

Social Affairs Scrutiny Panel

Meeting 17

Date: 10th July 2006

Location: Le Capelain Room, States Building

Present	Deputy F.J. Hill, B.E.M., Chairman Deputy J.A. Martin, Vice Chairman Deputy D.W. Mezbourian Deputy A.E. Pryke Deputy S. Pitman
Apologies	
Absent	
In attendance	Mr. W.J. Bailhache QC, HM Attorney General [Item 1a] Mr. L. O'Donnell, Legal Advisor [Item 1a] Mr. R. Stent [Item 1b] A former Centenier [Item 1c] Mr. I. Jayes [Item 1d] Deputy R.G. Le Hérissier [Item 3] Deputy S.C. Ferguson [Item 3] Mr. C. Ahier, Scrutiny Officer Mr. W. Millow, Scrutiny Officer

Ref Back	Agenda matter	Action
[26/06/06, Item 3]	<p>1. Centeniers in the Magistrate's Court</p> <p>a) Meeting the Attorney-General The Panel met Mr W.J. Bailhache QC, HM Attorney General, and Mr L. O'Donnell, Legal Adviser, to discuss the above review. This meeting was held in private session.</p> <p>b) Meeting Mr R. Stent The Panel was advised that Mr Stent had been a Centenier in St Peter from 1986 to 1989 and one in St Brelade from 1999 to 2002. It was further advised that Mr Stent had also served as Constable's Officer for eight years.</p> <p>It was noted that Mr Stent was concerned about the potential difficulty in attracting people to become Centeniers due to the work-load involved. He advised the Panel that it was difficult to appreciate this work-load before taking up the position and that he had not sought re-election after each of his terms as Centenier due to the work-load.</p> <p>The Panel was advised of Mr Stent's belief that holding Court sessions in the evening would allow for more people to be able to stand for Centenier. Consideration was given to the potential</p>	

implications of such a move.

Mr Stent explained that new procedures and legislation had an impact on the work of the Magistrate's Court.

Mr Stent advised the Panel of the problem caused for Centeniers by the granting of remand to a defendant in that it required Centeniers to spend more time in Court.

The Panel was advised that Mr Stent had learnt what to do as a Centenier in St Peter by watching others. It was further advised that he had attended some training sessions and that he felt these had been useful.

The Panel was informed that Mr Stent had found it useful to have access to Legal Advisors when presenting cases in Court. It was further informed that Mr Stent had not been advised of the desirability of winning the cases he presented.

Mr Stent advised the Panel on the procedure followed when considering whether to charge an individual. The Panel was informed that information on a person's past record was provided by the Criminal Justice Unit and that the Unit invited people to attend Parish Hall Enquiries.

When asked by the Panel, Mr Stent agreed it would possibly be beneficial to have a pool of Centeniers that presented all cases in the Magistrate's Court. He advised the Panel, however, that it was beneficial to have experience of Court when considering whether to charge an individual. He raised the possibility that reducing the amount of time Centeniers spent policing would possibly free up more time that they could spend in Court.

The Panel was advised that Mr Stent had on occasion not followed the recommendations of the States of Jersey Police regarding whether to charge an individual. It was further advised that Mr Stent had asked for assistance from a Legal Advisor to clarify whether he had taken the correct decision. The Panel was advised that Mr Stent had on occasion not taken a matter to the Magistrate's Court and dealt with the matter at a Parish Hall Enquiry instead. He stressed that this decision had been based on evidence which he had gathered.

c) Meeting with a Former Centenier

The Panel met a former Centenier to hear that person's views relating to this Review. This meeting was held in private session.

d) Meeting with Mr I. Jayes

The Panel was advised that Mr. Jayes had become a Constable's Officer in 2000 before becoming a Centenier one year later. It was further advised that Mr. Jayes had stood to be a Centenier following requests that he do so. Mr. Jayes expressed the opinion that it was beneficial if an individual were able to progress through the ranks.

The Panel was informed that no formal appraisals of Constable's Officers, Vingteniers and Centeniers had occurred during Mr. Jayes's time in the Honorary Police.

The Panel was advised of Mr. Jayes's opinion that fewer people would stand to become Centenier if they had a full understanding of the position's responsibilities. He further advised that it was difficult to gain this understanding before taking up the position. The Panel was further advised that Mr. Jayes had not visited the Magistrate's Court before becoming a Centenier. He expressed an opinion that prospective Centeniers should visit the Court.

The Panel was advised of the training in the Magistrate's Court that Mr. Jayes had received from Mr. J. De La Haye. It was further advised that not all Centeniers had attended training. Mr. Jayes advised that there had been no refresher training and that he did not recall being given a training pack on how to present cases in Court.

The Panel was informed that Mr. Jayes had on occasion rejected the recommendations of the States of Jersey Police with regard to charging. He explained that he had given reasons for why a recommendation would not be followed and that any possible pressure to charge would have come from the Custody Sergeant.

The Panel considered whether it would be beneficial to have a pool of Centeniers who presented case in the Magistrate's Court. Mr. Jayes accepted this idea and advised that some Centeniers did not wish to present cases due to the stress involved. He further advised that it was possible to arrange for another Centenier to present one's case and that he had done this himself on occasion. He had also on three occasions asked for guidance from the Legal Advisors.

The Panel heard Mr. Jayes's opinion that more work could be given to Legal Advisors and that it would be beneficial for them to have sight of the appropriate paper-work before a particular case was presented in Court. It was noted that complex cases would be given to Legal Advisors to present. The Panel considered whether it would be beneficial to prescribe a list of offences that would automatically be presented by Legal Advisors, an idea accepted by Mr. Jayes.

e) Other Matters

The Chairman advised that he had been in correspondence with Advocate T. Hanson regarding a possible meeting with the Panel. It was noted that Advocate Hanson had raised the issue of payment for his services. The Panel was advised that Advocate Hanson had been used as an advisor during the Shadow Scrutiny Review of *Migration: Monitoring and Regulation* (P.25/2005) and that he may consequently have misunderstood the role the Panel expected him to play regarding the Centenier review. It was agreed that Advocate Hanson would be invited to meet the Panel at 2:00pm on 24th July 2006 but that no payment would be made as he would attend as a witness (and not an advisor). It was

<p>[26/06/06, Item 3c]</p> <p>[26/06/06, Item 3c]</p> <p>[26/06/06, Item 3b]</p> <p>[26/06/06, Item 3c]</p>	<p>agreed that the Chairman would liaise with the Officers to make the necessary arrangements.</p> <p>The Panel noted it was unlikely that it would be able to undertake a visit to Trinity to learn about that Parish's Parish Hall Enquiries.</p> <p>The Panel noted that an acceptance had been received to its request to the States of Jersey Police that the Panel be allowed to visit the Criminal Justice and Custody Units.</p> <p>The Panel was advised that an individual who had been invited to meet the Panel had been unable to make the time suggested. It agreed to invite him to the meeting on 24th July 2006.</p> <p>The Panel noted the potential benefits of undertaking a visit to a Magistrate's Court in the United Kingdom.</p> <p>The Panel considered how cases were presented in the Magistrate's Court in the Isle of Man. It requested that initial enquiries be made to identify the system used.</p>	<p>BH CA/WM</p> <p>CA/WM</p> <p>CA/WM</p>
<p>[26/06/06, Item 2ai]</p>	<p>2. Minutes of Previous Meetings</p> <p>The Panel approved the minutes of its meeting of 26th June 2006.</p> <p>The Panel noted correspondence (dated 23rd June 2006) from Jurat J.C. Tibbo concerning suggested amendments and additions to the minutes of 31st May 2006. It agreed to add the list of suggestions to the minutes file.</p>	
	<p>3. Overdale Hospital</p> <p>The Panel met Deputies R.G. Le Hérissier and S.C. Ferguson to consider the possibility of establishing a Sub-Panel to undertake a review of this topic.</p> <p>The Panel noted the provisions of Standing Orders 135 and 136 of the States of Jersey regarding the establishment of Scrutiny sub-panels.</p> <p>The Panel was advised of the concerns of Deputies Le Hérissier and Ferguson regarding Overdale Hospital. It agreed it had no objection in principle to undertaking a review of this topic but that consideration needed to be made regarding the officer support required for such a review to occur.</p> <p>The Panel was advised that Deputy J.A. Martin had requested that an examination be made of the Officer time available in order to establish the feasibility of undertaking this review and whether there were other options.</p> <p>The Panel was advised that the amount of Officer support required would depend upon the scope of the review. Consideration was given to the scope and it was agreed that any potential review would be limited to a specific examination in relation to Overdale</p>	

	<p>Hospital.</p> <p>The Panel was advised that work undertaken by the Public Accounts Committee's during its Howard Davis Farm review indicated that a review regarding Overdale Hospital would not require substantial amounts of Officer support. It was noted that external secretarial support could be employed to type up a report that had been spoken into a Dictaphone.</p> <p>The Panel noted the interest of Deputies D.W. Mezbourian and A.E. Pryke in joining a sub-panel, were one to be established. The Panel agreed that Deputy Pryke would act as its liaison in this matter. It was further agreed that Deputies Le Hérissier and Ferguson would formally scope a review of this topic and subsequently contact Deputy Pryke.</p>	
	<p>4. Matters Arising</p> <p>a) Action Updates</p> <p>The Panel noted the updates on actions it had requested at its meeting on 26th June 2006 with particular reference made to the following:</p> <p>i) AU 2: The Panel was advised that confirmation letters had been sent to those individuals due to meet the Panel in relation to the Centeniers review.</p> <p>b) Matters Arising</p> <p>The Panel was informed that the Chairman had received an invitation from Mr. G. Power, Chief Officer of the States of Jersey Police, to attend the passing-out parade.</p> <p>The Panel was advised that the Chairmen's Committee would meet the Council of Ministers on 13th July 2006 to consider the provision of legal advice to Scrutiny Panels. The Chairman advised the Panel he would seek to discuss the provision of other information that Panels requested. The Panel considered the relationship between Scrutiny and the Executive.</p>	
<p>[26/06/06, Item 8a]</p> <p>[26/06/06, Item 8c]</p> <p>[26/06/06,</p>	<p>5. Topic Proposals</p> <p>a) Joint Financial Crime Unit</p> <p>The Panel noted advice it had received from the States of Jersey Police on the concerns expressed in the Proposal Form. It was agreed that the Panel would not undertake a review of this topic and that the Proposer would be informed accordingly. It was agreed the Chairman would liaise with the Officers regarding the exact advice to be given to the Proposer.</p> <p>b) University Grants</p> <p>The Panel agreed it would not undertake a review of this topic. It agreed to inform the Proposer accordingly and advise the Proposer of the consultation that would be undertaken by the Department of Education, Sport and Culture on student grants.</p> <p>c) Record of Assessment (RoA) Forms</p> <p>The Panel considered draft RoA forms for Proposals it had</p>	<p>BH CA/WM</p> <p>CA/WM</p>

Item 8d]	previously considered. It agreed the format of the forms was satisfactory.	
[26/06/06, Item 9]	<p>6. Split of the Social Affairs Scrutiny Panel</p> <p>The Panel noted that <i>Social Affairs Scrutiny Panel - division to create a fifth scrutiny panel (P.64/2006)</i> would be debated on 18th July 2006. The Chairman informed the Panel that he would highlight the Panel's workload and remit when addressing the States during the debate.</p>	
[26/06/06, Item 7]	<p>7. HMP La Moye</p> <p>The Panel noted it had received suggested amendments to the transcript of the Public Hearing held on 12th May 2006. It was advised that although no formal guidelines existed in relation to amending transcripts, it had generally been accepted that transcripts provided a verbatim record of Hearings and that only words that had been incorrectly transcribed would be amended.</p> <p>The Panel noted that the Performance Improvement Plan had not yet been produced by the Department of Home Affairs.</p> <p>The Chairman reported that he had been in correspondence with Mr. R. Pitman in relation to HMP La Moye. It was agreed that the Chairman would forward this correspondence to the other Panel members.</p> <p>The Panel considered the nature and content of the report it would produce in relation to its work on the Prison. It noted the provisions of Standing Order 132 as well as its previous agreement on 12th June 2006 that it would produce a report on the work it had undertaken in relation to this topic and that this report would subsequently be forwarded to Senator W. Kinnard, Minister for Home Affairs.</p>	BH
[26/06/06, Item 10]	<p>8. Youth Service</p> <p>The Panel noted it had received responses from the Department of Education, Sport and Culture to various requests it had made regarding the Youth Service. It was further noted that Deputy S. Pitman had further questions she would wish to have answered. It was agreed that she would liaise with the Officers regarding the questions.</p> <p>The Panel noted advice received from the Department of Education, Sport and Culture that the new Youth Service Strategy would be presented to the Panel in December 2006 prior to implementation in January 2007.</p> <p>The Panel agreed to give consideration to this review at its next meeting.</p> <p>The Panel noted the potential benefits of undertaking a visit abroad as part of the review. It was advised that there were sufficient funds in the budget to undertake such a visit.</p>	SP
[26/06/06, Item 11]	<p>9. Social Policy Sub-Group</p> <p>The Panel noted a letter of thanks had been sent to Senator F.H. Walker, Chief Minister, for the information on the Sub-Group he had forwarded. It was further noted that a meeting with the Chief</p>	

	Minister on this issue would be arranged at a later date.	
[26/06/06, Item 4]	<p>10. GP Out-of-Hours</p> <p>The Panel was advised that no indication had been received of when the Jersey Competition Regulatory Authority (JCRA) would finish its report.</p>	
[26/06/06, Item 5]	<p>11. Income Support</p> <p>The Panel was advised that the Income Support Sub-Panel would hold Public Hearings on 25th July 2006.</p> <p>The Panel was advised that the Sub-Panel had agreed to appoint Dr M. Evans as an external advisor for this review. It was noted that Dr Evans's services would cost approximately £500 per day.</p>	
	<p>12. Future Meetings</p> <p>The Panel noted it would next meet at 9:30am on Monday 24th July 2006. The Panel agreed the meeting would last all day in order that all meetings in relation to the Centeniers Review could be accommodated. The Officers were requested to make the necessary arrangements.</p> <p>The Panel noted it would undertake a visit to the Youth Court at 9:30am on 11th July 2006 followed at 11:00am by a visit to St Helier's police administration unit at the Town Hall.</p>	

Signed

Date

.....
Chairman, Social Affairs Panel

.....