

Social Affairs Scrutiny Panel

Meeting 18

Date: 24th July 2006

Location: Le Capelain Room, States Building

Present	Deputy F.J. Hill, B.E.M., Chairman Deputy D.W. Mezbourian Deputy A.E. Pryke [Absent for Item 1c] Deputy S. Pitman [Absent for Items 3 to 12]
Apologies	Deputy J.A. Martin, Vice Chairman
Absent	
In attendance	Mr. G. Morris [Item 1c] Mr. J. De La Haye [Item 1d] Advocate M. Renouf [Item 1e] Mr. A. Hamilton [Item 1f] Deputy R.G. Le Hérissier [Item 4] Mrs. K. Tremellen-Frost [Item 4] Mr. C. Ahier, Scrutiny Officer Mr. W. Millow, Scrutiny Officer

Ref Back	Agenda matter	Action
[10/07/06, Item 1]	<p>1. Centeniers in the Magistrate's Court</p> <p>a) General Matters</p> <p>The Panel was advised that Deputy C.F. Labey had requested and been sent a copy of the Terms of Reference.</p> <p>The Panel noted that the Chairman and Deputy D.W. Mezbourian had met the Comité des Chefs de Police on 17th July 2006.</p> <p>The Panel considered whether its visit to Guernsey on 19th June 2006 required registering as an official overseas trip. The Officers were requested to make the necessary enquiries.</p> <p>The Panel noted that copies of the training manual used for Designated Case Workers in England and Wales had been received by the Chairman and Deputy D.W. Mezbourian. Given the size of the files, it was agreed that the whole Panel would use these two copies and that no further copies would therefore be made.</p> <p>The Panel noted receipt from Centenier M. L'Amy, Chef de Police of St. Peter, of his report entitled <i>Visit to Nottingham Police and Crown Prosecution Service (CPS) – 16th-19th May 2006</i>. The Officers were requested to ensure that each Panel member had received a copy.</p>	<p>CA/WM</p> <p>CA/WM</p>
[10/07/06,	<p>The Panel was informed that advice had been sought from H.M. Attorney General's Chambers in the Isle of Man on the system used there for presenting cases in the Magistrate's Court. It was</p>	

Item 1e]

advised that police sergeants currently presented cases but that the Isle of Man would shortly introduce its own version of the Crown Prosecution Service in order to separate the investigative and prosecution functions. Subsequent to this advice, the Panel agreed to it would be beneficial to have more information and requested the Officer to undertake further research into the matter.

WM

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The Panel noted its previous consideration that a visit to the United Kingdom would be beneficial and considered possible dates for the visit. It was agreed that the Chairman would make preliminary arrangements for the visit.

BH

It was noted that Public Hearings for this review were likely to occur in mid-September 2006. It was further noted that dates previously allotted for the Income Support review could potentially be used if no other Hearings had been arranged.

b) Request to Visit a Parish Hall Enquiry

The Panel noted correspondence (dated 21st July 2006) from the Comité des Chefs de Police indicating that the Comité had been advised by HM Attorney General, that no member of the Panel would be permitted to attend a Parish Hall Enquiry. The Panel noted further correspondence (dated 24th July 2006) from H.M. Attorney General in which he offered to speak to the Chairman about this matter. The Chairman subsequently spoke to H.M. Attorney General. He informed the Panel that the Attorney General had repeated the advice previously given to the Comité.

The Panel was advised that, during the meeting with the Comité des Chefs de Police on 17th July 2006, the Chairman had been invited to witness a Parish Hall Enquiry in St. Mary.

The Panel noted the provision of Article 4.04 of *Guidance Notes for Centeniers at Parish Hall Enquiries*:

It is a matter for the discretion of the Centenier as to whether an Attendee may be accompanied by any other person.

c) Meeting with Mr. G. Morris

Deputy A.E. Pryke did not take part in this section of the meeting. Following advice on the procedure for the Panel meeting, Mr. Morris affirmed he was content for the meeting to be held in public.

i) Rutherford Report

The Panel was advised that Mr. Morris believed Professor A. Rutherford had not gained a full understanding of the role played by Centeniers in the Magistrate's Court when producing *Review of Criminal Justice Policy in Jersey* (i.e the Rutherford Report).

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Item 1e]

Mr. Morris explained that he felt unable to deal with the Panel's first Term of Reference as only the Department of Home Affairs could explain the decision not to follow that recommendation of

the Rutherford Report referring to Centeniers in the Magistrate's Court.

ii) Process of Presenting Cases

The Panel was advised that the following options were available to the Magistrate once a case came before him:

- To hear the case in the Magistrate's Court
- To send the case to the Royal Court
- To refer the case to a Parish Hall Enquiry

Mr. Morris explained that the third option was rarely used and cited this as proof that Centeniers dealt properly with accused individuals.

The Panel was advised that only a Connétable or Centenier had the authority to charge a person for an offence. It was further advised that, once charged, the accused would be given notice to appear in Court (subject, potentially, to various terms) and that the Centenier would prepare the relevant paperwork.

The Panel was advised that Centeniers corresponded with the court listing officer to organise the Court's business.

The Panel was advised that, during Mr. Morris's time as Centenier, it had been directed that the States of Jersey Police Advisor should be involved in all not guilty pleas in sensitive cases and all trials in the Juvenile Court. It was noted that such directives had been issued on 12th January 2000 by Mr. M.C.St J. Birt, HM Attorney General at the time.

Mr. Morris advised that a person could respond in the following ways to being charged. The Panel was advised of the consequences of each response.

- Plea of guilty
- Plea of not guilty
- Reserved plea
- No reply

The Panel was advised that Mr. Morris believed there had been too many custodial remands during his time as Centenier. He opined that a public prosecution service would not be able to counter this problem as it would not have the discretionary capacity of Centeniers.

iii) Training

The Panel was informed that Mr. Morris had first presented cases in the Magistrate's Court on the Monday morning following his election the previous Friday. It was advised that Mr. Morris had been disappointed at the lack of co-ordination with regard to training and that no specific funding had been given over to training Centeniers for their role in Court.

The Panel was informed that Mr. Morris had attended four

training sessions during his time as a Centenier. He advised the Panel of the content of the sessions, indicating that the training had been excellent albeit infrequent.

iv) Support

The Panel was advised by Mr. Morris that he had received sufficient support from the Parish of St. Saviour and that support had also on occasion been provided by St. Helier, albeit at a cost.

The Panel was informed that Mr. Morris had established a good working rapport with the States of Jersey Police.

The Panel was apprised of Mr. Morris's disappointment that the Crown Officers had not contacted Centeniers more frequently and that there had been little follow-up to the directives issued.

v) Other Matters

The Panel was informed that Mr. Morris had been a Constable's Officer for six weeks prior to becoming a Centenier. It was noted that he had served as Centenier in St. Saviour from 1995 to 2001. The Panel was advised that Mr. Morris had become somewhat out of touch with the system since standing down although he had regularly spoken to Centeniers.

The Panel was advised that Mr. Morris believed improvements could be made to the system but that the administration of justice would not be improved if Centeniers ceased to present cases in the Magistrate's Court. Mr. Morris advised that improvements had not been made due to a lack of funding to train Centeniers for this work.

When asked for his opinion on the potential benefit of introducing a probationary period for Centeniers during which they would be unable to present cases in the Magistrate's Court, Mr. Morris advised that it would not be possible to bar Centeniers from appearing in Court due to their oath of office and the responsibilities this placed upon them.

The Panel asked Mr. Morris for his opinion on the suggestion that a panel of Centeniers take responsibility for presenting all cases in the Magistrate's Court. It was advised that he would be against this idea due to the amount of work such Centeniers would have as a result.

Mr. Morris explained that a Centenier could be more certain of when he would be expected to work at a Parish Hall Enquiry than in the Magistrate's Court as he/she had more control over the proceedings. When asked whether defendants at Parish Hall Enquiries were informed of the procedure for obtaining legal aid, Mr. Morris advised the Panel that defendants seeking to enter not guilty pleas would be so informed.

Mr. Morris advised that the Parish that brought a case to Court

was responsible for the first presentation of this case but that, subsequent to this, responsibility for the presentation could be passed to a Centenier from another Parish.

The Panel asked Mr. Morris for his opinion on whether Constable's Officers and Vingteniers should be able to present cases. Mr. Morris was against this idea but advised that Constable's Officers shadowed Centeniers during their visits to Police Headquarters.

d) Meeting with Mr. J. De La Haye

i) Employment History

The Panel was informed that Mr. De La Haye had retired from the States of Jersey Police in December 2000. It was advised that, from 1987 to his retirement, Mr. De La Haye's work had included training Honorary Police officers.

The Panel was advised of the events that led to Mr. De La Haye's appointment in 2001 as Training Co-Ordinator for the Honorary Police. The Panel was informed that Mr. De La Haye's contract was originally with the Department of Home Affairs but that it had moved to the Comité des Connétables in January 2005. He advised that his contract was not based on the number of hours worked but that he had been expected each year to prepare a list of various courses for approval by the Comité.

Mr. De La Haye advised that he had initially tendered his resignation from his post in approximately February or March 2006 but that, following a meeting with two Connétables, he had not actually resigned until June 2006. When asked why he had resigned, he advised that there had been changes in personnel in the team with which he worked had that he had found it more difficult to work with the new personnel

ii) Training

The Panel was informed that the training provided by Mr. De La Haye to Honorary Police officers had not been assessed on a pass/fail basis. The Panel was informed that attendance had not been compulsory although Mr. De La Haye had kept records and believed that approximately ninety per cent of Centeniers had attended. It was further informed that the training had included evening and week-end sessions.

The Panel was informed that, when his contract had moved to the Comité des Connétables, he had asked for a Connétable to be designated to whom he could report. It was further informed that this had not occurred.

Mr. De La Haye advised the Panel that training Centeniers for their work in the Magistrate's Court had been given a high priority in approximately 2000 or 2001. The Panel was informed that he had attended some of the consequent training sessions in this area for which Centenier D. Scaife had acted as training co-ordinator. He advised that the sessions had involved presentations from the Magistrates and from the Legal Advisors

as well as role plays in which Centeniers presented mock cases before receiving a critique of their performance from their peers.

The Panel was informed that Mr. De La Haye had been invited to a meeting to discuss the training he had witnessed. He advised the Panel of the comments he had made, indicating that he felt the training had not been supportive. He also stated that it had not accurately reflected the manner in which Centeniers worked as they would normally prepare their cases more thoroughly than they had been able to in training. Mr. De La Haye indicated he did not know whether his comments had been followed.

Mr. De La Haye expressed an opinion that presenting cases in Court was a matter of training and that any individual could undertake this task, provided he/she had received adequate training. It was noted that Mr. De La Haye was a qualified police trainer. He advised that, to the best of his knowledge, no person currently providing training was so qualified. The Panel was apprised of Mr. De La Haye's belief that a full-time training co-ordinator was required.

It was noted that, following the establishment of the Comité des Chefs de Police, the Centeniers Training Group had also been set up. Mr. De La Haye advised that he thought it had been a move forward to establish the Group but that he would have expected to be more involved with it.

When asked if there had been a problem with a lack of funding, Mr. De La Haye advised the Panel that this had not been an issue and that his proposed programme of training had included projected funding required for specialised training.

e. Meeting with Advocate M. Renouf

It was noted that Advocate Renouf had previously made a written submission to the Panel expressing an opinion that Centeniers should retain their role in the Magistrate's Court.

The Panel was advised that Advocate Renouf had witnessed the system used in England for presenting cases in Magistrates Courts. It was further advised that Advocate Renouf witnessed Centeniers undertake their work in Jersey's Magistrate's Court when providing legal aid to a defendant: as such, he would tend to witness Centeniers dealing with more complex cases. In addition, he had witnessed Centeniers present case in the Juvenile Court.

Advocate Renouf expressed the opinion that Centeniers and Legal Advisors provided a good standard of service. He advised the Panel that Centeniers appeared to be aware of defendants' circumstances and were consequently able to take a common-sense approach to cases. When asked whether he had noticed a difference in this regard between Centeniers from St. Helier and Centeniers from rural Parishes, Advocate Renouf stated he had not noticed such a difference. He further advised that the workload of Magistrates Courts in London meant it was not feasible for Crown Prosecutors to be so aware of defendants'

circumstances.

The Panel was advised that it was easier in Jersey for the defence counsel to access the Centenier (responsible for presenting a case) than it would be in England to access the public prosecutor. Advocate Renouf explained that this allowed for certain issues (e.g. relating to bail applications) to be resolved more easily in Jersey than would necessarily be the case in England or Wales.

The Panel was advised of Advocate Renouf's concern that if the role of Centeniers in the Magistrate's Court were to cease, the position of Centeniers would diminish.

When asked by the Panel for his opinion, Advocate Renouf advised that the creation of a panel of Centeniers (who would take responsibility for presenting cases in Court) might lead to less awareness of defendants' circumstances on the part of Centeniers.

The Panel considered whether there had been an increase in the requests for legal aid. Advocate Renouf advised that the Acting Bâtonnier would be able to provide the answer to that question. He advised that whilst the raw number of legal aid cases may not have increased, it was possible that the cases themselves had become more onerous, thereby increasing the pressure on those providing legal aid.

When asked for any disadvantages inherent in the current system, Advocate Renouf advised that there may be at times a delay (from the perspective of the defence counsel) when responsibility for a case was transferred from a Centenier to a Legal Advisor. It was noted that Legal Advisors would often deal with complex cases.

The Panel questioned whether it was human rights compliant to have non-legally qualified individuals presenting cases in Court. Advocate Renouf advised the Panel that, unlike in other jurisdictions, Jersey's Magistrate's were all legally qualified. The Panel considered who was able to preside in the Magistrate's Court and requested that this information be found.

It was noted that Advocate Renouf's partner had expressed an interest in the review but had not made a submission. It was agreed that Advocate Renouf would talk to his partner about this matter.

WM

f. Meeting with Mr. A. Hamilton

The Panel was advised that Mr. Hamilton had served as Centenier in St. Lawrence from 2000 to April 2005. It was informed that he had previously served as both Constable's Officer and Vingtenier and that he served as Chef de Police during his term as Centenier.

Mr. Hamilton explained that it had been a steep learning curve

upon becoming a Centenier. When asked, he stated that it was not necessarily a problem if someone were elected as Centenier without having previously served in the Honorary Police although there was a feeling amongst some that it was desirable for people to move through the ranks. He explained that one did gain insight into the responsibilities of a Centenier when serving as a Vingtenier or Constable's Officer although it was difficult to appreciate fully these responsibilities before taking up the position.

Mr. Hamilton explained that Parishes sometimes had to hold elections for all its Centeniers within a short period of time, which then made it difficult for new Centeniers to call on guidance from more experienced ones. He advised that it had previously been possible to have a flexible handing over period (to counter this problem) but that directives from the Attorney General meant this was no longer possible. Mr. Hamilton opined this made it potentially difficult to encourage people to stand for Centenier as they knew they would possibly be faced with a steep learning curve immediately upon election.

The Panel was informed that Mr. Hamilton presented his first cases in the Magistrate's Court within a week of his election. He explained that, in St. Lawrence, it had been customary for each Centenier to present his/her own case in Court but that he had come to take responsibility for most of the Parish's cases as he was able to devote more time to the role than the other Centeniers.

The Panel was apprised of the general training Mr. Hamilton had received as an Honorary Officer. He stated that the training had been good, that it had initially been provided by the States of Jersey Police and then by Mr. J. De La Haye.

The Panel was advised that Mr. Hamilton had attended some training sessions that focussed on the Centeniers' work in Court. He explained that the training had consisted of presentations from the Magistrate and from the Legal Advisors. He further explained that Centeniers had been given mock cases to present and been critiqued on their performance. The Panel was informed that Centenier D. Scaife had been the training officer in these sessions.

The Panel was advised of Mr. Hamilton's opinion that Connétables should not have policing responsibilities and that the role of Chefs de Police should be clarified. Mr. Hamilton advised that the creation of the Centeniers Training Group had been a good idea as it was beneficial for the Chefs de Police to be involved in the organisation of training.

The Panel asked Mr. Hamilton whether all Centeniers should be required to meet a certain standard. He stated that, whilst this was desirable, it would be difficult to guarantee due to the fact that Centeniers were elected.

The Panel was advised that Centeniers took responsibility for the

	<p>case list in the Magistrate's Court. It was therefore necessary for negotiation between Centeniers to occur to find a suitable slot for 'walk-in' cases.</p> <p>The Panel was advised that cases which were put on remand in Court, whilst freeing up time to deal with other cases on that particular day, required the Centenier to return on a later date, thereby taking up more of his time.</p> <p>When asked, Mr. Hamilton stated that both the Criminal Justice Unit and Legal Advisors had been helpful during his time as Centenier. It was noted that the Centenier was responsible for ensuring that he/she had the necessary paperwork for presenting a case in the Magistrate's Court.</p> <p>The Panel considered with Mr. Hamilton the issue of Centeniers transferring cases amongst each other. Mr. Hamilton expressed a view that the existence of an administrative support unit in St. Helier perhaps allowed St. Helier Centeniers to transfer cases from one to another more easily than in other Parishes.</p>	
	<p>2. Minutes</p> <p>The Panel approved the open minutes of its meeting of 10th July 2006 with one amendment to Item 1b, as detailed below, in order to ensure an accurate record of the advice provided by Mr. R. Stent:</p> <p>"The Panel was advised that Mr Stent had on occasion not taken a matter to the Magistrate's Court and dealt with the matter at a Parish Hall Enquiry instead."</p> <p>The Panel deferred approval of its closed minutes of the meeting of 10th July 2006 pending clarification on certain sections of the record of its meeting with, HM Attorney General.</p>	<p>WM</p>
<p>[10/07/06, Item 7]</p>	<p>3. Matters Arising and Action Updates</p> <p>a) Matters Arising</p> <p>The Panel noted that Mr. R. Pitman had contacted the Chairman with regard to the Prison Board of Visitors but that the Chairman had not had an opportunity to forward this correspondence to the rest of the Panel.</p> <p>The Panel was advised that the Chairman had been interviewed by Channel Television in connection to <i>Criminal Justice Policy – Draft Policy Paper</i>.</p> <p>The Panel noted that a draft Sexual Health Strategy had been produced by the Department of Health and Social Services and that it represented a document the Panel might wish to consider.</p> <p>b) Action Updates</p> <p>The Panel noted the updates on actions it had requested at its meeting on 10th July 2006.</p>	
<p>[10/07/06, Item 3]</p>	<p>4. Overdale Hospital</p> <p>The Panel met Deputy R.G. Le Hérissier to consider the possibility of undertaking a review in relation to Overdale</p>	

Hospital. The Panel recalled that it had no objection in principle to such a review but that the question of sufficient officer support needed to be addressed.

The Panel was advised that officer support ensured the independence and impartiality of minutes taken of meetings.

The Panel considered where the necessary officer support could be obtained. It was advised that an approach could be made to the other Scrutiny Panels to request the use of another Panel's officer support.

The Panel noted it could potentially re-organise its Work Programme in order to accommodate this review. It further noted that its proposed review of the Youth Service would be difficult to start given the indication (received from the Department of Education, Sport and Culture) that the new three-year strategy for the Youth Service would not be given to the Panel to scrutinise until December 2006.

The Panel recalled that the States had approved *Social Affairs Scrutiny Panel - division to create a fifth scrutiny panel* (P.64/2006) and considered when the new consequent officer support would become available. It was advised it would not be feasible to begin the recruitment process before 12th September 2006 when the States would debate *Annual Business Plan 2007* (P.92/2006).

The Panel considered the need to abandon or defer its review of the Youth Service in order to allow a review of Overdale Hospital. As Deputy S. Pitman was not present, the Panel agreed to defer discussion of this issue to its next meeting.

<p>[30/05/06, Item 9c]</p>	<p>5. Early Years The Panel noted correspondence from Senator M.E. Vibert, Minister for Education, Sport and Culture, in which the Minister requested that the Panel delay commencement of this review to September 2006 due to his absence from the Island for much of August 2006.</p>	
<p>[10/07/06, Item 8]</p>	<p>6. Youth Service As Deputy S. Pitman was absent from the meeting, it was agreed that consideration of this matter would be deferred to the next meeting.</p>	
<p>[10/07/06, Item 10]</p>	<p>7. GP Out-of-Hours The Panel was advised that no indication had been received of when the Jersey Competition Regulatory Authority (JCRA) would be in a position to complete its review of the Co-Operative service. The Panel agreed to request the most recent activity data for the Co-Operative from the Department of Health and Social Services. The Panel was advised that Deputy Pryke had been contacted by a GP who had concerns regarding the apparent impact the Panel's review would have on his decision whether to join the</p>	<p>WM</p>

	Co-Operative. It was agreed that Deputy Pryke would speak to the GP before contacting the Scrutiny Officers with a view to setting up a meeting with the GP.	AP
	<p>8. Draft Business Plan</p> <p>The Panel noted the provision of Standing Order 136(f) of the States of Jersey:</p> <p><i>The terms of reference of a scrutiny panel are, in relation to the topics assigned to it –</i></p> <p><i>(f) to scrutinize the draft Annual Business Plan, the Budget and other financial proposals of the Council of Ministers</i></p> <p>The Panel agreed to invite the Ministers of the five Departments that fell within its remit to meet the Panel, either in the morning of Wednesday 2nd August 2006 or in the afternoon of Thursday 3rd August 2006. It was further agreed that one hour would be allotted for each meeting (with fifteen minute intervals between each one) during which the Ministers would be asked to explain to the Panel the sections of the Business Plan relevant to his/her Department.</p> <p>It was agreed that each member of the Panel would take responsibility for looking at the Business Plan in relation to one of the Department's within the Panel's remit. It was suggested that Departments be allotted to Members in the same way they had been for the Panel's examination of <i>Strategic Plan 2006 to 2010</i> (P.40/2006)</p>	CA/WM
	<p>9. Budget</p> <p>The Panel noted the update on its budget expenditure from January to June 2006.</p>	
[10/07/06, Item 9]	<p>10. Social Policy Sub-Group</p> <p>The Panel recalled the offer from Senator F.H. Walker, Chief Minister, to meet the Panel to discuss the new Social Policy Framework currently being developed. It was noted that a response had been sent to Senator Walker, advising him that the Panel would seek to take up his offer at a later date.</p>	
	<p>11. Forthcoming Propositions</p> <p>It was noted that the Panel would consider whether to scrutinise the following proposition at its next meeting.</p> <ul style="list-style-type: none"> <i>Policing commercial and profit-making events - new 'user pays' charge</i> (P.94/2006) <p>The Panel agreed it would not seek to have the following propositions referred to it for scrutiny:</p> <ul style="list-style-type: none"> <i>Draft Legal Deposit (Jersey) Law 200-</i> (P.90/2006) <i>Draft Health Care (Registration) (Jersey) Regulations 200-</i> (P.91/2006) 	
	<p>12. Future Meetings Dates</p> <p>The Panel noted that its next regular meeting would occur at 9:30am on Monday 7th August 2006 in Le Capelain Room, States Building.</p>	

Signed

Date

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Chairman, Social Affairs Panel