

COUNCIL OF MINISTERS

(25th Meeting)

12th November 2009**PART A**

All members were present, with the exception of: Senator F.E. Cohen, Minister for Planning and Environment; Connétable M.K. Jackson of St. Brelade, Minister for Transport and Technical Services; 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 T.J. Le Main, Minister for Housing  
 Senator A.J.H. Maclean, Minister for Economic Development  
 Senator B.I. Le Marquand, Minister for Home Affairs  
 Deputy J.G. Reed, Minister for Education, Sport and Culture (for item A3)  
 Deputy A.E. Pryke, Minister for Health and Social Services  
 Deputy K.C. Lewis, Assistant Minister for Transport and Technical Services  
 Deputy A.E. Jeune, Assistant Minister for Social Security  
 Deputy A.T. Dupre, Assistant Minister for Education, Sport and Culture (with the exception of item A3)

In attendance -

Deputy E.J. Noel, Assistant Minister for Treasury and Resources (for items A1, A2 and B1 to B5)  
 W.D. Ogley, Chief Executive, States of Jersey (with the exception of item B1)  
 T.J. Le Cocq, Q.C, H.M. Attorney General  
 J. Richardson, Deputy Chief Executive (for items A7, B6 and B7)  
 I. Black, Treasurer of the States (for items B6 and B7)  
 P. Staley, Law Draftsman (for item A6)  
 A. Taylor, Head of Financial Reporting, Treasury and Resources Department (for item B7)  
 J. Morris, Policy and Research Manager  
 A.H. Harris, Deputy Greffier of the States  
 I. Clarkson, Clerk to the Council of Ministers (with the exception of item B1)

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

- Minutes. A1. The Minutes of the meetings held on 15th October (Parts A and B) and 22nd October (Parts A and B), 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 Second Session of 2009. The following projects were endorsed by the Council –
- (a) the draft Currency Notes (Variation of Maximum Amount of Issue)

- (Jersey) Regulations 200- (P.152/2009);
- (b) Channel Islands Lottery: allocation of profits for 2009–2010 (P.155/2009).
  - (c) Ratification of the Agreement for the Exchange of Information with Respect to Taxes between the States of Jersey and the Government of Australia (P.160/2009);
  - (d) Ratification of the Agreement for the Exchange of Information with Respect to Taxes between the States of Jersey and the Government of New Zealand (P.161/2009);
  - (e) the draft Taxation (Exchange of Information with Third Countries) (Amendment No. 4) (Jersey) Regulations 200- (P.162/2009);
  - (f) the draft Digital Switchover (Disclosure of Information) (Jersey) Law 200- (P.165/2009);
  - (g) the draft Proceeds of Crime (Amendment of Schedule 2) (No. 2) (Jersey) Regulations 200- (P.166/2009);
  - (h) the draft Proceeds of Crime (Supervisory Bodies) (Amendment of Law) (No. 2) (Jersey) Regulations 200- (P.167/2009);
  - (i) the Draft Foundations (Winding up) (Jersey) Regulations 200- (P.169/2009);
  - (j) the Draft Foundations (Mergers) (Jersey) Regulations 200- (P.170/2009); and
  - (k) Employment of States of Jersey Employees Law – proposed changes (P.175/2009).

The Council resolved to oppose the proposition entitled, ‘Public Holidays and Bank Holidays: designation of 26th December 2009’ (P.173/2009), having noted that the financial implications for States departments of adopting the proposition would be significant.

Detailed consideration of several other propositions listed for debate continued under the Council’s Part B (confidential) agenda.

Scrutiny:  
engagement.  
1444/5(4)

A3. The Council, with reference to its Minute No. A4 of 23rd July 2009, 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 A. Breckon, Chairman, Health, Social Security and Housing Scrutiny Panel  
Senator S.C. Ferguson, Chairman, Corporate Services Scrutiny Panel  
Deputy R.G. Le Hérissier, Chairman, Education and Home Affairs Scrutiny Panel  
Deputy P.J. Rondel, Chairman, Environment Scrutiny Panel  
Deputy S. Pitman, Economic Affairs Scrutiny Panel  
Mrs. K. Tremellen-Frost, Scrutiny Manager, States Greffe

#### **Ministerial responses to Scrutiny Panel reports**

The Chairmen’s Committee advised that during production of individual Scrutiny

25th Meeting  
12.11.09

Reports, Panels would consider whether it would be helpful to include within the report an assessment of financial and manpower implications arising from recommendations. In this regard, and where appropriate, Scrutiny Panels might seek assistance from finance officers within relevant executive departments.

#### **Scheduling of Scrutiny Hearings**

The Council and the Chairmen's Committee agreed to make a joint approach to the Privileges and Procedures Committee regarding possible measures to improve the efficiency of the States Assembly.

#### **Comprehensive Spending Review**

The Chairmen's Committee received a presentation from the Council regarding proposals for a Comprehensive Spending Review. It agreed to consider the matters raised in the presentation and to provide feedback on the same in due course.

The Council and the Chairmen's Committee agreed to meet again on the following dates in 2010 –

18th March  
17th June  
25th November.

Tenants'  
Deposit  
Scheme.  
1013(942)

A4. The Council, with P. Bradbury, Director – Population Office and M. Cavey, Project Officer, in attendance, considered a report in connexion with the decision of the States Assembly on 7th October 2009 to adopt the report and proposition entitled, 'Rental Deposit Scheme to Protect Tenants' Deposits' (P.130/2009 refers), as lodged 'au Greffe' by Deputy G.P. Southern of St. Helier.

The Council noted that the Minister for Housing was minded to present to the States Assembly a report compiled by the Population Office that would set out specific proposals for a deposit protection scheme, together with details of the funding arrangement for the same. It further noted that appropriate dispute resolution procedures were being formulated on the basis of research being conducted by the Population Office. It was clarified that the Minister had necessarily adopted a pro-active approach to the development of the scheme because the timescale set by the States Assembly had effectively limited scope for consultation with affected stakeholders.

**The Council recommended that the Minister for Housing present the draft report to the States Assembly for information.**

Senator P.F.C. Ozouf was not present for this item.

Pandemic flu:  
update.  
1444/4(2)

A5. The Council, with reference to its Minute No. B6 of 3rd September 2009, received an oral update from the Minister for Health and Social Services regarding the status of the H1N1 pandemic flu outbreak in Jersey.

The Council was advised that 23 new cases of H1N1 flu had been diagnosed on 11th November 2009, of which 18 were children. Vaccination of school children was being progressed at a rapid rate, with 14 schools having been visited during the previous day. It was clarified that the Medical Officer of Health and her team had reviewed the relevant data concerning development and manufacture of the vaccine. Having satisfied themselves that it would be safe and proportionate to do so, the Medical Officer of Health and her team had concluded that the inoculation programme should proceed without delay. All Ministers were invited to visit the

operational hub within the Health and Social Services Department and view the ongoing management of the outbreak.

**The Council noted the position and agreed that the Chief Minister should write to the Medical Officer of Health thanking her and her team for having managed the inoculation programme in a particularly professional and efficient manner.**

Legislation  
Programme:  
update.  
1446/2(10)

A6. The Council, with reference to its Minute No. B4 of 23rd April 2009 and with P. Staley, Law Draftsman in attendance, considered a report dated 29th October 2009 concerning the status of the Legislation Programme.

The Council observed that, since 1st June 2009, 7 drafting projects had been completed and that instructions had been delivered for a further 6 projects already allocated a slot within the programme. It had also been possible within that time to accept instructions for a previously deferred project concerning miscellaneous changes to the Trusts (Jersey) Law 1984, as amended, and to receive instructions on 23 other minor and routine matters. During the final quarter of 2009 it was expected that a maximum of 8 sets of drafting instructions would be received by the Law Draftsman and a further 19 projects completed.

The Council noted that, following relevant in principle decisions of the States Assembly, various departments had commenced work on drafting instructions for additional projects concerning civil partnerships, wheel clamping legislation, a tenants' rental deposit scheme and the introduction of a financial services ombudsman. It was anticipated that drafting instructions for wheel clamping legislation would not be available before July 2010 because determining a viable policy approach for Jersey was proving to be less than straightforward.

**The Council noted the position and thanked the Law Draftsman for her considerable and diligent work in drafting the necessary legislation to establish a depositor compensation scheme.**

On a related matter, Senator B.I. Le Marquand advised the Council that he was reviewing the draft Criminal Justice (Supervised Release of Offenders) (Jersey) Law 200- in consultation with the Royal Court and that he was paying particular consideration to potential resourcing implications of the draft Law.

Town Park  
Implementation  
Group.  
312(23)  
868(27)

A7. The Council, with reference to its Minute No. B4 of 29th October 2009 and with J. Richardson, Deputy Chief Executive in attendance, recalled that it had reconstituted the Town Park Implementation Group.

The Council considered a report, dated 3rd November 2009, concerning the reconstitution of the Town Park Implementation Group (TPIG).

Ministers were advised that, following discussions between the Chief Minister and Connétable A.S. Crowcroft, it had been agreed that the Council should be invited to update the terms of reference for the TPIG to reflect political developments since the group had initially been established. It had also been agreed that membership of the TPIG should be amended to reflect the potential conflict of interest arising from the responsibilities delegated to the Assistant Minister for Planning and Environment.

The Council approved the following revised terms of reference for the TPIG –

- (a) to advise the Planning and Environment Minister on the future design

of the Town Park area taking into account the results of the North of Town Masterplan public consultation exercise, and the available finance for the project;

- (b) that the Implementation Group will be a sub-group reporting to the Council of Ministers on the development of the Town Park and other key North of Town Masterplan sites such as Ann Court and Minden Place, with a view to seeking political consensus on these projects;
- (c) that in the event of the setting up of the Regeneration Steering Group – RSG - (as part of the States of Jersey Development Company proposals (P.79/2009)) that the Town Park Implementation Group will report directly to, and advise, the RSG on matters relating to the delivery of the Town Park

It further amended its decision to reconstitute the Town Park Implementation Group and appointed the following –

Connétable A.S. Crowcroft (Chairman)  
 1 Assistant Minister, Chief Minister's Department (Vice Chairman)  
 Senator T.J. Le Main, Minister for Housing (or his Assistant Minister)  
 Connétable M.K. Jackson, Minister for Transport and Technical Services (or his Assistant Minister)  
 1 Deputy from St. Helier District No. 1  
 2 Deputies from St. Helier District No. 2  
 1 Deputy from St. Helier District No. 3  
 3 non-political members of the Town Park Support Group (to include the Chief Officers from the Planning and Environment and Transport and Technical Services Departments).

The Council agreed that the specific nominees for appointment to the above posts would be approved by the Chief Minister.

On a related matter, the Council noted correspondence, dated 20th October 2009 and from Deputy D.J.A. Wimberley of St. Mary to the Chief Minister, concerning the Town Park project.

Senator P.F.C. Ozouf was not present for this item.