

COUNCIL OF MINISTERS

(2nd Meeting)

24th November 2011**PART A**

All members were present.

Senator I.J. Gorst, 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
 Senator F. du H. Le Gresley, M.B.E., Minister for Social Security
 Deputy R.C. Duhamel, Minister for Planning and Environment
 Deputy A.E. Pryke, Minister for Health and Social Services
 Deputy K.C. Lewis, Minister for Transport and Technical Services
 Deputy A.K.F. Green, M.B.E, Minister for Housing
 Deputy P.J.D. Ryan, Minister for Education, Sport and Culture

In attendance -

Senator Sir P.M. Bailhache, Assistant Minister, Chief Minister's Department
 J. Richardson, Interim Chief Executive, States of Jersey
 T.J.Le Cocq, Q.C., H.M. Attorney General
 R. Bell, Chief Officer, Social Security Department
 M. King, Chief Officer, Economic Development Department
 P. Bradbury, Director – Population Office.
 M. Sinclair, Director of Human Resources
 T. Walker, Director – International Affairs
 D. Greenwood, Assistant Director, Education, Sport and Culture Department
 J. Marshall, Head of Strategic Planning (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 10th November 2011, having been circulated previously, were taken as read and were confirmed.

Appointment
 of Assistant
 Ministers.
 1444/1(4)

A2. The Council, with reference to its Minute No. A3 of 21st November 2011, considered the appointment of Assistant Ministers to the ten Departments of the Executive.

The Chief Minister confirmed that, in accordance with Article 25 of the States of Jersey Law 2005, he would make or would consent to the making of, the following appointments -

Chief Minister - (Senator I.J. Gorst)
 Assistant Minister – Senator P.F. Routier

Assistant Minister – Senator Sir P.M. Bailhache

Treasury and Resources - (Senator P.F.C. Ozouf)
Assistant Minister – Deputy E.J. Noel

Economic Development - (Senator A.J.H. Maclean)
Assistant Minister – Deputy C.F. Labey
Assistant Minister – Deputy J.P.G. Baker

Education, Sport and Culture - (Deputy P.J.D. Ryan)
Assistant Minister – Deputy R.G. Le Hérissier
Assistant Minister – Deputy R.G. Bryans

Health and Social Services - (Deputy A.E. Pryke)
Assistant Minister – Connétable J.M. Refault
Assistant Minister – Deputy J.A. Martin

Home Affairs - (Senator B.I. Le Marquand)
Assistant Minister – Senator L.J. Farnham

Housing - (Deputy A.K.F. Green, M.B.E)
Assistant Minister – Connétable J.M. Refault

Planning and Environment - (Deputy R.C. Duhamel)
Assistant Minister – Deputy C.F. Labey

Social Security - (Senator F. du H. Le Gresley)
Assistant Minister – Deputy S.J. Pinel

Transport and Technical Services - (Deputy K.C. Lewis)
Assistant Minister – Deputy J.A.N. Le Fondré

States
Employment
Board:
appointments.
688/2(1)

A3. The Council recalled that on 24th November 2011 the States, acting in accordance with Article 5(1)(c) of the Employment of States of Jersey Employees (Jersey) Law 2005, had elected Connétable D.W. Mezbourian and Deputy J.M. Le Bailly to serve as non-Executive members of the States Employment Board.

The Chief Minister notified the Council of his intention to appoint Deputy E.J. Noel and Deputy A.K.F. Green, M.B.E as Executive members of the States Employment Board.

Privileges and
Procedures
Committee:
nominations.
465/1(4)

A4. The Chief Minister notified the Council of his intention to recommend to Connétable A.S. Crowcroft, Chairman of the Privileges and Procedures Committee (PPC), that Senator Sir P.M. Bailhache and Connétable J.M. Refault be nominated as candidates for membership of the PPC in accordance with Standing Order 122(5).

Meeting days
for 2012.
1444/1(58)

A5. The Council considered dates for its Meetings in 2012.

It was agreed that the Council should generally continue to meet fortnightly at 9.30 a.m. on a Thursday, during the week that the States was not sitting. Meetings would usually be held on the 9th floor of Cyril Le Marquand House.

The Council agreed to meet on the following days during the remainder of 2011 –

1st December

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15th December.

The following meeting dates were agreed for 2012 –

5th January
26th January
9th February
1st March
15th March
29th March
26th April
10th May
24th May
21st June
5th July
6th September
20th September
4th October
18th October
15th November
29th November.

A further schedule of meetings days to consider forthcoming States business was agreed as follows –

12th January
16th February
9th March
12th April
7th June
13th July
20th July
1st November
7th December.

Ministers noted that further informal workshops would be held in due course to consider the draft Strategic Plan, with the first such workshop scheduled for 29th and 30th November 2011.

Code of
Conduct for
Ministers.
1444/3(17)

A6. The Council considered a report concerning the Code of Conduct for Ministers (R.14/2006 refers).

The Chief Minister notified the Council of his intention to discuss with the Chief Executive certain aspects of the Code of Conduct adopted by the Council as previously constituted, following which a revised report would be tabled for consideration by the Council. In particular he apprised the Council of his belief that a number of sections, including Sections 5, 7 and 15 of the Code of Conduct would benefit from further review.

Ministers were advised that the Interim Chief Executive had conducted a review of the gifts and hospitality registration process adopted by various departments with a view to ensuring that a suitably high standards of integrity were being maintained by public servants. In this regard, the Council considered that there would be merit in reviewing and standardising equivalent procedures referred to at Section 9 of the Code of Conduct with a view to ensuring that Ministers and Assistant Ministers continued to maintain similarly high standards.

The Council agreed that the Interim Chief Executive should review the existing Code of Conduct for Ministers in consultation with the Chief Minister and that he should submit to the Council recommendations for improvements to the Code prior to the end of 2011. In the intervening period the Council endorsed the existing Code of Conduct for Ministers and all Ministers agreed to abide by the same.

Quarterly presentations to States Members.
1444/1(43)

A7. The Council, with reference to Minute No. A3 dated 3rd February 2011 of the Council as previously constituted, approved a schedule of lunchtime presentations to States Members in 2012 as follows –

21st February	Chief Minister
15th May	Minister for Housing
17th July	Minister for Health and Social Services
6th November	Minister for Education, Sport and Culture

The Council further agreed that States Members should be afforded appropriate opportunities to ask questions of both Ministers and their respective Chief Officers at such hearings, so as to maximise the benefit of such presentations for all parties.

The Policy and Research Manager was authorised to take the necessary action.

Questions to Ministers without notice.
1444/1 (9)

A8. The Council considered a memorandum from the Greffier of the States, dated 30th September 2011, concerning questions to Ministers without notice.

The Council recalled that Standing Orders allowed for a period of 30 minutes at every States meeting, within which oral questions without notice could be put to 2 Ministers. Standing Order 64(6) required the Greffier to consult with the Chief Minister over the creation of a rota of Ministers, which he would distribute to Members subsequently. The Chief Minister was required to answer at every other meeting for the second 15 minute period and, in practice, this would mean that all other Ministers would have a turn at every sixth meeting.

Standing Orders did not set out any fixed order for Ministers to be listed and it was being proposed that the alphabetical order of ministerial office should serve as the starting point from which the rota should be devised. On that basis the Greffier had proposed the following rota -

Date	1st question period	2nd question period
6th December 2011	Treasury and Resources	Chief Minister
<u>1st Session 2012</u>		
17th January	Education, Sport and Culture	Health and Social Services
31st January	Home Affairs	Chief Minister
21st February	Housing	Planning and Environment
6th March	Social Security	Chief Minister
20th March	Transport and Technical Services	Economic Development
17th April	Treasury and Resources	Chief Minister
1st May	Education, Sport and Culture	Health and Social Services
15th May	Home Affairs	Chief Minister
29th May	Housing	Planning and Environment
12th June	Social Security	Chief Minister
26th June	Transport and Technical Services	Economic Development
10th July	Treasury and Resources	Chief Minister
17th July	Education, Sport and Culture	Health and Social Services
<u>2nd Session 2012</u>		
11th September	Home Affairs	Chief Minister
25th September	Housing	Planning and Environment

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9th October	Social Security	Chief Minister
23rd October	Transport and Technical Services	Economic Development
6th November	Treasury and Resources	Chief Minister
20th November	Education, Sport and Culture	Health and Social Services
4th December	Home Affairs	Chief Minister
11th December	Housing	Planning and Environment

The Council noted that Standing Order 64(7) provided that if a Minister was to be absent on a day on which he or she was due to answer questions then the rota could be altered providing that at least two working days notice was given to Members. If a Minister was unavoidably absent on the day itself without prior warning then an Assistant Minister or another Minister could answer on behalf of the absent Minister.

The Council endorsed the proposed rota for questions without notice.

On a related matter, the Council noted that H.M. Attorney General expected in due course to circulate to all States Members suitably updated guidance on Members' access to information.

Assistant
Ministers:
meeting
invitations.
1444/1(59)

A9. The Council agreed to invite all Assistant Ministers to attend meetings of the Council on the following dates in 2012 for an informal policy discussion –

9th February
26th April
5th July
18th October.

It was further agreed that Assistant Ministers should be invited to attend for part of the forthcoming Strategic Plan workshop commencing on 29th November 2011.

The Policy and Research Manager was authorised to take the necessary action.

Comité des
Connétables:
meeting
invitations.
1444/1(59)

A10. The Council agreed to invite the Comité des Connétables to attend meetings of the Council on the following dates in 2012 for an informal policy discussion –

26th January
24th May
20th September
29th November.

On a related matter, the Council agreed that it should also seek to hold regular meetings with the Chairmen's Committee to discuss work programmes and the working relationship between Ministers, Scrutiny Panels and the Public Accounts Committee.

The Policy and Research Manager was authorised to take the necessary action.

Scrutiny:
guidelines for
responding to
reports.
510/1(61)

A11. The Council noted a report dated 12th October 2009 entitled: 'Guidance for Ministers Responding to Scrutiny Reports.'

Role of
Ministers and

A12. The Council noted a report dated 6th October 2011 and which was entitled: 'Role of Ministers and Officers.' In particular it noted the differing roles and

Officers.
1444/3(29)

responsibilities of: the Council; Ministers; Chief Officers; the States Employment Board, and the Corporate Management Board.

The Council concluded that there would be merit in Ministers receiving additional detailed input on several matters including: the importance of good administration within their departments; the ministerial decision recording process; the scrutiny process, and the differing roles and responsibilities of the Council and the Corporate Management Board.

The Interim Chief Executive was authorised to take the necessary action.

Ministerial
decisions:
recording.
1445(10)

A13. The Council, with reference to Minute No. A3 dated 11th February 2010 of the Council as previously constituted, considered a report dated 14th November 2011 entitled: 'Recording of Ministerial Decisions.'

It was recalled that the process for recording Ministerial Decisions had been outlined to the States Assembly in October 2005 (R.C. 80/2005 refers). Further supplementary guidelines for the recording of Ministerial Decisions had been presented to the States by the Council on 4th December 2006 (R.93/2006 refers). Ministers and senior officers were expected to follow this guidance in the preparation and the approval of all Ministerial Decisions.

Reviews of the Ministerial Decision recording process had been commissioned in July 2008 by the Council and during 2011 by the Chief Minister's Department, following the identification of certain issues with the efficiency and effectiveness of the recording process. The Council was advised that the most recent review had identified a need to improve knowledge, training and information sharing across States departments regarding the decision recording process. It was therefore intended that revised guidelines would be issued to all States departments at the year end.

The Council noted the guidelines regarding the recording of Ministerial Decisions.

Migration
Advisory
Group:
reconstitution.
1444/6(8)

A14. The Council, with reference to Minute No. B2 dated 17th February 2011 of the Council as previously constituted, recalled that on 6th July 2011 the States Assembly had adopted the Draft Control of Housing and Work (Jersey) Law 201-(P.37/2011) and the Draft Register of Names and Addresses (Jersey) Law 201-(P.38/2011), the development of which had been overseen by the Migration Advisory Group (MAG).

The Council, with the Director – Population Office in attendance, considered a report dated 27th September 2011 and which was entitled: 'Migration Advisory Group: Re-establishment.'

It was submitted that the MAG had made significant progress in the period 2009 – 2011, having overseen development of the Draft Control of Housing and Work (Jersey) Law 201-, the Draft Register of Names and Addresses (Jersey) Law 201- and associated consultation documents. The Council was invited to reconstitute the MAG in order that coordinated development and implementation of the necessary subordinate legislation could continue. It was also being recommended that the MAG continue to review significant applications made under the existing Housing (Jersey) Law 1949 and the Regulation of Undertakings and Development (Jersey) Law 1973. This practice had been found to be beneficial in assisting the Group as previously constituted in maintaining economic and housing policy objectives, whilst aiming to meet net immigration and population targets. Furthermore, with

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population and migration policies due for review in 2012, it was suggested that the Migration Advisory Group could provide advice in the development and application of such policies.

The Council reconstituted the Migration Advisory Group as follows –

**Senator P.F. Routier, Assistant Minister, Chief Minister's Department
(Chairman)
The Minister or the Assistant Minister for Economic Development
The Minister or the Assistant Minister for Housing**

The Council agreed that other Ministers or Assistant Ministers should be invited to attend meetings of the Migration Advisory Group whenever relevant matters were due for discussion. For example, the Minister or Assistant Minister for Social Security might attend for matters relating to unemployment levels, while the Minister or Assistant Minister for Planning and Environment might attend for discussions relating to housing policy.

Communica-
tions Unit:
role.
1444/1(60)

A15. The Council, with the Communications Manager in attendance, considered a report dated 28th September 2011 and received an associated briefing on the role of the Communications Unit.

The Council noted that the key terms of reference for the Communications Unit were –

- (a) to engage Islanders in policies under development;
- (b) to communicate Ministerial policies and work programmes effectively – to States Members, stakeholders and the general public;
- (c) to support and advise on communication within and between States departments; and
- (d) to advise staff on how to communicate and promote their services.

Regeneration
Steering
Group.
1377(3)

A16. The Council considered a report entitled: 'Regeneration Steering Group.'

The Council recalled that the establishment of the Regeneration Steering Group (RSG) had been endorsed by the States following the adoption of P.73/2010 ('Property and Infrastructure Regeneration: the States of Jersey Development Company Limited') in October 2010. It had been specifically intended that the RSG would exist as a sub-group of the Council charged with providing political guidance to the States of Jersey Development Company to assist the latter body in fulfilling its role for the States.

Ministers reviewed the terms of reference for the RSG and recalled the protocols for the transfer of property to the States of Jersey Development Company, as had been specified in P.73/2010.

There followed a discussion concerning the masterplanning process and the extent to which certain sites, including land to the east of the Albert Pier, were deemed to have a valid masterplan in place following the adoption of the Island Plan 2011. In considering this question, the Council agreed that it would benefit from the provision of a dedicated report concerning the strategic aims to which the States of Jersey Development Company was working and the extent to which the

reconstitution of the Regeneration Steering Group was required to deliver those aims.

The Council resolved to give further consideration to the matter at its next scheduled meeting.

Work
programme for
2012.
1444/3(3)

A17. The Council considered a report prepared by the Strategic Planning Manager concerning the Council's outline work programme for the first 6 months of 2012.

Ministers acknowledged that the programme, which was not exhaustive, included a significant number of legislative and policy matters that would need to be progressed in conjunction with development of both the new Strategic Plan and Medium Term Financial Plan.

The Council noted the work programme and agreed that individual Ministers should review the same in conjunction with their chief officers.

On a related matter, the Council agreed that Ministers should table all draft propositions for noting by the Council prior to their being lodged 'au Greffe.'

States
business.
1240/7/1(1)

A18. The Council with reference to Minute No. A3 dated 27th October 2011 of the Council as previously constituted, gave consideration to the list of public business scheduled for consideration by the States Assembly at the meeting commencing on 6th December 2011. Particular consideration was given to the propositions listed below.

Clos des Sables: further development – petition (P.121/2011)

The Council noted the associated report presented by the Minister for Treasury and Resources.

Old Age Pension: method for increase (P.164/2011)

The Minister for Social Security reported to the Council the findings of the Social Security Fund actuary. Having noted that the proposal put forward by Senator Breckon would all but nullify the anticipated benefit of the planned staggered increase in the retirement age to 67 years, the Council resolved to oppose the proposition. It further noted and endorsed the intention of the Minister for Social Security to present a comment to the States in which other prospective options to mitigate the effect of any future periods of high inflation would be outlined.

Mobile dental service funded from the Health Insurance Fund (P.170/2011)

The Council resolved to oppose the proposition on the basis that the service proposed would be likely to constitute a less than effective use of public monies in a small island, that a mobile service would be more vulnerable to certain health risks and because it did not share the view that it would be appropriate to utilise monies within the Health Insurance Fund to make such infrastructure purchases.

Draft Endangered Species (CITES) (Jersey) Law 201- (P.171/2011)

The Council endorsed the proposition.

Draft Shipping (MARPOL) (Jersey) Regulations 201- (P.172/2011)

The Council endorsed the proposition.

Draft Criminal Justice (Miscellaneous Provisions) (No. 3) (Jersey) Law 201- (P.173/2011)

The Council endorsed the proposition and noted the Chief Minister's intention to ask Senator Sir P.M. Bailhache to act as rapporteur.

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Election campaign period: restrictions (P.174/2011)

The Council noted the proposition and, having noted that the Privileges and Procedures Committee (PPC) would not be properly constituted until 6th December 2011 and that the PPC might wish to comment on the proposition, considered that the proposer might wish to consider deferring the proposition to the next meeting.

Medium Term Financial Plan: minimum lodging period (P.176/2011)

The Council noted and endorsed the amendment lodged '*au Greffe*' by the Minister for Treasury and Resources.

Standing Orders: Answers to Questions (P.177/2011)

The Council agreed that it should present a brief comment proposing that the proposition be taken in January 2012 in order to provide sufficient time for the Privileges and Procedures Committee to be reconstituted and for the proposition to be considered at its first meeting or as soon as practicable thereafter. In this connexion the Chief Minister was authorised to approve a final draft of a comment in the terms described above.

Draft Pet Travel Scheme (Jersey) Regulations 201- (P.178/2011)

The Council endorsed the proposition.

Draft Telecommunications (Amendment No. 2) (Jersey) Law 201- (P.179/2011)

The Council endorsed the proposition.

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

Unemployment
statistics.
1058/17/1(13)

A19. The Council, with: the Chief Officer, Economic Development Department; the Chief Officer, Social Security Department; the Chief Statistician; the Director – International Affairs, the Director of Human Resources, and the Assistant Director of Education Sport and Culture in attendance, received a presentation concerning the number of persons registered as unemployed as at October 2011.

It was reported that the number of persons registered as actively seeking work in October 2011 stood at 1,500. This total was 130 higher than in September 2011, 210 higher than in October 2010 and 500 higher than in October 2009. When measured on a seasonally adjusted basis, the figure was 90 higher than in September 2011 and was the highest level of registered unemployment since records began.

The Council took particular note of the number of persons classified as long-term unemployed (having been registered for more than 52 weeks) and the number of unemployed teenagers. It noted that the former had more than doubled during the previous twelve months and now constituted 20 per cent of the total number of persons actively seeking work, while the latter stood at 290, of whom 140 were engaged in the Advance to Work scheme.

The Council considered that the provision of certain additional data, including the number of persons newly unemployed by industry sector, would aid its understanding of the problem. Notwithstanding the foregoing, it was readily apparent that the scale of the problem was both clear and significant. Moreover, it was considered possible that further rises might occur in the short term and that any such rises would be notable if one or more fulfilment companies elected to relocate in response to the anticipated abolition of Low Value Consignment Relief for packages entering the United Kingdom from the Channel Islands.

Ministers sought clarification as to the industry sectors most likely to be capable of offering alternative employment in the short to medium term. It was thought possible that the hospitality, retail, construction and agriculture sectors might offer a degree of scope to alleviate the unemployment problem.

The Council approved the establishment of a task force to consider and oversee development of a range of policy initiatives to help those seeking a job to return to work as soon as possible. It further agreed to constitute the task force as follows –

Chief Minister (Chairman)
Minister for Treasury and Resources
Minister for Economic Development
Minister for Education, Sport and Culture
Minister for Social Security.

It was expected that the task force would meet regularly to evaluate a range of possible short and longer term options to tackle rising unemployment including, but not necessarily exclusive to, the following –

- (a) the establishment of employer incentive schemes to encourage employment of the young and longer term unemployed
- (b) provision of work-focused courses
- (c) re-profiling of the existing Capital Programme to allow certain projects to be brought forward;
- (d) accelerating the planning process where practicable;
- (e) longer term provision of vocational education;
- (f) investment in apprenticeships and work based training;
- (g) adoption of a more coordinated policy approach by various States departments, including the Population Office, and
- (h) the possible provision by the States of new voluntary work opportunities for those in receipt of income support.

The Council resolved to give further consideration to the matter at its next scheduled meeting on 1st December 2011 and, in this regard, agreed that it should be presented with an update on the work of the task force at that meeting, together with an evaluation of the financial resources that might be required to support specific policy initiatives.