

PM/SC/267

COUNCIL OF MINISTERS

(25th Meeting)

16th September 2015**PART A (Non-exempt)**

All members were present, with the exception of Senator Sir P.M. Bailhache, Minister for External Relations and Deputy S.G. Luce of St. Martin, Minister for Planning and Environment, from whom apologies had been 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 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 R.G. Bryans of St. Helier, Minister for Education, Sport and Culture
 Deputy K.L. Moore of St. Peter, Minister for Home Affairs
 Connétable S.W. Pallet of St. Brelade, Assistant Minister for Planning and Environment

In attendance -

Senator P.F.C. Ozouf, Assistant Chief Minister
 Deputy T.A. Vallois, Assistant Minister for Treasury and Resources (for items B1 and B2)
 J.D. Richardson, Chief Executive, States of Jersey (not present for item B5)
 M.N. de la Haye, O.B.E., Greffier of the States (not present for item B5)
 R.J. MacRae, Q.C., H.M. Attorney General (not present for item B5)
 R. Johnson, Director – Social Policy, Chief Minister’s Department (for items A3 and B3)
 R. Bell, Treasurer of the States (for items A4-A7, B1 and B4)
 P. Eastwood, Deputy Director – Tax Policy, Treasury and Resources Department (for item B1)
 R. Summersgill, Comptroller of Taxes (for item B1)
 M. Cockerham, Director – Law Enforcement, Customs and Immigration (for item B1)
 L. Reeve, Senior Manager, Tax Policy Unit (for item B1)
 C. Haws, Head of Financial Planning, Treasury and Resources Department (for items A4-A7 and B2)
 D. Peedle, Chief Economic Adviser, Chief Minister’s Department (for item A5)
 M. Bowron, Chief Officer, States of Jersey Police (for items A8 and B2)
 K. Chapman, Staff Officer to the Chief Officer, States of Jersey Police (for items A8 and B2)
 R. Stevens, Director of Human Resources, States of Jersey (for item B5)
 C. Keir, Assistant Director - Ministerial Support and Communications (not present for item B5)
 P. Monamy, Clerk to the Council of Ministers

A. Scott, student shadowing the Minister for Treasury and Resources (not present for item B5)

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

Minutes. A1. The Minutes of the meeting held on 2nd September 2015 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

States Business 22.09.2015. 1240/7/1(1) A2. The Council, with reference to its Minute No. A2 of 2nd September 2015, noted the list of public business scheduled for consideration by the States Assembly on 22nd September 2015, and commented specifically on the following –

22nd September 2015:

Draft Public Finances (Amendment of Law No. 3) (Jersey) Regulations 201-
(P.57/2015)

The Council noted that revised draft Regulations would propose that the existing non-Ministerial States-funded bodies be divided into 2 categories: those which remain unchanged and for which no Minister had responsibility to the States for the body's administration and funding; and those (namely, the Viscount's Department, Judicial Greffe, Law Officers' Department, Probation and Aftercare department and the Data Protection Commissioner) for which the Chief Minister would have responsibility to the States for their funding (but not their administration). The intention was noted that, following an informal briefing provided to the Corporate Services Scrutiny Panel, P.57/2015 was to be withdrawn and the draft Regulations updated and re-lodged 'au Greffe.'

Chief Officer of the States of Jersey Police Force: re-appointment (P.70/2015)

The Council supported the proposition.

Red Houses Car Park: lease (P.73/2015)

The Council, having noted the response prepared by the Transport and Technical Services Department (TTSD) to Deputy Tadier's proposition, including the correction of certain factual inaccuracies and the outcome of consultation undertaken by the TTSD, agreed that it rejected the projet and approved its comment to be presented to the States.

Same-sex marriage, divorce and dissolution (P.77/2015)

The Council supported the proposition.

Draft International Criminal Court (Amendment) (Jersey) Law 201-
(P.86/2015)

The Council supported the draft Law.

Draft Dentistry (Jersey) Law 201- (P.89/2015)

The Council supported the draft Law, which it was recalled would replace the Dentists (Registration) (Jersey) Law 1961.

Ratification of the Agreement between the Government of Jersey and the Republic of Rwanda for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (P.90/2015)

The Council supported the proposition on the basis that that the proposed Double-Taxation Agreement (DTA) accorded with the Island's international obligations and would also be supportive of the States jobs and growth policy.

Draft Taxation (Double Taxation) (Amendment No. 3) (Jersey) Regulations 201- (P.91/2015)

The Council supported the draft Regulations on the basis that it was necessary for the Double-Taxation Agreement (DTA) to be brought into force once the Republic of Rwanda had ratified it.

Draft Licensing (Licence Fees) (Jersey) Regulations 201- (P.94/2015)

The Council supported the draft Regulations, which it was noted would uprate Licensing fees in line with inflation aggregated from 2008 to 2014 (by 17 per cent across the board).

Greffier of the States: consent to appointment (P.101/2015)

The Council, having recognised that the proposition had been lodged 'au Greffe' by the Privileges and Procedures Committee and would be considered by the States 'in camera', agreed that it did not have a collective view on the proposal.

Draft Act annulling the Income Support (General Provisions) (Amendment No. 17) (Jersey) Order 2015 (P.106/2015)

The Council, recognising that the proposition sought to annul part of an Order made by the Minister for Social Security which would improve the overall fairness and consistency of the Income Support system by including jobseekers between the ages of 19-24 in the parental household, in the same way that students were treated currently, agreed that it rejected the proposition and approved its comment for presentation to the States.

Children and
Vulnerable
Adults
(CAVA)
Policy Group;
terms of
reference.
1064/3/1(1)

A3. The Council discussed with the Director – Social Policy, Chief Minister's Department her report dated September 2015 concerning the proposed merging of the Children's Policy Group and the Adults Policy Group into a single entity to be known as the Children and Vulnerable Adults (CAVA) Policy Group.

It was noted that, in accordance with the Ministerial Code of Conduct 2015, CAVA would provide for consideration of cross-departmental matters in advance of their determination by the Council of Ministers.

The Council accordingly approved terms of reference for the new group and directed the relevant officers to take the necessary action.

Draft MTFP
2016-2019:
Amendment
for Ports
Incorporation –
lodging 'au
Greffe'.
447/1/1/10(1)

A4. The Council, with reference to its Minutes Nos. B1 of 8th July and A2 of 22nd July 2015, discussed with the Treasurer of the States and the Treasury Team a report dated 11th September 2015 concerning a proposed Amendment to the Medium Term Financial Plan (MTFP) 2016-2019 in order to reflect the adoption by the States on 8th September 2015 of the Transfer Regulations (P.80/2015) and Appointed Day Act (P.68/2015) for the Incorporation of the Ports of Jersey from 1st October 2015.

It was recognised that proposals relating to Jersey Airport and Jersey Harbours from 2016 had to be removed from the Draft MTFP 2016-2019 (P.72/2015) and that this was to be achieved by means of an amendment to the proposition and the provision of amended Summary Tables for States Trading Operations. This would remove the net revenue and capital expenditure approvals and the movements from the Trading Funds for Jersey Airport and Jersey Harbours.

The Council accordingly approved the proposed amendment to the MTFP and asked that it be lodged 'au Greffe' in due course.

MTFP 2016-2019:
“Jersey’s Fiscal Framework for MTFP 2016-2019 and Beyond” – presentation to the States
447/1/1/10(1)

A5. The Council, with reference to its Minute No. B3 of 3rd July 2015, discussed with the Chief Economic Adviser his report, dated 11th September 2015, concerning the presentation to the States by the Minister for Treasury and Resources of a report outlining “*Jersey’s Fiscal Framework for the Medium Term Financial Plan (MTFP) 2016-2019 and Beyond.*”

It was noted that the report would follow-up “*Updating Jersey’s Fiscal Framework*”, which had been published in 2014 (*R.102/2014 refers*), building upon its recommendations and setting out the framework that would cover decisions taken over the course of the MTFP 2016-2019 and beyond. The Council noted that the new report would build on the experience in Jersey in recent years, and would draw on international experience and set out a clear and transparent decision-making process. Further, it would assist in making fiscal decisions which supported the Island’s economic objectives as set out in the Strategic Plan and would underpin medium-term fiscal sustainability.

Having noted the key components of the fiscal framework, the Council recognised that there were a number of other rules in place which resulted from the Public Finances (Jersey) Law 2005 and various decisions of the States which, for example, limited the amount of States lending and/or borrowing. Whilst it was not presently the intention to change or remove such rules, they would be kept under review so as to ensure that they did not constrain fiscal policy decisions that were in line with fiscal guidelines and Fiscal Policy Panel (FPP) advice.

The Council, having noted that the FPP had been consulted and had commented on the Fiscal Framework, the Council concluded that it was important that the framework should be set out, given the significance of fiscal policy as the key macroeconomic policy tool available to the Island.

The Council accordingly agreed that the Fiscal Framework should be presented to the States by the Minister for Treasury and Resources ahead of the States debate on the Draft MTFP 2016-2019 (which was set down for 6th October 2015).

MTFP 2016-2019:
amendment to defer growth item until 2018 – lodging ‘au Greffe.’
477/1/1/10(1)

A6. The Council, having received an oral report from the Treasurer of the States, together with the Head of Financial Planning, Treasury and Resources Department, considered an amendment to be made to the Draft Medium Term Financial Plan 2016-2019 (P.72/2915) to defer until 2018 the growth item of £100,000 per annum from 2016 in relation to the proposed pension provision for Members of the States.

It was agreed that all current States members, who had been elected in the October 2014 elections, had been aware of the extant terms applicable to their period of office, which did not include publicly-funded pension provision. It was accepted that in any event it was open to each member to make their own pension arrangements, albeit that this would be at their own cost.

The Council accordingly approved the proposed amendment to the MTFP and asked that it be lodged ‘au Greffe’ in due course and delegated finalisation of the text to the Chief Minister and the Minister for Treasury and Resources.

Draft MTFP 2016-2019:
corrigenda.
477/1/1/10(1)

A7. The Council, having received an oral report from the Treasurer of the States, together with the Head of Financial Planning, Treasury and Resources Department, considered a proposed corrigendum to the Medium Term Financial Plan (MTFP) 2016-2019 (P.72/2015).

It was noted that the under-mentioned pages would be issued as corrections to the

projet –

Page 47: Figure 18 had been amended so as to include the proposed income from a mechanism to offset the States' payment of rates, and a sustainable funding mechanism for health within the forecast range of States Income to 2019. The MTFP forecast (June 2015) on Figure 18 would now agree with the Proposed States Income Targets from Summary Table A, referred to in the proposition at paragraph (a)(i); and

Pages 100 and 155: Figure 39 on page 100 and Summary table F on page 144 would be amended so as to show a further project for 2019 for "Backlog Infrastructure Works" of £1.750 million under the Transport and Technical Services Department. It was recognised that this project had been inadvertently 'hidden' in the original tables, but was nevertheless included in the overall capital programme total for 2019 of £32,975 million and in the accompanying narrative on page 108.

The Council further noted that the changes did not affect the amounts proposed in paragraph (b)(iii) from Summary Table F as Total Proposed Capital Programme for 2016-2019.

The Council accordingly approved the proposed corrigendum to the MTFP and asked that it be provided to all States members in due course and ahead of the States debate on the Draft MTFP 2016-2019 (which was set down for 6th October 2015).

Freedom of Information: analysis of requests received to 31.08.2015. 670/99(1)

A8. The Council, with reference to its Minute No. B2 of 28th January 2015, discussed with the Chief Officer, States of Jersey Police, together with his Staff Officer, statistical analysis regarding requests which had been received under the Freedom of Information (Jersey) Law 2011 during 2015 (to the end of August 2015).

It was recalled that a total budget of £4.6 million had been provided for the implementation of Freedom of Information (FOI) and the Council noted that, to date, 484 'Lead' requests (i.e. where a lead source of information related to a request had been co-ordinated with other departments) and a further 179 'Contributing' requests (i.e. not the lead department for the request but where information had been contributed for collation by the lead department) had been received: a total of 633 requests.

Further analysis of requests indicated that an average of 60 a month had been received in the period January to August 2015, with the majority being directed at the States Treasury, the Chief Minister's Department and the Health and Social Services Department. Requests had emanated from individuals (34 per cent), with a further 23 per cent of repeat requests from individuals; 31 per cent from the media; 8 per cent from commercial undertakings/businesses; 2 per cent from law firms; and 2 per cent from charitable organisations.

Having noted graphical representation of 'Absolute Exemptions' and 'Qualified Exemptions' applied up to 31st August 2015, the Council recognised that only 22 out of 484 requests had been refused in full by virtue of an exemption. The most popular request topics were noted as relating to planning applications, public service sickness leave and income support; whilst only 18 requests had been received for internal review of initial responses sent to applications. The Council noted with interest that the average response time by departments had been

approximately 13 days.

The Council recalled that a funding bid of £100,000 had been included in the Medium Term Financial Plan 2016-2019 which it was envisaged would meet the costs of 2 employees to be engaged to provide central administration of ongoing FOI provision.

The Council accordingly noted the position.