

STATES OF JERSEY



PLANNING AND ENVIRONMENT: DIVISION INTO 2 MINISTERIAL OFFICES

**Lodged au Greffe on 18th July 2008
by Deputy P.V.F. Le Claire of St. Helier**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Chief Minister to bring forward for approval the necessary Regulations under the States of Jersey Law 2005 to allow for the division of the ministerial office of Planning and Environment into 2 ministerial offices to be known as the Minister for Planning and the Minister for the Environment.

DEPUTY P.V.F. LE CLAIRE OF ST. HELIER

REPORT

I have been perplexed and troubled for some time, over issues concerning the Environment under the new structure of ministerial government. Over the past 2½ years, I have been trying to raise concerns in relation to many of the operations and planned and existing facilities in the Island generally, and found it difficult to get the support for issues at the level I and others believe are necessary. There have been many individual problems that we have experienced in No. 1 District in St. Helier which are ongoing in the La Collette area in particular. In my experience these have given me cause for concern about the adequacy of the systems that are in place within the executive for the protection of the environment and the health of the public. There are a variety of inherent conflicts that exist with responsibilities of the environment being part of the Minister for Planning and Environment's portfolio that need to be recognised, so evident are they that in his speech in relation to the 'Provision of land for lifelong dwellings (for people over 55) and first-time buyers: amendment to Island Plan (2002)' (P.75/2008) on 16th July 2008, the Minister for Planning and Environment said that if a proposal was brought before the States asking for a separation of the roles he would support it. I believe that he and his Assistant Minister, the Deputy of Trinity, have performed highly and with diligence and dedication. They have also been very willing to listen to me and others on many issues as they arise, so there are no personal criticisms of them whatsoever. The Minister recognises that the environment and the planning considerations that face the Island are inherently in conflict at present, and will be even more so in the future. We are facing changes in global terms that may, in the near future, require a lot more attention and resourcing than we have currently provided for. If we are to meet these new challenges, then we are going to need a strong Environment Ministry that will champion the needs of the environment in all its forms and one which will enable us to continue to be a successful offshore finance jurisdiction. NO Environment – NO Business, period. There are many areas that will be coming into focus within the next 3 years that will make us realise that the environment is going to be an ever-demanding drain upon our resources and our considerations. I will not linger on the issues as members, I believe, understand them sufficiently.

The Scrutiny Functions

If we agree to these changes, the scrutiny function already carried out by the Environment Scrutiny Panel could remain unchanged, with small changes to Laws and Regulations if required.

The process of change

The process of changing the ministerial structure is unfortunately quite complex under the legislation as agreed by the States. Unlike other jurisdictions where a Prime Minister or Chief Minister might be given considerable latitude to create and amend the number of Ministries, the situation in Jersey has been very tightly restricted by the States of Jersey Law 2005 and the Standing Orders of the States of Jersey.

The States of Jersey Law, at Article 18, states that the Council of Ministers consists of a Chief Minister and 9 Ministers. The titles of the 9 Ministers are set out in Standing Order 117. The restriction that is commonly known as the "Troy Rule" is translated in the States of Jersey Law at Article 25(3) through a restriction which states that the total number of members in the Executive, namely the Chief Minister, Ministers and Assistant Ministers cannot exceed 23 individuals.

There is no reason why the legislation could not be amended to increase the number of Ministers to allow for the changes that the States would wish, if the Chief Minister was to agree, so long as the new Ministers were made up from the existing numbers of Assistant Ministers and a re-organisation of the Executive accordingly. The preferred option is clearly a matter for the States and their considered judgement.

Unfortunately, under the legislation as agreed by the States, the rights of individual members are severely restricted in relation to changing the ministerial structure. Article 29 of the States of Jersey Law allows the States to make Regulations to establish or abolish ministerial positions and transfer functions between Ministers. Regulations made under this Article would therefore be able to make the changes that I am seeking. Unfortunately, Article 29(4) states that only the Chief Minister may lodge draft Regulations under the Article. This means that no changes can be made unless the Chief Minister himself or herself is willing to bring Regulations to the States.

I am therefore bringing this standalone proposition asking the States to request the Chief Minister to bring forward the necessary Regulations under the States of Jersey Law 2005 to give effect to the change. In practice it is, of course, almost certain I would imagine, that the Chief Minister would be willing to comply with the request if the Proposition was adopted. In relation to the Troy Rule, the only consequence would be that if additional ministerial positions were created, there would be a requirement for the appointment of less Assistant Ministers, so that the overall total of 23 was not exceeded.

The balance of power of the Executive being in the minority would not change.

Financial and manpower implications

I am not able to suggest to members what these would be. In the first instance there would undoubtedly be a cost perhaps, but I do not think it would be significant. The Minister perhaps needs to inform this part of the debate in comments for us to be certain, but in speaking with him he sees no cost. I would think that the cost of these changes would be justified in the improvements that would occur in our structure, which would hopefully in the future demonstrate a saving overall. There would also be, in my opinion, an increased level of service to the public and a strengthening of our Government in its ability to meet the challenges of the future. There would also be a real champion for the Environment, and that is why I am bringing this Proposition.