

STATES OF JERSEY



DRAFT ANNUAL BUSINESS PLAN 2010 (P.117/2009): FOURTH AMENDMENT (P.117/2009 Amd.(4)) – AMENDMENT

**Lodged au Greffe on 21st September 2009
by the Chief Minister**

STATES GREFFE

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- (1) In paragraph 2, in the amending paragraph (i) after the words “total income of the organisation” add the words “except where to do so would breach confidentiality agreements, Codes of Practice or legislation such as Data Protection legislation”.
- (2) In paragraph 2, in the amending paragraph (ii) after the words “with no *de minimis* level for this listing” add the words “except where to do so would breach confidentiality agreements, Codes of Practice or legislation such as Data Protection legislation”.

CHIEF MINISTER

NOTE:

This amendment has been lodged by the Chief Minister less than 14 days before the start of the debate in accordance with the provisions of Article 11(5) of the Public Finances (Jersey) Law 2005. Paragraphs (4) and (5) of Article 11 are in the following terms –

- “(4) A draft annual business plan is not capable of being amended during a debate in the States on the draft except in accordance with an amendment lodged at least 14 days before the start of the debate.
- (5) Paragraph (4) does not apply to an amendment moved by the Chief Minister if the States agree that the amendment may be debated forthwith or at a time approved by the States.”

In accordance with the provisions of paragraph (5) the Chief Minister will seek the agreement of the States to debate this amendment during the debate on the Annual Business Plan 2010.

REPORT

The Council of Ministers fully supports the intent of this part of Senator Ferguson's amendment. Having discussed the detail with Senator Ferguson, it has been agreed to further refine the proposals to bring them in line with GAAP principles and also ensure that they are deliverable with limited additional resource.

i) Publishing accounts of grant receiving organisations

At present most departments making grants require a copy of the accounts as a condition of giving the grant. In a number of instances however disclosure of these accounts to the public may contravene the Code of Practice on Access to Information held by the States or breach confidentiality agreements with grant receiving organisations or Data Protection Legislation. At the very least, an amendment is required to ensure that these bodies would not be affected.

This amendment can in principle be delivered, within certain parameters as outlined above. However it will have the following implications –

- (a) Some grant receiving bodies may not apply for grants in future as a result of this requirement to publish their accounts. This is likely to prevent departments delivering on Strategic objectives.
- (b) The costs are likely to be considerably higher than anticipated in the amendment. There are more than 60 bodies receiving grants from Education, Sport and Culture alone, and overall in excess of 100. Printing copies of these accounts for all States members is likely to cost at least £5,000 a year.
- (c) The number of organisations involved means that the administration of this is likely to be considerable. At a time when the department is already resource constrained and facing the challenge of delivering a radical improvement to financial management, this amendment is likely to divert resources from focus on key objectives.

ii) Full list of grants in the accounts

As part of the move to GAAP it is already planned that this list is included in the States of Jersey accounts for 2009, providing detailed disclosure of grants, although with a *de minimis* of £100,000. Removing the *de minimis* will result in a lengthy disclosure in the accounts of several hundred lines, but is deliverable.

It is not considered appropriate that small grants made to individuals are included in the accounts with no *de minimis*, and there may be data protection issues with publishing such information.

Some grants made by the States of Jersey are to private companies or sole traders and disclosure of grant recipients by name would be commercially sensitive and is likely to preclude them from applying for and receiving these grants. Further disclosure of these by name to the public would contravene the Code of Practice on Access to Information held by the States.

Where such grants are made it is proposed that the sums paid are listed out individually in the accounts but that sensitive information is removed from the disclosure.

Financial and manpower implications

There are no additional financial or manpower implications arising from this amendment.