

COUNCIL OF MINISTERS

(32nd Meeting)

11th February 2010PART A

All members were present, with the exception of 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, 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 T.J. Le Main, Minister for Housing
 Senator F.E. Cohen, Minister for Planning and Environment
 Deputy J.G. Reed, Minister for Education, Sport and Culture
 Deputy J.A. Hilton, Assistant Minister for Home Affairs
 Deputy A.E. Pryke, Minister for Health and Social Services
 Deputy K.C. Lewis, Assistant Minister for Transport and Technical Services
 Deputy I.J. Gorst, Minister for Social Security

In attendance -

Connétable K.P. Vibert, Chairman, Comité des Connétables
 W.D. Ogle, Chief Executive, States of Jersey
 T.J. Le Cocq, Q.C, H.M. Attorney General
 A. Scate, Chief Officer, Planning and Environment Department (for items B2, B3 and B5)
 I. Black, Treasurer of the States (for item B4)
 C. Anderson, Team Leader, Comprehensive Spending Review (for item B4)
 C. Haws, Comprehensive Spending Review Project Officer (for item B4)
 P. Staley, Law Draftsman (for item A6)
 J. Morris, Policy and Research Manager
 M.N. de la Haye, Greffier of the States
 I. Clarkson, Clerk to the Council of Ministers

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

Minutes

A1. The Minutes of the meeting held on 14th January 2010, having been circulated previously, were taken as read and were confirmed.

Deputy I.J. Gorst was not present for this item.

States
 business.
 1240/7/1(1)

A2. The Council, with reference to its Minute No. A1 of 4th February 2010, reviewed the list of public business scheduled for consideration by the States Assembly during the remainder of the First Session of 2010. Particular consideration was given to the following –

(a) **Natural Gas Pipeline: strategic study (P.157/2009)** – the Council

endorsed the comment of the Minister for Planning and Environment;

- (b) **Planning and Environment: division into 2 ministerial offices (P.3/2010)** – the Council approved a comment opposing the proposition;
- (c) **Compulsory wearing of cycle helmets (P.4/2009)** – the Council, having been apprised of the existence of conflicting medical advice and having noted the policing implications arising, recommended that the Ministers for Health and Social Services and for Home Affairs consider commenting on the proposition;
- (d) **Single qualified property classification : rescindment of decision and debate (P.12/2010)** – the Council endorsed the intention of the Minister for Housing to rescind the relevant Ministerial Decision and agreed that the States Assembly then should be invited to endorse the policy proposal;
- (e) **Minimum Wage: revised hourly rate from 1st April 2010 (P.14/2010)** – the Council noted that the Minister for Social Security would comment on the proposition; and
- (f) **Public Holidays and Bank Holidays: designation of 7th May 2010 (P.15/2010)** – the Council approved a comment opposing the proposition.

Other items of forthcoming business were considered under the Council's Part B (confidential) agenda.

Ministerial
decisions:
recording.
1445(10)

A3. The Council, with reference to its Minute No. A5 of 14th January 2010, noted the guidelines for the recording of Ministerial Decisions, as previously reported to the States (R.C.80/2005 and R.93/2006 refer). Having recalled that a number of Ministers had delegated certain specified responsibilities to their respective Assistant Ministers, the Council agreed that the guidelines should also be re-circulated to all Assistant Ministers for information.

Single
qualified
property
classification:
rescindment of
decision and
debate
(P.12/2010)
1013/6(477)

A4. The Council, with reference to its Minute No. A1 of 4th February 2010, received an oral report from Senator T.J. Le Main concerning the report and proposition entitled, 'Single qualified property classification: rescindment of decision and debate' (P.12/2010 refers), as lodged '*au Greffe*' by Senator B.E. Shenton.

The Council was advised that Senator Le Main had rescinded Ministerial Decision MD-H-2010-0001, in accordance with the previous endorsement of the Council. It remained the view of the Minister for Housing that the decision taken had been consistent with the principles contained within Section 5.3 of the report accompanying the proposition entitled, 'Migration – monitoring and regulation' (P.25/2005 refers) and with related proposals outlined in the recent white paper on access to employment and housing (R.66/2009 refers). Moreover, it was apparent that the Minister for Housing was legally empowered to take such decisions, in accordance with the Housing (Jersey) Law 1949, as amended. Notwithstanding the foregoing, it was accepted that the States Assembly wished to consider this and other aspects of the emerging Migration Policy in a structured manner. On that basis a suitable report and proposition would be lodged '*au Greffe*' in due course.

The Council noted and endorsed the action taken by the Minister for Housing.

32nd Meeting
11.02.10

It further noted the intention of the Minister for Housing to establish whether Senator B.E. Shenton considered it necessary to proceed with a debate on P.12/2010.

Corporate
Management
Board: rôle.
1448/6(4)

A5. The Council, with reference to Minute No. A8, dated 27th November 2008 of the Council as previously constituted, considered a report, dated 4th February 2010 and prepared by the Chief Executive, concerning the rôle of the Corporate Management Board.

The Council was advised that the purpose of the CMB was –

- (a) to provide advice to the Council of Ministers as required, and
- (b) to provide corporate leadership to staff in order to deliver policies and services efficiently and effectively as decided by the States, by the Council of Ministers and by individual Ministers.

The CMB fulfilled these roles by carrying out the following specific functions -

- (i) ensuring that effective corporate governance arrangements were in place across departments;
- (ii) regularly reviewing performance to ensure effective accountability and identifying corporate issues requiring resolution;
- (iii) monitoring and improving performance and accountability in relation to the use of resources and the effectiveness of central resource functions;
- (iv) monitoring and improving the management of performance and accountability;
- (v) maintaining corporate oversight of financial management in order to improve financial performance and to rectify problems;
- (vi) keeping the health of the organisation under review in order to develop and implement programmes to resolve issues and meet future challenges;
- (vii) protecting and enhancing the organisation's reputation for professionalism, effectiveness, integrity and efficiency;
- (viii) communicating the States purpose, policy goals and vision to staff and to other stakeholders and to ensure that both were properly and productively engaged;
- (ix) undertaking regular future scanning to identify major issues which could impact on the management of the organisation or which would need to be planned for.

It was clarified that the CMB was constituted as follows –

Chief Executive
Deputy Chief Executive
Treasurer of the States
Chief Officer, Economic Development
Chief Officer, Education, Sport & Culture
Chief Officer, Health and Social Services
Chief Officer, Transport & Technical Services
Chief Officer, Planning and Environment
Chief Officer, Social Security
Chief Officer, Home Affairs

Chief Officer of Police
Chief Officer of Housing
Director, Property Holdings
Director, Information Services
Director, Human Resources

Open Attendees

Greffier of the States
Attorney General

Meetings of the CMB were generally held every 6 weeks.

Ministers were advised that 3 Sub-Committees had been formed to assist the CMB in the fulfilment of its functions. These were -

The Audit and Risk Management Review Sub-Committee
The Emergency Planning Board.
The Corporate Strategy Group (CSG)

It was reported that all emerging draft legislation or policies with scope for impact across more than one department were referred to the CSG, which met on a fortnightly basis to consider such items. In this regard, Deputy J.G. Reed requested that briefing papers prepared for the Council on matters which had previously been referred to either the CMB or the CSG be suitably endorsed.

The Council noted the rôle and functions of the CMB.

Legislation
Programme:
update.
1446/2(10)

A6. The Council, with reference to its Minute No. The Council, with reference to its Minute No. A6 of 12th November 2009 and with P. Staley, Law Draftsman in attendance, considered a report dated 4th February 2010 concerning the status of the Legislation Programme.

The Council observed that, since 29th October 2009, 4 drafting projects had been completed and that instructions had been delivered for a further 6 projects allocated a slot within the programme. A total of 6 new projects had been added to the 2010 programme on the basis that they had been assessed as high priority or as a consequence of an in principle decision of the States Assembly. These new projects included Regulations arising from the concluding of a Double Taxation Agreement with Malta and a series of legislative changes arising from the adoption of the proposition entitled, 'Appointments made by the States: revised procedures' (P.205/2009 refers). In this regard, the Council was grateful to note that the Greffier of the States had offered to submit the necessary law drafting instructions to the Law Draftsman.

The Council was invited to endorse the deferral of 5 projects to 2011 in order to facilitate progress on higher priority projects and, in some cases, in recognition of the fact that relevant departments had either not been able to deliver law drafting instructions, or had been unable to complete development of the underlying draft policy on which such instructions would necessarily be based. In this regard, the Council was advised that a number of States departments were finding it increasingly difficult to allocate resources to the delivery of law drafting instructions for anything other than the highest priority projects. This was due to a comparative shortage of relevant specialist skills and a more general lack of excess capacity across States departments.

Clarification was sought regarding the status of legislation to provide for recognition of civil partnerships. It was explained that core drafting instructions concerning how civil partnerships could be entered into were being worked on by the Chief Minister's Department in consultation with the Superintendent Registrar. Other aspects were being progressed by individual departments as appropriate. Delivery of these supplementary drafting instructions was also being coordinated by the Chief Minister's Department. The Council was invited to note that the latter stages of this ongoing work could be expected to produce law drafting instructions at the time when other instructions arising from the Fiscal Strategy Review would also be ready for submission. It might therefore be necessary to prioritise these in due course.

Other projects raised included legislation to regulate the repatriation of prisoners and the status of the draft Freedom of Information (Jersey) Law 201-. Regarding the former, the Council noted that the Minister for Home Affairs was reviewing his legislative priorities in consultation with the Law Draftsman. On the latter, it was reported that the Privileges and Procedures Committee would shortly be in a position to lodge the draft Freedom of Information (Jersey) Law 200- and that, if adopted, responsibility for implementing the Law would necessarily pass to the Executive. Having acknowledged that the Corporate Management Board had commented previously on the possible financial and manpower implications arising from the draft Freedom of Information Law, the Council agreed that the Chief Minister should write to the Chairman of the Privileges and Procedures Committee inviting that Committee to attend a meeting of the Council in early course to consider the draft in detail.

The Council noted the position and further acknowledged that the financial and manpower implications arising from forthcoming legislative projects would need to be considered as part of the ongoing Comprehensive Spending Review process.