

# **STATES OF JERSEY**



## **ENVIRONMENT AND PUBLIC SERVICES: ESTABLISHMENT OF MINISTERS AND DEPARTMENTS**

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**Lodged au Greffe on 21st June 2005  
by the Policy and Resources Committee**

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**STATES GREFFE**

## PROPOSITION

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

to refer to their Act dated 24th July 2002, in which *inter alia* they agreed that following the introduction of the ministerial system there should be an Environment Department and a Public Services Department, both headed by a minister, and to vary that decision as follows –

- (a) to agree that there should be a Minister and Department for Planning and Environment, with the responsibilities as described in Appendix 1 of the report of the Policy and Resources Committee dated 20th June 2005;
- (b) to agree that there should be a Minister and Department for Transport and Technical Services, with the responsibilities as described in Appendix 2 of the report of the Policy and Resources Committee dated 20th June 2005.

### POLICY AND RESOURCES COMMITTEE

- Notes:
- 1. The Environment and Public Services Committee's comments are to follow.
  - 2. The Economic Development Committee supports this proposition as providing useful clarification of which Ministry will have responsibility for on-Island and off-Island transport policy.
  - 3. The Home Affairs Committee's comments are to follow.
  - 4. The Finance and Economics Committee's comments are to follow.

## REPORT

### 1. Introduction

- 1.1 The Policy and Resources Committee, working jointly with the Environment and Public Services Committee, has carried out a review of the proposed responsibilities of the Minister for the Environment and the Minister for Public Services in the ministerial system of government. Both Committees are supportive of the decision that was taken by the States when it approved the report and proposition on the 'Machinery of Government: Proposed Departmental Structure and Transitional Arrangements' (P.70/2002, as amended), including the general allocation of responsibilities in respect of the Environment and Public Services Ministries. The Committees believe, nonetheless, that it would be desirable for there to be an adjustment to the list of responsibilities in order to make it clear that responsibility for on-island transport policy should rest with a single minister.
- 1.2 The Committees have also reviewed the proposed names for the Environment and Public Services Ministries, and do not believe that these give an accurate reflection of the true scope and nature of their work. It is accordingly proposed that they should be renamed as the Minister and Department for 'Planning and Environment', and the Minister and Department for 'Transport and Technical Services'.
- 1.3 The background to the Committees' review, together with the reasons for the proposed changes, is explained below.

### 2. Background

- 2.1 On 24th July 2002 the States approved a report and proposition of the Policy and Resources Committee on the 'Machinery of Government: Proposed Departmental Structure and Transitional Arrangements' (P.70/2002, as amended). In so doing the States agreed that there would be ten departments of government in the ministerial system, each headed by a minister, as follows –
- (i) Chief Minister's Department,
  - (ii) Economic Development,
  - (iii) Education, Sport, and Culture,
  - (iv) Environment,
  - (v) Health and Social Services,
  - (vi) Home Affairs,
  - (vii) Housing,
  - (viii) Public Services,
  - (ix) Social Security,
  - (x) Treasury and Resources.
- 2.2 It was emphasized in the report accompanying the proposition that individual ministers should be held responsible for a particular area or department of government, and reference was made in paragraph 2.5 to 3 key principles that were to be taken into account in underpinning the new system of government –
- *'clear accountability, at ministerial level, for defined functions and areas of public service as perceived by the community at large;*
  - *an appropriate separation of regulatory and operational functions;*
  - *an appropriate separation of 'client' and 'contractor' functions within the public service.'*

The overall guiding principle, in the Committee's view, was 'the extent to which its proposals will maintain and enhance the current level of service to the public.'

- 2.3 The States agreed that the Environment Department would have responsibility for the following areas –

- environmental policy and regulation, except those functions presently undertaken by the Environmental Health Department;
- environmental aspects of energy and transport policy;
- environmental services and habitat management;
- land use policy and regulation;
- planning and development control;
- building control;
- historic buildings;
- water resources regulation;
- waste management regulation.

2.4 In relation to the Public Services Department, the States agreed that it would have responsibility for the following functions –

- waste management operations (including sewage disposal, drainage etc.);
- water resources operations;
- civil engineering design services;
- municipal operations, e.g. parks, gardens, open spaces;
- street cleaning;
- beach cleaning;
- maintenance of sea defences;
- footpath and land management;
- management of public transport contracts;
- main roads maintenance and management.

2.5 The States also decided that during the transitional period, leading up to the introduction of the ministerial system, the number of committees should be reduced from 25 to 14, and that these would include a single committee with accountability for the responsibilities of both the Public Services Committee and the (then) Planning and Environment Committee. In its report accompanying P.70/2002, the establishment of an Environment and Public Services Committee was justified on the following grounds –

*‘The Committee draws particular attention to the need to aim towards two quite separate and distinct Environment and Public Services Departments. It has concluded that any transitional arrangements must create a mechanism for achieving this aim, as to maintain two committees would be likely to perpetuate the existing problems.*

*The proposal is, therefore, that one transitional committee be formed when the States are reformed at the end of 2002, and for that single committee to have accountability for the responsibilities of both the present Public Services and Planning and Environment Committees. However, that committee will also have a very clear remit to identify and separate out the functions of the two departments in a different form and in line with the principles set out in this report; so that when the move to ministerial government is made, two distinct departments can be created. This transitional committee will also have to work with other States committees, which will retain residual environmental policy and regulatory functions, to arrange the transfer of those functions to the new Environmental Department when it is formed.’ (paragraphs 6.5 and 6.6).*

2.6 The report accompanying P.70 also noted that there were a number of important details to be considered during the transitional period, including the need to ensure that *‘the best and most effective use is made of the relatively small number of expert officers currently in both the Planning and Environment Department and the Public Services Department’*. The report went on to note that *‘the Heads of the Environment and Public Services Department, working with the Chief Executive – will need to give detailed consideration to all the practicalities and operational issues with a view to their resolution in a pragmatic manner within available resources’* (paragraph 4.5.5).

2.7 The transitional arrangements came into effect in December 2002, and since that time the Environment and Public Services Committee has been working on the tasks identified in P.70/2002. This work has included the transfer to the Committee of a range of functions from the Economic Development Committee, including responsibility for the Pesticides Law and the Sea Fisheries Law, which was approved by the States on 16th November 2004 (P.137/2004). The Committee has also made arrangements for the clear separation of functions to take effect with the introduction of the ministerial system.

### 3. Transport Policy

3.1 The Environment and Public Services Committee, working jointly with the Policy and Resources Committee, has reviewed the proposed responsibilities of the Environment and Public Services Ministers as set out in P.70/2002. As noted in the introduction, both Committees are supportive of the general allocation of responsibilities that was approved by the States, but consider that it would be desirable to make an adjustment to make it clear that responsibility for on-island transport policy should rest with a single minister.

3.2 The current position, as agreed in P.70/2002, is that responsibility for 'environmental aspects' of transport policy will rest with the Environment Minister. It is difficult, however, to draw a clear distinction between 'environmental' and other aspects of transport policy, and indeed all transport policies could be said to have environmental implications. There is a further difficulty in that P.70/2002 states that the Economic Development Minister will have a responsibility for transport policy, including the functions of the former Jersey Transport Authority. However, this is intended to apply to off-Island transport policy (i.e. aviation and maritime transport), and can therefore be treated separately from on-Island transport policy.

3.3 It is accordingly proposed that responsibility for on-island transport policy should rest with a single minister, as this will provide for clear political accountability and leadership in this important area of Island life. This is seen as being very much in line with the principle in P.70/2002 that there should be *'clear accountability, at ministerial level, for defined functions and areas of public service as perceived by the community at large.'*

3.4 This does not mean that transport policy will be treated in isolation from other considerations. On the contrary, any transport policy will need to take into account all the relevant factors, including environmental, social, financial, and technical considerations, and this will involve working across ministerial and departmental boundaries. One of the benefits of the current transitional arrangements at Environment and Public Services is that a robust framework has been developed at officer level to support policy development, and this has involved other departments such as Housing and Health and Social Services.

3.5 Taking into account the range of responsibilities that is currently proposed for the Environment and Public Services Ministers, together with other related ministries, it is proposed that the most natural home for transport policy should be with the Minister for Public Services. This department already has the technical expertise to support the development of transport policies, working in conjunction with other departments including the Environment Department.

3.6 Responsibility for the Driver and Vehicle Standards Department (DVS) currently rests with the Home Affairs Committee, and it is suggested that discussions should take place with that Committee in order to establish whether there should be any changes in this respect. Any specific proposals arising from these discussions can be brought forward for consideration by the States in due course, following the introduction of the ministerial system.

3.7 Under the revised arrangements, the responsibility for off-Island transport policy, including the functions of the former Jersey Transport Authority, will remain with the Economic Development Minister. To avoid any potential confusion with the role of Public Services, it is proposed that the list of responsibilities in Appendix 2 of P.70/2002 in respect of Economic Development should be amended to

state *'off-Island transport policy and the functions of the former Jersey Transport Authority'*.

#### **4. Proposed change of titles**

- 4.1 The opportunity has been taken to review the proposed names of the two ministries. It is considered that the current titles of 'Environment' and Public Services' do not give an accurate reflection of the true scope and nature of their work, and two new titles are proposed.
- 4.2 In relation to the proposed Minister and Department for the Environment, it will be noted that planning will play an important part in their work, both at a political and an operational level. It is accordingly recommended that the name of the Minister and Department should be changed to 'Planning and Environment'.
- 4.3 In respect of 'Public Services', it is considered that this title does not properly convey the work that will be carried out by the department. Indeed, the words 'public services' could be applied to virtually any of the services provided by the States, as they are all services to the public in one form or another. It is accordingly recommended that a more descriptive title should be adopted which will better reflect the scope and range of the Minister's and Department's work, namely 'Transport and Technical Services'.

#### **5. Implementation**

- 5.1 Subject to the approval of the States, the proposed changes of responsibilities and titles will take effect in December 2005, at the time of the introduction of the ministerial system.
- 5.2 States members will recall having recently approved a large number of general amendments to legislation that are required in order to give effect to the States decision to move from a committee to a ministerial system (the States of Jersey Amendments and Construction Provisions) (Jersey) Regulations, adopted by the States on 24th May 2005). The only remaining set of amendments concerns the functions of the current Environment and Public Services Committee, and these will be tabled for consideration by the Assembly at an early opportunity. As with the other general amendments recently approved by the States, these amendments are consequential upon the States decision of September 2001 to move to a ministerial system of government, and they also take into account the proposed changes in responsibilities and titles described in this proposition.
- 5.3 The general amendments do not cover the process for dealing with planning applications, and this will be the subject of a separate amendment to the Planning Law, which will shortly be lodged 'au Greffe' by the Environment and Public Services Committee.

#### **6. Financial and manpower implications**

- 6.1 The financial and manpower implications of this proposition are not considered to be significant.

#### **7. Conclusion**

- 7.1 The Policy and Resources and Environment and Public Services Committees believe that the proposed designation of a Minister with responsibility for on-Island transport policy will provide clear political accountability in an important area of Island life. Greater clarity should also be provided by the proposed change in titles to 'Planning and Environment' and 'Transport and Technical Services'.

20th June 2005

**Planning and Environment Minister**

The Planning and Environment Minister will be supported by a Department and will have responsibility for the following areas –

- environmental policy and regulation (including agricultural inspection), except those functions presently undertaken by the Environmental Health Department;
- waste management regulation;
- environmental aspects of energy policy;
- environmental services and habitat management;
- land use policy and regulation;
- planning and development control;
- building control;
- historic buildings;
- water resources regulation;
- meteorological services;
- veterinary services;
- sea fisheries.

### Transport and Technical Services Minister

The Transport and Technical Services Minister will be supported by a Department and will have responsibility for the following areas –

- waste management policy (except regulation);
- waste management operations (including sewage disposal, drainage etc.);
- water resources operations;
- on-Island transport policy;
- civil engineering design services;
- municipal operations, e.g. parks, gardens, open spaces;
- street cleaning;
- beach cleaning;
- maintenance of sea defences;
- footpath and land management;
- management of public transport contracts;
- main roads maintenance and management;
- public car parking.

Under these revised arrangements, the responsibility for off-Island transport policy, including the functions of the former Jersey Transport Authority, will remain with the Economic Development Minister. To avoid any potential confusion with the role of Transport and Technical Services, the list of responsibilities in Appendix 2 of P.70/2002 in respect of Economic Development will be amended to state 'off-Island transport policy and the functions of the former Jersey Transport Authority'.