

PM/SC/168

COUNCIL OF MINISTERS

(18th Meeting)

10th June 2015**PART A (Non-exempt)**

All members were present.

Senator I.J. Gorst, Chief Minister (not present for item B3)
 Senator A.J.H. Maclean, Minister for Treasury and Resources (not present for items B3 and B4)
 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 (not present for items B1-B3)
 Deputy E.J. Noel of St. Lawrence, Minister for Transport and Technical Services
 Deputy S.J. Pinel of St. Clement, Minister for Social Security (for items A1, A2 and B6)
 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 Chief Minister
 Deputy G.J. Truscott of St. Brelade, Assistant Minister for Social Security
 Deputy T.A. Vallois, Assistant Minister for Treasury and Resources (for items B2-B5)
 J.D. Richardson, Chief Executive, States of Jersey
 M.N. de la Haye O.B.E., Greffier of the States
 Dr. S. Turnbull, Medical Officer of Health (for item B1)
 Dr. L.E. Diggle, Head of Healthcare Programmes, Health and Social Services Department (for item B1)
 P. McCabe, Chief Pharmacist, Health and Social Services Department (for item 1)
 R. Bell, Treasurer of the States (for items B2-B5)
 A. Rogers, Director of Treasury Operations, Treasury and Resources Department (for items B2-B5)
 C. Haws, Head of Financial Planning, Treasury and Resources Department (for items B2-B5)
 C. Anderson, Reform Programme Manager, Chief Minister's Department (for items B2-B5 and A2)
 A. Scate, Chief Officer, Department of the Environment (for item B6)
 F. Glover, Senior Policy Officer, Department of the Environment (for item B6)
 L. Magris, Director for Environmental Policy, Department of the Environment (for item B6)
 P. Bradbury, Director – Corporate Policy, Chief Minister's Department (for item A2)
 C. Donnelly, Executive Support Officer, Chief Minister's Department (for

item A2)

J. Gillies, Assistant Legal Adviser, Law Officer's Department (for item A2)

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 and Part B.

States Business
16.06.2015 and
23.06.2015.
1240/7/1(1)

A1. The Council, with reference to its Minute No. A2 of 6th May 2015, noted the list of public business scheduled for consideration by the States Assembly on 16th and 23rd June 2015, and commented specifically on the following –

16th June 2015:

Draft Public Finances (Amendment of Law No. 2) (Jersey) Regulations 201-
(P.42/2015) and Amendments

The Council recalled that the Amendment Regulations sought to introduce flexibility into the way that States expenditure was set in the Medium Term Financial Plan (MTFP) and that it was critical to the timetable for lodging 'au Greffe' the MTFP 2016-2019. It was noted that the Corporate Services Scrutiny Panel (CSSP) had lodged 'au Greffe' an amendment which sought to limit the proposed changes to the next MTFP (2016-2019) only and which would require 2017 departmental detail to be lodged by 30th April 2016 and 2018 and 2019 departmental detail to be lodged by 1st January 2017. It was recalled that, subsequently, the Minister for Treasury and Resources had lodged 'au Greffe' an amendment to the CSSP amendment which (a) accepted the proposed changes to the next MTFP (2016-2019) only; and (b) sought to amend the date for 2017, 2018 and 2019 departmental detail to be lodged to 30th June 2015. The Council agreed that it was important for both the CSSP and the Minister for Treasury and Resources' amendment to be adopted by the States.

Esplanade Quarter development: Scrutiny review and referendum
(P.44/2015) and Amendment

The Council recognised that Deputy M. Tadier of St. Brelade, having amended his own proposition, now sought to prevent any further binding agreements being entered into by the States of Jersey Development Company (SoJDC) for the development of new office accommodation on the site known as the Esplanade Quarter, St. Helier, and also to prevent the start or continuation of any building works, until such time as the Corporate Services Scrutiny Panel (CSSP) had presented to the States its final report arising from its current review of the project. It was noted that, whilst the Deputy had previously sought the holding of a referendum on the development proposals for the site, he now sought to persuade the States to request the Council, within one month of the presentation of the above-mentioned Scrutiny Report, to lodge for debate a proposition asking the States to support the development, and to agree that no further agreements for development of office accommodation on the site should be entered into, and no further building works should be started or continued unless the development proposals in question had been approved by the Assembly; and to request the Minister to give further directions to this effect to the company. Having recalled the background to the present development proposals – including the adoption by the States of P.60/2008: a Masterplan for the Esplanade Quarter; the adoption of P.73/2010: a rationale and operating arrangements for SoJDC; and the appointment of a Chairman and Non-Executive Directors of SoJDC to run the company on their behalf - the Council recognised that a binding pre-let agreement had already been signed with a major financial services provider as a prospective tenant for Building 4 of the Jersey International Finance Centre, which was sufficient to

commence construction. Consequently the Council agreed that parts (a) and (b) of the proposition should be rejected. The Council delegated to the Minister for Treasury and Resources authority to finalise a comment on the proposition to be presented to the States Assembly for their information.

Jersey Financial Services Commission: re-appointment of Commissioner (P.47/2015)

The Council supported the re-appointment of Crown Advocate C.E. Whelan as a Jersey Financial Services Commissioner for a further period of 5 years.

Jersey Financial Services Commission: re-appointment of Commissioner (P.49/2015)

The Council supported the re-appointment of Mr. M.H. Ruetimann as a Jersey Financial Services Commissioner for a further period of 5 years.

Health and Safety Appeal Tribunal: appointment of members (P.54/2015)

The Council supported the appointment of Mr. D.M. Rothband, and the re-appointment of Mr. N. Collier-Webb, to the Health and Safety Appeal Tribunal for a period of 3 years.

23rd June 2015:

States Assembly: filming proceedings and the installation of clocks (P.39/2015)

The Council noted that the Privileges and Procedures Committee (PPC) sought the agreement of the States that (a) the proceedings of the Assembly should be filmed and broadcast live on the Internet and that the broadcast of each Sitting should be available online to view again for a period of at least 6 months; (b) that the official media should be permitted, at their own cost, to record the proceedings of the States Assembly from the footage made under (a) above for use in news reports; and (c) that 3 digital display clocks be installed in the States Chamber to indicate the length of speeches and other interventions made by States members. Some Ministers having expressed reservations, the Council overall, having accepted that the expenditure proposed would enhance the democratic accountability of the States Assembly and enable more people to engage in the Island's democracy, agreed to urge PPC to endeavour to achieve the best value deal when tendering for the services envisaged, ensuring that the equipment specifications were limited, prudent and minimalistic.

States of Jersey Development Company Limited: re-appointment of Non-Executive Director (P.47/2015)

The Council supported the proposition.

Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201- (P.46/2015)

The Council supported the draft Regulations which would transfer certain functions between some existing Ministerial portfolios and create a new Ministerial office (namely, the Minister for Economic Development, Tourism, Sport and Culture; the Minister for Education; the Minister for the Environment; and the Minister for Infrastructure). It was agreed that the item should be deferred until 14th July 2015.

Draft Connétables (Amendment – Declaration of Convictions) (Jersey) Law 201- (P.48/2015)

The Council supported the draft Law which would require a candidate for election as Connétable to make certain declarations (including convictions) at a nomination meeting, so as to mirror the requirements for Senators and for Deputies.

Draft Income Support (Amendment) (Jersey) Law 201- (P.50/2015)

The Council, having recognised that P.50/2015, P.51/2015 and P.52/2015 together made a series of related changes to Income Support legislation, supported the changes proposed which it considered represented reasonable and proportionate changes to the expectations placed on parents receiving Income Support, in line with the 'Back to Work' scheme and aligned to the Education, Sport and Culture provision of nursery education. It was further noted that, by increasing workforce participation, the proposals directly supported other States policies and the recently approved Strategic Plan.

Draft Income Support (Amendment Law No. 2) (Jersey) Regulations 201- (P.51/2015)

The Council supported the draft Regulations.

Draft Income Support (Amendment No. 13) (Jersey) Regulations 201- (P.52/2015)

The Council supported the draft Regulations.

Draft Adoption (Amendment No. 7) (Jersey) Law 201- (P.53/2015)

The Council supported the draft Law.

Ex Gratia payment to Mr. Roy Bochat (P.58/2015)

The Council noted that the proposition sought the *ex gratia* payment of compensation for loss of business and reputation arising from the actions of the former Deputy Chief Officer of the States of Jersey Police. The Council agreed that it did not support the proposition. The Minister for Home Affairs undertook to ask the proposer to defer his proposition until such time as the States of Jersey Police could undertake an internal inquiry on the matter.

Public Sector
Reform
review:
Accounts
Committee -
request for
information.
512/27(1)

A2. The Council discussed with the Director – Corporate Policy, together with the Executive Support Officer, Chief Minister's Department and the Assistant Legal Adviser, Law Officers' Department, a request from the Public Accounts Committee for the provision of information to assist in its ongoing review of Public Sector Reform, particularly the contents of various 'Part B' reports and associated 'Part B' Minutes.

It was considered that, in effect, the request sought the reclassification of material, presently exempt from publication under 'Part B', into the public domain with 'Part A' status. The Public Accounts Committee envisaged that the information would be referred to in its forthcoming public hearing (scheduled for 15th June 2015) and possibly included in its report on the review to be published by 14th July 2015.

The Council was apprised by the Chief Executive that, hitherto, the Public Accounts Committee had adopted the approach pursued by Scrutiny Panels of requesting specific 'Part B' material under a confidentially agreement which usually allowed them to raise previously confidential matters during a public hearing. Whereas there was little in the material presently requested which would give rise to particular difficulty in referring to it in an open forum, the Council noted that some of the material contained commercially sensitive information which it was considered should not be released.

Having noted that it was understood that key areas for the Public Accounts Committee review were the timetable for agreed spending plans and their subsequent delivery, the Council decided that it would be preferable for the Committee to continue to be able to obtain and to reference relevant Council of

18th Meeting
10.06.15

Ministers papers under current protocols, but not to publish the contents thereof.

The officers were directed to apprise the Public Accounts Committee of the Council's decision.