

STATES OF JERSEY



DRAFT AMENDMENT (No. 25) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 22nd July 2014
by the Chairmen's Committee

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 25) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

In respect of proposals to implement the amendments to the States of Jersey (Amendment No. 7) Law 2014 (*P.33/2014, lodged as the Draft States of Jersey (Amendment No. 8) Law 201-*) adopted, as amended, on 20th May 2014, the Chief Minister and the Chairmen's Committee have agreed that it is more appropriate for each to lodge amendments to Standing Orders for their respective responsibilities.

In terms of the Scrutiny function, the Law is not prescriptive. The Chairmen's Committee has consequently reviewed its current structure and consulted with Scrutiny members on a number of issues. It has also reviewed the existing Standing Orders and considers that, in light of the amendment to the States of Jersey Law 2005, there are some essential amendments to be made.

In the first instance, members should note that there was a strong majority of Scrutiny members who believed that the fixed Panel structure should remain, and the Committee has taken that into consideration with these proposals.

Firstly, the Chairmen's Committee has reviewed Panel remits and workload, and has agreed that it would be appropriate to transfer the remit of housing to the Environment and Technical Services Scrutiny Panel. The fact that the Health, Social Security and Housing Scrutiny Panel has an extremely large remit is known by most members, some of whom have commented on this fact in the States Assembly. The current Panel has worked extremely hard to undertake substantial reviews to hold all 3 Ministers to account, and it has produced very good work for which it should be complimented, but the Committee has been aware of the severe strains and difficulties it has faced in achieving this. By transferring the housing aspect to the Environment and Technical Services Panel, it should not overburden the latter and should enable the future Panel which reviews the very important matters of health and social security to do a thorough job under more reasonable circumstances.

The fact that Panels can, and have, become overloaded, can mean that an important subject may not be reviewed, and this is of concern to the Committee. Throughout its term of office, the Committee has considered how to manage this, and also how to approach scrutiny of cross-cutting issues which fall across a number of Panels. The Committee has also been keen to include other non-executive members who do not sit on a Scrutiny Panel to undertake Scrutiny reviews. The Committee is aware that the formation of sub-panels can fulfil the above; however, a sub-panel is obliged to have a member of the main Panel as Chairman and, given Panel workload, this could cause difficulties. Consequently, as an addition to the ability to form sub-panels and to give greater flexibility to the Scrutiny structure, the Committee, although not unanimous,

proposes that the Chairmen's Committee be given powers to establish review Panels comprising non-executive members without the necessity of a Panel member to be the Chairman of a sub-panel.

Lastly, although the States of Jersey (Amendment No. 7) Law 2014 states that there will be a code of practice for the engagement, for the purposes of scrutiny, between elected members conducting scrutiny and Ministers and Assistant Ministers, the Committee believes that there is another requirement best served under Standing Orders. In order that the States and the Public are made aware of the procedures of Scrutiny Panels, sub-panels and review Panels and the Public Accounts Committee, it believes that such procedures for each should be presented to the States. The above necessitates amendments to the terms of reference for the Chairmen's Committee.

Financial and manpower implications

As it is anticipated that manpower will be managed through the same current mechanism as for the establishment of sub-panels and rapporteurs, there are no financial or manpower implications arising.

Explanatory Note

These amendments make miscellaneous changes to the Standing Orders of the States of Jersey.

Amendment 1 provides for the construction of references to standing orders by number only.

Amendment 2 re-assigns the topic “housing” from the health, social security and housing scrutiny panel to the environment and technical services scrutiny panel. It also removes the references to the titles by which the panels are known, as it seems unnecessarily prescriptive to set these in standing orders.

Amendment 3 allows the establishment of review panels by the chairmen’s committee.

A review panel would be established to review and report upon a particular matter. The matter may (or may not) fall within the topic areas of one or more scrutiny panels. The chairmen’s committee appoints the members of a review panel from amongst elected members who are not part of the executive. The review panel appoints its chairman, prepares its terms of reference and determines a date by which it should complete its review but, in doing so, it must have the agreement of the chairmen’s committee. In addition, if the matter that the panel is reviewing falls within the topic area of a scrutiny panel, the review panel must also consult that scrutiny panel when preparing its terms of reference.

The chairman of a review panel may make a statement in the Assembly regarding the panel’s work (*amendment 3(2)(b)*). The opportunity is taken, in making this amendment, to also make it clear that the chairman of a scrutiny sub-panel may also make a statement in the Assembly.

The chairmen’s committee is bound to ensure that the work of review panels is co-ordinated, prioritised and resourced alongside the work of the Public Accounts Committee and scrutiny panels (*amendment 3(3)*).

A review panel must comply with any code of practice that applies to review panels.

Once a review panel has prepared its report on the matter assigned to it, the panel must submit the report to the chairmen’s committee. The chairmen’s committee must then lay it before the States.

Amendment 4 revises the terms of reference of the chairmen’s committee. Article 8 of the States of Jersey (Amendment No. 7) Law 201- (formerly Article 12 of the States of Jersey (Amendment No. 8) Law 201-, P.33/2014, adopted, as amended, on 20th May 2014) requires standing orders to make provision “for the agreement of a code of practice for engagement, for the purposes of scrutiny, between elected members conducting scrutiny and Ministers and Assistant Ministers”. The amendment requires the chairmen’s committee, in conjunction with the Council of Ministers, to prepare such a code, and a similar code for the Public Accounts Committee, and present both codes to the States for approval. The chairmen’s committee is also required to prepare a code of practice dealing generally with the procedures of the Public Accounts Committee and a code of practice dealing generally with the procedures of scrutiny panels and review panels, but these codes are simply presented to the States, rather than lodged for approval.

Amendment 5 provides for the citation and commencement of these Amendments.



Jersey

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Arrangement

Regulation

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Jersey

DRAFT AMENDMENT (No. 25) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005¹, have made the following Amendments to the Standing Orders of the States of Jersey² –

1 Interpretation

In these Amendments, a reference to a standing order is a reference to the standing order of that number in the Standing Orders of the States of Jersey³.

2 Topics assigned to, and names of, scrutiny panels

(1) In the table in standing order 112(1) for item 5 in the left hand column there shall be substituted the following item –

“5. appointment of chairmen of scrutiny panels in the order in which the panels appear in standing order 135(1).”.

(2) In standing order 135(1) –

- (a) in clause (a) the words “(‘corporate services’)” shall be deleted;
- (b) in clause (b) the words “(‘economic affairs’)” shall be deleted;
- (c) in clause (c) the words “(‘education and home affairs’)” shall be deleted;
- (d) for clauses (d) and (e) there shall be substituted the following clauses –
 - “(d) a scrutiny panel which is assigned the topics of environment, housing and technical services;
 - (e) a scrutiny panel which is assigned the topics of health and social services and social security.”.

3 Review panels

(1) In standing order 1(1) after the definition “Public Finances Law” there shall be inserted the following definition –

“‘review panel’ means a review panel established under standing order 145A;”.

- (2) In standing order 17(1) –
 - (a) at the end of sub-paragraph (d) there shall be added the words “or of a sub-panel of a scrutiny panel”;
 - (b) after sub-paragraph (e) there shall be inserted the following sub-paragraph –
 - “(ea) a chairman of a review panel;”.
- (3) In standing order 143 –
 - (a) in sub-paragraph (a), for the words “the PAC and scrutiny panels,” there shall be substituted the words “the PAC, scrutiny panels and review panels,”;
 - (b) in sub-paragraph (b), for the words “and scrutiny panels” there shall be substituted the words “, scrutiny panels and review panels”.
- (4) After standing order 145 there shall be inserted the following standing orders –

“145A Review panels: establishment and constitution

- (1) The chairmen’s committee may establish review panels.
- (2) A review panel may be established for the purpose of reviewing a particular proposal, issue or project, determined by the chairmen’s committee.
- (3) The proposal, issue or project may be one –
 - (a) that falls within the topics assigned to more than one scrutiny panel;
 - (b) that falls within the topics assigned to one scrutiny panel, if the chairman of that panel has assented to the establishment of the review panel.
- (4) The chairmen’s committee shall appoint elected members as the members of a review panel.
- (5) Ministers and Assistant Ministers cannot be members of review panels.
- (6) The chairmen’s committee may disband a review panel at any time.

145B Review panels: terms of reference and proceedings

- (1) A review panel must, with the agreement of the chairmen’s committee –
 - (a) appoint one of its members as chairman;
 - (b) set terms of reference for the review that it is established to conduct; and
 - (c) set a date by which the review should be completed.

- (2) In preparing its terms of reference, a review panel must also consult with a scrutiny panel if the proposal, issue or project to be reviewed by the review panel falls within a topic assigned to that scrutiny panel.
- (3) A review panel shall prepare a report upon the proposal, issue or project assigned to it.
- (4) The review panel shall present the report to the chairmen's committee.
- (5) The chairmen's committee shall present the report to the States.
- (6) A review panel shall comply with any code of practice that is expressed to apply to review panels, prepared by the chairmen's committee (whether or not in conjunction with the Council of Ministers) and, as the case requires, approved by or presented to the States."

4 Codes of practice

- (1) In standing order 141 for the words "any code of practice prepared by the chairmen's committee and approved by the States." there shall be substituted the words "any code of practice that is expressed to apply to scrutiny panels, prepared by the chairmen's committee (whether or not in conjunction with the Council of Ministers) and, as the case requires, approved by or presented to the States."
- (2) In standing order 143, for paragraphs (f) and (g) there shall be substituted the following paragraphs –
 - (f) to –
 - (i) prepare and keep under review, in conjunction with the Council of Ministers, a code of practice for engagement, for the purposes of scrutiny, between scrutiny panels and review panels and Ministers and Assistant Ministers,
 - (ii) prepare and keep under review, in conjunction with the Council of Ministers, a code of practice for engagement between the PAC and Ministers, Assistant Ministers and States' employees working in an administration of the States for which a Minister is assigned responsibility, and
 - (iii) lodge each code of practice for approval by the States;
 - (g) to prepare, keep under review and present to the States –
 - (i) a code of practice for the proceedings of scrutiny panels and review panels (apart from the engagement described in paragraph (f)(i)), and
 - (ii) a code of practice for the proceedings of the PAC (apart from the engagement described in paragraph (f)(ii))."

5 Citation and commencement

These amendments may be cited as Amendment (No. 25) of the Standing Orders of the States of Jersey and shall come into force on the day that the 1st meeting following the ordinary election in October 2014 commences.

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- ¹ *chapter 16.800*
² *chapter 16.800.15*
³ *chapter 16.800.15*