

COUNCIL OF MINISTERS

(45th Meeting)

17th June 2010**PART A**

All members were present, with the exception of Senator F.E. Cohen, Minister for Planning and Environment, from whom apologies had been received.

Senator T.A. Le Sueur, Chief Minister
 Senator P.F.C. Ozouf, Minister for Treasury and Resources
 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.S.P.A. Power, Minister for Housing
 Deputy I.J. Gorst, Minister for Social Security

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables
 W.D. Ogley, Chief Executive, States of Jersey
 J. Richardson, Deputy Chief Executive (for items B3 – B5)
 M. Heald, Assistant Chief Executive (for items A3 and B6)
 H. McGarel-Groves, Interim Treasurer of the States (for items B3 – B5)
 J. Rogers, Chief Officer, Transport and Technical Services Department (TTS) (for item B1)
 C. Anderson, Team Leader, Comprehensive Spending Review (for items B3 – B5)
 R. Foster, Assistant Director – Finance and Strategy, Jersey Property Holdings (for item B5)
 C. Haws, Comprehensive Spending Review Project Officer (for items B3 – B5)
 A. Holmes, Project and Planning Manager, TTS (for item B1)
 R. Jouault, Director of Corporate Planning & Performance Management, Health and Social Services Department (for item B6)
 D. St. George, Manager – TTS (for item B1)
 T. Walker, Director of International Affairs (for item B2)
 J. Morris, Policy and Research Manager (for a time)
 T. Murphy, Research and Project Officer (for a time)
 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 20th and 27th May 2010 (Parts A and B), having been circulated previously, were taken as read and were confirmed.

Senator P.F.C. Ozouf was 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 remainder of the First Session of 2010. Particular consideration was given to the following matters.

Housing Development Fund: cost/benefit analysis (P.61/2010)

The Council noted that the Minister for Treasury and Resources had lodged '*au Greffe*' an amendment to the proposition that would extend the timescale for delivery of the review sought so as to ensure that the necessary work was completed as part of a structured and prioritized series of reviews within the Comprehensive Spending Review process.

Disposal of States property: revised procedure (P.63/2010)

The Minister for Treasury and Resources reported that both he and his Assistant Minister had reviewed the proposition lodged by Deputy P.V.F. Le Claire and had identified significant common ground; accordingly a series of refinements to the disposal procedure had been agreed and would be implemented in early course. In the circumstances it was anticipated that Deputy Le Claire might reconsider whether to proceed with his proposition.

Delegation of functions by Ministers: review of reporting procedures (P.65/2010)

The Council considered that the existing procedure of reporting delegations of functions complied with Articles 30 and 30A of the States of Jersey Law 2005, as amended, and generally worked well. It nevertheless agreed to present a comment to the States affirming that the Chief Minister was prepared to review the system and to report back to the States within a period of 3 months.

Machinery of Government: amended structure (P.70/2010)

There was broad agreement among Ministers that a more inclusive system was needed in which more States Members were involved in the process of executive decision-making. It was also believed that the process by which policy and draft legislation was scrutinised could be further refined. Although P.70 was thought to provide a helpful outline for moving forward in this regard, the prevailing view was that thoughtful consideration of various options for change and of the implications for the accountability of those taking decisions was needed in the first instance. For that reason the Council recommended that the Chief Minister consult with the Privileges and Procedures Committee, with Senator A. Breckon and with the Chairmen's Committee on the possible establishment of a working group to be charged with recommending suitable improvements for consideration by the States Assembly no later than January 2011. This timetable would allow for any agreed changes to be introduced prior to the reconstitution of the States Assembly in November 2011.

Central Market: Sub Post Office facility – petition (P.74/2010)

Although the Council expressed concern that the proposition advocated direct States intervention in the operational affairs of an incorporated commercial entity, the importance to St. Helier of a vibrant Central Market was also acknowledged. In this regard, the Council noted that the Minister for Treasury and Resources was investigating options for a constructive way forward in conjunction with various parties, including Jersey Property Holdings.

Machinery of
Government:
amended
structure.
(P.70/2010)

A3. The Council, with reference to its Minute No. B1 of 16th June 2010, considered a further report entitled, 'P.70/2010 - Machinery of Government: amended structure: Position of the Council of Ministers.'

The Council re-affirmed its view that P.70/2010 provided a useful basis for

45th Meeting
17.06.10

450/2/1(26)

pursuing constructive change of the Ministerial system; however, a focussed, rapid and considered review of Ministerial government with input from PPC, from Scrutiny and from the Executive would be its preferred way forward. To that end the Council also remained of the view that the Chief Minister should seek to work with Senator Breckon, the Privileges and Procedures Committee and, preferably, the Chairmen's Committee with the aim of bringing a Proposition to the States by September 2010, or as soon as possible thereafter, to deliver appropriate change. **In this regard, the Council endorsed the report and resolved to discuss its views with the Chairmen's Committee.**

In the event that Senator A. Breckon was not minded to defer or withdraw his proposition, the Council also confirmed that it would wish the Chief Minister to lodge an amendment on behalf of the Council setting out its preference for -

- (a) establishing a more inclusive system of government, in particular one which would provide more States Members with greater opportunity to participate in executive decision-making;
- (b) a review of and changes to the appointment process for Ministers and Assistant Ministers in support of greater inclusivity, participation and accountability;
- (c) improving the operation of the scrutiny process through the provision of a more flexible overarching system to review matters of policy; and
- (d) pursuing the necessary steps to give effect to changes in time for the next elections during 2011.

The Assistant Chief Executive was authorized to take the necessary action.

Scrutiny:
engagement
with
Chairmen's
Committee
1444/5(4)

A4. The Council, with reference to its Minute No. A2 of 18th March 2010, 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 Hérisssier, Chairman, Education and Home Affairs Scrutiny Panel
 Deputy P.J. Rondel, Chairman, Environment Scrutiny Panel
 Deputy M.R. Higgins, Chairman, Economic Affairs Scrutiny Panel
 Deputy D.J de Sousa, Health, Social Security and Housing Scrutiny Panel
 Mrs. K. Tremellen-Frost, Scrutiny Manager, States Greffe

The Chief Minister chaired the meeting. Matters discussed included the following-

Comprehensive Spending Review

The meeting noted the status of the related ongoing reviews being conducted by individual Scrutiny Panels and that all Panels intended to report their findings to the States in the earliest possible course.

Non-accredited Media

The Council and the Chairmen's Committee resolved to seek clarification from the Privileges and Procedures Committee regarding the outcome of that Committee's Media Working Party.

Machinery of Government: amended structure (P.70/2010)

There was broad agreement among the Council and the Chairmen's Committee that a focussed, rapid and considered review of Ministerial government would be beneficial and could be expected to identify constructive proposals for refinement of the existing system. It was also anticipated that work already carried out as part of the review of the Code of Practice for Scrutiny Panels and the Public Accounts Committee, which had been put on hold by the Chairmen's Committee pending the outcome of the debate on P.70/2010, would be of considerable value to a broader review of Ministerial government.

The Council and the Chairmen's Committee agreed to approach the Privileges and Procedures Committee and Senator A. Breckon regarding the possible establishment of a working group to be charged with recommending suitable improvements to the existing Ministerial system for consideration by the States Assembly no later than January 2011.

Senator P.F.C. Ozouf, Senator A.J.H Maclean, Deputy A.E. Pryke and Deputy I.J. Gorst were not present for this item.