

PM/SC/329

COUNCIL OF MINISTERS

(61st Meeting)

9th November 2016**PART A (Non-exempt)**

All members were present.

Senator I.J. Gorst, Chief Minister
 Senator L.J. Farnham, Minister for Economic Development, Tourism, Sport and Culture (not present for items A1 and B8)
 Deputy R.G. Bryans of St. Helier, Minister for Education
 Deputy S.G. Luce of St. Martin, Minister for the Environment (present for items B1-B5)
 Senator Sir P.M. Bailhache, Minister for External Relations
 Senator A.K.F. Green, M.B.E, Minister for Health and Social Services (not present for items A1, B7 and B8)
 Deputy K.L. Moore of St. Peter, Minister for Home Affairs
 Deputy A.E. Pryke of Trinity, Minister for Housing (not present for items B3-B5)
 Deputy E.J. Noel of St. Lawrence, Minister for Infrastructure
 Deputy S.J. Pinel of St. Clement, Minister for Social Security (not present for item B7)
 Senator A.J.H. Maclean, Minister for Treasury and Resources

In attendance -

Senator P.F. Routier, M.B.E., Assistant Chief Minister
 Senator P.F.C. Ozouf, Assistant Chief Minister
 Connétable S.W. Pallett of St. Brelade, Assistant Minister for Economic Development, Tourism, Sport and Culture (for item B2)
 Deputy S.M. Wickenden of St. Helier, Assistant to the Chief Minister
 Deputy M.J. Norton of St. Brelade, Assistant Minister for Economic Development, Tourism, Sport and Culture
 J.D. Richardson, Chief Executive, States of Jersey
 Dr. M. Egan, Greffier of the States
 R.J. MacRae, Q.C., H.M. Attorney General
 T. Walker, Chief Officer, Community and Constitutional Affairs Department (for item B1)
 R. Johnson, Director – Social Policy, Community and Constitutional Affairs Department (for item B1)
 Detective Superintendent S. Gull, Head of Crime Services, States of Jersey Police (for item B1)
 C. Chipperfield, Director – Inclusion and Family Support, Education Department (for item B1)
 M. King, Chief Executive Officer, Department of Economic Development, Tourism, Sport and Culture (for item B2)
 A. Sugden, Deputy Chief Executive Officer, Department of Economic Development, Tourism, Sport and Culture (for item B2)
 R. Bell, Treasurer of the States (for item B3)
 A. Rogers, Director of Financial Planning and Performance, Treasury and Resources Department (for item B3)

A. Scate, Chief Executive Officer, Department of the Environment and Lead for Public Sector Reform (for items B4 and B5)
P. Bradbury, Director – Corporate Policy, Chief Minister’s Department
Dr. I. Skinner, Assistant Director, Strategic Planning and Performance, Chief Minister’s Department (for item B6)
S. Peat, Director of Digital and Telecoms Policy, Chief Minister’s Department (for item B8)
P. Ashley, Digital Policy Advisor, Chief Minister’s Department (for item B8)
C. Keir, Assistant Director - Ministerial Support and Communications (not present for items B1 and B2)
P. Monamy, Clerk to the Council of Ministers

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

States business
15.11.2016.
1240/7/1(1)

A1. The Council, with reference to its Minute No. A2 of 19th October 2016, and with the Director – Corporate Policy, Chief Minister’s Department in attendance, noted the list of public business scheduled for consideration by the States Assembly on 15th November 2016 and commented specifically on the following:

Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.54/2016) and Amendment

The Council, having recalled that Lord Carswell was to visit the Island on 11th November 2016 to present again to Members of the States the findings of his review of the Roles of the Crown Officers (R.143/2010), noted that Ministers would vote on P.54 in accordance with their individual views on the outcome which would be most suitable for the States Assembly.

Draft Commissioner for Standards (Jersey) Law 201- (P.87/2016)

The Council noted that the Chief Minister had lodged ‘au Greffe’ an amendment to the Draft Law, and accompanying amendment to Standing Orders, which sought to clarify the position whereby all elected States Members, in all their official duties, should comply with the Code of Conduct for Elected Members and be subject to investigations by the new Commissioner reporting to the Privileges and Procedures Committee (PPC). It was hoped that the States Assembly would accept the amendment, and thereby support the proposed changes to Standing Orders.

Zero-hours contracts (P.92/2016)

The Council noted that the Minister for Social Security had lodged ‘au Greffe’ an amendment to the proposition the effect of which would be to provide –

- (a) *that ‘exclusivity clauses’ in zero-hours contracts should be prohibited, subject to sufficient evidence that exclusivity clauses were being misused in zero-hour contracts in Jersey; and*
- (b) *to request the Minister for Social Security to direct the Employment Forum to consult, and the Minister to bring forward for approval by the States the necessary draft legislation to give effect to the proposals when the Employment Forum had the capacity, sufficient evidence had been presented and law drafting time was available.*

It was recognised that the amendment would ensure that the requirement to introduce legislation would follow after the presentation of the appropriate evidence; and further, that the correct procedure was followed, whereby the Minister would direct the Forum to consult and make a recommendation as to the extent to which exclusivity clauses should be prohibited, prior to requesting law drafting time and

seeking States approval. The Council also noted that it was considered that it would not be possible to undertake public consultation and law drafting on a complex issue such as this within a 6-month period.

The Council supported the amendment of the Minister for Social Security and agreed to support the adoption of the proposition as amended.

Draft Criminal Justice (Young Offenders) (Jersey) Law 2014 (Appointed Day) Act 201- (P.98/2016)

The Council supported the draft Appointed Day Act.

Draft Criminal Justice (Young Offenders) (Consequential Provisions) (Jersey) Regulations 201- (P.99/2016)

The Council supported the draft Regulations.

Draft Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 201- (P.100/2016)

The Council supported the draft Regulations.

Draft Financial Services Ombudsman (Case-fee and Levy) (Amendment) (Jersey) Regulations 201- (P.101/2016)

The Council supported the draft Regulations.

Draft Sea Fisheries (Inshore Waters) (Amendment No. 2) (Jersey) Regulations 201- (P102/2016)

The Council supported the draft Regulations.

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 3) (Jersey) Regulations 201- (P.103/2016)

The Council supported the draft Regulations.

Draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- (P.105/2016)

The Council supported the draft Regulations.

Jersey Appointments Commission: re-appointment of Commissioner (P.106/2016)

The Council supported the proposition.