

PM/SC/047

COUNCIL OF MINISTERS

(67th Meeting)

8th February 2017**PART A (Non-exempt)**

All members were present, with the exception of Senator L.J. Farnham, Minister for Economic Development, Tourism, Sport and Culture, from whom apologies for absence had been received.

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

In attendance -

Senator P.F. Routier, M.B.E., Assistant to the Chief Minister
 Deputy S.M. Wickenden, Assistant to the Chief Minister (for item B/
 J.D. Richardson, Chief Executive, States of Jersey
 Dr. M. Egan, Greffier of the States
 R.J. MacRae, Q.C., H.M. Attorney General
 R. Bell, Treasurer of the States (for item B1)
 A. Rogers, Director of Financial Planning and Performance, Treasury and Resources Department (for item B1)
 P. Styles, Head of Financial Performance, Treasury and Resources Department (for item B1)
 M. Littler, Senior Employment Relations Manager, Human Resources, Chief Minister's Department (for item B1)
 H. Gray, Manager Reward, Workforce Planning and Performance, Human Resources, Chief Minister's Department (item B1)
 A. Scate, Chief Executive Officer, Department for the Environment and Lead for Public Sector Reform (for items B2 and B3)
 A. Sugden, Director of Corporate Development, States of Jersey Police (for item B2)
 J. Garbutt, Chief Officer, Health and Social Services Department (for item B2)
 A. Bodenstein, Engagement Specialist – Human Resources, Chief Minister's Department (for item B2)
 J. Donovan, Director, Education Department (for item A1 and B2)
 S. O'Regan, Director – Standards and Achievement, Education Department (for item A1)
 R. Buchholz, Principal Planner, Department of the Environment (for item B3)
 S. Drummond-Hay, Consultant (Arups) (for item B3)

I. Webb, Director of Information Services, Chief Minister's Department (for item B4)
J-C. Joly, Head of Information Management and Security, Chief Minister's Department (for item B4)
E. Martins, Information Commissioner (for item B4)
K. Nutt, Head of Service – External Relations, Chief Minister's Department (for item B5)
P. Bradbury, Director – Corporate Policy, Chief Minister's Department
P. Monamy, Clerk to the Council of Ministers

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

States business
14.02.2017.
1240/7/1(1)

A1. The Council, with reference to its Minute No. A2 of 25th January 2017, 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 14th February and commented specifically on the undermentioned items:

Minister for Education: vote of censure (P.6/2017)

The Council, with the Director of Education and the Director – Standards and Achievement, Education Department in attendance, noted that the basis for the proposition, which had been lodged 'au Greffe' on 31st January 2017 by Deputy G.P. Southern of St. Helier, was a claim that the Minister for Education had been using an inaccurate comparison in citing Jersey's MPS3 (£38,296) against England's MPS1 (£22,244) as the starting wage for new teachers. The Minister was also claimed to be guilty of 'repeated use of misleading data in debate' and of exaggerating the differential between Newly Qualified Teachers' (NQT) pay in Jersey and England because he did not compare Level 3 in Jersey with Level 3 in the United Kingdom. It was noted, however, that the Minister contended that it was the actual pay not the level on the scale that was the relevant factor, and the Council was presented with a table which compared Qualified Teachers' Pay Scales across jurisdictions in the British Isles. The Council noted that, whereas in England the majority of new teachers started on level 1, all new teachers in Jersey started on level 3 which it was recognised was nearly £4,500 higher. It was further noted that in Jersey, levels 1 and 2 were not currently used, and that as part of the negotiation with teachers' unions the States Employment Board proposed to seek to reinstate MPS1 (£33,900) as the starting point for NQTs in Jersey, which would result in a Jersey teacher's starting salary remaining well above that for England and Wales, but also above that for Inner London. Jersey teachers would still be able to progress up the 14-point scale to the top level of £50,017 although this would take 2 years longer and it was noted that it was considered that having a greater differential across the pay scale in the manner proposed would create more of an incentive for teachers to take on extra responsibilities and to seek promotion early on in their career. The Council accordingly agreed that it supported the Minister for Education and rejected the proposition.

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

The Council noted that the draft Regulations would provide for changes concerning the functions of the Jersey Appointments Commission following a review of the relevant provisions of the Employment of States of Jersey Employees (Jersey) Law 2005 by the States Employment Board with the Commission, and consultation with independent bodies covered in the guidelines for recruitment produced by the Commission. It was recognised that a renewed focus in the function of the Commission had resulted in wider engagement with the States Employment Board, the States of Jersey Human Resources Department and independent bodies, the

outcome of which was that the Commission sought to simplify its processes and to provide greater clarity as to its role, and had produced revised guidelines. It was recalled that the current *projet de loi* replaced P.105/2016 following helpful discussions with the Corporate Services Scrutiny Panel and the Commission. The current draft Regulations were of narrower scope and focussed on those changes required to support the forthcoming recruitment of a new Chief Executive Officer and some other matters supporting the functioning of the Commission. The Council accordingly supported the draft Regulations.

Television Licence Fee: exemption for Jersey residents aged 75 and over (P.117/2016)

The Council noted that successful negotiations had concluded with the BBC to ensure the continued provision of broadcasting services to Jersey. In addition to providing assurances regarding the future of service provision to Jersey, the BBC had also agreed very positive arrangements in respect of TV licences for over-75s in Jersey. The Council was pleased to note that from 2018, the BBC intended to begin contributing towards the cost of Jersey's means-tested concession to the TV licence for eligible citizens over the age of 75, which contribution would be approximately £270,000 from 2018 to 2010. Having noted that the aim of Deputy M. Tadier's proposition had been substantially met, the Council agreed to present a comment to the States for their information.

Draft Bank (Recovery and Resolution) (Jersey) Law 201- (P.134/2016)

The Council noted that the draft Law sought to provide a new bank resolution regime in line with developments internationally. It aimed to ensure the continuity of critical banking functions, to avoid adverse effects on financial stability, to protect funds by minimising reliance on extraordinary public financial support to failing banks, and to provide covered depositors and clients' assets. The Council accordingly supported the draft Law.

Draft The Law Society of Jersey (Amendment No. 4) (Jersey) Law 201- (P.136/2017)

The Council noted that the 2 core purposes of the draft Law were –

- to make provision in the 2005 Law for the recognition and disciplinary control of legal service bodies; and
- to revise and improve the procedure in the 2005 Law for dealing with complaints of professional misconduct against advocates, solicitors and legal services bodies.

The Council accordingly supported the draft Law.

Draft States of Jersey Police Force (Chief Officer and Deputy Chief Officer) (Jersey) Regulations 201- (P.139/2016)

The Council, having noted that the draft Regulations would make provision for the appointment, suspension and removal of the Chief Officer and Deputy Chief Officer of the States of Jersey Police, and would also establish procedures for dealing with complaints and conduct which might give rise to criminal or disciplinary proceedings, accordingly supported the draft Regulations.

Draft States of Jersey Police Force (Police Negotiating Board) (Jersey) Regulations 201- (P.140/2016)

The Council, having noted that the draft Regulation would make updated provision for the Police Negotiating Board originally established under Article 11 of the Police Force (Jersey) Law 1974, and would replace the transitional provisions contained in the Schedule to the States of Jersey Police Force Law 2012, accordingly supported the draft Regulations.

Senators and Deputies: candidates' qualifications (P.1/2017)

The Council noted that the proposition related to the election of Members to the States Assembly and therefore did not require an agreed position within the Council of Ministers, with Ministers having a free vote.

Brexit Report: steps taken by the Government of Jersey before Notification by the Government of the United Kingdom under Article 50 of the UK's intention to withdraw from the EU (P.7/2017)

The Council noted that the States were being asked –

- to recognise that the Government of the United Kingdom was likely to issue a notice under Article 50 of the Treaty on European Union to withdraw from the European Union; and
- to endorse the Council of Ministers' intention to propose the repeal of the European Union (Jersey) Law 1973.

The Council, having noted that the Minister for External Relations had provided a briefing to a number of States members, accordingly supported the proposition.

Forthcoming
announcements.

A2. The Council, with reference to its Minute No. A3 of 11th January 2017, discussed with the Director – Corporate Policy, Chief Minister's Department a schedule of forthcoming announcements and communications.

The Council noted the following –

- (a) the Digital Framework was to be launched on 8th February 2017;
- (b) the Report of the Government Actuary's Department on the Social Security Reserve Fund as at 31st December 2015, would be published on Thursday, 9th February 2017;
- (c) the report on the fee package proposals under the Control of Housing and Work (Jersey) Law 2015 would be published on Monday, 14th February 2017; and,
- (d) the Rural Economy Strategy would be published on Tuesday, 15th February 2017.