

PM/SC/022

COUNCIL OF MINISTERS

(5th Meeting)

14th January 2015**PART A (Non-exempt)**

All members were present, with the exception of Deputy A.E. Pryke of Trinity, Minister for Housing, and Deputy S.J. Pinel of St. Clement, Minister for Social Security, from whom apologies for absence were received.

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 (not present for item B1)  
 Senator A.K.F. Green, M.B.E, Minister for Health and Social Services  
 Deputy E.J. Noel of St. Lawrence, Minister for Transport and Technical Services  
 Deputy S.G. Luce of St. Martin, Minister for Planning and Environment (not present for items A1 and A2)  
 Deputy R.G. Bryans of St. Helier, Minister for Education, Sport and Culture  
 Deputy K.L. Moore of St. Peter, Minister for Home Affairs  
 Deputy G.J. Truscott of St. Brelade, Assistant Minister for Social Security

In attendance -

Senator P.F. Routier, M.B.E., Assistant Chief Minister  
 Senator P.F.C. Ozouf, Assistant Chief Minister  
 J.D. Richardson, Chief Executive, States of Jersey  
 M.N. de la Haye O.B.E., Greffier of the States (not present for item B1)  
 T. J. Le Cocq, Q.C., H.M. Attorney General (not present for item B1)  
 P. Bradbury, Director – Corporate Policy, Chief Minister’s Department (for items A3, A4 and B1)  
 S. Duhamel, Policy and Strategy Director, Social Security Department (for item A4)  
 K. Morel, Policy Principal, Social Security Department (for item A4)  
 R. Bell, Interim Treasurer of the States (for item B1)  
 C. Haws, Head of Financial Planning, Treasury and Resources Department (for item B1)  
 A. Rogers, Director of Treasury Operations, Treasury and Resources Department (for item B1)  
 Dr. I. Skinner, Head of Strategy, Chief Minister’s Department (for item B1)  
 D. Peedle, Economic Adviser, Chief Minister’s Department (for item B1)  
 C. Keir, Assistant Director, Ministerial Support and Communications  
 P. Monamy, Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A (Non-exempt) and Part B (Exempt).

Minutes.

A1. The Minutes of the meetings held on 13th and 19th November (both Part A

and Part B), and 5th December (Part A only) and 16th December 2014 (Part B only), having been previously circulated were taken as read and were confirmed.

Draft Air and  
Sea Ports  
(Incorporation)  
(Jersey) Law  
201-: lodging  
'au Greffe.'  
1468(1)

A2. The Council, with reference to its Minute No. B1 of 16th December 2014, noted that amongst the specific property matters discussed at that meeting, the "Spellbound" site adjacent to the airport, and the Airport Playing Fields had also been referred to.

The Council, having noted that the Chief Minister and the Minister for Economic Development had subsequently finalised the draft projet, accordingly approved its lodging 'au Greffe' in the name of the Council and asked that it be set down for debate by the States Assembly on 24th March 2015.

Draft 'Code of  
Conduct and  
Practice for  
Ministers and  
Assistant  
Ministers':  
approval.  
1444/3(17)

A3. The Council, with reference to its Minute No. B1 of 13th November 2014, discussed with the Director – Corporate Policy, Chief Minister's Department an update on the proposal to approve a "Code of Conduct and Practice for Ministers and Assistant Ministers", subject to matters previously raised.

It was recalled that most prominent in its previous discussion had been the question as to how Ministers should manage constituency matters in the light of collective responsibility. Following review of codes of conduct for Ministers in other jurisdictions (notably, the United Kingdom and the Isle of Man, and reflecting on the Jersey context), the under-mentioned text was now proposed –

*"Ministers should keep their ministerial and constituency responsibilities separate. Ministers are free to make their views about constituency matters known to the responsible Minister by correspondence or by personal interview, provided they make clear that they are acting as their constituents' representative and not as a Minister. Ministers should be mindful of the principle of collective responsibility and should avoid public comment or action that is contrary to the policy of the Council of Ministers, unless collective responsibility is waived by the Chief Minister. Ministers must take particular care to avoid any conflict of interest if they have to take decisions which impact principally on the district or parish they represent, and should seek to arrange their responsibilities so as to avoid perceived conflicts of interest, for example by delegating those decisions where possible."*

The Council, having considered further a number of issues around 'collective responsibility' and the need for improved inter-Ministerial communications, approved the above-mentioned revised text.

Additionally, the Council recalled that other matters raised previously had included –

- (a) How compliance and enforcement matters should be dealt with, in particular, that the Code should be clear that a Minister should not direct individual actions, but could operate in the area of general policy. The following text was approved –

*"Ministers should avoid providing direction in any individual or specific enforcement, compliance or policing investigation undertaken by their Departments, dealing only with matters of general policy."*

- (b) That the period afforded to Ministers to respond to the Chief Minister in response to a complaint should be shorter (10 days - not "working

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days” - instead of 15 days) with the ability to extend the period for a response where necessary. It was recognised that that provision was being added to the Code under the supervision of H.M. Attorney General.

The Council accordingly approved the revised “Code of Conduct and Practice for Ministers and Assistant Ministers” and agreed that, subject to the Chief Minister discussing the matter with Assistant Ministers, it should be presented in the name of the Council to the States for their information.

States  
business:  
20.01.2015.  
1240/7/1(1)

A4. The Council, with reference to its Minute No. A1 of 19th November 2014, noted the list of public business scheduled for consideration by the States Assembly on 20th January 2015 – the first meeting of the Spring Session 2015 – and commented specifically on the following -

20th January 2015:

**Gas Place: petition (P.156/2014)**

The Council noted that the Connétable of St. Helier had convened a Parish Assembly for Monday 19th January 2015 in order to discuss the proposal to develop the area. It was accepted that the Minister for Planning and Environment would stand-back during consideration of P.156 by the States, and the Council noted that it was not yet clear whether it would fall to the Minister or to the Planning Applications Panel to determine the application. Senator Ozouf suggested that legal advice should be sought regarding any implications on the proposed development arising from the provisions of the Jersey Gas Company (Jersey) Law 1989. The Minister for Planning and Environment undertook to present a comment on the proposition to the States in due course, and the Council concluded that it would not itself present a comment on the matter.

**Council of Ministers’ meetings: public access (P.163/2014)**

The Council, having noted that it had on 8th December 2014 presented a comment to the States, noted that its opposition to Deputy Tadier’s proposition, based on its belief that it “*should focus on the implementation of the new Freedom of Information Law, the use of technology to provide increasing levels of information, and on taking democracy into the community*”, would be led during the debate by Senator Bailhache.

**Jersey Arts Trust: re-appointment of Chairman (P.167/2014)**

The Council supported the proposition.

**Armed Forces Covenant and Community Covenant (P.168/2015)**

The Council supported the proposition.

**Draft Act annulling the Employment (Qualifying Period) (Jersey) Order 2014 (P.169/2014)**

The Council, with the Policy and Strategy Director, and the Policy Principal, Social Security Department in attendance, considered a draft comment prepared by the Social Security Department for presentation to the States by the Council of Ministers which detailed the rationale for strongly opposing the proposition. The Council, having amended the comment in a number of respects, accordingly approved it and asked for relevant briefing notes to be provided to Ministers in advance of the debate.

**Jersey Financial Services Commission: appointment of Commissioner (P.170/2014)**

The Council supported the proposition.

**Draft Financial Services Ombudsman (Case-Fee and Levy) (Jersey) Regulations 201-** (P.171/2014)

The Council supported the draft Regulations.

**Jersey Financial Services Commission: appointment of Commissioner** (P.172/2014)

The Council supported the proposition.

**Draft *Loi (201-) au sujet des assemblées paroissiales*** (P.173/2015)

The Council supported the draft *Loi*.

**Minimum Wage: revised hourly rate from 1st April 2015** (P.175/2014)

The Council, with the Policy and Strategy Director, and the Policy Principal, Social Security Department in attendance, considered a draft comment prepared by the Social Security Department for presentation to the States by the Council of Ministers which detailed the rationale for strongly opposing the proposition. The Council, having amended the comment in a number of respects, accordingly approved it and asked for relevant briefing notes and background information (including the recommendation of the Employment Forum and a transcript of the Official Report ('Hansard') of a previous oral question of Deputy S. Mézec on 9th December 2014 relating to the unfair dismissal qualifying period) to be provided to Ministers in advance of the debate.

**Jersey Consumer Council: appointment of Chairman** (P.176/2014)

The Council supported the proposition.

**States of Jersey Complaints Panel: appointment of members** (P.180/2014)

The Council supported the proposition.

**JT Group Limited: meeting concerning Gigabit project** (P.181/2014)

The Council agreed that it did not support the proposition on the basis that it did not consider it appropriate for the shareholder to convene a meeting involving CH2M Hills (a significantly large global company) and Members of the States. However, it was noted that the Minister for Treasury and Resources had made arrangements for a meeting to be held on Monday 19th January 2015 which would provide an opportunity for States members to meet the JT Chairman and Board members.