

COUNCIL OF MINISTERS

(68th Meeting)

27th January 2011**PART A**

All members were present.

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.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 (except for item B4)
 W.D. Ogley, Chief Executive, States of Jersey
 T.J. Le Cocq, Q.C, H.M. Attorney General
 J. Richardson, Deputy Chief Executive (for items B1 and B2)
 L. Rowley, Treasurer of the States (for item B2)
 C. Anderson, Team Leader – Comprehensive Spending Review (for items B1 and B2)
 R. Jouault, Director of Corporate Planning and Performance Management, Health and Social Services Department (for item A4)
 T. Gales, Acting Assistant Chief Executive (for item A4)
 A. Rollings, Project Manager - Comprehensive Spending Review (for items B1 and B2)
 C. Keir, Manager – Communications Unit (for items B1 and B2)
 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 11th November (Parts A and B) and 15th November 2010 (Part B only), having been circulated previously, were taken as read and were confirmed.
- 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 2011. Particular consideration was given to the following propositions -
- (a) **Standing Orders: additional signatories on propositions (P.174/2010)** – the Council resolved to oppose the 4th amendment to the proposition;

- (b) **Pomme d'Or Farm: refurbishment (P.177/2010)** – the Council noted that the Minister for Treasury and Resources had commenced discussions with the Minister for Housing regarding possible solutions to the problems affecting residents of Pomme d'Or Farm, accepting that the ongoing sustainability of the Capital Programme would not be compromised;
- (c) **Jersey Consumer Council: future mandate (P.182/2010)** – the Council affirmed its endorsement of the proposition;
- (c) **Draft Public Employees (Contributory Retirement Scheme) (Amendment No. 18) (Jersey) Regulations 201- and associated propositions (P.185 – P.188/2010)** – the Council endorsed the propositions;
- (d) **Draft Terrorist Asset-Freezing (Jersey) Law 201- (P.191/2010)** – the Council noted that both the Chief Minister and H.M. Attorney General had received representations from the Law Society of Jersey regarding Schedule 1 of the draft Law and, in particular, the ability of the Court to appoint a person eligible under the Counter-Terrorism Act 2008 (c.28) of the United Kingdom to be appointed as a special advocate for the purposes of that Act. The Council, having noted the particularly limited circumstances in which such a person might be so appointed, endorsed the proposition and noted the intention of the Chief Minister to consult with the Law Society of Jersey in the intervening period;
- (e) **Jersey Police Authority: establishment (P.191/2010)** – the Council endorsed the proposition;
- (f) **Draft Employment (Minimum Wage) (Amendment No. 7) (Jersey) Regulations 201- (P.193/2010)** – the Council endorsed the proposition;
- (g) **Standing Orders: minimum lodging periods - revision (P.194/201-)** – the Council endorsed the comment of the Privileges and Procedures Committee to the amendment lodged by Deputy F.J. Hill of St. Martin and agreed –
 - (i) that the Council and individual Ministers should forward their comments to the States Greffe by noon on the Friday in the week preceding the debate, and
 - (ii) that a comment forwarded to the States Greffe later than noon on the Friday in the week preceding the debate should include a note explaining the reason for the delay;
- (h) **Composition of the States: implementation of remaining Clothier reforms – referendum (P.3/2011)** – the Council resolved to oppose the proposition;
- (i) **Assistant Ministers: notification of appointments and dismissals (P.5/2011)** - the Council endorsed the proposition.

Senator A.J.H. Maclean and Deputy J.G. Reed were not present for this item.

Strategic Plan:
progress
against
priorities:
report.

A3. The Council recalled that on 30th November 2010 the Chief Minister had tabled an answer to a written question from Deputy P.V.F. Le Claire in which he had confirmed the Council's intention to present to the States a report outlining the extent of progress made against the various priorities within the Strategic Plan 2009 – 2014.

68th Meeting

27.01.11

1444/1(41)

The Council considered a draft report entitled, 'States Strategic Plan 2009 – 2014: Delivery Plan Progress Report as at 31st December 2010,' together with a covering report produced by the Strategic Planning Manager, Chief Minister's Department.

The Council noted that individual progress reports had been endorsed by relevant Chief Officers following consultation with their respective Ministers, although several minor amendments to the draft were to be made by the Health and Social Services Department in order to fully reflect the status of work being overseen by the Children's Policy Group.

The Council, endorsed the report and delegated to the Chief Minister the authority to approve further minor and inconsequential changes prior to presentation of the report to the States in the name of the Council.

The Strategic Planning Manager was authorized to take the necessary action.

Senator A.J.H. Maclean and Deputy J.G. Reed were not present for this item.

Child
protection
services:
criminal
investigation:
committee of
inquiry: report
to States
1032(4)

A4. The Council, with reference to its Minute No. B3 of 16th December 2010, recalled its conclusion –

- (a) that no meaningful benefit could now be derived from the establishment of a committee of inquiry into children's care homes in accordance with R.27/2008, and
- (b) that it would be minded to submit a suitable report to the States confirming its position on the matter and its rationale for the same.

The Council, with: the Director of Corporate Planning and Performance Management; the Acting Assistant Chief Executive, and the Manager – Communications Unit in attendance, considered a draft report to the States entitled, 'Historical Child Abuse: Committee of Inquiry' together with an associated covering report.

It was clarified that the Chief Minister's Department had sought advice from the Greffier of the States regarding the option of lodging a report and proposition to secure a debate on the matter. Ultimately the Chief Minister's Department had concluded that any such proposition lodged in the name of the Council could expect to be ruled out of order because it would effectively ask the States to maintain the status quo.

The Council made a series of amendments to the content of the report in order to maintain factual accuracy, to clarify the anticipated resource implications of a committee of inquiry and to confirm that a decision to refrain from establishing a committee of inquiry would not affect the ongoing provision of support services for those in need.

The Council delegated to the Chief Minister the authority to approve a final draft of the report entitled, 'Historical Child Abuse: Committee of Inquiry' for presentation to the States on 1st February 2011 in the name of the Council.

On a related matter, the Council noted that the Chief Minister was minded to make a statement in the States Assembly on 1st February 2011 summarising the Council's rationale for departing from the position adopted by the Council as previously constituted in 2008.