

COUNCIL OF MINISTERS

(77th Meeting)

24th March 2011**PART A**

All members were present, with the exception of Senator A.J.H. Maclean, Minister for Economic Development and Deputy A.E. Pryke, Minister for Health and Social Services, from whom apologies had been received.

Senator T.A. Le Sueur, Chief Minister  
 Senator P.F. Routier, Assistant Minister for Economic Development  
 Senator P.F.C. Ozouf, Minister for Treasury and Resources  
 Senator F.E. Cohen, Minister for Planning and Environment  
 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  
 Deputy E.J. Noel, Assistant Minister for Health and Social Services  
 Deputy A.K.F. Green, M.B.E., Minister for Housing

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables  
 W.D. Ogley, Chief Executive, States of Jersey  
 R. Bell, Chief Officer, Social Security Department (for items B4 and B5)  
 A. Adkin, Legal Administrator, Health and Social Services Department (for item B1)  
 T. Gales, Acting Assistant Chief Executive (for item B3)  
 T. Graves, Assistant Law Draftsman (for item B3)  
 M. Richardson, Policy Principal, Social Security Department (for item B4)  
 K. Morel, Policy Principal, Social Security Department (for item B5)  
 J. Morris, Policy and Research Manager (for a time)  
 T. Murphy, Research and Project Officer (for item B3)  
 J. Norris, Research and Project Officer (for a time)  
 M.N. de la Haye, Greffier of the States (for a time)  
 A.H. Harris, Deputy Greffier of the States (for a time)  
 I. Clarkson, Clerk to the Council of Ministers

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

States  
 business.  
 1240/7/1(1)

A1. The Council, with reference to its Minute No. A1 of 17th March 2011, 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 propositions listed below.

**Assistant Ministers: appointment by the States (P.6/2011)**

The Council affirmed its view that the underlying questions posed in the proposition would best be addressed in the context of a broad review of the implementation of ministerial government. In that context it broadly endorsed the wording of a draft comment and delegated to the Chief Minister authority to

approve the final text of the same for presentation to the States.

**Income Tax: introduction of higher rate (P.23/2011)**

The Council resolved to oppose the proposition and, in that regard, endorsed the comment of the Minister for Treasury and Resources, subject to the incorporation of certain minor amendments.

**Esplanade Quarter: deferment of works (P.24/2011)**

The Council approved a comment confirming its acceptance of the proposition on the basis that it was already the intention of the States of Jersey Development Company to undertake a phased development of the Waterfront and Esplanade Quarter and, in recognition of the States' administrative responsibility for La Route de la Libération, St. Helier, that the States would be afforded an opportunity to endorse any proposed modification of La Route de la Libération before the commencement of such works.

**Draft Licensing (No. 17) (Jersey) Regulations 201- (P.28/2011)**

The Minister for Home Affairs notified the Council that he was unable to support the proposition on account of the implications for policing of 2nd category licensed premises and the extent to which the draft Regulations were at odds with his Department's policies on policing of the night-time economy and the licensing industry in general.

**Public Holidays and Bank Holidays: designation of 19th October 2011 (P.33/2011)**

The Council approved a comment confirming its opposition to the proposition.

**Draft Amendment (No. 15) of the Standing Orders of the States of Jersey (P.35/2011)**

The Council noted that adoption of P.35/2011 would revise certain lodging periods and introduce a new Standing Order 37A(3), which would provide that the Greffier of the States would not be permitted to circulate a comment submitted to him later than noon on the Friday before the commencement of the relevant meeting unless it included a statement explaining the reason for the late submission.

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

A2. The Council, with reference to its Minute No. A5 of 25th November 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 Hérissier, Chairman, Education and Home Affairs Scrutiny Panel (for a time)

Deputy P.J. Rondel, Chairman, Environment Scrutiny Panel

Mrs. K. Tremellen-Frost, Scrutiny Manager, States Greffe

Apologies were received from Deputy G.P. Southern, Chairman, Health, Social Security and Housing Scrutiny Panel and Deputy M.R. Higgins, Chairman, Economic Affairs Scrutiny Panel.

The Chief Minister chaired the meeting, at which the following topics were discussed.

**The Revised Strategic Plan process**

The meeting provisionally endorsed a proposal that future Strategic Plans should be owned by the Council. A draft plan would be presented to the States as a report and would be the subject of an in-Committee debate that would inform development of the final Strategic Plan. The finalised Strategic Plan would also be presented to the States as a report.

The Council was nevertheless encouraged to write to all States Members proposing this way forward and inviting comments on the proposal.

**The Report on the Accounts of the States of Jersey for the year ended 31st December 2009 – Update (PAC.4/2010 addendum)**

The meeting noted the intention of the Council to reflect on the report of the Public Accounts Committee and to consider whether the decision of the States in respect of P.15/2011 ('Electoral Commission: establishment') might best be progressed through the commissioning of distinct reviews of ministerial government and of the electoral system. It further noted the view of the Council that any review of ministerial government should necessarily include a corresponding review of Scrutiny, with oversight from the Chairmen's Committee.

**Recommendations of the Chairman's Committee Review Group into the Code of Practice for Scrutiny Panels and the Public Accounts Committee**

The meeting noted the Council's support for the concept –

- (a) of Assistant Ministers serving on Scrutiny Panels, with the caveat that Assistant Ministers should not scrutinise a matter falling within the remit of their Minister's roles and responsibilities; and
- (b) of reconstituting the existing Scrutiny Panels with a view to achieving a sensible rebalancing of workloads.

**Supplementary issues considered by the Chairman's Committee Review Group into the Code of Practice for Scrutiny Panels and the Public Accounts Committee**

The Council, recalling its understanding that Scrutiny Panels were charged with reviewing draft policy and that the Public Accounts Committee was charged with reviewing the implementation of policy in respect of expenditure, confirmed its firm opposition to a proposal that paragraphs 10.7 and 10.8 of the Code of Practice be revised to permit Scrutiny Panels to call individual officers to give evidence unaccompanied.