

PM/SC/016

COUNCIL OF MINISTERS

(40th Meeting)

9th January 2013**PART A**

All members were present, with the exception of Senator A.J.H. Maclean, Minister for Economic Development, from whom apologies were received.

Senator I.J. Gorst, Chief Minister
 Senator P.F.C. Ozouf, Minister for Treasury and Resources
 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
 Deputy J.P.G. Baker, Assistant Minister for Economic Development

In attendance -

Senator P.F. Routier, M.B.E., Assistant to the Chief Minister
 Senator Sir P.M. Bailhache, Assistant to the Chief Minister
 Connétable J.LeS. Gallichan of Trinity, Chairman, Comité des Connétables
 J.D. Richardson, Chief Executive, States of Jersey
 M.N. de la Haye, Greffier of the States
 T.J. Le Cocq, Q.C., H.M. Attorney General
 Mrs. C. Anderson, Comprehensive Spending Review Team Leader, Chief Minister's Department (for item A3)
 T. Walker, Director – International Affairs, Chief Minister's Department (for item B2)
 S. Austin-Vautier, Chief Officer, Home Affairs Department (for item B2)
 A. McLaughlin, Hospital Director, Health and Social Services (for item A2)
 Mrs. H. OShea, Hospital Director Designate, Health and Social Services (for item A2)
 L. De Oliviera, 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 29th November (Part A and Part B) and 7th December 2012 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

States
 business.
 1240/7/1(1)

A2. The Council, with reference to its Minute No. A1 of 29th November 2012, noted the list of public business scheduled for consideration by the States Assembly during the First Session 2013. Particular consideration was given to the propositions listed below where indicated.

15th January 2013

Tourism Shadow Board: establishment (P.113/2012)

Connétables and other parish officials: explanatory document and new legislation (P.119/2012).

The Council recalled that it had deferred to the Comité des Connétables a comment on part (a) of the proposition of Deputy M.R. Higgins, and that it had approved a comment indicating its rejection of part (b). The Chairman of the Comité des Connétables outlined the opposition of the Comité to the proposition which it was recognised, and confirmed by H.M. Attorney General, would entail a huge amount of work involving hundreds of hours of law drafting time and other specialist input from within many departments, to the detriment of other high priority pieces of work, and ultimately consideration of all items individually by the States Assembly. The Council, having noted that no indication had been provided by the Deputy regarding any specific legislation which might have caused particular problems to his constituents and could be contended as needing to be afforded a high priority, agreed that it opposed the projet and decided to strengthen its previously agreed comment on the basis that it would be revised in conjunction with the Attorney General and the Connétable of Trinity, subject to approval by the Chief Minister in due course.

Greville Bathe Fund: appointment of Jurat (P.123/2012)

Draft Community Provisions (Goods Infringing Intellectual Property Rights) (Jersey) Regulations 201- (P.125/2012)

Having noted the technical nature of the draft Regulations, the Council indicated its support thereof.

Draft Public Employees (Contributory Retirement Scheme) (States of Jersey Prison Service – Amendments) (Jersey) Regulations 201- (P.126/2012).

The Council, having noted that the draft Regulations reflected changes in staffing arrangements which had occurred at H.M.P. La Moye, accordingly indicated its support to the proposals.

States Members' remuneration: proposed increase for 2013 (P.127/2012)

Having considered whether it would be appropriate to present to the States a comment on behalf of the Council of Ministers, it was agreed not to do so. The Council noted that the Privileges and Procedures Committee had commented *inter alia* that the States had, in 2004, established an external body (the independent States Members' Remuneration Review Body) with specific terms of reference and that, therefore, it was considered inappropriate for the States to discuss the matter, although it remained for individual Members to decide whether or not they availed themselves of the remuneration to which they were entitled.

Starter Home Deposit Loan Scheme (P.131/2012)

The Council noted that it was understood that the Corporate Services Scrutiny Panel might wish to review this matter prior to its consideration by the States, and the Minister for Treasury and Resources indicated his willingness to defer it for a short period of time, if necessary, in order to allow the Scrutiny review to be undertaken.

Draft Limited Liability Partnerships (Amendment of Law) (Jersey) Regulations 201- (P.132/2012)

The Council, having noted the technical nature of the draft Regulations, indicated its support thereof.

Draft Income Tax (Amendment No. 42) (Jersey) Law 201- (P.133/2012)

The Council noted that this draft Law was associated with P.132/2012 above and would amend the Income Tax (Jersey) Law so as to change the treatment of Limited Liability Companies, and agreed to support it accordingly.

Jersey Appointments Commission: appointment of Commissioner (P.136/2012)

The Commission recalled that the proposition sought to align the timescale for the appointment of Professor E. Sallis, O.B.E. with the expiry date of the current Chairman's term of office.

29th January 2013

Committee of Inquiry: Historical Child Abuse (P.118/2012)

The Council agreed to discuss the proposition further at its next meeting and noted that it was therefore likely that the debate would be deferred until 19th February 2013.

Minister for Justice and Department of Justice: report (P.120/2012)

Discussion of this matter is recorded in Minute No. B2 of this meeting.

Draft Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations 201- (P.128/2012)

Ratification of the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income between the Government of Jersey and the Government of the Republic of Singapore (P.129/2012)

Draft Taxation (Double Taxation) (Amendment of Law) (Jersey) Regulations 201- (P.130/2012)

The Council noted that the draft Regulations flowed from P.129/2012.

Higher Education Grants: method of assessment (P.134/2012)

The Council noted that it was understood that the relevant Scrutiny Panel intended to meet with Deputy G.C.L. Baudains in order to consider whether it might undertake a review of the matter. The Minister for Education, Sport and Culture, having outlined the rationale for the current arrangements and the commitment of his department to the agreed Comprehensive Spending Review (CSR) savings, undertook to revert to the Council at its next meeting with a detailed report and draft comments on P.134/2012.

Draft Motor Traffic (Third Party Insurance) (Cost Recovery) (Jersey) Regulations 201- (P.135/2012)

The Council discussed with the Hospital Director and Hospital Director Designate the proposed mechanisms which would enable the cost recovery of charges for hospital and ambulance treatment resulting from road traffic accidents without further impact on Jersey motor insurance policy premiums. The Council indicated its support of the projet.

Statistics User Group: appointment of Chairman (P.137/2012)**Comptroller and Auditor General: appointment** (P.138/2012)

The Council noted that the States might be requested to agree to bring consideration of this matter forward to 15th January 2013.

Strategic Plan
implemen-
tation:
progress.
1444/1(61)

A3. The Council, with reference to its Minute No. B1 of 20th July 2012, discussed with the Comprehensive Spending Review Team Leader a report dated 23rd November 2012, concerning the progress against Strategic Plan Priorities as at 30th November 2012.

The Council also noted that the Annual Performance Report for 2012 would include performance against key performance indicators, and that the format of the report would be revised in line with the Strategic Plan 2012.

The Council agreed that the Report would benefit from the inclusion of an introductory section and also an executive summary, and further agreed that in view of the delay in presenting the Report to the States, wherever possible the details to be provided should be updated to take account of events which might have occurred subsequent to the end of November 2012 (particularly in the Education, Sport and Culture area in relation to “Apprentices” and “Core Skills Review”).

The Council delegated to the Chief Minister authority to approve the final version of the Report in due course.