

PM/SC/328

COUNCIL OF MINISTERS

(2nd Meeting)

19th November 2014**PART A**

All members were present.

Senator I.J. Gorst, Chief Minister
 Senator A.J.H. Maclean, Minister for Treasury and Resources
 Senator L.J. Farnham, Minister for Economic Development
 Senator Sir P.M. Bailhache, Minister for External Relations
 Senator A.K.F. Green, M.B.E, Minister for Health and Social Services
 Deputy A.E. Pryke of Trinity, Minister for Housing
 Deputy E.J. Noel of St. Lawrence, Minister for Transport and Technical Services
 Deputy S.J. Pinel of St. Clement, Minister for Social Security
 Deputy S.G. Luce of St. Martin, Minister for Planning and Environment
 Deputy R.G. Bryans of St. Helier, Minister for Education, Sport and Culture
 Deputy K.L. Moore of St. Peter, Minister for Home Affairs

In attendance -

Senator P.F. Routier, M.B.E., Assistant to the Chief Minister
 Senator P.F.C. Ozouf, Assistant to the Chief Minister
 J.D. Richardson, Chief Executive, States of Jersey
 M.N. de la Haye O.B.E., Greffier of the States
 R. Johnson, Assistant Director, Social Policy, Chief Minister's Department (for item B1)
 K. Morel, Policy Principal, Social Security Department (for item B2)
 I. Burns, Interim Chief Officer, Social Security Department (for item B2)
 P. Bradbury, Director, Corporate Policy, Chief Minister's Department, Chief Minister's Department
 A. Marshall, Head of Information Management, Chief Minister's Department (for item A3)
 J. Gillies, Legal Assistant Adviser, Law Officers' Department (for item A3)
 C. Keir, Assistant Director, Ministerial Support and Communications, Chief Minister's Department
 H. Woodside, States Greffe
 P. Monamy, Clerk to the Council of Ministers

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

States
 business.
 1240/7/1(1)

A1. The Council, with reference to Minute No. A4 of 3rd September 2014 of the Council as previously constituted, noted the list of public business scheduled for consideration by the States Assembly on 25th November 2014 and subsequent meetings, and commented specifically on the following –

25th November 2014:

Draft Freedom of Information (Jersey Heritage Trust) (Jersey) Regulations 201- (P.146/2014)

The Council supported the draft Regulations.

Freedom of Information: extension to companies owned or controlled by the States (P.149/2014)

The Council considered that the proposition of the Deputy of Grouville was undesirable insofar as it would place an unnecessary burden on States' commercial companies which would thereafter be unable to operate on a 'level playing field' basis. The Council authorised the Minister for Treasury and Resources to finalise the Council's comment for presentation to the States.

Draft Pet Travel Scheme (Amendment) (Jersey) Regulations 201- (P.150/2014)

The Council supported the draft Regulations.

Draft Financial Services Commission (Amendment No. 6) (Jersey) Law 201- (P.151/2014)

The Council noted that the Amendment would provide a civil financial penalty regime, the proceeds from which penalties were to be kept by the Commission, with the maximum penalty being limited to an amount to be prescribed by Order by the Chief Minister. Provision was to be made for appeal against the imposition of a penalty or the amount of the penalty to the Royal Court. The Council supported the draft Law.

Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) Act 201- (P.152/2014)

Draft Freedom of Information (Schedule 1 to Law) (Amendment No. 2) (Jersey) Regulations 201- (P.154/2014)

The Council supported the draft Regulations.

Draft Freedom of Information (Costs) (Jersey) Regulations 201- (P.155/2014)

The Council supported the draft Regulations.

Greville Bathe Fund: appointment of Jurats (P.159/2014)

The Council supported the proposition.

Draft International Criminal Court (Jersey) Law 2014 (Appointed Day) Act 201- (P.161/2014)

The Council supported the draft Appointed Day Act.

Freedom of Information: presentation. 670/1(42)

A3. The Council, with reference to Minutes Nos. B11 and B12 of 7th May 2014 of the Council as previously constituted, and with the Head of Information Management and the Assistant Legal Adviser. Law Officers' Department in attendance, received a presentation on Freedom of Information (FoI) from Mr. Martin Rosenbaum, BBC Executive Producer.

Mr. Rosenbaum outlined the manner in which BBC FoI practitioners collated statistical information from all parts of the United Kingdom in order to provide a factual basis to new stories and programmes. It was suggested that in FoI practice there were 9 issues of contention, as follows –

- "initial uncertainty
- what gets released – public interest test
- extent of redactions
- delay
- cost limit

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- advice and assistance – contact with requesters
- is the information held
- format of material released
- context/spin.”

Mr. Rosenbaum outlined the rationale for each of the issues of contention, and suggested that mist could be overcome by authorities following accepted FoI good practice, as follows -

- “1. Promptness and efficiency.
2. Refusals should be justifiable and explained.
3. Useful advice and assistance.”

In particular, Mr. Rosenbaum recommended that much otherwise unnecessary further work could be avoided by authorities if only they would provide as complete a response as possible to the initial request for information and, where there was uncertainty regarding the details sought, by discussing with the requester their precise requirements, sometimes with a view to bringing the estimated cost of fulfilling the request down to below the maximum limit.

Mr. Rosenbaum, having answered a number of questions, was thanked by the Chief Minister for his presentation.