

COUNCIL OF MINISTERS

(64th Meeting)

25th November 2010PART A

All members were present, with the exception of: Deputy A.E. Pryke, Minister for Health and Social Services; Deputy S.S.P.A. Power, Minister for Housing; and Deputy I.J. Gorst, Minister for Social Security, 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 E.J. Noel, Assistant Minister for Health and Social Services

In attendance -

W.D. Ogley, Chief Executive, States of Jersey  
 H. McGarel-Groves, Interim Treasurer of the States (for items A4 and B1)  
 L. Rowley, Treasurer of the States designate (for items A4 and B1)  
 J. Rogers, Chief Officer, Transport and Technical Services Department (for item B3)  
 P. Staley, Law Draftsman (for items A2 and A3)  
 S. Lowthorpe, Director - Goods and Services Tax (for item B1)  
 W. Martin, Director – International Taxation (for item B1)  
 R. Foster, Assistant Director – Finance and Strategy (for item B1)  
 C. Dodd, Street Works Manager, Transport and Technical Services Department (for item B3)  
 C. Haws, Comprehensive Spending Review Project Officer, Treasury and Resources Department (for item B1)  
 J. Morris, Policy and Research Manager  
 M.N. de la Haye, Greffier of the States (with the exception of item A5)  
 I. Clarkson, Clerk to the Council of Ministers

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

Fishing vessel registration criteria: amendments to legislation. 400/3(2)

A1. The Council considered a report concerning proposed amendments to fishing vessel registration criteria.

It was reported that a need for changes to the Shipping (Registration) (Jersey) Regulations 2004 had been identified following difficulties in interpretation and application that had come to light following certain recent ownership and enforcement incidents. The proposed amendments would strengthen and clarify the connection with Jersey regarding the ownership of fishing boats and ensure that management and control was exercised from the Island.

**The Council endorsed the proposed amendments to the Regulations, subject**

**to confirmation that the Registrar would be suitably empowered to de-register vessels in cases where owners and / or operators were found not to have a substantive link with the Island.**

Legislation  
Programme:  
update.  
1446/2(10)

A2. The Council, with the Law Draftsman in attendance, received an update on the status of the Legislation Programme.

Ministers noted that 11 projects had been completed and had duly been lodged 'au Greffe' in the period 26th August to 16th November. A further 8 minor and routine items had been completed and 20 Orders made during the same period. Initial instructions for 8 legislation projects had been received, one of which (the draft States of Jersey (Miscellaneous Provisions) Law 201-) had subsequently been lodged with a view to implementing the changes agreed by the States Assembly following the adoption of P.118/2010 (Composition of the States: Spring Election and Move to 4 Year Term of Office). A number of additional projects were on schedule for completion before the year end, including the draft Companies (Amendment No.5)(Jersey) Regulations 201-.

Regarding the allocation of drafting days in 2011, the Council acknowledged that additional days would be needed to complete legislation in support of the draft migration policy. A number of other projects were either slightly ahead of schedule or were taking slightly less time than had previously been anticipated. Legislation concerning the repatriation of prisoners fell into this category.

A delay in progression of the draft Security Interests (Jersey) Law 201- was noted. It was reported that the Law Officers' Department would not be in a position to give advice on the draft Law before January 2011.

**The Council noted the position and approved the recommended allocation of drafting days in 2011 for the following projects –**

- (a) Security interests phase 2;**
- (b) Single European payment area; and**
- (c) Banking business depositor compensation scheme amendments.**

In relation to the Education Grants Order rewrite project, and having acknowledged the views of the Minister for Education, Sport and Culture regarding the relative importance of that project, the Council agreed that the Law Draftsman should consult relevant officers at the Education, Sport and Culture Department and allocate the necessary drafting days forthwith if she identified a clear and pressing need to commence work. Otherwise the Council would reassess the project during a subsequent meeting in either January or February 2011, at which a further allocation of law drafting days available in the 2011 programme would be agreed.

Civil  
partnerships:  
progress of  
legislation.  
743(1)

A3. The Council, with reference to its Minute No. A6 of 11th February 2010 and with the Law Draftsman in attendance, noted that substantial progress had been made on the development and implementation of a civil partnership law. Collaborative working between the Chief Minister's Department, the Law Officers' Department and the Law Draftsman had resulted in the production of a substantial law drafting brief, from which a comprehensive initial draft of the necessary principal law had been prepared. Significant progress had also been made on subordinate legislation. Individual Ministers and their departments would be engaged in due course regarding necessary amendments to existing legislation.

**The Council was pleased to note the progress made and noted that it could**

64th Meeting  
25.11.10

**expect to receive the draft law for consideration during the first quarter of 2011.**

Generally Accepted Accounting Principles (GAAP): disclosure of related party transactions. 1446/4(4)

A4. The Council, with the Interim Treasurer of the States and the Treasurer of the States designate in attendance, considered a report concerning disclosure of related party transactions in accordance with Generally Accepted Accounting Principles (GAAP).

It was reported that the necessary arrangements were being made to achieve compliance with Financial Reporting Standard 8, which would require the disclosure of transactions involving key management personnel, their close family and any entities in which those individuals held a controlling (or significantly influencing) interest. For the purposes of the States of Jersey annual accounts, key management personnel would include Accounting Officers and members of the Council of Ministers (including Assistant Ministers with relevant delegated authority) that had served at any point during the relevant financial year.

The Council noted that disclosures of material transactions between the States of Jersey and related parties would include the following –

- (a) the name of the related party;
- (b) a description of the relationship with the related party;
- (c) the amounts involved;
- (d) any amounts due from the related party at the year end; and
- (e) details of amounts written off and any provisions made.

Procedures for collecting relevant information to enable the foregoing were outlined. It was clarified that Ministers and Assistant Ministers would receive appropriate administrative advice and support from the Treasury and Resources Department.

**The Council noted and endorsed the approach being taken regarding related party transaction reporting and agreed that all Ministers should ensure that their interests, and those of their Assistant Ministers, were correctly recorded in the Register of Members' Interests.**

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

A5. The Council, with reference to its Minute No. A3 of 1st July 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 Hérisier, 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

The President of the Chairmen's Committee chaired the meeting, at which the following topics were discussed.

### **Establishment of formal Ministerial boards**

The Chairmen's Committee advised the Council of its concern that the establishment of advisory boards by individual Ministers, and the practice of appointing to those boards States Members who were not part of the Executive, was further limiting the number of States Members available to Scrutiny Panels.

The Council affirmed its view that the establishment of informal advisory groups to obtain feedback on specific policy issues did not conflict with the decision of the States Assembly to reject P.120/2010 (Machinery of Government: Establishment of Ministerial Boards and Revised System of Scrutiny) and should not unduly restrict the number of States Members available to Scrutiny.

It was agreed that the Minister for Economic Development should advise the Chairmen's Committee of the terms of reference for the informal advisory group on which Deputies T. Vallois of St. Saviour and D. de Sousa of St. Helier had been invited to sit.

### **Progression of the latter stages of the Comprehensive Spending Review**

The Council agreed that, subject to the outcome of the forthcoming debate on the proposition entitled, 'Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011' (P.157/2010 refers), all Ministers would endeavour to forward to relevant Scrutiny Panels their respective proposals for key revisions to public service delivery arising from the latter stage of the Comprehensive Spending Review.

States  
business.  
1240/7/1(1)

A6. The Council, with reference to its Minute No. B3 of 19th November 2010, gave further consideration to the list of public business scheduled for consideration by the States Assembly at the meeting commencing on 30th November 2010. Particular consideration was given to the projects listed below.

### **User Pays charges: use of the trade marks "Jersey Royal" or "Jersey Royals" (words) and the Jersey Royal Logo (P.119/2010)**

The Minister for Economic Development confirmed his intention to withdraw the proposition.

### **Shadow Boards and Ministerial Boards: approval by the States. (P.170/2010)**

The Minister for Economic Development advised that he was now considering making a statement in the States to address part (a) of the proposition and, in particular, to clarify the remit of the Shadow Board. Alternatively it was considered possible that further information to be provided to Deputy Le Claire might cause him to consider whether it would be necessary to proceed with the proposition.

Having reviewed paragraphs (b) and (c), the Council considered that it would be difficult to support the proposition in the absence of a clear definition of 'shadow or ministerial boards.' Adopting the proposition might lead to the introduction of additional layers of bureaucracy, with the resulting risk that Ministers wishing to form *ad hoc* advisory panels to advance policy development in a timely fashion would be frustrated.

The Chief Minister was given the necessary authority to approve a suitable short comment in the name of the Council.