

States Assembly ANNUAL REPORT 2008



States of Jersey
States Assembly



États de Jersey
Assemblée des États

**PRESENTED TO THE STATES BY THE
PRIVILEGES AND PROCEDURES COMMITTEE**



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FOREWORD



In 1790 Edmund Burke wrote in his *Reflections on the Revolution in France* that « A state without the means of some change is without the means of its conservation ». On this third anniversary of the introduction of ministerial government, it seems to me that the States have managed to achieve some significant change without revolution, and certainly without the installation of a guillotine in the Royal Square. No doubt there are many wrinkles yet to be smoothed out, but democracy is still alive and well in Jersey. While parliamentarians in some other places lament that the influence of backbenchers has diminished, and is continuing to shrink, that is certainly not the case here. Our government is in a structural minority; it has to persuade the majority of members to support any legislative or other measure that it wishes to promote. This is true parliamentary democracy.

This annual report contains not only the usual mine of statistical information about parliamentary activities, but also valuable explanations of the work of the different committees and scrutiny panels over the last 12 months. It will be of continuing importance to researchers and others interested in the workings of the States.

This is the last occasion upon which I shall have the privilege of writing a foreword to the annual report of the Assembly. I should like once more to record my gratitude to members for their support of the Chair, and to the Greffier and his staff for their loyalty and assistance.

Philip Bailhache

SIR PHILIP BAILHACHE
Bailiff of Jersey



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Introduction by the Chairman of the Privileges and Procedures Committee



On behalf of the Privileges and Procedures Committee, I am delighted to present this third Annual Report of the States Assembly. This report reflects the completion of the first full cycle of Ministerial Government in Jersey and therefore, if read in conjunction with the earlier 2 reports, will enable a comprehensive picture of the working of the new-style States Assembly to be revealed.

The total number of meeting days has traditionally been highest in the last year of every 3 year cycle, as Members try to complete business before the elections. This trend was maintained in 2008, notwithstanding that the new Standing Orders of the States of Jersey, adopted in 2005 stipulate that the States do not now meet in the 21 day period culminating in the ordinary elections for Senators and Deputies. In fact, the States sat for more days in 2008 than in any other year in the last decade. The year saw an increase in overall questions with notice and statements, and a slight decrease in the number of propositions, although the number of amendments remained constant.

The participation of Members in a wide range of inter-parliamentary bodies continued to provide opportunities for all to observe and discuss parliamentary practice in other governments and to gain experience in many areas, which should benefit the workings of our own Assembly generally.

The President of the Chairmen's Committee, in her closing remarks in the report, said that she believed a sound foundation had been laid for future Scrutiny Members to build on and I hope that this sentiment extends to all areas of the new-style States Assembly.

Finally, I would like to draw attention to the sterling support given to Members by the staff of the States Greffe and in particular for their efforts in drawing together submissions from all areas of the Assembly to produce this informative report.

Connétable Juliette Gallichan of St. Mary



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1. THE STATES ASSEMBLY



Photograph courtesy of the Jersey Evening Post

1.1 Introduction

2008 was the third and final year of the electoral cycle and the last year of the first 3 years under the new system of government that was introduced in December 2005.

The ‘old’ States met for the last time on Wednesday 3rd December 2008 and the ‘new’ States then convened on 8th December 2008 after the swearing-in of the members who had been re-elected and of the newly-elected members.



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1.2 Membership

There were no changes to the elected membership of the 'old' States during the year; but the States bade farewell to Her Majesty's Solicitor General, Miss Stéphanie Claire Nicolle, on 13th March 2008 when she attended the last States meeting before her retirement. The Bailiff paid tribute to Miss Nicolle and acknowledged her quite outstanding public service to the Island. Senator T.A. Le Sueur, in his capacity as Deputy Chief Minister, also thanked Miss Nicolle on behalf of all members for her courteous and thorough advice throughout her term of office and members responded with prolonged foot-stamping to wish Miss Nicolle a long and happy retirement.

Miss Nicolle's successor, Mr. Timothy John Le Cocq Q.C., was sworn in as Her Majesty's Solicitor General at a ceremony in the Royal Court on 8th April 2008 and he was welcomed to the Assembly on 29th April 2008 when he attended the States for the first time after his appointment.

The following 14 members left the States on 8th December when their successors were sworn in after the elections in the autumn. Eight of these members had decided to leave the States and did not contest the elections, whereas 6 left as the result of electoral defeat –

Senator F.H. Walker
Senator W. Kinnard
Senator M.E. Vibert

Connétable Kenneth Alan Le Brun (St. Mary)
Connétable Thomas John du Feu (St. Peter)
Connétable Derek Frederick Gray (St. Clement)
Connétable Geoffrey William Fisher (St. Lawrence)

Deputy Jacqueline Jeannette Huet (St. Helier No. 3)
Deputy Gerard Clifford Lemmens Baudains (St. Clement)
Deputy Peter Nicholas Troy (St. Brelade No. 2)



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Deputy Celia Joyce Scott Warren (St. Saviour No. 1)
Deputy Patrick John Dennis Ryan (St. Helier No. 1)
Deputy Guy William John de Faye (St. Helier No. 3)
Deputy Andrew David Lewis (St. John)

When the States as reconstituted met for the first time on Monday 8th December 2008, 7 members of the old States took up new positions to which they had been elected during the elections in the autumn. Former Deputies Alan Breckon (St. Saviour No. 2), Sarah Craig Ferguson (St. Brelade No. 1) and Alan John Henry Maclean (St. Helier No. 2) were elected as Senators, former Senator L. Norman was elected as Connétable of St. Clement, and former Deputies Deidre Wendy Mezbourian (St. Lawrence) and Juliette Gallichan (St. Mary) were elected as Connétable of St. Lawrence and St. Mary respectively.

The following 14 new members joined the States on 8th December 2008 (or rejoined in the case of Deputy Rondel who was previously a member between 1994 and 2005) –

Senator Bryan Ian Le Marquand

Connétable John Martin Refault (St. Peter)

Deputy Philip John Rondel (St. John)
Deputy Montfort Tadier (St. Brelade No. 2)
Deputy Angela Elizabeth Jeune (St. Brelade No. 1)
Deputy Daniel John Arabin Wimberley (St. Mary)
Deputy Trevor Mark Pitman (St. Helier No. 1)
Deputy Anne Teresa Dupré (St. Clement)
Deputy Edward James Noel (St. Lawrence)
Deputy Tracey Anne Vallois (St. Saviour No. 2)
Deputy Michael Roderick Higgins (St. Helier No. 3)
Deputy Andrew Kenneth Francis Green M.B.E. (St. Helier No. 3)
Deputy Deborah Jane de Sousa (St. Helier No. 2)
Deputy Jeremy Martin Maçon (St. Saviour No. 1)

Following the coming into force of the Political Parties (Registration) (Jersey) Law 2008 in August 2008, political parties were, for the first time ever in Jersey, able to be registered; and this also enabled candidates to have the name of the party shown on the ballot paper. One political party, the Jersey Democratic Alliance, registered under the new Law and 4 JDA candidates were successful in the Deputies elections.

1.3 Average length of service

On 1st January 2008 the average length of service of the 53 elected members was 8 years. This can be broken down as follows –



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Years Service	Number of members	%
20 to 29 years	3	5.6
15 to 19 years	3	5.6
10 to 14 years	9	17.0
5 to 9 years	20	37.7
Less than 5 years	18	34.0

Within the 3 categories of membership the average length of service was as follows –

	Average length of service
Senators	13
Connétables	7
Deputies	6

As there are normally few changes in membership over the 3 year electoral cycle it would not be fair to compare the length of service of members of the ‘old’ States at the end of their 3 year term with the length of service of members of the ‘new’ States at the start of their term. The following table therefore compares the position between the length of service of the new States when compared with the position on 31st December 2005 at the start of the 3 year term of the ‘old’ States.

Years Service	Old States		New States	
	Number of members	%	Number of members	%
20 to 30 years	2	3.8%	3	5.7%
15 to 19 years	4	7.5%	5	9.4%
10 to 14 years	7	13.2%	2	3.8%
5 to 9 years	13	24.5%	14	26.4%
Less than 5 years	27	50.9%	29	54.7%



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1.4 Average age of members

The elections in the autumn of 2008 were the first when 16 to 18 year-olds were able to vote following the reduction of the voting age in April 2008. They also saw the election of the youngest ever member of the States, Deputy Jeremy Maçon, at the age of 21.

As there are normally few changes in membership over the 3 year electoral cycle it would not be fair, as with average length of service above, to compare the age of members of the ‘old’ States at the end of their 3 year term with the length of service of members of the ‘new’ States at the start of their term. The following table therefore compares the position between the number of members of the ‘new’ States in each age-band at 31st December 2008 compared to the position on 31st December 2005 at the beginning of the 3 year term of the ‘old’ States.

Age	Old States		New States	
	Number of members	%	Number of members	%
20 to 24	0	–	1	1.9%
25 to 29	0	–	2	3.8%
30 to 34	1	1.9%	1	1.9%
35 to 39	3	5.7%	1	1.9%
40 to 44	5	9.4%	3	5.7%
45 to 49	10	18.9%	8	15.1%
50 to 54	8	15.1%	9	17.0%
55 to 59	9	17.0%	11	20.7%
60 to 64	10	18.9%	9	17.0%
65 to 70	5	9.4%	7	13.2%
70 to 74	1	1.9%	1	1.9%
75 to 80	1	1.9%	0	–



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1.5 Number of female parliamentarians

At the Commonwealth Heads of Government meeting in Edinburgh in 1997 a figure of 30% was agreed as a target for female representation in Commonwealth parliaments.

There was an increase of one in the number of female members when the States were reconstituted after the elections –

	Old States		New States	
	Number of female members	% of total	Number of female members	% of total
12 Senators	1	8.3%	1	8.3%
12 Connétables	0	–	2	16.6%
29 Deputies	10	34.5%	9	31%
TOTAL (53)	11	20.75%	12	22.6%





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1.6 Number of meetings

The Assembly met on 51 days during 2008. Fifty of these meeting days were for 'ordinary' business, with one being the traditional 'special' meeting on Liberation Day, 9th May. The 51 days were divided between 46 days for the old States and 5 days for the new States.

There were 19 meetings fixed in advance for 'ordinary' business in 2008, 16 for the old States and 3 for the new, and the total of 50 meeting days was made up of these 19 days plus 29 continuation days for the old States and 2 continuation days for the new States when the meeting continued after the first day.

The significant number of meetings during 2008 reflected the usual pattern in the final year of a 3 year electoral cycle when business needs to be completed before the end of the term of office of officeholders. In addition, the appointments of Ministers, Chairmen and other officeholders by the new States took longer than anticipated because the majority of appointments were contested and, as a result, 2 unscheduled continuation days were needed.

In total, the number of meeting days for 'ordinary' business was just over 9 days more than the overall average for the last 10 years; although it was only $5\frac{3}{4}$ days more than the average for the last years of the previous 3 year electoral cycles over that period (1999, 2002, 2005 and 2008) which is $45\frac{1}{4}$ days –

	TOTAL	Ordinary business	Ceremonial, etc.
1999	34	34	0
2000	32	30	2
2001	37	34	3
2002	47	45	2
2003	37	36	1
2004	49	47	2
2005	49	48	1
2006	38	35	3
2007	45	44	1
2008	51	50	1
Average	41.9	40.3	1.6



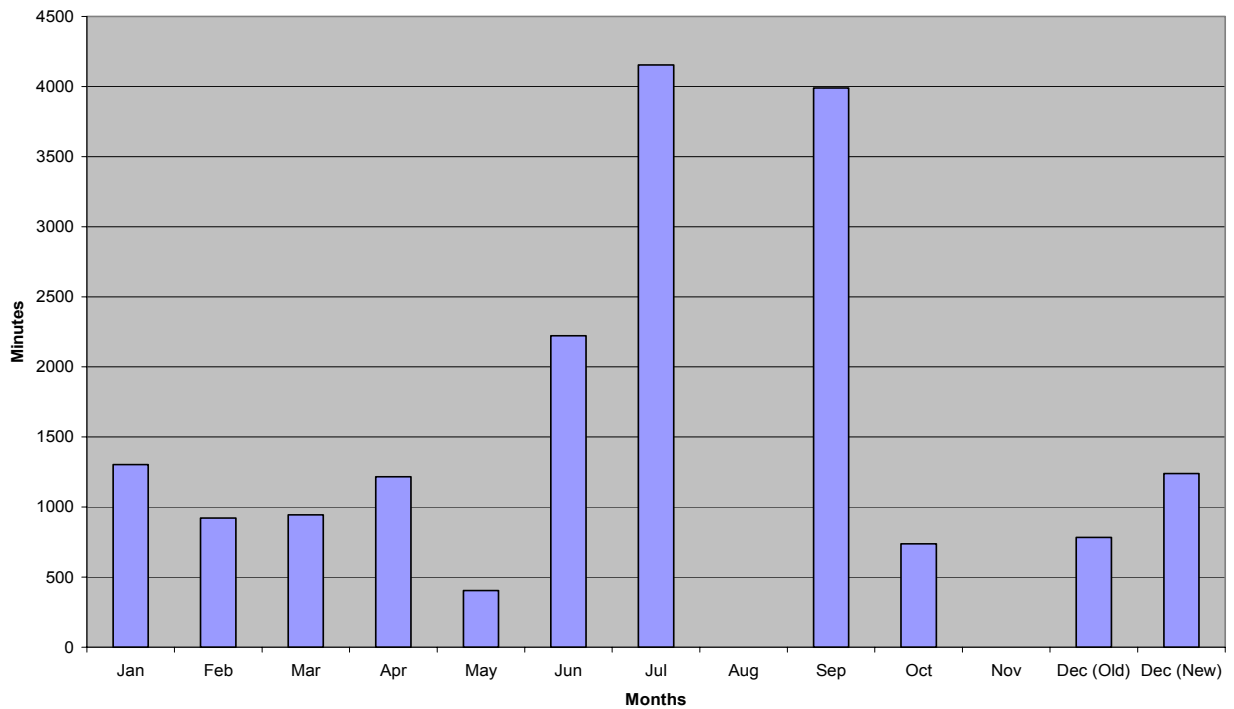
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1.7 Length of meetings

The Assembly sat for a total of 298 hours and 50 minutes during the 51 meeting days in 2008. This was broken down into 298 hours and 36 minutes for the 50 meeting days for ‘ordinary’ business and 14 minutes for the special meeting on Liberation Day. In total the ‘old’ States sat for a total of 278 hours and 10 minutes and the ‘new’ States for 20 hours and 40 minutes.

The 298 hours and 36 minutes spent on ‘ordinary’ business was spread very unevenly across the year as the following chart shows –





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As can be seen, in addition to the usual lack of meetings in August because of the summer recess, the Assembly did not meet at all in November because of the operation of Standing Order 7 which states that the States “shall not meet during any period of 21 days ending with an ordinary election for Senators or an ordinary election for Deputies.” This Standing Order was introduced in December 2005 and therefore operated for the first time in 2008.

1.8 Allocation of time

The time spent in the ‘old’ States, excluding the special meeting on Liberation Day, was broken down as follows –

	2008	% of total	2007
Roll call/Communications from the Presiding Officer	5h 38m	2.0%	5h 7m
Notification of presentations and propositions lodged	57m	0.3%	52m
Appointment of Ministers, Chairmen etc	9m	-	4h 37m
Notification of written answers tabled	38m	0.2%	33m
Oral questions with notice	21h 5m	7.6%	23h 16m
Oral questions without notice	8h 2m	2.9%	10h 31m
Statements	8h 22m	3.0%	5h 34m
Public Business	230h 29m	82.9%	184h 33m
Arrangement of Public Business for future meetings	2h 36m	0.9%	5h 27m
TOTAL	277h 56m		240h 30m

The 5 meeting days of the ‘new’ States from 8th December were inevitably dominated by appointments, as they were held specifically for that purpose. The breakdown of the time during the 5 days was as follows –

Roll call/Communications from the Presiding Officer	36m	2.9%
Notification of presentations and propositions lodged	1m	0.1%
Arrangement of Public Business for future meetings	23m	1.9%
Appointment of Ministers, Chairmen, etc.	19h 40m	95.1%
TOTAL	20h 40m	



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1.9 Oral questions with notice

Oral questions with notice can be answered at any scheduled meeting but not during continuation days unless they are approved by the Bailiff as urgent questions. There were 4 urgent questions asked in 2008.

Oral questions with notice were asked at every one of the 16 scheduled meetings of the 'old' States in 2008 and 202 such questions were answered (including the 4 urgent questions referred to above). This was a decrease of 46 over the 2007 total of 248 oral questions with notice, although the reduction can be attributed to the fact that there were less scheduled meetings because of the elections. The average number of oral questions with notice answered per scheduled meeting, namely 12.6, is slightly more than the 2007 average of 12.4.

Standing Orders provide that any questions not answered during the 90 minute period allowed are taken to be withdrawn and there were 7 such unanswered questions during 2008. The average time spent during meetings answering oral questions with notice was 79 minutes, marginally longer than the 2007 figure of 70 minutes. The breakdown of Ministers/Committees answering the oral questions with notice was as follows –

	2008	2007	2006	3 year total
Transport and Technical Services	28	19	34	81
Home Affairs	27	24	25	76
Social Security	24	8	14	46
Treasury and Resources	22	34	28	84
Chief Minister	21	39	33	93
Planning and Environment	17	19	15	51
Health and Social Services	16	21	14	51
Education, Sport and Culture	16	12	27	55
Economic Development	13	40	32	85



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Housing	10	17	6	33
Privileges and Procedures Committee	3	6	2	11
H.M. Attorney General	3	2	0	5
Comité des Connétables	1	2	5	8
Commonwealth Parliamentary Association	1	0	0	1
Environment Scrutiny Panel	0	3	0	3
Chairmen's Committee	0	1	0	1
Education and Home Affairs Scrutiny Panel	0	1	0	1
Total	202	248	235	685

1.10 Oral questions without notice

Thirty minutes is set aside at every scheduled meeting for oral questions without notice to Ministers, and 2 Ministers answer for 15 minutes each on a rota basis, with the Chief Minister answering at every other States meeting. There were 32 fifteen-minute sessions at the 16 scheduled meetings of the States in 2008 and Ministers answered as follows –

	2008	2007	2006	3 year total
Chief Minister	8	11	9	30
Deputy Chief Minister	0	0	2	
Economic Development	3	3	4	10
Education, Sport and Culture	2	3	4	9
Health and Social Services	3	3	4	10
Home Affairs	3	3	3	9
Housing	3	3	3	9
Planning and Environment	2	4	3	9
Social Security	2	4	3	9
Transport and Technical Services	3	3	4	10
Treasury and Resources	3	3	3	9
Total	32	40	42	114

1.11 Written questions

For the majority of 2008 there was no restriction on the number or length of written questions that could be submitted by members. On 21st October 2008 the States approved amendments to Standing Orders which amended this, although the change only applied to the one remaining meeting of 2008 when questions were answered, namely 2nd December 2008. Under the amended Standing Orders each member is now limited to a maximum of 5 written



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questions at each States meeting and each of those questions can be no longer than 200 words long.

There were 280 sets of written questions answered in 2008 (although it should be pointed out that many sets contained more than one individual question on a specific topic). This is an increase of 71 over 2007 when 209 were answered.

The breakdown of Ministers, Panels, Committees and others with official responsibilities answering the written questions was as follows –

	2008	2007	2006	3 year total
Chief Minister	42	29	27	98
Economic Development	35	27	25	87
Treasury and Resources	34	28	34	96
Social Security	28	16	17	61
Home Affairs	23	18	12	53
Transport and Technical Services	23	14	21	58
Housing	22	21	10	53
Planning and Environment	19	16	13	48
Health and Social Services	18	11	14	43
Education, Sport and Culture	14	17	16	47
Privileges and Procedures	11	3	4	18
Comité des Connétables	3	3	2	8
Environment Scrutiny Panel	2	3	0	5
HM Attorney General	2	1	1	4
Public Accounts Committee	1	2	0	3
Education and Home Affairs Scr. Panel	1	0	0	1
Health, Soc. Sec. and Housing Scr. Panel	1	0	0	1
Commonwealth Parliamentary Assoc.	1	0	0	0
Chairmen's Committee	0	0	1	1
TOTAL	280	209	197	686

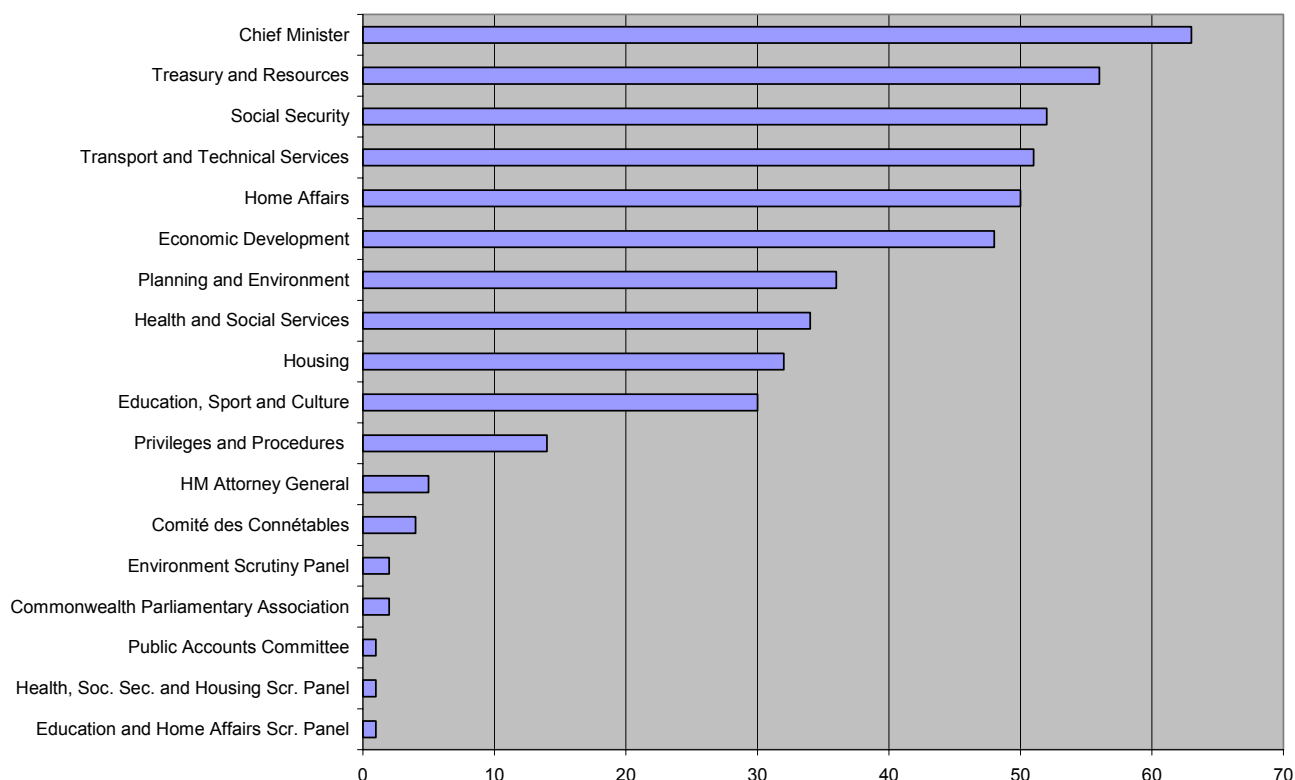




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1.12 Total number of questions with notice

The combined total of oral questions with notice and written questions was 482, an increase of some 5.47% when compared to the 2007 total of 457 which, itself, was an increase over the 2006 total of 432. The breakdown of the 482 questions in 2008 is shown in the following graph –



1.13 Statements

There were 47 statements made in the Assembly during the year. Forty-one of these were statements made by Ministers and other officeholders on matters of official responsibility, and 6 were personal statements. The average time spent on each statement (and the associated questioning of up to 10 minutes for official statements) was just over 10½ minutes per statement.



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The breakdown of those making statements was as follows –

	2008	2007	2006	3 year total
Chief Minister	14	9	2	25
Economic Affairs Scrutiny Panel	5	6	1	12
Economic Development	3	4	4	11
Transport and Technical Services	3	1	3	7
Home Affairs	3	0	3	6
Privileges and Procedures Committee	2	7	1	10
Corporate Services Scrutiny Panel	2	3	1	6
Health, Social Security and Housing Scrutiny Panel	2	1	n/a	3
Chairmen's Committee	1	3	2	6
Treasury and Resources	1	2	2	5
Comité des Connétables	1	1	1	3
Social Security	1	0	1	2
Environment Scrutiny Panel	1	0	0	1
H.M. Attorney General	1	0	0	1
Committee of Inquiry on 3rd party planning appeals	1	n/a	n/a	1
Planning and Environment	0	1	3	4
Education, Sport and Culture	0	1	1	2
Housing	0	1	1	2
Education and Home Affairs Scrutiny Panel	0	1	n/a	1
Public Accounts Committee	0	0	2	2
Health and Social Services	0	0	1	1
Social Affairs Scrutiny Panel	n/a	n/a	1	1
				0
Personal statements	6	4	4	14
				0
Total	47	45	34	126



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1.14 Public Business

As would be expected, the time for the debate of propositions under Public Business dominated meetings of the Assembly in 2008. A total of 230 hours and 29 minutes was spent on Public Business, a significant increase over the 2007 total of 184 hours and 23 minutes. The time spent on Public Business represented just under 83% of the total number of sitting hours of the Assembly.

The total number of projets debated in 2008 was 174. Some of these debates included, of course, debate on amendments relating to the proposition. The breakdown of the number of each type of propositions debated is as follows –

	2008	2007
Laws	45	49
Regulations	40	46
Private members' policy matters	31	20
Appointments	18	21
Ministers' policy matters	15	10
Legislative Acts (including Appointed Day Acts)	13	12
Property matters	3	5
No confidence/dismissal/censure	3	4
Standing Orders	3	2
Annual Business Plan/Budget	2	2
Scrutiny Panels policy matters	1	3
PPC/Comité des Connétables policy matters	0	3
Petitions	0	1
'In Committee' discussion	0	0 ¹
TOTAL	174	178

The total time spent debating the various categories of proposition, and the average time spent on each, was as follows –

¹ There was one 'in Committee' discussion in 2007 but no proposition is debated in an 'in Committee' session.



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	Total time	% of total time	Average time per projet (Minutes)
Private members' policy matters	60h 41m	26.3%	117.5
Laws	39h 55m	17.3%	53.2
Ministers' policy matters	39h 44m	17.2%	158.9
Annual Business Plan/Budget	35h 22m	15.3%	1061.0
Regulations	26h 29m	11.5%	39.7
No confidence/dismissal/censure	10h 44m	4.7%	214.7
Scrutiny Panels policy matters	6h 32m	2.8%	392.0
Legislative Acts (including Appointed Day Acts)	5h 8m	2.2%	23.7
Appointments	3h 44m	1.6%	12.4
Standing Orders	2h 5m	0.9%	41.7
Property matters	0h 5m	0.0%	1.7
TOTAL	230h 29m		

It is of note that, as in 2007, the Assembly spent considerably more time debating policy propositions lodged by private members than any other category of propositions although, as shown above, the average time spent on each was significantly less than for some other types of proposition. As in 2007, it is also of note that, despite its rôle as Jersey's legislature, the Assembly spent only 31.9%, a relatively small proportion of its time, during Public Business debating legislation (Draft Laws, Regulations, Legislative Acts and Standing Orders) although this was an increase over the 2007 percentage of 28.3%.

The total number of projets lodged "au Greffe" in 2008 was 187, slightly less than the 2007 total of 198.

The breakdown into the different types of propositions lodged was as follows –

	2008	2007	2006
Regulations	42	46	40
Laws	41	52	37
Appointments	19	21	25
Private members policy matters	46	30	21
Legislative Acts (including Appointed Day Acts)	11	9	19
Ministers' policy matters	17	16	12
Petitions	0	1	4
Chairmen's Committee/Scrutiny Panels policy	0	5	4
Annual Business Plan/Budget/Strategic Plan	2	2	3



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Standing Orders	3	3	3
Property matters	3	5	3
No confidence/dismissal/censure	3	5	0
PPC/Comité des Connétables policy matters	0	3	0
TOTALS	187	198	171

The number of amendments and amendments to amendments lodged was as follows –

	2008	2007	2006
Amendments	60	60	54
Amendments to amendments	6	4	11
TOTALS	66	65	65

The following table shows those responsible for lodging the 187 propositions –

	2008	2007	2006	3 year total
Private members	51	37	29	117
Economic Development	32	33	22	87
Treasury and Resources	27	29	20	76
Chief Minister	14	25	30	69
Home Affairs	13	19	8	40
Social Security	13	18	12	43
Privileges and Procedures	11	7	10	28
Planning and Environment	9	6	13	28
Council of Ministers	3	2	2	7
Education, Sport and Culture	3	5	2	10
Comité des Connétables	3	2	1	6
Health and Social Services	2	2	9	13
Housing	2	5	5	12
Transport and Technical Services	2	2	4	8
Chairmen's Committee	1	3	2	6
Economic Affairs Scrutiny Panel	1	1	0	2
Environment Scrutiny Panel	0	0	2	2
Health, Social Security and Housing Scrutiny Panel	0	2	0	2
TOTALS	187	198	171	556



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1.15 Significant debates

There were a number of significant debates during 2008 and some of these were as follows –

- **Annual Business Plan 2009 and Budget 2009.** Under the new structure of agreeing expenditure and taxation proposals set out in the Public Finances (Jersey) Law 2005 all decisions on expenditure for 2009 were, for the third year, taken in September through the Annual Business Plan 2009 with decisions on taxation and income generation taken separately in the Budget 2009 in December. Once again the debate on the spending plans in the Annual Business Plan proved to be the more controversial with sets of 12 amendments lodged and 3 amendments to amendments. The debate lasted for a total of 31 hours and 33 minutes over 6 sitting days. The debate on the Budget 2009 proved significantly less controversial, lasting for less than 2 days with only 5 amendments being lodged.
- **Goods and Services Tax.** The introduction of the new Goods and Services Tax in Jersey on 6th May 2008 at a rate of 3% was the culmination of many States debates over a period of several years. There were a number of debates during 2008 relating to the tax relating to matters such as payments by the financial services sector and the *de minimis* waiver on imports, the latter being informed by a scrutiny review. In addition there was a debate initiated by the Minister for Treasury and Resources on delaying the introduction of GST for 5 days to accommodate requests from local traders that it should not be introduced in mid week, on 1st May, as originally planned. An amendment to this proposal was lodged by a private member seeking a one year delay in introduction but the amendment was rejected. Later in the year, members debated a number of propositions and amendments from private members seeking to introduce exemptions or zero-rating for a number of items. All were rejected but the closest vote came in relation to foodstuffs where the proposed exemption was rejected on a tied vote of 25 to 25.
- **Code of Practice for Scrutiny Panels and the Public Accounts Committee.** In March 2008 the States approved the Code of Practice for Scrutiny Panels and the Public Accounts Committee which set out the manner in which scrutiny panels and the PAC should operate. The development of the Code had been the subject of on-going discussions between scrutiny and the Executive for nearly 2 years, with the principal point of disagreement being in relation to the manner in which scrutiny panels could access legal advice. The Code as lodged by the scrutiny Chairmen's Committee was amended during the debate through an amendment on this point lodged by the Council of Ministers.



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- **Connétables (Jersey) Law 2008.** In January 2008 the States approved the Connétables (Jersey) Law 200- which introduced a common election day for all 12 Parish Connétables on the same day as the senatorial elections every 3 years from 2011. The Law contained transitional provisions to ensure that no sitting Connétable was prejudiced and 9 of the 12 Connétables took part in the first Connétables' election in October 2008 under the transitional arrangements. Under the transitional arrangements the next term of office of the 3 remaining Connétables will be shortened so that all 12 Connétables will then be elected on the same day in October 2011.
- **Regulation of Election Expenses.** In July the States approved the Public Elections (Expenditure and Donations) (Jersey) Regulations 2008, which introduced a system of regulation of election expenses for the first time in the Island. The Regulations provide that candidates can spend a fixed amount on their election campaign plus an additional sum related to the number of electors in their constituency. Candidates are required to make a declaration of expenditure after the election setting out the amounts spent and the source of funding.
- **Registration of Political Parties.** In April 2008 the States adopted the Political Parties (Registration) (Jersey) Law 200- which introduced a system of registration for political parties in Jersey. In addition to basic registration for political parties, the Law amended the Public Elections (Jersey) Law 2002 to allow candidates who are supported by a political party to have the name of that party inserted against their name on the ballot paper. One political party took advantage of the new Law to register in advance of the elections in the autumn of 2008.
- **Esplanade Quarter Masterplan.** In June 2008 the States debated spent several days debating the proposed Masterplan for a new financial quarter on the St. Helier Waterfront. The Masterplan was eventually approved, but the issue proved to be extremely controversial and the Chief Minister had to apologise after the debate for inadvertently misleading the Assembly in relation to potential legal claims against the proposed developer. A subsequent proposition to rescind the decision was subsequently lodged by a private member but that was rejected in July. In October the States approved a proposition brought by another private member and agreed that no development agreement for the area should be signed until the terms of the agreement had been approved by the Assembly. Following the controversy during the debate on the Masterplan, the States voted to remove the Chairman of the Waterfront Enterprise Board (the States-owned development company for the area) from office in July and also debated a vote of censure in the Chief Minister, although that was rejected.
- **Non-profit organisations.** In June the States adopted the Non-Profit Organisations (Jersey) Law 200- which introduced a system of registration for charities and other non-profit organisations. The Law was introduced to ensure that Jersey could comply



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in order to meet the international standards set by the Financial Action Task Force, the body charged with setting international standards for combating money laundering and the financing of terrorism. The proposed introduction of the Law caused significant debate in the charitable sector, as some opponents considered that it would place undue and unnecessary burden on local charities and, in response to these concerns, the original proposals were modified by the Chief Minister in order to reduce the bureaucratic requirements for non-profit organisations with limited annual income.

- **Importation of bovine semen.** The debate on the importation of bovine semen in July 2008 proved to be one of the most controversial issues considered by the States during the year, with opinion strongly divided both in the Assembly and in the local agricultural community. The proposal sought to overturn the centuries-old import ban on bovine semen and opponents of the move saw it as a potential threat to the purity of the Jersey cattle breed as no live cattle have been imported into the Island since 1763. The proposals were subjected to an in-depth review by a sub-panel of the Corporate Services Scrutiny Panel, which took evidence from a wide range of stakeholders including many dairy farmers. The review concluded that the proposals were in the best long-term interests of the dairy industry. The States supported the lifting of the ban, although it was made clear to members that only semen from pure thoroughbred Jersey cattle would be used for breeding Jersey cows in the Island.
- **Central European Time referendum.** In June 2008 the States supported a proposition brought by a private member to hold Jersey's first referendum since the enactment of the Referendum (Jersey) Law 2002. The referendum was held on the same day as the senatorial and Connétables' elections in October and the question asked was whether or not Jersey should adopt Central European Time, which would have meant moving clocks forward all year round by an additional hour. The referendum took place on 15th October 2008 and the question was rejected by a substantial majority with 6,564 electors voting 'Yes' and 17,230 voting 'No'.
- **Foundations Law.** The States approved the Foundations (Jersey) Law 200- in October 2008. The Law will permit the creation of a new legal entity, the foundation, and it is anticipated that it will be used principally for wealth management and provide a new sector of business for the local financial services industry.
- **Energy from Waste facility.** In July 2008 the States debated at some considerable length the proposal to build a new Energy from Waste plant to replace the Island's ageing incinerator. The appropriate manner to dispose of the Island's waste had been the subject of considerable research by the Environment scrutiny panel over a number of years and the Panel concluded that it could not support the proposals for the new plant. Despite Scrutiny's reservations, the States approved the proposal brought



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forward by the Minister for Transport and Technical Services and also agreed to allocate just under £103 million to fund the construction of the new plant.

- **Role of the Bailiff.** The role of the Bailiff (President of the States) was considered on 2 occasions by the Assembly in 2008. In July, a vote of no confidence in the Bailiff was debated but rejected by 3 votes to 47. In September the States rejected a proposition brought by a private member that the current dual role of the Bailiff as President of the States and President of the Royal Court should cease.
- **Vote of no confidence in the Council of Ministers.** In July the States debated a vote of no confidence in the Council of Ministers, but it was rejected by 8 votes to 41 with 2 abstentions.
- **Rezoning of land for lifelong dwellings and homes for first-time buyers.** In July 2008 the States adopted a proposition brought by the Minister for Planning and Environment and agreed to rezone a number of sites to enable the construction of homes for the over-55s and for first-time buyers. The proposition was opposed by members who felt that it was inappropriate for the Assembly to rezone Greenfield sites in advance of the overall review of the Island Plan 2002.
- **Marriage and Civil Status Law.** In July 2008 the States agreed amendments to the Marriage and Civil Status (Jersey) Law 2001 which were designed to give parents, particularly unmarried parents, much greater choice over the surname to give to their children.



2. INTER-PARLIAMENTARY BODIES



The CPA International Executive Committee with the Bailiff of Jersey during the mid-year meeting in April



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Opening Ceremony CPA Conference in Malaysia

2.1 Introduction

The States of Jersey are members of a number of international inter-parliamentary bodies and members of the States continued to participate in a number of different conferences and seminars during 2008.

2.2 Commonwealth Parliamentary Association (C.P.A.)

Jersey continued to play an active part in the work of the Commonwealth Parliamentary Association during 2008. The various conferences and seminars attended by members during the year were as follows –

- One young person from Jersey, Philip Ashley, attended the Commonwealth Day Observance in London in March organised by the C.P.A. Secretariat.
- Deputy Kevin Lewis attended the annual Westminster seminar on parliamentary practice and procedure organised by the UK Branch in March.
- Deputy Rob Duhamel (Leader), Connétable Silva Yates, Deputy Paul Le Claire and Deputy Ben Fox attended the British Islands and Mediterranean Regional Conference hosted by the Gibraltar Branch in May.
- Deputy D.W. Mezbourian attended the 20th C.P.A. Parliamentary Seminar in Ottawa in June.
- Deputy Bob Hill (Leader), Senator Jim Perchard and Deputy Judy Martin attended the annual Small Branches and Plenary conferences in Kuala Lumpur, Malaysia in August.



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In addition to attendance at events in other jurisdictions, a major event for the local Branch was the hosting of the mid-year meeting of the International Executive Committee of the Association in April. The Executive Committee comprises the Officers of the Association and the Regional Representatives, and delegates were hosted at the Hotel de France for the meeting.

The Jersey C.P.A. Branch continued to publish a newsletter during 2008 giving reports of conferences and seminars attended, together with details of forthcoming events and general information for members of the Branch.

2.3 Assemblée Parlementaire de la Francophonie (A.P.F.)

The President of the Section de Jersey, Connétable Ken Vibert, attended the annual Conférence des Présidents of the European Region which was held in Sion, Valais, Switzerland from 22nd to 24th April 2008. The Conférence des Présidents is an annual meeting of the Presidents of each European A.P.F. branch where the agenda for the next Regional Conference is finalised.

The Vice-President, Deputy Juliette Gallichan and Connétable Dan Murphy attended the XXIème Assemblée Régionale Europe which was held in Sofia, Bulgaria, between 5th and 9th November 2008.

During 2008 the Jersey Section also began planning the next European Regional Conference, which will be held in Jersey in April 2009 and which will bring together a large number of French-speaking parliamentarians in the Island.

2.4 British-Irish Parliamentary Assembly

On 4th April 2006 the States appointed Deputy A. Breckon as Jersey's representative on the then British-Irish Inter-Parliamentary Body, with Connétable D.J. Murphy of Grouville being appointed as a reserve delegate. The organisation brings together parliamentarians from the parliaments at Westminster and Dublin, from the devolved Parliament and Assemblies in Edinburgh, Cardiff and Belfast and from the 3 Crown Dependencies.

Deputy Breckon attended both plenary sessions in 2008, the 36th Plenary in Wexford, Eire, between 27th and 29th April 2008 and the 37th Plenary in Newcastle between 19th and 21st October 2008. At this second 2008 plenary, the Body resolved to change its name and it is now known as the British-Irish Parliamentary Assembly.



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2.5 Cricket match against the States of Guernsey

After the successful cricket match against the States of Guernsey in 2007 in Jersey, members of the States had the opportunity to meet colleagues from the States of Guernsey again in a return match held in Guernsey on 11th July 2008. From the Jersey team's point of view the highlight of the day was undoubtedly the bowling out for a golden duck of Guernsey's Chief Minister by his Jersey counterpart!





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3. PRIVILEGES AND PROCEDURES COMMITTEE





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3.1 Membership

The membership of the Privileges and Procedures Committee (PPC) throughout 2008 was as follows –

Connétable D.F. Gray of St. Clement (Chairman)
Deputy J. Gallichan of St. Mary (Vice-Chairman)
Senator M.E. Vibert
Connétable K.A. Le Brun of St. Mary
Deputy G.C.L. Baudains of St. Clement
Deputy I.J. Gorst
Deputy S.C. Ferguson

3.2 Meetings

The Committee held 22 formal meetings during the year and recorded another 7 meetings as telephone/e-mail meetings. Meetings were normally held on a fortnightly basis in the meeting rooms in the States Building.

3.3 Significant items dealt with by the Committee

The Committee dealt with a large number of different matters during the year and some of the most significant of these items were as follows –

- **Term of office of Connétables and Deputies.** In September 2007 the States voted to extend the term of office for Deputies to 4 years from 2008, however, PPC's proposition to this effect was rejected by the States Assembly in January 2008, when it was decided to retain the 3 year term of office for Connétables and Deputies. The States did, however, agree to introduce the Connétables (Jersey) Law 2008, which came into force on 28th March 2008, thereby establishing a single election day for Connétables, the first of which was held in October 2008.



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- **Review of the first 12 months of Ministerial government.** A report containing 55 recommendations was presented to the States by PPC in November 2007, following a review of the first 12 months of Ministerial government. Further consultation took place throughout 2008, and a number of recommendations were adopted following the approval by the States in October of the States of Jersey (Amendment No. 5) Law 200-(P.122/2008) and Amendment (No. 9) of the Standing Orders of the States of Jersey, which came into force on 28th October 2008.
- **Official Report ('Hansard').** Concerns were raised during 2008 that the names of people who were not members of the States Assembly were being used in breach of Standing Orders during States Sittings, and were then being published on the States Assembly website as part of the written transcript ('Hansard'). On 5th December 2008, PPC therefore lodged 'au Greffe' the Draft Amendment (No. 10) of the Standing Orders of the States of Jersey, which is due for debate in 2009, and, if adopted, will give the Presiding Officer a new power to direct that any name that he or she has determined is in breach of Standing Order 104(2)(i) be omitted from the transcript.
- **Election expenses.** In July 2008 the States voted to approve the Public Elections (Expenditure and Donations) (Jersey) Regulations 2008. The draft legislation was lodged by PPC in order to give effect to the in-principle decision of the States of 2nd May 2007 to regulate the amount candidates could spend on their election campaigns. The legislation came into force on 25th July 2008 and introduced a limit on expenditure during election campaigns, a requirement for candidates to declare how much they had spent and the source of their funding, rules governing the receipt of gifts and donations, and regulations regarding third party expenditure.
- **Registration of political parties.** The Political Parties (Registration) (Jersey) Law 2008 came into force on 1st August 2008, following approval by the States in April 2008. The legislation was lodged by PPC in order to give effect to the in-principle States decision of 16th July 2007 to introduce a system of registration for political parties in Jersey.
- **Voting at 16.** The Public Elections (Amendment No. 2) (Jersey) Law 2008, brought forward by PPC, came into force on 1st April 2008. This enabled the newly enfranchised younger voters, aged 16 and 17 years, to register prior to the elections in the autumn of 2008.
- **Freedom of Information (Jersey) Law.** Following further consultation on the effectiveness of the current Code of Practice on Public Access to Official Information, a revised draft of the Freedom of Information Law was considered by PPC in October



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2008. It was agreed by the Committee that, should the Freedom of Information (Jersey) Law be introduced, it should be implemented in phases, and a single point of contact should be established for the submission of requests for information under the proposed legislation. Enquiries are now being made to the Royal Court to determine the viability and cost of establishing an administrative review system for appeals against decisions of Ministers and others under the proposed legislation.

- **Code of Conduct for Elected Members.** The Committee considered 14 complaints during the year and published 2 reports in relation to the outcome of investigations under the Code.
- **Public Elections (Jersey) Law 2002.** In late 2007, PPC set up a working party to consult with the Connétables and other stakeholders on finalising amendments to the Public Elections (Jersey) Law 2002. As a result of their findings, practical improvements were made to the operation of the Law, and some policy changes introduced, when the Public Elections (Amendment No. 2) (Jersey) Law 2008, and Public Elections (Amendment No. 3) (Jersey) Law 2008 came into force in April and October respectively.
- **Powers, Privileges and Immunities of Committees of Inquiry.** The States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, PAC and PPC) (Amendment) (Jersey) Regulations 2008 came into force on 29th October 2008, giving immunity to technical advisers when questioning those who appear before a Scrutiny panel, the Public Accounts Committee and the PPC.
- **States of Jersey Complaints Board.** The members of this independent Board, under the Chairmanship of Mrs. Carol Canavan, continued to review the actions of ministerial departments referred to them by complainants. PPC presented the Board's annual report to the States in March 2008, followed by 2 reports to the States detailing the Board's findings in relation to 4 separate complaints. The first report was presented on 23rd July 2008 and concerned the Board's findings with regards to a complaint against a decision of the Minister for Housing; the second was presented on 20th August 2008 and outlined the Board's findings in relation to 3 complaints against decisions of the Minister for Education, Sport and Culture. Despite the low number of hearings, the number of applications increased substantially, and the workload of the Chairmen, and in particular the Deputy Chairmen, increased significantly throughout the year as a result in changes in procedure introduced in 2006. PPC would like to record its thanks to the Chairman, Deputy Chairmen and members of the Panel for their work in an honorary capacity dealing with a wide variety of complaints during the year.



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- **Members' facilities.** Facilities for States members were improved during 2008 following agreement from the Committee for the installation of a shower room in the States Building, PCs and printers in the interview rooms, and the establishment of a wireless network for use in the members' rooms.
- **Voter registration campaign.** The Committee co-ordinated a campaign to encourage residents in the Island to ensure that they were registered to vote before the elections held in October and November 2008. As part of the campaign a colourful mobile voter registration 'tent' moved around the town centre in the late summer enabling passers-by to check immediately if they were already on the register. In the immediate lead-up to the elections the Committee published 2 supplements in the Jersey Evening Post with the manifestos of all the candidates.





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4. SCRUTINY PANELS AND PUBLIC ACCOUNTS COMMITTEE

Scrutiny Citizenship Programme



Scrutiny reports



Bovine Semen Review



Early years education and care





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SECTION SUBMITTED BY THE CHAIRMEN'S COMMITTEE

FOREWORD

As the first ever term of office of Scrutiny is now complete, I am particularly pleased, indeed, proud, to be writing this foreword for the 2008 Annual Report.

Scrutiny may well have got off to an uncertain start, however, it had not existed previously within the context of Ministerial Government, so this could hardly be surprising. However, as I look back over the last 3 years and consider the 2006 and 2007 Annual Reports, it becomes abundantly clear to me that Scrutiny is now truly up and running.



Successes for Scrutiny have been many and have increased over the years. There are those who question what a scrutiny success is. Scrutiny is an “influencing” body; it has no decision-making powers and measuring influence itself is problematic. My belief is that the success of Scrutiny can be measured, not necessarily by the number of reports it produces, nor by whether Ministers accept report recommendations, but by whether scrutiny work raises the level of debate in the States Chamber.

I have been particularly delighted with some of our public engagement initiatives. The involvement of Scrutiny Members, a Minister, Assistant Minister and Executive Officers, in Year 10 of 5 secondary schools was exceedingly rewarding. I hope particularly that it was beneficial for the students and will encourage greater involvement of young people in Island affairs. This project is described in more detail in the body of the report.

The Scrutiny Matters newsletter has been circulated just once during 2008, as it was inappropriate to circulate an autumn version during the election campaigns for Senators and Connétables in some Parishes and then for the Deputies' seats. However, I sincerely hope that those who follow in our footsteps recognise the potential value of the newsletter. There is still work to be done regarding communication with and involvement of the public, and over time this hopefully will develop.

My thanks go to all those Members who have at some time been involved in scrutiny over the last 3 years. Also to those Members who have served on the Chairmen's Committee – I am extremely grateful. Lastly, I feel that we have left a sound foundation for future scrutiny members to build on and I wish all the best to those who continue to drive forward and develop the scrutiny function. Good luck!

Deputy Sarah Ferguson, President, Chairmen's Committee until 8th December 2008.



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4.1 Introduction

4.1.1 Scrutiny Membership has been constant throughout 2008, with no membership changes to any of the 5 main Panels. There have been a couple of changes to the Public Accounts Committee: the Connétable of St. Peter resigned on 18th June 2008 and Deputy Le Hérissier was appointed on 8th July 2008.

4.1.2 Scrutiny Officer and administration changes

Miss Rebecca McColligan was appointed to the vacant position of Scrutiny Administrator and took up the position on 3rd March 2008.

Mrs. Liz Kingston-Walsh had joined the scrutiny office in March 2007 but was successful in being appointed as Manager of the area in which she had originally qualified and left us on 18th April 2008. Mr. Matthew Dransfield was appointed as her replacement and commenced work on 14th April 2008, leaving the section on 8th September 2008.

Mrs. Fiona Bryans, Scrutiny Administrator, was successful in being appointed to the post of Personal Assistant to the Connétable of St. Helier, taking up this position during September 2008. Ms Linda Beaton was appointed to this role and took up the position on 10th November 2008.

Mr. Nathan Fox, Scrutiny Officer, left the Scrutiny Office on 3rd October, having been promoted to a post in the Economic Development Department.

Finally, our newest recruits, Mr. Sam Le Quesne and Mrs. Elizabeth Liddiard, joined the section on 1st December 2008 as Scrutiny Officers.

4.1.3 Work of Panels

With 2007 having been a very busy year, many Panels carried over reviews into 2008. However, due the large number of States Sittings during July and again in September, and with the nomination dates for Senator and Connétable shortly after, Panels undertook less work in the latter half of 2008. Details of Panel activity are included in the following individual Panel pages.

This year has, however, really shown the importance of Scrutiny in assessing and evaluating the Executive's work and holding the Ministers to account. The work which has been undertaken by Panels has made for a more informed debate in the States Chamber.



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Scrutiny Reports produced during 2008

2008		
S.R.1/2008	Review of Goods and Services tax: De Minimus Waiver Review of the Proposed Waterfront	Corporate
S.R.2/2008	Development: Esplanade Square, Les Jardins de la Mer and La Route de la Libération	Corporate
S.R.3/2008	Jersey Telecom – Privatisation Supplementary Report	Economic
S.R.4/2008	Policing of Events – User Pays?	Ed&HA
S.R.5/2008	Early Years Report	Ed&HA
S.R.6/2008	The Role and Funding of Jersey Finance Limited	Economic
S.R.7/2008	Proposed Land Transactions Tax – First report: Residential Property	Corporate
S.R.8/2008	Air Quality	Environment
S.R.9/2008	Review into the Proposed Establishment of Jersey Enterprise Board	Corporate
S.R.10/2008	Review into the Proposed Importation of Bovine Semen	Corporate
S.R.11/2008	Social Inclusion – Mont à l’Abbé	Ed&HA
S.R.12/2008	Long Term Care of the Elderly	HSSH
S.R.13/2008	States of Jersey Financial Forecasting	Corporate
S.R.14/2008	Urban Regeneration	Environment

Other work has been undertaken by a number of Scrutiny Panels which have not resulted in a formal S.R. report. Details of these are included within the individual Panel reports.



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4.2 WORK OF PANELS

4.2.1 CORPORATE SERVICES SCRUTINY PANEL

Message from the Chairman

We have had a very varied year throughout 2008. In addition to conducting our final review on the Goods and Services Tax, we have also reacted very quickly to several issues coming before the States, including Land Transactions Tax; the Proposed Establishment of the Jersey Enterprise Board; and the Proposed Importation of Bovine Semen.

A lot of time has also been dedicated to reviewing the Annual Business Planning process, and we will therefore be leaving a blueprint for how this work can be progressed in future years.

The Panel has been very proactive in its approach since our first review into the Sexual Offences Legislation in January of 2006, and our enthusiasm hasn't dwindled over the past 3 years. I am very proud of the work the Panel has conducted over this time, and we have had many notable successes as a result of our reviews.

As this was the final year for the current Panel, I would like to extend my gratitude to everyone that has helped to make the Panel the success it has been over the past 3 years.

The Panel's work and successes during 2008

The Corporate Services Panel has once again had a very busy year. Several reviews were completed with reports presented in time to inform the relevant States debates. The Panel continued its work on GST; however several new reviews were also completed, making it a very varied year for the Panel.

Goods and Services Tax

The Panel's year began by presenting its fourth and final report on the Goods and Services Tax. This section of the Panel's review focused on the proposed *de minimis* waiver of duty or Goods and Services Tax on imported goods, below which the duty or tax due would not be collected. The Panel did not support the high *de minimis* waiver set by the Treasury and Resources Minister (which allowed the tax-free importation of goods up to the value of £400) and favoured a level closer to the European norm (equivalent to about £100 at Jersey's 3% tax level).

The Panel recommended that the *de minimis* waiver should be reviewed within a 12 month period from the start of GST, which is a recommendation that has been accepted by the Minister for Treasury and Resources, and will form part of the review that will be conducted on all aspects of GST.



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Waterfront Development

At the beginning of the year the Panel also presented its report on the proposed Waterfront Development and the proposal to sink La Route de la Libération, which the Panel had been invited to scrutinise in the summer of 2007 (at that time the proposals were still at a confidential stage). The Panel examined the commercial arrangements with the developer Harcourt and conducted a review specifically based on this narrow focus. (The broader implications of this development were outside the Panel's remit.)

The Panel's report concluded that having considered the advice and paperwork received, it was satisfied that the initial process of negotiations with the developer on the heads of terms complied with good commercial practice.

Proposed Land Transactions Tax: Residential Property

During the debate on the Draft Taxation (Land Transactions) (Jersey) Law 200-, it was agreed to refer the Draft Law to the Panel, for detailed scrutiny of the provisions of the Law and their effect. Having thoroughly reviewed this issue, the Panel presented its report to the States on 10th June 2008, in time to help to inform the States debate on this matter. The Panel looked closely at questions related to the extent to which the Draft Law would cover all share transfer transactions, the operation and administration of the Law and the effect of the Law, particularly on first-time buyers.

One of the Panel's key recommendations urged the Minister for Treasury and Resources to consider using the additional income raised by the tax to provide additional relief to all first-time buyers, to alleviate the well-known problems facing young people taking their first steps on to the housing ladder. The Minister agreed to consider raising the thresholds for relief at the time of the Budget.

Review into the Proposed Establishment of the Jersey Enterprise Board

The Panel also formed a Sub-Panel, chaired by Deputy Egré, to review the proposed establishment of the Jersey Enterprise Board. This Sub-Panel focused its attention on a proposition lodged by the Council of Ministers, which if approved, would have changed the way surplus States property would have been dealt with in the future, in part through the creation of a separate limited liability company, the Jersey Enterprise Board (JEB). In reviewing this proposal, the Sub-Panel became concerned that the lodged proposition was insufficiently progressed and consequently lacked the degree of certainty necessary, not only to demonstrate there would be a net benefit from JEB, but even to identify what that benefit might be. The Sub-Panel therefore strongly recommended that the proposition should be re-considered before being debated by the States, and as a result, the Council of Ministers



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withdrew the proposition, enabling the Chief Minister's Department to revisit the proposal, with updated proposals soon to be expected.

Review into the Proposed Importation of Bovine Semen

The proposal to import bovine semen into the Island proved to be incredibly contentious, and attracted a great deal of attention from interested parties and members of the public. As a result, during the States sitting on 29th April the proposition was deferred until the debate on 15th July, during which time it was agreed it would be reviewed by the Panel. Over the next 2 months the Panel conducted an intensive review, including attendance at the World Jersey Cattle Bureau Conference, a visit to Guernsey, a Public Meeting at the Town Hall, and numerous Public Hearings. After fully considering all of the information available, the Panel recommended that the importation of bovine semen should be permitted. The States subsequently voted in favour of this proposal, and the Panel's review was congratulated by the Chief Minister, who considered it to have been an enormous assistance to States Members during the course of the States debate.

States Business Plan and Budget

The Panel has welcomed in principle the consultation process developed by the Executive and the opportunity to comment on the Executive's spending plans and strategic objectives prior to the Draft Annual Business Plan being debated and agreed by the States. The Panel believes that further work is required to encourage all Panels to scrutinise spending plans and priorities in advance of the debate on the States Business plan. In particular there needs to be further clarity and guidance around the expectations on Panels with regard to reviewing draft spending proposals around April each year as well as the feedback which be useful on other elements of the Business Plan (the capital programme, the Property Plan and legislation programme).

A Sub-Panel was formed in 2008 in order to monitor the Council of Ministers' corporate financial strategy during the preparation of the 2009 States Business Plan. The Sub-Panel identified confidence in the forecasting process as a key issue and will report on its investigations before the end of the year.

Migration Policy

The Panel also formed a Sub-Panel to review the Island's Migration Policy. However, as a result of delays from the Chief Minister's Department in the lodging of key items of legislation, it has been difficult for the Panel's review to progress. This issue is likely to be a key area of interest for the new Corporate Services Panel during 2009.



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4.2.2 ECONOMIC AFFAIRS SCRUTINY PANEL

About the Panel

The Economic Affairs Scrutiny Panel came into being on 5th December 2005. Its remit is to conduct reviews into matters relating to the economy of the Island.

It shares with the other 4 Scrutiny Panels the responsibility to consider the policies of the Council of Ministers, to scrutinize draft Laws, international conventions and agreements, and to scrutinize the draft Annual Business Plan and the Budget.

The Panel is empowered to report to the States upon any matter reviewed, and to amend the propositions of the Council of Ministers or to bring forward propositions in its own name.

The membership of the Panel throughout 2008 was –

Deputy G.P. Southern of St. Helier, *Chairman*
Deputy A. Breckon of St. Saviour, *Vice-Chairman*
Connétable M.K. Jackson of St. Brelade
Deputy J.A. Martin of St. Helier
Deputy K.C. Lewis of St. Saviour

Sub-Panels

The Economic Affairs Panel is empowered to create subordinate bodies to report on a particular matter. These are supported by the existing resources of the Panel, although they draw membership from a cross-section of members. The Sub-Panels do not have the same powers as the full Panel as they are not bodies formally appointed by the States of Jersey. All reports, propositions and comments to the States are brought through the full Panel, and it retains ultimate responsibility for the actions of its Sub-Panels.

During its tenure, the Panel has formed 2 Sub-Panels – the Telecoms Privatisation Sub-Panel and the Dairy Review Sub-Panel. By the end of the Panel's term of office there were no Sub-Panels operating, although the Telecoms Privatisation Sub-Panel reported in 2008.

Reviews in 2008

Telecoms Privatisation review

This Sub-Panel was set up in 2006 to examine the rationale for the privatisation of Jersey Telecom, and the methods that were to be employed. The Panel felt that it was essential that the States entered into a debate on such an important matter with all the relevant information.



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Following the initial report of the Sub-Panel in March 2007, the Executive established a working group to determine if Jersey Telecom should be privatised, and if so the best way to do this. The Sub-Panel's adviser, Dr. David Parker, was invited onto this group and made a significant contribution to the outcome.

The Sub-Panel was reconstituted following the subsequent lodging by the Treasury of a proposition to privatise Jersey Telecom, and lodged a supplementary report on the issue on in 29th January 2008. The outcome of this was that the proposition was withdrawn.

Review of the Role and Funding of Jersey Finance Limited

The Panel decided to undertake review of JFL as it had been operating for 7 years, during which it had grown in size and seen its remit change in response to external economic factors and political pressures from the European Union (EU) and Organisation for Economic Co-operation and Development (OECD).

While its rôle of promoting the Island's financial services was seemingly clear-cut, in the area of promotion and marketing it was notoriously difficult to assess whether any initiative represents value for money.

The report recommended that there be a separation of the promotional and technical divisions of JFL. It examined the principles and benefits of matched funding in this public-private partnership (PPP), and suggested that the current imbalance in funding has created some accountability problems. Whilst there can be no doubt that JFL provides clear two-way communication between the industry and Government, the report pointed out that questions around lobbying activity remain to be resolved.

Retail Strategy review update

The original Retail Strategy Review centred on the analysis of the policy used by the Ministers for Economic Development and Planning and Environment to decide how much additional retail space to permit in the Island (the 'Retail Framework'). The Panel concluded that the original report by the consultants Experian on which this policy was founded was so fundamentally flawed as to be unfit for purpose. The figure produced for overtrading in Jersey's convenience retail sector, for example, was a 45% overestimate compared to data later gathered for the Household Expenditure Survey 2004.

The Panel found that the Retail Framework document relied on flawed data. As a result, the proposal for a significant increase in the amount of retail space in the Island which could permit a UK chain supermarket to operate in Jersey was found to be ill-conceived.

One of the recommendations of the review was that further work was carried out by the Economic Development Department prior to the arrival of a UK multiple supermarket



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operator in the Island. Possibly as a result of this recommendation, the Jersey Competition Regulatory Authority produced a report on the effect on local competition of such an arrival on 14th March 2008.

The Panel was not satisfied that this report took all of the economic and social factors onto account, and undertook an update of the original review (rather than a Scrutiny Review in its own right) to consider the JCRA report and work carried out by the Jersey Chamber of Commerce challenging its conclusions.

The Panel concluded that the entry of a UK multiple would have a significant detrimental effect on local businesses, and there was no guarantee that this would result in the availability of lower prices to consumers.

Meetings

The Panel and its Sub-Panels conducted much of their business outside of meetings, and were in daily contact with the Scrutiny Office by phone, e-mail and post. Panel meetings were usually held fortnightly, although in the final stages of a report the Panel met daily for a week or more. These working group meetings were not formally minuted and not counted towards the formal total of meetings.

The Panel formally met 11 times in 2008.

Overall

The Panel feels that 2008 has been a successful year, although it regrets that the Employment and Training Opportunities in Jersey review, scheduled for completion in September, could not be completed due to time pressures.

The Panel considers that its 2005–2008 tenure has been successful, and that it has achieved its goals of holding the Executive to account and increasing the value of States decisions. It has left a considerable body of research on a wide range of topics to assist a future Panel in its work.



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4.2.3 EDUCATION AND HOME AFFAIRS SCRUTINY PANEL

Chairman's Introduction

The remit of the Education and Home Affairs Scrutiny Panel encompasses the work of the Ministers for Education, Sport and Culture and Home Affairs. Our membership increased to 4 in 2008 when, on 29th January 2008, Connétable Graeme Butcher was appointed to join me, Deputy Juliette Gallichan and Deputy Shona Pitman on the Panel.

As in previous years, the Panel continued to undertake in-depth and detailed reviews of broad-ranging topics for which we received recognition, particularly in relation to our work on early years. However, we also specifically increased the amount and level of scrutiny we undertook on draft legislation and the Annual Business Plan and endeavoured to enhance the information available both to the States Assembly and to the public on these matters.

2008 marked the last year in the life of this Panel. As Chairman, I would therefore like to take this opportunity to thank all those who have contributed to our reviews and shown an interest in the work of the Panel.

Deputy Deidre Mezbourian

Chairman, Education and Home Affairs Scrutiny Panel

Scrutiny Reports

Policing of Events: User Pays?

Work began in 2007 on reviewing the proposal of the Minister for Home Affairs to introduce a 'user pays' charge for the policing of certain commercial or profit-making events. The Panel's final report was presented to the States on 11th March 2008 and included recommendations that the Minister continue work on developing a 'user pays' charge but that the underlying principle should be that all events would be considered albeit with appropriate exemption criteria. In her response, the Minister accepted these recommendations.

Early Years Education and Care

In May 2007, the Panel began its review of the objective of the Minister for Education, Sport and Culture that all 3 to 4 year-olds should receive 20 hours of early years education per week for 38 weeks a year. The Panel engaged the professional services of Dr. Cathy Hamer as expert adviser for the review. The final report was presented to the States on 29th April 2008.



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Social Inclusion – Mont-à-l'Abbé:

The draft proposals for the 2009 Annual Business Plan identified a potential shortfall in funding for Mont-à-l'Abbé School. As a result, the Panel undertook to review the situation; visited the school; and held a Public Hearing with the Minister for Education, Sport and Culture on 24th June 2008. It transpired that sufficient funding had been located and the Panel therefore decided to curtail its review. A report was presented to the States on 10th October 2008 to record the work undertaken by the Panel and highlight the broad issues that had been considered.

Customs and Immigration:

The draft proposals for the 2009 Annual Business Plan identified another potential funding shortfall in an area within the Panel's remit; the Customs and Immigration Service. The Panel undertook a review into the funding pressure, holding a Public Hearing with the Minister for Home Affairs and the Head of the Customs and Immigration Service on 25th April 2008 and undertaking a site visit of Elizabeth Harbour with Customs and Immigration Officers. A report was presented to the States outlining the Panel's findings into the situation at the Service.

Other Work

Draft Police Force (States) (Jersey) Law 200-

In July 2008, the Minister for Home Affairs circulated the *Draft Police Force (States) (Jersey) Law 200-* for consultation. It was intended that the Draft Law would update those elements of the *Police Force (Jersey) Law 1974* relating to the States of Jersey Police. The Panel held a Hearing with the Minister on 11th August 2008 to consider the Draft Law and subsequently provided the Minister with its comments on the legislation. The Minister announced that a second round of consultation would occur and indicated that the Panel's work had been a constructive benefit when amending the Draft Law. For its work on this matter, the Panel appointed Professor Steve Savage and Ms Jane Creton as expert advisers.

Annual Business Plan:

Following the publication in March 2008 of draft proposals for the 2009 Annual Business Plan, the Panel explored those spending pressures identified in the Plan where funding had not been identified. Hearings were held with the Ministers for Home Affairs and Education, Sport and Culture and the Panel's resultant comments were forwarded to the Council of Ministers in May 2008. This work involved consideration of issues relating to H.M.P. La Moye; Discrimination legislation; Vetting and Barring; Sexual Offenders legislation; the Aquasplash leisure pool; and higher education funding. In addition, the Panel visited H.M.P. La Moye as part of its work on the matter.



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Marriage and Civil Status:

In April 2008, the Minister for Home Affairs lodged an amendment to the *Marriage and Civil Status (Jersey) Law 2001* that sought to allow parents greater choice when registering the name of their children. The Panel researched this matter and held a Public Hearing with the Minister on 16th May 2008. Comments were subsequently presented to the States on 2nd June 2008 to inform the debate.

Civil Aviation:

At the beginning of the year, the Minister for Home Affairs brought forward the *Draft Civil Aviation (Jersey) Law 200-* that sought to establish a Director of Civil Aviation. The Panel considered this matter and presented comments to the States on 6th March 2008. The comments asked for further information to be provided and, along with questions from other States Members, led to the withdrawal of the Draft Law and its subsequent re-lodging. When re-lodged, the Draft Law assigned responsibility for the Director of Civil Aviation to the Chief Minister and the matter therefore moved outside the Panel's remit.

Disorderly Conduct and Harassment:

In 2007, the Panel considered the *Draft Crime (Disorderly Conduct and Harassment) (Jersey) Law 200-* and provided comments to the Minister for Home Affairs. On 2nd June 2008, the Panel presented these comments (and the responses provided by the Minister) to the States in order to enhance the information available to Members during the debate.

Rôle of the Centenier in the Magistrate's Court:

In accordance with the Code of Practice, the Panel followed up the recommendations it had made in *The Rôle of the Centenier in the Magistrate's Court* (S.R.18/2007), 9 out of 10 of which had effectively been accepted. As such, it wrote to the Chief Minister, the Minister for Home Affairs, H.M. Attorney General and the Comité des Chefs de Police to request an update on the work that had been undertaken in response to its recommendations. A meeting with the Comité des Chefs de Police was also arranged to consider the progress made.

R&O.69/2008: POLICE PROCEDURES AND CRIMINAL EVIDENCE (CODES OF PRACTICE) (AMENDMENT) (JERSEY) ORDER 2008

In June 2008, the Minister for Home Affairs made a Ministerial Order regarding pre-charge detention that caused concern amongst the public and States Members: it was interpreted that the Order would allow for indefinite detention before charge. The Order was subsequently revoked and the Minister indicated that she would review procedures within her Department regarding the making of Orders. The Panel questioned the Minister on the results of this review.



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General Matters

- At its regular meetings, the Panel kept abreast of the work undertaken by the 2 Ministers within its remit and considered all the propositions they lodged *au Greffe*. In 2008, the Panel considered 13 such propositions.
- In 2007, the Panel had identified Critical Skills and Assessment for Learning as areas where it would wish to increase its understanding. The Panel attended Critical Skills training in January 2008.
- A number of topics were considered for potential inclusion in the Panel's Work Programme. In 2008, a review was identified in relation to the Prison Board of Visitors. However, other demands of the work programme meant that work on this review did not commence. An indication will therefore be given to the successor Education and Home Affairs Panel that consideration should be given to the inclusion of a review relating to the Board of Visitors within its 2009 work programme.



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4.2.4 ENVIRONMENT SCRUTINY PANEL

At the start of 2008 the Environment Scrutiny Panel Members were:

Deputy R.C. Duhamel of St. Saviour (Chairman)
Connétable K.A. Le Brun of St. Mary (Vice-Chairman)
Connétable A.S. Crowcroft of St. Helier
Deputy P.V.F. Le Claire of St. Helier
Deputy C.J. Scott Warren of St. Saviour

Meetings

The Panel conducted much of its business outside of meetings; its approach to Scrutiny led to it hosting a number of exhibitions and public meetings as a forum to provide information and to engage with the public. Formal Panel meetings were usually held fortnightly, although the regularity of meetings can increase dependant upon the demands of the workload.

The Panel formally met 23 times during 2008 and held a number of Public Hearings on a variety of issues.

Reviews

2008 has seen the finalisation of 2 ongoing reviews, together with attendance at some conferences and responses to a large number of consultation documents.

The Panel has found that due to the number of consultation documents and the complexity of its waste plant review, the year has been very challenging and diverse and covered a wide section of its remit.

Waste Plant Review

The major review completed by the Panel was the Waste Plant Review in July 2008. The Proposition 'Solid Waste Strategy' (P.95/2005, lodged by the Environment and Public Services Committee on 10th May 2005) required the Minister for Transport and Technical Services to investigate fully alternative and conventional technologies to provide the final disposal route for the residual waste remaining following the implementation of certain systems and facilities and to recommend a preferred solution for a replacement of the Bellozanne incinerator to the States with an accompanying cost/benefit analysis, environmental and health impact assessment no later than December 2008.

At the turn of 2007 and 2008, the Panel engaged advisers Juniper to offer advice on the technical issues and BDO Alto Limited to assist with the financial matters. The Panel completed its review which culminated in the presentation of R.67/2008 entitled 'Waste



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Management: alternative suggestions of the Environment Scrutiny Panel' presented to the States on 1st July 2008; and comments presented to the States on 8th July 2008 entitled 'Energy from Waste Facility: establishment and acceptance of tender (P.72/2008) – comments'. The report produced by Juniper for the Panel entitled 'Environment Scrutiny Panel: Independent Review – Planned infrastructure for implementing the Island's Waste Strategy and Consideration of possible alternative approaches' was presented to the States as R.43/2008 and provided a strong basis through which the Minister's decisions were called into account.

The Panel included a number of public engagement approaches in order to encourage participation from the general public, as well as from interest groups and stakeholders. It used radio advertising, public meetings at various locations, and an exhibition which ran for several days showcased clearly the options available to the Island other than the purchase and construction of a large incinerator, and successfully explained the Panel's findings prior to the States' consideration of the issue. The Panel was disappointed at the States' decision on the incinerator and believes that in time the sense of following an alternative way forward with higher recycling will be proven and its findings vindicated.

Another success for the Panel was in relation to the work focussing on the composting facility, following which the Minister agreed that multiple reception areas for receiving green waste would be acceptable, particularly in view of the location of the existing facility. The Panel established that the financial requirements for composting in Jersey had changed since the Solid Waste Strategy was accepted by the States.

Air Quality Review

The Panel completed its review to investigate the range of substances that may be emitted in Jersey and assessed if they were likely to pose a risk to health or the environment. Both gases and airborne particles were assessed the review findings indicated that the biggest challenge to air quality in Jersey was the need for the allocation of responsibility and resources to ensure air quality monitoring. The Panel found that there was a lack of legislative framework to enable any preventative or corrective action to be taken and the priority afforded to environmental issues. The Panel report was presented to the States on the 10th June 2008. The Panel employed an adviser to assist with the review and used both local newspaper and radio as a means to engage with the public on the issue.

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment) (Jersey) Regulations 200- (P.36/2008) – Review

The 'Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment) (Jersey) Regulations 200-' was called in by the Chairman of the Panel. The Panel focused its review on the issue of restrictions on certain beach nets. It followed a normal review process of Public Hearings and collecting evidence prior to presenting its comments to the States on 1st



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July 2008. The Minister for Economic Development responded through his own subsequent comments to the States on 8th July 2008.

Urban Regeneration Review

The Panel, in its consideration of consultation documents in the public domain from the Planning Department, decided that it wished to provide a more comprehensive response to some of the issues relating to urban sprawl than the consultation processes allowed for. It decided to launch a review focussing on Urban Regeneration to provide an evidence base for its concerns on the character areas identified for the urban areas and the continued pressure on green fields. The Panel retained the services of an adviser it had previously worked with to assist on the review and took forward a number of recommendations for addressing the issue of urban sprawl. The Panel presented its review findings to the States on 4th December 2008.

Connétable Crowcroft attended a Sustainable Procurement Conference in London which linked into the review.

Comments to the States following Ministerial Decisions

Decision of the Minister for Transport and Technical Services (MD-T-2007-0098) relating to the Drainage (Jersey) Law 2005 and a proposition by the Minister for Health and Social Services, Senator B.E. Shenton, P.57/2008 – ‘Drainage Law: service of notices on owners’

The Panel examined a Ministerial Decision and called the Ministers for Health and Social Services, Transport and Technical Services and Planning and Environment to Public Hearings to answer questions relating to the proposition. The Panel presented its comment in relation to P.57/2008 – ‘Drainage Law: service of notices on owners’ to the States on 3rd May 2008 and debate on the Proposition took place on 3rd June 2008.

Consultation Responses

The Panel Members have spent considerable time responding to the following consultation documents during 2008 –

Draft Energy Policy Consultation Document – Minister for Planning and Environment

The timing of the Panel’s response to the Minister for Planning and Environment’s Energy Consultation Paper, and the first Tidal Energy Conference in London at the end of 2007 afforded the Panel with an opportunity to broaden its understanding of issues relating to its remit and to improve the quality of its response to the consultation document. The Panel submitted a comprehensive response early in January. Panel members attended the 2nd Tidal Energy Conference in London and provided a legacy report for the next Environment Scrutiny Panel.



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Loi (1914) sur la Voirie: Green Paper – Comité des Connétables

The Panel responded to a green paper inviting views on the requirements of Articles 41–48 of the legislation covering branchage and the Visites du Branchage. The Panel called a number of professional environmental and stakeholder groups to provide it with evidence on the possible impacts the proposals would have, prior to it formulating its response.

In addition to the questions asked in the paper, the Panel as a result of the information and its own understanding commented *‘that the use of mechanised sweepers and cutters is detrimental to the sustainability of the hedgerows as it is completely insensible to the contours of the banks and the wildlife contained within. The sweepers cause undermining of the banks and unnecessary erosion is the natural result.’* The Panel considered that the requirement for training of the machinery operators may help to alleviate these problems.

The Masterplan for the Esplanade Quarter, St. Helier: consultation document

The Panel considered the merits of the scheme for the development of the Esplanade, Weighbridge and Waterfront areas and responded to the Minister outlining its concerns following its evaluation of extensive information available on the proposal.

White Paper on Building Bye Laws

The Panel considered the Building Bye-Laws Conservation of Heat and Power, Ventilation of buildings white paper dated 7th March 2008 which was out for public consultation; and received briefings from relevant professionals in relation to the changes and implications contained within the new legislation. Subsequent to the information that it was provided it submitted an enthusiastic endorsement for the new legislation.

Island Plan Review: Strategic Options – consultation paper, and Urban Character Area Design Guidance July 2008 – consultation

The Panel considered whether it was appropriate for it to respond to both consultation papers as separate pieces of work, or to provide the Minister for Planning and Environment with more comprehensive views in the form of an Urban Regeneration Review. The Panel decided that it would respond to the Island Plan consultation document and advise the Minister of its decision to provide its response to the Urban Character Design Guidance as a result of the evidence-based findings of a review it has decided to undertake. The response to the Island Plan initial consultation was forwarded in September 2008.

Business Plans

The Panel interviewed the Ministers for Transport and Technical Services and Planning and Environment in relation to the business plans but did not submit any formal reports due to the pressures of its other commitments.



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Other Work:

Connex – The Panel has been involved in negotiation with the Minister for Transport and Technical Services in relation to the Connex contract and has submitted in confidence a response to the Minister’s approach.

Integrated Traffic and Transport Policy – The Panel has maintained a watching brief over this subject, as with many other areas within its remit, and has sought to increase its understanding of possible solutions and technologies available. As part of that process it received guests from the company Transdev, with a view to examining the feasibility of a light rail link to the west of the Island.

Bathing Water Quality – the Panel has maintained a watching brief and requested update reports and information from the relevant Ministers where issues of concern have been raised by the public or the local media.

Overall

The Panel feels that 2008 has been a successful year and that it has made an effective contribution to informing the States. Some of the work it had planned could not be completed due to time pressures on the Ministers, which meant that Strategies were not yet available for Scrutiny.

The Panel considers that during its appointment from 2005–2008 it has achieved its goal of holding the Ministers within its remit to account and that it has added value to decisions that have been made by the Ministers, individual members and the States.



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4.2.5 HEALTH, SOCIAL SECURITY AND HOUSING SCRUTINY PANEL

Chairman's Comments

2008 has been a year of mixed success for the Health, Social Security and Housing Panel. Good scrutiny work has been carried out in the reviews of Income Support and Long Term Care of the Elderly, and in following up the 2007 Mobile Telephone Mast report. However, repeated delays to the publication of Health and Social Services 'New Directions' policy consultation caused significant problems to the Panel, which had invested time and effort in research and meetings, and had even completed the selection and appointment of an independent adviser before it finally became clear that the Department was going to postpone the launch of New Directions until 2009. The Housing Sub-Panel's plans to review aspects of the housing market were also affected by delays to the Housing Department's internal review, and subsequently had to be dropped when the Minister for Planning and Environment requested urgent Scrutiny input into the 'Jersey Homebuy' scheme.

The Panel has learned important lessons from its experiences in 2008; most notably that putting too much faith in departmental priorities when planning its annual work programme can compromise the effectiveness of Scrutiny and lead to wasted time and effort. While it is accepted that delays experienced by Departments were not anticipated or intentional, the knock-on effect on Panel activity has been considerable, and as a result its ability to complete reports in areas within its remit this year has been significantly compromised. It is to be hoped that a new Panel can avoid similar frustrations in 2009.

Introduction

The work of the Panel encompasses Health and Social Services, Social Security and Housing. The Panel was established on 21st November 2006 when the former Social Affairs Scrutiny Panel was split and 2 Panels were created: Education and Home Affairs; and Health, Social Security and Housing. Deputy Alan Breckon was elected Chairman by the States, and Deputy Judy Martin, Deputy Roy Le Hérisier and Deputy Sean Power were appointed as members. The Panel subsequently elected Deputy Martin as Vice-Chairman.

The Panel continued with one review that had commenced under the former Social Affairs Panel and undertook 2 new reviews during the year using (amongst other methods) Public Hearings, site visits and calls for public submissions to gather evidence. In total, the Panel held 28 Public Hearings during the course of the year.

Aside from review specific meetings, the Panel held 13 formal meetings in 2008.



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Reviews

Income Support Review

The Sub-Panel continued its scrutiny of Income Support in 2008. The Sub-Panel examined the implementation of the Income Support system from 28th January 2008.

The Sub-Panel was again chaired by Deputy J.A. Martin, and had a membership of Deputy G.P. Southern (Vice-Chairman), Connétable S.A. Yates and Deputy C.J. Scott Warren.

The review of the implementation of the Social Security Department's Income Support proposals involved a great deal of public engagement. A call for evidence was made both in the Jersey Evening Post and on Channel 103. The appeal by radio was found to be particularly successful in reaching out to the public and resulted in a large number of submissions to the Sub-Panel.

The Sub-Panel conducted a Public Hearing with members of the public and the Minister for Social Security to discuss issues with the implementation of Income Support raised to date. The Minister acknowledged that there were issues with the changes to Attendance Allowance under Income Support and agreed to review the situation and propose a solution to alleviate the financial hardship inflicted upon recipients. As a result of the efforts of the Sub-Panel, the Minister for Social Security announced to the States at the Sitting of 3rd June 2008 that recipients of Attendance Allowance under the previous system would receive extended protection of their payments until 2010.

The Sub-Panel is seeking confirmation on a number of issues raised as a result of the Public Hearing with the Minister for Social Security and is pursuing legal issues raised by claimants.

Review into the Perceived Health Effects of Mobile Telephone Masts

The review into the Perceived Health Effects of Mobile Phone Masts responded to mounting public anxiety at the increasing number of phone masts in the Island. The Sub-Panel was chaired by Deputy A. Breckon and had a membership of Deputy C. Egré (Vice-Chairman), Senator B.E. Shenton and Connétable M.K. Jackson. Their original report was presented to the States in April 2007; however it was decided at that time that the Sub-Panel would not formally be dissolved until its recommendations had been followed up by Ministers. Following Senator Shenton's election as Minister for Health and Social Services later in 2007 the Sub-Panel continued with 3 members.

The Sub-Panel made a number of recommendations in its report, to which the Ministers for Planning and Environment, Economic Development and Health and Social Services all responded positively. The Panel's officers have worked closely with other Departments during 2008 to ensure that agreements were followed up with appropriate action. Amongst the most significant developments resulting from the recommendations was the creation by the



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JCRA of an interactive website giving details of all phone masts in the Island, an agreement to independent monitoring of emissions, and an updated review into the perceived risks of mobile phone masts by Health Protection.

A joint Ministerial/Scrutiny press release highlighting achievements since the report was published in October 2008 to coincide with the launch of the phone mast website.

The Sub-Panel is aware that there are still some outstanding issues to be resolved and has written to the Jersey Competition Regulatory Authority (JCRA) and the Minister for Economic Development to request that the JCRA website is made more easily accessible to the public and also provides the addresses of phone masts in addition to their post codes.

The Sub-Panel is mindful that more telecommunication companies may enter the market. It also understands that technological advances may result in changes to, or a further proliferation of mobile phone masts. The Sub-Panel hopes that this review will be followed up by the future Health, Social Security and Housing Scrutiny Panel to ensure that recommendations are adhered to, the website is updated and that monitoring of emissions continues.

Proposed Review of Social Housing; work on Jersey Homebuy

The Sub-Panel was chaired by Deputy S. Power and had a membership of Deputy A. Breckon (Vice-Chairman), Deputy R. Le Hérisier, Connétable S. Yates of St. Martin and Connétable G. Butcher of St. John.

The Sub-Panel initially planned to scrutinise the Housing Department's internal review of social housing, which was understood to be a major review of policy which would be the subject of a public consultation in early 2008. In the meantime it responded to public consultations on the rezoning of land for housing for first-time buyers and over-55s, 'Jersey Homebuy' and the draft residential tenancy law. Subsequently it became clear that the new policy and consultation document on social housing would not appear before the summer recess at the earliest, so the Panel decided to undertake a review of housing market conditions and activity. Initial enquiries indicated that a study in this area would be welcomed by stakeholders as no such analysis of overall market activity had previously been undertaken. Agreement was obtained from the Minister for Housing for the Sub-Panel to approach his officers for information in respect of this review; however at this point it became clear that in fact various individual sections (including Statistics and the Population Office) had either already undertaken or were pursuing some of the work that the Sub-Panel had previously recommended in its report on the Social Housing Property Plan (in 2007). This potentially would have led to a considerable degree of overlap with what was being proposed by the Sub-Panel. It was therefore agreed that the best way forward for the Sub-Panel was to focus on a small number of key areas for its forthcoming report.



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Subsequently the debate on ‘Jersey Homebuy Housing: amendment to Island Plan Policy H1’ (P.74/2008) on 10th July 2008 brought a request from the Minister for Planning and Environment for the Sub-Panel to work closely with Departments to bring this to a successful conclusion. The Sub-Panel agreed to scrutinise detailed plans as they became available. It was considered that there was a lot of work still to be done before Jersey Homebuy would be ready for implementation; as a result it was decided to shelve plans for the report on housing market activity. The Sub-Panel agreed a brief paper detailing remaining concerns with the Jersey Homebuy proposals which was sent to the Planning and Housing Departments on 11th September. Subsequently, meetings were held between officers, Ministers and the Sub-Panel on 17th September at which members agreed that a trial of the Homebuy scheme on the remaining H2 sites would be appropriate, subject to certain assurances.

Following that agreement, it was discovered that in e-mail correspondence between the Minister for Housing and a member of the public interested in applying to purchase a home under the Homebuy scheme, the Minister had incorrectly attributed responsibility for the scheme’s eligibility conditions to the Sub-Panel, which resulted in the Sub-Panel as well as the Minister’s actions becoming the subject of a formal complaint to the Complaints Board. A report clarifying that the Sub-Panel’s involvement did not include any involvement in drafting proposals for the scheme was submitted on 28th November 2008. The matter was resolved before the date on which the Complaints Board was due to meet.

Proposed Review of New Directions

In January 2008 Health and Social Services provided the Panel with a timeline indicating that the New Directions policy was expected to proceed to public consultation by the middle of the year. Subsequently it became clear that many of the steps on the way were not happening as expected. Various delays occurred, with the date for consideration by the Council of Ministers being repeatedly put back.

The Panel met with the Minister for Health and Social Services and officers on Friday 23rd May to discuss the latest position regarding New Directions. At this point the Minister still expected that New Directions would receive approval without difficulty, but suggested that in view of the forthcoming elections it might be better to delay launching the policy until the New Year. In view of continued uncertainties surrounding the timing of the public consultation, the Panel had to further delay the review and postpone arrangements for Public Hearings.

Subsequently, members of the Panel attended a meeting on Monday 21st July called by the Health and Social Services Department. In attendance were the Chief Minister and officers; the Minister and Assistant Minister for Health and Social Services and officers; the Minister for Social Security and officers; and Officers from the Treasury and Resources Department. The purpose of the meeting was to establish the most appropriate approach to public consultation on New Directions. The Panel was concerned about the lack of cross-



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departmental discussion prior to this meeting as it became apparent that the Chief Minister and Minister for Social Security had not been fully briefed on the proposals. As a result of the meeting it was confirmed that the public consultation on New Directions would not be launched until early 2009.

Long Term Care of the Elderly Review

The Panel had always intended to pursue one aspect of the over-arching New Directions policy in more detail as a separate review. Despite the postponement of the review of New Directions the Panel decided to continue with a review of Long Term Care of the Elderly as it was felt that this was potentially a matter of great public interest. The Panel developed a scoping document and terms of reference, and following interviews with several candidates in London, appointed Professor Julien Forder of the University of Kent as adviser. A 'call for evidence' was issued in the Jersey Evening Post and 5 days of Public Hearings were held as well as a public meeting at Haute Vallée School.

During the course of the review, Professor Forder made a number of visits to the Island. He and Panel members met with officers from the Health and Social Services and Social Security Departments; and attended Public Hearings with the Ministers for Health and Social Services, Social Security, Housing, Planning and Environment and Treasury and Resources, as well as various stakeholders and individual contributors. They made site visits to residential homes and also visited Guernsey in July for a meeting with the Chief Officers of Health and Social Services and Social Security to discuss their Long Term Care Insurance scheme. Officers visited all the Parishes to obtain information on long term care issues. The Panel's lead member and an officer undertook a 2 day visit to the UK in October to see examples of long term care developments.

The Panel's report was presented to the States on 2nd December 2008.

G.P. Out-of-Hours Co-Operative

The Panel followed up recommendations made by the former Social Affairs Scrutiny Panel in producing its report on the G.P. Out-of-Hours Co-Operative. The Panel wrote to the Minister for Health and Social Services to obtain a copy of the Co-Operative's Annual report and responded with a number of questions; it also questioned why the report remains a confidential document.

Areas for Future Scrutiny

The outgoing Panel suggests the following areas for possible future scrutiny:

- Income Support – monitor effect of changes and particularly end of transition;
- New Directions – when eventually launched;



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- New Strategic Plan in 2009;
- Long Term Care – a recommendation of the outgoing Panel was that a joint Ministerial working party be set up to look at this and respond to the recommendations in its report on Long Term Care of the Elderly by 30th June 2009. Funding and organisation of Long Term Care are key areas;
- Housing – possible report on overall housing market activity, notably ‘hidden’ effects of share transfer, ‘j’ category and buy-to-let investment transactions;
- Mobile Telephone Masts – to follow up the previous report recommendations to ensure independent monitoring continues, the website is maintained, Health Protection continues to review and report on latest research regarding safety of mobile phone use and masts in the light of new technology, and that mast proliferation does not recommence;
- Health – possible report on costs of dental treatment and related issues, to respond to concern about negative health outcomes arising from people being unable or unwilling to pay for treatment. (New Directions refers to possibility of investigating subsidy for dental costs.)



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4.2.6 PUBLIC ACCOUNTS COMMITTEE

Introduction

The primary functions of the Public Accounts Committee are defined under the Standing Orders of the States of Jersey. It is the role of the Committee to receive reports from the Comptroller and Auditor General and to report to the States upon any significant issues arising regarding –

- the audit of the Annual Accounts of the States of Jersey;
- investigations into the economy, efficiency and effectiveness achieved in the use of resources by the States, States-funded bodies, independently audited States bodies (apart from those that are companies owned and controlled by the States), and States-aided independent bodies; and
- the adequacy of corporate governance arrangements within the States, States-funded bodies, independently audited States bodies, and States-aided independent bodies.

The Committee is also required to assess whether public funds have been applied for the purpose intended and whether extravagance and waste are being eradicated and sound financial practices applied throughout the administration of the States. This enables the Committee to examine issues other than those arising from the reports of the Comptroller and Auditor General (CAG).

Relationship with the Comptroller and Auditor General

The Public Accounts Committee and the CAG are both independent, answerable only to the States Assembly. The CAG has a statutory duty to liaise with the Public Accounts Committee and will attend all meetings.

Procedures and Powers of the Public Accounts Committee

All reports presented to the States by the CAG will be discussed by the Public Accounts Committee. The Committee will then decide whether the matters raised by the CAG should be subject to further investigation or are of such public interest that they should be the subject of a Public Hearing. The Committee presents its reports on these hearings to the States Assembly.

The Public Accounts Committee has the power to issue summons in accordance with the States of Jersey (Powers, Privileges and Immunities) (Jersey) Regulations 2006.



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Operation of the Committee

The Public Accounts Committee represents a specialised area of Scrutiny. Scrutiny examines policy, whereas the Public Accounts Committee examines the use of States' resources in the furtherance of those policies. Consequently, initial enquiries are made of Chief Officers rather than Ministers, with enquiries being made of Ministers should the reports and recommendations of the Public Accounts Committee be ignored.

The difference in emphasis between the work of the Committee and the work of Scrutiny has caused some confusion as to the different roles each play. For this reason, a separate website has been established for the Committee, www.pac.gov.je.

The work of the Public Accounts Committee is ongoing and the Committee returns to topics previously examined in order to evaluate whether recommendations have been followed or procedures improved. If such a follow-up is unsatisfactory then the Committee may decide to hold further Public Hearings in order to identify the reasons for the lack of progress.

The Public Accounts Committee co-operates with the Scrutiny Panels, and indeed some members sit on Scrutiny Panels; this assists Members' understanding of the resource implications of policies adopted. The Chairman of the Public Accounts Committee also sits on the Chairmen's Committee, the body which coordinates the work of Scrutiny as a whole.

Structure

The Shadow stage of the Public Accounts Committee demonstrated the advantages and benefits of including independent non-States members as part of the Committee. Accordingly, the States of Jersey Law 2005 was amended to allow this. Under Article 10 of the States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 2006 independent members were granted the same immunity accorded to States members whilst attending Committee proceedings.

The required structure of the Public Accounts Committee is set out in Standing Order 47. This provides for a Chairman and an even number of members, 50% of whom are elected States Members and 50% of whom are independent members. The minimum number of members is four.



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Membership

The membership of the Public Accounts Committee during 2008 was as follows:

States Members:

Deputy S.C. Ferguson of St. Brelade (Chairman)
Deputy J.G. Reed of St. Ouen (Vice-Chairman)
Senator L. Norman
Deputy A. Breckon of St. Saviour
Deputy R.G. Le Hérissier of St. Saviour (from 8th July 2008)
Connétable T.J. du Feu of St. Peter (to 18th June 2008)
Connétable D.J. Murphy of Grouville

Independent Members:

Mr. Roger Bignell
Mr. Chris Evans
Mr. Tony Grimes
Mr. Martin Magee
Advocate Alex Ohlsson

The States noted the resignation of the Connétable of St. Peter from the Public Accounts Committee on 18th June 2008. Deputy R.G. Le Hérissier was appointed as an elected member of the Committee by the States on 8th July 2008.

Following the appointment of Senator B.E. Shenton as Chairman of the Public Accounts Committee on 16th December 2008, the Connétable of St. Peter and Deputy T.A. Vallois of St. Saviour were appointed as members. The remaining members of the Committee had yet to be appointed at the end of 2008.

Meetings

The Public Accounts Committee held regular meetings at which it was given briefings by the CAG on his work programme. Many of these will later be the subject of reports by the CAG and are therefore not detailed in this report.

The Committee also held private meetings in June with representatives of PricewaterhouseCoopers, States Auditors for the purposes of discussing the implications of their Report to Management and with the Chief Internal Auditor. Although these were private briefings, the points raised were relevant to the hearing with the Treasurer of the States when the Annual Accounts were discussed.

In addition, the Committee also undertook the following Public Hearings on 14th, 21st and 22nd July 2008 in relation to the States of Jersey Accounts 2007 –

- with the Principal of Highlands Collage, Finance Director of Education, Sport and Culture, and the Director of Education, Sport and Culture;
- with the Chief Officer of Social Security;
- with the Chief Officer of Housing;



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- with the Comptroller of Income Tax;
- with the Director of Jersey Property Holdings; and
- with the Treasurer of the States and the Deputy Treasurer of the States.

Reports

During 2008, the Committee presented 4 Reports to the States, including its annual report on the Accounts of the States.

P.A.C.1/2008 Comments on the Reports by the Comptroller and Auditor General on the Public Employees Contributory Retirement Scheme (“PECRS”) and the Teachers’ Superannuation Fund (“TSF”)

Governance

The Public Accounts Committee was pleased to note that the Comptroller and Auditor General confirmed that the governance and management of PECRS followed best practice for such schemes. It was, however, disturbing to note that, until 1st April 2007, the governance and management of the TSF did not follow best practice.

The Committee concurs with the view of the Comptroller and Auditor General that the governance and management of the TSF should be reviewed once the recently established Management Board has established itself.

The Committee also agrees that it is important that the States should consider the adequacy of its existing arrangements to monitor compliance with statutory obligations that reports should be made to the States, with a view to making such additional arrangements as appear expedient to ensure compliance with such reporting requirements.

Status

The Committee was concerned to note that the question of the status of the funds was the subject of a proposition to the Assembly on 12th October 1999 and that no further action has taken place.

Liabilities

The Public Accounts Committee supports the view that the terms and benefits must be broadly equivalent to those of the mainland in order to recruit staff. The terms of such schemes on the mainland are being refined and it would be an unwarranted drain on public



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resources if the terms offered by the Jersey schemes were unreasonably higher than those on the mainland.

The Committee also concurred with the comment that: *'the contrasting histories of the management of the States' exposure to the liabilities of the PECRS and of the TSF emphasises the importance of strong central financial management of the States' liabilities and also of strong central management of the States' human resources'*.

P.A.C.2/2008 Report on the States' £35 million expenditure reductions

This report emphasized the results of the Comptroller and Auditor General's report in that the reductions in expenditure were not all genuine efficiencies.

The Committee noted that the definition of and approach to savings was not consistent across all Departments. The evidence was not available from all Departments and there were doubts as to their sustainability. There was also evidence of a lack of concerted corporate action in the management of finance and the measurement of performance was not clearly defined. The Committee concluded that of the £35 million, only £5.8 million could be attributed to efficiencies.

P.A.C.3/2008 Report on MD-PH-2008-0020 – 26.3.08 – St. Helier Yacht Club – Surrender and Renewal of lease

The main points raised in this related to the fact that Harbours were handling the lease and there was perhaps not as much co-ordination between them and JPH as there should have been and that policies had not been clearly defined. The Committee also felt that grants by the States to outside bodies should be fully transparent and not dealt with as covert subsidies to those organisations. In addition the Committee considered that there was a lack of detail included in Ministerial Decisions.

P.A.C.4/2008 Annual Accounts of the States

Building on the briefings with PwC and the Chief Internal Auditor, together with the comments of the Auditor General and the experience of previous years, the Committee held Public Hearings with the Treasurer of the States, the Chief Officer of Social Security, The Comptroller of Income Tax, The Chief Officer of ESC, the Head of Highlands College, the Director of Jersey Property Holdings and the Chief Officer of Housing, the transcripts of which are available on the Committee website, www.pac.gov.je.

The Committee was pleased to see that the presentation of the Accounts was improved, but has made recommendations for further improvements. Identification and explanation of changes are not as clear as they should be in order to improve transparency. Furthermore the implication of changes to GAAP had not been fully quantified.



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From its experience the Committee has now identified specific areas in the financial management and internal controls of the States which require attention. Financial management is the stewardship of the assets of the States. In order to achieve best practice it is essential to devote resources to this stewardship. A major plank in this is the degree of importance given to budgets and performance against these. The Committee identified Departments where the lack of financial resources, particularly manpower, made this problematical.

Sound insurance practice is an integral part of stewardship and the Committee has instituted an investigation into this. The use of maintenance budgets for other purposes has also led to a backlog of maintenance in the order of £100 million. In addition, the diversion of maintenance budgets has led to Property Holdings being severely under-funded.

Internal controls are the rules for stewardship of the States Assets and are communicated States-wide through Financial Directions, issued by the Treasury. It was apparent that these are designed by the Treasury and are not totally suitable for all Departments. The Committee found that there was no central system of ensuring consistency of internal controls throughout the States; no proactive monitoring of implementation of Internal Audit recommendations; and no obligation on anyone, other than Accounting Officers, to comply with Financial Directions.

The Committee considered that there should be a clearer definition of the responsibilities of the Treasurer in the Public Finances (Jersey) Law and recommends that these should be included in the forthcoming amendments to that Law.

The Committee will also keep a watching brief on the transition to the adoption of GAAP.

Many of the concerns raised in this report were covered by the Committee's amendments to the Business Plan, as outlined below.

Annual Business Plan 2009

The Committee's amendments to the Annual Business Plan 2009 were adopted by the States on 16th September 2008, introducing a number of additional success criteria for the Chief Minister's Department, including –

- (a) the development of an action plan in conjunction with the Treasury and all other States departments to deliver potential expenditure reductions (derived from the Report of the Comptroller and Auditor General: Review of States' Spending – Emerging Issues, issued in May 2008);
- (b) a review of remuneration mechanisms of the States;



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- (c) a review of age limits and financial arrangements for redundancy, early retirement and retirement for all States employees; and
- (d) the implementation of a consistent programme of performance reviews and appraisals for staff.

Further amendments to the Business Plan, brought by the Committee, were adopted by the States on 18th September 2008 in relation to the plans of the Treasury and Resources Department. The first was in relation to the management and coordination of States' finances, and required that project appraisal, management and control procedures be established and implemented to enable the viability, funding, financial management and variance analysis of projects to be properly considered and evaluated.

The States also agreed that a new objective, suggested by PAC, be adopted in order to improve the efficiency and effectiveness of States expenditure and financial management. This was hoped to be achieved through –

- (1) the development of an action plan in conjunction with the Chief Minister's Department to deliver potential expenditure reductions and to be presented to the States with an implementation timetable prior to lodging of the 2010 Business Plan (derived from the Report of the Comptroller and Auditor General: Review of States' Spending – Emerging Issues, issued in May 2008);
- (2) the establishment of an internal reporting mechanism to facilitate monitoring of expenditure and identification of variances to assess the performance of departments in respect of the Service Analyses which support the Net Revenue Expenditure approved by the States in the Business Plan;
- (3) the standardization of ledger structures and definitions of costs to provide reliable States-wide data on costs;
- (4) the revision and monitoring of financial directions to ensure a unified system of financial control throughout all States departments; and ensure compliance with fundamental financial disciplines;
- (5) the strengthening of the central authority and responsibility of the Treasurer of the States as corporate head of finance; and
- (6) the establishment of a system to provide financial information for facilitation of the setting of priorities for expenditure between departments to provide better information on resource allocation.



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Ongoing projects

At the end of 2008, the Committee was undertaking the following projects –

- (i) a review of States' insurance in conjunction with the CAG;
- (ii) a review of the level of support being received by the Director of Strategic Procurement, from the Treasury and other States Departments;
- (iii) consideration of amendments to the Public Finances (Jersey) Law 2005 in the light of the Committee's findings following its review of the States Accounts;
- (iv) monitoring of the implementation of GAAP.



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4.3 OTHER SCRUTINY PROJECTS

Citizenship Programme

The successful pilot during 2007 of Scrutiny Members working directly with Year 10 pupils at Les Quennevais School to look at how Scrutiny questions the work of the Executive was extended into 4 further secondary schools during 2008.

Unfortunately the event was unable to take place at Les Quennevais School due to an unavailability of dates and a large number of States Sitings, but Grainville, Haute Vallée, Le Rocquier and Hautlieu all took part.



Students question the Minister for Health and Social Services

Students had prepared some work on the Health Programme entitled New Directions. Scrutiny Members then worked with the students on the sorts of questions they might ask the Minister and how to formulate them. Students then had the opportunity to put some of their questions to the Minister for Health and Social Services or Assistant Minister for Health and Social Services along with various Departmental Officers.

Scrutiny Matters Newsletter

Having produced 2 newsletters during 2007, it was agreed that a third would be produced in spring 2008. Co-ordination of this was undertaken by the Scrutiny Office with one delegated political Member, Deputy Deidre Mezbourian, to provide any necessary political input. The newsletter focussed on the successes of scrutiny as a whole and those of the individual Panels.



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Code of Practice

Following much work on the Code of practice for Scrutiny Panels and the Public Accounts Committee during 2006 and 2007, with numerous meetings and communications with the Council of Ministers, it was finally lodged “au Greffe” on 28th December 2007. Differences remained between the 2 parties, but following some amendments and debate it was adopted, as amended, on 12th March 2008.

Advisers asking questions at Hearings

It was identified fairly early on in the life of Scrutiny that Advisers required a mechanism whereby they could ask questions of a witness who was not a Minister on a technical matter and be covered by legal immunity. This required an amendment to the States of Jersey Law 2005 and subsequent Regulations. The Draft States of Jersey (Amendment No. 3) Law 200- was lodged “au Greffe” on 10th May 2007 by the Privileges and Procedures Committee and adopted by the States on 4th July 2007. The Regulations entitled Draft States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Amendment) (Jersey) Regulations 200- were lodged “au Greffe” on 9th September 2008 and were adopted on 21st October 2008.

Co-option

A few occasions had arisen when a Panel had wished to undertake a review as a full Panel but wished to include an additional Member with knowledge and/or experience in the review area. The draft amendment to Standing Orders to permit this was adopted by the States on 11th September 2008.

Areas for consideration by future Chairmen’s Committee

Review of access to legal advice and recording of request and receipt of advice in Panel minutes.



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Chairmen's Committee Legacy Report [December 2005 – December 2008]

1. Background

Between December 2005 and December 2008, the Chairmen's Committee considered a number of aspects of the work of Scrutiny Panels during the first session of Ministerial Government. Arising from this work, this legacy report sets out the Committee's work, opinions and recommendations for consideration by a future Committee.

2. Work undertaken

2.1 Scrutiny of Annual Business Plan

Scrutiny work on this was slow to develop as there were initial difficulties regarding access to information in a timely manner in the first 2 years. Work was undertaken initially by officers of both Scrutiny and the Executive in planning an advance timetable which was approved by both the Chairmen's Committee and the Council of Ministers.

Recommendations:

- 1. Considerable work needs to be undertaken to ensure that scrutiny has access to information about the ABP from the outset;*
- 2. Possibilities of rescheduling the entire process must be undertaken to ensure that scrutiny has – (i) sufficient time to undertake a thorough review; and (ii) access to the information to scrutinise at times other than periods of recess.*

2.2 Code of Practice for Scrutiny Panels and the Public Accounts Committee [hereafter referred to as "The Code"]

After ongoing discussions throughout 2006 and 2007 with the Council of Ministers, there remained a couple of unresolved matters and the Committee finally agreed to lodge the Code and debate the issues on the floor of the House.

The Code was debated and adopted on 12th March 2008 as amended and presented to the States in its finally adopted form as R.30/2008 on 8th April 2008.

Recommendations:

- 1. The Code needs to be kept under constant review and amendments brought as necessary;*



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- 2. There are still issues surrounding access to legal advice and the Committee recommends that in the event of a Panel requiring legal advice, it employs a private lawyer. Advice from the Law Officers Department can be either too slow or not forthcoming, although a speedy response has been received in the case of a few reviews.*

2.3 Ministerial Responses to scrutiny reports

At the outset of Scrutiny, Panels undertook bodies of work and produced reports but there was no obligation on the Minister to respond to recommendations in the report. A protocol and template has been drawn up which obliges a Minister to respond formally to the States in respect of all recommendations within a Scrutiny Report presented to the States in the S.R. series.

2.4 Public Engagement

A large body of work has been undertaken on a number of Public Engagement areas. The following now exists –

- Scrutiny Public Engagement Strategy;
- Scrutiny Guide;
- Circulation of a newsletter [Scrutiny Matters] to every household on a bi-annual basis;
- Participation in the Citizenship project with Year 10 in 5 secondary schools.

Scrutiny has also been represented by a stand at the Home and Lifestyle Exhibition.

Recommendations:

- 1. It is imperative that the newsletter and the citizenship project is continued;*
- 2. Public Engagement is best managed through the scrutiny office rather than engaging an external agency.*

2.5 Standing Orders, States of Jersey Law and Regulations

- Co-option. Amendment (No. 8) of the Standing Orders of the States of Jersey. This amendment, which was adopted on 11th September 2008, permits a Scrutiny Panel to co-opt one additional member onto the Panel for the purpose



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of undertaking work on a specific review. The Member must not be involved in any work of the Panel other than the review.

- Advisers asking questions of witnesses at hearings. States of Jersey (Amendment No. 3) Law 2007 and States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Amendment) (Jersey) Regulations 2008.

This permits contracted advisers to Panels for the purpose of a Scrutiny Review to ask questions of a witness who is not a States Member in Public Hearings.

2.6 Member training and ‘away-days’

Training was undertaken during January and February 2006. This comprised –

- Introduction to scrutiny Training provider: Frances Taylor, consultant in local government
- Planning the forward work plan Training provider: as above
- Questioning skills Training provider: John Sturrock

In April 2007, further training in questioning skills was undertaken by a different training provider – ‘OPT’.

Visits to House of Commons: Some members have visited the House of Commons and found this to be extremely beneficial.

Lambeth Borough Council: the same members who visited the House of Commons also visited Lambeth Borough Council where different working practices were observed.

Centre for Public Scrutiny: Annual conference. This is available for members to attend.

On 3rd November 2006, Elizabeth Watson, Head of Committee Office, Scottish Parliament facilitated an away-day for all Scrutiny members.

Further away-mornings were held in May 2007 and September 2008.



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Recommended training content:

- 1. Initial training is useful in the basics of scrutiny: topic selection process, developing work programmes, departmental business plans, scoping, estimating reviews;*
- 2. A briefing session is useful on the various legislation which applies to scrutiny: relevant Standing Orders, Code of Practice, Powers, Financial Directions and role of Accounting Officer;*
- 3. Training in questioning and chairing skills is essential;*
- 4. Training could be provided in analysis of evidence, making good recommendations and launching reports;*
- 5. A session should be arranged whereby new scrutiny members have the opportunity of learning from the experiences of established members.*

Recommended trainers:

John Sturrock Q.C. is highly recommended for questioning techniques. He also provides training sessions for other jurisdictions and now has a knowledge of the Jersey system.

Elizabeth Watson, Scottish Parliament, has been involved with the development of Scrutiny in Jersey from the outset and has kept abreast of developments through the Committee Secretariat Network with the Scrutiny Manager.

There are other governmental training bodies which have been used in the past which could be explored.

2.7 Internal Review into Working Practices.

This was undertaken during 2007. It had not produced any radical outcomes and had found many examples of good practice.

2.8 Work undertaken

The attachment shows all the reviews undertaken from 2006 to end 2008 and the Terms of reference covered.

3. Matters needing further consideration

3.1 Public Engagement

Currently the responsibility for provision of information to the public about the work of Scrutiny is that of the Privileges and Procedures Committee under Standing Order 128(g).



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Recommendation: that an amendment be brought to remove this from the above Standing Order and to insert it into the Terms of Reference of the Chairmen's Committee and Scrutiny Panels (Standing Orders 136 and 143 respectively).

3.2 Referral to scrutiny in the States: length of time for consideration

Currently, a Draft Law or Regulations [Standing Order 72] are referred to the relevant Scrutiny Panel. If a panel decides it wishes to review the matter it must be ready to present its report by the fourth States meeting following debate on the principles. This in effect is generally within 8 weeks. The Chairmen's Committee recognises that very few thorough pieces of scrutiny: [public call for evidence, consideration of evidence, follow-up Public Hearings, preparation of report], can be undertaken within an 8 week period. The same time period is available for scrutiny of a proposition referred to a Panel in the States [Standing Order 79].

Recommendation: the next Chairmen's Committee reviews these Standing Orders and brings an amendment to the States to permit scrutiny to be undertaken in an appropriate time-frame.

3.3 Ministerial Decisions and Orders

Currently, Ministerial Decisions are circulated by list and pinned up in the Members' Room. They are also uploaded onto the website. Some Ministerial Decisions are excluded from the list due to their confidentiality and Members are currently unaware of the existence of these. Furthermore, there is concern that some Ministerial Decisions are being made when they should have been brought to the States in the form of subordinate legislation. The process regarding the making of Orders also needs review.

Recommendations:

- 1. The Chairmen's Committee should request the Privileges and Procedures Committee to explore the possibility of including Ministerial Decisions on the back of the Order Paper in a similar way to Orders in the R&O series;*
- 2. The Chairmen's Committee should consider pursuing the automatic forwarding of Ministerial Decisions to the Scrutiny Office;*
- 3. The Chairmen's Committee should also request the Privileges and Procedures Committee to review the process of making Orders and their referral to Scrutiny.*



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3.4 Panel work programmes

It has been challenging to devise forward work programmes for a number of reasons [inaccessibility to Ministers, lack of information from Ministers, shifting of planned projects/policies].

Recommendations:

- 1. Timetables for work to be undertaken on specific projects such as the Strategic Plan and Annual Business Plan should be factored into the Panel's work programmes in advance;*
- 2. Early information from the Minister about his/her work programmes were essential;*
- 3. The Department's legislation programme and projected time-plan should also be provided early in the year;*
- 4. Scoping documents must be produced for all work.*

3.5 Legislative scrutiny

A fair amount of scrutiny of legislation had been undertaken. However, there are examples of policies which have been reviewed by Panels which have underlying legislation which have not been considered.

Recommendation: The Chairmen's Committee should consider how further legislative scrutiny could be undertaken, given other commitments and the current staffing levels.

3.6 Resistance to time pressures placed on Scrutiny by the Executive

There have been a number of circumstances when the Executive have placed extreme pressure on Panels to undertake a piece of thorough scrutiny work within very tight timescales in order to meet a debate date set by a Minister. Ministers have also accused Scrutiny of using "delaying tactics".

Recommendations:

- 1. Scrutiny Members should all recognise the time required to undertake a piece of work and there should be a "commonality of purpose" by Scrutiny Members when such accusations are made;*
- 2. Before a Panel makes a decision to undertake a review when it is referred to the Chairman in the States, identification of the availability of officer support must be identified or the Panel must be prepared to stop one of its ongoing reviews in order to release an officer.*



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4.4 Appointments to new Panels

On 12th December 2008, Senator B.E. Shenton was appointed as the Chairman of the Public Accounts Committee. On 15th December 2008, the following Members were appointed as Chairmen of Scrutiny Panels –

Senator S.C. Ferguson	Corporate Services Scrutiny Panel
Deputy M.R. Higgins of St. Helier	Economic Affairs Scrutiny Panel
Deputy R.G. Le Hérissier of St. Saviour	Education and Home Affairs Scrutiny Panel
Deputy P.J. Rondel of St. John	Environment Scrutiny Panel
Senator A. Breckon	Health, Social Security and Housing



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APPENDIX A

Scrutiny Reports – dates and responses

2008	Panel	Report Title	Date of Report	Date of response
1	Corporate	GST: De Minimis Waiver	11/1/08	26/02/08
2	Corporate	Proposed Waterfront Development	21/1/08	Letter dated 13 th July from the Chief Minister
3	Economic	Jersey Telecom – Supplementary	29/1/08	
4	Education and Home Affairs	Policing of Events: User Pays?	11/3/08	29/4/08
5	Education and Home Affairs	Early Years	29/4/08	8/7/08
6	Economic	Role and Funding of Jersey Finance Limited	5/6/08	16/07/08 (direct from JFL)
7	Corporate	Proposed Land Transactions Tax – First report: Residential Property	10/6/08	Oral response in debate. Review of Stamp Duty and review of Commercial transactions announced in Budget proposals (November 2008).
8	Environment	Air Quality	10/6/08	
9	Corporate	Proposed Establishment of Jersey Enterprise Board	11/6/08	Waiting for Chief Minister's Department to produce revised proposals
10	Corporate	Proposed Importation of Bovine Semen	16/7/08	Recommendations accepted in full by Chief Minister in States debate. Letter dated 22.07.08



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11	Environment	Waste Plant	Juniper Report 14/04/08. No Report. Comment from Panel to States 8 th July.	Response to Juniper report 25/06/08
12	Environment	Fisheries	No Report. Comment from Panel to States 01/07/08	Debate deferred to 08/09/08
13	Education and Home Affairs	Social Inclusion – Mont-à-l’Abbé	10/10/08	16/09/08 (Appended to Panel report)
14	Education and Home Affairs	Draft Civil Aviation (Jersey) Law 200- (P.18/2008)	No Report. Comments to the States 06/03/08	N/A
15	Education and Home Affairs	Draft Crime (Disorderly Conduct and Harassment) (Jersey) Law 200- (P.55/2008)	No Report. Comments to the States 02/06/08	N/A
16	Education and Home Affairs	Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200- (P.61/2008)	No Report. Comments to the States 02/06/08	N/A
17	Environment	Air Quality Review (S.R.8/2008)	10/06/08	
18	Environment	Waste Plant Review	No Report Comments to States (P72/2008) 08/07/08	N/A
19	Corporate	Financial Forecasting	02/12/08	Budget debate November 2008
20	Education and Home Affairs	Customs and Immigration	03/12/08	



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21	Corporate	Draft Income Tax (Amendment) (No. 32) (Jersey) Law 200- (P.161/2008)	No Report Comments to States (P.161/2008) 25/11/08	N/A
22	HSSH	Long Term Care of the Elderly	02/12/08	
23	Environment	Urban Regeneration Review	03/12/08	



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APPENDIX B

Scrutiny Panel Review Dates 2008

Panel	Review		Start Date	Report Date	2008 Costs
Corporate Services	GST – 4th Report: De Minimis level	Sub-Panel	July 2007	January 2008	3,923.20
	Migration Policy	Sub-Panel	January 2007	No report produced	4,704.38
	Waterfront	Sub-Panel	June 2007	January 2008	42.34
	Level Playing Field	Sub-Panel	March 2007	2008	416.16
	Finance	Sub-Panel	January 2008	Review work formed basis of legacy report	7,985.51
	Financial Forecast	Sub-Panel	June 2008	December 2008	4,940
	Importation of Bovine Semen	Sub-Panel	May 2008	July 2008	7,768.01
	Land Transaction Tax	Panel	March 2008	June 2008	4,637.75
	Jersey Enterprise Board	Sub-Panel	February 2008	June 2008	21,949.71

Economic Affairs	JFL	Panel	14 November 2007	5th June 2008	571.20
	Employment and Training	Panel	23rd January 2008	No report produced	7,275.80
	Telecoms Privatisation (Supplementary Report)	Sub-Panel	December 2007	29th January 2008	194.64

Education and Home Affairs	Early Years	Panel	May 2007	29th April 2008	3,862.54
	Policing of Events	Panel	September 2007	11th March 2008	0
	Customs and Immigration	Panel	March 2008	3rd December 2008	255.36
	Police Force Law	Panel	July 2008	5th September 2008	7,792.63
	Social Inclusion – Mont-à-l'Abbé	Panel	May 2008	September 2008	221.73
	Marriage and Civil Status	Panel	March 2008	2nd June 2008	146.72
	Annual Business Plan	Panel	April 2008	1st May 2008	516.08

Environment	Air Quality	Panel	August 2007	10th June 2008	10,454.78.00
	Energy	Panel	Background only 2007/08	2008	12,252.16
	Waste Plant	Panel	November 2007	1st and 8th July 2008	70,474.34
	Fisheries	Panel	June 2008	1st July 2008	575.55
	Urban Regeneration Review	Panel	4th September 2008	4th December 2008	5,866.72



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Health, Social Security and Housing	Income Support	Sub-Panel	January 2008	Review incomplete due to time pressures of Sub-Panel members.	4,725.17
	Long Term Care of the Elderly	Panel	June 2008	2nd December 2008	22,498.58
	New Directions	Panel	January 2008	Health and Social Services Department delayed on a number of occasions the release for public consultation of New Directions strategic plan. Public consultation now scheduled for January 2009	597.32



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APPENDIX C

Statistics per Panel

2008 Statistics	PANEL							
	Totals	Corporate	Economic	Environment	E.&HA	HSSH	General	PAC
Number of public hearings	5	2	9	6	14			
Number of reviews undertaken	5	1	4	7	1			
Number of reports issued (S.R. series)	6	1	2	4	1			
Number of matters referred to and accepted by scrutiny in the States				0	(But 3 Comments presented to States)			
Number of submissions over year	2	0	1	1	57			
Budget 2008	£80,000.00	£80,000.00	£80,000.00	£80,000.00	£80,000.00	£80,000.00	£733,939.00	£20,000.00
Expenditure 2008 (JDE)	£50,347.44	£8,186.44	£76,523.74	£13,248.76	£44,342.56		£624,439.00	£2,275.58
Advisers	£	£	£	£	£			
<i>Level Playing Field</i>	0							
<i>Bovine Semen</i>	2,800							
<i>JEB</i>	18,450							
<i>Finance</i>	5,400							
<i>GST</i>	3,611.96							
<i>Financial Forecast</i>	4,800							
<i>Land Transaction Tax</i>	3,100							
<i>Migration Policy</i>	3,500							
<i>Early Years</i>				3,000				
<i>Police Law</i>				5,880				
<i>Long Term Care</i>						17,702		
<i>Income Support</i>						2,757		
<i>Waste Plant</i>			53,400					
<i>Air Quality Employment & Training</i>			800					
<i>Zero Ten</i>	3,200	3,800						
<i>Urban Regeneration</i>			5,000					



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<i>Number of Sub-Panels</i>	<u>Migration</u>	<u>Telecoms</u>	<u>Income Support</u>
	0		
Sub-Panel Hearings	1	2	14
	<u>JEB</u>		
Sub-Panel Hearings	4		
	<u>GSI</u>		
Sub-Panel Hearings	0		
	<u>Zero/Ten</u>		
Sub-Panel Hearings	0		
	<u>Waterfront</u>		
Sub-Panel Hearings	0		
	<u>Bovine Semen</u>		
Sub-Panel Hearings	15		

* Figures correct as at 3rd September 2008



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5. THE STATES GREFFE





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5.1 Introduction

As indicated elsewhere in this Annual Report, 2008 was the last year of the first electoral cycle under the new ministerial system of government. Experience over the 3 years showed that, in general, the structures put in place by the States Greffe before the change in 2005 worked well although there were inevitably further changes that were needed to meet unexpected demands of the new system over the 3 year period.

At the end of 2008 the States Greffe began a very comprehensive induction programme for the 14 new members after the elections in October and November to ensure that they were well briefed on procedural and practical matters relating to the work of a States member.

5.2 Committee Clerks' Section

The Clerks have maintained strong links with Departments, especially in relation to the 'LiveLink' system for recording Ministerial Decisions. A total of 1,314 Ministerial Decisions were dealt with in 2008 (*1,414 in 2007*). The one part-time and 3 full-time Clerks advised Departments on how specific matters should be recorded within the Ministerial template and continued to ensure that items which needed to be brought to the States were notified to the States Greffe by the Executive.



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Department	Number of decisions	
	2007	2008
Planning and Environment	332	281
Economic Development	233	242
Treasury and Resources	140	149
Property Holdings	107	99
Transport and Technical Services	119	116
Home Affairs	85	90
Housing	87	122
Education, Sport and Culture	56	25
Social Security	93	88
Health and Social Services	86	63
Chief Minister's	75	38
States of Jersey Police	1	1
TOTAL	1,414	1,314

The Clerks also provided impartial and professional support and advice on procedural matters to Executive and non-Executive Departments and produced the official record of proceedings for 189 meetings during 2008 (192 in 2007).

Meetings	2007	2008
Overseas Aid Commission	35	36
Council of Ministers	30	32
Privileges and Procedures Committee	29	29
Planning Applications Panel	26	14
Planning Hearings (Minister for Planning and Environment)	16	15
Public Accounts Committee	14	15
States Employment Board	12	19
Legislation Advisory Panel	7	5
Probation Board	6	6
PPC Sub-Panel on Complaints	5	0
Tourism Development Fund Advisory Panel	5	4
Manual Workers' Joint Council	3	6
Criminal Injuries Compensation Board	2	6
Commission Amicale	2	2
TOTAL	192	189

The Clerks' Section also has responsibility for editing the Official Report ('Hansard') of States meetings (see section 5.9) which was a considerable task, particularly in busy periods when the Assembly sat for several consecutive days.



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5.3 Publications Editor

The new Ministerial Decision system required procedural changes to be implemented to ensure that States matters were lodged with the Greffe in a timely and efficient manner. Whilst Committee Clerks monitored the Livelink system and informed the Publications Editor of matters for lodging, officers from other Departments were now also required to play a more proactive role in this process. Throughout 2008, procedures were adjusted and modified to ensure that all matters, especially Orders, were effectively processed through the Livelink system and included on the States Order Paper.

Changes in Standing Orders relating to the timescale for lodging propositions meant that instead of matters being lodged weekly, items could be lodged on a daily basis, and it was anticipated that this would spread the work out more evenly, but in reality there remains a last-minute rush to lodge items on States meeting days and the Publications Editor still has her 'manic' Mondays!



5.4 States Assembly Information Centre

During 2008, the States Greffe Bookshop was refurbished, revamped and reborn as the States Assembly Information Centre.



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With the increase in on-line downloads of documents, Bookshop sales levels had fallen over time and it was considered an appropriate point to reconsider how the staff and space could best be utilised.

In early 2008, a new system was installed in the public area which allows leaflets, reports and other data to be displayed in a more creative, attractive and accessible manner. The area now provides designated display areas for the work of the States Assembly, Scrutiny, the Public Accounts Committee, Comptroller and Auditor General, as well as information about the Commonwealth Parliamentary Association, Assemblée Parlementaire de la Francophonie and various initiatives such as the Jersey Youth Assembly and Primary School visits to the Chamber.



Whilst some displays are static, several, particularly those pertaining to the work of the States Assembly, are updated on an almost daily basis to ensure that the information on display is current, relevant and engages the public's interest. A new range of information leaflets has been developed explaining the work of the States Assembly, Ministerial Departments and Scrutiny, as well as providing some historical background to the Assembly and the States Chamber itself. During 2009 it is envisaged that a range of States Assembly souvenirs will be available for visitors to the Centre to purchase as a memento of their visit to the States Chamber.

5.5 Registry

In addition to its existing role providing an organised and thorough source of information, the Registry section has responsibility for the retention and archiving of the signed copies of all Ministerial Decisions and relevant attachments. This has evolved into a very important aspect of Registry's work. The Section also uploads Part 'A' (Public) Ministerial Decisions onto the www.gov.je website to be accessed by the public.



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5.6 Reprographics

Although the demise of the Committee system saw a reduction in the number of agendas produced by the Reprographics section, there were still sizeable Council of Ministers, Planning Applications Panel and Privileges and Procedures Committee agendas printed on a fortnightly basis, as well as the various papers for all of the other Boards and Panels serviced by the Clerks' section. The Section produced a large number of documents for other Departments, as well as several Scrutiny reports, but the work of the States continued to provide the bulk of the Section's workload.

5.7 Staffing matters

Petrina Horton left the Committee Clerks' section in April 2008, to work in the private sector, and was replaced by Nat Guillou. Nat left the Greffe in September 2008, having decided to pursue a post-graduate course in Law, and in October 2008 the Department welcomed Anna Heuston as the new edition to the Committee Clerk team.

Judi Donadieu, Information Manager, retired during the year and her replacement, Shelagh Castledine, joined us in July 2008 to manage the Registry section.

During 2008, States Greffe staff participated in a number of 'dress-down days' and raised approximately £480 for various charities.



Helena White and Belinda Pugh raising money for Children in Need 2008



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5.8 Official Report ('Hansard')

January to December 2008 saw 3,824 pages of States Assembly and 2,474 pages of Scrutiny Panel/Public Accounts Committee proceedings transcribed and uploaded to the States Assembly website (www.statesassembly.gov.je and www.scrutiny.gove.je). *[January to December 2007 figures were 3,438 and 4,304 respectively].*

The method of transcription of proceedings is an example of modern technology in action. Following each Sitting of the Assembly, the digital audio recording is uploaded from the recording equipment in the States Chamber to a secure website and then downloaded by transcribers in New Zealand who work for the transcription company selected following a tendering process in 2005.

The resultant 'first draft' of text is e-mailed to the States Greffe from New Zealand the following week. This is then edited to remove any hesitations and redundancies in the spoken word and to verify the spelling of local names, etc. prior to uploading to the States Assembly website. The style of the Official Report will be kept under review in the light of experience as the service is operated. As a parliamentary record, it is important the Jersey's 'Hansard' accurately and fairly reflects proceedings, and some light editing is sometimes required to achieve this.

Experience since 2006 has shown that the transcript of proceedings has become a very useful service for States members and others to check on what was actually said in the Assembly and it is an important tool to hold Ministers and others to account.

5.9 States Assembly website

The States Greffe continued to maintain the States Assembly website www.statesassembly.gov.je throughout 2008 and the site has clearly become the principal source of information about the work of the Assembly for many people.

Activity statistics relating to the site show an ever-increasing usage, with a total of 2,890,176 hits during the year compared to the 2007 total of 2,171,100. The monthly average of visitors was 20,024 compared to the 2007 figure of 16,637 (statistics filtered to exclude automatic access by search engines during indexing).



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	2008 Visitors	2007 Visitors
January	20,242	17,268
February	21,645	16,869
March	21,921	19,281
April	17,286	16,558
May	21,096	17,127
June	26,390	16,612
July	23,913	15,972
August	17,654	14,962
September	18,433	15,757
October	19,507	16,791
November	16,881	18,648
December	15,330	13,809
TOTALS	240,298	199,654

5.10 Primary School visits to the States Chamber/citizenship programme

The school visit scheme, which involves all Year Five (aged 9 and 10) primary school children, from both the States funded and private sector, runs throughout the school terms and enables each school to visit the States Chamber on a Monday morning. The children sit in the seats usually occupied by States Members and use the voting system during a mini-debate on a topic of their choice. Three of the children take the rôles of the Greffier, the Dean and the Usher.



The scheme is run by the Assistant Greffier, Lisa Hart and the Cultural Development Officer, Rod McLoughlin, assisted by staff from the States Assembly Information Centre. Children receive a leaflet before their visit (prepared by the Assistant Greffier and Publications Editor, using photos taken by our Registry Assistant, combined with the Assistant Greffier's artwork)



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which gives an overview of the work of the States. A DVD/Powerpoint presentation has also been developed by Rod McLoughlin to be downloaded by the schools prior to their visit, in order to prepare the children for their special meeting. The DVD provides some historical information regarding the Chamber and the evolution of the States. In addition it highlights the procedural aspects of a States meeting, which the children's visits mirror as closely as possible.

During 2008, 29 schools and a total of 1,003 children visited the Chamber. Each child was presented with a copy of their proposition, an Order Paper, an information sheet concerning the States member whose seat they had taken and a certificate to commemorate their involvement in the visit. It is hoped that the scheme will encourage local children to take more of an interest in how their Island is governed and will dovetail with the citizenship curriculum to promote participation in elections, especially since the reduction in the voting age to 16 years. Debate topics during 2008 including banning crisps and sweets from lunchboxes, stopping school milk, banning football from school playgrounds, bringing in schemes to encourage children to walk to school and the provision of canteens within primary schools.

5.11 Jersey Youth Assembly 2008



The eleventh Youth Assembly was held in the States Chamber on the afternoon of Wednesday 19th March 2008. The event, which is sponsored by the Jersey Branch of the Commonwealth Parliamentary Association, included debates on topics selected by the students as well as a Question Time, all of which mirror a normal States meeting. This was the second year in which the event was held on a Wednesday, in order to ensure that Ministers would be able to attend for Question Time (as the event had previously clashed with Council of Ministers meeting dates).



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During the Assembly, which was presided over by Senator Len Norman, the prospective politicians followed the same protocols as their adult counterparts. Deputy Guy de Faye, Minister for Transport and Technical Services, Senator Mike Vibert, Minister for Education, Sport and Culture, Senator Freddie Cohen, Minister for Planning and Environment and the Chief Minister, Senator Frank Walker answered questions from the young participants regarding the skate park at the Waterfront, company ownership in Jersey, the music facilities at La Motte Street Centre, the use of rear passenger seat belts and the limitation of car ownership in the Island. The Chief Minister also answered questions without notice on a wide range of topics.

Fifty-four student members from the Island's 6th forms participated in the Assembly, and the young parliamentarians had worked in conjunction with their own tutors and officers of the States Greffe for several months to prepare propositions together with supporting reports in the style expected for the States. Topics covered in debate included the introduction of penalty fines to meet the economic cost of crimes, changes to the benefits system to require an element of community service to be undertaken to maintain entitlement, the teaching of home economics as a mandatory subject for all female secondary school students, reducing the age of majority to 16 and the introduction of a scheme to allow students to run the Island for a month on a triennial basis.



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MEMBERSHIP OF THE STATES ASSEMBLY ON 1st JANUARY 2008

(Article 2 of the States of Jersey Law 2005)

Sir Philip Bailhache, Bailiff, President (Appointed February 1995).

His Excellency Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E., His Excellency the Lieutenant Governor (Appointed June 2006).

	<i>First elected</i>
Senator Stuart Syvret	13.12.90
Senator Leonard Norman	17.06.83
Senator Frank Harrison Walker	13.12.90
Senator Wendy Kinnard	12.12.96
Senator Terence Augustine Le Sueur	15.12.87
Senator Paul Francis Routier	09.12.93
Senator Michael Edward Vibert	12.12.96
Senator Philip Francis Cyril Ozouf	09.12.99
Senator Terence John Le Main	20.12.78
Senator Ben Edward Shenton	05.12.05
Senator Frederick Ellyer Cohen	05.12.05
Senator James Leslie Perchard	05.12.05
Connétable Kenneth Priaulx Vibert of St. Ouen	10.05.94
Connétable Kenneth Alan Le Brun of St. Mary	11.08.00
Connétable Thomas John du Feu of St. Peter	13.12.84
Connétable Derek Frederick Gray of St. Clement	14.12.01
Connétable Alan Simon Crowcroft of St. Helier	12.12.96
Connétable John Le Sueur Gallichan of Trinity	11.11.02
Connétable Geoffrey William Fisher of St. Lawrence	31.01.03
Connétable Daniel Joseph Murphy of Grouville	19.09.03
Connétable Michael Keith Jackson of St. Brelade	11.11.05
Connétable Silvanus Arthur Yates of St. Martin	30.06.06
Connétable Graeme Frank Butcher of St. John	08.12.06
Connétable Peter Frederick Maurice Hanning of St. Saviour	24.08.07
Deputy Robert Charles Duhamel of St. Saviour No. 1	09.12.93
Deputy Alan Breckon of St. Saviour No. 2	09.12.93
Deputy Jacqueline Jeannette Huet of St. Helier No. 3	09.12.93
Deputy Frederick John Hill B.E.M of St. Martin	09.12.93
Deputy Gerard Clifford Lemmens Baudains of St. Clement	11.12.98
Deputy Peter Nicholas Troy of St. Brelade No. 2	09.12.99
Deputy Celia Joyce Scott Warren of St. Saviour No. 1	09.12.99



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Deputy Roy George Le Hérissier of St. Saviour No. 3	09.12.99
Deputy John Benjamin Fox of St. Helier No. 3	09.12.99
Deputy Judith Ann Martin of St. Helier No. 1	05.05.00
Deputy Geoffrey Peter Southern of St. Helier No. 2	15.02.02
Deputy Sarah Craig Ferguson of St. Brelade No. 1	12.12.02
Deputy James Gordon Reed of St. Ouen	12.12.02
Deputy Patrick John Dennis Ryan of St. Helier No. 1	12.12.02
Deputy Carolyn Fiona Labey of Grouville	12.12.02
Deputy Colin Hedley Egré of St. Peter	12.12.02
Deputy Jacqueline Ann Hilton of St. Helier No. 3	12.12.02
Deputy Guy William John de Faye of St. Helier No. 3	12.12.02
Deputy Paul Vincent Francis Le Claire of St. Helier No. 1	09.04.99
Deputy John Alexander Nicholas Le Fondré of St. Lawrence	05.12.05
Deputy Deidre Wendy Mezbourian of St. Lawrence	05.12.05
Deputy Anne Enid Pryke of Trinity	05.12.05
Deputy Sean Seamus Patrick Augustine Power of St. Brelade No. 2	05.12.05
Deputy Shona Pitman of St. Helier No. 2	05.12.05
Deputy Alan John Henry Maclean of St. Helier No. 2	05.12.05
Deputy Kevin Charles Lewis of St. Saviour No. 2	05.12.05
Deputy Andrew David Lewis of St. John	05.12.05
Deputy Ian Joseph Gorst of St. Clement	05.12.05
Deputy Juliette Gallichan of St. Mary	05.12.05

The Very Reverend Robert Frederick Key, B.A., Dean of Jersey (Appointed 6th October 2005).

Mr. William James Bailhache Q.C. H.M. Attorney General, (Appointed 16th February 2000).

Miss Stephanie Claire Nicolle, Q.C., H.M. Solicitor General (Appointed January 1994).

Officers of the States

Mr. Michael Nelson de la Haye, Greffier of the States (Appointed 5th November 2002).

Mrs. Anne Helen Harris, Deputy Greffier of the States (Appointed 5th November 2002).

Mr. Peter Alexander Noël de Gruchy, Deputy Viscount (Appointed 6th December 1996).



ANNUAL REPORT 2008

MEMBERSHIP OF THE STATES ASSEMBLY ON 31st DECEMBER 2008

(Article 2 of the States of Jersey Law 2005)

Sir Philip Bailhache, Bailiff, President (Appointed February 1995).

His Excellency Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E., His Excellency the Lieutenant Governor (Appointed June 2006).

	<i>First elected</i>
Senator Stuart Syvret	13.12.90
Senator Terence Augustine Le Sueur	15.12.87
Senator Paul Francis Routier	09.12.93
Senator Philip Francis Cyril Ozouf	09.12.99
Senator Terence John Le Main	20.12.78
Senator Ben Edward Shenton	05.12.05
Senator Frederick Ellyer Cohen	05.12.05
Senator James Leslie Perchard	05.12.05
Senator Alan Breckon	09.12.93
Senator Sarah Craig Ferguson	12.12.02
Senator Alan John Henry Maclean	05.12.05
Senator Bryan Ian Le Marquand	08.12.08
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Connétable Alan Simon Crowcroft of St. Helier	12.12.96
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Connétable Daniel Joseph Murphy of Grouville	19.09.03
Connétable Michael Keith Jackson of St. Brelade	11.11.05
Connétable Silvanus Arthur Yates of St. Martin	30.06.06
Connétable Graeme Frank Butcher of St. John	08.12.06
Connétable Peter Frederick Maurice Hanning of St. Saviour	24.08.07
Connétable Leonard Norman of St. Clement	17.06.83
Connétable John Martin Refault of St. Peter	08.12.08
Connétable Deidre Wendy Mezbourian of St. Lawrence	05.12.05
Connétable Juliette Gallichan of St. Mary	05.12.05
Deputy Robert Charles Duhamel of St. Saviour No. 1	09.12.93
Deputy Frederick John Hill B.E.M of St. Martin	09.12.93
Deputy Roy George Le Hérissier of St. Saviour No. 3	09.12.99
Deputy John Benjamin Fox of St. Helier No. 3	09.12.99
Deputy Judith Ann Martin of St. Helier No. 1	05.05.00
Deputy Geoffrey Peter Southern of St. Helier No. 2	15.02.02
Deputy James Gordon Reed of St. Ouen	12.12.02



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Deputy Carolyn Fiona Labey of Grouville	12.12.02
Deputy Colin Hedley Egré of St. Peter	12.12.02
Deputy Jacqueline Ann Hilton of St. Helier No. 3	12.12.02
Deputy Paul Vincent Francis Le Claire of St. Helier No. 1	09.04.99
Deputy John Alexander Nicholas Le Fondré of St. Lawrence	05.12.05
Deputy Anne Enid Pryke of Trinity	05.12.05
Deputy Sean Seamus Patrick Augustine Power of St. Brelade No. 2	05.12.05
Deputy Shona Pitman of St. Helier No. 2	05.12.05
Deputy Kevin Charles Lewis of St. Saviour No. 2	05.12.05
Deputy Ian Joseph Gorst of St. Clement	05.12.05
Deputy Philip John Rondel of St. John	08.11.94
Deputy Montfort Tadier of St. Brelade No. 2	08.12.08
Deputy Angela Elizabeth Jeune of St. Brelade No. 1	08.12.08
Deputy Daniel John Arabin Wimberley of St. Mary	08.12.08
Deputy Trevor Mark Pitman of St. Helier No. 1	08.12.08
Deputy Anne Teresa Dupré of St. Clement	08.12.08
Deputy Edward James Noel of St. Lawrence	08.12.08
Deputy Tracey Anne Vallois of St. Saviour No. 2	08.12.08
Deputy Michael Roderick Higgins of St. Helier No. 3	08.12.08
Deputy Andrew Kenneth Francis Green M.B.E. of St. Helier No. 3	08.12.08
Deputy Deborah Jane de Sousa of St. Helier No. 2	08.12.08
Deputy Jeremy Martin Maçon of St. Saviour No. 1	08.12.08

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