

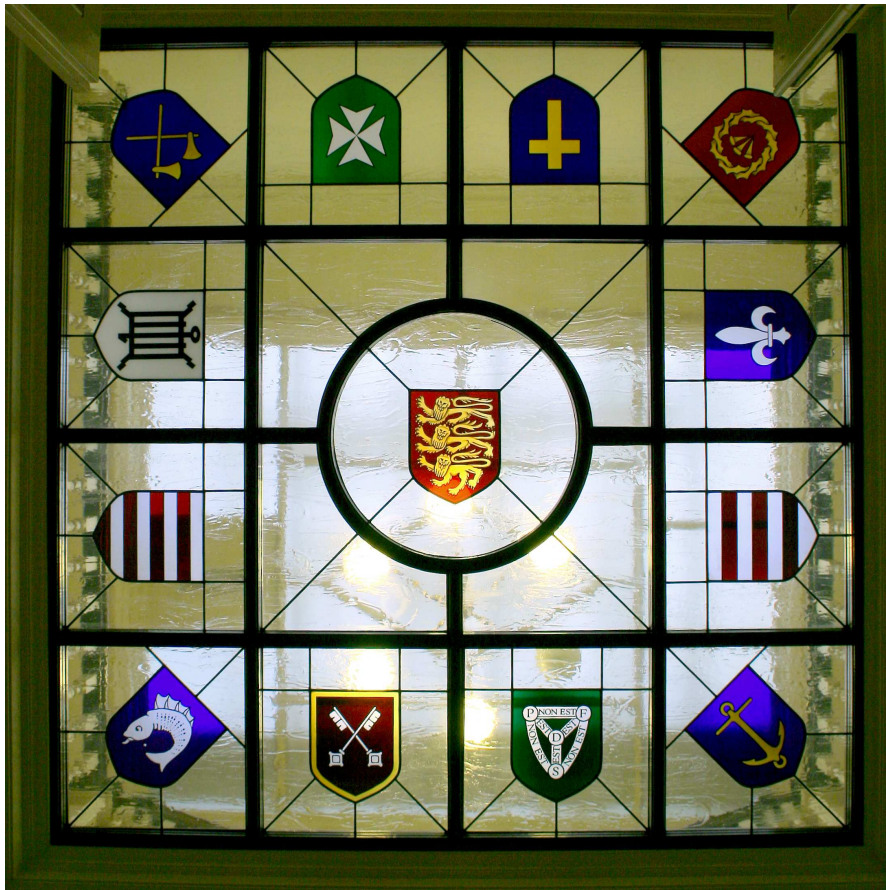
States of Jersey
States Assembly



États de Jersey
Assemblée des États

States Assembly

ANNUAL REPORT 2009



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

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Foreword by the Bailiff of Jersey, Mr. Michael C. St.J. Birt



I am delighted to have been invited by the Chairman of the Privileges and Procedures Committee to contribute a foreword to the fourth Annual Report of the States Assembly. As the Report shows, 2009 has been an extremely busy year. The States sat on 60 occasions (including the formal Sitting on Liberation Day) and the graph at paragraph 1.6 of the Report shows that this was a considerable increase over previous years. It will be interesting to see whether this level of activity increases further, is maintained or is reduced. Proceedings in the Assembly are of fundamental importance to the functioning of our parliamentary democracy. On the other hand, as the Report also shows, members have many important duties to perform outside the Assembly, such as Ministerial and Scrutiny duties, as well as constituency business. It will be for members to decide how these competing pressures are best dealt with.

The Report contains a wealth of information about the important work carried on by the States and its members and I am sure that it will be of great assistance to all those who are interested in the functioning of our legislature. I had the honour to be sworn in as Bailiff during the course of the year and I regard it as a privilege to preside in the Assembly. I would like to take this opportunity of thanking members for their support and understanding during this first year of my term of office. I would also like to express particular thanks to the Greffier and his loyal staff. The Assembly is extremely well served by all those who work in the States Greffe.

Introduction by the Chairman of the Privileges and Procedures Committee



Connétable Juliette Gallichan of St. Mary

On behalf of the Privileges and Procedures Committee, I am pleased to present this fourth Annual Report of the States Assembly. 2009 was certainly a busy year on all fronts, with new records being set for the number of meeting days and also for the total length of the Sittings. The number of propositions debated showed a marginal increase over 2008, but the average length of debating time per proposition rose by just over 13%. In 2009, more private members' propositions were tabled than in the previous year, but there were fewer debates on new legislation and ministerial policy. The year also brought a continuation in the trend of increasing numbers of written questions being asked; and saw the time allocated for the answering of oral questions with notice increased from 90 minutes to 120 minutes, by a change in Standing Orders.

The Scrutiny function, under a new President, continues to pursue an ambitious work programme; and in order to follow up the publication of Reports, has taken steps to ensure that the Ministerial Response to Scrutiny Reports is closely monitored.

As in previous years, a wide cross-section of Members was able to utilise links with other inter-parliamentary bodies to gain experience across many areas of common interest. With the Jersey section of the Assemblée Parlementaire de la Francophonie hosting the Regional Conference in April, a greater number of local States Members than usual were able to see this organisation in action and to understand the similarities which Jersey has with many other member countries.

Once again, I would like to make reference to the professionalism of the staff of the States Greffe and to thank them for the support they give to all Members of the Assembly, particularly in dealing with the increased business of the Assembly noted above. I am particularly grateful for their assistance in compiling this important report.

1. THE STATES ASSEMBLY



1.1 Introduction

2009 was the first year of the 3 year electoral cycle following the swearing-in of the new States on 8th December 2008. The States meetings in December 2008 had been entirely devoted to the process of appointing members to positions of official responsibility in the new States and 2009 was therefore the first year for the new Assembly to consider normal business such as Questions, Statements and Public Business. The Assembly convened for the first time to consider these matters on 20th January 2009.

The 14 new members who had joined the States on 8th December 2008 had all been appointed to positions of responsibility within the Assembly in December 2008 and all played a very active role during 2009. One had been appointed as a Minister, 4 as Assistant Ministers, 2 as Chairmen of Scrutiny Panels and 7 as members of Scrutiny Panels or the Public Accounts Committee. In addition, 2 new members were appointed as members of the Privileges and Procedures Committee.

As indicated in later sections of this report, the Assembly met for longer than ever before in 2009. This was a change from previous 3 year electoral cycles where the first year after the elections has traditionally been the quietest year of the 3 year cycle.



1.2 Membership

There were no changes to the elected membership of the States during 2009, but the Bailiff of Jersey, Sir Philip Bailhache, the President of the States, retired at the end of June 2009.

Sir Philip had been Bailiff since 1995 and had sat in the Assembly continuously since 1972 when he was elected as the Deputy of Grouville. He had been appointed as H.M. Solicitor General in 1975 and H.M. Attorney General in 1986, before becoming Deputy Bailiff in 1994. He had been sworn in as Bailiff in 1995.

The retirement of the Bailiff was marked in a number of ways in the Island; and the Chairman of the Privileges and Procedures Committee, the Connétable of St. Mary, paid tribute to him on behalf of all States members at the end of his last Sitting on 30th June 2009. The Chairman drew attention to the tremendous contribution that Sir Philip had made to Island life during his career in public office and drew particular attention to the efforts he had made to enhance the annual celebration of Liberation Day by instituting the now traditional States meeting on 9th May, followed by the commemoration in Liberation Square. The Chairman's good wishes to the Bailiff for a long, happy and healthy retirement were met with sustained foot-stamping from all members.

Sir Philip Bailhache's successor, the then Deputy Bailiff, Mr. Michael C. St. John Birt, was sworn in as Bailiff on 9th July 2009. Mr. Birt presided in the Assembly for the first time in his new capacity on 13th July 2009 when he was welcomed by the Chairman of PPC on behalf of all members.

The former H.M. Attorney General, Mr. William James Bailhache, was sworn in as the new Deputy Bailiff on 2nd November 2009. Mr. Bailhache presided for the first time in the Assembly on 4th November 2009. Mr. Bailhache's successor as H.M. Attorney General, Mr. Timothy J. Le Cocq Q.C., the former H.M. Solicitor General, was sworn in on Tuesday 10th November 2009.



1.3 Average length of service

On 31st December 2009 the average length of service of the 53 elected members was 7 years. This can be broken down as follows –

Years of service	Number of members	%
30 years and over	1	1.9
25 to 29 years	1	1.9
20 to 24 years	1	1.9
15 to 19 years	6	11.3
10 to 14 years	6	11.3
5 to 9 years	9	17.0
Less than 5 years	29	54.7

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

	Average length of service
Senators	12
Connétables	7
Deputies	5

1.4 Average age of elected members

With no changes in the elected membership of the States during 2009, the passage of time meant that the average age of the Assembly increased by one year to 54 as at 31st December 2009, when compared with the end of 2008. The breakdown in the age of members is given in the following table –

Age	Number of members	%
22 to 24	1	1.9
25 to 29	1	1.9
30 to 34	1	1.9
35 to 39	2	3.8
50 to 44	3	5.7
45 to 49	7	13.2
50 to 54	10	18.9
55 to 59	8	15.0
60 to 64	12	22.6
65 to 70	7	13.2
Over 71	1	1.9

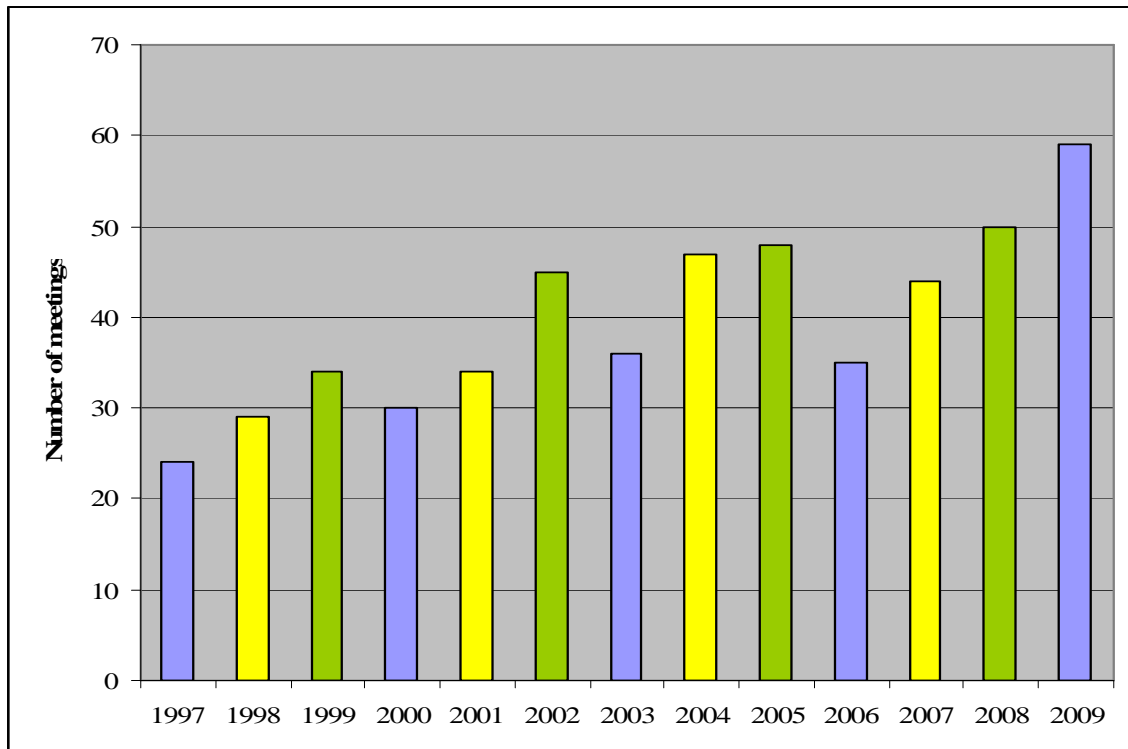
1.5 Number of female parliamentarians

The number of female parliamentarians in Jersey falls short of the 30% target for female representation in Commonwealth Parliaments that was agreed at the Commonwealth Heads of Government meeting in Edinburgh in 1997. 22.6% of the members of the States are female members, with the breakdown shown in the following table –

	Number of female members	% of total
12 Senators	1	8.3
12 Connétables	2	16.6
29 Deputies	9	31.0
Total (53)	12	22.6

1.6 Number of meetings

As mentioned in the introduction above, the Assembly had an extremely busy year during 2009 and met for a record number of days. The Assembly convened on a total of 60 days during the year, with 59 of these meeting days being for ‘ordinary’ business and with one meeting being the traditional special meeting on Liberation Day, 9th May. The large number of meeting days was somewhat unexpected as, in the past, the Assembly has traditionally met less during the first year after elections, with the number of meetings increasing to a maximum in the year of the election. This is illustrated in the following graph where the year in blue is the first year after an election and the year in green the election year –



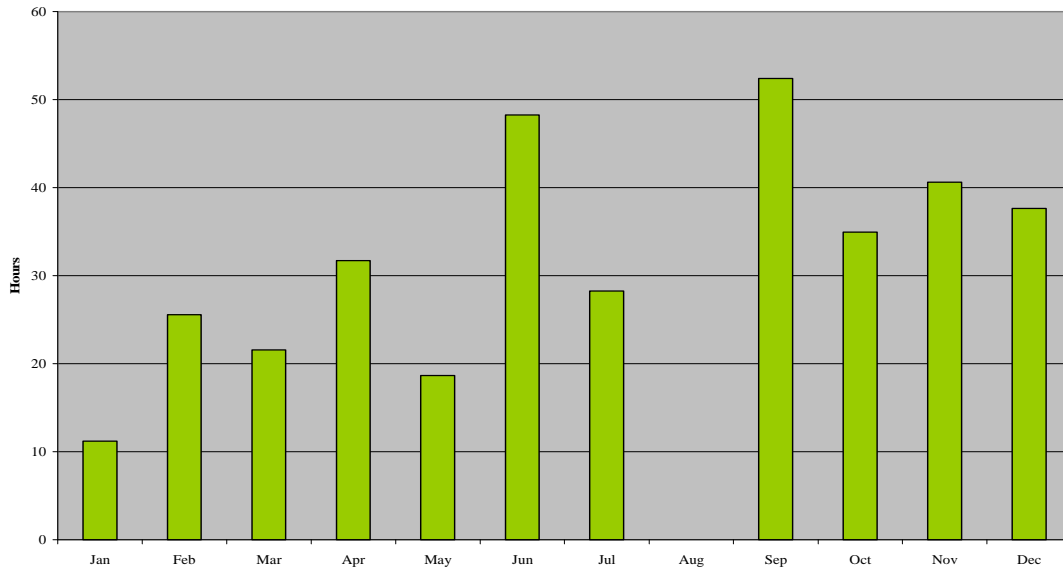
It will be of interest to note whether this pattern is repeated during the 2009–2011 electoral cycle.

The Privileges and Procedures Committee had scheduled 21 meetings of the Assembly in 2009, each of which had 2, and in one case 3, scheduled continuation days. The 59 meeting days were, in fact, made up of the 21 scheduled meeting days together with 30 out of the 43 proposed scheduled continuation days. The Assembly agreed to meet on 7 other days that were not initially scheduled continuation days and there was, in addition, one meeting that was requisitioned by elected members in accordance with the provisions of Standing Order 5 which permits 7 members to requisition an additional meeting.

1.7 Length of meetings

The Assembly sat for a record total of 351 hours and 2 minutes during the 60 meeting days in 2009. The special meeting on Liberation Day lasted only 14 minutes and the time spent during the other 59 meeting days for ‘ordinary’ business was therefore 350 hours and 48 minutes. This means that the Assembly met for an average of 5 hours and 57 minutes per meeting day, which is not far short of the standard 6½ hour day if the Assembly meets between 9.30 a.m. and 5.30 p.m. with a 90 minute lunch adjournment.

The 350 hours and 48 minutes spent on ‘ordinary’ business were spread over the 12 months of 2009 as shown in the following graph –



The lengthy meetings in June and September were a result of the debates on the Strategic Plan and the Annual Business Plan respectively. The Assembly spent 28 hours and 55 minutes debating the Strategic Plan in June; and 26 hours and 47 minutes in September debating the Annual Business Plan (with that debate stretching into early October and lasting, in total, 33 hours and 14 minutes).

1.8 Allocation of time

The total of 350 hours and 48 minutes spent in the States on ‘ordinary’ business during the 59 meeting days was broken down as follows –

	2009	% of total	2008
Roll call/Communications from the Presiding Officer	7h 24m	2.1	6h 14 m
Notification of presentations and propositions lodged	1h 10m	0.3	58m
Appointment of Ministers, Chairman etc.	3h 15m	0.9	19h 49m
Matters of Privilege	13m	0.1	–
Notification of written answers tabled	1h 13m	0.3	38m
Oral questions with notice	38h 19m	10.9	21h 5m
Oral questions without notice	11h 15m	3.2	8h 2m
Statements	7h 7m	2.0	8h 22m
Public Business	271h 27m	77.4	230h 29m
Arrangements of Public Business for future meetings	9h 25m	2.7	2h 59m
TOTAL	350h 48m		298h 36m



1.9 Oral Questions with notice

Oral questions with notice can be answered at any scheduled meeting of the Assembly but not during continuation days unless they are approved by the Bailiff as urgent questions. There were 6 urgent questions asked during 2009.

Members must submit oral questions with notice to the Greffier no later than noon on the Thursday preceding the Tuesday States meeting. Each member can only give notice of 2 such questions for each meeting and each question must be no more than 70 words long.

Oral questions with notice were asked at each of the 21 scheduled meetings of the States in 2009; and 333 such questions were answered during the year. In addition, as mentioned above, 6 urgent questions were also asked. The combined total of these 2 sorts of questions was therefore 339, which is a 67.8% increase over the 2008 total of 202.

The 333 oral questions with notice were answered during a fixed period at each scheduled meeting. For the first Session of the year (the 13 meetings from January until July) the period was fixed at 90 minutes per meeting. Following an amendment to Standing Orders agreed in July, the period was increased to 2 hours from the start of the second Session in September; and that 2 hour period applied for the 8 meetings of the second Session. The amendment was brought in response to concerns that the 90 minute period did not give adequate time to answer the questions submitted and many were remaining unanswered at the end of the 90 minute period. Between January and July, 51 questions remained unanswered at the end of the 90 minute period and on one occasion, 10th March 2009, more questions remained unanswered than those that were answered. Following the extension of the period, no questions were unanswered at the end of the 2 hour period in the second Session of the States between September and December.

The total time spend by the Assembly in dealing with the 333 oral questions with notice was exactly 37 hours, meaning that the average time taken for each question was 6.7 minutes. The 6 urgent questions were dealt with in a total of one hour and 19 minutes, giving an average per urgent question of 13.2 minutes.

The breakdown of Ministers/Committees and others with official responsibility answering the oral questions with notice (including the 6 urgent questions) was as follows –

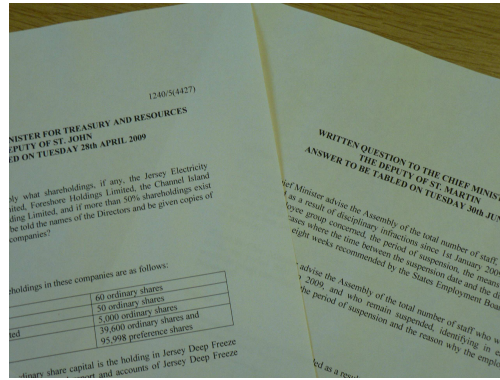
	2009	2008
Economic Development	50	13
Chief Minister	47	21
Treasury and Resources	44	22
Home Affairs	40	27
Health and Social Services	36	16
Transport and Technical Services	23	28
Education, Sport and Culture	20	16
Planning and Environment	17	17
Social Security	17	24
Housing	15	10
H.M. Attorney General	13	3
Comité des Connétables	6	1
Privileges and Procedures	6	3
Chairmen's Committee	4	0
Education and Home Affairs Scrutiny Panel	1	0
Commonwealth Parliamentary Association	0	1
TOTAL	339	202

1.10 Oral Questions without notice

Following the period of oral questions with notice at every scheduled States meeting, there is a period of 30 minutes set aside for oral questions without notice to Ministers. Two Ministers answer for up to 15 minutes each on a rota basis, with the Chief Minister answering at every other States meeting. A total of 11 hours and 15 minutes was spent on oral questions without notice during the 21 scheduled meetings in 2009. The average time spent at each meeting was therefore marginally over the statutory 30 minutes period at 32.1 minutes.

Ministers answered as follows –

	2009	2008
Chief Minister	11	8
Economic Development	4	0
Education, Sport and Culture	4	3
Health and Social Services	4	2
Home Affairs	4	3
Housing	3	3
Planning and Environment	3	2
Social Security	3	2
Transport and Technical Services	3	3
Treasury and Resources	3	3
Total	42	32



1.11 Written Questions

There was a very significant increase in the number of written questions dealt with during 2009, notwithstanding the amendments to Standing Orders that had come into force in December 2008 limiting the number of written questions that each member can submit for a States meeting. Under the revised Standing Order, each member is able to submit up to 5 written questions for each meeting, with each question not exceeding 200 words in length.

In 2009, 419 written questions were dealt with, a 49.6% increase over the 2008 total of 280 and almost exactly double the 2007 total of 209.

Written answers were tabled at every one of the 21 scheduled meetings of the Assembly, with the most being answered on 20th October 2009, when 34 written answers were tabled. The average number of questions per meeting was 19.9.

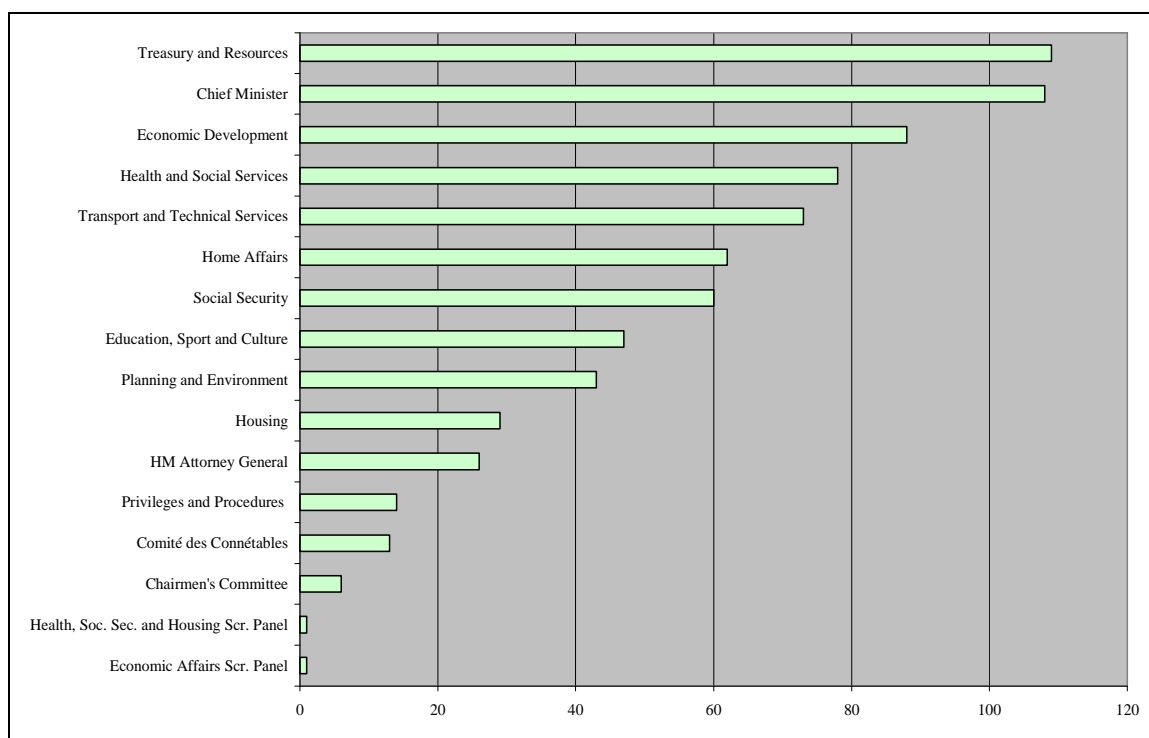
The breakdown of Ministers, Panels, Committees and others answering the written questions was as follows –

	2009	2008
Treasury and Resources	65	34
Chief Minister	61	42
Transport and Technical Services	50	23
Social Security	43	28
Health and Social Services	42	18
Economic Development	38	35
Education, Sport and Culture	27	14
Planning and Environment	26	19
Home Affairs	22	23
Housing	14	22
H.M. Attorney General	13	2
Privileges and Procedures	8	11
Comité des Connétables	7	3
Chairmen's Committee	2	0
Health and Social Services and Housing Scrutiny Panel	1	1
Environment Scrutiny Panel	0	2
Public Accounts Committee	0	1
Education and Home Affairs Scrutiny Panel	0	1
Commonwealth Parliamentary Association	0	1
Total	419	280

1.12 Total number of Questions with notice

The combined total of oral questions with notice, urgent oral questions and written questions during 2009 was 758, increasing by some 57.3% when compared to the 2008 total of 482.

The breakdown of the 758 questions in 2009 is shown in the following graph –



1.13 Statements

There were 34 statements made in the Assembly during 2009, a decrease compared to the 2008 total of 47. The 34 statements and the period of questioning that followed lasted a total of 7 hours and 14 minutes, meaning that each statement took an average of 12.8 minutes.

Twenty-nine of the statements were made by Ministers and other office-holders on matters of official responsibility; and 5 were personal statements.

The breakdown of those making statements was as follows –

	2009	2008
Health and Social Services	7	0
Treasury and Resources	5	1
Personal Statements	5	6
Chief Minister	4	14
Economic Development	4	3
Home Affairs	2	3
Health, Social Security and Housing Scrutiny Panel	2	2
Comité des Connétables	2	1
H.M. Attorney General	2	1
Transport and Technical Services	1	3
Economic Affairs Scrutiny Panel	0	5
Privileges and Procedures Committee	0	2
Corporate Services Scrutiny Panel	0	2
Chairmen's Committee	0	1
Social Security	0	1
Environment Scrutiny Panel	0	1
Committee of Inquiry on 3rd party planning appeals	0	1
Privileges and Procedures	0	2
Total	34	47



1.14 Public Business

Debates on draft legislation, policy matters and other propositions under Public Business occupied the Assembly for the majority of its sitting hours, as would be expected. During 2009 the Assembly spent a total of 271 hours and 27 minutes on Public Business which, as indicated in Section 1.8 above, represents 77.4% of the total sitting hours during the year. The total of 271 hours and 27 minutes compared with 230 hours and 29 minutes in 2008; and was therefore a 17.8% increase. The 2008 total was, in itself, a significant increase over the 2007 total of 184 hours and 23 minutes.

Although the total time spent on Public Business increased, the number of propositions debated was not significantly greater than in 2008, as 181 propositions were debated during the year, compared to the 2008 total of 174. Although the time taken for each proposition varied widely, the overall average time per proposition rose from 79.5 minutes in 2008 to 90 minutes in 2009.

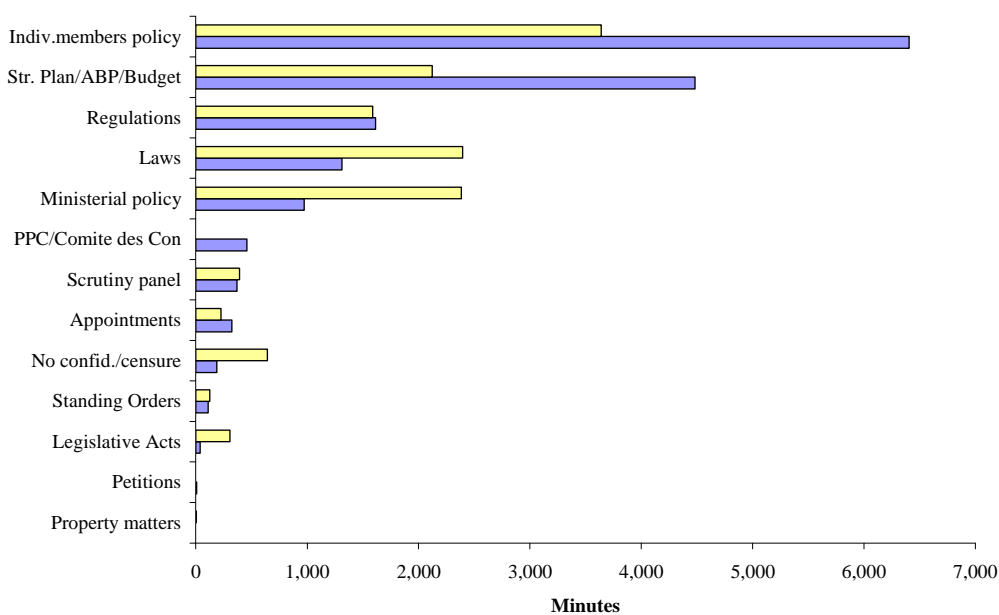
The breakdown of the number of each type of proposition debated during the year was as follows –

	2009	2008
Private members' policy matters	44	31
Regulations	39	40
Appointments	32	18
Ministers' policy matters	23	15
Laws	21	45
Legislative Acts (including Appointed Day Acts)	10	13
Standing Orders	3	3
Strategic Planning/Annual Business Plan/Budget	3	2
Scrutiny Panels policy matters	3	1
No confidence/dismissal/censure	1	3
PPC/Comité des Connétables policy matters	1	0
Petitions	1	0
Property matters	0	3
'In Committee' discussion	0	0
TOTAL	181	174

The total time spent on the various categories of proposition and the percentage of the total time is shown in the following table –

	Total time	% of total time	Average time per projet (Minutes)
Private members' policy matters	106h 46m	39.3%	145.6
Strategic Planning/Annual Business Plan/Budget	74h 43 m	27.5%	1494.3
Regulations	26h 54 m	9.9%	41.4
Laws	21h 53 m	8.1%	62.5
Ministers' policy matters	16h 13m	6.0%	42.3
PPC/Comité des Connétables policy matters	7h 39m	2.8%	459.0
Scrutiny Panels policy matters	6h 10m	2.3%	123.3
Appointments	5h 23 m	2.0%	10.1
No confidence/dismissal/censure	3h 9m	1.2%	189.0
Standing Orders	1h 52 m	0.7%	37.8
Legislative Acts (including Appointed Day Acts)	39 min	0.2%	3.9
Petitions	6m	0.0%	6
Property	0	0	0
In Committee	0	0	0
TOTAL	271h 27m		

It is of interest to note the differences in the time spent on the different categories of proposition in 2009, when compared to 2008 as shown in the graph below (2008 totals in yellow, 2009 totals in blue underneath) –



2008 totals in Yellow, 2009 totals in Blue

	2009	2008	Difference
Private members' policy matters	106h 46m	60h 41m	+46h 5m
Strategic Planning/Annual Business Plan/Budget	74h 43 m	35h 22m	+39h 21m
Ministers' policy matters	16h 13m	39h 44m	23h 31m
Laws	21h 53 m	39h 55m	18h 2m

The additional time spent on the Strategic Plan/Annual Business/Budget heading arises largely from the fact that the Strategic Plan was debated in 2009 and, as that debate only takes place once every 3 years, it had not happened in 2008. Of the total 74 hours and 43 minutes spent on these 3 matters, 28 hours and 55 minutes were spent on the Strategic Plan debate. If this item is discounted, the combined time spent on the Annual Business Plan and Budget was nevertheless 10 hours and 26 minutes more than in 2008.

As shown in the table above, the amount of time spent debating new laws and Ministerial Policy matters was less than 2008, which is understandable in the first year of the term of the new Council of Ministers. It is apparent from the table above that the most significant increase arose in relation to propositions lodged by private members, where there was an increase of over 46 hours' debating time when compared to the 2008 total. As can be seen, the Assembly spent almost 40% of its total debating time considering matters brought forward by private members in their own right.

The number of propositions lodged 'au Greffe' during any year will always differ from the number of propositions debated, as some propositions that are debated during the year have been lodged in the last few months of the previous year and, similarly, some propositions lodged during a year will not be debated until the following year. In addition, there are a number of propositions lodged that are never debated as they are withdrawn before coming to the Assembly. The number of propositions lodged during the year is nevertheless a useful indication of the level of activity and can be compared from year to year. During 2009, 212 new propositions were lodged, which is an increase of 13.4% over the 2008 total of 187. The breakdown into the different types of propositions lodged was as follows –

	2009	2008
Private members policy matters	64	46
Regulations	41	42
Appointments	32	19
Ministers' policy matters	27	17
Laws	21	41
Legislative Acts (including Appointed Day Acts)	9	11
Chairmen's Committee/Scrutiny Panels policy	5	0
Petitions	3	0
No confidence/dismissal/censure	3	3
Annual Business Plan/Budget/Strategic Plan	3	2
Standing Orders	2	3
PPC/Comité des Connétables policy matters	2	0
Property matters	0	3
Totals	212	187

The following table shows those responsible for lodging the 212 propositions –

	2009	2008
Private members	71	51
Economic Development	38	32
Chief Minister	32	14
Treasury and Resources	22	27
Home Affairs	11	13
Social Security	10	13
Privileges and Procedures	7	11
Council of Ministers	5	3
Comité des Connétables	4	3
Housing	3	2
Planning and Environment	2	9
Health and Social Services	2	2
Chairmen's Committee	2	1
Health, Social Security and Housing Scrutiny Panel	1	0
Education and Home Affairs Scrutiny Panel	1	0
Public Accounts Committee	1	0
Education, Sport and Culture	0	3
Transport and Technical Services	0	2
Economic Affairs Scrutiny Panel	0	1
TOTALS	212	187

Any proposition lodged can be subject to amendment and, in turn, amendments may be subject to amendment to amendments. The total number of amendments and amendments to amendments lodged during 2009 was as follows –

	2009	2008
Amendments	91	60
Amendments to amendments	7	6
TOTALS	98	66

It is of note that 33 of the amendments related to the 3 major debates on the Strategic Plan, the Annual Business Plan and the Budget; and 6 of the 7 amendments to amendments also related to these 3 debates.

1.15 Significant debates during 2009

Although the Assembly met for a record length of time in 2009, there were not a significant number of pieces of major legislation or Ministerial policy matters considered by the Assembly. This is understandable in the first year of the term of office of the new Council of Ministers appointed at the end of 2008. As the figures in earlier sections show, the amount of business brought forward by private members was significant and was a major contributor to the increase in sitting hours.

Some of the more significant items discussed by the Assembly during the year were as follows –

- **Review of the role of the Bailiff, Attorney General and Solicitor General**
The Assembly agreed in February to establish an independent review of the roles of the Bailiff, the Attorney General and the Solicitor General. The proposition to establish such a review was brought by the Deputy of St. Martin in February; and the terms of reference of the review were approved in May on a proposition brought by the Council of Ministers. The membership of the Panel was agreed in December. The Panel will be chaired by the Rt. Hon. The Lord Carswell and the members of the review are Mrs. Marie-Louise Backhurst, Dr. Sandra Mountford, Mr. Ian Strang and Mr. Geoffrey Crill.
- **Economic Stimulus Plan**
In 2006 the States established a Stabilisation Fund, the purpose of which was to set aside funds to be available in the event of an economic downturn. In response to the international economic situation the States approved a proposition of the Minister for Treasury and Resources to allocate £44 million from the Stabilisation Fund to provide funding for a proposed discretionary economic stimulus package to stimulate the local economy. It was agreed that the Corporate Services Scrutiny Panel would be offered the opportunity to consider the proposals for economic stimulus put forward by the Minister.
- **Strategic Plan**
Article 18(2)(e) of the States of Jersey Law 2005 requires the Council of Ministers to lodge for approval a statement of the Minister's common strategic policy within 4 months of their appointment. The Strategic Plan is intended to set the overall policy framework for the 3 year term of the Council of Ministers. The draft Plan was debated and amended by the States Assembly as a whole in June 2009. There were 47 individual amendments to the draft Plan, 32 of which were adopted and 15 of which were rejected. The debate lasted 28 hours and 55 minutes spread over 5 separate sitting days.
- **Depositors Compensation Scheme**
The Minister for Economic Development brought forward a scheme to compensate bank depositors in the event of a bank failure. A number of related pieces of legislation to give effect to the scheme were lodged by the Minister for Economic Development and the Minister for Treasury and Resources. Debate on the scheme began in July and, after the adoption of the principles of the main piece of legislation, the Economic Affairs Scrutiny Panel decided to scrutinise the legislation. The Scrutiny Panel reported to the Assembly in

October 2009 and the debate resumed in November 2009 with a large number of amendments brought forward by the Scrutiny Panel. The legislation was all adopted by the Assembly and the Depositor Compensation Scheme is now in force in Jersey.

- **Residential Tenancy Law**

This legislation was brought forward by the Minister for Housing in response to concern over many years concerning the legal position that tenants had in Jersey law. The new legislation provided a modern framework of principles to provide a legal basis for the development of fair, transparent, well-regulated agreements between landlords and tenants.

- **Composition and Election of the States Assembly**

Following detailed background research, the Privileges and Procedures Committee brought forward a further attempt to agree reform of the composition of the Assembly. The proposals lodged by the Committee recommended a future composition of 49 members made up of the 12 Parish Connétables and 37 other members elected in 6 new large electoral districts. The proposals were debated in September 2009 together with a number of amendments suggesting alternative structures. The main proposition and all of the amendments were rejected and no change to the composition was therefore agreed. The States nevertheless adopted a proposition of Deputy J.A.N. Le Fondré of St. Lawrence that a single election day should be held for the 3 categories of States members; and this will be implemented from 2011 when the next ordinary elections take place.

- **Annual Business Plan**

The annual debate on departmental objectives and the spending limits for the following financial year in the Annual Business Plan is always considered to be one of the most significant debates each year. The debate took place over 5 days in late September and early October and there were 30 individual amendments lodged, 24 of which were adopted and 6 of which were rejected.

- **Civil partnerships**

In October the States adopted a proposition brought forward by the Chief Minister and agreed in principle that civil partnerships should be allowed in Jersey to make provision for people of the same sex to enter into a civil partnership. This 'in principle' decision paved the way for changes to legislation to be made to enact this change in due course.

- **Sex Offenders Law**

This legislation, brought forward by the Minister for Home Affairs, was adopted in October. The aim of the Law was to reduce the risk of sexual offences being committed by managing the risk posed to the public by sex offenders and those who may be sexual predators on children. One of the key provisions of the new legislation was to ensure the protection of the public by introducing notification requirements so that the Island authorities are aware that an offender resides in the Island.

- **Budget**
Now that spending decisions are taken in the Annual Business Plan, the Budget only relates to taxation and income generation and, as a result, it has in recent years become less controversial. The Budget was debated in early December and only 4 individual amendments were lodged, 3 of which were rejected and one of which was adopted. The amendment that was adopted was brought forward by Deputy S. Power of St. Brelade and had the effect of cancelling all proposed duty increases on alcohol, tobacco and fuel.

- **Exchange of taxation information**
Numerous international agreements between Jersey and third countries relating to the exchange of information in taxation matters were ratified by the States during the year and associated amendments were made to Regulations. During 2009 the States ratified agreements with Australia, New Zealand, Denmark, the Faroes, Finland, Greenland, Iceland, Norway, Sweden, France, Ireland and the United Kingdom.

- **Propositions brought forward by private members**
As mentioned above, there were a large number of matters brought forward by private members during the year, and this was reflected in the allocation of time spent on Public Business. Some of the most significant debates included –
 - (i) **Energy from Waste Facility – recindment.**
The Deputy of St. Mary sought to rescind the decision to build a new ‘Energy from Waste’ Plant at La Collette to replace the current incinerator. This proposition was rejected.

 - (ii) **GST exemption for Food and Domestic Energy**
The Deputy of Grouville lodged a proposition asking the States to vary their previous decision on Goods and Services Tax and exempt foodstuffs and domestic energy, but this proposition was rejected.

 - (iii) **Woolworths employees and insolvency schemes**
The closure of Woolworths was debated in the Assembly on a proposition of Deputy G.P. Southern of St. Helier relating to payment of statutory notice periods to employees. This proposition was adopted and the Deputy later returned to the Assembly with a further proposition relating to payments to employees in other cases of insolvency.

 - (iv) **Oral Questions with Notice**
The Assembly debated 2 propositions from private members to extend the original 90 minute period for oral questions with notice at each States meeting. Deputy M. Tadier of St. Brelade sought to remove the time limit, but this was rejected. The Deputy of St. Martin proposed an increase from 90 minutes to 2 hours and this was adopted and is now in force following a separate formal amendment to Standing Orders.

- (v) **Rental Deposit Scheme**
The States adopted a proposition of Deputy G.P. Southern of St. Helier requesting the Minister for Housing to establish a scheme to protect deposits paid by tenants in rental property.

- (vi) **States Employees pay increase for 2009–2010**
Following the announcement of a pay-freeze for all public sector employees by the Minister for Treasury and Resources, the States debated whether this should be challenged on a proposition brought forward by the Deputy of St. John. The proposition was rejected and the Minister subsequently brought forward an amendment to the 2009 Annual Business Plan to withdraw funding from departments that would have been used to fund a pay increase. Deputy S. Pitman subsequently lodged a proposition to seek to rescind this decision, but that was rejected.

- (vii) **Suspension Procedures for Public Employees**
The Deputy of St. Martin lodged a proposition relating to the procedures used when public employees were suspended and this was adopted. The Deputy subsequently lodged a further proposition that was also adopted relating to the composition of the Review Panel that is to be established to review suspension.

2. INTER-PARLIAMENTARY BODIES

2.1 Introduction

The States of Jersey is a member of a number of international inter-parliamentary bodies and members of the States continued to play an active role in a number of different conferences and meetings of these bodies during 2009.

2.2 Commonwealth Parliamentary Association (CPA)

The States of Jersey has been an active member of the Commonwealth Parliamentary Association for many years, although the number of events and seminars attended by members during 2009 was somewhat less than in previous years.

Commonwealth Day 2009

One young person from Jersey, Felicity Le Quesne, was invited to attend the Commonwealth Day Observance in London on 9th March 2009 organised by the CPA Secretariat. In addition to participating in discussions with members of the Parliament and others in the morning, Felicity attended the Commonwealth Day Service in Westminster Abbey in the presence of Her Majesty The Queen during the afternoon and, in the evening, was able to attend the Commonwealth Secretary General's Evening Reception at Marlborough House, once again in the presence of Her Majesty The Queen.



The participants in the Commonwealth Day observance with the CPA Secretary-General

Visit to Westminster by newly-elected members

Thirteen of the 14 new members elected in 2008 visited the Houses of Parliament as guests of the United Kingdom CPA Branch on 18th March 2009. A very comprehensive and interesting programme was arranged for the day. The delegation was welcomed at Westminster Hall, Houses of Parliament in the CPA Room and following refreshments, Mr. Chris Stanton of the Public Bill Office, House of Commons, led a discussion on the Westminster Parliamentary system. The delegation was then escorted to view the Speaker's Procession and onward to attend in the Gallery in the House of Commons to observe questions to the Secretary of State for Scotland and then questions to the Prime Minister. The UK Branch hosted the delegates to a light lunch in the CPA Room, during which the delegates met a number of members of the House of Lords and the House of Commons. The afternoon session commenced with a briefing from Mr. Ed Ollard, Clerk of Committees, House of Lords, on the workings of the House of Lords. The delegates then viewed the House of Lords in session and were able to note the differences in the way the 2 Houses operated. The afternoon ended with a very lively discussion on the communication between H.M. Government and the Crown Dependencies. Ms. Rose Ashley, Head, Crown Dependencies Team and Miss Janet Tweedale, also from the Crown Dependencies Team, Ministry of Justice, attended to give an overview of how the relationship operated.



The newly-elected members in a Committee Room at the Palace of Westminster

British Islands and Mediterranean Region Conference – Guernsey

The Annual Regional Conference of the British Islands and Mediterranean Region was held in Guernsey between 15th and 19th June 2009. The Jersey delegation was led by Connétable D.J. Murphy of Grouville, who was accompanied by Connétable M.K. Jackson of St. Brelade, Deputy A.E. Jeune of St. Brelade and Deputy D.J. De Sousa of St. Helier. The theme of the conference was “The International Economic Downturn, its impacts and the responsibilities of Parliamentarians” and, in addition to the discussions between the delegates, there were a number of expert speakers who made presentations on this theme. The Jersey members played an active part in the conference, with each of the various workshops and topic areas being attended by a Jersey delegate. At the end of the formal conference sessions, the delegates had a trip to Sark and they also took advantage of an invitation from the States of Alderney to visit that Island and hear more about the tidal power proposals being developed there.



Deputy D.J. De Sousa, Connétable M.K. Jackson of St. Brelade, Connétable D.J. Murphy of Grouville (Leader) and Deputy A.E. Jeune of St. Brelade at the Regional Conference

29th Small Branches and 55th Commonwealth Parliamentary Conference – Tanzania

The Annual Small Branches and Plenary Commonwealth Parliamentary Conferences were held in Arusha, Tanzania, between 29th September 2009 and Tuesday 6th October 2009. The Jersey delegation was led by Connétable L. Norman of St. Clement, who was accompanied by Senators T.J. Le Main and P.F. Routier. The Jersey delegates played a very active role in the Small Branches Conference, with Senator Le Main giving the vote of thanks at the Opening Ceremony on behalf of all delegates; and both Connétable Norman and Senator Routier acting as lead presenters

in 2 of the Plenary discussions. The delegates also attended a variety of workshops during the main conference to ensure that Jersey was well-represented. At the conclusion of the Conferences the delegates remained in Arusha at their own expense in order to visit a number of Jersey Overseas Aid Projects. A full report of these visits was included in the CPA Branch's Newsletter published in January 2010.



Connétable L. Norman of St. Clement (Leader), Michael de la Haye (Secretary), Senator T.J. Le Main and Senator P.F. Routier outside the Arusha International Conference Centre

2.3 Assemblée Parlementaire de la Francophonie (APF)

The President of the Section de Jersey, Connétable K.P. Vibert of St. Ouen, attended the Annual Conférence des Présidents of the European Region which was held in Budapest in February 2009. The Conférence des Présidents is an annual meeting of the Presidents of each European APF Branch where the agenda for the next Regional Conference is finalised. That agenda was particularly important for Jersey it would be the basis for the discussions at the conference to be held in Jersey in April, and Jersey was able to recommend the most appropriate subject. The Presidents' meetings are normally held nine months in advance of the Regional Conferences to allow time for planning. This meeting was held only 9 weeks in advance of the Jersey conference, foreshortening the planning phase.



XXII European Regional Assembly held in Jersey from 21st – 25th April 2009

The topic selected for the XXII European Regional Assembly held in Jersey from 21st – 25th April 2009 was “The Demographic Challenge of the 21st Century and the Ageing of the European Population.” Consideration of the topic was divided into the following 3 areas –

- (1) Context and consequences of ageing;
- (2) Socio-economic implications of ageing;
- (3) Societal implications of ageing.

The topic inspired a good many contributions from elected members of the 16 European countries which attended, and the debates were both detailed and interesting. A copy of the Resolutions from the conference, and the keynote presentations and speeches, has been forwarded to the Chief Minister’s Department, the Health and Social Services Department and the Social Security Department for information. All conference participants were issued with a magazine-type document, in French, formatted by the Publications Editor of the States Greffe. This contained up-to-date articles on the constitutional history and evolution of the States Assembly, adapting to a new system of government in Jersey, the role and importance of the Scrutiny Function and the P.A.C., the parish system and the role of the Connétables, Jersey in the 21st Century – Development of an international identity, Jersey – International Finance Centre (produced by the Jersey Financial Services Commission), the Jersey economy in 2008, introducing a new benefit system in Jersey, and the Ageing Population – a policy challenge.



Delegates enjoying the day at La Ferme

The leisure day concentrated on ‘La vie agricole’, and visits were made to Hamptonne and to a working dairy farm ‘La Ferme’ at St. Martin, home of the Perchard family.

Lunch was held at the Royal Jersey Agricultural and Horticultural Society Headquarters, affording delegates an opportunity to look at the Herd Books. Delegates were entertained by Gerard Le Feuvre on his cello, and by the children of Trinity School.



The children of Trinity School singing at the RJ&HS over lunch

The conference was professionally staged and the APF Secretariat was delighted with the arrangements made which enhanced the reputation of the Island.



M. le Sénateur Legendre, Secretary General, addressing the conference at the Official Dinner, Jersey Pottery

The President attended a further Conférence des Présidents in September 2009 to decide the theme of the European regional conference to be held in Armenia in May 2010.

Towards the end of 2009, the Jersey Section decided to review the membership of the Jersey Section and of the Executive Committee, and agreed to introduce a constitution and rules of the Jersey section. A Report and Proposition was lodged for debate early in 2010.

2.4 British-Irish Parliamentary Assembly

On 4th April 2006 the States appointed then 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 reserve delegate. The body is now known as the British-Irish Parliamentary Assembly and it brings together parliamentarians from the parliaments at Westminster and Dublin, from the devolved Parliament and Assemblies in Scotland, Wales and Northern Ireland and from the 3 Crown Dependencies. The Assembly holds 2 Plenary Sessions each year, one of which is normally held in the United Kingdom and one in the Irish Republic.

Senator A. Breckon attended both Plenary Sessions in 2009, the 38th Plenary being held in Donegal in March and the 39th Plenary held in Swansea in October.



Senator A. Breckon and other participants at the 38th Plenary BIPA Conference in Donegal

2.5 Cricket match against the States of Guernsey

Members of the States competed against their States of Guernsey colleagues on Friday 10th July at The Farmer's Ground at St. Martin. The Jersey team scored 188 off their 30 overs, and were victorious with one ball to spare.

Man of the match was H.M. Attorney General, William Bailhache, helping the team secure the Investec Cup.



3. PRIVILEGES AND PROCEDURES COMMITTEE



3.1 Membership

The membership of the Privileges and Procedures Committee (PPC) throughout 2009 was as follows –

Connétable J. Gallichan of St. Mary (Chairman)
Deputy C.H. Egré of St. Peter (Vice-Chairman)
Senator B.I. Le Marquand
Deputy J.B. Fox of St. Helier
Deputy J.A. Martin of St. Helier
Deputy M. Tadier of St. Brelade
Deputy M.R. Higgins of St. Helier

3.2 Meetings

The Committee held 29 formal meetings during the year and recorded another 18 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 –

- **Freedom of Information (Jersey) Law.** Throughout 2009, PPC considered the *Draft Freedom of Information (Jersey) Law 200-* in detail, holding meetings with the United Kingdom Deputy Information Commissioner in May 2009; the Director of the Campaign for Freedom of Information in June 2009; and the Head of Information Policy, Ministry of Justice in September 2009, as well as obtaining regular input from stakeholders as the draft legislation progressed. In October 2009, PPC presented a White Paper to the States detailing the work carried out to develop the *Draft Freedom of Information (Jersey) Law 200-*, the key policies upon which the draft legislation had been based, and the areas which still required determination. Consultation closed in November 2009, and the Committee is now reviewing all responses and making final amendments to the draft legislation, with the intention of lodging the Draft Law for debate in 2010.
- **Machinery of Government Review.** PPC was requested to prepare a report on the operation of the first 12 months of Ministerial Government in 2006 and presented its report to the States in November 2007. The report made 55 recommendations and PPC undertook to co-ordinate the consideration of these recommendations, with the intention of having any necessary changes in place by the end of 2008. In January 2009, PPC presented a final summary of action arising to the States, detailing the action taken under each recommendation by the Council of Ministers, PPC, Chairmen’s Committee, Scrutiny Panels and the Public Accounts Committee.
- **Composition and Election of the States.** The reform of the composition of the States was a top priority for PPC following its appointment in December 2008, the majority of candidates in the autumn 2008 elections having supported the need for some reform. It was agreed that any revised structure should be put in place before the next elections in 2011 and, having reviewed the work undertaken by the previous Committee in 2006 and 2007, similar proposals were submitted by PPC for consideration by the Assembly. The proposals for a revised structure for the composition and election of the States were lodged by the Committee in May 2009, but rejected by the States on 9th September 2009. Following the subsequent decision of the States to introduce a single election day in each election year, the Committee began work on identifying a suitable such date with a view to bringing forward appropriate amendments to legislation in 2010.
- **States Members’ Remuneration.** The recommendations of the States Members’ Remuneration Review Body for 2009–2011 were presented to the States in 2 parts by PPC in June 2009. The recommendations made in Part 1 of the report, relating to the basic level of remuneration and expenses for States members, were implemented by default one month later. The matters dealt with in Part 2, relating to pension arrangements and differential remuneration for members, required propositions for debate by the States. Following further research with regard to a possible pension scheme for members, PPC presented a report to the States in November 2009 entitled: States Members Pension Scheme. The matter was open for consultation until 29th January 2010. The Committee decided that it was not appropriate to pursue any work on differential remuneration for members.

- **Appointments made by the States.** Revised procedures for appointments made by the States were lodged by PPC in December 2009, following many months of work with Ministerial Departments. The new procedures will enable the majority of appointments to be made following the presentation of a report to the States 2 weeks before confirmation of the appointment, with very few appointments continuing to require a proposition for debate by the States.
- **Code of Conduct for Elected Members.** The Committee considered 11 complaints during the year and published 4 reports in relation to the outcome of investigations. In October 2009, PPC presented a report to the States detailing proposed amendments to Standing Orders in respect of the Code of Conduct and disciplinary sanctions. One consultation response was received and, in December 2009, the Committee instructed the Law Draftsman to prepare amendments to Standing Orders in accordance with its report.
- **States of Jersey Complaints Panel.** The members of this independent Board, under the Chairmanship of Mrs. C.E. Canavan, continued to review the actions of ministerial departments referred to them by complainants. The term of office of the members expired in late May 2009 and 2 members stepped down. In June 2009, the Chairman, Deputy Chairmen and 5 members of the Complaints Panel were re-appointed for a period of 3 years and in July 2009, 4 new members of the Panel were appointed. PPC presented the Panel's annual report to the States in March 2009 and 7 reports to the States throughout the year detailing the Board's findings in relation to complaints. Five reports related to complaints against decisions made by the Minister for Planning and Environment; one concerned a decision of the Chief Minister; and one a decision of the Minister for Housing. 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.
- **Code of Practice on Public Access to Official Information.** PPC presented the annual report detailing the number of requests made for official information to the States on 31st March 2009. A number of Departments commented that they often received requests for information, but that these were unlikely to mention the Code. Information is provided to members of the public on a day-to-day basis without reference to the Code; and it is therefore difficult for the Committee to provide an accurate measure of the number of requests for official information received each year.
- **Parliamentary Privilege in Jersey.** The Committee was required to consider the application of parliamentary privilege in Jersey on a number of occasions throughout the year, including when a potential breach of privilege occurred in February 2009 following an *in camera* debate. As a result, the Chairman undertook to provide a comprehensive report on the position in April 2009. This was prepared by the Greffier of the States and presented to the States by the Committee in July 2009. It outlines the history of parliamentary privilege and the areas which privilege usually covers, and should prove to be a useful reference tool for members going forward.

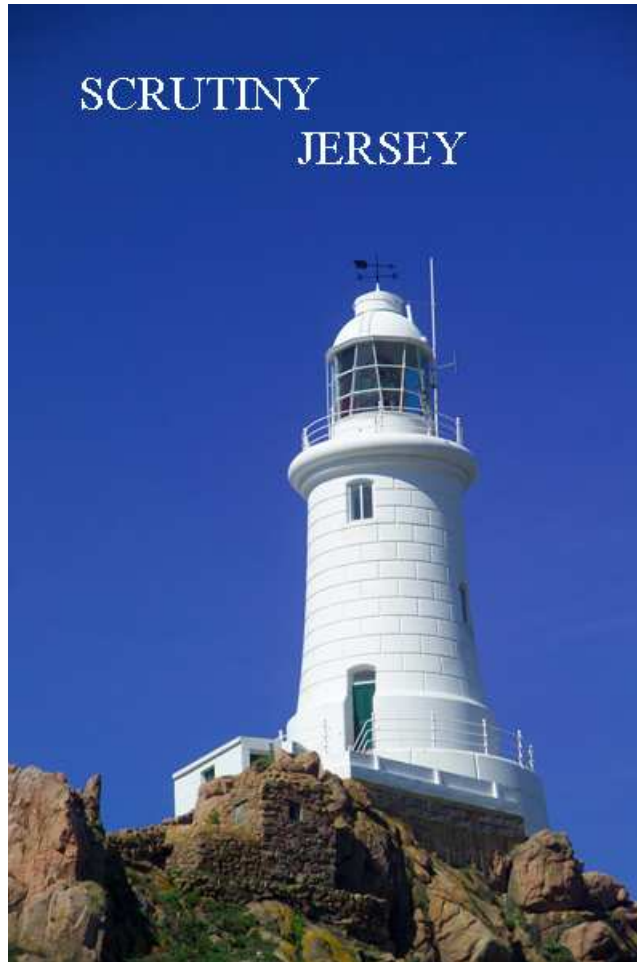
- **Oral questions with notice.** Following an ‘in principle’ decision of the States in April 2009 to extend the time allowed for oral questions with notice at each States meeting from 90 minutes to 2 hours, PPC lodged the *Draft Amendment (No. 11) of the Standing Orders of the States of Jersey* to bring the revised time limit into effect. The amendments were adopted in July 2009 and the new time limit was implemented from the first meeting of the second Session in September. There was a subsequent change to procedures agreed in July 2009 when the Assembly agreed to amend the procedures relating to the ballot held for oral questions with notice. PPC lodged the *Draft Amendment (No. 12) of the Standing Orders of the States of Jersey* to bring the revised ballot system into effect. PPC also took the opportunity to propose a reduction in the minimum lodging period for propositions in respect of draft Standing Orders from 6 weeks to 2 weeks. The amendments were adopted by the States on 8th October 2009.

3.4 Ongoing items

The Committee established the following reviews in 2009, which will be ongoing in 2010 –

- **Public Elections (Jersey) Law 2002.** In June 2009, PPC set up a working party to consult with the Connétables, Jurats and other stakeholders with regard to the function of the Public Elections (Jersey) Law 2002 and the electoral process. The Working Party is expected to bring forward its recommendations in early 2010.
- **Members’ facilities.** A questionnaire was circulated to all States members in July 2009 seeking their views on the facilities provided for their use and inviting their views on possible improvements. The Committee is in the process of evaluating the suggestions made.
- **Efficiency.** Following approaches from the Council of Ministers and the Chairmen’s Committee regarding the amount of time spent by members in the States Chamber, PPC established the States Business Organisation Sub-Group in November 2009 to consider whether the States’ business could be dealt with more effectively.
- **Media Working Party.** The Media Working Party is a joint venture between PPC, the Chairmen’s Committee and the Council of Ministers, established in September 2009 to consider matters arising, including access to meetings by members of the public, the audio and visual recording of meetings and the distinction between accredited and unaccredited media.

4. SCRUTINY PANELS AND PUBLIC ACCOUNTS COMMITTEE



SECTION SUBMITTED BY THE CHAIRMEN'S COMMITTEE

FOREWORD

I was delighted and honoured to be appointed President of the Chairmen's Committee after the last elections in 2008 as I am a great believer of empowerment and accountability and I relish the challenge of promoting these core principles. The importance of effective scrutiny cannot be underestimated and I certainly did not consider it to be a retrograde step moving from the Ministerial position I previously held.

It was fortunate for me that I had a team of experienced Chairmen working with me supported by enthusiastic politicians and a dedicated team of Scrutiny staff within the Scrutiny Office.

As President of the Chairmen's Committee it is my rôle to lead the co-ordination of the Scrutiny function. The Chairmen's Committee has no powers as such and cannot enforce Panels to take certain courses of action. The individual Panels must have the freedom and resources to look at issues of genuine concern to them and to the public,

whilst also scrutinizing existing and proposed policy of the Council of Ministers before and when they are brought to the States Assembly.

It has been a pleasure for me to be at the head of a structure which has offered scrutiny members training and continued to consider its public profile through 2 further editions of the Scrutiny Matters newsletter, both of which gave us some excellent feedback. I am also pleased with Scrutiny's continued participation in the Scrutiny/citizenship programme in our secondary schools. More schools have become involved in this excellent programme and we hope this will develop even more during 2010.

I am hopeful that, whilst there are a number of areas which need looking at during 2010, Scrutiny will continue to evolve. We have already made steps to make the Executive more accountable, with the introduction of a standardised Ministerial Response template to Scrutiny Report recommendations which will enable us to follow up actual Ministerial actions which have taken place on the back of Scrutiny recommendations. It will also enable us to be more robust in challenging those Ministers who have accepted recommendations but have not implemented them in a timely manner.

It is true that questions have been asked about the effectiveness of Scrutiny and whether it is treated with respect by our Ministerial colleagues. This and how we move forward to make Scrutiny even more effective, will be the focus of an away-morning early in 2010. At the end of the day a strong, robust and respected Scrutiny process will ultimately lead to better government and that is our aim.



Senator B.E. Shenton
President, Chairmen's Committee



4.1 Introduction

- 4.1.1 Scrutiny Membership started with a total number of 19 States members sitting on Scrutiny Panels with differing numbers of membership per Panel. The Economic Affairs Scrutiny Panel started out with the maximum membership of a Chairman and 4 members, the Corporate Services, Education and Home Affairs and Health, Social Security and Housing Scrutiny Panels with a Chairman and 3 members per Panel and the Environment Scrutiny Panel with a Chairman and 2 members.

Deputy P.V.F. Le Claire of St. Helier joined the Environment Scrutiny Panel on 21st September 2009 and the Connétable of St. Lawrence joined the Health, Social Security and Housing Scrutiny Panel on 6th October 2009.

The Connétable of St. Helier was elected onto the Public Accounts Committee on 20th January 2009 along with the following unelected Members –

Mr. Martin Magee

Mr. Patrick Ryan

Mr. Kevin Keen.

Subsequently, Senator A. Breckon and Mr. A. Fearn, unelected Member, were both elected onto the Public Accounts Committee on 24th February 2009.

Deputy T.A. Vallois of St. Saviour, having been originally elected to the Public Accounts Committee on 16th December 2008, resigned on 16th September 2009, being replaced by Senator J.L. Perchard on 21st September 2009.

The Connétables of Trinity and St. Saviour have both served on Scrutiny Sub-Panels, making the total number of non-Executive members involved in Scrutiny/Public Accounts Committee during 2009 as 26, of which 4 were Senators, 8 were Connétables and 14 were Deputies.

A number of Members have served on more than one Scrutiny Review during 2009.

Following the amendment to Standing Orders last year to permit co-option of a Member with experience of a review area onto a full Panel, this has been used successfully on 3 occasions. The Connétable of St. Saviour was co-opted onto the Environment Panel RAMSAR Review and Deputies T. Vallois and G. Southern were co-opted onto the Education and Home Affairs Fort Regent Review and the Economic Affairs Depositor Compensation review respectively.

4.1.2 Scrutiny Officer and administration changes

Mr. Charles Ahier left the Scrutiny section in September 2009 to make a career change and move into teaching.

Miss Kellie Boydens took up the role of Scrutiny Officer on 27th July and also on that date Mrs. Melissa Pardoe took up the role of Public Accounts Committee Officer. This was a new role and brought the operational side of the Public Accounts Committee within the Scrutiny section, as both operate under the Code of Practice for Scrutiny Panels and the Public Accounts Committee in accordance with Standing Order 143(f).

Mr. William Millow was successful in being offered a secondment to provide officer support for the Review Board into Crown Appointments and will temporarily leave the States Greffe for the period of one year.

4.1.3 Work of Panels

Scrutiny Panels were very efficient at the start of the year in getting underway and interviewing their respective Ministers. Following this and in accordance with the Code of Practice for Scrutiny Panels and the Public Accounts Committee, Panels produced work programmes for the year by the end of February.

Scrutiny held a total of 149 hearings during 2009 and received and considered 269 submissions.

Scrutiny Reports produced during 2009

The following table shows review work completed by Scrutiny during 2009, culminating in a S.R. (Scrutiny Report) presented to the States. This work is also shown in Appendix A, where details of start dates, report dates and costing per review are given. Work culminating in outcomes other than Reports, such as Comments presented to the States, are mentioned in the individual Panel reports and in Appendix B.

S.R. No.	Review Title	Panel	Date of presentation	Date of Ministerial Response	Time taken by Minister to respond
S.R.1/2009	Waterfront Enterprise Board (P.12/2009)	Corporate Services	18th March	23rd June	14 wks
S.R.2/2009	Deemed Rent (P.161/2008)	Corporate Services	23rd March	1st June	10 wks
S.R.3/2009	Population Policy	Corporate Services	1st June	27th July	8 wks
S.R.4/2009	Economic Stimulus Plan (P.55/2009)	Corporate Services	10th June	29th July	7 wks
S.R.5/2009	Review of Income Support	Health, SocSec & Housing	10th July	22nd September	10 wks
S.R.6/2009	Co-ordination of Services for Vulnerable Children	Health, SocSec & Housing	27th July	1st October	9 wks
S.R.7/2009	Prison Board of Visitors	Education & Home Affairs	18th August	4th December	15 wks
S.R.8/2009	Draft Annual Business Plan 2010 (P.117/2009)	Corporate Services	16th September	N/A – debate	N/A
MINISTERIAL RESPONSE TEMPLATE INTRODUCED 1st OCTOBER 2009					
S.R.9/2009	Jersey Development Company	Corporate Services	2nd October	19th October	2 wks
S.R.10/2009	Depositor Compensation Scheme	Economic Affairs	19th October	30th November	6 wks
S.R.11/2009	Fort Regent Review	Education and Home Affairs	2nd November	18th December ¹	6 wks
S.R.12/2009	Funding Waste Recycling	Environment	3rd December	Awaited	–

Public Accounts Committee Reports are detailed within the Committee's report.

¹ Received by Panel but awaiting presentation to the States Assembly.

Ministerial Responses

Although concerns had been expressed in previous years about following up recommendations made in Scrutiny Reports, little advancement had been made. During 2009, it was recognised that, whilst Scrutiny Panels were reviewing areas and producing related reports and recommendations for action, follow-up to these was still not occurring sufficiently to hold the Executive to account. Although the Code of Practice is clear that Ministers are to provide a detailed response within 6 weeks of presentation of Scrutiny Reports, or at least to publish an interim report within 6 weeks if a full response is not possible within 3 months, there was concern that there was no clear mechanism to enable follow-up to implementation of recommendations.

In an attempt to progress this, a standardised Ministerial template was drawn up together with related guidelines and was approved on 1st October 2009 by both the Chairmen's Committee and the Council of Ministers. Although this has only been in operation recently and it is too early to evaluate its success, it appears to have been welcomed by all involved in the process.

However, it is the intention of Scrutiny to be much more robust in reminding Ministers of response deadlines and in following up whether and/or how accepted recommendations have been implemented.

4.2 WORK OF PANELS

4.2.1 Corporate Services Scrutiny Panel

Introduction

The Corporate Services Scrutiny Panel's remit is to conduct reviews into matters relating to the Chief Minister's Department and the Treasury and Resources Department. Along with the 4 other Scrutiny Panels it shares responsibility in considering the policies of the Council of Ministers, as well as scrutinizing draft Laws, subordinate legislation and the Draft Annual Business Plan and States' Budget.

The membership of the Panel throughout 2009 was –

Senator S.C. Ferguson, Chairman
Deputy C.H. Egré of St. Peter, Vice-Chairman
Connétable D.J. Murphy of Grouville
Deputy T.A. Vallois of St. Saviour.

Scrutiny Reports in 2009

Annual Business Plan 2010

The Review:

Between July and September, the Panel conducted a review on the Annual Business Plans of the Treasury and Resources Department and Chief Minister's Department. The Panel considered the consequences of any changes to the cash allocation to the departments as well as the robustness of the decision-making process which has resulted in, or been driven by the changes.

Recommendations:

The report, with 5 recommendations, was presented to the States on 16th September 2009. The recommendations were as follows –

1. Information Services should not be subject to deeper cuts than other areas in the 2011 Business Plan.
2. Business Plans must reflect the priorities in the Strategic plan.
3. The Chief Minister should arrange a clear hierarchy of agencies to deal with international financial matters.
4. The Panel requires a briefing within 3 months as to the progress of the role of Chief Officer of Resources.
5. The Minister for Treasury and Resources must have a firm Plan in place within the 2011 Business Plan to deal with the Structural Deficit.

Deemed Rent

The Review:

Another review the Panel carried out during the first quarter of 2009 was Deemed Rent. The main aim of the review was to establish whether P.161/2008 – *Draft Income Tax (Amendment No. 32) (Jersey) Law 200-* was appropriate and fit for purpose. The Panel engaged the following advisor to assist with the review: Mr. Richard Teather, BA, ICAEW, a senior lecturer in Tax Law at Bournemouth University; a Freelance Tax Consultant and a writer on Tax Law and Policy.

Recommendations:

The recommendations set out in the report were as follows:

1. P.161/2008 – *Draft Income Tax (Amendment No. 32) (Jersey) Law 200-* is NOT appropriate and fit for purpose as it is currently presented.
2. The consultation process was incomplete, with too many assumptions and unquantifiables supporting the proposal.
3. The Minister must resolve the unanswered issues and re-submit this Proposition before it can be supported.

Ministerial Response:

The final report was presented to the States on 23rd March 2009 and resulted in the proposition being withdrawn. Part of the proposition dealt with the withdrawal of the exemption under Article 115(g) and (ga) of the *Income Tax (Jersey) Law 1961*, relating to exemptions for superannuation funds which was brought forward in the 2010 Budget.

Economic Stimulus Package

The Review:

The Panel, with the assistance of co-opted member, Deputy M.R. Higgins of St. Helier, carried out a review into the Economic Stimulus Plan and the final report was presented to the States on 10th June 2009. In this case, the Panel reviewed P.55/2009, Economic Stimulus Plan, prior to the debate in the States Chamber on 19th May 2009, producing a comment supporting the proposition. The review, however, continued beyond the proposition to examine that process that the bids for the economic stimulus money would be taken through prior to the cash being given to the projects.

Recommendations:

The apparent addition of the next phase of the appraisal of the bids, from amber to green lights in the Ministerial Decision-making process, made the process acceptable to the Panel. This was only on the proviso that –

- the questions raised by the Panel are answered in the project plans;
- there is a co-ordination body with sufficient power and (perhaps more importantly) the time available within their general workload, to evaluate and control, not just the finances, but the aggregate application of the bids; and
- the Minister regularly keeps the Panel updated on the progress of the bids.

Ministerial Response:

During the hearings with various Ministers, it was apparent that the process was seriously flawed. The Minister for Treasury and Resources noted the problems and changed the process immediately to allow the problems to be resolved. The Panel considered this was an unusually full and speedy response from the Executive and, although the changes preceded the publishing of the Panel's report, the review was a significant Scrutiny success.

Waterfront Enterprise Board

The Review:

In the first quarter of 2009, the Panel reviewed the provisions of P.12/2009 – *Waterfront Enterprise Board: revised Memorandum and Articles of Association* and, in particular, the proposal to remove States Directors from WEB. The Panel felt that if States Directors were removed, this would raise the issue of how WEB would be accountable to the States. The Panel formed a Sub-Panel to review the proposition.

Recommendations:

The final Report, in which the Sub-Panel found that the removal of States Directors could be justified, was presented to the States on 18th March 2009. It also recommended a series of measures to ensure that WEB operated within an appropriate system of transparency and accountability.

Ministerial Response:

All of the recommendations of the Sub-Panel were accepted by the Chief Minister and were implemented as part of the revised proposals.

Jersey Development Company

The Review:

A Sub-Panel undertook a review of P.79/2009 – *Property and Infrastructure Regeneration: the States of Jersey Development Company Limited* and the proposal to establish the Jersey Development Company. The Company would have replaced WEB, albeit with a narrower operational remit. The Sub-Panel agreed that this had significant implications for the States' approach to regeneration and development and it subsequently carried out a review.

Recommendations:

The Report, in which the Sub-Panel recommended that further work on the proposals was required, was presented to the States on 2nd October 2009.

Ministerial Response:

Furthermore, as part of the Chief Minister's response, he confirmed that, with regard to the Panel's recommendations of –

- reviewing activities and assets of the Waterfront Enterprise Board;
- detailed risk management regime;
- protocols for asset transfer; and
- protocols relating to the purchase of privately-owned assets.

These will be addressed before the States of Jersey Development Company is formed, and as a consequence, the proposition was withdrawn by the Council of Ministers, to be brought back to the States in 2010.

Migration and Population

The Review:

A Sub-Panel was established to review both migration legislation and population policy. During the first half of 2009, the Sub-Panel reviewed the provisions of the population policy as contained in the Strategic Plan 2009–2014. The policy aimed to limit the level of inward migration to Jersey and, ultimately, the size of the Island's population. The Sub-Panel presented its report to the States on 1st June 2009, ahead of the debate on the Strategic Plan. In the latter half of 2009, the Sub-Panel commenced work on draft migration legislation that would, if adopted, introduce a population register and amend the system of access to employment and housing. The review would be completed in 2010.

Recommendations of Population Review:

The following recommendations were made in the Sub-Panel's report –

1. Population projections should be established on the basis of the most recent data. The debate on a population policy should not be held until such revised projections are available.
2. The proposed migration legislation should be brought forward without delay for debate by the States. The Chief Minister should commit to the States Assembly a clear timetable of when the legislation will be lodged.
3. The Chief Minister should clarify why the population policy would be reviewed every 3 years and how it would be reviewed and reset.

4. The other parts of the policy ‘package’ need to be clearly researched and analysed by the Council of Ministers. The population policy should not be debated until a clearer picture of the entire ‘package’ is provided.
5. Further work should be undertaken by the Council of Ministers to stimulate debate on the principles underlying population policy in order that a starting point and direction for population policy can be agreed.

Ministerial Response:

As part of his response, the Chief Minister notified the Panel that the States debate on population was already completed as part of the States Strategic Plan and therefore he rejected a number of the Panel’s recommendations.

Work started in 2009 which is ongoing

Finance Sub-Panel

The Review:

The Panel agreed to undertake a forecasting of expenditure review and created a Sub-Panel chaired by Senator S.C. Ferguson, which included Deputy R.G. Le Hérissier of St. Saviour and Deputy S. Pitman of St. Helier. It looked into the policies, directions and practices driving the States of Jersey’s financial forecasting, the areas of responsibility for the operation of the forecasting process and the accuracy and timetabling of the forecasting process. It noted many problems with forecasting, including the lack of planning beyond the next financial year. This made forward planning very difficult and reduced incentives to increase efficiency, be frugal or save money. The Panel’s workload overtook this review, which was then superseded by the proposed Fiscal Strategy Review and Comprehensive Spending Review proposed by the Treasury and Chief Minister’s Departments. However, the New Year will see the drafting of the report.

Economic Stimulus Plan 2

The Review:

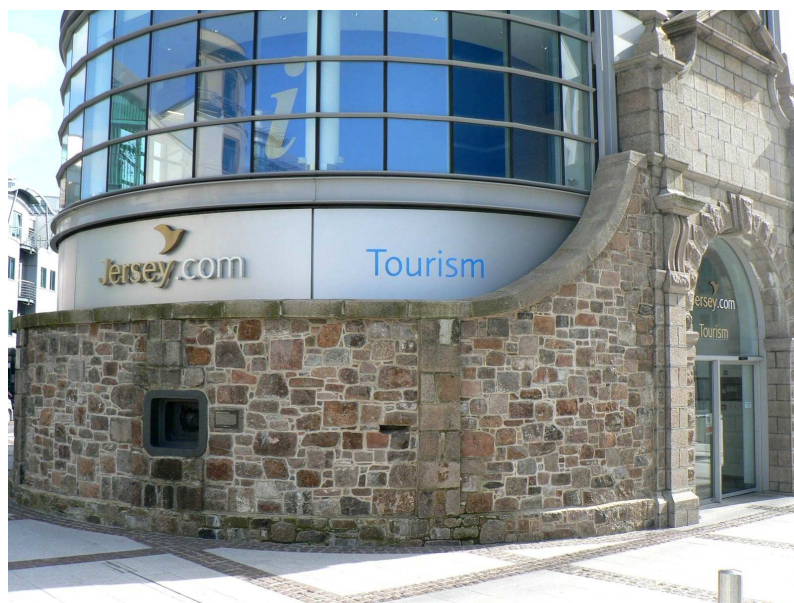
During the autumn of 2009, the Panel recognised that its Economic Stimulus Plan review had broadly supported the process which had been based in the spring on much conjecture, best estimates and expert opinion as to the nature, speed and depth of the recession. It was considered appropriate that a second review should investigate the current shape and status of the recession, ensure the application of the Stimulus Bids was commensurate with the shape and status of the recession and to confirm that the 3 ‘T’s were being adhered to within the selection process. Although some minor problems with communication and timing were noted, the review evidenced that the process was still timely and appropriate.

Overseas Aid

The Review:

In 2007 the previous Corporate Services Panel had formed a Sub-Panel to review the Jersey Overseas Aid Commission. The current Corporate Services Panel agreed to investigate which recommendations had been accepted by the Commission. A Public Hearing took place in October 2009 with the Chairman of the Commission and Commission Officers. The Panel asked a series of questions regarding the progress that had been made on the Sub-Panel's recommendations since 2007. Following on from the Public Hearing, a short report has been drafted which supplies some of the answers as to what has been achieved by the Commission since 2007.

4.2.2 Economic Affairs Scrutiny Panel



The membership of the Panel throughout 2009 was –

Deputy M.R. Higgins of St. Helier, Chairman
Deputy C.F. Labey of Grouville, Vice-Chairman
Deputy S. Pitman of St. H Deputy D.J.A. Wimberley of St. Mary
Deputy J.M. Maçon of St. Saviour.

The Economic Affairs Scrutiny Panel's remit covers matters relating to the Economic Development Department. Deputy M.R. Higgins of St. H was elected Chairman of the Panel by the States of Jersey on 15th December 2008, and the remaining Panel Members were nominated and elected on 16th December. The Panel has met frequently since its election, undertaking a total of 42 public meetings during 2009. The Panel has undertaken 4 Reviews, 2 of which, Depositor Compensation Scheme and Companies Law Amendment No. 10, have been completed with a subsequent Report and a Panel Comment presented to the States. The Panel broke new ground in Scrutiny, being the first Panel to lodge and debate an Amendment in the States Assembly, this coming as a result of its Depositor Compensation Scheme Review.

Tourism PPP

The Panel's work began with an agreement to review the Minister for Economic Development's proposals to establish a Tourism Public-Private Partnership. The Panel held a number of public hearings with key stakeholders during the first half of the year, but the Review remains ongoing as the Panel awaits receipt of revised proposals from the Minister.

Companies Law

The Panel undertook a short legislative Review of *Draft Companies (Amendment No. 10) (Jersey) Law 200-*, due to concern about the purpose of the Amendment and in addition, about the definition of a Jersey-registered company.

The Panel requested and received from the Minister for Economic Development a marked-up copy of the complete Companies (Jersey) Law 1991, highlighting the proposed deletions and additions of the draft Amendment. On 9th February 2009, the Panel held a Hearing with the Minister and relevant Officers. The Panel received an explanation of each of the deletions and the additions made by the draft Amendment and presented comments to the States.

Sea Fisheries Bag Limits

The Panel also began a Review of P.58/2009 – *Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 200-*. The Panel had completed its evidence-gathering and was drafting its report when the draft Regulations were withdrawn by the Assistant Minister for Economic Development, the Connétable of St. Clement, on 13th July 2009. The Panel was extremely disappointed by the Connétable's actions in view of the time and effort that stakeholders, the Panel and indeed his own Officers had committed to the proposals and the Panel's Review. The Panel's research undertaken during the Review was made available on the Scrutiny website and the Panel intends to produce a Report early in the New Year (2010).

Depositor Compensation Scheme

The Panel's major piece of work in 2009 has been its Review of the proposed Depositor Compensation Scheme. The Panel presented a comprehensive report and Amendment to the States resulting from its work undertaken under significant pressure between June and October and assisted by co-opted Member for the Review, Deputy G.P. Southern of St. Helier and its appointment of independent expert adviser, Mr. R. Labrosse, an internationally respected Canadian expert in the field of Depositor Compensation. In addition, the Panel broke new ground in becoming the first Scrutiny Panel to lodge an Amendment for debate in the States, ensuring that key issues within this important topic received the debate and attention that they merited. The Panel also achieved some notable success, with the Minister accepting recommendations including the appointment of a permanent Depositor Compensation Scheme Board and a commitment to consult on the Panel's strong recommendation and Amendment that small local businesses should be covered by the Scheme. Follow-up work to monitor the Minister's development of the Scheme will continue into 2010.

4.2.3 Education and Home Affairs Scrutiny Panel



Chairman's Introduction:

The Panel has had a busy year as it comes to terms with its broad remit.

Both of its Ministries are headed by new Ministers. As such, we have had to juggle workloads while Ministers work out their priorities and deal with inherited business.

Home Affairs has much new legislation which will undoubtedly require Scrutiny – contentious issues like vetting and barring. Education, Sport and Culture is a less legislation-led Ministry, but it has a vast remit ranging from Fort Regent's Leisure Programmes to the more traditional areas of schools. It is already clear that much work needs to be done.

I would like to thank the Panel members – Deputies T. Pitman, M. Tadier and Connétable G.F. Butcher of St. John – for their dedication and hard work. Similarly, our strong appreciation goes to our 2 officers who have coped admirably with changing timetables, other unpredictable events, and a variety of reviews.

Deputy R.G. Le Hérissier of St. Saviour

Scrutiny Reports:

Prison Board of Visitors

The Panel's year began by forming a Sub-Panel, chaired by Deputy M. Tadier of St. Brelade, to review the Island's Prison Board of Visitors system. After seeking external legal advice from Mr. Jonathan Cooper of Doughty Street Chambers on the human rights implications of the Island's system, the Panel presented its final report to the States on 18th August 2009.

The Panel made several recommendations regarding changes that should be made to the current working practices of the Board, as well as ultimately recommending that the Minister for Home Affairs should implement a new system, enabling independent members of the public to sit on the Board of Visitors. However, the Panel concluded that as with the UK system where there is nothing preventing a magistrate from sitting on an IMB, there should be nothing preventing a Jurat from sitting on the Board of Visitors.

Fort Regent

The Panel's year also started with a review being launched into the future of Fort Regent. The Panel engaged the professional services of Mr. Ian Barclay, from Torkildsen Barclay, as expert adviser for the review. The final report was presented to the States on 2nd November 2009. The Panel additionally lodged a proposition for debate in January 2010 in line with one of the recommendations from the report.

The Panel provided several recommendations, including improving communication between those responsible for the Fort, creating an impetus to move development of the site forward, such as demolition of the old swimming pool, and to rejuvenate areas such as the Ramparts in the meantime. The Minister for Education, Sport and Culture has since responded to the Panel's report.

School Suspensions

The Panel formed a Sub-Panel, chaired by Deputy T.M. Pitman of St. Helier, to review the School Suspension Policy. The Panel has engaged Pamela Munn, Professor of Curriculum Research at the University of Edinburgh, and Gillian Bunting, previous teacher, as expert advisers for this review. The Panel's review is ongoing, with a view to the report being presented to the States during the first quarter of 2010.

Higher Education Fees

Deputy M. Tadier of St. Brelade is chairing a Sub-Panel that is reviewing the grants for higher education provision. A call for evidence for this review has attracted numerous submissions, and this review will continue in 2010.

Other work

Annual Business Plan:

Following the publication of the Draft 2010 Annual Business Plan, the Panel held Public Hearings with the Ministers for Home Affairs and Education, Sport and Culture. As a result of this work, the Panel lodged several successful amendments to the Business Plan, including the need for the Minister for Education, Sport and Culture to review the Island's Secondary Education System, in addition to a review of the management structure of the Education, Sport and Culture Department.

Draft Sex Offenders (Jersey) Law 200-:

At its Panel meeting on 16th September 2009, the Panel agreed that it wished to undertake a brief review of the *Draft Sex Offenders (Jersey) Law 200-*. However, as a result of the importance of the draft legislation, the Panel was mindful that it did not wish to cause a delay to the debate. Following a Public Hearing with the Minister for Home Affairs and a public call for evidence, the Panel therefore presented comments to the States in advance of the debate on the draft legislation.

4.2.4 Environment Scrutiny Panel



Introduction

At the beginning of the year, the Panel considered that its work programme for 2009 would be dominated by a number of major policy developments which were in preparation in both Departments within the Panel's remit and due to be going to States for approval during the year.

- Transport and Technical Services were reviewing the Island's Liquid Waste Strategy, which had the fundamental objective of establishing a sustainable funding route to ensure proper support for the ongoing maintenance of the Island's drainage infrastructure and upgrade of the Sewage Treatment Works.
- Transport and Technical Services were also developing an implementation plan for the Integrated Travel and Transport Plan (ITTP), which was intended to deliver new and innovative public transport systems which would reduce traffic congestion and persuade people to consider choosing alternatives to the car.
- The Planning and Environment Department intended to deliver an Energy Policy which would set energy and carbon reduction targets and establish a support and advice service to Islanders on energy efficiency.

The Panel agreed to set these developing policies as priorities in its work programme; however, by the end of the year they were still 'work in progress'.

Liquid Waste Strategy

The Panel was asked to assist the Department through peer-reviewing the base data and assumptions of the Strategy, but considered that this was not an appropriate role for the Panel to take. The Panel believed that Scrutiny should maintain its independent status in order to be able to take an objective view of the Strategy and to act as a forum for public scrutiny. The Panel offered instead to provide comment on the public consultation document prior to its finalisation. This is now due to emerge in mid-2010.

Sustainable Transport Policy

The Panel has followed in particular the transformation of the ITTP into the Sustainable Transport Policy and has commented at various stages prior to the public consultation, which closed just at the end of the year. Early in the New Year (2010)

the Panel will begin examining the Department's consultants' report on the new bus contract and expects that this work will be a major part of its work in 2010.

Energy Policy

There are a number of aspects to the Energy Policy. The States Strategic Plan commits the States to giving a lead by reducing energy usage and thereby carbon consumption in all States activities. The Panel began a review of energy efficiency policies for States buildings and discussed with the newly appointed Deputy Chief Executive his plans for reviewing energy management across all States departments. It is clear to the Panel that in the short term, opportunities exist for moderate investment in making better use of energy management facility systems already in place which are not yet fully optimised. In the longer term, significant gains in energy management could be achieved through the development of a comprehensive office strategy. The Panel will return to this subject in the New Year to review progress and will report to the States on its findings in 2010.

Another aspect of Energy Policy was brought to the Panel's attention by Jersey Gas. The Company highlighted issues with the current method of calculating the carbon intensity of electricity imported from France and claimed that proposed new Building Bye-Laws, designed to reduce CO² emissions from buildings, effectively disadvantaged gas and oil in the selection of fuel supplies. The issue was not fully resolved to the company's satisfaction despite amendments to the draft Regulations. The Panel discussed the subject with Jersey Gas, the Jersey Electricity Company Limited and the Minister for Planning and Environment. Initially, the Panel believed that it might be in a good position to take an active role as an objective outside body and offered to take over responsibility for funding and commissioning an independent study; but following further discussion with the Minister it concluded that such a study was unlikely to resolve the issue to the satisfaction of all parties and withdrew the offer. The Panel remains willing to monitor the proposed terms of reference if the scope of the proposed study can be agreed between the stakeholders, and will review the eventual outcomes.

Energy from Waste Plant and Ramsar: Planning process

At the end of 2008 concerns were raised publicly by 'Save Our Shoreline' that the Island's authorities had failed to notify the Ramsar Secretariat of potential environmental impacts caused by the construction of the new 'Energy from Waste' Plant on the Island's designated Ramsar site on the south coast of the Island. The Panel agreed to investigate these concerns and called for papers detailing the Environmental Impact Assessment (EIA) process which preceded the planning approval for the project. After initial study of these documents, the Panel concluded that it was important to establish whether the scope and consultation for the EIA was as thorough as it should have been, and if it complied with recognised standards.

In May 2009 the Panel appointed Bioscan (UK) Limited to apply specialist knowledge to the review and provide impartial professional analysis of the evidence received by the Panel. In excess of 200 different reports and written submissions have been considered and a range of individuals have been interviewed, both in public hearings and in smaller groups.

By the end of the year the adviser's report had been received and the Panel was finalising its own report into the investigation. The Panel believes that there are significant lessons to be learned by the Minister for Planning and Environment in the assessment of future major public projects.

Funding Environmental Initiatives

In its Annual Business Plan for 2009, the States supported additional expenditure relating to energy efficiency, waste recycling and sustainable transport initiatives. This expenditure was met from cash limits for 2009, but for 2010 and beyond the States decided that expenditure would be dependent on the introduction of environmental taxes, following public consultation.

The Panel studied the outcome of the public consultation carried out by the Minister for Treasury and Resources between May and July 2009 and his proposals for a Vehicles Emission Duty and increases in fuel duty. Members had a number of reservations, some of which were addressed during a constructive dialogue with the Minister at a public hearing in November. However, there remained a number of concerns, principally –

1. that competing demands for funding under an 'environmental' banner could rapidly become unmanageable if departments are allowed simply to bid for new funding for projects without having to meet any specific environmental criteria.
2. that if future policy were to determine that environmental initiatives should rely more heavily on environmental taxation for their funding, the demand for funding could drive taxes to unacceptable levels; alternatively a shortage of funds could tend to stifle worthwhile environmental initiatives before they get off the ground.

The Panel published detailed comments on the Minister's Budget proposals. Now that these have been approved by the States, the Panel hopes that a more comprehensive debate on the principles of environmental taxation will follow, and will continue to monitor closely the outcome of the Minister's fiscal review in respect of environmental funding.

Waste recycling

In addition to the funding mechanism for environmental initiatives, the Panel looked at the purpose to which this funding would be applied. The Panel felt that was particularly appropriate to investigate the budget requirements for waste recycling as it has been made it clear in successive Business Plan statements that the under-funding of waste recycling was a serious problem for the Transport and Technical Services Department, and that without additional resourcing some recycling initiatives might have to be curtailed. (Other environmental initiatives will be examined by the Panel in due course.)

The Panel published its report on this review in December. The Panel noted the Department's success in achieving the recycling target of 32% by 2009 set by the Solid Waste Strategy, despite the limited funding that had been available, but identified 2 major concerns, namely the high cost of subsidising the recycling of green waste, paper and cardboard, and the potential conflict between maintaining and expanding these high tonnage recycling streams and the ability to prioritise the suitable treatment of more toxic waste streams. The Panel also believes that Transport and Technical Services should be preparing, as part of a wider policy, to tackle CO² emissions, to factor in the cost of carbon into their decisions on how to dispose of waste.

The Panel will continue to monitor the Department's recycling priorities in 2010 as it implements the new funding which has now been made available.

4.2.5 Health, Social Security and Housing Scrutiny Panel



Chairman's Comments

The last year has flown by, with the Panel continuing to tackle some very 'real' issues that affect everyone's day-to-day lives.

Housing the population

Having a safe, secure, comfortable and affordable place to live is a basic human daily need; however, in Jersey, we still have many people for whom this is not yet a reality. There is still much to do in order to achieve this, and Scrutiny work in the face of unclear or non-existent policies will not be easy going from 2009 to 2010.

Employment and Social Security

The 'settling-in' of Income Support, with the coming together of 14 benefits, has not been without its problems. The increase in the number of those actively seeking work – in particular those under 25 years of age – will present some challenges to the system.

New employment legislation was due to follow the case of the Woolworths' workers in 2009. Yet there is still much to do: for example, the treatment of "employees in insolvency situations" emerges at the end of 2009, some 2 decades after the outcry that "something must be done" when the contractor constructing Queen's Valley reservoir went bust. In 2009 it appears to me that the Minister for Social Security and his Department have failed to progress major policy issues or to produce meaningful statistics in a timely fashion – so roll on 2010 and, hopefully, a significant improvement.

Health and Social Services

A Sub-Panel was established to review the co-ordination of services for vulnerable children. I wish to put on record my thanks to the other members – Deputies Geoff Southern, Roy Le Hérisier and Trevor Pitman – for the terrific amount of work they put in over an 18 week period, and over and above the call of duty. Although the basis of this review was the content of earlier work undertaken by Mr. Andrew Williamson,

I believe the Sub-Panel raised issues that will benefit young people and families in the short, medium and longer term.

There are many emerging issues within Health and Social Services that the Panel are aware of in 2009 that will continue to occupy their minds and require further attention to detail in 2010.

Members and Officers

Thanks are due to the Panel members: Deputy G.P. Southern of St. Helier for chairing the Income Support Sub-Panel and for his continued enthusiasm for the detail and effect of Income Support; he is assisted by other members, Connétable S.A. Yates of St. Martin, Deputy D.J. De Sousa of St. Helier, lay adviser Mr. Ed Le Quesne, Deputy T.A. Vallois of St. Saviour and Connétable D.W. Mezbourian of St. Lawrence, who recently joined the ranks, adding some valuable experience to the Panel.

The Panel is well supported by its Officers, who undertake a variety of tasks and duties to ensure the smooth running of the Panel, and on occasions are also supported by other members of the Scrutiny team. To each and every one of the above, I offer my sincere thanks for their time and effort on behalf of others.

Senator A. Breckon
Chairman, Health, Social Security and Housing Scrutiny Panel



Introduction

The work of the Panel encompasses Health and Social Services, Social Security and Housing. Now in its second term, the Panel was established on 21st November 2006 when the former Social Affairs Scrutiny Panel was split to form 2 new Panels: Education and Home Affairs; Health, Social Security and Housing (HSSH). Senator A. Breckon was elected Chairman of the HSSH Panel by the States, and Deputy G.P. Southern of St. Helier, Deputy D.J. De Sousa of St. Helier and Connétable S.A. Yates of St. Martin were appointed as members – Connétable D.W. Mezbourian of St. Lawrence joined the Panel in November 2009. The Panel subsequently elected Deputy Southern as Vice-Chairman.

The Panel undertook 2 major reviews in 2008: a Sub-Panel Review of the Co-ordination of Services for Vulnerable Children; and a Review of Income Support. Information and evidence for these reviews was gathered during Public Hearings and site visits; stakeholders and members of the public also submitted oral and written evidence in response to formal calls for evidence disseminated via print and broadcast media. In total, the Panel (and its appointed Sub-Panel) held 16 public hearings and 6 private hearings during 2008. Independent advisors were appointed on both reviews.

Aside from review-specific meetings, the Panel held 18 formal meetings in 2009.

Review of Income Support

The aim of the review was to examine the structure and delivery of the Income Support system. The Sub-Panel included Deputy G.P. Southern of St. Helier, Deputy D.J. De Sousa of St. Helier, Connétable S.A. Yates of St. Martin, Deputy T.A. Vallois of St. Saviour and 2 local advisers, Reverend G. Houghton and Mr. E. Le Quesne. The Sub-Panel received numerous private and professional submissions outlining areas of difficulty with the new system. The scale of the task faced by Social Security staff was recognised in the report, which made 32 recommendations for improvements to the system. Many of those recommendations focused on simplifying the system to increase ease and speed of access to the application for the benefit process. The review also considered access to Special Payments designed to help people with unforeseen circumstances that require emergency funding.

Review of the Co-ordination of Services for Vulnerable Children

The initial proposal to review the co-ordination of services for vulnerable children arose from the postponement of the debate on Projet P.17/2009 (*Williamson Report: Implementation Plan – Funding*), which concerned the fiscal and manpower changes proposed as a result of Mr. Andrew Williamson's report, *An Inquiry into Child Protection in Jersey*.

The Sub-Panel that was subsequently formed to undertake the review consisted of the following members: Senator A. Breckon (Chairman); Deputy T.M. Pitman of St. Helier (Vice-Chairman); Deputy R.G. Le Hérissier of St. Saviour; Deputy G.P. Southern of St. Helier. However, while drafting its terms of reference, the Sub-Panel decided that the scope of its review should allow for more than a mere analysis of the recommendations made in Williamson's report. Hearings, visits and research were

undertaken with a view to gaining the broadest possible understanding of the ways in which Jersey's services for vulnerable children are co-ordinated and, if such co-ordination was not apparent, the ways in which a more 'joined-up' approach could be encouraged.

Having received a large number of written and oral submissions, and having visited many public and private organisations and institutions, the Sub-Panel was able to arrive at certain evidence-based conclusions, which in turn led to a total of 38 recommendations in its final report, *Coordination of Services for Vulnerable Children* (S.R.6/2009). Chief among these recommendations were –

- The establishment of a Committee of Inquiry to investigate allegations of misconduct and incompetence within the management at the Health and Social Services Department and other relevant services.
- Guaranteed States funding for 7 charitable and voluntary organisations working with the Island's vulnerable children and parents; an increase in funding and FTEs in certain key States services, such as Child and Adolescent Mental Health Services (CAMHS).
- The allocation of dedicated social workers to the 4 States secondary schools; changes to the management structure of the Children's Service; the allocation of annual training grants to core, under-supported services, including Family Nursing and Home Care and The Bridge.

Review of Income Support Benefit Levels

In the latter part of 2009, the Panel agreed to undertake a review into Benefit Levels and established a Sub-Panel whose membership includes Deputy G.P. Southern of St. Helier (Chairman), Deputy T.A. Vallois of St. Saviour, Deputy D.J. De Sousa of St. Helier, Connétable S.A. Yates of St. Martin, Connétable D.W. Mezbourian of St. Lawrence and Mr. E. Le Quesne. The statistical part of the review will be undertaken by Dr. Martin Evans, Oxford University, Advisor to the Sub-Panel, and will examine how individuals and families are coping in today's difficult economic climate.

The Review will assess how the level and design of Income Support benefits interact with other areas of fiscal and social policy, while examining minimum standards of living and the impact of inflation on households below average income. The Sub-Panel is taking a different approach from previous Income Support reviews and is increasing its efforts with public engagement. In addition to printed and radio advertising calling for evidence and the use of a questionnaire, as well as various online public engagement strategies, a Scrutiny Officer will spend some time based at the Bridge to provide easier access for seldom heard groups.

Work Programme

The Panel continues to pursue issues arising from its report on the Long Term Care of the Elderly (presented to the States on 2nd December 2008).

The Panel is considering the following topics for inclusion in its 2010 Work Programme –

- Social Housing;
- Dental Health Services;
- Follow-up work on long-term care, elderly care and services;
- Issues related to: Health and Social Services; Social Security and unemployment.

4.2.6 Public Accounts Committee

Introduction



The primary functions of the Public Accounts Committee are defined under Standing Order 132 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 (C&AG).

Relationship with the Comptroller and Auditor General

The Public Accounts Committee and the C&AG are both independent, answerable only to the States Assembly. The C&AG 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 C&AG will be discussed by the Public Accounts Committee. The Committee will then decide whether the matters raised by the C&AG 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*.

The relationship between Scrutiny and the Public Accounts Committee

The Public Accounts Committee represents a specialised area of Scrutiny. Scrutiny Panels examine 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 (PAC) be ignored.

- The Public Accounts Committee operates under the Scrutiny Code of Practice. However, there are differences between the Public Accounts Committee and the Scrutiny Panels.
- Scrutiny Panels examine policy, while the PAC examines the implementation of policy with regard to the efficient spending of public funds. Scrutiny Panels look at policy going forward, while the PAC look retrospectively at how funds have been spent. The PAC is effectively the States' 'spending watchdog' and therefore has a broad remit across all States' departments.
- Unlike the other Scrutiny Panels, the PAC contains non-States members, who add valuable expertise from the private sector.
- The other main difference between Scrutiny and the PAC is that the PAC work very closely with the Comptroller and Auditor General.

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, Senator B.E. Shenton, also chairs the Chairmen's Committee, the body which co-ordinates the work of Scrutiny as a whole.

Structure

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.

Membership

The membership of the Public Accounts Committee during 2009 was as follows –

<i>States Members:</i>	<i>Independent Members:</i>
Senator B.E. Shenton, Chairman (elected 16th December 2008)	Mr. Alex Fearn
Connétable J.M. Refault of St. Peter, Vice-Chairman	Mr. Kevin Keen
Senator A. Breckon	Mr. Patrick Ryan
Deputy T.A. Vallois of St. Saviour (resigned 16th September 2009)	Mr. Martin Magee
Senator J.L. Perchard (appointed 21st September 2009)	
Connétable A.S. Crowcroft of St. Helier	

The States noted the resignation of Deputy T.A. Vallois of St. Saviour from the Public Accounts Committee on 21st September 2009. Senator J.L. Perchard was appointed as an elected member of the Committee by the States on 21st September 2009.

Meetings

The Public Accounts Committee held regular meetings at which it was given briefings by the Comptroller and Auditor General on his work programme.

In addition, the Committee also undertook the following Public Hearings –

In relation to Energy From Waste Plant – Foreign Exchange Risks

20th April 2009 – Senator P.F.C. Ozouf, Messrs. I. Black, J. Richardson, P. Paul and J. Pope

24th April 2009 – Mr. D. Hager

13th July 2009 – Mr. B. Ogley, Senator T.A. Le Sueur

In relation to the States of Jersey Accounts 2008

20th July 2009 – Messrs. M. Pollard, R. Pearson

21st July 2009 – Messrs. R. Bell, R. Lang, P. Harzo, I. Black, J. Turner, A. Taylor

Reports

During 2009, the Committee presented one Report to the States:

P.A.C.1/2009 Review of the Report by the Comptroller and Auditor General entitled 'Energy From Waste Plant – Foreign Exchange Risks'

Ongoing projects

At the end of 2009, the Committee was undertaking the following projects –

- (i) A review of the States' Financial Report and Accounts 2008. This report is due to be published in early 2010.
- (ii) A review of employee absence in the States of Jersey, pending a report by the C&AG.
- (iii) A review of the report by the C&AG entitled 'States Spending Review – Emerging Issues.
- (iv) A review into procurement.
- (v) A review into court and case costs.
- (vi) A review into the Public Finance Law and Financial Management in the States, which is awaiting further research by the C&AG.
- (vii) Research into the possibility of inter-Island co-operation between Guernsey and Jersey, building on the discussions during the visit to the Jersey Public Accounts Committee by the members of the Guernsey Public Accounts Committee on 18th May 2009.

Notable successes

Expanding the remit of the C&AG

On 9th April the PAC lodged a projet – P.54/2009 – which was adopted by the States unopposed on 17th June 2009 [votes *pour* – 39 and *contre* – 0]. It involved changes to the Public Finances (Jersey) Law 2005 which effectively expanded the remit of the C&AG in relation to companies that are wholly or majority-owned by the States of Jersey, with the exception of publicly quoted companies, to enable him to exercise similar functions in relation to these entities as those he exercises in relation to States-funded bodies.

Saving public funds with a stop loss policy

One of the recommendations in the *Energy From Waste – Foreign Exchange Risks* Report presented in August 2009 was the implementation of a stop loss policy. In September, PAC insisted that the policy was put in place to protect public funds in the event of a further drop in the pound. These safeguards came into effect very quickly as sterling dived again, and the stop loss levels were triggered. At the insistence of PAC, the euros were finally covered, saving (to date) over £500,000 of public funds.

Exposing a weakness in the Public Finances (Jersey) Law 2005

The Committee expressed its reservations regarding the extra £4 million the Treasury had requested in order to cover the eventuality of a swine-flu pandemic. It was feared that there was a danger that some or all of these funds could be used to cover previous shortfalls in general rather than for the purposes indicated. Furthermore, a weakness in the Public Finances (Jersey) Law 2005 means that it is possible to vote funds for one purpose and use them for another, and still be within the Law. Therefore the Committee submitted an Amendment to Proposition P.174/2009 regarding funding for (swine-flu) H1N1 and it was partially adopted on 3rd December 2009. The States agreed that the spending of the funds voted would be subject to scrutiny by the Public Accounts Committee.

4.3 2009 Scrutiny Matters: issues and developments

Chairmen's Committee

In order to better enable the Chairmen's Committee to perform its co-ordinating and overview rôle, revised procedures were put in place from the start of the year to ensure all relevant Panel information and documentation was centralised through the Chairmen's Committee. Panels have the opportunity of voicing any concerns or passing on initiatives in respect of overarching scrutiny matters to the Committee through this process. This affords Panels the time to dedicate to specific reviews within the terms of reference for Scrutiny Panels as detailed in Standing Order 136.

The Committee is now informed on an immediate basis of all review scoping documents and Terms of Reference and on a monthly basis of the following matters for each Panel and latterly, inclusive of the Public Accounts Committee² –

- Updates on ongoing reviews;
- Planned fact-finding visits;
- Matters considered for review and rejected with reasons;
- Planned reviews;
- Conflicts of interest by Chairmen and/or Members;
- Progress vis-à-vis the Annual Work Programme;
- Review evaluations;
- Ministerial Responses;
- All overarching scrutiny matters;
- Expenditure.

Briefing notes from the Chairmen's Committee meetings are circulated to all Scrutiny members individually as soon as is practically possible following Chairmen's Committee meetings and are also placed on Panel agendas in order to keep Members abreast of the work of the Committee.

It also receives bi-annual updates on which of the Panels' terms of reference (SO 136) have been fulfilled; and information about which departments have been subjected to Scrutiny to ensure a fair measure is being undertaken across the full range of ministerial departments during the full lifetime of the Panel.³

The table below shows the Scrutiny which has been undertaken and completed per Ministerial Department up to the year end 2009, although much other work has been ongoing during 2009 which has not yet been completed and presented to the States.

² Since dedicated officer support has been provided within the Scrutiny Section.

³ Code of Practice 4.3.

Completed Reports and Comments per Department @ 2009 year end

Chief Minister's	WEB
	Population Policy [S.R.3/2009]
	Draft Annual Business Plan 2010 (P.117/2009) [S.R.8/2009]
	Jersey Development Company [S.R.9/2009]
Economic Development	Draft Companies (Amendment No. 10) (Jersey) Law 200- [Comments]
	Depositor Compensation Scheme [S.R.10/2009]
Education, Sport and Culture	Fort Regent [S.R.11/2009]
Health and Social Services	Coordination of Services for Vulnerable Children [S.R.6/2009]
Home Affairs	Prison Board of Visitors [S.R.7/2009]
	Draft Sex Offenders (Jersey) Law 200- (P.132/2009) [Comments]
Housing	
Planning and Environment ⁴	
Social Security	Income Support [S.R.5/2009]
Transport and Technical Services	Funding Waste Recycling [S.R.12/2009]
Treasury and Resources	Deemed Rent [S.R.2/2009]
	Economic Stimulus Plan [S.R.4/2009 and Comments]
	Draft Annual Business Plan 2010 (P.117/2009) [S.R.8/2009]
	Environmental Tax proposals – Budget Statement 2010 (P.179/2009) and amendments [Comments]

Note: The Code of Practice for Scrutiny Panels and the Public Accounts Committee 4.3 states that each Panel has the responsibility of ensuring that a fair measure of scrutiny is undertaken across the full range of ministerial departments within its remit during the course of the lifetime of the Panel.

⁴ Work in relation to Planning and Environment, review work has been ongoing throughout the year on the Ramsar site.

Although the Committee has no powers to control the work of the individual Panels, it does consider duplication of potential work, establishing cross-working Sub-Panels to avoid overlap as appropriate.

Code of Practice for Scrutiny Panels and the Public Accounts Committee

On 9th March 2009, the Chairmen's Committee lodged an amendment to the above Code to bring it in line with the Standing Orders of the States of Jersey adopted by the States on 21st October 2008. The amendments to the Code were adopted by the States on 28th April 2009.

The first amendment deleted the words "Two additional members are appointed by the States on the nomination of the President of the Chairmen's Committee" which meant that the Chairmen's Committee comprised the 5 Panel Chairman and the Chairman of the Public Accounts Committee only.

The second amendment included the addition of the power of co-option of a Member to a main Panel which had also been adopted by the States by its Act of 21st October 2008. This has been beneficial to Panels and the amendment has now been taken advantage of on 3 occasions during 2009.

Budget

The Scrutiny budget was centralised at the start of 2009, as opposed to being divided up in equal amounts between Panels. This has led to a more manageable system and more accurate financial reporting with more detailed information being available. Estimates of review costs are included in the preparatory scoping document, which takes into account funding for all potential elements of a review: adviser (fees and expenses), fact-finding visits, transcription costs, etc. As all scoping documents are forwarded to the Chairmen's Committee and the Committee is updated on all budgetary changes, it is able to fulfil its rôle of overseer of prioritisation and allocation of financial resources.

Review expenditure is monitored constantly and Panels and the PAC also receive quarterly financial reports regarding their respective review expenditure and any other Panel/PAC expenditure. The Chairmen's Committee receives quarterly financial reports for all Panels and the PAC, which show review estimates against actual review expenditure, Panel expenditure and totals and any other general expenditure for such matters as the Scrutiny Matters Newsletter, training, etc.

The Chairmen's Committee also reviewed and revised its Travel and Subsistence Policy in accordance with Financial Direction 5.2 and verified that this was in line with other Ministerial Departments.

On 20th October 2009, following a question from Deputy J.A.N. Le Fondré of St. Lawrence in the States Assembly, the President of the Chairmen's Committee agreed to undertake to produce a brief annual report setting out all travel and entertainment expenses incurred by the Public Accounts Committee and the Scrutiny Panels for 2009 and annually thereafter, to mirror the report that is now published annually by the Chief Minister in relation to the expenses of Ministers and Assistant

Ministers. Expenditure per Panel and a report setting out all travel and entertainment expenses incurred are included at Appendix F.

Other matters considered

During the year the Committee has considered a number of matters, other than the above, which affect the ability of Scrutiny to carry out a thorough and efficient job. These include (listed alphabetically) –

- Access to all Ministerial Decisions;
- Accessibility of Scrutiny to Part B Council of Ministers' documentation;
- Appointment of Assistant Ministers before Scrutiny Chairmen;
- Appropriateness and practicability of all newly-elected Members serving first on Scrutiny rather than being elected directly to the post of Assistant Minister or Minister;
- Confidentiality of Ministerial Departments' documentation: blanket confidentiality statements;
- Difficulties of the Health, Social Security and Housing Scrutiny Panel to scrutinize 3 large Ministerial Departments;
- Executive requests for representatives from Scrutiny on Executive Boards;
- Footage of Scrutiny meetings/hearings by members of the public P.112/2009 – withdrawn;
- Legal advice – internal versus external;
- Legislative scrutiny;
- Number of non-Executive Members not involved in Scrutiny;
- Rôle and workload of Assistant Ministers and their inability in accordance with Standing Orders to serve on Scrutiny Panels or Sub-Panels;
- Scrutiny of the Strategic Plan;
- Training for Scrutiny Members.

Some of these matters have been discussed at the 4 joint meetings that have been held between the Council of Ministers and the Chairmen's Committee.

Questions in the States

There were 7 questions in the States which were asked of Scrutiny, 4 oral and 3 written. Four of these questions related to the ongoing situation of members of the public being allowed to video Scrutiny proceedings; one regarding the number of times each of the Scrutiny Panels had met and the number of minutes outstanding as at 20th November 2009; and one requesting that all travel and entertainment expenses incurred by Panels and the Public Accounts Committee be set out in a report. Another one was asked of the Chairman of the Health, Social Security and Housing Scrutiny Panel as to whether it was envisaged that the Committee of Inquiry proposed by the Panel in relation to management of the Health and Social Services Department would include evidence of senior police officers.

Public Engagement

Scrutiny Matters newsletter

The Committee agreed at the start of 2009 that it would continue with the Scrutiny Matters newsletter during 2009 and produced edition 4 in the spring. This was the first time Scrutiny had asked for public feedback to the newsletter and the number and content of the responses were, in the main, pleasing. The questionnaire asked whether the newsletter was useful, whether there was anything which should be changed and which areas were the most interesting. Out of the feedback responses received, only 2 were negative, a few gave constructive suggestions for improvement, and the majority were very complimentary. Also, a number of the public wrote in about specific Panel work as they wished to contribute.

The second newsletter of 2009, edition 5, was issued in autumn 2009. This too, invited the public to write in, but this time in respect of the specific review topics which had been included in the newsletter. This also resulted in a number of submissions, although it is not always possible to determine whether a submission is a direct result of the newsletter unless the submitter has so stated.



Deputy D.J. De Sousa of St. Helier with students from the Jersey College for Girls

Citizenship Programme

This was the third time Scrutiny had ventured into schools. Following the success of previous years, more schools had requested to take part in this innovation. During 2009, as in the previous year, the same 4 States secondary schools and Hautlieu took part, but Jersey College for Girls and Victoria College also expressed an interest.

Victoria College agreed to observe proceedings to prepare for its involvement in future years, and Jersey College for Girls took part for the first time. Unfortunately, due to a prolonged States Sitting during the week scheduled for the Citizenship project to take place at Les Quennevais and Haute Vallée, these had to be cancelled, although Les Quennevais went ahead without political involvement. Consequently during 2009, the Citizenship Project ran successfully in Grainville, Le Rocquier, Hautlieu and Jersey College for Girls.

Due to the large time commitment required on the part of Scrutiny members to attend all the participating schools, it was agreed with the Council of Ministers on 23rd July 2009, that in future years this would include more Executive members, especially as some Executive members had now also served on Scrutiny.

Combining the Citizenship Programme and the Scrutiny Matters newsletter, it was pleasing to receive a contribution from one of the participating pupils about the Citizenship Programme to include on the front page of the newsletter, another means of encouraging public involvement with Scrutiny.

Home and Life Exhibition

Noting that Scrutiny had had a stand at the above Exhibition during 2008, which continuing Scrutiny members had believed to be beneficial in terms of public engagement, the Committee reserved a stand for the forthcoming 2010 exhibition.

Use of expert advisers

The use of expert advisers has increased during 2009, with all Panels having employed one or more advisers at some stage for reviews. One Panel has also enlisted advice from Island residents, some of whom have been prepared to offer their services free of charge. Expenditure incurred on advisers for the Scrutiny function during 2009 is shown in Appendix D.

Legislative scrutiny

Concern has been expressed in previous Annual Reports about the limited amount of legislative scrutiny that takes place. Panels have been very “topic-focussed” and, whilst this should and does play a large part of the focus of Scrutiny work, the Committee remains aware that there is need for an increase in legislative scrutiny. During 2009, some legislative scrutiny took place, namely –

1. *Corporate Services Scrutiny Panel [S.R.2/2009]:*

Deemed Rent – Article 115(g) within the Draft Income Tax (Amendment No. 32) (Jersey) Law 200- (P.161/2008), which was withdrawn by the Minister for Treasury and Resources on 24th March 2009.

2. *Economic Affairs Scrutiny Panel [P.185/2008 Com.]:*

- (a) Draft Companies (Amendment No. 10) (Jersey) Law 200- (P.185/2008) [Comments].
- (b) Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 200- (P.58/2009) [ongoing – see Economic Affairs Scrutiny Panel Report].

3. *Education and Home Affairs Scrutiny Panel [P.132/2009 Com.]:*

Draft Sex Offenders (Jersey) Law 200- (P.132/2009) [Comments].

The Committee recognises that, whilst the examination of 4 pieces of legislation throughout a one-year period is a start, it is not substantial and consideration needs to be given as to how this term of reference is fulfilled whilst maintaining a balance with other Scrutiny work.

SCRUTINY APPENDICES

- A: Panel and Public Accounts Committee 2009 completed reviews – dates and costs
- B: Other Scrutiny Panels and Public Accounts Committee work 2009
- C: Composition of Scrutiny Panels and Sub-Panels for all reviews commenced in 2009
- D: Scrutiny Expenditure as at 31st December 2009
- E: Completed work relating to Panels' Terms of Reference as at year end 2009
- F: Scrutiny Section Travel and Entertainment Costs for 2009

Panel and Public Accounts Committee 2009 completed reviews – dates and costs

Panel	Review	Start Date	Report Date	Costs
Corporate Services	Waterfront Enterprise Board (P.12/2009)	30/01/09	18/03/09	£366
	Deemed Rent (P.161/2009)		23/03/09	£359.32
	Migration and Population (Population Policy)	04/03/09	01/06/09	£8,599.48
	Economic Stimulus Plan		10/06/09	£15,310.70
	Draft Annual Business Plan		16/09/09	£261.00
	Jersey Development Company	07/07/09	02/10/09	£19,750.30
Economic Affairs	Depositor Compensation Scheme		19/10/09	£20,326.36
Education & Home Affairs	Prison Board of Visitors	11/03/09	18/08/09	£5,197.22
	Fort Regent	19/02/09	02/11/09	£10,909.57
Environment	Funding Waste Recycling	17.06.09	03.12.09	£180
Health, Social Security and Housing	Review of Income Support	22.01.09	10.07.09	£3,475.85
	Coordination of Services for Vulnerable Children	07.04.09	27.07.09	£9,653.05
Public Accounts Committee Completed Review 2009				
Public Accounts Committee	Energy From Waste Foreign Exchange Risks	09.04.09	10.08.09	£840

APPENDIX B

Other Scrutiny Panel and Public Accounts Committee Work 2009

This includes comments presented to the States and all other work commenced in 2009 but not yet completed.

Panel	Review	Start Date	Targeted Report Date/Comments	Costs to date
Corporate Services	Economic Stimulus Plan (P.55/2009)		Comments presented 18/05/09	none
	Forecasting of Expenditure	¹		£14,011.50
	Economic Stimulus Package 2			£7,611.10
	Migration			£5,008.28
Economic Affairs	Draft Companies (Amendment No. 10) (Jersey) Law 200-		Comments presented 24/02/09	none
	Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 200-			£2,373.97
Education & Home Affairs	Draft Sex Offenders (Jersey) Law 200- (P.132/2009)		Comments presented 05/10/09	none
	School Suspensions	24/07/09	January 2010	£4,462.11
	Higher Education Fees	02/11/09	March 2010	£1044.00
Environment	Environmental Taxation	10/10/09	07.12.09 (Comments presented on Budget)	£237.50
	Energy Efficiency in States Buildings	29/04/09	Deferred to 2010	£331
	Energy from Waste Plant and Ramsar: Review of Planning Process	23/01/09	Mid-Jan 2010	£22,089.63
Health, Social Security & Housing	Review of Benefit Levels	09/10/09	July 2010	£1,451.99
Public Accounts Committee	Financial Report and Accounts			
	Absence Management			£508.80
	Procurement			

¹ Although this review was started, it was then withdrawn by the Assistant Minister for Economic Development and the Panel suspended its review to consider the Depositor Compensation Scheme, resuming with this review after the DCS had been debated.

APPENDIX C

Composition of Panels and Sub-Panels for all reviews commenced in 2009

Chairmen's Committee
Senator B.E. Shenton – President
Deputy R.G. Le Hérisssier of St. Saviour – Vice-President
Senator A. Breckon
Senator S.C. Ferguson
Deputy M.R. Higgins of St. Helier
Deputy P.J. Rondel of St. John
Corporate Services Panel
Senator S.C. Ferguson – Chairman
Deputy C.H. Egré of St. Peter – Vice-Chairman
Connétable D.J. Murphy of Grouville
Deputy T.A. Vallois of St. Saviour
Corporate Services – Migration Sub-Panel
Senator S.C. Ferguson – Chairman
Deputy T.A. Vallois of St. Saviour – Vice-Chairman
Deputy C.F. Labey of Grouville
Deputy D.J. De Sousa of St. Helier
Corporate Services – Forecasting of Expenditure Sub-Panel
Senator S.C. Ferguson
Connétable D.J. Murphy of Grouville
Deputy R.G. Le Hérisssier of St. Saviour
Corporate Services – Jersey Development Co Sub-Panel
Deputy C.H. Egré of St. Peter – Chairman
Deputy D.J. De Sousa of St. Helier – Vice-Chairman
Senator S.C. Ferguson
Connétable S.A. Yates of St. Martin
Deputy T.A. Vallois of St. Saviour
Corporate Services – Economic Stimulus [Co-optee]
Senator S.C. Ferguson – Chairman
Deputy C.H. Egré of St. Peter – Vice-Chairman
Connétable D.J. Murphy of Grouville
Deputy T.A. Vallois of St. Saviour
Deputy M.R. Higgins of St. Helier (co-optee)
Health, Social Security and Housing
Deputy A. Breckon – Chairman
Deputy G.P. Southern of St. Helier – Vice-Chairman
Connétable S.A. Yates of St. Martin
Connétable D.W. Mezbourian of St. Lawrence (appointed 06.10.09)
Deputy D.J. De Sousa of St. Helier
Health, Social Security and Housing – Income Support Sub-Panel
Deputy G.P. Southern of St. Helier – Chairman
Connétable S.A. Yates of St. Martin
Deputy D.J. De Sousa of St. Helier
Deputy T.A. Vallois of St. Saviour
Connétable D.W. Mezbourian of St. Lawrence
Health, Social Security and Housing – Co-ordination of Services for Vulnerable Children Sub-Panel
Deputy A. Breckon – Chairman
Deputy S. Pitman of St. Helier – Vice-Chairman
Deputy R.G. Le Hérisssier of St. Saviour
Deputy G.P. Southern of St. Helier
Health, Social Security and Housing – Review of Benefit Levels Sub-Panel
Deputy G.P. Southern of St. Helier – Chairman
Connétable S.A. Yates of St. Martin
Connétable D.W. Mezbourian of St. Lawrence
Deputy D.J. De Sousa of St. Helier
Deputy T.A. Vallois of St. Saviour

Public Accounts Committee
Senator B.E. Shenton (appointed 12.12.08)
Connétable J.M. Réfault of St. Peter (appointed 16.12.08)
Senator J.L. Perchard (appointed 21.09.09)
Senator A. Breckon (appointed 24.02.09)
Connétable A.S. Crowcroft of St. Helier (appointed 20.01.09, resigned 19.01.10)
Deputy T.A. Vallois of St. Saviour (appointed 16.12.08, resigned 21.09.09)
Mr. M.P. Magee (appointed 20.01.09)
Mr. P.J.D. Ryan (appointed 20.01.09, resigned 23.02.10)
Mr. K. Keen (appointed 20.01.09)
Mr. A. Fearn (appointed 24.02.09)
Economic Affairs
Deputy M.R. Higgins of St. Helier – Chairman
Deputy C.F. Labey of Grouville – Vice-Chairman
Deputy D.J.A. Wimberley of St. Mary
Deputy S. Pitman of St. Helier
Deputy J.M. Maçon of St. Saviour
Economic Affairs – Depositor Compensation [Co-optee]
Deputy M.R. Higgins of St. Helier – Chairman
Deputy C.F. Labey of Grouville – Vice-Chairman
Deputy D.J.A. Wimberley of St. Mary
Deputy S. Pitman of St. Helier
Deputy J.M. Maçon of St. Saviour
Deputy G.P. Southern of St. Helier (co-optee)
Education and Home Affairs
Deputy R.G. Le Hérisssier of St. Saviour – Chairman
Connétable G.F. Butcher of St. John (resigned 23.02.10)
Deputy T.M. Pitman of St. Helier
Deputy M. Tadier of St. Brelade
Education and Home Affairs – Fort Regent [Co-optee]
Deputy R.G. Le Hérisssier of St. Saviour – Chairman
Connétable G.F. Butcher of St. John
Deputy T.M. Pitman of St. Helier
Deputy M. Tadier of St. Brelade
Deputy T.A. Vallois of St. Saviour (co-optee)
Education and Home Affairs – Prison Board of Visitors Sub-Panel
Deputy M. Tadier of St. Brelade
Deputy T.M. Pitman of St. Helier
Connétable J.L.S. Gallichan of Trinity
Education and Home Affairs – Schools Suspensions Sub-Panel
Deputy T.M. Pitman of St. Helier – Chairman
Connétable G.F. Butcher of St. John
Deputy M. Tadier of St. Brelade
Deputy J.M. Maçon of St. Saviour
Education and Home Affairs – Higher Education Fees Sub-Panel
Deputy M. Tadier of St. Brelade – Chairman
Deputy R.G. Le Hérisssier of St. Saviour
Connétable G.F. Butcher of St. John
Deputy S. Pitman of St. Helier
Environment
Deputy P.J. Rondel of St. John – Chairman
Connétable J.M. Réfault of St. Peter
Deputy P.V.F. Le Claire of St. Helier (joined 21.09.09)
Deputy D.J.A. Wimberley of St. Mary - Vice-Chairman
Environment RAMSAR [Co-optee]
Deputy P.J. Rondel of St. John – Chairman
Connétable J.M. Réfault of St. Peter
Deputy D.J.A. Wimberley of St. Mary - Vice-Chairman
Connétable P.F.M. Hanning of St. Saviour (co-optee)

APPENDIX D

SCRUTINY EXPENDITURE AS AT 31st DECEMBER 2009					
Panel	Reviews	Review expenditure	Adviser Expenditure	Panel Expenditure	Total expenditure
Corporate Services Panel	WEB	366.00	0.00		
	Deemed Rent	359.32	0.00		
	Financial Forecasting	14,011.50	13,500.00		
	Migration	8,599.48	6,525.00		
	Economic Stimulus	15,310.70	13,752.00		
	Jersey Development Company	19,750.30	16,440.00		
	Economic Stimulus 2	8,611.10	7,000.00		
	Annual Business Plan	261.00	0.00		
<i>Total Corporate Services spend</i>		67,269.40	57,217.00	1,773.50	69,042.90
Economic Affairs Panel	Tourism PPP	940.80	0.00		
	Sea Fisheries Bag Limits	2,373.97	0.00		
	Depositor Compensation	20,326.36	15,400.00		
	Annual Business Plan	0.00	0.00		
<i>Total Economic Affairs spend</i>		23,641.13	15,400.00	1,484.00	25,125.13
Education and Home Affairs Panel	Fort Regent	10,909.57	6,720.00		
	Prison Board of Visitors	5,197.22	3,500.00		
	Schools Suspension	4,462.00	0.00		
	Annual Business Plan	224.00	0.00		
	Higher Education Fees	1,044.00	0.00		
	Draft Sex Offenders (Jersey) Law	843.40	0.00		
	<i>Total Education and Home Affairs spend</i>		22,680.19	10,220.00	1,205.00
Environment Panel	Ramsar	22,089.63	19,572.00		
	Energy Efficiency	331.00	0.00		
	Annual Business Plan	224.00	0.00		
	Waste Recycling	180.00	0.00		
	Environmental Taxes	237.50	0.00		
	<i>Total Environmental spend</i>		23,062.13	19,572.00	1,554.21
Health, Social Security and Housing Panel	Income Support	3,475.85	0.00		
	Children's Services	9,653.05	5,428.00		
	Annual Business Plan	700.00	0.00		
	Long Term Care	0.00	0.00		
	Benefit Levels	1,451.99	1,200.00		
	<i>Total Health, Social Security and Housing spend</i>		15,280.89	6,528.00	965.00
Total Public Accounts Committee spend	n/a	0.00	975.00	3,001.82	3,001.82
Panel expenditure includes costs for Transcription, Advertising and Conference fees.					
Office Administration	Facilities Hire	100.00			
	Books	357.70			
	Meals	3,998.65			
	Fees- Training	21,998.35			
	Hotel	2,857.36			
	Travel	3,479.71			
	Postage	123.88			
	Transcription	144.00			
	Advertising (newsletter)	19,888.52			
	Promotional (Home and Lifestyle Exhibition)	1,080.00			
	Miscellaneous	385.60			
Total Office Administration				54,413.77	54,413.77
Totals					216,331.04
Total budget		501,600.00			
Total actual spend		221,131.04			
Balance		280,468.96			

Completed work relating to Panels' Terms of Reference as at year end 2009

Terms of Reference	Panels				
	Corporate Services	Economic Affairs	Health, Social Security and Housing	Education and Home Affairs	Environment
Matters of public importance	Population Policy		Co-ordination of Services for Vulnerable Children	Prison Board of Visitors	Energy from Waste Plant and Ramsar: Planning process (Report published January 2010)
	Migration (ongoing) Overseas Aid (ongoing)		Income Support	Fort Regent School Suspensions (ongoing)	Energy Efficiency in State's Buildings (to be continued in 2010)
	Population Policy Waterfront Enterprise Board Economic Stimulus Plan	Depositor Compensation Scheme		Draft Sex Offenders (Jersey) Law 200-	Sustainable Transport Policy (public consultation extended)
Existing policy			Income Support	Prison Board of Visitors Higher Education Fees (ongoing)	
Draft Laws	Deemed Rent proposals Migration (ongoing)	Draft Companies (Amendment No. 10) Jersey Law 200- 24th Feb			Building Bye-Laws (ongoing)
Subordinate enactments					
International conventions					
Annual Business Plan (Strategic Plan) & Budget					Funding Waste Recycling Environmental Taxes

APPENDIX F

Scrutiny Section Travel and Entertainment Costs for 2009

	Travel (including accommodation) £	Entertainment £	Total £
Economic Scrutiny			
Panel	327.63	0.00	327.63
Advisers	3,114.36	335.35	3,449.71
Health, Social Security and Housing Scrutiny			
Panel	320.43	0.00	0.00
Advisers	1,530.72	210.85	1,741.57
Corporate Services Scrutiny			
Panel	171.98	0.00	171.98
Advisers	4,037.91	0.00	4,037.91
Education and Home Affairs Scrutiny			
Panel	949.60	172.93	1,122.53
Advisers	3,567.34	53.50	3,620.84
Environment Scrutiny			
Panel	86.96	0.00	86.96
Advisers	1,189.09	185.28	1,374.37
Public Accounts Committee			
Panel	17.90	297.30	315.20
Total for Travel and Entertainment:			£16,248.70

5. THE STATES GREFFE



5.1 Committee Clerks' Section

This is a small but strong team comprising 3.6 FTE staff which undertakes a range of activities.

Firstly they provide professional clerking support to the Council of Ministers, certain committees appointed by the States and a number of other States appointed bodies. Their work includes reviewing and printing agendas, providing any procedural advice on behalf of the Greffier of the States either in advance of, or at, the meeting, attendance at meetings and preparation of a robust record of decisions made at the meeting after consulting all relevant documents and legislation. Draft minutes are available within 5–10 days of a meeting, and departments are then given the opportunity to provide a quality assurance service in relation to any technical detail, if appropriate. Distribution of minutes occurs once that has taken place, and the timing of circulation therefore varies, from a few days later in some cases, to several weeks in others.

Commencing in 2009, the 'Committee of Inquiry: Reg's Skips Limited – Planning Applications' has been provided with an executive and secretarial service internally by a Committee Clerk, achieving a financial saving, and benefiting from the team being able to cover the full range of activity, including liaison for all departments, so as to provide appropriate cover.

The Clerks serve as liaison officers to departments, and will provide procedural advice in relation to the work of the States Assembly as required. They regularly research archived minutes and the Official Report ('Hansard') on behalf of

departments, and are sometimes requested to research current minutes and other documents where the department cannot locate required information.

The number of meetings for 2009 is shown in the following table –

	2007	2008	2009
Commission Amicale	2	2	1
Council of Ministers	30	32	26
Criminal Injuries Compensation Board	2	6	4
Legislation Advisory Panel	7	5	5
Manual Workers' Joint Council	3	6	3
Migration Advisory Group	5	8	14
Overseas Aid Commission	35	36	29
Planning Applications Panel	26	14	12
Planning Hearings (Minister for Planning and Environment)	16	15	11
PPC Sub-Panel on Complaints	5	0	0
Privileges and Procedures Committee	29	29	47
PPC Public Elections Working Party	n/a	n/a	2
Media Working Party	n/a	n/a	2
Probation Board	6	6	6
Public Accounts Committee	14	15	10*
States Employment Board (+ 2 Hearings)	12	19	24
Tourism Development Fund Advisory Panel	5	4	6
Civil Service Forum	–	–	1
TOTAL	<i>197</i>	<i>197</i>	<i>203</i>

* The Clerk to the PAC was a member of the Clerks' team until 30th August 2009 only. A new post was then created and now sits with the Scrutiny team.



The Committee Clerks team

5.2 Ministerial Decisions

Ministerial Decisions (MDs) are reviewed by the States Greffe in a 2-stage process to mirror the checking process of minutes. The Clerks carry out the first level of the quality assurance service, primarily to identify matters required for presentation/notification or lodging in the States – a process that appears not to be fully understood within other departments. While it remains the responsibility of the originating department, there are a number of checks that the Clerk will need to make and to give advice upon –

- (i) Review language for absolute clarity to ensure robustness in the event of a legal challenge;
- (ii) Check legal references on www.jerseylaw.je and prompt department concerned to insert reference if absent;
- (iii) Check policy references by consulting policy documents or earlier decisions and minutes;
- (iv) Check whether the signatory is authorised to sign (check relevant legislation and delegation of functions reports to the States);
- (v) Check supporting documents and written report content;
- (vi) Check that the Decision Summary contains all the necessary information;
- (vii) Check that the Decision is either public or correctly exempted from disclosure in accordance with the States' decision to request the Greffier of the States to take the necessary steps to ensure that all matters recorded in Part B items are properly exempt from disclosure in accordance with the provisions of the Code of Practice on Public Access to Official Information;
- (viii) Make minor amendments; refer matters back to the department for correction or further consideration and, for more substantial items, issue side e-mails and make telephone calls.

Where a Clerk is unavailable another Clerk will deputise for them in relation to MDs to ensure prompt return.

The second stage of the process is that the Deputy Greffier, or in her absence the Greffier or Assistant Greffier, review every Decision and Comment, having regard to procedural matters (this review may entail further research as described under (i) to (viii) above), to provide an overarching view of all Decisions, and to endeavour to maintain some consistency across States' departments.

Department	Number of Ministerial Decisions			
	2006	2007	2008	2009
Chief Minister	58	75	38	100
Economic Development	231	233	242	231
Education, Sport and Culture	78	56	25	23
Health and Social Services	67	86	63	68
Home Affairs	87	85	90	121
Housing	84	87	122	109
Planning and Environment	241	332	281	199
Property Holdings	110	107	99	94
Social Security	67	93	88	77
States of Jersey Police	4	1	1	–
Transport and Technical Services	98	119	116	116
Treasury and Resources	134	140	149	223
TOTAL	1,259	1,414	1,314	1,361

For some departments there are relatively few decisions being recorded. An increasing number of Ministerial Decisions in 2009 relate simply to budget transfers to comply with financial procedures (especially in relation to Generally Accepted Accounting Practice – GAAP – accounting). This is particularly evident by the increase in decisions made by the Minister for Treasury and Resources, but affects all Ministers.

What it is not possible to assess is whether all decisions that should be recorded indeed have been. This is a matter for the departments themselves. There do seem to be gaps – for example, it appears that the only Minister to approve the allocation of his Department’s 2010 cash limit and its submission to the Annual States Business Plan 2010 by Ministerial Decision was the Minister for Home Affairs. The guidelines issued by the Chief Minister’s Department make it clear that a Ministerial Decision is required concerning “A decision to approve a draft budget for forwarding to the Council of Ministers and the States”. The guidelines, which were re-circulated to all departments in January 2009, reiterate what was included in R.C.80/2005 “Recording of Ministerial decisions”. It is possible that there are other inconsistencies, for example relating to “A decision on a matter of policy that does not need to be referred to the Council of Ministers or the States” (R.C.80/2005). Similarly, the grant of permission to do something requires a Ministerial Decision, as indeed does a decision

not to grant a request or application. The recording of Ministerial Decisions is now a matter for Ministers themselves, and the quality assurance procedure carried out by the States Greffe reviews only that which has been recorded.

The Ministerial Decisions process using Livelink allows departmental staff to prepare decisions in draft in advance of the time that a decision needs to be made, the quality assurance process to take place, and then to place the decision before the Minister or Assistant Minister in an orderly fashion. All decisions are checked by the States Greffe within 24 hours, and usually within half a day. However, it can be difficult to turn these around within an hour at the request of departments, not least because the transfer of a Ministerial Decision from one officer to another in the computer programme used can take 15 minutes in each direction.

5.3 Training

Despite the thorough 2-stage review, the standard of recording of decisions remains somewhat variable. The Chief Minister's Department arranged training for officers across the States of Jersey which was delivered by the States Greffe, in conjunction with H.M. Attorney General and the Law Draftsman. The training took place on 3 occasions in 2009, and was designed to inform departmental officers involved in recording Ministerial Decisions about important procedural considerations and to improve the standard of recording of decisions. There is a continuing need to offer training in this area and to ensure that departments understand the importance of robust recording of all decisions taken at a political level. In some cases, there are surprisingly few Ministerial Decisions; in others, despite giving advice, the advice is not taken. In some instances, decisions do not comply with a legal requirement, such as the Standing Orders of the States of Jersey. Some decisions are not submitted for quality assurance at all, and are signed, occasionally with defects. The content and accuracy of Ministerial Decisions are matters for the Minister or Assistant Minister signing them, and the States Greffe is not in a position to re-write decisions, so invariably some will only meet a minimum standard. There remains a cultural problem surrounding Ministerial Decisions, where the process is not given sufficient importance in some cases, reflected in the quality of the record of decisions. This may be occurring because the person tasked with inputting the text of the decision does not have the necessary experience, or because the instructing officer prepares such decisions rarely and has received little or no guidance. There is a continuing sense of frustration about this process, and it is difficult to see what can be done to improve this.

From July 2009, the States Greffe has started to keep statistics regarding instances where advice is not considered to review the extent of the problem. During the 6 month period, out of a total of 682 decisions, only 19 appeared not to comply with Standing Orders. Considerable time has been spent, however, in reviewing decisions to try and ensure that such non-compliance with legal instruments does not occur.

5.4 Access to Information

All decisions, whether taken by the Minister or delegated by a Minister to an Assistant Minister or to an officer, remain a decision of the Minister in law. Given that some departments do not record high numbers of decisions made by the Minister or Assistant Minister, it is assumed that the delegation of functions to officers must cover all the remaining decisions made by officers. On 8th June 2004, prior to the introduction of ministerial form of government and the provision in the States of Jersey Law 2005 to delegate decisions, the States decided to revise the Code of Practice on Public Access to Official Information to include the following paragraph –

“3.1.1 (a) an authority shall grant access to all information in its possession, and Committees of the States, and their sub-committees, shall make available before each meeting their agendas, and supplementary agendas, and grant access to all supporting papers, ensuring as far as possible that agenda support papers are prepared in a form which excludes exempt information, and shall make available the minutes of their meetings,”;

and the Greffier was requested to ensure that all matters recorded in Part B minutes were properly exempt from disclosure. Clearly, it is not possible to review that which does not come to the Greffier’s attention because it is not recorded within the Ministerial Decisions procedures. The level of recording of decisions at officer level is a matter for departments, as will be their ability to carry out their own detailed research in the future as the States Greffe will no longer be able to assist in respect of documents it does not hold.

5.5 Official Report (‘Hansard’)

Since the change to the ministerial machinery of government, the number of States’ meetings days has increased from 38 in 2006 to 60 in 2009. This has had a corresponding impact on the Committee Clerks, led by the Senior Committee Clerk, who read the transcripts on their return from the transcribers and check the drafts, carrying out any necessary light editing, as it represents a 58% increase in workload. The Clerks can provide individual States’ members on request with an unedited version of the transcript if required. This usually arrives 5 working days after the meeting.

Official Report	2006	2007	2008	2009
No. of States’ meeting days	38	43	51	60



5.6 British-Irish Parliamentary Reporting Association (BIPRA)

The Annual Conference of the British-Irish Parliamentary Reporting Association (BIPRA) was held in the Island in August 2009 during the States' recess, organised by the Senior Committee Clerk, as the primary link on Hansard matters, and Greffe staff. This involved nearly 40 'Hansard' and Official Report editors, reporters and other staff from all over the British Isles and the Republic of Ireland.

The Conference was officially opened in the States Chamber by the Bailiff, Mr. Michael Birt (being one of his first official engagements following his appointment to that office), together with the Chief Minister. The Conference considered the compilation and production of the various official parliamentary reporting publications in the member jurisdictions of the House of Commons, the House of Lords, the Northern Ireland Assembly, the Scottish Parliament, the National Assembly for Wales, the Houses of the Oireachtas (Dublin), Tynwald (Isle of Man) and the States of Jersey.



5.7 States Assembly Information Centre

The States Assembly Information Centre (formally ‘States Greffe Bookshop’) provides designated display areas for the work of the States Assembly, Scrutiny, the Public Accounts Committee, the 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.

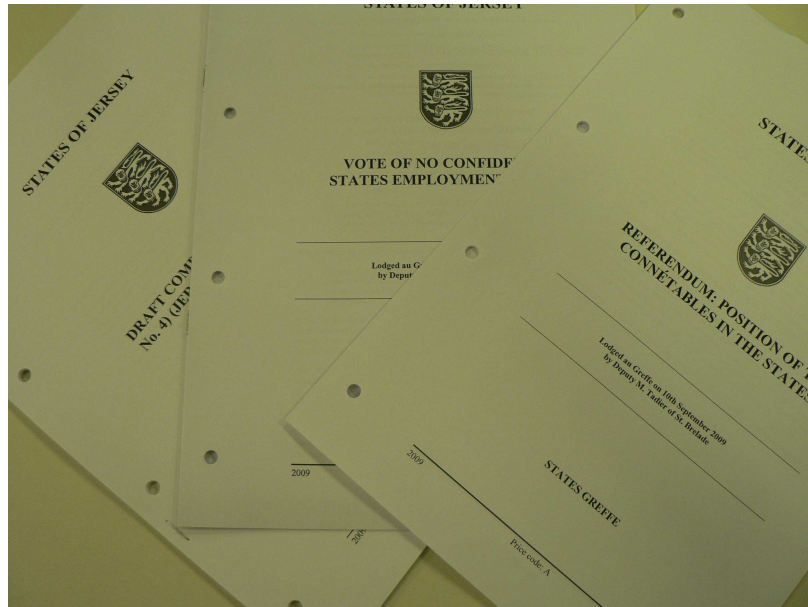
Whilst some displays were static within the Centre, several, particularly those pertaining to the work of the States Assembly, were updated on an almost daily basis to ensure that the information on display was current, relevant and engaged the public’s interest. Staff members were also involved in the Primary School visits to the States Chamber, helping to record each meeting and assisting the children performing the role of Usher for the Assembly in delivering notes around the Chamber.



5.8 Public engagement

A number of efforts were made during 2009 to make the States Chamber more accessible to the public. Spring 2009 saw the publication of new information leaflets 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. States Assembly souvenirs were also introduced so that visitors to the States Assembly Information Centre were now able to purchase a memento of their visit to the States Chamber. The range included a silk tie featuring the updated States crest design, pens, pencils, mugs and bookmarks. A silk scarf and set of coasters were also produced using the parochial crest design contained within the beautiful stained glass window just outside the entrance to the States Chamber, usually only seen by States Members and staff.

Additional signage was installed within the public entrance to the States Chamber and leading into the public gallery. A new display unit was placed directly at the entrance and stocked with information leaflets and Order Papers. The unit also included a seating plan of the Chamber and publicised the existence of hearing loop facilities for those with hearing difficulties. Additional speaker units were installed in the public gallery, along with new soft furnishings, in order to improve acoustics for those seated in the Public Gallery.



5.9 Publications Editor

The 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. Committee Clerks monitor the Livelink system and inform the Publications Editor of matters for lodging, but officers from other Departments are also required to play a more proactive role in this process. Throughout 2009, 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 originally anticipated that this would spread the work out more evenly, but in reality there remained a last-minute rush to lodge items on States meeting days and there were particularly busy periods for the Publications Editor before the Strategic and Business Plan debates as many amendments were lodged right up to the deadline. The Publications Editor was responsible for the production, during 2009, of 212 new Propositions [*Projets*], 99 amendments to lodged *Projets*, 135 Comments relating to lodged *Projets*; as well as 136 Reports, 28 Laws and 141 pieces of subordinate legislation which included – 81 Orders made by Ministers, 6 Appointed Day Acts and 38 sets of Regulations that were adopted by the States.

5.10 Registry

The Registry section provides an organised and thorough archive of information relating to the work of the States Assembly (and its Committees and Panels), Ministerial Departments and Scrutiny. The Registry section also has responsibility for the retention and archiving of the signed copies of all Ministerial Decisions and relevant attachments. The Section also uploads 'Part A' (Public) Ministerial Decisions onto the gov.je website to be accessed by the public. This particular aspect of the section's responsibilities has grown since 2007 and now equates to a large proportion of the overall workload.

The Information Manager has been the Department's representative on the gov.je website review working party and has worked to ensure that the States Assembly and Scrutiny pages were adequately promoted and their public profile maintained.



5.11 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, i.e. the various publications such as Projets, Reports and legislation, continued to provide the bulk of the workload.

5.12 Staffing matters

During 2009, States Greffe staff participated in a number of 'dress-down days' and raised over £850 for various charities, but seemed to give more generously if Belinda Pugh, Reprographics Assistant, dressed in an amusing costume! Highlights included her fairy outfit for Children in Need (£202) Comic Relief (£180) when she was a giant red nose and Durrell (£118) for which she donned a gorilla costume!



Belinda Pugh, collecting for Comic Relief



Nikki Boothroyd and Manny Oliveira of the States Assembly Information Centre, flanking Belinda Pugh, who was collecting for Durrell

Staff also held a special dress-down day to raise funds for the Jersey Society for the Prevention of Cruelty to Animals in memory of their late colleague, Kris Kelly, who died in December 2007.

The Bookshop Manager, Manny Oliveira, created a vegetable soup for the December 2009 Soup Kitchen event, which was sold under the States Greffe name to raise money for the Shelter Trust for the Homeless.

Staff also celebrated the 60th birthday of Jenny Cartwright, Registry Assistant, at a party held in the Greffier's garden!

5.13 States Assembly website

The States Greffe continued to maintain the States Assembly website www.statesassembly.gov.je throughout 2009 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 that, although daily usage is relatively constant, there are nevertheless peaks on days when the Assembly is meeting, indicating that the site is accessed by users interested to follow the progress of meetings and the outcome of votes.



[Photograph courtesy of the Jersey Evening Post]

5.14 The Youth Assembly

The 12th Youth Assembly was held in the States Chamber on the afternoon of Wednesday 18th March 2008. The event, which was 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 third 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).

During the Assembly, which was presided over by Senator L. Norman, the prospective politicians followed the same protocols as their adult counterparts. Deputy K.C. Lewis of St. Saviour, Assistant Minister for Transport and Technical Services, answered a question from a student from Jersey College for Girls regarding MOTs in Jersey; Deputy I.J. Gorst of St. Clement, Minister for Social Security, answered a question from a student from Victoria College regarding chemists linked to G.P.s' surgeries; and Deputy J.G. Reed of St. Ouen, Minister for Education, Sport and Culture, answered a question from a student from Beaulieu Convent School regarding sports facilities and activities for under-18s.

Senator P.F.C. Ozouf, Minister for Treasury and Resources, answered a question from a student from Beaulieu Convent School regarding the fairness of GST; Deputy J.G. Reed of St. Ouen, the Minister for Education, Sport and Culture, answered a question from a student from Hautlieu regarding Jersey students' classification by the UK as international/overseas students for Higher Education purposes; and the Minister for Treasury and Resources answered a question from a student from Hautlieu regarding the use of the 'Rainy Day Fund'.

Senator J.L. Perchard, Minister for Health and Social Services, answered a question from a student from Jersey College for Girls regarding changes to the UK Healthcare Agreement; and Senator T.A. Le Sueur, Chief Minister, answered a question from a student from De La Salle College regarding the upkeep of the Weighbridge area by the Waterfront Enterprise Board. The Chief Minister also answered questions without notice for over 15 minutes on a wide range of topics.



*Students from Hautlieu participating in the 2009 Youth Assembly
[Photograph courtesy of the Jersey Evening Post]*

Fifty-four student members from the Island's sixth-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 proposals that Jersey should consider introducing measures to enable euthanasia, cease to allow military organisations to be established in Island schools and base the funding of higher education courses on the 'usefulness' of the degree.

5.15 Primary School visits to the States Chamber/citizenship programme

The school visit scheme, which involved all Year Five (aged 9 and 10) primary school children, from both the States-funded and private sector, ran throughout the school year and enabled each school to visit the States Chamber on a Monday morning. The children sat in the seats usually occupied by States Members and used the voting system during a mini-debate on a topic of their choice. Three of the children took the roles of the Greffier, the Dean and the Usher.

During 2009 the scheme continued to be run by the Assistant Greffier, Lisa Hart, and the Cultural Development Officer, Rod McLoughlin, assisted by staff from the States Assembly Information Centre. Children received a leaflet before their visit (prepared by the Assistant Greffier and Publications Editor, using photos taken by our Registry Assistant and AGOS' cartoon character Pierre the Pigeon), which gave an overview of the work of the States. A DVD/Powerpoint presentation was also available for downloading by the schools prior to their visit, in order to prepare the children for their special meeting. The DVD provided some historical information regarding the Chamber and the evolution of the States. In addition, it highlighted the procedural aspects of a States meeting, which the children's visits mirrored as closely as possible.

During 2009, 29 schools and a total of 909 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. The scheme aims to encourage local children to take more of an interest in how their Island is governed, and dovetails with the citizenship curriculum to promote participation in elections, especially since the reduction in the voting age to 16.

Debate topics during 2009 included building a bridge to France, reintroducing the workhouse to Jersey, banning school uniforms and allowing pets to be brought into schools. Children cited seeing the Royal Mace and pressing the voting buttons as the highlights of their visit to the Chamber!

APPENDIX G

MEMBERSHIP OF THE STATES ASSEMBLY ON 31st DECEMBER 2009

(Article 2 of the States of Jersey Law 2005)

Mr. Michael Cameron St. John Birt, Bailiff, President (Appointed 9th July 2009).

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
Connétable Kenneth Priaulx Vibert of St. Ouen	10.05.94
Connétable Alan Simon Crowcroft of St. Helier	12.12.96
Connétable John Le Sueur Gallichan of Trinity	11.11.02
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
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

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

Mr. Timothy John Le Cocq, Q.C., H.M. Attorney General (Appointed 10th November 2008).

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).



Year 5 Primary School Visits to the States Chamber