

PM/SC/256

COUNCIL OF MINISTERS

(57th Meeting)

5th September 2013PART A

All members were present, with the exception of Deputy P.J.D. Ryan, Minister for Education, Sport and Culture, from whom apologies for absence were received.

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 R.G. Bryans, Assistant Minister for Education, Sport and Culture

In attendance -

Senator P.F. Routier, M.B.E., Assistant to the Chief Minister
 Senator Sir P.M. Bailhache, Assistant to the Chief Minister
 J.D. Richardson, Chief Executive, States of Jersey
 T. Le Cocq, Q.C., H.M. Attorney General
 L. Rowley, Treasurer of the States (for items B1, B5 and B6)
 P. Styles, Manager – Financial Performance and Reporting, Corporate Finance, Treasury and Resources Department (for item B1)
 D. Houseago, Director of Environmental Management and Rural Economy, Department of Environment (for items B2, B3 and B4)
 I. Norris, Land Control and Horticultural Development Manager, Department of Environment (for item B2)
 M. Smith, Assistant Director Marine Resources, Department of Environment (for item B3)
 R. McLoughlin, Cultural Development Officer, Education, Sport and Culture Department (for item A5)
 R. Glover, Planning Performance Manager, Department of Environment (for item A2)
 S. Austin-Vautier, Chief Officer, Home Affairs Department (for item A6)
 G. Hutchinson, Executive Officer – Community Safety and Criminal Justice, Home Affairs Department (for item A6)
 A. Hamon, Policy and Research Officer, Chief Minister's Department
 P. Monamy, 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 10th July (Part A and Part B) and 30th July 2013 (Part B only), having been previously circulated, were taken as read and were confirmed.
- States A2. The Council, with reference to its Minute No. A2 of 10th July 2013, noted

business.
1240/7/1(1)

the list of public business scheduled for consideration by the States Assembly during the Second Session 2013. Particular consideration was given to the propositions listed below.

10th September 2013:

Draft States of Jersey (Minister for External Relations) (Jersey) Regulations 201- (P.67/2013)

The Council heard from the Chief Minister that as work on various aspects of Machinery of Government Reform (MOGR) was presently being undertaken by the Privileges and Procedures Committee, he was content that the States should proceed to consider P.67/2013 without delay. The Council reiterated its support for the proposition.

Draft Loi (201-) sur la Voirie (P.70/2013)

The Council supported the draft Loi.

Draft Public Finances (Amendment No. 4) (Jersey) Law 201- (P.73/2013) and amendments

The Council discussed with the Treasurer of the States the comments of the Corporate Services Scrutiny Panel, noting that some of the points which had been raised were able to be accommodated, whilst explanations provided by the States Treasury in relation to others had been accepted by the Scrutiny Panel Chairman. It was agreed that, overall, the amendment to be lodged 'au Greffe' by Senator S.C. Ferguson (relating to the future appointment of members of the Fiscal Policy Panel by the States) could be supported.

Jersey Appointments Commission: re-appointment of member (P.79/2013)

The Council supported the proposed re-appointment.

Draft Adoption (Amendment No. 6) (Jersey) Law 201- (P.80/2013)

British Nationality Act (H.M. Armed Forces Exemption) Bill: extension to Jersey (P.81/2013)

Commissioners of Appeal for Taxes Office: re-appointment of members (P.83/2013)

Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Amendment) (Jersey) Law 201- (P.84/2013)

The Chief Minister confirmed that he was content for consideration of the proposition to be deferred until 24th September 2013.

Draft Customs and Excise (Amendment No. 7) (Jersey) Law 201- (P.85/2013)

Public Elections: Single Transferable Voting System (STV) and an Alternative Voting System (AV) (P.86.2013)

Planning Appeals: revised system (P.87/2013) and amendments

The Council discussed with the Planning Performance Manager, Department of Environment the departmental response to the amendments to the proposition. It was noted that Deputy R.G. Le Hérissier appeared to have misunderstood certain aspects of the existing protocol and that his somewhat confusing amendment sought to complicate the simplified arrangements envisaged by the Minister for Planning and Environment. The Council recognised that the amendment of Deputy J.H. Young sought to establish a Tribunal with full decision-making powers (comprising a Chairman and 10 members, being a mix of planning professionals

and local lay people). It was considered that such an arrangements would lack the independence of the Minister's proposals, and that the lay members of the proposed Tribunal would be unlikely to demonstrate the relevant qualifications, skills and experience to be able to weigh the range complex issues often raised during an appeal. The Council agreed that its comment on the amendments should indicate (1) that the alternative model for the consideration of appeals suggested by Deputy Young would not be suitable for Jersey; and (2) that Deputy Le Hérissier's amendment would add unnecessary complexity and potential confusion through the retention of 'Requests for Reconsideration' (RfRs) which, in any event, were not available for third party appeals. The Council confirmed that it was generally supportive of P.87/2013 subject to further detailed financial projections of the estimated costs involved being provided to the Minister for Treasury and Resources and to the Council as a whole.

Draft Taxation (Double Taxation) (Amendment No. 3) (Jersey) Regulations 201- (P.88/2013)

Organ Donor's Register (P.89/2013)

The Council noted that the Minister for Health and Social Services had asked the proposer (Deputy R.H. Le Hérissier) to allow the States to vote separately on each part of the proposition, and the Council supported that request.

Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) and amendment

Composition and election of the States Assembly: reform – proposal 2 (P.94/2013) and amendment.

Policy
advisory
groups:
draft lists.
1444/4(34)

A3. The Council, with reference to its Minute No. B1 of 22nd May 2013, considered a report dated 28th August 2013, concerning advisory groups: (a) intended to progress the development or revision of policy falling within the remit of 2 or more Ministers; and (b) those set up to assist with the development or revision of policy by an individual Minister.

It was recalled that Privileges and Procedures Committee had published the Machinery of Government Review Sub-Committee: Interim Report April 2013 (R.39/2013) and that the Council had agreed with the Sub-Committee's assessment that further reform would help to ensure that the executive system functioned as effectively as it could. Consequently, the Council had accepted and agreed to implement the first 3 of the Sub-Committee's recommendations; namely –

1. Advisory or oversight groups that were intended to progress the development or revision of policy falling within the remit of 2 or more Ministers should be constituted by the Council of Ministers, with a commensurate decision being recorded in the 'Part A' (open) minutes of the Council wherever possible.
2. A decision of an individual Minister to form an advisory or oversight group to assist with the development or revision of policy within his or her remit should – (a) be recorded by way of a formal and public Ministerial Decision; and (b) that Ministerial Decision should record at least the outline terms of reference, the membership and anticipated duration of each group and, where relevant, the budget allocated to the group to complete its work.
3. The Council of Ministers should be required to publish, and to keep updated, a collated list of all advisory and oversight groups formed to

progress the development or revision of policy.

The Council noted draft lists of advisory groups that were intended to progress the development or revision of policy and, having agreed certain revisions to the lists, asked that they be refined and presented to Council at a subsequent meeting.

Meeting dates
for 2014.
1444/1(66)

A4. The Council agreed that it would continue to meet fortnightly commencing at 9.30 a.m. for the whole day (as necessary) on a Wednesday, normally during the week that the States were not meeting. As before, meetings would be held in the 9th floor meeting room at Cyril Le Marquand House.

The following dates were agreed for 2014 -

15th January
29th January
12th February
12th March
26th March
9th April
7th May
21st May
11th June
25th June
9th July
3rd September
17th September
[Election]
19th November.

The Council considered that extra meetings should be provided for on 21st February; 21st July and potentially an extra date to be added between 3rd and 17th September (to facilitate the presentation of information relating to the draft Budget). It was agreed that a revised list of dates should be circulated for information in due course.

Jersey Heritage
Trust:
proposed
amendments to
Constitution.
828(36)

A5. The Council, with reference to its Minute No. B3 of 22nd May 2013, discussed with the Cultural Development Officer his report dated 30th July 2013 concerning a draft report and proposition which sought to amend the Constitution of the Jersey Heritage Trust in line with the principles previously adopted by the Council regarding States' representation on third sector organisations in receipt of States funding.

It was recalled that the Minister for Education, Sport and Culture and his predecessor had recognised the incongruity of the present constitutional requirements appertaining to Jersey Heritage taken together with the wider Ministerial responsibility for maintaining independent scrutiny over a body in receipt of a significant amount of annual States funding. It was further recalled that a proposition to amend the Trust's Constitution (P.31/2012) had previously been lodged 'au Greffe', but then subsequently withdrawn when the Council had indicated that it wished to consider the principle of States representation on such bodies.

The Council recognised that as the general approach to be adopted in such matters had now been agreed, it would be appropriate to re-lodge the projet (suitably revised in order to outline the recent developments). The Council accordingly indicated its approval of the proposal and invited the Minister for Education, Sport and Culture to take the necessary action.

57th Meeting
05.09.13

“Building a
Safer Society”
Strategy:
Annual Report
2012.
561/1(16)

A6. The Council discussed with the Chief Officer, Home Affairs Department, together with the Executive Officer - Community Safety and Criminal Justice, the “Building a Safer Society” (BaSS) Strategy Annual Report for 2012.

It was noted that the Island had experienced a downward trend in offending in general and in youth offending in particular, and that the investment in early interventions made through the BaSS strategy and previous community safety and substance misuse strategies had played a significant part in reducing the risks Jersey’s young people faced when growing up.

The Council noted that the results set out in the Report illustrated the dedication of the many people delivering initiatives and that, together, States departments, charity, community, and faith-based groups were working towards ensuring that children could grow up in a much safer society. It was noted that consideration would be given to the addition in the Report of an acknowledgement of the ‘Street Pastoral Work’ which was being undertaken, and it was recognised that the Minister for Home Affairs presently had under consideration a request for support from that organisation. It was recognised that the strategy linked directly with the Council’s commitment, enshrined in the Strategic Plan, to ensure a safe and caring community and that the Minister for Home Affairs was confident that the BaSS strategy in partnership with other work being conducted through the Children’s and Adult Policy groups and other cross-agency strategies would continue to be driven forward.

The Council accordingly indicated its approval of the proposal to present the Report to the States and invited the Minister for Home Affairs to take the necessary action