

PM/SC/309

COUNCIL OF MINISTERS

(61st Meeting)

30th October 2013PART A

All members were present, with the exception of Senator I.J. Gorst, Chief Minister; 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 B.I. Le Marquand, Minister for Home Affairs, Deputy Chief Minister - Chairman  
 Senator P.F.C. Ozouf, Minister for Treasury and Resources  
 Senator F. du H. Le Gresley, M.B.E., Minister for Social Security  
 Senator Sir P.M. Bailhache, Minister for External Relations (present for items A2, A3 and B3)  
 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

In attendance -

Senator P.F. Routier, M.B.E., Assistant to the Chief Minister  
 T. Walker, Director – International Affairs, Acting Chief Executive, States of Jersey  
 M.N. de la Haye, Greffier of the States  
 T. Le Cocq, Q.C., H.M. Attorney General  
 R. Johnston, Assistant Director – Policy, Chief Minister’s Department (for item B1)  
 L. De Oliviera, Policy and Research Officer  
 A. Plunkett-Cole, Acting Communications Manager, 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 meeting held on 16th October 2013 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

States  
 business.  
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A2. The Council, with reference to its Minute No. A2 of 16th October 2013, noted the list of public business scheduled for consideration by the States Assembly for the remainder of the Second Session 2013. Particular consideration was given to the propositions listed below.

5th November 2013

**Minister for Transport and Technical Services: vote of censure (P.129/2013)**

The Council agreed that it strongly supported the Minister for Transport and Technical Services (TTS) in refuting the claims made by Deputy G.C.L. Baudains

and decided to present a comment to the States in due course, the wording of which was delegated to the Deputy Chief Minister in conjunction with the Minister for TTS. The Council considered it to be inappropriate for such a 'censure' motion to be used in relation to what appeared to be grievances with the manner in which the Minister was alleged to have undertaken his Ministerial duties, rather than in relation to any behaviour as a member of the States Assembly.

**Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 7) (Jersey) Regulations 201-** (P.132/2013)

The Council supported the proposition, which it noted would address the situation whereby delays in responding to requests for information received from the French tax authorities had been the cause of Jersey being included in the French list of non-co-operative jurisdictions.

**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, and amendment to amendment

**Composition and election of the States Assembly: reform – proposal 3** (P.98/2013)

**Composition of the States Assembly: interim reform for 2014 and referendum on further reform** (P.116/2013)

**Composition and election of the States Assembly: reform – proposal 4** (P.117/2013)

**Public Elections: Single Transferable Voting System (STV) and and Alternative Voting System (AV)** (P.86/2013)

**Public Elections: amendments to legislation and administration** (P.110/2013)

**Draft Community Provisions (Welfare of Animals During Transport) (Jersey) Regulations 201-** (P.113/2013)

The Council supported the proposition.

**Social Security Tribunal: re-appointment of members** (P.120/2013)

The Council supported the proposition.

19th November 2013

**Committee of Inquiry: costs for local businesses** (P.82/2013)

The Council noted that it was understood that Senator A. Breckon was prepared to defer this matter to a later date pending the completion of a review presently being undertaken by the Jersey Competition Regulatory Authority (JCRA).

**Public Sector Reform** (P.91/2013)

The Council noted that an amendment to the proposition was likely to be proposed as a consequence of the ongoing discussions between Deputy G.C.L. Baudains and the Minister for Economic Development.

**Long Term Care Scheme** (P.99/2013)

The Council noted that a report by the Health, Social Security and Housing Scrutiny Panel was in the course of finalisation for presentation to the States Assembly on 5th November 2013.

**Law Society of Jersey Disciplinary Panel: appointment of lay members (P.104/2013)**

The Council noted that ongoing discussions between the Chief Minister and the Law Society of Jersey and the Jersey Appointments Commission might result in this item being deferred.

**Commissioner for Standards: establishment (P.107/2013)**

The Council, having recalled that the Chief Minister, in conjunction with the Deputy Chief Minister, had been formulating an amendment to the proposition of the Privileges and Procedures Committee, noted that this amendment was no longer to proceed. [*See also Minute No. B3 of this meeting*].

**Draft Aquatic Resources (Jersey) Law 201- (P.114/2013)**

The Council noted from the Minister for Planning and Environment his understanding that the proposition was likely to be deferred pending further discussion with the Minister for Economic Development.

**Draft Shipping (Safety Codes – Yachts and Small Ships) (Jersey) Regulations 201- (P.118/2013)****Jersey Heritage Trust: amendments to Constitution (P.119/2013)**

The Minister for Education, Sport and Council outlined the rationale for the proposition, which followed the principle that lines of accountability for public funding should not be compromised by the representation of the sponsoring Minister on the organisation for which he maintained a funding responsibility. It was recalled that the present Constitution of the Jersey Heritage Trust dated from the period of committee government when it was thought desirable to have a member of the relevant funding committee sit on the board of organisations in receipt of significant grants from the States. The Council accordingly supported the proposition.

**Jersey Innovation Fund: Board remuneration (P.121/2013)****The Lord Portsea Gift Fund: revised rules and conditions (P.126/2013)****Dental Health Services: improvements (P.127/2013)****States Members' remuneration: proposed increase 2014 (P.128/2013)**

The Council regretted that the recommendations of the States Members Remuneration Review Body, established by the States in order to depoliticise such matters, were not being respected, and decided to present a comment to the States in due course.

**Ex Gratia payment to Mr. Terry McDonald (P.130/2013)**

The Deputy Chief Minister indicated that the proposer, the Deputy of St. Martin, had confirmed that he was not seeking through his proposition to attribute blame to any department of the States. Consequently, the premise of the proposition was solely that compensation should be paid by way of recompense for costs incurred in the setting-up of an unsuccessful charity fireworks display in the summer of 2007. The Deputy Chief Minister urged Ministers to re-read the "Combined Report by the Ministers for Home Affairs, Planning and Environment and Economic Development Report" (R.113/2011) which set out in detail the background to the matter. The Council confirmed that it did not wish to comment on the proposition.

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December 2013 respectively with presentations from the Ministers for Economic Development, and Planning and Environment.

The Council recognised that, in order to ensure that all Ministers completed their respective presentations within the current 3-year term of office, it would be appropriate to set dates for the remaining presentations, as follows –

21st January 2014	- Minister for Home Affairs
18th March 2014	- Minister for Social Security
13th May 2014	- Minister for Transport.