –

- (a) the ongoing inter-agency effort to combat domestic violence;
- (b) initiatives developed through the Safer St. Helier Community Partnership;
- (c) the parenting programme operating from The Bridge, Le Geyt Road, St. Saviour; and
- (d) the collation and dissemination of invaluable data to inform social policy development.

Clarification was sought regarding the funding principles applied to new projects developed under the Strategy. The Council was advised that although BaSS had provided funding to allow a number of new community safety projects to be trialled, such funding had been allocated on the understanding that projects deemed to be successful would need to establish a sustainable funding solution for the longer term. In cases where individual projects fell within the remit of a particular States department, it was envisaged that the relevant States department would review the relative merits of the project at a suitable juncture and determine whether the required funding should be provided from within its cash limit.

There followed a discussion concerning the extent to which increased alcohol consumption at home might be responsible for changing patterns of offending behaviour, particularly in respect of domestic violence. The Council noted that the BaSS strategy generated data that could be used to examine such hypotheses.

The Council noted that the strategy had reached the end of a 5 year cycle, whereupon those concerned with the management of BaSS had reflected on what had been achieved to date. This process had allowed for the development of a refined strategy that would put communities at the forefront of intervention development and communication, and which would be linked firmly to Priority 7 of the Strategic Plan 2009 – 2014 entitled, 'Protect the Public and Keep our Community Safe.' Funding for the new 5 year strategy had provisionally been included within the Draft Annual Business Plan 2010.

The Council warmly endorsed the Building a Safer Society Annual Report 2008. It also endorsed the Building a Safer Society 2 Strategic Framework for the next 5 years and recommended that the Minister for Home Affairs proceed to approve the revised Building a Safer Society Strategy 2 in consultation with the Ministers for Education, Sport and Culture and for Health and Social Services and subject to the approval of the necessary funding outlined in the draft Annual Business Plan 2010.

A4. The Council, with reference to its Minute No. A4 of 23rd April 2009, recalled that it had committed to meet regularly with the Chairmen's Committee to discuss the working relationship between Ministers and Scrutiny Panels and the Public Accounts Committee.

The Council welcomed a delegation of the Chairmen's Committee comprised as follows –

Senator B.E. Shenton, President, Chairmen's Committee and Chairman of the Public Accounts Committee
Senator S.C. Ferguson, Chairman, Corporate Services Scrutiny Panel
Deputy R.G. Le Hérissier, Chairman, Education and Home Affairs Scrutiny Panel
Deputy G.P. Southern, Health, Social Security and Housing Scrutiny Panel
Deputy P.J. Rondel, Chairman, Environment Scrutiny Panel
Deputy J.M. Maçon, Economic Affairs Scrutiny Panel
Mrs. K. Tremellen-Frost, Scrutiny Manager, States Greffe

The President of the Chairmen's Committee chaired the meeting and the following matters were discussed.

Development and scrutiny of future Strategic and Annual Business Plans

There was broad agreement that the Strategic Plan 2009 – 2014 should be regarded as the manifesto of the Council of Ministers, but one which had been influenced positively by other States Members and by the public. It was suggested that the Public Accounts Committee might wish to take a particular interest in monitoring the performance of the Council against the measures identified in the Strategic Plan.

The meeting considered that the timeframe for production and scrutiny of the Strategic Plan and the Annual Business Plan was very challenging, both for the Council and for Scrutiny. It was felt that serious consideration should be given –

- (a) to refining existing Strategic Plans rather than constructing an entirely new plan every 3 years, and
- (b) to combining the Annual Business Plan and Budget into one report and proposition, with concurrent consideration to be given to the timing of the formulation process and the subsequent debate.

It was generally acknowledged that Scrutiny should be engaged at a significantly earlier stage in the process, so as to avoid a position where effective scrutiny could only be carried out during the Summer recess.

Submission of confidential documents to Scrutiny

The Chairmen's Committee sought clarification regarding the decision to classify as confidential all documentation supplied to the Chairman of the Economic Affairs Scrutiny Panel in connexion with the review of the proposed Depositor Compensation Scheme. The Council recalled that the Minister for Economic Development had sought to impress upon the Economic Affairs Scrutiny Panel the need to implement the proposed Depositor Compensation Scheme without further delay. Moreover, identifying individual documents containing confidential material would not have been a viable proposition for the Department in the time available.

Although the Chairmen's Committee accepted that the Executive and Scrutiny had cooperated well on previous occasions when dealing with sensitive matters (for example during the review of the closure of wards at Overdale, St. Helier and the proposed privatisation of Jersey Telecom), it suggested that States departments

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might wish to review the quality of their document management systems and the extent to which those systems complied with the Public Records (Jersey) Law 2002 and the Code of Practice on Public Access to Official Information.

The importance of establishing good rapport and trust between Panels and relevant Ministers was acknowledged.

Committees of Inquiry and the rôle of Scrutiny

The meeting acknowledged that it was not the rôle of Scrutiny to review individual complaints concerning acts or omissions by States departments or States appointed bodies. Moreover, Scrutiny remained in control of its own remit, notwithstanding the ability of the States Assembly to request that a particular Panel consider reviewing a specific topic.

On a related matter, the meeting noted that a significant number of States Members were neither members of the Executive nor of a Scrutiny Panel. There was broad agreement that the Citizenship programme should extend to become a States-wide programme in which all States Members would participate.

Audio and video recording of Scrutiny meetings

The Council noted the intention of the President of the Chairmen's Committee to lodge 'au Greffe' a proposition to refer the matter of audio and video recording to the Privileges and Procedures Committee in order that a comprehensive policy on the recording of States proceedings might be produced for approval by the States Assembly. The effect of this proposition would be to defer debate on the report and proposition entitled, 'Code of Practice for Scrutiny Panels and the Public Accounts Committee: amendments' (P.112/2009 refers)

Timetable for significant States debates

The Chairmen's Committee urged the Council to adopt a policy of early engagement with Scrutiny Panels in order that unnecessary delays in debates on significant propositions could be avoided. The Council recalled that all Ministers had agreed to make themselves available to their respective Scrutiny Panels at regular intervals in order to brief those Panels on the status of departmental work programmes.

Circulation of the draft Annual Business Plan 2010

The Council informed the Chairmen's Committee of its regret that hard copies of the Annex to the Draft Annual Business Plan 2010 had not been readily available until after the Draft Plan had been lodged.

The Council and the Chairmen's Committee agreed to meet again on 15th October 2009.