

# **STATES OF JERSEY**

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## **STRATEGY PLAN: APPROVAL BY THE STATES**

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**Lodged au Greffe on 11th May 2006  
by Senator B.E. Shenton**

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**STATES GREFFE**

## **PROPOSITION**

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

- (a) to agree that Article 18(2)(e) of the States of Jersey Law 2005 and the Standing Orders of the States of Jersey should be amended to remove the requirement that the common strategic policy of the Council of Ministers must be lodged “au Greffe” and approved by the States, and to insert an alternative requirement that the policy would, instead, have to be presented to the States as a report for information within 4 months of the Council’s appointment and discussed by the States sitting ‘in committee’ in accordance with Standing Order 97; and
- (b) to charge the Privileges and Procedures Committee to bring forward for approval the necessary amendments to the States of Jersey Law 2005 and the Standing Orders of the States of Jersey to give effect to the proposal.

**SENATOR B.E. SHENTON**

## REPORT

This proposition seeks the agreement of the States to amend the States of Jersey Law Article 18(2)(e) and Standing Order 26. It removes the need for the Strategic Policy to be formally approved by the States Assembly whilst retaining the necessity for the policy document to be presented to the States and discussed 'in Committee', but without a vote or decision.

### STATES OF JERSEY LAW

Article 18(2)(e) of the States of Jersey Law provides –

#### 18 Council of Ministers

(2) The functions of the Council of Ministers shall be –

- (e) agreeing and, within 4 months of their appointment under Article 19(7), lodging for referral to one or more Scrutiny Panels established under standing orders and approval by the States, a statement of their common strategic policy; and

There will be a need for consequential amendments to the following Standing Orders–

#### Standing Order 26

#### 26 Minimum lodging period

(4) A minimum lodging period of 6 weeks applies to the following propositions–

- (b) a proposition for approval by the States of the common strategic policy of the Council of Ministers under Article 18(2)(e) of the Law;

The term “approval by the States” would be removed. In its place there will be a requirement to formally receive and debate the document in accordance with Standing Order 97.

The rules of procedure when the States are sitting 'in Committee' are as follows –

#### 97 States sitting in committee: procedure and rules of discussion

- (1) While the States are sitting in committee, the chairman shall have the powers and duties of the presiding officer.
- (2) The rules of order, conduct and debate in a meeting shall apply while the States are sitting in committee to discuss any matter save that –
- (a) a member of the States may speak more than once during the discussion;
- (b) the chairman may allow any person to be present in the Chamber and invite that person to speak;
- (c) the matter under discussion shall not be voted upon;
- (d) the chairman shall decide when sufficient time has been allowed for a discussion on any part or aspect of the matter;
- (e) the chairman shall decide when the sitting shall end.

This has many advantages. Members can speak more than once, so it is possible to ask questions and then make further comment once they have the answer, and it allows for the full airing of a matter. The Council of Ministers would be able to gauge members' opinions about proposals and possibly amend them afterwards. No decisions are taken, and any individual policy would need to come back to the States for debate as a report and proposition.

The reason for this change is that the strategic policy document should be seen more as a manifesto of the Council of Ministers rather than a serious policy document that requires the approval of the States Assembly. As such I believe that it will be very dangerous, and undemocratic to formally approve this document as required under current law.

The Strategic Plan, whilst admirable at some levels, is a somewhat glib document at others. There are no costings, no alternative strategies, no risk analysis, no time frames, and no real detail. In fact if you added “world peace” and “be nice to puppies” to the document it would make a great Miss World acceptance speech!

The problem is that approval of the Strategic Plan in accordance with current legislation gives Ministers the power to implement far reaching policies on the basis that it was approved “through the Strategic Plan”. This will eliminate the need to debate the policy in the House, it will eliminate the need for the Ministers to get feedback from the public. At worst it could make the States Assembly somewhat obsolete.

It is too late to implement these changes before the 2006 Strategic Plan is debated. However Members should be aware that this year’s proposition could indeed be voted out, or there could be an equality of votes, which would lead to the proposition being lost.

If this happens, the Council of Ministers has fulfilled its brief by presenting the Plan within 4 months (States of Jersey Law 2005, Article 18(2)(e)) for scrutiny and then approval by the States. There is no provision in the Law for the Plan not being approved.

If the 2006 Strategic Plan is not approved then there would still be a statement of their policy proposals on record, albeit as a failed report and proposition. The Council of Ministers would have to bring policy matters to the States one by one, and could not hide behind the approval of the Strategic Policy document. Members should ensure that they are 100% satisfied with every single aspect of the Strategic Policy document before approval.

There are no financial or manpower implications arising from this proposition.