

PM/SC/320

COUNCIL OF MINISTERS

(36th Meeting)

1st November 2012**PART A**

All members were present, with the exception of Senator A.J.H. Maclean, Minister for Economic Development and Deputy A.K.F. Green, M.B.E, Minister for Housing, from whom apologies for absence were received.

Senator I.J. Gorst, Chief Minister
 Senator P.F.C. Ozouf, Minister for Treasury and Resources (present for item A2 via conference video link)
 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 P.J.D. Ryan, Minister for Education, Sport and Culture
 Connétable J.M. Refault of St. Peter, Assistant Minister for Housing (not present for item A3)
 Deputy C.F. Labey, Assistant Minister for Economic Development (not present for item A3).

In attendance -

Senator P.F. Routier M.B.E., Assistant to the Chief Minister (not present for item A3).
 Deputy E.J. Noel, Assistant Minister for Treasury and Resources (not present for item A3)
 J.D. Richardson, Chief Executive, States of Jersey
 M.N. de la Haye, Greffier of the States
 H. Sharp Q.C., H.M. Solicitor General
 Mrs. L. Rowley, Treasurer of the States (for item A2)
 Mrs. D. Le Gresley, Director of Financial Planning and Performance, Treasury and Resources Department (for item A2)
 C. Haws, Head of Financial Planning, Treasury and Resources Department (for item A2)
 J. Morris, Policy and Research Manager (for item A3)
 Ms. A. Plunkett-Cole, Communications Officer, Chief Minister's Department
 Ms. L. Ridley, Decision Support Officer, States Treasury (not present for item A3)
 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 4th October (Part A and Part B) and 11th October 2012 (Part A only), having been previously circulated, were taken as read and were confirmed.

The Council also confirmed the Minutes of the Joint Meeting with the Chairmen's

Committee which had been held on 4th October 2012 (Part A only), which had been previously circulated and were also taken as read.

Medium Term
Financial Plan
2013 -2015:
amendments.
447/1/1/7(1)

A2. The Council, with reference to its Minute No. A1 of 29th October 2012, gave further consideration to the amendments to the draft Medium Term Financial Plan (MTFP) 2013- 2015 (P.69/2012 refers) which had been lodged '*au Greffe*' by various States members and/or the Corporate Services Scrutiny Panel.

The Council, with the Treasurer of the States, the Director of Financial Planning and Performance and the Head of Financial Planning, Treasury and Resources Department in attendance, considered its draft comments on each of the amendments, together with the running order for the debate

In particular, the Council considered a revised draft **Amendment to the Ninth Amendment** (P.69/2012 Amd.(9)) – the Ninth Amendment having been lodged '*au Greffe*' by the Corporate Services Scrutiny Panel. In relation to the expenditure of £50,000 which was to be deferred from the budget of the Home Affairs Department for both 2014 and 2015 in respect of the cost of maintaining a marine response similar to the National Marine Incident Response Group (MIRG) model, the Minister for Home Affairs indicated that an evaluation of Jersey's capabilities in this area was to be carried out over the course of 2013. With regard to a proposal to centrally hold funding of £1 million in 2014 and £2 million in 2015 for Ash Particle Containment (APC) residue, recycling of bottom ash and export of the backlog APC, the Chief Minister apologised to the Minister for Transport and Technical Services (TTS) for this item having initially been included within the amendment without adequate consultation, although it was noted that an amicable alternative arrangement had now been agreed whereby TTS would forego £1 million in 2014 whilst retaining the £2 million in its budget for 2015. The Council, having decided that it would be preferable for an amendment to its Amendment to be presented to the States, recognised that under Standing Order 80A such an amendment was required to be lodged '*au Greffe*' by the Chief Minister, who was requested to take the necessary action.

With regard to parts 2 and 5 of the **Tenth Amendment** (lodged '*au Greffe*' by Deputy M.R. Higgins of St. Helier), the Council discussed with the Minister for Home Affairs the proposal to move the post of Island Military Liaison Officer (IMLO) to the budget of H.E. The Lieutenant Governor in order to meet a requirement for overseeing the Forces cadet work and to help to co-ordinate ceremonial events, which proposal would be funded from under-spends arising in 2012. It was agreed that the overseer role would not be one of 'managing' the individual units (given the predominantly autonomous nature of the uniformed organisations), but rather to act as over-arching '*liaison*' with the United Kingdom and elsewhere. It was noted that the aim of parts 1 and 4 of the **Tenth Amendment**, which envisaged financial assistance of £60,000 to the Band of the Island of Jersey towards the cost of uniforms, would be realised through the provision of 3 tranches of £20,000 over a 3-year period towards the Band's uniform and equipment needs, and that Deputy Higgins had indicated his preparedness to withdraw his amendment. In relation to parts 3 and 6 of the **Tenth Amendment**, the Council noted that the proposal to achieve community facilities for use by the Jersey Sea Cadets and other groups had been discussed with officers of Jersey Property Holdings with regard to the relinquishment of the Sea Cadets' building at Fort Regent and the consideration to be given to the potential redevelopment of the Fort Regent site overall.

The Council considered further its comments on the **Second Amendment** (lodged '*au Greffe*' by Deputy J.H. Young) which sought to increase the budget of the

Department of the Environment by £300,000 in 2013 and 2014. It was noted that an allocation for “Employment Projects” within the ‘Back to Work’ MTFP bids would provide funding for activities to improve the employability of those with barriers to employment, with MTFP capital bids from the Environment Department being used to ensure that equipment, materials, supervision and training were provided. Additionally, a further sum of £50,000 would be identified from within existing resources to allow capital spend in the countryside by the Environment Department in 2013 which would further supplement the ‘Back to Work’ initiative and the Coastal National Park work. The Council further noted that existing resources from the Central Planning Vote would also be utilised to enable the Environment Department to bring forward important masterplans and/or Island Plan implementation work which could deliver economic growth and confidence. It was also noted that a one-off fund of £200,000 would be created in 2013 order to allow environmental research by the Environment department into water quality issues. The Council was reminded that funding might also be available in the Ecology Fund which could be utilised towards achieving the above-mentioned aims.

The Council noted that in relation to the **Third Amendment** (lodged ‘au Greffe’ by Deputy M. Tadier), the Minister for Education, Sport and Culture would shortly be discussing the Deputy’s proposals with him with a view to resolving the matter. It was recalled that an investment had been made in training for staff and in new technologies which it was considered would develop the teaching of French in the Island in a different way to that proposed by Deputy Tadier.

In relation to the **Amendment** to the MTFP (lodged ‘au Greffe’ by Deputy G.P. Southern), the Council considered the desirability of strengthening in its comments references to the extent of the beneficial contributions made to the Island by Jersey Finance Limited (JFL), including *pro bono* contributions made by its members. It was also agreed that consideration should also be given to including reference to the terms of the original agreement between the States and JFL regarding public funding of JFL’s activities.

The Council noted that in relation to the **Seventh and Eighth Amendments** (lodged ‘au Greffe’ by Deputy J.A.N. Le Fondré) regarding, respectively, the proposed payment of an additional distribution from the States of Jersey Development Company Limited and the intention to redeem the JT Group Limited 9 per cent Preference Shares held by the States, arrangements were in hand to provide a detailed briefing to the Deputy shortly.

The Council considered an updated running order for the debate and discussed its proposed approach to the debate in respect of each amendment by the various Scrutiny Panels and that this should be recognised during the debate.

The Minister for Treasury and Resources commented that it was considered that Scrutiny of the MTFP had been thoroughly undertaken.

The Treasurer of the States undertook to provide the Minister for Treasury and Resources and other members of the Council with speaking notes relevant to each amendment, and also to arrange for the various departmental Finance Directors to provide briefing points to all Ministers. Additionally, the Council welcomed the suggestion that all States members should shortly be provided with a schedule of “Frequently Asked Questions” arising from the various briefing sessions which had been held. The Council expressed its appreciation to the Treasurer of the States and the Treasury Team for their work associated with the MTFP and amendments.

The Council accordingly authorised the Chief Minister, in conjunction with the

Assistant Minister for Treasury and Resources, to finalise the text of the various comments on the amendments to the MTFP.

Child protection services: Committee of Inquiry – terms of reference (report and proposition). 1032(6)

A3. The Council, with reference to its Minutes Nos. B6 of 26th January 2012 and A5 of 5th July 2012, considered a draft report and proposition which sought the establishment of a Committee of Inquiry in accordance with Standing Order 146 to enquire into a definite matter of public importance, namely historical child abuse in Jersey; and invited the States to approve a set of Terms of Reference.

The Council recognised that it was envisaged that the Committee of Inquiry should be comprised of a senior legally qualified Chairman of significant standing from outside Jersey and 2 other members from outside the Island with suitable skills and experience. The States were to be invited to agree that the Chairman should be selected by a panel comprising the Greffier of the States and 2 independent persons from the United Kingdom, with the selection process being overseen by the Jersey Appointments Commission. Further, the States were also to be asked to agree that the 2 members of the Committee of Inquiry should be selected by a panel comprising the proposed Chairman, the Greffier of the States and 2 independent persons from the United Kingdom, with the selection process being overseen by the Jersey Appointments Commission.

The Council accepted that the States should be asked to agree that the proposed Chairman should be requested to recommend any final changes to the Terms of Reference for the Committee of Inquiry for approval by the Assembly and also to set out the proposed process for conducting the inquiry having consulted with interested parties where necessary. Consequently, the States would be invited to request the Chief Minister to bring forward to the Assembly the necessary proposition seeking the appointment of the Chairman and members and, if necessary, to the approval by the States of the final Terms of Reference if changes were to be recommended by the proposed Chairman. The Council further agreed that the Committee of Inquiry should be requested to complete its work within 12 months of commencing the inquiry.

The Council was reminded that the Committee of Inquiry would be able to summons witnesses and such confidential documentation as it considered necessary and that, notwithstanding the provisions of the Data Protection (Jersey) Law 2005, it would be at liberty to include its report such details as it considered to be appropriate. Similarly, it was noted that some of the Committee of Inquiry's hearings might be held in private so as to provide certain witnesses with a safe environment in which to express their feelings, although it was accepted that ultimately it would be a matter for the Chairman and members to determine the balance between privacy for the witness against the requirement for openness.

The Council agreed that in order to demonstrate to the Island community its resolve in the matter, it would be appropriate for the report and proposition to be lodged 'au Greffe' in the name of the Council, rather than by the Chief Minister. The Chief Minister was accordingly requested to finalise the text of the projet with a view to its lodging during the week commencing 5th November 2012, on the understanding that the States would, under the provisions of Standing Order 26(7), be requested to reduce the minimum lodging period such that the proposition might be taken into consideration on 11th December 2012.

States business. 1240/7/1(1)

A4. The Council, with reference to its Minute No. A1 of 18th October 2012, noted the list of public business scheduled for consideration by the States Assembly during the remainder of the Second Session 2012. Particular

consideration was given to the propositions listed below where indicated.

6th November 2012

Medium Term Financial Plan 2013-2015 (P.69/2012) and Amendments
This item was discussed under Minute No. A2 of these Minutes.

Draft Health Insurance Fund (Miscellaneous Provisions) (Amendment) (Jersey) Law 201- (P.88/2012) and Amendment

The Council accordingly approved its comment on the Draft Law and Amendment, indicating that it supported the former but opposed the latter.

Draft Social Security (Amendment of Law No. 3) (Jersey) Regulations 201- (P.89/2012)

The Council approved its comment on the draft Regulation, indicating its support of the proposal.

Ratification of the Agreement for the exchange of information relating to Tax Matters between the Government of Jersey and the Government of the Republic of Austria (P.85/2012)

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 5) (Jersey) Regulations 201- (P.86/2012)

20th November 2012

Draft Debt Relief (Developing Countries) (Jersey) Law 201- (P.91/2012)

The Council recalled that this matter related to the issue of so-called “culture funds.”

Police Station Relocation: review of decision (P.92/2012)

The Council agreed to consider its comments on this proposition and related amendment in due course.

Draft Royal Court (Amendment No. 13) (Jersey) Law 201- (P.93/2012)

The Council noted that this matter had emanated from the Legislation Advisory Panel.

Draft Incorporated Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.94/2012)

Draft Separate Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.95/2012)

Draft Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.96/2012)

Old Age Pension: increase for 2012 (P.97/2012)

The Minister for Social Security indicated that his department would shortly announce proposals to grant a 1.4 per cent increase in Old Age Pensions from April 2013, together with a change in the formula for the calculation of future increases in order to ensure that they were higher than hitherto, and also a move to reviewing Old Age Pension levels in January of each year, instead of in October. The Council noted that these measures would achieve the aims sought by Deputy G.P. Southern in his proposition and agreed to consider its comments on this proposition in due course.

Draft Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations 201- (P.98/2012)

Draft Gambling (Charitable and membership Gambling Services) (Jersey) Regulations 201- (P.99/2012)

Draft Gambling (Jersey) Law 2012 (Appointed Day) Act 201- (P.100/2012)

Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201- (P.101/2012)

The Council noted that the Minister for Social Security had been in discussions with Deputies J.A. Hilton and J.H. Young in relation to the proposed Regulations.

Reform Day: 28th September 1769 (P.107/2012)

The Council agreed to consider its comments on this proposition in due course.

Jersey Appointments Commission: appointment of Commissioner (P.108/2012).